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Article VII Development and Performance Standards

§ 165-50 Purpose and applicability.

- A. These regulations are applicable to all developments within the Town of Bel Air. The regulations are designed to preserve the environmental, aesthetic and functional values of the Town while improving services, creating more accessible land use patterns, reducing traffic congestion and improving mobility.
- B. Regulations governing parking and loading, landscaping and performance standards for specific uses are stipulated in this article. These regulations are intended to improve security, increase efficiency of parking facilities and to encourage alternative modes of travel to reduce traffic and parking issues.

§ 165-51 Parking and loading.

- A. Purpose. The purpose of this section is to ensure provision of adequate, safe, convenient, aesthetically pleasing parking facilities, while minimizing the negative visual impacts of parking, service and loading facilities. Further, these regulations are intended to achieve the following goals and objectives:
 - (1) To regulate the number of required off-street parking spaces for the needs and safety of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly to eliminate the unnecessary use of the surface street system for parking purposes.
 - (2) To support the state's smart growth goals by minimizing the area used for parking, thus minimizing runoff and other environmental impacts.
 - (3) To provide shared parking options for different but compatible uses.
- B. Parking space required. **[Amended 4-3-2017 by Ord. No. 780-17]**
 - (1) A sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to a specific use shall be provided in all zoning districts. Parking requirements are specified for particular uses in Subsection **H** of this section. Issuance of any building permits or use and occupancy certificates shall not be granted until a plot plan showing such off-street parking as is herein required is submitted and approved by the Zoning Administrator. The number of parking spaces required shall be based on the net or gross floor area as defined in Article **XIV** depending on the use.
 - (2) Retail, **institutional** and service uses in the B-2 District which do not exceed a requirement 50 spaces per property are exempt from minimum parking requirements. All other uses must meet minimum requirements for parking.
 - (3) When determination of the number of parking spaces requires results in a fractional space, any fraction of 1/2 or less may be disregarded, while a fraction in excess of 1/2 shall be counted as one parking space.
 - (4) The Town recognizes that the parking requirements contained herein cannot cover every

possible situation that may arise. Therefore, in cases not specifically mentioned herein, the parking requirement **of the use** most similar to the enumerated use shall apply. No building permit or use and occupancy certificate shall be issued until the parking need has been evaluated and requirements satisfied.

- (5) Shared parking facilities may be permitted by the **Planning Commission** ~~reviewing authority~~ for different uses within an individual building or adjacent buildings or properties located within 500 feet of the subject property's boundaries based on a parking impact study provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. If approved, a shared parking plan shall be enforced through written agreement.
- (a) Agreement for shared parking plan. An attested copy of the agreement between the owners of the **parking lot** property **providing parking**, the entity utilizing the parking and the Town shall be submitted to the Zoning Administrator, who shall forward a copy to the Town Attorney for review. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a certificate of occupancy. The agreement shall:
- [1] List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 - [2] Include a site plan showing the area of the parking parcel;
 - [3] Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
 - [4] Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 - [5] Ensure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;
 - [6] Describe the obligations of each party, including the maintenance responsibility for the parking area and any open space.
 - [7] Incorporate the parking impact study by reference; and
 - [8] Describe the method by which the covenant shall, if necessary, be revised.
- (b) Change in use. Should any of the shared parking uses be changed, or should the Zoning Administrator find that any of the conditions described in the approved parking impact study or agreement no longer exist, the owner shall have the option of submitting a revised parking impact study and an amended shared parking agreement in accordance with the standards of this subsection, providing the number of spaces required for each use as if computed separately or paying the parking fee-in-lieu costs, if applicable.
- (c) Revocation of permits. Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.
- (6) Accessory uses to an existing permitted use that are seasonal in nature and do not operate for

more than six months of the year are not required to provide parking provided they do not exceed 75% of the capacity of the principal **permitted** use.

C. Flexibility.

- (1) Satellite parking. Satellite or off-site parking for **any commercial/service/institutional uses,** excluding fifty-five-and-over housing uses, may be provided through a recorded easement or an agreement **between the owners of the property providing parking, the entity utilizing the parking and the Town. If the parking is shared with another use, it must meet requirements for shared parking as** specified in Subsection ~~B(4)~~ **B(5)** of this section. Satellite or off-site parking may be permitted at a site not greater than 500 feet from the property boundaries of that use if the Planning Commission finds that the proposed parking area is easily accessible to the proposed development and includes a safe, accessible pedestrian connection. Any parking space dedicated to an off-site use must **have adequate signage at the use generating parking and at the parking location** ~~be signed accordingly.~~ **For residential uses, a minimum of one space must be provided on-site or adjoining the site.**
- (2) Fee in lieu of on-site parking.
 - (a) The Planning Commission may permit fulfillment of all or part of the parking requirement in the B-2 Central Business District to be satisfied through the payment of a fee in lieu of on-site parking, a fifteen-year renewable **parking** lease agreement or a combination of these alternatives when on-site parking is impractical due to site conditions and it is determined that public parking facilities are located within 500 feet of the property boundaries and that such parking facilities are easily accessible and include a safe, accessible pedestrian connection. Appropriate signs indicating the location of off-site parking shall be posted **at the property generating parking.** Fees shall be determined by statute based upon a per-space cost. Parking fee-in-lieu payments shall be used for development of parking facilities through the Town's Parking Enterprise Fund.
 - (b) A fee in lieu of on-site parking spaces, a fifteen-year renewable lease agreement or a combination of these alternatives may be provided by an applicant in the B-2A Central Business Gateway District or the B-3A General Business Gateway District **with approval of the Planning Commission** in situations where the application of the parking regulations would be undesirable or impractical and it is determined that public parking facilities are located within 500 feet of the property boundaries and that such parking facilities are easily accessible to the proposed development and include a safe, accessible pedestrian connection. The alternative parking provisions shall not exceed 50% of the required on-site parking.
 - (c) This subsection shall not apply to applications for alterations, repairs or renovations, but shall apply to new buildings, replacement buildings and expansions. For expansions, only the expansion area shall be considered in calculating parking requirements.
- (3) Parking and loading space reduction. Upon receipt of an application for a parking or loading space waiver, a public hearing shall be scheduled before the Board of Appeals. A waiver or reduction of the parking and loading requirements in any district may be permitted by the Board of Appeals whenever the character or use of the building is such as to make full provision of the specific parking and loading requirements unnecessary, or where adequate community loading facilities are provided on site, or where, due to problems of access or to the size of the lot, the provision of the required loading spaces is impractical.

- (a) In permitting such a waiver for new construction, the Board of Appeals must find the following:
 - [1] The requirements for parking and loading would result in particular or exceptional **hardship** ~~difficulties~~ upon the owner of such property; and
 - [2] Such relief can be granted without substantial impairment of the intent or purpose of this article.

- (b) In permitting such a waiver for existing buildings, the Board of Appeals must find the following:
 - [1] Proposed new use of the building would normally require fewer parking spaces than the prior use;
 - [2] The reduced number of parking spaces will be adequate to accommodate the proposed use; and
 - [3] Any such reduction in required parking spaces shall be restricted to such proposed new use only and shall not operate to permit a later occupancy of such building if the use is substantially changed or enlarged, unless approved by the Board of Appeals.

- (c) In permitting mixed-use development, the Board of Appeals may reduce the cumulative parking space requirements after reviewing a parking impact study. The Board of Appeals must find the following:
 - [1] The peak requirements of several occupants occur at different times during the day; and
 - [2] The Board of Appeals determines the findings of the parking study prepared by a qualified consultant support the requested reduction and that no adverse impact will be caused by the reduction.

- (d) A copy of the Board of Appeals decision on any approved parking and loading space reduction shall be attached to the building permit and/or any certificate of occupancy permit.

D. Parking space dimensions. Each off-street parking space shall measure nine feet in width by 18 feet in length. Parallel spaces shall measure eight feet in width by 20 feet in length. **Accessible p**arking spaces ~~for the physically handicapped~~ shall meet the Americans With Disabilities Act (ADA) requirements. **Structured p**arking ~~garage~~ spaces shall be 8 1/2 feet in width and 18 feet in length. **[Amended 4-3-2017 by Ord. No. 780-17]**

E. Required aisle and driveway widths.

- (1) Parking area aisle widths shall conform to the following table, which varies the minimum width requirement according to the angle of parking: **[Amended 4-3-2017 by Ord. No. 780-17]**

Aisle Width (feet)	Parking Angle			
	0°	45°	60°	90°

Aisle Width (feet)	Parking Angle			
	0°	45°	60°	90°
One-way traffic	12	15	18	21
Two-way traffic	20	20	22	24

- (2) Driveway access to a parking area shall not be less than 12 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that twelve-foot-wide driveways are permissible for two-way traffic when sufficient turning space is provided so that vehicles need not back into a public street (as determined by the Director of Public Works). **[Amended 4-3-2017 by Ord. No. 780-17]**
- (3) Access shall be a minimum of 30 feet from any intersection.
- (4) Curb cuts should be eliminated or minimized to the greatest extent possible through shared driveways with adjacent property.

