

## **Ordinance No. 851-25**

### **VERSION NO. 2**

Ordinance 851-25 Amending Bel Air Town Code Chapter 165 Comprehensive Plan and Development Regulations § 165-53 Performance standards and development guidelines by use, § 165-53C(2)(g) Tavern, tavern with entertainment and microbrewery/winery/distillery, § 165-53H(2)(a) Cannabis business, and § 165-53H(2)(b) Liquor store.

**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, Maryland Annotated Code, Alcoholic Beverage and Cannabis Article, 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 consistent with State law Alcoholic Beverages and Cannabis Article, Section 36-410 to protect the health, safety and well-being of its citizens which include protection from the proximity of cannabis businesses to sensitive uses such as parks, schools, child care facilities, houses or worship, libraries and recreation centers; and

**WHEREAS**, The Bel Air Board of Town Commissioners wish to maintain consistency with the Maryland State Law Alcoholic Beverages and Cannabis Article, Section 22-1602 to protect the health, safety and well-being of its citizens which include protection from the proximity of Alcoholic Retail Dealers to sensitive uses such as schools, and houses or worship; and

**WHEREAS**, The Bel Air Board of Town Commissioners wish to maintain consistency with the various sections of the Maryland Alcoholic Beverages and Cannabis Article, Title 36; and

**WHEREAS**, the changes to Article VII are to clarify the specific regulation of Cannabis Businesses, Liquor Stores, Taverns, Taverns with Entertainment and Micro-breweries/wineries/distilleries; and

**WHEREAS**, the amendments outlined for Cannabis Businesses, Liquor Stores, Taverns, Taverns with Entertainment and Micro-breweries/wineries/distilleries received by the Board of Town Commissioners on December 15, 2025, attached hereto as Version No.1 - Exhibit A, is hereby rescinded and superseded by Version No. 2; and

**WHEREAS**, the amendments provided for below for Cannabis Businesses, Liquor Stores, Taverns, Taverns with Entertainment and Micro-breweries/wineries/distilleries are to replace Version No. 1 - Exhibit A.

**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. 851-25, Version No. 2, provided for below is hereby adopted:

**§ 165-53 Performance standards and development guidelines by use.**

...

C. Use category performance standards and guidelines: amusement/entertainment. All amusement/entertainment uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

...

(1) Performance standards.

...

(2) In addition, specific retail uses listed below shall be subject to the following:

...

**(g) Tavern, tavern with entertainment and microbrewery/winery/distillery.**

[1] Performance standards.

[a] **A tavern or t**avern with entertainment shall not be located closer than 300 feet from any school building. Special exception review is required for a tavern or a microbrewery/winery/distillery located within 300 feet of a school building **or house of worship**.

[b] All structures wherein entertainment is located must be adequately insulated for sound. All doors and windows must be closed when entertainment is provided during the hours of 9:00 p.m. to 9:00 a.m.

[2] Guidelines.

[a] The Board of Appeals or **other** reviewing agency shall impose such conditions and restrictions as it may deem necessary to ensure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:

[i] Number of security attendants required to be on the premises at all times.

[ii] Hours of operation.

- [iii] Size of establishment including area dedicated to bar, restaurant, stage and dance floor, etc.
- [iv] Plan for clearing trash/debris from site and adjacent properties.
- [v] Use of outdoor portion of property must address standards in § 165-53.I(2)(i).
- [vi] Alternative parking and service provisions.

...

H. Use category performance standards and guidelines: retail uses. All retail uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections A and B of this section and as listed below:

...

(1) Performance standards.

...

(2) In addition, specific retail uses listed below shall be subject to the following:

...

**(a) Cannabis business.**

[1] Performance standards.

- [a] Operation of on-site consumption establishments is prohibited.
- [b] Use must be setback **a minimum of 500 feet** from all **houses of worship**, public parks, playgrounds, recreation centers, libraries, schools, **and day-licensed child-care facilities centers and registered family child-care homes**.
- [c] Use must be set back **500 a minimum of 100** feet from all residential uses.
- [d] Use must be set back one-half mile from all other cannabis dispensaries.

**[e] Drive-thru use is prohibited**

[2] Guidelines.

- [a] The Board of Appeals may review and **stipulate impose** limitations **on the following** to **satisfy the meet** requirements of the special exception criteria:
  - [i] Hours or operation;
  - [ii] Signage;
  - [iii] Security;
  - [iv] Disposal of refuse and recycling.

...

**(b) Liquor store.**

[1] Performance standards.

[a] Hours of operation shall be specified.

[b] Security provisions shall be specified.

[c] **A liquor store** ~~The use~~ shall not be located closer than 300 **feet to** a school building **or house of worship.** ~~unless a reduction is granted by the Board of Appeals based upon site conditions or mitigating factors.~~

[d] Drive-through use is prohibited.

**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.

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION:	December 15, 2025
PUBLIC HEARING:	January 20, 2026
ENACTMENT:	TBD
EFFECTIVE:	TBD
AYES:	TBD
NAYS:	TBD
ABSENT:	TBD

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Paula Etting, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk