

Exhibit A: Proposed Amended Article 3

Note: underline and bolded text represents new text; ~~strike through~~ text represents text to be eliminated

Article 3 Definitions

Sections:

- 1-300 Purpose and Applicability
- 1-302 Rules for Construction of Language
- 1-304 Definitions
- 1-306 Responsibilities

1-300 Purpose and Applicability

The purpose of this article is to ensure precision in interpretation of the zoning regulations. The meaning and construction of words and phrases defined in this article shall apply throughout the zoning regulations, except where the context clearly indicates a different meaning or construction. (Ord. 2001-015 § 1)

1-302 Rules for Construction of Language

In addition to the general provisions of the Municipal Code, the following rules of construction shall apply:

- A. The particular shall control the general.
- B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Either... or” indicates that the connected words or provisions shall apply singly, but not in combination.
- C. In case of conflict between the text and a diagram, the text shall control.
- D. All references to departments, commissions, boards, or other public agencies are to those of the City of San Leandro, unless otherwise indicated.
- E. All references to public officials are to those of the City of San Leandro, and include designated deputies of such officials, unless otherwise indicated.
- F. All references to days are to calendar days unless otherwise indicated. If a deadline falls on a weekend or holiday, it shall be extended to the next working day.

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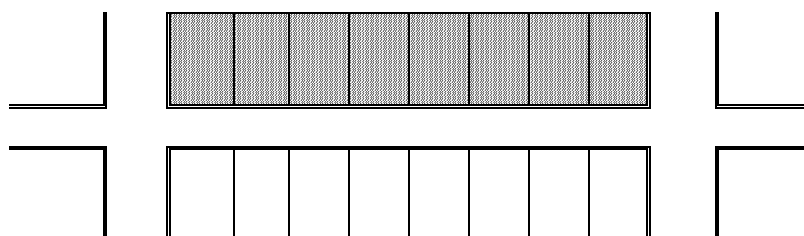
Bed and Breakfast Inns. Establishments with no more than six (6) guest rooms, offering lodging on a short-term rental not to exceed thirty (30) days, typically in a converted single-family or multi-family dwelling, with incidental eating and drinking service for lodgers only provided from a single kitchen and which have a resident manager or owner.

Beer and Wine Stores. A retail store principally involved in the business of selling alcoholic beverages, excluding sales of “hard liquor,” “fortified wine,” or distilled spirits for consumption off the premises where sold. Stores shall be managed by a certified wine expert (sommelier or oenologist) or a certified beer expert (cicerone). This classification includes beer- or wine-only shops or facilities that are covered by a State license for “beer and wine” (Class 20 ABC license). This classification includes beer or wine tasting as an accessory use only, but does not allow for the establishment of a bar. This classification allows for accessory food sales, but does not include retail sales of food and other items as defined as a convenience store in this Code.

Billiard Parlors. A business establishment where one (1) or more billiard, pool, or snooker tables or combination thereof, are maintained for hire including, but not limited to, a “family billiard parlor” as defined in the San Leandro Municipal Code Section 4-21-00.

Bingo Parlors. A business or non-profit establishment where bingo is played. Bingo means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conforms to numbers or symbols selected at random.

Blockface. The properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, un-subdivided land, watercourse, city boundary, or other similar substantial boundary. Please refer to the Blockface illustration below.



BLOCKFACE

(This diagram is illustrative)

Boarding House. A building with not more than four (4) guest rooms where lodging and meals are provided for not more than ten (10) persons, but shall not include rest homes or convalescent homes. Guest rooms numbering five (5) or over shall be considered a hotel. This definition includes rooming houses and lodging houses.

Brewpub. A small brewery that includes food service ~~attached to a restaurant~~ or an on-site tasting room and producing a limited amount of ~~beer that is sold for consumption~~ ~~premises at a bona fide eating place, plus a limited amount of brewing of beer for~~ *Proposed Amended Article 3*

consumption on the premises. Additionally, the sale of beer for consumption off the premises where sold is also allowed.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building, Accessory. A building which is subordinate to, and the use of which is incidental to and related to that of the main building or use on the same lot.

Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint, hardware, wall coverings, furniture, decorations, electronics, appliances, and home improvement sales, and activities classified under Vehicle/Equipment Repair and Sales classifications, including vehicle towing services.

Business and Trade Schools. Schools providing specialized instructional services in the business and trade fields, including university and college extension programs.

Business Services. Establishments providing support services to professional offices and industry, typically limited to graphic arts, graphic reproduction and delivery services, and including such services as drafting, typesetting, printing, copying and duplicating, and mail receipt, but excluding parcel processing centers and professional services, such as accounting and personnel management.

Cafés. Retail uses that primarily provide beverages and/or desserts for either on- or off-site consumption, including, but not limited to, coffee and tea-houses, juice bars, donut shops and ice cream/frozen yogurt parlors.

Canopy. A permanent roof-like shelter extending from part or all of a building face and constructed of some durable material, which may or may not project over a public right-of-way.

Card Room. A space, room or enclosure, furnished or equipped with one (1) or more tables used for the playing of cards or similar games, the use of which is available to the public or any portion of the public.

Caretaker's Quarters. A dwelling unit on the site of, and accessory to, a commercial, industrial, public, or semipublic use, occupied by a guard or caretaker.

Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also "Restaurants".)

Cellar. See "Basement."

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may not keep bees or any other animals unless allowed by Chapter 4-11 of the San Leandro Municipal Code.

Concertina Wire. See “Razor/Barbed Wire.”

Conditional Use Permit. A use that may locate in certain zoning districts provided it will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district. The Board of Zoning Adjustments either approves subject to conditions or denies such uses. Each application is considered on its individual merits.

Conditionally Permitted. Permitted subject to approval of a conditional use permit or temporary conditional use permit.

Condominium. An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on the real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of the real property.

Conforming Building. A building that conforms to all property-development regulations and requirements prescribed for the district in which it is located, except as otherwise provided in this code.

Consignment. A retail establishment that accepts upscale merchandise and gently-used related items, such as clothing and accessories, or home furnishings and household goods on a consignment basis, paying the owners of the merchandise a percentage when and if the items are sold. Related items means a clothing store that also sells accessories, such as belts and shoes or a home furnishings store that also sells home décor, and does not include donated items, drop-off bins or outdoor storage or sales.

Convalescent Facilities. Establishments providing care on a twenty-four (24) hour basis for persons requiring regular medical attention, including the aged, ambulatory or non-ambulatory persons, the mentally ill and the addicted, but excludes general hospitals and facilities providing surgical or emergency medical services. This classification includes skilled nursing facilities and nursing homes and means only those services and facilities licensed by the State of California.

Convenience Stores. Retail sales of food, beverage and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a building with a floor area less than ten thousand (10,000) square feet. This classification excludes tobacco stores, liquor stores, delicatessens, confectioneries, and specialty food markets, or grocery stores having a sizeable assortment of fresh fruits and be introduced into the human body, but does not include any cessation product specifically

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wares and home furnishings. Department stores may also sell or provide a range of other goods or services such as appliances, electronic items, toys, giftware, specialty foods, financial or insurance services, travel services, coffee shops, etc., typically included or frequently found in businesses identified in the United States, as “department stores.”

Depth. See “Lot Depth.”

Detention Facilities. Publicly owned and operated facilities providing housing, care, and supervision for persons confined by law.

Distribution Line. An electric power line bringing power from a distribution substation to consumers.

District. A portion of the City within which the use of land and structures and the location, height, and bulk of structures are governed by this code.

Distinguished or Characterized by an Emphasis upon. The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Corvina, 115 Cal.App.3d 151 (1981).

Domestic Violence Safe House. A single housekeeping unit that exclusively houses survivors of domestic abuse and, if applicable, their children. The adult house members are to be within a program that counteracts the impacts of domestic violence and may receive Federal, State or City funding. House members agree to a program that maintains strict confidentiality of the safe houses’ location, with unpublished phone and address numbers, a prohibition on mail deliveries, and limitations or prohibition of visits from friends or family.

Drive-up Facility. Service of food, goods or services from a building to persons in vehicles.

Drugstore. Establishments which have the primary use devoted to the sale of miscellaneous household items, including hair products, various toiletries, food items, housekeeping supplies, stationery supplies, etc. and which include the sale of prescription and non-prescription drugs as an accessory use.

Dwelling, Duplex. A building containing two (2) dwelling units.

Dwelling, Multi-Family. A building containing three (3) or more dwelling units.

Dwelling, Secondary Unit. See “Secondary Dwelling Unit.”

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approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

Emergency Health Care. Facilities providing emergency medical service with no provision for continuing care on an inpatient basis.

Emergency Homeless Shelters. Facility limited to twenty-five (25) beds and subject to the following requirements: the facility has an adopted management plan that includes hours and staffing; the facility provides sufficient waiting room, parking and loading facilities; and that twenty-four (24) hour male and female toilets, showers and private lockers are provided.

Entertainment Events. Regulations pertaining to entertainment events, defined as a use classification by this Code, apply to the following events where they occur on a scheduled basis more than six (6) days during a calendar year on the site of any permitted or conditionally permitted use, excluding events for the non-profit, charitable or educational purposes of public or private institutional uses. Entertainment events are further defined as events advertised as a stand-alone event with a set start or end time, or where separate admission is charged.

- A. A musical, theatrical, wrestling, cabaret, or comedy act performed by one (1) or more persons, regardless of whether performers are compensated;
- B. A fashion show, except when conducted within an enclosed building used primarily for the manufacture or sale of clothing;
- C. Televised events.

Equipment Sales. The sale of large products for commercial and industrial use, e.g. X-ray machines, photocopy machines, etc.

Establishment of an Adult-Oriented Business. As used herein, to establish an adult-oriented business shall mean and include any of the following:

- A. The opening or commencement of any adult-oriented business as a new business;
- B. The conversion of an existing business, whether or not an adult-oriented business, to any adult-oriented business defined herein;
- C. The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented business;
- D. The relocation of any such adult-oriented business; or
- E. The expansion of the floor area of an existing adult-oriented business by twenty-five percent (25%), or more.

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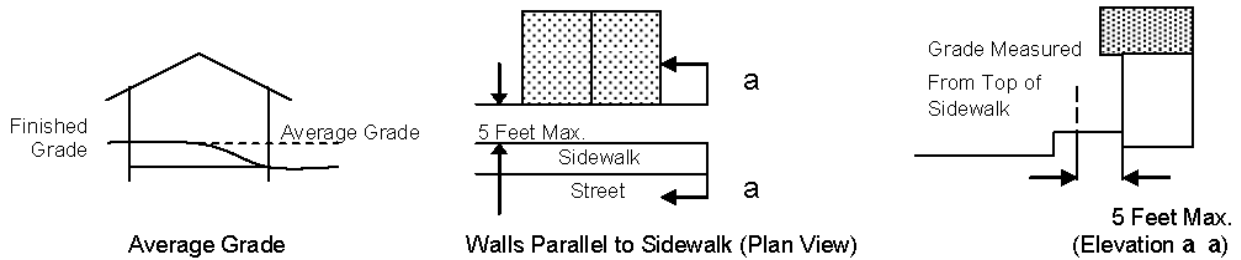
Family. A person or a group of persons living together and maintaining a common household. (~~See “Single Housekeeping Unit.”~~)

Farmers’ Market. The outdoor sale of products, including but not limited to fresh fruits, nuts, vegetables, baked goods, meats and seasonal decorative items such as flowers and Christmas wreaths made from natural materials grown by the vendor, with sales taking place between the consumer and the farmer at tables, booths or similar temporary stands.

Fast Food Establishments, Large Scale. Establishments that primarily offer quick, take-out food service, with a menu of items that are either already prepared and held for service, or can be assembled, prepared, fried, or griddled quickly. This classification differs from “Restaurants, Full-Service” in that, generally, orders are not taken at the customer’s table; food is served in disposable wrapping or containers with disposable utensils; and limited or no table service is provided. Seating, if provided, typically consists of fixed chairs or benches. This classification excludes coffee and tea-houses, ice cream/frozen yogurt parlors and other food/beverage retailers within the “Cafés” classification. This classification applies to establishments with two thousand (2,000) square feet or more in gross floor area, and greater than one thousand (1,000) square feet of public dining area. Also see “Fast Food Establishments, Small Scale.”

Fast Food Establishments, Small Scale. Establishments conforming to the “Fast Food Establishments, Large Scale” classification, but with less than two thousand (2,000) square feet in gross floor area, or less than one thousand (1,000) square feet of public dining area.

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GRADE STANDARDS
(The diagram is illustrative)

Grade, Street. The top of the curb, or the top of the edge of the pavement or traveled way where no curb exists.

Group Housing. Shared living quarters, with a congregate arrangement, where meals are provided in a common dining area, and either no or limited cooking facilities are provided within the individual rooms or units. This classification includes rooming or boarding houses, private residential clubs, congregate and/or assisted care facilities for the elderly or persons with disabilities ~~handicapped~~, ~~shelters for the homeless~~, and housing for individuals requiring court ordered supervision, but excludes “residential hotels,” “motels,” “convalescent facilities,” and “residential congregate care facilities” use classifications.

Gun or Weapon Shop. A business establishment principally engaged in the business of selling firearms, ammunition or other “deadly weapon” as defined in Part 4, Title 2 of California Penal Code (commencing with Section 12000).

Habitable Accessory Structure. A detached, subordinate structure, the use of which is appropriate, subordinate and customarily incidental to that of the main structure or the main use of the land and which is located on the same site with the main structure or use and contains some or all of the required amenities and some or all of the allowed amenities.

Health and Fitness Centers. Establishments with equipment for exercise and physical conditioning. This classification includes spas, gyms, tennis clubs, racquet ball clubs, pools, sports courts and fields, climbing walls, skating rinks, batting cages, diet centers, reducing salons, fitness studios, health studios, and massage therapy as an accessory use to another health and fitness center use. Any such facilities that offer alcoholic beverage service shall be defined as commercial recreation.

Hedge. Any arrangement of plants or trees forming a barrier or erected to enclose or screen areas of land and obstructing the clear view.

Height. A vertical dimension measured from finished ground level of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum

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Single-Family Residential. Buildings containing one (1) dwelling unit located on a single lot. This classification includes mobile home and factory-built housing.

Single Housekeeping Unit. An individual, ~~family,~~ or two (2) or more ~~unrelated~~ persons living together in a dwelling unit, ~~in compliance with the provisions of the California Uniform Housing Code,~~ and in which responsibilities for rent/mortgage, expenses, housekeeping, cooking, and other household maintenance chores are shared among the ~~adult~~ non-transient occupants. The definition of a “Single Housekeeping Unit” includes a “Domestic Violence Safe House,” but excludes Residential Congregate Care Facilities and Group Housing use classifications (e.g. ~~homeless shelters and~~ assisted living facilities). A single housekeeping unit is allowed to occupy any legal dwelling unit subject to the requirements of Section 2-520: Maximum Dwelling Unit Occupancy (i.e. occupancy by more than ten (10) adults requires a zoning permit).

Single Ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner where the property is or will be under unitary or unified control.

Site. A lot, or group of contiguous lots not divided by an alley, street, or other right-of-way that is proposed for development in accord with the provisions of this ordinance, and is in a single ownership or has multiple owners, all of which join in an application for development.

Site Coverage. See “Coverage, Lot or Site.”

Small Scale Transfer and Storage Facilities for Hazardous Waste. Facilities with waste streams small enough to be exempt from manifest requirements as described in California Health and Safety Code, Division 20, Chapter 6.5, Article 6. Wastes from any given generator must not exceed a total volume of five (5) gallons or a total weight of fifty (50) pounds. This definition includes household hazardous waste collection facilities.

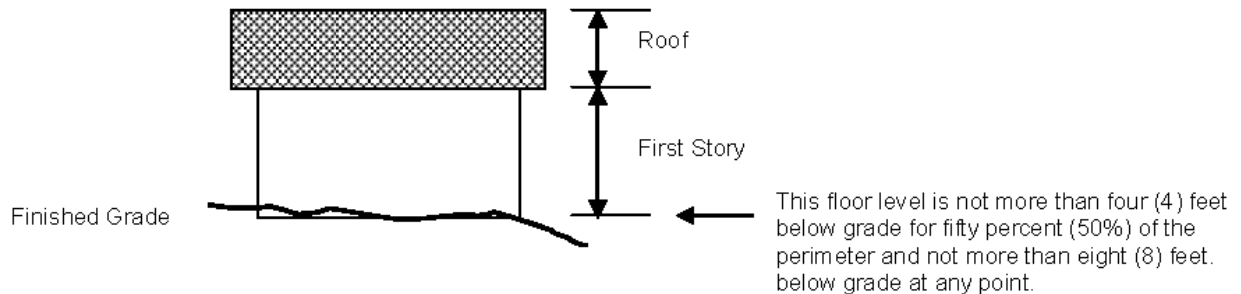
Social Services Facility. A use that is operated by an organization that provides a variety of free services or goods to the community on a drop-in basis. Uses usually consist of “walk-in” clientele that utilize the facilities on a limited basis during a 24-hour period.

Specific Plan. A plan for a defined area that is consistent with the General Plan and with the provisions of the California Government Code pertaining to Specific Plans (Section 65450 et seq.).

Story, First. The lowest story in a building. The lowest level of a building having two (2) or more levels is considered the “first story” when the floor level above is more than six (6) feet above grade for at least fifty percent (50%) of the total perimeter, or is more than twelve (12) feet above the exterior grade at any point. [If the floor level above the lowest level in NOT more than six (6) feet above grade for at least fifty percent (50%) of the total

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perimeter, or is NOT more than twelve (12) feet above the exterior grade at any point, the lowest level is considered a “basement” rather than the “first story” - also refer to definition of “basement”.]



STORY, FIRST
(This diagram is illustrative)

Story, Second. The story above a first story, as defined above. An addition to the upper level(s) of a multilevel hillside building is NOT considered a second story addition when the proposed addition is not directly above a “first story” (e.g., an addition built above a basement, crawlspace or at grade).

Street. A right-of-way permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

Street or Neighborhood Fairs. Provision of games, eating and drinking facilities, live entertainment, or similar activities conducted by a sponsor no more than once per year.

Structure. Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including signs, access drives, walks, a fence, or a wall used as a fence if the height does not exceed six (6) feet.

Supermarkets. Stores selling a wide variety of food and household items with a community-wide market area.

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (f) of Section 65582 of the California Government Code and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (See also “Target Population” definition. Under California Government Code Section 65583(a)(5), “supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other

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residential dwelling units of the same type in the same zone.” See development regulations in Article 16 for supportive housing.

Swap Meets, Non-Recurring. Retail sale or exchange of handcrafted, or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor no more than twice in any year.

Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor on a more than twice yearly basis.

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Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of forty-eight (48) hours, conducted by a sponsor on a more than twice yearly basis.

Swim and Tennis Clubs. Establishments that have swimming and tennis facilities for members.

Swimming Pools and Hot Tubs. Water-filled enclosures having a depth of eighteen (18) inches or more used for swimming, recreation, or therapy.

Target Population. As defined in subdivision (g) of Section 65582 of the California Government Code, persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people.

Tattoo Studios. A business establishment principally engaged in the business of creating indelible marks or figures fixed upon the body by insertion of pigment under the skin or by production of scars for pay.

Temporary Storage Containers. An enclosed container intended for the storage of goods for a short and specified period of time not to exceed ninety (90) days.

