

**City New Castle  
Planning Commission  
Rules of Procedure**

**Preamble**

The authority of the New Castle Planning Commission is established by Title 22, Chapter 7 of the Delaware Code and Chapter 58 of the Municipal Code for the City of New Castle. In the event of any inconsistency between these Rules of Procedure and the provisions of the Delaware Code and City of New Castle Code, the provisions of the Delaware Code and City of New Castle Code will govern.

**Article I. Attendance**

- A. A quorum is required for a Planning Commission meeting and is a majority of the voting members currently appointed to the Commission.
  
- B. Each member of the Planning Commission who has knowledge of the fact that he or she will not be able to attend a scheduled meeting of the Planning Commission should notify the Chair at the earliest opportunity and in any event, prior to 4:00 p.m. on the day of the meeting.
  
- C. A member's failure to attend three (3) consecutive meetings or four (4) meetings within six (6) months may constitute cause for removal.

**Article II. Officers**

- A. The officers of the Planning Commission consist of a Chair and Vice Chair.
  
- B. Duties of Planning Commission Officers:
  - 1. Chair
    - a. Preside over Planning Commission meetings and hearings and decide points of order or procedure.
    - b. Develop the agenda for the meeting.
    - c. Call special meetings in accordance with these Rules of Procedure.
    - d. Verify that actions of the Commission are implemented.
    - e. Sign documents as required.
    - f. Perform such other duties as may be authorized by the City Code.

2. Vice Chair

- a. Act for the Chair in his or her absence, disability, or disqualification.

**Article III. Election of Officers**

- A. An annual organizational meeting will be held during the first regularly scheduled Planning Commission meeting in January to nominate and elect the Chair and Vice Chair.
- B. The candidate receiving a majority vote of the Planning Commission members then-present will be declared elected and serve for one (1) year.
- C. The Vice-Chair will automatically succeed the Chair if he or she vacates that office before the completion of the term of office. A new Vice Chair will then be elected at the next regularly scheduled meeting of the Planning Commission.

**Article IV. Meetings**

Meetings will be held on the fourth Monday of the month at 7:00 p.m., or at a day/time to be determined by the Chair, in the Community Room at the New Castle City Police Station, 1 Municipal Blvd., New Castle, or another location designated by the Chair. Public notice will be posted consistent with City Code and the Delaware Freedom of Information Act.

- A. Special meetings may be called by the Chair, but the Chair must call a special meeting when requested by a majority of the Commission then-appointed.
- B. Applications requiring Planning Commission review must be submitted to the City Building Official at least fifteen (15) calendar days before a regularly scheduled meeting of the Planning Commission to be eligible for placement on said agenda.
- C. Matters referred to the Planning Commission by City Council, or any committee appointed by the City Council, will, when possible, be placed on the Planning Commission's next regularly scheduled meeting agenda for consideration, subject to compliance with the Delaware Freedom of Information Act.
- D. The Planning Commission will not consider an agenda item unless discussion has commenced on that agenda item within two hours from the start of a meeting, excluding adjournment. However, a majority of the

Planning Commission then-present may choose to extend any meeting.

**Article V. Order of Business**

The order of an agenda may be revised by an affirmative vote of the majority of Planning Commission members then-present.

- A. Call to Order
- B. Roll Call
- C. Approval of the minutes of previous Planning Commission meeting(s).
- D. New Business Item(s):
  - 1. Introduction of agenda item, including reports/comments by City Staff, if applicable.
  - 2. Presentation/comments by Applicant or Representative, if applicable.
  - 3. Questions from Planning Commission members.
  - 4. Public Comments.
  - 5. Additional questions from Planning Commission members.
  - 6. Planning Commission discussion and, where appropriate action.
- E. Historic Area Commission Report
- F. Adjournment.

**Article VI. Consideration of Agenda Items**

- A. The Planning Commission may defer consideration of an agenda item where the applicant or applicable representative is not present.
- B. Planning Commission action will be taken via motion and vote. Any motion must receive a second to proceed to deliberation and vote. If, after a reasonable time, a motion does not receive a second, the motion will be declared dead for lack of a second.
- C. After a motion has been made and seconded, the Planning Commission members will discuss the motion. All discussion must be limited to the motion on the floor. A motion may be withdrawn by the Commissioner who made the motion at any time prior to being voted upon.
- D. Following discussion, the Chair will call for a roll call vote on the motion. The Chair will select the voting order and will vote last. Each Commissioner must state the reasons for their vote for the record. A Commissioner's vote cannot be changed after it is recorded.

**Article VII. Planning Commission Operation**

- A. Planning Commission members may not discuss matters pending before the Planning Commission among themselves or with others outside of properly noticed public meetings.
  
- B. Any member of the Planning Commission who feels that he or she has a conflict of interest on any matter that is before the Planning Commission should voluntarily recuse himself or herself from discussing and voting on said item and leave the room while the Planning Commission considers said matter. A recused Commission member will not be counted for the purpose of establishing a quorum for the agenda item from which the Commission member recused.

**Article VIII. Amendments to the Rules of Procedure**

- A. These Rules of Procedure may be amended at any meeting of the Planning Commission by a majority of the Planning Commission members then-appointed if notice of said proposed changes, amendments, or additions is given to each member in writing at least ten (10) days prior to said meeting and appropriate public notice is made. No changes, amendments, or additions to the Rules of Procedure will be effective until subsequently approved by the City Council.
  
- B. The Rules of Procedure for the New Castle Planning Commission shall be reviewed annually at the next regularly scheduled meeting following the annual organizational meeting.

The undersigned acknowledges that these Rules of Procedure were adopted by a majority vote of the New Castle Planning Commission members then-appointed at its regularly scheduled meeting on [DATE], and were thereafter approved by City Council on [DATE].