

Ordinance No. 821-23

An Ordinance Amending Article VII and Article III 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 Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to input from the public and desires of Town residents; and

WHEREAS, the changes to Articles VII and III are designed to limit the number of dwelling units per floor in multi-family uses based on each building block ; 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, as provided for below is hereby adopted.

§ 165-53 Performance standards and development guidelines by use.

A. Purpose.

- (1) The following standards and guidelines are intended to implement the purpose of the Town's zoning districts as noted in Article **III** of this Part **2**, to promote quality development, to add consistency and predictability to the permit review process, and to reinforce the Town Comprehensive Plan land use goals and objectives. This section not only specifies the performance standards required for the specific uses but also includes guidelines intended to articulate the community's goals and objectives for new development and redevelopment.
- (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.

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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:

- (1) Performance standards. [**Amended 4-1-2013 by Ord. No. 759-13; 4-3-2017 by Ord. No. 780-17**]

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

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

[b] Refuse/recycling enclosures must be provided in sufficient number and within close proximity to all residential buildings and accessory uses.

[c] All access and building conditions must be reviewed by a fire official prior to Town approval.

[d] Additional active recreation area will be required to meet a minimum of 200 square feet per unit when density exceeds 10 dwelling units per acre.

[e] **The maximum number of multi-family dwelling units within a building block shall be no more than four units per floor not to exceed 12 units per building block unless the planning commission determines to increase the number of units to a maximum of six units per floor not to exceed 18 units per building block based on the intensity of surrounding land use, the architectural design, the layout of development, and the distribution of parking, as shown on the plans submitted.**

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

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

- (1) Promote reuse, infill and redevelopment that provide a transition from the highway-oriented development of the B-3 District to the Town's pedestrian-oriented, historic core.
- (2) Encourage efficient use of land and compact development with a mixture of retail, service, office, civic and residential uses.
- (3) Allow the land uses permitted in the B-3 District while incorporating design standards appropriate to Bel Air's traditional downtown core.
- (4) Encourage increased economic vitality through the addition of new downtown residences and uses that attract visitors, such as specialty shops, restaurants, theaters and overnight accommodations.
- (5) Encourage mixed-use buildings with retail and service uses at street level and office or residential uses on upper levels.
- (6) Promote redevelopment of vacant and underutilized properties.
- (7) Provide for safe and convenient pedestrian, bicycle and automotive travel.
- (8) Provide pedestrian connections between Route 1 and Bel Air's downtown area.
- (9) Retain and create attractive streetscapes with a lively, pedestrian-oriented character.
- (10) Require the use of building components that are human in scale.
- (11) Provide transitions or buffers so that new development is compatible with and protective of surrounding residential uses.

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C. Site design standards.

- (1) Design goals.
 - (a) The streetscape and the building facade facing the street shall be the primary focus of the development.
 - (b) New development shall contribute to the creation or reinforcement of a

pedestrian-friendly streetscape with a strong pedestrian edge along the sidewalk and screening for parking.

- (c) Buildings on corner lots shall establish a strong presence with unified facade design along both street frontages.
- (d) Parking shall not be a dominant visual element of the streetscape. Parking should be screened by buildings or buffered by attractive plantings or low walls.
- (e) Building and site designs should preserve and enhance special street views, in particular, views of landmark buildings and natural features, focal points at T-intersections and views along curving roadways.

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(8) Residential development standards.

- (a) The front facade of the townhouses shall not face a principal arterial road.
- (b) Garages, attached or detached, shall be accessed from the rear of the dwelling.

~~(c) No density standards are applicable to townhouses or multifamily dwellings.~~

~~(c)~~ Standards for minimum percentage of window area shall not apply.

~~(d)~~ Maximum building coverage for townhouses shall be 60% of the lot area.

~~(e)~~ The standards of § 165-27 shall apply to single-family detached dwellings in the B-3A District.

BE IT ORDAINED If any provision of this Ordinance shall be held violative of any applicable law or unenforceable for any reason or *ultra vires*, the invalidity or unenforceability of any such provision shall not invalidate or render unenforceable any other provision hereof, which shall remain in full force and effect.

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

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:
NAYS:
ABSENT:

Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk