

**ADMINISTRATIVE RULES
of the
Carroll County Planning & Zoning Commission**

The following Administrative Rules are hereby adopted to guide the conduct of Commission meetings 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 71, 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. The Chair shall have the duty to represent the Commission at official gatherings, coordinate the Commission's activities, set the meeting agenda, 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 written and kept of all meetings of the Commission, shall prepare an advanced tentative agenda (subject to approval of Chair) 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, and perform other duties as the Commission may determine.

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 **Public.** All regular and special meetings, subcommittee meetings, hearings, records and accounts shall be open to the public, as required by the Maryland Open Meetings Law and the Public Information Act. During each regular meeting, the public will be given an opportunity to make public comments regarding Chapter 71, Adequate Public Facilities and Concurrency Management, Chapter 103, Development and Subdivision of Land, and Chapter 223, 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.
- 3.4 **Agenda Deadline and Staff Report.** By the second Tuesday of the month:
- a) The Tentative Agenda shall be published by the Commission Secretary and made available to each Commission Member, the local newspapers, and any applicant, or their representative, who has a matter scheduled on the Agenda.
 - 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.
- 3.5 **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.
- 3.6 **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.
- 3.7 **Voting.** 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 member must recuse himself/herself when he/she becomes aware of a conflict of interest. The member should inform the Chair and shall not participate in any further discussion. The Chair may vote to break or to create a tie but is not obligated to vote.
- 3.8 **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.
- 3.9 **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.
- 3.10 **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.

- 3.11 **Disclosure Required.** The individuals who make up any partnership, corporation, limited liability company (LLC), 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.

SECTION 4 - COMMISSION MEMBER RESPONSIBILITIES

- 4.1 Commission members will seek information to help them make the best possible informed decision on an agenda item. However, ex parte communication with a member is discouraged. 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 orally or in writing. 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.
- 4.2 **Ethics.** Commission members are bound by the Carroll County Ethics Ordinance (Chapter 18 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 previously approved site plans and record plats to the Commission Chair or the Commission Secretary. The Commission also delegates authority to approve certain site plans to the Commission Chair. The extent of that authority shall include the following situations:
- a) Adjustments to drainage and utility easements that appear on record plats and are not required for actual drainage or are located in areas that have no possible use for future water or sewer lines,
 - b) Adjustments to resource protection easements, such as forest conservation, water resource protection, floodplain, where the Board of County Commissioners has approved the adjustment,
 - c) Minor adjustments to property lines that do not create a nonconforming lot or create other zoning issues,
 - d) Correction of recorded plats that contain errors such as lot areas, driveway names, notes or other miscellaneous errors,
 - e) Other minor adjustments or corrections to record plats or site plans that may arise as determined by the Commission Chair or the Director of the Department of Planning; and
 - f) Assisted living facilities in existing structures which do not involve disturbance in excess of 5,000 square feet.
- 8.2 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

Consideration Dates

3/6/97

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
Amended Dates

Secretary

Planning and Zoning Commission

Chair

Planning and Zoning Commission

Reviewed for Legal Sufficiency

Terri A. Jones, Deputy County Attorney