

Ordinance No. 548

AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 230 (ZONING CODE), REGARDING MINIMUM LOT FRONTAGE AND WETLANDS

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 (“City Code”); and

Whereas, the City Council believes that legal lots should have direct access to a street; and

Whereas, the City Council finds that adopting a maximum coverage ratio for wetlands, whether tidal or non-tidal, would discourage the creation of unusable lots; and

Whereas, The City Council has determined that it is in the best interest of the City and its residents to amend the City of New Castle Municipal Code to specify a minimum requirement for lot frontage in each zoning district, to clarify the definitions of “Lot”, “Lot Frontage”, and “Lot of Record”, and to establish a maximum coverage ratio for wetlands on lots.

NOW, THEREFORE, making the express finding that the provisions of this Ordinance enhance and promote the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle Council as follows:

SECTION 1: City Code Chapter 230, Zoning Code, Attachment 1, Schedule of District Regulations, is hereby amended by adding a new column titled “Minimum Lot Frontage” as follows (with new language identified in bold, underlined text):

	<u>Minimum Lot Frontage</u>
District	
OS&R – Open Space and Recreation	<u>25</u>
R1 – Residential	<u>25</u>
R2 – Residential	<u>25</u>
R3 – Residential	<u>20</u>
HR – Historic Residence	<u>25</u>
HC – Historic Commerce	<u>25</u>
RC – Retail Commerce	<u>25</u>
SC – Service Commercial	<u>25</u>
GC – General Commercial	<u>25</u>
I – Industrial	<u>25</u>
LIO – Light Industrial-Office	<u>25</u>
IOP – Industrial Office Park	<u>25</u>

SECTION 2: City Code Chapter 230, Zoning Code, Article I, Terminology, Section 230-1, Definitions, “Lot” is hereby amended as follows (with deleted text identified by bold, strikethrough):

A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order or a recorded plot which is recognized as a separate legal unit for purposes of transfer of title. ~~For zoning purposes, as covered by this chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other spaces as are herein required. Such lot shall have frontage on an improved public street or, in a GC District, on an improved public or private street, and may consist of:~~

- ~~(1) — A single lot of record.~~
- ~~(2) — A portion of a lot of record.~~

~~(3) A combination of complete lots of record or complete lots of record and portions of lots of record or of portions of lots of record.~~

~~(4) A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.~~

SECTION 3: City Code Chapter 230, Zoning Code, Article I, Terminology, Section 230-1, Definitions, “Lot Frontage”, is hereby amended as follows (with new language identified in bold, underlined text and deleted text identified by bold, strikethrough):

The ~~front of a lot shall be construed to be the~~ portion **of a lot along a street line to which the lot abuts. A lot shall have frontage on an improved public street or, in the GC District, on an improved public or private street.** For the purpose of determining yard requirements of corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

SECTION 4: City Code Chapter 230, Zoning Code, Article I, Terminology, Section 230-1, Definitions, “Lot of Record”, is hereby amended as follows (with new language identified in bold, underlined text and deleted text identified by bold, strikethrough):

See LOT. ~~A lot which is part of a subdivision recorded in the office of the County Recorder of Deeds or a lot or parcel described by metes and bounds, the description of which has been so recorded.~~

SECTION 5: City Code Chapter 230, Zoning Code, Article V, Supplementary District Regulations, Section 230-35, Suitability for development, is hereby amended by adding new subsection A as follows (with new language identified in bold, underlined text):

A. No more than eighty-percent (80%) of a lot's lot area may consist of wetlands, whether tidal or non-tidal.

B. Any tract or parcel of land upon which a use is to be located must be physically suitable for development in the manner proposed. No request shall be granted for any permit or certificate which may result in the creation of hazards to structures, inhabitants or any property or person from probability of flooding, erosion, subsidence or slipping of the soil or other dangers, annoyances or inconveniences. Condition of the soil, groundwater level, drainage, rock formation and topography shall be appropriate to both kind and pattern of use intended. In instances where, in the administrative official's opinion, there is doubt as to the suitability for development, he may require the applicant to submit engineering data supporting the application.

SECTION 6: 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 7: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 8: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading June 11, 2024

Second Reading

Signed this _____ day of _____, 2024

Suzanne Souder, President of City Council

Attest: _____
Courtaney Taylor, City Clerk

Approved: _____
Valarie Leary, Mayor