

Article II
Chapter 165. Zoning

Section 11: Permits and Procedures

§165-72 PROCEDURAL REQUIREMENTS

Purpose

The purpose of this Section is to provide a guide which outlines the general procedural requirements for land use, zoning and annexation requests in Bel Air. These procedures are detailed in an effort to assist the public and to simplify the development process as recommended in the Town of Bel Air Comprehensive Plan.

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A. GENERAL PROCEDURAL REQUIREMENTS – LAND USE

The use of property may not be substantially changed; substantial clearing, grading or excavation may not be commenced; and, buildings and structures may not be constructed, erected, moved, demolished or substantially altered except in accordance with procedures and permit requirements specified by the Town of Bel Air Development Regulations. The required permits and procedures may be determined through review of the District Regulations (Article 3) Overlay District (Article 4), Environmental Regulations (Article 6) and Subdivision and Site Plan Review Regulations (Chapter 165, Article IV of these Regulations) and other applicable requirements or regulations.

B. GENERAL PROCEDURAL REQUIREMENTS - ZONING CASES

1. Any application in a zoning case, and any amendment thereto, shall contain a specific explanation outlining the reasons or basis for granting the request.

The applicant shall submit with the application the names and addresses of all persons or entities having any legal or equitable interest in the property which is the subject of the zoning case.

This requirement, as to entities owning the property which is subject to the zoning case, shall include the disclosure of shareholders owning more than five percent (5%) of the stock in a corporation, except those corporations which are listed and regularly traded on a recognized stock exchange; any partner of any partnership entity; and members of a limited liability company.

2. The record in all zoning cases shall include the application, all documents or communications submitted for the consideration by the Planning Department and/or of the body hearing the case, the recorded testimony received at any

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hearing, any reports to or from any public officials or agency concerning the application, and the final decision of the Planning Department and/or body hearing the case.

3. The burden of proof in any zoning case shall be upon the applicant.
4. The final decision in a zoning case shall be based solely upon record evidence, and shall be supported by specific written findings of fact and law.
5. The votes or abstentions thereon of all members of any reviewing bodies deciding the case must be recorded.
6. No person shall influence or attempt to influence, directly or indirectly, any member of the deciding body in arriving at a decision in any pending zoning case, except as that person may appear before the deciding body at a public hearing and as a party or as a representative or witness on behalf thereof.
7. To assure compliance herewith, any person contacting a member of a deciding body in violation of Subsection (6) shall be immediately informed of the provisions of this section.
8. Any person who knowingly and intentionally violates any of the provisions of this section shall be guilty of a municipal infraction and subject to penalties for same as specified in 165-20.D of this Article.
9. Unless otherwise provided in the Town of Bel Air Development Regulations, approval of a zoning case shall be effective for twenty-four (24) months from the date of issuance. Applications for an extension shall be in writing to the Planning Department and received prior to the expiration of the approval period. An application for extension shall be considered by the original approval body/bodies even though, at the time of such consideration, the approval period may have expired.

Only one (1) extension of the original approval shall be granted. Whenever litigation is commenced challenging a zoning case or seeking an injunction prohibiting construction or similarly prohibiting the issuance of a building permit, the term of the approval shall be automatically extended so that the developer shall have a twenty-four (24) month period, excluding the period of the litigation, including appeals, in which to proceed with the approved project.

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10. Decisions of the Zoning Administrator in enforcement of the Town of Bel Air Development Regulations and decisions of the Historic Preservation Commission may be appealed to the Bel Air Board of Appeals. Special Development, Special Exception, Variance, Historic Preservation Commission decisions and Zoning reclassification decisions may be appealed to the Circuit Court of Harford County in the manner set forth in Section 4.08, Article 66B, Annotated Code of MD, as amended from time to time.
11. Zoning approvals/permits may be revoked by the Board of Town Commissioners in accordance with 165-20.E for failure to comply with conditions of approval or at such time as the approval period lapses.
12. Substantially identical requests shall not be resubmitted for a period of one (1) year after a final decision denying the application.

§165-74 PRELIMINARY CONFERENCE

A preliminary conference with the Zoning Administrator and Director of Public Works is advisable for all new development or substantial improvements in the Town of Bel Air. Before undertaking the preparation of any plat of a property or taking action to develop property in any manner, the applicant or representative should consult with the Zoning Administrator and Director of Public Works to ascertain the zoning, subdivision, stormwater management requirements or other regulations applicable, given the nature and location of the proposed development. The applicant shall provide, at the time of the preliminary conference, a sketch of the property to approximate scale, showing the boundaries, general topography, important physical features, proposed stormwater management options, and other significant information, as well as his/her ideas or general intentions for the development of the property. The Zoning Administrator and Director of Public Works shall assist the applicant by furnishing information and advice to promote the best coordination between the plans of the applicant and the requirements and objectives of the Town. The Zoning Administrator and Director of Public Works will not undertake to design the proposed development or to perform other services for which a professional land planner should be more properly engaged.

The preliminary conference review shall include consideration of the appropriateness of the proposed development for the area and zoning district within which the

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development is proposed. Special development regulations applicable to the proposal, as described by the applicant, shall be identified. The need for rezoning, special development, special exception, variance approval, a Traffic Impact Analysis (TIA) and/or a Town of Bel Air Comprehensive Plan amendment shall also be ascertained so as to promote the best coordination between the plans of the applicant and those of the Town. If a Traffic Impact Analysis (TIA) is required, the Zoning Administrator and the Director of Public Works shall assist the applicant in determining the scope of the TIA at this conference. If a TIA is required, it shall include a study of intersection capacity for study intersections, as well as an analysis of street operational issues on streets adjacent to the site and to the nearest collector or higher functioning classification road, as measured from each point of entrance to the site. Stormwater management, sediment control and grading requirements shall also be evaluated.

§165-75 CONCEPT PLAN REVIEW

Concept plan review shall be required for all proposed commercial development, in excess of 2,000 square feet, industrial or institutional projects in excess of 5,000 square feet and residential developments, including fifty units or more. Developers of other types of development may request concept plan review. The concept plan review brings representatives from all reviewing agencies together to assist developers through the zoning and permit processes.

The applicant shall provide a sketch of the property to approximate scale showing the boundaries, general topography, important physical features, site and resource mapping, protection and conservation strategies including preliminary stormwater management/environmental site design calculations and other significant information at the time of concept plan review. The Concept Plan Review Committee shall assist the applicant by furnishing information and advice to promote the best coordination between the plans of the applicant and the requirements and objectives of the Town. Meeting minutes and any pertinent committee recommendations will be forwarded to the applicant and all reviewing agencies.

The Concept Plan Review Committee will not design the proposed development or perform other services for which a professional land planner should be more properly engaged. The Concept Plan Review will provide the following assistance to the developer:

- A. Evaluate the appropriateness of the proposed development for the area and zoning district in which it is located.

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- B. Identify any special development regulations or applicable Board of Appeals action required.
- C. Identify the need for rezoning, special development approval and/or Bel Air Comprehensive Plan amendment.
- D. Identify all pertinent reviewing agencies and application procedures relevant to the proposed development.
- E. Provide feedback on design, infrastructure (roads, water, sewer, stormwater management, etc.) applicable permitting and hearing processes and any assistance programs, if applicable.
- F. Insure that all important resources have been mapped, protected and all opportunities to enhance natural areas have been explored early in the design process.
- G. Assist in establishing the footprint of the proposed project and evaluation of the relationship between proposed impervious surfaces and existing natural conditions.
- H. Provide direction for preparation of detailed designs, computations and grading plans for second comprehensive stormwater management plan review and approval prior to preliminary site plan review.

