



Provo City Planning Commission

# Report of Action

June 22, 2016

ITEM 1a\* Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 Definitions and Section 14.10 One-Family Residential, regarding yard definitions and required widths and setbacks for corner lots. ***City-Wide Impact.*** 16-0008OA, Brian Maxfield, 801-852-6429. ***This item was continued from the May 25, 2016 Planning Commission Hearing.***

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 22, 2016:

## RECOMMEND APPROVAL

On a vote of 6:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Kermit McKinney

Second By: Ed Jones

Votes in Favor of Motion: Kermit McKinney; Ed Jones; Fred Bandley; Deborah Jensen; Maria Winden; Brian Smith  
*Ross Flom was present as Chair.*

- The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report. The Planning Commission determination is consistent with the Staff analysis and determination.

### PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

### STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Reasons for proposed text amendments.
- Reasons for proposed changes regarding corner lots.

### CITY DEPARTMENTAL ISSUES

- None

### NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

### NEIGHBORHOOD AND PUBLIC COMMENT

- No Neighborhood Chairs were present.

### CONCERNS RAISED BY PUBLIC

- No concerns were raised by the public.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- The Commission voiced support for the proposed amendments to the definitions.
- The Commission voiced support for the proposed amendments to the corner lot requirements.



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Planning Commission Chair



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Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

## EXHIBIT "A"

### 14.06.020. Definitions

"**Frontage**" means ~~all of that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between a street and a waterway, end of a dead end street, or political subdivision boundary, measured along street line. An intercepting street shall determine only the length of frontage along the side of the street which it intercepts~~ **the distance for which a property or lot line are coincident with the street right-of-way.**

"**Lot-corner**" means a lot situated at the intersection of two (2) or more streets, which street shall have angle of intersection of not more than one hundred thirty-five (135) degrees.

"**Lot coverage**" means the total horizontal area of a lot, parcel, or building site covered by any building or occupied structure which extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas shall not be considered as lot coverage provided that said areas are not more than fifty percent (50%) enclosed.

"**Lot depth**" means:

(a) **For Interior Lots:** ~~the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines~~ **The distance between the midpoints of the front- and rear-lot lines, or the rearmost point of the lot where there is no rear-lot line.**

(b) **For Corner Lots:** **The distance from the midpoint of the property line along the narrowest street frontage and the midpoint of the property line most opposite the narrowest street frontage.**

"**Lot-flag**" or "**flag lot**" means an interior lot ~~which does not meet minimum street frontage requirements and which has as part of the lot an access strip (the "flag pole") at least twenty (20) feet wide abutting a public street and connecting the main body of the lot (the "flag") to the street~~ **where the buildable portion of the lot (the "flag") is located to the rear of another lot, with a portion of the flag lot serving as an access strip (the "flag pole" or "flag staff") connecting the buildable portion of the lot to the street frontage.**

"**Lot-interior**" or "**Interior lot**" means a lot other than a corner lot. **The four general types of Interior Lots are: Regular Lots; Irregular Lots; Through Lots; and, Flag Lots.**

"**Lot-irregular**" means ~~an interior lot which is not rectangular in shape~~ **where the opposing property lines are generally not parallel, such as a wedge-like or triangular-shaped lot on a cul-de-sac, or where the lot lines have unusual elongations, angles, or are curvilinear, often due to topography or other natural land features.**

"**Lot line-front**" means, except where otherwise specifically noted within this Title:

(a) ~~For Interior Lots:~~

(i) **Regular and Irregular Lots:** the property line adjacent to the street;

(ii) **Through Lots:** The property line adjacent to the street providing the main access to the property.

