

## Development Regulation Amendments

Summary for review by the Planning Commission

January 4, 2024 meeting

### **ORD 818-23** *Revision to adequacy standards related to school capacity*

The proposed Ordinance amends the code to reduce the Adequate Public Facilities (APF) threshold for deferral of development from 110% to 100% of school capacity and eliminates of the consideration of capacities of abutting school attendance areas.

- Havre de Grace uses 110% and includes the ability to use abutting area capacities (similar to Bel Air)
- Aberdeen uses 115%
- Harford County uses 110%

The Town has no control over the BOE and its timeline for redistricting so any reduction of the capacity threshold will expand the number of schools which are considered over capacity in the Town of Bel Air. Under current Growth Report numbers, applying 110% without considering abutting attendance area capacity will cause development in Bel Air Elementary School and Homestead/Wakefield Elementary School attendance areas will be placed in moratorium. This change would bring the Town and County in alignment regarding APF. A reduction of the threshold to 100% will add Hickory and Red Pump Road elementary school attendance areas to also be in moratorium. Other Counties and Municipalities use varying thresholds for APF – Anne Arundel County, Mt. Airy, Queen Anne’s County and Laurel all use 100%. Most of these also provide for the ability to mitigate their impact (developer contributions for purchase of property, expansion of buildings, etc.). Some jurisdictions also allow a phased approach to development or limit the period a project can remain in moratorium.

**ORD 819-23 Elimination of Fee-in-Lieu for open space provision**

This proposed ordinance will prohibit the allowance of a payment in lieu of the required provision of open space for residential proposals.

- Havre de Grace does not allow fee-in-lieu for open space because Havre de Grace does not require open space to be provided for most development.
- Aberdeen does not allow for open space fee-in-lieu
- Harford County allows fee-in-lieu for required open space based on a calculation of the cost of property using 110% of the appraised value. The County also allows open space amenity projects to be proffered based on an agreement with the developer.

Some possible unintended consequences of eliminating the flexibility to provide open space are the effect on dense urban areas such as downtown Bel Air since land consists of smaller lots and sufficient land is typically not available for provision of open space. The current definition of open space is limited to exterior applications and does not specifically allow interior fitness rooms, community rooms, etc. There are also size limitations applied to the current application of open space which require a minimum of 500 square feet per area and 10-foot width to qualify. The ability to phase in the provision of open space is also not currently allowed in the Town.

**ORD 820-23 Reduction of Building Height in the B2, B2A, B3 & B3A and adjustment of setbacks in the B2 and B3A districts corresponding to building height**

The proposed amendments associated with this ordinance requires building height in all zoning districts to be reduced to a maximum of 40-feet. While most zones are currently below this building height limit, the B2, B2A, B3 and B3A districts allow for greater building heights:

- B2 (Central Business District) 55 feet
- B2A (Central Business Gateway District) 45 feet
- B3 (General Business District) 65 feet
- B3A (General Business Gateway District) 55 feet

In addition, the building setbacks are adjusted according to building height in the B2 and B3A, with greater setbacks for higher buildings provided. These setbacks would be eliminated because the taller buildings would no longer be permitted. The setback from residential for these two zones is proposed to increase from 10-feet to 25-feet. The Town has exceptions for heights of Churches, Hospitals, Schools, Libraries and places of public assembly where the height limit may be exceeded with the requirement that additional setback is provided based on additional building height using a 3 to 1 ratio (one additional foot of setback for every three additional feet in building height applied to side and rear yards). Government structures are not required to adhere to local codes although most try to meet the regulations.

- Havre de Grace limits conditional uses based on the development type.
  - Residential & Institutional – 60 feet
  - Multi-Family & Hotel – 80 feet
  - Church – 100 feet
- Aberdeen building heights range from 40-feet to 60 or 80 feet depending on the use. 60-feet is the limit for most uses and in most business districts.
- Harford County limits building height based on the number of stories – 3 stories are the limit throughout the county with the exception of R3 and R4 districts.

Most building height exceptions are typical for all jurisdictions. These may include elevator/stair towers, parapet walls, HVAC units and associated screening, etc.

The reduction in permitted building height will likely create several non-conforming buildings in Bel Air. Some of these may include: Brightview Assisted Living, Harford Mutual Insurance, English Country Manor, Overlook/Legacy at Gateway Condominiums (these are assumptions and not based on field survey). The expansion of residential setback in the B2 and B3A from 10-feet to 25-feet will create numerous non-conforming developments.

