

**CITY OF NEWARK  
DELAWARE**

**PLANNING COMMISSION  
PUBLIC HEARING RULES OF PROCEDURE**

**October 11, 2017 – Revisions April 2, 2019, Revisions May 7, 2019, Revised February 2, 2021**

**Purpose**

Public Hearings of the City of Newark Planning Commission are conducted for the purpose of obtaining public input and comment on issues before the City of Newark Planning Commission.

**Quorum**

A quorum is required for the Planning Commission meeting. A quorum for the meeting is a minimum of four (4) Commissioners present.

**Legal Authority**

Newark City Code, Chapter 2, Sections 78 through 90; Newark City Charter, Section 901; Delaware State Code, Title 22, Chapter 7.

**Agenda Items**

The agenda can be altered by an affirmative vote of a majority of the Members present.

For public hearing items before the Commission:

1. The Planning Director will provide an overview of the agenda item unless the Chair decides otherwise.
2. The proponent will be allotted 15 minutes. The proponent includes development applicants as well staff and representatives of other invited organizations to present zoning and rules changes, informational items and other matters.
3. The Commission may ask questions of the proponent or staff.
4. The Commission will then receive public comment.
5. When everyone has had an opportunity to speak, the public comment on the item will be closed.
6. Commissioners may continue to ask questions of applicant, staff or a member of the

public who has made a public comment.

7. Chair shall call for deliberation.
8. The Planning Commission shall make a recommendation on the application to the City Council. In the case of a parking waiver request, the Planning Commission will grant or reject the request. The Planning Commission may also continue the hearing should they feel they require additional information, or more time to review information and/or comments that were offered at the hearing.
9. Each Planning Commissioner shall include the reason(s) for their vote on each application.

### **Public Comment**

1. Each person providing oral comments shall be allotted 5 minutes per person unless a shorter time limit of not less than 3 minutes is determined by the Chair. .
2. Public comment must be germane to the agenda item and directed to the Planning Commission.
3. A person providing public comment may only orally comment once per agenda item.
4. The Chair may discourage duplicative comment and may ask for members of the public to caucus to determine a spokesperson.
5. All those providing oral comment shall publicly state their name and address or City Council District for the record. Professionals testifying on behalf of an applicant or in support or opposition shall state the name of their company or employer and business address.
6. Copies of any written statements or exhibits used during the hearing should be presented for identification and inclusion in the record.
7. All parties present at hearings, shall conduct themselves in a civil manner. There shall be no audience demonstration, applause, cheering, displaying of signs or placards, or other conduct disruptive to the hearing. Disruptive conduct may be cause for appropriate action as determined by the Chair or City Solicitor, including removal of disorderly or disruptive persons by an officer of the Newark Police Department.
8. Written comments from the public must be received at the Planning Department by the close of business on the last business day before the hearing in order to be included in the pre-hearing record. At the time of public comment on an agenda item, any member of the public in attendance may file written comments in lieu of oral comment or may elaborate on their oral comment by filing a written comment.

9. The applicant has to the close of the business day one week prior to the hearing to submit additional information to the Planning Director in order for it to be considered by the Planning Commission at the hearing, unless the Chair allows for a late filing for good cause shown.
10. The Chair may modify a rule or rules for a particular agenda item to facilitate more orderly presentation on a case-by-case basis should the complexity or public interest in a matter so warrant.

### **Meeting Length**

1. Planning Commission hearings shall conclude no later than 9:00 p.m. The Chair may extend the meeting to 9:30. Any further extensions shall require approval of a majority of the Planning Commission members present.

### **Motions**

#### *Call for Motion*

Upon conclusion of discussion and following acceptance of public input, any Member may place a motion on the floor. The motion shall contain the proposed action in sufficient detail so as to be understood by the audience and staff. If no motion is immediately forthcoming, the Chair may call for a motion to be made.

#### *Seconding a Motion*

The Chair shall receive all motions and shall call for a second to each motion.

#### *Lack of a Second*

If, after a reasonable time, no second has been made, the motion shall be declared dead for lack of a second, and the Chair shall so state.

#### *Discussion/Debate*

After a motion has been made and seconded, the Chair shall call for a discussion of the question. All discussion shall be limited to the motion on the floor. At the close of the discussion, the Chair shall put the matter to a vote by causing either a roll call vote or voice vote to be conducted.

#### *Time Limits on Discussion/Debate*

The Chair reserves the discretion to limit the duration of debate on any motion, but shall ensure that each Member has the opportunity to speak.

#### *Amending a Motion*

A motion to amend may be made by any Member to revise a motion on the floor, but it cannot

be a freestanding motion on its own, nor can it substitute for a main motion. The motion to amend must be voted upon, unless the maker and the seconder accept it as a friendly amendment, and, if so accepted, it then becomes part of the main motion.

#### *Withdrawing a Motion*

Any motion may be withdrawn by the maker at any time prior to being voted upon.

#### *Motion to Continue*

A motion to continue may be made by a Member should they feel they require additional information, or more time to review information and/or comments that were offered at the hearing. The motion must contain a specific plan for bringing the motion back to the Commission.

### **Method of Voting**

#### *Roll Call Vote*

Voting upon a motion shall be conducted in the form of a roll call vote, unless the Chair determines to conduct a voice vote. When a motion has been made and seconded and no matters remain under discussion, the Chair shall call on each Commissioner alphabetically. For each subsequent vote, the voting order will rotate in a consistent manner, with the name previously called first rotated to the last position, except that the Chair shall always cast the last vote.

Each Commissioner must state the reasons for their vote for the record.

A roll call vote must be conducted for all Site Plan Approval applications, zoning changes, Special Use Permit applications, annexations, and parking waivers. For all other matters, the Chair may conduct a vote by voice or acclamation. An applicant may request a roll call vote.

#### *Voice Vote*

Where a roll call vote isn't required and there is no objection from any Member or staff, the Chair may conduct a vote by voice or acclamation in lieu of a roll call vote.

The Chair shall call the question in the form of "All in favor?" followed by "All opposed?" Each Member shall clearly state "Aye," "Yes," or "Yea" in the affirmative; "No," or "Nay" in the negative.

In the event the outcome of a voice vote is unclear, any Member or staff may request a roll call vote immediately following a voice vote. A roll call vote shall be taken without further discussion.

#### *Outcome of Vote*

A positive recommendation requires a majority vote of the members present. In the event the Planning Commission motion ends in a tie, the motion fails.

MEG/WFH/mv