

ARTICLE XVI  
**Subdivision and Site Development**

**§ 165-115. Purpose; intent; applicability.**

- A. The purpose of this Part 4 is to establish requirements and regulations governing the subdivision and/or site development of land falling under the jurisdiction of the Town. Such requirements and regulations are intended to control the division of land for building and development purposes; establish standards for design and layout of lots, streets, utilities and public improvements; and to protect natural resources by integrating erosion and sediment control practices with stormwater management practices, thereby minimizing impervious surfaces and protecting streams and waterways from the impact of land development.
- B. These regulations and requirements shall apply to all development of land on a single lot, including the revision of existing development, as well as to subdivisions of land creating two or more lots. These regulations shall be in addition to any other applicable regulations promulgated by other agencies. Generally, in case of conflict or overlap with other regulations of this chapter or any other ordinance, the more stringent requirement shall apply.
- C. These regulations shall also be used as one basis for Town review of Harford County site plan and subdivision proposals as described in § 165-3 of the Town of Bel Air Development Regulations. Where discrepancies occur, the Town shall identify these and advise the county of any potential conflicts.

**§ 165-116. General requirements.**

The applicant for subdivision and/or site development of land in the Town shall be responsible for preparation, submission and/or recordation of applications, plans, plats and all other information determined to be necessary for the review of and determination on the application by the Town. A site plan is required for issuance of permit approvals for new construction or expansion of existing uses. Completeness and adequacy of the applications, plans, plats and other information shall be determined by the Zoning Administrator in conjunction with the Director of Public Works. Incomplete applications shall not be accepted.

- A. Submittal requirements.
  - (1) Preparation, submission and/or recordation of applications, plans, plats and other information shall be in accordance with Article XI of the Town of Bel Air Development Regulations, as well as any additional forms and checklists determined necessary by the Zoning Administrator and the Department of Public Works.
  - (2) Preparation, submission and/or recordation of plats shall be in accordance with the Real Property Article of the Annotated Code of Maryland, as well as any statute enacted by the Maryland State Legislature intended to supplement and/or supersede such section of such article. Record plats shall be recorded in the

office of the Clerk of the Circuit Court of Harford County, Maryland, and a second Mylar original and two paper copies of said plat shall be submitted by the applicant for the files of the Town, along with a digital submission of the property line/lot changes in a form compatible with the Town's GIS. **[Amended 4-3-2017 by Ord. No. 780-17]**

- B. No subdivision plat shall be recorded and no development of property shall commence until complete applications, plans, plats and other information, as determined necessary, have been submitted to and approved by the Bel Air Town Planning Commission or Zoning Administrator, whichever is applicable. In approving applications for subdivision, lot consolidation and/or development, the reviewing agency shall ensure that the requirements of the Town of Bel Air Development Regulations have been observed.
- C. Transfers, sales and building permits. No lot or any section thereof, except a subdivision legally created prior to the adoption of this Part 4, shall be transferred, nor shall a building permit be issued for a structure thereon, until a record plat of such subdivision and/or lot consolidation shall have been recorded in accordance with the Town of Bel Air Development Regulations and Maryland law.

#### **§ 165-117. Application procedure.**

The applicant for subdivision and/or site development in the Town of Bel Air shall follow **the** procedures specified in Article XI of the Town of Bel Air Development Regulations. **The applicant must have an equitable ownership interest in the subject site to qualify as an applicant with “standing” in any proceeding with or before the Town under this Article. Equitable ownership interest includes direct ownership of the land exceeding 5% of the fee simple ownership of the land or ownership interests exceeding 5% of any corporation, limited liability company or partnership which owns the land or written authorization of any such equitable owner as set forth herein to act on behalf of that equitable owner.**

- A. Steps in this procedure, detailed in Article XI, include:
- (1) Preliminary conference with Department of Planning and Community Development and Department of Public Works.
  - (2) Grading, sediment/erosion control and stormwater management concept plan.
  - (3) Planning concept plan meeting.
  - (4) Forest conservation plan/environmental assessment.
  - (5) Landscape plan (in accordance with Article VIII of the Town of Bel Air Development Regulations).
  - (6) Traffic impact analysis.
  - (7) Preliminary plan/plat (Planning Commission submission).
  - (8) Erosion/sediment control and stormwater management site development plan.

- (9) Final erosion/sediment control and stormwater management plan.
- (10) Final site development plan.
- (11) Record plat (for site plan review involving subdivision).
  - (12) Public works agreement (PWA).
  - (13) Building permit.
- B. Applicable procedures depend on the size and type of request. Required procedures will be identified during the preliminary conference.
- C. The applicant shall be notified, in writing, of the determination of Town reviewing agencies regarding approval or disapproval of complete applications, plans and/or plats within 60 days of receipt of complete submission.
- D. To help streamline the process, the developer may submit a building permit application for concurrent review with the preliminary plan. The developer may need to make some modifications to the plans, based on the preliminary plan approval conditions.

#### **§ 165-118. Design standards.**

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project that will be an asset to the community without adding unnecessarily to development costs.

- A. General requirements. General requirements for site and subdivision plans include:
  - (1) The site plan and/or subdivision plat shall conform to the currently adopted Town of Bel Air Comprehensive Plan as well as the requirements of the Town of Bel Air Development Regulations.
  - (2) The developer shall be required to dedicate and plat any opening, widening, or extension of rights-of-way shown on existing state and local plats.
  - (3) Recreational areas shall be provided where designated by the Town of Bel Air Comprehensive Plan or where otherwise required by the nature of the proposed development and by the needs of the community as specified in Article VII of the Town of Bel Air Development Regulations. [Amended 4-3-2017 by Ord. No. 780-17]
  - (4) Specific areas shall be preserved and platted as undeveloped open space, to the extent consistent with the reasonable utilization of land and in accordance with applicable state, local and/or federal regulations and with the environmental regulations stated in Article VI of the Town of Bel Air Development Regulations.
  - (5) The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to minimize cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and to mitigate adverse impacts of shadow, noise, odor, traffic, drainage and utilities on neighboring properties.

- (6) Except for single-family dwellings, site plans for buildings in excess of 2,000 square feet shall include architectural renderings showing all sides of the



proposed structure(s). The Town shall submit a copy of the site plan and renderings to an independent architect for review and comment. These comments shall be provided to the Planning Commission as part of the site plan review process for use in determining the compatibility of the proposed design with the applicable zoning district and with standards specified in this article. **[Amended 4-3-2017 by Ord. No. 780-17]**

- (7) Historically and archaeologically significant sites and structures shall be preserved in accordance with local, state and federal regulations and with Article V, Historic Resource Conservation Regulations, of the Town of Bel Air Development Regulations.
- (8) Design of site and subdivision plans shall be subject to requirements for environmental protection of streams, drainageways, wetlands and vegetation, open space and recreation requirements, landscape requirements, architectural review, and requirements for off-site improvements as specified in Articles VI through VIII of the Town of Bel Air Development Regulations.
- (9) All subdivision and site plans shall comply with applicable regulations for control of temporary flooding or erosion and sediment control both during construction and after completion of construction.
- (10) Any redevelopment or addition that impacts 50% or more of the improved area of a parcel of land shall require that the entire site be brought up to current site plan standards.
- (11) Prior to issuance of any building permits, homeowner association or condominium documents shall be submitted to the Department of Planning and Community Development for review and approval by the Town Counsel. All condominium plats and/or subdivision plats with passive or active recreation areas, steep slopes, stormwater management facilities or measures, forest conservation areas located on common grounds or other privately maintained road or amenity areas shall be forwarded for recordation in the Harford County court records.
- (12) All subdivision and site plans shall comply with applicable regulations regarding forest conservation, landscaping, tree protection and public art amenities, where applicable.
- (13) Cost allocation for new or expanded developments requiring off-site infrastructure or other improvements necessitated by the development will be as specified in this article or other applicable Town regulations. Cost allocation shall be as specified in § 265-4 of the Bel Air Town Code.
- (14) A traffic impact analysis (TIA) shall be conducted for any development that generates 25 or more new peak-hour trips for any one peak period of the day or that generates 249 or more vehicle trips per day. The study shall be completed in accordance with the TIA Guidelines described in § 165-118 of the Town of Bel Air Development Regulations.

- (15) Review and approval by the Planning Commission or Zoning Administrator, whichever is applicable, shall be required for any significant change(s) to an approved site plan or subdivision plat. The Zoning Administrator and/or the Director of Public Works shall determine what constitutes significant change based on the definition in Article XIV of the Town of Bel Air Development Regulations.

B. Residential development design.

- (1) In conventional developments, the Planning Commission may vary lot areas and dimensions, yards, and setbacks for the purpose of encouraging and promoting flexibility, economy, and environmental soundness in layout and design, provided that the average lot's areas and dimensions, yards, and setbacks within the subdivision conform to the minimum requirements of the Town of Bel Air Development Regulations, as stated herein, and provided that such standards shall be appropriate to the type of development permitted.
- (2) Every lot shall have sufficient access for emergency vehicles, as well as for those needing access to the property in its intended use.
- (3) The placement of units in residential developments shall take into consideration topography, privacy, building height, orientation, drainage, and aesthetics.
- (4) Buildings shall be spaced so that adequate privacy is provided for units.

C. Commercial and industrial development design. Commercial and industrial developments shall be designed according to the same principles governing the design of residential developments; namely, buildings shall be located according to topography, with environmentally sensitive areas avoided to the maximum extent practicable, factors such as drainage, noise, odor, and surrounding land uses considered in siting buildings, sufficient access shall be provided, and adverse impacts buffered.

D. Circulation system design.

- (1) General. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (2) Minimum requirements for a Traffic Impact Analysis (TIA). **[Amended 12-19-2011 by Ord. No. 746-11; 9-16-2019 by Ord. No. 792-19]**
  - (a) A complete TIA is required for any residential, industrial, institutional or commercial development that is projected to generate 25 new peak-hour trips or 249 trips per day. If a development will generate fewer than 25 new peak-hour trips or 249 trips per day, the Town may, at its discretion, require a TIA. Trip generation projections shall be determined by utilizing methods set forth in the latest available Institute of Transportation Engineers (ITE) Trip Generation Manuals available.
  - (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 falls below the minimum LOS, the TIA shall recommend mitigating improvements that address the development's impacts and bring 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.

- (c) The study area shall be determined by Town staff, who shall consider the following when determining the parameters of the study area:
- [1] Study area. The typical study area for a TIA shall consist of a minimum area encompassed by a radius of one quarter mile from the site to be developed and shall include collector or higher-functioning classification road intersections from all approaches to the site as specified in the Town of Bel Air Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the Maryland State Highway Administration or Harford County. Coordination with these government agencies may be required.
  - [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 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 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 shall be taken while school is in session unless approved otherwise by the Town.
    - [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 that a development could generate more or fewer 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 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.

[4] Trip distribution and assignment.

- [a] Any of the following methodologies shall be acceptable for the purpose of determining trip distribution:

- [i] Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.

- [ii] Utilization of demographic data.

- [iii] Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)

- [b] In any of the above methodologies, Town staff approval is required for use in the study.

[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 Critical 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 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.

<b>Level of Service</b>	<b>2 Phases</b>	<b>3 to 5 Phases</b>	<b>6 to 8 Phases</b>
A	90	100	120
B	90	100	120
C	100	120	135
D	120	135	150
E	135	150	165
F	150	165	180

- [b] Unsignalized intersections not meeting the adopted level of service may be required to complete a traffic signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection may be considered as well.
  - [c] When analyzing background and future conditions, only capital projects with one-hundred-percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or state highway access permit may be utilized as well.
- [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, and 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] Peak-hour observations. Of particular interest to the Town is the current operation of its roadway system. The Town 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, 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] 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.

[a] If the TIA determines the existing LOS does not meet the minimum requirements in § 165-118D(2), the developer will be required to mitigate the traffic impacts to an acceptable level of service (LOS) as defined in § 165-118D(2)(b).

[b] If the developer is unable to provide the required improvement due to inability to acquire right-of-way, physical constraints of the property, or state/federal regulations beyond the control of the developer, mitigation shall be provided in accordance with § 265-4C of the Town Code.

[c] If an applicant wishes to install required improvements in phases, all provisions of § 265-5C of the Town Code must be met.

[d] All terms and conditions contained in this section must be met to the satisfaction of the Director of Public Works **and the Zoning Administrator** prior to issuance of a building permit.

(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, 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. **[Amended 9-16-2019 by Ord. No. 792-19]**

(4) Street arrangement. The arrangement of streets shall conform to the

## Transportation Element of the Town of Bel Air Comprehensive Plan.

## (5) Streets.

- (a) Wherever a **parcel tract** of land to be subdivided **or developed** includes any part of a road **or trail** identified in the Transportation Element of the Town of Bel Air Comprehensive Plan, the location and construction of such road shall be incorporated by the subdivider **or developer** in the layout plan.
- (b) Notwithstanding the provisions of Subsection D(5)(a), when a tract of land to be subdivided abuts an existing Town road, the subdivider shall, as a condition of subdivision approval, deed to the Town a road improvement right-of-way appropriate to the road and its functional classification. When the tract fronts along one side of the existing road, the subdivider shall deed 1/2 of the required right-of-way, generally calculated from the center line of the existing road. Title to road improvement rights-of-way shall be good and marketable and free of liens and encumbrances.
- (c) For streets not shown on the Town of Bel Air Comprehensive Plan, the arrangement shall provide for the appropriate extension of existing streets.
- (d) Residential streets shall be arranged so as their local function and place in the street hierarchy discourage excessive speeds and enhance the community's visual image. Traffic-calming techniques shall be incorporated in road design.
- (e) No more than 50 residential units shall be served by a singular point of vehicular access. The Planning Commission shall have the authority to grant a waiver of this requirement if it finds that: **[Amended 9-16-2019 by Ord. No. 792-19]**

[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 **Zoning Administrator** ~~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.

No subdivision or development shall be approved unless it directly accesses an existing paved road network. All roads providing access from a subdivision/development to an existing paved Town, county or state road shall be constructed to the Harford County Road Code by the subdivider/developer, if the subdivider/developer desires to proceed with the project prior to the Town performing the required construction pursuant to the Town's Capital Improvements Program. If a developer decides to undertake construction, a public works agreement shall be

executed as required by law.

Any new or existing road rights-of-way or accessways leading from an existing Town, county or state road to the proposed project and all internal roads, including stub roads, shall be constructed or improved to the prescribed width and road construction as established by the Harford County Road Code unless otherwise specified in this section. **[Amended 4-3-2017 by Ord. No. 780-17]**

- (f) Proposed developments, including residential, business, industrial or institutional developments, or subdivisions to be constructed along existing roadways not meeting Town road standards for existing or contemplated traffic demands will be required to improve 1/2 of the roadway along their property to required Town, county or state road standards (whichever is applicable). Should construction of the roadway be considered infeasible at the time of development, the developer may deposit the estimated construction cost in an account with the Town of Bel Air for the future improvements of that roadway to the designated road standards. If not used within 20 years, the funds shall be rebated to the property owner.
- (g) Street frontage improvements are required when a parcel of land is subdivided or developed for purposes of creating:
  - [1] Any business, industrial, or institutional use.
  - [2] Any residential use for more than five dwelling units.
- (6) Street grade and intersections. Street grade and intersection requirements are specified in the Harford County Road Code.
- (7) Street hierarchy.
  - (a) In conventional developments, streets shall be classified in a street classification system, with design tailored to function according to the functional classification of the proposed street.
  - (b) Proposed streets shall be classified and designed for the entire length to meet the standards established for street types defined in this article and according to the Harford County Road Code unless otherwise specified in this section. **[Amended 4-3-2017 by Ord. No. 780-17]**
  - (c) The applicant shall demonstrate, to **the Zoning Administrator Planning Commission's** satisfaction, that the traffic on the existing and proposed street system adjacent to the site and to the nearest collector or higher-functioning classification road, as measured from each point of entrance to the site, will maintain a Level of Service "C" or better in all residential districts and a Level of Service "D" or better in all commercial/industrial districts.
- (8) Rights-of-way.

- (a) The right-of-way shall be measured from lot line to lot line and shall be sufficiently wide to contain the roadway, curbs, shoulders, sidewalks, graded areas, utilities, and shade trees (if they are placed within the right- of-way). The required right-of-way width shall be determined as follows:

<b>Street Type</b>	<b>Residential</b>	<b>Commercial/Industrial</b>
Arterials	60 feet	70 feet
Collectors	50 feet	60 feet
Local streets	50 feet	60 feet
Alleys	20 feet	20 feet
Turnarounds	60-foot radius	60-foot radius

- (b) The right-of-way width of a new street that is a continuation of an existing street shall in no case be continued at a width less than that of the existing street.
- (c) The right-of-way shall reflect future development as indicated by the Town of Bel Air Comprehensive Plan.

(9) Pavement width.

- (a) Pavement widths for each street classification are shown in Subsection D(10), Pavement section, of this section.

(10) Pavement section.

- (a) Street pavement thickness shall vary by street hierarchy classification, subgrade properties and pavement type.
- (b) Pavement design for residential access streets, subcollectors and collectors shall conform to the specifications in the Harford County Road Code unless otherwise specified in this section. The required pavement width shall be as follows: **[Amended 4-3-2017 by Ord. No. 780-17]**

<b>Street Type</b>	<b>Residential</b>	<b>Commercial/ Industrial</b>
Arterials	36 feet	40 feet
Collectors	30 feet	36 feet to 40 feet
Local streets	24-foot minimum, exclusive of head-in parking areas in single- family attached areas or multifamily areas; 30-foot minimum in single-family residential areas	36 feet
Alleys	20 feet	20 feet

<b>Street Type</b>	<b>Residential</b>	<b>Commercial/ Industrial</b>
Turnarounds	55-foot radius	55-foot outside radius

(11) Paving materials.

- (a) Design and choice of paving materials used in pedestrian areas shall consider such factors as function, climate, characteristics of users, availability, cost, maintenance, glare, drainage, noise, appearance and compatibility with surroundings.
- (b) Acceptable materials shall include, but are not limited to, concrete, brick, cement pavers, asphalt and stone.
- (c) Materials shall be in conformance with the Harford County Road Code.

