

**Amended
November 16, 2021**

**ADMINISTRATIVE RULES OF PROCEDURE AND OPERATION
of the
Carroll County Planning & Zoning Commission**

The following Administrative Rules are hereby adopted to guide the conduct of Commission meetings, procedures and members themselves:

SECTION 1 - DEFINITIONS

- 1.1 The word "Commission" shall refer to the Carroll County Planning and Zoning Commission.
- 1.2 Abstain: The act of a Commission member in voting on a motion before the Commission. It is not considered a vote, and it is not counted toward the majority.
- 1.3 Recuse: The act of a Commission member in voting on a motion before the Commission. It is an act to not vote on a motion, thereby reducing the number of members present.
- 1.4 Application: Refers to any concept, preliminary, or final plan of subdivision; any concept or final site plan; any rezoning or annexation petition; or any other item presented to the Commission for a decision not including a decision made pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management.

SECTION 2 - OFFICERS

- 2.1 The Commission shall organize annually at the first regularly scheduled meeting in November and elect a Chair and Vice-Chair from its membership and a Secretary. All officers are eligible for re-election, however, the chair and vice-chair may serve no more than two (2) consecutive full terms. The Chair shall have the duty to represent the Commission at official gatherings, coordinate the commission's activities, coordinate commission itineraries for activities, including, but not limited to: business meetings, work sessions, and other events; facilitate meeting scheduling and agenda setting, preside at commission meetings, vote in case of a tie or to create a tie, and rule on procedural matters of Commission meetings. The Vice-Chair shall assume the Chair's duties if the Chair is absent, resigns or temporarily steps down in order to discuss and vote on a matter before the Commission. In case the Chair permanently leaves his/her office, the Vice-Chair shall assume the office of Chair for the unexpired term. The Commission shall then vote to elect a new Vice-Chair for the unexpired term.
- 2.2 Tenure: The Chair and Vice-Chair shall take office immediately following their election and shall hold office for a term of one year or until their successors are elected and assume office.

- 2.3 The Secretary shall faithfully ensure minutes are prepared and a record kept of all meetings of the Commission, shall prepare an advanced tentative agenda for each regular meeting and mail it to the Commission members and other interested parties, shall forward the results of all decisions of the Commission to the applicant and other appropriate parties, shall receive all correspondence concerning the Commission and distribute to the members as soon as possible, receive and file all evidence and petitions used by the Commission in making decisions, typically represent the Commission on actions appealed to the Board of Zoning Appeals or Court, and perform other duties as the Commission may determine.
- 2.4 Chair Pro Tem - In the absence of both the Chair and Vice Chair, the Secretary shall call the meeting to order and shall preside over the first item of business which shall be the election of a Chair Pro Tem from amongst the quorum.
- 2.5 Clerk – On nomination by the Planning Director, the Commission will designate an employee of the Department of Planning to serve as Clerk to the Commission. The Clerk will attend all meetings of the Commission and, under supervision of the Secretary, prepare the notices, agenda and minutes. In the absence of the person designated as Clerk in accordance to this section, the Secretary may designate another employee of the Department to prepare notices and the agenda.

SECTION 3 - MEETINGS

- 3.1 The regular meeting of the Planning Commission shall normally be held on the third Tuesday of each month unless determined otherwise by the Chair.
- 3.2 **Special Meetings.** Special meetings will be called at the request of the Chair, or of any four members of the Commission. Notice of the special meeting shall be given by the Secretary to the members of the Commission at least 48 hours prior to such meeting and shall state the purpose and time of the meeting.
- 3.3 **Closed Meetings.** The Commission may meet in a closed meeting or adjourn an open meeting to a closed meeting only for a purpose referred to in General Provisions Article § 3-305 of the Annotated Code of Maryland. If a closed meeting is held, the minutes of the next open meeting will include:
- a) a statement of the time, place and purpose of the closed meeting;
 - b) a record of the vote of each member as to the reason for closing the meeting; and
 - c) a reference to the specific purpose referred to above for which the meeting was closed.
- 3.4 **Public.** All regular and special meetings, work sessions, subcommittee meetings, hearings, records and accounts shall be open to the public. During each regular meeting, the public will be given an opportunity to make public

comments regarding Chapter 156, Adequate Public Facilities and Concurrency Management, Chapter 155, Development and Subdivision of Land, and Chapter 158, Zoning, of the Code of Public Local Laws and Ordinances of Carroll County, the capital improvement program, or other planning or zoning issue of general applicability to Carroll County. The public comment period shall not be used to discuss specific site plans or subdivision plans or issues pertaining to individual development projects. The Commission shall not take any action with regard to the public comment until the issue is duly advertised on the agenda of a subsequent Commission meeting.

