

BY-LAWS

PLANNING BOARD

NEW CASTLE COUNTY, DELAWARE

Revised and Adopted April 20, 2010

ARTICLE I. Name of Organization

- §1. The name of the organization shall be the Planning Board of New Castle County, hereinafter referred to as the Planning Board.

ARTICLE II. Authorization

- §1. The Planning Board is authorized by 9 *Del. C.* §1303.

ARTICLE III. Members

- §1. The Planning Board shall consist of nine members.
- §2. The County Executive, with the advice and consent of County Council, shall appoint eight members who shall serve for terms of three years, provided that the terms of two members shall expire each year, one term to expire on January 31 and one term to expire on July 31. A member whose term has expired will continue to serve until a successor is duly appointed and qualified.
- §3. The County Executive, with the advice and consent of County Council, shall appoint one member who shall be Chair and who shall serve at the pleasure of the County Executive.
- §4. Any member of the Planning Board who fails to attend three consecutive, regularly scheduled meetings, except those where such absence is deemed by the Chair to be excusable, shall forfeit membership on the Planning Board.
- §5. The Chair of the Planning Board, upon the unexcused absence of a member at three consecutive, regularly scheduled meetings, shall inform the County Executive and Council President in writing that a vacancy exists on the Planning Board and include the name of the member who held the forfeited position.

ARTICLE IV. Officers

- §1. The officers of the Planning Board shall consist of the Chair and the Vice-Chair.
- §2. The Chair shall designate a member as Vice-Chair who shall act for the Chair in the Chair's absence. The Vice-Chair shall serve at the pleasure of the Chair. In the absence of the Chair and the Vice-Chair, the members present shall elect one of their members to be the temporary chair for that meeting.
- §3. The Chair shall preside at all meetings and hearings of the Planning Board.

ARTICLE V. Meetings

- §1. Notice of time, location, and subject of discussion of all meetings and public hearings shall be given in accordance with applicable law and/or regulations and shall be open to the public.
- §2. Meetings of hearing may be changed to alternative dates and times agreeable to the Planning Board and the Department of Land Use. Appropriate notice shall be given as described in §1 of this Article.
- §3. The Planning Board and Department of Land Use may recess a business meeting or public hearing and reconvene at their convenience.

§4. Public Hearings

- a. Regularly scheduled hearings will be held at a time and location agreeable to the Planning Board and the Department of Land Use, and shall be conducted jointly by the Planning Board and the Department of Land Use with at least one member of the Department and two members of the Planning Board present.
- b. Proposed amendments to both the text and the zoning maps of the Unified Development Code will be heard at regularly scheduled hearings. The hearings will be held in conformity with the Procedure for Amendment of Zoning Regulations or Classifications, adopted by County Council as amended, or as may hereafter be amended.
- c. The Department of Land Use and the Planning Board may hold public hearings, in accordance with the U.D.C. and state law, when they decide that such hearings will serve the public interest.

§5. Business Meetings

- a. Regular business meetings will be held monthly at a time and place agreeable to the Planning Board and the Department of Land Use.
- b. The Planning Board shall discuss and then vote on matters under the Board's purview, as specified by the U.D.C. These matters include the

recommendations of the Department of Land Use with respect to proposed amendments to the U.D.C. previously heard at a public hearing. Members shall not vote on items that were heard at a public hearing which they did not attend, unless they indicate that they have read the hearing transcript of that item.

c. To conduct a business meeting, at least five members of the Board shall be present. A motion is carried by the affirmative vote of a simple majority, except that a motion involving action by County Council and/or the County Executive shall be carried by the affirmative vote of at least 5 members of the Board. Members must be present to vote.

d. The Chair shall be a voting member.

§6. In any matter where the Planning Board is required to vote on an application upon which the Department of Land Use has offered its formal recommendation, those members voting in opposition to the Department's recommendation must state the reasons for their vote on the record. These reasons shall then be forwarded to County Council in written form prior to any action by County Council on the application.

§7. Special meetings may be called by the Chair provided that all members are notified at least three days in advance of such meeting. The Chair shall call a special meeting when requested to do so by a majority of the Board.

ARTICLE VI. Committees

§1. Committees, subcommittees and ad hoc committees may be established at the discretion of the Chair.

§2. Each of the committees shall consist of at least two members of the Planning Board appointed by the Chair. Each of the subcommittees shall consist of at least one member of the Planning Board except that if the Chair is the subcommittee chairman, an additional member of the Board shall be appointed to serve on the subcommittee. Committee members shall be appointed or reappointed at any business meeting of the Planning Board. The Chair of the Planning Board shall be an ex-officio member of each committee; however, the Chair may appoint him/herself to any committee.

ARTICLE VII. Appearance of Impropriety

§1. A member of the Planning Board shall not take part in the public hearing, discussion or vote on any matter that pertains to any position taken by a civic group of which the member is an officer or substantive committee chair. Such recusal shall be announced at the Planning Board meeting or hearing at which the matter is introduced.

§2. A member of the Planning Board, appointed after February 20, 2001, shall not be an officer or substantive committee chair in a local or umbrella civic group.

ARTICLE VIII. By-Law Amendments

- §1. Notice of proposed amendments to these By-Laws shall be given to each Board member at least two weeks prior to the business meeting at which the proposed amendments are to be introduced. The proposed amendments shall be read at two business meetings, with an interval of at least two weeks between readings. Amendments shall be adopted by a two-third vote of the Board following the second reading.

ARTICLE IX. Rules of Order

- §1. All business meetings and hearings shall be conducted pursuant to Robert's Rules of Order and by these By-Laws.
- §2. The Chair may participate in all discussions.
- §3. The Order of Business at regular business meetings shall include the following:
- a. Call to Order
 - b. Roll Call
 - c. Reading and Adoption of Minutes of the previous meeting
 - d. Old Business
 - e. New Business
 - f. Report of the Planning Board Chair
 - g. Report of the Land Use General Manager
 - h. Report of the Committees
 - i. Comments from the Public
 - j. Adjournment