

Article II  
Chapter 165. Zoning

Section 10: Accessory and Temporary Uses

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§165-67 PURPOSE

Certain uses, whether permitted as of right, by special development or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each zoning district. This section therefore provides such regulations for accessory uses and temporary uses. These requirements are intended to meet the Economic Development and Housing objectives outlined in Article IX and X of the Town of Bel Air's Comprehensive Plan.

§165-68 ACCESSORY USES

Generally, except as otherwise restricted in Section 3, Zoning Districts – Establishment and Regulations, 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

1. No accessory use or structure, except fences, shall be located within any recorded easement area unless approved by the Director of Public Works.
2. Uses generally prohibited or not permitted as principal permitted uses in a district shall not be permitted as accessory uses.
3. No dumpster shall be located within the front yard setback required in the district.

B. Residential Districts

1. Accessory structures shall be no more than one and one-half (1-1/2) stories or twenty (20) feet in height, whichever is less.
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 use or buildings shall be distanced at least six (6) feet from alley lines and at least three (3) 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 (6) feet therefrom, may be connected thereto by a breeze-way or similar structure, in which case it shall be considered to be a part of the principal building, provided all yard and fire

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code 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 (5) feet from the lot line.

4. Satellite receiving dishes in excess of twenty-four (24) inches must be ground mounted and shall be treated as any other accessory structure with the same setback requirements. Satellite receiving dishes shall not be installed in any front yard and shall require a building permit for installation, in accordance with the Town Building Code. All dishes shall be properly screened from view with landscaping or fencing as appropriate and determined by the Zoning Administrator. Dishes less than or equal to twenty-four (24) inches in diameter may be mounted on the principal structure or an accessory unit on the lot.
5. Accessory use or structure(s) shall not exceed fifty percent (50%) of the square footage of habitable space, nor exceed the height of the principal use or structure.
6. Pens and runs for domestic animals shall not be located within fifty (50) feet of adjacent residential lot line. Kennels shall be permitted only as special exceptions. On properties of two (2) acres or more, pens, barns or stalls for farm animals shall be permitted provided that the number of animals not exceed one (1) per acre, the animals are contained within a fenced area, and the following minimum setbacks for principal and accessory uses are met:

<u>No. of Animals</u>	<u>Setback from Adjacent Residential Lot (feet)</u>
1-2	100
3-10	150
11 or more	200

7. Residential recreational facilities, such as swimming pools and tennis courts shall be located not less than six (6) feet from any side or rear lot line. For community pools and tennis courts, the edge of the facility shall be located not less than fifty (50) feet from any residential unit or side or rear lot line.
8. Recreational vehicles, campers, trailers and similar equipment should be stored in a garage or similar enclosed structure. Open storage shall be permitted in side and rear yard areas. Open storage on driveways may be permitted for short-term storage or maintenance purposes for a period not to exceed a total of seven (7) days within any ninety (90) day period. No

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living, sleeping or other occupancy of a recreational vehicle, camper or trailer shall be permitted for more than seven (7) days within any ninety (90) day period unless approved by the Board of Appeals. Except, as stated above, storage of any recreational vehicle, camper or trailer is prohibited in the front yard area.

9. No commercial vehicles or commercial equipment shall be parked or stored on any lot in any residential district, except when such vehicle is actually engaged in loading and unloading passengers, merchandise or materials. This section shall not apply to a public utilities truck engaged in repairs or to a truck parked or being used during the construction or renovation process of a residential building.
10. One (1) inoperative or untagged motor vehicle may be parked or stored on any lot of less than two (2) acres for a continuous period of no more than six (6) months. Two (2) inoperative or untagged motor vehicles may be parked or stored on any lot of two (2) acres or more for a continuous period of no more than six (6) months. Open storage requires a permit issued by the Planning Department. Inoperative or untagged vehicles which are stored completely within an enclosed building are not subject to these restrictions.
11. No more than four (4) yard sales per year shall be conducted on a residential property in any residential district.

C. Business and Industrial Districts

Customary accessory uses are permitted in commercial or industrial districts including the following:

1. The storage of goods normally carried in stock, used in, or produced by commercial or industrial uses, unless the storage of particular goods is prohibited under the commercial or industrial district regulations. No dumpsters or storage shall be permitted within the front yard and all dumpsters and storage facilities must be effectively screened as stipulated in Section 8 of this Article. Storage facilities shall be located within a fully enclosed area, such facilities shall not include tractor trailer bodies.
2. Satellite receiving dishes may be installed on roofs in the Business and Industrial Districts and shall require a building permit for installation.
3. Incidental repair facilities, unless expressly prohibited under the commercial or industrial regulations, may be permitted by the Zoning Administrator.

