

Regional Workshop

Crisfield, Maryland

July 25, 2024

Crisfield Library

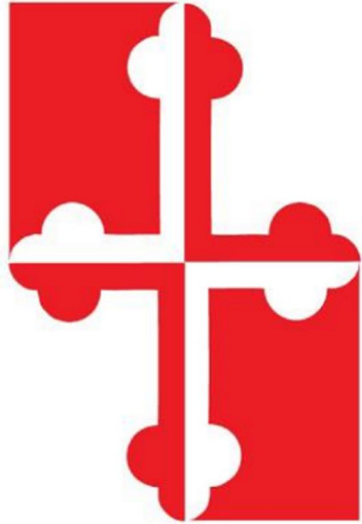
6 - 8 pm

MPCA

Maryland Planning

Commissioners Association

MPCA



Maryland Planning
Commissioners Association

MPCA Master Plan

ROADMAP FOR THE ORGANIZATION, ITS LEADERSHIP & MEMBERS

OCTOBER, 2018

Strategic Plan

Strengthen Member Engagement & Development

Enable Access to Best Planning Practices & Processes

Develop Local Planning Leadership

Pursue Productive Partnerships

Ensure Adequate Operating & Financial Capacity

Solicit Feedback & Amend the Plan as Needed

Recognize Progress & Celebrate Success

Strategic Plan

Strengths

Executive Committee & Board

Partnerships

Financial Capacity

Communications

Barriers

Recruitment

Staffing & Volunteer Capacity

Successes

Conferences

- Two Virtual Conferences (2020, 2021)
- Citizen Planner Recognitions
- [APA MD/MPCA Joint Conference, October 20-22 in Ellicott City](#)

Workshops

- 2019: Hagerstown, Annapolis
- 2020: Salisbury, Strong Towns
- 2021: (Virtual) Mastering the Master Plan
- 2022: Denton
- 2023: La Plata, Frostburg

Communications and Resources

- [MPCA Corner Newsletter](#)
- [Rules and Procedures Guidance](#)
- Website Enhancements
- [Peer Leadership Network](#)

Partnerships

- [Mid Atlantic Planning Collaboration](#)
- APA MD Chapter
- Maryland Department of Planning

Planning Board Roles & Responsibilities



Planning Commissioner Training Course

What

- Smart and Sustainable Growth Act of 2009
- [Land Use Article Section 1-206](#)

How

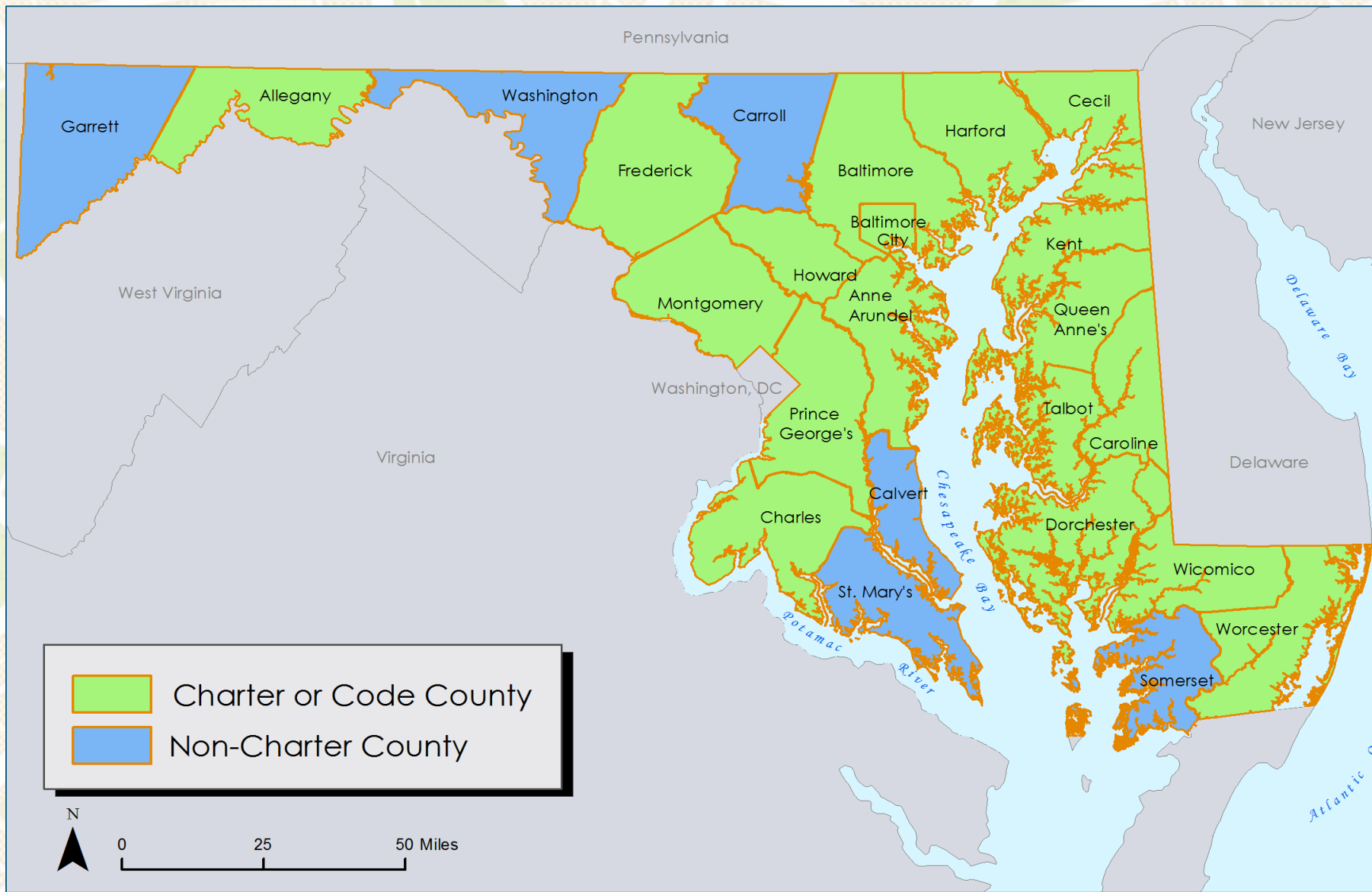
- MDP online course www.planning.maryland.gov
- Available as a hard copy package upon request
- Certificate upon completion
- No cost to jurisdictions or individuals
- As painless as possible

YOU ARE NOT ALONE

- Planning Commission
- Administration
- Planning Professionals
- Legislators
- Maryland Department of Planning
- Board of Appeals

You are an
integral part of a
team:





Roles and Responsibilities

Application for permission

Please read this page first.

Important: This form should NOT be used for the following types of application:

- Householder Application – Form PHD
- Listed Building Consent – Form LB1
- Conservation Area Consent – Form A1
- Advertisement Consent – Form A1

Before completing this form, please:

- Read the Planning Permission Matters and Other Planning Matters leaflets
- Apply for Planning Permission Matters and Other Planning Matters leaflets
- Visit our website
- Discuss any proposed plans with the Planning Officer

It is your responsibility to submit all the relevant planning application to be considered. Failure to comply will result in the application being immediately returned.

Ways we can help you:

- Read the Planning Permission Matters and Other Planning Matters leaflets
- Visit our website
- Discuss any proposed plans with the Planning Officer

What you will need to submit:

- Forms: It is vital that you submit all copies of the original forms. All original forms are acceptable. Use the 'Supplementary Forms' for your proposal you are applying for. Use the 'Supplementary Forms' to check if you need Supplementary Forms.
- Plans and Drawings: Plans and Drawings are open to the public for inspection. All drawings are essential that drawings are submitted. Please submit 7 copies of all drawings. All drawings must be on A1 paper.

Declaration

I, the undersigned, hereby declare that the accompanying plans are a true and correct copy of the plans submitted to me for the development described above and that the accompanying plans are a true and correct copy of the plans submitted to me for the development described above.

Signature of *Applicant/Agent _____ Date _____

* Delete as appropriate



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

Boards of Appeal

Non-Charter/Municipality

- Required
- Hear/decide on:
 - Appeals where an error is alleged in administrative enforcement or application of local land use law
 - Conditional Uses/Special Exceptions to the zoning ordinance
 - Applications for variances

Charter & Code Counties

- Authorized (not required) but all have one
- Jurisdiction established by local law, and generally broader than non-charter
- Often includes review of:
 - Applications for zoning variations, exceptions, or zoning map amendments
 - Administrative actions on licenses, permits, approvals, exemptions, waivers, certificates, registrations, or other forms of permission or orders

Comprehensive Plan Role

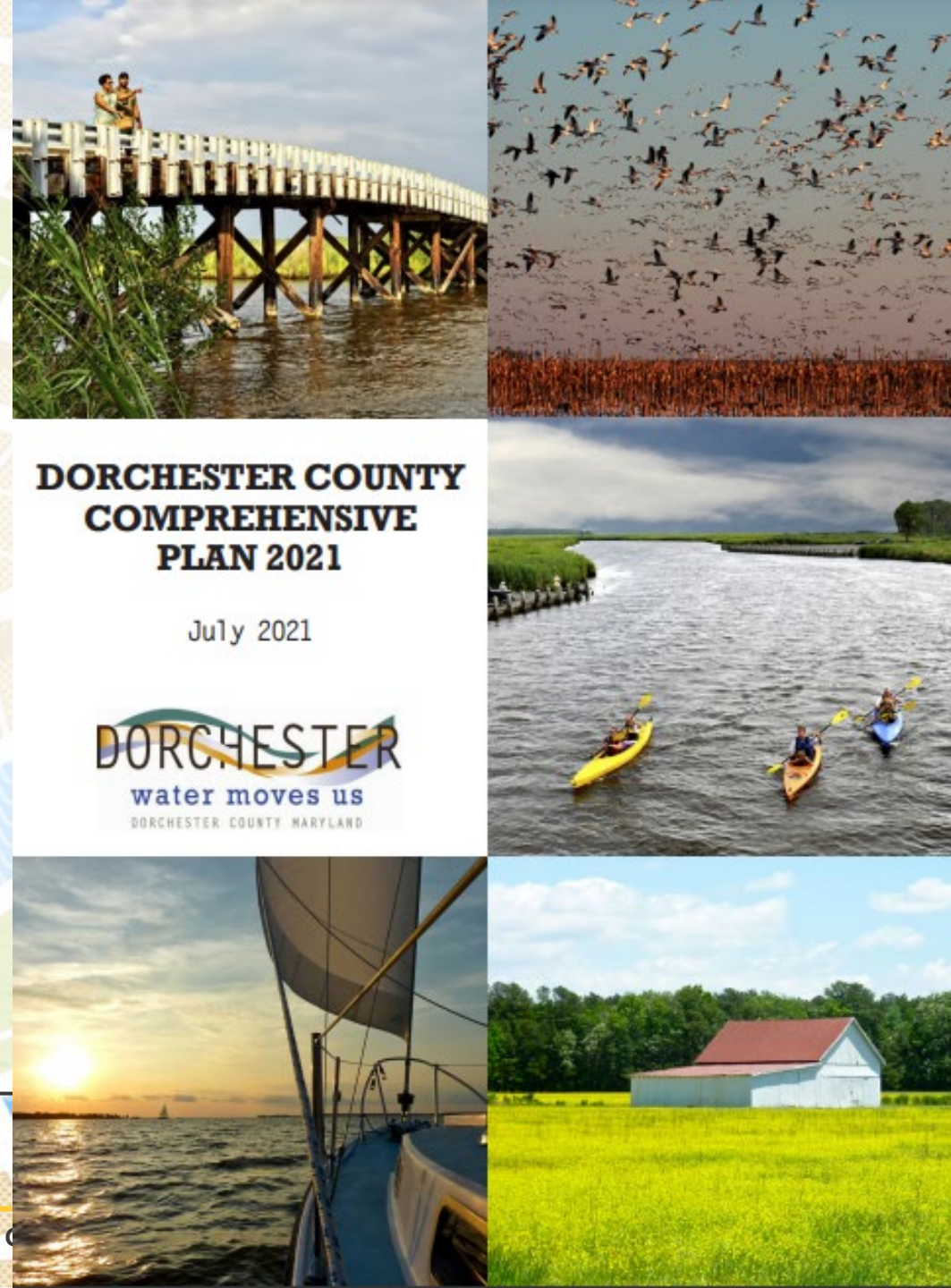
Help the community achieve its potential & implement the vision

Present the plan for consideration by the legislative body

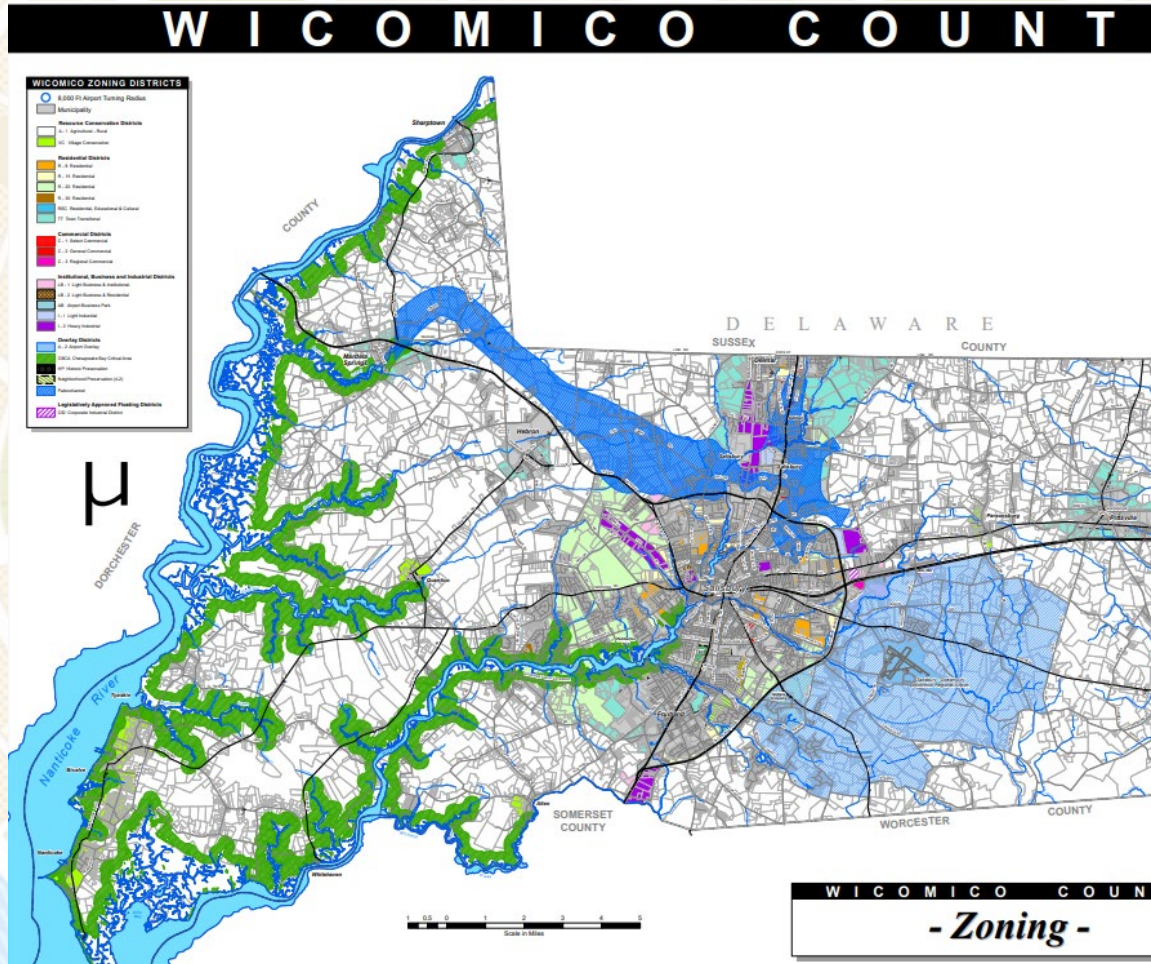
Solicit public input throughout process

Coordinate 60-day review before public hearing

10-year review



Advisory Role



Non-Charter
Counties/Municipalities
Recommend

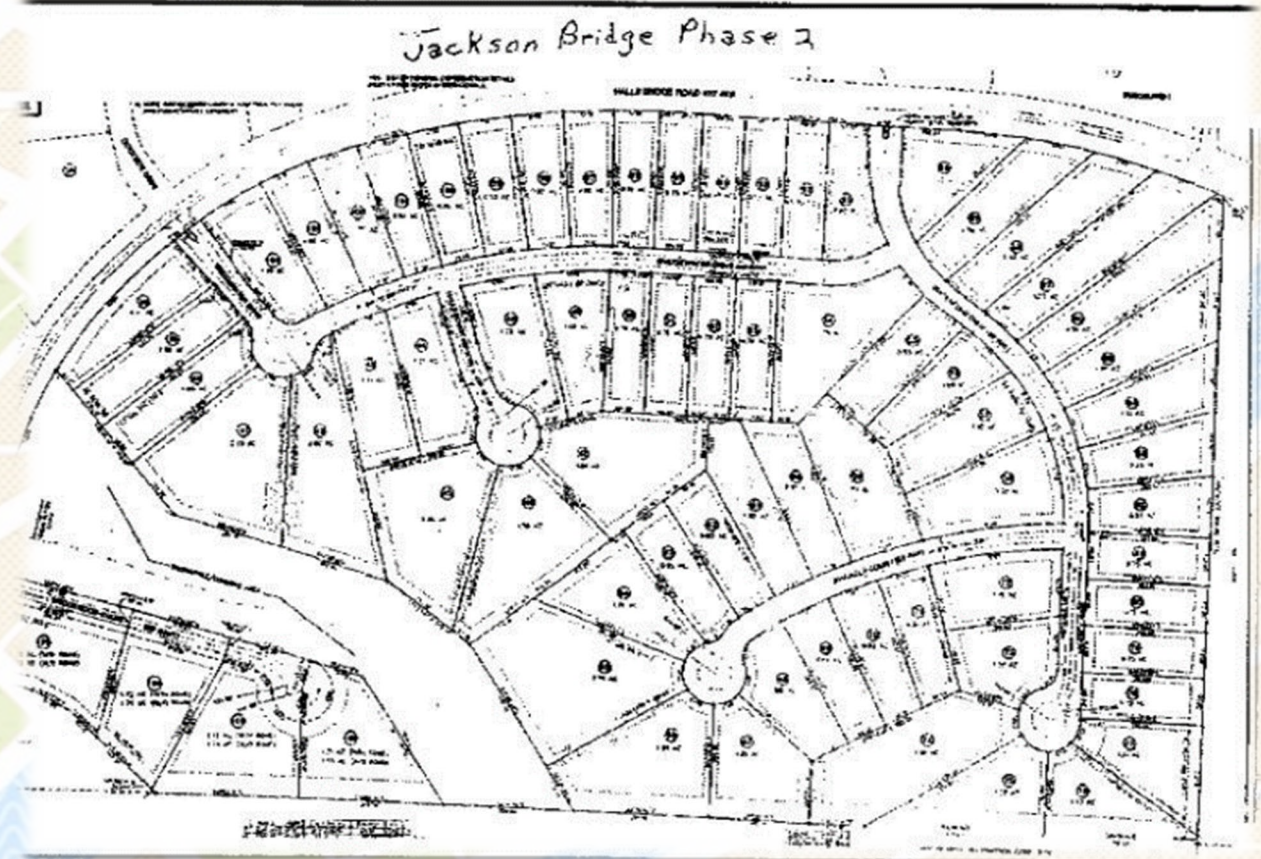
- zoning ordinances
- [Zoning CheckUp](#)
- subdivision and development regulations
- capital expenditures needed to implement comp plan
- other implementation tools

Approval Role

Non-Charter Counties/Municipalities

Approval Authority

- over the use of land for public uses
- subdivisions and site plans
 - can delegate this authority through adoption of local rules



Approval Role



Charter Counties

- Approval/advisory roles determined by charter or ordinances
- Administrative Officer
 - Rezoning
 - Special exceptions
 - Variances
- Capital Improvement Program

