

Ordinance No. 000-25

An Ordinance Amending to Article VII, 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 to protect the ability of Bel Air residents, businesses, and visitors to obtain parking in the downtown area if desired; and

WHEREAS, The Board of Town Commissioners is empowered to regulate and operate its public parking facilities and may do whatever is necessary to protect its property; and

WHEREAS, The Bel Air Board of Town Commissioners wishes to update the Development Regulations to regulate the ability of proposed large residential developments to monopolize available public parking owned by the Town for long periods of time; and

WHEREAS, the changes to Articles VII reflect the Board of Town Commissioner's intent to evenly and equitably distribute Town owned public parking facilities and maintain control over long term obligations of the Town of Bel Air; 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 **165-51 Parking and loading.**

- A. Purpose. The purpose of this section is to ensure provision of adequate, safe, convenient, aesthetically pleasing parking facilities, while minimizing the negative visual impacts of parking, service and loading facilities. Further, these regulations are intended to achieve the following goals and objectives:

- (1) To regulate the number of required off-street parking spaces for the needs and safety of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly to eliminate the unnecessary use of the surface street system for parking purposes.
- (2) To support the state's smart growth goals by minimizing the area used for parking, thus minimizing runoff and other environmental impacts.
- (3) To provide shared parking options for different but compatible uses.

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C. Flexibility.

- (1) Satellite parking. **If required by the Town code, s**Satellite or off-site parking for any use, excluding fifty-five-and-over housing uses, may be provided through a recorded easement or an agreement between the owners of the property providing parking, the entity utilizing the parking and the Town. If the parking is shared with another use, it must meet requirements specified in Subsection B(5) of this section. Satellite or off-site parking may be permitted at a site not greater than 500 feet from the property boundaries of that use if the Planning Commission finds that the proposed parking area is easily accessible to the proposed development and includes a safe, accessible pedestrian connection. Any parking space dedicated to an off-site use must have adequate signage at the use generating parking and at the parking location. For residential uses, a minimum of one space must be provided on-site or adjoining the site.
- (2) Fee in lieu of on-site parking.
 - (a) The Planning Commission may permit fulfillment of all or part of the parking requirement in the B-2 Central Business District to be satisfied through the payment of a fee in lieu of on-site parking, ~~a fifteen-year renewable parking lease agreement or a combination of these alternatives~~ when on-site parking is impractical due to site conditions and it is determined that public parking facilities are located within 500 feet of the property boundaries and that such parking facilities are easily accessible and include a safe, accessible pedestrian connection. ~~Appropriate signs indicating the location of off site parking shall be posted at the property generating parking.~~ Fees shall be determined by statute based upon a per-space cost. Parking fee-in-lieu payments shall be used for development of parking facilities through the Town's Parking Enterprise Fund.
 - (b) A fee in lieu of on-site parking spaces, ~~a fifteen-year renewable lease agreement or a combination of these alternatives~~ may be provided by an applicant in the B-2A Central Business Gateway District or the B-3A General Business Gateway District with approval of the Planning Commission in situations where the application of the parking regulations would be ~~undesirable or~~ impractical **due to site conditions** and

it is determined that public parking facilities are located within 500 feet of the property boundaries and that such parking facilities are easily accessible to the proposed development and include a safe, accessible pedestrian connection. The alternative parking provisions shall not exceed 50% of the required on-site parking.

- (c) This subsection shall not apply to applications for alterations, repairs or renovations, but shall apply to new buildings, replacement buildings and expansions. For expansions, only the expansion area shall be considered in calculating parking requirements.

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