

ARTICLE 8

COMMISSION AND BOARD

8-100 PLANNING COMMISSION

8-101 Purpose

The Planning Commission shall advise the Town Council on all matters relating to the orderly growth of the Town of North Beach. More specifically, the Planning Commission, with the advice and assistance of the Town staff, shall:

- A. Prepare and recommend a Comprehensive Plan for the Town of North Beach, and review said plan at least once every six (6) years.
- B. Prepare and recommend amendments to the Zoning Ordinance.
- C. Review and make recommendations on amendments to the Zoning Map.
- D. Prepare and recommend amendments to the Subdivision Ordinance.
- E. Review proposed public facilities for consistency with the Comprehensive Plan in accordance with the provisions of Article 66B, Section 3.08, Code of Maryland.
- F. Approve Category 1 Site Plans in accordance with the provisions of Article 6.
- G. Approve certain parking and landscaping modifications according to the procedures in Article 5, Parts 3 and 5.
- H. Approve subdivision plats.
- I. Review and prepare advisory opinions on applications for appeals, special exceptions, or variances filed with the Board of Appeals.
- J. Prepare and adopt an annual report in accordance with the provisions of Article 66B, Section 3.09, Code of Maryland.

8-102 Authority and Establishment

The Planning Commission was established in conformance with a resolution adopted by the Town Council on April 8, 1971, as amended, pursuant to the provisions of Article 66B, Section 3.01, Code of Maryland. The official title of this Commission shall be the "North Beach Planning Commission".

8-103 Membership

- A. The Planning Commission shall consist of five (5) members, who shall be qualified voters and/or property owners in the Town. The majority of the members shall be residents of the Town. All members shall be appointed by the Mayor and confirmed by the Town Council.

- B. Members shall be appointed for five (5) year terms and terms of appointment shall be staggered.
- C. Any vacancy in membership for an unexpired term shall be filled by appointment by the Mayor and approved by the Council.
- D. Any appointed member may be removed, after a public hearing, by the Town Council.

8-104 Officers

- A. The Commission shall elect a Chairman and Vice Chairman from the appointed members and create and fill such other of its offices as it may determine.
- B. The term of the Chairman and Vice Chairman shall be one (1) year, with eligibility for reelection. Vice Chairman shall chair meetings and have all other regular responsibilities in the absence of the Chairman.

8-105 Meetings

- A. Regular meetings of the Planning Commission are held every month at a time and place to be designated by resolution by the Commission.
- B. Special meeting of the Commission may be called by the Chairman with proper notice to Commission members.
- C. All Commission meetings shall be open to the public.
- D. All public hearings conducted by the Planning Commission shall be in accordance with the provisions of Section 7-106.
- E. Three of the membership of the Commission shall constitute a quorum
- F. No action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

8-106 Records

The Planning Commission shall keep minutes of all its proceedings, showing evidence presented, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

8-200 BOARD OF APPEALS

8-201 Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature, and that they are not perfect and are subject to interpretation, the Board of Appeals is established to vary specific terms of this Ordinance to the end that the intent of these provisions may be effectuated, but only in a manner that the spirit of the Ordinance is maintained and upheld. More specifically, the Board of Appeals, with the advice and assistance of the Town staff, shall:

- A. Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator or his agent in the administration or enforcement of this Ordinance, as provided in Article 7, Part 4.
- B. Hear and decide applications for Special Exceptions as are authorized under Article 3, Part 4 of this Ordinance.
- C. Authorize, upon appeal in specific cases, a Variance from the terms of this Ordinance, as provided in Article 7, Part 5.
- D. Hear and decide applications for interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary, as provided in Article 2, Part 2.

8-202 Authority and Establishment

The Board of Appeals is established pursuant to the provisions of Article 66B, Section 4.07, Code of Maryland. The official title of this Board shall be the "North Beach Board of Appeals".

8-203 Membership

- A. The Board shall consist of five (5) members, who shall be qualified voters and/or property owners in the Town. The majority of the members shall be residents of the Town. All members shall be appointed by the Mayor and confirmed by the Town Council.
- B. The terms of office of the members of the Board are three (3) years.
- C. Any vacancy in membership for an unexpired term shall be filled by appointment by the Mayor and approved by the Council.
- D. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members may be appointed to succeed themselves.
- E. Any appointed member may be removed by the Town Council after a public hearing.

8-204 Officers

- A. The Board shall elect a Chairman from one of the appointed members and create and fill such other of its offices as it may determine.
- B. Upon election by the members, the Chairman shall serve a three (3) year term.

8-205 Meetings

- A. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.
- B. Three (3) members of the Board shall constitute a quorum.
- C. The Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.
- D. All meetings of the Board shall be open to the public.
- E. Notice for all public hearings conducted by the Board shall be in accordance with the provisions of Section 7-106.
- F. No action of the Board shall be valid unless authorized by three (3) members present and voting affirmatively on such action.

8-206 Referral to Planning Commission

- A. The Board shall request an advisory opinion from the Planning Commission on any application for an appeal, special exception, or variance. The Commission shall submit a report of such advisory opinion prior to the decision by the Board on an application.
- B. Advisory opinions regarding appeals, special exceptions, and variances shall be rendered by the Planning Commission within thirty (30) days after submission to it; otherwise such appeal, special exception or variance shall be deemed to have received a favorable advisory opinion.

8-207 Records

The Board shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the Board, and the vote of each member upon each question, or if absent or failing to vote, such fact. These written records and minutes shall be public records.

8-208 Decisions

In exercising the powers of this part, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

8-209 Subject to Judicial Review

All decisions and findings of the Board shall be final decisions, and shall, in all instances, be subject to judicial review in the manner provided by Article 66B, Section 4.08, Code of Maryland.