

Bel Air Board of Town Commissioners

Agenda

July 17, 2023

Ordinance No. 813-23

Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 813-23, amending Article III (Zoning Districts), Article VII (Performance Standards), Article XIV (Definitions), and attachment 1, Permitted Use Tables be approved by the Bel Air Board of Town Commissioners."

I. BACKGROUND

In 2022, Bel Air adopted an updated Comprehensive Plan which called for several new initiatives and adjustments to Town Development Regulations. The Town held several public meetings through 2021 and early 2022 associated with the Comprehensive Plan and the Development Regulation amendments. Descriptions of the changes are available to the public through digital media.

II. PRIMARY ISSUES

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

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

- Section 165-24.A(8) – discourage split zoned parcels and apply the more restrictive when there is a conflict
- Section 165-25.B(2), 165-26.B(2) and 165-27.B(2) – Cottage Housing reclassified as Accessory Dwelling Unit as Special Development in R1, R2 & R3 and permitted in all other districts
- Section 165-28.E – limit individual use to 7,500 square feet in the RO District
- Section 165-29.C – apply RO architecture and site design requirements to B1 district
- Section 165-30.C(3)(e) – allow for solid walls to substitute for building façade if approved by the Planning Commission
- Section 165-30.C(5)(d), 165-31.C(4)(d) and 165-33.C(5)(e) – require a minimum of three-foot screen for parking B2, B2A & B3A
- Section 165-30.E(1)(a), 165-31.C(6)(b) and 165-33.C(7)(b) – clarify the materials and type of fences and walls in the B2, B2A & B3A
- Section 165-32.C – create separate design requirements for the B3 district

**Article VII Development and Performance Standards**

- Section 165-51.B(2) – add institutional uses to the list exempt from parking requirements in the B2 district

- Sections 165-51.C(1) – require Town to be a party to agreement for Satellite Parking and clarify signage required at both the use and parking locations.
- Section 165-51.F(1)(k) – require bicycle storage at all proposed development
- Section 165-51.F(1)(l) – allow for a space designated as pick-up/delivery to count as two required spaces
- Section 165-51.F(1)(m) – require that all parking areas be brought up to minimum standards
- Section 165-51.H – parking minimums
  - Reduce requirements for affordable and 55 & over housing by ½ space in all units
  - Reduce parking for salon uses by ½ space per station or 1 per 200 square feet
  - Allow for mixed use to be parked at 3.5 per 1000 square feet of gross floor area
  - Require outside dining/bar to be parked at 1 per 3 seats or 1 per 150 square feet when area exceeds 75% of the interior space
  - Reduce retail area to 1 space per 250 square feet
- Section 165-53.B(1) – require all parking not dedicated to structure/parking/access be landscaped
- Section 165-53.C(2)(c) – add Banquet Facility with appropriate safeguards for neighboring properties
- Section 165-53.C(2)(f) – require taverns to insure entertainment does not impact neighboring properties by adding proper insulation and require doors/windows close after 9pm
- Section 165-51.E(3)(b) – add requirements for entertainment at civic/country clubs similar to banquet facilities
- Section 165-53.E(3)(m) – require schools provide adequate transportation facilities
- Section 165-53.G(2)(b) – add standards for bed and breakfast uses for parking and buffering
- Section 165-53.G(2)(a) – rename Cottage Housing to Accessory Dwelling Unit and provide for adequate parking, buffering, capacity and operating information
- Section 165-53.G(2)(i) – reduce requirements for Home Occupations
- Section 165-53.H(2)(a) – provide for establishment of a Cannabis Business with setbacks consistent with State law, requiring 500 feet from any residential use and prohibiting on-site consumption
- Section 165-53.H(2)(d) – require an agreement with all property owners and the Town to abide by and insure code is enforced
- Section 165-53.I(2)(b) – remove sections related to Communications Towers which federal law now controls
- Section 165-53.I(2)(c) – clarify drive-thru service requirements by addressing buffering and vehicle queuing
- Section 165-53.I(2)(g) – expand the requirements from a Mixed Use Center to include shopping center standards
- Section 165-53.I(2)(i) – limit entertainment and amplified music for Outdoor Dining/Bar use to between 9am and 9pm and allow for administrative review when located in a shopping center

## **Article XIV Definitions**

- Section 165-104 Terms Defined
  - Clarify Forest Conservation terms
  - Clarify building Height
  - Establish definition for Cannabis Business
  - Establish definition for Country Club / Civic Organization
  - Establish Accessory Dwelling definition
  - Clarify immediate and extended family terms
  - Establish definition for Flag
  - Clarify difference between Medical Services and Professional Services
  - Establish definition for Project Area
  - Establish definition for Short Term rental (additional standards and limits will be addressed separately)
  - Establish terms for Feather/Windsail Sign and Window Sign
  - Create term for Spa
  - Establish differences between General Merchandise vs Specialty Retail and Supermarket vs Specialty Food
  - Establish term for Temporary Use

### **Attachment 1 Permitted Use Tables**

- Table 3-1 – create Banquet Facility as a use requiring Special Exception approval in all districts
- Table 3-3 – establish Country Club & Civic Organization as Special Exception in all districts
- Table 3-5 – create Accessory Dwelling Unit as Special Development in R1, R2 & R3 districts and permitted in all other zones except M1
- Table 3-6 – adjust Mixed Use Center to be Special Development in B1, B2, B2A, B3 & B3A
- Table 3-7 – consolidate several similar uses where appropriate
- Table 3-7 – establish Cannabis Business as a Special Exception in the B3/B3A district

## III. DISCUSSION

The Town Board of Commissioners through the work session review process adjusted the regulations with respect to Cannabis Business, Accessory Dwelling Units, and parking needs. Following receipt by the Town Board, revisions clarifying Section 165-52 (Open Space & Recreation) and Section 165-53.E(1)(b) (Institutional use design guidelines) were made based on public input and these are shown blue text. The proposed document incorporates recommended modifications from the Planning Commission with minor adjustments from the Town Board.

## IV. RECOMMENDATION

The Planning Commission and staff recommend the Board of Town Commissioners approve Ordinance No. 813-23.

## **Ordinance No. 813-23**

An Ordinance Amending Articles III, VII and XIV in addition to Attachment 1 of Part 2 of the Development Regulations in Chapter 165 of the Bel Air Town Code

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

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

**WHEREAS**, the Town of Bel Air has recently completed an update of the Comprehensive Plan in 2022 and the Planning Commission and the Board of Town Commissioners wish to update the Development Regulations to be in harmony with the guidelines set forth in the Comprehensive Plan; and

**WHEREAS**, the Planning Commission has reviewed and recommended approval of the proposed amendments on December 1, 2022, and February 2, 2023, to revise Articles III, VII and XIV in addition to the Permitted Use Charts as part of a comprehensive review of Chapter 165 with corresponding changes to other articles to be done at a later date; and

**WHEREAS**, the major changes to Articles III, VII and XIV are to clarify vague or confusing text, to adjust responsibility of a reviewing agency, adjust performance standards where appropriate, reduce parking requirements as directed by recent studies, add definitions for new uses and establish review requirements for each new use; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Chapter 165, Ordinance No. 813-23, attached hereto and incorporated herein as Exhibit A – Establishment and Regulation of Zoning

Districts, Exhibit B – Development and Performance Standards, Exhibit C – Definitions, and Exhibit D – Permitted Use Tables is hereby adopted.

**BE IT FURTHER ORDAINED** that this Ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

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Kevin Bianca, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk