

**Ordinance No. 517**

**An Ordinance to revise Chapter 230, Article IV, to revise Section 230-19 in the Zoning Code of the City of New Castle to make “Tourist Home” usage of properties in the Historic Residence 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”) wishes to regulate “tourist homes” (as defined in §230-1 of the Code) proposed in “Historic Residence” zoned portions of the City of New Castle (the “City”) by requiring that they be first approved as a “special exception” by the Board of Adjustment; and

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

**SECTION 1:** Section 230-19 A of the City Code is hereby amended to delete the reference to “Tourist Homes” as a use permitted by right in the Historic Residence zoning district.

**SECTION 2:** Section 230-19 B of the City Code is hereby amended to add new subsections (6) which shall read, in its entirety, as follows:

**§ 230-19 B** The Board of Adjustment shall have jurisdiction and authority to grant special exceptions in accordance with §230-57B of this Chapter, to permit the following uses in the Historic Residence zones:

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(6) Tourist Homes, including without limitation, rooming houses, “AirBNB” rentals and all other residential rental accommodations where the term for such rental is for thirty (30) days or less.

**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**SECTION 4.** Ordinances or parts of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.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**

**September 11, 2018**

**Second Reading** \_\_\_\_\_, 2018

Signed this \_\_\_\_th day of \_\_\_\_\_, 2018

\_\_\_\_\_  
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** \_\_\_\_\_, 2018

\_\_\_\_\_  
Jimmy Gambacorta, Mayor