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**SYNOPSIS OF ORDINANCE AMENDING THE CODE OF SOUTH BETHANY,
TO AMEND CHAPTER 20, PLANNING COMMISSION ORDINANCE
222-26 (SECOND READING)**

(Sponsored by Mayor Dondero)

This Ordinance amends the Code of the Town of South Bethany,
Chapter 20, Planning Commission.

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ORDINANCE NO. 222-26

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, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows: (additions are **bold and highlighted** and deletions are **bold and marked through**)

Amend Chapter 20, Planning Commission, as follows:

Chapter 20 Planning Commission

§ 20-1 Authority.

This chapter is authorized by § C-4.2.32(e) of the Town Charter.

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. ^[1]

§ 20-2 Members; appointment; vacancy; compensation; terms of office.

The Planning Commission for the Town of South Bethany shall consist of ~~not less than five nor no~~ more than ~~nine seven~~ members. ~~The number of members shall be determined by the Town Council.~~ Members of the Planning Commission shall serve a two-year term of office, ~~with the exception of a three-year term, when provided that if more than three members' terms of appointment shall expire in any new calendar year, Planning Commissioners shall be appointed for terms of three years as required necessary~~ to ~~maintain balanced-preserve the~~ staggered of

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terms ~~of the membership~~. 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 for cause by the Mayor, with approval of 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.

20-2.1 Ex-Officio Members.

The Mayor or a member of Town Council and the Town Manager shall be ex-officio members of the Planning Commission. An ex-officio member may exercise all the powers of the regular members of the Planning Commission except that s/he shall not have a vote. No ex-officio member shall hold an office on the Planning Commission.

§ 20-3 Records; rules of procedure.

The Planning Commission shall elect annually a Chairperson, ~~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, who may be the Town Clerk. 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 Plan ~~(CP)~~.

A.

The Planning Commission shall ensure that, every ten years, a new comprehensive plan is prepared and submitted to the Town Council for review, or the existing comprehensive plan is readopted by the Town Council. After a comprehensive plan or portion thereof has been adopted by the Town Council in accordance with this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan.

B.

At least every five years, the Planning Commission ~~shall~~ may review the Comprehensive Plan to determine if its provisions are still relevant given changing conditions in the Town or in the surrounding area. The Comprehensive Plan shall be

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revised, updated and amended as necessary, ~~and readopted at least every 10 years. In the intervening years, the Planning Commission may amend the CP by majority vote, with pending~~ approval by the Town Council.

B. C.

The Planning Commission, ~~with support from~~ shall work with the Town Manager, ~~shall to~~ prepare ~~the an~~ annual report, (which describes implementation of the Comprehensive Plan 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~~ as prescribed in the Delaware Code, Title 22, Municipalities, Chapter 7, Planning Commission, § 702, Comprehensive development plan. ~~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, and 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.

~~§ 20-6 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.~~

~~§ 20-7 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-~~86~~ Conduction of workEntry upon lands; examinations.

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~~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-~~97~~ ~~Authority; powers; duties; responsibilities.~~ Savings clause.

~~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.~~

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If any provision(s) of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY,
SUSSEX COUNTY, DELAWARE, ON THE ____ OF ____ 2026.**

SEAL:

Edith Dondero, Mayor

Robert Shields, Council Secretary

ATTEST: _____

1st Reading: 5/8/2026
2nd Reading: 6/12/2026

Sponsored by Mayor Dondero
Ordinance 222-26

Second Reading