

Commissioners of Bel Air  
Agenda  
September 3, 2019

Ordinance No. 792-19  
Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 792-19, proposed amendments to the Development Regulations, Chapter 165, be received by the Bel Air Board of Town Commissioners."

I. BACKGROUND

On August 15, 2019, the Planning Commission had the opportunity to review staff recommendations based upon citizen concerns and developer interaction over the past year. The regulation of group homes, outdoor dining and traffic analysis has been addressed as a response to these concerns, however, a majority of the proposed amendments are designed to clarify and complete sections of code observed as being vague or confusing and correct an omission made during the previous text amendment process.

II. PRIMARY ISSUES

The following is a summary of the proposed changes:

- Revision to **Table 3-5, Residential Uses** to separate Group Homes into Large and Small based upon new definitions. A Small Group Home would be permitted in the same districts as a Single Family Home and a Large Group Home would be permitted similar to Multi-Family uses. Multi-Family also changes to enable Special Development review in the R-3 and R-O zones.
- Revision to **Table 165-34, Lot requirements for the M-1 Industrial District** providing for a reduction of side yards and rear yards similar to the reduction made for the front yard in 2018. This change would be *30' to 10' for one-story structures, 40' to 15' for two-story and 50' to 20' for three stories*. A 50' setback from residential still remains.
- Revision to **Section 165-21, Annual Growth Report** to allow approval for development in school districts over capacity if adjoining attendance areas are still under capacity. Also, allow for extension of approvals during the deferral period.
- Revision to **Section 165-30 B-2 District Parking** by changing *adjacent* to *abutting* to clarify that some offsite parking needs to be contiguous with the project.
- Revision to **Section 165-31 B-2A District** to add the requirement for a coordinated sign plan since the same requirement exists in the B-2A & B-3A Districts.
- Revision to **Section 165-51 Parking & Loading** to add the ability to provide parking on an abutting B zoned parcel that does not permit the associated use. In addition, correct a mistake in referencing changes in 2018 that eliminated sections of the code related to Refuse/Loading connected to time limitations. This change would restore those sections in this Article and eliminate the references made elsewhere in the code.
- Revise **Section 165-53 Group Homes (Large & Small)** to expand the requirements for both uses. Small Group Homes would be required to provide a resident manager at all times, provide rules/procedures for operating the facility, prohibit on-site medical care or counseling of non-residents and would not allow for mixing of groups to be treated. A Large Group Home would

keep the requirements above and add counseling for non-residents and require a qualified supervisor at all times.

- Revise Section **165-53 Multi-Family** to add review of refuse/recycling, fire official review, reference setbacks as applicable and require additional active open space for dense developments.
- Revision of Section **165-53 Shopping Center** to add review of a parking plan and require that parking meet a peak demand for the uses in the center and those proposed.
- Revise Section **165-53 Communication Tower** to reference the recently enacted Chapter 465 for Small Cell Facilities when applicable
- Revise **Section 165-53 Outdoor Dining** to correct a clerical error made in 2018 and clarify recreational games to end at 10pm
- Revision to **Section 165-63 Side & Rear Yards** to clarify the ability to average yards.
- Revision to **Section 165-68 Accessory Uses** to allow for the possible storage of recreational vehicles and trailers in the front yard when a lot has multiple road frontages
- Revision to **Section 165-76 Preliminary Plan** to require a traffic analysis if necessary
- Revision to **Section 165-78 Subdivision** to allow the Zoning Administrator to review minor changes in property lines
- Revise **Section 165-79 Landscape Plan** to clarify the surety requirement
- Revise **Section 165-82 Building Permit** to clarify text
- Revision to **Section 165-84 Use and Occupancy Certificate** to clarify official titles and to refine the corporate office identification to match definitions
- Revise **Section 165-90 Board of Appeals & Section 165-94 Special Developments** to require only one advertisement in a local paper prior to a hearing
- Revise **Section 165-104 Definitions** to change Family and add Group Home (Large & Small), add vaping as part of Smoking Lounge and clarify the explanation of Front, Side and Rear Yards.
- Revision of **Section 165-106 Signs** to provide for additional temporary signs during an election cycle. Also to allow for an additional ½ square foot per one lineal foot of building facade for properties with rear frontage along a public street or public parking.
- Revise **Section 165-118 Circulation System** to include a more consistent reference to Level of Service (LOS) as the standard for intersection capacity, provide for clarity regarding scope of a Traffic Impact Analysis (TIA) and add references to accepted traffic measurement programs. In addition, provide flexibility to require operational analysis of traffic such as queuing and on-site vehicle circulation. Also, add the ability to study pedestrian movement and enforce improvements to increase pedestrian safety.

## DISCUSSION

The complete text changes are included with the attached Ordinance as Exhibit A. The staff anticipates no further changes to the development regulations until after the next comprehensive plan review currently scheduled for 2021 thru 2022.

## III. RECOMMENDATION

The Planning Commission and staff recommend that the Board of Town Commissioners receive Ordinance No. 792-19 amendments to Development Regulations. A public hearing has been scheduled for 7:30pm, September 16, 2019 at Town Hall.

Ordinance No. 792-19

An Ordinance Amending to Articles II, III, VII, IX, XI, XII, XIV, XV, and XVI, Table 3-5 (Permitted Uses) and Table 165-34 (Requirement for Special Uses) of the Development Regulations in Chapter 165 of the Bel Air Town Code

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

**WHEREAS**, The Land Use Article of the Annotated Code of Maryland provides the authority for the Board of Town Commissioners to adopt planning and zoning controls based on recommendation from the Planning Commission; and

**WHEREAS**, the Planning Commission has reviewed and approved the changes on August 15, 2019 to adjust performance standards, allow for additional sign area and clarify and correct the amendments made in 2017 to the Code; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Ordinance No. 792-19, attached hereto and incorporated herein as Exhibit A, is hereby adopted.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

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Susan U. Burdette, Chairman  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

**Table 3-5, Residential**  
Principal permitted uses for specific zoning districts

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Dwellings								
Cottage housing	SE	P	P	P	P	P	P	
Multifamily (apartment /condo)			P SD	P SD	P	P	P	P
Semidetached		P	P	P	P	P	P	
Single-family detached	P	P	P	P	P	P	P	
Townhouse		P	P	P	P	P	P	P
Two-family/duplex		P	P	P	P	P	P	
Bed-and-breakfast	SE**	SE**	SE	SE	P	P	P	
Boardinghouse			SE	SE	SE	SE	SE	
Community shelter			SE	SE	SE	SD	SD	
Day care, family	P	P	P	P	P	P	P	
<b>Group home, Large</b>			<b>SD</b>	<b>SD</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Group home , Small	<b>P</b>	<b>P</b>	P	P	P	P	P	P
Halfway house				SE	SE	SE	SE	
Home occupation*	SE	SE	SE	P	P	P	P	
55 and over housing			SE	SE	SE	SE	SE	P
Mixed-use center				SD	SD	SD	SD	

\* Home occupations occupying not more than 300 square feet and employing only persons residing within the home are permitted as right. Home occupations occupying in excess of 300 square feet and/or employing persons residing outside of the home require special exception approval.

\*\* Permitted in R-1 and R-2 Transition Overlay District as special exception. Not permitted elsewhere in these districts.

**KEY:**

"P" indicates permitted subject to applicable code requirements

"SD" indicates permitted subject to special development regulations, pursuant to Article XII

"SE" indicates permitted subject to special exception regulations, pursuant to Article XII

A blank cell indicates that the use is not permitted

NOTE: These tables are provided for easy reference. However, the text of Chapter 165, Part 2, should be consulted for further definition and all applicable requirements. In the case of any inconsistencies between the text and the tables, the text shall control.



COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table of Lot Requirements for Specific Uses

Table 165-34: M-1 Industrial District

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwellings/unit)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (Feet)
All permitted residential uses	15,000	20 30 (55 & over)		100	36	24	42	40
All permitted industrial and natural resource uses								
1 story			50		10	10 30	10 30	30
2 story			50		15	15 40	15 40	35
3 story			50		20	20 50	20 50	40
Other permitted uses (amusement, retail, service and institutional)			30		10	10	10	40
Accessory buildings			25			10	10	20

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

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Article II  
**Administration and Enforcement**

§ 165-21 Annual growth report; adequacy standards. ...

B. Adequacy standards (minimum acceptable level of service). ...

- (1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multifamily residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exist: [Amended 4-3-2017 by Ord. No. 780-17]
  - (a) The enrollment, at the elementary school which then serves the site **and all abutting elementary school attendance areas**, is greater than 110% of the rated capacity or is projected to be greater than 110% within three years; or
  - (b) The enrollment, of either the middle school or high school which serves the site **and all abutting respective middle and high school attendance areas**, is greater than 110% of the rated capacity or is projected to be greater than 110% within three years.
- (2) Conditional review. If Subsection B(1)(a) or (b) of this section prevents approval of a subdivision plan or a site plan, the Planning Commission may proceed with conditional review of the plan and place it on a waiting list arranged by the date of completion of the review. This section shall not extend subdivision plan or site plan approval beyond two years from the date of final decision. **One year extensions of an approved plan may be requested without limitation during the period of development deferral.** Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the Town until the plan for the project is removed from the waiting list and approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection B(1)(a) or (b) of this section no longer exists.

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Article III  
**Establishment and Regulation of Zoning Districts**

§ 165-30 B-2 Central Business District. ...

C. Site design standards. ...

(5) Parking and access.

(a) Required parking may be provided off site in accordance with Article VII, § 165-51. For residential uses, a minimum of one parking space per dwelling unit shall be provided on site or **abutting adjacent** to the site.  
[Amended 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17]

§ 165-31 B-2A Central Business Gateway District. ...

B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

(3) **A comprehensive coordinated sign plan shall be submitted at the time of site plan review. This shall include one or a combination of the following signage styles: freestanding, directory, projecting, wall, roof, canopy, and/or window.** Signs shall be designed to project the image of the business or service while complementing the design of the subject property and other buildings in the district. All signs, including banners, require a permit. Signs shall conform to regulations specified in Article XV of this chapter.

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Article VII  
**Development and Performance Standards**

§ 165-51 Parking and loading. ...

G. Restricted accessory parking area. The Board of Appeals may also authorize the establishment and operation of an off-street parking area in any R District that **abuts adjoins** a B or M District, **or in any B District which does not permit the use located on the abutting property** subject to the following conditions and limitations:

...

I. Loading areas....:

(1) ~~No loading area shall be located closer than 50 feet to any other lot in any R District unless wholly within a completely enclosed building or unless screened by a masonry wall. Such wall shall not be less than four feet nor more than six feet in height and shall be maintained in good condition without any advertising thereon. Use of loading areas for loading and unloading of goods and materials shall be prohibited between the hours of 10:00 p.m. and 6:30 a.m. [Amended 4-2-2018 by Ord. No. 783-18]~~ **The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the minimum number and size of spaces that satisfy the standard set forth in this subsection. Retail uses, industrial uses and hospitals having a gross floor area of 6,000 square feet or more shall provide minimum off-street loading as follows:**

...

(6) No loading area shall be located closer than 50 feet to any other lot in any R District unless wholly within a completely enclosed building or unless screened by a masonry wall. Such wall shall not be less than four feet nor more than ~~six~~ **ten** feet in height and shall be maintained in good condition without any advertising thereon. ~~U~~ **With the exception of a school use, the use of loading areas for loading and unloading of goods/ and materials in a residential district and within 500 feet of a residential use in a residentially-zoned property district shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. The Planning Commission may waive time limits based upon site characteristics, surrounding land use and mitigation measures.**

J. Refuse and recycling. ...

...

(2) ~~R~~ **With the exception of a school use, refuse or recycling removal, compaction or other similar operations shall not be permitted between the hours of 10:00 p.m. and 7:00 6:30 a.m. in a residential district and within 500 feet of a residential**

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**use located in a residential district. The Planning Commission may waive time limits based upon site characteristics, surrounding land use and mitigation measures.**

§ 165-53 Performance Standards and development guidelines.

...

C. Use Category performance standards and guidelines: amusement/entertainment...

...

(2) In addition, specific amusement/entertainment standards ...

...

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

[1] Performance standards.

[a] Tavern with entertainment shall not be located closer than 300 feet from any school building unless a reduction is granted by the Board of Appeals based upon site conditions or mitigating factors. Special exception review is required for a tavern, **microbrewery/winery/distillery** located within 300 feet of a school building.

...

D. Use category performance standards and guidelines: industrial uses. All industrial uses ...

...

(2) Performance standards for heavy industrial ...

...

(b) ~~All loading, unloading and service of refuse/recycling facilities shall be performed between the hours of 7:00 a.m. and 10:00 p.m. when use is within 500 feet of a residential district.~~

(e) A traffic impact study shall be submitted for review.

~~(d)~~(c) Exterior lighting shall provide for a reduction in intensity between the hours of 10:00 p.m. and 7:00 a.m. as required by the reviewing authority.

...

E. Use category performance standards and guidelines: institutional uses. All institutional uses ...

(1) Performance standards.

...

(b) Institutional establishments adjacent to an existing residential use shall

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meet the following standards: [Amended 4-3-2017 by Ord. No. 780-17]

- [1] ~~Deliveries, loading, idling or similar operations shall not occur between 10:00 p.m. and 7:00 a.m., unless the activity occurs within a screened loading bay or on the street side of the retail establishment.~~
- [2] ~~Trash removal, compaction or similar operations shall not be permitted between 10:00 p.m. and 7:00 a.m.~~
- [3] Operating refrigeration trucks is prohibited from parking areas adjacent to residential districts between 10:00 p.m. and 7:00 a.m., unless operated on the street side of the establishment.

...

G. Use category performance standards and guidelines: residential uses...

...

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

...

(f) Group home, **large**/halfway house.

[1] Performance standards.

