

**CITY OF NEWARK
DELAWARE**

**PLANNING COMMISSION
PUBLIC HEARING RULES OF PROCEDURE**

October 11, 2017 – Revisions May 7, 2019

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.

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 to 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.

Planning Commission

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.

Additional Items

1. 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.
2. Agenda items shall be annotated "Discussion", "Action" or "Information" as applicable.
3. Standard agenda items shall include Chair's Remarks, Approval of Minutes, items for consideration by the Commission, New Business, Informational Items, and General Public Comment regarding items not on the agenda but related to the work of the Planning Commission.

MEG/mv