(12) Curbs and gutters.

- (a) Curbing shall be required at the time of development or redevelopment of any parcel for the purposes of drainage, safety, delineation and protection of pavement edge. Curbing may be required by the Zoning Administrator and/or the Director of Public Works when the use of a property changes so as to warrant upgrade based on the purposes stated herein.
- (b) Curbs shall be built in compliance with the Harford County Road Code.
- (c) Curbing may also be required:
  - [1] For stormwater management;
  - [2] To stabilize pavement edge;
  - [3] To delineate parking areas; and
  - [4] Ten feet on each side of drainage inlets.

(13) Dead-end streets; intersections.

- (a) Dead-end streets (not exceeding 600 feet in length) may be approved where necessitated by topography or where, in the judgment of the Planning Commission, a dead-end street is appropriate for the type of development contemplated. A turnaround shall be provided at the end of such a street and shall be designed in accordance with the Harford County Road Code.
- (b) Streets shall intersect one another at as nearly right angles as topography and other limiting factors will permit. The intersection of more than two streets at one point or approximately so shall be strictly avoided.

(14) Street names. Street names shall be subject to approval by the Town and the Harford County Emergency OPNS. Names shall not duplicate nor closely

approximate existing street names in or near Bel Air, except for the extensions of existing streets. In such cases, the existing street name shall be used.

- (15) Alleys. Alleys shall be provided in all commercial and industrial areas if no other provision is made for adequate access to parking and loading spaces. Alleys may be approved in residential areas and as extensions to existing alleys. Easements for utilities or drainage shall be provided along rear or side lot lines wherever necessary. Drainage easements shall be provided along all watercourses.
- (16) Sight distance. A triangular open area, as defined in § 165-65 of the Town of Bel Air Development Regulations, shall be provided at all intersections and shall remain open so that sight distance at the intersection is unobstructed, as determined by the Director of Public Works.
- (17) Panhandle lots.
- (a) Panhandle lots may be approved by the Planning Commission only when it is determined by the Commission that excellence of design will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints.
  - (b) No more than two panhandle lots may have shared or adjoining driveway entrances to a public right-of-way.
  - (c) The stacking of panhandle lots to form more than two tiers of lots is prohibited.
  - (d) The required width for a panhandle lot shall be a minimum of 20 feet. In an instance where two lots share one access drive, each lot shall have a minimum width of 10 feet. No portion of the panhandle may be applied to the required minimum lot size. **[Amended 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]**
  - (e) Panhandles shall be a maximum of 250 feet in length. The Planning Commission shall have the authority to grant a waiver of this requirement if it finds that the topography, natural features or geometry of the parcel make a longer panhandle necessary.
  - (f) Where a common drive is necessary, the owner shall record driveway use and maintenance restrictions that shall provide for the construction, type, responsibility for the same, including all costs, and use and maintenance of the common drive. The subdivision restrictions shall be reviewed by the Town's legal counsel for sufficiency prior to recordation.
- (18) Sidewalks.
- (a) Sidewalks and/or graded areas shall be required and constructed in accordance with the requirements set forth in the Harford County

## Road Code.

- (b) ADA-compliant sidewalks/ramps shall be placed in the right-of-way, parallel to the street.
- (c) Sidewalks may be located away from the road system to link dwelling units with other dwelling units, the street, and on-site activity centers, such as parking areas and recreational areas. They may also be required parallel to the street for safety and other reasons.
- (d) Pedestrianway easements 10 feet wide may be required by the Planning Commission to provide circulation or access along roads with insufficient right-of-way and access to schools, playgrounds, shopping, or other community facilities. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (e) Sidewalk paving shall measure a minimum of five feet in width. Wider sections of pavement may be necessary near pedestrian generators and employment centers.
- (f) Sidewalk patterns shall carry across driveways.

## (19) Bikeways.

- (a) Separate bicycle paths may be required if such paths have been specified as part of the Town of Bel Air Comprehensive Plan.
- (b) Bicycle lanes, where required, shall be placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or curbs shall not be used. Protective grates shall be provided over storm drains, as needed.

## (20) Off-street parking.

- (a) An adequate number of off-street parking spaces shall be required in all developments to accommodate residents and visitors.
- (b) Parking shall be designed and provided as specified in Article VII of the Town of Bel Air Development Regulations.
- (c) Parking deck and parking garage requirements are specified in Article VII of the Town of Bel Air Development Regulations.

