

Ordinance No. 817-23

An Ordinance Amending Articles VIII, IX and X of the Development Regulations
in Chapter 165 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is required, under the Land Use Article of the Annotated Code of Maryland, to maintain consistency between the Development Regulations 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 and 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 VIII, IX, and X 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 VIII, IX, and X are to clarify vague or confusing text, to adjust responsibility of a reviewing agency, adjust development standards where appropriate, clarify specific use requirements, add allowances for accessory structures and establish review requirements; 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. 817-23, attached hereto and incorporated herein as Exhibit A – Landscaping Standards, Exhibit E – Special Provisions and Modifications, and Exhibit C – Accessory and Temporary 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: 2 October 2023

PUBLIC HEARING: 16 October 2023

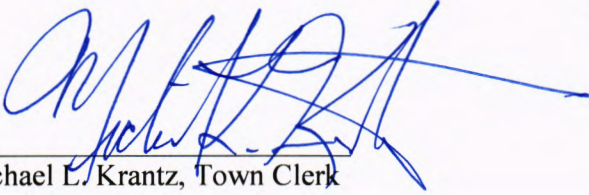
ENACTMENT: 16 October 2023

EFFECTIVE: 6 November 2023

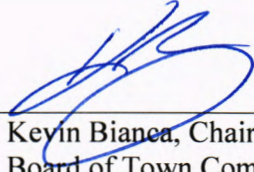
AYES: Commissioner's Chance, Etting, Kahoe and Bianca

NAYS: None

ABSENT: Commissioner Hughes



Michael L. Krantz, Town Clerk



Keyin Bianca, Chair
Board of Town Commissioners

EXHIBIT A

Article VIII
Landscaping Standards

§ 165-54 Purpose.

A well-prepared landscape plan integrates the various elements of a site's design, while preserving and enhancing the preexisting identity of the site. It creates a sense of entry to a building and/or site. Landscape plans are required for all new developments to ensure protection of the site's natural features and sensitive areas; to provide landscaping that is consistent with standards for crime prevention through environmental design; to enhance community design by using landscaping to buffer incompatible uses; to create seasonal interest through use of a variety of landscaping materials; and to improve the general appearance of public and private spaces, walkways and open spaces throughout the community. Landscape plans tailored to the location, design and use of a particular site also enhance the Town's character. The landscaping standards are intended as a tool to implement the Town of Bel Air Comprehensive Plan goals of protecting sensitive areas, achieving quality growth and development and upgrading the Town's appearance.

§ 165-56 Landscape plan requirements.
[Amended 4-3-2017 by Ord. No. 780-17]

The landscape plan must be prepared, signed and sealed by a landscape architect registered in the State of Maryland. The plan should specify the location, size, species, spacing of plant materials, method of installation, method for maintenance and retention of materials in accordance with standards outlined in the latest edition of the Town Landscape Manual.

- A. The applicant shall submit a landscape plan, identifying all existing vegetation, streams, floodplain zones and nontidal wetlands, along with the preliminary site plan. The plan shall indicate provisions for landscape maintenance, stormwater management, revegetation, establishment of vegetated buffers and the method of providing perpetual protection of any special flood hazard areas as required by Chapter 210, Floodplain Management, of the Bel Air Town Code.
- B. The plan shall include all existing and proposed street trees located within the public right-of-way **or immediately adjacent to the right-of-way**. Wherever possible, the plan should emphasize use of native vegetation and incorporate sustainable development practices through the use of green roofs and associated sustainable planting practices.
- C. The plan shall be reviewed by the Zoning Administrator **or and his/her** designee and the Director of Public Works **or designee** for completeness, conformance with the requirements of this Part 2 and for appropriateness of species and location.

§ 165-57 General planting requirements.
[Amended 4-3-2017 by Ord. No. 780-17]

B. Screening plans and materials.

- (1) Every development shall provide sufficient screening when the Planning Commission determines that there is a need to shield neighboring properties from any adverse external effects of a development or to shield the development from negative impacts of adjacent uses.
- (2) When building design and siting do not provide privacy, the Planning Commission may require landscaping, fences, or walls to screen dwelling units for privacy.
- (3) When landscape buffers are used as screening, the buffers shall be measured from right-of-way, side and rear property lines, excluding driveways.
- (4) Screening shall provide a year-round visual shield in order to minimize adverse impacts. **All planting must retain two-thirds of foliage during the lifetime of the project or replacement is required. All required screening must be located within the project area. All off-site screening must be encumbered within a recorded easement to insure proper maintenance and retention.**

§ 165-59 Minimum planting requirements.

