

Bel Air Board of Town Commissioners  
Agenda  
December 16, 2024

Ordinance No. 838-24

Chapter 165, Density Limitations in B2, B2A and B3A districts

**RECOMMENDED MOTION:** "...that Ordinance No. 838-24, revising Town Code, Chapter 165, Article III, zoning districts, Article X, Accessory Uses and the Table of Lot Requirements related to density be received by the Bel Air Board of Town Commissioners."

**1. BACKGROUND**

The B2 (Central Business) district, B2A (Central Business Gateway) district and the B3A (General Business Gateway) district were completely revised as 'Form-Based' code in the Town of Bel Air in 2010. A form based code refers to a type of land use regulation that focuses on controlling the physical appearance and design of buildings, including their relationship to the public realm like streets and sidewalks, rather than solely separating different land uses (residential, commercial, industrial) like traditional zoning does; essentially, it prioritizes how a development looks and functions within a community's desired urban form, rather than just what uses are allowed on a property.

**2. PRIMARY ISSUES**

As part of the form-based code changes in 2010, density limits were removed from the zoning criteria in favor of architectural and engineering design standards. Some of the density limits were expanded in the residential zones during subsequent changes by the Town Board. However, B2, B2A and B3A remained without density limits. This was, in part, due to the de-emphasis of a development's use and the tendency of parking requirements as a more practical limiting factor of residential density. In addition, urban areas tend to suffer from density limits because of their higher value and the limited size of property.

**3. DISCUSSION/EXPLANATION**

The proposed ordinance will apply density limitations that are similar to those found in R3, RO and B1 districts. Many of the regulations for setbacks and building height in the Lot Requirements Tables refer back to the respective zoning district code section established in 2010 to address the more detailed constraints found there. In addition, displaced requirements for Accessory structures are added to Article X as applying to all districts.

**4. RECOMMENDATION**

The staff recommends Ordinance No. 838-24, amending Section 165-30, 165-31 and 165-33, Zoning, Districts, Section 165-68, Accessory Uses and 165 Attachment 2, Table of Lot Requirements, be received by the Bel Air Board of Town Commissioners.

**Ordinance No. 838-24**

An Ordinance Amending Article III, X and Lot Requirements Tables  
of the Development Regulations as related to Density Limits  
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 update residential unit density and other lot requirements in the B2 (Central Business) district, B2A (Central Business Gateway) district and B3A (General Business Gateway) district; and

**WHEREAS**, the Board of Town Commissioners has reviewed how the proposed changes to lot requirements may affect other parts of the code and made the appropriate amendments; and

**WHEREAS**, the Bel Air Board of Town Commissioners wish to update the Development Regulations to provide for better coordination and clarity between code sections to make referencing the regulations easy and convenient; 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 165-30 Central Business District***

*C. Site design standards.*

*(4) Building setbacks and lot width.*

*Figure 165-30.I Illustration of height, setback and front yard Standards for the B-2 district (removal of the word **Mixed Use** from the illustration)*

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*(8) Residential development standards.*

*(a) Townhouses shall not be located on a lot with frontage on a principal arterial road.*

*(b) Garages, attached or detached, shall be accessed from the rear of the dwelling.*

*(c) Standards for 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-2 District.

**(9) Density, lot area and width. Table 165-30 outlines the requirements for uses in the B-2 District, subject to the modifications provided under Article IX of this Part 2.**

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**Section 165-31 Central Business Gateway District**

C. Site design standards.

(4) Building setbacks and lot width.

Figure 165-31.II Illustration of height, setback and front yard Standards for the B-2A district

(removal of the word **Mixed Use** from the illustration)

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**Section 165-33 General Business Gateway District**

C. Site design standards.

(4) Building setbacks and lot width.

Figure 165-33.I Illustration of height, setback and front yard Standards for the B-3A district

(removal of the word **Mixed Use** from the illustration)

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D. Density, lot area, **and** width, ~~height and yard requirements~~. Table 165-33 outlines the requirements for uses in the B-3A District, subject to the modifications provided under Article IX of this Part 2.

