

Article II
Chapter 165. Zoning

Section 7: Development and Performance Standards

§165-50 PURPOSE AND APPLICATION

These regulations are applicable to all developments within the Town of Bel Air. The regulations are designed to preserve the environmental, aesthetic and functional values of the Town while improving services, creating more accessible land use patterns, reducing traffic congestion and improving mobility.

Regulations governing parking and loading, landscaping and performance standards for specific uses are stipulated in this Section. These regulations are intended to improve security, increase efficiency of parking facilities and to encourage alternative modes of travel to reduce traffic and parking issues.

§165-51 PARKING AND LOADING

A. Purpose

The purpose of this section is to assure provision of adequate, safe, convenient, aesthetically pleasing parking facilities, while minimizing the negative visual impacts of parking, service and loading facilities. Further, these regulations are intended to achieve the following goals and objectives:

- To regulate the number of required off-street parking spaces for the needs and safety of occupants, customers, visitors or others involved in use or occupancy of any building, structural improvement or place of assembly to eliminate the unnecessary use of the surface street system for parking purposes.
- To support the state's Smart Growth goals by minimizing the area used for parking thus minimizing runoff and other environmental impacts.
- To provide shared parking options for different but compatible uses.

B. Parking Space Required

1. A sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to a specific use shall be provided in all zoning districts. Parking requirements are specified for particular uses in Section 165-51H of this Article. Issuance of any building permits or use and occupancy certificates shall not be granted until a plot plan showing such off-street parking as is herein required is submitted and approved by the Zoning Administrator. The number of parking spaces required shall be based on the gross floor area of the use, excluding incidental storage, mechanical

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areas, preparation areas and common areas such as public corridors, stairwells and elevators.

2. When determination of the number of parking spaces required results in a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
3. The Town recognizes that the Parking Requirements contained herein cannot cover every possible situation that may arise. Therefore, in cases not specifically mentioned - herein the parking requirement of the use most similar to the enumerated use shall apply. No building permit or use and occupancy certificate shall be issued until the parking need has been evaluated and requirements satisfied.
4. Shared parking facilities may be permitted by the reviewing authority for different uses within an individual building or adjacent buildings or properties located within five hundred (500) feet from the subject property's boundaries based on a parking impact study provided by the developer(s) or owner(s) establishing that the estimated peak demand for parking required by the users will be satisfied due to differing hours of peak demand. If approved, a shared parking plan shall be enforced through written agreement.
 - a. Agreement For Shared Parking Plan: An attested copy of the agreement between the owners of record shall be submitted to the Zoning Administrator who shall forward a copy to the Town Attorney for review. Proof of recordation of the agreement shall be presented to the Zoning Administrator prior to issuance of a certificate of occupancy. The agreement shall:
 1. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
 2. Provide a legal description of the land;
 3. Include a site plan showing the area of the parking parcel;
 4. Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;

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5. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
 6. Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable to all participating uses;
 7. Describe the obligations of each party, including the maintenance responsibility for the parking area and any open space.
 8. Incorporate the parking impact study by reference; and
 9. Describe the method by which the covenant shall, if necessary, be revised.
- b. Change in Use: Should any of the shared parking uses be changed, or should the Zoning Administrator find that any of the conditions described in the approved parking impact study or agreement no longer exist, the owner shall have the option of submitting a revised parking impact study and an amended shared parking agreement in accordance with the standards of this subsection, providing the number of spaces required for each use as if computed separately or paying the parking fee-in-lieu costs, if applicable.
- c. Revocation of Permits: Failure to comply with the shared parking provisions of this subsection shall constitute a violation of this Code and shall specifically be cause for revocation of a certificate of occupancy.

C. Flexibility

1. Satellite Parking

Satellite or off-site parking for commercial/service/institutional uses, excluding housing for the elderly uses, may be provided through a recorded easement or an agreement for shared parking as specified in Section 615-51.B4 of this Ordinance. Satellite or off-site parking may be permitted at a

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site not greater than five hundred (500) feet from the property boundaries of that use if the Planning Commission finds that the proposed parking area is easily accessible to the proposed development and includes a safe, accessible pedestrian connection. Any parking space dedicated to an off-site use must be signed accordingly.

2. Fee-In-Lieu of On-Site Parking

The Planning Commission may permit fulfillment of all or part of the parking requirement in the B-2 Central Business District, to be satisfied through the payment of a fee-in-lieu of on-site parking, a fifteen (15) year renewable lease agreement or a combination of these alternatives, when on-site parking is impractical due to site conditions and it is determined that public parking facilities are located within 500 feet of the property boundaries and that such parking facilities are easily accessible and include a safe, accessible pedestrian connection. Appropriate signs indicating the location of off site parking shall be posted. Fees shall be determined by statute based upon a per space cost. Parking fee-in-lieu payments shall be used for development of parking facilities through the Town's Parking Enterprise fund.

Fee in lieu of on site parking spaces, a fifteen (15) year renewable lease agreement or a combination of these alternatives may be provided by an applicant in the B2A Central Business Gateway District or the B3A General Business District in situations where the application of the parking regulations would be undesirable or impractical and it is determined that public parking facilities are located within five hundred (500) feet of the property boundaries and that such parking facilities are easily accessible to the proposed development and include a safe, accessible pedestrian connection. The alternative parking provisions shall not exceed fifty percent (50%) of the required on site parking.

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This section shall not apply to applications for alterations, repairs or renovations, but shall apply to new buildings, replacement buildings and expansions. For expansions, only the expansion area shall be considered in calculating parking requirements.

3. Parking and Loading Space Reduction

Upon receipt of an application for parking or loading space waiver, a public hearing shall be scheduled before the Board of Appeals. A waiver or reduction of the parking and loading requirements in any district may be permitted by the Board of Appeals whenever the character or use of the building is such as to make full provision of the specific parking and loading requirements unnecessary, or where adequate community loading facilities are provided on site; or where due to problems of access or to the size of the lot, the provision of the required loading spaces is impractical.

a. In permitting such a waiver for new construction, the Board of Appeals must find the following:

[i] The requirements for parking and loading would result in particular or exceptional difficulties upon the owner of such property; and

[ii] such relief can be granted without substantial impairment of the intent or purpose of this article.

b. In permitting such a waiver for existing buildings, the Board of Appeals must find the following:

[i] Proposed new use of the building would normally require fewer parking spaces than the prior use;

[ii] the reduced number of parking spaces will be adequate to accommodate the proposed use; and

[iii] any such reduction in required parking spaces shall be restricted to such proposed new use only and shall

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not operate to permit a later occupancy of such building if the use is substantially changed or enlarged, unless approved by the Board of Appeals.

- c. In permitting mixed use development, the Board of Appeals may reduce the cumulative parking space requirements after reviewing a parking impact study, the Board of Appeals must find the following:

[i] The peak requirements of several occupants occur at different times during the day; and

[ii] the Board of Appeals determines the findings of the parking study prepared by a qualified consultant, supports the requested reduction and that no adverse impact will be caused by the reduction.

- d. A copy of the Board of Appeals decision on any approved parking and loading space reduction shall be attached to the building permit and/or any final use and occupancy permit.

D. Parking Space Dimensions

Each off-street parking space shall measure nine (9) feet in width by eighteen (18) feet in length. Parking spaces for the physically handicapped shall meet the American's with Disabilities Act (ADA) requirements. Parking garage spaces shall be eight and one-half (8.5) feet in width and eighteen (18) feet in length.

E. Required Aisle and Driveway Widths

1. Parking area aisle widths shall conform to the following table, which varies the minimum width requirement according to the angle of parking.