3.5 **Agenda Deadline and Staff Report.** No less than seven (7) calendar days prior to a business meeting:

- a) The Tentative Agenda shall be published by the Commission Secretary and made available to each Commission Member, and any applicant, or their representative, who has a matter scheduled on the Agenda, and advertised via such means as may be determined from time-to-time to be the most efficacious.
- b) A copy of all staff reports that are intended to be submitted at the meeting shall be furnished to each Commission Member. To the extent applicable, each staff report shall include complete data regarding adequate facilities determinations.
- c) A copy of each staff report, as it pertains to a particular property, shall be furnished to that property owner, applicant, or his or her designated representative.
- d) Section 2.4 notwithstanding, the first action item at all meetings shall be approval of the draft Agenda.
- e) To the extent practical, the provisions of this subsection shall apply to all other meetings of the planning commission.

3.6 **Inclement Weather Policy** - In the event that Carroll County Government is closed due to weather-related issues, any scheduled business meetings, in person or virtual, of the Planning & Zoning Commission will be cancelled. Notice will be posted through the County's website and through such external mediums as are typically and/or traditionally utilized for public outreach.

3.7 **Quorum.** Four members of the Planning and Zoning Commission present shall constitute a quorum at a regular or special meeting. Without a quorum present, no business can be transacted, and no official action can take place.

3.8 **Motions.** A motion may be offered by any member except the Chair. Once the motion is seconded, the Chair will offer discussion time to the Commission members prior to the vote. The motion will be restated prior to the vote. The applicant may ask to withdraw the application at any time until the voting commences.

- 3.9 **Voting.** Each member must be present to vote. Each member shall provide a voice vote to the Secretary in sequential order. Each member will vote on each motion, unless the member abstains or recuses.
- a) A member must recuse himself/herself when he/she becomes aware of a conflict of interest that affects the member's ability to vote impartially. The member should inform the Chair, step away from the bench, and not participate in any further discussion. The conflicted member is considered "absent" for this portion of the meeting but may be allowed to participate as a citizen when the commission is receiving public comments.
 - b) Should the appearance of a conflict of interest exist, the member should, during the open meeting, inform the Chair and the public of the appearance of a conflict of interest; however the conflict does not affect the member's ability to vote impartially. Thereafter the member may participate in any further discussion and vote.
 - c) The Ex-officio member may not vote on any question in the result of which the Ex-officio member has an immediate personal or financial interest. Land Use Article § 2-102(a)(3)(i) of the Annotated Code of Maryland.
 - 1) When an Ex-officio member abstains from voting on a question under Land Use Article § 2-102(a)(3)(i), the Ex-officio member shall disclose the recusal. Land Use Article § 2-102(a)(3)(ii).
 - d) The Ex-officio member shall not vote on a matter that could be heard by the Board of County Commissioners including, but not limited to, rezoning applications and Plans.
 - e) The Chair may vote to break or to create a tie but is not obligated to vote.
- 3.10 **Affirmative vote.** An affirmative vote of a majority of the members voting is required to approve an application or motion. A tie vote or a negative vote of a majority defeats the motion.
- 3.11 **Application denied.** If an application is not approved, the Commission may normally not vote on the application again for one year or unless the following occur:
- a) The applicant submits evidence in writing to the Secretary asking that it be reheard and listing material changes to the application that address the stated reason for the denial,
 - b) One of the members who voted against the application moves to rehear the application and the Commission approves the motion, and
 - c) The public has been notified by way of the agenda publication that the Commission will hear the request at a subsequent meeting.

- 3.12 **Alternate.** The designated Alternate shall have all responsibilities and obligations of a regular member at all times. The Alternate shall have all of the rights and privileges of a regular member when one (1) or more regular member(s), but not the Ex Officio, is/are not in attendance or a member recuses himself/herself. In such instances, the Alternate may participate in all discussions, move an issue, second a motion, and vote. In situations where all regular members are present, the Alternate may, at his/her discretion, choose to sit in such areas as may be designated for the regular members, and may participate in such discussions as may occur; however, he/she may not move an issue, second a motion, participate in deliberations after a motion, or vote.
- 3.13(a)**Disclosure Required.** The individuals who make up any partnership, corporation or limited liability company (LLC), the beneficiaries of a Trust, or other association, which is submitting an application for review by the Commission, shall disclose their identity to Bureau of Development Review or Department of Planning. Disclosure of identity shall be included in the staff report presented to the Commission so that each Commission member may comply with Section 4.
- 3.13(b)**Disclosure Waiver.** The provisions of 3.12(a) may be waived upon a motion duly approved by a majority of the quorum of Commission members present; provided, however, that a signed and notarized affidavit be provided attesting to the fact that none of the current members (ex-officio or otherwise), or alternate members of the Commission, nor any members of the Board of County Commissioners are members, shareholders or participants in the business entity making application to the Commission.
- 3.14 **Attendance Required.** All owners and developers of projects to be reviewed by the Planning Commission shall be present at the meeting when their project is being reviewed. If an owner or developer is unable to attend the meeting, the owner's or developer's designated representative may attend provided the representative is authorized to act on behalf of the owner or developer. Non-compliance with this rule may result in the Planning Commission voting to table the application until such time as all owners and developers for that application are present.

