

ZONING ORDINANCE

14A Attachment 1

APPENDIX 1

DISTRICT REGULATIONS

	A	SF-E	SF-1	SF-2	TF	MF	MH-1	MH-2	C-1	C-2	M-1	M-2
Maximum height (feet)	35	35	35	35	39 [30]	45	35	45	45	50	50	50
Side yard width (feet)	15	D	C	C	8	15	C	C	C	C	C	C
Rear yard (feet)	20	20	20	20	20	20	20	20	20	20	20	20
Front yard (feet)	35	35	30	25	20	20	B	B	B	B	B	B
Lot area (square feet)	87,120	43,560	10,000	7,500	6,000	A	A	A	B	B	B	B
Minimum lot width (feet)	100	100	75	60	50	70	B	B	B	B	B	B
Minimum lot depth (feet)	200	200	100	100	90	150	B	B	B	B	B	B
Maximum lot coverage	10%	30%	35%	40%	60%	50%	B	B	B	B	B	B

(Ordinance A-377 adopted 7/21/11; Ordinance A-516 adopted 1/20/22)

- A. Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.
- B. None required except where nonresidential use abuts a residential lot in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within this ordinance.
- C. Ten Percent (10%) of lot width or ten [feet] (10') whichever is greater; provided however, not required to exceed a maximum of twenty-five feet (25'). Notwithstanding the foregoing, minimum side yard setbacks in the Old Town Plat shall be seven feet (7') for single-family residential uses.
- D. Ten Percent (10%) of lot width or fifteen feet (15') whichever is greater; provided however, not required to exceed a maximum of twenty-five feet (25').

(Ordinance A-377 adopted 7/21/11)

NEWARK CODE

NOTES TO APPENDIX 1

- a. The minimum residential lot area for the various districts shall be in accordance with the regulations for each district, except that a lot having less area than required which was an official “lot of record” at the time of the adoption of this ordinance may be used for a one-family dwelling.

No lot existing at the time of passage of this ordinance shall be reduced in area below the minimum requirements set forth in the respective district.

- b. The front yard setback shall be measured from the property line to the front face of the building, covered porch, covered terrace, or attached accessory buildings. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four (4) feet and subsurface structures, platforms, or slabs may not project into the front yard to a height greater than thirty (30) inches above the average grade of the yard.

On corner lots, the front yard setback shall be observed along the frontage of both intersecting streets (unless shown specifically otherwise on a final plat).

Where a building line has been established by a plat approved by the City Council or by ordinance and such line requires a greater or lesser front yard setback than is prescribed by this ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat provided no such building line shall be less than twenty (20) feet, except as approved under a Planned Development (see Section 20).

Where the frontage on one side of a street between two (2) intersecting streets is divided by two (2) or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance, in which event only one required front yard need be observed.

On any corner lot for which front and side yards are required, no wall, fence, structure, sign, tree, or other planting or sloped terrace or embankment may be maintained higher than three (3) feet above the street grade so as to cause danger or hazard to traffic by obstructing the view of the intersection from a point thirty (30) feet back from the right-of-way corner. Visual clearance shall be provided in all zoning districts so that no fence, wall, vegetation, architectural screen, earth mounding, or landscaping obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection.

Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare upon which a lot abuts, the front or side yard shall be measured from the future right-of-way.

- c. Every part of a required side yard shall be open and unobstructed except for (a) accessory buildings as permitted herein; (b) the ordinary projections of window sills, belt courses, cornices, and other architectural features not more than twelve (12) inches into the required side yard;

ZONING ORDINANCE

and (c) roof eaves projecting not more than thirty-six (36) inches into the required side yard. Balconies shall not project into the required side yard.

Minimum side yard setbacks in the Old Town Plat shall be seven (7) feet for single-family residential uses, regardless of other requirements listed here.

When a non-residentially zoned lot or tract abuts upon a zoning district boundary line dividing that lot or tract from a residentially zoned lot or tract, a minimum side yard of ten (10) feet shall be provided on the nonresidential property. An opaque wood fence or masonry wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on nonresidential property adjacent to the common side or rear property line.

- d. The required rear yard shall be open and unobstructed from a point thirty (30) inches above the average elevation of the graded rear [rear] yard, except for accessory buildings as permitted herein. Eaves, covered porches, and roof extensions without structural support in the rear yard may extend into the rear yard a distance not to exceed four (4) feet. Balconies shall not project into the required rear yard.
- e. Single-family dwellings require building lots of two (2) acres or more.
- f. A one-story wing or extension may be built to within fifteen (15) feet of the rear lot line.
- g. No lot containing multifamily units shall contain less than nine thousand (9,000) square feet total or one thousand five hundred (1,500) square feet per dwelling unit, whichever is greater.

Minimum lot sizes for townhouses and zero lot line houses shall be three thousand (3,000) square feet per dwelling unit.

Minimum lot sizes for all other permitted uses shall be seventy-five hundred (7,500) square feet or one thousand five hundred square feet per living unit, whichever is greater.

- h. Lot width for a lot containing multifamily, townhouse, or zero lot line units shall be twenty (20) feet per ground floor unit plus side yard requirements.

Lot width for a lot containing other permitted uses shall be not less than sixty (60) feet.

- i. If a side yard or rear yard is adjacent to a single-family residential district, there shall be a twenty-five (25) foot setback and a sixty (60) foot setback from the adjacent property line for buildings in excess of one (1) story in height.

If more than one building is located on the same lot, there shall be a ten (10) foot separation between buildings without openings (windows) and fifteen (15) feet between buildings with openings.

- j. The height of any multifamily building sited on a lot adjacent to an area zoned for single-family dwellings or where single-family dwellings of one story in height exist shall be limited to one story for a distance of sixty (60) feet from the single-family district boundary or the land on which the single-family dwelling is located.
- k. See Section 24.6.2 for additional regulations.

NEWARK CODE

- l. The front yard setback shall be forty-five (45) feet where parking is allowed in front of the building. Accessory buildings shall have a sixty (60) foot front yard setback.
- m. No side yard is required except that a side yard of not less than fifteen (15) feet in width shall be provided on the side of a lot adjoining a residential district even when separated by an alley. When adjacent to a residential district, even when separated by an alley, no windows shall be permitted above ten (10) feet on the building sides facing such residential district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.
- n. No rear yard is required except that a rear yard of not less than twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is lesser, shall be provided upon that portion of a lot abutting or across a rear alley or street from a residential district.
- o. No building shall exceed thirty-five (35) feet in height, except cooling towers, roof gables, chimneys, vent stacks, or mechanical equipment rooms, which may project not more than twelve (12) feet beyond maximum building height.
- p. A twenty-five (25) foot front yard is required except that a front yard of not less than fifty (50) feet shall be provided upon that portion of a lot abutting or across a street or alley from property in a residential or commercial district.
- q. No side yard is required except that a side yard or a side street yard of not less than twenty-five (25) feet in width shall be provided on the side of the lot adjoining or across a street or alley from a residential or commercial district. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.
- r. No rear yard is required except that a rear yard of not less than fifty (50) feet in depth shall be provided upon that portion of a lot abutting or across a rear street or alley from a residential district, except that such rear yard requirement shall be twenty-five (25) feet in depth where the property in the residential district backs up to the rear street. In addition, a masonry or wood wall having a minimum height of six (6) feet above the average grade of the residential property shall be constructed on the nonresidential property adjacent to the common side property line.
- s. A building may be erected to a height of eighty (80) feet if set back from all required yard lines a distance of one (1) foot for each two (2) feet of additional height above forty-five (45) feet. This requirement is in addition to all other relevant setback requirements.
- t. Side yard requirements shall be the same as for the M-1 District except that a side yard or a side street yard of not less than fifty (50) feet in width shall be provided on the side of the lot adjoining or across the street from a residential or commercial district.