

ORDINANCE NO. 386

AN ORDINANCE AMENDING CHAPTERS 8 AND 9, TITLE 11 OF THE NEW PLYMOUTH ZONING ORDINANCE TO FURTHER DEFINE THE SETBACK REQUIREMENTS FOR COMMERCIAL D AND INDUSTRIAL E ZONES.

Whereas it is in the best interest of the citizens of the City of New Plymouth that the setback requirements for Commercial D and Industrial E Zones be more specifically defined; and

Whereas the more specific definition of these zones will bring clarity to and consistency for the property owners in the City of New Plymouth;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEW PLYMOUTH THAT CHAPTERS 8 AND 9 OF TITLE 11 OF THE ZONING ORDINANCE OF THE CITY OF NEW PLYMOUTH BE AMENDED TO READ AS FOLLOWS:

Section 1: 11-8-4: Areas:

(A) No front or side yards shall be required except that when a building or group of buildings abuts upon a residential district, a yard shall be provided on the side of the lot abutting the residential district, such yard having a width of not less than ten feet (10'). There shall be a rear yard with a depth of not less than fifteen feet (15') when abutting upon a public thoroughfare and not less than twenty feet (20') when no dedicated alley or public way exists at the rear of the lot. The rear yard may be used for off street parking and loading as provided in this title¹. (Ord., 5-7-1984)

(B) Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

1. Where any accessory building is structurally attached to a main building, it shall be subject, and will conform to, all regulations of this chapter applicable to the main building.
2. Accessory buildings shall be set back from interior lot lines and rear lot lines the distance of five feet (5').
3. No detached accessory building shall be located closer than ten feet (10') to any main building.
4. An accessory building shall not be erected prior to the establishment or construction of the principal use building.
5. An accessory building shall not encroach upon or into a front yard. On corner lots, an accessory building shall not encroach upon or into any front yard which is adjacent to an abutting street.

Section 2: 11-9-3: Areas:

The maximum ground area occupied by all buildings in the Industrial E Zone shall be not more than seventy five percent (75%) of the area of the lot or tract on which a building permit has been issued.

- (A) Front Yard: There shall be a front yard having a depth of not less than fifty feet (50') where there shall be no structure of any kind, open storage of materials nor equipment.
- (B) Side Yard: There shall be a minimum side yard of not less than five feet (5') and a combined total of not less than fifteen feet (15') on both sides of the building or buildings, but where the property is adjacent to a residence zone there shall be a side yard of not less than twenty five feet (25') on the side nearest to the residential lot. The parking of private automobiles may be permitted within the side yard areas, but not closer than five feet (5') to any lot zoned for residential use.
- (C) Rear Yard: A rear yard is not required except where a lot abuts upon a residence zone in which case there shall be a rear yard of not less than twenty five feet (25') and no materials or equipment shall be stored within twenty five feet (25') of any residential lot or lots.
- (D) Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:
 - 1. Where any accessory building is structurally attached to a main building, it shall be subject, and will conform to, all regulations of this chapter applicable to the main building.
 - 2. Accessory buildings shall be set back from interior lot lines and rear lot lines the distance of five feet (5').
 - 3. No detached accessory building shall be located closer than ten feet (10') to any main building.
 - 4. An accessory building shall not be erected prior to the establishment or construction of the principal use building.
 - 5. An accessory building shall not encroach upon or into a front yard. On corner lots, an accessory building shall not encroach upon or into any front yard which is adjacent to an abutting street.