

## **Ordinance No. 856-26**

An Ordinance Amending Article VII, Section 165-53 of Part 2 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 Town of Bel Air has reviewed the development regulations and found specific elements detract from the character of the Town and impact the historic resources; and

**WHEREAS**, the Town Board has reviewed restrictions regarding jersey barriers and barbed wire found within certain zoning districts and wishes to expand these restrictions to all districts; and

**WHEREAS**, Maintaining consistency between similar uses creates a more coordinated relationship between properties and provides for easier transition from one use to another; and

**WHEREAS**, the Board of Town Commissioners have added the same guidelines text to shopping centers as found in mixed-use centers to maintain consistency between similar uses; 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. 856-26, incorporated herein as Permitted Use Tables 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.

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B. General performance standards and development guidelines by use.

(1) The following performance standards and guidelines apply in all districts:

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(2) Guidelines.

- (a) New buildings are encouraged to include green building standards during construction to minimize impacts on public water, sewer and stormwater facilities.
- (b) Buildings should be designed to compliment and contribute to the neighborhood in terms of shape, style, roofline, color and materials. **Elements such as barbed wire and jersey barriers are prohibited without approval from the Director of Public Works based upon specific user need and site conditions.**

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H. Use category performance standards and guidelines: retail uses. All retail 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:

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

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(d) Shopping center.

[1] Performance standards.

- [a] The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- [b] Architecture, site design, lighting, and signage shall incorporate consistent design elements.
- [c] Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
- [d] The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
- [e] Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter shall be considered in the traffic/parking study.
- [f] All establishments shall have vehicular service access either from an individual service drive, space, or from a common service yard.
- [g] All service areas, loading, trash removal, compaction or similar activities shall be segregated from public areas and screened from public view.

- [h] The owners of all lots shall execute a recorded Development Agreement with the Town providing that all owners acknowledge and agree to be bound by these performance standards as an overall scheme of development, outlining all shared elements, granting reciprocal easements to permit each owner to access any other owner's lot or parcel of land for the purposes of compliance with the Town Code and for either remediating any zoning violation or to comply with the Town Code for the purposes of any approvals sought by any of the owners of the lot and agreeing that the Town shall permit enforcement of any portion of the Town Code upon one or more owners of any lot or parcel of land contained with the Shopping Center scheme of development.
- [i] All parking lots, loading areas and outdoor storage areas shall be separated with buffer yards of at least 10 feet from any adjacent residential districts. Parking shall be adequate for peak demand of the existing and proposed uses at the time of application based on a parking study.
- [j] Signs to identify the use of an occupant shall be designed as part of the architectural design of the building and attached thereto. Proposed signage shall be submitted with the preliminary plan and shall be subject to review and approval by the Planning Commission.
- [k] Directional and informational signs shall be adequately provided and design coordinated.
- [l] Center management shall be responsible for providing on-site security service.
- [m] A traffic and/or parking study shall be submitted and approved prior to application if required by the Zoning Administrator.
- [n] Vehicular access to the subject property shall not be by means of any street internal to a subdivision for single-family dwellings.

**[2] Guidelines.**

- [a] The Planning Commission may waive required interior landscape buffers, internal property line setbacks and allow buildings to cross lot lines based upon beneficial design that promotes overall development interconnection and execution of appropriate legal documentation.**

**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. For the purpose of this section, construction activity is defined as the period between issuance of a building permit and use & occupancy permit.

**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