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4. Canopies and awnings may be permitted with a minimum eight (8) foot clearance from the lowest edge of the canopy/awning to sidewalk or grade level, whichever is applicable.
5. In commercial and industrial districts, one (1) inoperative or untagged motor vehicle may be parked or stored on any lot of less than two (2) acres for a continuous period of no more than six (6) months. Two (2) inoperative or untagged motor vehicles may be parked or stored on any lot of two (2) acres or more for a continuous period of no more than six (6) months. Open untagged vehicle storage requires a permit issued by the Planning Department. Vehicles that are stored within a completely enclosed building or on a lot that is approved for motor vehicle sales, service and storage are permitted as of right.

§165-69 FENCES AND WALLS

Fences, Walls, and Hedges may be located in required yards as follows:

- A. Fences, walls and hedges not exceeding four (4) feet in height above the elevation of the surface of the ground, may be located in any yard or court unless the property is located at a roadway intersection, in which case, the requirements noted in Section 165-65, of this Article shall apply. Ornamental gates, fence post caps or finials may exceed the height limit by no more than twelve (12) inches.
- B. Fences and walls not exceeding six (6) feet in height above the elevation of the surface of the ground, may be located in any rear yard or side yard area in a residential district. Ornamental gates, fence post caps or finials may exceed the height limit by no more than twelve (12) inches. If the property abuts a business or industrial district, a fence or wall not to exceed eight (8) feet may be erected.
- C. Business and industrial district property owners may locate fences or walls not to exceed ten (10) feet in height in any yard area if necessary for safety or security reasons and said reasons are documented to the satisfaction of the Zoning Administrator.
- D. In no instance shall barbed wire fencing be used alone or in combination with other fence materials except when the Zoning Administrator determines through the Administrative Waiver process that due to the character or use of a parcel, the additional security such fencing, is necessary.

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§165-70 HANDICAP RAMPS

Handicap ramps shall be provided as required by the Americans with Disabilities Act and applicable Town building regulations.

§165-71 TEMPORARY USES

Temporary uses shall be permitted as specified in Sections 3, 7 and 11 of this Article. All temporary uses shall be subject to the specific requirements as stated below:

- A. Modular Classrooms, Modular Sales/Construction Office/Sales Trailers
  - 1. Such modular facilities shall be subject to Performance Standards as specified in Section 7 of this Article. A permit may be issued by the Zoning Administrator if applicable requirements are satisfied. Modular sales or construction trailers shall be removed at completion of construction or within eighteen (18) months of installation, whichever is less.
  - 2. Setback requirements for the district shall apply. However, in no case shall the setback be less than ten (10) feet.
- B. Outdoor Promotional Events
  - 1. Such events shall be subject to Performance Standards as specified in Section 7 of this Article.  
  
A permit may be issued by the Zoning Administrator if all applicable requirements are satisfied.
  - 2. Events shall be permitted for a maximum of thirty (30) days in a calendar year.
- C. Sidewalk Café
  - 1. Such use shall be subject to Performance Standards as specified in Section 7 of this Article. A permit may be issued by the Zoning Administrator, if all applicable requirements are satisfied.
- D. Outdoor Sales Events
  - 1. Such events shall be subject to Performance Standards as specified in Section 7 of this Article. A permit may be issued by the Zoning Administrator for an event sponsored by a non-profit or for profit groups

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or individuals if all applicable requirements are satisfied.

2. Sale of seasonal merchandise shall be subject to Performance Standards as specified in Section 7 of this Article. A permit may be issued by the Zoning Administrator, if all applicable requirements are satisfied. Christmas tree sales (nonprofit organizations) shall be permitted for a maximum period of forty-five (45) days.
3. Temporary outdoor sales events sponsored by for-profit groups or individuals other than the established on-site business as provided in Section 11 of this Article, may be approved for no more than fourteen (14) days per calendar year.
4. Tent sales and outdoor events sponsored by for-profit groups or individuals shall be permitted in business or industrial districts only. Temporary motor vehicle sales shall be subject to Performance Standards as specified in Section 7 of this Article.
5. Yard sales in residential areas are exempt from the provisions of this section.

E. Truck Sales

1. No sales shall be permitted on private property if conducted from a vehicle mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power. Truck sales may be permitted in the public rights-of-way subject to Town Code requirements.

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