(iii) **Flag Lots:** The lot line adjacent to the access strip or "Flag Staff" portion of a lot. **Where two lot lines are adjacent to the access strip, the lot line most parallel to the front door of the dwelling.**

(b) ~~For Corner Lots developed as:~~

(i) ~~single-family detached lots:~~ **The property line along the street frontage on the same side of the dwelling as the its front door.**

(ii) ~~other than single-family detached lots:~~ **The property line bordering the street frontage with the smallest dimension.**

"**Lot line-rear**" or "**Rear lot line**" means ~~the recorded lot line most distant from and generally opposite the front lot line. :~~

(a) ~~For Regular Lots, Through Lots, and Flag Lots:~~ **the term "generally opposite" means The single lot line which is most opposite and parallel to the front lot line.**

53 (b) ~~For Irregular Lots: the term "generally opposite" means a lot line which does (i) not adjoin the front lot~~  
54 ~~line, (ii) is located to the rear of the lot, and (iii) more or less parallel to any portion of the front lot line, except that~~  
55 ~~in the case of an interior triangular or pie-shaped lot, it shall mean a straight line ten (10) feet in length which is:~~

56 (a) ~~parallel to the front lot line or its chord, and~~

57 (b) ~~intersects the two (2) other lot lines at points most distant from the front lot line. Each lot shall be deemed to~~  
58 ~~have one (1) rear lot line. Either the single lot line most opposite and parallel to the front lot line, or else the point~~  
59 ~~where the two side yards join, as in the case of a triangular-shaped lot or other situation where there is no rear lot~~  
60 ~~line.~~

61 (c) For Corner Lots:

62 (i) Corner Lots with two street frontages: The point opposite the street intersection, where the two side lot  
63 lines meet.

64 (ii) Three-sided Lots: The mid-point of the property line not fronting a street.

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66 "Lot, Regular" means a lot which is rectangular in shape.

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68 "Lot, Three Sided" or "Three-Sided Lot" means a corner lot with street frontage along three of its lot lines.

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70 "Lot-through" or "Through lot" or "Double frontage lot" means an interior lot having a frontage on two  
71 parallel or approximately parallel non-intersecting streets. Said lots for purpose of this Title shall have two (2) street  
72 frontages and two (2) front yards.

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74 "Lot width" means the distance across a lot or parcel of property measured at the interior edge of the required  
75 front yard along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which  
76 constitutes the front lot line.

77 (a) For Interior Lots: The shortest (average) distance between the side lot lines, as measured across the buildable  
78 area of the lot.

79 (b) For Corner Lots: The shortest (average) distance between opposite property lines, as measured across the  
80 buildable area of the lot.

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82 "Yard" means a space on a lot or parcel, unoccupied and unobstructed by a building or structure from the finish  
83 grade upwards except as otherwise provided in this Title.

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85 "Yard-front" or "front yard" means an open, unoccupied landscaped yard extending across the full width of a lot or parcel,  
86 having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the  
87 closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or  
88 its tangent, the single yard area between the front lot line and a parallel line located at the closest point at the front of the  
89 principal building or structure, and extending to each side lot line, or in the case of a corner lot, between the side and side-  
90 street lot lines. Due to the actual location of a building or structure, the Front Yard may or may not be the same as the  
91 required Front Yard.

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93 "Yard-rear" or "rear yard" means a yard extending across the full width of a lot, having at no point a depth of  
94 less than the minimum required horizontal distance between the rear lot line, or its tangent, and the closest  
95 permissible location of the main building. Said distance shall be measured by a line at right angles to the rear lot  
96 line, or its tangent. Such yard shall include all land area between the rear lot line and the closest permissible location  
97 of the main building. Each lot shall be deemed to have one (1) rear yard a single yard which:

98 (a) For lots with a Rear Lot Line: The yard extending across the full width of a lot, between the rear lot line and the  
99 required minimum rear yard setback for the principal building.

100 (b) For lots where a Rear Lot Line is a point rather than a line: The circular area between side lot lines which is  
101 formed by a radius equal to the required rear yard setback, as it extends from the intersection of the side lot lines.

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103 "Yard-side" or "side yard" means a yard between the main building and the side lot line extending from the  
104 required front yard, or the front lot line where no front yard is required, to the required rear yard, or the rear lot line  
105 where rear yard is required; the width of which side yard shall be measured horizontally from, and at right angles to,  
106 the nearest point on the side lot line towards the closest permissible location of the main building the required open  
107 space area located between a side lot line and the minimum side setback line, and between the front and rear yards.

108  
109 **END**

1 **14.10.040. Lot Width.**

2 (2) Each corner lot or parcel in the R1 zone shall ~~be ten (10) feet wider than the minimum required for interior lots in the~~  
3 ~~subzone in which it is located~~ **have an additional 10 foot minimum width than otherwise required, or a width of 75 feet,**  
4 **whichever is less.**  
5

6  
7 **14.10.080. Yard Requirements.**

8 The following minimum yard requirements shall apply in the R1 zone: (Note: All setbacks are measured from the property line.)  
9

10 (3) Side-**Street** Yard - Corner Lots. On corner lots, the ~~side~~ yard contiguous to the ~~side~~-street shall not be less than twenty  
11 (20) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or  
12 carport.

13  
14 END



**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: June 22, 2016**

**ITEM 1a\*** Provo City Community Development Department requests an Ordinance Amendment to Section 14.06.020 Definitions and Section 14.10 One-Family Residential, regarding yard definitions and required widths and setbacks for corner lots. **City-Wide Impact.** 16-0008OA, Brian Maxfield, 801-852-6429

<p>Applicant: Community Development Department Staff Coordinator: Brian Maxfield</p> <p>Property Owner: N/A Parcel ID#: N/A Current General Plan Designation: N/A Current Zone: City Wide Acreage: N/A Number of Properties: N/A</p> <p>*Council Action Required: Yes</p> <p>Related Application(s): None</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Recommend Denial</b> of the proposed ordinance amendment. <i>This would be a change from the Staff recommendation; the Planning Commission should state new findings.</i></p> <p>2. <b>Continue</b> to the July 27, 2016 Planning Commission meeting to allow further input and consideration.</p>	<p><b><u>Current Legal Use:</u></b> See the attached current wording and proposed revisions.</p> <p><b><u>Relevant History:</u></b> The current definition of a front lot line in regards to corner lots was adopted in August 2013.</p> <p><b><u>Neighborhood Issues:</u></b> None reported to staff.</p> <p><b><u>Summary of Key Issues:</u></b></p> <ol style="list-style-type: none"><li>1. Need for Amendments.</li><li>2. Anticipated effect on future and existing development.</li></ol> <p><b><u>Staff Recommendation:</u></b> <b>Recommend Approval</b> of the proposed ordinance amendments to Section 14.06.020 Definitions and Section 14.10 One-Family Residential, regarding yard definitions and required widths and setbacks for corner lots.</p>
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## **OVERVIEW**

This item was presented and discussed at the May 25, 2016 Planning Commission. At that meeting, no particular concerns regarding the changes in definitions nor the proposed changes for corner lots was expressed by the Planning Commission. For better clarity, staff has slightly revised some wording regarding the definitions and the text. These revisions will be presented at the Planning Commission study session on June 22, 2016, prior to the public hearing for this item. The attached exhibits reflect those revisions.

## **FINDINGS OF FACT**

- Currently, the front lot line for a corner lot is determined by the street faced by the front door.
- A rear lot line is located opposite the front lot line.
- The properties adjacent to the corner lot have a side yard adjoining the corner lot.

## **STAFF ANALYSIS**

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

*Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:*

(a) Public purpose for the amendment in question.

The proposed amendment addresses limitations on the development and redevelopment of corner lots, through eliminating unnecessary development restrictions.

(b) Confirmation that the public purpose is best served by the amendment in question.

General Plan – Objective 13.4.3 Promote strategies in selected areas to allow more citizens to qualify for a home purchase, to ensure affordable housing, and to increase owner occupancy rates in Provo, including but not limited to: .... **Flexible development standards for rehabilitation of one-family homes** ....

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

See “(b)” above.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

The amendment would cause no conflict.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

The amendment would not hinder nor obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

One of the goals of the amendment is to reduce or eliminate current adverse impacts from an adjoining property.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Does not apply to an ordinance amendment.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Does not apply to an ordinance amendment.

## **CONCLUSIONS**

Staff believes the proposed amendments for corner lots would better address the reasonable development and redevelopment of corner lots, without any significant impact to adjacent properties.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the proposed amendments to Section 14.06.020 Definitions and Section 14.10 One-Family Residential, regarding yard definitions and required widths and setbacks for corner lots.



## 14.06.020. Definitions

**"Frontage"** means all of that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or between a street and a waterway, end of a dead end street, or political subdivision boundary, measured along street line. An intercepting street shall determine only the length of frontage along the side of the street which it intercepts.

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**"Lot depth"** means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

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**"Lot-interior"** or **"Interior lot"** means a lot other than a corner lot.

**"Lot-irregular"** means a lot which is not rectangular in shape.

**"Lot line-front"** means, except where otherwise specifically noted within this Title:

(a) for interior lots: the property line adjacent to the street;

(b) for corner lots developed as:

(i) single-family detached lots: the property line along the street frontage on the same side of the dwelling as the front door.

(ii) other than single-family detached lots: the property line bordering the street frontage with the smallest dimension.

**"Lot line-rear"** or **"Rear lot line"** means the recorded lot line most distant from and generally opposite the front lot line. For regular lots, the term "generally opposite" means the lot line which is parallel to the front lot line. For irregular lots, the term "generally opposite" means a lot line which (i) does not adjoin the front lot line, (ii) is located to the rear of the lot, and (iii) is more or less parallel to any portion of the front lot line, except that in the case of an interior triangular or pie-shaped lot, it shall mean a straight line ten (10) feet in length which is:

(a) parallel to the front lot line or its chord, and

(b) intersects the two (2) other lot lines at points most distant from the front lot line. Each lot shall be deemed to have one (1) rear lot line.

**"Lot-regular"** means a lot which is rectangular in shape

**"Lot-through"** or **"Through lot"** or **"Double frontage lot"** means a lot having a frontage on two parallel or approximately parallel streets. Said lots for purpose of this Title shall have two (2) street frontages and two (2) front yards.

**"Lot width"** means the distance across a lot or parcel of property measured at the interior edge of the required front yard along a line parallel to the front lot line, or parallel to a straight line connecting the ends of an arc which constitutes the front lot line.

**"Yard"** means a space on a lot or parcel, unoccupied and unobstructed by a building or structure from the finish grade upwards except as otherwise provided in this Title.

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1 **14.06.020. Definitions**

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**"Lot coverage"** means the total horizontal area of a lot, parcel, or building site covered by any building or occupied structure which extends above the surface of the ground level and including any covered automobile parking spaces. Covered patios, covered walkways, and covered recreation areas shall not be considered as lot coverage provided that said areas are not more than fifty percent (50%) enclosed.

**"Lot depth"** means:

(a) For Interior Lots: The distance between the midpoints of the front- and rear-lot lines, or the rearmost point of the lot where there is no rear-lot line.

(b) For Corner Lots: The distance from the midpoint of the property line along the narrowest street frontage and the midpoint of the property line most opposite the narrowest street frontage.

**"Lot-flag"** or **"flag lot"** means an interior lot where the buildable portion of the lot (the "flag") is located to the rear of another lot, with a portion of the flag lot serving as an access strip (the "flag pole" or "flag staff") connecting the buildable portion of the lot to the street frontage.

**"Lot-interior"** or **"Interior lot"** means a lot other than a corner lot. The four general types of Interior Lots are: Regular Lots; Irregular Lots; Through Lots; and, Flag Lots.

**"Lot-irregular"** means an interior lot where the opposing property lines are generally not parallel, such as a wedge-like or triangular-shaped lot on a cul-de-sac, or where the lot lines have unusual elongations, angles, or are curvilinear, often due to topography or other natural land features.

**"Lot line-front"** means, except where otherwise specifically noted within this Title:

(a) For Interior Lots:

(i) Regular and Irregular Lots: the property line adjacent to the street;

(ii) Through Lots: The property line adjacent to the street providing the main access to the property.

(iii) Flag Lots: The lot line adjacent to the access strip or "Flag Staff" portion of a lot. Where two lot lines are adjacent to the access strip, the lot line most parallel to the front door of the dwelling.

(b) For Corner Lots developed as:

(i) single-family detached lots: The property line along the street frontage on the same side of the dwelling as its front door.

(ii) other than single-family detached lots: The property line bordering the street frontage with the smallest dimension.

**"Lot line-rear"** or **"Rear lot line"** means:

(a) For **Regular Lots**, **Through Lots**, and **Flag Lots**: The single lot line most opposite and parallel to the front lot line.

