

Ordinance No. 845-25

An Ordinance Amending to Article 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, the State Annotated Code, 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 include proper allowance to locate accessory structures in places where they do not adversely affect the general public or the neighborhood; and

WHEREAS, The Bel Air Board of Town Commissioners wish to update the Development Regulations to relax the permitted location of sheds or other accessory structures to allow those owning corner lots to make use of the majority of the rear yard; and

WHEREAS, the changes to Article X are to allow a six-foot setback from the right-of-way for accessory structures within the front yard when located behind the rear façade of the principal home; 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. 845-25, provided for below is hereby adopted:

Section 165-68 Accessory Uses

Generally, except as otherwise restricted in Article **III**, Establishment and Regulation of Zoning Districts, accessory buildings and uses customarily incidental to any principal permitted use or authorized special exception or special development shall be permitted in any district in connection with the principal use, subject to the following:

...

B. Residential districts.

- (1) Accessory structures shall be no more than 20 feet in height as measured from the ridgeline of the roof to the average contact with grade, nor shall they exceed the height of the principal use or structure, whichever is less. The height between the eaves and the ridge for gable, hip and gambrel roofs cannot exceed more than 35% of the overall height of the accessory building.
- (2) No accessory use or building shall be erected in any required court or in any yard other than a side or rear yard, except as provided hereinafter. Accessory uses or buildings shall be distanced at least six feet from alley lines and at least three feet from lot lines of adjoining lots. If approved by the Zoning Administrator, cluster mailbox structures may be permitted in the front yard.
- (3) Accessory buildings, except stables, may be erected as a part of the principal building or, if at least six feet therefrom, may be connected thereto by a breezeway or similar structure, in which case it shall be considered to be a part of the principal building, provided all yard and Fire Code^[1] requirements for a principal building are satisfied. Open carports may be erected over driveway pads if screening is provided and if located at least five feet from the lot line.
- (4) Satellite receiving dishes in excess of 24 inches in diameter must be ground-mounted and shall require a building permit in accordance with the Town Building Code.^[2] All satellite receiving dishes shall be treated as any other accessory structure with the same setback and yard requirements. All dishes shall be properly screened from view with landscaping or fencing, as appropriate and as determined by the Zoning Administrator. Dishes less than or equal to 24 inches in diameter may be mounted on the principal structure or an accessory structure.
- (5) The total square footage, including upper floor space, of all accessory uses or structures shall not exceed 50% of the square footage of habitable space of the principal use or structure. However, a minimum of 480 square feet may be permitted regardless of the size of the principal structure.
- (6) Single-family detached and attached residential corner lots may locate a shed a minimum of six feet from right-of-way provided it is located behind the rear facade of the residence. The Zoning Administrator may require a survey to determine if visibility at the intersection is impeded by the location of the shed.**

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 S. Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk