

**CHAPTER THREE – DISTRICT PLAN GENERAL  
PROVISIONS**

# 3. DISTRICT PLAN GENERAL PROVISIONS

## 3.1 Guide to the District Plan

## 3.2 Information to be Submitted with an Application for a Resource Consent

### 3.2.1 Requirements for Information

### 3.2.2 Land Use Consents

An application for a Land Use Consent shall include:

3.2.2.1 A description of the activity for which consent is sought, and its location.

3.2.2.2 An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

**Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.**

3.2.2.3 For activities within a Maori Precinct, a description of the type and extent of consultation with tangata whenua and other Maori and any outcomes of the consultation.

3.2.2.4 Any information required to be included in the application by the District Plan or the Act's regulations. This could include noise assessment, a traffic impact report or an Urban Design Statement.

3.2.2.5 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

3.2.2.6 **Site information.** The following information must be supplied:

- the correct street address
- the legal description(s) of the site
- current copies of all certificates of title.

- 3.2.2.7 **Site plans.** Site plans must be drawn at a 1:100 or 1:200 metric scale where possible, or to such a scale to show sufficient detail of the proposal to enable Council to determine its effects. If the plans are larger than A3 size copies reduced to A3 must also be provided. The site plans must show:
- a north point accurately orientated
  - a unique plan number and title describing the proposal and the site.
- 3.2.2.7.1 The applicant must provide a site plan detailing where relevant the **existing situation** including:
- details of hazardous areas (for example uncompacted filling or flood prone areas)
  - topography (noting significant landforms and natural features)
  - waterbodies and catchment orientation
  - vegetation (including that located on adjacent road reserve or surrounding properties) and/or habitats of indigenous fauna
  - all certificate of title boundaries
  - road frontages
  - existing buildings (indicating those to be retained)
  - buildings on adjacent sites.
- 3.2.2.7.2 The applicant must provide a site plan detailing where relevant the **proposed development** including:
- design of earthworks and final levels and contours of the site
  - layout and location of proposed structures and buildings or alterations to existing structures and buildings
  - location of proposed activities, vehicle parking, servicing, circulation and manoeuvring, pedestrian and vehicular access
  - floor plans
  - calculation of site coverage
  - a landscaping plan that outlines all landscape design, site planting and fencing.
- 3.2.2.8 The applicant must provide, where relevant, elevation drawings, numbered and drawn to a metric scale of generally 1:100 or such as to clearly show the:
- relationship of buildings to existing and finished ground levels
  - extent of compliance with relevant plan rules including solar access and maximum building height
  - elevations from the street showing the relationship of proposed structures to structures on adjacent sites, including the location of existing private outdoor spaces and main living area windows (where these have outlook over the development).
- 3.2.2.9 Where an application for a Land Use Consent includes an activity involving the storage, use, handling or disposal of hazardous substances which does not comply with the conditions for Permitted Activities then the applicant must provide a Site Management Plan which addresses:

- the hazardous properties and risks to the environment and public safety associated with the substances, products and processes present on-site
- on-site systems for the handling, storage and disposal of hazardous substances
- measures to avoid contamination of the environment
- measures to mitigate any adverse effects arising
- consideration of the size and nature of the possible emergency events
- detailed procedures and actions to be taken in the event of an emergency
- liaison with the emergency services, regulatory authorities and neighbours
- safety procedures.

The Site Management Plan should relate to that portion of the site where the hazardous substances are used, stored, or handled, and that area which may be directly affected by an accidental release of the hazardous substances on site.

*Where a hazardous facility has an Environmental Management System (to ISO 14001 or equivalent) or a recognised integrated Health, Safety and Environment Management System, then a Site Management Plan will not be required provided that the system addresses on-site hazardous substance management and can demonstrate compliance with the requirements of the standard.*

3.2.2.10 Where an application for a land use consent includes an activity subject to Rule 5.3.11 the following information will be required:

- council building consent/archival data detailing the date of construction or approval for construction; or
- where Council records are inadequate to determine the date of construction, or approval for construction, a report from a suitably qualified conservation architect detailing their professional opinion as to the date of construction may be required. This is only required where requested by the Council or its authorised delegate under Section 92 of the Resource Management Act 1991; and
- information on the outcome of consultation with the local residents' association about the possible demolition of the building. The relevant associations are the Thorndon Society in Thorndon and the Mt Victoria Residents' Association in Mt Victoria, or if these organisations are no longer in existence, the organisation or organisations which the Council determines have a record of representing the public interest in relation to Thorndon and Mt Victoria.

