

Bel Air Board of Town Commissioners

Agenda

Oct 2, 2023

Ordinance No. 817-23

Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 817-23, amending Article VIII (Landscaping Standards), Article IX (Special Provisions and Modifications), and Article X (Accessory and Temporary Uses), be received 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 VIII Landscaping Standards

- Section 165-56.B – clarify street trees must be installed adjacent to the right-of-way.
- Section 165-57.B(4) – clarify that screening plantings must retain two-thirds foliage during the lifetime of a project to encourage meaningful landscape buffers.
- Table 165-59.I – add the commercial to residential use buffer mistakenly removed several years ago.
- Section 165-59.A(3) – allow Planning Commission to approve lesser buffers in all districts based on mitigating factors.

Article IX Special Provisions & Modifications

- Section 165-63 – clarify building height as 'average contact with grade' .
- Sections 165-64.B(3) – restrict awnings, canopies, etc. to extend no more than four-feet from building face when located above a public right-of-way.
- Section 165-65.A(1) – allow for a sight distance survey when required by the Zoning Administrator.
- Section 165-66.A(6) – allow the Zoning Administrator to review and approve extensions of existing non-conforming uses/buildings of single family dwellings.
- Section 165-66.A(6)(a) – clarify that extensions of nonconforming buildings cannot increase the degree of non-conformity.

Article X Accessory & Temporary Uses

- Section 165-68.B(1) – clarify the height limits for accessory structures.
- Section 165-68.B(6) – revise the minimum lot size for honeybee hives and chicken coops as 10,000 square feet. Provide for a minimum of a 50-foot setback from adjacent primary structures. Limit the number of hens to two and allow for additional hens for each additional 5,000 square feet of lot area. Restrict chickens to hens only. Adjust the number of animals per lot based on size.
- Section 165-68.B(11) – adjust the time for refuse containers, storage units and trailers to be limited to thirty days in a residential area.
- Section 165-68.C(6) – limit the time refuse containers, storage units and trailers to thirty days unless located in an area not visible to the public
- Section 165-69.C – clarify businesses must adhere to height limits for fences in the front yard.
- Section 165-69.E – allow for fences in residential zones to be six-feet for corner or through lots provided the fence is located six feet from the right-of-way line.
- Section 165-71.A – establish that temporary uses are limited to thirty days unless noted.
- Section 165-71.A(1)(h) – allow for temporary uses to have a sign limited to 72 square feet without a separate permit.
- Section 165-71.B(1)(a)[2][a] – clarify that temporary sales/office trailers cannot be located on a lot longer than 30 days without Zoning Administrator approval and construction trailers cannot be located on a lot longer than 18 months without Director of Public Works approval.
- Section 165-71.C(1)(a)[3][c] – limit outdoor sales or tent events to thirty days in a calendar year.
- Section 165-71.C(1)(a)[4] – expand snowball stands to include seasonal uses and require a permit. Limit signage to 24 square feet.
- Section 165-71.D(1)(a)[1] – add retail sales to this section and add requirements to store waste on the establishment premises and require a permit. Limit signage to a sandwich board sign.

III. DISCUSSION

The Town Board of Commissioners through the work session review process adjusted the regulations for selected items. 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 receive Ordinance No. 817-23.

Ordinance No. 817-23

An Ordinance Amending Articles VIII, IX and X 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 VIII, IX, and X 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 VIII, IX, and X are to clarify vague or confusing text, to adjust responsibility of a reviewing agency, adjust development standards where appropriate, clarify specific use requirements, add allowances for accessory structures and establish review requirements; 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. 817-23, attached hereto and incorporated herein as Exhibit A – Landscaping Standards, Exhibit B –

Special Provisions and Modifications, and Exhibit C – Accessory and Temporary Uses 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:

Kevin Bianca, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk