Ordinance No. 544

An Ordinance to Amend Article V Supplementary District Regulations 230-28 Off-Street Parking and Loading Requirements Section (A)(15) in a Downtown Gateway District; Subsection (a) Parking Requirements for specific uses are as follows – [5] Apartments

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, Article V Supplementary District Regulations 230-28 (A)(15)(a)[5] is being updated to remove this provision and will rely on the provision under 230-28 (A)(1) Residential structures (e) Multiple dwellings: two spaces per unit.

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 adopts the following Code changes and revisions:

Section 1.

Remove the entire section: 230-28 (A)(15)(a)[5] - Apartments: 1.5 spaces per unit; replace with "Omitted."

Section 2. Amend Section 230-28. A. (1)(e) as follows (with new language identified in bold text and changes appearing with strikethrough text):

Multiple Multi-family dwellings and residential components of mixed-use buildings: two spaces per unit.

Section 3. Section "230-1 Definitions." of the City Code is hereby amended by adding the following text to subsection B. as appropriate to maintain alphabetical sorting:

Formatted: Strikethrough

DWELLING, MULTI-FAMILY

A building containing three (3) or more attached dwelling units having common walls and/or roof and a separate entry for each unit. This definition includes townhouses, and apartments and multiple dwellings.

<u>Section 42.</u> Inconsistent Ordinances and Resolutions Repealed.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or parts of Ordinances and all resolutions or parts of resolutions that may be in direct conflict herewith are hereby repealed.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 53. 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.

<u>Section 63.</u> Effective Date. This Ordinance shall become effective immediately upon its adoption by City Council; <u>provided</u>, <u>however</u>, <u>that all projects</u>, <u>applications</u>, or <u>permits submitted to or granted by the City on or before February 13, 2024 are exempted from the requirements of this Ordinance.is Code amendment.</u>

First Reading November 14, 2023
Second Reading February 13, 2024
Signed this ______ day of ______, 2024

Formatted: Indent: Left: 0.5", First line: 0"

Suzanne Souder, President of Council	,
Attest:	Courtaney Taylor, City Clerk
Appro	oved: Valarie Leary, Mayor