



TOWN OF BEL AIR DEPARTMENT OF PLANNING AND ZONING

Frequently Asked Questions about Planning, Zoning and Community Development

INTRODUCTION

The Planning Department routinely responds to a wide variety of land use and zoning inquiries from citizens and visitors. This document is intended to provide brief answers to the most frequently asked questions received by the department. The explanations are for general information and do not supersede Town regulations or policies. For more details, the Town's Comprehensive Plan and Development Regulations, as well as detailed manuals and brochures are available online and at the Town Department of Planning and Zoning, 705 E. Churchville Road, Bel Air, Maryland.

PLANNING INFORMATION

1. What is the role of the Department of Planning and Community Development?

The Department's mission is to prepare and implement the Comprehensive Plan and programs to guide Town growth and development. Development issues include land use planning and development review, historic preservation, environmental protection programs and transportation planning. Employees provide assistance and information to property owners, businesses, community groups and citizens about development activity, policies, regulations and procedures that directly manage growth. The Planning Department administers the long range policies outlined in the Comprehensive Plan; maintain census records, administers and updates zoning regulations, subdivision regulations and other development regulations and promotes preservation of historic and environmental resources.

2. What is the Comprehensive Plan?

The Comprehensive Plan is a document that establishes the long range planning goals and objectives of the Town of Bel Air. It is prepared by the Bel Air Planning Commission and adopted by the Bel Air Board of Town Commissioners after public hearings. This document is updated every six years and establishes policies and goals to guide growth, land use and conservation. It recommends policies and actions for transportation, public facilities, education, water and sewer, recreation, park land and open space, housing, community services, historic preservation, environmental protection, economic development and Interjurisdictional coordination.

3. What are the Planning Commission, Board of Appeals and Historic Preservation Commission?

■ The Planning Commission is a five member body appointed by the Bel Air Board of Town Commissioners to serve five year terms on a volunteer basis. The Commission makes recommendations on petitions for rezoning, amendments to the Development Regulations and amendments to the Comprehensive Plan. The Planning Commission renders final decisions on subdivision and site development plans and makes recommendations on all annexation proposals prior to submission to the Town Board for the requisite public hearing.

■ The Board of Appeals is a five member body appointed by the Bel Air Board of Town Commissioners who serve three year terms on a volunteer basis. The body includes an alternate board member who serves if a regular board member is unable to attend a meeting. The Board of Appeals hears and decides variances, special exceptions, cases involving non conforming uses and appeals of departmental administrative decisions.

■ The Historic Preservation Commission is a seven member board appointed by the Bel Air Board of Town Commissioners to serve three year terms on a volunteer basis. The Historic Preservation Commission reviews and recommends historic designation of applicable sites to the Board of Town Commissioners for designation by Resolution. The Commission also reviews proposed plans for renovation, additions or demolition of designated historic sites to assure protection of these historic resources.

4. How can residents express their views about development proposals?

Residents may comment on proposals at public meetings or hearings, if Planning Commission or Board of Appeals approval is required. Additionally, you may contact the Planning Department during business hours, Monday through Friday from 8:30 a.m. to 4:00 p.m. Files are available for review at the Planning Department at 705 E. Churchville Road, Bel Air, Maryland during regular business hours.

5. What statistical or map information is available?

The Planning Department has data on land use, subdivisions in process, population growth and other census information. The Town also produces a number of geographic systems (GIS) maps showing land use, zoning, topography, roadways, utility data, wetlands, environmental constraints and historic sites.

6. How does the Town annexation process work?

A property owner considering annexation should contact the Town Planning department to discuss the procedural requirements. Properties must be adjacent to the Town boundaries and at least 25% of the voters in the area to be annexed must agree to the annexation. Once a petition is received, the Planning Commission reviews to determine consistency with the Town's Comprehensive Plan, a Resolution is prepared for the Town Board's consideration and a public hearing process is initiated. The overall process generally takes between two to three months depending on the complexity of the annexation petition.