3.2.2.11 Any other information necessary to determine the effects of the proposal.

### 3.2.2.12 **Note in respect of Controlled Activities and Discretionary Activities (Restricted).**

For Controlled Activities and Discretionary Activities (Restricted), applications will only be assessed with regard to those matters specifically identified in the District Plan rules. The information to be supplied must include an assessment of any likely effects on the environment. This can be limited to that which is necessary to address the matters under consideration.

- [3.2.2.13 Except for utilities less than 6m<sup>2</sup> in area and a maximum height of 2m, where an application for a Land Use Consent is for a development within the Hazard (Fault Line) Area, the applicant must provide a geotechnical report and an engineering design report.

A geotechnical report will include, to Council's satisfaction, the results of relevant geotechnical investigations. The Council will determine the relevance of undertaking geotechnical assessments on a site by site basis in recognition that hazard related risks and the ability to investigate the hazard, vary within individual properties.

The engineering design report must detail additional engineering measures that will be adopted to mitigate potential adverse effects from a fault rupture hazard event.]<sup>1</sup>

### 3.2.3 **Subdivision Consents**

An application for a Subdivision Consent shall include:

- 3.2.3.1 A design statement as per 3.2.4.1.
- 3.2.3.2 An assessment of any actual or potential effects that the activity may have on the environment, and the ways in which any adverse effects may be mitigated.

**Note: Section 88(6) of the Act requires assessments to be in such detail as corresponds with the scale and significance of the actual and potential effects that the activity may have on the environment, and shall be prepared in accordance with the Fourth Schedule to the Act.**

**Section 88(5) provides that the assessment of effects on the environment required by subsection (4)(b) of the Act in respect of an application for a resource consent relating to a Controlled Activity, or a Discretionary Activity over which the local authority has restricted the exercise of its discretion, shall only address those matters specified in a plan or proposed plan over which the local authority has retained control, or to which the local authority has restricted the right to exercise its discretion, as the case may be.**

- 3.2.3.3 Any information required to be included in the application by the District Plan or the Act's regulations.
- 3.2.3.4 A statement specifying all other resource consents that the applicant may require from any consent authority in respect of the activity to which the application relates, and whether or not the applicant has applied for such consents.

<sup>1</sup>District Plan Change 22 – Hazard (Fault Line) Area (Operative 27 July 2004)

- 3.2.3.5 **Site information.** The following information must be supplied:
- a legal description of the site
  - current copies of all certificates of title
  - where relevant, an assessment, including diagrams, of the significant views onto and off the development site.
- 3.2.3.6 **Site plans.** Site plans must be supplied. They must be drawn to an appropriate stated metric scale to show sufficient detail of the proposal to enable Council to determine its effects (eg. 1:200, 1:500). If the plans are larger than A3 size copies reduced to A3 must also be provided. The site plans must show:
- a north point accurately orientated
  - a unique plan number and title describing the proposal and the site
  - Wellington City Council record sheet numbers
- 3.2.3.7 The applicant must provide a **site information plan** detailing the existing situation including:
- topographical information, wherever possible in terms of Wellington City Datum, together with a certificate as to its origin and accuracy
  - details of hazardous areas (for example, uncompacted filling or flood-prone areas)
  - existing buildings and buildings on adjacent sites
  - landforms and landscape elements
  - waterbodies and catchment orientation
  - the location and areas of any existing esplanade reserves, esplanade strips, or access strips
  - all significant areas of vegetation (including any vegetation located on adjoining road reserve or properties) and/or significant habitats of indigenous fauna
  - existing street names and numbers
  - existing easements and covenant areas
  - the location of existing public transport stops, and pedestrian access routes to those stops.
- 3.2.3.8 The applicant must provide a **site development plan** detailing the proposed subdivision development including:
- the position of all proposed allotment, and certificate of title, boundaries
  - the areas of all new allotments (except in the case of a subdivision to be effected by the grant of a cross lease, company lease or by the deposit of a unit plan)
  - indicative building sites and building footprints\*
  - indicative vehicle accessways and indicative parking and turning manoeuvring areas if applicable\*
  - proposed site contours

Site information such as contours, existing vegetation and the position of dwellings on neighbouring lots is essential to allow impact on amenity of proposed development to be determined, especially in respect of subdivision within established residential areas.

