

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** Parking spaces ~~for the physically handicapped~~ shall meet the Americans With Disabilities Act (ADA) requirements. **Structured p** Parking ~~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	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

Library
Nursing home, assisted living

Post office
Prison

School
 Elementary/middle school

 High school

 College, university
 All other school uses
Natural resources
 Agricultural products processing
 Greenhouse/nursery, commercial
Residential
 Bed-and-breakfast
 Boardinghouse
 Community shelter
 Group home/halfway house
 Multifamily ~~and 55-and-over dwelling units~~

 55 and over dwelling units or affordable dwelling units

 Single-family detached, semidetached and two-family dwellings
 Townhouse
Retail and service use
 Antique shop/art gallery/museum
 Auction house

 Bank

 Banquet hall ~~hall~~ **facility**
 Beauty shop/barbershop

 Bulk mail service
 Business and personal service

 Car wash and auto detailing

Spaces Required

1 per 400 square feet
1 per 3 beds, plus additional spaces as determined by the Board of Appeals based on parking impact study
1 per 400 square feet
1 per 2 employees, plus public spaces as determined by the Board of Appeals based on parking impact study

1 per 10 seats in main assembly room or 1 per 10 classroom seats, whichever is greater
1 per 5 seats in main auditorium or 1 per 8 classroom seats, whichever is greater
1 per 3 students
1 per 3 persons permitted by State Fire Code

1 per 800 gross square feet
1 per 400 gross square feet

1 per bed, plus 1 per owner/manager
1 per 2 beds (minimum of 2)
1 per 2 beds (minimum of 2)
1 per 2 beds (minimum of 2)
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~~)
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

2.5 per dwelling unit (excluding garage space)

1 per 400 gross square feet
1 per 6 seats or 1 per 400 square feet, whichever is greater
1 per 300 square feet, plus drive-through stacking space if applicable [See § 165-531(2)(c).]
1 per 3 persons permitted by the State Fire Code
1 per ~~200~~ **150** gross square feet/or ~~2~~ **2.5** per station, whichever is greater
1 per 200 square feet
1 per 300 square feet (unless otherwise specified)
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	3.5 per 1000 gross square feet – Residential uses are 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)(I).]
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 **residential** 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 **as outlined below. 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. **Active recreation occurring on level or gently sloping land designed to provide individual or group activities of a dynamic nature including, but not limited to, sports fields, court games, hiker/biker trails, fitness courses, swimming pools, children's play areas, golf courses, and community gardening.**
 - (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 **a forest conservation, landscape buffering** ~~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

~~[ba]~~ 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:

(1) Performance standards.

(a) The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

(b) Any institutional use located in a residential zone must adhere to architecture and site design standards in Section 165-28.B for the RO District

~~(bc)~~ Institutional establishments adjacent to an existing residential use shall meet the following standards: [Amended 4-3-2017 by Ord. No. 780-17; 9-16-2019 by Ord. No. 792-19]

(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] 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)a ~~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** ~~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.

~~(e)~~(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/**nailed** shop/barbershop/spa **services** (located in the R-O and B-I Districts).

[1] Performance standards.

[d] **Ear piercing, and t**he 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.

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

[e]m 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.