

Ordinance No. 510

An Ordinance to revise Chapter 230, Article V, to provide for a new Section 230.28.1 in the Zoning Code of the City of New Castle to make parking lot usage of properties in any residentially zoned district, the Historic Residence District and the Historic Commerce District permissible only with the grant of a special exception from the Board of Adjustment.

WHEREAS, the Council of the City of New Castle (“Council”) acknowledges that there is a shortage of public parking spaces in many portions of the City of New Castle (the “City”); and

WHEREAS, the Council further acknowledges that adequate parking in the City is essential to provide adequate resident parking, employee parking, support local businesses and provide visitor access to the historic structures, parks, and other amenities in the City; and

WHEREAS currently, the Zoning Code does not authorize parking lot usage of properties in residentially zoned districts, the Historic Residence District or the Historic Commercial District; and

WHEREAS there are currently several existing lots “grandfathered” in these zoning districts and some of these may need to be altered or expanded over time; and

WHEREAS, Council has determined to address the parking shortage in a controlled manner by permitting parking lots on a limited basis in residentially zoned districts, the Historic Residence District or the Historic Commercial District by means of a special exception granted by the Board of Adjustment.

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

SECTION 1: Chapter 230 of the City Code is hereby amended to add a new Section 230-28.1 which shall read as follows:

§ 230-28.1. Parking lots in residentially zoned districts, the Historic Residence District and the Historic Commerce District.

The Board of Adjustment shall have jurisdiction and authority to grant a special exception to permit uncovered, ground level public or commercial parking lots, including the alteration or expansion of public or commercial parking lots existing on the date of this ordinance, in residentially zoned districts, the Historic Residence District and the Historic Commerce District by means of a special exception granted by the Board of Adjustment subject to the following limitations, requirements and conditions:

- (a) No multi-floor parking garages shall be permitted.
- (b) Visual screening in the form of walls, fencing and/or landscaping to reasonably shield said use from public rights-of-way and adjacent properties must be provided.
- (c) Chained link and barbed wire fencing shall be prohibited.

- (d) Walls shall be constructed of brick or stone.
- (e) Planted vegetation shall consist predominantly of evergreen vegetation.
- (f) Gaps may be permitted in the visual screen to permit access to the public or commercial parking lot by vehicles and pedestrians and to permit visual access to the site in a manner that will enhance security.
- (g) All special exception applications for parking lot usage shall require prior review and recommendations from the Planning Commission.
- (h) For public or commercial parking lots proposed for the Historic Residence District or the Historic Commercial District, the Historic Area Commission shall have reviewed and approved the application prior to submission to the Board of Adjustment.

SECTION 2: 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 3. 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. This Ordinance shall become effective immediately upon passage.

First Reading **June 13, 2017**

Second Reading **July 31, 2017**

Signed this _____ day of _____, 2017

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.

Brian G. Whitaker, City Clerk

Approved this _____ day of _____, 2017