[a] ~~No more than two unrelated~~ Residents shall **not** receive ongoing, on-site medical care **or treatment**. Otherwise, the use shall be treated as a nursing home or assisted living facility and regulated as such. [Amended 4-3-2017 by Ord. No. 780-17]

[b] The use shall **adhere to all fire prevention and life safety codes including the installation of** have an operable fire alarm and smoke detector on each floor, including the basement.

[c] A **qualified** supervisor shall be on the premises at all times to assist residents.

[d] **Rules and procedures governing facility operations and management shall be submitted for review and acceptance by the Town.**

[e] **Persons with developmental disabilities, those with mental disorders and those in recovery from addiction shall each reside in a separate facility.**

(g) Group home, **small**

[1] Performance standards.

[a] Residents shall not receive ongoing, on-site medical care

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**or treatment. Otherwise the use shall be treated as a nursing home or assisted living facility and regulated as such.**

- [b] At a minimum, a resident manager shall be on the premises at all times to assist residents.**
- [c] Rules and procedures governing facility operations and management shall be submitted for review and acceptance by the Town.**
- [d] Persons with developmental disabilities, those with mental disorders and those in recovery from addiction shall each reside in a separate facility.**
- [e] Group counseling shall not be provided on-site to non-residents.**

**(h) Multi-Family Housing**

**[1] Performance standards.**

- [a] Setbacks must meet Section 165-63 as applicable to multi-family uses.**
- [b] Refuse/recycling enclosures must be provided in sufficient number and within close proximity to all residential buildings and accessory uses.**
- [c] All access and building conditions must be reviewed by a fire official prior to Town approval.**
- [d] Additional active recreation area will be required to meet a minimum of 200 square feet per unit when density exceeds 10 dwelling units per acre.**

~~(i)(g)~~ Home occupations

...

~~(j)(h)~~ Fifty-five and over

...

H. Use category performance standards and guidelines: retail uses. All retail uses ...

**(1) Performance standards.**

...

**(c) Shopping center.**

**[1] Performance standards.**

**[i] All parking lots, loading areas and outdoor storage areas shall be**

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separated with buffer yards of at least 10 feet from any adjacent residential districts. **Parking shall be adequate for peak demand of the existing and proposed uses at the time of application based on a parking study.**

[m] A traffic **and parking** study shall be required at the time of application.

(f) Retail establishments within 500 feet of a residential district shall meet the following standards: **[Amended 4-3-2017 by Ord. No. 780-17]**

[1] ~~Deliveries, loading, idling or similar operations shall not occur between 10:00 p.m. and 7:00 a.m., unless the activity occurs within a loading bay or on the street side of the retail establishment.~~

[2] ~~Trash removal, compaction or similar operations shall not be permitted between 10:00 p.m. and 7:00 a.m.~~

[3] Operating refrigeration trucks is prohibited from parking areas adjacent to residential districts between 10:00 p.m. and 7:00 a.m., unless operated on the street side of the establishment.

...

I. Use category performance standards and guidelines: service uses. All service uses ...

...

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

...

(b) Communications tower(s)/platform.

[1] Performance standards.

...

[o] Installation of **small cell facilities or wireless support structures** ~~communication antenna on existing utility poles located in the public right-of-way or existing structures may be~~ **are permitted under provisions of Chapter 465 in the Town Code.** ~~with approval of the Director of Public Works based upon aesthetic considerations, impact to nearby residences and availability of viable alternative installation options.~~ **[Amended 4-2-2018 by Ord. No. 783-18]**

...

(i) Outdoor dining or bar service.

[1] Performance standards.

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- [a] ~~No~~ **Amplified music or use of a public address system is not permitted unless as part of a temporary permitted use after 10:00 pm.**
- [b] **Live entertainment or recreational games are not permitted must end at after 10:00 p.m.**
- [c] ~~No gaming is permitted unless part of a temporary permitted use~~ **Outdoor Dining/Bar operation must adhere to requirements of Chapter 345 of the Town code.**
- [d] The exterior area is limited to 75% of the **fire rated** capacity of the principal permitted use and any temporary enclosure must meet provisions of § 165-71C.
- [e] Bar service is subject to Board of Appeals review which may impose conditions as it may deem necessary to ensure there is no adverse impact to neighboring property.
  - [i] Hours of food or alcohol service.
  - [ii] Limit to the size of the bar including television and other visual display

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Article IX  
**Special Provisions and Modifications**

§ 165-63 Lot area requirements.

The following general area requirements shall apply to all development: ...

C. Yard requirements by type. ...

(2) Rear and side yard calculations. ...

(b) Side yard and rear yard width may be varied where the **exterior side** wall of a building is not parallel or is broken or otherwise irregular with the **side applicable** lot line. In such case, the ~~mean~~ average width of the required yard shall not be less than the minimum width; provided that such **side** yard shall not be narrower at any point than 75% of the required width. Decks, bay windows or similar architectural features shall not be included in the calculation allowance. [Amended 4-3-2017 by Ord. No. 780-17]

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Article X

**Accessory and Temporary Uses**

§ 165-68 Accessory Uses

B. Residential District ...

- (8) Recreational vehicles, campers, trailers and similar equipment should be stored in a garage or similar enclosed structure. Open storage shall be permitted in side and rear yards areas. Open storage on driveways may be permitted for short-term storage or maintenance purposes for a period not to exceed a total of seven days within any ninety-day period. No living, sleeping or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than seven days within any ninety-day period. Except as stated above, storage of any recreational vehicle, camper or trailer is prohibited in the front yard area. **For lots with more than one public road frontage, storage of a recreational vehicle or trailer may be permitted by the Zoning Administrator in the front yard provided there is no practical alternative that meets the code and adequate screening is provided.**

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Article XI  
**Permits and Procedures**

§ 165-76 Preliminary plan review.

- A. Application for all new development or substantial improvement or change in the Town of Bel Air shall include a completed preliminary plan checklist, as shown in Appendix A, and a preliminary plan, drawn to scale, depicting the shape and size of the lot upon which application is being made. All dimensions on the plan relating to the location and size of the lot to be built upon shall be based upon an actual survey. The applicant shall submit an engineered site plan, landscape plan, lighting plan, a forest conservation plan as required in Chapter 216, Forest Conservation, of the Bel Air Town Code, and a stormwater management plan as required by Chapter 405, Stormwater Management, of the Bel Air Town Code for the Zoning Administrator's review. Application should include all pertinent background information, a written statement discussing the proposed use and any proposed accessory uses. The plan shall fulfill all requirements itemized on the preliminary plan checklist. **A traffic impact analysis may be required based upon Section 165-118.D.** All proposed projects to be reviewed by the Planning Commission shall be accompanied by colored renderings prepared by an architect and/or firm licensed in the State of Maryland showing all four sides of the building elevation. [Amended 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]

...

§ 165-78 Subdivision record plat. [Amended 11-25-2011 by Ord. No. 744-11]

If a preliminary subdivision plan is approved or approved conditionally, a final plat of the subdivision plan must be submitted for recordation, along with a final forest conservation plan as required by Chapter 216, Forest Conservation, of the Bel Air Town Code. If approved with conditions, the Planning Commission's approval letter shall state the basis for any required improvements. Upon verification of adequacy, the plan shall be signed by the Chairman of the Planning Commission, the Director of Public Works, and the Health Department. A second original Mylar of the plat recorded in the Harford County land records shall be provided for the files of the Town Department of Planning and Community Development. All amendments to any record plat shall be copied to the Town as well. **Any parcel consolidation or lot line adjustment may be reviewed and approved by the Zoning Administrator.**

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§ 165-79 Landscape plan/forest conservation plan. [Amended 4-3-2017 by Ord. No. 780-17]

A landscape plan is required for all development projects. Larger lot development plans, as discussed in Article VI of this Part 2, may also require a forest conservation plan. The plans shall be submitted with the preliminary plan and shall meet requirements set forth in Article VIII of this Part 2 and the latest edition of the Town Landscape Manual. The review process is as follows: ...

- E. Approved plans shall be fully implemented and certified prior to issuance of a use and occupancy certificate. Surety shall be provided prior to notice to proceed **with construction.**

...

§ 165-82 Building permit. [Amended 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17]

A building permit is required for the construction, alteration, demolition (or movement) or change of use of a structure, as well as the installation or alteration of any regulated equipment. A shed permit is required for a structure under 200 square feet and is regulated as an accessory structure. Except for single-family dwellings, any new construction and/or renovations exceeding 2,000 square feet or expansion of more than 5% of an existing structure require Planning Commission approval. The Zoning Administrator is authorized to review, approve or disapprove projects under 2,000 square feet or less than 5% of the existing structure. Once an application for a building permit has been submitted to the Department of Public Works, the Department of Planning and Community Development reviews to determine whether all requirements of the Town of Bel Air Development Regulations are met. Before a building permit is issued by the Building Official, all required easements, property conveyances (including deeded rights-of-way), stormwater management permits, grading permits, other state and local permits, cross-easement agreements, fees, bonds, etc., must be executed and, if applicable, entered into the land records of Harford County.

...

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§ 165-84 Use and occupancy certificate.

- A. A use and occupancy certificate shall be issued by the Town of Bel Air Building **Official** and **Town of Bel Air Zoning Administrator, or their designees, Officials** prior to the use or occupancy of any structure. Property owners shall be responsible for submitting a request for a use and occupancy certificate prior to occupying a property in order to ensure that all zoning, building and Fire Code requirements are satisfied. Requests are submitted to the Department of Public Works. Both the Department of Planning and Community Development and the Public Works Department review the request to ensure all Code requirements are satisfied. The property owner of a multitenant commercial and/or industrial structure shall be responsible for applying for a use and occupancy certificate each time the use of the structure or the occupant of any tenant space changes, except as hereinafter provided.
- B. A corporate ~~center~~ **office**, as defined in Article **XIV** hereof, ~~shall~~ **may** be issued a blanket use and occupancy certificate for the ~~primary~~ **corporate office business building**. A separate use and occupancy certificate would not be required for each tenant space **located within the corporate office building**, provided the tenant space is occupied only by tenants in the same use classification as approved on the blanket use and occupancy certificate. However, notwithstanding the foregoing, any substantial alteration of a tenant space shall require a separate use and occupancy certificate prior to occupancy as provided above.

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

§ 165-90 Applications to Board of Appeals; appeals; hearings; stay of proceedings. ...

- C. Hearings. The Board of Appeals shall schedule the hearing of the application or appeal, **provide one** ~~give~~ public notice of the same ~~by not less than two publications~~ in a paper of general circulation in Bel Air, ~~the second of which shall be~~ at least 10 days before the hearing, post a notice on the property in question at least 10 days before the hearing, give at least 15 days' notice to applicant and adjoining property owners, and decide the same within 60 days of the closing of the public hearing, unless an extension, detailed in writing, is agreed upon by all parties. At the hearing, any party may appear in person or by agent or attorney. Any party adversely affected by a decision of the Board of Appeals may appeal to the Circuit Court for Harford County in the manner set forth in the Land Use Article of the Annotated Code of Maryland, as amended from time to time. This appeal must be filed within 30 days of the Board of Appeals written decision. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.  
[Amended 4-3-2017 by Ord. No. 780-17]

...

§ 165-94 Special developments. ...

- B. Specific regulations. The following procedures shall be followed in review of applications for special development approvals: ...
- (4) A public hearing shall be scheduled before the Planning Commission, and **one public** notice of the hearing placed in a local paper **of general circulation at least** ~~for two consecutive weeks. The first notice shall appear at least 14~~ **10** days prior to the hearing. Property shall be posted **at least** 10 days prior to the public hearing. Written notice shall be mailed to all abutting property owners (based on information provided by applicant) ~~to~~ **at least 15** days prior to the public hearing.

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Article XIV  
Definitions

§ 165-104 **Terms defined.**

The following definitions shall be used in the interpretation and construction of the Development Regulations: ...

...

**FAMILY**

- A. Any number of persons related by blood, marriage or adoption;
- B. Up to three adult persons maintaining a common household together with any adult dependents (as defined by the United States Internal Revenue Code) or minor children, including foster children, of such persons;
- C. ~~No more than eight persons residing together in a nonprofit private facility in order to provide or obtain residential care and treatment for persons with developmental disabilities, as defined in the Health-General Article of the Annotated Code of Maryland; [Amended 7-16-2012 by Ord. No. 753-12; 4-3-2017 by Ord. No. 780-17]~~
- D. ~~No more than eight persons who are or have been under treatment for a mental disorder, as defined in the Health-General Article of the Annotated Code of Maryland, and who reside together in a facility that is not organized wholly or partly to make a profit; [Amended 7-16-2012 by Ord. No. 753-12; 4-3-2017 by Ord. No. 780-17]~~
- E. ~~No more than eight persons in recovery for drug, alcohol, and/or similar addictions residing together in a nonprofit private facility in order to receive counseling and other rehabilitative services. [Amended 7-16-2012 by Ord. No. 753-12]~~

...

**GROUP HOME, LARGE**

**A non-profit residential facility** ~~dwelling unit~~ other than a halfway house, or a community shelter or a unit in an apartment building in which **more than nine (9) but not more than sixteen (16) unrelated persons with developmental disabilities, mental disorders or those in recovery from addiction as defined in the State of Maryland Code, Health-General Article, who do not constitute a family, as that term is defined in these regulations,** live together and maintain a common household.

**GROUP HOME, SMALL**

**A non-profit residential facility** other than a halfway house, or a community shelter in which **more than three (3) but not more than nine (9) unrelated persons with developmental disabilities, mental disorders or those in recovery for addiction as defined in the State of Maryland Code, Health-General Article,** live together and maintain a common household.

...

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SMOKING LOUNGE

An establishment which is dedicated in whole or in part to the sale and smoking of tobacco products or other legal substances on its premises. Includes establishments such as cigar bars, hookah cafes, tobacco clubs, **and vape lounges**, ~~and smoking rooms associated with tobacco retail sales.~~

...