Meetings and Public Input

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



Plan Review



Nuts and Bolts & Nuance of being a Planning Commissioner

Danny Winborne,

President – MPCA

Member, City of Gaithersburg, MD Planning Commission

Roxanne Hemphill,

Secretary – MPCA

Member, Town of Mount Airy, MD Board of Appeals

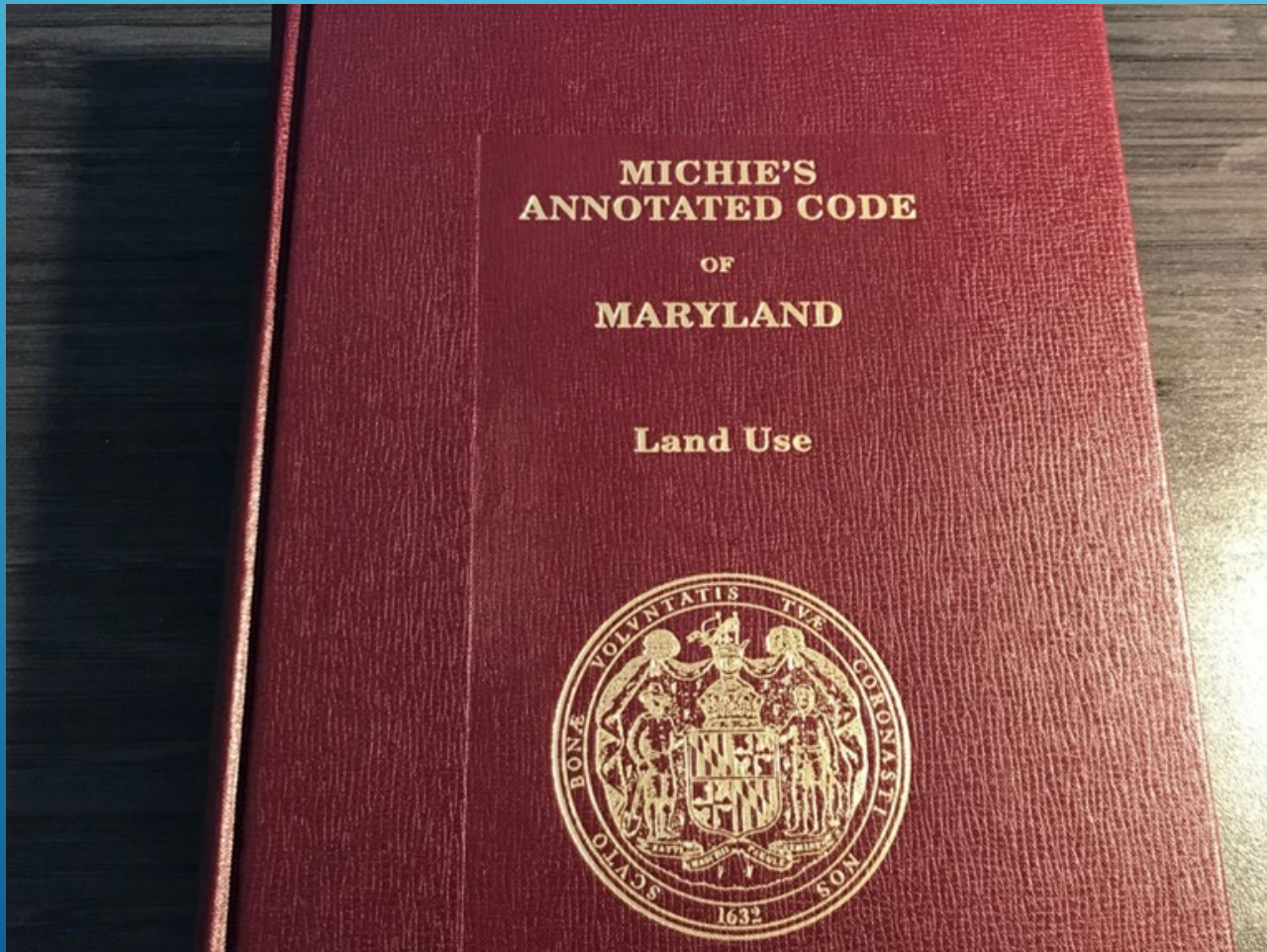
With Generous Input from Helen M. Spinelli, AICP,

Principal Planner, Queen Anne's County; and

Trudy M. W. Schwarz, CFM Planning Division Chief, Planning and Code

Administration, City of Gaithersburg, MD

How we got here...
Start with the LAW.



What Does It Say?

Title 2. of the Land Use Article outlines the:

Who – legislative body member or citizen of the jurisdiction

How – by appointment of legislative body

How long – five years or until a member or successor takes office

Removal from Office – inefficiency, neglect or malfeasance in office

The Law allows for alternates for municipal corporations

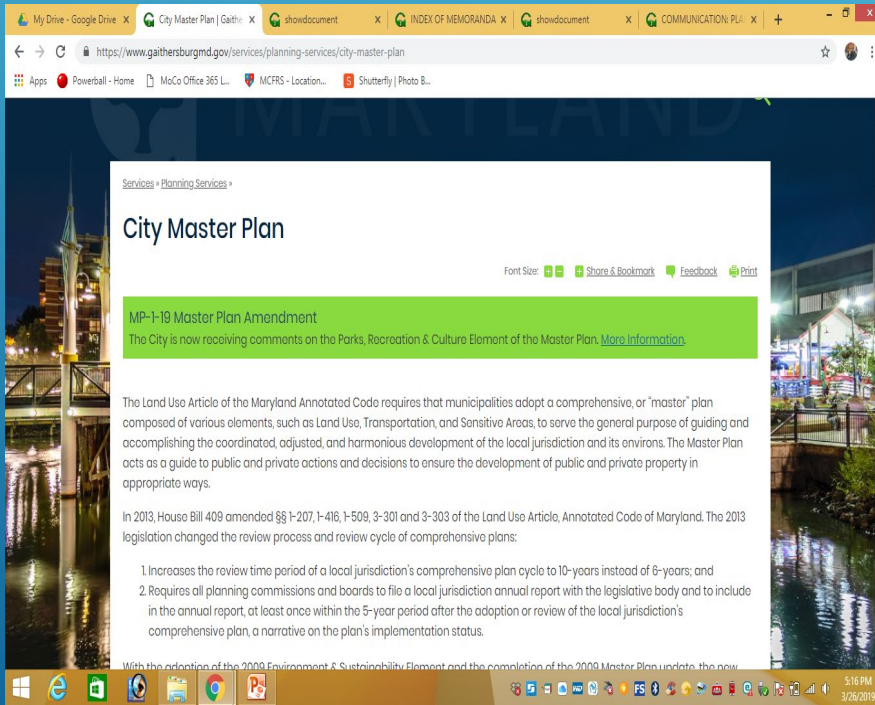
What Does It Mean?

Elected Officials as Ex-Officio members of the Planning Commission can vote, but if an item is being reviewed and voted on by the legislative body, then the Ex-Officio member can only vote on it once; either at the Planning Commission level or at the Council or Town/County/City Commission level.

Planning Commission Rules

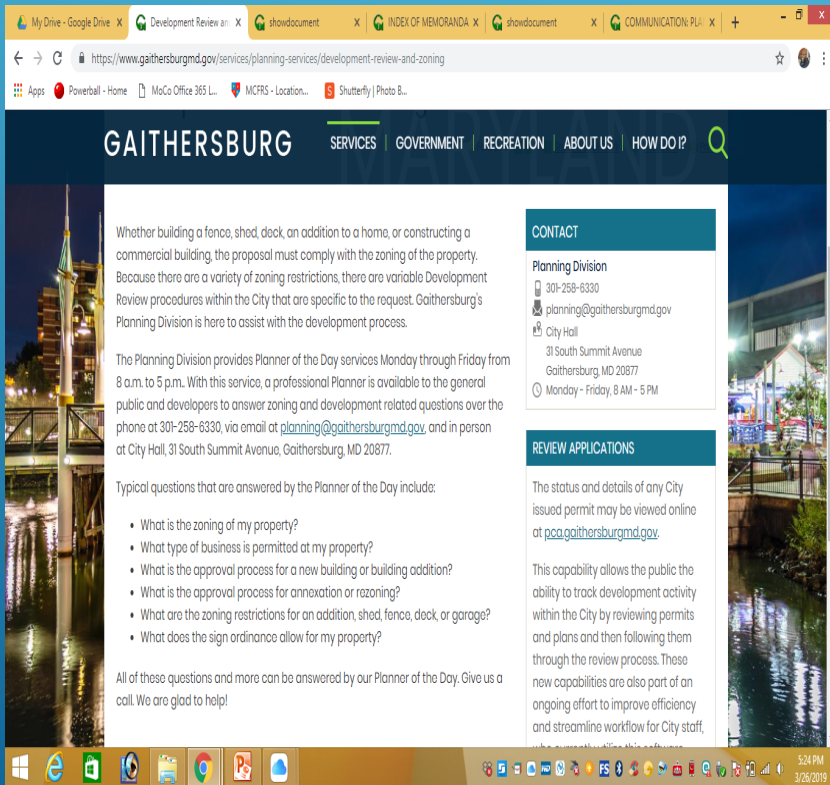
- §2-105 Miscellaneous Powers and Duties – Land Use Article
- (c) (1) A Planning Commission Shall:
 - (i) adopt rules for the conduct of its business: and
 - (ii) keep records of its resolutions, transactions, findings of facts and determinations.
- (2) The records require under paragraph (1) of this subsection – *A Planning Commission meeting shall be open to the public.*

WHAT ARE THE RESPONSIBILITIES OF A PLANNING COMMISSION MEMBER?



- ❑ The Planning Commission is solely responsible for drafting and approving a long range plan for a jurisdiction.
- ❑ An elected body can make changes to an approved PC plan before adoption.

PLANNING COMMISSION RESPONSIBILITIES CONTINUED



The screenshot shows a web browser window displaying the Gaithersburg Planning Division website. The page title is "Development Review and Zoning". The navigation menu includes "SERVICES", "GOVERNMENT", "RECREATION", "ABOUT US", and "HOW DO I?". The main content area is divided into three sections: "CONTACT", "REVIEW APPLICATIONS", and "REVIEW APPLICATIONS".

CONTACT

Planning Division
301-259-6330
planning@gaitthersburgmd.gov
City Hall
31 South Summit Avenue
Gaithersburg, MD 20877
Monday - Friday, 8 AM - 5 PM

REVIEW APPLICATIONS

The status and details of any City issued permit may be viewed online at pca.gaitthersburgmd.gov.

