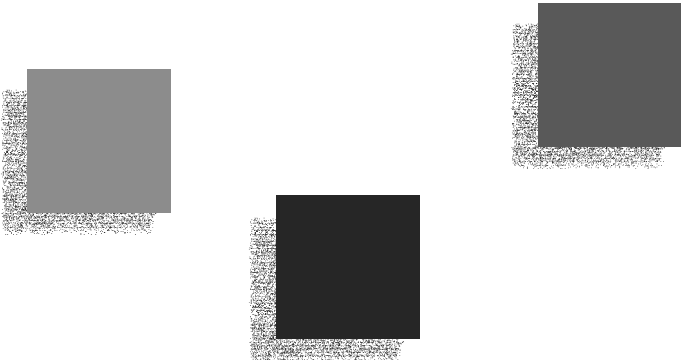
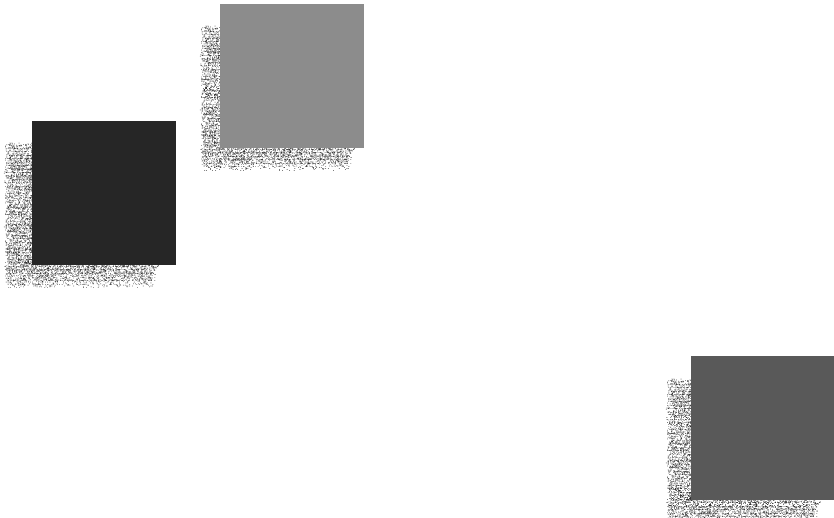




Planning Commission Duties & Responsibilities

For jurisdictions governed by Article 66B
of the Maryland Annotated Code



Planning Commission Duties and Responsibilities

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INTRODUCTION

Where people live, work, and play, how they travel, and the quality of these experiences, depends in large part upon something few people ever think about: land use planning. Though perceived as a strictly bureaucratic process, land use planning is actually a prelude to the dynamic rise of new buildings, triumphant rebirth of towns, proud continuation of farming, and even the inconspicuous but meaningful task of protecting property values.

As members of the planning commission, you have accepted the civic responsibility of helping residents and business and property owners articulate and achieve a vision for how they want their community to look and function in the future. The planning commission is the primary entity responsible for long term, comprehensive planning, having the ability to put some foresight into planning and development decisions.

This publication is designed to inform planning commission members of their roles, responsibilities, and functions, as well as operating procedures. But first, commissioners should understand the importance of land use planning, both in terms of the substantive issues that land use planning addresses and in terms of how visionary, comprehensive planning positions the community to achieve its goals.

Why Plan?

Jurisdictions throughout Maryland face a range of important issues that are intimately related to land use, including economic development, community revitalization, infrastructure, housing, transportation, environmental protection, and land preservation. Through land use planning, jurisdictions work with residents and other stakeholders through a collaborative process to articulate how they want their community to look and function in the future. To help achieve this vision, jurisdictions establish goals and priorities to guide development, revitalization, and preservation, and they institute policies and regulations to govern decision-making.

The creation of a vision, goals, and priorities can be complicated, but it will make things easier in the long run for local jurisdictions.

- This process gives the jurisdiction the opportunity to show the world how they propose to achieve a variety of competing goals. For example, the jurisdiction can delineate environmental protection areas, areas designated for new business development, and areas designated for new housing development. The jurisdiction can also outline how they plan to achieve these three things in the same place.
- This process gives the jurisdiction the opportunity to involve the public, to work through competing goals of different stakeholders, and to achieve consensus before receiving specific development proposals. If the public has been involved in the planning process, they are more likely to be supportive of development proposals that are consistent with the plan. By making affirmative statements about the location and character of desired

development, for example, the local government can protect itself from developers and citizens whose actions are disruptive to the collectively defined vision.

- Though certain things are beyond the control of local government, such as the economy, state and federal laws, and private landowner choices, local governments gain greater control over their own future if they articulate their goals and objectives, and map their policies, to guide decision-making.
- Further, local governments need to plan if they want to take advantage of certain State funds, programs, and privileges bestowed on local government by the State. For example, in order to be eligible for State funds for growth-related infrastructure, local jurisdictions must make sure that comprehensive plan policies and recommendations will result in zoning densities and water/sewer categories that help them meet Priority Funding Area threshold criteria. Similarly, the plan should designate areas where neighborhood businesses will be encouraged in order to qualify for Neighborhood Business Development Program funds. There are also other State programs that can be linked to the local comprehensive plan through its maps, policies, and recommendations.
- Through this process, local governments can communicate their interests and concerns with neighboring jurisdictions, potentially leading to more effective regional solutions for some of the issues they face.

For more information on some of the substantive issues facing local jurisdictions, see Appendix A.

Authority for Planning

The State of Maryland entrusts local jurisdictions with land use planning authority. Article 66B of the Maryland Annotated Code delegates planning and land use regulatory authority to all non-charter counties and all incorporated municipalities outside of Montgomery and Prince George's Counties, as well as specifically identified towns within these two jurisdictions (Barnesville, Brookeville, Gaithersburg, Laytonsville, Poolesville, Rockville, Washington Grove, and Laurel). This statute enables local government to guide growth and development; outlines the responsibilities, roles, and functions of the planning commission; and sets the "ground rules" for operations.

NOTE: This document was prepared specifically for Maryland jurisdictions that receive planning and zoning authority from Article 66B of the Maryland Annotated Code. Article 25A delegates planning and land use regulator powers to six charter counties (Anne Arundel, Baltimore, Harford, Howard, Talbot, and Wicomico). Article 28 applies to Montgomery and Prince George's Counties and to all incorporated towns within those two counties not covered by Article 66B. This manual does not apply to jurisdictions covered by Article 25A or Article 28.

RELATIONSHIPS, RESPONSIBILITIES, ROLES, AND FUNCTIONS

Relationship of the Planning Commission to the Governing Body

The local governing body creates the planning commission and has the authority to specify powers, duties and functions of the planning commission. The governing body sets the conditions and amounts of expenditures for use by the planning commission, and it also provides the funds, equipment, and accommodations necessary for the work of the planning commission.

The local governing body and the planning commission share the responsibility for directing future growth in the jurisdiction. In many cases, the planning commission makes recommendations to the local legislative body, and the legislative body takes final action on adoption of plans and ordinances. In some jurisdictions, the planning commission makes a final decision on applications for site plans and subdivisions. This means that the members of both the planning commission and local governing body should be prepared to work collaboratively, and maintain a regular flow of information.

Relationship to Maryland State Law

In addition to becoming familiar with Article 66B, Planning Commission members should be aware of three key Maryland statutes that govern land use planning.

1992 Economic Growth, Resource Protection, and Planning Act

The 1992 Economic Growth, Resource Protection, and Planning Act articulated the State's growth policy through seven visions (the General Assembly added an eighth vision in 2000) centered on concentrating development in suitable areas, protecting sensitive areas, and establishing funding mechanisms to achieve the visions. The Act also required local jurisdictions to address these same visions in their comprehensive plans. All local jurisdictions, with few exceptions, incorporated these visions into their comprehensive plans on or before July 1, 1997. Under the Act, local governments are required to review, and if necessary, update their plans once every six years.

The Economic Growth, Resource Protection, and Planning policy is codified in §5-7A-01 of the State Finance and Procurement Article of the Annotated Code. The visions are codified in §3.06(b) of Article 66B of the Annotated Code of Maryland. For more information about the Visions, see Appendix B.

