

**CITY OF NEW CASTLE
BOARD OF ADJUSTMENT
NOTICE OF PUBLIC HEARINGS**

**Tuesday, March 31, 2026
6:30 p.m.**

EACH APPLICATION IS A SEPARATE PUBLIC HEARING

The agenda items listed may not be considered in sequence.

An application has been filed by John DiMondi Ent. LLC, (Owner & Applicant), for a property located in the DG Zoning District at 428, 430, 432, 434, 438, 440, 442, and 446 W 7th St, New Castle, DE 19720, Tax Parcel No. 21-014.00-572, 571, 570, 569, 568, 567, 566, and 565, seeking an appeal from the Administration Official's determination that the Applicant cannot build storage units pursuant to City Code Sections 230-59A and 230-21.1D (4). Should the Administration Official's determination be overruled by the Board of Adjustment, the City anticipates the Applicant will submit a second application for a special exception to build storage units.

For the purpose of considering this application/appeal of the Administration Official's determination, the Board of Adjustment will hold a Public Hearing on Tuesday, March 31, 2026 at 6:30 p.m. at the Community Room of the New Castle Police Department, located at 1 Municipal Blvd., New Castle, DE 19720.

**Valarie Leary, Mayor
Chairman - Board of Adjustment**

City Of New Castle

Posted – 3/3/2026

BOA 2026-1–John DiMondi Ent. LLC. 428, 430, 432, 434, 438, 440, 442, and 446 W 7th St, New Castle, DE 19720, Tax Parcel No. 21-014.00-572, 571, 570, 569, 568, 567, 566, and 565

**City of New Castle Delaware
Board of Adjustment Hearing
Community Room-NCC Police Dept
1 Municipal Blvd, New Castle, DE 19720
Tuesday, March 31, 2026
6:30 p.m.**

Agenda

- 1. Roll Call**
- 2. Public Comments** (concerning agenda items)
- 3. New Business:**

BOA 2026-1- An application has been filed by John DiMondi Ent. LLC, (Owner & Applicant), for a property located in the DG Zoning District at 428, 430, 432, 434, 438, 440, 442, and 446 W 7th St, New Castle, DE 19720, Tax Parcel No. 21-014.00-572, 571, 570, 569, 568, 567, 566, and 565, seeking an appeal from the Administration Official's determination that the Applicant cannot build storage units pursuant to City Code Sections 230-59A and 230-21.1D (4). Should the Administration Official's determination be overruled by the Board of Adjustment, the City anticipates the Applicant will submit a second application for a special exception to build storage units.

- 4. Adjournment**

Posted: 3/3/2026

Note: This agenda as listed may not be considered in sequence, including executive sessions.

*You can also view the meeting online at the address below. A clickable link is available on the City website at www.newcastlecity.delaware.gov/events.

There will be no comments taken from the Zoom audience; comments may be submitted via email up to **3:00 p.m. on Tuesday, March 31, 2026** at info@newcastlecity.delaware.gov

Meeting Link:

<https://us02web.zoom.us/j/86092068070?pwd=qMbb9wZV1avoxQu9kE1M9jX6kmDU8B.1>
Enter Password: **435133**

You can also listen to the meeting via telephone by calling one of the phone numbers below and entering the meeting ID and password when prompted. (Long distance rates may apply.)

(301) 715-8592 or (646) 558-8656.

Webinar ID: 860 9206 8070 Passcode: **435133**

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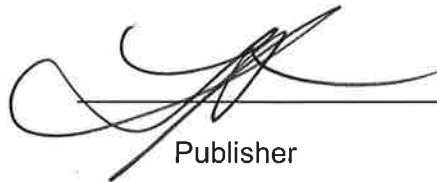


The Weekly

New Castle, DE 19720-4815

302-328-6005

Personally appeared before me this 11th of March, 2026, Theresa Buchanan Gormley of **The Weekly**, a weekly newspaper published in the City of New Castle, County of New Castle, State of Delaware, who being duly sworn, states that the attached Notice was published in **The Weekly** on 3/11/26.



Publisher

Sworn to me this 11th of March, 2026.



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COUNTY OF NEW CASTLE

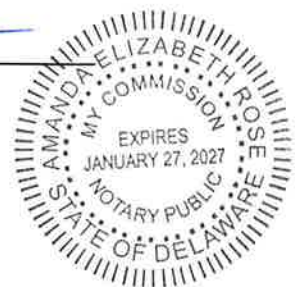
Personally appeared before me this 18th of March, 2026, Theresa Buchanan Gormley of **The Weekly**, a weekly newspaper published in the City of New Castle, County of New Castle, State of Delaware, who being duly sworn, states that the attached Notice was published in **The Weekly** on 3/18/26.



Publisher

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The Weekly

New Castle, DE 19720-4815
302-328-6005

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For the purpose of considering this application/appeal of the Administration Official's

Personally appeared before me this 25th of March, 2026, Theresa Buchanan Gormley of *The Weekly*, a weekly newspaper published in the City of New Castle, County of New Castle, State of Delaware, who being duly sworn, states that the attached Notice was published in *The Weekly* on 3/25/26.



Publisher

Sworn to me this 25th of March, 2026.





Weekly
19720-4815
2-328-6005

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Weekly

19720-4815
2-328-6005

chanan
Castle,
the

Sworn to me this 25th of March, 2026.







VICE REQUESTED

FIRST CLASS

Board of
ADJUSTMENT

1) NOT ALLOWED in
city BOE LDING
AREN'T u HAPPY now?
MAYBE 2 EXCEPT PAY TAXES
LEITER

FIDENTIAL



CITY OF NEW CASTLE
BOARD OF ADJUSTMENT
APPLICATION FOR HEARING

CITY OF NEW CASTLE
25 JUN 21 PM 1:39

JOHN DI MANDR ENT LLC

Name of Applicant

SAME

Name of Owner (if different)

Address

301 WEST 5TH ST

Address

TAX # 396

Subject property: TAX PARCEL (396)

Location/Address

DG

Zoning Classification

Tax parcel Number:
(found on Property Tax Bill or by calling City Tax Office at 322-9804)

Attach copy of the plot plan for the subject property showing the layout of structures or improvements on the lot, location of the subject property and the size and location of any structures proposed; include present and proposed use of the property.

Attach a copy of any Deed Restrictions which may apply to the subject property.

Attach the appropriate filing fee, payable to the City of New Castle, as shown on the fee schedule. (the current fee schedule may be obtained by calling the Mayor's Office at 322-9801.)

Has a previous application for this property for any action been filed with the Board?

Yes [] No [X] If yes, Application No. _____, Hearing Date _____

Has any prior action of the Board of Adjustment for this property been appealed to the Superior Court?

Yes [] No [X]

If yes, give Superior Court case number and status: _____

CHECK THE APPROPRIATE SECTION AND FILL IN THE REQUIRED INFORMATION PERTAINING TO THE TYPE OF RELIEF REQUESTED (USE ADDITIONAL SHEETS AS NECESSARY)

A. [X] Appeal from Administrative Official's order, requirement, decision or determination, or

[] Appeal from Historic Area Commission's order, requirement, decision or determination

(summarize or attach written decision) _____

Dated: _____ For the following reasons (attach additional sheets as necessary.)

B. [X] Special Exception for the following use: _____

GIVEN TO OWNER 396 RIGHT TO BUILD BY CITY

State under what section of the City's ordinance this special exception is sought and the grounds on which it is requested. Include a plan for the proposed development showing location of buildings, parking areas, traffic access, open spaces and any other pertinent information necessary to determine if the proposal meets the City's Zoning Ordinance requirements. (Requests for Special Exception must be endorsed by the Planning Commission and/or the Historic Area Commission as appropriate. Letter(s) of endorsement must accompany this application at the time of filing this request to the Board of Adjustment

for consideration.) (Attach additional sheets as necessary.) _____

The applicant must provide testimony at the public hearing in support of the following standards: (a) that there is a need for this use in the community; (b) that the use will not be detrimental or injurious to the neighborhood or City and (c) any additional standards imposed by the Zoning Code.

C. Variance from Code requirements relating to: Lot Area ; Front Setback ;

Side Yard ; Rear Yard ; Bulk . State size of the variance being requested: (Attach additional sheets as necessary.) _____

Demonstrate (1) that special conditions/circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; (2) that literal interpretation of the provisions of the City's Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; (3) that the special conditions/circumstances do not result from actions of the owner or applicant; (4) that granting the variance requested will not confer on you any special privilege that is denied by the City Zoning Ordinance to other lands, structures or building in the same zoning district. (Attach additional sheets as necessary.) PART OF TAX PARCELS 394

LANDS OF JDM ENT LLC.

The standards the Board must apply in making its determination with respect to this variance request are: (a) the dimensional change being requested is minimal; (b) the effect of granting the requested relief upon neighboring properties; and (c) the harm to the applicant if the relief is not granted. The applicant must be prepared to present testimony and other evidence on these points to the Board at the public hearing.

D. Approval of structural alterations resulting in an enlargement or extension of a nonconforming structure or use. State under what section of the Code approval is sought and the grounds on which it is requested. Include a plan for the proposed development showing location of buildings, parking areas, traffic access, open spaces and any other pertinent information. (Requests for enlargement of nonconforming uses must be endorsed by the Planning Commission and/or the Historic Area Commission as appropriate. Letter(s) of endorsement must accompany this application at the time of filing this request to the Board of Adjustment for consideration.) (Attach additional sheets as necessary.)

THE UNDERSIGNED HEREBY CERTIFIES THAT AS LEGAL OWNER OF THE SUBJECT PROPERTY THE INFORMATION CONTAINED HEREIN IS CORRECT. (If the applicant is not the legal owner of the property, the legal owner or his authorized representative must sign this form).

