

ORDINANCE NO. 3885

**AN ORDINANCE AMENDING THE ZONING DISTRICTS
OF THE CITY OF NEW CASTLE**

WHEREAS, Ronald Stryzinski requested the New Castle Plan Commission consider an amendment of the master plan of the City of New Castle, as established in Ordinance Number 846, by rezoning certain real estate commonly known as 937 Broad Street, 1005 Broad Street and 1015 Broad Street in the City of New Castle from its current R-3 (single family, two family and multi-family residential) zoning to C-1 (local business) zoning, and

WHEREAS, in evaluating a proposed rezoning, the Plan Commission and Common Council must give reasonable regard to:

1. The comprehensive plan,
2. Current conditions and character of the area to be rezoned,
3. The most desirable use of the area to be rezoned,
4. The property value of the area,
5. Reasonable development and growth of the area, and

WHEREAS, on November 17, 2021, the Plan Commission, after providing notice and conducting a public hearing regarding the proposed rezoning, voted to table the request.

WHEREAS, on July 21, 2022, the Plan Commission conducted a continued hearing on the request and voted to certify the request to the Common Council with a favorable recommendation, with the commitment, pursuant to Indiana Code § 36-7-4-1015, that the real estate cannot be used as a liquor store.

NOW THEREFORE BE ORDAINED BY THE COMMON COUNCIL of the City of New Castle, Indiana, that it hereby adopts the recommendation of the New Castle Plan Commission and amends the master plan of the City of New Castle and zoning map by rezoning certain real estate located within the City of New Castle, Henry County, Indiana from R-3 to C-1, with the commitment that the real estate cannot be used as a liquor store.

The real estate is more particularly described as follows, to wit:

Lot 1 in Block 14 of the Original Plat of the City of New Castle, Indiana.

ALSO: Beginning at the Southeast Corner of said Lot 1 and running thence South 19 feet 6 inches; thence West 82 feet 6 inches; thence East 82 feet 6 inches to the point of beginning.

AND

Commencing at the Northeast corner of Lot Number 2 in Block Number 14 in the Original Plat of the Town, now City of New Castle, Indiana, and running thence West 85 feet 3 inches; thence South to the South line of Lot Number 3 in said Block Number 14; thence East 85 feet 3 inches to the Southeast corner of said Lot Number 2 in Block Number 14 aforesaid; thence North to the place of beginning; and being all of the Lot Number 2 and 2 3/4 feet off the East side of Lot Number 3 all in Block Number 14 aforesaid;

ALSO: Commencing at a point 85 feet 3 inches West of the Northeast corner of Lot Number 2 in Block Number 14 in the Original Plat of the Town, now City, of New Castle, Indiana, and running thence West 54 feet; thence South to the South line of Lot Number 3 in said Block Number 14; thence East 54 feet; thence North to the place of beginning, being a part of Lot Number 3 in Block Number 14 aforesaid.

ALSO: All that part of the North half of the vacated street lying immediately South of the above two tracts.

Common address: 937 Broad Street; 1005 Broad Street; and 1015 Broad Street, all in the City of New Castle, Indiana.

Parcel Numbers: 33-12-15-210-110.000-016 (030-47736-00); 33-12-15-210-109.000-016 (030-47737-00); 33-12-15-210-108.00-016 (030-47739-00).

This rezoning is made pursuant to the New Castle City Code § 152.05, and Indiana Code 36-7-4-607, *et seq.*, and is made with the condition that the written commitment, described in the Ordinance, be executed and recorded in the Office of the Recorder of Henry County, Indiana.

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 of law 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 upon passage, publication, if any, as required by law and the recordation in the Office of the Recorder of Henry County, Indiana, of a written commitment, as described in this Ordinance.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF NEW CASTLE THIS ____ DAY OF _____, 2022.

Greg York, Presiding Officer,
Common Council, City
of New Castle, Indiana

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NAY

ATTEST:

Brenda Grider, Clerk-Treasurer

APPROVED BY ME THIS ____ DAY OF _____, 2022.

Greg York, Mayor of the City
of New Castle, Indiana