

Ordinance No. 813-23

An Ordinance Amending to Articles III, VII and XIV in addition to Attachment 1 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 based on recommendation from the Planning Commission; and

WHEREAS, The Town of Bel Air has recently completed an update of the Comprehensive Plan in 2022 and the Planning Commission the Board of Town Commissioners wish to update the Development Regulations to be in harmony with the guidelines set forth in the Comprehensive Plan; and

WHEREAS, the Planning Commission has reviewed and recommended approval of the proposed amendments on December 1, 2022 and February 2, 2023, to revise Articles III, VII and XIV in addition to the Permitted Use Charts as part of a comprehensive review of Chapter 165 with corresponding changes to other articles to be done at a later date; and

WHEREAS, the major changes to Articles III, VII and XIV are to clarify vague or confusing text, to adjust responsibility of a reviewing agency, adjust performance standards where appropriate, reduce parking requirements as directed by recent studies, add definitions for new uses and establish review requirements for each new use; 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, attached hereto and incorporated herein as Exhibit A -- Zoning Districts, Exhibit B -- Performance Standards, Exhibit C -- Definitions and Exhibit D -- Permitted Uses is hereby adopted.

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

INTRODUCTION: June 5th, 2023

PUBLIC HEARING: July 17th, 2023

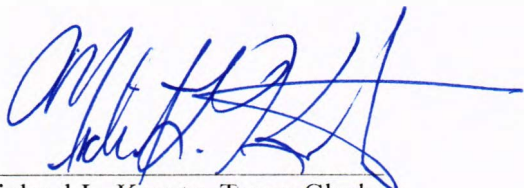
ENACTMENT: July 17th, 2023

EFFECTIVE: August 7th, 2023

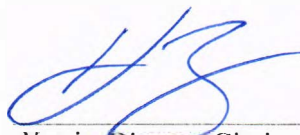
AYES: Commissioners Chance, Etting, Huges, Kahoe and Bianca

NAYS: NONE

ABSENT: NONE



Michael L. Krantz, Town Clerk



Kevin Bianca, Chair
Board of Town Commissioners

Article III
Establishment and Regulation of Zoning Districts

EXHIBIT A

§ 165-22 **Purpose.**

- A. This article establishes zoning districts within the incorporated boundary of Bel Air, Maryland, and outlines the associated standards and regulations that govern each district. ...

§ 165-24 **General Regulations**

- A. Delineation of zoning district boundaries shall be in accordance with the following rules:

(8) Zoning district boundaries are discouraged from bisecting lots or structures. If split zoning cannot be avoided and the application of development regulations is unclear, the more restrictive requirements will be applied.

- K. Temporary structures for uses incidental to construction work shall be removed upon the completion or abandonment of work. Construction/sales trailers may be permitted for no more than 18 months. If longer duration is necessary, ~~special-exception~~ approval **from the Director of Public Works** is required. [Added 4-3-2017 by Ord. No. 780-17]
- L. A building height bonus of 10% or less may be approved by the Planning Commission provided that structured parking **equal to or exceeding** ~~on the order of~~ 75% of the building footprint is incorporated as part of a proposed development. [Added 4-3-2017 by Ord. No. 780-17]

§ 165-25 **R-1 Low-Density Residential District.**

- A. Purpose. The Low-Density Residential District is designed primarily to accommodate single-family detached housing, ensure preservation of existing neighborhoods and retain the Town's small-town character as identified in the Town of Bel Air Comprehensive Plan. Some community service uses, institutional uses, and home occupations may be permitted as provided for by this Part 2.
- B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

- (1) **An accessory dwelling unit** ~~Cottage housing~~, as defined in Article XIV, ~~may~~ **shall** be permitted as a **special development** ~~special-exception~~. **This use is** ~~This use is~~ subject to performance standards as specified in Article VII of this Part 2.

§ 165-26 **R-2 Medium-Density Residential District.**

[Amended 4-3-2017 by Ord. No. 780-17]

- A. Purpose. The Medium-Density Residential District is designed primarily to accommodate single-family housing and attached units with appropriate design and buffering. This district is also intended to ensure preservation of existing neighborhoods and to retain the Town's small-town character as identified in the Town of Bel Air Comprehensive Plan.
- B. General regulations.

- (2) **An accessory dwelling unit** ~~Cottage housing~~, as defined in Article XIV, ~~may~~ **shall** be permitted **as a special development**. **This use is** subject to performance standards as specified in Article VII of this Part 2.

§ 165-27 **R-3 High-Density Residential District.**

- A. Purpose. The High-Density Residential District is designed primarily to accommodate high-density

housing, including apartments and condominiums with appropriate design, open space provisions and buffering. The intent of this section is to ensure that diverse housing opportunities are available to meet the community's needs.

B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

- (2) **An accessory dwelling unit** ~~Cottage housing~~, as defined in Article XIV, ~~may~~ shall be permitted **as a special development**. **This use is** subject to performance standards as specified in Article VII of this Part 2.

§ 165-28 **R-O Residential-Office District.**

A. Purpose. The Residential-Office District is designed primarily for areas which are no longer viable as single-family residential areas due to high traffic volumes or other factors but which may be viable for high-density residential uses or offices. ...

B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

(6) Fencing and screening.

- (a) Walls and fences shall be uniform and compatible with architectural style, color and building material. Appropriate materials include iron grating, wood, stone or brick. **No jersey barrier, split rail, wire mesh or chain-link walls or fencing will be permitted. Temporary barriers other than chain link must be approved by the Director of Public Works.** Walls greater than 40 feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, barrier wall construction, vertical features such as columns, differing construction materials or a combination of the above.

E. Development standards. The floor area of an individual use shall not exceed 7,500 square feet.

§ 165-29 **B-1 Limited Business District.**

A. Purpose. The Limited Business District is designed to accommodate small-scale local business, institutional or service establishments. ...

B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

~~(4) Exterior lighting shall not exceed 16 feet in height and shall meet requirements found in Article VII.~~

C. Special regulations. Permitted uses are listed in the use classification charts located at the end of Article III. Applicable regulations **for architecture and site design** contained in **RO Residential Office District, section 165-28.B** ~~other articles~~ shall apply in the B-1 Limited Business District. Certain uses are subject to performance standards specified in Article VII of this Part 2. [Amended 4-3-2017 by Ord. No. 780-17]

D. Density, lot area, width, height and yard requirements. Table 165-29 outlines the minimum requirements that shall apply for uses in the B-1 District, subject to the modifications provided under Article IX of this Part 2. [Amended 4-3-2017 by Ord. No. 780-17]

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

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

C. Site design standards.

(3) Building placement and frontage on street.

- (d) For corner lots with cumulative frontage greater than 200 feet, a lesser building facade frontage may be approved **by the Planning Commission** along one road, provided the primary building facade and entrances are oriented towards the street frontages and the building complies with front yard requirements and architectural standards for corner lots.
- (e) For lots with frontage on two or more roads, in determining which streets should have continuous building facade frontage, priority shall be based upon street classifications established by the Town of Bel Air Comprehensive Plan. Continuous building walls shall be created and retained along streets in the following order of priority: principal arterials, minor arterials, urban collectors, local roads. **Solid walls with a minimum height of 42 inches may be approved by the Planning Commission as a substitute for a building façade for one street frontage only.**

(5) Parking and access.

- (a) Required parking may be provided off site in accordance with Article VII, § 165-51. ~~For residential uses, a minimum of one parking space per dwelling unit shall be provided on site or abutting the site.~~ [Amended 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]
- (d) If a lot has frontage on more than one street:
 - [1] For a corner lot, parking shall be located on one side of the building interior to a block. Parking shall be no closer to the street than the building facade facing the same street **and screened with a minimum three-foot height wall or ornamental fence.**
 - [2] For a through lot, parking may be located along one street frontage only. [Amended 4-3-2017 by Ord. No. 780-17]
 - [3] For a lot with frontage on three streets, parking may be located along no more than two street frontages **and must be screened with a minimum three-foot height wall or ornamental fence.** If feasible, limit **parking** to one street frontage.

E. Site elements.

(1) Fencing and screening.

- (a) Walls and fences shall be uniform and compatible with architectural style, color and building material. Appropriate materials include iron grating, wood, stone or brick. No **jersey barrier**, split rail, wire mesh or chain-link **walls or** fencing will be permitted. **Temporary barriers other than chain link must be approved by the Director of Public Works.** Walls greater than 40 feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, barrier wall construction, vertical features such as columns, differing construction materials or a combination of the above. [Amended 4-3-2017 by Ord. No. 780-17]

§ 165-31 **B-2A Central Business Gateway District.**

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

C. Site design standards.

(4) Parking location and access.

(a) Required parking may be provided off site in accordance with Article VII, § 165-51. ~~For residential uses, a minimum of one parking space per dwelling unit shall be provided on site or adjacent to the site.~~

(d) If a lot has frontage on more than one street:

[1] For a corner lot, parking shall be located on sides of the building interior to the blocks. Parking spaces shall be no closer to the street than the building facade facing the same street **and screened with a minimum three-foot height wall, ornamental fence or landscape.**

[2] For a through lot, parking shall be located along one street frontage only.

[3] For a lot with frontage on three streets, parking may be located along no more than two street frontages **and screened with a minimum three-foot height wall, ornamental fence or landscape**; if feasible, limit to one street frontage.

(6) Design of pedestrian areas, walls and fences.

(a) Walkways and pedestrian amenities shall be constructed of materials compatible in color, pattern, texture and scale with adjacent and nearby buildings.

(b) Walls and fences shall be uniform and compatible with the architectural style, color and materials of buildings in close proximity. Appropriate materials include iron grating, wood, stone, finished decorative concrete or brick. ~~Chain link fencing is not permitted.~~ **No jersey barrier, split rail, wire mesh or chain-link walls or fencing will be permitted. Temporary barriers other than chain link must be approved by the Director of Public Works.**

§ 165-32 **B-3 General Business District.**

A. Purpose. ...

B. General regulations. [Amended 4-3-2017 by Ord. No. 780-17]

(1) Customary home occupations and professional services may be permitted in accordance with the performance standards set forth in Article VII. A home occupation certificate is required.

~~(2) General regulations found in the R-O District, as shown in Article III, § 165-28B(2) through (10), shall apply to all developments in this district.~~

~~(23)~~ Development shall enhance the visual approach to the Town by providing an attractive gateway to the Town.

~~(34)~~ Street trees shall be required along the street edge of the primary access road, with clustering of

smaller trees encouraged throughout the developed areas.

- (45) A comprehensive coordinated sign plan shall be submitted at the time of site plan review. This shall include one or a combination of the following signage styles: freestanding, directory, projecting, wall, roof, canopy and/or window. All signs, including banners, require a permit. Signs shall conform to the regulations as specified in Article XV of the Town of Bel Air Development Regulations.

C. Site Design Standards

- (1) An access permit shall be required for all parking area curb cuts. Curb cuts on Town roads for new uses shall not exceed 35 feet, and the driveway shall not exceed 24 feet in width. The curb cut sidewalk pattern should be carried across the driveway. Buildings, low walls and attractive plantings shall be used to screen commercial parking areas.**
- (2) Architecture shall be compatible with neighboring development and provide a cohesive and rational pattern. All development shall consider design features that will create an attractive and visual continuity between proposed development and adjacent areas. Buildings shall be constructed to ensure visual privacy and sunlight for adjacent structures, as well as protection from the new or renovated developments, site illumination, noise and odors, as applicable.**
- (3) Building and site design should preserve and enhance special street views. Views of landmark buildings, natural features, focal points at T-intersections and views along curving roadways shall be highlighted. Traditional building materials, such as brick or high-quality masonry finish, are encouraged.**
- (4) Building, design, height and massing.**
 - (a) Building materials shall be compatible in quality, color, texture, finish and dimension with other buildings in the area. Architecturally harmonious material, color, texture and treatment shall be used for all exterior walls.**
 - (b) Rear facades shall be of finished quality and shall be consistent in color and material with the rest of the building.**
 - (c) The style and scale of the proposed building shall respect design elements prevalent in the area. Examples of such elements are the width, roofline pattern, size, shape, height, facing windows and building materials found throughout the Town.**
 - (d) The use of fenestration, patterns and traditional design elements is encouraged. Examples of such design elements are awnings, facade offsets, covered porticos, recessed or projected entries and other appropriate architectural features. Building walls shall be a maximum of 40 feet in length without modulation.**
 - (e) Roof forms shall be considered based on their compatibility with the existing architectural context and the character of nearby buildings.**
 - (f) Glass should not be reflecting, as in mirrored windows. Tinted glass to prevent inner glare may be allowed, subject to review by the Zoning Administrator. Justification for tinted glass shall be submitted to the Zoning Administrator.**

- (g) **Simplicity of design and a limited range of colors and materials are encouraged. Contrasting colors which accent architectural details and entrances are encouraged, as well as the use of graffiti-resistant materials.**
- (h) **A building height transition or step down is required for projects that are adjacent to residential districts.**

(5) Fencing and screening.

- (a) **Walls and fences shall be uniform and compatible with architectural style, color and building material. Appropriate materials include iron grating, wood, stone or brick. No jersey barrier, split rail, wire mesh or chain-link walls or fencing will be permitted. Temporary barriers other than chain link must be approved by the Director of Public Works. Walls and fences greater than 40 feet in length shall incorporate some form of visual relief, including, but not limited to, pattern breaks, barrier wall construction, vertical features such as columns, differing construction materials or a combination of the above.**
- (b) **All service areas, including, but not limited to, shipping, loading areas, dumpsters, refuse/recycling bins and similar accessory uses, shall be located in the side or rear yard and screened from public view.**
- (c) **Rooftop mechanical equipment and vents, utility facilities and other such equipment shall be located away from public view or screened with a treatment that is complimentary to the building architecture. If service areas are exposed to view due to site conditions, such areas shall be screened with landscaping and ornamental fencing.**

(6) Lighting and security.

- (a) **The use of decorative lighting and supporting structures consistent with building design, style and color is encouraged.**
- (b) **Lighting provided for parking areas shall not exceed 25 feet in height and shall meet requirements found in Article VII.**
- (c) **The use of security alarm systems is encouraged.**

(7) Vehicular and pedestrian access.

- (a) **Access points for corner sites shall be located in accordance with requirements noted in Article VII of this Part 2.**
- (b) **Curb cuts should be eliminated or minimized to the greatest extent possible through shared driveways with adjacent properties.**
- (c) **Street connectivity and access management shall be ensured through driveway consolidation, relocation and enclosure of curb cuts and driveways, creation of medians and shared driveways to help improve the function of commercial streets.**
- (d) **Walkways shall be designed to meet the following requirements:**

- [1] **Provide safe, convenient, well-illuminated entrance to the building.**
- [2] **Protect pedestrians from vehicular intrusion with landscaping and curbs that are integrated into the overall streetscape design.**
- [3] **Provide safe community access for the handicapped to all major building entrances by means of minimum grade changes, curb cuts, ramps and railings, as required by the Americans with Disabilities Act (ADA).**
- [4] **A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal customer entrance(s). ADA-compliant sidewalks extending the full length of the building or center must be provided along any facade featuring a customer entrance and along any facade abutting public parking areas. Modifications may be authorized by the Building Official on a case-by-case basis when site conditions warrant.**
- [5] **The internal pedestrian walkways, including those crossing vehicular lanes, must be distinguished from driving surfaces using special pavers or scored concrete to enhance pedestrian safety and to distinguish walkways.**

CD. Special regulations. In addition to the general regulations noted above, the following regulations and the applicable regulations contained in other articles shall apply in the B-3 General Business District. Certain uses are subject to performance standards specified in Article VII of this Part 2. ~~Exterior lighting shall not exceed 25 feet in height and all lighting shall meet the requirements found in Article VII.~~ [Amended 4-3-2017 by Ord. No. 780-17]

DE. Density, lot area, width, height and yard requirements. Table 165-32 outlines the minimum requirements that shall apply for uses in the B-3 District, subject to the modifications provided under Article IX of this Part 2. [Amended 4-3-2017 by Ord. No. 780-17]

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

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

C. Site design standards.

(5) Parking location and access.

(a) Required parking may be provided off site in accordance with Article VII, § 165-51. ~~For residential uses, a minimum of one parking space per dwelling unit shall be provided on-site or adjacent to the site.~~ [Amended 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17]

(e) If a lot has frontage on more than one street:

- [1] For a corner lot, parking shall be located on the sides of the building interior to the block. Parking shall be no closer to the street than the building facade facing the same street **and screened with a minimum height three-foot wall, fence or landscape.**
- [2] For a through lot, parking shall be located along one street frontage only.
- [3] For a lot with frontage on three streets, parking may be located along no more than

two street frontages **and screened with a minimum height three-foot wall, fence or landscape**; if feasible, limit to one street frontage.