Anna D. Melonchi
Signature of Owner

Date: 1-21-20
Telephone Number 302 228 4148

BOARD OF ADJUSTMENT USE ONLY:

File Number _____
Date Application Received _____
Date Fee Paid _____
Date Notice Published _____
Date of Hearing _____
Disposition _____

MAILING ADDRESS

Board of Adjustment
City of New Castle
220 Delaware Street
New Castle, Delaware 19720
Phone - 322-9801 FAX - 322-9814

Opening BRIEF

BoA

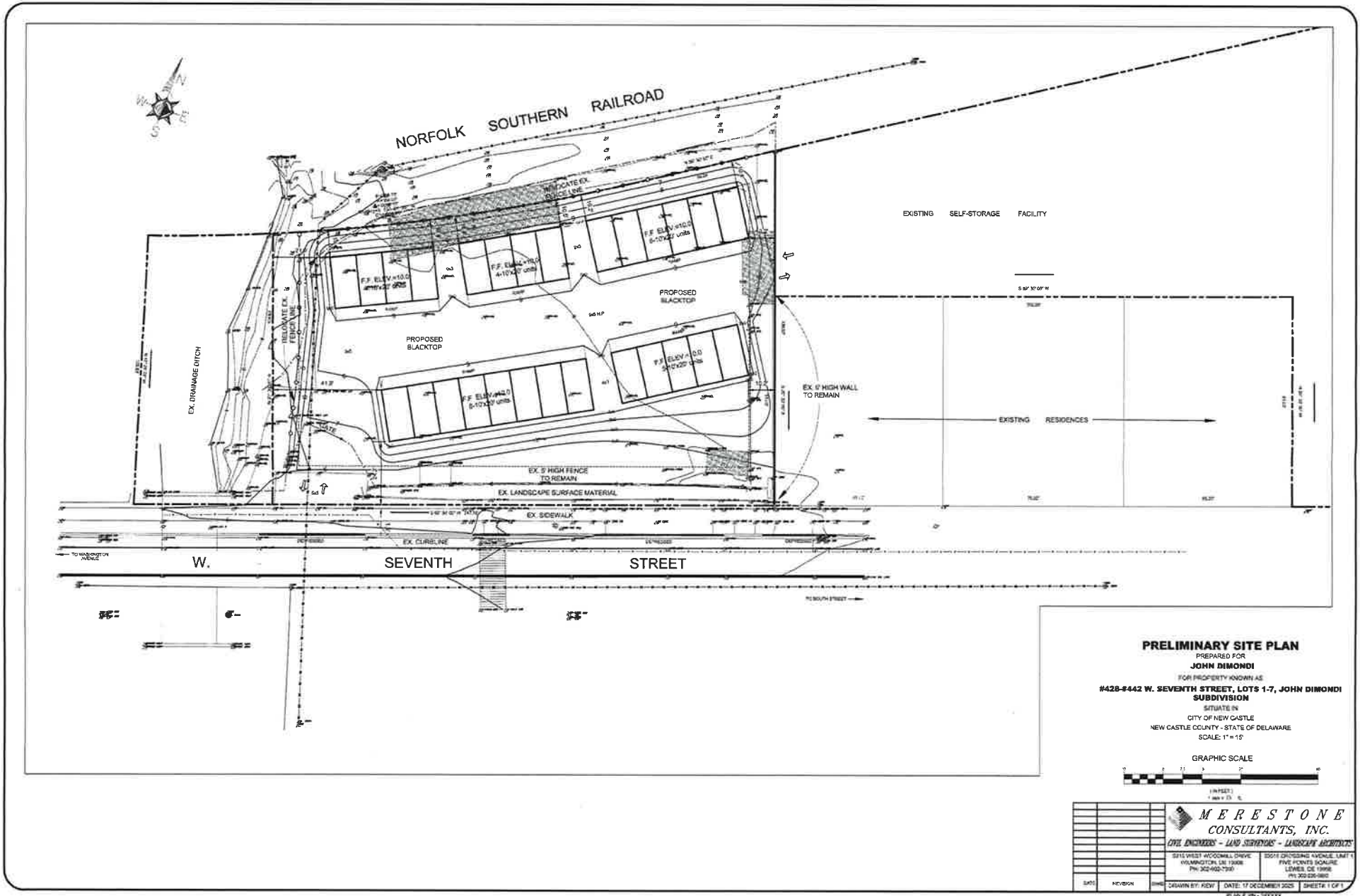
Sorry no lawyer I already spent \$800 to speak a few minutes. I can reiterate my situation better than a stranger anyway! Mr Berstrom has already put a knife in the use of my property with his notice of refusal to let it go forward so I pay another \$800 to push my right to use and enjoy MY property , Not His or yours! This city has though Bergstrom stopped me for over 30 years from developing it in numerous ways, he has paramount to shutting down along with city manager bob martin my families block plant Delaware block co, for ascetic reasons sorry a concrete block plant is not a rose garden. But for 85 years it gave men who only knew how to work a living. As they shut down all industrial plants in the few blocks. Totaling 600 working men out of work that lived here in Shawtown and Dobbinsville traditional mill workers ghettos. As men like Martin and Bergstrom who never dirtied their hands took joy in taking their homes to pawn off to R/E developers to enriching themselves. Of course they were under orders to clean out the ghettos to build New homes for transients to town. Then came the Downtown Gateway. A council president enamored by a R/E fixer to build massive section 8 apt s. turn our industrial and commercial zones into another Southbridge a south wilm lookalike slum. Now to my situation, I was approached by your city lawyer to change my zoning to DG for the public, or others good! I organized others to resist the rezoning. He said what do u want to go DG and drop the suit? Realizing I was fighting a losing battle I tried mitigating the damage. I said I want - my properties to be able to build ministorage facilities. my properties consisting of tax parcel 396. I built the units of the northern section and in sence of trying to up grade this area I had the southern portion set aside for 7 colonial townhomes. Heres is the design and plans I had made in 2008 for them. Cost \$60,000 for design and mechanical drawling's. sold it right away to Deascanis home a NC builder fr a 100 years. I arranged a payment partner plan they could afford. Id get paid when the homes were sold as a %. Immediate trouble with Burgstrom he drove them away with petty forms denarac, and \$\$\$ for same from his survayers over \$49,000, then over the edge was he required them to get a storm water permit and study , cost over \$25,000 from his servaors Richersion assc, I complained saying minor subdivisions do not require this permits developments under 10 units mine were 7. A development next to mine on 9h and school by a

gary sorokous one of 9 units was not required by bergstrom to have one. I objected he said the state and country want yours to have one not his. I filed a fios the other guy never had to get one. Diascanis in disgust dropped the project. Over the next 10 years mr begstiome turned away over 10 more developers that came to him for a bulding permit I had to under del law return all their deposits, the latest one was Steele roofing. The same contractor u just gave the right to build 6 units on a 1 unit locatin Shawtown, this was supported by bergstom, for a city employee that inherited the lot, along with 23 building exceptions. No problem. Mr steel 2 years ago came into my office with a check for \$50k deposit to buy my 7 lots no exceptions or variances needed. I said go to bergstrom and get a permit before I take your deposit im tired of giving them back, he said NO problem Jeff is a good buddy of mine we work together a lot! That might be but he dd notget the permit a worker of his told me jeff told him to drop it. So he did and now see he found him another 6 units to build.to make up for dropping mine.curtizy of mr bergstrom Of course maybe the \$30k new roof he put on Jeffs home in Newark helped also. Just a co-incidence im sure. So here we are again hes black listed me again in his rejection letter. I just spent \$800 to put another nail in that coffin! Called the 5th amendment, your lawyer can brief you on it. You want to take the use of my property without compensating me so I want my old zoning back which allowed me to build whatever I like Industrial, or pay me the difference in my property worth 0 now as is or over a million like I sold the other portion of the tax parcel! Called the 5th and 14th amendments take your pick. My lawyers in NYC are not afraid of Mr Bergstrom. Like the rest in Delaware who play his games not to be blacklisted in playing in new castle. Give me back my zoning which u never compensated me for, or let me have the use or it I was promised by your city and former lawyer. Or simply pay\$\$\$ up. The amount is set as in my sale of the other half, \$1.3 million. Ante up! With interest from 2008 I presented a sensible plan by Merestone consultants. With minimal density, only 38 storage units . it fits in with the rest of the tax parcel 396 its already been improved the frontage with foliage and iron fencing. I want to leave a \$\$\$ legacy for my daughter to have after her retirement in a few years from du pont as a safety director. To keep her busy managing, it and never have to worry about \$\$ coming in if managed correctly. Ill

have a few years left to get her onboard. Or ill take your \$\$\$ and go else ware to do it!

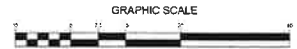
john di mondi

TAX PARCEL 396



PRELIMINARY SITE PLAN

PREPARED FOR
JOHN DIMONDI
 FOR PROPERTY KNOWN AS
**#428-8442 W. SEVENTH STREET, LOTS 1-7, JOHN DIMONDI
 SUBDIVISION**
 SITUATE IN
 CITY OF NEW CASTLE
 NEW CASTLE COUNTY - STATE OF DELAWARE
 SCALE: 1" = 15'



<p>MERESTONE CONSULTANTS, INC. CIVIL ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS</p>	
<p>8215 WEST WOODMILL DRIVE WASHINGTON, DC 20008 PH: 301-460-7300</p>	<p>2201 CROSSING AVENUE, UNIT 1 FIVE POINTS SQUARE LEXINGTON, VA 21906 PH: 302-225-9800</p>
<p>DATE: 17 DECEMBER 2025</p>	<p>SHEET: 1 OF 1</p>

Ordinance 447 & Downtown Gateway Code
Sections

Ordinance No. 477

**An Ordinance to amend the City of New Castle Zoning Code to Add a New Zoning Designation:
Downtown Gateway (DG) District and Specifying District Regulations**

WHEREAS, the City of New Castle Comprehensive Plan establishes land use goals for the City; and

WHEREAS, the Comprehensive Plan recommends that a new Zoning Designation be established, which shall be known as the Downtown Gateway (DG) Zoning District, which generally encompasses the vicinity of 7th and South Streets and the Ferry Cut-Off area; and

WHEREAS, the Zoning Map of the City of New Castle shall be amended to reflect the new DG Zoning District, upon its passage; and

WHEREAS, a public hearing was held on September 23, 2010, where all persons were heard either in favor of, or in opposition to, the proposed establishment of the new DG zoning district designation.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of New Castle, the following:

Add a new Segment to the Zoning Section of the City Code, as follows:

* * *

**City of New Castle
Chapter 230 Zoning Additions and Amendments
DG - Downtown Gateway Zoning District**

Article 1 Terminology

(The following list of definitions is to be incorporated into Article 1 Section 230-1 Definitions.)

ARTICULATION: A change in depth of the vertical building plane or a change in building material.

CORNICE: The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

EVERGREEN: Flora that maintains green foliage year round.

FAÇADE: The exterior walls of a building.

FARMERS' MARKET: Temporary or occasional outdoor retail sales of farm produce and prepared food from vehicles or temporary stands.