Priority Funding Areas Act of 1997

The 1997 Priority Funding Areas Act directed State funding for growth-related infrastructure to Priority Funding Areas (PFAs), providing a geographic focus for State

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investment in growth. PFAs are existing communities and places where local governments want State support for future growth. Growth-related projects include most State programs that encourage growth and development such as highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities. The Act legislatively designated certain areas as PFAs –municipalities (as they existed on January 1, 1997), Baltimore City, areas inside the Baltimore and Capital Beltways, Department of Housing and Community Development Designated Neighborhoods –and established criteria for locally designated PFAs. The criteria include permitted density, water and sewer availability, and designation as a growth area in the comprehensive plan.

The PFA Act is codified in §5-7B of the State Finance and Procurement Article of the Annotated Code of Maryland. For more information about Priority Funding Areas, see Appendix C.

The Critical Area Act

The Critical Area Act, passed in 1984, limits the negative impacts of development and human activity on the Chesapeake Bay and its tributaries. Recent legislation incorporates the Coastal Bays into this law. The law addresses land use within 1,000 feet of the tidal influence of the bays. The Critical Area Act categorized land according to its current (1984) level of density, and the Critical Area Commission established criteria to minimize adverse effects of human activities on water quality and natural habitats. Local jurisdictions with land in the Critical Area have all adopted Critical Area Management Programs, designed to foster more sensitive development. The Critical Area Act is codified in §8-18 of the Natural Resources Article of the Maryland Annotated Code.

Responsibilities of the Planning Commission

Responsibilities are defined as the “sphere or extent of activities. ” In each jurisdiction governed by Article 66B, the planning commission is charged with three primary responsibilities, within the context of long-range, comprehensive planning.

- The planning commission works with the community to craft a comprehensive plan that defines a vision for how the place will look and function in the future (§3.05.a);
- The planning commission executes the plan by creating and applying appropriate implementation tools; and
- The planning commission implements eight visions for economic growth and resource protection (§1.01). The visions are described in more detail in Appendix B.

These tasks are not easy. They require the planning commission to grapple with different viewpoints and to, above all, represent the public interest. However, Article 66B defines these responsibilities broadly and empowers the planning commission to engage in a variety of activities to achieve the vision. For example, planning commissions have the ability to initiate reports on specific issues, hold workshops on

the plan for public officials, and craft new mechanisms to achieve the goals of the plan.

The planning commission has a basic decision to make in carrying out its responsibilities –it can choose to operate in either a proactive or reactive mode. In the reactive mode, the planning commission addresses items as needed; in this way, the planning commission is fulfilling its legal responsibilities. Working proactively, the planning commission recognizes and seizes opportunities to affect growth and development consistent with the comprehensive plan. A planning commission working proactively more often fulfills its legal responsibilities as well as its mission.

In addition to the role of the planning commission as an entity, planning commissioners should be aware of their individual responsibility. In order to be an effective member of a planning commission, each commissioner should become familiar with the jurisdiction's plans and ordinances, as well as applicable Maryland law. Similarly, commissioners should be familiar with the details on each matter that comes before the planning commission.

Roles

In the course of its work, the planning commission will have both formal and informal roles. Formal roles are designated by state or local laws, or through planning commission bylaws. The primary formal roles of the planning commission are decision-making and advisory roles.

Informal roles evolve as a result of the nature of the planning commission's work. At various times, the planning commission serves as a negotiator, mediator, unofficial advisor, researcher, informant, and coordinator.

Functions

A function is defined as an "assigned duty or activity." As noted above, the planning commission is responsible for working with the community to craft a long-range, comprehensive plan, and for implementing that plan. These responsibilities translate into mandated and authorized functions and activities that fall into one of three categories: plans, implementation tools, and implementation activities.

Plans

Plans are documents that establish a vision, goals, objectives, and strategies to guide the future development of a place, whether it is a county, a municipality, or a smaller area within a county or municipality.

During the creation of a plan, the planning commission is acting primarily in the informal roles of negotiator, mediator, advisory, informant, coordinator, and researcher. The planning commission can also delegate these informal roles to other people or groups. For example, the planning commission can ask staff, or the Maryland Department of Planning, to research a particular issue. However, ultimately the planning commission functions in its formal advisory role. The planning

commission must hold a hearing and take a formal vote to decide whether or not to recommend approval of the plan. If the planning commission recommends approval of the plan, then it is sent to the local legislative body, and the legislative body votes on whether or not to adopt the plan. All plans require formal adoption by the local legislative body.

Comprehensive Plans/Master Plans and Functional Plans

The only plan that Article 66B requires the planning commission to prepare and recommend for approval is the comprehensive plan (also known as a master plan). The planning commission must review and, if necessary, revise or amend the comprehensive plan every six years. Article 66B outlines different elements, or subjects (for example, sensitive areas), that the comprehensive plan must address and gives the planning commission the authority to include elements not required by Article 66B, such as a housing element. Generally speaking, comprehensive plans should incorporate all of the elements that are necessary to provide a thorough assessment of issues and course of action. Some jurisdictions prepare functional plans that are physically separate from, but linked by policy to the comprehensive plan. Functional plans are plans that address a specific topic, such as transportation, and can be analogous to the elements in the comprehensive plan. For more information on the comprehensive plan, see Appendix D. The Maryland Department of Planning has also published two documents on comprehensive plans: Preparing a Comprehensive Plan (#13 in the Models & Guidelines Series) and Revisiting the Comprehensive Plan: The Six Year Review (#20 in the Models & Guidelines Series).

Plans for Geographic Sub-Areas and Special Purpose Plans

In addition to preparing a comprehensive plan and functional plans, the planning commission has the authority to work with the community to prepare plans for geographic sub-areas or for special purposes. For example, the planning commission can prepare a plan for a specific neighborhood, a commercial area, or for historic resources. Both of these types of plans can be incorporated into a comprehensive plan, either physically or by reference.

Map of Transportation Facilities

Article 66B also encourages the planning commission to prepare an official map of transportation facilities (§6.01.a). This map serves a very important purpose, because it gives the local jurisdiction the authority to protect future rights-of-way from development.

The map should delineate transportation facilities and rights of way that the community will need for a functional transportation network that supports the community's planned future growth pattern. The map should be part of, or linked by policy to, the comprehensive plan. When preparing the map, planning commissions should keep in mind that land use and transportation facilities are unavoidably linked, and that transportation facilities include all applicable modes of transportation: vehicular, bicycle, pedestrian, air, and water.

The planning commission acts in a formal, advisory role, and the local legislative body must formally adopt the map. Again, the map should be part of the comprehensive plan.

Implementation tools must be closely tied to the visions, goals, objectives, and policies outlined in the plan.

Implementation Tools

Implementation tools are laws, regulations, guidelines, and budgets that are designed to help execute the plan. Article 66B does not require local jurisdictions to enact any specific implementation tool, but it does require local jurisdictions to ensure that implementation tools are closely tied to the vision, goals, objectives, and policies outlined in the plan. The relationship between comprehensive plans, implementation tools, and decisions is critically important. When crafting implementation tools, planning commissions should give careful consideration to whether or not the tool in question will help to achieve these goals and objectives. Without such an analysis, the comprehensive plan will remain a list of good ideas, rather than an instrument to help the community achieve its goals.

In order for these tools to carry the weight of law, the local legislative body must adopt them. The planning commission acts in a formal, advisory role, making recommendations to the local legislative body.

Zoning Ordinance and Map

The most fundamental implementation tool is zoning. The zoning ordinance establishes regulations for the use of land and some standards for development within identified zoning district boundaries. The related zoning map identifies properties that fall within different zoning categories. Zoning regulations must be uniform for each class or kind of development throughout each district, but regulations usually differ between districts.

It is important to note that each jurisdiction should maintain a single, official zoning map, and it should be signed and dated. This is a legal document and it should be current at all times. If copies of the zoning map are requested, the copies should be dated and include a disclaimer identifying the copy as “unofficial.” This will ensure that people will not rely on outdated maps for important zoning information. Jurisdictions may also want to keep archival record of previous maps for historical purposes.

It is important to note that each jurisdiction should maintain a single, official zoning map, and it should be signed and dated.

Article 66B does not require jurisdictions to have zoning, but if the jurisdiction does enact zoning, the planning commission is required to make recommendations to the local legislative body when the initial zoning is being considered. After the initial zoning is enacted, the planning commission continues in a formal, advisory role, and makes recommendations to the local legislative body regarding any changes to the zoning regulations or map (4.05.a.2.5). The local legislative body makes the final decision (4.05).

Changes to the zoning regulations can take place in the form of zoning text amendments. This method allows the regulations to change without necessitating a complete overhaul of the ordinance.

