

Article II
Chapter 165. Zoning

Section 13: Procedures For Change

165-99 Purpose

This Section provides for periodic amendment or repeal of zoning regulations in accordance with Article 66B, Section 4.05 of the Annotated Code of Maryland. It is intended to provide an outline of procedures necessary to effect changes to regulations and to meet the changing development requirements of the Town and its citizens.

§165-100 Amendments

A. The Board of Town Commissioners may, by ordinance, amend, supplement, or change the regulations, district boundaries, or classifications of property now or hereinafter established by the Town of Bel Air Development Regulations or amendments thereof. Initiation of such amendment, supplement, or change is by resolution of the Board of Town Commissioners, motion of the Planning Commission, or by petition of any property owner. Petition shall be addressed to the Board of Town Commissioners. The Board of Town Commissioners may also designate a property, site or group of properties historic based on the Historic Preservation Commission's recommendation and the requirements noted in Section 5, Historic Resource Conservation Regulations in this Article.

B. Any proposed amendment, supplement or change to the Town of Bel Air Development Regulations text, district boundaries or classification of property originating with or received by the Board of Town Commissioners may be referred by them to the Planning Commission for an investigation and recommendation if the Board of Town Commissioners decides to proceed with further action on the request. The Planning Commission in such case shall cause an investigation to be made as it deems necessary. For this purpose the Planning Commission:

1. May require the submission of all pertinent data and information by any person concerned;
2. may hold public hearings as provided by its own rules;
3. shall submit its report and recommendation to the Board of Town Commissioners within sixty (60) days unless an extension of time is granted.

Alternatively, the Board, at its discretion, may dismiss the request with no further action.

§165-101 Review and Approval Process

After receiving the recommendation of the Planning Commission on any proposed

Article II
Chapter 165. Zoning

Section 13: Procedures For Change

amendment, supplement, or change, and before adopting such amendment, the Board of Town Commissioners shall hold a public hearing in relation thereto, at which time parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of the public hearing, together with a summary of the proposed regulation, restriction, or boundary, shall be published in at least one (1) newspaper of general circulation in the jurisdiction once each week for two (2) successive weeks, with the first such publication of notice appearing at least fourteen (14) days prior to the hearing.

In case of any amendment which would alter the Town of Bel Air Comprehensive Plan Land Use Map, the zoning map or would otherwise have the purpose and effect of changing the zoning classification of any specific property, the Board of Town Commissioners must include the recommendation of the Planning Commission in the findings of fact on which they base such amendment. For all zoning map amendment requests, the following procedures shall be followed:

- A. Applicant submits a formal application for hearing before the Planning Commission and the Board of Town Commissioners indicating existing and proposed zoning designation along with a plat prepared in conformance with the Town "checklist" and a written statement describing how rezoning satisfies conditions set forth in Article 66B of the Annotated Code of MD. Additionally, applicant shall provide the name and address of all adjoining property owners.
- B. Request reviewed by appropriate Town, County and State agencies.
- C. Request reviewed by Planning Commission which submits a written recommendation for approval or denial to the Board of Town Commissioners. The Planning Commission may table the matter for further discussion or to gather additional information. In any case, a decision shall be rendered within sixty (60) days of the initial hearing before the Planning Commission unless an extension is agreed upon by the applicant and the Town.
- D. Public hearing scheduled before Board of Town Commissioners; public notice placed in local paper for two (2) consecutive weeks. First notice shall appear at least fourteen (14) days prior to hearing. Property shall be posted ten (10) days prior to public hearing. Written notice shall be mailed to all adjoining property owners (based on information provided by applicant) ten (10) days prior to the public hearing.
- E. Public hearing held before the Board of Town Commissioners. The applicant is responsible for meeting requirements of Article 66B of the Annotated Code of

Article II
Chapter 165. Zoning

Section 13: Procedures For Change

Maryland and for presenting evidence necessary to meet legal requirements for rezoning. Prior to making its decision, the Bel Air Board of Town Commissioners shall make findings as to whether change or mistake has occurred and make findings as specified in Article 66B of the Annotated Code of Maryland.

- F. Board of Town Commissioners approves or denies request. The Board of Town Commissioners may table the matter for further discussion or to gather additional information. In any case, a written decision shall be rendered within sixty (60) days of the first hearing date, unless an extension is agreed upon by all parties involved.
- G. If approved, the rezoning becomes effective twenty one (21) days after Board of Town Commissioners' approval.
- H. Any person adversely affected by a Rezoning decision, map amendment or historic site/district designation of the Board of Town Commissioners may appeal 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. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

§165-102 Resubmission of Amendment Requests

When the Board of Town Commissioners has officially adopted or rejected an application to amend, supplement, or change these regulations or the boundaries of any district or classification of any amendment thereof, it shall not be required to consider another application which, in its opinion, is for substantially the same change until at least one (1) year has elapsed since the time of final decision.

Article II
Chapter 165. Zoning

Section 13: Procedures For Change

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