

**Article XIV
Definitions**

§ 165-103 Purpose.

This article is intended to clarify the meaning of specific terms used throughout the Town of Bel Air Development Regulations. ...

§ 165-104 Terms defined.

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

AFORESTATION

The removal of an existing forest in accordance with an approved forest conservation plan according to procedures set forth in the Maryland Forest Conservation Technical Manual.

AFFORDABLE HOUSING

A sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation.

AFFORESTATION

The establishment of a forest on an area from which forest cover has been absent for a long period of time in accordance with an approved **forest conservation plan or** landscape plan; planting of open areas which are not presently in forest cover in accordance with an approved **forest conservation plan or** landscape plan; or establishment of a forest in accordance with an **forest conservation plan or** approved landscape plan according to procedures set forth in the Maryland Forest Conservation Technical Manual.

ALLEY

A public or private way, other than a street, affording secondary means of access to the side or rear of abutting properties **as defined in Section 165-118.D.**

ANIMAL, DOMESTIC

Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter, **excluding horses, cows, sheep, goats, pigs and fowl.**

ANIMAL, FARM

Any animal customarily raised in an agricultural setting, including but not limited to **poultry,** pheasants, cows, livestock, chinchillas, horses, goats, sheep, **pigs monkeys** and other similar animals and fowl.

~~APPROVAL BODY~~ APPROVING AUTHORITY

The agency, board, commission, group or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

BANQUET FACILITY HALL

A building or establishment maintained in whole or in part as rental space for the purpose of private events where access by the general public is restricted. [Added 4-3-2017 by Ord. No. 780-17]

BED-AND-BREAKFAST

A dwelling containing **no more than nine** ~~eight~~ beds or rental units or fewer, where lodging is offered to the traveling public for temporary occupancy **of 30 days or less**, and where breakfast is provided as part of the room rental charges. [Amended 4-3-2017 by Ord. No. 780-17]

~~BILLBOARD~~ {relocated to SIGN, BILLBOARD}

~~A sign which directs attention to a business, commodity, service, entertainment, event, or other activity conducted, sold or offered in a location other than the property on which the sign is located.~~

BOARDINGHOUSE

A dwelling unit, other than in a hotel, motel, group home, halfway house, apartment building or facility for foster care ~~as defined in the Family Law Article of the Annotated Code of Maryland~~, in which lodging and meals are provided **in a communal setting** for compensation to **minimum of four and not exceeding nine** ~~three or more~~ adult persons not related to the owner by blood, marriage or adoption **with a minimum occupancy exceeding 30 days**. [Amended 4-3-2017 by Ord. No. 780-17]

BUILDING

A structure having a roof supported by columns or walls, used or intended to be used for the shelter, storage, or enclosure of any person, animal, process, equipment, or goods and materials of any kind or nature. Where divided by party walls, each portion shall be deemed a separate building.

- A. **BUILDING AREA (ENVELOPE)** The area of a lot remaining for buildings and structures after the minimum yard, open space, floodway and other development constraints have been excluded.
- B. **BUILDING COVERAGE (ENVELOPE)** Total square footage of a lot covered by a building.
- F. **BUILDING, HEIGHT OF** The vertical distance to the highest point of the roof for flat roofs, to the deck-line of mansard roofs, and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the average point **with** ~~of~~ grade **as measured along the perimeter of the structure**.

[Image]

Figure 165-104.II

CANNABIS BUSINESS

A business licensed or registered by the Maryland Cannabis Administration to operate in the Cannabis Industry. This definition includes Dispensary, Grower and Processor as defined by the State of Maryland.

CONSTRUCTION/SALES/OFFICE TRAILER

Any **temporary** structure to conduct business, trade, or occupation, or for use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

CONVENIENCE GOODS

A retail store generally containing less than **5,000** ~~3,000~~ square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Royal Farm Store" chains.

COTTAGE HOUSING

~~A second dwelling on a single residential lot for occupancy only by immediate family members of the residents of the principal dwellings on the lot.~~

COUNTRY CLUB, CIVIC ORGANIZATION

A private club or social organization established for some common objective, including fellowships, societies, lodges, brotherhoods, fraternal orders, sisterhoods and sororities, and recreation structures and areas operated by such associations for the benefit of the membership.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter of a ~~tree~~ **tree trunk** measured at 4.5 feet from grade **level. Where the trunk splits into two or more trunks below the 4.5 foot from grade level, then each trunk is measured individually at 4.5 feet from grade level.**

DWELLING

A structure or portion thereof that is used exclusively for human habitation, but not including a tent, cabin, trailer, recreational vehicle, or a room in a hotel. [Amended 4-3-2017 by Ord. No. 780-17]

- A. DWELLING, ACCESSORY** An independent dwelling which is occupied for a period exceeding 30 days located on the same lot and accessory to a primary residential dwelling. An accessory dwelling is typically located on a single family detached lot.
- A.B DWELLING, MULTIFAMILY** Three or more dwelling units with common access constructed on a permanent foundation, designed for three or more families and located on a single lot or parcel.
- B.C DWELLING, SEMIDETACHED** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof and which are on separate lots.
- C.D DWELLING, SINGLE-FAMILY DETACHED** A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- D.E DWELLING, TOWNHOUSE** A single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside.

E-F DWELLING, TWO-FAMILY A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling or floor extending from exterior wall to exterior wall, except for common stairwells exterior to both dwelling units; does not include semidetached dwellings.

FAMILY

[Amended 7-16-2012 by Ord. No. 753-12; 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

- A. Any number of persons related by blood, marriage or adoption;
- B. Up to three adult persons maintaining a common household together with any adult dependents (as defined by the United States Internal Revenue Code) or minor children, including foster children, of such persons;

FAMILY, IMMEDIATE

Persons related by blood, marriage or adoption limited to mother/father, sister/brother or son/daughter

FAMILY, EXTENDED

Persons related by blood, marriage or adoption including immediate family and extended to include aunt/uncle, grandmother/grandfather or cousins

FLAG

Fabric or other flexible material, usually rectangular and of distinctive design used as a symbol, such as for a nation, state, locality, organization, or political cause.

FOREST CONSERVATION PLAN (FCP)

A plan approved pursuant to the Natural Resources Article of the Annotated Code of Maryland, and Chapter 216, Forest Conservation, of the Bel Air Town Code. [Amended 4-3-2017 by Ord. No. 780-17]

FOREST STAND DELINEATION (FSD)

The methodology for evaluating **and documenting for approval** the existing vegetation on a site proposed for development, as provided in the Forest Conservation Technical Manual, **which must be updated during any subsequent development review process on the site occurring more than five (5) years from the date of prior approval for the FSD.**

GENERAL MERCHANDISE

Any use **over 5,000 square feet** characterized by the sale of bulky items and/or outside display/storage of merchandise or equipment, such as lumber and building materials, farm and garden supplies, marine equipment sales and service and stone monument sales.

HABITABLE SPACE

Actual living space of the principal use and structure, not including basements **(even if improved)**, porches, decks, garage areas or other accessory uses or structures.

HOME OCCUPATION

Any activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit. ...

- H. ~~Tutoring~~ **Tutoring** or instruction of fewer than four pupils at any one time. [Added 4-3-2017 by Ord. No. 780-17]

~~INDOOR RECREATION~~ {Relocated to "Recreation, Indoor"}

~~An establishment providing completely enclosed recreational activities. Accessory uses shall be permitted to include the preparation and service of food and/or the sale of equipment related to enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, laser tag, miniature golf, batting cage and related athletic-oriented games, including arenas/stadiums. [Amended 4-3-2017 by Ord. No. 780-17]~~

LIQUOR STORE

A retail establishment that sells packaged liquor, wine or beer for consumption off premises which possesses the appropriate license from the State of Maryland **or more than 50% of all sales are for alcoholic beverages or related items.** [Added 4-3-2017 by Ord. No. 780-17]

LOT

A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon **a unit.**

- E. **LOT FRONTAGE** That portion of a lot extending along a **public or private** street.
- H. **LOT LINE, FRONT** The lot line separating a lot from a street right-of-way. On a through lot, both lines adjacent to the street shall be deemed front lot lines. On a corner lot, all lot lines which **face are also** a street right-of-way **line** shall be considered front lot lines.
- I. LOT, MULTI-FRONTED** **A lot having frontage on three or more streets, as distinguished from a corner lot, a double frontage lot or a through lot.**
- ~~J.~~ **LOT LINE, REAR** Except in the case of corner lots **or multi-fronted lots**, the line opposite and most distant from the front lot line.
- ~~J.~~ **LOT LINE, SIDE** Any lot line connected to a front or rear lot line.
- ~~K.~~ **LOT LINE, STREET OR ALLEY** Any lot line separating the lot from a street or alley.
- ~~L.~~ **LOT, PANHANDLE** A lot with the appearance of a frying pan or flagstaff in which the handle is most often used as the point of access to a road.

