

## **Ordinance No. 857-26**

An Ordinance Amending Article II, Section 165-11 of Part 2 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 Town of Bel Air has reviewed the development regulations and wishes to provide the authority and process for a recommendation to the Liquor Board when a request is made to grant a waiver from the setback to houses of worship and schools; and

**WHEREAS**, the Town Board has reviewed restrictions regarding Taverns, Taverns with Entertainment, Liquor Stores and other businesses requiring liquor permits granted by the Liquor Board; and

**WHEREAS**, the proposed code text will provide a description of the Board of Town Commissioners authority to provide a recommendation to the Liquor Board and the procedures to follow; 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. 857-26, incorporated herein under Board of Town Commissioners is hereby adopted.

### **§ 165-11. Board of Town Commissioners.**

The Board of Town Commissioners, established pursuant to the Charter of the Town of Bel Air, is the five-member elected legislative body ultimately responsible for the effectiveness of the Town of Bel Air Development Regulations. It establishes the regulations, approves amendments and gives final approval to other matters as defined in the Land Use Article of the Annotated Code of Maryland and the Code of the Town of Bel Air. The Board of Town Commissioners is charged with the following powers and duties:

- A. Approve a recommended Town of Bel Air Comprehensive Plan and/or amendments thereto as provided in the Land Use Article of the Annotated Code of Maryland.
- B. Approve changes to the Town of Bel Air Development Regulations text and map after due consideration of the recommendations of the Planning Commission.
- C. Seek recommendations from the Planning Commission relative to zoning, traffic and annexation requests.

- D. Approve historic construction and rehabilitation design guidelines and approve designation of historic districts and sites.
- E. Appoint board and commission members in accordance with the Land Use Article of the Annotated Code of Maryland and the Code of the Town of Bel Air.
- F. Make recommendations to the Harford County Liquor Board for setback waivers pursuant to the procedure set forth in Md. Code Ann., Alcoh. Bev. & Cann., Art. §22-1602. Any request for a waiver under this State statute must be filed with the Town Clerk and the Director of the Department of Planning. Any hearing must follow notice requirements consistent with Section 165-90.C.**

**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. For the purpose of this section, construction activity is defined as the period between issuance of a building permit and use & occupancy permit.

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

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

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Paula Etting, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk