

**DEPARTMENT OF LAND USE AND
PLANNING BOARD PUBLIC HEARING -- [Date of Hearing]**

**TIME LIMITS FOR SPEAKERS AND
STANDARDS FOR REVIEW OF APPLICATIONS**

Time Limits

The purpose of these hearings is to compile a record of relevant information. Following the reading of each agenda item, the applicant and their representatives will make a presentation not to exceed a total of 15 minutes. Planning Board members may ask questions of the applicant at this time. The public will then be invited to speak in the following order: 1) those who wish to speak in favor, 2) those who wish to speak in opposition, and 3) those who wish to offer general comments. So that everyone has an opportunity to be heard, all speakers are limited to 5 minutes and are encouraged to avoid repetition. Any speaker may ask the Board to hold the record open for submittal of written testimony if the time limit is not sufficient for their needs. The Board must then approve a motion to keep the record open to a specific date and time. Speakers are not permitted to debate the applicant. At the close of public comments, the applicant is given an opportunity to make rebuttal comments and may choose to address issues raised by the public.

Major Land Development Exploratory Plan Review (S)

The Planning Board's role in this major plan review is to conduct a public hearing. The Board is not required to make a recommendation or decision in this instance, but it may ask questions or make suggestions at tonight's hearing. Pursuant to Chapter 40 of the *New Castle County Code* (UDC), Section 40.31.112 E, the Department of Land Use must hold a public hearing for all major plans at the exploratory plan review stage. At this point in the process, the exploratory sketch plan is generally in compliance with Chapter 40. The purpose of the public hearing is to provide the public with an early opportunity to ask questions and offer comments with respect to compliance with the UDC and potential impacts on adjoining lands and the community. Department of Land Use staff are here this evening to listen to the public comments and to consider those concerns. Following the hearing, the Department will issue a report summarizing the comments and include the report in an exploratory plan review letter to the applicant. The report will also be forwarded to TAC agencies to address during preliminary plan review.

Major Land Development Preliminary Plan and Technical Advisory Committee (TAC) Review (S)

The Planning Board's role in this major plan review is to conduct a public hearing. The Board is not required to make a recommendation or decision in this instance, but it may ask questions or make suggestions at tonight's hearing. According to Section 40.31.113 E 2 of the Unified Development Code (UDC), the Department of Land Use must hold a public hearing at the preliminary plan review stage. At this point, the Department has received comments from agencies participating on the Technical Advisory Committee as they share their expertise on technical, environmental, and planning issues. The purpose of tonight's hearing is to collect additional public comment in the plan review process, and to discuss technical aspects of the plan and compliance with the UDC. Department of Land Use staff are here this evening to listen to the public comments and to consider your concerns. Following the hearing, the Department will issue a report to the applicant with a finding on whether or not the preliminary plan is satisfactory.

Rezoning Application (S/Z, Z)

The responsibility of the Planning Board in this instance is to make a **recommendation** to County Council. In determining whether the rezoning (and the preliminary plan) should be recommended for approval, the Planning Board must consider the standards outlined in Section 40.31.410 of the Unified Development Code (UDC), which include:

- A.. Consistency with the New Castle County Comprehensive Development Plan and the purposes of the Unified Development Code.
- B. Consistency with the character of the neighborhood.
- C. Consistency with zoning and use of nearby properties.
- D. Suitability of the property for uses for which it has been proposed or restricted.
- E. Affect on nearby properties.
- F. Recommendations by the Department.

The Planning Board will listen to testimony this evening and will make a recommendation at a separate business meeting scheduled for later this month. The Department of Land Use is also evaluating the rezoning application and will present its findings and recommendation to the Planning Board at the business meeting. When the recommendation reports are finalized and a preliminary plan is sufficiently developed under UDC standards, the application will be forwarded to County Council. Council will then hold a public hearing and render a decision.

Deed Restriction Change (D)

The responsibility of the Planning Board in this instance is to make a **recommendation** to County Council. In determining whether the deed restriction change application should be recommended for approval, the Planning Board must determine if the change is in the best interests of the parties to the restrictions and is consistent with the planning goals of the County, pursuant to Section 40.31.130 of the Unified Development Code (UDC).

The Planning Board will listen to testimony this evening and will make its recommendation at a separate business meeting scheduled for later this month. The Department of Land Use is also evaluating the deed restriction change request and will present its findings and recommendation to the Planning Board at the business meeting. County Council, upon receipt of the recommendations from both the Department and Planning Board will schedule a public hearing and render a decision.

Text Amendment (T)

The responsibility of the Planning Board in this instance is to make a **recommendation** to County Council. In determining whether the proposed text amendment should be approved, the Planning Board must consider the following factors outlined in Chapter 40 of the *New Castle County Code* (UDC) Section 40.31.420:

- A. Implementation of a new portion of the Comprehensive Development Plan.
- B. Implementation and achievement of the Comprehensive Development Plan's goals and objectives.
- C. Consistency with the provisions of Chapter 40 and standards for similar uses.
- D. Necessity to respond to State and/or Federal legislation.
- E. Flexibility in meeting the objectives of Chapter 40.
- F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.
- G. Consideration of specific problems found in Chapter 40.

The Planning Board will listen to testimony this evening and will make its recommendation at a separate business meeting scheduled for later this month. The Department of Land Use is also evaluating the text amendment and will present its findings and recommendation to the Planning Board at the business meeting. County Council, upon receipt of the recommendations from both the Department and Planning Board will schedule a public hearing and render a decision.

Subdivision Variance Application (SV)

The responsibility of the Planning Board in this instance is to make a **final decision**. In determining whether the subdivision variance should be approved, the Planning Board shall consider all the standards outlined in Section 40.31.452 of the Unified Development Code, which include an evaluation of practical hardship, potential conflicts with other sections of the Unified Development Code, site conditions, site design, health and safety issues, and the effect on other properties.

The Planning Board will listen to testimony this evening and will make its decision at a separate business meeting scheduled for later this month. The Department of Land Use is also evaluating this application and will present its findings and recommendation to the Planning Board at the business meeting.

Subdivision Regulation Appeal (SA)

The responsibility of the Planning Board in this instance is to make a **final decision**. The application is an appeal from a final decision made by the Department of Land Use. Consideration of this appeal shall be based on the record of the original decision and on testimony heard tonight. No revisions or alterations to the original application may be made. In rendering a decision, the Planning Board must limit its deliberation to the following two standards outlined in Section 40.31.512 of the Unified Development Code (UDC). The Planning Board may reverse a decision only upon a finding that:

1. The decision-maker made an error in its interpretation of the applicable sections of the Unified Development Code (UDC); or
2. The decision-maker's findings and conclusions were not the result of an orderly and logical review of the evidence and the applicable provisions of the Unified Development Code (UDC).

LEGAL NOTICES

The agendas for all public hearings held by the Department of Land Use, the Planning Board, and County Council are published in the Saturday edition of the News Journal, legal notices section and can be found on the County web-site.

COUNTY WEB SITE – www.nccde.org

Planning Board recommendation reports for the applications heard at tonight's meeting will appear on the web site a few days after the Board holds its business meeting later this month. Select [Land Use Home Page], [Boards & Commissions], [Planning Board], [Recommendations and Decisions] to access those reports.

When recommendation reports are finalized, copies are forwarded to the applicant and County Council. Council will schedule a public hearing and render a decision.