(b) For **Irregular Lots**: Either the single lot line most opposite and parallel to the front lot line, or else the point where the two side yards join, as in the case of a triangular-shaped lot or other situation where there is no rear lot line.

(c) For **Corner Lots**:

(i) **Corner Lots** with two street frontages: The point opposite the street intersection, where the two side lot lines meet.

(ii) **Three-sided Lots**: The mid-point of the property line not fronting a street.

**“Lot, Regular”** means a lot which is rectangular in shape.

**“Lot, Three Sided”** or **“Three-Sided Lot”** means a corner lot with street frontage along three of its lot lines.

**"Lot-through"** or **"Through lot"** or **"Double frontage lot"** means an interior lot having a frontage on two non-intersecting streets.

**"Lot width"** means

(a) For Interior Lots: The shortest distance between the side lot lines, as measured across the buildable area of the lot.

(b) For Corner Lots: The shortest distance between opposite property lines, as measured across the buildable area of the lot.

**"Yard"** means a space on a lot or parcel, unoccupied and unobstructed by a building or structure from the finish grade upwards except as otherwise provided in this Title.

**"Yard-front"** or **"front yard"** means the single yard area between the front lot line and a parallel line located at the closest point at the front of the principal building or structure, and extending to each side lot line, or in the case of a corner lot, between the side and side-street lot lines. Due to the actual location of a building or structure, the Front Yard may or may not be the same as the *required* Front Yard.

**"Yard-rear"** or **"rear yard"** means a single yard which:

(a) For lots with a Rear Lot Line: The yard extending across the full width of a lot, between the rear lot line and the required minimum rear yard setback for the principal building.

(b) For lots where a Rear Lot Line is a point rather than a line: The circular area between side lot lines which is formed by a radius equal to the required rear yard setback, as it extends from the intersection of the side lot lines.

**"Yard-side"** or **"side yard"** means the required open space area located between a side lot line and the minimum side setback line, and between the front and rear yards.

1 **Amendments relating to Corner Lots**

2 **REDLINE VERSION**

3  
4 **14.10.040. Lot Width.**

5 (1) Each lot or parcel of land in the R1 zone, except corner lots, shall have an width of not less than the following for the  
6 subzone in which said lot or parcel of land is situated:

- R1.6 sixty (60) feet
- R1.7 seventy (70) feet
- R1.8 eighty (80) feet
- R1.9 eighty-five (85) feet
- R1.10 ninety (90) feet
- R1.15 ninety-five (95) feet
- R1.20 one hundred (100) feet

7 (2) Each corner lot or parcel in the R1 zone shall ~~be ten (10) feet wider than the minimum required for interior lots in the~~  
8 ~~subzone in which it is located~~ **have an additional 10 foot minimum width than required by the zoning, or a width of 75 feet,**  
9 **whichever is less.**

10  
11 **14.10.080. Yard Requirements.**

12 The following minimum yard requirements shall apply in the R1 zone: (Note: All setbacks are measured from the property line.)

13  
14 (3) Side-**Street** Yard - Corner Lots. On corner lots, the ~~side~~ yard contiguous to the **side**-street shall not be less than twenty  
15 (20) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or  
16 carport.

17  
18  
19  
20 END

## **Amendments relating to Corner Lots**

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### **14.10.040. Lot Width.**

(1) Each lot or parcel of land in the R1 zone, except corner lots, shall have an width of not less than the following for the subzone in which said lot or parcel of land is situated:

R1.6	sixty (60) feet
R1.7	seventy (70) feet
R1.8	eighty (80) feet
R1.9	eighty-five (85) feet
R1.10	ninety (90) feet
R1.15	ninety-five (95) feet
R1.20	one hundred (100) feet

(2) Each corner lot or parcel in the R1 zone shall have an additional 10 foot minimum width than required by the zoning, or a width of 75 feet, whichever is less.

### **14.10.080. Yard Requirements.**

The following minimum yard requirements shall apply in the R1 zone: (Note: All setbacks are measured from the property line.)

(3) Side-Street Yard - Corner Lots. On corner lots, the yard contiguous to the side-street shall not be less than twenty (20) feet and shall not be used for vehicle parking, except such portion as is devoted to driveway use for access to a garage or carport.