This capability allows the public the ability to track development activity within the City by reviewing permits and plans and then following them through the review process. These new capabilities are also part of an ongoing effort to improve efficiency and streamline workflow for City staff.

Whether building a fence, shed, deck, an addition to a home, or constructing a commercial building, the proposal must comply with the zoning of the property. Because there are a variety of zoning restrictions, there are variable Development Review procedures within the City that are specific to the request. Gaithersburg's Planning Division is here to assist with the development process.

The Planning Division provides Planner of the Day services Monday through Friday from 8 a.m. to 5 p.m. With this service, a professional Planner is available to the general public and developers to answer zoning and development related questions over the phone at 301-259-6330, via email at planning@gaitthersburgmd.gov, and in person at City Hall, 31 South Summit Avenue, Gaithersburg, MD 20877.

Typical questions that are answered by the Planner of the Day include:

- What is the zoning of my property?
- What type of business is permitted at my property?
- What is the approval process for a new building or building addition?
- What is the approval process for annexation or rezoning?
- What are the zoning restrictions for an addition, shed, fence, dock, or garage?
- What does the sign ordinance allow for my property?

All of these questions and more can be answered by our Planner of the Day. Give us a call. We are glad to help!

- ❑ Subdivision Approval
- ❑ Site Plan Approval
- ❑ Review and Findings for Rezoning Requests
- ❑ Recommendations for Text Amendments

NUANCE ON THESE RESPONSIBILITIES

- When the Planning Commission approves a Site Plan or Subdivision Plan there needs to be a finding of fact(s).
- Cite where in the code the plan has met the code provisions.
- A *Disapproval* of a Site or Subdivision Plan **MUST** specifically cite the reasons for *Disapproval*.

ADDITIONAL NUANCE

□ If a plan meets all the provision of the code the Planning Commission “**MUST**” approve the plan.

□ *Gem from Danny & Roxie...*

“If a Developer’s Project or Plan meets all the proper criteria, including all zoning and code regulations, it **MUST** be approved!”

(Whether you like it or not.)

MAKING MOTIONS THAT MOVE YOU!

- ❑ Motions need to be specific and include a “Finding of Fact” which identifies the code’s “legal” basis for the approval.
- ❑ Remember: Cite where in the code the plan has met the code provisions.
- ❑ Motions to disapprove need to detail the reasons for not approving the project and need to reference where the plan/project has failed to meet the law.
- ❑ Note to Self... “And not just because I personally don’t like the project or plan!”

GAITHERSBURG COVER SHEET OF STAFF REPORT:

Snapshot of the whole report:

- Dates
- Responsible Staff
- Summary of the request,
- Staff Recommendation
- Enclosure/Exhibit List

SECOND PAGE:
Location Map

STAFF ANALYSIS FOR PLANNING COMMISSION

REPORT DATE:

RESPONSIBLE STAFF:

PUBLIC MEETING DATE

APPLICATION NUMBER

SUMMARY OF REQUEST

APPLICANT

SUBJECT PROPERTY ADDRESS

ZONE

EXISTING LAND USE

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT AFP-1234-2017, AMENDMENT TO FINAL SITE PLAN, FINDING IT IN COMPLIANCE WITH §§ 24-170 and 24-172A OF THE CITY CODE WITH TWO (2) CONDITIONS.**

(See attached Staff Comments for all recommended conditions)

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map
Exhibits

Exhibit 1:

STAFF COMMENTS FOR PLANNING COMMISSION

REPORT DATE: July 20, 2017

RESPONSIBLE STAFF: Gregory Mann,
Planner III

PUBLIC MEETING DATE

July 30, 2017

APPLICATION NUMBER

AFP-1234-2017

SUMMARY OF REQUEST

The Applicant is requesting approval for the development of nineteen (19) townhome lots within the Crown 2 neighborhood. This request includes final siting, architecture, landscaping, and color schemes.

APPLICANT

Gregory Mann, Best Design Inc.

SUBJECT PROPERTY ADDRESS

123 Crown Park Avenue

ZONE

MXD (Mixed Use Development)

EXISTING LAND USE

Undeveloped

STAFF RECOMMENDATION

Staff recommends **THAT THE PLANNING COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, GRANT AFP-1234-2017, AMENDMENT TO FINAL SITE PLAN, FINDING IT IN COMPLIANCE WITH §§ 24-170 and 24-172A OF THE CITY CODE WITH TWO (2) CONDITIONS.**

(See attached Staff Comments for all recommended conditions)

Approve Approve With Conditions Deny

Enclosures:

