

## **Kent County Planning Commission**

### **Bylaws**

#### **SECTION 1 ANNUAL MEETING**

The annual meeting of the Planning Commission shall be the first regular meeting of each calendar year. Such meeting shall be devoted to the election of officers for the ensuing year and such other business as shall be scheduled.

#### **SECTION 2 REGULAR MEETINGS**

Regular meetings of the Planning Commission shall be held in the County Commissioners Hearing Room, Kent County Government Center, 400 High Street, Chestertown, MD on the first Thursday of each month and shall be open to the public. At such meetings, the Commission shall consider all matters properly brought before it without the necessity of prior notice thereof to any members. Meetings may be continued if the need arises. A regular meeting may be canceled or rescheduled as deemed appropriate by the Planning Commission. Notice of canceled, relocated or rescheduled meetings shall be published in the local newspaper if time permits and posted on the door or blackboard at the entrance to the Department of Planning, Housing, and Zoning or on the glass doors at the Calvert Street entrance to the building.

#### **SECTION 3 SPECIAL MEETINGS**

Special Meetings of the Planning Commission shall be held only by a decision of the majority of the Planning Commission members or by request of the Board of County Commissioners of Kent County. The Planning Commission shall determine the time and place of the special meeting. Notice of such meetings shall be given to all the members and the public not less than forty-eight hours in advance thereof by posting on the door or blackboard at the entrance to the Department of Planning, Housing, and Zoning and if time permits by publication in the local newspaper.

#### **SECTION 4 QUORUM**

At any meeting of the Planning Commission, a quorum shall consist of four citizen members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date.

#### **SECTION 5 VOTING**

At all meetings of the Planning Commission, each citizen member attending shall be entitled to cast one vote. An ex-officio member, if any, appointed by the Kent County Commissioners, pursuant to § 199-2 of the Kent County Code, shall vote only in the case of a tie vote by the other citizen members. Voting shall be by voice. In the event that any member shall have a personal interest of any kind that would affect their ability to render a decision of a matter then before the Commission based

solely on the evidence, he shall disclose his interest and be disqualified from voting upon the matter, and the secretary shall so record in the minutes that no vote was cast by such member. The affirmative vote of a majority of those members voting shall be necessary to pass any motion. A tie vote shall fail passage of a motion.

## SECTION 6 PROCEEDINGS

- A. At any regular meeting of the Planning Commission, the following shall be the regular order of business:
- The Chairman will call the meeting to order.
  - The Chairman will state that the members have had an opportunity to review the agenda and will ask if a member has anything to disclose.
  - The minutes will be read; changes noted; and a vote taken on the minutes.
  - Each agenda item will be taken and will be followed in order:
    1. Staff reports will be taken;
    2. Applicant will present case;
    3. Planning Commission will ask questions;
    4. Citizens ask questions or present comments on the proposal;
    5. Applicants make a final statement;
    6. Staff will present any additional recommendations or comments;
    7. Planning Commission will have a general discussion;
    8. Motion will be made and seconded;
    9. Motion will be discussed; and
    10. Vote will be taken by all members.
  - Officers and staff will present reports.
  - General discussion.
  - Adjourn.
- B. Each formal action of the Planning Commission required by law, rule or regulations shall be embodied in a formal motion duly carried and entered in full upon the Minute Book after a vote as provided in Section 5 hereof.
- C. The Planning Commission may permit electronic presentations with advance notice of one week or as approved by the Planning Director. A copy of the presentation shall be provided to the Department of Planning, Housing, and Zoning for inclusion in the project file either before or as a part of the presentation at the meeting.
- D. The Planning Commission may place time limits on presentations, testimony, and public comments.

## SECTION 7 RULES OF PROCEDURE

All meetings of the Planning Commission shall be conducted in accordance with Robert's Rules of Order and Maryland's Open Meetings Act. Rules of evidence shall be relaxed; however, the burden

of proof shall remain with the applicant. All witnesses (including staff) who are testifying for those cases that are executive functions of the Planning Commission shall testify under oath.

The Commission welcomes testimony from the public at its meetings. If any Person wishes to bring to the Board's attention complex data, reports, or arguments, that Person should submit the material in writing one week before the hearing and the planning staff will note in the staff report that additional information is in the file for review by the Commission. The Commission may limit the time allotted for oral testimony and may leave the record open to receive written testimony. Each Person offering oral testimony should summarize major points that are more fully discussed in written testimony and refrain from repetitious oral testimony. Because hearings conducted under these rules are quasi-judicial in character, those presenting testimony are advised to observe general rules of decorum and address only the issues before the Board.

#### SECTION 8 CONFLICTS OF INTEREST

To promote confidence and trust in the conduct of public business, members of the Planning Commission and Planning Staff must, at all times and in all respects, observe an affirmative obligation to disclose any actual, apparent or potential conflict of interest pertaining to any application that is subject to the Planning Commission's jurisdiction.

#### SECTION 9 EX PARTE COMMUNICATIONS

To preserve public confidence in the fairness of Planning Commission deliberations and decisions, the Planning Commission should ensure that the public and interested Persons have the opportunity to know, and respond to, all information that the Planning Commission considers in making its decisions. The Planning Commission should also ensure that all members have the same opportunity to know and consider any relevant evidence provided to any other Planning Commission member. The Commission may take administrative notice of facts in common knowledge and matters falling within any member's experience and expertise, as disclosed by that member, in reaching a decision on a matter.

When considering any matter, all interested parties need the assurance that other interested parties will not have an unfair advantage in presenting their version of the relevant facts or concerns to the Commission. To that end, Commission members must avoid communicating with applicants or any other persons about a pending application except at Commission meetings when the application is considered.

Each Planning Commission member must not communicate with any person, other than planning staff, about the merits or facts of any pending application, except during the Commission meeting when the application is considered. If the Commission finds that any person has intentionally communicated or attempted to communicate with a Commission member, the Commission may impose an appropriate sanction including the exclusion of any testimony by the person from the record of the matter to which the prohibited communication pertained.

If a Planning Commission member receives unsolicited communications about a pending application outside of a Commission meeting, the member must disclose and describe the communications at the earliest opportunity during the Commission's consideration of the proposal.

Subject only to the applicable provisions of the Maryland Open Meetings Act, nothing applies to or otherwise restricts any member of the Planning Commission from communicating with the planning staff, or Commission legal counsel for the purpose of obtaining information or advice. This also does not restrict any Commission member from communicating with any third party in connection with any matter other than an application considered by the Commission.

## SECTION 10 OFFICERS

The Officers of the Planning Commission shall consist of a Chairman and Vice Chairman voted upon by the Commission members at the annual meeting for a term of one year. The Ex-Officio cannot hold office. The member who serves in lieu of the Ex-Officio may hold office.

## SECTION 11 DUTIES OF OFFICERS

The duties and powers of the Officers of the Planning Commission shall be as follows:

- A. Chairman
  - 1. Preside at all meetings of the Commission; and
  - 2. Call special meetings of the Commission in accordance with these bylaws.
  
- B. Vice Chairman
  - 1. During the absence of the Chairman, the Vice Chairman shall exercise or perform all the duties and shall be subject to all responsibilities of the Chairman.
  - 2. During the absence, disability or disqualification of the Chairman and the Vice Chairman, the member who has served on the Commission the longest shall exercise or perform all the duties and be subject to all the responsibilities of the Chairman.
  
- C. Department of Planning, Housing and Zoning.
  - 1. Keep the minutes of all meetings of the Commission in an appropriate Minute Book.
  - 2. Give or serve all notices required by law or these bylaws.
  - 3. Prepare the agenda for all meetings of the Commission. Projects will not be placed on the agenda unless the Department of Planning, Housing and Zoning receives a complete application a minimum of twenty days before the meeting. The Technical Advisory Committee shall review applicable projects at least twice before the Planning Commission meeting.
  - 4. Be custodian of Commission records, all of which shall be open to the public. Appropriate fees may be charged for copies.
  - 5. Inform the Commission of correspondence relating to business of the Commission and to attend to such correspondence when directed by the Chairman.
  - 6. See that all actions of the Commission are properly executed.

7. All deed, covenants and restrictions shall be approved and signed by the Planning Commission attorney before recordation.

## SECTION 12 RESPONSIBILITIES OF MEMBERS OF THE PLANNING COMMISSION

1. Attend and freely participate in discussions at regular and special meetings.
2. Develop understanding of Article 66 B of the Public General Laws of Maryland; Maryland Open Meetings Act; the Kent County Comprehensive Plan, the Zoning, Subdivision, Floodplain Management, Sediment and Erosion Control, Stormwater Management, and Forest Conservation Ordinances within the spirit and intent of these documents.
3. Recommend courses of action to the County Commissioners and respond to requests for action by them.
4. Introduce subjects for the Commission's consideration.
5. Gain an understanding of applicable State and Federal agencies.
6. Gain an understanding of the workings of other local administrative bodies.
7. Take appropriate actions to demonstrate a vigorous, thoughtful and positive influence of the County's well being within its authority.
8. Make personal inspections, when necessary, of land and other situations that require Commission action.
9. Help the general public to understand and accept the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance.

## SECTION 13 VACANCIES

Should any vacancy occur among the members of the Commission by reason of death, resignation, disability or otherwise, immediate notice thereof shall be given to the County Commissioners by the Department of Planning, Housing and Zoning. Should any vacancy occur among the officers of the Commission, the vacant office shall be filled by election at the next scheduled meeting, in accordance with Section 10 of these bylaws, such officer to serve the unexpired term of the office in which such vacancy shall occur.

## SECTION 14 AMENDING BYLAWS

The Planning Commission may amend these bylaws at any meeting of the Commission provided notice of said proposed meeting is given to each member in writing at least five days prior to said meeting and posted on the door or blackboard at the entrance to the Department of Planning, Housing, and Zoning. A copy of these bylaws will be provided to the County Commissioners of Kent County.

These bylaws were adopted by the Planning Commission at its October 28, 1993 meeting and amended at its April 2, 1998, March 2, 2000, July 3, 2008, and March 4, 2021 meetings.