

**Ordinance No. 507**

**An Ordinance to revise Section 230.21.1 B of the Zoning Code of the City of New Castle to:**

**(1) Make Multi-Family Dwelling Development and Mixed Use Projects in the Downtown Gateway Zoning District Permissible Only with the Grant of a Special Exception from the Board of Adjustment; and (2) require Planning Commission Review and Recommendation for all Special Exception Applications in the Downtown Gateway Zoning District.**

**WHEREAS**, the Council of the City of New Castle (“Council”) has previously adopted Section 230-21.1 to establish the Downtown Gateway (DG) Zoning District; and

**WHEREAS**, Section 230-21.1 B, Table 1, lists “Multifamily Dwelling” as a permitted use as a matter of right in the DG zoning district; and

**WHEREAS**, Section 230-21.1 B, Table 1, lists “a mix of uses in a single building or group of building with first-floor nonresidential uses and office or multifamily residential on the upper floors” as a permitted use as a matter of right in the DG zoning district; and

**WHEREAS**, Council has determined that certain multifamily dwelling and mixed use projects may have the effect of frustrating the stated intent of the DG zoning classification to: (a) extend the built-form, character and scale of the historic district; and (b) encourage lively, human-scaled gathering places for the community through building design and orientation and by encouraging a mix of uses; and

**WHEREAS**, Council has further determined that limiting multifamily dwelling and mixed use projects in the DG District may be suitably controlled by permitting such uses only after the grant of a special exception by the Board of Adjustment; and

**WHEREAS**, Council has further determined that proposed uses in the DG zoning district permitted by special exception from the Board of Adjustment may be granted only following review and recommendation of such proposals by the Planning Commission.

**NOW, THEREFORE**, be it ordained by the Council of the City of New Castle, as follows:

**SECTION 1:** Section 230-21.1 B, Table 1 of the Code of the City of New Castle entitled “Permitted Uses” is hereby amended so that multifamily dwellings and mixed use development projects are permitted only by means of a special exception (designated as “SE” in Table 1) granted by the Board of Adjustment.

**SECTION 2:** The first sentence of section 230-21.1 B of the Zoning Code is hereby amended to read as follows:

“B. The following uses in the DG Districts are either: (a) permitted by right, or (b) permitted by special exception following review and recommendation by the Planning Commission.”

**SECTION 3.** 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. Council hereby declares that it 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 4.** 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 5.** This Ordinance shall become effective immediately upon passage.

**First Reading**                      **April 6, 2016**

**Second Reading**                      \_\_\_\_\_ \_\_, 2016

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
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.

\_\_\_\_\_  
Janet E. Wurtzel, City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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Donald A. Reese, Mayor