FENESTRATION: The arrangement of windows and other exterior openings on a building.

MASSING: The three-dimensional shape of a building(s) height, width and depth.

MENU SIGN: A temporary sign used to inform the public of the list of entrees, dishes, foods and entertainment available in a restaurant.

PARAPET: The portion of a wall which extends above the roofline.

PEDESTRIAN TAKE-OUT WINDOW: An operable window opening in the façade of a commercial building used for the sale of food and/or beverages. Such a window shall be designed for the exclusive use of pedestrians and shall be located to provide a safe waiting area and to not disrupt or impede pedestrian movement on a sidewalk used by the public.

PERSONAL SERVICE SHOP: A business which provides a service oriented primarily to personal needs and not primarily involving retail sales of goods or professional advisory services. Included are tailor, barber, beauty salon, shoe repair, dressmaker or dry cleaner (provided no cleaning operations are performed on premises); excluding massage parlors.

PORTICO: A covered walk or porch that is supported by columns or pillars; also known as colonnade.

PUBLIC PARKING FACILITY: Any parking area that is available to the public at all times.

SANDWICH BOARD SIGN: An A-frame sign that is not permanently attached to the ground or other permanent structure.

TRANSIT FACILITY: A freestanding structure located on a bus or train route, which is designed to accommodate embarking and disembarking transit passengers.

Article II Establishment of Districts; Zoning Map

("DG Downtown Gateway is proposed to be added to the table in Article II Section 230-4 Rules for interpretation of district boundaries.)

Article IV District Regulations

(The following is proposed to be added to Article IV District Regulations as a new subsection)

§ 230-21.1 Downtown Gateway District (DG).

The Downtown Gateway District is intended to:

- (1) Create pedestrian-oriented neighborhood commercial district providing primarily local goods and services and presenting a gateway worthy of the City of New Castle.
- (2) Extend the built-form, character and scale of the historic district.
- (3) Encourage lively, human-scaled gathering places for the community through building design and orientation and by encouraging a mix of uses.
- (4) Encourage the consolidation of parcels identified for redevelopment.
- (5) Reduce the number of existing or future driveways and produce more efficient access by encouraging shared use of parking areas.
- (6) Minimize the aesthetic and safety impacts of parking structures and surface parking lots.
- (7) Enhance the aesthetic appearance of the Downtown Gateway Districts.
- (8) Improve the pedestrian environment along streets, parking lots and other pedestrian areas.

A. The following uses are permitted by-right or special exception in the DG Districts:

Table 1: Permitted Uses

P SE	= Permitted use = Special Exception, see Sec. 230-57 B.	DG
Residential Uses		
	Dwelling above retail, service establishment or office	P
	Single-family Dwelling, Detached, Semi-detached, Attached	SE
	Two-family Dwelling	SE
	Multi-family Dwellings	P
	Home occupation	P
	Hotel, motel	P
	Bed and breakfast inn and bed and breakfast house.	P
Retail and Services		
	Retail establishment for the sale of such items as dry goods, variety and general merchandise, art galleries, clothing, food, drugs, household supplies, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional or scientific instruments.	P
	Personal service establishments such as, but not limited to, tailor, barber, beauty salon, shoe repair, dressmaker or dry cleaner (provided that no cleaning operations are performed on the premises).	P
	Restaurant establishment serving food or beverages to the general public, such as, but not limited to brew pub, restaurant, café, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows.	P

Outdoor dining	P
Entertainment establishments such as theaters for motion pictures and stage plays	P
Financial institution, consisting of a bank or savings and loan association, but excluding drive-through facilities.	P
Office, Clerical and Similar Establishments	
Professional office, such as, but not limited to, those for the practice of medicine or other health services, or for legal, engineering, architecture, design related or accounting offices.	P
Business office, such as, but not limited to real estate sales, travel agency, insurance sales, advertising or retail copying and printing services.	P
Mixed Use	
A mix of uses in a single building or group of buildings with first floor non-residential uses as described herein and office or multi-family 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.	P
Institutional, Care, Educational, Religious, Social	
Educational institutions, such as elementary and secondary schools, tutoring businesses, learning centers, universities and colleges	SE
Sporting facilities	SE
Religious institutions and their ancillary uses	SE
Private clubs, lodges and fraternal organizations	SE
Fitness / wellness center	P
Day care center	P
Preschools and day nursery schools subject to the following special requirements: (1) At least 50 square feet of outdoor play space per child shall be provided. (2) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space.	SE
Transportation-Related	
Transit facilities	P
Parking garage or structure, public or commercial parking	SE
Public, Semi-Public, Emergency	
Government administration uses, post office, community center, public library, offices for public utilities.	P
Public space, parks & recreational facilities	P
Public safety facilities including, ambulance, fire, police, rescue and national security	P
Other	
Gallery and museum	P
Studio for dance, music, fitness, art or photography.	P
Farmers' market	P
Uses determined by the City Council to be of a similar nature to the uses permitted by right or by special exception herein when located in a principal or accessory building.	SE
Signs subject to the provision of § 230-37 of this chapter.	P
Public utility rights-of-way and structures in accordance with § 230-38 and § 230-57B of this chapter.	SE
Accessory uses and structures clearly incidental and customary to and associated with the operation of the permitted use.	P

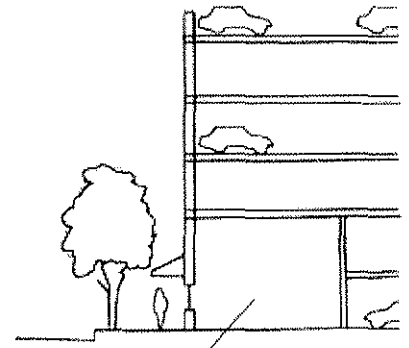
B. Uses Permitted by Special Exception

- (1) See Sec. 230-57 B. Special Exceptions; conditions governing applications, procedures.
- (2) In its recommendation to the Board of Adjustment regarding a special exception application, the Planning Commission shall:
 - (a) Consider the suitability of the property for the use desired. Assure itself that the proposal is consistent with the spirit, purpose, and intent of this Chapter, the Comprehensive Plan, and other relevant plans.
 - (b) Determine that the proposal will not substantially injure or detract from the use of neighboring property or from the character of the neighborhood and that the use of the adjacent property is adequately safeguarded.
 - (c) Determine that the proposal will serve the best interests of the City, the convenience of the community, and benefit the public welfare.

- (d) Consider the effect of the proposal upon the public services and facilities such as public water, sewers, police and fire protection, and public schools.
 - (e) Consider the probable effects upon highway traffic and pedestrian movements, and assure adequate access and circulation arrangements in order to protect major roads from undue congestion and hazard.
 - (f) Be guided in its study, review, and recommendation by sound standards of subdivision and land development practice where applicable.
 - (g) Recommend conditions and safeguards in addition to those required as are necessary to assure that the intent of this Chapter is complied with, which conditions may include (but are not limited to) harmonious design of buildings, planting and its maintenance as a sight and sound screen, the minimizing of noxious, offensive or hazardous elements, and adequate standards of parking, loading and sanitation.
- (3) Uses permitted by special exception are required to meet the following standards.
- (a) Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry chimneys, cupolas, towers and other similar elements, shall be included in the design of buildings.
 - (b) Buildings shall be articulated by changes in wall planes, changes in exterior finishes, variations in fenestration, and additions to architectural detailing consistent with the Design Standards in Section 230-21.1 E.
 - (c) Driveway intersections with streets and traffic circulation patterns within lots shall be located and designed to minimize congestion and safety problems on adjacent streets and nearby intersections.
 - (d) Streetscaping to enhance the Downtown Gateway District shall be provided in a manner that is consistent with Section 230-21.1 E.(5).
 - (e) Non-residential, mixed and multi-family uses:
 - [1] The building footprint shall not exceed 40,000 square feet.
 - [2] Buildings, driveways, parking areas/loading areas, outdoor activity areas, light sources, and refuse areas shall be located and designed to minimize adverse impacts on abutting residential properties. Alternative site layouts, including increased setbacks from residential property lines; different locations of buildings, parking areas, and driveways, incorporating loading and trash collection areas as part of the principal building design; and increased screening for light sources and outdoor activity areas; may be prescribed by the Board of Adjustment, in order to limit the adverse impact of a proposed use as well as fulfill the legislative intent of the Downtown Gateway Zoning District.
 - [3] Windowless walls, if visible from a right-of-way or vehicular or pedestrian circulation area, are prohibited unless the construction of a blank wall is necessitated by local building codes, in which case the wall should be articulated by one or more of the following: details in masonry courses; the provision of blank window openings trimmed with frames, sills and lintels; or, if the building is occupied by a commercial use, recessed or projecting display window cases.
 - [4] Wall mounted, ground mounted, and rooftop heating, ventilation, air filtering, and air conditioning equipment shall be screened from view from adjacent buildings, public streets, and open space lands available for public use, in a manner that is consistent with the overall architectural design and the Design Standards in Section 230-21.1 E.
 - (f) Residential uses, including single-family dwellings and two family dwellings:
 - [1] See lot size, bulk and yard requirements in Section 230 Attachment 1 - Schedule of District Regulations for R-3--Residential.
 - (g) Parking garages:
 - [1] Retail store fronts or other active uses at the street level are required on front facades of parking garages. (See Table 2)

Table 2: Cross section of parking garage with ground floor retail space

- [2] Utilitarian appearances of parking structures, such as sloping levels and untreated concrete levels, are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- [3] Cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.
- [4] Vehicular access to parking garages shall be accessed to the side or rear of the building.



Retail show front within a parking garage

C. Prohibited Uses

- (1) Automobile or other vehicle sales, service or repair establishments, including vehicle body repair, vehicle painting or washing.
- (2) Gasoline service station and filling station.
- (3) Drive-through window or facilities.
- (4) Self-service storage facilities (mini-warehouses) provided, however, that self-service storage facilities existing and operating at the time of the adoption of this ordinance may continue to operate as a permitted use and may also be expanded with a special exception from the Board of Adjustment.
 - (a) The provisions of Section 230-57 B pertaining to the grant of special exceptions shall apply.
 - (b) In an application to expand an existing self-service storage facility use, the Board of Adjustment shall give primary consideration to the mandatory provision of visual screening in the form of walls or fencing in combination with suitable landscaping to reasonably shield said use and the public right-of-way and property lines.
 - (c) Such walls or fencing and landscaping must be installed prior to the expansion of the existing self-service storage use.
 - (d) Wood, vinyl or iron fencing shall be permitted. Chained link and barbed wire fencing shall be prohibited.
 - (e) Walls shall be constructed of brick or stone.
 - (f) Planted vegetation shall consist predominantly of evergreen vegetation.
 - (g) Existing vegetation, if deemed suitable by the Board of Adjustment, may be used in place of required landscaping.
 - (h) Gaps shall be permitted in the visual screen to permit access to driveways and pedestrian ways and to otherwise visual access to the site in a manner that will enhance security and discourage trespassing.
- (5) Adult entertainment uses.
- (6) Uses determined by the City Council to be of similar nature to the prohibited uses listed in this Section.

