

**Chapter 3**  
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## **Chapter 3**

### **Boards and Commissions**

#### § 3-01 General conditions.

Unless otherwise stated in the subsections below, all boards, commissions, and committees of the town shall adhere to and be governed by the following rules:

A. The meetings of all boards and commissions shall be open to the public, unless the criteria for closing a meeting set forth in Maryland Code, General Provisions Article, Title 3 “Open Meetings Act,” § 3-305 are met.

B. Notice of the meetings of all boards and commissions shall be posted on the Town website and at Town Hall.

C. Each of the boards and commissions shall keep minutes, and a copy of the minutes shall be deposited with the Town Administrator.

D. The boards and commissions shall adopt written rules of procedure to govern their meetings .

E. Vacancies on the boards and commissions occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Town Commissioners in the manner specified for original appointments. All members of boards and commissions are eligible for reappointment.

F. All members of the boards and commissions shall serve as such without compensation, unless the Commissioners, by resolution, determine that appropriate compensation should be made to the members.

#### G. Removal.

(1) Members of boards and commissions other than the Planning Commission and the Board of Appeals, may be removed by the Town Commissioners for:

(a) Inefficiency;

(b) Neglect of Duty; or

(c) Misfeasance in office.

(2) with respect to the Planning Commission and the Board of Appeals, the applicable provisions of the Maryland Annotated Code, Land Use Article, Title 2, and Title 4, Subtitle 3, shall govern the removal of members.

H. Members of boards and commissions are subject to all provisions of this Code, including Chapter 5 (Ethics).

## § 3-02 Board of Appeals

A. Establishment. There is hereby established the Church Hill Board of Appeals, pursuant to the provisions of the Maryland Annotated Code, Land Use Art., §4-301 which shall have the following powers and duties:

1. To hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator or his agent in the administration and enforcement of this Chapter as authorized under Section 75-14 of Town Code, Chapter 75 “Zoning.”

2. To hear and decide applications for Special Exceptions to the terms of Town Code, Chapter 75 “Zoning” as are authorized under Section 75-9 of Chapter 75;

3. To authorize, upon appeal in specific cases, a Variance from the terms of Town Code, Chapter 75 relating to density, bulk, dimensional or area requirements;

4. Hear and decide applications for interpretations of the Official Zoning Map where there is uncertainty as to the location of a zoning district boundary, as provided in Town Code, Chapter 75, Section 75-42.

### B. Membership.

1. The Board shall consist of three (3) members who are residents and/or property owners in the Town at the time of their initial appointment. The majority of the members shall be residents of the Town. Members shall be appointed by the President of the Commission of the Town of Church Hill and confirmed by the Town Commissioners, and removable as provided for in Section 3-01 of this Chapter.

2. Members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for any unexpired term.

3. The Town Commissioners shall designate one (1) alternate member for the Board of Appeals who may sit on the Board in the absence or recusal of any member of the Board, and when the alternate is absent or recused the Town Commissioners may designate a temporary alternate.

### C. Proceedings of the Board of Appeals.

1. The Board of Appeals shall adopt rules necessary for the conduct of its affairs, and in keeping with the provisions of this Chapter and Chapter 75 “Zoning.” Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.

2. A member of the Board of Appeals shall recuse himself or herself from participating in a matter in which the member may have a conflict of interest or an appearance of a conflict of interest.

3. The Board of Appeals shall make a recording of all proceedings with a contemporaneous written record, showing the vote of each member on each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

D. Authority of the Board.

1. In exercising the powers set forth in Subsection A. above, the Board of Appeals may, so long as such action is in conformity with the terms of Chapter 75 Zoning, reverse or affirm, wholly or partly, or may modify the order, requirement, decision that is the subject of the appeal or issue a new order, requirement or decision, and to that end shall have all the powers of the Zoning Administrator from whose action the appeal is taken.

2. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under Town Code, Chapter 75, or to effect any variation in the application of Chapter 75.

3. If any application or request is disapproved by the Board, thereafter the Board shall not accept an application for substantially the same proposal on the same property for a period of one (1) year from the date of such disapproval.

4. If an appeal to the Board is filed and the public hearing date set and public notice given, and thereafter the applicant withdraws the appeal, he shall be precluded from filing another application for substantially the same proposal on the same property for a period of one (1) year from the date of withdrawal.

§ 3-03 Designated Historic Sites Commission.

A. A Designated Historic Sites Commission may be created and shall consist of three (3) members, appointed by the Town Commissioners, who are residents and/or property owner in the Town at the time of their initial appointment.

B. The terms of office for members appointed to the Commission shall be three (3) years, except that the terms of the first three members appointed to the Commission shall be one (1), two (2) and three (3) years, respectively, and that the term of a member appointed to replace a member who has left office in the middle of his term shall be the unexpired portion of the former member's term.

C. Members may be removed by the Town Commission in accordance with § 3-01.

D. The Designated Historic Sites Commission shall organize itself, make and adopt rules necessary in the conduct of its affairs, and in keeping with provisions of this Chapter. The Chairperson, or in his absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. The Commission shall keep minutes of its proceedings, showing the vote of each member on each question, and shall keep records of its examinations and other official actions, all of which shall be public record.

E. The Commission shall have the power to review and act upon any request for a historic review certificate as required by Town Code, Chapter 75.

### § 3-04 Planning Commission

A. Establishment. There shall be a Town Planning Commission, the territorial jurisdiction of which shall be the corporate limits of the Town of Church Hill.

B. authority. The Planning Commission shall have the authority to:

1. Prepare and recommend a Comprehensive Plan for the Town of Church Hill and review said plan at least once every ten (10) years and, if necessary, revise or amend the plan;

2. Advise the Town Commissioners on all matters relating to the orderly planning and growth of the Town.

3. Prepare and recommend amendments to this Zoning Ordinance;

4. Review and make recommendations on amendments to the Official Zoning Map;

5. Prepare and recommend amendments to the Subdivision Ordinance; 75-6

6. Review proposed public facilities for consistency with the Comprehensive Plan in accordance with the provisions of the Land Use Article of the Maryland Annotated Code;

7. Review and approve Category 1 site plans,

8. Review and approve certain parking, landscaping, and building design modifications according to the procedures in Article 5 of this Chapter;

9. Review and approve subdivision plats;

10. Prepare and adopt an Annual Report in accordance with the provisions of the Land Use Article of the Maryland Annotated Code; and

11. Conduct other activities as set forth in this Chapter, as requested by the Town Commissioners and as provided for by the Land Use Article of the Maryland Annotated Code.

C. Membership

1. The Planning Commission shall consist of five (5) members, who are residents and/or property owners in the Town at the time of their initial appointment. The majority of the members shall be residents of the Town. All members shall be appointed by the Town Commissioners.

2. As one of the five members, the Town Commissioners may appoint a member of the Board of Town Commissioners to serve in an ex-officio capacity for a term concurrent with the member's term of office. The term "ex-officio" means that the member of the Board of Town Commissioners serves on the Planning Commission by virtue of their position on the Board of Town Commissioners. Such ex-officio member shall have the same rights and responsibilities as the other members of the Planning Commission, including the right to vote on all matters, except that such ex-officio member shall not be elected to serve as Chair of the Planning Commission.

3. Members other than the ex officio member shall be appointed for five (5) year terms or until the member's successor takes office and terms of appointment shall be staggered.

4. The Town Commissioners may designate one alternate member to sit on the Planning Commission in the absence of any member of the Planning Commission.

#### D. Officers

1. The Planning Commission shall elect one of its members to be its Chairperson.
2. The terms of the officers shall be one (1) year, with eligibility for reelection
3. The Planning Commission may create the office of secretary and elect one of its members to fill the office.

E. Required education. Members shall comply with MD Code, Land Use Article, § 1-206 "Required Education" within six months after appointment.

#### F. Meetings

1. The Planning Commission shall hold meetings quarterly or more often as the Planning Commission's duties require. If there is no business before the Planning Commission, the Chairperson may cancel the meeting.

2. Special meetings may be called by the Chairperson with proper notice to Commission members.

3. Three of the members of the Commission shall constitute a quorum.

4. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

#### G. Proceedings of the Planning Commission.

1. The Commission shall adopt written rules necessary to the conduct of its business.

2. The Commission shall keep minutes of its proceedings, reflecting the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.

4. All decisions of the Planning Commission shall be based on and supported by written findings of fact pertaining to the case under review. No decision of the Planning Commission shall be final until the written decision of the Commission is signed and filed.

5. The Planning Commission shall keep records of its resolutions, trans-actions, findings and determinations. All such records shall be open to the public except as maybe authorized by law.

*Originally adopted on July 17, 2023 as Ordinance No. 180-23.*

*The date of any amendment will appear below the amended paragraph in brackets ([ ]).*