

Article II
Chapter 165. Zoning

Section 4: Overlay Districts

§165-36 OVERLAY DISTRICT REGULATIONS

A. Purpose

Overlay zoning imposes additional regulations for a special public purpose. The establishment of an Overlay District is based on its location and function as part of the Town's land use plan. Overlay District requirements shall be in addition to those imposed by the zoning district. In the case of a conflict among regulations in this Article, the Overlay District standard shall apply.

§615-37 TRANSITION OVERLAY DISTRICT

A. Purpose

The Transition Overlay District is established to:

1. Accommodate areas of the Town which were traditionally residential and have evolved to have a current mixed use of residential and professional business and personal service uses.
2. Protect residential neighborhoods from the impacts of higher intensity development.
3. Maintain the residential appearance and scale of development of transitional neighborhoods.
4. Support small scale community business uses to minimize daily vehicular trips.
5. Support the sense of arrival and provision of attractive gateways to the Town Center.

B. Boundaries

The Transition Overlay District boundaries are delineated on the Official Town Zoning Map which is available for review at the Town Planning Department and the Bel Air Town Hall. The Town of Bel Air Comprehensive Plan is the basis for determining transition area boundaries. These are residential areas located along heavily traveled roads and areas significantly impacted by adjacent commercial development.

Article II
Chapter 165. Zoning

Section 4: Overlay Districts

C. General Regulations

All applications for conversion of residential dwellings to office use, additions to previous conversions or new office/professional service development within the Transition Overlay District shall be reviewed by the Board of Appeals. Uses are permitted as specified in the underlying zoning district. Regulations of the Overlay District are in addition to those of the underlying zoning district.

D. Special Regulations

Development within the Transition Overlay District shall be subject to special standards designed to permit the best and most appropriate development within the district. These regulations are in addition to the underlying zoning district regulations.

The pertinent regulations are as follows:

1. The applicant shall retain the residential appearance of the property, development or improvement.
2. All new development or additions shall be compatible in character with the surrounding residences in the residential district, in terms of roof style, building, size, scale, building orientation and setting.
3. Accessory structures shall be designed to be harmonious with the existing structures on the site through the use of complementary building materials and styles. No dumpsters shall be permitted.
4. Appropriate buffers shall be provided to mitigate impacts of higher intensity development upon the existing neighborhood. Appropriateness of such buffering shall be determined by the Board of Appeals and shall be in accordance with landscaping requirements as specified in Section 8 of this Article.
5. Parking areas shall be designed to minimize impact on residential neighbors and to maintain the integrity of the neighborhood. On-site parking shall be provided at a minimum number of five (5) spaces and a maximum number of fifteen (15) spaces. No more than three (3) fleet vehicles shall be parked on the lot at any time. During the review of the application for property

Article II
Chapter 165. Zoning

Section 4: Overlay Districts

conversion to an office, the Board of Appeals shall determine the required number of parking spaces, based on the unit, lot size and proposed use of the building.

Criteria for evaluation:

- a. Size of lot.
 - b. Relationship of maximum parking area square footage to the lot size.
 - c. Site design and setting.
 - d. Impact on adjacent properties, e.g. drainage, lighting, noise and odor.
 - e. Visibility from the adjacent residential uses and public way.
6. A transition between the office building and the street shall be provided. This shall be accomplished through planting, consideration of pedestrian and traffic safety, and design and screening of parking areas.
 7. Exterior lighting when determined necessary by the Board of Appeals, shall enhance the building design, address safety concerns and the adjoining landscape as an integrated element of the neighborhood. Lighting standards and building fixtures shall be compatible in design and size with the building and adjacent areas. Excessive lighting shall be avoided and all lighting shall be shielded from neighboring uses.
 8. The applicant shall assure that the impact of noise on nearby residential uses is minimized.
 9. The applicant shall specify hours of operation for conversions to office use and the impact on the adjacent residential area. The Board of Appeals shall determine the maximum number of tenants and the appropriate hours of operation based on impact to nearby residential uses.
 10. The applicant shall provide a traffic impact evaluation identifying measures needed to assure protection of the neighborhood from commercial vehicle intrusion, parking loss and significant traffic increases and other related adverse traffic impacts.

Article II
Chapter 165. Zoning

Section 4: Overlay Districts

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