

Ordinance 533

An Ordinance to amend Section 230-15 of the City Code to permit expansion of the existing farmhouse structure on the Penn Farm No. 6 property, Tax Parcel 21-009.00-002, for use as a farm office, business office, administrative office, archive storage, board room and meeting rooms for the Trustees of the New Castle Common, and to expand other permitted uses of the Penn Farm.

WHEREAS, the Penn Farm No. 6 property, Tax Parcel 21-009.00-002, (the “Penn Farm”) comprises approximately 110 acres of land with a farmhouse structure in poor condition, barn structures and other related outbuildings designed for agricultural use; and

WHEREAS, the Penn Farm is owned by the Trustees of the New Castle Common (the “Trustees”); and

WHEREAS, the Penn Farm is the only property in the City of New Castle currently zoned AH (Agricultural-Horticultural), as defined by Section 230-15 of the Zoning Code; and

WHEREAS, structures permitted on AH (Agricultural -Horticultural) zoned land are limited by Section 230-15 of the Zoning code to a one-family dwelling per 100 acres of land, accessory structures appropriate to and supportive of agricultural or horticultural uses and one roadside or highway retail stand for the sale of farm produce; and

WHEREAS, the Trustees propose to improve, renovate and expand the existing farmhouse at the Penn Farm so as to provide offices, meeting rooms and a board room for the Trustees’ use in managing the farm and its other operations; and

WHEREAS, the Trustees further desire to use existing barn structures located on the Penn Farm for purposes of permitting meetings, events, fundraisers, weddings, parties and other public or private gatherings; and

WHEREAS, the Trustees further seek the right to use a roadside-retails stand for food preparation and sale;

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

SECTION 1: Section 230-15 B (1)(b)(4) is hereby amended to add the following sentence at the end that subsection:

The roadside-retail stand may also be used for food preparation and sales.

SECTION 2: Section 230-15 is hereby amended to add a new subsection C as follows:

C. Notwithstanding anything in this section to the contrary, the following uses are permitted as a matter of right on the property known as Penn Farm No. 6, Tax Parcel number 21-009.00-002 also known as 807 Frenchtown Road, New Castle, Delaware:

(1) The existing house structure on Penn Farm No. 6 may be expanded to no more than 5,000 square feet and may be used as a farm office, business office, administrative office, archive storage, board room and meeting rooms for use by the Trustees of the New Castle Common, as owner of the property, and for private or public gatherings as authorized by the Trustees of the New Castle Common and otherwise permitted by applicable law.

(2) The barns existing on Penn Farm No. 6 as of the date of this Ordinance may be used as farm barns and, as authorized by Trustees of the New Castle Common, for meetings, events, fundraisers, weddings, parties and other public or private gatherings.

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.

SECTION 4. In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5. This Ordinance shall become effective immediately upon passage.

First Reading May 27, 2021

Second Reading June 8, 2021

Signed this _____ day of _____, 2021

Michael M. Platt, 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.

Kathleen M. Walls, City Clerk

Approved this _____ day of _____, 2021

Michael J. Quaranta, Mayor