YARD

An open area between the lot line and setback or existing building line within which no **principal** structures shall be located.

A. YARD, FRONT

A yard extending the full width of the lot between any **principal** building and the front lot line and measured perpendicular to the ~~building front lot line~~ at the closest point to the ~~front lot line~~ **nearest principal building.**

B. YARD, REAR

A yard extending the full width of the lot between any **principal** building and the rear lot line and measured perpendicular to the ~~building rear lot line~~ at the closest point to the ~~rear lot line~~ **nearest principal building. Rear yard dimensions may be averaged as stated in Article IX.**

C. YARD, SIDE

A yard extending from the front yard to the rear yard between any **principal** building and the side lot line and measured perpendicular to the ~~building side lot line~~ at the closest point to the ~~side lot line~~ **nearest principal building.** Side yard dimensions may be averaged as stated in Article IX.

Chapter 165  
Comprehensive Plan and Development Regulations

Article XV  
Sign Regulations

§ 165-106 Standards by zoning district. [Amended 11-25-2011 by Ord. No. 744-11; 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18] ...

A. Residential zoning districts. ...

(5) Temporary signs. ...

...

(c) **A property is allowed no more than three (3) additional freestanding signs not exceeding six (6) square feet each ninety days prior to a general election or primary.**

(d)(e) Institutional uses in residential districts may place a temporary sign, not exceeding 24 square feet, for no more than 90 days in a calendar year. Signs shall not exceed six feet in height and must be set back 10 feet from all property lines. No more than one temporary sign is permitted on a property at any given time. A permit is required from the Zoning Administrator.

(e)(d) Temporary signs in the R-O District may be 12 square feet in area, a maximum of six feet in height and set back no less than 10 feet from the right-of-way.

...

B. Business districts. ...

(2) B-2 (Central Business District) and B-2A (Central Business Gateway District)...

(a) Advertising area. The total area of all signs erected on the lot and building shall be determined by the building frontage. A total advertising area of 1 1/2 square feet for each lineal foot of primary building frontage shall be allowed. Lots which do not contain buildings shall be permitted 1/2 square foot for each lineal foot of road frontage, to a maximum of 32 square feet. **Through lots with frontage along two public rights-of-way or public parking areas are permitted an additional 1/2 square foot for each lineal foot of rear lot frontage. The additional sign area may only be applied to the associated building façade.**

(b) Types of signs. ...

[2] Projecting signs. One projecting sign may be permitted per building **façade**. ...

...

[4] Temporary signs. ...

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**[g] A property is allowed no more than three (3) additional freestanding signs not exceeding six (6) square feet each, for ninety (90) days prior to a general election or primary.**

...

(3) B-3 (General Business District), B-3A (General Business Gateway District) and M-1 (Industrial District). ...

(b) Types of signs. ...

[4] Temporary signs shall adhere to § 165-106B(2)(b)[4], B-2 and B-2A Districts, with the following exceptions: ...

**[d] A property is allowed no more than three (3) additional freestanding signs not exceeding six (6) square feet each, for ninety (90) days prior to a general election or primary.**

Chapter 165  
Comprehensive Plan and Development Regulations

Article XVI  
**Subdivision and Site Development**

§ 165-118 Design standards.

The purpose of good subdivision and site design is to create a functional and attractive development ...

D. Circulation system design.

...

(2) Minimum requirements for a ~~€Traffic i~~Impact ~~a~~Analysis (TIA).

...

(b) The minimum acceptable level of service (**LOS**) in a residential district shall be "C." The minimum acceptable level of service (**LOS**) in commercial/industrial districts shall be "D." If any intersection within the study area ~~has any of the failing conditions listed above~~ **falls below the minimum LOS**, the TIA shall recommend mitigating improvements ~~to~~ **that address the development's impacts and brings the intersection up to the minimum LOS**. If recommended improvements are approved by the Town, it will be the responsibility of the developer to implement the recommendations in the TIA at the developer's sole expense. [Amended 12-19-2011 by Ord. No. 746-11]

(c) The study area shall be determined by Town staff, who shall consider the following when determining the parameters of the study area:

...

[2] Design year. The design year shall be the projected date of completion of the project, which will be discussed at the preliminary conference. If the projected date of completion is changed significantly, the preliminary plan may be subject to a new TIA. **This requirement is to be determined at the sole discretion of** ~~by~~ the Town.

[3] Traffic data requirements.

[a] Existing traffic counts shall be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts ~~should~~ **shall** be taken on a Tuesday, Wednesday or Thursday, not following a holiday, unless approved **otherwise** by the Town. If the proposed project is residential or a school is located within **either, one mile of the proposed development, or** the TIA study limits, then traffic counts ~~must~~ **shall** be taken while school is in session

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**unless approved otherwise by the Town.** [Amended 12-19-2011 by Ord. No. 746-11]

- [b] Trip generation for each land use shall be obtained by utilizing the ITE Trip Generation Manual, current edition. The land use code in the manual shall be indicated for each category. Where a land use is not recognized within the ITE Manual or where local conditions indicate **fewer than a development could generate more or less trips** than projected by the ITE standard for a particular land use, local trip rates may be **required to be developed**; however, the data must be submitted to the Town with supporting documentation prior to approval of the rates.
- [c] For commercial uses or other uses generating peak trip numbers on weekends, the Town may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA shall include a traffic report for **a single specifically identified peak hours**. Operational analyses **for the site and or the immediate surrounding road system** may be required as well. Pass-by and diverted trip reduction factors may be considered for certain uses if Town staff permits.

...

[5] Capacity analysis.

- [a] Capacity analyses shall be performed for all intersections, roadways, ramps, weaving sections, internal circulation and access points. The analysis shall be in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as **eCritical Lane Volume (CLV)**, depending on requirements of other jurisdictions with road systems within the Town of Bel Air. It may also be necessary to complete traffic progression analysis, utilizing such programs as HCM (Highway Capacity Manual), VISSIM or Synchro. Queuing analyses may be required to determine both on- and off-site **situations operational concerns** where queuing could impact the roadway/internal site operation. The Maryland State Highway Administration has established acceptable cycle lengths. See below. However, actual field-documented cycle lengths may be used if approved by staff.

...

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- [6] **Traffic Operational Analysis.** Certain types of developments may have operational impacts within the site, as well as outside the site along the adjacent street system. These impacts may need to be evaluated along with the intersection capacity to accurately assess the potential issues that can be caused by the development. As part of the traffic analysis scope review, staff may identify operational areas of concern, such as on-site vehicle circulation, potential queuing issues, as well as traffic progression issues along the adjacent road system. Staff may request that intersections, outside the study area along the impacted adjacent road system, be included in the operational analysis. To conduct these analyses, programs such as Synchro, Sim Traffic or VISSIM may be required as part of the overall traffic analysis.
- [7][6] **Peak-hour observations.** Of particular interest to the Town is the current operation of its roadway system. The Town ~~may~~ **shall** require peak-hour observations be performed by a qualified traffic engineer. The observations shall be conducted at the direction of the Town to address specific operational issues. The specific traffic concerns of the Town will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the transportation impact analysis, ~~along with recommendations to address traffic deficiencies~~ **with correlations to the existing analyses conducted. If the existing condition analysis and observation identify operational issues, the study should reflect the problem. The Town may not require the developer to fix existing condition problems unless the issue is exacerbated by the development.**
- [8][7] **Recommendations.** The TIA shall include recommendations if traffic impacts and conditions so warrant. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest AASHTO, Maryland State Highway Administration or Harford County guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. [Amended 12-19-2011 by Ord. No. 746-11]
- [a] If the TIA determines the existing LOS does not meet the minimum requirements in § 165-118D(2), the developer ~~need only~~ **will be required** to mitigate the ~~portion of traffic impact generated by the development~~ **traffic impacts to an acceptable level of service (LOS) as defined in § 165-118D(2)(b).**

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- (3) Pedestrian circulation. **If pedestrian circulation is identified as an issue by the Town, a pedestrian circulation plan may be required. Observational Analysis of pedestrian movement and volume may be required as part of any traffic study.** The pedestrian system shall be designed to permit safe, efficient pedestrian movement, connecting neighborhoods and other destination points. Walking trails, ~~as~~ identified in the Town of Bel Air Comprehensive Plan **and sidewalk connectivity** shall be provided by the developer. Developments adjacent to these trails identified in the Town of Bel Air Comprehensive Plan shall have connectivity **to these trails**. ADA-compliant sidewalks should be placed parallel to the street, with exceptions permitted to preserve natural features or to provide visual interest. Sidewalks proposed to be placed away from the road system may be required to parallel the street for safety reasons. Paving materials and construction shall be in conformance with the Harford County Road Code and State Highway Administration specifications.
- (4) Street arrangement. The arrangement of streets shall conform to the Transportation Element of the Town of Bel Air Comprehensive Plan.
- (5) Streets.
- ...
- (e) No more than 50 residential units shall be served by **a singular point of vehicular access** ~~one entry point~~. The Planning Commission shall have the authority to grant a waiver of this requirement if it finds that:
  - [1] An alternative access is unavailable.
  - [2] An independent traffic impact analysis performed by a traffic engineer, to be reviewed and analyzed for sufficiency by the Planning Commission, to be paid for solely by the property owner, clearly demonstrates that, when the development is fully constructed, an acceptable level of service can be achieved at the entry point to the development.