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**Section 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:

A. General

**(6) Except as otherwise noted in this Part 2, all accessory structures shall be located three feet from property lines**

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**Section 165 Attachment 2**

Please refer to Exhibit A for amendments to the Table of Lot Requirements for Specific Uses

**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:

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Paula Etting, Chair  
Board of Town Commissioners

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Michael L. Krantz, Town Clerk

# EXHIBIT A

165 Attachment 2

## Town of Bel Air

### Table of Lot Requirements for Specific

#### Uses Table 165-25: R-1 Low-Density

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

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	10,000	4		70	35	10	40	30
Service uses	10,000		10	70	35	10	40	30
Parks and recreation areas			10		35	10	40	30
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		10	100	35	25	40	30

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter. Structures shall not exceed 2 1/2 stories. Additionally, in no instance shall height exceed maximum number of feet cited in chart.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-26: R-2 Medium-Density  
Residential District [Amended 5-21-2012 by  
Ord. No. 750-12; 4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	35
Townhouse	1,800 <b>60,000**</b>	10	§ 165-63C(2)	18	30*	0 (10 end unit) **	40	35
Semi-detached dwelling	15,000	<b>10 8</b>	§ 165-63C(2)	100	30	10	40	30
Two-family dwelling	15,000	8		70	30	10	35	30
Group day care	8,750			70	30	10	35	30
Parks and recreation areas			10		35	10	40	30
Service uses	8,750		10	70	30	10	35	30
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		10	70	30	20	40	30

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.\*

\*\* 20-foot side yard setback **and 60,000 sf** required for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-27: R-3 High-Density Residential District  
[Amended 4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 <b>60,000**</b>	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semi-detached dwelling	10,000	<del>14</del> <b>10</b>	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multi-family dwelling 1 1/2 stories 2 1/2 stories 3 stories	60,000	20 30 (55 and over)	§ 165-63C(2)	100 100 100	30 33 36	16 20 24	42 42 42	30 40 40
Group home	8,750			70	30	10	35	40
Group day care	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Service uses	8,750		10	70	30	10	35	40
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		10	100	30	20	40	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-28: R-O  
Residential Office District  
[Amended 4-3-2017 by Ord.  
No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 <b>60,000**</b>	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semi-detached dwelling	10,000	<b>14</b> 10	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multi-family dwelling 1 1/2 stories 2 1/2 stories 3 stories	60,000	20 30 (55 and over)	§ 165-63C(2)	100 100 100	30 33 36	16 20 24	42 42 42	30 40 40
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	25	10	40	40
Service uses	8,750		10	70	20	10	35	40
Accessory buildings			3			3	3 (lot line); 6 (alley)	20
Other permitted uses	15,000		<b>10</b>	100	20	20	40	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter. A "unit" is defined as each individual apartment or condominium.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-29: B-1 Limited  
Business District [Amended  
4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 <b>60,000**</b>	14	§ 165-63C(2)	18	30*	0 (10 end unit)**	40	40
Semi-detached dwelling	10,000	<del>14</del> <b>10</b>	§ 165-63C(2)	100	30	10	40	40
Two-family dwelling	10,000	10		70	30	10	40	40
Multi-family dwelling 1 1/2 stories	<del>20,000</del> <b>60,000</b>	20	§ 165-63C(2)	100	30	16	42	30
Multi-family dwelling 2 1/2 stories		30 (55 and over)		100	33	20	42	40
Multi-family dwelling 3 stories				100	36	24	42	40
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	25	10	40	40
Accessory buildings			10			3	3	20
Other permitted uses	8,750		20 (side yard) 40 (rear yard)		15	10	25	40

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter. A "unit" is defined as each individual apartment or condominium.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel

**Table of Lot Requirements  
for Specific Uses**

**Table 165-30: B-2 Central  
Business District  
[Amended 2-21-2012 by Ord. No. 748-12; 4-3-  
2017 by Ord. No. 780-17]**

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet) Maximum Density (dwelling/acre)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750	5	70	30		10	35	20	40
Townhouse	1,800	14	18	5	15	0 (10 end unit)**	40	20	45
Semi-detached dwelling	10,000	10	100	30		10	40	20	45
Two-family dwelling	10,000	10	70	30		10	40	20	45
<b>Multi-family dwelling</b>		<b>20 30 (55 and over)</b>		<b>§ 165-30C</b>	<b>§ 165-30C</b>	<b>§ 165-30C</b>	<b>§ 165-30C</b>	<b>§ 165-30C</b>	<b>§ 165-30C</b>
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		3				0	0		20
Other permitted uses		§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	§ 165-30C	20	55

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\*\* 20-foot side yard setback for overall parcel

**Table of Lot Requirements  
for Specific Uses**

**Table 165-31: B-2A Central  
Business Gateway District  
[Amended 4-3-2017 by Ord. No.  
780-17]**

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet) Maximum Density (dwelling/acre)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750	5	70	30		10	35	20	40
Townhouse	1,800 60,000**	14	18	15	25	0 (10 end unit)**	40	20	45
Semi-detached dwelling	10,000	10	100	30		10	40	20	45
Two-family dwelling	10,000		70	30		10	40	20	45
<b>Multi-family dwelling</b>	<b>60,000</b>	<b>20 30 (55 and over)</b>		<b>15</b>	<b>25</b>	<b>0</b>	<b>0</b>	<b>20</b>	<b>45</b>
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		3				0	0		20
Other permitted uses		10		15	25	0	0	20	45

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-32: B-3 General  
Business District [Amended  
4-3-2017 by Ord. No. 780-17]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
Residential uses								
Single-family detached	8,750	5		70	30	10	35	40
Townhouse	1,800 <b>60,000**</b>	14		18	30*	0 (10 end unit)**	40	40
Semi-detached dwelling	10,000	14		100	30	10	40	40
Two-family dwelling	8,750	10		70	30	10	40	40
Multi-family dwelling	60,000	20 30 (55 and over)	20	100	30	16	42	30
1 1/2 stories			25	100	33	20	42	40
2 1/2 stories			30	100	36	24	42	50
3 stories			35	100	40	28	42	60
4 stories and above								
Group day care	8,750			70	30	10	35	40
Group home	8,750			70	30	10	35	40
Parks and recreation areas			10		35	10	40	30
Other institutional uses	5,000		10	50	35	10	40	40
Accessory buildings			10			3	3	20
Other permitted uses			10 (side yard) 30 (rear yard)		22	0	10	65

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements cited in Articles VI through X of this chapter.

\* Staggered townhouse units permitted with a minimum twenty-five-foot front yard depth.

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-33: B-3A General Business  
Gateway District [Amended 11-25-2011 by Ord.  
No. 744-11; 4-3-2017 by Ord. No. 780-17]**

Type of Land Use	Minimum Lot Area (square feet)	Minimum Building or Use Setback From Adjacent Residential Lot (feet) Maximum Density (dwelling/acre)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Maximum Front Yard Depth (feet)	Minimum Side Yard Width (feet)	Minimum Rear Yard Depth (each) (feet)	Minimum Height (feet)	Maximum Height (feet)
Residential uses									
Single-family detached	8,750	5	70	30		10	35	20	40
Townhouse	1,800 60,000**	14	18	10	20*	0 (10 end unit)**	40	20	45
Semi-detached dwelling	10,000	10	100	30		10	40	20	45
Two-family dwelling	10,000	10	70	30		10	40	20	45
<b>Multi-family dwelling</b>	<b>60,000</b>	<b>20 30 (55 and over)</b>		<b>§ 165-33C(4)</b>	<b>§ 165-33C(4)</b>	<b>§ 165-33C(4)</b>	<b>§ 165-33C(4)</b>	<b>§ 165-33C(4)</b>	<b>§ 165-33C(4)</b>
Group day care	8,750		70	30		10	35		40
Group home	8,750		70	30		10	35		40
Accessory buildings		10				0	0		20
Other permitted uses		§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	§ 165-33C(4)	20	55

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.

\* See § 165-32C 33C

\*\* 20-foot side yard setback **and 60,000 sf required** for overall parcel.

**Table of Lot Requirements  
for Specific Uses**

**Table 165-34: M-1 Industrial  
District  
[Amended 4-2-2018 by Ord. No. 783-18; 9-16-  
2019 by Ord. No. 792-19]**

Use Classification	Minimum Lot Area (square feet)	Maximum Density (dwelling/acre)	Minimum Building or Use Setback from Adjacent Residential Lot (feet)	Minimum Lot Width at Building Line (feet)	Minimum Front Yard Depth (feet)	Minimum Side Yard Width (each) (feet)	Minimum Rear Yard Depth (feet)	Maximum Height (feet)
All permitted residential uses	15,000	20 30 (55 and over)		100	36	24	42	40
All permitted industrial and natural resource uses								
1 story			50		10	15	10	30
2 story			50			15	15	35
3 story			50			20	20	40
Other permitted uses (amusement, retail, service and institutional)			30		10	10	10	40
Accessory buildings			25			10	10	20

**NOTES:**

General requirements shall apply to all permitted uses in this classification. Some uses may have additional requirements specifically cited in Articles VI through X of this chapter.