

Planning Commission, Planning Board and Board of Appeals Education Course

Planning Commission Roles & Responsibilities

MARYLAND DEPARTMENT OF



PLANNING

MPCA



Maryland Planning
Commissioners Association

YOU ARE NOT ALONE

- You are an integral part of a team
 - Planning Commission
 - Administration
 - Planning professionals
 - Legislators
 - Maryland Department of Planning
 - Board of Appeals
 - Maryland Court System

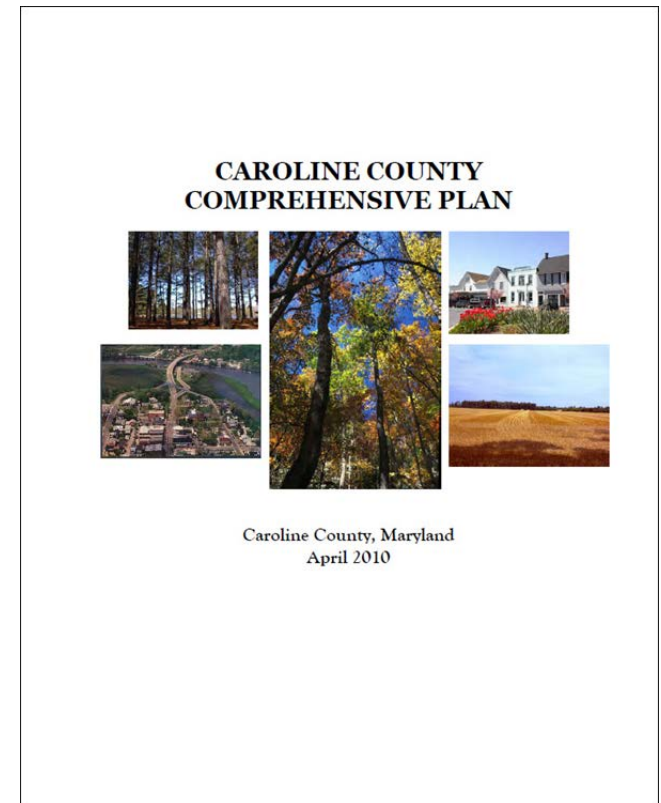
ROLES AND RESPONSIBILITIES

- Formal vs. informal role determined by the jurisdiction
- Responsibilities:
 - Craft the Comprehensive Plan
 - Recommend ordinances and regulations
 - Create and apply implementation tools
 - Implement 12 Visions



COMPREHENSIVE PLAN ROLE

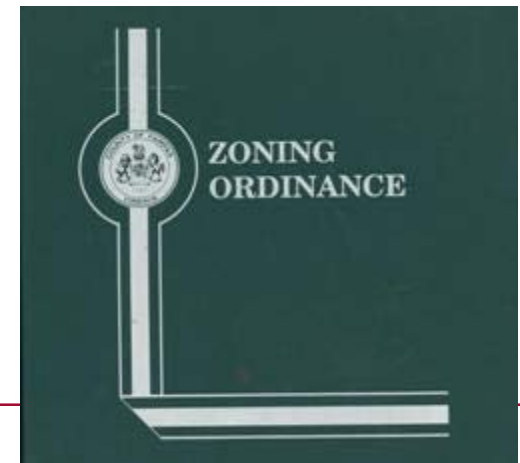
- Help the community achieve its potential & implement the vision
- Present the plan for consideration by the legislative body
- Solicit public input throughout process
- Coordinate 60-day review before public hearing
- 10 year review



ADVISORY ROLE

Non-Charter Counties/Municipalities recommend:

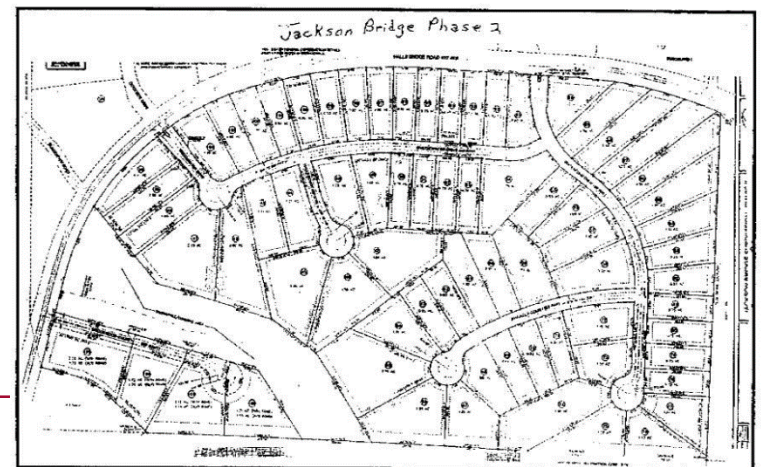
- zoning ordinances
- subdivision and development regulations
- capital expenditures needed to implement Comp Plan
- other implementation tools



APPROVAL ROLE

Non-Charter Counties/Municipalities

- Approval authority over the use of land for public uses
- Approval authority for subdivisions and site plans
 - Can delegate this authority if rules are adopted within the municipality



APPROVAL ROLE

Charter Counties

- Approval/advisory roles determined by charter or ordinances



MEETINGS AND PUBLIC INPUT

- Work sessions
- Public hearings
 - Ensure adequate opportunity for public comment
- Rules of procedures not required, but helpful!

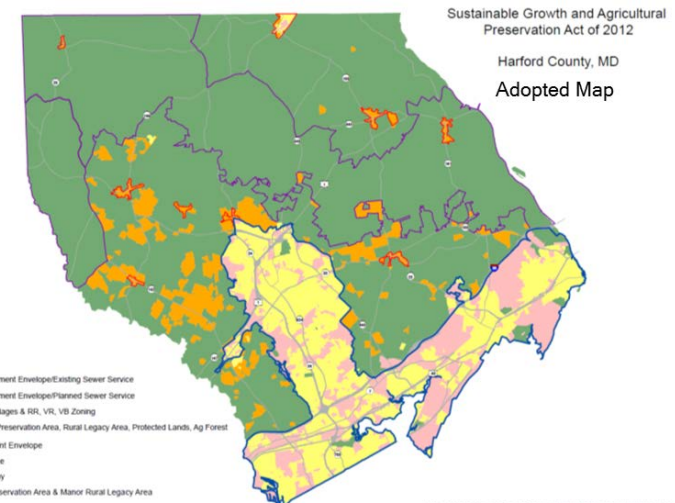


Plans Review



Septics Law Role

- Designation of Growth Tiers
(May involve planning commission review)
- Review of Major Subdivisions in Tier III Areas
(For cost of providing services and potential environmental issues/natural resources affected)



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Board of Appeals Roles & Responsibilities



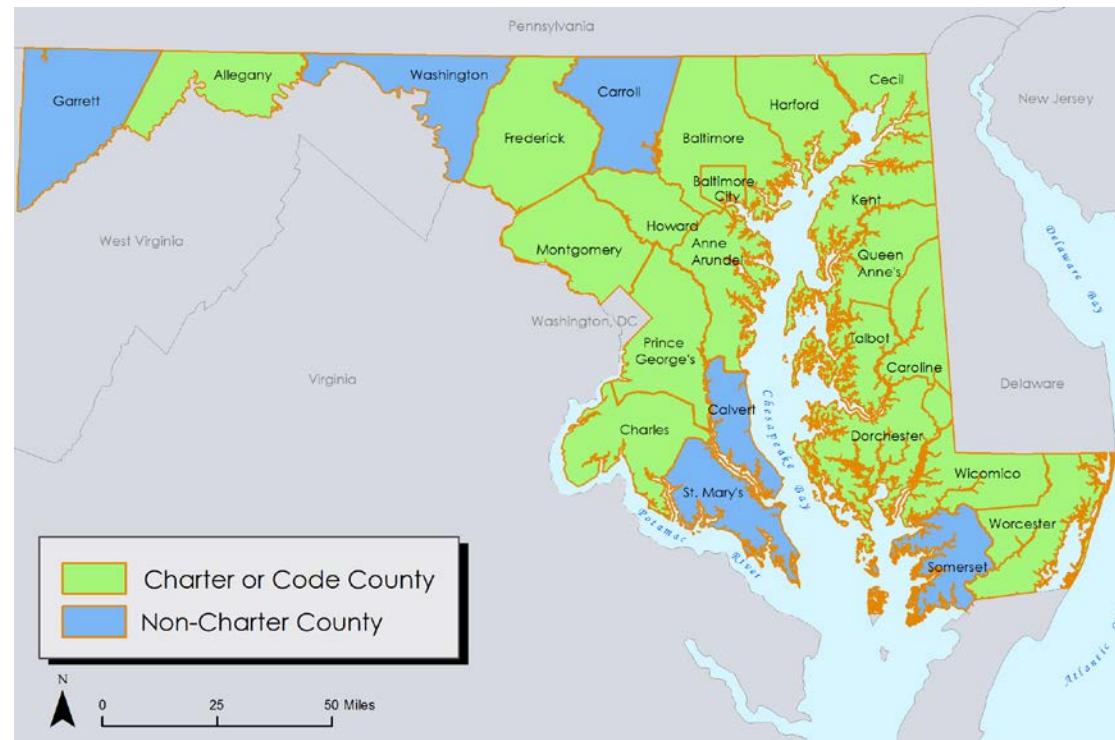
ROLES AND RESPONSIBILITIES

- Provide relief from the specifics of ordinances, where appropriate
- Responsibilities
 - Hear/decide appeals of decisions re: enforcement of land use ordinances
 - Hear/decide on special exceptions
 - Authorize variances



AUTHORITY: CHARTER / NON-CHARTER COUNTIES

- Required for non-charter counties and municipalities
- Authorized for charter counties
- Charter counties not required to have a board of appeals, but all have established them



MEMBERSHIP

Non-Charter

- < three members
- 3-year terms
- Appointed by the local executive, confirmed by the local legislative body



Charter

- number of members not specified
- in some cases, the members appointed by the local legislative body

NON-CHARTER

- Hear/decide appeals where an error is alleged in any order, requirement, decision, or determination made by an administrative officer
- Hear/decide special exceptions to the terms of an ordinance
- Authorize variances on appeal in specific cases

CHARTER

- Application for a zoning variation, exception or amendment of a zoning ordinance map
- Issuance, renewal, denial, revocation, suspension, annulment or modification of any license, permit, approval, exemption, waiver, certificate, registration, or other form of permission or of any adjudicatory order
- Assessment of any special benefit tax

RULES OF PROCEDURE

- Quasi-judicial capacity
 - Hear cases that may be appealed to the circuit court in the jurisdiction in which the board is located
 - Rules of procedure different from planning board or commission
 - Rules that spell out the procedure must be followed when hearing a case
 - All testimony under oath



RULES OF PROCEDURE

- All proceedings recorded
 - Includes a transcript of all proceedings; vote of each member on each question or absence or failure to vote

 - Case in Circuit Court will not be heard new (de novo) but will be argued from the record created by the Board



RULES OF PROCEDURE

- Hearings subject to the Maryland Open Meetings Act
- Only witnesses in the case testify
- Can conduct a closed session of the body for specified reasons
- Must deliberate/vote in the open on a case that has been heard in open session, typically right after a case has been heard



VARIANCES

- Boards of Appeal hear requests for variances
 - Planning commissions may make a recommendation
 - Some Charter Counties hear variances after decided administratively and appealed to the Board of Appeals
- Boards make final decisions on variances

VARIANCES

- Conditions of granting a variance
 - Cases in which the applicant faces a hardship due to unique features/circumstances not shared by property owners in the same zoning district
 - Not self-imposed/self-created by applicant
 - Variance must not confer special privileges that would be denied to other property owners in the zoning district

SPECIAL EXCEPTIONS

- Uses that are allowed, but only permitted under certain conditions and through a public review process



SPECIAL EXCEPTIONS

Non-Charter Counties

- Must be consistent with the comp plan

Charter Counties

- Consistency not required by law but may be through charter or local ordinance
- Often decided by a hearing officer/zoning commissioner and appealed to the Board

DELIBERATION

- Cases can last for several days and are often scheduled over a period of weeks or months
 - Some schedule a later time to deliberate on a case (Board must give notice)
 - Deliberation and vote must be in open session



DELIBERATION

- Written opinion
 - Outlines the decision and reasons behind the decision
- Presents factual basis for the decision
 - Application of the facts to the proper standard
 - Circuit court can properly evaluate the case if appealed

DELIBERATION

- Don't Forget
 - Quasi-judicial proceeding
 - Members should not discuss case outside Board proceeding
 - Ex-parte communication could result in the case being overturned by a circuit court



PLANNING COMMISSION, PLANNING BOARD AND BOARD OF APPEALS EDUCATION COURSE

Review Questions



A Planning Commission does which of the following?

- A) Adopts zoning ordinances**
- B) Approves building permits**
- C) Secures capital financing for infrastructure**
- D) Oversees development of the Comp Plan**

Planning Commission Meetings must be open to the public because:

- A) Public input is necessary in the process**
- B) Transparency in decision-making is necessary**
- C) The Open Meetings Act requires it**
- D) All of the Above**

Because it is a quasi-judicial hearing, all proceedings of the BOA:

- A) Are recorded**
- B) Must have a transcript of the proceedings**
- C) Record the vote or failure to vote of each member**
- D) All of the above**

The number of Board of Appeals Members is specified for:

- A) Non-Charter Counties
- B) Charter Counties
- C) Article 43F Boards
- D) Both A & B

When testimony is given by a witness before a Board of Appeals:

- A) They must bring photos or evidence**
- B) The witness must testify under oath**
- C) Must have standing in the case being heard**
- D) The witness cannot be related to anyone on the Board**