D. Savings Provisions for Industrial and Service Commercial Zoned Properties

Notwithstanding anything to the contrary contained in this Section 230-21.1, Downtown Gateway District (DG) zoned properties that were previously zoned Industrial (I) or Service Commercial (SC) immediately prior to their rezoning to the Downtown Gateway (DG) classification may continue to be utilized in conformity with their prior zoning classification for a period of ten (10) years following the effective date of this Section 230-21.1 (the "Savings Period") subject to the following conditions:

- (1) Only structures existing as of the effective date of Section 230.21.1 may be utilized in a manner consistent with their prior Industrial (I) or Service Commercial (SC) zoning classification. No new structures shall be erected, and no existing structures expanded, except for uses permitted by the Downtown Gateway (DG) zoning classification

- (2) Parking, signage and other bulk area regulations for the Industrial (I) and Service Commercial (SC) zones shall apply to Industrial (I) and Service Commercial (SC) uses permitted hereunder in the Downtown Gateway (DG) zone.
- (3) Outdoor uses permitted under the Industrial (I) or Service Commercial (SC) zoning classifications shall continue to be permitted during the Savings Period.
- (4) Properties and structures affected by this Subsection D. may be used or developed for uses permitted under the Downtown Gateway (DG) zoning classification if not utilized within said ten (10) year period for uses permitted under their prior Industrial (I) or Service Commercial (SC) zoning classifications.
- (5) Properties may not be utilized for both Downtown Gateway (DG) permitted uses and Industrial (I) or Service Commercial (SC) uses at the same time pursuant to this subsection.
- (6) Industrial (I) or Service Commercial (SC) uses lawfully existing on properties rezoned to the Downtown Gateway (DG) classification and Industrial (I) or Service Commercial (SC) uses implemented during the ten (10) year Savings Period shall be considered permitted uses under this Chapter throughout the Savings Period and shall thereafter be considered non-conforming uses.
- (7) Existing structures utilized for Industrial (I) or Service Commercial (SC) uses lawfully existing on properties at the time they are rezoned to the Downtown Gateway (DG) classification and existing structures utilized for Industrial (I) or Service Commercial (SC) uses implemented during the ten (10) year Savings Period shall be considered permitted structures under this Chapter throughout the Savings Period and shall thereafter be considered non-conforming structures to the extent that such structures exceed the maximum height, or building coverage limitations or minimum setback requirements established by this Chapter.
- (8) The savings provisions of this Subsection D. shall only apply to Industrial (I) and Service Commercial zoned properties rezoned to the Downtown Gateway (DG) zoning classification at the effective date of this Section 230-21.1.

E. Development Standards

- (1) New Construction for non-residential, mixed and multi-family uses shall meet the following requirements:
 - (a) Minimum Lot Size: 3,000 square feet.
 - (b) Minimum Lot Width: 25 feet.
 - (c) Build-to-Line. The build-to line for new construction shall be:
 - [1] Built to the rear of sidewalk; or
 - [2] Setback a maximum of 15 feet; or
 - [3] Setback a maximum of 25 feet from the sidewalk for purposes of a plaza, square, courtyard or outdoor dining.
 - [4] No parking shall be located in this area.
 - [5] A minimum of 75% of the facade of any building along a public street must be constructed at the build-to line.
 - [6] Sidewalk encroachment: Pedestrian-oriented features of buildings, such as entrance hoods, stoops, awnings, canopies, roof overhangs and arcades with unoccupied floor space above, may encroach upon the sidewalk up to 8 feet. In no case may such encroachments result in an obstruction to pedestrian movement. An unobstructed pedestrian passageway at least 5 feet wide must be maintained at all locations.
 - (d) Side Yard Setback. There shall be no side yard setback required for buildings that share a party wall. The side yard setback for detached buildings shall be 10 feet.
 - (e) Rear Yard Setback.
 - [1] Adjacent to non-residential and mixed uses: 10 feet
 - [2] Adjacent to residential: 10 feet. In addition, an opaque evergreen vegetated buffer at least 6' in height and 3' in depth at time of planting shall be provided and maintained.
 - (f) Maximum Impervious Coverage: 80 percent.

- (g) Building Height. Buildings shall be a maximum height of 3 stories or 45 feet. Maximum height does not include additional height of screening of rooftop mechanical systems.
- (h) Maximum Building Footprint for Nonresidential Buildings: 40,000 square feet.

F. Design standards.

- (1) To ensure that all new development in the Downtown Gateway District will be pedestrian in scale and walkable, all development in the District shall meet the following design standards.
- (2) Building Design Standards. New construction shall meet the following requirements:
 - (a) Building Character: New development shall generally employ building types that are compatible to the existing architecture of the adjacent downtown area in their massing and external treatment.
 - (b) Building Orientation and Entrances:
 - [1] The front façade of buildings shall be oriented towards the street and sidewalk, with the primary entrance located in this front façade.
 - [2] Buildings located on a corner lot shall be oriented to the primary street as determined by the City Codes Officer and orientation to both public streets is encouraged.
 - [3] All primary building entrances shall be accentuated. Entrance accentuations may include recessed or protruding entrances and/or the use of canopies, porticos or overhangs.
 - (c) Windows:
 - [1] Windows should be appropriate to the architectural style, materials and detailing of the building. To the greatest extent possible, windows should be proportioned vertically.
 - [2] The ground floor front façades of retail buildings shall include a minimum of 40 percent and a maximum of 75 percent window with views provided through these windows into the business.
 - [3] Upper story windows of front façades shall not be boarded or covered and facades shall include windows in the façade above the ground floor.
 - [4] Upper story windows should be aligned with windows and doors on the first floor.
 - [5] Smoked, reflective, opaque or black glass in windows is prohibited.
 - (d) Roofs:
 - [1] The following roof types are encouraged: gable, cross gable and flat roofs with a decorative cornice line or parapet.
 - [2] Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.
 - (e) Façade Articulation.
 - [1] Facades shall have horizontal articulation elements. At a minimum, facades shall have the following horizontal elements window sills, window lintels, protruding horizontal courses on each floor of the building and cornices. See Table 3.
 - [2] Facades shall have a distinct base of at least eighteen inches in height at ground level using materials that are different from the main façade such as stone, masonry or decorative concrete. See Table 3.
 - [3] Facades shall have vertical articulation at a maximum distance of every 30 feet of continuous façade. Vertical articulation shall be created through changes in plane or building material for a minimum of 1 foot wide and protruding a minimum of 2 inches. See Table 3.
 - [4] The top level should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection. See Table 3.
 - [5] To further articulate the building facade and increase architectural interest while facilitating all-weather comfort of pedestrians, continuous awnings (both permanent and retractable), canopies and building

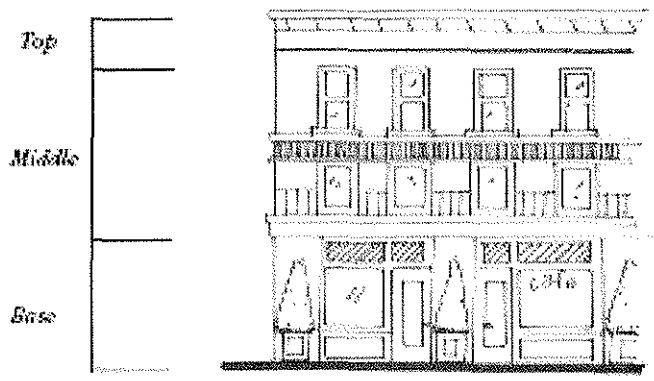
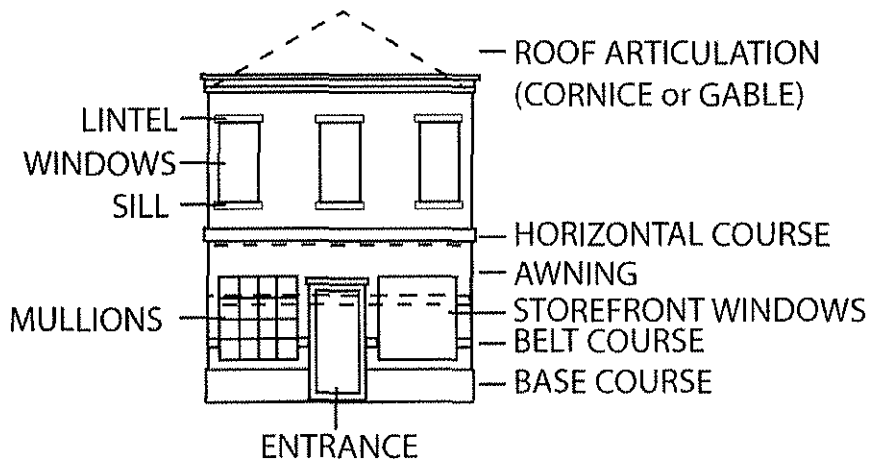
overhangs, including arcade structures with occupied space above, are strongly encouraged along the street frontages.

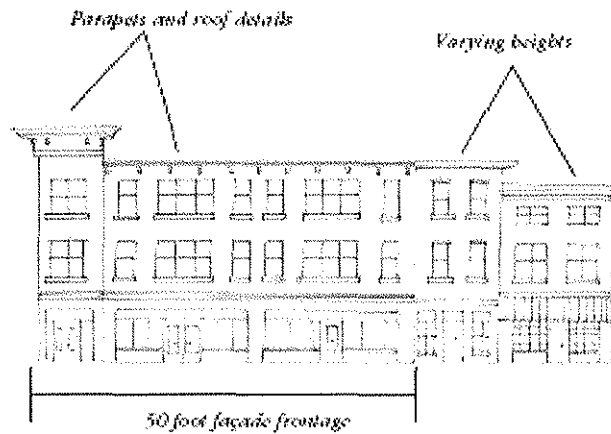
(3) Design standards for improvements to and reuse of existing buildings.

(a) The City Council expects that where an applicant is improving or changing an existing structure to accommodate a change in use, the applicant will attempt to integrate any of the following design standards that are relevant to the improvements being completed. The applicant shall illustrate how a new use within an existing structure attempts to accommodate the following standards:

- [1] Locate primary building entrances toward the street.
- [2] Provide more than 25% transparent or translucent materials on each story below the roofline.
- [3] Locate parking to the side or rear of the principal building.
- [4] Utilize pedestrian scale façade articulation and changes in plane on all facades to distinguish each building story and imply regularly spaced storefronts between 20 to 40 feet.

Table 3: Illustrations of Façade Articulation





(4) Surface Parking Standard.

(a) General Standards (In addition to the requirements of 230-28):

- [1] Vehicular Access. Vehicular access to surface parking shall be from an alley or the secondary street frontage where possible.
- [2] Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Pedestrian walkways through the surface parking shall connect to sidewalks along public streets.
- [3] Location of Surface Parking:
 - [a] All off-street parking spaces shall be located to the side or rear of the principal structure occupying a lot. No off-street parking shall be permitted in the front yard.
 - [b] Surface parking shall be set back 5 feet from the sidewalk.
- [4] See Section 230-28 G. for additional parking area standards for multi-family residential and non-residential developments.

(b) Interconnected Parking Areas:

- [1] Parking areas on abutting nonresidential lots shall be interconnected by access driveways wherever possible.
- [2] Each parking lot shall provide cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

(c) The number of parking spaces shall be provided in accordance with 230-28 A (15), Parking and Access, of the Zoning Ordinance.

(5) Streetscape Standards

(a) All developments in the DG Districts shall be required to provide and maintain the following improvements along the entire length of all public streets on which they obtain frontage:

- [1] Public sidewalks shall have a minimum unobstructed width of 10 feet in commercial areas.
 - [a] The Planning Commission may alter this if necessary if it is demonstrated that existing topographic conditions make this standard not feasible. However, the unobstructed width of a sidewalk shall not be less than 5 feet.
- [2] Street shade trees shall be planted at a maximum spacing of 40 feet on center. Street shade trees may be planted in tree pits, a minimum of four feet wide and six feet long, or in a continuous tree lawn, a minimum of three feet in width, located between the curb and the sidewalk.

- [3] Pedestrian-oriented lighting at a maximum spacing of 50 feet or as recommended by the manufacturer to achieve adequate levels of sidewalk illumination.
 - [4] Benches and other street furniture at appropriate locations, subject to the review and recommendation of the Planning Commission and approval of City Council.
 - [5] Bulbout plus stamped concrete paving to match brick borders in color, texture and size for properties at corner locations
- (6) Signage. Signage within the DG Districts shall conform to the requirements of § 230-37 and the following additional standards:
- (a) All signs in the DG Districts shall be pedestrian-oriented and not distract from the overall appearance of the building.
 - (b) All signs in the DG Districts shall be constructed of high-quality materials.
 - (c) Lettering on awnings shall be limited to the vertical surface or edge.
 - (d) Rooftop signs shall be prohibited.
- (7) Lighting.
- (a) All building lighting shall be down lighting.
 - (b) Lighting fixtures shall not exceed the height of the principal building on the site.
- (8) Screening:
- (a) The purpose of a screen is to provide a visual barrier between unsightly or out of scale development features and the views from public streets and abutting properties.
 - (b) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, requires screening: stair wells, elevator shafts, air conditioning units, large vents, heat pumps, mechanical equipment and parked vehicles (in the case of rooftop parking). The screening of mechanical equipment shall not be subject to the maximum height requirements if it is unoccupied.
 - (c) Service and loading areas, including dumpster, trash handling and recycling, outdoor storage, vehicle storage, loading docks and wall or ground mounted equipment, shall be located on the side or rear of the building and shall be visually screened from street and pedestrian ways with an opaque screen that may be composed of:
 - [1] A brick or stone wall.
 - [2] Wooden fence.
 - [3] Vinyl fence designed to look like wood.
 - [4] Planted vegetation, in which:
 - [a] All evergreen trees to be installed shall not be less than six feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.
 - [b] 100% percent of required trees and at least 75% percent of required shrubs shall be evergreen species.
 - [c] Shrub plantings shall be a minimum of 3 feet high upon installation, with an expected height of at least 6 feet at maturity, no unobstructed openings wider than 4 feet will be permitted.
 - [5] Existing vegetation, if deemed suitable by the City Code Official may be used in place of required landscaping.
 - [6] A combination of these elements, which will meet the purpose of the requirement.
- (9) Outdoor Dining:
- (a) Outdoor furnishings are limited to tables, chairs and umbrellas.
 - (b) Planters, posts with ropes or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the café.

- (c) Refuse facilities shall be provided.
 - (d) Advertising or promotional features shall be limited to umbrellas, menu signs, sandwich board signs and canopies.
 - (e) Outdoor dining can not impede pedestrian traffic flow. A minimum pathway of at least 5 feet free of obstacles shall be maintained.
- (10) Fences. Chain link fence and strictly functional design fence is prohibited.
- (11) Ventilation equipment for restaurants, bars and taverns in buildings erected after the passage of this Section shall be provided on the roof.

* * *

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.

Ordinances or portions of Ordinances in conflict herewith are hereby repealed; provided that any such repeal shall not abate a right of action already accrued under any repealed Ordinance.

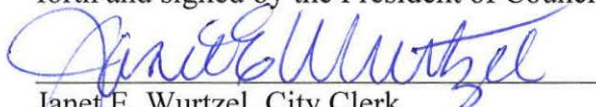
This Ordinance shall become effective immediately upon passage.

First Reading: June 5, 2012
Second Reading: June 5, 2012
Third Reading: August 13, 2013

Signed: 

William J. Barthel, Council President

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.


Janet E. Wurtzel, City Clerk

Approved this August day of 21st, 2013


Donald A. Reese, Mayor

§ 230-21.1. Downtown Gateway District (DG). [Added 8-13-2013 by Ord. No. 477]

A. The Downtown Gateway District is intended to:

- (1) Create a pedestrian-oriented neighborhood commercial district providing primarily local goods and services and presenting a gateway worthy of the City of New Castle.
- (2) Extend the built-form, character and scale of the historic district.
- (3) Encourage lively, human-scaled gathering places for the community through building design and orientation and by encouraging a mix of uses.
- (4) Encourage the consolidation of parcels identified for redevelopment.
- (5) Reduce the number of existing or future driveways and produce more efficient access by encouraging shared use of parking areas.
- (6) Minimize the aesthetic and safety impacts of parking structures and surface parking lots.
- (7) Enhance the aesthetic appearance of the Downtown Gateway Districts.
- (8) Improve the pedestrian environment along streets, parking lots and other pedestrian areas.

B. The following uses in the DG Districts are either: **[Amended 5-12-2016 by Ord. No. 507]**

- (1) Permitted by right; or
- (2) Permitted by special exception following review and recommendation by the Planning Commission.

Table 1: Permitted Uses

P = Permitted use
SE = Special exception (see § 230-57B)

Residential Uses

Dwelling above retail, service establishment or office	P
Single-family dwelling, detached, semidetached, attached	SE
Two-family dwelling	SE
Multifamily dwelling	SE
Home occupation	P
Hotel, motel	P
Bed-and-breakfast inn and bed-and-breakfast house	P
Retail and Services	

Retail establishment for the sale of such items as dry goods, variety and general merchandise, art galleries, clothing, food, drugs, household supplies, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional or scientific instruments P

Personal service establishments such as, but not limited to, tailor, barber, beauty salon, shoe repair, dressmaker or dry cleaner (provided that no cleaning operations are performed on the premises) P

Restaurant establishment serving food or beverages to the general public, such as, but not limited to, brew pub, restaurant, cafe, taproom, tavern, retail baker, confectionery or ice cream shop, including walk-up windows P

Outdoor dining P

Entertainment establishments such as theaters for motion pictures and stage plays P

Financial institution, consisting of a bank or savings and loan association, but excluding drive-through facilities P

Office, Clerical and Similar Establishments

Professional office, such as, but not limited to, those for the practice of medicine or other health services, or for legal, engineering, architecture, design-related or accounting offices. P

Business office, such as, but not limited to, real estate sales, travel agency, insurance sales, advertising or retail copying and printing services

Mixed Use

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 SE

Institutional, Care, Educational, Religious, Social

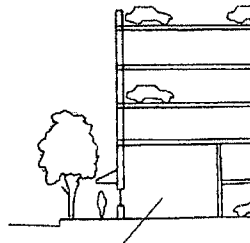
Educational institutions, such as elementary and secondary schools, tutoring businesses, learning centers, universities and colleges SE

Sporting facilities	SE
Religious institutions and their ancillary uses	SE
Private clubs, lodges and fraternal organizations	SE
Fitness/wellness center	P
Day-care center	P
Preschools and day nursery schools subject to the following special requirements: (1) At least 50 square feet of outdoor play space per child shall be provided; (2) Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's active play space	SE
Transportation-Related	
Transit facilities	P
Parking garage or structure, public or commercial parking	SE
Public, Semipublic, Emergency	
Government administration uses, post office, community center, public library, offices for public utilities	P
Public space, parks and recreational facilities	P
Public safety facilities, including ambulance, fire, police, rescue and national security	P
Other	
Gallery and museum	P
Studio for dance, music, fitness, art or photography	P
Farmers' market	P
Uses determined by the City Council to be of a similar nature to the uses permitted by right or by special exception herein when located in a principal or accessory building	SE
Signs subject to the provision of § 230-37 of this chapter	P
Public utility rights-of-way and structures in accordance with § 230-38 and § 230-57B of this chapter	SE
Accessory uses and structures clearly incidental and customary to and associated with the operation of the permitted use	P

C. Conditions for certain uses permitted by special exception. **[Amended 3-8-2022 by Ord. No. 535]**

- (1) Nonresidential, mixed, and multifamily uses.
 - (a) The building footprint shall not exceed 40,000 square feet.
 - (b) Buildings, driveways, parking areas/loading areas, outdoor activity areas, light sources, and refuse areas shall be located and designed to minimize adverse impacts on abutting residential properties. Alternative site layouts, including increased setbacks from residential property lines; different locations of buildings, parking areas, and driveways, incorporating loading and trash collection areas as part of the principal building design; and increased screening for light sources and outdoor activity areas, may be prescribed by the Board of Adjustment in order to limit the adverse impact of a proposed use as well as fulfill the legislative intent of the Downtown Gateway Zoning District.
- (2) Residential uses, including single-family dwellings and two-family dwellings: see lot size, bulk and yard requirements in Chapter 230, Attachment 1, Schedule of District Regulations for R-3-Residential.
- (3) Parking garages.
 - (a) Retail store fronts or other active uses at the street level are required on front facades of parking garages. (See Table 2.)