SECTION 4 - COMMISSION MEMBER RESPONSIBILITIES

- 4.1 Commission members may seek information to help them make the best possible informed decision on an agenda item but, when possible, they shall seek the assistance of staff and shall make requests for information as a body, and not as an individual.
- 4.2 **Ex Parte Communications.** A communications process in which an interested party is not informed of the time, or place, or location of the communication, or that a communication process was going to take place; consequently, the interested party is not afforded an opportunity to participate. These types of situations are typically viewed as showing favoritism or prejudice and can give rise to claims and/or perceptions of unfairness or bias.

- a) When the Commission is adjudicating a matter in its quasi-judicial role, *ex parte* communications are strictly forbidden. The Commission is acting in a quasi-judicial role when it hears zoning map amendment petitions, text amendments, and reviews applications and requests under the provisions of Article XV: Land Use.
- b) When the Commission is acting in its legislative role, *ex parte* communications are discouraged and should, to the extent possible, be avoided. The Commission is acting in its legislative role when it participates in plan development and implementation activities or when it reviews items or business not associated with the review or enforcement of the provisions of Article XV: Land Use. Members receiving *ex parte* communications shall advise all Commission members through the Secretary's office prior to the meeting or make a statement in person at the Commission meeting. Any *ex parte* communication received relevant to the Commission's responsibilities shall be furnished to all Commission members and the public orally or in writing. As an alternative to *ex parte* communications, members should encourage the public to prepare written reports for all members through the Secretary's Office or to speak publicly at the Commission meetings.

4.3 **Ethics.** Commission members are bound by the Carroll County Ethics Ordinance (Chapter 34 of the Code of Public Local Laws and Ordinances of Carroll County) and shall comply with the Ordinance provisions relating to acceptance of compensation, gifts, payment of expenses, or anything else of monetary value. Commission members shall review the staff reports in advance of any regular meeting to determine whether a conflict of interest exists with respect to any project to be reviewed by the Commission.

SECTION 5 - COMMITTEES

5.1 The Commission may create, by resolution, committees for certain purposes as determined by the Commission.

5.2 **Appointment for tenure of committees.** The Chair will, after consulting with the Commission, appoint at least two members to each committee. The Commission may appoint advisory committees, which include members of the public. The committee will decide when and where to meet and announce these intentions to the Commission. Members of the committee will serve until their work is completed. The Commission Chair will appoint persons to fill vacancies.

5.3 **Duties of Committee Chair.** The Commission Chair or the Committee members will choose a Committee Chair who will assume the following duties: present the findings and recommendations of the committee to the whole Commission, ensure that the committee meeting meets the Maryland Open Meetings Law and the Public Information Act; guide the committee meeting and ensure that adequate minutes have been kept.

SECTION 6 - AMENDMENTS

- 6.1 **Amendments.** These rules will be reviewed annually and may be amended at any time by an affirmative vote of four members.

SECTION 7 - PARLIAMENTARY PROCEDURE

- 7.1 Robert's Rules of Order, Revised, will serve as a guide for the Commission meetings where these administrative rules are silent.

SECTION 8 – DELEGATION OF AUTHORITY

- 8.1 The Commission delegates the authority to approve minor adjustments or corrections to record plats to the Commission Chair or the Commission Secretary. The extent of that authority shall include the following situations:
- a) Adjustments to resource protection easements, such as forest conservation, water resource protection, floodplain, where the Board of County Commissioners has approved the adjustment,
 - b) Minor adjustments to property lines that do not create a nonconforming lot or create other zoning issues,
 - c) Correction of recorded plats that contain errors such as lot areas, driveway names, notes or other miscellaneous errors,
 - d) Other minor adjustments or corrections to record plats that may arise as determined by the Commission Chair and the Director of the Department of Planning; and
- 8.2 The Commission may delegate the authority to approve certain site plans to the Commission Chair or the Commission Secretary provided the concept plan has been reviewed by the Planning and Zoning Commission and at a Technical Review Committee meeting. The Commission may also delegate the authority to approve certain site plans to the Commission Chair or the Commission Secretary for Assisted living facilities in existing structures which do not involve disturbance in excess of 5,000 square feet.
- 8.3 Notwithstanding the delegation of authority contained in this section, at any time the Commission Chair or the Commission Secretary may decline to exercise this authority and request that the adjustment or correction be presented to a quorum of the Commission for approval.

3/19/96, 5/21/96, 12/10/96,
1/21/97, 3/6/97

3/6/97

Consideration Dates

Adoption Date


11/17/98, 11/21/00, 12/18/01, 4/16/02, 5/20/03, 6/17/03, 6/15/04, 11/16/04, 9/20/05, 11/20/07, 05/04/09, 11/16/10, 02/18/14, 11/17/15, 12/20/16, 12/19/17, 1/15/19, 11/17/2020, 11/16/2021, 11/15/2022

Amended Dates



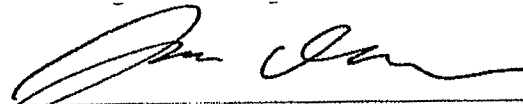
Chair
Planning and Zoning Commission

11/15/22
Date



Secretary
Planning and Zoning Commission

11/15/22
Date



Reviewed for Legal Sufficiency

11/16/22
Date