F. Parking lot/driveway design, construction and maintenance.

- (1) General requirements.
 - (a) Unless no other practicable alternative is available, as determined by the Director of Public Works and the Zoning Administrator, vehicle accommodation areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two **family** dwelling units, although backing onto arterial streets is discouraged.
 - (b) Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
 - (c) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction. Bumper blocks or other means may be required to ensure this provision.
 - (d) Parking lots with 15 or fewer spaces may be constructed of approved stone, pavers or a similar pervious surface, subject to review and recommendation of the Director of Public Works and Planning Commission approval. **[Amended 4-3-2017 by Ord. No. 780-17]**
 - (e) Access to parking areas shall be designed so as not to obstruct free flow of traffic. Parking lot grade shall not exceed a five-percent slope and grade for all driveways and access shall not exceed 10% subject to review of the Director of Public Works. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and pedestrians. The stacking of parking spaces may be approved in certain circumstances by the Planning Commission if the applicant can demonstrate that there will be no adverse impact on the use and circulation pattern of the

parking area. [Amended 4-2-2018 by Ord. No. 783-18]

- (f) Parking areas shall be suitably landscaped to minimize glare and other nuisance characteristics, as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken into sections as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms and similar elements. Specific landscape and buffer requirements for parking areas are delineated in Article VIII.
 - (g) Any parking area required herein shall be continually maintained in good serviceable condition with striping clearly visible so as to be safe, attractive and free of any hazard, nuisance or other unsafe condition. Commercial parking areas shall be maintained to ensure customer safety. All potholes or similar hazards shall be repaired promptly upon written notification by the Town. In no case shall such conditions exist for more than 30 days.
 - (h) Parking of vehicles in areas other than a driveway, garage, parking pad, parking lot or other Town-approved parking area shall be prohibited. Further, the parking of vehicles or trailers on any grass or pervious area in any yard area shall be prohibited unless part of an approved site plan. [Amended 4-2-2018 by Ord. No. 783-18; 6-15-2020 by Ord. No. 795-20]
 - (i) Parking and vehicular access shall be clearly identified. A plan indicating proposed traffic-calming devices, such as speed limits, parking area signage and speed humps, shall be included on the site plan to be submitted for review and approval.
 - (j) Vehicular access shall be from the side streets, where possible, provided that traffic is not directed through an abutting residential district. Traffic mitigation measures designed to minimize or eliminate negative impacts of traffic movement shall be used wherever possible.
 - (k) Bicycle parking facilities shall be provided for all parking areas designed for 25 or more vehicles. This shall include a minimum of one bicycle rack. The location and description of the rack shall be shown on the preliminary plan.**
 - (l) A space designated for drop-off, pick-up and parcel delivery may count as two required vehicle spaces with approval from the reviewing authority. These spaces cannot be substituted for loading/unloading requirements.**
 - (m) All parking lots shall be brought to minimum standards prior to issuance of a certificate of occupancy permit for any business use. Standards shall include, but not be limited to, buffer, landscaping, surface repairs, markings, curbing, bumper strips and safe pedestrian access, as required by the Zoning Administrator.**
- (2) Residential district requirements.
- (a) In a residential district, driveways shall not exceed 20 feet in width, except in the R-O District, where driveways shall not exceed 24 feet in width.
 - (b) The remaining required front yard area must be maintained in grass, ground cover or other landscape material.
 - (c) No more than 25% of the front yard area on a collector road shall be impervious surface, and no more than 50% of the front yard area on local roads shall be impervious surface. [Added

6-15-2020 by Ord. No. 795-20]

(3) Nonresidential district requirements.

- (a) A parking management plan shall be submitted for all parking areas designed to accommodate 25 vehicles or more. This plan shall specify the proposed layout, circulation, signage, drainage, access, traffic arrows (if applicable), pedestrian walkways, loading/unloading, refuse/recycling service, lighting and internal and peripheral landscaping for the parking area. The plan is subject to review and approval or modification by the reviewing body. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (b) All commercial/service use parking areas shall provide a minimum of three parking spaces and all lots over 15 parking spaces be paved with a dust-free material and graded to accommodate proper surface water runoff and vehicle access. Alternative pervious paving surfaces are encouraged in all parking and services areas. Such surfaces are subject to Planning Commission approval. Where inconsistencies between this provision and the requirements of the Americans with Disabilities Act (ADA) exist, ADA requirements shall apply. **[Amended 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]**
- (c) Nonresidential parking shall be set back from the established street right-of-way or alley line as outlined in Article **VIII**. In cases where a commercial or industrial parking lot adjoins an R District, the parking area shall be limited to the side and rear yard areas. A landscape buffer shall be provided between the parking area and the adjacent residential property that effectively screens the parking from the residential property. **[Amended 11-25-2011 by Ord. No. 744-11; 4-3-2017 by Ord. No. 780-17]**

~~(d) Bicycle parking facilities shall be provided for all nonresidential parking areas designed for 25 or more vehicles. This shall include at least one bicycle rack. The location and description of the rack shall be shown on the preliminary plan. **[Amended 4-3-2017 by Ord. No. 780-17]**~~

~~(e) Commercial parking lots shall be brought to minimum standards prior to issuance of a certificate of occupancy permit for any business use. Standards shall include, but not be limited to, buffer, landscaping, surface repairs, markings, curbing, bumper strips and safe pedestrian access, as required by the Zoning Administrator.~~

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

- (1) The parking lot shall be accessory to and for use of one or more businesses or industrial establishments located in the adjoining B or M District and existing at the time of adoption of this chapter.
- (2) It shall be required to serve the public interest by relieving traffic congestion in the streets on or near the premises in question by tending to reduce the amount of traffic or parking on residential streets or by tending to promote more safety for children or pedestrians.
- (3) The parking lot shall provide parking space for no more than 25 vehicles.

- (4) It shall be located on a lot which is adjacent to a B or M District.
- (5) No charge shall be made for parking or storage of vehicles.
- (6) Where possible, entrances and exits shall be located within the adjoining businesses or industrial district. Alternatively, the entrances and exits shall be located as far as practicable from adjacent residential properties.
- (7) The application shall be accompanied by the names and addresses of all property owners within 200 feet of the proposed lot in question, who shall be given the opportunity to be heard at a public hearing by the Board of Appeals in connection with the consideration of such application.
- (8) In addition to the above requirements and those of this Part 2, the Board of Appeals may prescribe further requirements or conditions deemed necessary or desirable in respect to surfacing, marking, signage, lighting, walls, fencing or planting for protection of the adjacent property.

H. Required off-street parking by use/activity. Unless otherwise noted, the basic measuring unit shall be the net square footage of the building. **[Amended 1-3-2011 by Ord. No. 738-10; 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]**

Use or Use Category	Spaces Required
Amusement/entertainment	
Adult entertainment center	1 per 200 gross square feet
Amusement center and indoor recreation	1 per 200 gross square feet
Arena/stadium	1 per 3 seats
Bowling alley	4 per lane
Country club, golf, tennis, swim club	1 per 3 persons permitted under the State Fire Code
Ice/roller rink	1 per 100 square feet
Tavern, tavern with entertainment, microbrewery/winery/distillery	1 per 3 persons permitted under the State Fire Code
Theater	1 per 3 persons permitted under the State Fire Code
Industrial	
Industrial use (unless specified otherwise)	1 per 400 square feet (or largest employee shift, whichever is greater)
Fuel storage facility	1 per 800 square feet
Warehouse	1 per employee (at largest shift) and 1 per 300 square feet office
Institutional	
Civic service club, organization, country club and community center	1 per 3 persons permitted by the State Fire Code
Convent	1 per 2 beds (minimum of 2)
Day care, group	2 per 6 clients
Dormitory	1 per 4 beds (high school), 1 per 2 beds (college)
Fire station	1 per 250 square feet
Hospital	1 per 2 beds
House of worship	1 per 4 persons permitted by the State Fire Code

Use or Use Category

Spaces Required

Library	permitted in main assembly hall 1 per 400 square feet
Nursing home, assisted living	1 per 3 beds, plus additional spaces as determined by the Board of Appeals based on parking impact study
Post office	1 per 400 square feet
Prison	1 per 2 employees, plus public spaces as determined by the Board of Appeals based on parking impact study
School	
Elementary/middle school	1 per 10 seats in main assembly room or 1 per 10 classroom seats, whichever is greater
High school	1 per 5 seats in main auditorium or 1 per 8 classroom seats, whichever is greater
College, university	1 per 3 students
All other school uses	1 per 3 persons permitted by State Fire Code
Natural resources	
Agricultural products processing	1 per 800 gross square feet
Greenhouse/nursery, commercial	1 per 400 gross square feet
Residential	
Bed-and-breakfast	1 per bed, plus 1 per owner/manager
Boardinghouse	1 per 2 beds (minimum of 2)
Community shelter	1 per 2 beds (minimum of 2)
Group home/halfway house	1 per 2 beds (minimum of 2)
Multifamily and 55-and-over dwelling units	1 per studio dwelling unit 1.5 per 1-bedroom dwelling unit; 2 per 2-bedroom dwelling unit; 2.5 per 3-or-more-bedroom dwelling units (dens and libraries in multifamily to be counted as bedrooms)
55 and over dwelling units or affordable dwelling units	1 per studio and 1-bedroom dwelling unit 1.5 per 2-bedroom dwelling unit 2 per 3-or-more-bedroom dwelling units 2 per dwelling unit
Single-family detached, semidetached and two-family dwellings	
Townhouse	2.5 per dwelling unit (excluding garage space)
Retail and service use	
Antique shop/art gallery/museum	1 per 400 gross square feet
Auction house	1 per 6 seats or 1 per 400 square feet, whichever is greater
Bank	1 per 300 square feet, plus drive-through stacking space if applicable [See § 165-53I(2)(c).]
Banquet hall facility	1 per 3 persons permitted by the State Fire Code
Beauty shop/barbershop	1 per 200 150 gross square feet/or 2 2.5 per station, whichever is greater
Bulk mail service	1 per 200 square feet
Business and personal service	1 per 300 square feet (unless otherwise specified)
Car wash and auto detailing	1 per full-time equivalent employee plus drive-

Use or Use Category

Spaces Required

through stacking space if applicable [See 165-53I(2)(c).]