§165-76 PRELIMINARY PLAN REVIEW

Application for all new development or substantial improvement or change in the Town of Bel Air shall include a completed "Preliminary Plan Checklist" as shown in Appendix A, and a Preliminary Plan drawn to scale, depicting the shape and size of the lot upon which application is being made. All dimensions on the plan relating to the location and size of the lot to be built upon shall be based upon actual survey. The Applicant shall submit an engineered site plan, landscape plan, lighting plan, a forest conservation plan as required in Chapter 216 of the Bel Air Town Code and a Stormwater Management Plan as required by Chapter 405 of the Bel Air Town Code for the Zoning Administrator's review. Application should include all pertinent background information, a written statement discussing the proposed use and any proposed accessory uses. The plan shall fulfill all requirements itemized on the "Preliminary Plan Checklist". All proposed commercial/industrial/ institutional projects shall be accompanied by two (2) copies of a rendering showing all four (4) sides of the building elevation.

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The Preliminary Plan, after having been determined to be complete by the Zoning Administrator and the Director of Public Works, shall be reviewed for conformance with the Town of Bel Air Development Regulations. The Plan will then be processed as follows:

- A. The Zoning Administrator shall determine whether the Plan is complete and in conformance with checklist requirements.
- B. If application is complete, plans are forwarded and reviewed by appropriate Town, County and State agencies. These may include, but are not limited to the Planning Department, Public Works, Soil Conservation Service, Fire Department, Harford County, Fire Marshall's office, and where applicable, State Highway Administration. The Zoning Administrator receives and coordinates various agency responses for submission to reviewing bodies.
- C. If applicable, plans are forwarded to the Town Planning Commission for review at a public meeting along with a staff report prepared by the Zoning Administrator including, but not limited to, pertinent background information, concept plan minutes, if applicable, any review agency comments and other data, as appropriate. For historically designated properties Historic Preservation Commission review is required.
- D. The Planning Commission may approve, deny or approve with conditions a preliminary plan. At any time it may table any matter for further discussion or to acquire additional information. A decision shall be rendered within sixty (60) days of the last Planning Commission hearing unless an extension is agreed upon, in writing, by all parties involved in the hearing.

The Zoning Administrator may approve or deny, with conditions, a preliminary plan for buildings of less than 5,000 square feet in area, inclusive of any proposed additions. A decision shall be rendered within sixty (60) days of the date of the submission of a complete preliminary plan to the Zoning Administrator, unless an extension is agreed upon, in writing, by the Zoning Administrator, the applicant and property owner.

- E. Any change to the Preliminary Plan that alters the location or orientation of a building, stormwater management facility, a road or parking area or other site feature visible from the public right of way shall be subject to analysis by the original reviewing agency. A revised preliminary plan shall be submitted for review and approval prior to any further action.

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§165-77 FINAL SITE DEVELOPMENT PLAN

If a preliminary site plan is approved or approved conditionally, the applicant must provide a Final Site Development Plan and all associated plans for applicable signatures. A plan is not determined to be final until all such plans are executed.

§165-78 SUBDIVISION RECORD PLAT

If a preliminary subdivision plan is approved or approved conditionally, a final plat of the subdivision plan must be submitted for recordation, along with a final Forest Conservation Plan as required by Chapter 216 of the Bel Air Town Code. Upon verification of adequacy, the plan shall be signed by the Chairman of the Planning Commission, the Director of Public Works, and the Health Department. A second original mylar of the Plat recorded in the Harford County Land Records shall be provided for the files of the Town Planning Department. All amendments to any record plat shall be copied to the Town as well.

§165-79 LANDSCAPE PLAN/FOREST CONSERVATION PLAN

A landscape plan is required for all development projects. Larger lot development plans, as discussed in Section 6 of this Article, may also require a Forest Conservation Plan. The plans shall be submitted with the preliminary plan and shall specify the location, size, species of plant materials, method of installation and method for maintenance and retention of materials. Additionally, all existing and proposed above and below ground utilities must be indicated. The review process is as follows:

- A. Applicant shall submit a landscape plan, including a forest stand delineation and proposed tree location plan, identifying all streams, floodplain zones, and non-tidal wetlands, along with the preliminary plan. The plan shall indicate all plans for tree maintenance, stormwater management, revegetation, establishment of vegetated buffers and the method of providing perpetual protection of any buffered wetland areas.
- B. Plans will be reviewed by the Zoning Administrator for completeness and conformance with Section 10 of the Town of Bel Air Development Regulations.
- C. Plans will then be submitted to Planning Commission, if applicable, for final review.
- D. A Forest Conservation Plan shall be submitted in accordance with Town Code requirements and in conformance with Section 6 of this Article

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- E. Approved plans shall be fully implemented and certified prior to issuance of Use and Occupancy Certificate. Surety shall be provided prior to notice to proceed.

§165-80 STORMWATER MANAGEMENT PERMIT

A stormwater management permit is required for all development unless specifically exempted. Exemptions are delineated in Section 405-6 of the Bel Air Town Code, Chapter 405, Stormwater Management. The stormwater management permit process is as follows:

- A. For any proposed development the owner/developer shall submit phased stormwater management plans to the Town for review and approval. At a minimum, plans shall be submitted for the concept, site development and final stormwater management construction phases of project design. Each plan submittal shall meet the requirements of the Design Manual and other provisions of Chapter 405, Stormwater Management, Bel Air Town Code.
- B. Applicant's engineer shall submit a cost estimate with the first hydraulic plan review documents.
- C. Applicant's engineer shall certify construction of all stormwater management facilities upon completion of the facilities.
- D. Applicant shall submit a maintenance schedule and execute a Maintenance Agreement for the facility(ies) which shall be recorded in the Land Records of Harford County.

§165-81 PUBLIC WORKS AGREEMENT (PWA)/DEVELOPER'S AGREEMENT

A Public Works Agreement (PWA) is required for any subdivision or development project where it is necessary for the developer/owner to construct roads, utilities or other facilities which will be conveyed to the Town for ownership, operation and maintenance. The PWA shall specify the necessary improvements and construction methods by reference to an engineering plan approved by the Town.

- A. The necessary roads, utilities and/or facilities shall be as required by the Director of Public Works and approved by the Planning Commission and/or the Board of Town Commissioners.
- B. The necessary roads, utilities and/or facilities are first identified during the Concept Plan review meeting, if applicable, and further detailed as part of the preliminary site plan review process.

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- C. After the final site plan is approved, the PWA is drafted by the Director of Public Works and reviewed by the developer/owner.
- D. Prior to executing the PWA, the developer/owner shall have:
 - 1. Final construction drawings approved by the Town;
 - 2. A grading permit approved by the Town;
 - 3. A Stormwater Management Permit and Maintenance Agreement for Private Stormwater Management Systems (if applicable) approved by the Town (the Stormwater Maintenance Agreement must be entered in the Harford County Land Records);
 - 4. Sewer and/or Water Construction Permits (as applicable) approved by the State of Maryland;
 - 5. A cost estimate for the total scope of construction for public improvements approved by the Town;
 - 6. All necessary easements, cross easements and other agreements with the Town and/or third parties signed and entered in the Harford County Land Records as necessary;
 - 7. A properly executed Payment and Performance Bond for the total cost of the construction; and
 - 8. The developer/owner shall have satisfied any other requirements as previously determined by the Public Works Director.
- E. The Board of Town Commissioners shall approve the PWA and authorize the Town Administrator to execute the PWA for the Town.
- F. The developer/owner and the Town shall execute the PWA.
- G. No construction is to start until the Director of Public Works issues a written Notice to Proceed.

§165-82 BUILDING PERMIT

A building permit is required for the construction, alteration, demolition (or movement) or change of use of a structure, as well as the installation or alteration of

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any regulated equipment. New construction and/or renovations exceeding 5,000 square feet require Planning Commission approval. The Zoning Administrator is authorized to review, approve or disapprove projects under 5,000 square feet. Once an application for a building permit has been submitted to the Department of Public Works, the Planning Department reviews to determine whether all requirements of the Town of Bel Air Development Regulations are met. Before a building permit is issued by the Building Official, all required easements, property conveyances (including deeded rights-of-way), stormwater management permits, grading permits, other State and local permits, cross easement agreements, fees, bonds, etc. must be executed and, if applicable, entered into the Land Records of Harford County.

§165-83 SIGN PERMIT

An approved sign permit is required prior to placement or action toward placement of any sign as specified in Chapter 165, Article III of the Town of Bel Air Development Regulations. Application for a sign in a historic district or on a historic site is subject to approval of the Historic Preservation Commission prior to issuance of the permit. The sign permit process is as follows:

- A. Applicant shall submit a formal application accompanied by a scale drawing showing size, location, design, color scheme and footings, if applicable, for approval of the proposed signage.
- B. Applicant shall provide any additional information determined necessary by the Zoning Administrator in order for the Zoning Administrator to make a determination of the request's merit. The review shall be based on the sign regulations, Chapter 165, Article III of the Town of Bel Air Development Regulations, and any pertinent design standards as specified in Section 4, the Overlay District, or Section 5, Historic Resource Conservation regulations in the Town of Bel Air Development Regulations.
- C. Request is approved or denied by the Zoning Administrator and the Historic Preservation Commission, if applicable.
- D. Aggrieved parties may file an appeal to the Board of Appeals within thirty (30) days of the decision.

§165-84 USE AND OCCUPANCY CERTIFICATE

A Use and Occupancy Certificate shall be issued by the Town of Bel Air Building and Zoning Officials prior to the use or occupancy of any structure. Property owners shall be responsible for submitting a request for a Use and Occupancy Certificate, prior to occupying a property in order to assure that all zoning, building and fire code

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requirements are satisfied. Requests are submitted to the Department of Public Works. Both the Planning and Public Works Department review the request to assure all code requirements are satisfied. The property owner of a multi-tenanted commercial and/or industrial structure shall be responsible for applying for a Use and Occupancy Certificate each time the use of the structure or the occupant of any tenant space changes except as hereinafter provided.

A corporate center, as defined in Article 17 hereof shall be issued a blanket Use and Occupancy Certificate for the primary office business. A separate Use and Occupancy Certificate would not be required for each tenant space, provided the tenant space is occupied only by tenants in the same use classification as approved on the blanket Use and Occupancy Certificate. However, notwithstanding the foregoing, any substantial alteration of a tenant space shall require a separate Use and Occupancy Certificate prior to occupancy as provided above.

§165-85 HOME OCCUPATION/PROFESSIONAL OFFICE CERTIFICATION

Home occupations and professional offices occupying not more than three hundred (300) square feet and employing only persons who are members of the household are permitted as of right. Such uses are considered an accessory use per Section 10 of this Article. A Home Occupation Certificate is required. Certification of home occupation and professional office uses are subject to the following procedures and requirements:

- A. Applicant shall submit a formal application for approval of the proposed accessory use, along with an annotated list of applicable performance standards as outlined in Section 7 of this Article, to the Town Department of Planning.
- B. Applicant shall provide any additional information determined necessary by the Zoning Administrator in order for the Zoning Administrator to make a determination of the request's merits. The review shall be based upon the performance and development standards specified in Section 7 of this Article.
- C. Request is approved or denied by the Zoning Administrator.
- D. Aggrieved parties may file an appeal to the Board of Appeals within thirty (30) days of decision. Home occupations and professional offices occupying more than three hundred (300) square feet or employing a person not a member of the household may be permitted as a Special Exception, if Development Regulation criteria is satisfied and application is approved by the Board of Appeals. One (1) employee who is not a member of the household is permitted by right in the Transition Overlay District. The

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certification procedures remain the same.

§165-86 FENCE PERMIT

An approved fence permit is required prior to construction of a fence, as specified in Section 10 of this Article. The fence permit process is as follows:

- A. Applicant shall submit a formal application to the Zoning Administrator, accompanied by a sketch showing plan of the proposed fence.
- B. Applicant shall provide any additional information determined necessary by the Zoning Administrator in order for the Zoning Administrator to make a determination of the request's merit. The review shall be based on the accessory use requirements as described in Section 10 of this Article and any pertinent design standards as specified in Section 5, Historic Resource Conservation Regulations in this Article.
- C. Request is approved or denied by the Zoning Administrator.
- D. Aggrieved parties may file an appeal to the Board of Appeals within thirty (30) days of the decision.

Application for a fence in a historic district or on a historic site is subject to approval of the Historic Preservation Commission prior to issuance of the permit.

§165-87 TEMPORARY PERMIT

Temporary permits may be approved by the Zoning Administrator for specific uses identified in Section 3 and Section 10 of this Article. Permit applications are available at the Planning Department. The temporary permit process is as follows:

- A. Applicant shall submit a formal application for approval of the proposed temporary use or temporary event at least ten (10) days prior to the proposed event.
- B. Applicant shall provide any additional information determined necessary by the Zoning Administrator in order for the Zoning Administrator to make a determination of the request's merits. The review shall be based on the performance and development standards specified in Section 7 of this Article.
- C. Request is approved or denied by the Zoning Administrator.

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- D. Aggrieved parties may file an appeal to the Board of Appeals within thirty (30) days of the decision.

Temporary outdoor sales events or tent sales which are directly related to the established, on-site business and non-related sales events for fewer than fourteen (14) days may be approved by the Zoning Administrator. All applicable performance standards as cited in Section 7 and Temporary Use requirements as specified in Section 165-71 shall be satisfied.

Temporary outdoor sales events or tent sales sponsored by for-profit organizations, except those specifically exempted in Section 165-71.D(4) of this Article, which are not directly related by product and ownership to the established on-site business, may not be conducted for more than fourteen (14) days per calendar year. The Zoning Administrator may approve no more than four (4) for-profit outdoor sales events per property per year. Any additional requests shall be subject to special exception requirements as cited in Section 12 of this Article. Other temporary events and uses may be approved by the Zoning Administrator as specified in Section 10 of this Ordinance.

§165-88 ANNEXATION

Annexation of properties into the Town shall be initiated in accordance with Maryland State law. Initiation may occur through two means, pursuant to the Annotated Code of Maryland: (i) initiative of the Board of Town Commissioners or (ii) request by the property owner.

The process is as follows:

- A. Applicant shall submit written consent from the owners of twenty-five percent (25%) of the assessed value of land in the area to be annexed and/or twenty-five percent (25%) of the voters in the area in the form of a petition in order to initiate the annexation process.
- B. If the petition is accepted by the Bel Air Board of Town Commissioners an Annexation Plan, in accordance with Article 23A, Section 9(c) of the Annotated Code of Maryland shall be adopted by the Bel Air Board of Town Commissioners. The Annexation Plan shall be forwarded to Harford County, Maryland Department of Planning and the Baltimore Metropolitan Council for comments at least 30 days prior to the required public hearing. Copies of the Annexation Plan shall also be available for public review.
- C. The Annexation Plan shall include a description of the area to be annexed; a description of available land for public services needed to service the

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proposed use; a statement describing the schedule for extending services to the area to be annexed; and a general description of the methods anticipated to finance the extension of municipal services into the area.

- D. Following the review period, a Resolution for the annexation shall be introduced which shall include description of the land to be annexed, any proposed conditions and the proposed zoning designation of the property.
- E. Notice of the annexation proceeding shall be published four (4) weeks at weekly intervals; or if 25 acres or less, two (2) times at weekly intervals prior to public hearings. Appropriate inter-governmental bodies shall also be advised and involved.
- F. Public hearings shall be held at least fifteen (15) days after last newspaper notice.
- G. Board of Town Commissioners approve/disapprove resolution.
- H. If approved, a summary of final resolution of the Board of Town Commissioners shall be published four (4) times in four (4) consecutive weeks.
- I. The Town shall submit information to the State Department of Legislative Reference as required by Article 23A, Section 9A, Subsection 19P of the Annotated Code of Maryland.
- J. For forty-five (45) days following approval, referendum may be initiated. If disapproved by the Board of Town Commissioners, the annexation process is terminated.

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