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- indicative open space areas\*
- location and type of all proposed trees and other vegetation, including all existing vegetation to be retained
- major new landscaping elements (eg. fences, trees and hedges)
- any proposed earthworks, including retaining walls (indicating height, and intended form or type of construction)
- areas of on-site drainage
- the street reserve proposed to be set aside as new road, including all areas of public open space intended for recreational purposes, together with drawings sufficient to describe the plan and three dimensional qualities of typical and unique or special areas of the development
- formation widths and grades of proposed roads and rights-of-way, parking bays, bus stops, speed control devices and pedestrian walkways
- proposed easements and covenant areas
- the location of proposed public transport stops and pedestrian walkways, and walking distances to public transport stops
- the location and areas of new reserves to be created, including any esplanade reserves to be set aside on a survey plan under section 231
- the location and areas of esplanade strips proposed to be created under section 232 to meet the requirements of the District Plan
- the location and areas of any land below mean high water springs of the sea, or of any part of the bed of a river or lake, which is required under section 237A are to be shown on a survey plan as land to be vested in the Crown
- information to show compliance with any other District Plan rule.

**Indicative building footprints, parking and access provisions should demonstrate that the lots created within the subdivision provide a realistic means of addressing the District Plan standards for building.**

**\* Note: this information may not be required for proposed allotments over 400m<sup>2</sup>, depending on the topographical constraints of the site (e.g slopes greater than 15 degrees).**

#### 3.2.3.9 1:200 – 1:500 colour aerial photograph:

- showing existing trees, vegetation and all other landscape features
- overlaid with existing contours and property boundaries
- extending at least 20 metres beyond all side and rear boundaries, and showing frontages of properties across the street.

### 3.2.4 Design Guide Applications

Any application for a resource consent that is to be assessed against a Design Guide must be accompanied by a Design Statement.

The submission of a clear and sufficiently comprehensive application including all the material listed below (general and specific requirements) will assist the approval process by demonstrating that all relevant matters have been addressed.

The primary concern of any urban design assessment is not the architectural design qualities of a proposal as such, but the way that the proposal is integrated into its surroundings through the quality of its design.

The urban design assessment of a proposal will evaluate the architectural design only in terms of its contribution to the overall quality of the urban environment.

A development will be judged in relation to the contribution that it makes to the enhancement of the public environment (including, among other elements, streetscapes, urban form, public spaces, views, visual qualities of the built environment and connections to other buildings) and this should be made explicit within the design statement. The design statement should also illustrate the potential effects that the proposed development may have on the fabric of the city and the expected changes it may generate.

#### **3.2.4.1 General requirements**

##### **Design Statement**

The design statement will set out the design principles of the development proposal. This statement will comprise a significant element of the assessment procedure. It must:

- demonstrate how the development complies with the objectives and guidelines of the design guide, including the reasons why the development has taken its final shape
- describe the significant features of the development site
- outline the relevant history of the site
- explain how the proposal strengthens or enhances the existing form and character of the city
- where the development is of a size or in a location with city-wide significance, include a description of how the development is seen in the context of the wider city and how it links into that context
- describe how the development integrates into its surroundings and the contribution that it makes to the overall quality of the environment.

If a proposal does not comply with the objectives of the Design Guide, the Design Statement must convincingly justify that the development does not detract from the intention of the Design Guide and that the proposal does not create an adverse effect on the environment.

If a proposal does not comply with guidelines or specific requirements under 3.2.4.2, the Design Statement must convincingly justify the applicant's choice of the particular approach and demonstrate how the objectives of the Design Guide are satisfied.

#### **3.2.4.2 Specific requirements**

##### **3.2.4.2.1 For multi-unit housing:**



In addition to the requirements of 3.2.4.1, each application must also provide where relevant the following:

**1. A development summary:**

This must provide the following information:

- total site area and proposed number of dwellings
- a calculation of site coverage
- the area of the site associated with each individual dwelling
- the area and overall dimensions of the major private outdoor space associated with each individual dwelling
- number of off-street car-parking spaces
- the area of any shared open spaces within the development
- notes to indicate the intended general type of external cladding materials for all buildings and site-works including walls and fences at the street edge.

**2. Additions to site plan:**

- the position and use of buildings on immediately adjacent sites including the location of existing private outdoor spaces, and main living area windows where these have outlook over the development
- the street immediately adjacent, including any street trees
- proposed public access-ways, driveways, car-parks and footpaths, including designated public open space or communal space.

**3. Indicative typical dwelling floor plans at a scale of not less than 1:200 showing:**

- the indicative internal layout of typical and any non-typical dwellings, with common furniture items drawn to scale and door opening arcs illustrated.
- the location of the private open space, car-parking and external storage space for each dwelling.

**4. Additions to elevation drawings:**

- height of fencing at site boundaries.

**5. Assessment of design to avoid, remedy or mitigate the adverse effects of infill development in established areas:**

Development in established areas may have an impact on both the streetscape and on adjacent development. To assist assessment of this impact, the following additional information may be required:

a statement or description of planning and design measures that have been incorporated to avoid, remedy or mitigate the adverse effects on neighbours of:

- loss of visual privacy through overlooking of outdoor space and views into living areas of adjacent dwellings

- loss of daylight and aspect due to the overshadowing of existing private outdoor space and windows to main living areas
- the visual bulk of large walls
- noise from the new activity.

**6. Streetscape appraisal:**

In addition, where a development has a presence on a street which is generally recognised as having a character that is of significance to, and is valued by, the community, then a streetscape appraisal will be required. This will include:

- street elevations to a scale of 1:100 which show the development and the four properties on either side.
- photographs taken from across the street showing the buildings described in the street elevation.

**3.2.4.2.2 For the Thorndon Character Area:**

In addition to the requirements of 3.2.2, each application must also provide the following (except for modifications to existing buildings where no part of that modification is visible from across the street):

- street elevations to a scale of 1:100 which shows the development and the two properties on either side
- photographs taken from across the street showing the buildings described in the street elevations
- a plan at a minimum scale of 1:100 showing these properties and the front of the properties that face the site across the street.

#### **3.2.4.2.3 For the Central Area Design Guide:**

Additions to the Design Statement are required for developments within the Central Area that:

- are adjacent to or that front public spaces

In this case the Design Statement should clarify how the proposal will contribute to the quality of those public spaces.

or

- are anticipated to have significant visual effects on the City's skyline and urban form.

In this case the Design Statement should clarify how the proposal will contribute to the cityscape when viewed from close up or from a distance.

#### **[3.2.4.2.4 For the Lambton Harbour Area**

For building and open space developments within the Lambton Harbour Area each application must provide a design statement that sets out how the design principles of the proposal respond to the values, principles and objectives of the *Wellington Waterfront Framework (April 2001)*. In particular the design statement should identify how the proposal will:

- be in character with the waterfront as a whole and maximise the unique value of the waterfront location
- express the heritage and history of the waterfront
- enhance the relationship between open spaces and adjacent buildings, structures and water areas
- support and contribute to the quality of surrounding open spaces
- contribute to the provision of different open spaces and buildings that cater for diverse uses and activities compatible with a waterfront location and
- enhance physical access and visual links between the city and the waterfront.

The Design Statement should identify how the proposal will contribute toward an overall sense of collective ownership and involvement.<sup>1</sup>

<sup>1</sup>Variation 22 – Lambton Harbour Area (Operative 27 July 2004)

## 3.10 Definitions

The following definitions are in addition to those contained within the Act.

**ACCESSORY BUILDING:** means, in relation to any site, a building or structure, [including a fence or wall,]<sup>1</sup> the use of which is incidental to any lawful activity under the Act or use on that site. [An accessory building may be either a separate building or structure or joined to another building or structure.]<sup>2</sup>

**ACCESS LOT:** means any separate lot used primarily for access to a lot or to lots having no legal frontage.

[However, if that area of land is:

- 5m or more wide, and
- not legally encumbered to prevent the construction of buildings,

it is excluded from the definition of access lot.]<sup>3</sup>

**ACCESS STRIP:** means

- An access leg or an area of land defined by a legal instrument, providing or intended to provide access to the site or sites
  - An area of land allocated for permanent access within a unit title, cross lease or company lease subdivision.
- However, if that area of land is:
- 5m or more wide, and
  - not legally encumbered to prevent the construction of buildings.

it is excluded from the definition of access strip.

Within the above meaning, an area of land is an access strip if:

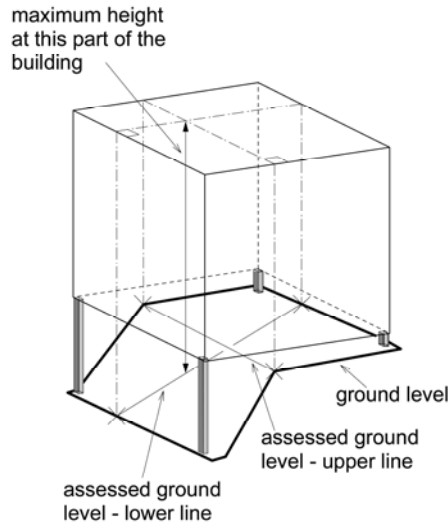
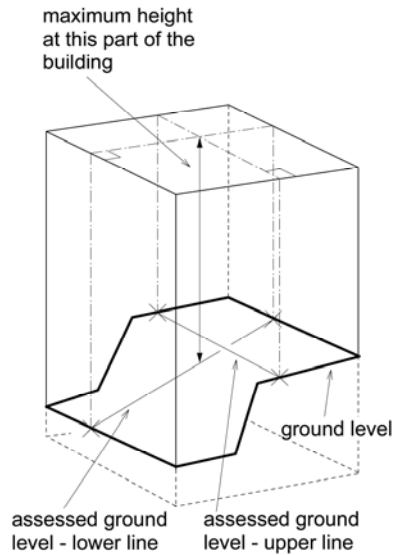
- it is less than 5m wide, or
- it is 5m or more in width and is encumbered by a legal instrument, such as a right-of-way, that prevents the construction of buildings.

**ACT, THE:** means the Resource Management Act 1991 and includes any amendments.

[**GROUND LEVEL:** means the existing ground level, except:

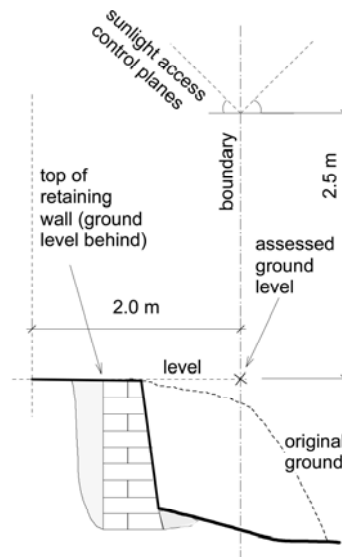
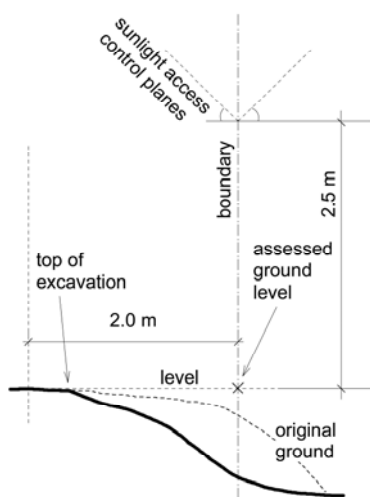
- where measuring ground level under a building for the purposes of calculating maximum height, the ground level will be an assessed level ground level as shown on the following diagrams:

<sup>1</sup> District Plan Change No.23 – Central Area Noise Insulation Rules (Operative 25 June 2004)



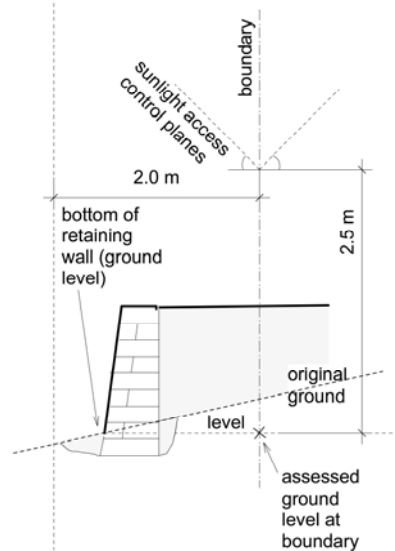
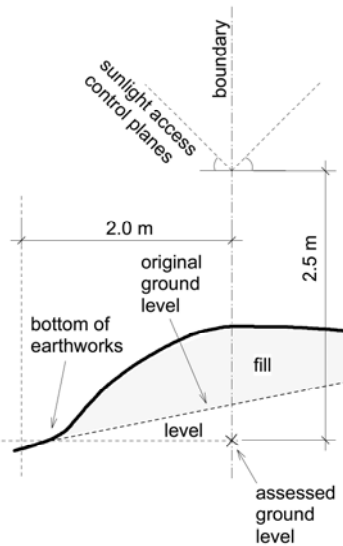
Where a different assessed ground level can be derived by using another line under the building at right angles to the first, the lower of the two assessed ground levels will be used for calculating maximum height.

- where there is visible evidence that the ground level on the boundary of the site has been altered by earthworks and the altered ground level has not been approved in association with a subdivision (at any date) or by a land use consent since July 1994, then ground level shall be an assessed ground level as shown on the following diagrams:



Where the top of the excavation is within 2 metres of the boundary, the assessed ground level at the boundary will be taken from the top of the excavation.

Where the retaining wall supports cut ground, and the ground level behind the top of the retaining wall is within 2 metres of the boundary, the assessed ground level at the boundary will be taken from the ground level behind the top of the retaining wall.



Where the original ground has been raised by earthworks, and the bottom of the earthworks is within 2 metres of the boundary, the assessed ground level at the boundary will be taken from the bottom of the earthworks.

Where the retaining wall supports fill material, and the ground level at the bottom of the retaining wall is within 2 metres of the boundary, the assessed ground level at the boundary will be taken from the ground level at the bottom of the retaining wall.

*Most ground levels will be taken from the existing ground level. An assessed level will be used for calculating maximum height where a building covers the ground. An assessed ground level will also be used for ground level on the boundary when the original level has been altered by earthworks not approved with a subdivision or by a land use consent since 1994 (which expressly approved earthworks on the boundary). The assessed level will be taken from the top or bottom of the earthworks or beside a retaining wall, as shown in the above diagrams.*

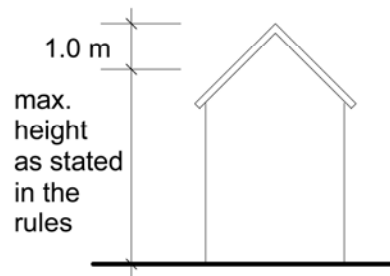
*The District Plan generally permits earthworks of 2.5 metres, without resource consent. While this does not prevent earthworks on a boundary, the ground level definition does not recognise these earthworks. Where permitted earthworks have altered the level an assessed ground level will be used, which will be taken from the top or bottom of the earthworks or beside a retaining wall, as shown in the diagrams above.*

*Where a building is located on top of a boundary the sunlight access plane will be calculated from the ground level at the boundary, which will vary depending on the circumstances.]<sup>1</sup>*

**HEIGHT:** means in relation to a building [or structure]<sup>2</sup> the vertical distance between any part of [that]<sup>3</sup> building [or structure]<sup>4</sup> and the ground level [immediately below,]<sup>5</sup> or mean sea level where specified [in this plan. This calculation is subject to:

- In Residential and Rural Areas an additional 1m can be added to the maximum height (stated in the rules) of any building with a roof slope of 15 degrees or greater as illustrated on the following diagram:

Roof with a slope of 15° or greater (all parts of the building within the additional 1m must be roofs with a slope of between 15° to 75°)



(though this allowance shall not apply in the Oriental Bay Height Area)

- the calculation of ground level in relation to any building or structure built lower than the existing ground level is outlined in the definition of ‘ground level’]<sup>6</sup>
- Where height is measured in relation to storeys, the maximum floor to floor height per storey is 4.2 metres, except that the ground floor may have a maximum height of 6 metres
- In all cases, chimneys, flues, ventilation shafts, aerials, spires, flag-poles or other decorative features, [that do not exceed 1 metre in any horizontal direction,]<sup>7</sup> shall be excluded from the measurement of height.

**INFILL HOUSEHOLD UNIT** for sites less than 800m<sup>2</sup> in the Outer Residential Area means:

- In relation to a site already containing one household unit, the second unit on the site where it is located outside the footprint of the existing unit (ie. the site coverage of the household units will increase as a result of the proposed 2<sup>nd</sup> unit)
- In relation to a vacant site, where the proposed development results in 2 household units, the unit nominated by the applicant. ~~shall be an Infill Household Unit.~~

**PARKING AREA:** means that part of a site or building within which vehicle parking spaces are accommodated and includes all manoeuvring areas.