Cleaners/laundromat	1 per 200 square feet
Convenience goods	1 per 150 square feet
Construction supply/service	1 per 200 square feet for retail/office area; 1 per 800 square feet for storage area
Feed and grain mill	1 per 800 square feet
Fitness center	1 per 200 gross square feet
Funeral home	1 per 50 square feet (minimum of 30 spaces)
Group service	1 per 200 square feet
Hotel	1 per room, plus 1 per full-time equivalent employee
Instructional service	1 per 300 square feet
Liquor store	1 per 200 square feet
Medical service or laboratory	1 per 200 square feet
Mini storage	1 per employee and 1 per 300 square feet office
Mixed use	3.5 per 1000 gross square feet – Residential uses are calculated based on unit type
Motion-picture distribution	1 per 200 square feet
Motor vehicle sales, service and/or storage	1 per 300 square feet (minimum of 10)
Business and personal service	1 per 300 square feet (unless otherwise specified)
Outdoor Dining/Bar	1 per 150 square feet or 1 per 3 seats, whichever is greater
Pharmacy	1 per 200 square feet
Professional service	1 per 300 square feet
Restaurant	1 per 3 patron seats or 1 per 100 square feet of gross net floor area, excluding food preparation and storage area , whichever is greater, plus drive-through stacking spaces, if applicable [See § 165-53I(2)(I).]
Retail use (unless specified otherwise)	1 per 250 200 square feet
Service use (unless specified otherwise)	1 per 300 square feet
Shopping center	
Under 400,000 square feet	4 per 1,000 gross square feet
400,000 square feet and above	3.5 per 1,000 gross square feet
Spa	1 per 200 gross square feet
Specialty food	1 per 300 square feet
Specialty shop	1 per 300 square feet
Veterinarian/veterinarian clinic/hospital	1 per 200 square feet

The Zoning Administrator shall establish requirements for any use not specified above based on the requirements of the most similar use cited above.

- I. Loading areas. Whenever the normal operation of any **commercial** development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, facilities shall be provided in accordance with the requirements specified below: [**Amended 4-3-2017 by Ord. No. 780-17**]
- (1) 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: **[Amended 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]**

Gross Floor Area

(square feet)

Number of Spaces

6,000 to 24,999

1

25,000 to 79,999

2

For each additional 72,000 square feet, or fraction thereof, of gross floor area, one additional loading space shall be provided.

- (2) Every public assembly use, such as auditoriums, office buildings, funeral homes, restaurants, theaters and hotels of 30,000 square feet or more, shall provide off-street loading facilities as follows:

Gross Floor Area

(square feet)

Number of Spaces

30,000 to 119,999

1

120,000 to 197,999

2

For each additional 105,000 square feet, or fraction thereof, of gross floor area, one additional loading space shall be provided.

- (3) The minimum dimensions of each loading space shall be 12 feet by 45 feet, and an overhead clearance of 14 feet from street grade shall be required unless user or site requirements necessitate size adjustment as demonstrated by parking management plan and approved by Planning Commission.
- (4) Loading areas shall be so located and designed so that the vehicles intended to use them can:
- (a) Maneuver safely and conveniently to and from public rights-of way; and
 - (b) Complete the loading and unloading operations without obstructing or interfering with any public right-of-way, parking space, or parking lot aisle or pedestrianway.
- (5) No area allocated to loading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading facilities.
- (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 10 feet in height and shall be maintained in good condition without any advertising thereon. 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 residential 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. **[Amended 9-16-2019 by Ord. No. 792-19]**

J. Refuse and recycling. **[Added 4-3-2017 by Ord. No. 780-17]**

- (1) Except for single-family residential uses, all refuse and recycling shall be stored in an enclosed area. Dumpster areas, loading bays and other service elements shall be screened from view. Debris and trash shall be removed from premises and lots shall be cleared regularly.
- (2) 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 a.m. in a residential district and within 500 feet of a residential use located in a residential district. The Planning Commission may waive time limits based upon site characteristics, surrounding land use and mitigation measures. **[Amended 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]**
- (3) All enclosures shall completely screen the container, provide for an operable gate to be closed when not in use and allow for separate human access for loading. Enclosures should match the materials or color of the principal structure.
- (4) Access to refuse and recycling may not obstruct or interfere with any public right-of-way parking space or pedestrian access.
- (5) Containers for **nonprofit recycling** collections may be placed within existing parking areas provided no more than one per parking area is installed.

K. Exterior lighting. **[Added 4-3-2017 by Ord. No. 780-17]**

- (1) A lighting plan indicating illumination measured in footcandles shall be submitted to the Director of Planning at the time of preliminary site plan submission for review and approval. A site that is adjacent to a residential use shall restrict exterior lighting to minimize glare and ambient light on the adjoining property.
- (2) Measurement of proposed lighting shall adhere to the standards of the Illuminating Engineering Society (IES) for the proposed use.
- (3) Fixture style, layout and height shall complement the building design, parking lot layout, traffic circulation and be compatible with the scale of adjacent properties.
- (4) Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings and in parking areas.
- (5) Spacing of standards shall be equal to approximately four times pole height.
- (6) The maximum height of fixtures shall not exceed 25 feet or the limit outlined in the district or use regulations, whichever is less. The Planning Commission may restrict pole height and require measures to mitigate glare when lighting is located near existing residences or residentially zoned property. **[Amended 4-2-2018 by Ord. No. 783-18]**
- (7) Spotlights, if used, shall be placed so as not to create a hazard or impact nearby residents or motorists.

§ 165-52 **Open space and recreation.**

Residential subdivision or **residential** site developments in Bel Air shall be required to provide open

space and to dedicate land necessary for completion of the pedestrian trail network adjacent to newly developed properties as described in Articles IV and V of the Town of Bel Air Comprehensive Plan. Developed **or active** open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped **or passive** open space shall be designed to preserve important site amenities and environmentally sensitive areas. In addition, or in lieu of provision of open space, and if approved by the Board of Town Commissioners, the applicant may contribute to the Town Open Space Recreation Fund.

A. Minimum requirements.

- (1) Amount of open space required. A minimum of 15% of the **project area** ~~tract proposed for development~~ shall be set aside for **total (active and passive)** ~~developed and undeveloped~~ open space.
- (2) Size of open space parcels. To qualify as part of required open space, areas shall be lawn, landscape or natural vegetation with a minimum of 500 square feet and have a width of no less than 10 feet. **Active Usable** open space shall be a minimum of 40% of the required **total** open space area. This open space area shall be usable for active recreation **as outlined below. such as swimming pools, tennis courts, tot-lots, outdoor racquet courts, par courses, hike/bike trails, ball fields and other similar activities.** Water bodies shall not exceed 15% of the required open space area. Active recreation space shall be dry, reasonably flat and accessible. The land shall not exceed a grade of 3%. Land must be configured to provide adequate space for active recreation facilities, as determined necessary by the Planning Commission. **[Amended 4-2-2018 by Ord. No. 783-18]**
- (3) Location of open space parcels.
 - (a) **Active Developed** open space. **Active recreation occurring on level or gently sloping land designed to provide individual or group activities of a dynamic nature including, but not limited to, sports fields, court games, hiker/biker trails, fitness courses, swimming pools, children's play areas, golf courses, and community gardening.**
 - [1] The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - [a] The character of the open space land;
 - [b] The estimated age and the recreation needs of persons likely to reside in the development;
 - [c] Proximity, nature, and excess capacity of existing municipal recreation facilities; and
 - [d] The cost of the recreational facilities.
 - [2] The Planning Commission shall determine specific open space and/or recreation requirements based upon needs as assessed by the Town of Bel Air Comprehensive Plan. **[Amended 4-3-2017 by Ord. No. 780-17]**
 - [3] Accessibility; open space. Recreation sites must be accessible in terms of safety, as well as distance traveled by users.

(b) **Passive Undeveloped** open space. As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements, such as **a forest conservation, landscape buffering** ~~the cutting of trails for walking or jogging,~~ or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements, including but not limited to removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth and grading and seeding.

B. Maintenance and ownership. Open space and recreation facilities shall include provisions for maintenance and ownership as stipulated in Part 4, § 165-118E(2), of the Town of Bel Air Development Regulations. Should use or ownership of property upon which the open space is located change, open space requirements shall be reevaluated. [Amended 4-3-2017 by Ord. No. 780-17]

C. Fee in lieu of open space.

- (1) The Planning Commission may permit the open space requirements to be satisfied through the payment of a fee in lieu of on-site recreation areas when provision of on-site open space is impractical due to site conditions. Fees shall be determined by statute based upon a per-acre cost for active and passive recreational open space.
- (2) Open space fee-in-lieu payments shall be used for development of recreational space/facilities through the Town's Recreational Open Space Fund. **If not used within 15 years for acquisition and/or development of passive or active open space, the funds shall be rebated to the property owner.**

§ 165-53 Performance standards and development guidelines by use.

