

**SYNOPSIS OF AMENDING THE CODE OF SOUTH BETHANY,
CHAPTER 20, PLANNING COMMISSION
ORDINANCE 152-09 (SECOND READING)
(Sponsored by Councilman Fields)**

This ordinance amends Chapter 20, PLANNING COMMISSION, to:

- Revise and update Chapter 20, Planning Commission, for the first time since 2003.



ORDINANCE NO. 152-09

AN ORDINANCE TO AMEND the Code of the Town of South Bethany, Chapter 20, **Planning Commission**.

BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, a majority thereof concurring in Council duly met, that Chapter 20 ("Planning Commission") be amended as follows (additions are **highlighted** and deletions **marked through**):

"PLANNING COMMISSION"

§ 20-1. Authority.

This chapter is authorized by § C-24 **4B(32)(e)** of the Town Charter.

§ 20-2. Members; appointment; vacancy; compensation. [Amended 2-14-2003 by Ord. No. 114-02]

The Planning Commission for the Town of South Bethany shall consist of five members. The members of the Planning Commission shall be appointed by the Mayor and confirmed by the Town Council. Members of the Planning Commission may be removed by the Town Council for cause after a public hearing, by a vote of a majority of the Town Council. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. Members of the Planning Commission shall serve without compensation but may be reimbursed for out-of-pocket expenses incurred in connection with duties prescribed for the Planning Commission.

§ 20-3. Records; rules of procedure.

The Planning Commission shall elect annually a Chairman **person,** **a Vice Chairperson** and **a** Secretary from among its members and may enlist experts, clerical and other assistants. The Planning Commission may also appoint a custodian of its records. The Planning Commission shall make its own rules of procedure and

determine its time of meeting. All meetings and records of the Planning Commission, as defined in Chapter 100, Title 29, Delaware Code, shall be open to the public.

§ 20-4. Comprehensive Development Plan (CP).

~~The Planning Commission may add to or change the Comprehensive Development Plan from time to time by a majority vote of the Planning Commission, with approval by the Town Council.~~

A. At least every five years the Planning Commission shall review the CP to determine if its provisions are still relevant given changing conditions in the Town or in the surrounding area. The CP shall be revised, updated and amended as necessary, and readopted at least every ten years. In the intervening years, the Planning Commission may amend the CP by majority vote, with approval by the Town Council.

B. The Planning Commission, with support from the Town Manager, shall prepare the annual report (which describes implementation of the CP and identifies development issues, trends or conditions that have surfaced since the plan was last amended) that the Town is required to send to the Office of State Planning Coordination by December 31 of each year. The Planning Commission shall also review any response that the State makes to this report. The Planning Commission shall make recommendations to the Town Council for updates to the CP.

§ 20-5. Subdivision and Partitioning Hearings.

The Planning Commission, upon receiving a request for partitioning, combining of lots, minor and/or major subdivision matters, shall hold a public hearing to determine if said request meets all applicable Town Ordinances and Regulations in accordance with Town Of South Bethany Code Chapter 116: Subdivision of Land.

§ 20-56. Reference of certain matters.

The Town Council may, by ordinance, by law or vote, provide for reference of any other matter or class of matters to the Planning Commission before final action thereon with or without provision that final action shall not be taken until the Planning Commission has submitted its report or has had a reasonable fixed time to submit such report.

§ 20-67. Reports; recommendations.

The Planning Commission shall have full power to make such investigations, maps and reports of the resources and needs of the Town as it deems desirable, provided that the total expenditures of said Commission shall not exceed the appropriation for its expenses. Upon completion of any such reports, the Planning Commission shall submit the same to the Town Council with its recommendations. It shall report annually to the Town Council on its activities during the preceding year.

§ 20-78. Conduction of work; examinations.

All Town Council members, employees and agents shall, upon request and within a reasonable time, furnish the Planning Commission and its members such available information as may be required in the conduct of its work. The Planning Commission, its members and agents may, so far as it deems necessary in carrying out the provisions of this chapter, enter upon any lands within the boundaries of the Town of South Bethany and there make examinations and surveys and place and maintain monuments and markers.

§ 20-89. Authority; powers; duties; responsibilities.

The Planning Commission shall have all of the authority, powers, duties and responsibilities of a Planning Commission as provided by 22 Del. C. § 7, the Town Charter, Town subdivision regulations and other ordinances pertaining to planning functions and duties.

§ 20-910. Terms of office. [Amended 2-14-2003 by Ord. No. 114-02]

Members of the Planning Commission shall serve in their terms of office for a ~~minimum~~ period of two years, ~~except that the initial terms of office shall proceed as follows:~~

Members	Expiration date (years)
2 members	3
2 members	2
1 member	1

Effective date: This ordinance shall become effective upon the date of adoption.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY,
SUSSEX COUNTY, DELAWARE, ON THE ____ OF _____ 2010.**

SEAL:

Gary L. Jayne, Mayor

Diane Matera, Council Secretary

ATTEST: _____

1st Reading: 12/11/09
2nd Reading: 2/12/10
3rd Reading:

Sponsored by Councilman Fields

JF:ps:Ordinance 152-09.2.12.10

CERTIFICATION FOR REGULAR ORDINANCES

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on **12/4/09** and posted on the Town's website on **12/4/09**, prior to the first reading.

This is to certify that the notice and brief description of the foregoing ordinance was published in the COASTAL POINT Newspaper on _____ and posted on the Town's website on _____, after its adoption.