ZONING

7. How is a property zoned?

If you can identify a street address or tax map and parcel number, a Planning Department employee can locate the property on the zoning map and provide the zoning designation. Staff can also show you how to locate the requirements for that zoning district in the Development Regulations. The Development Regulations include permitted uses, maximum structure height, minimum setbacks, density, parking and other requirements.

8. What is a buildable lot?

A buildable lot is a piece of land described on a subdivision plat or in a deed recorded in the Harford County Land Records office in accordance with the laws applicable at the time it was recorded. The buildable status of a residential lot or a parcel of land is also contingent upon compliance with:

- Zoning Regulations including building setback restrictions;
- The Building Code and approval of a building permit; and
- Connection to water and sewer systems.

Planning Department approval of a site development plan is required before obtaining a building permit.

9. What is a variance?

A variance is a modification to the requirements of the Development Regulations for the size or location of a structure or use. Maximum height of structures, setbacks from public streets or property lines and minimum lot sizes in width, may be considered for variances. Applications are available online or from the Planning Department at 705 E. Churchville Road.

10. What is a special exception?

A special exception is a permitted use in a zoning district, if approved by the Board of Appeals based on compliance with standards in the Development Regulations. These uses are not permitted as a matter of right, and require consideration at a public hearing to determine compliance with the Development Regulations and possible neighborhood impact. Applications are available online or from the Planning Department at 705 E. Churchville Road.

11. What is a special development?

A special development is a use permitted in a zoning district upon showing that such a use in a specified location will comply with all conditions and standards for the location or operation of the use, as specified in the Development Regulations. Public hearings are required before the Bel Air Planning Commission for all special development requests.

12. What is a home occupation?

A home occupation is the accessory use of a residential property by the occupant of that property for business purposes that are clearly incidental and secondary to the residential use. Home occupations that comply with the requirements of the Development Regulations are permitted uses in all residential districts. Potential home occupations include; artists, writers, dress makers, wood workers, mail order, telephone sales, typing and computer services, repair services and business or professional offices. Applications for home occupation permits are available online or from the Planning Department at 705 E. Churchville Road.

13. What is a concept meeting?

Prior to submission of a plan for review of any commercial, industrial, institutional use or residential developments of 50 units or more, an applicant must meet with the Town's Concept Plan Review Committee. This group includes Town, County and State representatives, assembled to assist the applicant in identifying applicable Development Regulation requirements, as well as permit requirements before a project is submitted to the respective reviewing agencies.

14. When is a Use and Occupancy Certificate required?

Prior to occupying any structure where a building permit is required, the owner is responsible for submitting a request to assure that all zoning, building and fire code requirements are satisfied. Similarly, on commercial/industrial properties, the property owner is responsible for submitting an occupancy certificate request whenever tenants change to assure all zoning regulations are satisfied. Any substantial alteration of a tenant space also requires a Use and Occupancy Certificate prior to occupancy. Contact the Planning Department with any questions about certificate needs.

SUBDIVISION

15. What is the process of subdividing land?

Any division of land must be done in accordance with the subdivision requirements stated in the Town's Development Regulations. The Development Regulations establishes the minimum lot sizes and other setback and height requirements for the district in which the property is located. Before submitting a subdivision plan, the property owner and/or developer must hire a Maryland registered engineer or land surveyor. The consultant surveys the property and prepares the proposed subdivision plans and other required plans or reports in accordance with the Town Development Regulations and policies. Information, applications, checklists and brochures are available online and from the Planning Department at 705 E. Churchville Road.

16. What is a final plat?

A final plat is a surveyed drawing for the division of property prepared by a Maryland registered surveyor/engineer. It is the official record of division of land showing lots, streets, property lines and other information. A final plat must be approved by the Planning Commission and recorded in the Land Records office.

17. What is a site plan?

This is a development plan for one or more lots showing the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces, walkways; means of ingress and egress; circulation, utilities, structures and buildings; signs and lighting, berms, buffers and screening device; surrounding development; and other information that reasonably may be required in order that an informed decision can be made by an approving authority.