A. Purpose.

- (1) The following standards and guidelines are intended to implement the purpose of the Town's zoning districts as noted in Article III of this Part 2, to promote quality development, to add consistency and predictability to the permit review process, and to reinforce the Town's Comprehensive Plan land use goals and objectives. This section not only specifies the performance standards required for the specific uses but also includes guidelines intended to articulate the community's goals and objectives for new development and redevelopment.
- (2) All performance standards and guidelines must be addressed by an applicant. The performance standards are mandatory **for special exception uses** and offer relatively little flexibility, unless choices are provided within the statement itself. **A variance may be obtained for a special development performance standard, but not for special exception uses.** The guidelines are meant to be applied, but with some flexibility. The Town will consider design or development features that are equal to or better than that stated, so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposal meets this test, and determination will be made by the reviewing body.
- 3) Any use not found within this Part 2 or cannot be reasonably included under another use definition is considered prohibited in the Town.**

B. General performance standards and development guidelines by use.

- (1) The following performance standards and guidelines apply in all districts: [**Amended 4-3-2017 by Ord. No. 780-17**]
 - (a) Where not explicitly addressed as a condition of use approval, the integration of pedestrian sidewalks and pedestrian-friendly design shall be required in any application for development.
 - (b) The applicant shall provide written confirmation that the proposed use will conform to all requirements of applicable federal, state and local reviewing agencies and will be operated in strict compliance with laws and regulations applicable to the use.
 - (c) The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
 - (d) Pedestrian areas shall be protected with landscaping and curbs that are integrated into the overall site design.
 - (e) Building entrances shall be linked to sidewalks and parking areas by means of a safe and convenient well-lit walkway system.
 - (f) The applicant shall demonstrate that the use will be safe and will not create a nuisance due to traffic, noise, etc., or create adverse impacts on the use or development of the surrounding properties due to noise, odor, traffic or lights. The use shall not adversely affect the use of other property in the immediate neighborhood.
 - (g) The applicant shall identify all proposed noise-generating uses or design elements and specify how noise levels will be mitigated.
 - (h) The subject property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic generated by the requested use. Vehicular access shall not be by means of streets internal to residential subdivisions. The reviewing agency may require a traffic impact study.
 - (i) Proposed development adjoining historic structures or sites shall be compatible in color, size, material and mass with such historic properties.
 - (j) Buildings shall be architecturally compatible in quality, texture, finish, size, shape, style, rooflines and like materials. All sides of the use shall have the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
 - (k) Rooftop mechanical equipment shall be screened from public view.
 - (l) Fences and retaining walls shall be designed to be consistent in materials and quality to that of the building and the adjacent properties.
 - (m) All districts are subject to noise restrictions specified in Chapter **345** of the Town Code.
 - (n) Any part of a lot not used for buildings, other structures or paved for off-street parking,**

drive aisles, loading, maneuvering, and pedestrian walks or permitted outside storage shall be landscaped and properly maintained.

(o) All use setbacks and separations are from property line to property line unless otherwise specified.

(2) Guidelines.

- (a) New buildings are encouraged to include green building standards during construction to minimize impacts on public water, sewer and stormwater facilities.
- (b) Buildings should be designed to compliment and contribute to the neighborhood in terms of shape, style, roofline, color and materials.

C. Use category performance standards and guidelines: amusement/entertainment. All amusement/entertainment uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

(1) Performance standards.

- (a) The applicant shall identify any hazardous materials or explosive materials that may be stored on site and describe measures to be taken to ensure public safety.

(2) In addition, specific amusement/entertainment uses listed below shall be subject to the following: [**Amended 5-2-2011 by Ord. No. 741-11; 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17**]

(a) Adult entertainment center.

[1] Performance standards.

- [a] No lot on which such establishment is located shall be located within 1,000 feet of the property line of any institutional or residential use.
- [b] The merchandise shall be arranged to ensure that no merchandise depicting, describing, showing or relating to sexual conduct, sexual excitement, sadomasochistic abuse or human genitalia is visible from the outside of the establishment.
- [c] No use on which such an establishment is located shall be located within 1,000 feet of an existing ~~adult bookstore~~/adult entertainment center.
- [d] The hours of operation shall not include any time periods between 10:00 p.m. and 10:00 a.m.

(b) Amusement center and indoor recreation facility.

[1] Performance standards.

- [a] Amusement center uses shall not be located closer than 300 feet to any school building, exclusive of temporary structures. Such use shall not be located within 100 feet of any adjoining property which is in an R District except when located in a

shopping center.

- [b] Such use shall be established only after approval by the Planning Commission of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify procedures to preclude gambling and loitering, regulations regarding the use of the establishment by school-age children, and procedures for the enforcement of the rules.

[2] Guidelines

- ~~[e]~~ [a] The Planning Commission shall impose such conditions and restrictions as it may deem necessary to ensure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:

- [i] Hours of operation.
- [ii] Number of adult attendants required to be on the premises at all times.
- [iii] Size of the establishment and the number and type of amusements.

- (c) ~~Country club, golf, tennis, swim club/fitness centers~~ **Banquet facility.**

- [1] Performance standards.

- [a] Off-street parking and loading areas, **entertainment spaces** ~~swimming pools, tennis courts, golf tees~~ and maintenance facilities shall be screened to provide an effective visual buffer from adjoining uses.

- [b] All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.**

[2] Guidelines

- [a] The Board of Appeals may specify hours of operation, hours of entertainment, parking, service requirements or other conditions deemed necessary to adequately protect nearby property owners.**

- (d) Fortune telling.

- [1] Performance standards.

- [a] The use shall not be located closer than 1,000 feet to any school property lines, **or within 100 feet of a residential district.**

- [b] The use shall not be located within 1,000 feet of an existing fortune-telling establishment.

[2] Guidelines

- ~~[e]~~ [a] The Board of Appeals or reviewing agency shall impose such conditions and

restrictions as it may deem necessary to ensure that the use is compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but not be limited to the following:

{di} Hours of operation;

{eii} Scope of operation.

(e) Smoking lounge [**Added 10-1-2012 by Ord. No. 754-12**]

[1] Performance standards.

[a] No such use shall be located within 1,000 feet of a school property line or 100 feet of a residential use.

[b] The use shall adhere to the applicable requirements of the Maryland Clean Indoor Air Act.

[2] Guidelines

{ea} The Board of Appeals or reviewing agency shall impose such conditions as it may deem necessary to ensure that the use will not adversely impact the adjacent area. Such conditions may include, but need not be limited to the following:

[i] Hours of operation.

[ii] Age restrictions.

[iii] Ventilation of premises.

[iv] Accessory services such as the sale of food, beverages and live entertainment.

(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 or a microbrewery/winery/distillery located within 300 feet of a school building. [**Amended 9-16-2019 by Ord. No. 792-19**]

[b] All structures wherein entertainment is located must be adequately insulated for sound. All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.

[2] Guidelines

{ba} The Board of Appeals or reviewing agency shall impose such conditions and restrictions as it may deem necessary to ensure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may

include, but need not be limited to, the following:

- [i] Number of security attendants required to be on the premises at all times.
- [ii] Hours of operation.
- [iii] Size of establishment including area dedicated to bar, restaurant, stage and dance floor, etc.
- [iv] Plan for clearing trash/debris from site and adjacent properties.
- [v] Use of outdoor portion of property must address standard in § **165-53I(2)**.
- [vi] Alternative parking and service provisions.

D. Use category performance standards and guidelines: industrial uses. All industrial uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below: [**Amended 4-3-2017 by Ord. No. 780-17**]

- (1) Performance standards for light industrial to include electronics supply and services, greenhouse/nursery, medical equipment and supply, printing and publishing and secondary manufacturing.
 - (a) All manufacturing operations (except for permitted outdoor storage) shall be located in a wholly enclosed building unless specifically authorized by the Planning Commission.
 - (b) The release, disposal, or storage of waste materials shall not be visible from off site. All trash and refuse shall be stored in a self-contained/enclosed storage area.
 - (c) There shall be no outdoor storage of the finished product unless such storage is authorized by the Planning Commission. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.
 - (d) Raw materials, waste products, and other by-products associated with the process shall be identified by the applicant prior to approval.
 - (e) Outdoor storage of raw materials, waste products, and other by-products may be permitted. The outdoor storage area shall be effectively screened by opaque fencing, screening or landscaping. The height of the stored materials shall not exceed the height of the screening. The general location, type and extent of all proposed storage screening shall be shown on the site plan. Unsafe storage of waste or hazardous material that creates a pollution threat or fire hazard or is an attraction to rodents or insects is not permitted.
 - (f) The hours of operation shall be specified.
 - (g) Provisions shall be made for the control of noxious and offensive odors, air pollution, water quality, and noise generated by the proposed use.
- (2) Performance standards for heavy industrial to include agricultural products and processing, construction supply and services, fuel storage, feed and grain mill, primary manufacturing, vehicle and equipment storage and warehousing: [**Amended 9-16-2019 by Ord. No. 792-19**]

- (a) The performance standards and guidelines for light industrial, § **165-53D(1)**, shall apply to heavy industrial.
 - (b) A traffic impact study shall be submitted for review.
 - (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.
- (3) Guidelines.
- (a) All stored goods, merchandise, vehicles or implements should be secured against theft, vandalism or loss.
 - (b) To the extent possible, all storage should be limited to the rear of the principal building.
- (4) In addition, specific industrial uses listed below shall be subject to the following:
- (a) Fuel storage facilities.
 - [1] Performance standards.
 - [a] Gasoline, propane, oil or diesel fuel storage facilities may be permitted, maintained and decommissioned in accordance with all state and federal regulations.

E. Use category performance standards and guidelines: institutional uses. All institutional uses, except parks and recreation areas, are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

- (1) Performance standards.
- (a) The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
 - (b) Any institutional use located in a residential zone must adhere to architecture and site design standards in Section 165-28.B for the RO District**
 - (bc)** Institutional establishments adjacent to an existing residential use shall meet the following standards: [**Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19**]
 - [1] 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.
- (2) Guidelines.
- (a) The applicant should provide a written explanation of the character of the facility, the program's policies, goals, means proposed to accomplish these goals, characteristics of the service population and number of Town/county residents to be served, operating methods and procedures, and other aspects pertinent to the facility's program and how the facility will impact the neighborhood.

- (b) The reviewing agency/body may require a parking impact study if deemed necessary to ensure the adequacy of the proposed number of parking spaces.
- (3) In addition, specific institutional uses listed below shall be subject to the following: **[Amended 4-3-2017 by Ord. No. 780-17]**
- (a) Cemetery.
- [1] Performance standards.
- [a] Graves, **crypts and/or columbaria** shall be considered as **primary** structures for the purpose of determining setbacks from property lines, and in no case shall the graves be located closer than 7 1/2 feet to the property lines.
- [2] Guidelines.
- [a] The applicant should provide walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening.
- (b) Civic ~~service club, fraternal~~ organization **and country club**
- [1] Performance standards.
- [a] The facility shall be under the control and direction of a duly constituted governing body **or entity**.
- [b] All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.**
- [c] All areas of recreation and entertainment must be screened from adjacent property and public right-of-way**
- [2] Guidelines**
- ~~[a]~~ The Board of Appeals may specify hours of operation, **hours of entertainment, parking, service requirements** or other conditions deemed necessary to adequately protect nearby property owners.
- (c) Community center.
- [1] Performance standards.
- [a] The facility shall be under the control and direction of a duly constituted governing body composed, at least in part, of residents of the area intended to be served by the facility.
- (d) Day care, group.
- [1] Performance standards.
- [a] The Board of Appeals or reviewing agency may prescribe specific conditions

determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

- [b] In the case of child day care, the applicant shall provide 150 square feet of usable outdoor recreation area for each child that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
- [c] All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

(e) Dormitory.

[1] Performance standards.

- [a] An educational institution must be affiliated or owner of the facility. Use may be considered as accessory if located on the school campus.
- [b] Adult staff shall be on the premises 24 hours per day.
- [c] Kitchens or cooking equipment are prohibited in the individual dormitory rooms.
- [d] An operable fire alarm is required on all floors and sprinklers in all units.
- [e] Parking is prohibited in the front yard.

[2] Guidelines

- [a] The Board of Appeals or reviewing authority may impose additional conditions to ensure the use will not impact the surrounding area.

(f) Fire station.

[1] Performance standards.

- [a] The applicant shall make provisions to ensure safety in the area surrounding the facility, which may include additional traffic control devices, i.e., signal lights, signs, pavement painting. Adequate area for operation of all equipment shall be provided. Adequacy standards shall include, but not be limited to, turning radii necessary for emergency equipment and/or paving type for particular equipment.
- [b] Environmental considerations shall be addressed fully. This shall include minimizing noise of the facility, minimizing impact of lighting upon adjacent properties, and screening parking areas and equipment storage areas from adjacent uses as determined necessary by the Board of Appeals.

(g) Hospital.

[1] Performance standards.

- [a] All structures shall be located at least 200 feet from any adjacent residence.
- [b] All parking areas shall be located at least 50 feet from any adjacent residential lot.
- [c] A minimum of 25% of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents of the neighborhood and protective of natural features.
- [d] Any helipad associated with the hospital use shall be located at least 200 feet from any adjacent residential property.

[2] Guidelines.

- [a] Accessory uses may include, but not be limited to, recreational and educational services, therapy areas, retail stores, personal and professional services, and health services.

(h) Houses of worship.

[1] Performance standards.

- [a] Building(s) shall be designed to ensure safe vehicular and pedestrian circulation. A traffic study may be required by the reviewing agency.

[2] Guidelines.

- [a] A structure used primarily for religious activities may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.

(i) Assisted living.

[1] Performance standards.

- [a] Parking and loading shall be provided at the rear of the site.
- [b] Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons shall be available to residents or provided on the site for residents.
- [c] Business uses which may be permitted as accessory uses shall be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities shall be visible from the periphery of the site.

[2] Guidelines.

- [a] The Board of Appeals may prescribe specific conditions determined necessary to

minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

(j) Recycling or reuse center.

[1] Performance standards.

- [a] The applicant shall fully describe the proposed use to the satisfaction of the Board of Appeals and shall establish that the use will not cause interference with pedestrian or vehicular traffic.
- [b] The description shall include the operating schedule of the center and the number of attendants available at each shift operated by the center.
- [c] The applicant shall specify the method for material storage, removal of trash and debris and shall describe how this will be accomplished.

(k) Nursing home.

[1] Performance standards.

- [a] Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons shall be available to residents or provided on the site for residents.
- [b] All parking areas shall be located at least 50 feet from any adjacent residential lot.
- [c] A minimum of 25% of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents and protective of natural features.
- [d] Open space areas, recreational facilities and other accessory facilities shall be developed in each phase of development to meet the needs of the residents. The developer shall provide a schedule for the installation of facilities at the time the special exception is approved.

[2] Guidelines.

- [a] Accessory uses in residential districts may include recreational and educational services, therapy areas, retail stores, personal and professional services and health services. In commercial/industrial districts, accessory uses shall be based on uses permitted in the district.

(l) Park and recreation area.

[1] Performance standards.

- [a] A plan of proposed use shall be submitted to the Planning Commission for review and comment.
- [b] No structure associated with the use shall be located closer than 50 feet to any

residential lot line.

- [c] The park shall have adequate frontage on a public street of sufficient capacity to provide safe access and convey anticipated traffic.

[2] Guidelines.

- [a] Special consideration shall be given to traffic safety. Protective methods may be required, including fencing along roadways, and/or additional requirements to ensure the adequacy of sight distance for the particular use.
- [b] Taking into account safety, noise, dust, glare, and traffic factors, the Planning Commission may prescribe additional conditions to ensure compatibility with adjacent uses.

(m) School, college, university.

[1] Performance standards.

- [a] If the school offers general academic instruction below college level, an outdoor play area (or other outdoor activity area) shall be required which shall meet minimum state requirements for such outdoor play area. The area shall be located at least 25 feet from any adjoining **residential** lot.

[2] Guidelines.

- [a] The Board of Appeals may specify the maximum number of students to be enrolled. "Enrollment" shall mean the total number of students enrolled at any one time. If there are separate morning, afternoon and evening sessions, each one of which is attended by different students, "enrollment" shall mean the number of students enrolled in the session having the largest number of students.

[b] The Board of Appeals may condition any approval on provision of adequate vehicular, pedestrian and service access based upon review of a Traffic Impact Analysis prepared in accordance with Section 165-118.D.

F. Use category performance standards and guidelines: natural resource uses. All natural resource uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

(1) Performance standards.

- (a) The release, disposal, or storage of waste materials shall not be visible from off site. All trash and refuse shall be stored in a self-contained/enclosed storage area.
- (b) There shall be no outdoor storage of the finished product. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.
- (c) Raw materials, waste products, and other by-products associated with the process shall be identified by the applicant prior to approval. Outdoor storage of raw materials, waste products, and other by-products may be permitted. The outdoor storage area shall be

effectively screened from any adjacent land in any residential zone or land proposed to be used for residential purposes. The general location, type and extent of all proposed screening shall be shown on the site plan.