- (7) Design of pedestrian areas, walls and fences.
- (a) Walkways and pedestrian amenities shall be constructed of materials compatible in color, pattern, texture and scale with adjacent and nearby buildings.
 - (b) Walls and fences shall be uniform and compatible with the architectural style, color and materials of buildings in close proximity. Appropriate materials include iron grating, wood, stone, finished decorative concrete or brick. **Chain-link fencing is not permitted. No jersey barrier, split rail, wire mesh or chain-link walls or fencing will be permitted. Temporary barriers other than chain link must be approved by the Director of Public Works.**

§ 165-34 **M-1 Industrial District.**

- A. Purpose. The Industrial District is designed to accommodate enterprises engaging in the manufacturing, processing, designing, repairing, renovating, cleaning, or assembling of goods, merchandise or equipment. ...
- B. General regulations. [**Amended 4-3-2017 by Ord. No. 780-17**]
- (8) Landscaping and amenities. Landscaping shall be designed to add visual interest to open spaces, parking areas and facades, as well as to soften the transition between buildings of different heights and styles **and screen exterior storage of materials and equipment from public view.** Forest stand delineation, forest conservation and landscaping plans shall be submitted as required in Articles **VI** and **VIII** of this Part **2**.

Article VII
Development and Performance Standards

EXHIBIT B

§ 165-50 Purpose and applicability.

A. These regulations are applicable to all developments within the Town of Bel Air. ...

§ 165-51 Parking and loading.

B. Parking space required. [Amended 4-3-2017 by Ord. No. 780-17]

- (2) Retail, **institutional** and service uses in the B-2 District which do not exceed a requirement 50 spaces per property are exempt from minimum parking requirements. All other uses must meet minimum requirements for parking.
- (4) The Town recognizes that the parking requirements contained herein cannot cover every possible situation that may arise. Therefore, in cases not specifically mentioned herein, the parking requirement **of the use** most similar to the enumerated use shall apply. No building permit or use and occupancy certificate shall be issued until the parking need has been evaluated and requirements satisfied.
- (5) Shared parking facilities may be permitted by the **Planning Commission** ~~reviewing authority~~ for different uses within an individual building or adjacent buildings or properties located within 500 feet of the subject property's boundaries based on a parking impact study provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. If approved, a shared parking plan shall be enforced through written agreement.
 - (a) Agreement for shared parking plan. An attested copy of the agreement between the owners of the ~~parking lot~~ property **providing parking**, the entity utilizing the parking and the Town shall be submitted to the Zoning Administrator, who shall forward a copy to the Town Attorney for review. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a certificate of occupancy. The agreement shall:
- (6) Accessory uses to an existing permitted use that are seasonal in nature and do not operate for more than six months of the year are not required to provide parking provided they do not exceed 75% of the capacity of the principal **permitted** use.

C. Flexibility.

- (1) Satellite parking. Satellite or off-site parking for **any commercial/service/institutional** uses, 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** ~~for shared parking as~~ specified in Subsection ~~B(4)~~ **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** ~~be signed accordingly~~. **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 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.

(3) Parking and loading space reduction. ...

- (a) In permitting such a waiver for new construction, the Board of Appeals must find the following:

[1] The requirements for parking and loading would result in particular or exceptional **hardship difficulties** upon the owner of such property; and

[2] Such relief can be granted without substantial impairment of the intent or purpose of this article.

D. Parking space dimensions. Each off-street parking space shall measure nine feet in width by 18 feet in length. Parallel spaces shall measure eight feet in width by 20 feet in length. **Accessible p**arking spaces ~~for the physically handicapped~~ shall meet the Americans With Disabilities Act (ADA) requirements. **Structured p**arking ~~garage~~ spaces shall be 8 1/2 feet in width and 18 feet in length. **[Amended 4-3-2017 by Ord. No. 780-17]**

F. Parking lot/driveway design, construction and maintenance.

(1) General requirements.

- (k) Bicycle parking facilities shall be provided for all parking areas designed for 25 or more vehicles. This shall include a minimum of one bicycle rack. The location and description of the rack shall be shown on the preliminary plan.**
- (l) A space designated for drop-off, pick-up and parcel delivery may count as two required vehicle spaces with approval from the reviewing authority. These spaces cannot be substituted for loading/unloading requirements.**

(m) All parking lots shall be brought to minimum standards prior to issuance of a certificate of occupancy permit for any business use. Standards shall include, but not be limited to, buffer, landscaping, surface repairs, markings, curbing, bumper strips and safe pedestrian access, as required by the Zoning Administrator.

(3) Nonresidential district requirements.

~~(d) Bicycle parking facilities shall be provided for all nonresidential parking areas designed for 25 or more vehicles. This shall include at least one bicycle rack. The location and description of the rack shall be shown on the preliminary plan. [Amended 4-3-2017 by Ord. No. 780-17]~~

~~(e) Commercial parking lots shall be brought to minimum standards prior to issuance of a certificate of occupancy permit for any business use. Standards shall include, but not be limited to, buffer, landscaping, surface repairs, markings, curbing, bumper strips and safe pedestrian access, as required by the Zoning Administrator.~~

H. Required off-street parking by use/activity. Unless otherwise noted, the basic measuring unit shall be the net square footage of the building. [Amended 1-3-2011 by Ord. No. 738-10; 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18]

Use or Use Category	Spaces Required
Amusement/entertainment	
Adult entertainment center	1 per 200 gross square feet
Amusement center and indoor recreation	1 per 200 gross square feet
Arena/stadium	1 per 3 seats
Bowling alley	4 per lane
Country club, golf, tennis, swim club Banquet facility	1 per 3 persons permitted under the State Fire Code
Ice/roller rink	1 per 100 square feet
Tavern, tavern with entertainment, microbrewery/winery/distillery	1 per 3 persons permitted under the State Fire Code
Theater	1 per 3 persons permitted under the State Fire Code
Industrial	
Industrial use (unless specified otherwise)	1 per 400 square feet (or largest employee shift, whichever is greater)
Fuel storage facility	1 per 800 square feet
Warehouse	1 per employee (at largest shift) and 1 per 300 square feet office
Institutional	
Civic service club , organization, country club and community center	1 per 3 persons permitted by the State Fire Code
Convent	1 per 2 beds (minimum of 2)
Day care, group	2 per 6 clients
Dormitory	1 per 4 beds (high school), 1 per 2 beds (college)
Fire station	1 per 250 square feet
Hospital	1 per 2 beds
House of worship	1 per 4 persons permitted by the State Fire Code permitted in main assembly hall

Use or Use Category	Spaces Required
Library	1 per 400 square feet
Nursing home, assisted living	1 per 3 beds, plus additional spaces as determined by the Board of Appeals based on parking impact study
Post office	1 per 400 square feet
Prison	1 per 2 employees, plus public spaces as determined by the Board of Appeals based on parking impact study
School	
Elementary/middle school	1 per 10 seats in main assembly room or 1 per 10 classroom seats, whichever is greater
High school	1 per 5 seats in main auditorium or 1 per 8 classroom seats, whichever is greater
College, university	1 per 3 students
All other school uses	1 per 3 persons permitted by State Fire Code
Natural resources	
Agricultural products processing	1 per 800 gross square feet
Greenhouse/nursery, commercial	1 per 400 gross square feet
Residential	
Bed-and-breakfast	1 per bed, plus 1 per owner/manager
Boardinghouse	1 per 2 beds (minimum of 2)
Community shelter	1 per 2 beds (minimum of 2)
Group home/halfway house	1 per 2 beds (minimum of 2)
Multifamily and 55-and-over dwelling units	1 per studio dwelling unit 1.5 per 1-bedroom dwelling unit; 2 per 2-bedroom dwelling unit; 2.5 per 3-or-more-bedroom dwelling units (dens- and libraries in multifamily to be counted as bedrooms)
55 and over dwelling units or affordable dwelling units	1 per studio and 1-bedroom dwelling unit 1.5 per 2-bedroom dwelling unit 2 per 3-or-more-bedroom dwelling units 2 per dwelling unit
Single-family detached, semidetached and two-family dwellings	
Townhouse	2.5 per dwelling unit (excluding garage space)
Retail and service use	
Antique shop/art gallery/museum	1 per 400 gross square feet
Auction house	1 per 6 seats or 1 per 400 square feet, whichever is greater
Bank	1 per 300 square feet, plus drive-through stacking space if applicable [See § 165-531(2)(c).]
Banquet hall facility	1 per 3 persons permitted by the State Fire Code
Beauty shop/barbershop	1 per 200 150 gross square feet/or 2 2.5 per station, whichever is greater
Bulk mail service	1 per 200 square feet
Business and personal service	1 per 300 square feet (unless otherwise specified)
Car wash and auto detailing	1 per full-time equivalent employee plus drive-through stacking space if applicable [See 165-

