

Commissioners of Bel Air
Agenda
October 7, 2019

Ordinance No. 794-19
Development Regulation Amendments

RECOMMENDED MOTION: "...that Ordinance No. 794-19, proposed amendments to the Development Regulations, Chapter 165, be received by the Bel Air Board of Town Commissioners."

I BACKGROUND

On October 3, 2019, the Planning Commission reviewed staff recommendations based upon developer interaction over the past few months. The proposed revisions will address two items of concern in the development regulations that have been exposed only recently. The amendments concern who is notified when development review for Planning Commission and Board of Appeals is necessary; and, how the limits of building height for accessory structures are calculated.

II PRIMARY ISSUES

The amendments consist of the following text changes:

- Revision to **Section 165-68, Accessory Uses** to eliminate the 1 ½ story limit of an accessory structure and clarify that the accessory building height is restricted with regard to the portion of a gable or hip roof that may be included at 35% of the total height of the structure.
- Revision to **Table 165-104, Definitions** to provide for a clear meaning of the term 'Adjoining Property' to agree with the current practice of Town for development review and to align with the policy of Harford County. This will provide for notification of properties that share property lines, those that would share a property line except for intervening roads or easements and those properties that border land that is owned by or controlled by the development applicant.

III DISCUSSION

On October 3, 2019, the Planning Commission recommended approval of the text amendments. The complete text changes are included with the attached Ordinance.

IV RECOMMENDATION

The Planning Commission and staff recommend that the Board of Town Commissioners receive Ordinance No. 794-19 amendments to Development Regulations. A public hearing has been scheduled for 7:30pm, October 21, 2019 at Town Hall.

Ordinance No. 794-19

An Ordinance Amending to Article X and Article XIV of the Development Regulations,
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 Planning Commission has reviewed and recommended approval of the proposed changes on October 3, 2019 to adjust accessory structure height calculation and add a definition of Adjoining Property; and

Article X

Accessory and Temporary Uses

§ 165-68 Accessory Uses

B. Residential District ...

- (1) Accessory structures shall be no more than 20 feet in height, **nor shall it 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.**
- (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[1] 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.[2] 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 unit on the lot.
- (5) ~~An~~ **The total square footage, including upper floor space, of all** accessory use or structure(s) shall not exceed 50% of the square footage of habitable space, ~~nor exceed the height~~ of the principal use or structure. However, a minimum of 480 square feet may be permitted regardless of the size of the principal structure.

Article XIV Definitions

§ 165-104 Terms defined.

The following definitions shall be used in the interpretation and construction of the Development Regulations: ...

....

ADJOINING PROPERTY

As applied to development review, land which shares a common property line, property that would be adjoining but for an intervening easement or road and property that would be adjoining but for intervening property owned by the applicant or an entity controlled by the applicant.

....

NOW, THEREFORE, BE IT ORDAINED by the Board of Town Commissioners that amendments to the Town of Bel Air Development Regulations, Ordinance No. 794-19, incorporated herein is hereby adopted.

BE IT FURTHER ORDAINED that this Ordinance shall become effective on the _____ day of _____, 2019.

INTRODUCTION:

PUBLIC HEARING:

ENACTMENT:

EFFECTIVE:

AYES:

NAYS:

ABSENT:

Susan U. Burdette, Chairman
Board of Town Commissioners

Michael L. Krantz, Town Clerk