

## **ARTICLE III ADMINISTRATIVE MECHANISMS**

### **Section 1. Planning Commission Established**

1. There shall be a Planning Commission consisting of seven (7) members, all of whom shall be residents of the Town and shall be qualified by knowledge and experience in matters pertaining to the development of the Town. All seven (7) members shall be appointed by the Mayor, subject to confirmation by the Board of Commissioners. The members shall be appointed to represent as many different geographical areas of the Town of Elkton as possible. Members shall be appointed for terms of five (5) years or until their successors are appointed and qualified. The respective terms of the members shall be on a staggered basis. Vacancies shall be filled by appointment by the Mayor, subject to confirmation by the Board of Commissioners, for the unexpired term only. Members of the Commission may receive such compensation as deemed appropriate and shall be reimbursed for all necessary and reasonable expenses actually incurred in the performance of their official duties.
2. One member of the Board of Commissioners shall be an ex-officio, non-voting member of the Planning Commission and shall be selected by the Mayor with the approval of the Commissioners. The term of this member shall correspond to his official term as a member of the Commissioners, provided, however, that the term of the member of the Commissioners first selected by the Mayor shall be for one (1) year. The term on the Planning Commission of the member of the Commissioners shall cease whenever his/her official tenure as a member of the Commissioners terminates.

### **Section 2. Meetings of the Planning Commission**

1. The Planning Commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on all complete applications in an expeditious manner. This shall entail at least one regular meeting each month. If there is no business before the planning commission, the chair may cancel the monthly meeting.
2. The Planning Commission need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles V and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
3. Minutes shall be kept of all Planning Commission proceedings.
4. All Planning Commission meetings shall be open to the public and, whenever feasible, the tentative agenda for each commission meeting shall be made available in advance of the meeting.

### **Section 3. Quorum and Voting**

1. A quorum for the Planning Commission shall consist of a majority of the Commission membership (excluding vacant seats). A quorum is necessary for the Commission to take official action.
2. All actions of the Planning Commission shall be taken by majority vote, a quorum being present.
3. A roll call vote shall be taken upon the request of any member.
4. All Advisory members shall have all the privileges of membership except the right to vote.

#### **Section 4. Planning Commission Chairperson**

1. The Planning Commission shall elect, by the 31st of January each year, a chairperson and vice-chairperson who shall serve for one (1) year. If the Planning Commission fails to elect a chairperson by the 31st of January each year, the Mayor will appoint a chairperson.
2. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

#### **Section 5. Powers and Duties of Planning Commission**

1. The Planning Commission shall have the following powers and duties:
  - a. Review, evaluate, and approve or disapprove plans for subdivisions and site plans in accordance with this Ordinance and the Town of Elkton Subdivision Regulations.
  - b. Review and make recommendations to the Mayor and Board of Commissioners regarding:
    - (1) Proposed changes or amendments to the Town of Elkton Comprehensive Plan.
    - (2) Proposed amendments to the Town of Elkton Chesapeake Bay Critical Area Program.
    - (3) Proposed amendments to the Town of Elkton Zoning Ordinance and Zoning Map.
    - (4) Proposed acquisition and development of lands for open space or recreation purposes.
    - (5) Proposed designation of historic sites or districts.
    - (6) Proposed changes or amendments to the Town of Elkton Subdivision Regulations.
    - (7) Proposed changes in land use or development arising from state or federal programs or policies.
    - (8) Proposed amendments to the Town of Elkton Forest Conservation Regulations.
    - (9) Annual review of the Capital Improvement Program.
  - c. Make recommendations to the Board of Appeals regarding applications for special exceptions.
2. The Planning Commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this Ordinance.

#### **Section 6. Advisory Committees**

1. From time to time, the Board of Commissioners may appoint one or more individuals to help the Planning Commission carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Board of Commissioners may appoint advisory committees to consider the comprehensive development plan, housing plans, economic development plans, etc.
2. Members of such advisory committees shall sit as nonvoting members of the Planning Commission when such issues are being considered and lend their talents, energies, and expertise to the Planning Commission. However, all formal recommendations to the Board of Commissioners shall be made by the Planning Commission.
3. Nothing in this section shall prevent the Board of Commissioners from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Board of Commissioners.

#### **Section 7.      Appointments and Terms of Board of Appeals**

1. There shall be a Board of Appeals consisting of five members to be appointed by the Mayor, subject to confirmation by the Board of Commissioners. The members shall be individuals who are residents of the Town. No member of the Board of Appeals shall be a member of the Planning Commission. Appointment shall be for staggered terms of three (3) years. If a vacancy occurs, by resignation or otherwise, among the members of the Board of Appeals, the Mayor shall appoint a member, subject to confirmation by the Board of Commissioners, for the unexpired term. Members of the Board may receive such compensation as the Board of Commissioners deems appropriate and shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties.
2. The Board of Commissioners shall designate one alternate member for the Board of Appeals who may be empowered to sit on the Board in the absence of a member of the Board.

#### **Section 8.      Meetings of the Board of Appeals**

1. The Board of Appeals shall establish a regular meeting schedule and shall meet frequently enough so that it can take action on all complete applications in an expeditious manner.
2. The Board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles V and VI and in accordance with Land Use Article, Annotated Code of Maryland.
3. All meetings of the Board shall be open to the public and, whenever feasible, the tentative agenda for each board meeting shall be made available in advance of the meeting.
4. The Board shall keep transcripts of all proceedings and minutes showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the Board and shall be a public record.

#### **Section 9.      Quorum**

1. A quorum for the Board of Appeals shall consist of a majority of the regular Board membership (excluding vacant seats). A quorum is necessary for the Board to take official action.

## **Section 10. Voting**

1. The concurring vote of the majority of the Board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance or to grant any variance.
2. Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 3, or has been allowed to withdraw from the meeting in accordance with Subsection 4.
3. A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - a. If the member has a direct financial interest in the outcome of the matter at issue, or
  - b. If the matter at issue involves the member's own official conduct, or
  - c. If participation in the matter might violate the letter or spirit of a member's code of professional responsibility, or
  - d. If a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest.
4. A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.
5. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.
6. A roll call vote shall be taken upon the request of any member.

## **Section 11. Board of Appeals Officers**

1. The Board of Appeals shall annually elect one of its members to serve as chairperson by the 31st of January each year, who will preside over the Board's meetings, and one member vice-chairperson, who will preside over the Board's meetings in the absence of the chairperson. The person so designated shall serve in this capacity for a term of one year. If the Board of Appeals fails to elect a chairperson by the 31st of January each year, the Mayor will appoint a chairperson.
2. The chairperson or any member temporarily acting as chairperson may administer oaths to witnesses coming before the Board.
3. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues.

## **Section 12. Powers and Duties of Board of Appeals**

1. The Board of Appeals shall hear and decide:
  - a. Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Article V, Section 1.
  - b. Applications for Special Exception Uses, as provided in Article IV, Part II.
  - c. Applications for variances, as provided in Article V, Section 2.
  - d. Any other matter the Board is required to act upon by any other Town ordinance.
2. The Board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter and the Land Use Article Annotated Code of Maryland.

### **Section 13. Zoning Administrator**

1. Except as otherwise specifically provided, primary responsibility for administering and enforcing this Ordinance shall be the Town Zoning Administrator. The Administrator may assign responsibility to one or more individuals. The person or persons to whom these functions are assigned shall be referred to in this Ordinance as the "Zoning Administrator" or "Administrator". The term "staff" is sometimes used interchangeably with the term "administrator".
2. The Zoning Administrator may be provided with such assistance in the carrying out of his/her responsibilities under this Ordinance as may be sanctioned by the Mayor and Board of Commissioners.
3. It shall be the duty of the Zoning Administrator to administer and enforce the provisions of this Ordinance. If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she may notify, in writing, the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alternations, or structural changes thereto; he/she shall order discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions, including the issuance of Stop Work Orders.
4. He/she shall be empowered to enter properties and make inspections to determine compliance with this Ordinance; and shall, pursuant to such duties, have the right to apply for and receive search warrants when they may be necessary to carry out his/her duties.
5. It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, that he/she shall render a decision thereon, and that such questions shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator.
6. The Zoning Administrator, or his/her representative, shall be required to attend all proceedings of the Planning Commission, Board of Appeals, and the Mayor and Commissioners, at which matters of zoning are considered. He/she shall advise the Planning Commission on zoning matters related to the review, amending, or implementation of the Comprehensive Plan, on zoning implications of subdivision review, and on other matters as appropriate.

7. He/she shall issue Zoning Certificates, shall maintain records of all permits issued under this Ordinance, and shall maintain other records pertaining to this Ordinance including zoning maps, amendments, variances, conditional uses, appeals, and decisions. He/shall receive and keep records of written complaints of violations of this Ordinance, shall investigate and verify all such complaints, and shall take appropriate action regarding complaints without undue delay.

**Section 14. Board of Commissioners**

The Board of Commissioners are the local elected legislative body. The Board of Commissioners' primary responsibility relative to this Ordinance shall be to make final decisions on zoning amendment petitions, annexations, stormwater management waivers and to make such appointments as identified in this Ordinance. In considering proposed changes in the text of this Ordinance or in the zoning map, the Commissioners act in their legislative capacity and must proceed in accordance with the requirements of Article XIX.

**Section 15. Reserved**

**Section 16. Reserved**

**Section 17. Reserved**