- (d) An impact statement shall be submitted, explaining:
 - [1] The proposed architectural design (graphic or narrative) of all buildings and structures.
 - [2] The scope of the operation.
 - [3] The proposed hours of operation.
 - [4] The provisions to be made for the control of noxious and offensive odors.
 - [5] The air pollution, water quality and noise control measures to be taken.
 - [6] The type and amount of traffic expected to be generated.
 - [7] The compatibility of the use with the surrounding areas.
 - (e) All proposed accessory uses shall be identified, and the maximum square footage allotted for each use shall be indicated on the site plan.
 - (f) Uses must also meet standards outlined in § **165-53D** if classified as heavy or light industrial. **[Added 4-3-2017 by Ord. No. 780-17]**
- (2) In addition, specific natural resource uses listed below shall be subject to the following:
- (a) Mining and mineral extraction.
 - [1] Performance standards.
 - [a] All mining and mineral extraction operations shall be reviewed by the Planning Commission.
 - [b] The applicant shall demonstrate that the proposed extraction will not have an adverse impact on the nearby property owners. In determining the impact on property owners, the Planning Commission shall consider the following: dust, noise, vibration, traffic generation, odor and fumes.
 - [c] The applicant shall be responsible for restoring the area with a minimum of two inches of topsoil. A plan for such restoration shall be submitted to the Director of Public Works for approval prior to any mining or extraction operation.
 - [d] Exposed land shall have a slope not greater than 3:1. A grading plan shall be submitted with the site plan, showing existing and proposed ground elevations on the site, adjacent land, and all abutting streets.
 - [e] A traffic analysis shall be required as part of the Planning Commission application, which shall include the following:

- [i] Expected volume of traffic generated by the operation;
- [ii] Streets to be used to access the site;
- [iii] Identification of driveways or access points located so as not to endanger pedestrians or create traffic hazards; and
- [iv] Identification of material used in construction of the driveway or access.

[f] All operations shall be screened, including outdoor storage of machinery and equipment, from adjacent land or streets. The Planning Commission shall consider use of techniques for noise attenuation in reviewing applications.

[g] The site plan shall include an estimate of the time required for the removal of the material and return of the site to a condition suitable for development.

G. Use category performance standards and guidelines: residential uses. All residential uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

(1) Performance standards. [**Amended 4-1-2013 by Ord. No. 759-13; 4-3-2017 by Ord. No. 780-17**]

- (a) The applicant shall provide a graphic description of the proposed architectural design.
- (b) All proposed accessory uses shall be identified, and the maximum square footage allotted for each use shall be indicated on the site plan. If a deck is not included on the site plan proposal for single-family or multifamily residential units, the rear or side yard setback shall be increased to allow future construction of a deck at least 10 feet by 20 feet in size.
- (c) No dwelling shall be occupied by more than one person for every 220 square feet of habitable space. Persons sharing dwellings or beds on a rotating or shift basis shall each be counted as separate occupants for purposes of this requirement.
- (d) In the case of townhouse units, the maximum number of attached dwelling units within a building block shall be no more than six units unless the Planning Commission determines to increase the number of units to a maximum of eight based on the intensity of surrounding land use, the architectural design, the layout of the development, and distribution of parking, as shown on the plans submitted.

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

(a) {insert Accessory Dwelling Unit}

(a)b Bed-and-breakfast.

[1] Performance standards.

[a] No separate kitchens shall be provided for guests.

[b] Parking and loading shall not be provided in the front yard.

- [c] An operable fire alarm shall be placed on each floor, including the basement.
- [d] The owner or operator must maintain his or her residence on site, or an employee must be on site when the facility is occupied by guests.
- [e] A minimum of one full bathroom with a lavatory, toilet and shower or tub, or combination thereof, shall be available for every two guest rooms.

[2] Guidelines.

- [a] The dining area of the bed-and-breakfast may be rented for special catering events **provided adequate parking and buffering is stipulated.**

[b] Operating information, structure, size, capacity and orientation of the facility may be considered during review.

(b)c Boardinghouse.

[1] Performance standards.

- [a] Facilities for dining shall be in a common location customarily used by a single family in the structure. Separate kitchens for residents shall not be provided. Meals shall be provided for boardinghouse residents and guests only.
- [b] Parking and loading shall not be provided in the front yard.
- [c] The owner or operator must maintain his or her residence on site.
- [d] An operable fire alarm shall be placed on each floor, including the basement.

(e)d Community shelter.

[1] Performance standards.

- [a] A statement shall be submitted by the property owner or manager explaining the character of the facility, the programs, policies, goals, means proposed to accomplish these goals, characteristics of the service population and number of residents to be served, operating methods and procedures, hours of operation and any other aspects pertinent to the facility's program.
- [b] A supervisor shall be on the premises at all times to assist residents with specialized needs.
- [c] An operable fire alarm shall be placed on each floor, including the basement.

(e)a ~~Cottage housing~~ **Accessory Dwelling Unit. {needs to be moved to become (a)}**

[1] Performance standards. [**Amended 4-3-2017 by Ord. No. 780-17**]

- [a] The use shall be limited to **extended immediate** family members (**as defined in Article XIV of this Part 2** ~~parent, child or sibling~~) of the owners of the primary residence **or a**

caregiver for a person residing in the primary residence.

- [b] **The principal dwelling must be owner occupied and t**The use shall discontinue as soon as the designated **unit cottage housing** is vacated **for more than 12 months by immediate family.**
- [c] The parcel on which the **accessory dwelling unit apartment** is located must be a minimum of 10,000 square feet **and reviewed as a Special Development when located in the R1, R2 or R3 district.**
- [d] **Fire code inspection and tax application must be provided to the Town.**

[2] Guidelines

- [a] **The reviewing agency may consider the following to adequately limit the use from adversely impacting the neighboring properties.**
 - [i] **Provision for adequate parking and buffering**
 - [ii] **Lease criteria and operating information**
 - [iii] **Structure, size, capacity and location of the unit**

(e) Day care, group **[Amended 4-3-2017 by Ord. No. 780-17]**

[1] Performance standards.

- [a] In the case of child day care, the applicant shall provide 150 square feet of usable outdoor recreation area for each child that may use this space at any one time. Such usable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Usable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
- [b] All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

[2] Guidelines.

- [a] The Board of Appeals or reviewing agency may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

(f) Group home, large/halfway house. **[Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]**

[1] Performance standards.

- [a] Residents shall not receive ongoing, on-site medical care **other than counseling and therapy or treatment**. Otherwise, the use shall be treated as a nursing home or assisted living facility and regulated as such.

- [b] The use shall adhere to all fire prevention and life safety codes, including the installation of 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 **accommodations** facility.
- (g) Group home, small. **[Added 9-16-2019 by Ord. No. 792-19]**
- [1] Performance standards.
 - [a] 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.
 - [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 **accommodations** facility.
 - [e] Group counseling shall not be provided on site to nonresidents.
- (h) Multifamily **and townhouse dwellings** housing. **[Added 9-16-2019 by Ord. No. 792-19]**
- [1] Performance standards.
 - [a] Setbacks must meet § **165-63** as applicable to multifamily **and townhouse** 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) Home occupations.
- [1] Performance standards.
 - [a] The home occupation shall be clearly incidental and subordinate to the residential use. The floor area used for the home occupation shall not exceed 300 square feet unless additional area is approved by the Board of Appeals.

- [b] The home occupation shall be conducted within the dwelling unit or an accessory building on the property. No outdoor advertisement, display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises. No commercial vehicles, noise, dust, fumes or other nuisances emitting from the premises shall be permitted.
- [c] The residential character/appearance of the dwelling unit and/or accessory structures shall not be altered to accommodate a home occupation.
- [d] Only persons residing in the home shall provide business services associated with the home occupation on the premises. The total of all employees, inclusive of family members, shall not exceed three. No home occupation shall be open to the public ~~between 9:00 p.m. and 8:00 a.m.~~
- ~~[e] No home occupation shall generate more than 20 vehicle trips per day. A "trip" is defined as a vehicle traveling in one direction to or from a source. Twenty trips is equivalent to 10 round trips.~~
- [f]e No article or commodity shall be offered for sale at the premises.
- [g]f Adequate off-street parking shall be provided, pursuant to Article VII of this Part 2. ~~Any additional off-street parking required for the home occupation by the Board of Appeals shall be provided in the side or rear yard of the lot and shall be screened from adjacent public roads and residential lots.~~
- ~~[h]g No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States Postal Service or a delivery service.~~ No deliveries **for the occupation** by semi/tractor-trailer trucks are permitted.
- [i]h Illumination of the site shall be no greater than is generally used in a residential district. No parking area lighting is permitted. [Amended 4-3-2017 by Ord. No. 780-17]
- [j]i Notwithstanding the above, home occupations shall not include automobile repair, beauty shops or barbershops, construction supply services, kennels, or printing business. This section is not intended to exclude a home occupation in which the resident provides administrative functions, such as bookkeeping, accounting or answering service for a business use cited above.

[2] Guidelines.

- [a] One full- or part-time nonresident employee may provide business services on the premises if the property is located in a Transition Overlay District. ~~A maximum of three full- or part-time nonresident employees or tenants may provide business services on the premises if located in the Transition Overlay District and approved by the Board of Appeals.~~ If the property is not in a Transition Overlay District, one nonresident employee may be approved by the Board of Appeals. [Amended 2-21-2012 by Ord. No. 748-12]

(j) Fifty-five-and-over housing.

[1] Performance standards.