**ORD 821-23 Reduce the number of units per floor and per building block**

The proposed amendments will include a limit of four dwelling units per floor and no more than three stories for apartments (total of 12 dwelling units per building). There is an allowance to expand the number of dwelling units to six dwelling units per floor (total of 18 dwelling units per building) with approval from Planning Commission. There is no limit in the current code for multi-family (current density limit is 20 dwelling units per acre).

- Havre de Grace uses one definition for apartment and has no limit on stories or units
- Aberdeen uses three definitions for apartments (Garden, Mid-Rise & High Rise)
  - Garden limited to three stories (4 du min)
  - Mid-Rise limited to four or five stories (8 du min)
  - High-Rise limited to six or more stories (8 du min)
- Harford County also uses three definitions for apartments (Garden, Mid-Rise & High-Rise)
  - Garden limited to three stories (4 du min)
  - Mid-Rise limited to four or five stories (8 du min)
  - High-Rise limited to six or more stories (8 du min)

None of the other jurisdictions noted place a limit on the number units per floor.

Approximately half of the apartment developments in Bel Air have floor capacities which are greater than four and this legislation would render them non-conforming (Legacy/Overlook at Gateway, Moore's Mill Manor, Heritage Hills, English Country Manor, etc.). Limits to the number of stories at three may create difficulty in the downtown district and the highway commercial areas where land values are higher, and more units are desired. Other unit types may become harder to develop:

- Fifty-Five and Older units will demand elevators which are expensive to include in smaller buildings with less units.
- Mixed-Use buildings with retail/service on the first floor may need higher ceilings and require additional floor to floor space that will place limitations on the number of floors which can be provided under the current proposal.

*Attached is a summary of other jurisdictions and their code based on abbreviated research.*

**Ordinance No. 818-23**

An Ordinance Amending to Article II 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; and

**WHEREAS**, The Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to the needs and desires of the residents of the Town; and

**WHEREAS**, the changes to Article II are to clarify the threshold for restricting development based on school capacity by lowering the capacity limit to 100% of the state rated levels for each facility and to apply the measurement to the attendance area of the development only; 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. 818-23, provided for below is hereby adopted.

***§ 165-21 Annual growth report; adequacy standards.***

A. Annual growth report.

- (1) A copy of the approved Harford County Annual Growth Report, as referenced in § 267-126A(3)(a) and 267-126B(2)(b) of the Harford County Development Regulations, shall be submitted by the Town's Director of Planning and Community Development to the Board of Town Commissioners in July of each year. An amended version of the report will be submitted to the Board of Town Commissioners in January of each year, incorporating amendments to the annual growth report as adopted by the county.
- (2) The report, as required by the Harford County Development Regulations, is prepared by the Harford County Department of Planning and Zoning and includes a specific analysis of the current and future utilization and capacity of school facilities, including the following:

- (a) Full-time enrollment for the schools serving the Town of Bel Air as of September 30, or as of any other official reporting date as set by the State Board of Education or the County Board of Education;
- (b) Rated capacity and utilization percentage of each pertinent school facility, with capacity based on state-rated capacity;
- (c) One-year, two-year and three-year, enrollment projections for each pertinent facility, including a description of the method of projecting enrollment in each facility; **[Amended 4-3-2017 by Ord. No. 780-17]**
- (d) Pupil yield factor by school level for each type of dwelling unit;
- (e) List of approved capital projects for new or expanded school facilities and the identified schools that will be relieved, including projected enrollment and opening date;
- (f) School district maps for each level of school facilities; and
- (g) Modified enrollment projections for each district, which include planned units remaining (recorded lots and units projected from approved preliminary plans) and projected units from vacant land zoned for residential purposes.

B. Adequacy standards (minimum acceptable level of service). Upon acceptance of the annual growth report by the Board of Town Commissioners, all approvals of residential single-family subdivision plans and site plans for multifamily development shall be subject to findings of adequate school capacity based on the standards set in this subsection and the current and projected use level described in the annual growth report:

(1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multifamily residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exist **when impact of the proposed development on school enrollment is included**: **[Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]**

- (a) The enrollment, at the elementary school which then serves the site **and all abutting elementary school attendance areas**, is greater than **100%** ~~110%~~ of the rated capacity or is projected to be greater than **100%** ~~110%~~ within three years; or
- (b) The enrollment, of either the middle school or high school which serves the site **and all abutting respective middle and high school attendance areas**, is greater than **100%** ~~110%~~ of the rated capacity or is projected to be greater than **100%** ~~110%~~ within three years.

- (2) Conditional review. If Subsection **B(1)(a)** or **(b)** of this section prevents approval of a subdivision plan or a site plan, the Planning Commission may proceed with conditional review of the plan and place it on a waiting list arranged by the date of completion of the review. This section shall not extend subdivision plan or site plan approval beyond two years from the date of final decision. One-year extensions of an approved plan may be requested without limitation during the period of development deferral. Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the Town until the plan for the project is removed from the waiting list and approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Subsection **B(1)(a)** or **(b)** of this section no longer exists. **[Amended 9-16-2019 by Ord. No. 792-19]**
- (3) Exemptions. The provisions of this subsection shall not apply to transient housing or fifty-five-and-over housing.

**BE IT ORDAINED** If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

**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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Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk

**Ordinance No. 819-23**

An Ordinance Amending Article VII of the Development Regulations in Chapter 165 and Chapter 265 Adequate Public Facilities 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; and

**WHEREAS**, the Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to public input regarding provision of open space; and

**WHEREAS**, the Board of Town Commissioners has reviewed the required provision of open space in the Town with regard to fee-in-lieu and wishes to remove this option from the developer 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. 819-23, provided for below is hereby adopted.

***§ 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 shall be set aside for total (active and passive) 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 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. 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 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 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 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.~~

§ 265-4 Allocation of costs.

(4) Recreation and community facilities. The applicant's responsibility for a proportionate share of improvements necessitated by the proposed development, based on the Development Regulations, the Community Facilities and Transportation Elements of the currently adopted Comprehensive Plan, including but not limited to parks and recreation, police, and fire protection, shall be computed as follows:

(a) Recreation and community facilities is based upon §165-52, Open space and recreation, and §165-118E, Landscape and amenity design.

(b) The number, type and location of any improvement shall also be governed by the Community Facilities and Transportation Elements in the Comprehensive Plan.

~~(c) Should fee in lieu be approved for the necessary improvement, the current Town of Bel Air fee schedule shall apply.~~

**BE IT ORDAINED** If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

**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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Paula Etting, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk

**Ordinance No. 820-23**

An Ordinance Amending Articles III and the Table of Lot Requirements  
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; and

**WHEREAS**, the Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to public input and residents desires; and

**WHEREAS**, the changes to Article III and Attachment 2 consisting of Table 165-26 thru Table 165-33 to lower the maximum building height in the Town of Bel Air to 40-feet and adjust setbacks in the B2 and B3A zoning districts; 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. 820-23, as provided for below is hereby adopted.

***§ 165-30 B-2 Central Business District.***

A. Purpose. The Central Business District is established to:

- (1) Promote reuse, infill and redevelopment in Bel Air's traditional Town Center.
- (2) Encourage efficient use of land and compact development.
- (3) Retain and strengthen the land use pattern that includes a mix of shops, services, offices, civic uses and residences.
- (4) Encourage increased economic vitality through the addition of new downtown residences and uses that attract visitors, such as specialty shops, restaurants, theaters and overnight accommodations.
- (5) Encourage mixed-use buildings with retail and service uses at street level and office or residential uses on upper levels.

- (6) Retain and create attractive streetscapes with a lively, pedestrian-oriented character.
- (7) Provide for safe and convenient pedestrian, bicycle and automotive travel.
- (8) Promote building forms that respect and reinforce the historic streetscape.
- (9) Require the use of building components that are human in scale.
- (10) Ensure that new, expanded or rehabilitated buildings are compatible with the scale of historic buildings in close proximity.

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- (4) Building setbacks and lot width. [Amended 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17]

~~(a) Buildings with height up to 45 feet:~~

~~[1] (a) Minimum front setback: zero feet; maximum front setback: 10 feet.~~

~~[2] (b) Minimum side and rear setback: zero feet, except 25 10 feet if lot is adjacent to an R District.~~

~~[3] (c) No minimum lot width for nonresidential uses.~~

~~(b) Buildings with height between 45 feet and 55 feet:~~

~~[1] Minimum front setback: 10 feet from right-of-way, no maximum front setback.~~

~~[2] Minimum side and rear setback: zero feet, except 30 feet if lot is adjacent to an R District.~~

**[Image]**

**Figure 165-30.I {see Exhibit A for amendments}**

**Illustration of height, setback and front yard standards for the B-2 District.**

~~[3] For a corner lot with frontage on two arterial roads, the front yard setback shall be applied to the primary access frontage only.~~

...

- D. Density, lot area, width, height and yard requirements. Table 165-31 outlines the requirements for uses in the B-2A District, subject to the modifications provided under Article IX of this Part 2. [Amended 4-3-2017 by Ord. No. 780-17]

**[Image]**

**Figure 165-31.II {see exhibit B for amendments}**

**Illustration of height, setback and front yard standards for the B-2A District.**

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**§ 165-33 B-3A General Business Gateway District.**

- A. Purpose. The General Business Gateway District is established to:
- (1) Promote reuse, infill and redevelopment that provide a transition from the highway-oriented development of the B-3 District to the Town's pedestrian-oriented, historic core.
  - (2) Encourage efficient use of land and compact development with a mixture of retail, service, office, civic and residential uses.
  - (3) Allow the land uses permitted in the B-3 District while incorporating design standards appropriate to Bel Air's traditional downtown core.
  - (4) Encourage increased economic vitality through the addition of new downtown residences and uses that attract visitors, such as specialty shops, restaurants, theaters and overnight accommodations.
  - (5) Encourage mixed-use buildings with retail and service uses at street level and office or residential uses on upper levels.
  - (6) Promote redevelopment of vacant and underutilized properties.
  - (7) Provide for safe and convenient pedestrian, bicycle and automotive travel.
  - (8) Provide pedestrian connections between Route 1 and Bel Air's downtown area.
  - (9) Retain and create attractive streetscapes with a lively, pedestrian-oriented character.
  - (10) Require the use of building components that are human in scale.
  - (11) Provide transitions or buffers so that new development is compatible with and protective of surrounding residential uses.

...

(4) Building setbacks and lot width. [Amended 4-3-2017 by Ord. No. 780-17]

~~(a) Buildings with height up to 45 feet:~~

~~[1] (a) Minimum front setback: zero feet; maximum front setback 25 feet.~~

~~[2] (b) Minimum side and rear setback: zero feet, except 25 10 feet if lot is adjacent to an R District.~~

~~[3] (c) No minimum lot width for nonresidential uses.~~

~~(b) Buildings with height between 45 feet and 55 feet:~~

~~[1] Minimum front setback: 15 feet; no maximum front setback.~~

~~[2] Minimum side and rear setback: zero feet, except 30 feet if lot is adjacent to an R District.~~

**[Image]**

**Figure 165-33.I {see Exhibit C for amendments}**

**Illustration of height, setback and front yard standards for the B-3A District.**

BEL AIR CODE

Table of Lot Requirements  
for Specific Uses

Table 165-26: R-2 Medium-Density  
Residential District [Amended 5-21-2012 by  
Ord. No. 750-12; 4-3-2017 by Ord. No. 780-17]

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	35
Townhouse	1,800 60,000**	10	§ 165-63C(2)	18	30*	0 (10 end unit) **	40	35
Semidetached dwelling	15,000	10	§ 165-63C(2)	100	30	10	40	30
Two-family dwelling	15,000	8		70	30	10	35	30
Group day care	8,750			70	30	10	35	30
Parks and recreation areas			10		35	10	40	30
Service uses	8,750		10	70	30	10	35	30
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		10	70	30	20	40	30

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.\*

\*\* 20-foot side yard setback and 60,000 sf required for overall parcel.

**COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS**

**Table of Lot Requirements  
for Specific Uses**

**Table 165-27: R-3 High-Density Residential District  
[Amended 4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 60,000**	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semidetached dwelling	10,000	14	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multifamily dwelling	60,000	20 30 (55 and over)	§ 165-63C(2)	100 100 100	30 33 36	16 20 24	42 42 42	30 40 40
Group home	8,750			70	30	10	35	40
Group day care	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Service uses	8,750		10	70	30	10	35	40
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		10	100	30	20	40	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback and 60,000 sf required for overall parcel.

BEL AIR CODE

**Table of Lot Requirements  
for Specific Uses**

**Table 165-28: R-O  
Residential Office District  
[Amended 4-3-2017 by Ord.  
No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 60,000**	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semidetached dwelling	10,000	14	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multifamily dwelling	60,000	20 30 (55 and over)	§ 165-63C(2)	100	30	16	42	30
1 1/2 stories				100	33	20	42	40
2 1/2 stories				100	36	24	42	40
3 stories								
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	25	10	40	40
Service uses	8,750		10	70	20	10	35	40
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000			100	20	20	40	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter. A "unit" is defined as each individual apartment or condominium.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback and 60,000 sf required for overall parcel.

**COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS**

**Table of Lot Requirements  
for Specific Uses**

**Table 165-29: B-1 Limited  
Business District [Amended  
4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 60,000**	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semidetached dwelling	10,000	14	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multifamily dwelling	20,000 60,000	20 30 (55 and over)	§ 165-63C(2)					
1 1/2 stories				100	30	16	42	30
2 1/2 stories				100	33	20	42	40
3 stories				100	36	24	42	40
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	25	10	40	40
Accessory buildings			10			3	3	20
Other permitted uses	8,750		20 (side yard) 40 (rear yard)		15	10	25	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter. A "unit" is defined as each individual apartment or condominium.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel

BEL AIR CODE

Table of Lot Requirements  
for Specific Uses

Table 165-30: B-2 Central  
Business District  
[Amended 2-21-2012 by Ord. No. 748-12; 4-3-  
2017 by Ord. No. 780-17]

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750		70	30		10	35	20	40
Townhouse	1,800		18	5	15	0 (10 end unit)**	40	20	45 40
Semidetached dwelling	10,000		100	30		10	40	20	45 40
Two-family dwelling	10,000		70	30		10	40	20	45 40
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		3				0	0		20
Other permitted uses		§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	20	55 40

NOTES:

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\*\* 20-foot side yard setback for overall parcel

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table of Lot Requirements  
for Specific Uses

Table 165-31: B-2A Central  
Business Gateway District  
[Amended 4-3-2017 by Ord. No.  
780-17]

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750		70	30		10	35	20	40
Townhouse	1,800 60,000**		18	15	25	0 (10 end unit)**	40	20	45 40
Semidetached dwelling	10,000		100	30		10	40	20	45 40
Two-family dwelling	10,000		70	30		10	40	20	45 40
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		3				0	0		20
Other permitted uses		10		15	25	0	0	20	45 40

NOTES:

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\*\* 20-foot side yard setback and 60,000 sf required for overall parcel.

BEL AIR CODE

Table of Lot Requirements  
for Specific Uses

Table 165-32: B-3 General  
Business District [Amended  
4-3-2017 by Ord. No. 780-17]

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 <b>60,000**</b>	14		18	30*	0 (10 end unit)**	40	40
Semidetached dwelling	10,000	14		100	30	10	40	40
Two-family dwelling	8,750	10		70	30	10	40	40
Multifamily dwelling 1 1/2 stories	60,000	20	20	100	30	16	42	30
2 1/2 stories		30 (55 and over)	25	100	33	20	42	40
3 stories			30	100	36	24	42	50 40
4 stories and above			35	100	40	28	42	60
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	35	10	40	40
Accessory buildings			10			3	3	20
Other permitted uses			10 (side yard) 30 (rear yard)		22	0	10	65 40

NOTES:

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table of Lot Requirements  
for Specific Uses

Table 165-33: B-3A General Business  
Gateway District [Amended 11-25-2011 by Ord.  
No. 744-11; 4-3-2017 by Ord. No. 780-17]

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750		70	30		10	35	20	40
Townhouse	1,800 <b>60,000**</b>		18	10	20*	0 (10 end unit)**	40	20	<b>45 40</b>
Semidetached dwelling	10,000		100	30		10	40	20	<b>45 40</b>
Two-family dwelling	10,000		70	30		10	40	20	<b>45 40</b>
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		10				0	0		20
Other permitted uses		§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	20	<b>55 40</b>

NOTES:

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* See § 165-~~32C~~ **33C**

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

BEL AIR CODE

**Table of Lot Requirements  
for Specific Uses**

**Table 165-34: M-1 Industrial  
District  
[Amended 4-2-2018 by Ord. No. 783-18; 9-16-  
2019 by Ord. No. 792-19]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
All permitted residential uses	15,000	20 30 (55 and over)		100	36	24	42	40
All permitted industrial and natural resource uses								
1 story			50		10	15	10	30
2 story			50			15	15	35
3 story			50			20	20	40
Other permitted uses (amusement, retail, service and institutional)			30		10	10	10	40
Accessory buildings			25			10	10	20

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

**BE IT ORDAINED** If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

**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:

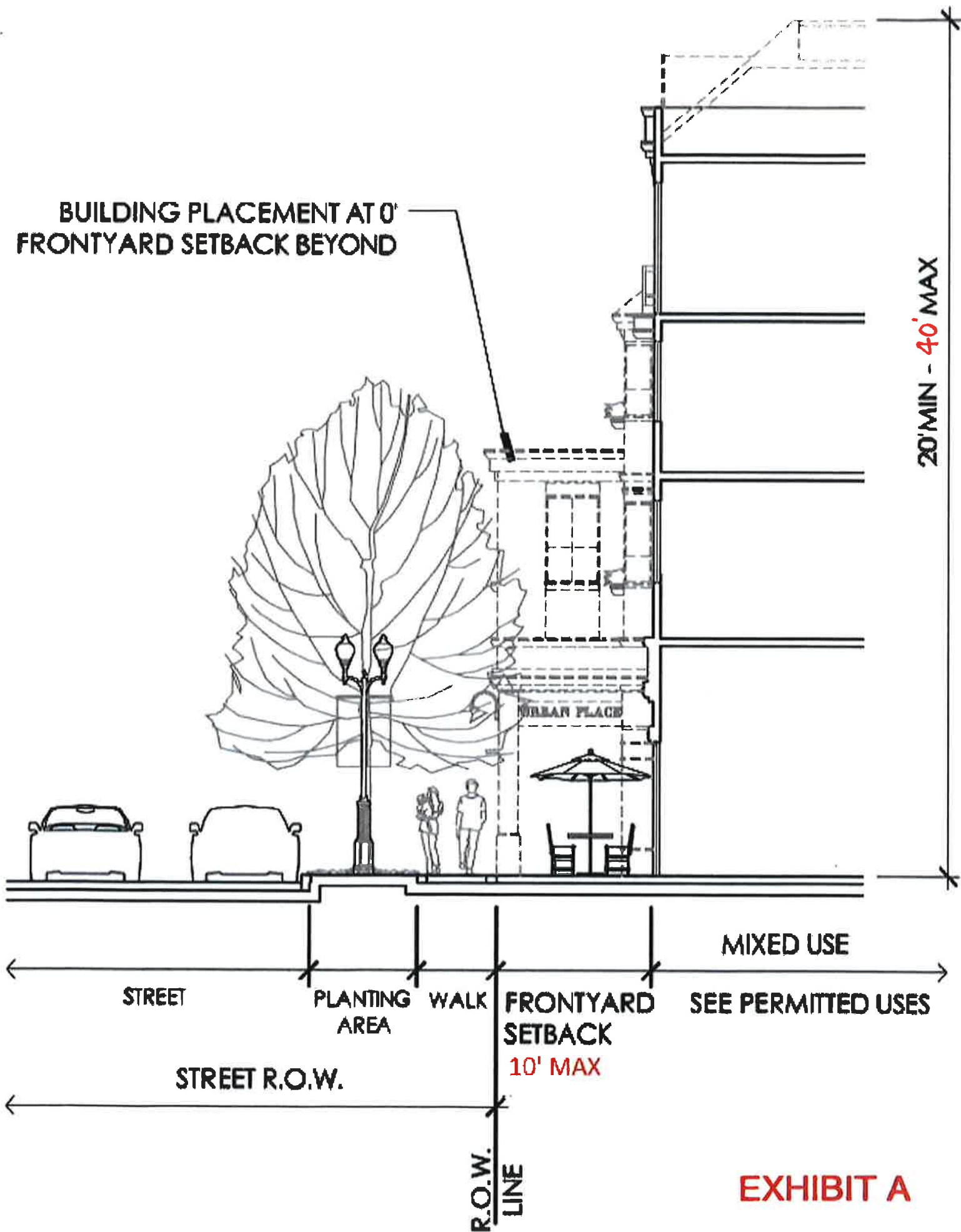
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Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk

**BUILDING PLACEMENT AT 0' FRONTYARD SETBACK BEYOND**



**20' MIN - 40' MAX**

**MIXED USE**

**SEE PERMITTED USES**

**STREET**

**PLANTING AREA**

**WALK**

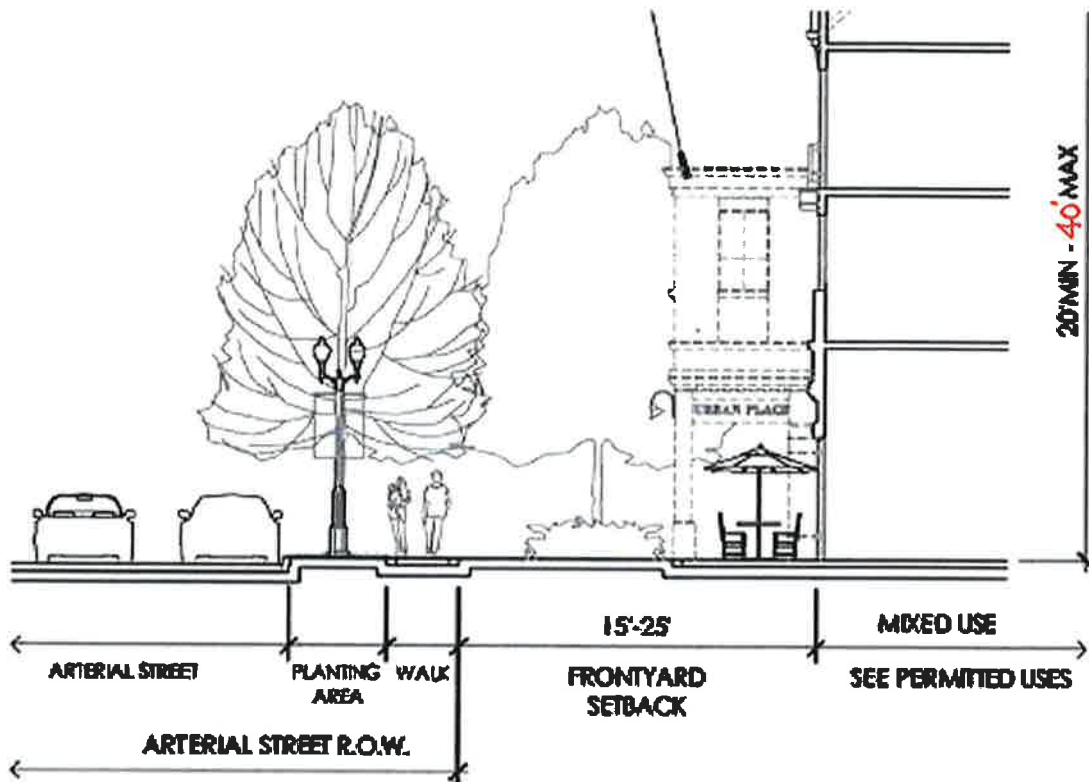
**FRONTYARD SETBACK**

**10' MAX**

**STREET R.O.W.**

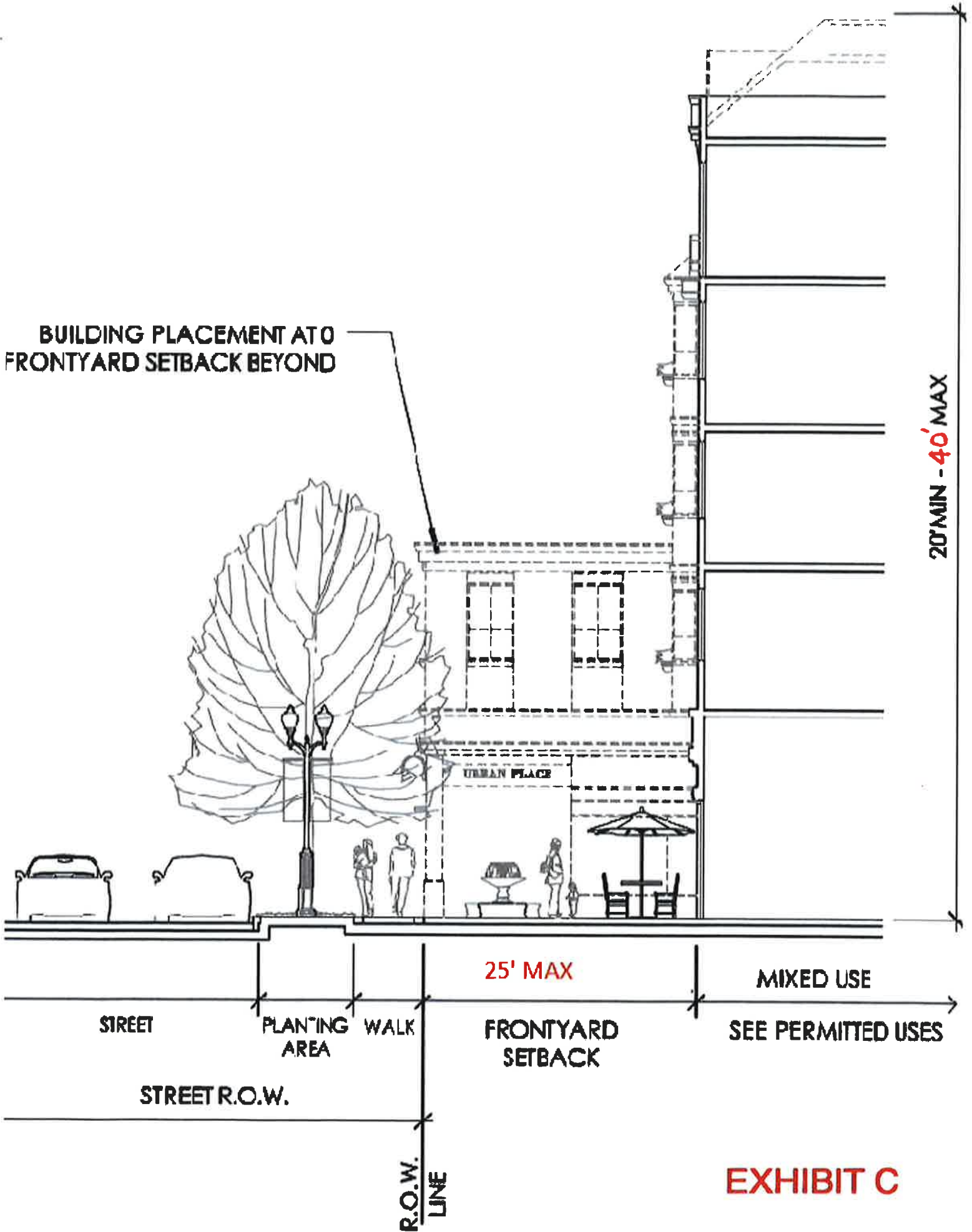
**R.O.W. LINE**

**EXHIBIT A**



**EXHIBIT B**

**BUILDING PLACEMENT AT 0 FRONTYARD SETBACK BEYOND**



**EXHIBIT C**

**Ordinance No. 821-23**

An Ordinance Amending Article VII and Article III 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 Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to input from the public and desires of Town residents; and

**WHEREAS**, the changes to Articles VII and III are designed to limit the number of dwelling units per floor in multi-family uses based on each building block ; 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, as provided for below is hereby adopted.

***§ 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 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.

...

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**]

...

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

...

(h) Multifamily and townhouse dwellings. [**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.

[e] **The maximum number of multi-family dwelling units within a building block shall be no more than four units per floor not to exceed 12 units per building block unless the planning commission determines to increase the number of units to a maximum of six units per floor not to exceed 18 units per building block based on the intensity of surrounding land use, the architectural design, the layout of development, and the distribution of parking, as shown on the plans submitted.**

...

**§ 165-33 B-3A General Business Gateway District.**

A. Purpose. The General Business Gateway District is established to:

- (1) Promote reuse, infill and redevelopment that provide a transition from the highway-oriented development of the B-3 District to the Town's pedestrian-oriented, historic core.
- (2) Encourage efficient use of land and compact development with a mixture of retail, service, office, civic and residential uses.
- (3) Allow the land uses permitted in the B-3 District while incorporating design standards appropriate to Bel Air's traditional downtown core.
