

City of Frederick Planning Commission

Rules of Procedure

(Approved February 10, 2025)

INTRODUCTION

Pursuant to Frederick City Code, 1966 and the Annotated Code of Maryland, Land Use Article, the Planning Commission adopts these Rules of Procedure to govern the transaction of its business.

SECTION 1. OFFICERS OF THE COMMISSION

- 1.1 The Commission shall meet each January to elect a chairman, vice-chairman and secretary. If an officer leaves the Commission prior to the January annual election, elections will be held for the vacant office(s).
- 1.2 The chairman, or in the chairman's absence, the vice-chairman or secretary (in that order) shall preside at all meetings and hearings of the Commission. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present.

SECTION 2. MEETINGS

- 2.1 Generally, regular meetings will be held at 6 p.m. on the second Monday of each month, unless amended by the published Planning Commission schedule. It shall be the duty of each member to familiarize themselves with the properties under consideration for that month's regular meeting.
- 2.2 Should inclement weather or other unforeseen events necessitate a change of meeting date, the Planning Division staff shall notify each member by telephone or email and notify the public via, the City's website, or the City's channel 99 television station of the cancellation and the time and date of the rescheduled meeting.
- 2.3 Unless amended by the published Planning Commission schedule, a workshop shall be held at 2 p.m. on the third Monday of the month to review new development proposals and other items tentatively scheduled for a subsequent regular meeting by the Commission. Public comment shall be permitted at the discretion of the presiding officer. The time for public comment shall be limited to 3 minutes or less as determined by the presiding officer.
- 2.4 Unless amended by the published Planning Commission schedule, a Pre-Planning Commission meeting will be held at 3 p.m. on Friday of the week prior to the regular monthly meeting. Public comment is not permitted at the Pre-Planning Commission meeting unless otherwise directed by a majority of the Commission members present.

- 2.5 Special meetings may be called by the chairman, or in the chairman's absence, the vice-chairman. Should there be a need for a special meeting the Planning Division staff shall notify each member of the special meeting by telephone or email at least 48 hours before the meeting. The Planning Division staff shall notify the public via the City's website, or the City's channel 99 television station of the time and date of the special meeting.
- 2.6 It shall be the duty of each member to attend all the meetings. If any Commission member fails to attend the meetings consistent with the requirements of Maryland Code Annotated State Government §8-501, that member shall be removed from the Commission consistent with City Code 2-42.
- 2.7 The order of business shall be in accordance with the agenda prepared by the Planning Division staff in consultation with the presiding officer. The order of the agenda maybe amended at the meeting by an affirmative vote of a majority of the Commission members present.
- 2.8 All meetings shall be held in accordance with the requirements of the Maryland Open Meetings Act and shall be public meetings except when permitted to be closed by the Act.
- 2.9 The Planning Division staff shall keep a true and accurate record of all Planning Commission proceedings. A recording may be accepted as the official record until the minutes are prepared and approved by the Commission. The minutes shall be typed and distributed to the members and, once approved by the Commission, will become the official record. The minutes will be available for public inspection at the Planning Division during normal business hours.
- 2.10 Emergencies. During a state of emergency or other emergency situation during which it is impossible or impracticable for the Planning Commission to convene in person, as determined by the Mayor, the Planning Commission may conduct business in a modified manner. For purposes of this provision, such "modified manner" includes but is not limited to conducting the meeting online via a teleconferencing platform. Any meeting conducted in a modified manner will be in accordance with the Open Meetings Act and any other applicable law and to the greatest extent practicable adhere to these Rules of Procedure.

In the event that a meeting must be conducted in a modified manner or cancelled, the Planning Division staff will notify each Planning Commission member by telephone or email and will notify the public via the City's website, or the City's channel 99 television station of the modification or cancellation.

SECTION 3. PUBLIC HEARINGS

- 3.1 All public hearings shall be in accordance with the provisions of the Land Management Code.
- 3.2 The presiding officer shall administer the following oath to all witnesses testifying in any matter coming before the Commission:

"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth? If so, answer "I do."

The presiding officer may administer the oath en masse at the outset of the hearing, as outlined in Rule 3.4.B, to all prospective witnesses intending to testify for any case on that meeting's agenda. Before giving testimony, each witness shall state his or her name, their address and whether he or she has been sworn. The presiding officer will administer the oath individually to any witness who has not been sworn before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.

- 3.3 The petitioner may appear on his own behalf or be represented by an agent. In the absence of any personal appearance on behalf of the petitioner, the Commission may proceed to dispose of the matter on the record before it, or may continue the item to a specific date.

Time allocation for each category of testimony before the Commission is as follows:

Applicant Initial Presentation	15 minutes
Applicant Rebuttal Presentation	10 minutes
Individual Testimony	3 minutes
Group Testimony	10 minutes

Extensions of time for testimony may be granted by the presiding officer.

For the purposes of this rule, a group is defined as an authorized person from a recognized group. Any speaker, individual or group, is not permitted to cede speaking to another individual or group.

- 3.4 The order of a public hearing shall be as follows:
- A. ADMINISTRATIVE BUSINESS
 - B. EN MASSE SWEARING IN OF ALL PERSONS TESTIFYING
 - C. ANNOUNCEMENT OF MEMBER RECUSAL OR DISCLOSURE OF EX PARTE COMMUNICATIONS
 - D. INTRODUCTION OF CASE BY THE PLANNING STAFF
 - E. INITIAL PLANNING STAFF RECOMMENDATION
 - F. PLANNING COMMISSION QUESTIONING OF STAFF

- G. PRESENTATION OF THE CASE BY THE PETITIONER/APPLICANT OR HIS AGENT OR ATTORNEY
- H. PLANNING COMMISSION QUESTIONING OF PETITIONER/APPLICANT
- I. PUBLIC COMMENT/PLANNING COMMISSION QUESTIONING OF PUBLIC
- J. PETITIONER REBUTTAL
- K. PLANNING COMMISSION DISCUSSION AND QUESTIONS FOR STAFF
- L. RESTATEMENT/REVISION OF PLANNING STAFF RECOMMENDATION
- M. PLANNING COMMISSION ACTION
- N. PRESIDING OFFICER DISMISSAL

- 3.5 In case of a lack of a quorum the Commission may not take any action, and all cases shall automatically be continued until a specific announced date and time. In the event of a loss of a quorum during a public hearing for a specific case, the specific case will be continued until later in the meeting or until a specific announced date and time if required.
- 3.6 The Commission may require of the petitioner any additional information or material in the form of maps, charts, reports, studies or other documentation in order to reach a decision and may continue a case to a specific date and time in order to receive the required information.

SECTION 4. VOTING

- 4.1 A quorum for each case consists of three regular members or two regular members and one alternate, each of whom is qualified to vote on that case.
- 4.2 In order to be eligible to vote on an item, a member must have either (1) attended all meetings at which the item was discussed; or (2) reviewed the minutes and recording of any and all meetings if they are available, from which the member was absent and at which the item was discussed. If a Commission member is ineligible to vote on an item, that member will not count toward the required quorum for that agenda item. Any member not eligible to vote on an agenda item should announce their ineligibility at the beginning of the meeting and again once the agenda item has been introduced. That member is not required to leave the Commission dais during the discussion of that agenda item. A member not eligible to vote on an agenda item may not participate in the consideration of that agenda item.
- 4.3 A Commission member must recuse themselves if they have a conflict of interest as defined by the City's Ethics laws. If a Commission member recuses himself or herself from any portion of an agenda item, he or she is disqualified from voting on the agenda item and items related to it. That Commission member does not count toward the required quorum for that agenda item.

Any member intending to recuse oneself from the agenda item should announce their recusal at the beginning of the meeting and again once the agenda item has been introduced and shall leave the Commission dais for the duration of that agenda item.

The necessity for a recusal may also originate from a Commission Member's individual bias. Members are encouraged to consult with a legal department representative prior to the hearing to discuss any potential recusal issue. If an issue arises during a meeting, the affected Commission member should ask for a brief recess to discuss a potential recusal issue with a legal department representative.

- 4.4 If a Commission member abstains from voting on an agenda item, that member will still count toward the required quorum for that agenda item. An abstention does not count as a positive or negative vote
- 4.5 The alternate member who is eligible to vote pursuant to the requirements outlined in Section 4.9 of these Rules, may vote only if a regular member is absent, recused or is otherwise ineligible to vote. For the purposes of this rule, the term "absent" includes a unfilled vacancy of one of the Commission member positions.
- 4.6 Items put to a vote are decided by a majority of the members present, qualified and voting. The presiding officer may make motions and vote on all items.
- 4.7 A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.
- 4.8 In order to be put to a vote a motion must be seconded. Individual members' votes shall be recorded on each motion. A member present but not voting in an audible manner shall have his vote counted as affirmative, unless he or she specifically signifies his or her abstention.

SECTION 5. PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 5.1 The agenda shall be prepared by the Planning Division staff in consultation with the Chairman. Members of the Commission who wish to add any item to the agenda shall first notify the Planning Division staff in consultation with the Chairman of their request at least fifteen (15) days prior to the meeting. Unscheduled items not requiring public notice may be added to the agenda during the meeting if they are presented in writing and only after unanimous vote of approval of the members present.
- 5.2 Agenda items once acted upon must wait until the next regular meeting for reconsideration.

5.3 All applications for any item requiring a public hearing must be filed in accordance with applicable provisions of the Land Management Code and the approved Planning Commission Schedule. A copy of the staff reports for agenda items shall be available for public inspection on the Friday before the public hearing. Complete staff reports that are read into the record (even if only summarized by the reader) for agenda items are automatically made a part of the record for that agenda item.

5.4 Miscellaneous requests and petitions for planning matters shall, from time to time, come before the Commission either upon the initiation of an individual or agency, or by reference from the governing body. In all cases, the Commission shall be guided by the principles set forth in the Comprehensive Plan; the Land Management Code, and rules, regulations and ordinances of the City.

5.5 The standard order of the Planning Commission agenda shall be as follows:

A. Consent Agenda Items

1. Final Subdivision Plat with no conditions of approval.
2. Final Site Plans with no conditions of approval.
3. Combined Forest Stand Delineation/Preliminary Forest Conservation Plans, where fee in lieu of afforestation is being paid and no conditions of approval.
4. Preliminary Forest Conservation Plans with no conditions approval (if the Development Plan does not have any conditions, as well).

(All matters included under the Consent Agenda are considered to be routine by the Planning Commission. They will be enacted by one motion[in the form listed below], without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda.)

B. Miscellaneous

C. Forest Conservation Plans not related to a development application on the same agenda.

D. Final Subdivision Plats with related Forest Conservation Plans

E. Final Site Plans with related Forest Conservation Plans

F. Preliminary Plats with related Forest Conservation Plans

G. Master Plans

H. Annexations, Zoning Map Amendments, and Text Amendments

* Final determination of the agenda will be coordinated between the [Planning Commission] Chairman and Planning Division staff. All cases associated with one project shall be grouped together.

SECTION 6. CONDUCT OF COMMISSION MEMBERS.

- 6.1 Members shall at all times act in accordance with the Ethics laws of the City of Frederick, as codified at Chapter 21 of the Frederick City Code, as amended from time to time.
- 6.2 Speaking for the Commission. A member will not speak on behalf of or for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves as individuals.
- 6.3 Privileged information. Members shall not engage in any business transaction in regard to which they have an advantage because of privileged or confidential information gained through membership on the Commission.
- 6.4 Conduct at meetings. Members shall conduct themselves at Commission meetings in a fair, understanding and gracious manner. They shall seek to be considerate of all individuals, attitudes and differences of opinion involved in official Commission business.
- 6.5 Ex Parte Communications Prohibited: An ex parte communication includes an oral or written communication not on the public record to which reasonable prior notice to all parties is not given. Such communication between Commission members and interested persons is prohibited if relevant to the merits of a Commission proceeding. Members should not discuss applications with applicants or other interested persons outside the confines of a public meeting, but should recommend that the person(s) contact Staff with any questions or concerns.
- 6.6 Disclosure of Ex Parte Communications: If a member does inadvertently engage in an ex parte communication, at the next meeting during which the relevant application is being considered, the member shall state the nature of the communication and submit for the record any written communication received, any written response to a communication, and state the substance of any and all oral communication received, and state the substance of any oral response to a communication. Alternatively, the member may recuse himself or herself from voting on that specific application.
- 6.7 The liaison is subject to any rules of conduct applicable to Planning Commission members, including those rules regarding ex parte communications.

SECTION 7. FINAL DISPOSITION OF MATTERS

Final disposition of all matters shall be in the form required by the Land Management Code, or other applicable laws. Items requiring further action by the governing body shall be in the form of a letter of recommendation to the Mayor and Board of Aldermen. The applicant or the applicant's representative for every petition or request shall be notified by letter of the Commission's action. This letter may be disseminated either through email

or US Postal Service. The effective date of the final disposition is as follows: if sent by email, the date that the email was sent, if sent by US Postal Service, three days after the mailing date.

SECTION 8. RECONSIDERATION OF FINAL DISPOSITION

- 8.1 Generally. The Deputy Director for Planning or an applicant may petition the Commission for reconsideration of the final action by the Commission within ten (10) days of the effective date of the final disposition of the matter as referenced in Section 7.1. Requests for reconsideration shall be in writing, and shall be filed with the Planning Division. The Chairman may waive the filing deadline for good cause shown. The Deputy Director for Planning or the applicant, whoever requested the reconsideration must serve a copy of its request on every party who participated in the hearing either thorough verbal or written comment. The Planning Division shall be responsible for providing the requestor a copy of the parties of record within a reasonable period of time following the filing of the reconsideration petition. The written petition for reconsideration should state fully the reasons for seeking the reconsideration based on mistake, inadvertence, surprise, fraud, or other good cause. Failure to comply with this requirement may result in rejection, at the Chairman's discretion, of the request for reconsideration. For the purposes of this Section, serving a copy is satisfied by mailing the petition via United States Postal Service first class postage pre-paid.
- 8.2 Decision to Reconsider. Petitions for reconsideration will be brought before the Commission at the next public meeting. A motion to reconsider may be made only by a member of the Commission who voted in the majority of the decision that is subject to the request for reconsideration. A decision to reconsider: (a) does not require notice to the public or parties of record in any manner other than by publication on the Planning Commission agenda, (b) may be taken without the appearance or testimony of the parties, and (c) is properly before the Planning Commission based only on the written petition presented according to this Rule.
- 8.3 Notice of Public Hearing on Matters Reconsidered. After a decision by the Planning Commission to reconsider its decision, the Chairman will promptly schedule a public hearing to be held in accordance with the Land Management Code and the Planning Commission Schedule.
- 8.4 If the Commission votes to reconsider, the final action to be reconsidered shall become null and void. As such, a petition to reconsider may not limit the Commission's review to a single term or condition of the final action.
- 8.5 A request for reconsideration does not toll statutory deadlines for an filing an appeal in court. However, if a reconsideration is granted, and the final action being reconsidered is therefore null and void pursuant to Rule 8.4 above, the basis for an appeal would not be ripe.

SECTION 9. RELATIONSHIPS WITH OTHER PLANNING COMMISSIONS, AGENCIES AND GOVERNMENTAL BODIES.

- 9.1 The Commission will, where appropriate, assist and coordinate its activities with County and State agencies.
- 9.2 The Commission may join state or national citizen planners associations, subscribe to publications and participate in seminars or continuing education programs to aid its members in the conduct of their duties.

SECTION 10. COMMISSION - STAFF RELATIONSHIPS

- 10.1 The Planning Division staff is the contact for all communications between Commission members and the public. Commission members take no part in the daily staff routine of administration and regulations and research of matters of fact, although they do participate in field trips and discussion pertaining to the more significant matters to be considered at Commission meetings.
- 10.2 Matters of policy and important changes in the administration of the Commission's affairs are developed by the Planning Division staff on behalf of the Commission and presented for resolution to members at regular meetings.

SECTION 11. ADOPTED POLICIES

- 11.1 From time to time the Planning Commission may adopt policies related to the Commissioner's operations. The following policies are hereby incorporated by reference:
 - A. Conditions of Approval.
 - B. Continuation Policy.
 - C. Sign Posting.

SECTION 12. AMENDMENTS

- 12.1 Amendments to these rules of procedures may be introduced at any meeting of the Commission and voted on at any subsequent regular meeting, provided public notice is advertised in the newspaper at least fourteen (14) days prior to the vote on the amendment.

SECTION 13. SUSPENSION OF RULES

- 13.1 Any provision of these rules not governed by the City Charter or the City Code may be temporarily suspended by an affirmative vote of a majority of the Commission members present. The vote of any such suspension shall be taken and entered into the record.

SECTION 14. DEFINITIONS

Reserved

ADOPTED

Date

3/10/25
Chairman

ADOPTED

Date

3/10/25
Secretary

cc:

Mayor
City Council Members
City Attorney

[] Bold Brackets indicates text being deleted
Underlined indicates text being added