Use or Use Category	Spaces Required
	53I(2)(c).]
Cleaners/laundromat	1 per 200 square feet
Convenience goods	1 per 150 square feet
Construction supply/service	1 per 200 square feet for retail/office area; 1 per 800 square feet for storage area
Feed and grain mill	1 per 800 square feet
Fitness center	1 per 200 gross square feet
Funeral home	1 per 50 square feet (minimum of 30 spaces)
Group service	1 per 200 square feet
Hotel	1 per room, plus 1 per full-time equivalent employee
Instructional service	1 per 300 square feet
Liquor store	1 per 200 square feet
Medical service or laboratory	1 per 200 square feet
Mini storage	1 per employee and 1 per 300 square feet office
Mixed use	Commercial based on Shopping Center use – Residential use is calculated based on unit type
Motion-picture distribution	1 per 200 square feet
Motor vehicle sales, service and/or storage	1 per 300 square feet (minimum of 10)
Business and personal service	1 per 300 square feet (unless otherwise specified)
Outdoor Dining/Bar	1 per 150 square feet or 1 per 3 seats, whichever is greater
Pharmacy	1 per 200 square feet
Professional service	1 per 300 square feet
Restaurant	1 per 3 patron seats or 1 per 100 square feet of gross net floor area, excluding food preparation and storage area, whichever is greater, plus drive-through stacking spaces, if applicable [See § 165-53I(2)(l).]
Retail use (unless specified otherwise)	1 per 250 200 square feet
Service use (unless specified otherwise)	1 per 300 square feet
Shopping center	
Under 400,000 square feet	4 per 1,000 gross square feet
400,000 square feet and above	3.5 per 1,000 gross square feet
Spa	1 per 200 gross square feet
Specialty food	1 per 300 square feet
Specialty shop	1 per 300 square feet
Veterinarian/veterinarian clinic/hospital	1 per 200 square feet

The Zoning Administrator shall establish requirements for any use not specified above based on the requirements of the most similar use cited above.

- I. Loading areas. Whenever the normal operation of any **commercial** development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, facilities shall be provided in accordance with the requirements specified below: [Amended 4-3-2017 by Ord. No. 780-17]
- J. Refuse and recycling. [Added 4-3-2017 by Ord. No. 780-17]

- (5) Containers for **nonprofit recycling** collections may be placed within existing parking areas provided no more than one per parking area is installed.

§ 165-52 **Open space and recreation.**

Residential subdivision or 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 tract proposed for development** shall be set aside for **total (active and passive) developed and undeveloped** 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 Usable** 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, such as swimming pools, tennis courts, tot-lots, outdoor racquet courts, par courses, hike/bike trails, ball fields and other similar activities. 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 Developed** open space.
 - (b) **Passive Undeveloped** open space. As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements, such as the cutting of trails for walking or jogging, 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.

C. Fee in lieu of 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.**

§ 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's 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.**

B. General performance standards and development guidelines by use.

- (1) The following performance standards and guidelines apply in all districts: [Amended 4-3-2017 by Ord. No. 780-17]
 - (n) Any part of a lot not used for buildings, other structures or paved for off-street parking, drive aisles, loading, maneuvering, and pedestrian walks or permitted outside storage shall be landscaped and properly maintained.**
 - (o) All use setbacks and separations are from property line to property line unless otherwise specified.**

C. Use category performance standards and guidelines: amusement/entertainment. All amusement/entertainment 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:

- (2) In addition, specific amusement/entertainment uses listed below shall be subject to the following: [Amended 5-2-2011 by Ord. No. 741-11; 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17]
 - (a) Adult entertainment center.
 - [1] Performance standards.
 - [c] No use on which such an establishment is located shall be located within 1,000 feet of an existing ~~adult bookstore~~ adult entertainment center.
 - (b) Amusement center and indoor recreation facility.
 - [1] Performance standards.
 - [2] Guidelines**

{ea] The Planning Commission shall impose such conditions and restrictions as it may deem necessary to ensure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following: ...

(c) ~~Country club, golf, tennis, swim club/fitness centers~~ **Banquet facility.**

[1] Performance standards.

[a] Off-street parking and loading areas, **entertainment spaces** ~~swimming pools, tennis courts, golf tees~~ and maintenance facilities shall be screened to provide an effective visual buffer from adjoining uses.

[b] All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.

[2] Guidelines

[a] The Board of Appeals may specify hours of operation, hours of entertainment, parking, service requirements or other conditions deemed necessary to adequately protect nearby property owners.

(d) Fortune telling.

[1] Performance standards.

[a] The use shall not be located closer than 1,000 feet to any school property lines **or within 100 feet of a residential district.**

[b] The use shall not be located within 1,000 feet of an existing fortune-telling establishment.

[2] Guidelines

{ea] The Board of Appeals or reviewing agency shall impose such conditions and restrictions as it may deem necessary to ensure that the use is compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but not be limited to the following:

{di] Hours of operation;

{eii] Scope of operation.

(e) Smoking lounge [Added 10-1-2012 by Ord. No. 754-12]

[1] Performance standards.

[2] Guidelines

{ea] The Board of Appeals or reviewing agency shall impose such conditions as it may deem necessary to ensure that the use will not adversely impact the adjacent area.

Such conditions may include, but need not be limited to the following:

(f) Tavern, tavern with entertainment and microbrewery/winery/distillery.

[1] Performance standards.

[a] Tavern with entertainment shall not be located closer than 300 feet from any school building ~~unless a reduction is granted by the Board of Appeals based upon site conditions or mitigating factors.~~ Special exception review is required for a tavern or a microbrewery/winery/distillery located within 300 feet of a school building.
[Amended 9-16-2019 by Ord. No. 792-19]

[b] All structures wherein entertainment is located must be adequately insulated for sound. All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.

[2] Guidelines

~~[b]~~ The Board of Appeals or reviewing agency shall impose such conditions and restrictions as it may deem necessary to ensure that the use will be compatible with and will not adversely impact the adjacent area. Such conditions and restrictions may include, but need not be limited to, the following:

E. Use category performance standards and guidelines: institutional uses. All institutional uses, except parks and recreation areas, 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:

(3) In addition, specific institutional uses listed below shall be subject to the following: **[Amended 4-3-2017 by Ord. No. 780-17]**

(a) Cemetery.

[1] Performance standards.

[a] Graves, **crypts and/or columbaria** shall be considered as **primary** structures for the purpose of determining setbacks from property lines, and in no case shall the graves be located closer than 7 1/2 feet to the property lines.

(b) Civic ~~service club, fraternal~~ organization **and country club**

[1] Performance standards.

[a] The facility shall be under the control and direction of a duly constituted governing body **or entity.**

[b] All doors and windows must be closed when entertainment is provided during the hours of 9pm to 9am.

[c] All areas of recreation and entertainment must be screened from adjacent property and public right-of-way

[2] Guidelines

[b]a The Board of Appeals may specify hours of operation, **hours of entertainment, parking, service requirements** or other conditions deemed necessary to adequately protect nearby property owners.

(e) Dormitory.

[1] Performance standards.

[2] Guidelines

[a]f The Board of Appeals or reviewing authority may impose additional conditions to ensure the use will not impact the surrounding area.

(m) School, college, university.

[1] Performance standards.

[a] If the school offers general academic instruction below college level, an outdoor play area (or other outdoor activity area) shall be required which shall meet minimum state requirements for such outdoor play area. The area shall be located at least 25 feet from any adjoining **residential** lot.

[2] Guidelines.

[b] The Board of Appeals may condition any approval on provision of adequate vehicular, pedestrian and service access based upon review of a Traffic Impact Analysis prepared in accordance with Section 165-118.D.

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:

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

(a) {insert Accessory Dwelling Unit}

(a)b Bed-and-breakfast.

[2] Guidelines.

[a] The dining area of the bed-and-breakfast may be rented for special catering events **provided adequate parking and buffering is stipulated.**

[b] Operating information, structure, size, capacity and orientation of the facility may be considered during review.

(b)c Boardinghouse.

(e)d Community shelter.

(d) Cottage housing Accessory Dwelling Unit. {needs to be moved to become (a)}

[1] Performance standards. [Amended 4-3-2017 by Ord. No. 780-17]

- [a] The use shall be limited to **extended immediate** family members (as defined in Article XIV of this Part 2 **parent, child or sibling**) of the owners of the primary residence or a caregiver for a person residing in the primary residence.**
- [b] **The principal dwelling must be owner occupied and t**The use shall discontinue as soon as the designated **unit cottage housing** is vacated **for more than 12 months by immediate family.****
- [c] The parcel on which the **accessory dwelling unit apartment** is located must be a minimum of 10,000 square feet and reviewed as a Special Development when located in the R1, R2 or R3 district.**
- [d] Fire code inspection and tax application must be provided to the Town.**

[2] Guidelines

- [a] The 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] Lease criteria and operating information**
 - [iii] Structure, size, capacity and location of the unit**

(f) Group home, large/halfway house. [Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

[1] Performance standards.

- [a] Residents shall not receive ongoing, on-site medical care **other than counseling and therapy or treatment.** Otherwise, the use shall be treated as a nursing home or assisted living facility and regulated as such.**
- [e] Persons with developmental disabilities, those with mental disorders and those in recovery from addiction shall each reside in a separate **accommodations facility.****

(g) Group home, small. [Added 9-16-2019 by Ord. No. 792-19]

[1] Performance standards.

- [d] Persons with developmental disabilities, those with mental disorders and those in recovery from addiction shall each reside in a separate **accommodations facility.****

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

(i) Home occupations.

[1] Performance standards.

[d] Only persons residing in the home shall provide business services associated with the home occupation on the premises. The total of all employees, inclusive of family members, shall not exceed three. No home occupation shall be open to the public ~~between 9:00 p.m. and 8:00 a.m.~~

~~[e] No home occupation shall generate more than 20 vehicle trips per day. A "trip" is defined as a vehicle traveling in one direction to or from a source. Twenty trips is equivalent to 10 round trips.~~

[f]e No article or commodity shall be offered for sale at the premises.

[g]f Adequate off-street parking shall be provided, pursuant to Article VII of this Part 2. ~~Any additional off-street parking required for the home occupation by the Board of Appeals shall be provided in the side or rear yard of the lot and shall be screened from adjacent public roads and residential lots.~~

~~[h]g No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States Postal Service or a delivery service. No deliveries **for the occupation** by semi/tractor-trailer trucks are permitted.~~

[i]h Illumination of the site shall be no greater than is generally used in a residential district. No parking area lighting is permitted. [Amended 4-3-2017 by Ord. No. 780-17]

[j]i Notwithstanding the above, home occupations shall not include automobile repair, beauty shops or barbershops, construction supply services, kennels, or printing business. This section is not intended to exclude a home occupation in which the resident provides administrative functions, such as bookkeeping, accounting or answering service for a business use cited above.

[2] Guidelines.

[a] One full- or part-time nonresident employee may provide business services on the premises if the property is located in a Transition Overlay District. ~~A maximum of three full- or part-time nonresident employees or tenants may provide business services on the premises if located in the Transition Overlay District and approved by the Board of Appeals.~~ If the property is not in a Transition Overlay District, one nonresident employee may be approved by the Board of Appeals. [Amended 2-21-2012 by Ord. No. 748-12]

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:

(1) Performance standards.

- (e) The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, **storage containers**, snow piling, transformers, dumpsters and meters.

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

(a) Cannabis Business.

[1] Performance standards

[a] Operation of on-site consumption establishments is prohibited.

[b] Use must be setback 500 feet from all public parks, playgrounds, recreation centers, libraries, schools, and day care facilities.

[c] Use must be setback 500 feet from all residential uses.

[d] Use must be setback 1000 feet from all other cannabis dispensaries.

[2] Guidelines

[a] The Board of Appeals may review and stipulate limitations to meet requirements of the special exception criteria:

[i] Hours of operation

[ii] signage

[iii] security

[iv] disposal of refuse and recycling

(a)(b) Liquor store. [Amended 4-3-2017 by Ord. No. 780-17]

[1] Performance standards.

[a] Hours of operation shall be specified.

[b] Security provisions shall be specified.

[c] The use shall not be located closer than 300 feet from a school building unless a reduction is granted by the Board of Appeals based upon site conditions or mitigating factors.

[d] Drive-through use is prohibited.

(b)(c) Shoppers' merchandise.

(c)(d) Shopping center.

[1] Performance standards.

- [a] The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
- [b] ~~The project shall be designed with regard to the topography and other natural features of the parcel.~~ **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** ~~vehicular plan~~.
- [f] All establishments shall have vehicular service access either from an individual service drive, **space**, or from a common service yard.
- [g] All ~~such~~ service areas, loading, trash removal, compaction or similar activities shall be segregated from public areas and screened from public view.
- [h] ~~Any part of a lot not used for buildings or other structures or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks or incidental outside storage shall be landscaped and properly maintained.~~ **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 within the Shopping Center scheme of development.**
- [m] A traffic and/or parking study shall be **submitted and approved prior to** ~~required at the time of~~ application **if required by the zoning administrator.** [Amended 9-16-2019 by Ord. No. 792-19]

I. Use category performance standards and guidelines: service uses. All service 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.

- (c) The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, **storage containers**, snow piling, transformers, dumpsters and meters.

(2) In addition, specific service uses listed below shall be subject to the following: [Amended 5-2-2011 by Ord. No. 741-11; 4-3-2017 by Ord. No. 780-17]

(a) Beauty/nail shop/barbershop/spa services (located in the R-O and B-1 Districts).

[1] Performance standards.

[d] **Ear piercing, and t**The application of permanent makeup may be permitted as an accessory use. Such use shall be subject to all applicable COMAR standards.

(b) Communications tower(s)/platform.

[1] Performance standards.

~~[h] An environmental impact statement, including information on emission levels and the impact of the structure on the ecosystem, shall be provided as evidence at the Board of Appeals hearing.~~

~~[i] A nonionizing electromagnetic radiation analysis shall be submitted for review with every application for placement of an antenna on an existing tower or placement of a new tower. The analysis shall cite, incorporate and meet the current ANSI standards.~~

[j] Environmental Protection Agency standards and guidelines relating to radiation emissions shall be met at all times.

[k] Every five years or sooner, in the event of substantial damage, a certification by a professional structural engineer registered in the State of Maryland shall be filed with the Department of Public Works, indicating that the communications tower meets all safety requirements. Any upgrade or maintenance required to comply with any changes in the safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.

[l] The applicant shall minimize adverse visual effects of towers through careful design, siting and vegetative screening and shall avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures.

[m] The applicant shall cooperate in Town efforts to maximize the use of new communications transmission towers in order to reduce the number of towers needed.

[n] A communications tower that is no longer used shall be removed from the site within one year of the date that the use ceases.

[o] Installation of small cell facilities or wireless support structures in the public right-of-way are permitted under provisions of Chapter 465 in the Town Code.
[Amended 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]

(c) Drive-through facility for a restaurant, car wash, pharmacy, bank and other similar uses shall be subject to the following requirements.

[1] Performance standards.

- [a] The use shall be designed so that pedestrian and vehicular circulation is coordinated with that of adjacent properties. A traffic/**parking** impact study **may shall** be required **by the Zoning Administrator**.
- [b] Drive-through lanes shall be marked with distinctive pavement markings and/or special striping and shall not block exit or entry to off-street parking, **service areas or emergency access**. ~~spaces otherwise required on the site.~~
- [c] Adequate spaces for stacking at drive-through facilities shall be provided. Specifically, **seven five** stacking spaces are required from the **ordering first** window or **station (intercom) bay**, plus two **for each** additional **spaces prior to pick-up window station (intercom)**.
- [d] Noise from speaker systems shall be regulated to meet State of Maryland standards for control of noise pollution.
- [e] Drive-through windows and vehicle queuing lanes shall be located along the side and rear facades and not between the building and primary public right-of-way.

[2] Guidelines

- [a] **The reviewing authority may adjust the vehicle stacking requirement based on the needs of the specific use and data from similar applications.**
- [b] **Additional buffering may be required by the reviewing authority to address anticipated adverse impact to neighboring properties.**

(f) Medical service/medical clinic/medical laboratory.

[1] Performance standards.

- [a] Disposal of waste shall be through approved, safe means and shall be separate from regular trash disposal.

[2] Guidelines

- [a] **Additional accessible parking and/or drop-off/pick-up spaces may be required by the reviewing authority.**

(g) Mixed-use center.

[1] Performance standards.

- [a] The applicant shall provide a unified arrangement of buildings, service areas, parking, signage and landscaping.
- [b] The architecture, site design, lighting and signage shall incorporate consistent design and theme elements **and materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.**

- [c] The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
 - [d] 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.
 - [e] All establishments shall have vehicular service access either from an individual service drive, space or from a common service yard. All loading, trash removal, compaction or similar activities shall be segregated from public areas and screened from public view.
 - [f] 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.
 - [g] Directional and informational signs shall be adequately provided, and design coordinated.
 - [h] Center management shall be responsible for providing on-site security service.
 - [i] A traffic and/or parking study shall be submitted and approved prior to application if required by the zoning administrator.
 - [j] 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 within the Mixed Use Center scheme of development.
- (i) Outdoor dining or bar service.
- [1] Performance standards. [Amended 9-16-2019 by Ord. No. 792-19]
- [a] Amplified music or use of a public address system is not permitted **between 9:00pm and 9:00am** after 10:00 p.m.
 - [b] Live entertainment or recreational games are not permitted **between 9:00pm and 9:00am** after 10:00 p.m.
 - [c] Outdoor dining/bar operations must adhere to requirements of Chapter 345 of the Town Code.
 - [d] The exterior area is limited to 75% of the fire-rated capacity of the principal permitted use and any temporary enclosure must meet provisions of § 165-71C. **Any exterior**

area above the 75% limit must provide parking based upon Section 165-51.H.

- [e] Dining Areas located within an approved Shopping Center use may be reviewed through administrative process if determined appropriate by the Zoning Administrator.

Guidelines

[e]a] Bar service is subject to Board of Appeals review which may impose conditions as it may deem necessary to ensure there is no adverse impact to neighboring property.

- [i] Hours of food or alcohol service.

- [ii] Limit to the size of the bar including television and other visual display.

(l) Restaurants.

- [1] Performance standards.

- [a] Hours of operation shall be specified.

- [b] Trash and debris shall be **enclosed, screened**, removed from premises, and lots shall be cleared of same regularly.

(m) Tattooing and body-piercing service.

- [1] Performance standards.

- [a] The applicant shall comply with all state, **local** and federal standards regarding handling, treatment and disposal of medical waste as specified by the State of Maryland.

- [e] The hours of operation shall not include any time between **10:00** ~~9:00~~ p.m. and **8:00** ~~10:00~~ a.m.

**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. ...

§ 165-104 Terms defined.

The following definitions shall be used in the interpretation and construction of the Development Regulations:

AFORESTATION

The removal of an existing forest in accordance with an approved forest conservation plan according to procedures set forth in the Maryland Forest Conservation Technical Manual.

AFFORDABLE HOUSING

A sales price or rent within the means of a low- or moderate-income household as defined by state or federal legislation.

AFFORESTATION

The establishment of a forest on an area from which forest cover has been absent for a long period of time in accordance with an approved **forest conservation plan or** landscape plan; planting of open areas which are not presently in forest cover in accordance with an approved **forest conservation plan or** landscape plan; or establishment of a forest in accordance with an **forest conservation plan or** approved landscape plan according to procedures set forth in the Maryland Forest Conservation Technical Manual.

ALLEY

A public or private way, other than a street, affording secondary means of access to the side or rear of abutting properties **as defined in Section 165-118.D.**

ANIMAL, DOMESTIC

Any animal that has been bred and/or raised to live in or about the habitation of humans and is dependent on people for food and shelter, **excluding horses, cows, sheep, goats, pigs and fowl.**

ANIMAL, FARM

Any animal customarily raised in an agricultural setting, including but not limited to **poultry,** pheasants, cows, livestock, chinchillas, horses, goats, sheep, **pigs monkeys** and other similar animals and fowl.

~~APPROVAL BODY~~ APPROVING AUTHORITY

The agency, board, commission, group or other legally designated individual or agency that has been charged with the review and approval of plans and applications.

BANQUET FACILITY HALL

A building or establishment maintained in whole or in part as rental space for the purpose of private events where access by the general public is restricted. [Added 4-3-2017 by Ord. No. 780-17]

BED-AND-BREAKFAST

A dwelling containing **no more than nine** ~~eight~~ beds or rental units or fewer, where lodging is offered to the traveling public for temporary occupancy **of 30 days or less**, and where breakfast is provided as part of the room rental charges. [Amended 4-3-2017 by Ord. No. 780-17]

~~BILLBOARD~~ {relocated to SIGN, BILLBOARD}

~~A sign which directs attention to a business, commodity, service, entertainment, event, or other activity conducted, sold or offered in a location other than the property on which the sign is located.~~

BOARDINGHOUSE

A dwelling unit, other than in a hotel, motel, group home, halfway house, apartment building or facility for foster care ~~as defined in the Family Law Article of the Annotated Code of Maryland~~, in which lodging and meals are provided **in a communal setting** for compensation to **minimum of four and not exceeding nine** ~~three or more~~ adult persons not related to the owner by blood, marriage or adoption **with a minimum occupancy exceeding 30 days**. [Amended 4-3-2017 by Ord. No. 780-17]

BUILDING

A structure having a roof supported by columns or walls, used or intended to be used for the shelter, storage, or enclosure of any person, animal, process, equipment, or goods and materials of any kind or nature. Where divided by party walls, each portion shall be deemed a separate building.

- A. **BUILDING AREA (ENVELOPE)** The area of a lot remaining for buildings and structures after the minimum yard, open space, floodway and other development constraints have been excluded.
- B. **BUILDING COVERAGE (ENVELOPE)** Total square footage of a lot covered by a building.
- F. **BUILDING, HEIGHT OF** The vertical distance to the highest point of the roof for flat roofs, to the deck-line of mansard roofs, and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the average point **with** ~~of~~ grade **as measured along the perimeter of the structure**.

[Image]

Figure 165-104.II

CANNABIS BUSINESS

A business licensed or registered by the Maryland Cannabis Administration to operate in the Cannabis Industry. This definition includes Dispensary, Grower and Processor as defined by the State of Maryland.

CONSTRUCTION/SALES/OFFICE TRAILER

Any **temporary** structure to conduct business, trade, or occupation, or for use as a selling or advertising device, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

CONVENIENCE GOODS

A retail store generally containing less than **5,000** ~~3,000~~ square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers. It is designed to attract a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "Royal Farm Store" chains.

COTTAGE HOUSING

~~A second dwelling on a single residential lot for occupancy only by immediate family members of the residents of the principal dwellings on the lot.~~

COUNTRY CLUB, CIVIC ORGANIZATION

A private club or social organization established for some common objective, including fellowships, societies, lodges, brotherhoods, fraternal orders, sisterhoods and sororities, and recreation structures and areas operated by such associations for the benefit of the membership.

DBH (DIAMETER AT BREAST HEIGHT)

The diameter of a ~~tree~~ **tree trunk** measured at 4.5 feet from grade **level. Where the trunk splits into two or more trunks below the 4.5 foot from grade level, then each trunk is measured individually at 4.5 feet from grade level.**

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. [Amended 4-3-2017 by Ord. No. 780-17]

- A. DWELLING, ACCESSORY** An independent dwelling which is occupied for a period exceeding 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.
- A.B DWELLING, MULTIFAMILY** Three or more dwelling units with common access constructed on a permanent foundation, designed for three or more families and located on a single lot or parcel.
- B.C DWELLING, SEMIDETACHED** A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof and which are on separate lots.
- C.D DWELLING, SINGLE-FAMILY DETACHED** A building containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- D.E DWELLING, TOWNHOUSE** A single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside.

E-F DWELLING, TWO-FAMILY A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling or floor extending from exterior wall to exterior wall, except for common stairwells exterior to both dwelling units; does not include semidetached dwellings.

FAMILY

[Amended 7-16-2012 by Ord. No. 753-12; 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

- A. Any number of persons related by blood, marriage or adoption;
- B. Up to three adult persons maintaining a common household together with any adult dependents (as defined by the United States Internal Revenue Code) or minor children, including foster children, of such persons;

FAMILY, IMMEDIATE

Persons related by blood, marriage or adoption limited to mother/father, sister/brother or son/daughter

FAMILY, EXTENDED

Persons related by blood, marriage or adoption including immediate family and extended to include aunt/uncle, grandmother/grandfather or cousins

FLAG

Fabric or other flexible material, usually rectangular and of distinctive design used as a symbol, such as for a nation, state, locality, organization, or political cause.

FOREST CONSERVATION PLAN (FCP)

A plan approved pursuant to the Natural Resources Article of the Annotated Code of Maryland, and Chapter 216, Forest Conservation, of the Bel Air Town Code. [Amended 4-3-2017 by Ord. No. 780-17]

FOREST STAND DELINEATION (FSD)

The methodology for evaluating **and documenting for approval** the existing vegetation on a site proposed for development, as provided in the Forest Conservation Technical Manual, **which must be updated during any subsequent development review process on the site occurring more than five (5) years from the date of prior approval for the FSD.**

GENERAL MERCHANDISE

Any use **over 5,000 square feet** characterized by the sale of bulky items and/or outside display/storage of merchandise or equipment, such as lumber and building materials, farm and garden supplies, marine equipment sales and service and stone monument sales.

HABITABLE SPACE

Actual living space of the principal use and structure, not including basements **(even if improved)**, porches, decks, garage areas or other accessory uses or structures.

HOME OCCUPATION

Any activity carried out for gain by a resident and conducted as a customary, incidental and accessory use in the resident's dwelling unit. ...