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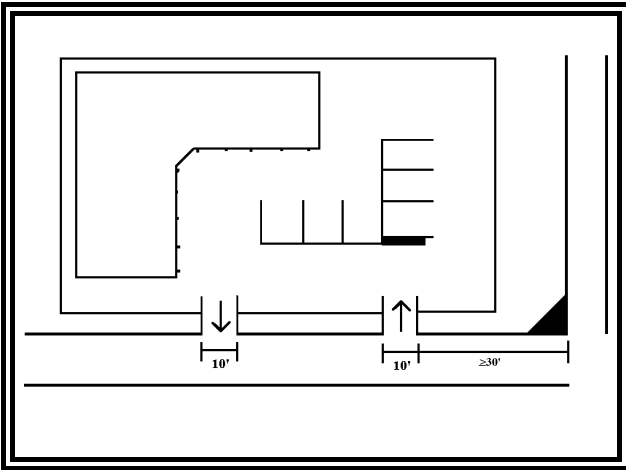
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Aisle Width (feet)	Parking Angle			
	0 degs.	45 degs.	60 degs.	90 degs.
One-Way Traffic	13	18	18	21
Two-Way Traffic	20	20	22	24

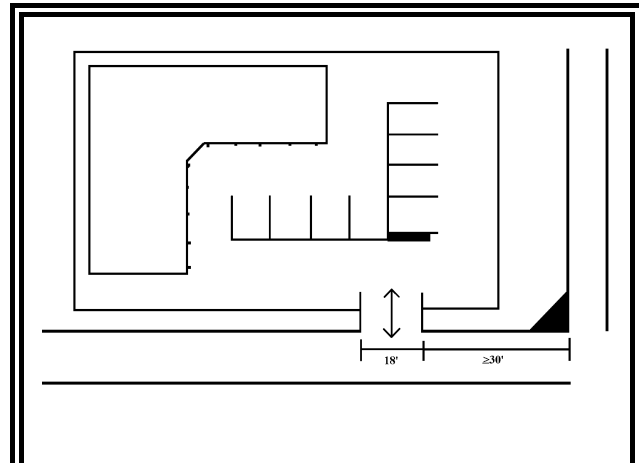
2. Driveway access to a parking area shall not be less than twelve (12) feet in width for one-way traffic and eighteen (18) feet in width for two-way traffic, except that twelve (12) foot wide driveways are permissible for two-way traffic when sufficient turning space is provided, as determined by the Director of Public Works, so that vehicles need not back into a public street.

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**One Way Traffic Entrance/
Intersection Distance**



**Two Way Traffic Entrance/
Intersection Distance**

3. Access shall be a minimum of thirty (30) feet from any intersection.
4. Curb cuts should be eliminated or minimized to the greatest extent possible through shared driveways with adjacent property.

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F. Parking Lot/Driveway Design, Construction And Maintenance

1. General Requirements

- a. Unless no other practicable alternative is available, as determined by the Director of Public Works and the Zoning Administrator, vehicle accommodation areas shall be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one (1) or two (2) dwelling units, although backing onto arterial streets is discouraged.
- b. Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- c. Every Vehicle Accommodation Area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction. Bumper rails or other means may be required to ensure this provision.
- d. Parking lots with ten (10) or fewer spaces located in a residential district may be constructed of stone pavers or a similar hard, pervious surface, subject to review and recommendation of the Director of Public Works and Planning Commission approval.
- e. Access to parking areas shall be designed so as not to obstruct free flow of traffic. There shall be adequate provision for ingress to and egress from all parking spaces to ensure ease of mobility, ample clearance and safety of vehicles and

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pedestrians. The stacking of parking spaces may be approved in certain circumstances by the Planning Commission if the applicant can demonstrate that there will be no adverse impact on the use and circulation pattern of the parking area.

- f. Parking areas shall be suitably landscaped to minimize, glare and other nuisance characteristics as well as to improve the environment of the site and surrounding area. Large parking lots shall be broken into sections as appropriate for the type and size of the development. Sections shall be separated by landscaped dividing strips, berms and similar elements.

Specific landscape and buffer requirements for parking areas are delineated in Section 8.

- g. Any parking area required herein shall be continually maintained in good serviceable condition with striping clearly visible so as to be safe, attractive and free of any hazard, nuisance or other unsafe condition. Commercial parking areas shall be maintained to assure customer safety. All potholes or similar hazards shall be repaired promptly upon written notification by the Town. In no case shall such conditions exist for more than thirty (30) days.
- h. Parking of vehicles in areas other than a driveway, garage, parking pad, parking lot or other Town approved parking area shall be prohibited. Further, the parking of vehicles on any grass area in any yard area shall be prohibited.
- i. No more than twenty-five percent (25%) of the front yard area on the collector road shall be used for drives. Rear and side yard parking is encouraged.
- j. Parking and vehicular access shall be clearly identified. A plan indicating proposed traffic calming devices, such as speed limits, parking area signage and speed humps, shall be

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included on the site plan to be submitted for review and approval.

- k. Parking area lighting shall be provided that does not glare onto adjacent properties, compliments the building(s) design and parking lot design and circulation, and is compatible with the scale of adjacent buildings.
- l. Vehicular access shall be from the side streets where possible provided that traffic is not directed through an abutting residential district. Traffic mitigation measures designed to minimize or eliminate negative impacts of traffic movement shall be used wherever possible.

2. Residential District Requirements

- a. In a residential district, driveways shall not exceed twenty (20) feet in width.

The remaining required front yard area must be maintained in grass, ground cover or other landscape material.

3. Non Residential District Requirements

- a. A parking management plan shall be submitted for all parking areas designed to accommodate twenty-five (25) vehicles or more. This plan shall specify the proposed layout, circulation, signage, drainage, access, traffic arrows (if applicable), pedestrian walkways, lighting and internal and peripheral landscaping for the parking area. The plan is subject to review and approval or modification by the reviewing body.
- b. All commercial/service use parking areas shall provide a minimum of three (3) parking spaces and be paved with a dust-free material and graded to accommodate proper surface water runoff and vehicle access. Alternative pervious paving

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surfaces may be considered in designated overflow parking areas. Such surfaces are subject to Planning Commission approval and must satisfy Harford County Road Code. Parking lot grade shall not exceed five percent (5%). Where inconsistencies between this provision and the requirements of the American with Disabilities Act (ADA) exist, ADA requirements shall apply. In no instance shall the driveway grade be greater than ten percent (10%).

- c. No part of any commercial parking space shall be closer than five (5) feet to any established street rights-of-way or alley line. In cases where a commercial or industrial parking lot adjoins an "R" District, the parking area shall be limited to the side and rear yard areas. A landscape buffer shall be provided between the parking area and the adjacent residential property that effectively screens the parking from the residential property.
- d. Bicycle parking facilities shall be provided for all non-residential parking areas designed for ten (10) or more vehicles. This shall include at least one (1) bicycle rack. The location and description of the rack shall be shown on the preliminary plan.
- e. Commercial parking lots shall be brought to minimum standards prior to issuance of use and occupancy permit for any business use. Standards shall include, but not be limited to, buffer, landscaping, surface repairs, markings, curbing, bumper strips and safe pedestrian access as required by the Zoning Administrator.

G. Restricted Accessory Parking Area

The Board of Appeals may also authorize the establishment and operation of an off-street parking area in any "R" District that adjoins a "B" or "M" District, subject to the following conditions and

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limitations.

1. The parking lot shall be accessory to and for use of one or more businesses or industrial establishments located in the adjoining “B” or “M” District and existing at the time of adoption of this Ordinance.
2. It shall be required to serve the public interest by relieving traffic congestion in the streets on or near the premises in question by tending to reduce the amount of traffic or parking on residential streets, or by tending to promote more safety for children or pedestrians.
3. The parking lot shall provide parking space for no more than twenty five (25) vehicles.
4. It shall be located on a lot which is adjacent to a “B” or “M” District.
5. No charge shall be made for parking or storage of vehicles.
6. Where possible, entrances and exits shall be located within the adjoining businesses or industrial district. Alternatively, the entrances and exits shall be located as far as practicable from adjacent residential properties.
7. The application shall be accompanied by the names and addresses of all property owners within two hundred (200) feet of the proposed lot in question, who shall be given the opportunity to be heard at a public hearing by the Board of Appeals in connection with the consideration of such application.
8. In addition to the above requirements and those of this Article, the Board of Appeals may prescribe further requirements or conditions deemed necessary or desirable in respect to surfacing, marking, signage, lighting, wall, fencing or planting for protection

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of the adjacent property.

H. Required Off-Street Parking By Use/Activity

Unless otherwise noted, the basic measuring unit shall be the Gross Leasable Space of the use.