- (4) Encourage increased economic vitality through the addition of new downtown residences and uses that attract visitors, such as specialty shops, restaurants, theaters and overnight accommodations.
- (5) Encourage mixed-use buildings with retail and service uses at street level and office or residential uses on upper levels.
- (6) Promote redevelopment of vacant and underutilized properties.
- (7) Provide for safe and convenient pedestrian, bicycle and automotive travel.
- (8) Provide pedestrian connections between Route 1 and Bel Air's downtown area.
- (9) Retain and create attractive streetscapes with a lively, pedestrian-oriented character.
- (10) Require the use of building components that are human in scale.
- (11) Provide transitions or buffers so that new development is compatible with and protective of surrounding residential uses.

...

C. Site design standards.

- (1) Design goals.
  - (a) The streetscape and the building facade facing the street shall be the primary focus of the development.
  - (b) New development shall contribute to the creation or reinforcement of a

pedestrian-friendly streetscape with a strong pedestrian edge along the sidewalk and screening for parking.

- (c) Buildings on corner lots shall establish a strong presence with unified facade design along both street frontages.
- (d) Parking shall not be a dominant visual element of the streetscape. Parking should be screened by buildings or buffered by attractive plantings or low walls.
- (e) Building and site designs should preserve and enhance special street views, in particular, views of landmark buildings and natural features, focal points at T-intersections and views along curving roadways.

...

(8) Residential development standards.

- (a) The front facade of the townhouses shall not face a principal arterial road.
- (b) Garages, attached or detached, shall be accessed from the rear of the dwelling.
- ~~(c) No density standards are applicable to townhouses or multifamily dwellings.~~
- (cd) Standards for minimum percentage of window area shall not apply.
- (de) Maximum building coverage for townhouses shall be 60% of the lot area.
- (ef) The standards of § 165-27 shall apply to single-family detached dwellings in the B-3A District.

**BE IT ORDAINED** If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

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

INTRODUCTION:

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Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk