

Planning Commission

Powers & Duties



May 6, 2021

EXECUTIVE SUMMARY

The Planning Commission is established by the Bel Air Board of Town Commissioners under State Law (Land Use Article, Annotated Code of MD, Section 2). The commission consists of five members and one alternate. Members and the alternate must be residents of the Town and are appointed to serve a term of five years. Within six months after appointment to the Planning Commission, a member shall complete an education course set by the State of MD. The Planning Commission Powers and Duties are as follows:

1. Prepare and recommend to the Board of Town Commissioners adoption of the Bel Air Comprehensive plan and promote public interest and understanding of the Plan, including its elements, as required by the Maryland Annotated code.
2. Prepare and recommend various Master Planning studies and analyses as may be necessary to further the goals and objectives of the Comprehensive Plan.
3. Review and recommend to the Board of Town Commissioners reclassification of zoning districts, annexation of land into the Town and revisions to any official maps related to enforcement of code.
4. Based upon the Development Regulations, review and take action to approve, deny, or approve with conditions Site Plans, Landscape Plans, Subdivision Plans and related material including traffic/parking analysis, architecture, lighting and construction phasing.
5. Prepare and recommend to the Board of Town Commissioners revisions to the Development Regulations, consisting of zoning, subdivision of land and signage.
6. Make, alter or rescind rules and forms for procedures consistent with the Land Use Article of Maryland and keep minutes of meetings as a public record.
7. Prepare and distribute an Annual Report of the Planning Commission activity to the Bel Air Board of Town Commissioners and the Maryland Department of Planning.

The Planning Commission is charged with several diverse functions. The primary role of the Commission is the development of the Bel Air Comprehensive Plan, Development Regulations and review and analysis of development proposals. This document provides a general overview of the duties and responsibilities to assist Commission members in the planning process. It includes appropriate sections of the Town Code and Maryland Annotated Code, outline of procedures, a summary of the State Open Meetings Law, the Town ethics regulations, and sample motions.

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PLANNING PROCEDURES

DEVELOPMENT REVIEW

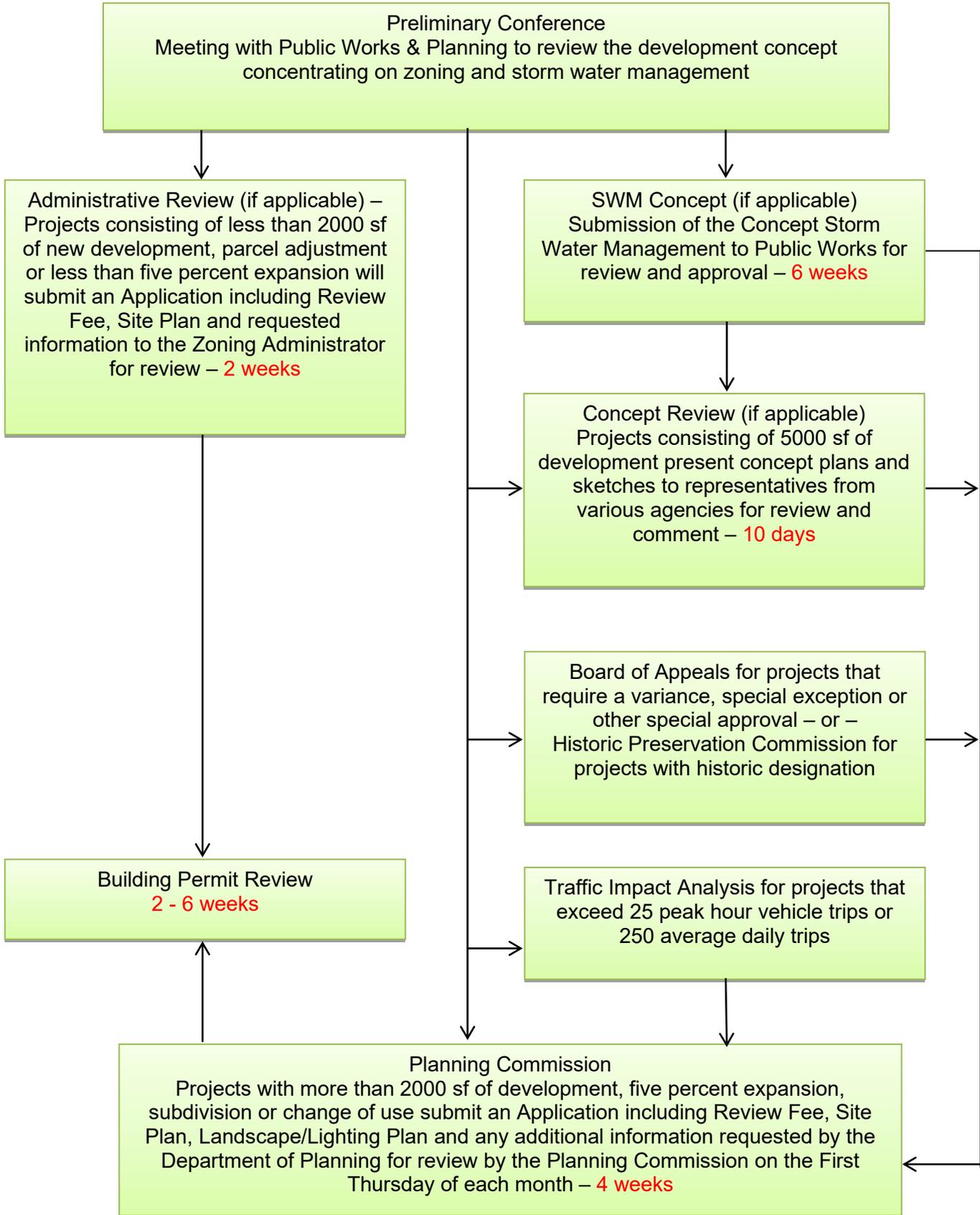
Application for Development Review shall be made to the Department of Planning in accordance with Article XI of the Town of Bel Air Development Regulations.

The submission must include the following:

1. A complete and signed application.
2. A list of all persons and entities having equitable interest in the subject property.
3. The appropriate fee as outlined in the latest applicable Fee Schedule.
4. Annotated checklists addressing all applicable performance standards and plan requirements.
5. A list of all adjoining property owner contact information including those properties across Town/County roads (if applicable).
6. A Site Plan graphically depicting the proposed improvements, property, development layout, dimensioned elements, landscape and lighting design.
7. Supporting information deemed applicable to the proposed application by the Zoning Administrator or applicant, including but not limited to Architectural Elevations, Traffic/Parking Analysis and Environmental Studies.
8. Identify any requested waivers or requests from the Town code in the application and on the Site Plan.
9. All plan submissions must also be submitted in appropriate digital format.

The application, along with applicable items described above, must be submitted four (4) weeks prior to the hearing. The applicant shall submit revisions and additional information not included in the original submission to the Planning Office no less than fourteen (14) days prior to the scheduled hearing. Failure to submit any requested information by this deadline may result in the removal of the case from the agenda for that month. The request will be rescheduled once the requisite information has been received.

DEVELOPMENT PROCESS



STATE AND LOCAL REQUIREMENTS

By enacting enabling legislation, Maryland has delegated most planning responsibilities to local government. This legislation is contained in the Land Use Article of the Annotated Code of MD, as amended. This article establishes the framework within which local governments must operate.

The Land Use Article specifies the type of controls that local governments may enact for land use regulations. The law requires a community to adopt a Comprehensive Plan that incorporates the visions specified in the Land Use Article. The Plan must include the elements specified in the Land Use Article and it must be designed to guide future development. The legislation further specifies that the Town Planning Commission is responsible for preparing and recommending the Plan to the legislative body (Board of Town Commissioners) and to develop the necessary regulations to implement the Plan. The state law also provides for a Board of Appeals, outlining specific responsibilities for code interpretation, special exception review, variance review, review of non-conforming uses/structures; and appeals of Historic Preservation Commission and Floodplain regulations interpretations. It is important for any planning activity to adhere strictly to the provisions of the law. Any procedure, regulations, interpretation or action not based upon the current planning law may be declared null and void if appealed to court.

ROLE OF THE PLANNING COMMISSION

The Town Board of Commissioners appoints the members of the Planning Commission and establishes the size of the Planning Commission. The Bel Air Planning Commission consists of five (5) members and one alternate. Members serve five-year terms and must be residents of the Town. The Town Board may remove a member for inefficiency, neglect of duty or malfeasance in office and may appoint a replacement for any vacancy.

The Planning Commission acts in an advisory capacity to the Town Board on matters concerning community growth such as Annexation, Rezoning and the Development Regulations. The Town Board also may direct the Planning Commission to undertake special studies and to prepare other land use controls.

Area citizens are encouraged to attend meetings and to provide input to the Planning Commission on matters of interest. However, the Planning Commission must have the ability to institute such rules as are necessary to control the meeting, which may include setting time limits, limiting comment on topics as related to an application, and/or limiting non-resident comment.

The Board of Town Commissioners is granted final approval authority of the Comprehensive Plan by the Town Code. A two-thirds majority vote is required by State Law to reject a Comprehensive Plan recommended by the Planning Commission.

FUNCTION OF THE PLANNING COMMISSION

The Planning Commission acts as an objective authority to implement the Comprehensive Plan, evaluate the long-range impact of development, safeguard Town character by providing direction for future development and monitor all zoning regulations, subdivision regulations, sign code, adequate public facilities regulations and other land use ordinances approved by the Town Board. The Commission may make, alter or rescind rules and forms for its procedures consistent with the Land Use Article of the Annotated Code of Maryland. It must keep minutes of its proceedings which include the vote of each member on each question and record its official actions. The Planning Commission must file its records with the Town Department of Planning and maintain them as public record. Each Planning Commissioner should be familiar with the Town Comprehensive Plan and Development Regulations as part of their duties.

Actions of the Planning Commission are always subject to court review. The Commission must keep current and complete records of the facts presented to it, the decisions reached by it and the reasoning behind the decisions. Recordings of each meeting must be kept for one (1) year.

OPERATION OF THE PLANNING COMMISSION

The Planning Commission elects a chair and a vice-chair for one-year terms. The Planning Commission holds regular meetings on the first Thursday of each month at Bel Air Town Hall. Special meetings may be called by the chair or upon written notice of a minimum of two (2) members. All meetings are open to the public, except for those meetings (or portions of meetings) which may be closed to the public under the Maryland Open Meetings Act (see Appendix B).

The Planning Commission acts as an advisor to the Town Board on matters concerning community growth and development. Prompt and concise response should be made to any inquiry, request or application. Continuous communication with the elected governing body must be maintained and all members of the Planning Commission must recognize that planning is an iterative process requiring constant monitoring. The Town may reimburse members for actual expenses incurred in the performance of their duties and as part of any continuing education efforts but does not provide compensation for service on the Commission.

The Planning Commission may also give advice to the Board of Appeals when prompted and consult with Town staff and other associated agencies regarding proposed development. In Bel Air, the Director of Planning & Community Development acts as the Zoning Administrator and oversees the implementation of the Development Regulations. The Planning Commission should consult frequently with planning staff regarding interpretations of code, development history and recent decisions made by the State which may affect Town development.

Within six (6) months of appointment a Planning Commission member shall complete an education course assembled by the Maryland Department of Planning that includes the role of the Comprehensive Plan, proper standards for Site Plans, Subdivision Plans, Landscape Plans and other land use Regulations. The Organization, Parliamentary Procedures, Rules and Regulations for the Town of Bel Air Planning Commission are included as Appendix A.

COMPREHENSIVE PLAN

The collection of data, the development of objectives, the formulation of development policy, the analysis of alternative goals, the preparation of the Comprehensive Plan and the adoption of measures necessary to implement the Plan are part of the mission of the Planning Commission. The first step is the assembly of data and analysis which give a timely and accurate description of the community. Topography, natural resources, community facilities, economic base and population demographics are only a few aspects of Town information that will affect how the Comprehensive Plan is formulated. This data will lead to thought and discussion about the future direction of the community and preparation of a Plan to include specific goals and objectives for growth and development. Land use policies and regulations adopted by the Town must be based upon the Plan and serve to carry out its aspirations. Maryland state law requires review of the twelve visions, listed in Section 1-201 of the Land Use Article, and their inclusion in the Comprehensive Plan updated every ten (10) years. It is the practice of the Town of Bel Air to perform a cursory review and possible supplemental update every five (5) years.

Planning is used to guide and coordinate Town growth by providing for:

1. The appropriate and wise use of land and natural resources;
2. An attractive environment for residents and visitors;
3. The anticipation of future community needs; and
4. Acceptable land use development and growth patterns.

Planning can also improve government processes and functions. Most local governments have various commissions, agencies or individuals responsible for municipal functions. Proper planning can assist in coordinating regulatory efforts and help eliminate unnecessary, overlapping or excessive review and oversight. The planning process gives each citizen an opportunity to participate in how the Town develops by providing a voice in the formulation of a local comprehensive plan.

PLAN ELEMENTS

The Comprehensive Plan acts as a guide for public and private entities to insure efficient and appropriate development. The Annotated Code of Maryland requires that the Plan contain the following elements:

1. A statement of goals, objectives, principles, policies and standards to serve as a guide for development along with the economic, social and environmental well-being of the Town.
2. A Land Use Element indicating the most appropriate and desirable patterns for the general location, character, extent, and inter-relationship of land uses on a schedule that extends as far into the future as is reasonable. Such land use may include, public and private uses, residential, commercial, industrial, institutional, agricultural and recreational land uses.
3. A Development Regulations Element encouraging flexible, innovative and cost-saving site design that protects the environment, promotes economic development and provides for a streamlined review of applications.

4. A Transportation Element indicating the most appropriate and desirable patterns for the general location, character, and extent of transportation facilities, and for the circulation of persons and goods on a schedule that extends as far into the future as is reasonable. The transportation plan element shall also provide for bicycle circulation, pedestrian access and efficient vehicle travel ways. An estimate of the probable utilization of any proposed improvements shall be included. Such transportation facilities may include, without being limited to, all types of highways or streets, bicycle routes, sidewalks, railways, waterways, airways, routing for mass transit, and terminals for people, goods, and vehicles related to highways, airways, waterways, and railways.
5. A Community Facilities Element indicating the most appropriate and desirable patterns for the general location, character and extent of public and semi-public buildings, land and facilities for specified times, as far into the future as is reasonable. Such facilities may include, without being limited to, parks and recreation areas, schools and other educational and cultural facilities, libraries, churches, hospitals, social welfare and medical facilities, institutions, fire stations, police stations, jails or other public or administrative facilities.
6. A Mineral Resources Element that identifies undeveloped land with valuable mineral resources, appropriate post excavation uses and recommendations for regulations to prevent the preemption of mineral resource extraction. This element has not been submitted in the past due to lack of available opportunities in the Town of Bel Air.
7. A Water Resources Element that identifies drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use plan element. It also identifies suitable receiving waters and land areas to meet storm water management and wastewater treatment and disposal needs of existing and future development proposed in the land use plan. This element must be reviewed and found adequate by the Maryland Department of the Environment.

8. A Sensitive Areas Element to create policies, objectives and standards that protect sensitive areas such as wetlands, forest, streams, floodplain, endangered or threatened habitats and steep slopes.
9. A Municipal Growth Element that provides for the orderly and comprehensive growth of the Town based on review of the services needed to satisfy criteria established in the Land Use Article, Section 3-112 of the Annotated Code of Maryland.
10. A Housing Element that includes goals, policies and standards for affordable and accessible housing for the benefit of all existing and potential residents including all minority groups, seniors and those with special needs.
11. An Historic Preservation Element that identifies the need to preserve, protect and document the historic heritage of the Town through policies and standards for architecture, renovation, public space, landscape and cultural resources.
12. An Economic Development Element to promote the need to provide a vibrant and resilient local economy through the goals and policies for local businesses including retail, service and industrial uses by encouraging streamlined regulation, stable growth and support for business operators and landlords.

The Comprehensive Plan for Bel Air must contain all the elements listed above and incorporate the visions stated in Section 1-201 of the Land Use Article of the Maryland Annotated Code. The Planning Commission must review, revise and amend the Plan as necessary at intervals of no more than ten (10) years. It is the responsibility of the Planning Commission to undertake the necessary steps to develop the Plan, to hold a minimum of one public hearing, and to invite comment from each adjoining jurisdiction and any State or local jurisdictions that have responsibility for financing or construction of public improvements necessary to implement the Plan. Once comment is received, the Planning Commission must submit a report to the Town Board including a recommendation from the Commission and any comments received from reviewing agencies and the public.

ONGOING PLANNING ACTIVITIES

The Planning Commission will prepare and implement the land use controls used in carrying out the Comprehensive Plan, such as amendments to the official Zoning Map and Development Regulations. The procedure for the adoption and amendment of the Development Regulations and Zoning Map is detailed in Section 4 Subtitle 2 of the Land Use Article and Section XIII of the Development Regulations.

The Planning Commission is at times called upon by the Town Board to prepare or review and make a recommendation on proposed amendments of the Development Regulations, reclassification of a zoning district, or proposals for annexation. The review is to determine conformity with the Comprehensive Plan and to evaluate the appropriateness of zoning or text revisions. The Commission also reviews and has approval authority for Site Plans, Landscape Plans and Subdivision Plans.

The Town of Bel Air has adopted Development Regulations to implement the Comprehensive Plan. These regulations incorporate zoning, subdivision, landscape, parking and signage among other items in one document. It is the responsibility of the Planning Commission to review plans based on their compliance with the Comprehensive Plan and the Development Regulations and to ensure that the regulations are adequate to meet community needs.

Occasionally, the Planning Commission conducts or authorizes special studies on specific issues or subjects. A study is conducted to provide a detailed analysis of a topic to provide necessary information that will assist with implementation of the Comprehensive Plan. The findings should have direct and immediate application and should also serve as a basis for future policies and decisions. Such studies may include matters of concern to the community such as transportation issues, economic development, and Community Services.

The Planning Commission is required to prepare, adopt and file an Annual Report, on or before July of each year for the previous calendar year with the Town Board. The report must contain a map or narrative indicating all changes in development patterns including land use, transportation, community facilities, zoning map amendments and subdivision and site plan approval. The report must review whether these changes are consistent with previous development approvals, the Comprehensive Plan, and the adopted plans of Harford County and the State. The report can include statements and recommendations for improving the Town planning and development process and indicate ordinances or regulations adopted or changed to implement the State visions.

The Town Board of Commissioners receives the report and directs that any studies or actions be undertaken to insure continuation of a viable planning and development process. The Annual Report must be available for public inspection and a copy must be sent to the Maryland Department of Planning.

ETHICS

The Planning Commission is comprised of a group of appointed volunteers which deals with matters of importance and concern to local citizens. Activities of the Planning Commission come under close public scrutiny. It is therefore vitally important that the Planning Commission perform all its activities in a fair and open manner. Standards governing the conduct of the Planning Commission are contained in Chapter 43, Code of Ethics in the Bel Air Town Code. This Chapter is provided as Appendix C. Planning Commission members should also refer to the Maryland Open Meetings Act as amended which provides guidelines for public access to the Commission meetings and official records, as well as guidelines for conduct. The Open Meetings Act can be found in Appendix B. Bel Air Development Regulations are contained in Chapter 165, Parts 2, 3, and 4 of the Bel Air Town Code, which outlines the general procedural requirements in planning and zoning cases. Commission members should be familiar with each of these code sections and refer any questions or concerns to staff or the Town Attorney.

APPENDIX A

ORGANIZATION, PARLIAMENTARY PROCEDURE, RULES AND REGULATIONS FOR TOWN OF BEL AIR PLANNING COMMISSION

2021

PLANNING COMMISSION
TOWN OF BEL AIR, MARYLAND

ORGANIZATION, PARLIAMENTARY PROCEDURE, RULES AND REGULATIONS
FOR TOWN OF BEL AIR PLANNING COMMISSION

Section I. The Planning Commission

- A. Authority. The Town of Bel Air Planning Commission is established by the authority of the Land Use Article of the Annotated Code of Maryland and under Chapter 10 of the Town of Bel Air code.

Section II. Commission Membership, Appointment, Compensation, Term, Removal and Duties

- A. Membership, Appointment, Compensation and Term. The Town Planning Commission shall consist of five (5) members and one alternate. Additionally, the Board of Town Commissioners may appoint a member of the Town Board to serve in an ex-officio capacity to attend meetings and report to the Town Board on official activity. The Planning Commission members shall be appointed by the Board of Town Commissioners and shall serve without compensation apart from continuing education on planning matters. The term of each member, except any ex-officio member, shall be five (5) years or until a successor takes office.
- B. Removal and Vacancies. After a public hearing, members may be removed by the Board of Town Commissioners for inefficiency, neglect of duty or malfeasance in office. The Board of Town Commissioners shall file a written statement of reasons for the removal. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Board of Town Commissioners.
- C. Officers, Chair and Vice-Chair. A Chair and Vice-Chair shall be elected annually by a majority vote of the Planning Commission and shall serve for the calendar year. The Planning Commission shall elect officers at its first regular meeting of each year.
- D. Alternate. The Alternate serves as a member with all the associated obligations and authority only when a regular member cannot attend a meeting.
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E. Duties. The duties and powers of the officers of the Planning Commission shall be as follows:

1. Duties of Chair:

- a. Preside at all meetings of the Board of Appeals and regulate the course of the meeting and rule upon procedural matters and objections made during the course of the meeting.
- b. Call special meetings of the Planning Commission in accordance with the Rules and Regulations.
- c. Sign documents of the Planning Commission.
- d. See that all actions of the Planning Commission are properly executed.
- e. Appoint any member to serve as an ex-officio member of any committee formed by the Planning Commission.
- f. Cancel meetings or amend agenda of the Commission when circumstances require, such as inclement weather, incomplete submission or lack of a quorum.

2. Duties of the Vice-Chair: The Vice-Chair shall assume the Chair in the absence, disability, or disqualification of the Chair and shall assume all duties regularly performed by the Chair and be subject to all responsibilities of the Chair including signature of documents.

Section III. Meetings

A. Time of Meetings

1. Regular Meetings. Regular meetings of the Planning Commission shall be held each month on the first Thursday at 7:00 p.m. in the Town Hall. The first regular meeting of the year shall constitute the annual organization meeting of the Commission.
2. Special Meetings. Special meetings of the Planning Commission, when necessary, may be called by the Chair at their discretion, and as the Planning Commission may determine, or upon written notice of two (2) members.

B. Notice of Meetings

1. Notice of Regular Meetings. At least seven (7) days' notice of the time set for regular meetings shall be given each member.

2. Notice of Special Meetings. At least seven (7) days' notice of the time set for a special meeting shall be given each member.
 3. Notice of Affected Parties. At least seven (7) days' notice of the time set forth for such meetings shall be given, by first-class mail, to each party or person affected in matters scheduled for consideration by the Planning Commission and the agenda posted at Town Hall and the Town website for public review.
- C. Cancellation of Meetings. Whenever there are no matters or other important business to be considered at any regular meeting, the Director of Planning (Zoning Administrator) may dispense with such meeting by notifying the Planning Commission and any other parties who may have been given notice of such meeting not less than forty-eight (48) hours prior to the time set for the meeting. The Director of Planning will keep the Planning Commission members apprised of pending meetings or the cancellation of meeting. State law requires that the Planning Commission meet at least once each quarter unless the Chair cancels the meeting.
- D. Withdrawal of Application. The applicant may withdraw their submission to the Planning Commission forty-eight (48) hours prior to the meeting for any reason by submitting a request in writing. Should the request come with less than 48 hours' notice, then the Chair must decide if the agenda item can be removed on such short notice without causing inconvenience to the public and other interested persons.
- E. Non-Attendance by Member. Any member of the Planning Commission who has knowledge of the fact that he/she will not be able to attend a scheduled meeting of the Planning Commission shall notify the Planning Department at the earliest possible opportunity and, in any event, prior to 12:00 p.m. on the date of the meeting. The Director of Planning shall notify the Chair if the projected absence(s) will produce a lack of quorum.
- F. Conduct of Meetings
1. Attendance. All meetings of the Planning Commission shall be open to the public unless determined by the Commissioners to meet the requirements of a closed session based on the Maryland Open Meetings Act.
 2. Quorum. A majority of the members of the Planning Commission entitled to vote shall constitute a quorum for the transaction of business.

3. Order of Business. The order of business at regular meetings shall be substantially as follows:
 - a. Call to Order
 - b. Approval of Minutes from the previous meeting(s)
 - c. Unfinished Business – Consideration of development applications continued from previous meetings
 - d. New Business - Consideration of new development applications
 - (1) Staff Report
 - (2) Applicant to present case and answer any questions posed by the Planning Commission.
 - (3) At its discretion, the Planning Commission may accept public comment.
 - (4) If public comment presented, the applicant shall be allowed to provide rebuttal or closing argument.
 - (5) Planning Commission members may question proponents, opponents, the public or staff.
 - (6) Motion, Second, Commissioner discussion and Vote
 - e. Miscellaneous Business
 - f. Chair closes meeting

Note: Chair may change agenda items for the expeditious conduct of business.
4. Rules. Roberts Rules of Order shall be used as a guideline for conducting the business of the Planning Commission, subject to the discretion of the Chair.
5. Standing. In addition to the applicant, evidence and testimony may be presented by persons with standing. For purposes of Commission hearings, persons with standing shall be defined as: Owners of property within the Town; Residents of the Town; any other persons not identified above whose personal or property interest may be specifically affected by the granting or denial of the application may participate and have the same rights to present evidence or speak as are afforded to the applicant. This does not confer standing to appeal unless approved by the court.
6. Questions. All speakers and participants shall address questions to the Chair who may respond or request a response from the applicant, Commission members or staff, as appropriate. Each person shall clearly state their name and address prior to asking the question or making a statement. Any member of the Commission, with recognition of the Chair, may question any speaker or witness about their testimony.

7. Continuation. A hearing may be recessed or continued, and a decision may be tabled from time to time if not in violation of the Bel Air Town Charter, Bel Air Development Regulations or the Land Use Article of the Annotated Code of Maryland.
8. Voting. On any question put to a vote, each member shall verbally cast a vote unless excused by reason of a personal or private interest in the matter under consideration in which case that member may abstain from voting.
9. Minutes. The recording secretary shall keep minutes of the Planning Commission proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact. The minutes of each proceeding shall be approved by the Commission and shall be signed by the Chair.
10. Conflict of Interest. Any member of the Planning Commission who feels they have a conflict of interest on any matter that it is on the Planning Commission agenda shall voluntarily recuse themselves, vacate their seat and refrain from discussing and voting on the item(s) as a Planning Commission member.
11. Waiver. The Planning Commission may waive a code requirement or portion thereof only if specifically permitted in the Development Regulations.

Section IV. Staff Support to Planning Commission

- A. A Staff Report shall be provided by the Director of Planning or their designee for every application to the Planning Commission. Staff shall advertise all cases in a local newspaper of general circulation. Special Development cases require notification of adjacent property owners by mail and posting a zoning notice on the property. The staff shall insure that a recording secretary is available for all cases before the Commission.
- B. It shall be the charge of the Director of Planning to obtain technical assistance for the Commission, as needed, from other departments and agencies including Harford County Planning & Zoning, Bel Air Department of Public Works, Bel Air Volunteer Fire Company, Office of the Fire Marshall, Bel Air Police Department, Harford County Public Schools, Harford Soil Conservation, Harford County Health Department, State Highway Administration and any other agency deemed appropriate, including outside private consultants (i.e. traffic, architecture, engineering, etc.)

- C. The recording secretary shall keep a record, including the name and address of all persons who participate; shall record and prepare minutes of the proceedings including the person on the Commission making a motion; the person seconding that motion, shall record the vote; and record the time of opening and adjournment of the Commission. The recording secretary shall provide written minutes of the Commission proceedings prior to the next regularly scheduled meeting.

Section V. Determinations

- A. Decision. Within sixty (60) days of the closing of public input, unless an extension is agreed upon in writing by all parties, the Commission shall make its decision and give notice of the decision.
- B. Form of Decision. Final decisions of the Planning Commission shall be made in writing in the form of a decision duly entered and signed by the Chair, the Vice-Chair, or their designated representative.
- C. Conditions Imposed. Whenever the Commission imposes any condition of a decision, such condition must be stated in the written order of the Commission. Such written order shall remain valid only if the condition or conditions upon which it was granted exist.
- D. Notice of Decision. All parties of interest shall receive a copy of the written decision of the Planning Commission.
- E. Counter Signature. The applicant has a maximum of sixty (60) calendar days to countersign the approval indicating they agree to comply with all conditions attached to the approval.
- F. Appeal. The applicant or any person with standing concerning a case before the Planning Commission may appeal the decision to Circuit Court within thirty (30) days of the written decision.

Section VI. Records

- A. Required Records. The Planning Commission shall keep a record of its decisions, transactions, findings and determinations; this record shall be public record apart from any closed sessions.
- B. Maintenance of Records. The Town Planning Department or its designee shall be the custodian of the Planning Commission records and shall file such in the office of the Town. All minutes of meetings and records of other official action shall be a public record except for any closed sessions.
- C. Recordings. All recordings of Commission proceedings shall be preserved for a period of at least one (1) year.
- D. Approval of minutes. Minutes of any meeting are considered 'draft' and not posted on the Town website or entered into record until they are approved at a subsequent meeting of the Planning Commission.
- E. Maintenance of Docket. The Town Planning Department or its designee shall: Maintain a docket, post the agenda on the Town website and Town Hall for public review; Note each application under an appropriate caption; and Shall record thereafter by suitable and appropriate entries the decisions on the application.

Section VII. Adoption and Amendment of Rules and Regulations

- A. Adoption. These Rules and Regulations shall hereby be adopted when approved by a majority of the Planning Commission members.
- B. Amendment. The Planning Commission may from time to time amend any part or parts of these Rules and Regulations by a majority vote of the Planning Commission members.

Adopted by the Bel Air Planning Commission on _____, 2021

ATTEST:

PLANNING COMMISSION MEMBERS

Zoning Administrator
Kevin L. Small

Lois K. Kelly

Peter J. Schlehr

Philip J. Raub

Keith L. Powell

Arthur D. Coates, Jr.

Daniel W. Gray

Signature

Printed Name

APPENDIX B

OPEN MEETINGS ACT
(Summary)

2021

TOWN OF BEL AIR PLANNING COMMISSION
BEL AIR, MARYLAND

**COMPLIANCE CHECKLIST
FOR MEETINGS SUBJECT TO THE MARYLAND OPEN MEETINGS ACT**

Name of public body _____ Date of Meeting: _____

1. ___ Did you give “reasonable advance notice” and keep a copy or screenshot?
2. ___ Did you make an agenda available when notice was posted, or, if not yet determined, as soon as practicable, but at least 24 hours before the meeting?
3. ___ Did you make arrangements for the public to attend?
4. ___ Is someone prepared to keep minutes in writing or, otherwise, to run the equipment for minutes in the form of live and archived video or audio streaming?
5. ___ If part of this meeting might be closed to the public, have you first:
 - ___ Made sure that the public body has designated a member to take training in the Act?
 - ___ Made sure that the topic to be discussed falls entirely within one or more of the “exceptions” that allow the closed session? (see the other side for the list)
 - ___ Given notice of the open meeting to be held right before the closed session, so that the presiding officer can hold the required public vote to close?
 - ___ Made sure that the initial open meeting will be attended by a member designated to take training in the Act, and, if a designated member cannot attend, made sure that the public body is ready to complete this compliance checklist at the open meeting and keep it to attach to the minutes?
 - ___ Equipped the presiding officer to prepare a written statement with the required disclosures?
 - ___ Equipped the presiding officer to limit the closed session discussion to the exceptions and topics cited on the written closing statement?
 - ___ Arranged for closed-session minutes to be kept and adopted as sealed?
 - ___ Equipped someone in the closed session to keep a record of each item of information that must be disclosed in the minutes of the next open meeting. (for the list, see the model closing statement).
 - ___ For a meeting recessed to hold a closed administrative session, arranged to

disclose, in the minutes of the next open meeting, the date, time, and place, persons present, and subjects discussed?

6. _____ Have you arranged for the preparation, the adoption as soon as practicable, and posting online if practicable, of minutes of the open meeting, including summaries of any prior closed sessions, and this form (when required), completed on this side?

EXEMPTIONS PERMITTED UNDER STATE LAW
CLOSED SESSION
Bel Air Planning Commission

START TIME: _____ END TIME: _____

PLACE: _____

SUBJECT: _____

AUTHORITY: ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS
ARTICLE, SECTION 3-305(b)

PURPOSE: To Discuss

- _____ 1. The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal or resignation of appointees, employees or officials over whom it has jurisdiction; or any other personnel matter that affects 1 or more specific individuals.
- _____ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- _____ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- _____ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the state;
- _____ 5. To consider the investment of public funds;
- _____ 6. To consider the marketing of public securities;
- _____ 7. To consult with counsel to obtain legal advice;
- _____ 8. To consult with staff, consultants or other individuals about pending or potential litigation;

- _____ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- _____ 10. To discuss public security, if the public body determines that public discussion would constitute a risk to the public or public security, including:
 - a. the deployment of fire and police services and staff; and
 - b. the development and implementation of emergency plans;
- _____ 11. To prepare, administer or grade a scholastic, licensing or qualifying examination;
- _____ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct;
- _____ 13. To comply with a specific constitutional, statutory or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
- _____ 14. To discuss, before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- _____ 15. To discuss cybersecurity, if the public body determines that public discussion would constitute a risk to:
 - a. security assessments or deployments relating to information resources technology;
 - b. network security information, including information that is:
 - i. Related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a governmental entity;
 - ii. Collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or
 - iii. Related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity; or
 - c. deployments or implementation of security personnel, critical infrastructure, or security devices.

APPENDIX C

CODE OF ETHICS

2021

TOWN OF BEL AIR PLANNING COMMISSION
BEL AIR, MARYLAND

Chapter 43 Ethics, Code of

[HISTORY: Adopted by the Board of Town Commissioners of the Town of Bel Air 3-19-2012 by Ord. No. 749-12. Amendments noted where applicable.]

GENERAL REFERENCES

Personnel — See Ch. 82.

§ 43-1 Applicability.

[Amended 11-5-2012 by Ord. No. 755-12]

The provisions of this chapter apply to all officials, candidates, employees, and appointees to boards and commissions of the Town of Bel Air.

§ 43-2 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUSINESS ENTITY

Any partnership, association, corporation, firm, institution, trust, foundation, sole proprietor, or other organization (except the state and the Town of Bel Air or any agency thereof), whether or not operated for profit.

CANDIDATE

A person filing for election to a municipal office.

COMPENSATION

Money or any other valuable thing, regardless of form, received or to be received by a person from an employer for services rendered.

FINANCIAL INTEREST

Ownership of an interest as the result of which the owner has received within the past three years, is currently receiving, or in the future is entitled to receive, more than \$1,000 per year; or an official, employee or spouse of an official or employee has ownership of more than 3% of a business entity.

GIFT

The transfer of anything of economic value, regardless of form, without adequate and lawful consideration. A gift does not include the solicitation, acceptance, receipt, or regulation of a political contribution that is regulated in accordance with the Election Law Article of the Annotated Code of Maryland or any other state law regulating the conduct of elections or the receipt of political contributions.

INTEREST

Any legal or equitable economic interest that is owned or held, in whole or in part, jointly or severally, directly or indirectly, whether or not the economic interest is subject to an encumbrance or condition. However, "interest" shall not include an interest held in the capacity of an agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter; an interest in a time or demand deposit in a financial institution; an interest in exchange-traded funds (like a mutual fund); an interest in an insurance policy, endowment policy, or annuity contract by which an insurer promises to pay a fixed amount of money in a lump sum or periodically for life or some other specified period; or a common trust fund or a trust that forms part of a pension or a profit-sharing plan that has more than 25 participants and is determined by the IRS to be a qualified trust or college savings plan under the Internal Revenue Code.

[Amended 12-3-2018 by Ord. No. 787-18]

OFFICIAL or EMPLOYEE

Any Town Commissioner of the Town of Bel Air or person employed by and receiving compensation from the Town of Bel Air in any capacity; or on boards or commissions of the Town.

[Amended 11-5-2012 by Ord. No. 755-12]

QUALIFYING RELATIVE

A spouse, parent, child or sibling.

REAL PROPERTY

Land owned, leasehold interest, or option to purchase.

TOWN AGENCY

Any Town office, department, institution, board, commission or corporation which is recognized as a branch or segment of Town government, either by the Town Charter or by any ordinance or resolution of the Town.

[Amended 11-5-2012 by Ord. No. 755-12]

TRANSACTION INVOLVING THE TOWN OF BEL AIR

Any proceeding, application, submission, request for filing or other determination, any contract, claim or case, any sale or purchase, any computer transfer of moneys or information, or other such matter that the Town of Bel Air or any of the agencies, boards, commissions and offices thereof may be a party to or in which the Town of Bel Air may reasonably be expected to be a party.

[Amended 11-5-2012 by Ord. No. 755-12]

§ 43-3 Board of Ethics.

- A. The Board of Ethics is hereby established for the purpose of administering this Code of Ethics and recommending necessary changes to the Board of Town Commissioners from time to time. The Board of Ethics shall consist of five Town of Bel Air residents, not less than 21 years of age, who shall be appointed by the Board of Town Commissioners of Bel Air. Members shall serve staggered four-year terms and shall be removed only for cause. No member of the Board shall be otherwise an official or employee of the Town of Bel Air, nor shall any member receive compensation.

- B. The Board of Ethics of Bel Air shall:
 - (1) Devise, receive, and maintain all forms required by this chapter.
 - (a) Forms include:
 - [1] Conflict of interest form.
 - [2] Financial disclosure form.
 - [3] Gifts disclosure form.
 - [4] Lobbying registration form.
 - (b) Completed forms will be received by the Town Clerk and forwarded to the Board of Ethics within 10 days of receipt.
 - (c) All completed forms will be maintained on file at the Town Clerk's office for a period of four years.
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them.
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter.
 - (4) Conduct a public information program regarding the purposes and application of this chapter.

- C. The Town Attorney shall advise the Board of Ethics.

- D. The Board of Ethics shall certify to the State Ethics Commission, on or before October 1 of each year, that the Town is in compliance with the requirements of State Government Article, Title 15, Subtitle 8, Annotated Code of Maryland, for elected local officials.

- E. The Board of Ethics shall determine if changes to this chapter are required to be in compliance with the requirement of State Government Article, Title 15, of the Annotated Code of Maryland, and shall forward any recommended changes and amendments to the Bel Air Board of Town Commissioners for enactment.
- F. The Board of Ethics may adopt other policies and procedures to assist in the implementation of the programs established in this chapter.

§ 43-4 Conflicts of interest.

A. Participation prohibitions.

(1) Except as permitted by the regulations or opinion of the Board of Ethics of the Town of Bel Air, an official or employee may not participate in:

(a) Any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee, has an interest, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter.

(b) Any matter in which any of the following is a party, except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter:

[1] A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;

[2] A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;

[3] A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative of the official or employee is negotiating employment or has any arrangement concerning prospective employment;

[4] A business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative, if the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee;

[5] A business entity doing business with the Town in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or

[6] A business entity:

[a] Which the official or employee knows is a creditor or obligee of the official or employee or of a qualified relative of the official or employee with respect to a thing of economic value; and

[b] In which a creditor or obligee of the official or employee or of a qualified relative of the official or employee is in a position to directly and substantially affect the interest of the official or employee or of a qualified relative of the official or employee.

(c) A case, contract, or other specific matter, legislative or otherwise, for one calendar year after terminating their lobbyist registration(s) if they previously assisted or represented another party in the matter. [Added 12-3-2018 by Ord. No. 787-18]

[1] Does not apply to uncompensated or minimally compensated elected or appointed officials or employees earning less than \$4,000 in a twelve-month period.

(2) A person who is disqualified from participating under Subsection A(1)(a) and (b) shall disclose the nature and circumstances of the conflict using a conflict of interest form sufficiently in advance of the action and may participate or act if:

(a) The disqualification leaves a body with less than a quorum capable of acting;

(b) The disqualified official or employee is required by law to act; or

(c) The disqualified official or employee is the only person authorized to act.

(3) The prohibitions of Subsection A(1)(a) and (b) do not apply if participation is allowed by regulation or opinion of the Board of Ethics.

B. Employment and financial interest restrictions.

(1) Except as permitted by regulation of the Board of Ethics, when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:

(a) Be employed by or have a financial interest in an entity: [Amended 11-5-2012 by Ord. No. 755-12]

[1] Subject to the authority of the official or employee or the Town agency, board or commission with which the official or employee is affiliated; or

[2] Which is negotiating or has entered a contract with the agency, board or commission with which the official or employee is affiliated; or

(b) Hold any other employment or relationship which would impair the impartiality or independence of judgment of the official or employee.

(2) This prohibition does not apply to:

(a) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;

(b) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Board of Ethics; [Amended 11-5-2012 by Ord. No. 755-12]

(c) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Board of Ethics; or

(d) Employment or financial interests allowed by regulation of the Board of Ethics if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

C. Post-employment limitations and restrictions.

(1) A former official or employee may not assist or represent any party other than the Town for compensation in a case, contract, or other specific matter involving the Town if that matter is one in which the former official or employee significantly participated as an official or employee.

(2) Until the conclusion of the next regularly scheduled meeting of the Board of Town Commissioners that begins after the elected official leaves office, a former official or member of the Bel Air Board of Town Commissioners may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(3) Elected or appointed Town officials and employees may not engage in lobbying legislative matters for one calendar year after leaving office or employment with the Town of Bel Air. [Added 12-3-2018 by Ord. No. 787-18]

- D. Contingent compensation. Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation (i.e., dependent or conditioned by something happening) in any matter before or involving the Town.
- E. Use of prestige of office.
- (1) An official or employee may not intentionally use the prestige of the office or public position for the private gain of that official or employee or the private gain of another.
 - (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.
 - (3) An official or employee may not inappropriately influence the award of a government contract to a specific person. [Added 12-3-2018 by Ord. No. 787-18]
 - (4) An official or employee may not initiate a solicitation for a person to retain the compensated services of a particular lobbyist or firm. [Added 12-3-2018 by Ord. No. 787-18]
 - (5) An official or employee may not use public resources or title to solicit a political contribution regulated in accordance with the State of Maryland Election Law Article. [Added 12-3-2018 by Ord. No. 787-18]
- F. Solicitation and acceptance of gifts.
- (1) An official or employee may not solicit any gift.
 - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
 - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (a) Is doing business with or seeking to do business with the Town office, agency, board or commission with which the official or employee is affiliated; [Amended 11-5-2012 by Ord. No. 755-12]
 - (b) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (c) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (d) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.

- (4) Notwithstanding Subsection F(3) of this subsection, an official or employee may accept the following:
- (a) Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - (b) Ceremonial gifts or awards that have insignificant monetary value;
 - (c) Unsolicited gifts of nominal value that do not exceed \$20 in cost or trivial items of informational value;
 - (d) Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - (e) Gifts or tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - (f) A specific gift or class of gifts that the Board of Ethics exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the Town and that the gift is purely personal and private in nature;
 - (g) Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - (h) Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- (5) Subsection F(4) does not apply to a gift:
- (a) That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - (b) Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - (c) Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.

- G. Disclosure of confidential information. Other than in the discharge of official duties, an official or employee may not disclose or use confidential information that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- H. Participation in procurement.
 - (1) An individual or a person that employs an individual who assists a Town agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The Board of Ethics may establish exemptions from the requirements of this section for providing descriptive literature, sole-source procurements, and written comments solicited by the procuring agency.

§ 43-5 Financial disclosure: elected officials (incumbents) and candidates to be elected officials.

This section applies to all elected officials and candidates to be elected officials.

- A. Except as provided in Subsection **C** of this section, an elected official or a candidate to be an elected official shall file the financial disclosure form, provided by the Board of Ethics, required under this section:
 - (1) Under oath or affirmation; and
 - (2) With the Board of Ethics.
- B. Deadlines for filing financial disclosure forms.
 - (1) An incumbent elected official shall file a financial disclosure form annually, no later than April 30 of each year for the preceding calendar year.
 - (2) An individual who is appointed to fill a vacancy in an office for which a financial disclosure form is required and who has not already filed the form shall file a financial disclosure form for the preceding calendar year within 30 days after appointment.
 - (3) An individual who, other than by reason of death, leaves an office for which a financial disclosure form is required shall file the complete form within 60 days after leaving the office.

C. The statement shall cover:

- (1) The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- (2) The portion of the current calendar year during which the individual held the office.

D. Candidates to be elected officials.

- (1) Except for an official who has filed a financial disclosure form under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure form each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected official shall file a financial disclosure form required under this section:
 - (a) In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy; or
 - (b) If the year of the election is different from the year the certificate of candidacy was filed, on or before April 30; and
 - (c) In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official:
 - (a) May file the required financial disclosure form under Subsection D(2)(a) of this section with the Town Clerk or Board of Ethics with the certificate of candidacy or prior to filing the certificate of candidacy; and
 - (b) Shall file the financial disclosure form required under Subsection D(2)(b) and (c) of this section with the Board of Ethics.
- (4) If a candidate fails to file a financial disclosure form required by this section after written notice is provided by the Town Clerk or Board of Ethics, the candidate is deemed to have withdrawn the candidacy.
- (5) The Town Clerk and Board of Ethics may not accept any certificate of candidacy unless a financial disclosure form has been filed in proper form.
- (6) Within 10 days of the receipt of a financial disclosure form required under this section, the Town Clerk shall forward the statement to the Board of Ethics.

E. Public record.

- (1) The Town Clerk's office shall maintain all completed financial disclosure forms filed under this section.
- (2) Financial disclosure form shall be made available during normal office hours for examination and copying by the public, subject to administrative procedures and reasonable fees, as established in the Town's Fee Schedule passed by the Board of Town Commissioners.
- (3) If an individual examines or copies a financial disclosure form, the Town Clerk shall record:
 - (a) The name and home address of the individual reviewing or copying the statement; and
 - (b) The name of the person whose financial disclosure form was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure form was examined or copied, the Board of Ethics shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure form.
- (5) Retention requirements. The Town Clerk's office shall retain financial disclosure forms for four years from the date of receipt.
- (6) The home address of the elected official or candidate to be an elected official, as identified by the individual, shall be redacted prior to making it publicly available. This applies to all disclosure statements, whether posted on the internet or viewable only in the office. [Added 12-3-2018 by Ord. No. 787-18]

F. Contents of financial disclosure forms from incumbents and elected officials.

- (1) Interests in real property. A financial disclosure form filed under this section shall include a schedule of all interests in real property, wherever located. For each interest in real property, this schedule shall include:
 - (a) The nature of the property and the location, by street address, mailing address or legal description, of the property.
 - (b) The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - (c) The date when, the manner in which, and the identity of the person from whom the interest was acquired;

- (d) The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - (e) If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - (f) The identity of any other person with an interest in the property.
- (2) Interest in corporations and partnerships. A financial disclosure form filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the Town.
- (a) Interests reported under this subsection need not include exchange-traded funds (ETF), such as mutual funds. [Added 12-3-2018 by Ord. No. 787-18]
 - (b) For each interest reported under this subsection, the schedule shall include:
 - [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - [3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred; and
 - [4] With respect to any interest acquired during the reporting period:
 - [a] The date when, the manner in which and the identity of the person from whom the interest was acquired; and
 - [b] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- (c) An individual may satisfy the requirement to report the amount of the interest held by reporting, instead of a dollar amount:
 - [1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - [2] For an equity interest in a partnership, the percentage of equity interest held.

- (3) Interests in business entities doing business with the Town. A financial disclosure form filed under this section shall include a schedule of all interests in any business entity that does business with the Town, other than interests reported under Subsection **F(2)**. For each interest reported under this subsection, the schedule shall include:
 - (a) The name and address of the principal office of the business entity;
 - (b) The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 - (c) With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 - (d) With respect to any interest acquired during the reporting period:
 - [1] The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - [2] The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- (4) Gifts. A gift disclosure form filed annually under this section shall include a schedule of each gift in excess of \$20 in value or a series of gifts totaling \$100 or more received on or before April 30 of each year from or on behalf of, directly or indirectly, any one person who does business with or is regulated by the Town. For each gift reported, the schedule shall include:
 - (a) A description of the nature and value of the gift; and
 - (b) The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

- (5) Employment with or interests in entities doing business with the Town. A financial disclosure form filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the Town. For each position reported under this subsection, the schedule shall include:
 - (a) The name and address of the principal office of the entity;
 - (b) The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - (c) The name of each Town agency with which the entity is involved.
- (6) Indebtedness to entities doing business with the Town. A financial disclosure form filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the Town owed at any time during the reporting period:
 - (a) By the individual; or
 - (b) By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (7) For each liability reported under this subsection, the financial disclosure form shall include:
 - (a) The identity of the person to whom the liability was owed and the date the liability was incurred;
 - (b) The amount of the liability owed as of the end of the reporting period;
 - (c) The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - (d) The security given, if any, for the liability.
- (8) A financial disclosure form filed under this section shall include a schedule of the immediate family members of the individual employed by the Town in any capacity at any time during the reporting period.

- (9) Sources of earned income.
- (a) A financial disclosure form filed under this section shall include a schedule of:
- [1] The name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was sole or partial owner and from which the individual or a member of the individual's immediate family received earned income, at any time during the reporting period.
- (b) A minor child's employment or business ownership need not be disclosed if the Town does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- (c) An elected or appointed official or employee, or candidate for such position, of the Town of Bel Air, whose spouse is or was a regulated lobbyist, within one calendar year of said position or candidacy, must disclose the entity or entities that engaged the spouse to lobby. [Added 12-3-2018 by Ord. No. 787-18]
- (10) A financial disclosure form filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

§ 43-6 Financial disclosure: employees and appointed officials.

A. This section applies to the following employees:

[Amended 11-5-2012 by Ord. No. 755-12]

- (1) Town Administrator.
- (2) All department heads.
- (3) All deputy department heads.
- (4) All information technology personnel.
- (5) Armory Facilities Manager.
- (6) Financial Officer.
- (7) All planners.
- (8) Chief of Operations.
- (9) Facilities Manager.
- (10) Assistant Chief of Operations.

(11) Shop Supervisor.

(12) Sanitation Supervisor.

- B. A financial disclosure form under this section shall be filed with the Board of Ethics under oath or affirmation.
- C. On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a gift disclosure form disclosing gifts, as defined in § 43-4, that were received during the preceding calendar year from any person that contracts with or is regulated by the Town, including the name of the donor of the gift and the approximate retail value at the time of receipt.
- D. Submitting a conflict of interest form to the Board of Ethics, an official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
- E. The Board of Ethics shall maintain all financial disclosure forms filed under this section as public records available for public inspection and copying as provided in § 43-5E, entitled "Public Records," and § 43-5E(5), entitled Retention Requirements, of this chapter.
- F. For the purpose of § 43-5F of this chapter, the following interests are considered to be the interests of the individual completing the financial disclosure form:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a 30% or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (a) The individual held a reversionary interest or was a beneficiary; or if a revocable trust, the individual was a settlor.
 - (4) An interest disclosed under this subsection need not include exchange-traded funds (ETF), such as mutual funds. [Added 12-3-2018 by Ord. No. 787-18]
 - (5) Indebtedness disclosed under this subsection only applies to debts to entities doing business with or regulated by the individual's governmental unit. [Added 12-3-2018 by Ord. No. 787-18]

- G. The Board of Ethics shall review the financial disclosure forms submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the form of any omissions or deficiencies.
- H. The Town Board of Ethics may take appropriate enforcement action to ensure compliance with this section.
- I. The home address of the employee or appointed official, as identified by the individual, shall be redacted prior to making it publicly available. This applies to all disclosure statements, whether posted on the internet or viewable only in the office.
[Added 12-3-2018 by Ord. No. 787-18]
- J. An elected or appointed official or employee, or candidate for such position, of the Town of Bel Air, whose spouse is or was a regulated lobbyist, within one calendar year of said position or candidacy, must disclose the entity or entities that engaged the spouse to lobby. [Added 12-3-2018 by Ord. No. 787-18]

§ 43-7 Lobbying.

- A. A lobbyist shall file a lobbying registration form with the Board of Ethics on or before the later of January 15 of the calendar year or within five days after first performing an act that requires registration in the calendar year with the Board of Ethics if the person:
 - (1) Personally appears before a Town official or employee with the intent to influence that person in the performance of the official duties of the official or employee; and
 - (2) In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$100 on food, entertainment, or other gifts for officials or employees of the Town.
- B. The lobbying registration form covers a defined registration period, not to exceed one calendar year, and shall identify:
 - (1) The registrant;
 - (2) Any other person on whose behalf the registrant acts; and
 - (3) The subject matter on which the registrant proposes to make appearances specified in this section.
- C. Within 30 days after the end of any calendar year during which a person was registered under this section, the person shall file a written report with the Board of Ethics disclosing:
 - (1) The value, date, and nature of any food, entertainment or other gift provided to a Town official or employee; and

- (2) If a gift or series of gifts to a single official or employee exceeds \$100 in value, the identity of the official or employee.
- D. The Board of Ethics shall maintain the registrations and reports filed under this section as public records available for public inspection and copying at the Town Clerk's office for four years after receipt by the Board of Ethics.
- E. A lobbyist who serves on a Town of Bel Air board, commission, or committee must submit financial disclosure forms that mirror the forms for elected officials. [Added 12-3-2018 by Ord. No. 787-18]

§ 43-8 Exemptions and modifications.

[Amended 11-5-2012 by Ord. No. 755-12]

The Board of Ethics may grant exemptions and modifications to the provisions of §§ 43-4 and 43-6 of this chapter to employees and to appointed members of the Town Board and commissions when the Board of Ethics finds that an exemption or modification would not be contrary to the purposes of this chapter and the application of this chapter would:

- A. Constitute an unreasonable invasion of privacy; and
- B. Significantly reduce the availability of qualified persons for public service.

§ 43-9 Enforcement.

- A. The Board of Ethics may issue a cease-and-desist order against any person found to be in violation of this chapter.
- B. Upon a finding of a violation of any provision of this chapter, the Board of Ethics may:
 - (1) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (2) Issue a reprimand; or
 - (3) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- C. If the Board of Ethics finds that a respondent has violated § 43-7 of this chapter, the Board of Ethics may:
 - (1) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under § 43-7 of this chapter;

- (2) Suspend the registration of an individual registered lobbyist if the Board of Ethics finds that the lobbyist has knowingly and willfully violated § 43-7 of this chapter or has been convicted of a criminal offense arising from lobbying activities.
- D. Upon request of the Board of Ethics, the Town Attorney may file a petition for injunctive or other relief in the Circuit Court of Harford County, or in any other court having proper venue, for the purpose of requiring compliance with the provisions of this chapter.
- E. The court may:
 - (1) Issue an order to cease and desist from the violation;
 - (2) Void an official action taken by an official or employee with a conflict of interest prohibited by this chapter when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public.
- F. The court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- G. In addition to any other enforcement provisions in this chapter, a person who the Board of Ethics or a court finds has violated this chapter:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Board of Ethics or a court.
- H. The Town official or employee found to have violated this chapter is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- I. Violation of § 43-7 of this chapter shall be a misdemeanor.
- J. Fines of § 43-5, 43-6, or 43-7 shall be approved by a resolution that is passed by the Board of Town Commissioners.
- K. A finding of a violation of this chapter by the Board of Ethics is public information.

APPENDIX D

PLANNING COMMISSION PROCESS CHARTS AND SAMPLE MOTIONS

2021

TOWN OF BEL AIR PLANNING COMMISSION
BEL AIR, MARYLAND



POWERS OF THE PLANNING COMMISSION

§ 165-19 Planning Commission.

The Planning Commission, as established by the Bel Air Town Code, consists of five members and one alternate appointed by the Board of Town Commissioners. The term of each member shall be five years or until his successor takes office. The Chair is elected annually by the Planning Commission. After public hearing, members may be removed by the Board of Town Commissioners for inefficiency, neglect of duty, or malfeasance in office. The Planning Commission is charged with the following powers and duties:

- A. Prepare, approve and recommend to the Board of Town Commissioners adoption of the Town of Bel Air Comprehensive Plan.
- B. Prepare, approve and recommend Town of Bel Air Comprehensive Plans for major geographic sections or divisions of the Town to the Board of Town Commissioners for adoption.
- C. Promote public interest in and understanding of the Town of Bel Air Comprehensive Plan.
- D. Recommend to the Board of Town Commissioners programs for public structures, improvements and land acquisition and their financing.
- E. Consult public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens, as deemed necessary, with relation to protection or execution of the plan.
- F. Recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein. Make a preliminary report and hold at least one public hearing before submitting proposed zoning districts and regulations to the Board of Town Commissioners for approval.
- G. Advise the Board of Town Commissioners on changes in zoning, annexations and transportation plans.
- H. Review and take appropriate action on site plans, landscape plans and subdivision plats, along with other pertinent plans, plats and materials, based on compliance with the Town of Bel Air Development Regulations and standards herein. **[Amended 4-3-2017 by Ord. No. 780-17]**

- I. Prepare regulations governing subdivision of land within the Town limits; approve or deny proposed subdivision plats and resubdivision of existing record lots. All plats must bear the signature of the Chair before legal recording among the land records of Harford County.
- J. Make, alter or rescind rules and forms for its procedures, consistent with 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]**
- K. File its minutes, decisions and other records in the Planning Office of the Town and maintain them as public record.
- L. Make recommendations and an annual report to the Board of Town Commissioners and the Maryland Department of Planning, concerning operation of the Commission and the status of planning in Bel Air.
- M. Prepare, publish and distribute reports, ordinances, and other materials related to its activities.

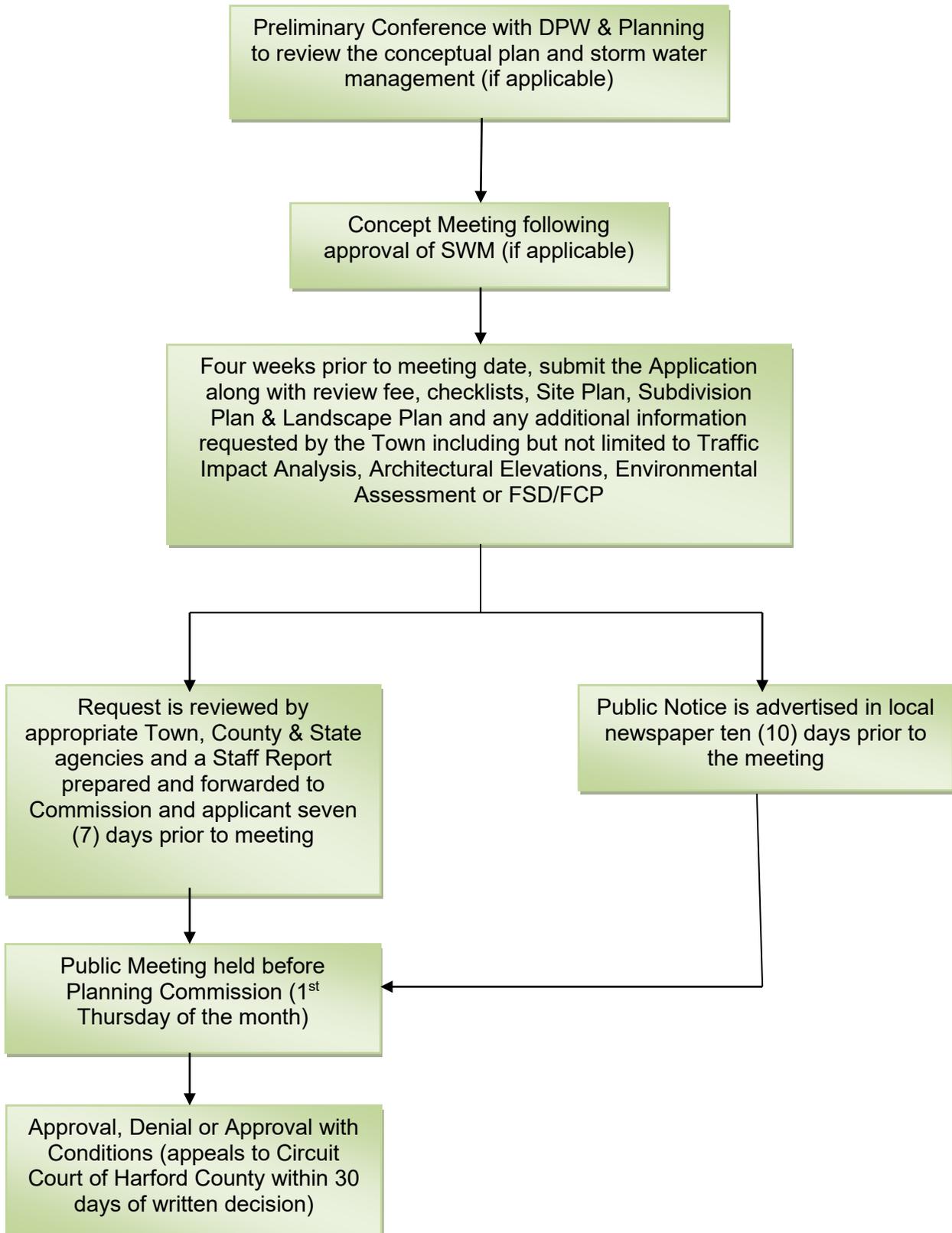
PROCEDURES

Site Plan, Landscape Plan & Subdivision Plan

Site Plan and Subdivision Plan procedures are specified in Article XI of the Town of Bel Air Development Regulations and shall be submitted as follows:

1. An engineered Site Plan meeting all requirements listed in Appendix A of the Development Regulations.
2. A Landscape Plan per Article VIII of the Town of Bel Air Development Regulations and adhering the applicable checklist.
3. If applicable, a Lighting Plan per Article XVI, Section 165-118.F.3 of the Town of Bel Air Development Regulations.
4. A complete and signed Planning Commission application outlining details of the proposed project. Include a list of all persons/entities having equitable interest in the subject property. The application must be signed by the property owner or include an owner authorization.
5. If the project is subject to performance standards or within an overlay district, an annotated checklist addressing all applicable performance standards must accompany the application
6. If applicable, an Environmental Impact Assessment Report per Article VI of the Town of Bel Air Development Regulations – or – A Forest Conservation Plan (FCP) indicating existing tree location and proposed tree retention or removal per Article VI, Section 165-45 of the Town of Bel Air Development Regulations. An approved Forest Stand Delineation (FSD) is a prerequisite to submission.
7. If applicable, submission of a Traffic Impact Analysis (TIA) per Section 165-118.D.
8. If applicable, submission of colored Architectural Elevations per Section 165-118.A(6)
9. If applicable, a Public Amenity concept per Section 165-118.E(1) must be reviewed by the Cultural Arts Commission prior to project submission.
10. Other supporting information as requested by the Zoning Administrator.
11. The appropriate fee, as outlined in the latest applicable Fee Schedule.
12. Digital copy of all the submission in appropriate format.

PROCESS Planning Commission



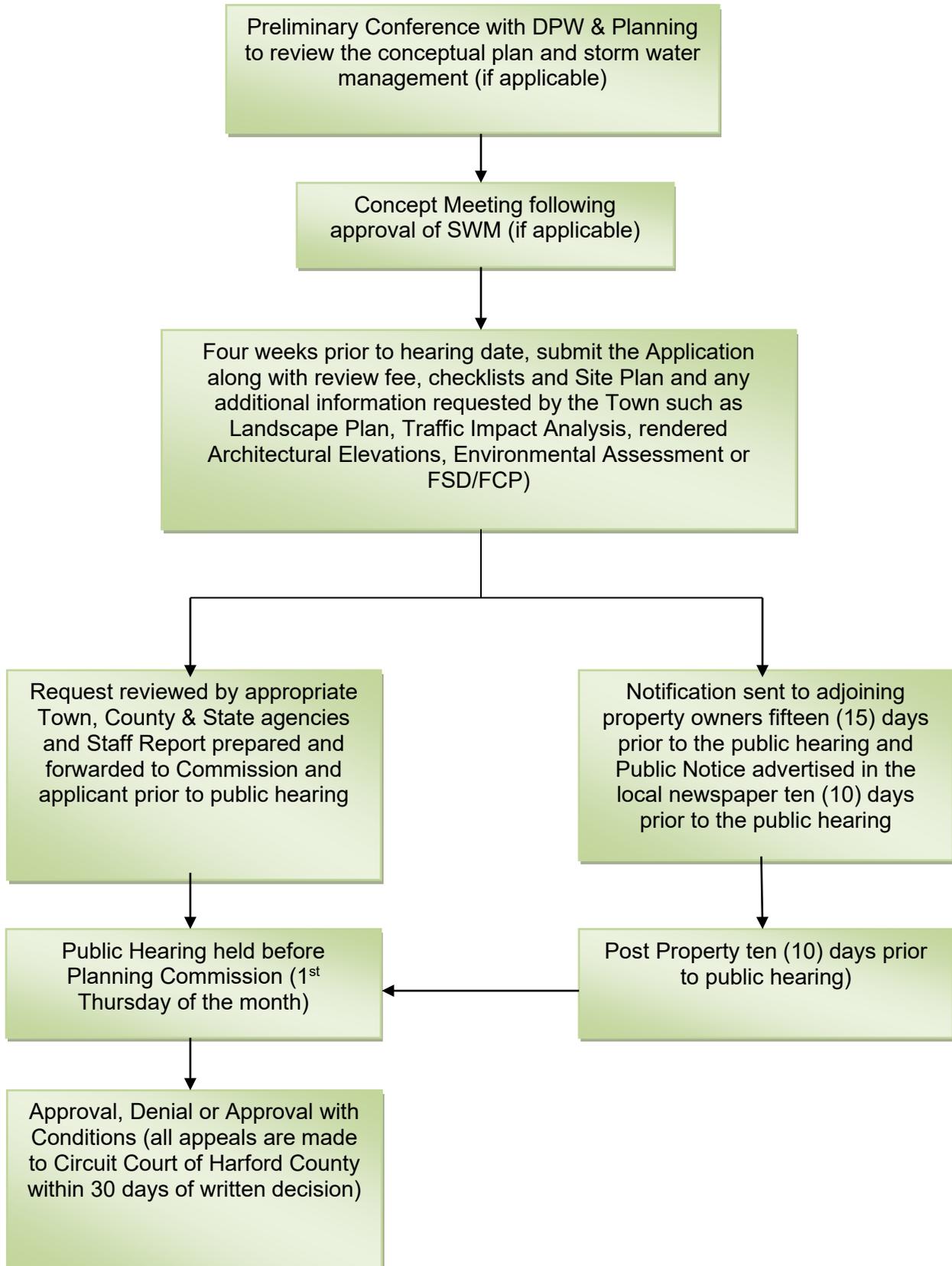
PROCEDURES

Special Development

Special Development applications shall be prepared in accordance with the requirements set forth in Section 165-94 of the Town of Bel Air Development Regulations and submitted as follows:

1. A complete and signed Planning Commission application. Include a list of all persons/entities having equitable interest in the subject property.
2. The appropriate fee as outlined in the latest applicable Fee Schedule.
3. Include a list of all adjoining property owners (include with the application).
4. A Site Plan of the property meeting all requirements listed in Appendix A of the Development Regulations.
5. If a new building or expansion is proposed, Architectural Renderings identifying proposed size, materials, colors and finishes must be submitted.
6. An annotated checklist addressing all applicable performance standards should accompany the application.
7. Digital copies in appropriate format for all plan submissions
8. Any other required or requested information (such as Traffic Impact Analysis, Parking Study, Environmental Assessment, etc.) should accompany the application.

PROCESS Special Development



PROCEDURES

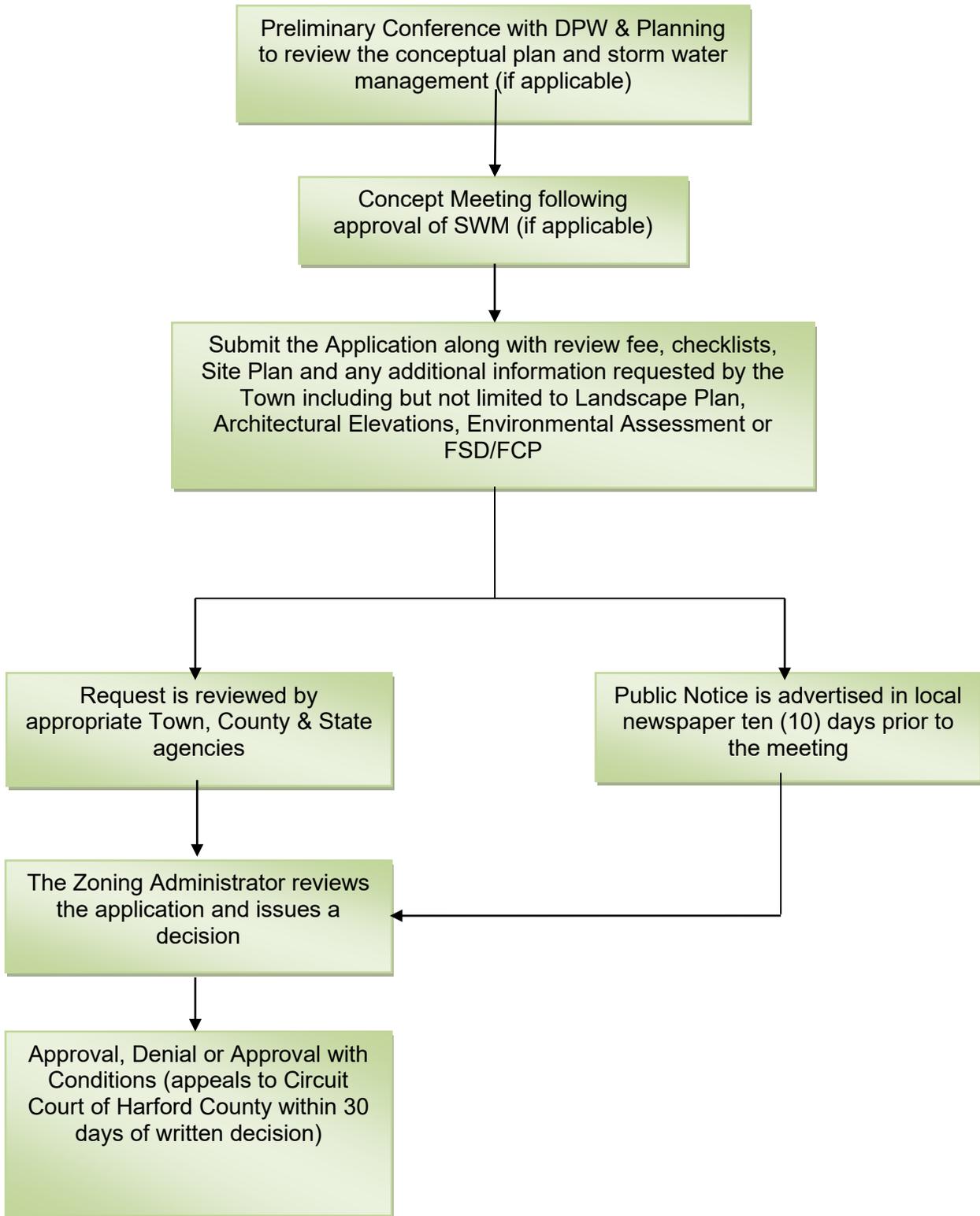
Zoning Administrator

Site Plan and Subdivision Plan procedures are specified in Article XI of the Town of Bel Air Development Regulations and shall be submitted as follows:

1. An engineered Site Plan meeting all requirements listed in Appendix A of the Development Regulations.
2. If required, a Landscape Plan per Article VIII of the Town of Bel Air Development Regulations and adhering the applicable checklist.
3. If applicable, a Lighting Plan per Article XVI, Section 165-118.F.3 of the Town of Bel Air Development Regulations.
4. A complete and signed Planning & Community Development application outlining details of the proposed project. Include a list of all persons/entities having equitable interest in the subject property. The application must be signed by the property owner or include an owner authorization.
5. If the project is subject to performance standards or within an overlay district, an annotated checklist addressing all applicable performance standards must accompany the application
6. If applicable, an Environmental Impact Assessment Report per Article VI of the Town of Bel Air Development Regulations – or – A Forest Conservation Plan (FCP) indicating existing tree location and proposed tree retention or removal per Article VI, Section 165-45 of the Town of Bel Air Development Regulations. An approved Forest Stand Delineation (FSD) is a prerequisite to submission.
7. If applicable, submission of colored Architectural Elevations per Section 165-118.A(6)
8. Other supporting information as requested by the Zoning Administrator.
9. The appropriate fee, as outlined in the latest applicable Fee Schedule.
10. Digital copy of all the submission in appropriate format.

PROCESS

Zoning Administrator



PROCEDURES

Annexation

Initial Contact

A property owner or property owners desiring to annex property into the Town of Bel Air are encouraged to meet and discuss the annexation with the Director of Planning and the Director of Public Works to ensure that the annexation is feasible and in basic compliance with State and Town laws and policies. For large annexation requests or requests which could have a potentially significant financial impact on the Town, the Town Administrator will be included in the initial discussions.

Procedures

If the annexation of a requested parcel of land into the Town appears to be feasible after discussion with appropriate Town officials, the property owner or owners are instructed to prepare a letter (petition) to the Board of Town Commissioners requesting annexation into the Town. The letter should be accompanied by an Annexation Justification statement, the deed to the property in question, a plat to scale of the property, metes and bounds description of the property; and the appropriate application/review fee as established by the Town Code.

When the documentation requesting annexation is received by the Town, it will be placed on the Town Board meeting agenda to be considered formally by the Board of Town Commissioners. If the Board decides to receive the petition for annexation, it will request that the Town Counsel and relevant Departments examine the petition for sufficiency. If sufficient, an Annexation Resolution including the metes and bounds description of the site and conditions of Annexation will be prepared by Town Staff for Town Board receipt and consideration.

The Department of Public Works will review the metes and bounds description to assure that the proposed boundary closes and is contiguous with the current municipal boundaries. The Planning Commission will review the request to determine whether the annexation is consistent with the Town Comprehensive Plan and whether the requested zoning designation is appropriate. The Planning Commission recommendation will be provided to the Town Board as part of its deliberation process.

An Annexation Plan, consistent with state requirements as prepared by Town staff, will be formally submitted to the Board of Town Commissioners for approval. The Annexation Plan will then, along with the Annexation Resolution, be forwarded to Harford County Government, the Maryland Department of

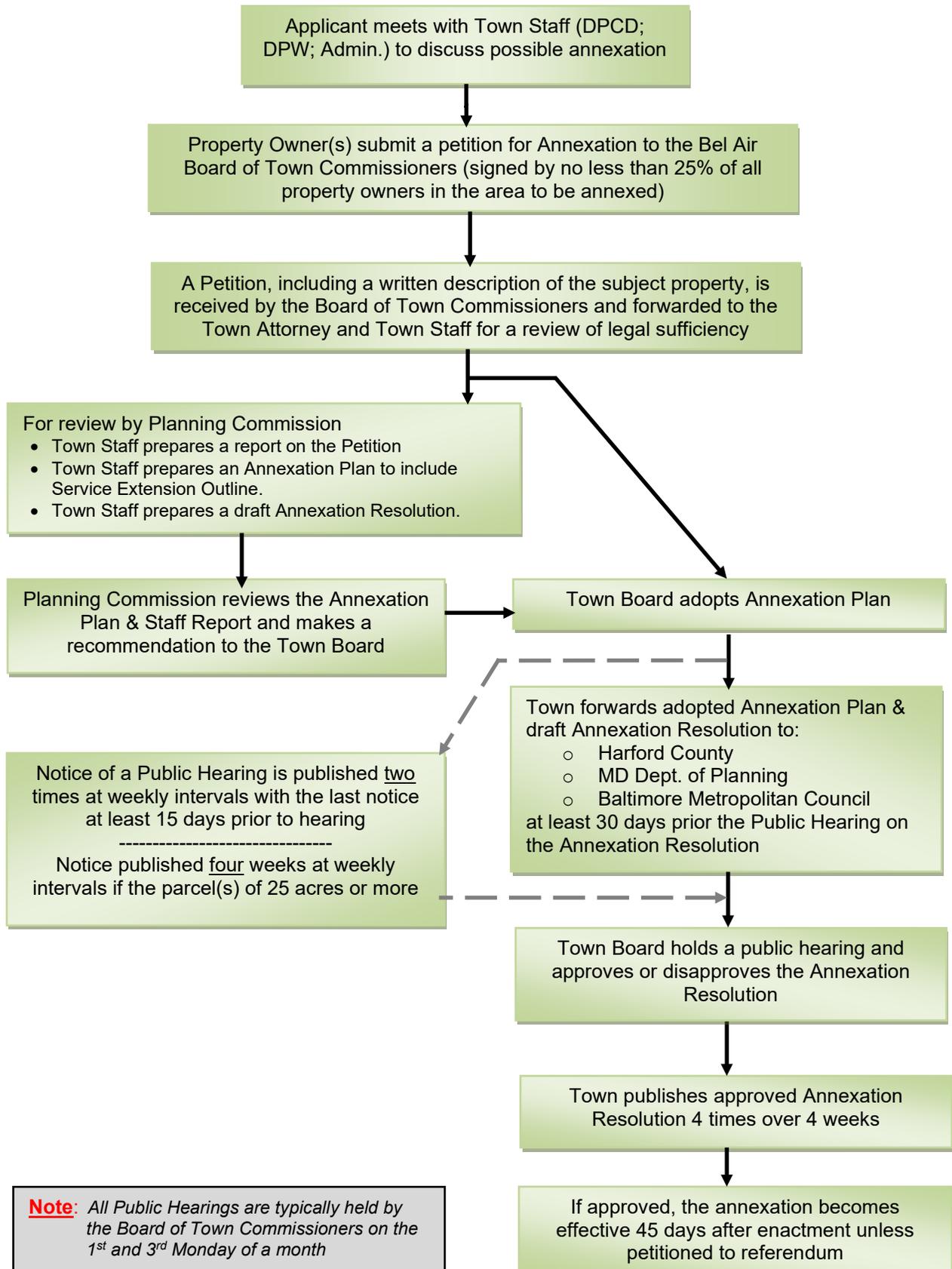
Planning and the Baltimore Metropolitan Council for review and comment. In accordance with the Local Government, Division II, Title 4, Subtitle 4, of the Maryland Annotated Code. These agencies are given thirty (30) days to review and comment on the annexation request.

Simultaneously, the Town must place a public notice in a paper of general circulation describing the property, the conditions of annexation and the date for a public hearing on the proposed annexation. The public notice must be placed in a local newspaper of general circulation for four (4) consecutive weeks, if the property is greater than 25 acres and two (2) consecutive weeks if less than 25 acres. The public hearing must be held no less than fifteen (15) days after the date of the last newspaper notice.

Public Hearing

After the requisite advertising and public hearing and approval of the proposed annexation, the Town Clerk will prepare and process necessary public notices per State requirements and submit all information required by the Local Government, Division II, Title 4, Subtitle 4 to the State Department of Legislative Services. The Planning Director will notify Maryland Department of Planning in order to comply with the Smart Growth Act requirements related to annexation, and to certify Priority Funding status. The Planning Department also notifies the Harford County Clerk of the Court, the Maryland State Tax Assessment office and the Bureau of the Census, noting the boundary changes resulting from the annexation. If approved, the annexation becomes effective no less than forty-five (45) days from the date of approval/enactment.

PROCESS Annexation



MOTION TO APPROVE SITE PLAN AND/OR SUBDIVISION PLAN

I move that the **Site/Subdivision Plan** submitted by

_____ dated _____ for the property

located at _____ be approved based on:

- The applicant has satisfied performance standards for Section _____
_____.
- The applicant has addressed the applicable requirements in Bel Air Development Regulations

Approval is conditioned on the following:

- All necessary site and building permits are acquired
- Issuance of a Use & Occupancy Certificate
- _____

MOTION TO CONTINUE HEARING

I move that the public hearing for the **Site/Subdivision Plan** request by

_____ be tabled until the

next regularly scheduled meeting of the Planning Commission on _____

7:00 pm in Town Hall.

MOTION TO DENY SITE AND/OR SUBDIVISION PLAN

I move that the **Site/Subdivision Plan** submitted by

_____ to permit

_____ located at

_____ be denied based on the following:

The proposed _____ will create adverse impacts to the public and surrounding properties because:

- The applicant has not satisfied applicable performance standards in Section _____

- The applicant has not satisfied applicable requirements of the Bel Air Development Regulations because _____

- _____

MOTION TO TABLE DECISION

I move that the decision regarding the **Site/Subdivision Plan** submitted by

_____ be tabled until the next

regularly scheduled meeting of the Planning Commission on _____ 7:00

pm in Town Hall in order to make requested changes concerning

MOTION TO APPROVE SPECIAL DEVELOPMENT

I move that the **Special Development** requested by

_____ to permit

_____ on the property located at

_____ be approved based on the Commission’s finding

that the proposed use, as described in hearing testimony would not adversely impact

the surrounding neighborhood because:

- The applicant has satisfied performance standards for Section _____
_____.
- The applicant has addressed the applicable conditions found in Section 165-94
of the Bel Air Development Regulations including _____
_____.

Approval is conditioned on the following:

- All necessary site and building permits are acquired
- Issuance of a Use & Occupancy Certificate
- _____

MOTION TO CONTINUE HEARING

I move the public hearing for the **Special Development** request by

_____ be tabled until the

next regularly scheduled meeting of the Planning Commission on _____

7:00 pm in Town Hall.

MOTION TO DENY SPECIAL DEVELOPMENT

I move that the **Special Development** requested by

_____ to permit

_____ located at

_____ be denied based on the following:

The proposed _____ will create an adverse impact to the neighborhood and public because:

- The applicant has not satisfied applicable performance standards in Section ____

- The applicant has not satisfied applicable conditions found in Section 165-94 of the Bel Air Development Regulations because _____

- _____

MOTION TO TABLE DECISION

I move that the decision regarding the **Special Development** request by

_____ be tabled until the next

regularly scheduled meeting of the Planning Commission on _____ 7:00

pm in Town Hall.