<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>AMUSEMENT/ENTERTAINMENT</u>	
Adult Bookstore and/or Adult Entertainment Center	1 per 200 sf
Arenas/Stadiums	1 per 3 seats
Bowling Alleys	4 per lane
Amusement Center	1 per 200 sq. ft.
Country Clubs, Golf, Tennis, Swim Clubs	1 per 3 persons permitted under the State Fire Code
Ice/Roller Rinks	1 per 100 sq. ft.
Night Clubs, Lounges, Bars, Taverns	1 per 3 persons permitted under the State Fire Code
Recreation, Indoor	1 per 200 sq. ft.
Theaters	1 per 3 persons permitted under the State Fire Code

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>INDUSTRIAL</u>	
Industrial Uses (unless specified otherwise)	1 per 400 sq. ft.
Fuel Storage Facilities	1 per 800 sq. ft.
<u>INSTITUTIONAL</u>	
Civic, Service Clubs, Organizations	1 per 3 persons permitted by the State Fire Code
Community Centers	1 per 3 persons permitted by the State Fire Code
Convent	1 per 2 occupants (minimum of 2) permitted by the State Fire Code
Day Care, Group	2 per six clients
Fire Stations	1 per 250 sq. ft.
Hospitals	1 per 2 beds
House of Worship	1 per 4 persons permitted by the State Fire Code
Life Care Facilities	2 per dwelling unit, unless determined by the Board of Appeals, based on evidence provided at a public hearing, the parking space requirements exceed demand

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>INSTITUTIONAL (Cont'd.)</u>	
Libraries	1 per 400 sq. ft.
Nursing Homes, Assisted Living	1 per 3 beds, plus additional spaces as determined by the Board of Appeals based on parking impact study
Post Office	1 per 400 sq. ft.
Prisons	1 per 2 employees plus public spaces as determined by the Board of Appeals based on parking impact study
Schools Elementary/Middle Schools	1 per 10 seats in main assembly room or 1 per 10 classroom seats, whichever is greater
High Schools	1 per 5 seats in main auditorium or 1 per 8 classroom seats, whichever is greater
Colleges, Universities	1 per 3 students
All other school uses	1 per 3 persons permitted by State Fire Code

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>NATURAL RESOURCES</u>	
Agricultural Products Processing	1 per 800 sq. ft.
Greenhouse/Nursery, Commercial	1 per 400 sq. ft.
<u>RESIDENTIAL</u>	
Bed and Breakfast	1 per guest room plus 1 per owner/manager
Boarding House	1 per 2 occupants (minimum of 2)
Community Shelter	1 per 2 beds (minimum of 2)
Group Homes/Halfway Houses	1 per 2 occupants (minimum of 2)
Housing for the Elderly	2.5 per dwelling unit
Multi-family apartments/condos/ townhouses	2.5 per dwelling unit
Single Family detached and semi- detached dwellings	2 per dwelling unit
<u>RETAIL AND SERVICE USES</u>	
Antique Shops/Art Galleries/ Museums	1 per 400 sq. ft.
Auction Houses	1 per 6 seats or 1 per 400 sq. ft., whichever is greater

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>RETAIL AND SERVICE USES (Cont'd.)</u>	
Banks	1 per 200 sq. ft. plus drive thru stacking space (See Section 8.04.B.8.a.iii)
Beauty/Barber Shop	1 per 100 sq. ft./or three per station, whichever is greater
Bulk Mail Service	1 per 200 sq. ft.
Car Wash & Auto Detailing	1 per full time equivalent employee (a minimum of 10)
Cleaners/Laundromat	1 per 200 sq. ft.
Convenience Goods	1 per 150 sq. ft.
Construction Supply/Services	1 per 200 sq. ft. for retail area; 1 per 800 for storage area
Feed & Grain Mill	1 per 800 sq. ft.
Fitness Centers	1 per 200 sq. ft.
Funeral Homes	1 per 50 sq. ft. (minimum of 30 spaces)
Group Services	1 per 200 sq. ft.
Hotel/Motel	1 per room plus 1 per full time equivalent employee

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
<u>RETAIL AND SERVICE USES (Cont'd.)</u>	
Medical Laboratory	1 per 200 sq. ft.
Medical Services	1 per 200 sq. ft.
Mixed Use Center	1 per 200 sq. ft. (non residential area) 1 per unit (residential area)
Motion Picture Distribution	1 per 200 sq. ft.
Motor Vehicle Sales, Service and/or Storage	1 per 300 sq. ft. (minimum of 10)
Office and Personal Services	1 per 300 sq. ft. (unless otherwise specified)
Professional Services	1 per 300 sq. ft.
Restaurant	1 per 3 patron seats or 1 per 100 sq. ft. of gross floor area, excluding food preparation area, whichever is greater, plus drive thru stacking spaces if applicable [See Section 165-53B6(a)]
Retail Uses (unless specified otherwise)	1 per 200 sq. ft.
Service Uses (unless specified otherwise)	1 per 300 sq. ft.

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<u>USE OR USE CATEGORY</u>	<u>SPACES REQUIRED</u>
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RETAIL AND SERVICE USES (Cont'd.)

Shopping Centers	
Under 400,000 sq. ft.	4 per 1000 sq. ft.
400,000 to 599,999 sq. ft.	4.5 per 1000 sq. ft.
600,000 and above	5 per 1000 sq. ft.
Spa	1 per 200 sq. ft.
Specialty Foods	1 per 300 sq. ft.
Specialty Shops	1 per 300 sq. ft.
Veterinarian/Veterinarian Clinic/Hospital	1 per 200 sq. ft.

The Zoning Administrator shall establish requirements for any use not specified above based on the requirements of the most similar use cited above.

I. Loading Areas

Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, facilities shall be provided in accordance with the requirements specified below.

1. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the minimum number and size of spaces that satisfy the standard set forth in this subsection. Retail uses, industrial uses and hospitals having a gross floor area of six thousand (6,000) square feet or more shall provide minimum off street loading as follows:

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<u>Gross Floor Area (square feet)</u>	<u>Number of Spaces</u>
6,000 – 24,999	1
25,000 – 79,999	2
80,000 – 127,999	3
128,000 – 197,999	4
198,000 – 255,999	5
256,000 – 319,999	6
320,000 – 391,999	7

For each additional 72,000 square feet or fraction thereof, of gross floor area, one (1) additional loading space shall be provided.

2. Every public assembly use such as auditoriums, office buildings, funeral homes, restaurants, theaters and hotels of 30,000 square feet or more shall provide off-street loading facilities as follows:

<u>Gross Floor Area (square feet)</u>	<u>Number of Spaces</u>
30,000 to 119,999	1
120,000 to 197,999	2
198,000 to 290,999	3
291,000 to 389,999	4
390,000 to 488,999	5
489,000 to 587,999	6
588,000 to 689,999	7

For each additional 105,000 square feet, or fraction thereof, of gross floor area, one (1) additional loading space shall be provided.

3. The minimum dimensions of each loading space shall be 12 feet x 45 feet and an overhead clearance of 14 feet from street grade shall be required.

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4. Loading areas (including dumpster pads) shall be so located and designed so that the vehicles intended to use them can:
 - a. maneuver safely and conveniently to and from public rights-of way; and
 - b. complete the loading and unloading operations without obstructing or interfering with any public rights-of-way, parking space, or parking lot aisle or pedestrian way.
5. No area allocated to loading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading facilities.
6. No such space shall be located closer than fifty (50) feet to any other lot in any “R” District unless wholly within a completely enclosed building or unless enclosed on all sides by a masonry wall. Such wall shall not be less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. Use of loading areas for loading and unloading of goods/materials adjacent to residentially zoned property shall be prohibited between the hours of 11:00 p.m. and 7:00 a.m.

§165-52 OPEN SPACE AND RECREATION

Residential subdivision or site developments in Bel Air shall be required to provide open space and to dedicate land necessary for completion of the pedestrian trail network adjacent to newly developed properties as described in Article IV and V of the Town of Bel Air Comprehensive Plan. Developed open space shall be designed to provide active recreational facilities to serve the residents of the development. Undeveloped open space shall be designed to preserve important site amenities and environmentally sensitive areas. In addition, or in lieu of provision of open space and if approved by the Board of Town Commissioners, the applicant may contribute to the Town Open Space Recreation Fund.

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- A. Minimum Requirements
1. Amount of Open Space Required. A minimum of fifteen percent (15%) of the tract proposed for development shall be set aside for developed and undeveloped open space.
 2. Size of Open Space Parcels. Useable open space shall be a minimum of forty percent (40%) of the required open space area. This open space area shall be useable for active recreation, such as swimming pools, tennis courts, tot lots, outdoor racquet courts, parcourses, hike/bike trails, ballfields and other similar activities. Water bodies shall not exceed fifteen percent (15%) of the required open space area. Active recreation space shall be dry, reasonably flat and accessible. At least half of the land shall not exceed a grade of three percent (3%). Land must be configured to provide adequate space for active recreation facilities, as determined necessary by the Planning Commission.
 3. Location of Open Space Parcels
 1. Developed Open Space. The Planning Commission may require the installation of recreational facilities, taking into consideration:
 - a. The character of the open space land;
 - b. The estimated age and the recreation needs of persons likely to reside in the development;
 - c. Proximity, nature, and excess capacity of existing municipal recreation facilities; and
 - d. The cost of the recreational facilities.

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- e. The Planning Commission shall determine specific open space and/or recreation requirements based upon needs as assessed by the Town of Bel Air Comprehensive Plan. Among determinants of need will be standards of the Bel Air Park Classification System as described in Article V of the Community Facilities Element of the Town of Bel Air Comprehensive Plan.
- f. Accessibility – Open Space – Recreation sites must be accessible in terms of safety as well as distance traveled by users.

- 2. Undeveloped Open Space. As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the Planning Commission may require a developer to make other improvements including, but not limited to removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.

B. Maintenance And Ownership

Open space and recreation facilities shall include provisions for maintenance and ownership as stipulated in Section 165 of the Town of Bel Air Development Regulations. Should use or ownership of property upon which the open space is located change, open space requirements shall be re-evaluated.

C. Fee In Lieu of Open Space

The Planning Commission may permit the open space requirements to be satisfied through the payment of a fee-in-lieu of on-site

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recreation area when provision of on-site open space is impractical due to site conditions. Fees shall be determined by statute based upon a per acre cost for active and passive recreational open space.

Open space fee-in-lieu payments shall be used for development of recreational space/facilities through the Town's Recreational Open Space Fund.

§165-53 PERFORMANCE STANDARDS AND DEVELOPMENT GUIDELINES
BY USE

A. Purpose

The following standards and guidelines are intended to implement the purpose of the Town's zoning districts as noted in Section 3 of this Article, to promote quality development, to add consistency and predictability to the permit review process, and to reinforce the Town's Comprehensive Plan Land Use goals and objectives. This section not only specifies the Performance Standards required for the specific uses but also includes guidelines intended to articulate the community's goals and objectives for new development and redevelopment.

All Performance Standards and Guidelines must be addressed by an applicant. The Performance Standards are mandatory and offer relatively little flexibility unless choices are provided within the statement itself. The Guidelines are meant to be applied, but with some flexibility. The Town will consider design or development features that are equal to or better than that stated, so long as the intent is satisfied. The applicant assumes the burden of proof to demonstrate how a proposal meets this test and determination will be made by the reviewing body.

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B. General Performance Standards and Development Guidelines by Use

The following Performance Standards and Guidelines apply in all districts:

1. Where not explicitly addressed as a condition of use approval, the integration of pedestrian sidewalks and pedestrian friendly design shall be required in any application for development.
2. The applicant shall provide written confirmation that the proposed use will conform to all requirements of applicable Federal, State and local reviewing agencies and will be operated in strict compliance with laws and regulations applicable to the use.
3. Except for single family residential uses, all trash and refuse shall be stored in a self enclosed storage area. Dumpster areas, loading areas and other unsightly elements shall be screened from view. Trash and debris shall be removed from premises and lot shall be cleared of same regularly.
4. The proposed site shall be of sufficient size to accommodate the use without adversely affecting adjacent land uses.
5. A lighting plan shall be submitted to the Director of Public Works for review and approval. When a site is adjacent to an R district, lights on the site, buildings and signs shall be shielded to minimize glare on adjoining residential uses.
6. Pedestrian areas shall be protected with landscaping and curbs that are integrated into the overall site design.
7. Building entrances shall be linked to sidewalks and parking areas by means of a safe and convenient well lit walkway system.

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8. The applicant shall demonstrate that the use will be safe and will not create a nuisance due to traffic, noise, etc. or create adverse impacts on the use or development of the surrounding properties due to noise, odor, traffic or lights. The use shall not adversely affect the use of other property in the immediate neighborhood.
9. The applicant shall identify all proposed noise generating uses or design elements and specify how noise levels will be mitigated.
10. The subject property shall have frontage on, and direct vehicular access to, an existing street with sufficient capacity to accommodate the type and amount of traffic generated by the requested use. Vehicular access shall not be by means of streets internal to residential subdivisions. The reviewing agency may require a traffic impact study.
11. Proposed development adjoining historic structures or sites shall be compatible in color, size, material and mass with such historic properties.
12. Buildings shall be architecturally compatible in quality, texture, finish, size, shape, style, roof lines and alike materials. All sides of the use shall have the same architectural features or shall be architecturally compatible with the building group or neighborhood with which it is associated.
13. Roof top mechanical equipment shall be screened from public view.
14. Fences and retaining walls shall be designed to be consistent in materials and quality to that of the building and the adjacent properties.

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Guidelines

1. New buildings are encouraged to include green building standards during construction to minimize impacts on public water, sewer and stormwater facilities.
2. Buildings should be designed to compliment and contribute to the neighborhood in terms of shape, style, roof line, color and materials.

C. Use Category Performance Standards and Guidelines

1. AMUSEMENT/ENTERTAINMENT

All amusement/entertainment uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

1. The applicant shall identify any hazardous materials or explosive materials that may be stored on site and describe measures to be taken to assure public safety.

In addition, specific amusement/entertainment uses listed below shall be subject to the following:

(i) ADULT BOOKSTORES AND/OR ADULT
ENTERTAINMENT CENTERS

a. Performance Standards

1. No lot on which such establishment is located shall be located within 1,000 feet of the property line of any institutional or residential use.

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2. The merchandise shall be arranged to ensure that no merchandise depicting, describing, showing or relating to sexual conduct, sexual excitement, sadomasochistic abuse or human genitalia is visible from the outside of the establishment.
3. No use on which such an establishment is located shall be located within 1,000 feet of an existing adult bookstore/adult entertainment center.
4. The hours of operation shall not include any time periods between 10 p.m. and 10 a.m.

(ii) AMUSEMENT CENTERS AND INDOOR RECREATION FACILITIES

a. Performance Standards

1. Such a use shall not be located closer than one thousand (1,000) feet from any school building, exclusive of temporary structures. In addition, except when located under the roof of a shopping center, such use shall not be located within one hundred (100) feet of any adjoining property which is in an R district.
2. Such use shall be established only after approval by the Planning Commission of a plan setting forth acceptable rules for the operation of the establishment. Such plan shall specify procedures to preclude illegal gambling and loitering, regulations regarding the use of the establishment by school age children, and procedures for the enforcement of the rules.
3. The Planning Commission shall impose such conditions and restrictions as it may deem

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necessary to assure that the use will be compatible with and will not adversely impact the adjacent area.

Such conditions and restrictions may include, but need not be limited to, the following:

- (a) Hours of operation.
- (b) Number of adult attendants required to be on the premises at all times.
- (c) Size of the establishment and the number of amusement machines.

(iii) COUNTRY CLUBS, GOLF, TENNIS, SWIM CLUBS/FITNESS CENTERS

a. Performance Standards

- 1. Off-street parking and loading areas, swimming pools, tennis courts, golf tees and maintenance facilities shall be screened to provide an effective visual, buffer from adjoining uses.

(iv) NIGHT CLUBS, LOUNGES, BARS, TAVERNS

a. Performance Standards

- 1. The use shall not be located closer than three hundred (300) feet from any school building, exclusive of temporary structures.
- 2. The Planning Commission shall impose such conditions and restrictions as it may deem necessary to assure that the use will be compatible with and will not adversely impact

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the adjacent area. Such conditions and restrictions may include, but need not be limited to the following:

- (a) number of attendants required to be on the premises at all times
- (b) hours of operation
- (c) size of establishment
- (d) plan for clearing trash/debris from surrounding parking lots
- (e) use of outdoor portion of property
- (f) alternative parking or valet service provisions

2. INDUSTRIAL USES

All industrial uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

- 1. All manufacturing operations (except for permitted outdoor storage) shall be located in a wholly enclosed building unless specifically authorized by the Planning Commission.
- 2. The release, disposal, or storage of waste materials shall not be visible from off-site. All trash and refuse shall be stored in a self contained/enclosed storage area.
- 3. There shall be no outdoor storage of the finished product unless such storage is authorized by the Planning Commission. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.
- 4. Raw materials, waste products, and other by-

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- products associated with the process shall be identified by the applicant prior to approval.
5. Outdoor storage of raw materials, waste products, and other by-products may be permitted. The outdoor storage area shall be effectively screened by opaque fencing, screening or landscaping. The height of the stored materials shall not exceed the height of the screening. The general location, type and extent of all proposed storage screening shall be shown on the site plan. Unsafe storage of waste or hazardous material that creates a pollution threat or fire hazard, or is an attraction to rodents or insects is not permitted.
 6. The hours of operation shall be specified.
 7. Provisions shall be made for the control of noxious and offensive odors, air pollution, water quality, and noise generated by the proposed use.

(b) Guidelines

1. All stored goods, merchandise, vehicles or implements should be secured against theft, vandalism or loss.
2. To the extent possible, all storage should be limited to the rear of the principal building.

In addition, specific industrial uses listed below shall be subject to the following:

(i) FUEL STORAGE FACILITIES

a. Performance Standards

1. Gasoline or diesel fuel storage facilities shall be permitted, maintained and decommissioned in accordance with Title 26, Subtitle 10 "Oil

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Pollution and Tank Management” of the Code
of Maryland Regulations.

3. INSTITUTIONAL USES

All institutional uses, except Parks and Recreation areas, are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

1. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.
2. Institutional establishments adjacent to an existing residential use shall meet the following standards:
 - a. Deliveries, loading, idling or similar operations shall not occur between 11:00 p.m. and 7:00 a.m. unless the activity occurs within a loading bay or on the street side of the retail establishment.
 - b. Trash removal, compaction or similar operations shall not be permitted between 11:00 p.m. and 7:00 a.m.
 - c. Operating refrigeration trucks is prohibited from parking areas adjacent to residential districts between 11:00 p.m. and 7:00 a.m. unless operated on the street side of the establishment.

b. Guidelines

1. The applicant should provide a written explanation of the character of the facility, the program's policies,

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goals, means proposed to accomplish these goals, characteristics of the service population and number of Town/County residents to be served, operating methods and procedures, and other aspects pertinent to the facility's program and how the facility will impact the neighborhood.

2. The reviewing agency/body may require a parking impact study if deemed necessary to assure the adequacy of the proposed number of parking spaces.

In addition, specific institutional uses listed below shall be subject to the following:

(i) CEMETERIES

a. Performance Standards

1. Graves shall be considered as structures for the purpose of determining setbacks from property lines and in no case shall the graves be located closer than seven and a half (7 ½) feet from the property lines.

b. Guidelines

1. The applicant should provide walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening.

(ii) CIVIC SERVICE CLUBS, FRATERNAL ORGANIZATIONS

a. Performance Standards

1. The facility shall be under the control and

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direction of a duly constituted governing body.

2. The Board of Appeals may specify hours of operation or other conditions deemed necessary to adequately protect nearby property owners.

(iii) CLUSTER MAILBOXES

a. Performance Standards

1. The unit shall be located to provide easy access for the postal carrier and to assure adequate traffic and pedestrian visibility.

b. Guidelines

1. The unit should be designed to compliment the architectural style of the neighborhood.

(iv) COMMUNITY CENTERS

a. Performance Standards

1. The facility shall be under control and direction of a duly constituted governing body composed, at least in part, of residents of the area intended to be served by the facility.

(v) DAY CARE, GROUP

a. Performance Standards

1. The Board of Appeals or reviewing agency may prescribe specific conditions determined necessary to minimize effects of use on

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neighboring properties given identification of concerns specific to a particular site.

2. In the case of child day care, the applicant shall provide one hundred fifty (150) square feet of useable outdoor recreation area for each child that may use this space at any one time. Such useable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Useable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
3. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

(vi) FIRE STATIONS

a. Performance Standards

1. The applicant shall make provisions to ensure safety in the area surrounding the facility which may include additional traffic control devices, i.e. signal lights, signs, pavement painting. Adequate area for operation of all equipment shall be provided. Adequacy standards shall include, but not be limited to, turning radii necessary for emergency equipment and/or paving type for particular equipment.
2. Environmental considerations shall be addressed fully. This shall include minimizing noise of the facility, minimizing impact of lighting upon adjacent properties, screening

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parking areas and equipment storage areas from adjacent uses as determined necessary by the Board of Appeals.

(vii) HOSPITALS

a. Performance Standards

1. All structures shall be located at least two hundred (200) feet from any adjacent residential lot.
2. All parking areas shall be located at least fifty (50) feet from any adjacent residential lot.
3. A minimum of twenty-five percent (25%) of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents of the neighborhood and protective of natural features.

b. Guidelines

1. Accessory uses may include, but not be limited to, recreational and educational services, therapy areas, retail stores, personal and professional services, and health services.

(viii) HOUSES OF WORSHIP

a. Performance Standards

1. Building(s) shall be designed to assure safe vehicular and pedestrian circulation. A traffic study may be required by the reviewing agency.

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b. Guidelines

1. Structures used primarily for religious activities may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one (1) foot for each foot by which such structure exceeds the height limitation.

(ix) LIFE CARE FACILITIES/ASSISTED LIVING

a. Performance Standards

1. Parking and loading shall be provided at the rear of the site.
2. Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons shall be available to residents or provided on the site for residents.
3. Business uses which may be permitted as accessory uses shall be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities shall be visible from the periphery of the site.

b. Guidelines

1. The Board of Appeals may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

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(x) NON-PROFIT DROP-OFF CENTERS

a. Performance Standards

1. Applicant shall fully describe proposed use to the satisfaction of the Board of Appeals, and shall establish that the use will not cause interference with pedestrian or vehicular traffic.
2. The description shall include the operating schedule of the center and the number of attendants available at each shift operated by the center.
3. Applicant shall specify method for removal of trash and debris and shall describe how this will be accomplished.

(xi). NURSING HOMES

a. Performance Standards

1. Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons shall be available to residents or provided on the site for residents.
2. All parking areas shall be located at least fifty (50) feet from any adjacent residential lot.
3. A minimum of twenty-five (25) percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the residents and protective of natural features.
4. Open space areas, recreational facilities and other accessory facilities shall be developed in each phase of development to meet the needs

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of the residents. The developer shall provide a schedule for the installation of facilities at the time the special exception is approved.

b. Guidelines

1. Accessory uses in residential districts may include recreational and educational services, therapy areas, retail stores, personal and professional services and health services. In commercial/industrial districts, accessory uses shall be based on uses permitted in the district.

(xii). PARKS AND RECREATION AREAS

a. Performance Standards

1. A plan of proposed use shall be submitted to the Planning Commission for review and comment.
2. No structure associated with the use shall be located closer than fifty (50) feet from any residential lot line.
3. The park shall have adequate frontage on a public street of sufficient capacity to provide safe access and convey anticipated traffic.

b. Guidelines

1. Special consideration shall be given to traffic safety. Protective methods may be required including fencing along roadways, and/or additional require-

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ments to ensure the adequacy of sight distance for the particular use.

2. Taking into account safety, noise, dust, glare, and traffic factors, the Planning Commission may prescribe additional conditions to ensure compatibility with adjacent uses.

(xiii). SCHOOLS, COLLEGES, UNIVERSITIES

a. Performance Standards

1. If the school offers general academic instruction below college level, an outdoor play area (or other outdoor activity area) shall be required which shall meet minimum State requirements for such outdoor play area. The area shall be located at least twenty-five (25) feet from any adjoining lot.

b. Guidelines

1. The Board of Appeals may specify the maximum number of students to be enrolled. Enrollment shall mean the total number of students enrolled at any one time. If there are separate morning, afternoon and evening sessions, each one of which is attended by different students, enrollment shall mean the number of students enrolled in the session having the largest number of students.

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4. NATURAL RESOURCE USES

All natural resource uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

1. The release, disposal, or storage of waste materials shall not be visible from off-site. All trash and refuse shall be stored in a self contained/enclosed storage area.
2. There shall be no outdoor storage of the finished product. Bulk storage of the finished product in a wholly enclosed building shall be considered an accessory use.
3. Raw materials, waste products, and other by-products associated with the process shall be identified by the applicant prior to approval. Outdoor storage of raw materials, waste products, and other by-products may be permitted. The outdoor storage area shall be effectively screened from any adjacent land in any residential zone, or land proposed to be used for residential purposes. The general location, type and extent of all proposed screening shall be shown on the site plan.
4. An impact statement shall be submitted explaining:
 - (a) The proposed architectural design (graphic or narrative) of all buildings and structures.
 - (b) The scope of the operation.
 - (c) The proposed hours of operation.
 - (d) The provisions to be made for the control of noxious and offensive odors.
 - (e) The air pollution, water quality and noise control measures to be taken.
 - (f) The type and amount of traffic expected to be generated.
 - (g) The compatibility of the use with the surrounding areas.

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5. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan.

In addition, specific natural resource uses listed below shall be subject to the following:

- (i). Mining and Mineral Extraction
 - a. Performance Standards
 1. All mining and mineral extraction operations shall be reviewed by the Planning Commission.
 2. The applicant shall demonstrate that the proposed extraction will not have an adverse impact on the nearby property owners. In determining the impact on property owners, the Planning Commission shall consider the following: dust, noise, vibration, traffic generation, odor and fumes.
 3. The applicant shall be responsible for restoring the area with a minimum of two (2) inches of topsoil. A plan for such restoration shall be submitted to the Director of Public Works for approval prior to any mining or extraction operation.
 4. Exposed land shall have a slope not greater than 3 to 1. A grading plan shall be submitted with the site plan, showing existing and proposed ground elevations on the site, adjacent land, and all abutting streets.
 5. A traffic analysis shall be required as part of the Planning Commission application which shall include the following:
 - (a) Expected volume of traffic generated by the operation;
 - (b) Streets to be used to access the site;
 - (c) Identification of driveways or access points

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located so as not to endanger pedestrians or create traffic hazards; and

- (d) Identification of material used in construction of the driveway or access.
- 6. All operations shall be screened, including outdoor storage of machinery and equipment, from adjacent land or streets. The Planning Commission shall consider use of techniques for noise attenuation in reviewing applications.
- 7. The Site Plan shall include an estimate of the time required for the removal of the material and return of the site to a condition suitable for development.

5. RESIDENTIAL USES

All residential uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

- 1. Applicant shall provide description (graphic or narrative) of the proposed architectural design.
- 2. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan. If a deck is not included on the site plan proposal for single or multi family residential units, the rear or side yard setback shall be increased to allow future construction of a deck at least ten (10) feet x twenty (20) feet in size.
- 3. A twenty-five (25) foot landscaped buffer shall be provided between the road rights-of-way and the rear lot line of any residential building backing on an arterial or collector street. The buffer shall include landscaping as directed in Section 8 of this Article.
- 4. No dwelling shall be occupied by more than one (1)

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person for every two hundred twenty (220) square feet of habitable space. Persons sharing dwellings or beds on a rotating or shift basis shall each be counted as separate occupants for purposes of this requirement.

In addition, specific residential uses listed below shall be subject to the following:

(i). BED AND BREAKFAST

a. Performance Standards

1. No separate kitchens shall be provided for guests.
2. Parking and loading shall not be provided in the front yard.
3. An operable fire alarm shall be placed on each floor, including the basement.
4. The owner or operator must maintain his or her residence on site or an employee must be on site when facility is occupied by guests.
5. A minimum of one full bathroom with lavatory, toilet and shower or tub, or combination thereof, shall be available for every two guest rooms.

b. Guidelines

1. The dining area of the bed and breakfast may be rented for special catering events.

(ii). BOARDING HOUSE

a. Performance Standards

1. Facilities for dining shall be in a common location customarily used by a single family in the structure. Separate kitchens for residents shall not be provided. Meals shall be provided for boarding house residents and

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- guests only.
2. Parking and loading shall not be provided in the front yard.
 3. The owner or operator must maintain his or her residence on site.
 4. An operable fire alarm shall be placed on each floor, including the basement.

(iii).COMMUNITY SHELTER

a. Performance Standards

1. Statement shall be submitted by the property owner or manager explaining the character of the facility, the programs, policies, goals, means proposed to accomplish these goals, characteristics of the service population and number of residents to be served, operating methods and procedures, hours of operation and any other aspects pertinent to the facility's program.
2. A supervisor shall be on the premises at all times to assist residents with specialized needs.
3. An operable fire alarm shall be placed on each floor, including the basement.

(iv). COTTAGE HOUSING

a. Performance Standards

1. Use shall be limited to immediate family members of the occupants of the principal use.
2. Use shall discontinue as soon as the designated "cottage housing" is vacated by immediate family.
3. The parcel on which the apartment is located must be a minimum of 8,750 square feet.
4. The cottage housing occupant must be at least 62 years old or have a disability substantiated by a physician's

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statement.

5. The lot owner must submit an additional statement every two (2) years from a physician verifying lot owner's or the occupant's continuing disability.
6. The use shall terminate if the property is transferred or assigned the required physician's statement is not submitted by the due date or there is no longer a need for the apartment.

(v). DAY CARE

a. Performance Standards

1. In the case of child day care, the applicant shall provide one hundred fifty (150) square feet of useable outdoor recreation area for each child that may use this space at any one time. Such useable outdoor recreation area shall be identified on the site plan and shall be sufficiently buffered from adjacent residential areas. Useable outdoor recreation areas shall be limited to the side and rear yard of the property. Recreational areas shall not include the required front yard of the property or any off-street parking areas.
2. All such uses shall be located so as to permit the safe pickup and delivery of all persons on this site.

b. Guidelines

1. The Board of Appeals or reviewing agency may prescribe specific conditions determined necessary to minimize effects of use on neighboring properties given identification of concerns specific to a particular site.

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(vi). GROUP HOME/HALFWAY HOUSE

a. Performance Standards

1. No more than two (2) unrelated residents shall receive on going, on-site medical care. Otherwise, the use shall be treated as a life care unit, nursing home or assisted living facility and regulated as such.
2. The use shall have an operable fire alarm and smoke detector on each floor, including the basement.
3. A supervisor shall be on the premises at all times to assist residents.

(vii). HOME OCCUPATIONS

a. Performance Standards

1. The home occupation shall be clearly incidental and subordinate to the residential use. The floor area used for the home occupation shall not exceed three hundred (300) square feet unless additional area is approved by the Board of Appeals.
2. The home occupation shall be conducted within the dwelling unit or an accessory building on the property. No outdoor advertisement, display or storage of materials, goods, supplies or equipment used in the home occupation shall be permitted on the premises. No commercial vehicles, noise, dust, fumes or other nuisances emitting from the premises shall be permitted.
3. The residential character/appearance of the dwelling unit and/or accessory structures shall not be altered to accommodate a home occupation.
4. Only persons residing in the home shall provide business services associated with the home occupation on the premises. The total of all employees, inclusive of family members, shall not exceed three (3). No home occupation

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shall be open to the public between 9:00 p.m. and 8:00 a.m.

5. No home occupation shall generate more than twenty (20) vehicle trips per day. A "trip" is defined as a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips.
6. No article or commodity shall be offered for sale at the premises.
7. Adequate off-street parking shall be provided, pursuant to Section 7 of this Article. Any additional off-street parking required for the home occupation by the Board of Appeals shall be provided in the side or rear yard of the lot and shall be screened from adjacent public roads and residential lots.
8. No goods, materials or supplies shall be delivered by commercial vehicles either to or from the premises in connection with the home occupation, except by the United States Postal Service or a delivery service. No deliveries by semi/tractor trailer trucks are permitted.
9. Illumination of the site shall be no greater than is generally used in a residential district.
10. Notwithstanding the above, home occupations shall not include automobile repair; beauty or barber shops; construction supply services; kennels, or printing business. This section is not intended to exclude a home occupation in which the resident provides administrative functions, such as bookkeeping, accounting or answering service for a business use cited above.

b. Guidelines

1. One full or part-time, non-resident employee may provide business services on the premises if the property is located in a Transition Overlay District. If the property is not in a Transition Overlay District, one non resident employee may be approved by the Board of Appeals.

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(viii) HOUSING FOR THE ELDERLY

a. Performance Standards

1. Residency in Housing for the Elderly projects shall be restricted to households having at least one (1) individual fifty-five (55) years of age or older with a spouse of any age or other persons forty (40) years of age or older. Persons under forty (40), other than a spouse, shall not reside in a dwelling unit for more than a total of thirty (30) days per calendar year. If a project will not be a rental community under single ownership, a condominium association or homeowners association shall be established to implement and maintain the age restrictions in addition to Town enforcement of development regulations. Notwithstanding the foregoing, the provisions in this paragraph shall be subject to any and all applicable federal or State laws and regulations, including, without limitation, 42 U.S.C. 3607 (b)(2), as amended, and regulations promulgated thereunder, and by Section 20 of Article 49B, Annotated Code of Maryland (1998 Repl. Vol.), and regulations promulgated thereunder (collectively, the “Fair Housing Acts”) and to the extent there is a conflict between the Bel Air Regulations on one hand and the Fair Housing Acts, on the other, the Fair Housing Acts shall control. In addition, nothing contained herein shall be deemed to prohibit any party from occupying a Unit under the age of forty (40) years if such person is (i) necessary to provide a reasonable accommodation to a person who is entitled to occupy a Unit under the Fair Housing Acts, or (ii) is a handicapped dependent of a person who is entitled to occupy a Unit under the Fair Housing Acts.
2. The developer shall provide a schedule for the installation of open space and recreation facilities at the time the special exception is approved and in each phase of the

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development to meet the needs of the residents. A minimum of twenty five percent (25%) of the site shall be set aside as a permanent open space area. Such open space shall be restricted to uses such as parks, swimming pools, tennis courts, putting greens, assembly facilities or other facility deemed appropriate by the Planning Commission.

3. Any housing development for persons fifty five (55) years of age or older with a density of greater than fourteen (14) units per acre, shall require a deed restriction requiring the property to be used as housing for the elderly for a period of not less than forty years.
4. The project shall be designed to provide a transition near the periphery of the site, either with open space areas and landscaping, or by designing the buildings near the periphery to be harmonious in density and type with the surrounding neighborhood.

b. Guidelines

1. Adequate access to medical services, shopping areas, recreational and other community services often desired by elderly and handicapped persons should be available to residents or provided on the site for residents.
2. Business uses which are permitted as accessory uses should be integrated with the dwelling units and oriented towards the interior of the project. No exterior signs or other evidence of business facilities should be visible from the periphery of the site.

6. RETAIL USES

All retail uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

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a. Performance Standards

1. The location of the subject property shall be suitable for the type and scope of development proposed, taking into account such factors as the existing urbanization of the neighborhood, traffic, and the character of surrounding properties and the neighborhood in general.
2. Any proposed retail use that will abut land in a residential zone shall include a ten (10) foot buffer from the residential parcel and be effectively screened, as required in Section 8 of this Article.
3. The applicant shall locate amenities such as lighting, seating, shelter and landscaping in attractive groupings that provide for safe and unobstructed pedestrian movement.
4. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan.
5. The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, snow piling, transformer, dumpsters and meters.
6. Retail establishments adjacent to an existing residential use shall meet the following standards:
 - a. Deliveries, loading, idling or similar operations shall not occur between 11:00 p.m. and 7:00 a.m. unless the activity occurs within a loading bay or on the street side of the retail establishment.
 - b. Trash removal, compaction or similar operations shall not be permitted between 11:00 p.m. and 7:00 a.m.
 - c. Operating refrigeration trucks is prohibited from parking areas adjacent to residential districts between 11:00 p.m. and 7:00 a.m. unless operated on the street side of the establishment.

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In addition, specific Retail Uses listed below shall be subject to the following:

(i). Restaurants

a. Performance Standards

1. Hours of operation shall be specified.
2. Trash and debris shall be removed from premises and lot shall be cleared of same regularly.
3. Drive thru restaurants shall be subject to the following additional requirements:
 - a. The use shall be designed so that pedestrian and vehicular circulation is coordinated with that of adjacent properties. A traffic impact study shall be required.
 - b. Drive thru lanes shall be marked with distinctive pavement markings and/or special striping, and shall not block exit or entry to off-street parking spaces otherwise required on the site.
 - c. Adequate spaces for stacking (line-up) at drive-thru facilities shall be provided. Specifically, seven (7) stacking spaces are required per station, five (5) of which must be located before the ordering station (intercom).
 - d. Noise from speaker systems shall be regulated to meet COMAR standards as specified in Title 26 – Department of the Environment – Subtitle 02 Occupational, Industrial and Residential Hazards – Chapter 03 Control of Noise Pollution.

(ii). Shopper's Merchandise

a. Performance Standards

1. The size and location of, and access to, the

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establishment shall be oriented toward meeting the needs of the neighborhood. In the B-1 District, Shopper's Merchandise uses shall not exceed 5,000 square feet.

(iii). Shopping Center

a. Performance Standards

1. The project shall provide a unified arrangement of buildings, service areas, parking and landscaped areas.
2. The project shall be designed with regard to the topography and other natural features of the parcel.
3. Materials, massing and facade design for the project shall be harmonious with the character of the neighborhood.
4. The internal circulation system shall be designed to minimize through traffic and traffic conflicts within the project.
5. Safe pedestrian movement and the provision of pedestrian walks within the parking lot and surrounding the building perimeter shall be considered in the vehicular plan.
6. All establishments shall have vehicular service access either from an individual service drive or from a common service yard.
7. All such service areas, loading, trash removal, compaction or similar activities, shall be segregated from public areas and screened from public view.
8. Any part of a lot not used for buildings or other structures, or paved for off-street parking, loading and maneuvering areas, drives and pedestrian walks, or incidental outside storage, shall be landscaped and properly maintained.
9. All parking lots, loading areas and outdoor storage areas shall be separated with buffer yards of at least

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- ten (10) feet from any adjacent residential districts.
10. 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.
 11. Directional and informational signs shall be adequately provided and design coordinated.
 12. Center management shall be responsible for providing on site security service.
 13. A traffic study shall be required at the time of application.
 14. Vehicular access to the subject property shall not be by means of any street internal to a subdivision for single family dwellings.

8. SERVICE USES

All service uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

a. Performance Standards

1. Any proposed service use that will abut land in a residential zone or land proposed to be used for residential purposes shall include a twenty-five (25) foot buffer from the residential parcel and be effectively screened, as required in Section 8 of this Ordinance.
2. All proposed accessory uses shall be identified and the maximum square footage allotted for each use shall be indicated on the site plan.
3. The applicant shall design and site buildings to screen from public view unsightly elements such as shipping/loading areas, snow piling, transformer,

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dumpsters and meters.

In addition, specific Service Uses listed below shall be subject to the following:

(i) Beauty Shops/Barber Shops (located in the R-O and B-1 Districts)

a. Performance Standards

1. Applicants requesting approval of a beauty shop or barber shop shall specify the number of chairs to be in operation, the number of employees to be on premises and the hours of operation.
2. The proposed use shall not exceed 5,000 square feet in gross area.
3. The proposed use shall not produce adverse effects on the use or development of the surrounding area due to noise, odor, traffic or lighting.
4. The application of permanent makeup may be permitted as an accessory use. Such use shall be subject to all pertinent COMAR standards.

(ii) Communication Tower(s)/Platforms

a. Performance Standards

1. Prior to approval of a new tower, the applicant shall demonstrate that every effort has been made to acquire space on an existing tower in the Town limits or surrounding area and that due to valid considerations including, but not limited to, location, economic, elevation, engineering or technical feasibility, no appropriate location is available.
2. The setback of such structure from the nearest property line shall be equal to or exceed one and one half (1 1/2)

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times its height above grade. The minimum setback from any boundary of a residential district, dwelling, school, church, or institution for human care, in any other district shall be two hundred (200) feet or one and one half (1 1/2) times the tower height, whichever is the greater distance.

3. The structure shall be located on a lot of at least five (5) acres.
4. The structure shall be enclosed within a locked, chain link fence or comparable wall or structure at least eight (8) feet high.
5. No signals or lights shall be permitted on towers unless required by the Federal Communications Commission or the Federal Aviation Administration.
6. Ground level equipment buildings associated with the towers shall be screened and secured from adjacent properties by landscaping and fencing.
7. Applicant shall submit an affidavit with the Board of Appeals application stating that space on the proposed tower will be made available to future users when possible.
8. An environmental impact statement including information on emission levels and the impact of the structure on the ecosystem shall be provided as evidence at the Board of Appeals hearing.
9. A non-ionizing electromagnetic radiation analysis shall be submitted for review with every application for placement of an antenna on an existing tower, or placement of a new tower. The analysis shall cite, incorporate and meet the current ANSI standards.
10. Environmental Protection Agency standards and guidelines relating to radiation emissions shall be met at all times.
11. Every five (5) years or sooner, in the event of substantial damage, a certification by a professional engineer registered in the State of MD shall be filed with the

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Department of Public Works indicating that the communication tower meets all safety requirements. Any upgrade or maintenance required to comply with any changes in the safety requirements or to maintain the safety thereof, shall be performed prior to the filing of such certification.

