

Bel Air Board of Town Commissioners

Agenda

February 21, 2023

Ordinance No. 811-23

Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 811-23, amending Articles II, III, V and VI be received by the Bel Air Board of Town Commissioners."

I. BACKGROUND

In 2022, Bel Air adopted an updated Comprehensive Plan which called for several new initiatives and adjustments to Town Development Regulations. The Town held several public meetings through 2021 and early 2022. The Planning Commission held several public meetings which were advertised in the local paper and Town website. Descriptions of the changes were available to the public through digital media. Stakeholders such as Town committees and commissions were provided information by the Planning Department.

II. PRIMARY ISSUES

The Town Comprehensive Plan emphasized the need for flexible and equitable Regulations that include objective and clear requirements for proposed development. The proposed revisions to Chapter 165 are based upon review and recommendation from the Planning Commission, public input from residents and property owners, clarification of text by staff and comment from the Town Board during work sessions. These changes are reflected below:

**Article II Administration and Enforcement**

- Section 165-15 & 16 – clarify the powers of the Planning Director and Public Works Director
- Section 165-15.L – provide detailed description of development submissions which the Planning Director is responsible for review and approval.
- Section 165-19 & 20 – Revise wording to provide a clearer description of the code enforcement powers
- Section 165-21 – revise the code to provide an option for Commissioners to bypass official acceptance of the County Growth Report if this report does not change the way development is reviewed by the Planning Commission.

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

- Section 165-24.A – reinforce the preference to not bisect properties with zoning lines resulting in the split zoned parcel
- Sections 165-25,26,27,28,29,30,31,32 & 33 – provide for Accessory Dwelling Units (ADU) and Short Term Rentals (STR) in most districts.
  - ADU – R1(Special Exception), R2(Special Development), R3(Special Development) & RO/B1/B2/B2A/B3/B3A (Permitted)
  - STR – RO/B1/B2/B2A/B3/B3A (Special Exception)
- Section 165-28.E – limit commercial development in the RO to 7,500sf or less
- Section 165-29.C – apply development requirements for architecture and site design in the RO to the B1 zone
- Section 165-30.C(3) – provide for walls to substitute for building façade if approved by the Planning Commission
- Section 165-30.C(5) – revise abutting to adjoining for off-site parking in the B2 district

- Section 165-30.C(5), 31.C(4) & 33.C(5) – require walls, fences and/or landscape to screen parking at a minimum height of 3-feet
- Section 165-30.E – prohibit jersey walls as permanent barriers and require Public Works Director to approve temporary barriers other than chain link
- Section 165-31.C(4) – revise adjacent to adjoining to specify limits on off-street parking
- Section 165-32.B – remove the reference to the RO district for site design and place edited regulations in the B3 zoning section of the code
- Section 165-34.B(8) – require screening of exterior storage

#### **Article V Historic Resource Conservation Districts**

- Section 165-40 – clarify the process for designation of historic properties
- Section 165-40.A – eliminate criteria for designation of historic property since this is already found in Chapter 246 of the code
- Section 165-40.B – require recordation of any property designated as historic in the land records of Harford County

#### **Article VI Environmental Regulations**

- Section 165-43 – clarify the zoning map used for boundaries are in the Comprehensive Plan
- Section 165-47 – expand non-tidal wetlands to include streams
- Section 165-47.C – require seasonally flowing streams to have a non-disturbance buffer of 25-feet and allow for mitigation
- Section 165-47.D – require seasonally flowing streams in the 100-year floodplain to have a 50-foot non-disturbance buffer and allow for mitigation

### III. DISCUSSION

The Town Board of Commissioners through the work session review process adjusted the zones for Short Term Rentals and retained the allowance for a 10% building height adjustment when structured parking is provided. Based on the new Comprehensive Plan, the Planning Commission, and staff with the assistance of many local citizens, business representatives and state representatives evaluated and revised the current Development Regulations. The proposed document incorporates recommended modifications from the Planning Commission with minor adjustments referenced.

### IV. RECOMMENDATION

The Planning Commission and Planning staff recommend that the Board of Town Commissioners receive Ordinance No. 811-23. A public hearing will be held on March 20 at the McFaul Activity Center (525 MacPhail Road) at 5:30pm.

## **Ordinance No. 811-23**

An Ordinance Amending to Articles II, III, V & VI 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 Town of Bel Air has recently completed an update of the Comprehensive Plan in 2022 and the Planning Commission the Board of Town Commissioners wish to update the Development Regulations to be in harmony with the guidelines set forth in the Comprehensive Plan; and

**WHEREAS**, the Planning Commission has reviewed and recommended approval of the proposed amendments on December 1, 2022, to revise Articles II, III, V & VI as part of a comprehensive review of Chapter 165 with corresponding changes to other articles to be done at a later date; and

**WHEREAS**, the major changes to Articles II, III, V & VI are the addition of Short Term Stay and Accessory Dwelling uses, clarify architectural and site design requirements for the B3 district, reference historic requirements in Chapter 246 and add buffering from stream channels; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Chapter 165, Ordinance No. 811-23, attached hereto and incorporated herein as Exhibit A – Administration and Enforcement,

Exhibit B – Establishment and Regulation of Zoning Districts, Exhibit C – Historic Resource Conservation Regulations & Exhibit D – Environmental Regulations is hereby adopted.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

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Kevin Bianca, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk