

**ORDINANCE NO. 504**

**AN ORDINANCE TO AMEND SECTION 230-25 OF THE CODE OF THE CITY OF NEW CASTLE TO PERMIT LIMITED RETAIL SALES IN INDUSTRIAL ZONES VIA SPECIAL EXCEPTION FROM THE BOARD OF ADJUSTMENT.**

**WHEREAS**, the City Council of the City of New Castle desires to make certain amendments to Section 230-25 B of the City Code relating to retail sales in Industrial zoning districts;

**NOW, THEREFORE BE IT ORDAINED** by the Council of the City of New Castle, the following:

SECTION 1: Section 230-25 B of the Code of the City of New Castle is hereby amended and restated so that such Section shall read, in its entirety, as follows [**amended language in bold**]:

§ 230-25 B. The following uses may be permitted as special exceptions upon approval of the Board of Adjustment in accordance with § 230-57B of this chapter:

- (1) Public utility rights-of-way and structures are permitted in accordance with § 230-38 of this chapter.
- (2) **Retail sales of goods and products which are assembled, converted, altered, finished, cleaned, processed, handled or stored at the site; provided, that no more than 10% of the gross floor area of the structure involved may be devoted to retail sales.**
- (3) Any other industrial use not permitted as a matter of right which would not violate the intent of this section.

SECTION 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

SECTION 3. Repealer. Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective immediately upon passage.

**First Reading**                      **November 10, 2015**

**Second Reading**                **December 8, 2015**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

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Janet E. Wurtzel, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015

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Donald A. Reese, Mayor