Any public road located within the campus of an acute care hospital shall be subject to review on a case-by-case basis. Applicable road right-of-way and paving requirements may be modified if the applicant demonstrates to the Planning Commission that the proposed road right-of-way and paving width are sufficient to provide safe, efficient and orderly movement of traffic. Structures located along a public road within the campus may be exempted from otherwise applicable setback and yard requirements of the Town of Bel Air Development Regulations if the applicant demonstrates to the Planning Commission that the spirit of the Town of Bel Air Development Regulations

will be observed and public safety and welfare secured. The Planning Commission will make a recommendation, and the Board of Town Commissioners has final approval.

E. Landscape and amenity design.

(1) General.

- (a) Reasonable landscaping should be provided at site entrances, in public areas, and adjacent to buildings. The type and amount of landscaping required shall be in accordance with Article VIII, Landscaping Standards, of the Town of Bel Air Development Regulations.
- (b) The opportunity for the creation of recreational, cultural and artistic resources is diminished as land is developed. As these opportunities are diminished, the need to develop alternate sources for recreational, cultural and artistic assets is increased. The development of these assets should be financed by those whose development diminishes the availability of the community's resources for those opportunities and contributes to community urbanization. For this reason, an amount equal to or greater than 1/2% of the building cost for all nonresidential development in excess of 10,000 square feet shall be set aside for the inclusion of public art, a public square, passive open space or a park amenity. The total amount shall not exceed \$10,000 per project. **[Amended 4-3-2017 by Ord. No. 780-17]**

[1] The property owner shall provide an amenity fee based upon a cost estimate of the proposed project for review by the Town that may exclude costs associated with redevelopment. This payment shall be placed in the Town's public amenity fund. Monies paid into the fund shall be used only for the purpose of the development of public art, public squares, passive open space and park amenities. If not used within 10 years, the funds shall be rebated to the property owner.

(2) Open space and recreation.

- (a) Provision of open space shall be in accordance with § 165-52 of the Town of Bel Air Development Regulations. Developed **or active** open space shall be designed to provide active recreational facilities to serve the **community and/or** residents of the development. Undeveloped **or passive** open space shall be designed to preserve important site amenities and environmentally sensitive areas.
- (b) Deed restrictions. Any lands dedicated for open space or forest conservation purposes shall contain appropriate **recorded** covenants and deed restrictions approved by the Town Attorney, ensuring that:

[1] The dedicated space area will not be further subdivided in the future;

[2] The use of the dedicated space will continue in perpetuity for the purpose specified;

- [3] Appropriate provisions shall be made for any requisite maintenance of the dedicated space; and
  - [4] Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.
- (c) Open space/forest conservation area ownership. The type of ownership of land dedicated for open space or forest conservation purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the Planning Commission. Type of ownership may include, but is not necessarily limited to, the following:
- [1] The Town, subject to acceptance by the Board of Town Commissioners;
  - [2] Other public jurisdictions or agencies, subject to their acceptance;
  - [3] Quasi-public organizations, subject to their acceptance;
  - [4] Homeowner, condominium, or cooperative associations or organizations; or
  - [5] Shared, undivided interest by all property owners in the subdivision.
- (d) Homeowner/condominium association. If any of the dedicated space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted for Town review prior to execution of the final plan or record plat and, in the case of a condominium, prior to submission to the state for registration. The provisions shall include, but are not necessarily limited to, the following:
- [1] The homeowner/condominium association must be established before plat recordation;
  - [2] Membership must be mandatory for each condominium buyer or home buyer and any successive buyer;
  - [3] The open space restrictions must be permanent, not just for a period of years;
  - [4] The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
  - [5] Homeowner/condominium owners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowner association;
  - [6] The association must be able to adjust the assessment to meet changed needs; and

- [7] The association must maintain a reserve fund for maintenance and repair of all private streets and stormwater management facilities.
- (e) Maintenance of open space areas. The person or entity identified as having the right of ownership or control over any open space or forest conservation area shall be responsible for its continuing upkeep and proper maintenance.
- (3) Buffers. Buffers, where applicable, shall be provided in accordance with Article VIII of the Town of Bel Air Development Regulations.
- (4) Walls and fences.
- (a) Walls and fences shall be erected in compliance with Articles III and X of the Town of Bel Air Development Regulations where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
- (b) The design and materials used shall be functional and compatible with existing and proposed site architecture.
- (c) No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.
- (5) Street furniture.
- (a) Street furniture, such as, but not limited to, trash receptacles, newspaper stands, benches and phone booths, shall be located and sized in accordance with function, pedestrian safety and traffic visibility.
- (b) Street furniture components shall be compatible in form, material and finish. Design and materials shall be coordinated with existing and proposed site architecture. Selection of street furniture shall take into consideration function, durability, maintenance and long-term cost. Design/materials and location of street furniture must be approved by the Department of Planning and Community Development and the Public Works Department.
- (c) Grouping street furniture shall be encouraged.
- (6) Tree/plant buffers.
- (a) Shade trees shall generally be located within the right-of-way on both sides of and parallel to the street. Shade trees may also be placed outside the public right-of-way. Refer to Article VIII, Landscaping Standards, of the Town of Bel Air Development Regulations for specific regulations regarding street tree placement.
- (b) Shade tree areas shall be planted with grass or ground cover or treated with other suitable cover material.

- (c) Tree and shrub plantings shall be incorporated throughout development sites to buffer the sites from neighboring properties, to provide pervious surface within parking areas, to define areas by use, to enhance site appearance, and to enhance the site environmentally.

F. Utility areas.

(1) General.

- (a) Utilities shall generally be located within the right-of-way on both sides of and parallel to the street.
- (b) Utility areas shall be planted with grass or ground cover or treated with other suitable cover material.
- (c) A minimum easement of 10 feet shall be required for all utility areas. Additional width may be required by the Director of Public Works where necessary.
- (d) A utility and drainage easement area sufficient in width to provide for a channel or utilities (storm drain, water, sanitary sewer, etc.) to adequately dispose of surface drainage water shall be required where determined necessary by the Director of Public Works.

(2) Underground wiring.

- (a) All electric, telephone, television and other communications lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility, as well as standards required by the Department of Public Works.
- (b) Lots that abut existing easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utility's overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening or an extension of service or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
- (c) Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow rear lot lines and

other alignments.

- (d) Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required unless the applicant demonstrates that such screening would unduly encumber the apparatus.

**(3) Lighting. [Amended 4-3-2017 by Ord. No. 780-17]**

- (a) A lighting plan shall be provided at the time of preliminary plat submission, in accordance with a plan designed by the utility company or using, as a guideline, the standards set forth by the Illuminating Engineering Society Lighting Handbook.
- (b) The height and shielding of lighting standards shall provide proper lighting without hazard to drivers or nuisance to residents, and the design of lighting standards shall be of a type appropriate to the development and the municipality.
- (c) Spotlights, if used, shall be placed so as not to create a hazard or negative impact on nearby residents or motorists.
- (d) The final lighting plan for a project shall specify proposed type, style, size and location. The plan shall be submitted to the Director of Public Works for final approval.

**G. Signs.**

- (1) Design and placement of traffic signs shall follow state regulations or the requirements specified in the Manual of Uniform Traffic Control Devices for Streets and Highways, published by the United States Department of Transportation, as well as Article XV of the Town of Bel Air Development Regulations.
- (2) At least two street name signs shall be placed at each four-way street intersection and one at each T-intersection. Signs shall be installed free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

**§ 165-119. Improvements.**

**A. Water supply.**

- (1) General.
  - (a) All improvements shall be properly connected with an approved and functioning public community water system.
  - (b) No proposals for new public community water supplies or extensions to existing public and quasi-public water systems shall be constructed until such proposals have been reviewed, evaluated and approved by the

Director of Public Works.

- (2) Capacity.
  - (a) The water supply system shall be adequate to handle the necessary flow based on complete development.
  - (b) The demand rates for all uses shall be considered in computing the total system demand. Where fire protection is provided, the system shall be capable of providing the required fire demand plus the required domestic demand.
  - (c) Average daily demand can be computed in accordance with the Maryland Department of the Environment 2006 guidance document titled "Water Supply Capacity Management Plans."
  - (d) Fire protection shall be furnished for any development connected to the municipal water supply system, and minimum fire flows shall be in accordance with the State of Maryland Fire Prevention Code and the Harford County Water and Sewer Design Guidelines.
  - (e) The water system shall be designed to carry peak-hour flows and be capable of delivering the peak-hour demands.
- (3) System design and placement. System design and placement shall comply with the construction specifications set forth in the Harford County Water and Sewer Design Guidelines.
- (4) Fire hydrants.
  - (a) Hydrants shall be spaced to provide necessary fire flow. Needed Fire Flow (NFF) requirements shall be determined based on Insurance Services Office (ISO) standards, which range between 500 gpm and 3,500 gpm, depending on building use and distance between buildings. The average area per hydrant shall not exceed 120,000 square feet. In addition, hydrants shall be spaced so that each residence shall be within 600 feet of a hydrant. Final hydrant locations shall be approved by the Chief of the Bel Air Volunteer Fire Company. **[Amended 11-25-2011 by Ord. No. 744-11]**
  - (b) A hydrant shall be located at all low points and at all high points, with adequate means of drainage provided.
  - (c) Hydrants shall be located at the ends of lines, and valves of full-line size shall be provided after hydrant tees at the ends of all dead lines that may be extended in the future.
  - (d) Size, type and installation of hydrants shall conform to the specifications set forth in the Harford County Specifications and Standards for Water and Sewer Mains.

B. Sanitary sewers.

(1) General.

- (a) All installations shall be properly connected to an approved and functioning sanitary sewer system prior to the issuance of a certificate of occupancy.
- (b) No proposals for new public sanitary sewer systems or extensions to existing public sewer systems shall be constructed until such proposals have been reviewed, evaluated and approved by the Director of Public Works.

(2) System design and placement.

- (a) The sanitary sewer system shall be adequate to handle the necessary flow based on complete development. If the projected sewage flow from the development causes any section of the existing downstream sanitary sewer system to be over capacity, the affected section shall be upsized in accordance with Town Code Chapter 265, Impact Fees.
- (b) Average daily residential sewer flow data shall be calculated and submitted for review and verification by the Department of Public Works.
- (c) System design and placement shall comply with the specifications set forth in the Harford County Standards and Specifications for Water and Sewer Mains.

C. Stormwater management.

(1) General.

- (a) Design of the stormwater management system shall be consistent with general and specific concerns, values, and standards of the Town of Bel Air Comprehensive Plan, the Town's stormwater management requirements as outlined in Chapter 405 of the Bel Air Town Code, and applicable state storm drainage control programs. Design shall be based on environmentally sound site planning and engineering techniques and shall be in accordance with the Town Standard Specifications and Details.
- (b) The goal is to manage stormwater by using environmental site design (ESD) to the maximum extent practicable (MEP) to maintain, after development, as nearly as possible, the predevelopment runoff characteristics and to reduce stream channel erosion, pollution, siltation and sedimentation and local flooding and use appropriate structural best management practices (BMPs) only when necessary.
- (c) Stormwater management facilities (dry/wet ponds, infiltration trenches, water quality inlets, underground storage facilities, etc.) shall be owned and maintained by the developer/homeowners' association/condominium

association, not the Town. The Town will inspect these facilities from time to time and provide the developer/homeowners' association/condominium association with the results and any necessary actions required.

- (d) **No Any** dry or wet **storm water management** pond ~~shall be~~ located in the front yard setback in any residential district or commercial/industrial district adjoining a residential district **must be approved by the Director of Public Works.**

- (2) System strategy and design. Stormwater management system strategy and design shall comply with Chapter 405, Stormwater Management, and the floodplain management regulations as outlined in Chapter 210 of the Bel Air Town Code.

D. Improvement guarantees.

- (1) Purpose. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, landscape and other public improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

(2) Application.

- (a) Before the recording of final subdivision plats, or as a condition of final site plan approval, the developer shall post a bond or letter of credit acceptable to the Town for requisite public improvements. The performance guarantee shall meet the following standards:

[1] The furnishing of payment and performance bonds or other forms of security acceptable to the Town (i.e., letter of credit), in an amount not to exceed 100% of the cost of installation for public improvements.

[2] Provision for a maintenance guarantee for a period of one year (In certain circumstances, a maintenance period exceeding one year may be required, at the discretion of the Director of Public Works.) after final acceptance of the improvement, in an amount not to exceed 15% of the cost of the improvement. In the event that other governmental agencies or public utilities automatically will own utilities to be installed, or the improvements are covered by a performance or maintenance guarantee to another governmental agency, the performance or maintenance guarantee, as the case may be, may be waived by the Board of Town Commissioners for such utilities or improvements.

- (b) The time allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Board of Town Commissioners by resolution.

- (c) Upon substantial completion of all required improvements, the developer may notify the Director of Public Works, in writing, by certified mail, of the completion or substantial completion of improvements. The Director of Public Works shall inspect all improvements of which such notice has been given and shall approve, partially approve, or reject the improvements and shall notify the developer, in writing, by certified mail, of the contents of the report and the action not later than 90 days after receipt of the notice from the developer of the completion of all improvements.
  - (d) Where partial approval is granted, the developer shall be released from all liability, except for that portion of improvements not yet approved.
  - (e) Should the developer fail to complete the improvements, the Town may use the guarantee to complete the improvements.
- (3) Performance and maintenance mechanisms. Performance and maintenance guarantees shall be provided by a variety of means as approved by the Director of Public Works, including, but not limited to, the following:
- (a) Security bond. The applicant may obtain a security bond from a surety bonding company authorized to do business in the state.
  - (b) Letter of credit. The applicant may provide an irrevocable letter of credit from a bank or other reputable institution.
  - (c) Escrow account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the municipality or in escrow with a bank.