- [a] Residency in fifty-five-and-over housing projects shall be restricted to households having at least one individual 55 years of age or older, with a spouse of any age or other persons 40 years of age or older. Persons under 40, other than a spouse, shall not reside in a dwelling unit for more than a total of 30 days per calendar year. If a project will not be a rental community under single ownership, a condominium association or homeowners' association shall be established to implement and maintain the age restrictions, in addition to Town enforcement of the Development Regulations. The provisions in this subsection shall be subject to any and all applicable federal or state laws and regulations. To the extent there is a conflict between the Bel Air regulations and the Fair Housing Act, the Fair Housing Act shall control. In addition, nothing contained herein shall be deemed to prohibit any party from occupying a unit under the age of 40 years if such person is necessary to provide a reasonable accommodation to a person who is entitled to occupy a unit under the Fair Housing Act or is a handicapped dependent of a person who is entitled to occupy a unit under the Fair Housing Act.
[Amended 11-25-2011 by Ord. No. 744-11; 4-3-2017 by Ord. No. 780-17]
- [b] The developer shall provide a schedule for the installation of open space and recreation facilities at the time the special exception is approved and in each phase of the development to meet the needs of the residents. A minimum of 25% of the site shall be set aside as a permanent open space area. Such open space shall be restricted to uses such as parks, swimming pools, tennis courts, putting greens, assembly facilities or other facility deemed appropriate by the Planning Commission.
- [c] Any housing development for persons 55 years of age or older shall require a deed restriction requiring the property to be used as fifty-five-and-over housing for a period of not less than 40 years.
- [d] The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

[2] Guidelines.

- [a] Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons should be available to residents or provided on the site for residents.
- [b] Business uses which are permitted as accessory uses should be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities should be visible from the periphery of the site.

H. Use category performance standards and guidelines: retail uses. All retail uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

(1) Performance standards.

- (a) The location of the subject property shall be suitable for the type and scope of development proposed, taking into account such factors as the existing urbanization of the neighborhood, traffic, and the character of surrounding properties and the neighborhood in general.

- (b) Any proposed retail use that will abut land in a residential zone shall include a ten-foot buffer from the residential parcel and be effectively screened, as required in Article **VIII** of this Part **2**.
 - (c) The applicant shall locate amenities, such as lighting, seating, shelter and landscaping, in attractive groupings that provide for safe and unobstructed pedestrian movement.
 - (d) All proposed accessory uses shall be identified, and the maximum square footage allotted for each use shall be indicated on the site plan.
 - (e) The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, **storage containers**, snow piling, transformers, dumpsters and meters.
 - (f) Retail establishments within 500 feet of a residential district shall meet the following standards: **[Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]**
 - [1] 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.
- (2) In addition, specific retail uses listed below shall be subject to the following:

(a) **Cannabis Business.**

[1] Performance standards

[a] Operation of on-site consumption establishments is prohibited.

[b] Use must be setback 500 feet from all public parks, playgrounds, recreation centers, libraries, schools, and day care facilities.

[c] Use must be setback 500 feet from all residential uses.

[d] Use must be setback 1000 feet from all other cannabis dispensaries.

[2] Guidelines

[a] The Board of Appeals may review and stipulate limitations to meet requirements of the special exception criteria:

[i] Hours or operation

[ii] signage

[iii] security

[iv] disposal of refuse and recycling

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

[1] Performance standards.

- [a] Hours of operation shall be specified.
- [b] Security provisions shall be specified.
- [c] The use shall not be located closer than 300 feet from a school building unless a reduction is granted by the Board of Appeals based upon site conditions or mitigating factors.
- [d] Drive-through use is prohibited.

~~(b)~~(c) Shoppers' merchandise.

[1] Performance standards.

- [a] The size and location of, and access to, the establishment shall be oriented toward meeting the needs of the neighborhood. In the B-1 District, shoppers' merchandise uses shall not exceed 5,000 square feet.

~~(c)~~(d) Shopping center.

[1] Performance standards.

- [a] The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- [b] ~~The project shall be designed with regard to the topography and other natural features of the parcel.~~ **Architecture, site design, lighting, and signage shall incorporate consistent design elements.**
- [c] Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
- [d] The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
- [e] Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter shall be considered in the **traffic/parking study** ~~vehicular plan.~~
- [f] All establishments shall have vehicular service access either from an individual service drive, **space**, or from a common service yard.
- [g] All ~~such~~ service areas, loading, trash removal, compaction or similar activities shall be segregated from public areas and screened from public view.
- [h] ~~Any part of a lot not used for buildings or other structures or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage shall be landscaped and properly maintained.~~ **The owners of all lots shall execute a recorded Development Agreement with the Town providing that**

all owners acknowledge and agree to be bound by these performance standards as an overall scheme of development, outlining all shared elements, granting reciprocal easements to permit each owner to access any other owner's lot or parcel of land for the purposes of compliance with the Town Code and for either remediating any zoning violation or to comply with the Town Code for the purposes of any approvals sought by any of the owners of the lot and agreeing that the Town shall permit enforcement of any portion of the Town Code upon one or more owners of any lot or parcel of land contained within the Shopping Center scheme of development.

- [i] All parking lots, loading areas and outdoor storage areas shall be 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. **[Amended 9-16-2019 by Ord. No. 792-19]**
- [j] Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto. Proposed signage shall be submitted with the preliminary plan and shall be subject to review and approval by the Planning Commission.
- [k] Directional and informational signs shall be adequately provided and design coordinated.
- [l] Center management shall be responsible for providing on-site security service.
- [m] A traffic and/or parking study shall be **submitted and approved prior to** ~~required at the time of~~ application **if required by the zoning administrator.** **[Amended 9-16-2019 by Ord. No. 792-19]**
- [n] Vehicular access to the subject property shall not be by means of any street internal to a subdivision for single-family dwellings.

I. Use category performance standards and guidelines: service uses. All service uses are subject to performance standards and guidelines. These shall be addressed as specified in Subsections **A** and **B** of this section and as listed below:

(1) Performance standards.

- (a) Any proposed service use that will abut land in a residential zone or land proposed to be used for residential purposes shall include a ten-foot buffer from the residential parcel and be effectively screened, as required in Article **VIII** of this chapter. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (b) All proposed accessory uses shall be identified, and the maximum square footage allotted for each use shall be indicated on the site plan.
- (c) The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, **storage containers**, snow piling, transformers, dumpsters and meters.

(2) In addition, specific service uses listed below shall be subject to the following: **[Amended 5-2-**

2011 by Ord. No. 741-11; 4-3-2017 by Ord. No. 780-17]

(a) Beauty/~~shop~~/barbershop/spa **services** (~~located in the R-O and B-1 Districts~~).

[1] Performance standards.

- [a] Applicants requesting approval of a beauty shop or barber shop shall specify the number of chairs to be in operation, the number of employees to be on premises and the hours of operation.
- [b] The proposed use shall not exceed 5,000 square feet in gross area.
- [c] The proposed use shall not produce adverse effects on the use or development of the surrounding area due to noise, odor, traffic or lighting.
- [d] **Ear piercing, and t**The application of permanent makeup may be permitted as an accessory use. ~~Such use shall be subject to all applicable COMAR standards.~~

(b) Communications tower(s)/platform.

[1] Performance standards.

- [a] Prior to approval of a new tower, the applicant shall demonstrate that every effort has been made to acquire space on an existing tower structure, building or utility pole in the Town limits or surrounding area and that due to valid considerations, including, but not limited to, location, economic, elevation, engineering or technical feasibility, no appropriate location is available.
- [b] The setback of such structure from the nearest habitable building shall be equal to its height above grade. The minimum setback from any boundary of a residential use, dwelling, school, church, or institution for human care in any other district shall be the tower height. **[Amended 9-3-2019 by Ord. No. 791-19]**
- [c] The structure shall be located on a lot of record as of September 3, 2019 (date of enactment) with a minimum of two acres. **[Amended 9-3-2019 by Ord. No. 791-19]**
- [d] The structure shall be enclosed within a locked, chain-link fence or comparable wall or structure at least eight feet high.
- [e] No signals or lights shall be permitted on towers unless required by the Federal Communications Commission or the Federal Aviation Administration.
- [f] Ground-level equipment buildings associated with the towers shall be screened and secured from adjacent properties by landscaping and fencing.
- [g] The applicant shall submit an affidavit with the Board of Appeals application stating that space on the proposed tower will be made available to future users when possible.
- ~~[h] An environmental impact statement, including information on emission levels and~~

the impact of the structure on the ecosystem, shall be provided as evidence at the Board of Appeals hearing.

~~[i] A nonionizing electromagnetic radiation analysis shall be submitted for review with every application for placement of an antenna on an existing tower or placement of a new tower. The analysis shall cite, incorporate and meet the current ANSI standards.~~

~~[h]~~ Environmental Protection Agency standards and guidelines relating to radiation emissions shall be met at all times.

~~[k]~~ Every five years or sooner, in the event of substantial damage, a certification by a professional structural engineer registered in the State of Maryland shall be filed with the Department of Public Works, indicating that the communications tower meets all safety requirements. Any upgrade or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.

~~[l]~~ The applicant shall minimize adverse visual effects of towers through careful design, siting and vegetative screening and shall avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures.

~~[m]~~ The applicant shall cooperate in Town efforts to maximize the use of new communications transmission towers in order to reduce the number of towers needed.

~~[n]~~ A communications tower that is no longer used shall be removed from the site within one year of the date that the use ceases.

~~[e]~~ Installation of small cell facilities or wireless support structures in the public right-of-way are permitted under provisions of Chapter 465 in the Town Code.
[Amended 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]

(c) Drive-through facility for a restaurant, car wash, pharmacy, bank and other similar uses shall be subject to the following requirements.

[1] Performance standards.

[a] The use shall be designed so that pedestrian and vehicular circulation is coordinated with that of adjacent properties. A traffic/**parking** impact study **may shall** be required **by the Zoning Administrator**.

[b] Drive-through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to off-street parking, **service areas or emergency access**. ~~spaces otherwise required on the site.~~

[c] Adequate spaces for stacking at drive-through facilities shall be provided. Specifically, **seven five** stacking spaces are required from the **ordering first** window or **station (intercom) bay**, plus two **for each** additional **spaces prior to pick-up window** ~~station (intercom).~~

- [d] Noise from speaker systems shall be regulated to meet State of Maryland standards for control of noise pollution.
- [e] Drive-through windows and vehicle queuing lanes shall be located along the side and rear facades and not between the building and primary public right-of-way.

[2] Guidelines

- [a] The reviewing authority may adjust the vehicle stacking requirement based on the needs of the specific use and data from similar applications.**
- [b] Additional buffering may be required by the reviewing authority to address anticipated adverse impact to neighboring properties.**

(d) Fitness center.

[1] Performance standards.

- [a] Hours of operation shall be specified.
- [b] Floor plan of the use shall be submitted with the site plan identifying each designated area within the facility.
- [c] Any accessory use such as retail or other services shall be identified.

(e) Hotel.

[1] Performance standards.

- [a] Circulation and parking shall be adequate to fulfill requirements of all proposed uses, principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Planning Commission/Board of Town Commissioners.
- [b] The public streetscape shall be developed between the street-front building and the street curb as a safe and convenient pedestrian area, with amenities such as paving, lighting, seating, shelter and landscaping located into attractive groupings that provide for safe and unobstructed pedestrian movement.

[2] Guidelines.

- [a] Accessory uses may include gift shops, beauty shops, barbershops, restaurants, cocktail lounges/nightclubs, auditorium/meeting facilities, and similar retail stores and commercial establishments.

(f) Medical service/medical clinic/medical laboratory.

[1] Performance standards.

- [a] Disposal of waste shall be through approved, safe means and shall be separate from regular trash disposal.

[2] Guidelines

[a] Additional accessible parking and/or drop-off/pick-up spaces may be required by the reviewing authority.

(g) Mixed-use center.

[1] Performance standards.

- [a] The applicant shall provide a unified arrangement of buildings, service areas, parking, signage and landscaping.
- [b] The architecture, site design, lighting and signage shall incorporate consistent design and theme elements **and materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.**
- [c] **The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.**
- [d] **Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter shall be considered in the traffic/parking study.**
- [e] **All establishments shall have vehicular service access either from an individual service drive, space or from a common service yard. All loading, trash removal, compaction or similar activities shall be segregated from public areas and screened from public view.**
- [f] **Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto. Proposed signage shall be submitted with the preliminary plan and shall be subject to review and approval by the Planning Commission.**
- [g] **Directional and informational signs shall be adequately provided, and design coordinated.**
- [h] **Center management shall be responsible for providing on-site security service.**
- [i] **A traffic and/or parking study shall be submitted and approved prior to application if required by the zoning administrator.**
- [j] **The owners of all lots shall execute a recorded Development Agreement with the Town providing that all owners acknowledge and agree to be bound by these performance standards as an overall scheme of development, outlining all shared elements, granting reciprocal easements to permit each owner to access any other owner's lot or parcel of land for the purposes of compliance with the Town Code and for either remediating any zoning violation or to comply with the Town Code for the purposes of any approvals sought by any of the owners of the lot and agreeing that the Town shall permit enforcement of any portion of the Town Code upon one or more owners of any lot or parcel of land contained within the Mixed Use Center scheme of development.**

(h) Motor vehicles and related service uses/car wash/auto detailing.

[1] Performance standards.

- [a] All sales and installation facilities operations shall be conducted within a wholly enclosed building. Outdoor display of motor vehicles for sale shall be permitted if areas for this purpose are integrated into the overall site design and are compatible with the adjacent and neighboring properties. The applicant shall submit a plan indicating outdoor storage areas and screening of such areas. The Planning Commission may require additional landscape treatment to address this requirement.
- [b] Neighboring properties shall be protected from site illumination, noise and odor. Noise shall be regulated to meet Control of Noise standards as specified by the State of Maryland.
- [c] A sightly, solid wall or fence at least five feet high shall be located along all property lines adjoining residentially zoned land. Such wall shall contain no advertising and shall be maintained in good condition. Fenced areas shall be landscaped on the residential side to provide screening from residential areas.
- [d] The area of the lot devoted to vehicle display or storage shall include no more than the 75% of the total lot area, exclusive of floodplains, steep slopes, or other environmentally sensitive areas.
- [e] The number and type of vehicles permitted on the lot shall be determined on a case-by-case basis, taking into account factors such as the gross weight of the vehicle, vehicle size, nature of the vehicle (commercial, industrial, passenger, or other), impacts on adjoining properties and traffic implications of the facility.
- [f] A safe, identifiable driving lane shall be provided within the parking lot.
- [g] Landscape islands, curbs and signs shall be used to clearly distinguish the parking from loading, delivery areas and driving lanes.
- [h] Adequate space shall be provided on site for service and delivery vehicles.
- [i] Turning areas shall be provided in order to avoid dead-end parking situations.
- [j] Outdoor storage or service areas shall be located on the side or rear yard and screened from the street with a wall or fence.
- [k] Pump islands and vehicle circulation for filling stations shall be screened with a wall and landscaped as described in Article **VIII**. Pump island canopies shall be set back a minimum 10 feet from right-of-way and 15 feet from adjacent property lines.
- [l] Building facades in the B-2/B-2A and B-3A Districts shall be a minimum of 30% window area. Required street frontage shall not apply.

[2] Guidelines.

- [a] Display for sale or rental purposes of motor vehicles, trailers, boats, camping trailers, or

other vehicles may be permitted, provided that the lot on which the vehicles are parked is adequately screened from all neighboring residentially zoned land or land proposed for residential purposes by the Town of Bel Air Comprehensive Plan.

(i) Outdoor dining or bar service.

[1] Performance standards. [Amended 9-16-2019 by Ord. No. 792-19]

- [a] Amplified music or use of a public address system is not permitted **between 9:00pm and 9:00am** after 10:00 p.m.
- [b] Live entertainment or recreational games are not permitted **between 9:00pm and 9:00am** after 10:00 p.m.
- [c] Outdoor dining/bar operations 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**. **Any exterior area above the 75% limit must provide parking based upon Section 165-51.H.**
- [e] **Dining Areas located within an approved Shopping Center use may be reviewed through administrative process if determined appropriate by the Zoning Administrator.**

Guidelines

[e]a 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.

(j) Parking, commercial.

[1] Performance standards.

- [a] Sign area is limited to 1/2 square foot per each linear foot of primary road frontage.
- [b] Minimum vehicle stacking at each entrance is two car lengths.
- [c] An uninterrupted screen/barrier of four feet in height is required along all public road rights-of-way.
- [d] No accessory use is permitted.

(k) Professional, business and personal services in Transition Overlay Districts and R-O Districts shall comply with the following:

[1] Performance standards.

- [a] Merchandise offered for sale in the R-O District on the premises in connection with the use shall be limited to those that are secondary and incidental to the primary use, e.g., eyeglasses for opticians. Retail sales shall be described in a written statement submitted to the Zoning Administrator. If the Zoning Administrator determines that products offered for sale are secondary to the use and meet the intent of the regulations to limit retail sales operations in residential areas, written authorization shall be issued by the Zoning Administrator specifying approval and associated conditions.
 - [b] No merchandise, material or equipment shall be stored outside of any structure.
 - [c] Adequate parking facilities shall be available on site. No parking and/or loading shall be provided in the front yard setback area.
 - [d] The property owner shall maintain the residential appearance of the dwelling or build a new building that is compatible in size, shape and scale to nearby residential units.
 - [e] Lighting shall be kept to a minimum. No floodlighting or commercial lighting shall be permitted.
 - [f] Uses in the Transition Overlay District shall provide for services by appointment only with no walk-in or retail patrons.
- (l) Restaurants.
- [1] Performance standards.
 - [a] Hours of operation shall be specified.
 - [b] Trash and debris shall be **enclosed, screened**, removed from premises, and lots shall be cleared of same regularly.
 - [c] Drive-through restaurants shall be subject to § **165-53I(2)(c)**.
- (m) Tattooing and body-piercing service.
- [1] Performance standards.
 - [a] The applicant shall comply with all state, **local** and federal standards regarding handling, treatment and disposal of medical waste as specified by the State of Maryland.
 - [b] The applicant shall comply with OSHA Bloodborne Pathogen Standards.
 - [c] No such use shall be located within 1,000 feet of a school nor 300 feet from a residential or institutional use other than a school.
 - [d] No such use shall be located within 1,000 feet of an existing tattoo and/or body-piercing establishment.
 - [e] The hours of operation shall not include any time between **10:00** **9:00** p.m. and **8:00** **10:00** a.m.

(n) Veterinary clinic/veterinary service/kennel.

[1] Performance standards.

- [a] Disposal of organic and/or medical waste shall be through approved, safe means and shall be separate from regular trash disposal.
- [b] Veterinary services as a professional office use in a residential district shall not include outdoor animal runs.
- [c] Veterinarian services, clinics, laboratories and kennels in the commercial and industrial districts shall be set back at least 200 feet from any residential lot line or residential use.