M.N. LOT SIZE REQUIREMENTS Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

N.O. LOT, THROUGH A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot.

O.P. LOT WIDTH The width of the lot measured at right angles to its center line at the front building line.

MEDICAL CANNABIS DISPENSARY

~~Establishment licensed by the State of Maryland to acquire, process, possess, transfer, transport, sell, distribute and administer cannabis and related products for use by a qualified patient or caregiver. [Added 4-3-2017 by Ord. No. 780-17]~~

MEDICAL SERVICES

The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, **therapeutic massage, chiropractic clinics, osteopathic clinics**, dental clinics, dental laboratories, hospital supplies ~~and~~ opticians, **optometrists, or osteopaths.**

MIXED-USE CENTER

A building, or **group of buildings consisting of two or more uses exceeding 10,000 square feet and developed as an integrated scheme of development** containing both commercial and residential floor space, conceived and designed as a single environment in which both commercial and residential amenities are provided.

PARKING DECK

~~See "garage, storage."~~

PARKING STRUCTURE

A building or part of a building solely used or designed to be used for the parking and storage of vehicles.

POULTRY

Domestic fowl raised in confinement as a pet or for meat, eggs or feathers.

PROFESSIONAL SERVICES {removed overlap with Medical Services}

The service by members of any profession, including but not limited to accountants, architects, ~~chiropractors, doctors, lawyers, dentists,~~ financial service practitioners, insurance agents, engineers, ~~opticians, optometrists, osteopaths,~~ real estate agents, travel agents or social workers.

PROJECT AREA

Area encompassing all recorded properties and rights-of-way proposed for development or supporting development.

RECREATION, INDOOR {relocated}

An establishment providing completely enclosed recreational activities. Accessory uses shall be permitted to include the preparation and service of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, laser tag, miniature golf, batting cage and related athletic-oriented games, including arenas/stadiums.

RECYCLING/REUSE BIN OR CONTAINER

A designated bin or container, of less than 200 square feet, which accepts donations of used goods for recycling, resale or free distribution.

SHOPPERS' MERCHANDISE

Establishment exceeding 5,000 square feet that offers Commodities ~~which tend to be purchased on a comparison basis,~~ including, but not limited to, apparel/accessories, automobile supplies, business equipment, china/glassware, commercial art, communications equipment, computers/calculators, drugstores, fabrics/upholstery, floor coverings, hardware, home appliances, home improvement supplies, home furnishings/furniture, import stores, liquor stores, luggage/leather goods, musical instruments/supplies, paint/wall coverings, party supplies, photographic equipment sales, radios, records and tapes, sporting goods, television/stereo sales and service, variety stores and toy/game stores. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," and "supermarkets" shall be regulated as shoppers' merchandise.

SHOPPING CENTER

A group or assemblage of four or more retail trade and service uses exceeding 20,000 square feet in aggregate developed under a uniform plan or scheme of development and serviced by a common, integral **utilities, access, circulation, and parking** ~~facility~~ **facilities**. [Amended 4-3-2017 by Ord. No. 780-17]

SHORT TERM RENTAL

A residential home unit or an accessory building available for rent on a temporary basis for 30 days or less.

SIDEWALK CAFÉ & SALES

A portion of a **retail, drink or** food establishment ~~or eating or drinking facility~~ located contiguous to **the business** ~~a restaurant~~ on a public sidewalk or public open space. [Amended 4-3-2017 by Ord. No. 780-17]

SIGN

A structure which consists of a device, light, letter, word, model, barrier, logo, insignia, or representation, including any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interest(s) of any person when the same is placed out of doors in view of the general public, but excluding window displays or merchandise and signs which are incidental to the display of merchandise.

B SIGN, BILLBOARD {relocated}

A sign which directs attention to a business, commodity, service, entertainment, event, or other activity conducted, sold or offered in a location other than the property on which the sign is located.

CB. SIGN, BANNER A temporary sign displayed on cloth or similar flexible material and designed to be mounted on an open framework or hanging from posts, poles or wall-mounted, used as an advertisement. [Amended 4-3-2017 by Ord. No. 780-17]

DC. SIGN, CONSTRUCTION A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

ED. SIGN, DIRECTIONAL Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

FE. SIGN, DIRECTORY A self-supporting sign in a fixed location listing the names and/or logos of businesses and located at the entrance to a property on which groupings of business, commercial or industrial uses have been concentrated.

GF. SIGN, ELECTRIC ELECTRONIC MESSAGE

Any sign that uses changing lights or LED elements to form images or words wherein the color, brightness, sequence of message and the rate of change is electronically programmed and can be modified by electronic processes. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

H. SIGN, FEATHER OR WINDSAIL

Any temporary ground-mounted freestanding sign made of vinyl, canvas or similar flexible material fabricated as a large pennant for advertisement.

IG. SIGN, FREESTANDING A self-supporting sign in a fixed location and not attached to any building or structure.

JH. SIGN, ILLUMINATED A sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed toward the sign.

KI. SIGN, MARQUEE A sign which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually without altering the face or surface of the sign.

LJ. SIGN, ON-PREMISES Sign or other advertising device which advertises or indicates only the person occupying the premises on which it is located, the merchandise for sale, or the activity conducted thereon.

K. SIGN, POLITICAL A sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate for nomination or election to public office at a national, state, or other local election.

ML. SIGN, PROJECTING A permanent sign that is hung at a ninety-degree angle from the face of and affixed to a building or structure and extends 12 inches or beyond the building wall, structure or parts thereof.

NM. SIGN, SANDWICH BOARD An A-frame or easel sign used for advertising in front of a specific business.

ON. SIGN, TEMPORARY A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a **limited time period less than six months**. [Amended 4-2-2018 by Ord. No. 783-18]

PO. SIGN, VEHICLE Any sign exceeding 10 square feet in area, mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed that the sign thereon is discernible from a public street or right-of-way, and which, by its size, location and manner of display, acts as a means of communication calculated to exhibit advertising of an on-site or off-site business.

QP. SIGN, WALL (FLAT) One affixed directly to the exterior wall or screening surface and confined within the limits thereof and which projects from that surface 12 inches or less at all points.

R. SIGN, WINDOW

Any outward facing sign placed within two feet on the inside of the window or within a display space inside of a window.

SPA

Establishment which provides homeopathic services such as aroma therapy, nontherapeutic massage, waxing, facials, sauna, steam room, nail services and various types of skin treatments.

SPECIALTY FOOD STORE

A retail establishment **less than 5,000 square feet** which primarily carries **limited only one** types of interrelated goods, including a bakery, candy/nut confectionery, dairy food store, delicatessen, product store, health food store, ice cream parlor, meat/fish store and wine and cheese shops.

SPECIALTY SHOPS

A retail store **less than 5,000 square feet** which carries **limited only one** types of interrelated goods, including but not limited to bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, novelty shops, jewelry shops, key shops, newspaper/magazine shops, pet shops, photographic shops, plant shops, print stores, secondhand merchandise, souvenir shops, stationery shops, tack shops, telephone stores and tobacco shops.

SUPERMARKET

A retail establishment which sells dry groceries, produce, household items and limited baking or delicatessen items prepared on premises having a gross floor area (exclusive of basement) exceeding **5,000** ~~3,000~~ square feet.

USE, TEMPORARY

The temporary use or activity permitted for a maximum period of 30 days unless otherwise noted in this Part 2.

YARD

An open area between the lot line and setback or existing building line within which no principal structures shall be located. [Amended 9-16-2019 by Ord. No. 792-19]

- A. **YARD, FRONT** A yard extending the full width of the lot between any principal building and ~~the~~ **all** front lot lines ~~and~~ measured perpendicular to the front lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building.
- B. **YARD, REAR** A yard extending the full width of the lot between any principal building and the rear lot line ~~and~~ measured perpendicular to the rear lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building. **A lot with multiple front yards may not have a rear yard.** Rear yard dimensions may be averaged as stated in Article IX.
- C. **YARD, SIDE** A yard extending from the front yard to ~~the rear yard~~ **any other lot line** between any principal building and the side lot line and measured perpendicular to the side lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building. Side yard dimensions may be averaged as stated in Article IX.