

SPECIAL RULES OF ORDER
PUBLIC HEARING PROCEDURE

PLANNING BOARD
NEW CASTLE COUNTY, DELAWARE

Adopted January 20, 2009
As amended May 18, 2010

The primary purpose of the Planning Board Public Hearing is to hear comments from the public on pending applications. The Board will not debate or negotiate with speakers at the hearing, but will occasionally question a speaker for clarification or to summarize relevant provisions of the law. The public is invited to attend public hearings on appeals, but is not permitted by law to make presentations to the Board in connection with the appeals.

Section 1. Land Use Applications Requiring Planning Board Hearings.

- a. Land Use Applications requiring Planning Board hearings for applications with plans submitted *prior to January 1, 2010*:
 - Major Land Development Exploratory Plan Reviews
 - Major Land Development Preliminary Plan/Technical Advisory Committee (TAC) Reviews
 - Statutory Text Changes (additions or omissions)
 - Rezoning
 - Deed Restriction Changes
 - Subdivision Variances
 - Appeals from Land Use Department Decisions
- b. Land Use Applications requiring Planning Board hearings for applications with plans submitted *January 1, 2010 or later*:
 - Major Land Development Exploratory Plan Reviews
 - Major Land Development Preliminary Land Use Service (“PLUS”) Review
 - Statutory Text Changes (additions or omissions)
 - Rezoning
 - Deed Restriction Changes
 - Subdivision Variances
 - Appeals from Land Use Department Decisions
- c. Applications:
 - i. *Exploratory Plan Reviews, Major Land Development Preliminary Plan/Technical Advisory Committee Reviews and PLUS Reviews.* For land use plans, regardless of the filing date, including Major Land development Exploratory Plan Reviews, Major Land Development Preliminary Plan/Technical Advisory Committee

Reviews and/or PLUS Reviews require the Planning board to conduct a joint public hearing along with the Department of Land Use. These items do not, however, require substantive Planning Board action such as a recommendation, vote or decision.

- ii. *Statutory Text Changes, Rezonings and/or Deed Restriction Changes.*
Applications involving Statutory Text Changes, Rezonings and/or Deed Restriction Changes, regardless of when they were filed by the applicant, require the Planning Board to conduct a joint public hearing along with the Department of Land Use. These items require a Recommendation by the Planning Board to County Council.
- iii. *Subdivision Variances and Appeals from Department of Land Use Decisions.*
Applications involving Subdivision Variances and Appeals from Land Use Department Decisions require the Planning Board to conduct the public hearing and decide the issues properly presented.

Section 2. Speaker Time Limits.

- a. Following the reading of the title and a description of each agenda item, the applicant and/or its representatives are given a total of fifteen (15) minutes for relevant remarks.
- b. On Appeal applications, the Department of Land Use representatives are also given a total of fifteen (15) minutes for relevant remarks.
- c. Following (a) and (b), Planning Board members may then ask questions of the applicant and/or its representatives, and, where appropriate, the Department's representatives.
- d. The public will then be invited to speak in the following order:
 - Those in favor of the application
 - Those in opposition;
 - Those with general comments.

Each speaker will address the Board. The Board will not be allowed to debate or negotiate with the applicant or any other speaker or person appearing at the hearing.

- e. Each speaker is provided one (1) opportunity to comment per application, is limited to five (5) minutes, and is encouraged to avoid oral repetition of earlier testimony.
- f. Public speakers are limited to a two (2) minute response to a question from the Board.
- g. Questions from the Board must relate to the substance of the application.
- h. Following public comments, the applicant will be given an opportunity for rebuttal response to issues raised by any of the speakers.

Section 3. Holding the Record Open.

- a. On *Statutory Text Amendments, Rezoning, and Deed Restriction Changes*, applications requiring a recommendation or a decision by the Planning Board, a speaker may offer written testimony that repeats and/or supplements his/her oral remarks and may ask that the record remain open for additional written testimony. The Planning Board will, by motion, hold the record open for three (3) business days.
- b. On *Exploratory Plan Review, Preliminary Plan/Technical Advisory Committee (TAC) Reviews and PLUS Reviews*, the record remains open after the public hearing without action by the Planning Board.

Section 4. Public Hearing Time Limits.

The Planning Board must pass a motion to continue a public hearing agenda on new applications after 10:00 p.m. Absent a motion to continue, the hearing will, by motion, recess to a location, date and time no sooner than 7:00 p.m. the following evening. Discussion under a motion to recess is limited to:

- Location, date and time of the continuation of the hearing;
- Whether to hold the record open on remaining agenda items not heard by 10 p.m.