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## EXHIBIT B

### Article IX Special Provisions and Modifications

#### § 165-62 Purpose.

This article specifies zoning provisions which are general to all developments and establishes the basis for identifying, continuing and eliminating nonconforming uses, structures and site improvements. Also, in certain cases, usually as a result of the age or use of a property or building, it may not be possible to apply current zoning requirements. For this reason, special provisions and modifications outlined in this article are provided and may be used, if applicable and necessary, to modify existing conditions.

#### § 165-63 Lot area requirements.

The following general area requirements shall apply to all development:

##### A. Street frontage required.

- (1) Single-family detached **lots dwellings** shall abut for at least 25 feet on a street as defined in Article **XIV** of the Town of Bel Air Development Regulations, except as permitted in § **165-118D(17)**, Panhandle lots, of this chapter. Lot width is measured at the front building line. **[Amended 4-3-2017 by Ord. No. 780-17]**

##### B. Required yards: general.

- (2) Off-street parking and loading areas may occupy **all or** part of any required yard or open space, provided location, setback, parking, loading, landscaping and buffering regulations required by this Part 2 are not violated.

##### D. Height requirements.

- (1) Height measurement. Building height shall be measured from the average **contact with point of** grade to the highest point of the roof for flat roofs and to the deck line for mansard roofs and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

[\[Image\]](#)

**Figure 165-63.II**

- (2) Stories. The ground story or first story of any building is considered the lowest story, the floor of which is not more than 3 1/2 feet below the average contact **with grade** of the adjoining ground level at the exterior walls of the building.
- (3) Height bulk transition requirements. To reduce the apparent bulk of buildings 40 feet or more in height, a distinct base shall be provided at ground level using articulation and materials such as stone, masonry or decorative concrete. The top of the building should be treated with a distinct outline, with elements such as a projecting parapet, cornice or projection. A height transition or step down is required adjacent to residential development.

§ 165-64 **Special provisions.**

B. Front yard modifications.

- (1) In any residential district, the required depth of the front yard may be modified. This may occur if at least two front yards are less than that required for the district on lots which are on the same frontage as the property in question and within 250 feet of the property in question. In such case, the depth shall not be less than the minimum depth of any existing front yard having the same frontage. However, the depth of a front yard on any lot shall be at least 10 feet.
- (2) Front yard setback requirements for single-family attached units may be modified to a minimum front yard depth of 25 feet if the units within a building block are designed with a minimum offset of two feet. **[Amended 4-3-2017 by Ord. No. 780-17]**
- (3) Decks, balconies, porches, **awnings** and canopies. Decks, balconies, unenclosed porches and canopies may project into the front yard a distance of 25% of the minimum required setback for the district or the established front yard setback for the subdivision or neighborhood, as applicable. Canopies/awnings **may extend a maximum of four-feet and** must maintain an eight-foot clearance above **a the sidewalk in the public right-of-way.**

C. Side and rear yard modifications.

- (1) Decks, balconies, porches and canopies. Decks, balconies, unenclosed porches and canopies may project into the side and/or rear yard a distance of 25% of the minimum setback for the property.

E. Height modifications. The building height limitations of this Part 2 shall not apply to the following:

- (1) Accessory roof structures designed to house stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, provided that objectionable views of such equipment are completely screened from all adjacent properties.

§ 165-65 **Traffic visibility.**

- A. Except in instances where traffic visibility is not impacted due to one-way traffic patterns, no sign, fence, wall, hedge, planting, structure, unit or other temporary or permanent obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, placed or maintained within the sight triangle of an intersection.

**Non-obstruction Area Requirements by Street Classification**

**(measured along right-of-way)**

**"A" (Distance in Feet)**

<b>Required Setback</b>		<b>Local Street</b>	<b>Collector Street</b>	<b>Arterial Street</b>
25	Local street	25	30	40
30	Collector street	25	30	40
40	Arterial street	25	30	40

- (1) Where an intersection is formed with a **county or** state road, **state** sight distance criteria **for that**

**jurisdiction** shall also be applied. **A sight distance survey may be required if deemed necessary by the Zoning Administrator based on existing site conditions.**

[\[Image\]](#)

**Figure 165-65.I**

**§ 165-66 Nonconforming uses, buildings or structures.**

If, prior to the adoption of the Town of Bel Air Development Regulations, a property was being used for a then-lawful purpose that the Town of Bel Air Development Regulations prohibit and render nonconforming, the property owner shall have a vested right to continue the nonconforming use. However, it is the purpose of the Town of Bel Air Development Regulations to secure the gradual or eventual elimination of nonconforming uses. To further this goal, no expansion or change of a nonconforming use shall be permitted unless authorized by the Board of Appeals as provided for herein and in Article **XII** of this Part **2**.

A. Continuance, extension, enlargement and abandonment.

(6) In the case of an extension or enlargement of a structure, the following shall apply: The **Zoning Administrator may authorize the extension or enlargement of a non-conformity of a single-family detached dwelling or the** Board of Appeals may authorize the extension or enlargement of the nonconformity of a **any other** building or structure, with or without conditions, provided that: **[Amended 4-3-2017 by Ord. No. 780-17]**

- (a) The **total** enlargement or extension **area** does not exceed 35% of the gross square footage of the nonconforming area in use at the time of the creation of the nonconformity **and the enlargement or extension does not increase the degree of nonconformity.**
- (b) The enlargement or extension does not violate the height or coverage regulations for the district.
- (c) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.