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

- A. Perimeter buffer.

- (1) Planting for all required buffers is based upon the application of a standardized planting unit (PU) along the length of mandatory perimeter screening area. The required planting is based on dividing the length of required buffer by the number of planting units per linear foot or fraction thereof. Table 165-59.I, below, provides the number of planting units per linear foot.
- (2) Planting unit is equal to the following tree or shrub types or a combination thereof: **[Amended 4-2-2018 by Ord. No. 783-18; amended 11-1-2021 by Ord. No. 806-21]**

| | |
|----|-----------------------|
| 1 | Major deciduous tree |
| 2 | Minor deciduous trees |
| 2 | Evergreen trees |
| 10 | Shrubs |

Table 165-59.I

| Use | Use | Buffer Width (feet) | Buffer type |
|---|---------------------------------|------------------------|--|
| Multifamily, townhouse or institutional use | Single family | 10 | 1 pu/25 LF (1 pu/50 LF w/ 6-foot fence, wall, berm) |
| Recreation | Residential | 10 | 1 pu/15 LF |
| Residential (rear or side yard) | Collector/arterial right-of-way | 20 | 1 pu/10 LF |
| Commercial | Residential | 10 | 1 pu/10 LF |
| Nonresidential parking | Residential | 10 | 1 pu/10 LF |
| Industrial (heavy) | Residential | 25 | 1 pu/5 LF |
| Industrial (light) | Residential | 15 | 1 pu/7.5 LF |
| Parking | Residential | 10 | 1 pu/10 LF (1 pu/20 LF w/6-foot fence, wall or berm) |
| Nonresidential parking | Right-of-way | 3 | 1 pu/25 LF |
| Residential parking | Right-of-way | 5 | 1 pu/25 LF |
| Nonresidential parking | Commercial | 3 | No buffer required |

- (3) The Planning Commission may approve a lesser buffer width or screening requirement **in the B-2, B-2A and B-3A Districts** based upon mitigating factors such as walls, fencing, elevation change or existing vegetation.
- (4) Buffer widths may be expanded and buffer planting may be increased if required by performance standards in Article VIII, the zoning district in Article III or by determination of the Planning Commission based upon site conditions, intensity of proposed use or impact to adjacent uses.

§ 165-61 Inspection and maintenance.

- A. The approved landscape plan must be implemented in its entirety prior to issuance of a final use and occupancy certificate for the project. Completion of all landscaping requirements shall be **verified certified** by the Zoning Administrator **or designee**.

Article IX
Special Provisions and Modifications

§ 165-62 Purpose.

This article specifies zoning provisions which are general to all developments and establishes the basis for identifying, continuing and eliminating nonconforming uses, structures and site improvements. Also, in certain cases, usually as a result of the age or use of a property or building, it may not be possible to apply current zoning requirements. For this reason, special provisions and modifications outlined in this article are provided and may be used, if applicable and necessary, to modify existing conditions.

§ 165-63 Lot area requirements.

The following general area requirements shall apply to all development:

A. Street frontage required.

- (1) Single-family detached **lots dwellings** shall abut for at least 25 feet on a street as defined in Article XIV of the Town of Bel Air Development Regulations, except as permitted in § 165-118D(17), Panhandle lots, of this chapter. Lot width is measured at the front building line. [Amended 4-3-2017 by Ord. No. 780-17]

B. Required yards: general.

- (2) Off-street parking and loading areas may occupy **all or** part of any required yard or open space, provided location, setback, parking, loading, landscaping and buffering regulations required by this Part 2 are not violated.

D. Height requirements.

- (1) Height measurement. Building height shall be measured from the average **contact with point of** grade to the highest point of the roof for flat roofs and to the deck line for mansard roofs and to the average height between the eaves and the ridge for gable, hip and gambrel roofs.

[Image]

Figure 165-63.II

- (2) Stories. The ground story or first story of any building is considered the lowest story, the floor of which is not more than 3 1/2 feet below the average contact **with grade** of the adjoining ground level at the exterior walls of the building.
- (3) Height bulk transition requirements. To reduce the apparent bulk of buildings 40 feet or more in height, a distinct base shall be provided at ground level using articulation and materials such as stone, masonry or decorative concrete. The top of the building should be treated with a distinct outline, with elements such as a projecting parapet, cornice or projection. A height transition or step down is required adjacent to residential development.

§ 165-64 Special provisions.

B. Front yard modifications.

- (1) In any residential district, the required depth of the front yard may be modified. This may occur if at least two front yards are less than that required for the district on lots which are on the same frontage as the property in question and within 250 feet of the property in question. In such case, the depth shall not be less than the minimum depth of any existing front yard having the same frontage. However, the depth of a front yard on any lot shall be at least 10 feet.

(2) Front yard setback requirements for single-family attached units may be modified to a minimum front yard depth of 25 feet if the units within a building block are designed with a minimum offset of two feet. [Amended 4-3-2017 by Ord. No. 780-17]

(3) Decks, balconies, porches, awnings and canopies. Decks, balconies, unenclosed porches and canopies may project into the front yard a distance of 25% of the minimum required setback for the district or the established front yard setback for the subdivision or neighborhood, as applicable. Canopies/awnings may extend a maximum of four-feet and must maintain an eight-foot clearance above the sidewalk in the public right-of-way.

C. Side and rear yard modifications.

(1) Decks, balconies, porches and canopies. Decks, balconies, unenclosed porches and canopies may project into the side and/or rear yard a distance of 25% of the minimum setback for the property.

E. Height modifications. The building height limitations of this Part 2 shall not apply to the following:

(1) Accessory roof structures designed to house stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, provided that objectionable views of such equipment are completely screened from all adjacent properties.

§ 165-65 Traffic visibility.

A. Except in instances where traffic visibility is not impacted due to one-way traffic patterns, no sign, fence, wall, hedge, planting, structure, unit or other temporary or permanent obstruction to vision, extending to a height in excess of three feet above the established street grade, shall be erected, planted, placed or maintained within the sight triangle of an intersection.

Non-obstruction Area Requirements by Street Classification

(measured along right-of-way)

| "A" (Distance in Feet) Required Setback | | Local Street | Collector Street | Arterial Street |
|---|------------------|--------------|------------------|-----------------|
| 25 | Local street | 25 | 30 | 40 |
| 30 | Collector street | 25 | 30 | 40 |
| 40 | Arterial street | 25 | 30 | 40 |

(1) Where an intersection is formed with a county or state road, state sight distance criteria for that jurisdiction shall also be applied. A sight distance survey may be required if deemed necessary by the Zoning Administrator based on existing site conditions.

[Image]

Figure 165-65.I

§ 165-66 Nonconforming uses, buildings or structures.

If, prior to the adoption of the Town of Bel Air Development Regulations, a property was being used for a then-lawful purpose that the Town of Bel Air Development Regulations prohibit and render nonconforming, the property owner shall have a vested right to continue the nonconforming use. However, it is the purpose of the Town of Bel Air Development Regulations to secure the gradual or eventual elimination of nonconforming uses. To further this goal, no expansion or change of a nonconforming use shall be permitted unless authorized by the Board of Appeals as provided for herein and in Article XII of this Part 2.

A. Continuance, extension, enlargement and abandonment.

(6) In the case of an extension or enlargement of a structure, the following shall apply: The Zoning Administrator may authorize the extension or enlargement of a non-conformity of a single-family detached dwelling or the Board of Appeals may authorize the extension or enlargement of the

nonconformity of a **any other** building or structure, with or without conditions, provided that:
[Amended 4-3-2017 by Ord. No. 780-17]

- (a) The **total** enlargement or extension **area** does not exceed 35% of the gross square footage of the nonconforming area in use at the time of the creation of the nonconformity **and the enlargement or extension does not increase the degree of nonconformity.**
- (b) The enlargement or extension does not violate the height or coverage regulations for the district.
- (c) The enlargement or extension would not adversely affect adjacent properties, traffic patterns or the surrounding neighborhood.

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EXHIBIT C

Article X Accessory and Temporary Uses

§ 165-67 Purpose.

Certain uses, whether permitted as of right, by special development or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each zoning district. This section therefore provides such regulations for accessory uses and temporary uses. These requirements are intended to meet the economic development and housing objectives outlined in Articles IX and X of the Town of Bel Air's Comprehensive Plan.

§ 165-68 Accessory uses.

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

B. Residential districts.

- (1) Accessory structures shall be no more than 20 feet in height **as measured from the ridgeline of the roof to the average contact with grade**, nor shall they exceed the height of the principal use or structure, whichever is less. The height between the eaves and the ridge for gable, hip and gambrel roofs cannot exceed more than 35% of the overall height of the accessory building. **[Amended 10-21-2019 by Ord. No. 794-19]**
- (2) No accessory use or building shall be erected in any required court or in any yard other than a side or rear yard, except as provided hereinafter. Accessory uses or buildings shall be distanced at least six feet from alley lines and at least three feet from lot lines of adjoining lots. If approved by the Zoning Administrator, cluster mailbox structures may be permitted in the front yard.
- (3) Accessory buildings, except stables, may be erected as a part of the principal building or, if at least six feet therefrom, may be connected thereto by a breezeway or similar structure, in which case it shall be considered to be a part of the principal building, provided all yard and Fire Code requirements for a principal building are satisfied. Open carports may be erected over driveway pads if screening is provided and if located at least five feet from the lot line.
- (4) Satellite receiving dishes in excess of 24 inches in diameter must be ground-mounted and shall require a building permit in accordance with the Town Building Code. All satellite receiving dishes shall be treated as any other accessory structure with the same setback and yard requirements. All dishes shall be properly screened from view with landscaping or fencing, as appropriate and as determined by the Zoning Administrator. Dishes less than or equal to 24 inches in diameter may be mounted on the principal structure or an accessory **structure unit on the lot**. **[Amended 11-25-2011 by Ord. No. 744-11]**
- (5) The total square footage, including upper floor space, of all accessory uses or structures shall not exceed 50% of the square footage of habitable space of the principal use or structure. However, a minimum of 480 square feet may be permitted regardless of the size of the principal structure. **[Amended 4-3-2017 by Ord. No. 780-17; 10-21-2019 by Ord. No. 794-19]**
- (6) Pens and runs for domestic animals shall not be located within 50 feet of an adjacent residential primary structure. Kennels **as defined in Article XIV are not** shall be permitted **only as special exception in residential districts**. Honeybee hives may **also** be permitted on parcels with a minimum size of **10,000 square feet and located 50 feet from an adjacent residential primary structure 1/2 acre** provided

honey is not produced for commercial purposes. **On properties consisting of a minimum of 10,000 square feet, a coop for chickens housing no more than two hens may be located no less than 50 feet from the adjacent residential primary structure. One additional hen may be added for every 5,000 square feet in lot area. Roosters are not permitted.** On properties of two acres or more, pens, barns or stalls for farm animals shall be permitted, provided that the number of animals shall not exceed one per acre, the animals are contained within a fenced area, and the following minimum setbacks for principal and accessory uses are met: [Amended 10-1-2012 by Ord. No. 754-12; 4-3-2017 by Ord. No. 780-17]

**Setback From Adjacent
Residential Primary Structure**

| Number of Animals | (feet) |
|--------------------------------|---------------|
| 31 to 52 | 100 |
| 63 to 10 | 150 |
| 11 or more | 200 |

- (7) Residential recreational facilities, such as swimming pools and tennis courts, shall be located not less than six feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than 50 feet from any residential unit or side or rear lot line.
- (8) Recreational vehicles, campers, trailers and similar equipment **shall** ~~should~~ be stored in a garage or similar enclosed structure. Open storage shall be permitted in **the** side and **the** rear yard areas. Open storage on driveways may be permitted for short-term storage or maintenance purposes for a period not to exceed a total of seven days within any ninety-day period. No living, sleeping or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than seven days within any ninety-day period. Except as stated above, storage of any recreational vehicle, camper or trailer is prohibited in the front yard area. For lots with more than one public road frontage, storage of a recreational vehicle or trailer may be permitted by the Zoning Administrator in the front yard, provided there is no practical alternative that meets the Code and adequate screening is provided. [Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]
- (9) No commercial vehicles or commercial equipment shall be parked or stored on any lot in any residential district, except when such vehicle is **actually** engaged in loading and unloading passengers, merchandise or materials. This subsection shall not apply to a public utilities truck engaged in repairs or to a truck parked or being used during the construction or renovation process of a residential building.
- (10) One inoperative or untagged motor vehicle may be parked or stored on any lot of less than two acres for a continuous period of no more than six months. Two inoperative or untagged motor vehicles may be **parked or** stored on any lot of two acres or more for a continuous period of no more than six months. Open storage **of a vehicle** requires a permit issued by the Department of Planning and Community Development. Inoperative or untagged vehicles which are stored completely within an enclosed building are not subject to these restrictions.

~~(11) No more than four yard sales per year shall be conducted on a residential property in any residential district.~~

~~(12)~~ (11) Temporary **refuse dumpsters**, storage containers or trailers **shall** ~~may~~ not be placed on grass or pervious surface. No such storage may be located on a residential parcel for more than **30** ~~45~~ days unless **extended** ~~permitted~~ by the Zoning Administrator based on hardship or practical difficulty not caused by the property owner. [Added 4-2-2018 by Ord. No. 783-18]

C. Business and industrial districts. Customary accessory uses are permitted in commercial or industrial districts, including the following:

- (6) **Temporary refuse dumpsters, storage trailers or containers shall not be placed on grass or pervious surface. No such storage may be located on an area visible to a public road for more than 30 days unless extended by the Zoning Administrator based on hardship or practical difficulty not caused by the property owner.**

§ 165-69 **Fences and walls.**

Fences, walls and hedges may be located in required yards as follows:

- A. Fences, walls and hedges not exceeding four feet in height above the elevation of the surface of the ground may be located in any yard or court unless the property is located at a roadway intersection, in which case, the requirements noted in § 165-65 of this Part 2 shall apply. Ornamental gates, fence post caps or finials may exceed the height limit by no more than 12 inches.
- B. Fences and walls not exceeding six feet in height above the elevation of the surface of the ground may be located in any rear yard or side yard area for a residential use. Ornamental gates, fence post caps or finials may exceed the height limit by no more than 12 inches. If the property abuts a business or industrial district, a fence or wall, not to exceed eight feet, may be erected. **[Amended 4-2-2018 by Ord. No. 783-18]**
- C. **Business and** Industrial uses may locate fences or walls, not to exceed 10 feet in height, in any yard area if necessary for safety or security reasons and said reasons are documented to the satisfaction of the Zoning Administrator. **Uses in business zones must adhere to the front yard height requirements for fences. Exceptions may be permitted by the Zoning Administrator for corner and through lots as described in Section 165-69.E. [Amended 4-2-2018 by Ord. No. 783-18]**
- D. In no instance shall barbed wire fencing be used alone or in combination with other fence materials, except when the Zoning Administrator determines, through the administrative waiver process, that, due to the character or use of a parcel, the additional security of such fencing is necessary.
- E. **Single family residential through lots as defined in this Part 2 may increase the height of a fence located along the rear right-of-way line to a maximum of six feet. Single family residential corner lots may increase the height of a fence to a maximum of six feet provided the fence is setback a minimum of six feet from right-of-way and is located behind the rear façade of the residence. The Zoning Administrator may require a survey to determine if visibility at the intersection is impeded by the increase in fence height.**

§ 165-70 **Handicap ramps.**

Handicap ramps shall be provided as required by the Americans With Disabilities Act and applicable Town building regulations.

§ 165-71 **Temporary uses.**

[Amended 1-7-2013 by Ord. No. 758-12; 4-3-2017 by Ord. No. 780-17]

- A. Temporary uses shall be permitted as specified in Articles III, VII and XI of this Part 2 **and shall not exceed 30 days unless otherwise specified.** A permit may be issued by the Zoning Administrator **or designee** if all the specific requirements as stated below are satisfied:
- (1) Performance standards.
- (h) **Any** Signs **may be posted during the duration of the temporary use with a maximum total area of 72 square feet unless otherwise specified by the Zoning Administrator provided the operator meets** ~~shall conform to~~ all **other** applicable **temporary** sign restrictions for the district.
- B. Modular classrooms, modular sales/construction office/sales trailers.
- (1) Such modular facilities shall be subject to performance standards as specified below. A permit may be issued by the Zoning Administrator **or designee** if applicable requirements are satisfied.

- (a) Performance standards.
- [2] Sales/construction/**office** trailers.
- [a] **No office or sales trailer may be permitted on a property longer than thirty days. A trailer associated with construction may be permitted for no longer than 18 months.** The applicant shall fully describe the proposed use/activity to the satisfaction of the reviewing agency, including the **operation, appearance,** means to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation.
- [b] The applicant shall specify the method for and ensure that removal of trash and clearing of debris and restoration of the site is to be accomplished.
- [c] The unit shall be totally removed from the site and returned to the exact previous appearance within the time frame specified by the reviewing agency.
- [d] If longer duration than **thirty days** ~~18 months~~ is required, the **Zoning Administrator** ~~Board of Appeals~~ may approve the use for no more than **six months** ~~a one-year period~~ for good cause shown.
- [e] ~~Modular sales or~~ **C**onstruction trailers shall be removed within 15 days of completion of construction or within 18 months of installation, whichever is less **unless an extension is approved by the Director of Public Works.**
- C. Outdoor promotional event/sales event/yard sale.
- (1) Such events shall be subject to performance standards as specified below. A permit may be issued by the Zoning Administrator if all applicable requirements are satisfied.
 - (a) Performance standards.
 - [1] General.
 - [a] With the exception of special promotional or sales events requiring street closure, no goods shall be located closer than six feet to the curb. No goods or merchandise shall be displayed within the intersection sight triangle, as defined in § 165-65 of this Part 2.
 - [b] Any proposed display area shall be limited to 10% of the lot area or 500 square feet, whichever is greater.
 - [2] Promotional event.
 - [a] Events shall be permitted for a maximum of 30 days in a calendar year.
 - ~~[3]~~² Yard sale.
 - [a] Private yard sales **in residential districts** shall not be held for more than four continuous days or more than four separate times in a calendar year.
 - ~~[4]~~³ Outdoor sale event.
 - [a] The number and type of ~~motor vehicle~~ sales **from a vehicle or trailer is regulated** ~~shall be determined~~ by the provisions in Chapter 272, Itinerant Dealers, Peddlers and Solicitors.
 - [b] Christmas tree sales ~~(nonprofit organizations)~~ shall be permitted for a maximum period of 45 days.

[c] Temporary outdoor sales events **or tent sales may not be conducted for no more than 30 days per calendar year. This temporary use is permitted through a process outlined** sponsored by for-profit groups or individuals other than the established on-site business, as provided in Article XI of this Part 2., may be approved for no more than 14 days per calendar year.

~~[d] Tent sales and outdoor events sponsored by for-profit groups or individuals shall be permitted in business or industrial districts only.~~

~~[e] Yard sales in residential areas are exempt from the provisions of this section.~~

~~[f] A temporary banner not to exceed 36 square feet is permitted during the period of the sale event. [Added 4-2-2018 by Ord. No. 783-18]~~

[5]4 Snowball stands **or other seasonal uses.**

[a] The applicant shall fully describe the proposed use/activity to the satisfaction of the reviewing agency, including the means to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation. **Temporary seasonal uses are subject to a temporary use permit and cannot exceed six months per calendar year.**

[b] Hours of operation shall be specified.

[c] Trash and debris shall be removed from premises, and lots shall be cleared of same daily.

[d] Signage is limited to a total of 24 square feet.

D. Sidewalk café **or retail sales.**

(1) This section is only applicable to sidewalk sales and service in the public right-of-way. Exterior dining or bar service on a lot **of** record are addressed in § 165-53.I(2)(i).

(a) Performance standards.

[1] Outdoor sidewalk café **or retail sales**

[a] No building exit, entrance, or fire escape shall be obstructed by **product display, cafe** fixtures, seating or landscape materials.

[b] Lighting, except for existing building lighting, shall be restricted to **tabletops and shall be** very low intensity.

[c] Planters, if displayed, shall be in scale with the space of the adjacent sidewalk and the adjacent building. Materials shall be compatible with the adjacent building facade.

[d] Sidewalk **sales or** cafes shall be open to adjacent walks and may be partially enclosed by fences, planters, barriers, lattice, railings or ropes of any type.

[e] The **outdoor** sidewalk **sales or** cafe area shall be restricted to areas with a minimum sidewalk width of eight feet. A five-foot sidewalk area must be maintained to allow adequate pedestrian circulation.

[f] Stacking of **product display**, tables and chairs on sidewalks for storage is prohibited.

[g] Proof of liability insurance and submission of an agreement to hold the Town harmless in case of accidents, losses, claims, etc., is required.

- [h] Submission of a detailed plan **and design** for the **temporary use** facility outlining plans for operation or management, proposed use, materials, colors and signage shall be submitted for Zoning Administrator for review and approval.
 - [i] A description of proposed hours of operation, services to be provided, maintenance, cleaning and storage plans shall be submitted for Zoning Administrator review and approval.
 - [j] Should **sales or café seating** area extend in front of adjacent property, written permission from the property owner is required.
 - [k] Waste from dining or sales operations shall be located inside the establishment and the sidewalk shall be cleaned by the user a minimum of once per six months.**
 - [l] Sidewalk café or sales are subject to a seasonal temporary use permit as outlined Section 165-87. Advertising is limited to one sandwich board sign.**
- E. Itinerant dealer, peddler and solicitor.
- (1) Sales from any cart, wagon, trailer, or vehicle; any distribution of samples, pamphlets or sales in a public place; and any person seeking sales by going place to place must adhere to requirements of the Town Code, Chapter 272, Itinerant Dealers, Peddlers and Solicitors, which shall be satisfied prior to operation.