Temporary Use. An intermittent (not more than four (4) times per year) commercial activity, the period of operation of which does not exceed ninety (90) days at any one (1)

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time. A temporary use permit shall be obtained, per Article 22, Section 5-2222 Temporary Use Permits.

Theaters. An enclosed area for the presentation of motion pictures and entertainment activities.

Theaters, Small Scale. Theaters of less than one hundred (100) seats primarily used for community theater and motion pictures.

Theaters, Outdoor. An outdoor area for the presentation of motion pictures, performing arts, or lectures. This classification includes drive-in theaters and amphitheaters.

Transfer Station. A transfer or processing station or stations which includes those facilities utilized to receive solid waste, recyclable or reusable materials, to temporary store, separate, convert or otherwise process such materials, or to transfer such materials directly from smaller to larger vehicles for transport, and those facilities utilized for such transformation.

Transitional Housing. As defined in subdivision (h) of California Government Code Section 65582, buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Under California Government Code Section 65583(a)(5), transitional housing “shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwelling units of the same type in the same zone.” See development regulations in Article 16 for transitional housing.

Transmission Line. An electric power line bringing power to a receiving or distribution substation.

Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.

Tree, Mature. Any tree with a diameter of eighteen (18) inches or more, measured twenty-four (24) inches above existing grade.

Truck Terminals. Establishments whose sole purpose is to provide for the consolidation, division and/or distribution of bulk goods through the use of large trucks and trailers. This classification includes cross-dock trucking uses, which have only minimal warehousing facilities, and establishments that provide services to truck operators, including but not limited to re-fuelling and dispatching. Also, refer to definition of “Cross-Dock.” (This classification excludes trucking activities accessory to industrial, manufacturing or warehousing uses, or to the “Parcel Processing and Shipping Facilities” use classification.)

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Two-Family Residential. A building containing two (2) dwelling units on a single lot.

Use. The purpose for which land or a structure, or both, are designed, constructed, arranged or intended, or for which they are occupied or maintained, let or leased.

Visible. Likely to be noticed by a person of average height walking on a street or sidewalk. When related to screening or vegetation, it shall refer to conditions two (2) years after installation of any planting intended to screen a view.

War Games Establishment. Any business that collects money, for profit or non-profit purposes, to provide a simulated war experience.

Warehousing - Wholesale/Retail Distribution Facilities. Distribution and warehousing facilities, such as order-processing fulfillment centers, logistics business, and other facilities that provide for the shipment of an on-site inventory of goods and products directly to retail/wholesale customers or retail stores. This classification includes facilities for the repackaging of consumer goods for shipment to retail stores. (This classification excludes warehousing activity accessory to an industrial and/or manufacturing use, and also excludes “Truck Terminals” and “Parcel Processing and Shipping Centers” with incidental warehousing.)

Warehousing - Storage Facilities. Warehousing facilities primarily used for the storage and/or consolidating of items such as raw materials, private goods, and the intermediary storage of bulk goods intended for further distribution. This classification includes moving and furniture storage companies. (This classification excludes warehousing activity accessory to an industrial and/or manufacturing use and, also, excludes “Truck Terminals” and “Parcel Processing and Shipping Centers” with incidental warehousing.)

Window, Required. An exterior opening in a habitable room meeting the area requirements of the Uniform Housing Code (Title VII, Chapter 5, Article 3 of the Municipal Code).

Wireless Telecommunications Facility. An unstaffed communications facility containing communication towers and/or antennas and any related equipment for the purpose of transmitting or receiving electromagnetic radio frequency waves, including antennas and all ancillary equipment. It does not include radio and television towers, antennas or related equipment for commercial broadcast or amateur use; citizens band and any other miscellaneous telemetric and control communications systems.

Yard. An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward except as otherwise provided in this code, including a front yard, side yard, or rear yard.

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Yard, Front. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and the front setback line. (See illustrative diagram below.)

Yard, Rear. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and the rear setback line

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