

Ordinance No. 560

AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 230 (ZONING CODE), REGARDING HOME OCCUPATIONS IN THE RESIDENTIAL DISTRICT R-1 ZONING DISTRICT

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, Home Occupations, such as an art studio, dressmaking, and professional office of a lawyer, engineer, architect, or certificated public accountant, are permitted accessory uses in the R-2 and R-3 Residential zoning districts; and

Whereas, Home Occupations, by definition, retain the residential character and appearance of the structure and do not generate greater traffic volumes than would typically be expected in a residential district; and

Whereas, the Planning Commission and City Council recently held public hearings to consider expanding Home Occupations into the HR, Historic Residence, Zoning District. During these meetings, interest was also expressed to expand Home Occupations into the R-1 Zoning District; and

Whereas, the Planning Commission, during its August 25, 2025 meeting, recommended that City Council amend the Zoning Code to extend Home Occupations to the R-1 zoning district; and

Whereas, the City Council finds that, as is the case in the R-2 and R-3 zoning districts, Home Occupations should also be permitted accessory uses in the R-1 zoning district subject to the standards enumerated in City Code Section 230-1, Definitions; and

Whereas, The City Council has determined that it is in the best interest of the City and its residents to amend the City Code to expressly allow a Home Occupation as a permitted accessory use in the R-1 zoning district.

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, Section 230-16(A)(5), Residential District R-1, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified in bold, underlined text):

(5) Accessory uses and structures:

(a) Professional office of a physician or dentist residing on the premises, provided that:

[1] No more than two assistants are employed.

[2] The residential character of the structure is maintained.

(b) Other accessory uses and structures clearly incidental and customary to and associated with the permitted use.

(c) **Customary home occupations as defined in § 230-1 of this chapter.**

SECTION 2: City Code Chapter 230, Zoning Code, Section 230-17(A)(4), Residential District R-2, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified in bold, underlined text):

(4) Accessory uses and structures:

(a) Those permitted in the Residential District R-1.

(b) The renting of one room to nontransient roomers or boarders.

~~(c) Customary home occupations as defined in § 230-1 of this chapter.~~

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 its adoption by City Council.

First Reading November 10, 2025

Second Reading

Signed this _____ day of _____, 2025

Suzanne Souder, President of City Council

Attest: _____
Courtaney Taylor, City Clerk

Approved: _____
Valarie Leary, Mayor