

Ordinance No. 829-24

An Ordinance to Amend the Code
of the Town of Bel Air, Chapter 165 thereof entitled
Zoning

WHEREAS, the Board of Town Commissioners has determined that historic preservation efforts are desirable and necessary to maintain the Town's traditional character; and

WHEREAS, the State of Maryland authorizes the Town of Bel Air to create a Historic Preservation Commission to regulate designed historic properties; and

WHEREAS, the State of Maryland Land Use Article 8-308 outlines procedures for appeal of a decision by the Historic Preservation Commission; and

WHEREAS, the Town recognizes the need to modify the Town Code to be consistent with the Annotated Code of Maryland; and

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Bel Air Board of Town Commissioners that Chapter 165 of the Bel Air Town Code be amended to read as follows:

Part 2. Zoning

Article II. Administration and Enforcement

§ 165-12 **Board of Appeals.**

The Board of Appeals, as established by the Bel Air Town Code, consists of five Town citizens and one alternate, appointed by the Board of Town Commissioners for a term of three years each. The Chair is elected annually by the Board of Appeals members. The Board's operations are limited to the independent review of specific land use questions. The Board is charged with the following powers and duties:

- A. Hear appeals from a decision or interpretation rendered by the Zoning Administrator.

- B. Grant or deny special exceptions pursuant to Article **XII** of this chapter.
- C. Grant or deny variances pursuant to Article **XII** of this chapter.
- D. Grant authorization to expand or extend nonconforming uses and/or structures.
- E. Hear appeals and requests for variances from the requirements of Chapter **210**, Floodplain Management, Article **VII**, Variances, of the Bel Air Town Code.

~~F. Hear appeals from a decision rendered by the Historic Preservation Commission in accordance with the Land Use Article of the Annotated Code of Maryland.~~
[Amended 4-3-2017 by Ord. No. 780-17]

Article V. Historic Resource Conservation Regulations

§ 165-41 **Special regulations.**

- C. Appeal process.
 - (1) In the event that any party is aggrieved by a decision of the Board of Town Commissioners to designate a property as an historic site or part of an historic district, the party has the right to appeal to the Circuit Court of Harford County as authorized by the Land Use Article of the Annotated Code of Maryland. Such appeal shall be petitioned in the same manner as a rezoning decision as specified in Article **XIII**, § **165-101B(8)**, of this Part **2**. An appeal to the Circuit Court shall be taken in accordance with Rules 7-201 through 7-211 of Title 7, Chapter 200, of the Maryland Rules of Procedure. **[Amended 4-3-2017 by Ord. No. 780-17]**
 - (2) Following designation, should a party be aggrieved by a decision of the Historic Preservation Commission during its review process, the party may appeal to the **Circuit Court of Harford County Board of Appeals** in accordance with **Article XII, § 165-91**, of this Part **2** and the Land Use Article of the Annotated Code of Maryland. **[Amended 4-3-2017 by Ord. No. 780-17]**
 - (3) All appeals must be filed within 30 days of the Board of Town Commissioners or Historic Preservation Commission's decision.

Article XII. Appeals; Variances; Special Exceptions; Special Developments

§ 165-91 **Powers of Board of Appeals.**

- A. Administrative. The Board of Appeals shall have the power to hear and decide

appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official ~~and/or the Historic Preservation Commission~~ in the enforcement of the provisions of said Land Use Article and of the Town of Bel Air Development Regulations adopted pursuant thereto.
[Amended 4-3-2017 by Ord. No. 780-17]

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on the ___ day of _____, 2024.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYES:

ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael Krantz, Town Clerk