

**ANNUAL REPORT OF  
THE NEW CASTLE COUNTY PLANNING BOARD  
FOR 2018**

**To:** The Hon. Matthew S. Meyer, County Executive  
The Hon. Karen Hartley-Nagel, County Council President  
Members, County Council

**From:** Karen E. Peterson, Chair

**Date:** March 7, 2019

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**RELEVANT ORDINANCE from the New Castle County Code:**

Sec. 2.04.001 Annual Reports

All New Castle County boards, committees and commissions shall be required to submit an annual report to the County Executive and County Council no later than April 1st of each year. The report shall outline the board, committee or commission's mission, accomplishments of the year any challenges to the performance of its functions and suggestions for changes for that specific board, commission or committee.

Sec. 2.04.002 Annual by-law review

All New Castle County boards, committees and commissions shall annually review and, if necessary, update its by-laws.

**MISSION OF THE PLANNING BOARD:**

The Planning Board (the "Board") is an independent board, created by State law, to wit, 9 Del. 1303. The Board is comprised of nine (9) members, who serve terms of three (3) years, except for the Chairperson, who serves at the pleasure of the County Executive. The members are appointed by the County Executive, with advice and consent of the County Council. They are compensated as determined by County Council.

The underpinning of the Board's mission is found in Sections 1304 and 1305 of title 9 of the Delaware Code:

The Planning Board's mission is to consult with the New Castle County Land Use Department (the "Department") concerning the work performed by the Department and, further, to review the proposed comprehensive development plan and all proposed amendments and revisions to the Unified Development Code, including proposed zoning and subdivision regulations. After review of any such proposals, the Board shall report to County Council its recommendations with respect to actions to be taken in connection with such proposals.

Further specificity of the Board's function can be found in the New Castle County Code:

Sec.40.30.310. Planning Board

The Planning Board shall consist of nine (9) members, having the following powers and duties:

- A. To review, hear, consider, and make recommendations to approve or disapprove applications for zoning map and Code text amendments, as indicated in Table 40.30.10;
- B. To initiate, prepare, or cause to be prepared, a zoning or land development code or amendments thereto, and make recommendations to County Council and the County Executive as the Board deems appropriate;
- C. To prepare, or cause to be prepared, the Comprehensive Development Plan or any element or portion thereof, and make recommendations to County Council and the County Executive as the Board deems appropriate;
- D. To initiate, review, hear, consider, and make recommendations to County Council and the County Executive to approve or disapprove amendments to the Comprehensive Development Plan;
- E. To adopt additional or amended rules of procedure consistent with this Section to govern the Planning Board's proceedings;
- F. To conduct studies of the County's resources and needs and to report its findings and recommendations, with reference thereto from time to time, to County Council and the County Executive; and
- G. Any other power or duty provided for under State law or indicated in Table 40.30.110 of this Article.

## **ACTIVITIES**

### Board Membership.

During the first five (5) months of 2018, the Board operated with two (2) vacancies. In May, Kiana Williams was appointed to fill one of the vacancies. In November, Joseph Montgomery retired from the Board and Karen Peterson was appointed to serve as Chair. Joseph Daigle was appointed to the Board in December, thereby bringing Board membership to a full complement.

### UDC Text Amendments.

Four (4) UDC text amendments were heard by the Board in 2018:

- App. 2017-0674-T (Ord. 17-094) to revise provisions relating to the percentage of housing units in a development required to be Moderately Priced Dwelling Units;
- App. 2017-0745-T (Ord. 17-108) to create provisions related to craft alcohol production establishments;
- App. 2018-0134-T (Ord. 18-021) to enhance and improve overall site design for applications submitted to the Department of Land Use; and
- App. 2018-0135-T (Ord. 18-020) to enhance and improve the land development plan review process.

Deed Restriction Amendment Applications.

Two (2) deed restriction amendment applications were heard by the Board in 2018:

- App. 2018-0445-D to amend Hunter’s Ridge Subdivision deed restrictions to permit 73 lots;
- App. 2018-0643-D to amend the former Three Little Bakers Golf Course Declaration of Restrictions to eliminate the requirements for an 18-hole golf course, increase the amount of open space required for the development to 235 acres, and to construct no more than 224 residential dwelling units.

Board By-Laws and Special Rules of Order.

Proposed revisions to the Board’s By-Laws and Special Rules of Order were discussed at the Board’s business meeting of December 18, 2018.

Public Hearings.

The Board typically holds public hearings on the first Tuesday evening of every month, as needed. These public hearings are jointly held by the Board and the Department of Land Use. In 2018, the Board held eleven (11) public hearings. The table below provides an accounting of the types and numbers of applications heard by the Board.

Hearing Date	Exploratory Plan	Subdivision Appeal	Rezoning	Deed Restriction Change	UDC Text Amendment	Subdivision Variance
01/02/18	1		2			
02/06/18	1		1*		1	
03/06/18	2		1		1	
04/03/18	2					
05/01/18	2					
05/29/18						1
06/05/18					2	1
09/04/18	1					
10/02/18				1		
11/07/18	1		1*			
12/04/18	2			1		
<b>Total: 25</b>	<b>12</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>2</b>

\*Review of previously approved rezoning

Business Meetings.

The Board's business meetings are typically held on the third Tuesday morning of every month, as needed. In 2018, the Board held eight (8) business meetings.

The table below shows the outcome of votes taken by the Board at its' business meetings.

<b>Date</b>	<b>Application Number</b>	<b>Recommendation</b>
01/16/18	2017-0252-S/Z	Defeated
02/20/18	2017-0377-S/Z	Approval
	2017-0674-T	Defeated
03/20/18	2017-0745-T	Approval
	2017-0730-S/Z	Conditional Approval
	2016-0491-S/Z	Conditional Approval
04/17/18	2017-0577-Z	Approval
	Capital Budget	Approval
06/05/18	2018-0268-SV	Approval
09/18/18	2018-0093-S	Conditional Approval
10/16/18	2018-0445-D	Approval
12/18/18	2018-0513-S/Z	Approval

The Board's By-Laws, Special Rules of Order, agendas, business meeting minutes, and written decisions on administrative appeals can be found on the Department of Land Use website.