

**Ordinance No. 540**

**AN ORDINANCE TO AMEND SECTION 230-61 TO REQUIRE THE SUBMISSION OF A CONCEPT PLAN IN CONJUNCTION WITH CERTAIN PETITIONS TO AMEND THE ZONING CODE**

**WHEREAS**, Section 230-61 of the City Code governs amendments to the City Code including amendments, supplements, changes, modifications or repeals initiated by petition of a property owner (collectively, a “Rezoning Petition”) at subsection (B)(3).

**WHEREAS**, Section 230-61(B)(3) does not require the submission of a concept plan in connection with a Rezoning Petition.

**WHEREAS**, Section 230-61 applies to Rezoning Petitions that are in compliance with the City’s Comprehensive Plan.

**WHEREAS**, in order to ensure that any property that is the subject of a Rezoning Petition is developed in a manner that is substantially similar to the proposal made to and approved by the City, the City Council proposes to amend Section 230-61 to add a concept plan component to the Rezoning Petition process.

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

**SECTION 1:** Section 230-61(A) of the City Code is hereby amended and replaced in its entirety with the following (with new language identified in bold text):

Any amendment shall be in accordance with the Comprehensive Plan, **or, if inconsistent, shall only become effective upon the adoption of an amendment to the Comprehensive Plan.**

**SECTION 2:** Section 213-7(B)(3) of the City Code is hereby amended and replaced in its entirety with the following (with new language identified in bold text):

Amendment initiated by petition. When an amendment, supplement, change, modification or repeal is initiated by petition of a property owner, the Council shall hear the petition and refer it to the Planning Commission for a report and recommendation as provided in Subsections C and D below. **For amendments initiated by petition, the Council may require the petition to be accompanied by a concept plan containing the information described in Attachment 2 of this Chapter. The purpose of the concept plan is for the Council and the Planning Commission to assess the amendment proposal and to identify any service problems, land use conflicts or concerns in conjunction with the applicant’s objectives. The Council’s decision to require or not require a concept plan to accompany an amendment shall not impact the Planning Commission’s authority to require additional zoning support information as described in Section D. below.**

**SECTION 3:** Section 230-61(G) of the City Code is hereby amended and replaced in its entirety with the following;

The Council may assign conditions to amendments initiated by petition including but not limited to future development of the lands subject to the petition being substantially consistent with any concept plan required under Sections B or D above.

**SECTION 4:** Sections 230-61(G) and (H), as currently lettered, of the City Code shall be re-lettered to (H) and (I), respectively, with the language of such sections remaining unchanged.

**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.

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

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

First Reading August 8, 2023

Second Reading December 12, 2023

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023

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Suzanne Souder, President of City Council

Attest: \_\_\_\_\_  
Courtaney Taylor, City Clerk

Approved: \_\_\_\_\_  
Valarie Leary, Mayor