



TOWN OF BURKITTSVILLE

Commission Bylaws & Procedures

Objective.

The Burkittsville Planning & Zoning Commission bylaws are established to afford the Burkittsville Planning & Zoning Commission and all residents within the Town and applicants before the Commission with an efficient, transparent, equitable and predictable set of rules and procedures. The Commission shall review all matters before it in an impartial and respectful manner, and consider testimony and evidence presented based on the merits contained within the applicable Town of Burkittsville Code of Ordinances. The internal bylaws and procedures governing the Planning & Zoning Commission are resolved pursuant to the Town of Burkittsville Code and The Land Use Article of the Annotated Code of Maryland. Whenever a conflict arises between the bylaws contained herein or the Town Code or Annotated Code of Maryland, the presiding laws shall prevail; however, nothing contained herein shall be considered an inseparable clause in the event that one or more sections of the bylaws and procedures is found to be in conflict with the aforementioned codes.

Copies of all proposed and adopted amendments to these bylaws, in addition to the agendas and meeting minutes of the Planning & Zoning Commission shall be retained within the Town Records by the Town Clerk and available to the public for inspection. It is the policy of this Commission that all meeting minutes shall be permanently retained on file and all associated material be retained according to the Town's records retention policy.

Definitions.

- A. **Bylaws** - bylaws adopted by the Burkittsville Planning & Zoning Commission as contained herein.
- B. **Code** - the Code of the Town of Burkittsville.
- C. **Commission-the** Burkittsville Planning & Zoning Commission.
- D. **Member(s)** - A person appointed by the Mayor & Council to serve on the Planning & Zoning Commission.



TOWN OF BURKITTVILLE

Officers and Member Responsibilities.

Membership

The Commission shall consist of three, five, or seven members. One member of the planning commission may be a member of the legislative body, who serves as an ex officio member concurrent with the member's legislative term. An ex officio member of the planning commission may not vote on any question in the result of which the ex officio member has an immediate personal or financial interest. When an ex officio member abstains from voting on a question under subparagraph (i) of this paragraph, the ex officio member shall disclose the recusal.

Appointment

Members of the Commission shall be appointed by the legislative body as described in the Code of Ordinances

Tenure

The term of a member of the planning commission other than an ex officio member is 5 years; or until the member's successor takes office. The terms of the members of a planning commission shall be staggered.

Removal

The legislative body may remove a member of a planning commission for: incompetence; misconduct; or in the same manner as for a member of a State board or commission: failure to attend meetings under § 8-501 of the State Government Article; or conviction of a crime in accordance with § 8-502 of the State Government Article.

Vacancies

If a vacancy occurs during the term of an appointed member, the vacancy shall be filled for the unexpired term in the same manner as is required for regular appointment.

Election of Officers.

- E. The Commission shall convene annually on its regularly scheduled meeting date in January for the purposes of electing officers from among its members. The term of a chair is 1 year and the chair may be reelected. The planning commission may establish and select other officers that it considers appropriate. The positions for election shall be for Chairman and Vice Chair.
- F. The Town Zoning Administrator or other staff liaison to the Commission shall conduct the election for both offices as the first order of business after the meeting has been called to order and request that a member of the Commission nominate a member other than them self for the position of Chairman. Any member receiving a nomination must verbally confirm acceptance of the nomination.
- G. A simple majority vote in the affirmative of three of five members shall elect the officer and the aforementioned procedures shall follow for the election of Vice Chair. No election of



TOWN OF BURKITTVILLE

officers shall take place at a meeting unless at least three members are present.

- H. Officers may be removed from their elected positions if a motion of No-Confidence is made by any member and approved by a three-fifths majority vote. The motion of No-Confidence must contain a cause and justification and be recorded in the meeting minutes. Removal from the office would become effective immediately upon adoption of the motion, but shall have no effect on the member's appointed membership on the Commission.

Member Responsibilities.

It shall be the duty for each member to attend all regular meetings, workshops, special meetings and site visits as regularly scheduled or as called by the Chairman. Should any member be absent from more than twenty-five (25) percent of any combination of regular meetings or workshops during any twelve month period, then the Commission shall recommend to the Mayor and Council that member's resignation be requested, unless determined by a vote of the majority of Commission members that there is sufficient excuse for non-attendance.

When a member is aware that they will not be able to attend a Commission function, they shall notify the Chairman at their earliest opportunity.



TOWN OF BURKITTVILLE

Each member is responsible for satisfying the Maryland commissioner educational training requirement within six months from appointment in accordance with State Law. The education course may be obtained from the Maryland Department of Planning's website or offices.

Representation of the Commission.

The Chairman shall represent positions and enforce actions on behalf of the Commission as contained within these bylaws and the Town Code. Members shall not speak on behalf of the Commission as a whole unless specifically authorized to do so.

Duties of Officers.

Chairman

- A. Conducts meetings.
- B. Determines Procedures and Points of Order.
- C. Calls speakers, compels witnesses and testimony.
- D. Prepares official records, motions and minutes or directs Vice Chair to do so and transmits copies to the Town Clerk for retention.
- E. Compiles and approves meeting and workshop agenda.
- F. Calls and schedules workshops and/or special meetings and/or site visits pursuant to adopted bylaws.
- G. Signs all official Commission documents, approvals, correspondence and prepares position statements and/or letters as approved by the majority of Commission or may direct Town staff to prepare documents.
- H. May represent Commission or attend meetings as provided for in adopted bylaws and as approved by majority of Commission.
- I. May make motions or second motions and may vote in all matters before the Commission.
- J. May create special committees or task forces for special purposes or study or to facilitate commission business. Chairman shall appoint the members of those committees or task forces and appoint at least one member from the Commission.
- K. Shall appoint members of the Commission as liaisons to certain committees or task forces created by the Mayor and Council when a Commission member is requested as part of the committee or task force.



TOWN OF BURKITTSVILLE

Vice Chair

- A. May assist Chairman in conducting meetings and advise on points of procedure.
- B. May assist Chairman in tasks as assigned.
- C. Conducts and chairs meetings in the absence of Chairman.
- D. May call special meetings or workshops in the absence of Chairman.
- E. May make motions or second motions and may vote in all matters before the Commission.
- F. In the event that any of the following circumstances occur, then the Vice Chair assumes the position of Chairman for remainder of the Chairman's elected term if they vacate the position, are removed as Chairman on a vote of No-Confidence by the Commission, are removed by the Mayor and Council, or is disabled.
- G. Should the aforementioned circumstances occur and result in the elected Vice Chair becoming Chairman, then the position of acting Vice Chair shall be assumed by the Commission member with the most accumulated years of service on the Commission - whether consecutive or not - until an election is held during a regular meeting, or until the remainder of the Vice Chair's elected term has expired.

Meetings.

Meetings & Procedures.

Regular meetings shall be held monthly on fixed date intervals as determined by the Commission. If there is no business before the Commission by the close of business ten days before the scheduled meeting, the Chairman shall give notice to the Commission members and the public that the regular meeting shall not be held.

The Chairman may call special meetings, workshops or alter the date of regular meetings so long as he has given the members and public at least 48 hours' notice of the date and time of such meeting.

A quorum, being required for action to be taken on any business item, shall consist of three members. When a quorum is not present, no matters requiring votes shall be conducted and public hearings shall be rescheduled. Matters scheduled on the agenda may be discussed by those present so long as no action is taken in the absence of a quorum.

The Commission retains the right to continue any meeting, public hearing or workshop to the next regular meeting or workshop date or to a date of its choosing by a majority vote of those members present and voting. Should a public hearing be continued to another date prior to the closing of the record, the public comment period shall be extended and record held open until that date.



TOWN OF BURKITTVILLE

All citizens shall have the opportunity to present comments relating to planning, zoning and land use issues at the end of the agenda at all regular meetings. Each speaker may offer comments not to exceed five minutes in length and the Chairman shall retain the right to limit the amount of time allotted to speakers during public comment.

Applications, plans or plats that have been denied by the Commission will not be reconsidered for six months if deemed to be substantially the same application.

Voting.

A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed; however, failure to approve applications, plans, or plats, etc. shall constitute a denial. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No- Recommendation".

Any member of the Commission may enter a motion requesting a reconsideration of a previous vote, regardless of whether or not the member was on the prevailing side of a vote. Such reconsideration shall not be permitted after 60 days from the date upon which the motion in question was made.

When members are unable to be physically present at a meeting or workshop, the use of teleconference or videoconference functions by that member to participate in discussion shall be permitted; however, no member shall be permitted to vote upon a matter on the agenda unless physically present. A note indicating the member's participation shall be made in either the minutes or the attendance record, but their participation shall not constitute the status of a member "present and voting" for the purposes of establishing a quorum or when counting votes. Proxy voting shall not be permitted.

Any member disqualifying or recusing themselves from a vote shall indicate such prior to discussion on the matter before the Commission. Upon indicating a recusal for a matter before the Commission, the member shall then excuse themselves from the table for the duration of the discussion, hearing and vote on the particular item and shall offer no testimony or discussion.

Workshops.

Workshops may be held at the call of the Chairman or by a request of a majority of members to review and consider specific matters. No votes or determinations shall be made during a workshop and no public comment shall be taken unless determined by a majority of the Commission. Agendas and notice shall be prepared for workshops, but minutes are not required to be taken.



TOWN OF BURKITTSVILLE

Joint meetings or workshops between the Commission and either the Mayor and Council or the Board of Appeals may be convened from time to time after consultation between the Chairman and the Mayor or Chairman of the Board of Appeals.

Requests For Consideration.

All requests for business items before the Commission must be received in writing or electronic correspondence by the Chairman or Zoning Administrator no later than ten days before the regular monthly Commission meeting. Specific monthly deadlines for receiving requests may be temporarily altered by the Chairman or Zoning Administrator when practical without necessitating an amendment to these bylaws.

Items that do not require immediate action and are informational in nature or require only discussion or direction by the Commission shall be forwarded to the Chairman for consideration to be placed on a future meeting or workshop agenda at the Chairman's discretion.

Business Conducted Electronically.

Recognizing the prevalence of electronic forms of media, the Commission desires to enact a consistent policy in utilizing these technologies.

No member shall post, disseminate, or discuss information pertaining to pending matters before the Commission via electronic mail or social media applications.

No member shall disseminate unauthorized information by said electronic means. Public information may be personally disseminated following the conclusion of the matter before the Commission.

Electronic correspondence may be utilized to discuss routine matters before the Commission, disseminate information, documents and reports, and forward incoming correspondence relevant to a matter that has formally been submitted to the Town for consideration so long as the correspondence is not conducted in real-time that would purposely constitute a quorum. Furthermore, members and staff may utilize electronic means of communication in order to facilitate the business of the Commission and to advise on matters before the Commission. The Commission shall not conduct votes or prejudice themselves on any matters by means of electronic communication.

When recommendations from the Commission are required, such recommendations may be made electronically after receiving affirmation by the majority of the existing membership. Such electronic recommendations must be announced during the next regular Commission meeting and noted within those minutes.

TOWN OF
BURKITTSVILLE

Testimony, Public Comment & Public Hearing Procedures.

In accordance with Maryland Court of Special Appeals decision, *Heard vs. Foxshire Associates* (2002), all witnesses shall be sworn when testifying before the Commission on those matters decided on the evidence in the record. Testimony must be addressed to the Chairman and must be directly pertinent to the application, relevant Codes and testimony provided by witnesses. The Chairman shall retain the right to limit or dismiss testimony or evidence that is considered spurious, leading, personally injurious, unsubstantiated, repeating or does not abide by the provisions contained within this Article.

The ordinary order of public hearings and time limits for testimony shall be as follows:

- A. Chairman's statement and overview of procedures.
- B. Staff Report & Recommendation.
- C. Reading of Agency Comments.
- D. Testimony by the Applicant or the Applicant's Agent or Attorney.
- E. Public Comment.
- F. Applicant's Rebuttal.

The Chairman retains the right to adjust the amount of time allotted to parties offering testimony prior to the commencement of the public hearing.

Ethics, Conflict of Interest and Lobbying.

Ethics Compliance.

Commission members are generally subject to the provisions of the Frederick County Ethics Ordinance, as amended from time to time, except those provisions requiring the filing of an annual financial disclosure form. In the event that any other ethics policy is adopted by the Commission or ethics and lobbying ordinance adopted hereafter by the Mayor and Council, the provisions of these policies and/or ordinances shall supersede the provisions of the Frederick County Ethics Ordinance as it applies to the Commission.

Conflicts of Interest.

No member shall vote on a matter in which they have a personal involvement or the appearance of a conflict of interest or as otherwise specified in the County's Ethics Ordinance. When voting upon matters in which a Commission member maintains a personal, professional, familiar or financial relationship with an applicant, and/or the Commission member has had verbal, written or electronic



TOWN OF
BURKITTSVILLE
Burkittsville, MD 21718

contact with the applicant or citizen submitting comments or testimony on any matter before the Commission, then the Commission member shall state for the record that such relationship exists or contact has occurred prior to voting upon the matter in question.

Legal Counsel.

Members are encouraged to consult the Town's legal counsel or staff as to the propriety of their voting on any matter which may involve a conflict of interest.

Role of Advisers, Staff & Consultants.

Staff Liaison.

The Zoning Administrator or his or her designee shall serve as the formal Town staff liaison and advisor to the Commission. The staff liaison shall also serve as the primary contact for all communications between Commission members, staff, applicants and residents.

The Zoning Administrator may assist the Commission and be present at meetings on zoning-related matters upon the direction of the Chairman.

The Zoning Administrator shall administer and execute matters of policy on behalf of the Commission. When there are significant changes proposed to matters of Commission policy, the Zoning Administrator shall present the proposal to the Commission for resolution at its regular meetings.

Refraining From Administration.

Commission members take no part in the daily routine of administration of regulations and research of matters of fact; although they do participate in site visits, assist in research of policy or text amendments and discussions pertaining to matters of significance to be considered at Commission meetings.

- A. **Initiation.** Amendments to these bylaws may be initiated by any member of the Commission during a regular meeting. No permanent amendment shall be voted upon during the meeting in which it is introduced.
- B. **Notice.** Notice of the proposed amendment and its scheduled date for consideration

TOWN OF

BURKITTSVILLE

shall be posted either at Town Hall or on the Town's official website for at least ten days.



TOWN OF BURKITTSVILLE

- C. **Consideration.** Consideration of any proposed amendment must be discussed and voted upon in public session.
- D. **Adoption.** Adoption of any proposed amendment shall require a majority vote of three fifths of the membership. Amendments shall become effective one day following the date of adoption.

TOWN OF BURKITTSVILLE PLANNING & ZONING COMMISSION BYLAWS & PROCEDURES

Adopted by motion of the Burkittsville Planning & Zoning Commission on this _ day of

_____, 2022. With members in affirmation and _____

members in opposition. These bylaws become effective fifteen (15) days following adoption on

the ____ day of

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BY: _____

Burkittsville Planning & Zoning
Commission, Chair

ATTEST: _____

Town Zoning

Administrator