

Ordinance No. 824-24

An Ordinance Amending to Article II of the Development Regulations
in Chapter 165 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is required, under the Land Use Article of the Annotated Code of Maryland, to maintain consistency between the Development Regulations and the Town of Bel Air Comprehensive Plan; and

WHEREAS, The Land Use Article of the Annotated Code of Maryland provides the authority for the Board of Town Commissioners to adopt planning and zoning controls; and

WHEREAS, The Board of Town Commissioners is authorized to adopt planning and zoning controls designed to protect the health, safety and well-being of its citizens which includes the ability of Bel Air students to attend facilities properly suited for the number of pupils and an environment most appropriate for learning; and

WHEREAS, The Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to the latest 2022 Harford County Growth Report which was accepted by the Board of Town Commissioners on December 4, 2023, by Resolution 1216-23 outlining facility capacities for Homestead/Wakefield Elementary School and Bel Air Elementary School as exceeding the state rated capacity; and

WHEREAS, discussions with the Harford County Public Schools to address these overcapacities within a definite timeframe have been unsuccessful; and

WHEREAS, the changes to Article II are to adjust the threshold for restricting development based on school capacity by removing consideration of abutting attendance areas in order to apply the capacity measurement to the attendance area of the development only; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Chapter 165, Ordinance No. 824-24, provided for below is hereby adopted:

§ 165-21 Annual growth report; adequacy standards.

A. Annual growth report.

- (1) A copy of the approved Harford County Annual Growth Report, as referenced in § 267-126A(3)(a) and 267-126B(2)(b) of the Harford County Development

Regulations, shall be submitted by the Town's Director of Planning and Community Development to the Board of Town Commissioners in July of each year. An amended version of the report will be submitted to the Board of Town Commissioners in January of each year, incorporating amendments to the annual growth report as adopted by the county.

(2) The report, as required by the Harford County Development Regulations, is prepared by the Harford County Department of Planning and Zoning and includes a specific analysis of the current and future utilization and capacity of school facilities, including the following:

- (a) Full-time enrollment for the schools serving the Town of Bel Air as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education;
- (b) Rated capacity and utilization percentage of each pertinent school facility, with capacity based on state-rated capacity;
- (c) One-year, two-year and three-year, enrollment projections for each pertinent facility, including a description of the method of projecting enrollment in each facility; **[Amended 4-3-2017 by Ord. No. 780-17]**
- (d) Pupil yield factor by school level for each type of dwelling unit;
- (e) List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projected enrollment and opening date;
- (f) School district maps for each level of school facilities; and
- (g) Modified enrollment projections for each district, which include planned units remaining (recorded lots and units projected from approved preliminary plans) and projected units from vacant land zoned for residential purposes.

B. Adequacy standards (minimum acceptable level of service). Upon acceptance of the annual growth report by the Board of Town Commissioners, all approvals of residential single-family subdivision plans and site plans for multifamily development shall be subject to findings of adequate school capacity based on the standards set in this subsection and the current and projected use level described in the annual growth report:

- (1) Preliminary approval. Preliminary subdivision plans **for single family attached and detached dwellings** exceeding five lots and site plans for multifamily residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exist **when impact of the proposed development**

on school enrollment is included: [Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

- (a) The enrollment, at the elementary school which then serves the site ~~and all abutting elementary school attendance areas,~~ is greater than 110% of the rated capacity or is projected to be greater than 110% within three years; or
 - (b) The enrollment, of either the middle school or high school which serves the site ~~and all abutting respective middle and high school attendance areas,~~ is greater than 110% of the rated capacity or is projected to be greater than 110% within three years.
- (2) Conditional review. If Subsection **B(1)(a)** or **(b)** of this section prevents approval of a subdivision plan or a site plan, the Planning Commission may proceed with conditional review of the plan and place it on a waiting list arranged by the date of completion of the review. This section shall not extend subdivision plan or site plan approval beyond two years from the date of final decision. One-year extensions of an approved plan may be requested without limitation during the period of development deferral. Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the Town until the plan for the project is removed from the waiting list and approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection **B(1)(a)** or **(b)** of this section no longer exists. [Amended 9-16-2019 by Ord. No. 792-19]
- (3) Exemptions. The provisions of this subsection shall not apply to transient housing or fifty-five-and-over housing.

BE IT ORDAINED If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the _____ day of _____, 2024.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:
NAYS:
ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk