

## **Ordinance No. 562**

### **AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 230 (ZONING CODE), REGARDING BOARD OF ADJUSTMENT HEARINGS**

**Whereas**, the Council of The City of New Castle (“City Council”) possesses the authority to adopt, amend, modify, or repeal The City of New Castle Municipal Code (“City Code”); and

**Whereas**, Title 22, Section 326 of the Delaware Code obligates municipal Boards of Adjustment to schedule hearings within a “reasonable time” but does not specify a specific deadline by which a hearing must be held; and

**Whereas**, the City Code’s thirty (30) day timeframe within which to schedule a Board of Adjustment hearing is not required under Delaware law and is inherently unreasonable given the required minimum public posting; and

**Whereas**, The City Council has determined that it is in the best interests of the City and its residents to amend the City Code to mirror the expectations in the Delaware Code concerning the timeframe to schedule Board of Adjustment hearings and to issue a decision following said hearings.

**NOW, THEREFORE**, making the express finding that the provisions of this Ordinance enhance and promote the health, safety, and welfare of the City of New Castle, be it ordained by the Council of the City of New Castle Council as follows:

**SECTION 1:** City Code Chapter 230, Zoning Code, Section 230-55.B, Hearings; appeals; notice, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified by bold, underlined text):

- B. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, giving public notice as required by § 230-62 of this chapter, ~~and hold the public hearing within 30 days~~

~~from the date of filing of the notice of appeal~~. At the hearing, any party may appear in person or by agent or attorney. The Board shall then decide the appeal within a reasonable time **45 days from the time of the hearing**.

**SECTION 2:** 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 3:** In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

**SECTION 4:** This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2025

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\_\_\_\_\_, President of City Council

Attest: \_\_\_\_\_  
\_\_\_\_\_, City Clerk

Approved: \_\_\_\_\_  
\_\_\_\_\_, Mayor