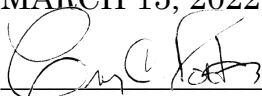


COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2022-002

INTRODUCED BY: COMMISSIONERS PORTER, FRANKLIN, AND LEVENGOOD

INTRODUCED ON: MARCH 15, 2022

ATTEST: 
LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: MARCH 22, 2022; AT 9:15 AM
COURTHOUSE, 109 MARKET STREET, ROOM 106,
DENTON, MARYLAND

THIRD READING: JUNE 21, 2022

ENACTED: JUNE 21, 2022

EFFECTIVE: AUGUST 5, 2022

Chapter 175 – Zoning – Planning Commission Membership

AN Act to repeal and reenact with amendments Chapter 175 of the Code of Public Local Laws of Caroline County, Maryland;

FOR the purpose of revising the Zoning chapter to reduce the membership of the Planning Commission from seven to five members.

BY repealing and replacing Chapter 175-163 and Chapter 175-166 of the Code of Public Local Laws of Caroline County, Maryland.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4 of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, the County Commissioners have received the positive recommendation of the Planning Commission the staff of the Caroline County Department of Planning and Codes regarding the changes and clarifications to the membership of the Planning Commission proposed in this Bill, as reflected herein; and

WHEREAS, this Bill may also be known by its short title “Chapter 175 – Zoning – Planning Commission Membership.”

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. Chapter 175-163 and Chapter 175-166– Zoning, of the Code of Public Local Laws of Caroline County, Maryland is hereby repealed

SECTION 2. **A NEW CHAPTER 175-163 and Chapter 175-166 BE** and is hereby enacted in lieu thereof, to read as follows:

Chapter 175.

Planning Commission

§175-163. Creation; membership and terms; vacancy and removal.

The Planning Commission is hereby created and shall consist of five members.

A. County Commissioner Member.

- (1) At the first meeting after their inauguration, and annually thereafter, the County Commissioners shall select from their number a Commissioner to serve as an ex officio member of the Planning Commission.
- (2) The remaining Commissioners shall be authorized to serve as alternates in the event the designated member is unable to attend any meeting of the Planning Commission. The Commissioner serving as alternate shall have all the same powers and duties as the ex officio member.

B. Regular Members.

- (1) The County Commissioners shall appoint four citizen volunteer members, all of whom shall be residents of Caroline County.
- (2) No members, including the Commissioner member, of the Planning

- Commission may be a resident of an incorporated municipality.
- (3) At least one member, including the Commissioner member, of the Planning Commission should be a developer, builder or have a construction-related background.
 - (4) At least one member, including the Commissioner member, of the Planning Commission should be actively engaged in agricultural production in Caroline County.
 - (5) The County Commissioners should strive to fill Planning Commission vacancies in accordance with these criteria.
- C. Term. The term of office for Regular Members is five years. Each member shall serve no more than 2 full consecutive terms. After completing a first term, a member may request to be reappointed to serve a second term. After completing a full second term, a member may not be reappointed for 2 years, but may serve until a successor has been appointed after any term has expired.
- D. Vacancies. Vacancies shall be filled by the County Commissioners for the unexpired term of any Regular Member whose seat becomes vacant.
- E. Removal. The County Commissioners may remove any member for incompetence, misconduct, failure to attend meetings under § 8-502 of the State Government Article or conviction of a crime in accordance with § 8-502 of the State Government Article. The County Commissioners shall file a written statement of charges stating the reasons for removal and provide an opportunity for a public hearing to contest the charges.

§ 175-166 Meetings; quorum.

- A. Meetings of the Planning Commission shall be held once each month or at the call of the Chairman and at such other times as the Planning Commission may determine.
- B. The presence of three members of the Planning Commission shall constitute a quorum for the conduct of business.
- C. An affirmative vote of three members shall be required to effect a decision or recommendation of the Planning Commission.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

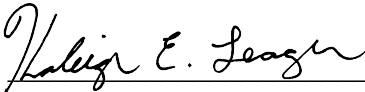
SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the “Code”) in consultation with and subject to the approval of the County shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 6. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 7. This Bill shall take effect on August 5, 2022.

Enacted this 21st day of June 2022.

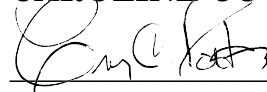
ATTEST:



Kaleigh Leager
Executive Assistant

(SEAL)

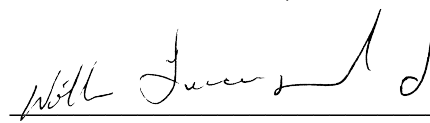
**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**



Larry C. Porter, President



Daniel J. Franklin, Vice President



Wilbur Levensgood, Jr., Commissioner