Table 2: Cross Section of Parking Garage with Ground Floor Retail Space



Retail store front within a parking garage

- (b) Utilitarian appearances of parking structures, such as sloping levels and untreated concrete levels, are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- (c) Cars shall be visually screened from adjacent buildings, and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.
- (d) Vehicular access to parking garages shall be accessed to the side or rear of the building.

D. Prohibited uses. Prohibited uses are as follows:

- (1) Automobile or other vehicle sales, service or repair establishments, including vehicle

- body repair, vehicle painting or washing.
- (2) Gasoline service station and filling station.
 - (3) Drive-through window or facilities.
 - (4) Self-service storage facilities (mini-warehouses); provided, however, that self-service storage facilities existing and operating at the time of the adoption of this section may continue to operate as a permitted use and may also be expanded with a special exception from the Board of Adjustment.
 - (a) The provisions of § 230-57B pertaining to the grant of special exceptions shall apply.
 - (b) In an application to expand an existing self-service storage facility use, the Board of Adjustment shall give primary consideration to the mandatory provision of visual screening in the form of walls or fencing in combination with suitable landscaping to reasonably shield said use and the public right-of-way and property lines.
 - (c) Such walls or fencing and landscaping must be installed prior to the expansion of the existing self-service storage use.
 - (d) Wood, vinyl or iron fencing shall be permitted. Chained link and barbed wire fencing shall be prohibited.
 - (e) Walls shall be constructed of brick or stone.
 - (f) Planted vegetation shall consist predominantly of evergreen vegetation.
 - (g) Existing vegetation, if deemed suitable by the Board of Adjustment, may be used in place of required landscaping.
 - (h) Gaps shall be permitted in the visual screen to permit access to driveways and pedestrian ways and to otherwise permit visual access to the site in a manner that will enhance security and discourage trespassing.
 - (5) Adult entertainment uses.
 - (6) Uses determined by the City Council to be of similar nature to the prohibited uses listed in this section.
- E. Savings provisions for Industrial and Service Commercial zoned properties. Notwithstanding anything to the contrary contained in this § 230-21.1, Downtown Gateway District (DG) zoned properties that were previously zoned Industrial (I) or Service Commercial (SC) immediately prior to their rezoning to the Downtown Gateway (DG) classification may continue to be utilized in conformity with their prior zoning classification for a period of 10 years following the effective date of this § 230-21.1 (the "savings period") subject to the following conditions:
- (1) Only structures existing as of the effective date of § 230-21.1 may be utilized in a manner consistent with their prior Industrial (I) or Service Commercial (SC) zoning

classification. No new structures shall be erected, and no existing structures expanded, except for uses permitted by the Downtown Gateway (DG) zoning classification. Notwithstanding the foregoing prohibition on the construction or expansion of new or existing structures, the Board of Adjustment shall have jurisdiction to approve, reject, limit or condition the installation of fencing or wall structures by special exception in situations where the Board determines special circumstances, privacy or security concerns exist that cannot be practically addressed through other reasonable alternatives. In making its determination, the Board of Adjustment shall consider, among other things: **[Amended 10-24-2019 by Ord. No. 520]**

- (a) Whether the size or configuration of the proposed fence provides a reasonable fenced area for the owner's proposed use or purpose without creating significant harm to adjacent properties or the neighborhood.
 - (b) Wood, vinyl or iron fencing shall be preferred. Walls shall be constructed of brick or stone. Where chain-link or similar forms of security fencing are required they should be reasonably screened from the view of adjoining streets, open space and properties by landscaping which is primarily evergreen.
 - (c) The height of the fence or wall must not exceed six feet. Any wall or fence must be constructed so the finished side (i.e., the side that does not contain the horizontal fence supports and the in-ground fence posts) faces adjacent streets and/or properties.
 - (d) A fence or wall must be constructed so that it does not extend into the front yard of the property beyond the face of the building erected thereon.
 - (e) All other provisions of Chapter 230, Article VIII, of the City Code pertaining to special exceptions and hearings before the Board of Adjustment not in conflict herewith shall apply.
- (2) Parking, signage and other bulk area regulations for the Industrial (I) and Service Commercial (SC) zones shall apply to Industrial (I) and Service Commercial (SC) uses permitted hereunder in the Downtown Gateway (DG) zone.
 - (3) Outdoor uses permitted under the Industrial (I) or Service Commercial (SC) zoning classifications shall continue to be permitted during the savings period.
 - (4) Properties and structures affected by this Subsection E may be used or developed for uses permitted under the Downtown Gateway (DG) zoning classification if not utilized within said ten-year period for uses permitted under their prior Industrial (I) or Service Commercial (SC) zoning classifications.
 - (5) Properties may not be utilized for both Downtown Gateway (DG) permitted uses and Industrial (I) or Service Commercial (SC) uses at the same time pursuant to this subsection.
 - (6) Industrial (I) or Service Commercial (SC) uses lawfully existing on properties rezoned to the Downtown Gateway (DG) classification and Industrial (I) or Service Commercial (SC) uses implemented during the ten-year savings period shall be considered permitted

uses under this chapter throughout the savings period and shall thereafter be considered nonconforming uses.

- (7) Existing structures utilized for Industrial (I) or Service Commercial (SC) uses lawfully existing on properties at the time they are rezoned to the Downtown Gateway (DG) classification and existing structures utilized for Industrial (I) or Service Commercial (SC) uses implemented during the ten-year savings period shall be considered permitted structures under this chapter throughout the savings period and shall thereafter be considered nonconforming structures to the extent that such structures exceed the maximum height, or building coverage limitations or minimum setback requirements established by this chapter.
 - (8) The savings provisions of this Subsection E shall only apply to Industrial (I) and Service Commercial zoned properties rezoned to the Downtown Gateway (DG) zoning classification at the effective date of this § 230-21.1.
- F. Development standards. New construction for nonresidential, mixed and multifamily uses shall meet the following requirements:
- (1) Minimum lot size: 3,000 square feet.
 - (2) Minimum lot width: 25 feet.
 - (3) Build-to line. The build-to line for new construction shall be:
 - (a) Built to the rear of sidewalk; or setback a maximum of 15 feet; or setback a maximum of 25 feet from the sidewalk for purposes of a plaza, square, courtyard or outdoor dining.
 - (b) No parking shall be located in this area.
 - (c) A minimum of 75% of the façade of any building along a public street must be constructed at the build-to line.
 - (d) Sidewalk encroachment. Pedestrian-oriented features of buildings, such as entrance hoods, stoops, awnings, canopies, roof overhangs and arcades with unoccupied floor space above may encroach upon the sidewalk up to eight feet. In no case may such encroachments result in an obstruction to pedestrian movement. An unobstructed pedestrian passageway at least five feet wide must be maintained at all locations.
 - (4) Side yard setback. There shall be no side yard setback required for buildings that share a party wall. The side yard setback for detached buildings shall be 10 feet.
 - (5) Rear yard setback.
 - (a) Adjacent to nonresidential and mixed uses: 10 feet.
 - (b) Adjacent to residential: 10 feet. In addition, an opaque evergreen vegetated buffer at least six feet in height and three feet in depth at time of planting shall be provided and maintained.

- (6) Maximum impervious coverage: 80%.
- (7) Building height. Buildings shall be a maximum of 45 feet. Spires, cupolas, chimneys, parapets, antennas, water tanks, belfries, flag staffs, hose towers or other structures and mechanical apparatus placed above roof level, not intended for human occupancy and necessary for the operation of the permitted use, shall not be included in the measurement of vertical dimensions. Notwithstanding anything in this chapter to the contrary, for DG-zoned nonresidential, mixed and multifamily properties located in a federally designated one-hundred-year flood zone, building height shall be measured from the lower of the average finished ground level adjoining the building at exterior walls, or the one-hundred-year base flood elevation taken from FEMA's current Flood Insurance Rate Map data. **[Amended 7-8-2014 by Ord. No. 495]**
- (8) Maximum building footprint for nonresidential buildings: 40,000 square feet.

G. Design standards.

- (1) To ensure that all new development in the Downtown Gateway District will be pedestrian in scale and walkable, all development in the district shall meet the following design standards.
- (2) Building design standards. New construction shall meet the following requirements:
 - (a) Building character. New development shall generally employ building types that are compatible to the existing architecture of the adjacent downtown area in their massing and external treatment.
 - (b) Building orientation and entrances.
 - [1] The front façade of buildings shall be oriented towards the street and sidewalk, with the primary entrance located in this front façade.
 - [2] Buildings located on a corner lot shall be oriented to the primary street as determined by the City Codes Officer and orientation to both public streets is encouraged.
 - [3] All primary building entrances shall be accentuated. Entrance accentuations may include recessed or protruding entrances and/or the use of canopies, porticos or overhangs.
 - (c) Windows.
 - [1] Windows should be appropriate to the architectural style, materials and detailing of the building. To the greatest extent possible, windows should be proportioned vertically.
 - [2] The ground floor front façades of retail buildings shall include a minimum of 40% and a maximum of 75% or window with views provided through these windows into the business.
 - [3] Upper story windows of front façades shall not be boarded or covered and

façades shall include windows in the façade above the ground floor.

- [4] Upper story windows should be aligned with windows and doors on the first floor.
- [5] Smoked, reflective, opaque or black glass in windows is prohibited.

(d) Roofs.

- [1] The following roof types are encouraged: gable, cross gable and flat roofs with a decorative cornice line or parapet.
- [2] Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane.

(e) Façade articulation.

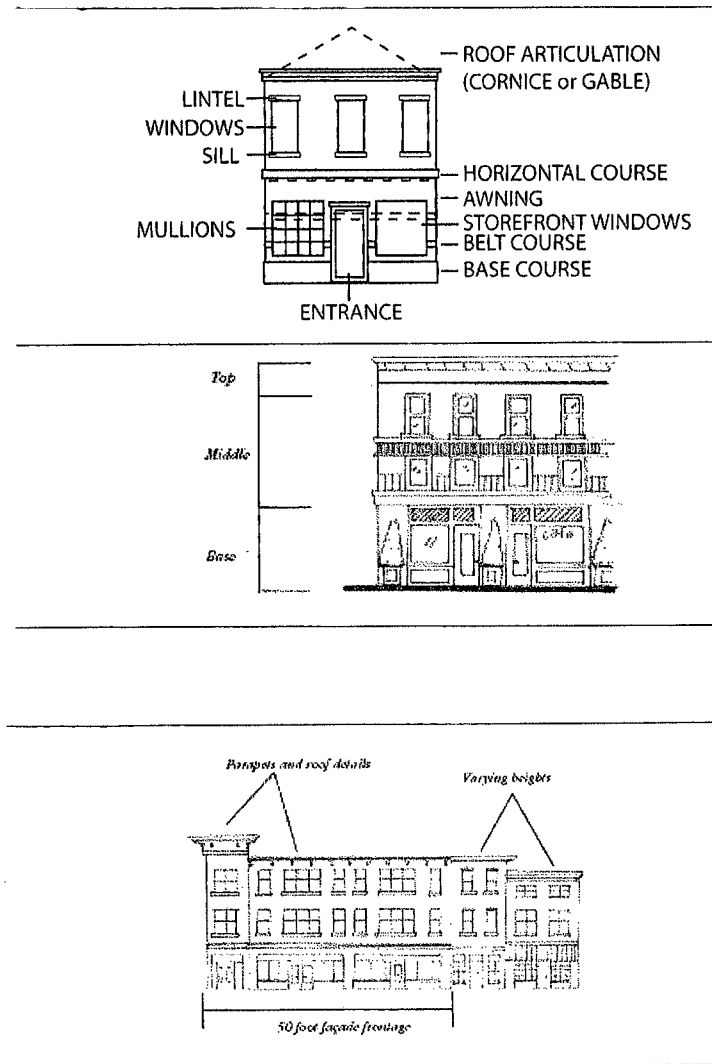
- [1] Façades shall have horizontal articulation elements. At a minimum, façades shall have the following horizontal elements: window sills, window lintels, protruding horizontal courses on each floor of the building and cornices. See Table 3.
- [2] Façades shall have a distinct base of at least 18 inches in height at ground level using materials that are different from the main façade such as stone, masonry or decorative concrete. See Table 3.
- [3] Façades shall have vertical articulation at a maximum distance of every 30 feet of continuous façade. Vertical articulation shall be created through changes in plane or building material for a minimum of one foot wide and protruding a minimum of two inches. See Table 3.
- [4] The top level should be treated with a distinct outline with elements such as projecting parapet, cornice or other projection. See Table 3.
- [5] To further articulate the building façade and increase architectural interest while facilitating all-weather comfort of pedestrians, continuous awnings (both permanent and retractable), canopies and building overhangs, including arcade structures with occupied space above, are strongly encouraged along the street frontages.

- (3) Design standards for improvements to and reuse of existing buildings. The City Council expects that where an applicant is improving or changing an existing structure to accommodate a change in use, the applicant will attempt to integrate any of the following design standards that are relevant to the improvements being completed. The applicant shall illustrate how a new use within an existing structure attempts to accommodate the following standards:

- (a) Locate primary building entrances toward the street.

- (b) Provide more than 25% transparent or translucent materials on each story below the roofline.
- (c) Locate parking to the side or rear of the principal building.
- (d) Utilize pedestrian scale façade articulation and changes in plane on all façades to distinguish each building story and imply regularly spaced storefronts between 20 feet to 40 feet.

Table 3: Illustrations of Façade Articulation



(4) Surface parking standard.

- (a) General standards (in addition to the requirements of § 230-28).

[1] Vehicular access. Vehicular access to surface parking shall be from an alley

or the secondary street frontage where possible.

- [2] Pedestrian access. Safe provisions for pedestrian access to and through a parking lot shall be required. Pedestrian walkways through the surface parking shall connect to sidewalks along public streets.
 - [3] Location of surface parking.
 - [a] All off-street parking spaces shall be located to the side or rear of the principal structure occupying a lot. No off-street parking shall be permitted in the front yard.
 - [b] Surface parking shall be set back five feet from the sidewalk.
 - [4] See § 230-28G for additional parking area standards for multifamily residential and nonresidential developments.
- (b) Interconnected parking areas.
- [1] Parking areas on abutting nonresidential lots shall be interconnected by access driveways wherever possible.
 - [2] Each parking lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- (c) The number of parking spaces shall be provided in accordance with § 230-28A(15), Parking and access, of the Zoning Ordinance.
- (5) Streetscape standards. All developments in the DG Districts shall be required to provide and maintain the following improvements along the entire length of all public streets on which they obtain frontage:
- (a) Public sidewalks shall have a minimum unobstructed width of 10 feet in commercial areas.
 - [1] The Planning Commission may alter this if necessary if it is demonstrated that existing topographic conditions make this standard not feasible. However, the unobstructed width of a sidewalk shall not be less than five feet.
 - (b) Street shade trees shall be planted at a maximum spacing of 40 feet on center. Street shade trees may be planted in tree pits, a minimum of four feet wide and six feet long, or in a continuous tree lawn, a minimum of three feet in width, located between the curb and the sidewalk.
 - (c) Pedestrian-oriented lighting at a maximum spacing of 50 feet or as recommended by the manufacturer to achieve adequate levels of sidewalk illumination.
 - (d) Benches and other street furniture at appropriate locations, subject to the review and recommendation of the Planning Commission and approval of City Council.

- (e) Bulbout plus stamped concrete paving to match brick borders in color, texture and size for properties at corner locations.
- (6) Signage. Signage within the DG Districts shall conform to the requirements of § 230-37 and the following additional standards:
 - (a) All signs in the DG Districts shall be pedestrian-oriented and not distract from the overall appearance of the building.
 - (b) All signs in the DG Districts shall be constructed of high-quality materials.
 - (c) Lettering on awnings shall be limited to the vertical surface or edge.
 - (d) Rooftop signs shall be prohibited.
- (7) Lighting.
 - (a) All building lighting shall be down lighting.
 - (b) Lighting fixtures shall not exceed the height of the principal building on the site.
- (8) Screening.
 - (a) The purpose of a screen is to provide a visual barrier between unsightly or out-of-scale development features and the views from public streets and abutting properties.
 - (b) All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, require screening: stairwells, elevator shafts, air-conditioning units, large vents, heat pumps, mechanical equipment and parked vehicles (in the case of rooftop parking). The screening of mechanical equipment shall not be subject to the maximum height requirements if it is unoccupied.
 - (c) Service and loading areas, including dumpster, trash handling and recycling, outdoor storage, vehicle storage, loading docks and wall- or ground-mounted equipment, shall be located on the side or rear of the building and shall be visually screened from street and pedestrian ways with an opaque screen that may be composed of:
 - [1] A brick or stone wall.
 - [2] Wooden fence.
 - [3] Vinyl fence designed to look like wood.
 - [4] Planted vegetation, in which:
 - [a] All evergreen trees to be installed shall not be less than six feet in height at the time of planting and shall be of such species that expected height at maturity shall not be less than 15 feet.

- [b] One hundred percent of required trees and at least 75% of required shrubs shall be evergreen species.
 - [c] Shrub plantings shall be a minimum of three feet high upon installation, with an expected height of at least six feet at maturity; no unobstructed openings wider than four feet will be permitted.
 - [5] Existing vegetation, if deemed suitable by the City Code Official, may be used in place of required landscaping.
 - [6] A combination of these elements, which will meet the purpose of the requirement.
- (9) Outdoor dining.
- (a) Outdoor furnishings are limited to tables, chairs and umbrellas.
 - (b) Planters, posts with ropes or other removable enclosures, as well as a reservation podium are encouraged and shall be used as a way of defining the area occupied by the cafe.
 - (c) Refuse facilities shall be provided.
 - (d) Advertising or promotional features shall be limited to umbrellas, menu signs, sandwich board signs and canopies.
 - (e) Outdoor dining can not impede pedestrian traffic flow. A minimum pathway of at least five feet free of obstacles shall be maintained.
- (10) Fences. Chain link fence and strictly functional design fence is prohibited.
- (11) Ventilation equipment for restaurants, bars and taverns in buildings erected after the passage of this section shall be provided on the roof.

Administrative Decision



*New Castle Building Department • 220 Delaware Street • Historic New Castle, Delaware 19720-4816
Phone (302) 322-9801 • Fax (302) 322-9814*

January 8, 2026

Mr. John DiMondi
John DiMondi Enterprises LLC
P.O. Box 72
New Castle, Delaware 19720

RE: Zoning Interpretation – W Seventh Street

Dear Mr. DiMondi –

City Administrator Tantillo forwarded me your December 26, 2025 letter outlining your position that your property at 428, 430, 432, 438, 440, 442, and 446 W. 7th Street (the “Property”) is eligible for Special Exception approval from the Board of Adjustment to support a self-service storage facility (mini-warehouse) use under Section 230-21.1 D.(4) of the City Code. Your position is that the Property is eligible for Special Exception consideration—despite not supporting an existing self-service storage facility use—because it was previously part of a larger property that did support a self-service storage facility.

Because Section 230-59.A of the City Code provides that interpretations of the Zoning Code are first to be presented to the Building Official before they may proceed to the Board of Adjustment, I’m sending this letter to allow you to proceed to the Board of Adjustment should you desire a hearing and Board of Adjustment decision on this issue.

Section 230-21.1 D.(4) addresses the continuation and proposed expansion of those self-service storage facilities “existing and operating at the time of adoption of this section.” The proposed self-service storage facility at your property would be a new facility—not an expansion of an existing facility—and thus is not a permitted use in the Downtown Gateway zoning district and is further ineligible for expansion under the Special Exception option.

You have the right to appeal this determination to the City of New Castle Board of Adjustment by submitting a proper notice of appeal—along with the applicable \$800 fee for appeals—within twenty (20) days of the date of this letter.

Sincerely,


Jeffrey Bergstrom,
Building Official

cc: Antonina Tantillo, MPA, City Administrator

Letters from Mr. DiMondi following
Administrative Decision Letter

City of New Castle

Ms Johnson, Building Dept

RE letter of 2-4-26

Is your conclusion that I need a 2nd hearing for the same issue your legal opinion or someone else's ERGO city attorney. Your boss Bergstrom's? What your implying is double jeopardy! My application to the city was to appeal Bergström slanted opinion that I was not eligible for the special exception. I,m appealing his predgudical objection as a matter of law not personal Bias! I provided my proof of my position through a blueprint of the subject property joined as tax parcel 396 granted special exception by the city and its attorney Mr Losco for consideration of the "taking" of this parcel traditional use (Industrial) downgraded to DG making it useless to the owner , Di Mondì. in consideration it was granted special exception to utilize it for self-storage use. Im not spending ANOTHER \$800 or \$600 special exception for Bergstrom ego padding the BOA fee book! If the city wishes to bow out of the special exception thereby "taking " my property without remuneration, lets go at it . one haff was sold for \$1,3 M get up the other \$1,3M and take it off my hands! I have better use for that \$800 paid initially, please return it! We will soon meet, you, you're building dept, city of new castle and bergstrom personally. He will have good use for that \$485k stashed away in securities. I know my business,

Sincerely,

John a di mondi

john dimondi

I would appreciate my 3 letters returned to me ,
ive changed my mind ill attend the BOA on my
lawyers advice, he said if im turned down its
another good thing for our upcoming action!

John di mondi

Letters from Mr. DiMondi for the BOA Meeting

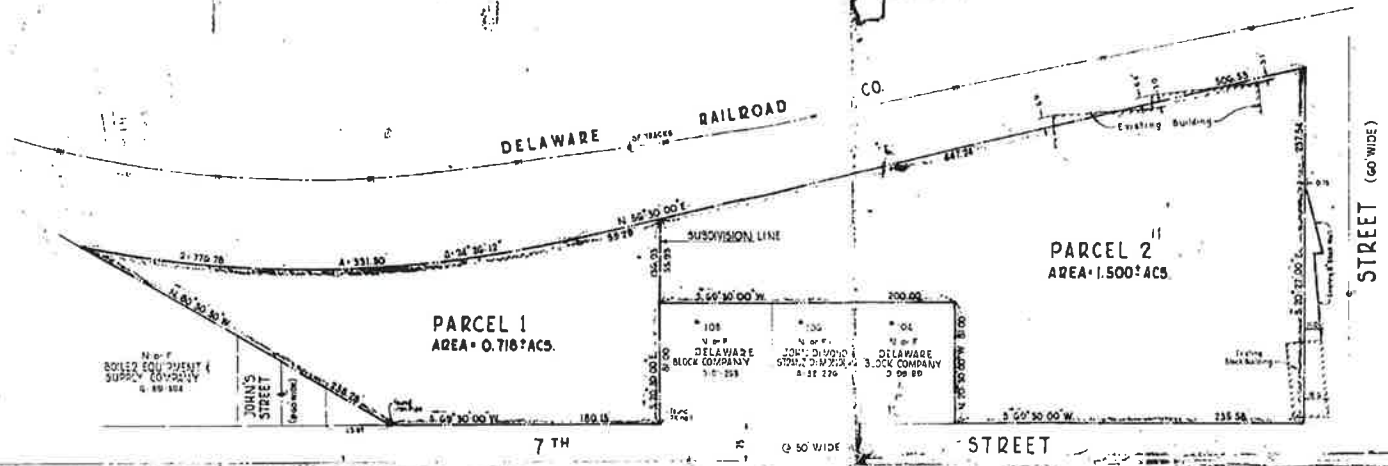
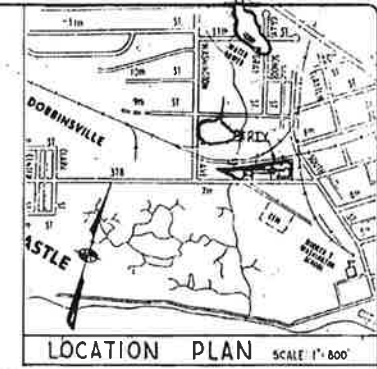
Sorry no lawyer I already spent \$800 to speak a few minutes. I can reiterate my situation better than a stranger anyway! Mr Bergstrom has already put a knife in the use of my property with his notice of refusal to let it go forward so I pay another \$800 to push my right to use and enjoy MY property , Not His or yours! This city has though Bergstrom stopped me for over 30 years from developing it in numerous ways, he has paramount to shutting down along with city manager bob martin my families block plant Delaware block co, for ascetic reasons sorry a concrete block plant is not a rose garden. But for 85 years it gave men who only knew how to work a living. As they shut down all industrial plants in the few blocks. Totaling 600 working men out of work that lived here in Shawtown and Dobbinsville traditional mill workers ghettos. As men like Martin and Bergstrom who never dirtied their hands took joy in taking their homes to pawn off to R/E developers to enriching themselves. Of course they were under orders to clean out the ghettos to build New homes for transients to town. Then came the Downtown Gateway. A council president enamored by a R/E fixer to build massive section 8 apt s. turn our industrial and commercial zones into another Southbridge a south wilm lookalike slum. Now to my situation, I was approached by your city lawyer to change my zoning to DG for the public, or others good! I organized others to resist the rezoning. He said what o u want to go DG and dop the suit? Realizing I was fighting a losing battle I tried mitigating the damage. I said I want - my properties to be able to build ministorage facilities. my properties consisting of tax parcel 396. I built the units of the northern section and in sence of tying o up grade this area I had the southern portion set aside for 7 colonial townhomes. Hers is te design and plans I had made in 2008 for them. Cost \$60,000 for design and mechanical drawling's. sold it right away to Deascanis home a NC builder fr a 100 years. I arranged a payment partner plan they could afford. Id get paid when the homes were sold as a %. Immediate trouble with Burgstrom he drove them away with petty forms denarac, and \$\$\$ for ame from his survyers over \$49,000, the over the edge was he required them to get a storm water permit and study , cost over \$25,000 rom his servaurs Richersion assc, I complaines saying minor subdivisions do not require this permits developments under 10 units mine were 7. A development next to mine on 9h and school sy a gary sorokous one of 9 units

LOSCO

was not required by bergstrom to have one. I objected he said the state and country want yours to have one not his. I filed a fios the other guy never had to get one. Diascanis in disgust dropped the project. Over the next 10 years mr begstiome turned away over 10 more deveopers that came to him for a bulding permit I had to under del law return all their deposits, the latest one was Steele roofing. The same contractor u just gave the right to build 6 units on a 1 unit lotin Shawtown, this was supported bergstom, for a city employee that inherited the lot, along with 23 building exceptions. No problem. Mr steel 2 ears ago came into my office with a check for \$50k deposit to buy my 7 lots no exceptions or variances needed. I said go to bergstrom and get a permit before I take your deposit im tired of giving them back, he said NO problem Jeff is a good buddy of mine we work together a lot! That might be but he dd notget the permit a worker of his told me jeff told him to drop it. So he did and now see he found him another 5 units to build.to make up for dropping mine. Of course maybe the \$30k new roof he put on Jeffs home in Newark helped also. Just a co-encedence im sure. So here we are again hes black listed me again in his rejection letter. I just spent \$800 to put another nail in that coffin! Called the 5th amendment, your lawyer can brief you on it. You took the use of my property without compensating me so I want my old zoning back which allowed me to build whatever I like Industrial, or pay me the difference in my property worth 0 as is or over a million like I sold the other portion of the tax parcel! Called the 5th and 4th amendments take your pick. My lawyers in NYC hes not afraid of Mr Bergstrom.

John di mondi





WE, DELAWARE BLOCK COMPANY, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN ON THIS PLAN, THAT THE SUBDIVISION PLAN THEREOF WAS MADE AT OUR DIRECTION, THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND PLAN AND DESIRE THE SAME TO BE RECORDED AS SUCH ACCORDING TO LAW, AND FURTHERMORE THAT WE VOLUNTARILY AGREE TO SUBDIVIDE AND DEVELOP THE LAND IN ACCORDANCE WITH THE CONCEPTS SHOWN ON THIS PLAN.

NAME - TITLE DATE NAME - TITLE DATE

IN ACCORDANCE WITH A RESOLUTION ADOPTED BY THE MAYOR AND COUNCIL OF NEW CASTLE, A MUNICIPAL CORPORATION OF THE STATE OF DELAWARE, THIS PLAN IS HEREBY APPROVED AND MAY BE RECORDED AT THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR NEW CASTLE COUNTY, DELAWARE.

APPROVED: _____
MAYOR OF THE CITY OF NEW CASTLE
THE COUNCIL OF THE CITY OF NEW CASTLE
ATTEST: _____
CLERK OF THE COUNCIL
ATTEST: _____
CITY ENGINEER

- GENERAL NOTES
1. AREAS: PARCEL 1 0.718 ACRES
PARCEL 2 1.500 ACRES
TOTAL -- 2.218 ACRES
 2. SOURCE OF TITLE: D.R. P-70-69
D.R. S-90-505
 3. TAX PARCEL NO. 21-014-00-396

TOTAL PARCELS BOTH # 396
BOTH PARCELS ARE TAX PARCEL 396

SUBDIVISION PLAN
PROPERTY OF
DELAWARE BLOCK COMPANY
7TH STREET & YOUNG STREET
CITY OF NEW CASTLE
NEW CASTLE COUNTY - DELAWARE
SCALE: 1"=60' FEB. 23, 1984

VANDEMARK & LYNCH, INC.
CONSULTANTS

ENGINEERS SURVEYORS
STUDIES, PLANNING, DESIGN HYDRAULIC ENGINEERING
PLANNING & DEVELOPMENT

TEL: 682-700-7000
OFFICE: 4800 MILLER ROAD, P.O. BOX 2047, WILMINGTON, DELAWARE 19808

DESIGNED BY S.M.L.	DRAWN BY W.J.G.	APPROVED BY <i>William W. Dwyer</i>
REFERENCE 2189 (REV. 4-11-75) 1185-1645-14 2186-1017-8	PROJECT NO. 16374	FILE NO. 21,734-F-1-1

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF DELAWARE, THAT THIS PLAT, CONSISTING OF ONE (1) SHEET, CORRECTLY REPRESENTS A SURVEY MADE BY VANDEMARK & LYNCH, INC.
William W. Dwyer
PROFESSIONAL LAND SURVEYOR
FEB. 23, 1984

JOHN A DI MONDI
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires February 8, 2028

SERVICE REQUESTED

FIRST CLASS

INFO
4

BOF A MEMBERS

Hearing

2-26-20

D. Mond, vs
Berkowitz official
Buatstam

JOHN A DI MONDI
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires February 8, 2028