**PARKING SPACE:** means an area formed and set aside exclusively for the parking of motor vehicles to meet the parking standards of this Plan. Where parking standards involve decimal places, calculated totals shall be rounded to the nearest whole number.

**RESIDENTIAL ACTIVITY:** means the use of premises for any domestic or related purpose by persons living in the premises alone or in family and/or non-family groups (whether any person is subject to care, supervision or not), but does not include work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for five or more travellers is offered at a daily tariff or other specified time.

**RESIDENTIAL BUILDING:** means a building, containing [part of a household unit (for example, a sleep-out)]<sup>1</sup>, one household unit or more [than one]<sup>2</sup> household unit; used or intended to be used [for]<sup>3</sup> a residential activity.

**[RESIDENTIAL STRUCTURE:** means a structure used or intended to be used in association with a residential activity.]<sup>4</sup>

**SITE:** means any area of land comprised wholly in one certificate of title or any allotments as defined by the Act, or any allotments linked pursuant to the provisions of section 37 of the Building Act 1991.

**SITE AREA:** means the total area of a site, [but excludes:]<sup>1</sup>

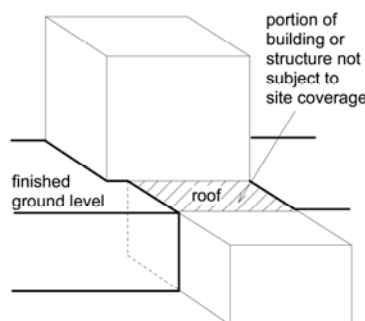
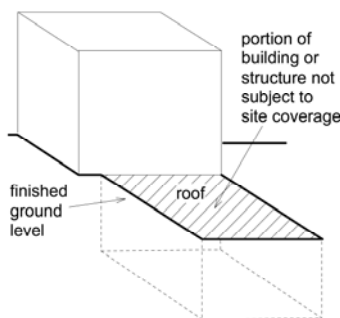
- any part of the site subject to any proposed road widening
- any designation for a public work
- the area of any access lot or access strip [that provides access to the site or to another site.

For the purpose of calculating site coverage on any allotment resulting from the subdivision of Lot 2 DP 85339 at 54 Weld Street, and Lot 2 DP 40924 at 164 Ohiro Road, site area includes any site access strip defined by a legal instrument (for example, a right of way).]<sup>2</sup>

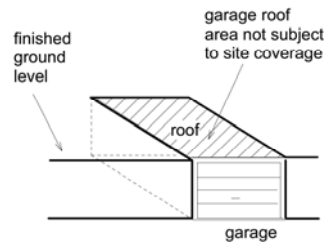
**SITE COVERAGE:** means that portion of the site area [that]<sup>3</sup> may be covered by buildings and structures but does not include:

- eaves 1 metre or less in width
- [pergola structures that are not covered by a roof, trellis or other overhead covering
- fences and walls
- minor structures such as letterboxes, clotheslines and children’s play equipment]<sup>4</sup>
- uncovered decks less than 1 metre above ground level
- [terraces of any height
- paths, driveways and other paved surfaces on the ground
- any part of a building or structure where the walls (of that part) are located below the surface of the ground, provided that the roof (of that part) does not project above the finished ground at the completion of the building or structure.

*Note: Garages set completely into the ground, with only doors opening onto a driveway or street, are excluded from site coverage.*







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**STOREY:** means a floor (full or mezzanine) or level of a building including the ground floor level. Where height is measured in relation to storeys, the maximum floor to floor height per storey is 4.2 metres, except that the ground floor may have a maximum height of 6 metres.

**STREETSCAPE (FOR THE PURPOSE OF RULE 5.3.11):** means the collective image of buildings and their relationship to each other and to the street (including, but not limited to rights of way, pedestrian routes etc).

**YARD:** means a part of a site unoccupied and unobstructed by buildings above ground level, excluding eaves.

- Front yard: means a yard between the road line and line parallel thereto and extending across the full width of the site provided that:
  - where part of the site is shown on the District Plan Maps as proposed road, the proposed road line shall, for the purposes of all front yard requirements, be substituted for existing road line
  - where there is a building line restriction shown in the District Plan then this line shall, for the purpose of all front yard requirements, be substituted for the existing roadline.
- Any yard, other than a front yard, means a yard between a boundary of the site and a line parallel thereto.