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Article XI Permits and Procedures

§ 165-72 **Purpose.**

The purpose of this article 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.

§ 165-73 **General procedural requirements.**

- A. 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 Article **III**, Establishment and Regulation of Zoning Districts, Article **IV**, Overlay Districts, Article **VI**, Environmental Regulations, and Part **4**, Subdivision of Land, of these regulations and other applicable requirements or regulations.
- B. Zoning cases.
- (1) Any application in a zoning case **as defined in Article XIV of this Part 2**, and any amendment thereto, shall contain a specific explanation outlining the reasons or basis for granting the request.
 - (a) 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.
 - (b) This requirement, as to entities owning the property which is subject to the zoning case, shall include the disclosure of shareholders owning more than 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 Department of Planning and Community Development and/or of the body hearing the case, the recorded testimony received at any hearing, any reports to or from any public officials or agency concerning the application, and the final decision of the Department of Planning and Community Development 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 ensure compliance herewith, any person contacting a member of a deciding body in violation of Subsection **B(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 § **165-20D** of this Part 2.
- (9) Unless otherwise provided in the Town of Bel Air Development Regulations, approval of a zoning case shall be effective for 24 months from the date of **decision issuance**. Applications for an extension shall be in writing to the Department of Planning and Community Development 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 twelve-month 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-month period, excluding the period of the litigation, including appeals, in which to proceed with the approved project. Should construction cease for a period of 12 months before a project is issued a final use and occupancy certificate, the zoning approval for the unfinished portion of the project shall expire unless an extension is granted in accordance with the provisions of this section.
[Amended 10-1-2012 by Ord. No. 754-12]
- (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 the Land Use Article of the Annotated Code of Maryland, as amended from time to time. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (11) Zoning approvals/permits may be revoked by the Board of Town Commissioners in accordance with § **165-20E** 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 year after a final decision denying the application.
- (13) Any property under an existing written notice of code violation shall not be reviewed for any unrelated zoning request until all violations are addressed to the satisfaction of the reviewing**

agency.

§ 165-74 **Preliminary conference.**

- A. 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, or 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.
- B. The preliminary conference review shall include consideration of the appropriateness of the proposed development for the area and zoning district within which the 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 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.

§ 165-75 **Concept Committee plan review.**

- A. Concept plan review shall be required for all proposed commercial, industrial and institutional development in excess of 5,000 square feet, and residential developments including 25 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. **[Amended 4-3-2017 by Ord. No. 780-17]**
- B. 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, 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.

- C. 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:
- (1) Evaluate the appropriateness of the proposed development for the area and zoning district in which it is located.
 - (2) Identify any special Development Regulations or applicable Board of Appeals action required.
 - (3) Identify the need for rezoning, special development approval and/or Bel Air Comprehensive Plan amendment.
 - (4) Identify all pertinent reviewing agencies and application procedures relevant to the proposed development.
 - (5) Provide feedback on design, infrastructure (roads, water, sewer, stormwater management, etc.), applicable permitting and hearing processes and any assistance programs, if applicable.
 - (6) Ensure that all important resources have been mapped and protected and all opportunities to enhance natural areas have been explored early in the design process.
 - (7) Assist in establishing the footprint of the proposed project and evaluation of the relationship between proposed impervious surfaces and existing natural conditions.
 - (8) Provide direction for preparation of detailed designs, computations and grading plans for concept stormwater management plan review and approval prior to preliminary site plan review.

§ 165-76 Preliminary plan review.

- A. 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 **parcel 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 an actual survey. The applicant shall submit an engineered site plan, landscape plan, lighting plan, **and any requested supporting exhibits for Planning Commission or Zoning Administrator review.** A forest conservation plan as required in Chapter **216**, Forest Conservation, of the Bel Air Town Code, and a **written approval of concept phase** stormwater management plan as required by Chapter **405**, Stormwater Management, of the Bel Air Town Code **shall be submitted** 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. A traffic impact analysis may be required based upon **§ 165-118D for review by Zoning Administrator and Director of Public Works**. All proposed projects to be reviewed by the Planning Commission shall

be accompanied by colored renderings prepared by an architect and/or firm licensed in the State of Maryland showing all four sides of the building elevation. [Amended 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]

- B. 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:
- (1) The Zoning Administrator shall determine whether the plan is complete and in conformance with checklist requirements.
 - (2) 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 Department of Planning and Community Development, Public Works, Soil Conservation Service, Fire Department, Harford County, Fire Marshal's Office, and, where applicable, the State Highway Administration. The Zoning Administrator receives and coordinates various agency responses for submission to reviewing bodies.
 - (3) 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.
 - (4) The Planning Commission may approve, deny or approve with conditions a preliminary plan. If approved with conditions, the Planning Commission's approval letter shall state the basis for any required improvements. At any time, it may table any matter for further discussion or to acquire additional information. A decision shall be rendered within 60 days of the last Planning Commission review, unless an extension is agreed upon, in writing, by all parties involved in the hearing, or the plan shall be deemed approved.
 - (5) The Zoning Administrator may approve, deny or approve with conditions, a preliminary plan for buildings of less than 2,000 square feet in area, or expansion of less than 5% of the existing structure. If approved with conditions, the Zoning Administrator's approval letter shall state the basis for any required conditions. A decision shall be rendered within 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 or the plan shall be deemed approved. [Amended 11-25-2011 by Ord. No. 744-11; 4-3-2017 by Ord. No. 780-17]
 - (56) Approval of the preliminary site plan or subdivision plan shall be set forth in a letter from the Planning Commission or Zoning Administrator. This letter will include any conditions of approval and must be countersigned by the applicant and returned to the Department of Planning within 60 calendar days indicating acceptance of terms. **The approval of a Preliminary Plan, once countersigned, is valid for two years from the date approval is**

granted. The approval is vested once a building permit is issued, or if there is no building permit involved, once construction is substantially underway. [Added 4-3-2017 by Ord. No. 780-17]

- (67)** Any change to the preliminary plan that alters the size, elevation, 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. **[Amended 4-3-2017 by Ord. No. 780-17]**

§ 165-77 Final site development plan.

- A.** 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 fully signed.**
- B. Expiration of a Final Site Plan.**
- a. Once a final site plan is fully signed, approval shall expire two years from the date of Planning Commission or Zoning Administrator decision. No expiration shall take place if a one-year extension is granted, a building permit is issued or if substantial construction has taken place in accordance with the approved plans.**
 - b. Should an applicant wish to revise a fully signed final site plan prior to expiration for a minor change, the Zoning Administrator may allow a redline of the plan to be submitted for review and approval. Should the revision increase the limit of disturbance or increase the building square footage significantly, a revised final site plan must be submitted to the Planning Commission for review.**

§ 165-78 Subdivision record plat.

[Amended 11-25-2011 by Ord. No. 744-11; 9-16-2019 by Ord. No. 792-19]

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**, Forest Conservation, of the Bel Air Town Code. If approved with conditions, the Planning Commission's approval letter shall state the basis for any required improvements. 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 Department of Planning and Community Development. All amendments to any record plat shall be copied to the Town as well. Any parcel consolidation or lot line adjustment may be reviewed and approved by the Zoning Administrator.

§ 165-79 Landscape plan/forest conservation plan.

[Amended 4-3-2017 by Ord. No. 780-17]

A landscape plan is required for all development projects. Larger lot development plans, as discussed in Article **VI** of this Part **2**, may also require a forest conservation plan. The plans shall be submitted with the preliminary plan and shall meet requirements set forth in Article **VIII** of this Part **2** and the latest edition of the Town Landscape Manual. The review process is as follows:

- A. The applicant shall submit a landscape plan, including a forest stand delineation or environmental assessment, identifying all streams, floodplain zones, and nontidal wetlands, along with the preliminary plan.
- B. Plans will be reviewed by the Zoning Administrator for completeness and conformance with Article **VIII** of the Town of Bel Air Development Regulations.
- C. Plans will then be submitted to the 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 Article **VI** of this Part 2.
- E. Approved plans shall be fully implemented and certified prior to issuance of a use and occupancy certificate. Surety shall be provided prior to notice to proceed with construction. **[Amended 9-16-2019 by Ord. No. 792-19]**

**§ 165-80 Stormwater management permit.
[Amended 4-3-2017 by Ord. No. 780-17]**

A stormwater management permit is required for all development unless specifically exempted. Variances are delineated in Chapter **405**, Stormwater Management, of the Bel Air Town Code. 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. **Concept phase stormwater approval is required before submission to the Planning Commission.** Each plan submittal shall meet the requirements of the Design Manual and other provisions of Chapter **405**, Stormwater Management, of the Bel Air Town Code.
- B. The applicant's engineer shall submit a cost estimate with the final stormwater management review documents.
- C. The applicant's engineer shall certify construction of all stormwater management facilities upon completion of the facilities.
- D. The 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.

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.
- 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 Director of Public Works.
- 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.

[Amended 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

A building permit is required for the construction, alteration, demolition (or movement) or **rehabilitation** ~~change of use~~ of a structure, as well as the installation or alteration of any regulated equipment. A shed permit is required for a structure under 200 square feet and is regulated as an accessory structure. Except for single-family dwellings, any new construction and/or renovations exceeding 2,000 square feet or expansion of more than 5% of an existing structure require Planning Commission approval. The Zoning Administrator is authorized to review, approve or disapprove projects under 2,000 square feet or less than 5% of the existing structure. Once an application for a building permit has been submitted to the

Department of Public Works, the Department of Planning and Community Development 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**, Part **3**, of the Town of Bel Air Development Regulations. Application for a sign in an historic district or on a designated historic site is subject to approval by the Historic Preservation Commission prior to issuance of the permit. The sign permit process is as follows:

- A. The 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. The 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 Article **XV**, Sign Regulations, of Chapter **165**, Part **3**, of the Town of Bel Air Development Regulations and any pertinent design standards as specified in Article **IV**, Overlay Districts, or Article **V**, Historic Resource Conservation Regulations, in the Town of Bel Air Development Regulations.
- C. The 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 30 days of the decision.

§ 165-84 Use and occupancy certificate.
[Amended 9-16-2019 by Ord. No. 792-19]

- A. A use and occupancy certificate shall be issued by the Town of Bel Air Building Official and Town of Bel Air Zoning Administrator, or their designees, 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 ensure that all zoning, building and Fire Code requirements are satisfied. Requests are submitted to the Department of Public Works. Both the Department of Planning and Community Development and the Public Works Department review the request to ensure all Code requirements are satisfied. The property owner of a multitenant 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.
- B. A corporate office, as defined in Article **XIV** hereof, may be issued a blanket use and occupancy certificate for the corporate office building. A separate use and occupancy certificate would not be required for each tenant space located within the corporate office building, 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.

- C. A temporary Use & Occupancy permit may be issued when the Director of Public Works and the Director of Planning and Community Development find that persistent or seasonal weather conditions or other circumstances beyond the developer's control prevent meeting the requirements of the Building Permit or other development approval. A surety may be required to ensure compliance with the development approvals.**

§ 165-85 Home occupation/professional office certification.

Home occupations and professional offices occupying not more than 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 Article **X** of this Part **2**. A home occupation certificate is required. Certification of home occupation and professional office uses is subject to the following procedures and requirements:

- A. The 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 Article **VII** of this Part **2**, to the Town Department of Planning and Community Development.
- B. The 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 Article **VII** of this Part **2**.
- C. The request is approved or denied by the Zoning Administrator.
- D. Aggrieved parties may file an appeal to the Board of Appeals within 30 days of the decision. Home occupations and professional offices occupying more than 300 square feet or employing a person not a member of the household may be permitted as a special exception if Development Regulations criteria are satisfied and the application is approved by the Board of Appeals. One employee who is not a member of the household is permitted by right in the Transition Overlay District. Three employees or tenants who are not members of the household are permitted as a special exception in the Transition Overlay District. The certification procedures remain the same. **[Amended 2-21-2012 by Ord. No. 748-12]**

§ 165-86 Fence permit.

An approved fence permit is required prior to construction of a fence, as specified in Article **X** of this Part **2**. The fence permit process is as follows:

- A. The applicant shall submit a formal application to the Zoning Administrator, accompanied by a sketch showing the plan of the proposed fence **based on factual and verifiable information**.
- B. The 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 Article **X** of this Part **2** and any pertinent design standards as specified in Article **V**, Historic Resource Conservation Regulations, in this Part **2**.

- C. The request is approved or denied by the Zoning Administrator **or designee**.
- D. Aggrieved parties may file an appeal to the Board of Appeals within 30 days of the decision.
- E. Application for a fence in an historic district or on a designated historic site is subject to approval of the Historic Preservation Commission prior to issuance of the permit.

§ 165-87 Temporary permit.

A. Temporary permits may be approved by the Zoning Administrator for specific uses identified in Articles **III** and **X** of this Part 2. Permit applications are available at the Department of Planning and Community Development. The temporary permit process is as follows:

- (1) The applicant shall submit a formal application for approval of the proposed temporary use or temporary event at least **30** ~~10~~ days prior to the proposed event.
- (2) The 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 Article **VII** of this Part 2.
- (3) The request is approved or denied by the Zoning Administrator **or designee**.
- (4) Aggrieved parties may file an appeal to the Board of Appeals within 30 days of the decision.

B. Temporary outdoor sales events or tent sales **are regulated by a Temporary Use Permit based upon requirements in Section 165-71(C) of this Part 2.** ~~which are directly related to the established, on-site business and nonrelated sales events for fewer than 14 days may be approved by the Zoning Administrator. All applicable performance standards as cited in Article VII and temporary use requirements as specified in § 165-71 shall be satisfied.~~ **{moved to Article X}**

~~C. Temporary outdoor sales events or tent sales sponsored by for profit organizations, except those specifically exempted in § 165-71D(4) of this Part 2, which are not directly related by product and ownership to the established on-site business may not be conducted for more than 14 days per calendar year. The Zoning Administrator may approve no more than four for profit outdoor sales events per property per year. Any additional requests shall be subject to special exception requirements as cited in Article XII of this Part 2. Other temporary events and uses may be approved by the Zoning Administrator as specified in Article X of this Part 2.~~ **{moved to Article X}**

§ 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: initiative of the Board of Town Commissioners or ~~request~~ **petition** by the property owner **or owners**. The process is as follows:

A. The applicant shall submit written consent from the owners of 25% of the assessed value of land in the area to be annexed and/or 25% of the **registered** voters in the area **to be annexed** in the form of

a petition in order to initiate the annexation process.

- B. If the petition is accepted by the Board of Town Commissioners, an annexation plan, in accordance with the Local Government Article, of the Annotated Code of Maryland, shall be adopted by the Board of Town Commissioners. The annexation plan **may include a written agreement between the petitioner and the Town outlining proffered conditions of annexation. Once determined complete, 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. **[Amended 4-3-2017 by Ord. No. 780-17]**
- 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 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 a 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 for four weeks at weekly intervals, or, if 25 acres or less, two times at weekly intervals, prior to public hearings. Appropriate intergovernmental bodies shall also be advised and involved.
- F. Public hearings shall be held **no sooner than** **at least** 15 days after the last newspaper notice.
- G. The Board of Town Commissioners **shall** approve/disapprove the resolution.
- H. If approved, a summary of final resolution of the Board of Town Commissioners shall be published four times in four consecutive weeks.
- I. The Town shall submit information to the State Department of Legislative Services as required by the Local Government Article of the Annotated Code of Maryland. **[Amended 11-25-2011 by Ord. No. 744-11; 4-3-2017 by Ord. No. 780-17]**
- J. For 45 days following approval, referendum may be initiated. If disapproved by the Board of Town Commissioners, the annexation process is terminated **and the applicant is prohibited from submitting a substantially identical request for a period of one (1) year after from the date of decision.**