

Ordinance No. 000-25

An Ordinance Amending to Articles VII, XIV and Attachment 1 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 Board of Town Commissioners is authorized to adopt planning and zoning controls designed to protect the health, safety and well-being of its citizens which includes the ability of Bel Air residents and visitors to acquire short term rental housing within the Town if desired; and

WHEREAS, The Bel Air Board of Town Commissioners wish to update the Development Regulations to add a use category and performance standards for Short Term Rental and adjust the definition for Short Term Rental and Accessory Dwelling Unit; and

WHEREAS, the changes to Articles VII & XIV and amendments to the Permitted Use Chart reflect the Board of Town Commissioners intent; 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. 000-25, provided for below are hereby adopted:

ARTICLE VII Development and Performance Standards

Section 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.

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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.

- (a)** The applicant shall provide a graphic description of the proposed architectural design.
- (b)** All proposed accessory uses shall be identified, and the maximum square footage allotted for each use shall be indicated on the site plan. If a deck is not included on the site plan proposal for single-family or multifamily residential units, the rear or side yard setback shall be increased to allow future construction of a deck at least 10 feet by 20 feet in size.
- (c)** No dwelling shall be occupied by more than one person for every 220 square feet of habitable space. Persons sharing dwellings or beds on a rotating or shift basis shall each be counted as separate occupants for purposes of this requirement.
- (d)** In the case of townhouse units, the maximum number of attached dwelling units within a building block shall be no more than six units unless the Planning Commission determines to increase the number of units to a maximum of eight based on the intensity of surrounding land use, the architectural design, the layout of the development, and distribution of parking, as shown on the plans submitted.

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

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(k) Short Term Rental

[1] Performance Standards

- [a] The unit dedicated to the use shall be a maximum of 500 square feet in R1, R2, R3 & RO districts.**
- [b] The property owner must be on-site while the rental unit is occupied in the R1, R2, R3 & RO districts. Owner or caretaker must be located within thirty minutes travel time for all other districts.**

- [c] **Owner contact information, proof of insurance, fire code inspection, and tax application must be provided to the Town.**
 - [d] **No signage related to the use is permitted.**
 - [e] **A license from the Town of Bel Air is required. All licensees are subject to annual operating fee, inspection without notice and revocation based upon violation of license agreement.**
- [2] **Guidelines**
- [a] **The Board of Appeals or other reviewing agency may consider the following to adequately limit the use from adversely impacting the neighboring properties.**
 - [i] **Provision for adequate parking and buffering**
 - [ii] **Rental criteria and operating information**
 - [iii] **Structure, capacity, and location of the unit.**

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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. The meaning and construction of words and phrases defined in this article apply throughout the Development Regulations, except where the context clearly indicates a different meaning or construction. Any word or term not defined in this article shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's International Dictionary of the English Language.

165-104 Terms defined. The following definitions shall be used in the interpretation and construction of the Development Regulations:

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SHORT-TERM RENTAL

A residential home unit or an accessory building available for rent on a temporary basis for **28 30** days or less.

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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.

A. DWELLING, ACCESSORY An independent dwelling which is occupied for a period exceeding **28 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.

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165 Attachment 1

Town of Bel Air

Permitted Use Tables

Table 3-5, Residential

Principal permitted uses for specific zoning districts

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Dwellings								
Accessory dwelling unit	SD	SD	SD	P	P	P	P	
Multifamily (apartment/condo)			SD	SD	P	P	P	P
Semidetached		P	P	P	P	P	P	
Single-family detached	P	P	P	P	P	P	P	
Townhouse		P	P	P	P	P	P	P
Two-family/duplex		P	P	P	P	P	P	
Bed-and-breakfast	SE**	SE**	SE	SE	P	P	P	
Boardinghouse			SE	SE	SE	SE	SE	
Community shelter			SE	SE	SE	SD	SD	
Day care, family	P	P	P	P	P	P	P	
Group home, large			SD	SD	P	P	P	P
Group home, small	P	P	P	P	P	P	P	P
Halfway house				SE	SE	SE	SE	
Home occupation*	P/SE	P/SE	P/SE	P	P	P	P	
55 and over housing			SE	SE	SE	SE	SE	P
Mixed-use center				SD	SD	SD	SD	
Short Term Rental	SE	SE	SE	SE	SD	SD	SD	SD

KEY:

"P" indicates permitted subject to applicable code requirements.

"SD" indicates permitted subject to special development regulations, pursuant to Article XII "SE" indicates permitted subject to special exception regulations, pursuant to Article XII.

A blank cell indicates that the use is not permitted.

NOTE: These tables are provided for easy reference. However, the text of Chapter 165, Part 2, should be consulted for further definition and all applicable requirements. In the case of any inconsistencies between the text and the tables, the text shall control.

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 _____ day of _____, 2025.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk

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