

Ordinance No. 2026-565

AN ORDINANCE TO AMEND THE CITY OF NEW CASTLE MUNICIPAL CODE, CHAPTER 230 (ZONING CODE), REGARDING EXPIRATION OF APPROVALS

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, the City Council believes in the importance of clarity in the land development plan approval process; and

WHEREAS, the City Council finds that establishing explicit expectations for expiration of site plan approvals promotes said clarity; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to amend the City Code to establish clear standards governing expiration of site plan approvals; and

WHEREAS, the City Council further finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life; and

WHEREAS, as required under Section 230-61 of the City Code, the Planning Commission has considered this Ordinance and offered its recommendation to the City Council for its consideration.

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 230-46, Site plan

review and approval, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified in bold, underlined text):

L. Expiration and extension.

- (1) **Planning Commission** Approval of site plans shall be valid for a one-year period from the date of Planning Commission approval and shall expire at the end of such period unless **the site plan is approved by City Council** ~~building construction has begun~~.
- (2) Upon written request by the applicant, **received** within 30 days prior to the expiration of said approval, a one-year extension may be given by the Planning Commission.

SECTION 2: City Code Chapter 230, Zoning Code, Section 230-46, Site plan review and approval, is hereby amended as follows (with deleted text identified by bold, strikethrough and new language identified in bold, underlined text):

N. Approval by City Council of site plans.

- (1) When the site plan includes establishment of new streets or dedication of land for streets, public ways or public facilities, approval will be by ordinance of City Council, on the recommendation of the Planning Commission, with the advice of the Building Official. The ordinance, upon approval by the Mayor, will constitute approval of the site plan, establishment of the new streets on the City Map or Plan, and acceptance of the dedications provided for in the site plan; provided, however, that acceptance of the dedications shall not expose the City to a liability or obligation for maintenance or repair of streets, but such liability or obligation shall arise only following the Building Official's written acceptance of completion.
- (2) When the site plan does not include establishment of new streets or public ways or dedication of land for public purposes, approval will

be by resolution of City Council on the recommendation of the Planning Commission.

- (3) When considering approval of a site plan, the City Council may refer the plan back to the Planning Commission, no more than twice, with specific questions relating to technical compliance with this chapter, state or federal constitutional requirements, or any other statute or ordinance for which compliance is required. Upon receipt of the Planning Commission's recommendation reaffirming approval of the plan, City Council shall approve the site plan, unless a second referral is made because of additional questions or concerns. Upon receipt of the Planning Commission's recommendation reaffirming approval of the plan after review of any additional concerns raised by City Council, Council shall approve the site plan.
- (4) The site plan applicant will promptly file the approved site plan and accompanying documents with the Recorder of Deeds for New Castle County **within forty-five (45) days of City Council approval**, and inform the Building Official of the exact place of recordation within that office.
- (5) **Approved site plans shall expire as follows:**
 - (a) **An approved site plan recorded after adoption of these regulations shall expire unless construction of development or improvements shown on said site plan shall commence within sixty (60) months of the date of City Council approval and continue in good faith until completion. Upon written request by the property owner, received within thirty (30) days prior to said expiration, City Council may grant an extension of no more than twenty-four (24) months.**
 - (b) **An approved site plan recorded before the adoption of these regulations shall expire unless construction of development**

or improvements shown on said site plan shall commence before **Five Years After City Council approval** and continue in good faith until completion. Upon written request by the property owner, received within thirty (30) days prior to said expiration, City Council may grant an extension of no more than twenty-four (24) months.

SECTION 3: 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 4: In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control.

SECTION 5: This Ordinance shall become effective immediately upon its adoption by City Council.

First Reading

Second Reading

Signed this _____ day of _____, 2026

_____, President of City Council

Attest: _____

, City Clerk

Approved: _____

, Mayor