- H. ~~Tutoring~~ **Tutoring** or instruction of fewer than four pupils at any one time. [Added 4-3-2017 by Ord. No. 780-17]

~~INDOOR RECREATION~~ {Relocated to "Recreation, Indoor"}

~~An establishment providing completely enclosed recreational activities. Accessory uses shall be permitted to include the preparation and service of food and/or the sale of equipment related to enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, laser tag, miniature golf, batting cage and related athletic-oriented games, including arenas/stadiums. [Amended 4-3-2017 by Ord. No. 780-17]~~

LIQUOR STORE

A retail establishment that sells packaged liquor, wine or beer for consumption off premises which possesses the appropriate license from the State of Maryland **or more than 50% of all sales are for alcoholic beverages or related items.** [Added 4-3-2017 by Ord. No. 780-17]

LOT

A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon **a unit.**

- E. **LOT FRONTAGE** That portion of a lot extending along a **public or private** street.
- H. **LOT LINE, FRONT** The lot line separating a lot from a street right-of-way. On a through lot, both lines adjacent to the street shall be deemed front lot lines. On a corner lot, all lot lines which **face are also** a street right-of-way **line** shall be considered front lot lines.
- I. LOT, MULTI-FRONTED** **A lot having frontage on three or more streets, as distinguished from a corner lot, a double frontage lot or a through lot.**
- J. LOT LINE, REAR** Except in the case of corner lots **or multi-fronted lots**, the line opposite and most distant from the front lot line.
- J.K. LOT LINE, SIDE** Any lot line connected to a front or rear lot line.
- K.L. LOT LINE, STREET OR ALLEY** Any lot line separating the lot from a street or alley.
- L.M. LOT, PANHANDLE** A lot with the appearance of a frying pan or flagstaff in which the handle is most often used as the point of access to a road.

M.N. LOT SIZE REQUIREMENTS Restrictions on the dimensions of a lot, to include a specified zoning district size, lot area and lot width, all established to limit the minimum size and dimension of a lot in a given zoning district.

N.O. LOT, THROUGH A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot.

O.P. LOT WIDTH The width of the lot measured at right angles to its center line at the front building line.

MEDICAL CANNABIS DISPENSARY

~~Establishment licensed by the State of Maryland to acquire, process, possess, transfer, transport, sell, distribute and administer cannabis and related products for use by a qualified patient or caregiver. [Added 4-3-2017 by Ord. No. 780-17]~~

MEDICAL SERVICES

The provision of medical, dental, surgical, or other health-related services to individuals, including medical outpatient clinics, medical laboratories, **therapeutic massage, chiropractic clinics, osteopathic clinics**, dental clinics, dental laboratories, hospital supplies ~~and~~ opticians, **optometrists, or osteopaths.**

MIXED-USE CENTER

A building, or **group of buildings consisting of two or more uses exceeding 10,000 square feet and developed as an integrated scheme of development** containing both commercial and residential floor space, conceived and designed as a single environment in which both commercial and residential amenities are provided.

PARKING DECK

~~See "garage, storage."~~

PARKING STRUCTURE

A building or part of a building solely used or designed to be used for the parking and storage of vehicles.

POULTRY

Domestic fowl raised in confinement as a pet or for meat, eggs or feathers.

PROFESSIONAL SERVICES {removed overlap with Medical Services}

The service by members of any profession, including but not limited to accountants, architects, ~~chiropractors, doctors, lawyers, dentists,~~ financial service practitioners, insurance agents, engineers, ~~opticians, optometrists, osteopaths,~~ real estate agents, travel agents or social workers.

PROJECT AREA

Area encompassing all recorded properties and rights-of-way proposed for development or supporting development.

RECREATION, INDOOR {relocated}

An establishment providing completely enclosed recreational activities. Accessory uses shall be permitted to include the preparation and service of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, laser tag, miniature golf, batting cage and related athletic-oriented games, including arenas/stadiums.

RECYCLING/REUSE BIN OR CONTAINER

A designated bin or container, of less than 200 square feet, which accepts donations of used goods for recycling, resale or free distribution.

SHOPPERS' MERCHANDISE

Establishment exceeding 5,000 square feet that offers Commodities ~~which tend to be purchased on a comparison basis,~~ including, but not limited to, apparel/accessories, automobile supplies, business equipment, china/glassware, commercial art, communications equipment, computers/calculators, drugstores, fabrics/upholstery, floor coverings, hardware, home appliances, home improvement supplies, home furnishings/furniture, import stores, liquor stores, luggage/leather goods, musical instruments/supplies, paint/wall coverings, party supplies, photographic equipment sales, radios, records and tapes, sporting goods, television/stereo sales and service, variety stores and toy/game stores. Establishments commonly referred to as "catalog showrooms," "department stores," "discount stores," and "supermarkets" shall be regulated as shoppers' merchandise.

SHOPPING CENTER

A group or assemblage of four or more retail trade and service uses exceeding 20,000 square feet in aggregate developed under a uniform plan or scheme of development and serviced by a common, integral **utilities, access, circulation, and parking** ~~facility~~ **facilities**. [Amended 4-3-2017 by Ord. No. 780-17]

SHORT TERM RENTAL

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

SIDEWALK CAFÉ & SALES

A portion of a **retail, drink or** food establishment ~~or eating or drinking facility~~ located contiguous to **the business** ~~a restaurant~~ on a public sidewalk or public open space. [Amended 4-3-2017 by Ord. No. 780-17]

SIGN

A structure which consists of a device, light, letter, word, model, barrier, logo, insignia, or representation, including any announcement, declaration, demonstration, display illustration or insignia used to advertise or promote the interest(s) of any person when the same is placed out of doors in view of the general public, but excluding window displays or merchandise and signs which are incidental to the display of merchandise.

B SIGN, BILLBOARD {relocated}

A sign which directs attention to a business, commodity, service, entertainment, event, or other activity conducted, sold or offered in a location other than the property on which the sign is located.

CB. SIGN, BANNER A temporary sign displayed on cloth or similar flexible material and designed to be mounted on an open framework or hanging from posts, poles or wall-mounted, used as an advertisement. [Amended 4-3-2017 by Ord. No. 780-17]

DC. SIGN, CONSTRUCTION A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

ED. SIGN, DIRECTIONAL Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

FE. SIGN, DIRECTORY A self-supporting sign in a fixed location listing the names and/or logos of businesses and located at the entrance to a property on which groupings of business, commercial or industrial uses have been concentrated.

GF. SIGN, ELECTRIC ELECTRONIC MESSAGE

Any sign that uses changing lights or LED elements to form images or words wherein the color, brightness, sequence of message and the rate of change is electronically programmed and can be modified by electronic processes. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

H. SIGN, FEATHER OR WINDSAIL

Any temporary ground-mounted freestanding sign made of vinyl, canvas or similar flexible material fabricated as a large pennant for advertisement.

IG. SIGN, FREESTANDING A self-supporting sign in a fixed location and not attached to any building or structure.

JH. SIGN, ILLUMINATED A sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed toward the sign.

KI. SIGN, MARQUEE A sign which has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or rearranged manually without altering the face or surface of the sign.

LJ. SIGN, ON-PREMISES Sign or other advertising device which advertises or indicates only the person occupying the premises on which it is located, the merchandise for sale, or the activity conducted thereon.

K. SIGN, POLITICAL A sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate for nomination or election to public office at a national, state, or other local election.

ML. SIGN, PROJECTING A permanent sign that is hung at a ninety-degree angle from the face of and affixed to a building or structure and extends 12 inches or beyond the building wall, structure or parts thereof.

NM. SIGN, SANDWICH BOARD An A-frame or easel sign used for advertising in front of a specific business.

ON. SIGN, TEMPORARY A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a **limited time period less than six months**. [Amended 4-2-2018 by Ord. No. 783-18]

PO. SIGN, VEHICLE Any sign exceeding 10 square feet in area, mounted, painted, placed on, attached or affixed to a trailer, watercraft, truck, automobile or other form of motor vehicle so parked or placed that the sign thereon is discernible from a public street or right-of-way, and which, by its size, location and manner of display, acts as a means of communication calculated to exhibit advertising of an on-site or off-site business.

QP. SIGN, WALL (FLAT) One affixed directly to the exterior wall or screening surface and confined within the limits thereof and which projects from that surface 12 inches or less at all points.

R. SIGN, WINDOW

Any outward facing sign placed within two feet on the inside of the window or within a display space inside of a window.

SPA

Establishment which provides homeopathic services such as aroma therapy, nontherapeutic massage, waxing, facials, sauna, steam room, nail services and various types of skin treatments.

SPECIALTY FOOD STORE

A retail establishment **less than 5,000 square feet** which primarily carries **limited only one** types of interrelated goods, including a bakery, candy/nut confectionery, dairy food store, delicatessen, product store, health food store, ice cream parlor, meat/fish store and wine and cheese shops.