ENVIRONMENT

18. What environmental protection regulations apply to new development in the Town of Bel Air? (Floodplain, Wetland, FCP and Woodland Protection)

- The Town Development Regulations control development on environmentally sensitive areas including floodplains, stream courses, wetlands, steep slopes and woodlands. Floodplain regulations restrict development in 100-year floodplain areas as delineated on the Flood Insurance Rate Map (FIRM) developed by the Federal Emergency Management Agency (FEMA). Any development in floodplain areas requires flood proofing. Streams that are not subject to floodplain regulations have minimum setback requirements.

- Wetlands are areas that have a predominance of hydric soils and are determined by standards set by the Army Corps of Engineers. Development in any delineated wetland is subject to permit restrictions by the Corps and State mandated setbacks. Steep sloped lands (defined by slopes in excess of 25%) are not considered buildable.

- The Town requires documentation of specimen tree removal on all properties. Removal of individual trees in excess of ten inches at DBH (diameter at breast height) during small lot (<40,000 sf) development is subject to replacement or a fee-in-lieu. The development of lots in excess of 40,000 sf is subject to the Town's Forest Conservation Ordinance which closely mirrors the State's model Forest Conservation Ordinance.

19. What is the Tree Committee; What are its responsibilities; and How do you report tree related concerns?

The Town Tree Committee is a five member board that works with local and state agencies to develop roadside tree removal and replacement plans, reviews landscape plans for public projects and addresses tree-related concerns expressed by area residents and business owners. Removal requests for trees located in the public right-of-way should be forwarded to the Town Department of Public Works.

HISTORIC PRESERVATION

20. What is the procedure for historic site designation?

Properties which have been surveyed through the Maryland Historical Trust and are fifty (50) years of age are eligible for historic site designation. The Bel Air Historic Preservation Commission will review property owner requests for designation during

a public hearing. If the Commission determines that the property is significant, the request is then forwarded to the Board of Town Commissioners for final approval. A formal resolution accompanies the request.

21. What are the benefits of historic site designation?

Historic site designation provides a property with a layer of protection which is intended to preserve the integrity of the building and land (if applicable). Designation status fosters civic beauty to safeguard Bel Air's historic and cultural heritage. Properties which are designated also typically enjoy higher property values. Owners of local historic properties are eligible to receive local Bel Air tax credits for exterior improvements.

22. How does the Town's tax credit program work?

The local Bel Air tax credit program is only available to property owners of locally designated sites. Property owners must submit applications for Certificate of Approval and Tax Credit approval. A 10% tax credit is available for exterior renovations or rehabilitations and a 5% credit is available for new construction (exterior only). Upon completion of a project, a property owner must submit detailed receipts and proof of payment, such as canceled checks so that the Bel Air Historic Preservation Commission may determine the final tax credit amount.

TRANSPORTATION/PARKING

23. How does a resident request preferential parking designation?

A petition must be submitted to the Town of Bel Air Planning Department from 2/3 of the residents of a street or portion thereof in a residential area. The Bel Air Board of Town Commissioners must approve a Resolution to establish the permit parking. Contact the Planning Department to request a petition form or to discuss the designation process.

24. What is the Neighborhood Transportation Management Program?

This Program was designed to identify problems/issues and solutions to satisfy traffic and safety needs in local residents. The Program is staffed by representatives of the Town's Administration, Police, Public Works and Planning offices. Issues are identified by citizens and/or staff members. The Committee then conducts thorough investigations of the problems and identifies traffic calming techniques necessary to resolve the problems. The Committee focuses primarily on residential neighborhoods and works closely with citizens and elected officials to reach a consensus on solutions to traffic problems.

25. What is the process for reporting traffic issues/problems in a local neighborhood?

Any resident may contact the Town Planning, Police or Public Works offices and request that the Neighborhood Transportation management Committee evaluate a traffic issue. The Committee will schedule consideration to identify the least intrusive traffic control mechanism possible to address the identified issue.

26. How does the parking lease program work?

The Town has three lots and a parking garage where parking spaces can be leased. A yearly contract has to be executed to obtain permit(s). The rate is based on the lot chosen and hanging permit tags are used to identify the user.