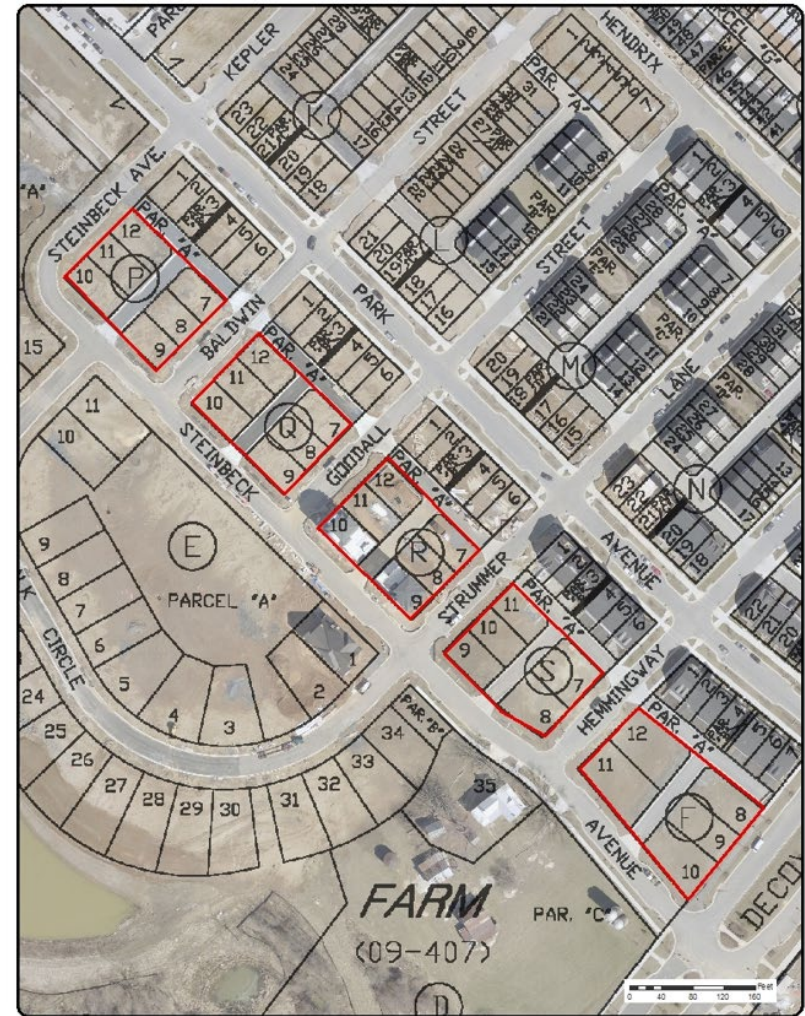
Staff Comments and Location Map
Exhibits

Exhibit 1: Application
Exhibit 2: Proposed Architecture
Exhibit 3: Potential Street Views
Exhibit 4: Typical Roof Plan
Exhibit 5: Rendered Elevations

Exhibit 6: Color Schemes
Exhibit 7: Typical Lot Siting
Exhibit 8: Applicant Statement
Exhibit 9: Landscape Plan
Exhibit 10: Fence location

Exhibit 11: Car Turning
Exhibit 12: Town Architect Approval
Exhibit 13: Notifications
Exhibit 14: Roofing Shingles

LOCATION MAP



Danny & Roxie's Planning Commissioner's Gems...

- Know your role, purview of the Planning Commission by reading your jurisdiction's and State regulations for the Planning Commission.
- Have lunch with the Chair of the Planning Commission and Staff Liaison and pick their brains.
- Review the Planning Commission Rules of Procedures
- Read the zoning code regulations for your own property. Learn about how your property was developed. Learn what the Jurisdiction's Master Plan says about your property.
- Before meetings, read the staff reports (Don't get caught "Flat-Footed" at a meeting by being unprepared!)

Danny & Roxie's Planning Commissioner's Gems...

- At meetings, if possible for the first couple of months observe, don't speak; glean from listening to fellow commissioners, staff and attorneys; and even the presenters.
- For each application read the zoning code related to the development.
- Remember the law is the law of the jurisdiction's code, the State of Maryland Code as well as court case decisions at a local, state and federal level. Depending on the jurisdiction, it may not be the Planning Commission's responsibility to change the law, but approve in accordance with the law.
- For instance, many folks state that something will affect property values; however, they may have no empirical evidence from a professional real estate appraiser to support the statement.

Danny & Roxie's Planning Commissioner's Gems...

- Ask the staff liaison to the Commission to assign a staff mentor to you. Before the meeting, call that person after you have reviewed the materials. Ask questions about the staff report.
- The next day after the meeting, talk with staff about what went on during the meeting and ask questions.
- If you do not understand something, ask questions to gain a better understanding.
- Learn how to objectively state your opinion using exhibits and reports to support your reasoning.
- Learn how to listen, let people express themselves. You do not need to agree with what they say but acknowledge that you heard what was said.

Danny & Roxie's Planning Commissioner's Gems...

- Learn to control facial expressions, eye rolls, exasperated breaths, etc.
- Do smile at people and be congenial to everyone and thank them for stating their opinions.
- Learn to stay in control of your emotions and do not get emotional.
- Maintain decorum, professionalism and control.
- Planning Commissions are chartered by the State, not by the Local Jurisdictions.
- Note: If someone you know is interested in the Planning Commission, invite him/her to attend meetings to observe and learn the process.

Modified Reverse Brainstorming

*Review of experiences
as a
Planning Commissioner
and
Board of Zoning Appeals
member*

QUESTIONS?

THANK YOU!

Danny Winborne,

President – MPCA

***Member, City of Gaithersburg, MD Planning
Commission***

Danny.winborne@gmail.com

Roxanne Hemphill,

Secretary – MPCA

Chair, Town of Mount Airy, MD Planning Commission

roxmtairypandz@gmail.com