Property owners, others with a proprietary interest in land, and the elected governing body can request changes to the zoning designation of a particular parcel or parcels of land. “Comprehensive rezoning” occurs due to a policy change and is usually associated with a comprehensive plan amendment. This is the preferred rezoning process. Even if it only results in the rezoning of a single piece of property, it is called “comprehensive” because it is based on a thorough, comprehensive assessment of the area under consideration.

In certain cases, however, there may be cause to look at rezoning based on the merits of an individual case. Maryland case law outlines the findings that are required for this type of rezoning, called “piecemeal rezoning,” to take place. The legislative body shall find that the rezoning is consistent with the comprehensive plan and that the current zoning was applied in error, or that a change in the neighborhood has occurred in the time since the current zoning was applied. This “change-mistake” rule puts a difficult burden of proof on the applicant for piecemeal rezoning. It is important to understand that mere fruition of the comprehensive plan does not constitute “change,” because this change was foreseen. Even if change is proven, the local government does not have to grant the request to rezone. The courts do not consider a less-than-ideal decision, or a decision that does not reflect the best economic value, a “mistake.” The courts also do not consider a factual error a “mistake” if it was readily knowable.

For more information on zoning, see Appendix E.

Subdivision and Development Regulations

Article 66B also empowers the planning commission to prepare and present to the governing body subdivision and development regulations. It is important to note that jurisdictions do not have subdivision plat approval without adopted subdivision regulations (§5.03). Subdivision regulations govern the division of a parcel or parcels of land and may also include additional requirements for development. Development regulations supplement zoning and subdivision regulations with additional requirements for development, such as roads and sidewalks. For more information on subdivision and development regulations, see Appendix F.

Other Tools

In addition to zoning, subdivision, and development regulations, Article 66B gives the planning commission the authority to prepare and present to the governing body any other implementation tool that it deems appropriate. Article 66B specifically encourages the planning commission to consider use of innovative tools. Tools listed in Article 66B include transfer of development rights, mixed use development, adequate public facilities, moderately priced dwelling unit ordinances, and others (§10.01). Other tools not specifically mentioned in Article 66B include things like rural development guidelines, capital improvement programs, and housing and building codes. Regardless of the tool in question, the planning commission acts in its formal, advisory role and the local legislative body has decision-making authority.

**Ju r i s d i c t i o n s d o
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a p p r o v a l a u t h o r i t y
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s u b d i v i s i o n
r e g u l a t i o n s .**

Programs and Financing for Public Structures, Improvements, and Land Acquisition

The planning commission is also required to recommend to appropriate public official programs and financing for public structures, improvements, and land acquisition (§3.05.d.2.i). This requirement refers to capital expenditures (money spent on physical improvements to things like sidewalks, parks, roads, and lights). At the very least, the planning commission should review proposed expenditures to ensure consistency with the comprehensive plan. Ideally, the planning commission should prepare a capital improvement plan that outlines capital expenditures for a period of five years, and it would include new construction, acquisition, repairs, and maintenance.

Implementation Activities

In addition to creating and amending implementation tools, the planning commission also implements the comprehensive plan by administering many of these tools. The relationship between comprehensive plans, implementation tools, and decisions is critically important. Decisions must be consistent with the regulations, which in turn must be consistent with the comprehensive plan.

If the jurisdiction, through the board of appeals or planning commission, is granting frequent relief to certain provisions in the zoning, subdivision, or development regulations, this may indicate that the regulations are not consistent with the goals of the comprehensive plan or are otherwise inappropriate. For example, if many citizens are seeking and receiving special exceptions for rather benign home occupations –such as computer-based work –then maybe the jurisdiction should permit this use by right. If people want to build new homes in an area designated for infill development, but they need front setback variances in order to be able to build the homes close to the street, like the existing homes, then maybe the jurisdiction should revise the setback requirements. The planning commission should be aware of these trends, evaluate the need to revise regulations, and be prepared to make proactive changes.

In administering these tools, the planning commission typically acts in a formal, decision-making role or as formal advisors to the Board of Appeals or to the local legislative body.

Variances

Applicants can request a variance from certain development standards such as setbacks, building height, and lot size, which can be found in the zoning or development regulations. If a variance is necessary, the applicant must submit information to support the application, whether it is a subdivision, site plan review, plot plan, or building permit. In some jurisdictions, in the course of its review, the planning commission may make a recommendation regarding the variance to the Board of Appeals. The Board of Appeals makes the final decision regarding the variance (§4.07.d.3).

Maryland Courts have defined the conditions under which a variance may be granted. A variance may be granted for cases in which the applicant faces a hardship due to features or circumstances that are unique and not generally shared by other property owners in the same zoning district. The unique circumstances must not be self-imposed or self-created by the applicant, and the granting of the variance must not confer special privileges that would be denied to other property owners in the same zoning district. The granting of the variance must confer only the minimum relief needed.

Adjustments from One or More Aspects of the Zoning Regulations

In order to streamline the development process, Article 66B permits the legislative body to authorize the planning director or another designee to grant administrative adjustments from certain requirements in the zoning ordinance, such as height; setbacks; bulk; parking; loading, dimensional, and area requirements; and similar local requirements (§4.05.D). In order to do this, however, the legislative body must

Decisions must be consistent with the regulations, which in turn must be consistent with the comprehensive plan.

develop criteria and procedures for, and limitations to, these administrative adjustments, working in consultation with both the planning commission and the board of appeals.

Special Exceptions

Zoning categories generally include uses permitted by right and uses permitted by special exception. A special exception is a land use that is permitted subject to specific conditions in the ordinance. This makes it possible to allow uses where they are reasonable, but deny them where the specific conditions cannot be met. Article 66B states that the Board of Appeals makes the final decision on special exception requests (§4.07.d.2). It is up to the local jurisdiction to determine the role of the planning commission. The planning commission may serve a formal, advisory role, making recommendations to the Board of Appeals.

Site Plans and Subdivision Requests

The planning commission also reviews and makes decisions on subdivision requests and site plans, and it has the power to approve, deny, or approve with conditions, basing the decision on applicable zoning codes, subdivision regulations, and development regulations. In this case, the planning commission functions in a formal, decision-making role. Although the decisions made by the planning commission are final and do not go through a further process with the local legislative body, they can be appealed.

The planning commission does have the authority to delegate this responsibility to an administrative officer; however, in order to do this, the planning commission must first prepare non-discretionary review criteria for adoption by the local legislative body.

Building Permits and Plot Plans

The role of the planning commission with respect to building permits and plot plans varies by jurisdiction. Plot plans show the physical location and dimensions of buildings and are one way to make sure that what is approved is the same thing as what is built. The planning commission can serve as a formal advisor to another approving authority; can make the final decision; or may have no role at all.

Use of Land for Public Purposes

The planning commission has authority over use of land for public purposes, decisions that should also be made within the context of the plan. Specifically, the planning commission is charged with approving the location, character, and extent of publicly or privately owned streets, squares, parks, or other public way, ground, or open space (§3.08). This occurs through the subdivision or site plan process; the planning commission has the authority, in the course of its review of subdivisions and site plans, to require the development to include public facilities. However, there must be a rational nexus between the comprehensive plan and the requirement for public land. This means that the government must be able to point to a logical connection between the proposed action and a stated goal in the comprehensive plan, and that the burden borne by the property owner is comparable to the public benefit.

Function	Role
Plans	Article 66B requires the planning commission to make recommendations to the legislative body regarding a comprehensive plan and elements of the comprehensive plan. The planning commission is empowered, but not required to make recommendations to the legislative body regarding other plans. The legislative body is the only entity empowered to adopt plans.
☞Comprehensive	Required to serve as formal advisor to legislative body.
☞Element	Required to serve as formal advisor to legislative body.
☞Geographic Sub-Area	Serves as formal advisor to legislative body.
☞Special Purpose	Serves as formal advisor to legislative body.
☞Transportation Map	Serves as formal advisor to legislative body.
Tools	Local jurisdictions are not required to adopt any specific implementation tool. The legislative body is the only entity authorized to adopt regulations to implement the plan. Planning commissions typically serve as formal advisor to the legislative body.
☞Zoning Regulations and Boundaries	Required to serve as formal advisor to legislative body for the jurisdiction's initial zoning. Serves a formal role as advisor to legislative body for revisions to zoning map and ordinance.
☞Subdivision Regulations	Serves as formal advisor to legislative body.
☞Development Regulations	Serves as formal advisor to legislative body.
☞Other Tools	Serves as formal advisor to legislative body.
☞Programs for Public Structures, Improvements, Land Acquisition, and Financing	Serves as formal advisor to appropriate public officials.
Activities	The planning commission serves as a formal decision-maker for many of these activities, but it also serves as a formal advisor to the Board of Appeals or local legislative body.
☞Administrative Adjustments	The legislative body can designate this role to the planning director or another designee.
☞Variances	May serve as formal advisor to Board of Appeals.
☞Special Exceptions	May serve as formal advisor to Board of Appeals.
☞Site Plans	Serves a formal, decision-making role –may designate to administrative officer if the local legislative body adopts non-discretionary evaluation criteria.
☞Subdivision Requests	Serves a formal, decision-making role –may designate to administrative officer if the local legislative body adopts non-discretionary evaluation criteria.
☞Public Structures, Improvements, Land Acquisition	Serves a formal, decision-making role.

OPERATIONS

Like any other commission or board, the planning commission adheres to certain policies and procedures in order to function effectively, rationally, and lawfully. Some of these policies and procedures are required by Article 66B, whereas others are established by local bylaws or rules of procedure.

Article 66B: Powers and Requirements

Article 66B outlines basic requirements regarding membership, meetings, and procedures.

Membership, Appointment, and Organization

- **Composition** –The planning commission must be comprised of three, five, or seven members. One member may also be a member of the local legislative body, and this member serves ex officio. Alternates may also be designated.
- **Terms** –Planning commission members serve five-year staggered terms, so that turnover of members does not occur at one time.
- **Appointments** –The local legislative body, or an individual designated as the appointing power in the ordinance creating the planning commission, appoints members. For jurisdictions with a single elected official, the executive appoints, and the legislative body confirms, members.
- **Vacancies** –Vacancies are filled using the same process as regular appointments, and the commission member appointed to fill a vacancy serves for the remainder of the term.
- **Leadership** –The planning commission members elect a chair, and the chair serves for one year (§3.03.a).

Procedures

- The planning commission must adopt rules for transacting business and keep records of its resolutions, transactions, findings, and determinations. These records must be available to the public. (§3.03.c)

Rules of procedure include things like voting; the order of business; meeting schedules; committees; and public hearings.

- The planning commission must hold at least one regular meeting each month (§3.03.b).

Powers

Generally speaking, Article 66B gives the planning commission the powers necessary to enable it to fulfill its functions.

- The planning commission may accept and use gifts and public or private grants for the exercise of its functions. (§3.04.a.1)
- The planning commission may request information from public officials. (§3.04.a.2)
- The planning commission may enter on any land and make examinations and surveys. (§3.04.a.3)
- The planning commission may appoint employees necessary for its work and may contract with consultants for necessary services. (§3.04.b.1)

Annual Report

Article 66B requires the planning commission to prepare an annual report, file it with the local legislative body, make it available for public inspection, and send a copy to the Maryland Department of Planning. The report should indicate changes in development patterns that occurred during the period of the report and whether they are consistent with applicable local and state plans. In addition, the report should include the planning commission's recommendations for improving the planning and development process.

Meetings

The planning commission will likely have to host and/or participate in different types of meetings. As noted above, the planning commission must hold at least one regular meeting each month, and the Maryland Open Meetings Act requires these meetings to be open to the public.

In most cases, the planning commission must hold a public hearing prior to making a decision whether it is acting in an advisory or decision-making capacity. More complex plans, tools, and requests may require multiple hearings.

In order to engage the public and garner the support of the public for the plan and the activities of the planning commission, the planning commission should consider different types of meetings as part of a more creative public participation strategy.

A quorum is defined as the minimal number of members of the commission who must be present in order to transact business.

To run a successful meeting:

1. Make the meeting action-oriented
2. Guide the discussion
3. Stick to the agenda
4. Maintain decorum
5. Establish & stick to clear rules
5. Speak to the issue
7. Follow up
8. Use appropriate meeting handouts and audio-visual materials

Open Meetings Act

In recognition of the right of the public to know public business, the Maryland Open Meetings Act (OMA), passed in 1977 and codified in Article 10 Legal Officials, Subtitle 5 of the Maryland Annotated Code, guarantees public access to meetings and open decision-making. This law requires “public bodies” to deliberate and make decisions in front of the public, and planning commissions are subject to this law. The law does not, however, guarantee public participation –public participation should be addressed in the planning commission rules of procedure. The OMA applies unless a local law provides for more public access.

Public bodies are defined as multi-member bodies created by formal legal documents such as the Maryland Constitution, a county charter, the Governor, or a chief executive of a political subdivision, as well as certain less formal appointments if membership includes two individuals not employed by the State or political subdivision. Meetings are defined as a quorum gathering to consider and transact public business.

The OMA also requires that reasonable advance notice including date, time, and place of meeting is given to the public, even if the session is closed under one of the exceptions. The law provides for fourteen exceptions, including things like discussion of personnel matters, labor negotiations, or procurement issues, and requires a strict interpretation of the exceptions in favor of open meetings. When a public body closes a meeting, or a portion of a meeting, based on one of the exceptions, the closed portion of the meeting must be limited just to that topic.

For more information on the OMA, visit <http://www.oag.state.md.us/Forms/openmtg.pdf>.

Public Participation

In order to ensure broad-based and sustained public support, the planning commission should engage the public early and often, and through a variety of mechanisms, particularly when crafting a comprehensive plan. Article 66B empowers the planning commission to promote public interest in and understanding of the plan. (§3.05.d) The planning commission can choose to limit public participation to that which is required by law or provide for more meaningful public participation. Meaningful public participation in the planning process is essential for identifying opinions, generating ideas, and building consensus around a vision that will guide the plan's preparation. Public participation should be broad, so that all interests are represented.

For more information on preparing a comprehensive plan and techniques for public participation, see Preparing a Comprehensive Plan, Maryland Department of Planning's Models & Guidelines #13.

Mechanisms for Stimulating Discussion and Generating Ideas

- Roundtable Discussions
- Workshops
- Charettes
- Public Forums
- Open Houses
- Focus Groups
- Public Meetings
- Speaker's Bureaus
- Field Trips

Mechanisms for Getting Information to the Public

- Website
- Newsletter
- News Coverage
- Op-Eds in Local Paper
- Inserts in Local Paper
- Public Notice and Press Release
- Press Briefing
- Meeting Handouts
- Audio-Visuals

Decision-Making

Article 66B requires consistency between the comprehensive plan, the implementation tools that are designed to execute the plan, and the decisions made on all applications for zoning changes; variances, waivers, and administrative adjustments; special exceptions; subdivisions; site plan reviews; plot plans and building permits; and decisions regarding public facilities. It is important for planning commissions to make sound decisions that are consistent with the comprehensive plan for several additional reasons.

The planning commission will earn the trust and support of the public if it makes decisions that are consistent with the plan and with relevant ordinances. Although the planning commission is often charged with making short-term decisions, planning commission members must always keep the long-term ramifications of the decision in mind –remember, the primary responsibility of the planning commission is to implement the vision outlined in the comprehensive plan.

Moreover, appeals of land use decisions are a fact of life in most jurisdictions, and it is important for the planning commission to make decisions that are likely to be confirmed rather than overturned on appeal. Decisions that are consistent with the plan are more likely to be upheld.

It is important to note that the courts have made a specific statement regarding the legal force of comprehensive plans. In *Gaster v. Cecil*, the court ruled that subdivisions must be consistent with comprehensive plans, particularly if the zoning/subdivision regulations state: “The purpose of these Subdivision Regulations is to implement the goals, policies, and recommendations of the adopted Comprehensive Plan.”

Planning commissions should take additional precautions to ensure the integrity of their decisions. For example, planning commissions must abide by the state’s open meetings law, and establish and abide by rules of procedure. These procedural faux pas can result in an overturned decision, even if the decision itself is sound. Courts generally do not substitute their opinion for that of the local jurisdiction, recognizing that reasonable people can disagree about some land use matters. However, a court is much more likely to overturn a decision it considers arbitrary or capricious.

Ethics

Because a planning commission is an arm of local government and deals with matters of concern to the community, the planning commission must pay attention to ethics. The planning commission must avoid unethical conduct or activity, as well as the appearance of unethical conduct or activity. Conflicts of interest arise when planning commissioners are confronted with an issue in which they have a financial interest or a close personal or business relationship that people may perceive as influencing the outcome of the decision. Planning commissioners faced with this potential conflict of interest should publicly disclose the nature of his or her interest in the matter and excuse him or herself from any deliberation on the issue.

Planning commissioners should also be aware of the potential for a conflict of office. Generally speaking, commissioners are not prohibited from holding jobs in the field of land use planning, but there are circumstances in which their position poses a conflict on certain matters.

The local legislative body has the authority to remove a planning commissioner from office for inefficiency, neglect of duty, or misconduct or illegal activities. In order to do so, the legislative body must first hold a public hearing.

APPENDIX A: WHY PLAN?

Jurisdictions throughout Maryland confront complex issues relating to land use: the loss of agricultural land and forestland; the neglect of older communities; and the need for sustained economic and environmental health. Through careful and visionary planning, and implementation of plans, jurisdictions can ensure thriving communities and natural resources. The following section provides a brief description of each issue and list of some actions that planning commissions can take to address the issue.

Preservation of Agricultural Land

Between 1980 and 2000, approximately 243,000 acres of farmland were lost to development in Maryland, a rate of 12,000 acres per year. The loss of farmland has negative consequences for the agricultural industry, rural landscapes, and heritage tourism.

Planning commissions can take important steps to preserve farmland and forestland:

- Ensure that the comprehensive plan identifies agricultural land and supports land preservation policies. Remember that the comprehensive plan is the basis for zoning and subdivision regulations.
- Follow up on the comprehensive plan by enacting very low-density zoning on agricultural land. In order to maintain farmers' equity, establish a transfer of development rights program, that allows farmers to sell development rights for development in identified growth areas.
- To complement the low density zoning, participate in purchase of development rights programs, such as the State's Maryland Agricultural Land Preservation Foundation and Rural Legacy programs. Local jurisdictions can also enact their own programs.
- Evaluate opportunities to support the agricultural industry, and enact those that will work for your community. For example, consider passing a right-to-farm law, which protects farmers from nuisance lawsuits.
- Enact cluster zoning, which requires houses to be built on a small portion of the property and put the remainder of the property in a permanent easement.

Economic Development

Jurisdictions throughout Maryland illustrate the difficulty of succeeding in the competitive world of employment and economic development. In many communities, where industry and opportunity once existed, now stand only remnants of the past. In other communities, opportunity abounds, but is not easily accessible to people who cannot afford to live in predominantly expensive housing. The ingredients of an economically healthy community include a mix of residents, housing for a people with a range of incomes, jobs, shops, and services.

Planning commissions can take steps to enhance the economic health of the community:

- Ensure that the comprehensive plan targets specific areas for economic development, in communities and population centers where infrastructure and housing already exist.
- Inventory resources –land, people, and programs –that are available for economic development.
- Develop a capital improvement program designed to ensure adequate infrastructure and stimulate investment in areas targeted for economic development.
- Identify “smart sites,” parcels of land that should be developed in order to ensure the economic success of areas targeted for economic development, and identify the appropriate mix of commercial, industrial, residential, public, institutional, and open space uses.
- Consolidate small parcels into single ownership and issue a Request for Proposals (RFP) for development on the land. Within the RFP, define the mix of uses and character of development desired by the community.
- Provide information required to channel financial and programmatic resources to assist business and community development.
- Safeguard land resources –ensure that there is sufficient land to meet the community’s needs with respect to industrial, office, retail, residential, public, institutional, and open space land.

Natural Resource Protection

In far too many instances, streams and rivers continue to be a dumping ground for the waste of civilization; their potential for recreation and the support of life lessened with each passing week. Landfills into which we dispose our solid waste are rapidly becoming saturated. In every community, people have real concerns about water quantity and quality, air pollution, site selection for hazardous waste facilities and landfills, and protection of sensitive areas.

Planning commissions can take steps to protect environmental resources:

- Ensure that the comprehensive plan identifies and supports policies to protect environmentally sensitive areas, including but not limited to, streams and their buffers; steep slopes; habitats of rare and endangered species; and the 100-year floodplain.
- Follow up on the comprehensive plan by enacting regulations to support protection of environmentally sensitive areas.
- Enact ordinances for stormwater management and sediment and erosion control.
- Establish policies and programs for shoreline protection, wildlife habitat protections, and forestland management.

Community Redevelopment and Revitalization

As new development occurs farther and farther from established population centers, the loss of investment, tax dollars, people, and activity has a debilitating effect on the people and places left behind. Existing communities, once the focus of development

and the proud centers of population, housing, education, and commerce, are now riddled with neglect and abandonment. In recent years, public and private investment has turned once again to these areas, but the need and opportunity for redevelopment and revitalization remains.

Planning commissions can take steps to encourage redevelopment and revitalization:

- Ensure that the comprehensive plan targets specific areas for redevelopment and revitalization, particularly places where financial investment and community development programs will make the greatest impact.
- Ensure that the comprehensive plan identifies policies and priorities for redevelopment and revitalization.
- Follow up on the comprehensive plan by analyzing and potentially changing zoning, subdivision, and development regulations. Often, these regulations were originally crafted to create suburban places, mandating separation of land uses, large lots, deep setbacks, and wide streets. These regulations make it difficult to achieve development in or consistent with older communities, with their smaller lot sizes, small setbacks, narrow streets, and greater mix of uses.

APPENDIX B: THE VISIONS

The 1992 Economic Growth, Resource Protection and Planning Act of 1992 established seven visions for economic growth and resource protection. The Maryland General Assembly added an eighth vision in 2000, which is now “vision 7. ” Collectively, these visions are designed to help jurisdictions achieve higher levels of economic growth and resource protection by sticking to a policy of targeting resources to identified geographic areas.

Local jurisdictions are required by Article 66B to implement the visions, and to address the visions in their comprehensive plans.

The eight visions are:

1. Development is concentrated in suitable areas.

This vision aims to direct development to areas with good public facilities and other qualities, such as sites with redevelopment potential, or sites near transit stations or bus stops.

2. Sensitive areas are protected.

In addition to protecting the sensitive areas that must, by law, be protected, local jurisdictions may want to extend this protection to other areas, such as a greenbelt designed to protect the integrity of the edges of town.

3. In rural areas, growth is directed to existing population centers and resource areas are protected.

To achieve this vision, local jurisdictions will need to take advantage of redevelopment opportunities, vacant upper stories of commercial buildings, adaptive reuse of existing structures, and limited peripheral development that blends in with the town.

4. Stewardship of the Chesapeake Bay and the land is a universal ethic;

This vision specifically marries land use and water quality. This is intentional, because it is important for people to recognize that the use of land has an impact on the health of waterways in terms of runoff and nutrient loading.

This stewardship ethic applies not just to the Chesapeake Bay, but also to all of the watersheds in the State.

5. Conservation of resources, including a reduction in resource consumption, is practiced.

Using existing developed land in creative ways to accommodate new growth is one of our most important forms of recycling.

6. To assure the achievement of items (1) through (5) of this section, economic growth is encouraged and regulatory mechanisms are streamlined.

This vision captures two issues. First, this is designed to stimulate economic growth in Maryland's existing communities, where people already live, rather than outside of them.

In order to actually achieve this, however, jurisdictions need to ensure that development regulations do not inadvertently impede growth, and this is the second issue addressed by this vision. If they are crafted primarily with new suburban development in mind, development regulations can pose one of the greatest hurdles to develop in existing communities. This can result in lot size and setback standards, for example, that are impossible to meet on smaller lots in town. Not only are these standards unreasonable, they can also result in development that is incompatible with the character of the existing town and therefore in conflict with economic goals based on the existing character.

7. Adequate public facilities and infrastructure under the control of the county or municipal corporation are available or planned in areas where growth is to occur.

This vision addresses another hurdle faced by developers. Although many existing communities have underused infrastructure capable of accommodating new growth, new growth often requires upgrades to at least some of the infrastructure.

8. Funding mechanisms are addressed to achieve these Visions.

Supporting development with public infrastructure is an expensive proposition, although in the long term, the return for the community should justify the expense.

APPENDIX C: PRIORITY FUNDING AREAS

The 1997 Priority Funding Areas Act capitalizes on the influence of State expenditures on economic growth and development. This legislation directs State spending to Priority Funding Areas, which are established communities and places where local governments want State investment to support future growth.

Growth-related projects covered by the legislation include most State programs that encourage or support growth and development such as highways, sewer and water construction, economic development assistance, and State leases or construction of new office facilities.

Priority Funding Areas Established by Law ("Pre-Defined ")

The Priority Funding Areas Act legislatively designates certain areas –the traditional core of Maryland's urban development –as Priority Funding Areas:

- Municipalities (the boundaries of the municipalities as they existed on January 1, 1997; areas annexed after January 1, 1997 must meet the minimum criteria outlined in the following section);
- Baltimore City;
- Areas inside the Baltimore and Washington Beltways;
- Neighborhoods designated for revitalization by the Department of Housing and Community Development;
- Enterprise and Empowerment Zones; and
- Certified Heritage Areas within county-designated growth areas.

County-Designated Priority Funding Areas

The legislation authorizes counties to designate additional Priority Funding Areas that meet minimum criteria:

- Areas with industrial zoning (Areas zoned after January 1, 1997, must be in a county-designated growth area and be served by sewer);
- Areas with employment as the principal use which are served by, or planned for, a sewer system (Areas zoned after January 1, 1997, must be in a county-designated growth area);
- Existing communities (as of January 1, 1997) within county-designated growth areas which are served by a water or sewer system and which have an average density of two or more units per acre;
- Rural Villages (must be designated in the Comprehensive Plan as of July 1, 1998); and
- Other areas within county-designated growth areas that:
 - o Reflect a long-term policy for promoting an orderly expansion of growth and an efficient use of land and public services;
 - o Have existing or planned water and sewer systems; and
 - o Have a permitted density of 3.5 or more units per acre for new residential development.

Counties are not required to designate Priority Funding Areas or to designate all eligible areas.

Special Provisions for Communities with Water Service Only, and for Rural Villages

In communities with water service, but no sewer system and in Rural Villages, State funding is restricted to projects that maintain the character of the community. The projects must not increase the growth capacity of the village or community, except for limited peripheral and infill development.

APPENDIX D: THE COMPREHENSIVE PLAN

Article 66B states that once the planning commission is legislatively created, the planning commission has the function and duty to prepare a comprehensive plan for its jurisdiction, and to present this plan to the local legislative or governing body for its consideration and adoption. The comprehensive plan must serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships.

With power comes responsibility, and Article 66B outlines a number of requirements governing content and procedures that each planning commission must fulfill in the crafting of the jurisdiction's comprehensive plan.

Procedural Requirements

- Each jurisdiction must review and, if necessary, update its comprehensive plan every six years. The Maryland Department of Planning publication *Revisiting the Comprehensive Plan: The Six Year Review* (#20 in the Models & Guidelines Series) is a good resource for jurisdictions going through this process.
- The planning commission must consult with entities about protecting or executing the Plan (§3.05.d.2.ii.).

Although not listed as a requirement, public interest and understanding of the plan helps to establish public trust and support for the plan, and ultimately makes implementation of the plan easier. Therefore, the planning commission has the power to promote public interest in and understanding of the plan (§3.05.d.1)

Content Requirements

Article 66B establishes a framework for the content of the plan by requiring that it address certain components of the jurisdiction's vision:

- **Goals and Objectives** –This section establishes goals and objectives that serve as a guide for the development and economic and social well being of the local jurisdictions. The goals and objectives tell the world how the community wants to function and look in the future.
- **Land Use** –The land use element outlines the most appropriate and desirable patterns of growth and development. Maps are particularly helpful for this section and can show areas targeted for different types of development; revitalization; priority corridors or areas; and preservation areas.
- **Transportation** –The transportation element describes and presents transportation patterns and includes the entire spectrum of transportation facilities (transit, roads, bicycle and pedestrian amenities, and transit-oriented development) applicable to the jurisdiction. It is important to note that Article 66B specifically requires jurisdictions to address bicycle and pedestrian facilities in their comprehensive plans.

- Community Facilities –The community facilities element identifies the location, character and extent of public and semi-public buildings, lands, and facilities.
- Mineral Resources –The mineral resources element identifies land that can be used to provide a continuous supply of minerals, post-excavation uses, and land use policies to balance mineral resource extraction with other land uses. This element is only required if current geological information is available.
- Development Regulations –The development regulations section identifies development tools that are the best available mechanisms to implement the plan, including streamlined review for development in designated growth areas.
- Areas of Critical State Concern –This section includes recommendations for the determination, identification, and designation of areas that are of critical State concern.
- Sensitive Areas –The sensitive areas element sets goals, objectives, principles, policies, and standards to protect sensitive areas from the adverse effects of development. Article 66B requires jurisdictions to protect streams and their buffers; the 100-year floodplain; habitats of threatened and endangered species; and steep slopes. Jurisdictions, of course, can identify and protect other sensitive areas as well.
- Fisheries –Counties located on tidal waters must include a fisheries element, which focuses on the designation of areas for loading, unloading, and processing finfish and shellfish, and for docking and mooring commercial fishing boats and vessels.
- Implementation –Recognizing the importance of designing land development regulations that implement the Plan, this section is supposed to address recommendations for land development regulations; encouraging streamlined review of applications for development in areas designated for growth; the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and economic development in areas designated for growth.

Recognizing local jurisdictions' individuality, Article 66B gives the planning commission the authority to put additional elements in the comprehensive plan. These elements may include, but are not limited to, Community Renewal; Housing; Flood Control; Pollution Control; Conservation; Natural Resources; Public Utilities; and Transit- and Pedestrian-Oriented Development.

Comprehensive plans, by their nature, address issues that transcend political boundaries. Therefore, the comprehensive plan is required to include any areas outside of the boundaries of the plan that, in the planning commission's judgment, bear relation to the planning responsibilities of the commission.

The plan must also incorporate eight visions designed to encourage economic growth and protect natural resources. These visions are discussed in Appendix B of this document.

Procedures for Plan Adoption

Although each jurisdiction follows its own hearing and notification protocol (which must be in compliance with the State § Open Meetings Act), there are certain procedural requirements that must be followed:

1. The local jurisdiction must forward copies of the comprehensive plan (or amendments to the plan) to relevant State agencies and adjoining local jurisdictions for their review at least 60 days prior to the planning commission public hearing (§3.07.c). The Maryland Department of Planning will circulate the plan on behalf of local jurisdictions if the local jurisdiction provides 14 copies.
2. The planning commission holds at least one public hearing.
3. The planning commission recommends adoption of the plan to the local legislative body.
4. The local legislative body can hold its own public hearing and deliberate on the plan at its regularly scheduled meeting or following the hearing.
5. The local legislative body must act within 60 days after the date of the submission; failure to act is taken as concurrence with the planning commission's recommendation. The legislative body can adopt the plan in whole or in part, or it can return the plan to the planning commission for further consideration.
6. The local jurisdiction must forward a copy of the adopted plan to the Maryland Department of Planning's official depository library.

APPENDIX E: ZONING

One of the key tools that local jurisdictions have to implement the comprehensive plan, the zoning ordinance establishes regulations and standards for the use of land and standards of development within identified district boundaries. The related zoning map identifies properties that fall within different zoning categories. Zoning regulations must be uniform for each class or kind of development throughout each district, but regulations may differ between districts.

Conventional zoning was often used to separate land uses and to govern the placement of buildings on individual lots. Today, however, local jurisdictions can use creative zoning techniques to achieve a range of goals, from creating pedestrian-oriented development, to protecting water views, to encouraging infill development on vacant parcels.

Article 66B requires zoning regulations to be consistent with the comprehensive plan. Although the planning commission does not make the final decisions on zoning regulations or zoning category changes, it does have an important role in recommending zoning regulations and zoning category changes to the legislative body. In both cases, the legislative body makes the final decision. Article 66B requires the legislative body to make specific findings prior to granting a change in zoning classification. There must have been a substantial change in the character of the neighborhood, or a mistake in the existing zoning classification.

In order to use these powers, the legislative body must first adopt enforcement procedures, as well as establish policies and procedures for making decisions regarding zoning regulations and classification changes. The policies and procedures must include provisions for public notification.

APPENDIX F: SUBDIVISION AND DEVELOPMENT REGULATIONS

Subdivision regulations control the division of a tract of land by requiring development according to set standards and procedures. The planning commission implements subdivision regulations by making decisions regarding subdivision requests (§5.02). The planning commission can approve or deny the request, or approve the request with conditions, basing the decision on consistency with the regulations, the intent of the regulations, and with the plan.

Development regulations govern many of the physical characteristics of development, such as the width of streets, the provision of sidewalks, the location of parking, and the extent and characteristics of open space.

APPENDIX G: SOURCES AND INFORMATION RESOURCES

Maryland Citizen Planners Association

The Maryland Citizen Planners Association (MCPA) is a statewide, non-profit educational organization of municipal, county and regional planning commissioners, boards of zoning appeals and historic district commission members. MCPA members work to improve the quality of life for all Marylanders through planning, environmental protection, historic preservation, and growth management.

MCPA promotes better planning and plan implementation by:

- Fostering communication and sharing information to improve planning practices and procedures;
- Promoting public interest in municipal, county, regional, and State planning issues;
- Encouraging increased planning coordination and cooperation within Maryland; and
- Providing regional and statewide workshops on planning and zoning issues of mutual interest and concern.

Planning Commissioner Training Course

Sponsored by the University of Maryland Urban Studies and Planning Program and the Maryland Department of Planning. This two-day course is open to anyone interested in learning more about land use and planning, though it is geared primarily toward real estate professionals and planning commissioners. There is no cost for volunteer planning commissioners. For more information, visit www.mdp.state.md.us.

Planning Commissioners Journal

This is a national journal for citizen planners. For more information, visit www.plannersweb.com or call 802-864-9083.

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APPENDIX H: GLOSSARY

These definitions are all from A Glossary of Zoning, Development, and Planning Terms, Planning Advisory Service Report Number 491/492, Michael Davidson and Fay Dolnick, editors, American Planning Association, December 1999.

Charrette

A design workshop aimed to gather input from stakeholders, which results in clear guidance about the future development of a particular project or place. (Definition adapted from CharretteCenter.net.)

Comprehensive Plan

Also called a general plan or master plan, this is a plan for development of an area that recognizes the physical, economic, social, political, aesthetic, and related factors of the community. (Handbook for Planning Commissioners in Missouri)

Development Regulations

Regulations that limit the size, bulk, or siting conditions of particular types of buildings or uses located within any designated district. (El Paso, TX, p. 82)

Op-Ed

A newspaper page, typically opposite the editorial page, featuring signed articles expressing personal viewpoints. (Dictionary.com)

Plot Plan

A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information. (Newport Beach, CA, p. 173)

Rational Nexus

A logical connection between the government action and the stated goal. The burden borne by the property owner should be proportional to the public benefit.

Site Plan

A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features-both natural and manmade-and, depending on requirements, the locations of proposed utility lines. (Handbook for Planning Commissioners in Missouri, p. 209)

Note: Site plans are often required to show wells, septic fields, easements, and other things.

Special Exception

A land use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this ordinance. (Goochland County, VA, p. 214)

Subdivision Regulations

The control of the division of a tract of land by requiring development according to design standards and procedures adopted by local ordinance. (Handbook for Planning Commissioners in Missouri, p. 226)

Variance

A departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is usually granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district. (California Planning Roundtable, p. 249)

Zoning

The division of a city or county legislative regulations into areas, or zones, which specify allowable uses for real property and size restrictions for buildings within these areas. Also, a program that implements policies of the General Plan. (California Planning Roundtable, p. 260)

Zoning Amendments

A change in the wording, context, or substance of this title or a change in the zoning or district boundaries of the official zoning map, to be made a part of this title. (West Des Moines, Iowa, p. 261)

Zoning Map

A map that graphically shows all zoning district boundaries and classifications within the city, as contained within the zoning code, which is signed by the community development director and on file in the planning department. (Escondido, CA, p. 261)

EXAMPLE REVIEW CHECKLISTS AND BYLAWS:

The following checklists are provided as examples of how to turn an ordinance into a tool for reviewing subdivisions and site plans. Planning commissioners reviewing these documents should understand that they are only examples, and that the Maryland Department of Planning is not suggesting that these are the best possible alternatives for every jurisdiction in Maryland. The localized nature of planning means that each jurisdiction will need to make its own determination about the content of a checklist. In addition, these examples are not intended to cover the full range of options available to local jurisdictions, just to demonstrate the basic idea of creating a form to ensure consistent and thorough review.

Subdivision Checklist, Sketch Plan Requirements –Town of Princess Anne

Subdivision Checklist, Preliminary Plat Requirements –Town of Princess Anne

Subdivision Checklist, Final Plat Requirements –Town of Princess Anne

Nonresidential Site Plan Checklist –Queen Anne's County

Major or Minor Subdivision Checklist –Queen Anne's County

Subdivision Sketch Plan or Site Concept Plan –Queen Anne's County

Sample By-laws for a Planning Commission - International City/County Management Association

Town of Princess Anne Subdivision Checklist Sketch Plan Requirements

The sketch plan process is optional to the applicant and is not a pre-requisite to the approval of the final plat, except when the subdivision occurs within the Critical Area. Although optional, this process is strongly recommended as it affords the applicant the opportunity to consult early and informally with the Town's Code Enforcement Officer and Planning Commission to identify potential problems and make any necessary modifications prior to incurring the expenses associated with a preliminary plat. This review by the Planning Commission does not infer any special status to the sketch plan, nor does it guarantee subsequent approvals, but it does allow the applicant to determine the feasibility of the project and can help avoid unnecessary costs or delays.

Subdivision Name: _____ Revision # or Date of Plat: _____

Reviewed By: _____ Date Submitted: _____

SKETCH PLAN REQUIREMENTS:	YES	NO	N/A
1. Name of subdivision.			
2. Name and address of owner.			
3. Name and address of the engineer and/or surveyor.			
4. Tract boundaries.			
5. North point and date.			
6. Streets on and adjacent to the tract.			
7. Significant topographical and physical features.			
8. Proposed general street layout.			
9. Proposed general lot layout.			
10. Contours based on U.S.G.S topography.			
CRITICAL AREA REQUIREMENTS: (Only applicable if tract is fully or partially within the Critical Area)			
1. Critical Area District Boundary.			
2. Applicable land use management classification (RCA, LDA, or IDA).			
3. Computation of the amount of acres within the Critical Area.			
4. Tidal and non-tidal wetlands and their associated buffers.			
5. Streams and associated buffers.			
6. Steep slopes, highly erodible soils, and soils with development constraints.			
7. Natural resource protection areas including Habitat Protection Areas.			
8. Forests and developed woodlands on the site or in the vicinity.			

Town of Princess Anne Subdivision Checklist Preliminary Plat Requirements

The subdivision of a single lot, tract, or parcel of land into five or more lots, tracts, or parcels of land constitutes a major subdivision and therefore requires the submittal of a preliminary plat for review by the Planning and Zoning Commission. The purpose of the preliminary plat is to require formal conditional approval in order to minimize changes and revisions before a final plat is submitted. Approval of the preliminary plat shall constitute approval of the subdivision as to character and density, but shall not constitute approval of the final plat, or authorize it to be recorded, or authorize the sale of lots, or authorize the construction of any buildings. Preliminary plat approval shall be valid for a period of two years, unless an extension is requested by the applicant and granted by the Planning Commission.

Subdivision Name: _____ Revision # or Date of Plat: _____

Reviewed By: _____ Date Submitted: _____

PRELIMINARY PLAT REQUIREMENTS:	YES	NO	N/A
1. Name of subdivision.			
2. Name and address of owner.			
3. Name and address of the engineer and/or surveyor.			
4. Tract boundaries.			
5. North point and date.			
6. Scale noted and drawn to either 1"= 40' , 1"=50' , or 1"= 100' .			
7. Dimensions shown in feet and decimal parts thereof.			
8. Bearings shown in degrees, minutes, and seconds.			
9. Plat sheets are numbered and shown in relation to total number of sheets.			
10. A clear legend is provided indicating existing and proposed features.			
11. Subdivision boundary line is shown as a heavy solid line.			
12. Dotted lines are used to show features, lines, or locations to be abandoned.			
13. Solid lines are used to show proposed features, lines, or locations.			
14. A location map of at least 1"= 800' showing the surrounding 1,000' area.			
15. Present zoning classification.			
16. Streams and associated buffers.			
17. Computations of total lot area.			
18. Computations of building floor area for each of the proposed uses.			
19. Percentage of building ground coverage.			
20. Road area.			
21. Number and area of off-street parking and loading areas.			
22. General open space area.			
23. Outline survey of the property showing courses, distances, area, and tie-ins to all adjacent street intersections.			

	YES	NO	N/A
24. Location, names, and widths of all existing streets.			
25. Location of all existing property lines and names of owners.			
26. Location of existing water courses, sanitary sewers, and storm drains.			
27. Location of all existing features within 25 'of land to be subdivided.			
28. Location of all existing monuments.			
29. Location, size, and ownership of all underground utilities within property.			
30. Location of any rights-of-way within the property.			
31. Topography at 2 'or 5 'contour intervals, depending on the ground slope.			
32. Location of all existing buildings.			
33. Outline of existing wooded areas, marshy areas, and flood-prone areas.			
34. Proposed layout of streets, including names and widths.			
35. Proposed layout and approximate dimensions of lots.			
36. Reference land offered for park, school, street, or public use dedication.			
37. Proposed average and minimum lot size.			
38. Location and size of proposed storm drains, sanitary sewers, and culverts.			
39. Location and size of proposed water courses, water mains, and hydrants.			
40. Proposed building setback lines.			
41. Proposed drainage and utility rights-of-way and/or easements.			
42. Typical cross-sections and center line profiles for each proposed street.			
43. 'Preliminary Plat –Not to be Recorded "is shown on plat.			
44. If the preliminary covers only a portion of the property, a sketch shall be submitted showing the proposed street layout for the remainder of the site.			
CRITICAL AREA REQUIREMENTS: (Only applicable if tract is fully or partially within the Critical Area)			
1. 100-year floodplain boundaries.			
2. Location and area extent of soils with septic limitations and wet soils.			
3. Location and extent of hydric soils and soils with hydric properties.			
4. Location and extent of highly erodible soils.			
5. Location, use, and height of all existing and proposed structures.			
6. Location of all existing and proposed site improvements.			
7. Location of stormwater management facilities.			
8. Location of shore erosion and sediment and erosion control structures.			
9. Critical Area District boundary and land use management classification.			
10. The 100 'Buffer and any other required buffers.			
11. Open space areas, forested areas, and landscaped areas.			

	YES	NO	N/A
12. Types of plantings and means to be permanently protected.			
13. Location of tidal and non-tidal wetlands on or adjacent to the site.			
14. Wetland field delineation has been submitted to and approved by MDE.			
15. Documentation of wetland approval submitted.			
16. Existing and proposed water-dependent facilities on and adjacent to site.			
17. Number of existing and proposed boat slips and moorings.			
18. Location and extent of erosion abatement approaches.			
19. Location of plant and wildlife habitats on or adjacent to the site.			
20. Location of any habitats of threatened or endangered species.			
21. Location of any species in need of conservation.			
22. Location of any bald eagle habitats within ¼ mile of the site.			
23. Location of anadromous fish spawning streams on or adjacent to the site.			
24. Detailed drawing showing proposed shore erosion abatement techniques.			
25. Computation of the total area within the Critical Area Overlay District.			
26. Total man-caused impervious surfaces and percentage of entire site.			
27. Total number of lots in the Critical Area Overlay District.			
28. Outline of existing wooded areas, marshy areas, and flood-prone areas.			
29. A planting plan for any reforested and afforested areas.			
30. A habitat protection plan submitted to and approved by DNR.			
31. A preliminary stormwater management plan.			
32. A preliminary sediment and erosion control plan.			
33. A shore erosion protection plan with complete specifications for all work.			
34. If commercial or industrial development, specific uses proposed.			
35. If commercial or industrial use, maximum number of employees.			
36. If commercial or industrial use, type of energy to be used in processing.			
37. If commercial or industrial use, type of waters or by-products produced.			
38. If commercial or industrial use, method of waste or by-product disposal.			
39. If commercial or industrial use, location of any outdoor lighting facilities.			
ENVIRONMENTAL ASSESSMENT REPORT: For all developments in the Critical Area, an environmental assessment report must be submitted which provides a coherent statement of how the proposed development addresses the goals and objectives of the Town's Critical Area Ordinance. At a minimum the report shall include:			
40. Statement of existing conditions to include the amount and types of forest cover, the amount and type of wetlands, a discussion of existing agricultural activities on the site, soil types, topography, etc.			
41. A discussion of the proposed development project to include the number and type of residential units, the amount of impervious surface, proposed sewer treatment and water supply, the acreage devoted to development, proposed open space, and habitat protection areas.			
42. A discussion of the proposed development's impacts on water quality.			
43. Documentation of all correspondence and findings.			

Town of Princess Anne Subdivision Checklist

Final Plat Requirements

The purpose of the final plat submission is to request formal approval from the Planning Commission prior to the plat being legally recorded in the Land Records of the Clerk of the Court of Somerset County. The final plat shall consist of a drawing incorporating the final submission requirements, in addition to those changes or additions required by the Planning Commission in its approval of the preliminary plat.

Subdivision Name: _____ Revision # or Date of Plat: _____

Reviewed By: _____ Date Submitted: _____

FINAL PLAT REQUIREMENTS:	YES	NO	N/A
1. Name of subdivision.			
2. Name and address of owner and developer.			
3. Name, address, and seal of the engineer and/or surveyor.			
4. North point, date and scale.			
5. Scale noted and drawn to either 1"= 40' ; 1"=50' ; or 1"=100' ;			
6. Dimensions shown in feet and decimal parts thereof.			
7. Bearings shown in degrees, minutes, and seconds.			
8. Plat sheets are numbered and shown in relation to total number of sheets.			
9. A clear legend is provided indicating existing and proposed features.			
10. Subdivision boundary line is shown as a heavy solid line.			
11. Dotted lines are used to show features, lines, or locations to be abandoned.			
12. Solid lines are used to show proposed features, lines, or locations.			
13. A location map of a scale between 1"=800' and 1"=2000' ;			
14. Centerline of all proposed and adjoining streets with ROW width.			
15. Names of all proposed and adjoining streets.			
16. Accurate distances and bearings of all boundary lines of the subdivision.			
17. Lot lines and a simple method of numbering to identify lots and sections.			
18. Building setback lines, if more restrictive than zoning district requires.			
19. Dimensions and limitations of any easements provided for public service.			
20. Accurate dimensions for the boundaries of the site to be developed.			
21. Accurate dimensions of all streets, lots, easements, and dedicated areas.			
22. Radii, arcs, points of tangency, central angles, and lengths of curves.			
23. Description and location of all survey monuments or benchmarks.			
24. Private, self-imposed, and existing covenants, restrictions, and/or easements and their periods of existence are shown or referred to on plat.			
25. Accurate outline, dimensions, and purpose of all property offered for dedication, public use, or common use of the owners in the subdivision.			

	YES	NO	N/A
26. Final plats of 1 to 4 lots shall be prepared on sheets of either 8½ "x 13½ " or 18 "x24 ".			
27. Final plats of 5 or more lots shall be prepared on sheets of 18 "x24 ".			
28. Space is provided on the plat for the date, signature, and seal of surveyor.			
29. Space is provided on the plat for the date and signature of the health Dept.			
30. Space is provided on the plat for the date and signature of the Planning Commission Chairman.			
31. Space is provided on the plat for the date and signature of the property owner and all parties having proprietary interest in the subdivision.			
32. Space is provided for the date and signature of the Sanitary District Commission.			
CRITICAL AREA REQUIREMENTS: (Only applicable if tract is fully or partially within the Critical Area)	YES	NO	N/A
1. Location of tidal and non-tidal wetlands on or adjacent to the site.			
2. Location of any streams.			
3. Highly erodible soils, hydric soils, and soils with development constraints.			
4. The 100 'Buffer and any other required buffers.			
5. Location of natural resource protection areas.			
6. Location of Habitat Protection Areas.			
7. Location of forests and developed woodlands on or adjacent to the site.			
8. Critical Area District boundary and land use management classification.			
9. Amount of acres in the Critical Area District.			
10. Total number of lots and/or parcels within the Critical Area District.			
11. Total number of lots and/or parcels outside the Critical Area District.			
12. Total area of roadways to be recorded.			
13. Total area of the subdivision inside and outside the Critical Area.			
14. Residential density in the Critical Area and density restrictions reference.			
15. The total acreage dedicated to development.			
16. Accurate outlines of areas to be maintained as resource protection.			
17. Accurate outlines of areas to be maintained as Habitat Protection Areas.			
18. Accurate outlines of areas to be maintained in permanent forest cover.			
19. Accurate outlines of any common or reserved areas to be maintained by covenant, easement, or similar approved instrument.			