SPECIALTY SHOPS

A retail store **less than 5,000 square feet** which carries **limited only one** types of interrelated goods, including but not limited to bookstores, candle shops, cosmetic shops, florist shops, gift shops, hobby and craft supply shops, novelty shops, jewelry shops, key shops, newspaper/magazine shops, pet shops, photographic shops, plant shops, print stores, secondhand merchandise, souvenir shops, stationery shops, tack shops, telephone stores and tobacco shops.

SUPERMARKET

A retail establishment which sells dry groceries, produce, household items and limited baking or delicatessen items prepared on premises having a gross floor area (exclusive of basement) exceeding **5,000** ~~3,000~~ square feet.

USE, TEMPORARY

The temporary use or activity permitted for a maximum period of 30 days unless otherwise noted in this Part 2.

YARD

An open area between the lot line and setback or existing building line within which no principal structures shall be located. [Amended 9-16-2019 by Ord. No. 792-19]

- A. **YARD, FRONT** A yard extending the full width of the lot between any principal building and ~~the~~ **all** front lot lines ~~and~~ measured perpendicular to the front lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building.
- B. **YARD, REAR** A yard extending the full width of the lot between any principal building and the rear lot line ~~and~~ measured perpendicular to the rear lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building. **A lot with multiple front yards may not have a rear yard.** Rear yard dimensions may be averaged as stated in Article IX.
- C. **YARD, SIDE** A yard extending from the front yard to ~~the rear yard~~ **any other lot line** between any principal building and the side lot line and measured perpendicular to the side lot line at the closest point ~~to~~ **of** the nearest **point on the** principal building. Side yard dimensions may be averaged as stated in Article IX.

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

165 Attachment 1

Town of Bel Air

Permitted Use Tables

Table 3-1, Amusement/Entertainment

Principal permitted uses for specific zoning districts

[Amended 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Adult entertainment center							SE	
Arena/stadium							P	P
Bowling alley						P	P	P
Amusement center						SD	SD	SD
Country club, golf, tennis, swim club, Banquet facility	SE	SE	SE	SE	SE	SE	SE	SE
Fortune telling							SE	
Ice/roller rink						P	P	P
Microbrewery/winery/distillery						SD	SD	SD
Recreation, indoor						SD	SD	SD
Recreation, outdoor	P	P	P	P	P	P	P	P
Smoking lounge							SE	SE
Tavern						SD	SD	SD
Tavern with entertainment						SE	SE	SE
Theater					P	P	P	P

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.

BEL AIR CODE

Table 3-2, Industrial
Principal permitted uses for specific zoning districts
[Amended 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Construction supply/service						SD	SD	P
Electronics supply and service							SD	P
Electric substation	P	P	P	P	P	P	P	P
Feed and grain mill								SD
Fuel storage facility							SE	SE
Manufacturing, primary								SE
Manufacturing, secondary							SD	P
Medical, equipment and supply						SD	P	P
Passenger transit							P	P
Printing and publishing						SD	P	P
Vehicle/equipment storage							SE	SE
Warehousing							SE	SE

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COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table 3-3, Institutional
Principal permitted uses for specific zoning districts
[Amended 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Cemetery	SE	SE	SE	SE	SE	SE	SE	SE
Country Club, civic, service-club, fraternal organization	SE	SE	SE	SE	SE	SE	SE	SE
Community center	SE	SE	SE	SE	P	P	P	P
Convent	P	P	P	P	P	P	P	P
Day care, group		SE	SE	SE	SE	SE	SE	SE
Dormitory		SE	SE	SD	SD	SD	SD	
Fire station	SE	SE	SE	SE	SE	SE	SE	SE
Hospital	SD	SD	SD	SD	SD	SD	SD	SD
House of worship	P	P	P	P	P	P	P	P
Library			P	P	P	P	P	P
Nursing home, assisted living,	SE	SE	SE	SE	SE	SE	SE	SE
Parks and recreation area	P	P	P	P	P	P	P	P
Post office						P	P	P
Prison							SD	SD
Recycling and reuse center							SE	SE
School, college, university*	SE	SE	SE	SE	SE	SE	SE	SE

* Minor school expansions of less than 5,000 square feet permitted by right, special exception approval not required.

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BEL AIR CODE

Table 3-4, Natural Resources
 Principal permitted uses for specific zoning districts
 [Amended 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Agricultural products — processing								SE
Greenhouse and nursery — commercial						SD	P	P
Mining/mineral extraction								SE

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COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table 3-5, Residential

Principal permitted uses for specific zoning districts

[Amended 2-21-2012 by Ord. No. 748-12; 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18; 9-16-2019 by Ord. No. 792-19]

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								
Cottage housing-Accessory dwelling unit	SE SD	P SD	P 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	

* Home occupations occupying not more than 300 square feet and employing only persons residing within the home are permitted as right. Home occupations occupying in excess of 300 square feet and/or employing persons residing outside of the home require special exception approval **based upon Section 165-53.G(2)(i)**

** Permitted in R-1 and R-2 Transition Overlay District as special exception. Not permitted elsewhere in these districts.

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BEL AIR CODE

Table 3-6, Retail Uses
Principal permitted uses for specific zoning districts
[Amended 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Antique shop/art gallery/museum				SE	P	P	P	P
Auction house							P	P
Catalog showroom						P	P	P
Convenience good						P	P	P
Department store						P	P	P
Discount store						P	P	P
Farmers market						P	P	P
General merchandise					SE	P	P	P
Liquor store						SE	SE	SE
Medical equipment sale and leasing							P	P
Mixed-use center				SD	SD	P SD	P SD	
Shoppers merchandise					SE*	P	P	P
Shopping center						SD	SD	SD
Specialty food store					P	P	P	P
Specialty shop					P	P	P	P
Supermarket						P	P	P

* See Article VII, Development and Performance Standards. Establishment shall not exceed 5,000 square feet.

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COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table 3-7, Service Uses

Principal permitted uses for specific zoning districts
 [Amended 5-2-2011 by Ord. No. 741-11; 4-3-2017 by Ord. No. 780-17; 4-2-2018 by Ord. No. 783-18; 9-3-2019 by Ord. No. 791-19; 11-1-2021 by Ord. No. 806-21]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Bank					P	P	P	P
Beauty/nails shop/barbershop/spa services				SE	SE	P	P	P
Body-piercing /tattoo service							SE	
Bulk mail service			SE	SE	SE	SE	P	P
Business incubator				SE	SE	P	P	P
Business service (group)		SE	SE	SE	SE	P	P	P
Business service (individual)	SE	SE	SE	P	P	P	P	P
Business support service		SE	SE	P	P	P	P	P
Cannabis Business							SE	
Car wash/auto detailing service							SD	P
Cleaners/laundromat						P	P	P
Communication towers and platform					SE	SE	SE	SE
Crematorium							SE	SE
Diaper service						P	P	P
Disinfecting and exterminating service						P	P	P
Drive-through facility						SD	SD	SD
Fitness center						SD	SD	SD
Hotel						SD	SD	SD
Instructional service					SE	P	P	P
Kennel							SE	SE
Linen supply/diaper service						P	P	P
Medical laboratory				SE	SE	P	P	P
Medical service	SE	SE	SE	P	P	P	P	P
Ministorage						P	P	P
Motion picture distribution					P	P	P	P
Motor vehicle sales and service							SD	P
Office or business equipment rental or leasing				P	P	P	P	P
Outdoor dining/bar*						SD/SE	SD/SE	SD/SE
Parking lot, commercial						SD	SD	SD
Parking lot, satellite						P	P	P
Personal service	SE	SE	SE	P	P	P	P	P
Pharmacy						P	P	P
Professional service	SE	SE	SE	P	P	P	P	P
Professional service (group)		SE	SE	P	P	P	P	P
Restaurant					P	P	P	P
Tattoo service							SE	
Telecommunications				P	P	P	P	P
Veterinarian				SE	SE	P	P	P
Veterinarian clinic/hospital					SE	P	P	P

* When included in an outdoor setting, a Special Exception is required for inclusion of a physical bar as defined in this Part 2

BEL AIR CODE

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"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.

COMPREHENSIVE PLAN AND DEVELOPMENT REGULATIONS

Table 3-8, Temporary Uses
Principal permitted uses for specific zoning districts
[Amended 4-3-2017 by Ord. No. 780-17]

Use Classification	Zoning Districts							
	R-1	R-2	R-3	R-O	B-1	B-2/B-2A	B-3/B-3A	M-1
Christmas tree sales	P	P	P	P	P	P	P	P
Modular classroom	P	P	P	P	P	P	P	P
Outdoor promotional events	P	P	P	P	P	P	P	P
Outdoor sales events					P	P	P	P
Sidewalk café & sales					P	P	P	P
Sales/construction trailers	P	P	P	P	P	P	P	P
Snowball stands					P	P	P	P
Yard sales	P	P	P	P	P	P	P	P

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.