

Ordinance No. 538

**To Amend New Castle City Code § 230-21.1 Downtown Gateway District
Regarding Multifamily Dwellings**

WHEREAS, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“Code”);

WHEREAS, the City Council desires to modify Chapter 203, specifically Section 230-21.1, regarding multifamily and mixed use uses in the Downtown Gateway District (“Proposed Changes”); and

WHEREAS, the City Council finds that the Proposed Changes are consistent with the City of New Castle’s Comprehensive Development Plan.

NOW, THEREFORE, making the express finding that the Proposed Changes outlined below enhance the health, safety, and welfare of the City of New Castle, the City Council of The City of New Castle hereby ordains and adopt the following Code changes and revisions:

Section 1. Amend City of New Castle Code, § 230-21.1 B. (2), Table 1: Permitted Uses by striking the following words:

~~Multifamily dwelling~~ ~~SE~~

~~Mixed Use~~ ~~SE~~

~~A mix of uses in a single building or group of buildings with first floor nonresidential uses as described herein and office or multifamily residential on the upper floors; residential density of upper floor residential uses in a mixed use building shall not exceed 10 units per acre; residential uses shall have a private access separate from that of the commercial uses~~

Section 2. Amend City of New Castle Code, § 230-21.1 C. (1) by striking the words “Nonresidential, mixed and multifamily uses” and replacing it with the language “Nonresidential and mixed uses” as follows:

Nonresidential, ~~mixed and multifamily~~ uses

Section 3. Amend City of New Castle Code, § 230-21.1 D. by adding a new section (7) and section (8), which shall read as follows:¹

(7) Multifamily dwellings

(8) Mixed Uses

Section 4. Inconsistent Ordinances and Resolutions Repealed. All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in direct conflict herewith are hereby repealed.

Section 5. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council; provided, however, that this Ordinance shall not apply to any land use application for a multifamily dwelling(s) that have been reviewed by the New Castle City Planning Commission at a public meeting as of the date of introduction of this Ordinance.

First Reading

May 25, 2023

Second Reading

_____, 2023

¹ Additions to current code language are in **bold**.

Signed this _____ day of _____, 2023

Michael Platt, President of Council

Attest:

Kathy Walls, City Secretary

Approved: _____
Mayor