

Bel Air Board of Town Commissioners
Agenda
December 16, 2024

Ordinance No. 837-24
Chapter 165, Mixed-Use Centers

RECOMMENDED MOTION: "...that Ordinance No. 837-24, revising Town Code, Chapter 165, Article VII, Performance Standards, XIV, Definitions, and Attachment 1, Permitted Use Tables, related to Mixed-Use Centers, be received by the Bel Air Board of Town Commissioners."

1. BACKGROUND

The regulation of specific uses is provided through the Town of Bel Air Development Regulation text found in Chapter 165, Part 2 of the code. Requirements related to Mixed-Use Centers are found in Article VII, Section 165-53.I(2)(g) entitled Development & Performance Standards, Section 165-104 entitled Definitions, and Section 165 Attachment 1 entitled Permitted Use Tables.

2. PRIMARY ISSUES

Recently two developments have obtained approval under the use designation of mixed-use center. A question of what limits would be appropriate for the land use allocation within a mixed-use center have been brought forward. In addition, what limitation would the mix of uses provide for the density of residential. The relationship to the land use designation in the Comprehensive Plan or zoning district also becomes a legitimate challenge to any new mixed-use development.

3. DISCUSSION/EXPLANATION

By applying a minimum percentage between residential and commercial uses based upon the underlying Land Use designation, any mixed-use proposal must adhere to the intent of the Comprehensive Plan by providing a majority of the designated use. Changes to the definition would address this issue. In addition, hard numbers tend to paint both the developer and the Town into a corner by not allowing for variation of design and correction for prevailing market trends. Changes to the performance standards would allow for an applicant to adjust the use limitation by elaborating on the details of the project and proving to the Planning Commission that the project has exceeded the minimum standards. Some minor adjustments have also been made to the permitted use charts to clean up the code.

4. RECOMMENDATION

The staff recommends Ordinance No. 837-24, amending Section 165-53.I(2)(g), Performance Standards, Section 165-104, Definitions, and Attachment 1, Permitted Use Tables, be received by the Bel Air Board of Town Commissioners.

Ordinance No. 837-24

An Ordinance Amending Article VII, XIV and Permitted Use Tables
of the Development Regulations as related to Mixed-Use Centers
in Chapter 165 of the Bel Air Town Code

WHEREAS, the Board of Town Commissioners is required, under the Land Use Article of the Annotated Code of Maryland, to maintain consistency between the Development Regulations and the Town of Bel Air Comprehensive Plan; and

WHEREAS, the Land Use Article of the Annotated Code of Maryland provides the authority for the Board of Town Commissioners to adopt planning and zoning controls; and

WHEREAS, the Bel Air Board of Town Commissioners wish to update the Development Regulations to respond to recent Mixed-Use Center projects and codify and expand upon the Planning Commission’s rationale in a recent approval for a Mixed-Use Center project; and

WHEREAS, the Board of Town Commissioners has reviewed the definition of Mixed-Use Center, the associated performance standards and a recent, written opinion of the Planning Commission granting a Mixed-Use Center project; and

WHEREAS, the Bel Air Board of Town Commissioners wish to update the Development Regulations to provide greater clarity and revise the performance standards to allow for additional changes to better adhere to the underlying Comprehensive Plan Land Use Designation and Zoning District and incentivize creative design; 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. 837-24, provided for below is hereby adopted.

Section 165-53.1(2)(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. **Shared parking between all development types must be provided throughout the development.***
- [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.*

[2] Guidelines

- [a] The Planning Commission may waive required interior landscape buffers, internal property line setbacks and allow buildings to cross lot lines based upon beneficial design development and execution of appropriate legal documentation.***
- [b] A reduction of the defined minimum fifty-percent gross floor area consistency with the underlying Comprehensive Plan Land Use designation to no less than forty-percent may be approved by the Planning Commission provided the applicant demonstrates excellence of design and consistency with the Comprehensive Plan:***
 - i. Landscape design is expanded to address the relationships between project elements, provide for adequate interior site environment, show all building foundation planting, and reinforce pedestrian and vehicle circulation.***
 - ii. A separate plan indicating public amenities is submitted providing for all use classifications and supporting the intent of the Comprehensive Plan.***
 - iii. A detailed set of architectural elevations and engineering plans showing materials, finishes and design is developed to specifically address each project element and the relationship to the associated performance standards and zoning district.***

iv. A written outline of the proposed mix of uses must show the development provides for a community need as described in the Bel Air Comprehensive Plan.

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Section 165-104 Terms Defined

MIXED-USE CENTER

*A building, or group of buildings consisting of **at least 10,000 square feet**, ~~two or more uses exceeding 10,000 square feet~~ and developed as an integrated scheme of development **containing two or more appropriate use classifications in which a minimum of fifty-percent** ~~containing both commercial and residential~~ **gross floor area space, is consistent with the underlying Comprehensive Land Use designation. This use shall be** conceived and designed as a single environment in which ~~both commercial and residential~~ **amenities for residential uses** are provided.*

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Section 165 Attachment 1 – Permitted Use Tables

Table 3-5 Residential, Table 3-6 Retail & Table 3-7 Service

	R1	R2	R3	RO	B1	B2/B2A	B3/B3A	M1
Residential								
Mixed-Use				SD	SD	SD	SD	
Retail								
Mixed-Use				SD	SD	SD	SD	
Service								
Mixed Use				SD	SD	SD	SD	

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 not be applicable to any project which has obtained Preliminary Site Plan approval from the Planning Commission prior to the effective date of this Ordinance.

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:

Paula Etting, Chair
Board of Town Commissioners

Michael L. Krantz, Town Clerk