## Ordinance No. 516

An Ordinance to amend the City of New Castle Comprehensive Plan and to rezone tax parcel 21-017.00-045 (708 W. 7<sup>th</sup> Street) and tax parcel 21-017.00-046 (706 W.7<sup>th</sup> Street) to the RC (Retail Commercial) zoning classification

**WHEREAS**, the Council of the City New Castle desires to alter the zoning classification of two parcels of improved real estate located at the intersection of 7<sup>th</sup> St. (State Rt. 9) and Center Street located in the Dobbinsville section of the City from Residential R-3 to RC (Retail Commercial) so as to better conform with their historic use and commercial design; and

**WHEREAS**, the properties in question are known as 706 W. 7<sup>th</sup> Street (the former New Castle Police substation) and 708 7<sup>th</sup> St. (the former Froggy's Den); and

**WHEREAS**, the Council believes that the rezoning of these properties to the City's lowest intensity commercial classification will foster investment in the Dobbinsville community and encourage the improvement of two currently vacant properties not presently designed or recently utilized for residential purposes; and

**WHEREAS**, the City's 2009 Comprehensive Plan currently does not categorize the properties in question for any suggested land use zoning; and

**WHEREAS**, rezoning the properties requires that the City modify its 2009 Comprehensive Plan so that the proposed rezoning will be consistent with said Plan; and

**WHEREAS**, the specific amendment to the Comprehensive Plan would change the Suggested Land Use Zoning Map, and Vacant Land Suggested Uses Table for the subject parcels; and

**WHEREAS,** City Planner Christopher Rogers met with State agency planners for the PLUS review on August 22, 2018 to discuss the proposed Comprehensive Plan amendments and no objections were received; and

**NOW, THEREFORE,** be it ordained by the Council of the Mayor and Council of New Castle, as follows:

**SECTION 1**: The Comprehensive Plan for the City of New Castle is hereby amended so as to change the Suggested Land Use Zoning Map (Map 2c) to designate **708 W.7**<sup>th</sup> **Street and 706 W.7**<sup>th</sup> **Street to Mixed-Use.** 

**SECTION 2**: The Comprehensive Plan for the City of New Castle is hereby amended so as to add a new item 22 to the Vacant Land Suggested Uses Table (Table 16) as follows:

Map ID	Property/Location	Acres	Land Use Recommendation	Owner
22	Two parcels on W 7 <sup>th</sup> Street (Route 9) between Center Street and B Alley. in Dobbinsville	0.13	Mixed-Use. Commercial with potential residential on second floor.	2101700045- Private 2101700046- City

**SECTION 3**: The City Planner and City Administrator are directed to prepare the necessary Map and Table amendments; to post same on the City Website; and to forward a copy of same and this Ordinance to the Office of State Planning Coordination for their records.

**SECTION 4**: The official zoning map of the Mayor and Council of New Castle (the "City"), incorporated into the Code of the City (the "Code") by Section 230-2 of the Code is hereby amended to rezone the following tax parcels to the Retail Commercial (RC) zoning classification:

21-017.00-045---708 W.7<sup>th</sup> Street 21-017.00-046---706 W.7<sup>th</sup> Street

Brian G. Whitaker, City Clerk

**SECTION 5.** 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. Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase irrespective of the fact that any one or more thereof is declared unconstitutional or invalid.

**SECTION 6.** Ordinances or parts 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.

**SECTION 7.** This Ordinance shall become effective immediately upon passage.

Second Reading
October 9, 2018

Signed this \_\_\_\_\_th day of \_\_\_\_\_\_, 2018

Linda Ratchford, President of Council

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.

Approved this	day of	, 2018
Jimmy Gambacorta	a, Mayor	<del></del>