

**ANNUAL REPORT OF
THE NEW CASTLE COUNTY PLANNING BOARD
FOR 2020**

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

From: Karen E. Peterson, Chair

Date: January 4, 2021

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.

The Board is presently operating with a full complement of members. Attendance is good and there have been no problems with getting a quorum for hearings and business meetings.

Attendance (17 meetings)

	Present	Excused	Absent
Cahill	15	2	0
Cochran	15	1	1
Daigle	15	1	1
Gray	16	1	0
McGlinchey	13	2	2
Peterson	17	0	0
Snowden	16	1	0
Visvardis	17	0	0
Williams	15	0	2

Board By-Laws and Special Rules of Order.

There were no changes to the Board’s By-Laws and Special Rules of Order. A review of the Board’s By-Laws (as required by law) was held at the Board’s business meeting of December 15, 2020.

Text Amendments

Twelve (12) text amendments were heard by the Board in 2020. Eleven (11) were UDC amendments and one (1) was a Comprehensive Development Plan amendment.

- App. 2019-0793-T (Ord. 19-120) to amend the UDC regarding text amendment procedures.
- App. 2020-0004-T (Ord. 20-008) to amend UDC regarding industrial uses.
- App. 2020-0160-T (Ord. 20-015) to amend UDC regarding the protection of historic resources and properties designated for preservation as part of a record plan.
- App. 2020-0247-T (Ord. 20-038) to amend UDC regarding neighborhood book exchange boxes.
- App. 2020-0300-T (Ord. 20-070) to amend UDC regarding outdoor sales and services.
- App. 2020-0301-T (Ord. 29-071) to amend UDC regarding transferable development rights and bonuses and historic resources.
- App. 2020-0325-T (Ord. 20-074) to amend UDC regarding mezzanine space in site capacity calculations.
- App. 2020-0475-T (Ord. 20-097) to amend UDC regarding byway overlays.
- App. 2020-0476-T (Ord. 20-090) to amend UDC regarding open space and common facilities.
- App. 2020-0482-T (Ord. 20-091) to amend UDC regarding the process relating to text amendments and amendments or substitutes thereto.
- App. 2020-0487-T to amend UDC regarding meetings, hearings, and procedures for boards, committees, commissions, and County Council.
- App. 2020-0616-T (Ord.20-101) to amend Comprehensive Development Plan to require a social justice element, an environmental justice element, and a hazards mitigation element be included in plans.

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 2020, the Board held eight (8) public hearings. The table below provides a summary of the applications heard by the Board.

Hearing Date	Exploratory Plan	Subdivision Appeal	Rezoning	Deed Restriction Change	Text Amendment	Subdivision Variance
3/03/20	1					
05/05/20	1		1		2	
06/02/20	1					
07/07/20					3	
09/01/20					2	
10/06/20	1		1			
11/04/20			1		1	
12/01/20	1				4	
Total: 20	5	0	3	0	12	0

Business Meetings

The Board's business meetings are typically held on the third Tuesday morning of every month, as needed. In 2020, the Board held nine (9) business meetings.

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

Date	Application Number	Recommendation
01/21/20	2019-0176-S/Z	Approve
	2019-0539-Z	Approve
02/18/20	Department presentation	
04/21/20	2019-0675-S/Z	Approve
	Capital Budget	Approve
05/19/20	2019-0793-T	Approve
06/16/20	2019-0676-S/Z	Approve
07/21/20	2020-0300-T	Approve
	2020-0247-T	Approve
	2020-0160-T	Deny
09/15/20	2020-0325-T	Approve
	2020-0301-T	Approve
11/17/20	2019-0006-S/Z	Approve
	2020-0616-T	Approve
12/15/20	2020-0438-S/Z	Approve
	2020-0487-T	Deny
	2020-0482-T	Deny
	2020-0476-T	Approve

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.

Submitted this 4th day of January, 2021

Karen E. Peterson
Chairperson