

ORDINANCE NO. 3427

**AN ORDINANCE AMENDING THE CERTAIN PROVISIONS
OF THE NEW CASTLE CITY CODE AND MORE SPECIFICALLY
TITLE 15 LAND USE, CHAPTER 152 ZONING**

WHEREAS, on March 30, 2005, the Office of the New Castle Building Commissioner requested the New Castle Plan Commission consider the amendment of the master plan and associated zoning code of the City of New Castle as established in Ordinance Number 846 of the City, and

WHEREAS, said request submitted by the department seeks to amend requirements regarding accessory buildings and residential districts found at Section 152.25(B)(3) of the New Castle City Code by setting for more specific guidelines, and

WHEREAS, on April 28, 2005, the Plan Commission by its Secretary certified to the Common Council of the City of New Castle that it had considered this request, and after public notice and hearing approved the aforementioned amendment in the zoning code.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL of the City of New Castle that it hereby adopts the recommendation of the New Castle Plan Commission and amends the zoning code which is part of the New Castle City Code and more particularly amends Section 152.25(B)(3) of said Code. Said Section shall be amended to the following:

(B) OTHER PROVISIONS FOR RESIDENTIAL USES.

(1) No change

(2) No change

(3) Accessory Buildings. Accessory buildings are not permitted prior to the erection of the principle building. No accessory building shall be located closer to a side lot line than three (3) feet nor exceed eighteen (18) feet in height and, if detached from the principle building, shall be set back from the front line of the lot no closer than the rear line of the principle building. The only accessory buildings allowed in residentially zoned districts are private detached garages and storage sheds. All private garages as that term is defined herein shall be considered accessory buildings. A detached private garage shall not exceed eighteen (18) feet in width or twenty-eight (28) feet in length or exceed seven hundred and eighty-four (784) square feet in area. A storage shed or "mini-barn", which is a detached accessory building, but not a private garage, shall not exceed twelve (12) feet in width or sixteen (16) feet in length or exceed one hundred and ninety-two (192) square feet in area. Only one accessory building shall be allowed per residential lot.

In all residentially zoned districts, at no time shall the surface are occupied by all structures (residence and accessory buildings) exceed 30% of the residential lot area. The residential lot area is the product of the lot width multiplied by the lot length.

All other provisions of Section 152.25 of the New Castle City Code shall remain in full force and effect. This Ordinance does not change or alter any existing provision of Section 152.25 but merely adds additional requirements thereto.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2005.

Thomas Nipp, Presiding
Officer, Common Council, City
of New Castle, Indiana

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NAY

ATTEST:

Janice Lavarney,
Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2005.

the City

Thomas Nipp, Mayor of
Of New Castle, Indiana