12. The applicant shall minimize adverse visual effects of towers through careful design, siting and vegetative screening and shall avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of tower structures.
13. The applicant shall cooperate in Town efforts to maximize the use of new communications transmission towers in order to reduce the number of towers needed.
14. A communication tower that is no longer used shall be removed from the site within one (1) year of the date that the use ceases.

(iii) Drive-Thrus: Banks and Other Similar Commercial Drive Thru Uses

a. Performance Standards

1. The use shall be designed so that pedestrian and vehicular circulation is coordinated with that of adjacent properties. A traffic impact study shall be required.
2. Drive thru lanes shall be marked with distinctive pavement markings and/or special striping, and shall not block exit or entry to off-street parking spaces otherwise required on the site.
3. Adequate spaces for stacking (line-up) at drive-thru facilities shall be provided. Specifically five (5) stacking spaces are required for first station plus two (2) for each additional station; (intercom).
4. Noise from speaker systems shall be regulated to meet COMAR standards as specified in Title 26 – Department

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of the Environment – Subtitle 02 – Occupational,
Industrial, Residential Hazard Chapter 03 Control of
Noise Pollution.

(iv) Hotel/Motel

a. Performance Standards

1. Circulation and parking shall be adequate to fulfill requirements of all proposed uses--principal and accessory. A traffic analysis shall be provided by the applicant demonstrating adequacy of the system to the satisfaction of the Planning Commission/Board of Town Commissioners.
2. The public streetscape shall be developed between the street-front building and the street curb as a safe and convenient pedestrian area with amenities such as paving, lighting, seating, shelter and landscaping located into attractive groupings that provide for safe and unobstructed pedestrian movement.

b. Guidelines

1. Accessory uses may include gift shop, beauty shop, barber shop, restaurant, cocktail lounge/night club, auditorium/meeting facilities, and similar retail stores and commercial establishments.

(v) Medical Services/Medical Clinics/Medical Laboratories

a. Performance Standards

1. Disposal of waste shall be through approved, safe means and shall be separate from regular trash disposal.

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(vi) Mixed Use Centers

a. Performance Standards

1. The applicant shall provide a unified arrangement of buildings, service areas, parking, signage and landscaping.
2. The architecture, site design, lighting and signage shall incorporate consistent design and theme elements.

(vii) Motor Vehicles and Related Service Uses/Car Wash/Auto Detailing

a. Performance Standards

1. All sales and installation facilities operations shall be conducted within a wholly enclosed building. Outdoor display of motor vehicles for sale shall be permitted if areas for this purpose are integrated into the overall site design and are compatible with the adjacent and neighboring properties. Applicant shall submit a plan indicating outdoor storage areas and screening of such areas. The Planning Commission may require additional landscape treatment to address this requirement.
2. Neighboring properties shall be protected from site illumination, noise and odor. Noise shall be regulated to meet COMAR standards as specified in Title 26 – Department of the Environment – Subtitle 02 – Occupational, Industrial, Residential Hazard Chapter 03 Control of Noise Pollution.
3. A sightly, solid wall or fence at least five (5) feet high shall be located along all property lines adjoining residentially zoned land, such wall shall contain no advertising and shall be maintained in good condition. Fenced areas shall be landscaped to provide screening from residential area.
4. The area of the lot devoted to vehicle display or storage

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shall include no more than the seventy-five (75) percent of the total lot area, exclusive of flood plains, steep slopes, or other environmentally sensitive areas.

5. The number and type of vehicles permitted on the lot shall be determined on a case-by-case basis taking into account factors such as the gross weight of the vehicle, vehicle size, nature of the vehicle (commercial, industrial, passenger, or other) impacts on adjoining properties and traffic implications of the facility.
6. A safe identifiable driving lane shall be provided within the parking lot.
7. Landscape islands, curbs and signs shall be used to clearly distinguish the parking from loading, delivery areas and driving lanes.
8. Adequate space shall be provided on site for service and delivery vehicles.
9. Landscape elements shall be provided to add visual interest and to screen unsightly areas.
10. Turning areas shall be provided in order to avoid dead-end parking situations.
11. Car Wash facilities shall provide a minimum of five (5) stacking spaces for the first station and two (2) for each additional station.

b. Guidelines

1. Display for sale or rental purposes of motor vehicles, trailers, boats, camping trailers, or other vehicles may be permitted provided that the lot on which the vehicles are parked is adequately screened from all neighboring residentially zoned land or land proposed for residential purposes by the Town of Bel Air Comprehensive Plan.

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(viii) Professional, Business, Personal and Miscellaneous Services in Transition Districts and R-O Districts shall comply with the following:

a. Performance Standards

1. Commodities offered for sale on the premises in connection with the use shall be limited to those that are secondary and incidental to the primary use, e.g. eyeglasses for optician, retail sales shall be described in a written statement submitted to the Zoning Administrator. If the Zoning Administrator determines that products offered for sale are secondary to the use and meet the intent of the regulations to limit retail sales operations in residential areas or written authorization shall be issued by the Zoning Administrator specifying approval and associated conditions.
2. No merchandise, material or equipment shall be stored outside of any structure.
3. Adequate parking facilities shall be available on site. No parking and/or loading shall be provided in the front yard setback area.
4. The property owner shall maintain the residential appearance of the dwelling or build a new building that is compatible in size, shape and scale to nearby residential units.
5. Lighting shall be kept to a minimum. No floodlighting or commercial lighting shall be permitted.

(ix) Tattooing and Body/Piercing Service

a. Performance Standards

1. Applicant shall comply with all standards regarding medical waste as specified in COMAR 10.06.06 -

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Communicable Disease Prevention - Handling, Treatment and Disposal of Special Medical Waste, COMAR 26.13.11 - Special Medical Wastes, and COMAR 26.13.12 - Standards Applicable to Generators of Special Medical Waste.

2. Applicant shall comply with OSHA Bloodborne Pathogen Standards.
3. No such use shall be located within 1,000 feet of a school nor 300 feet from a residential or institutional use other than a school.
4. No such use shall be located within 1,000 feet of an existing tattoo and/or body piercing establishment.
5. The hours of operation shall not include anytime between 9 p.m. and 10 a.m.

(x) Veterinary Clinics/Veterinary Services/Kennels

a. Performance Standards

1. Disposal of organic and/or medical waste shall be through approved, safe means and shall be separate from regular trash disposal.
2. Veterinary Services as professional office use in a residential district shall not include outdoor animal runs.
3. Veterinarian services, clinic, laboratories and kennels in the commercial and industrial districts shall be setback at least two hundred (200) feet from any residential lot line or residential use.

9. Temporary Uses

All temporary uses are subject to Performance Standards and Guidelines. These shall be addressed as specified in Section 165-53A and B of this Article and as listed below.

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a. Performance Standards

1. A temporary use permit application shall be filed specifying the use, dates and hours of operation of the activity/event.
2. Adequate arrangements for temporary sanitary facilities must be approved by the State or County Department of Health and Mental Hygiene, if applicable.
3. No permanent or temporary lighting shall be installed without an electrical permit.
4. Adequate off-street parking shall be provided and a stabilized drive to the parking areas shall be maintained.
5. The site shall be cleared of all debris at the end of the event and cleared of all temporary structures within three (3) days thereafter.
6. It shall be the responsibility of the applicant to guide traffic to parking areas and to provide adequate parking control.
7. The applicant shall be responsible for adequate crowd control.
8. Any signs posted shall conform to all applicable sign restrictions for the district.
9. The use/event shall not obstruct pedestrian or vehicular circulation.
10. A description of means to provide any necessary sanitation/maintenance provisions shall be provided to the reviewing agency for approval.
11. A certificate of insurance shall be provided to the reviewing agency.

(i) Hawkers and Peddlers

a. Performance Standards

1. All requirements of the Town Code, Chapter 272, shall be satisfied prior to operation.

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(ii) Modular Classrooms

(a) Performance Standards

1. Applicant shall fully describe proposed use/activity to the satisfaction of the reviewing agency, including the means to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation.
2. Applicant shall specify method for and ensure that removal of trash and clearing of debris and restoration of the site is to be accomplished.
3. Unit shall be totally removed from site and returned to exact previous appearance once classroom use is abandoned.

(iii) Outdoor Promotional/Sales Events/Yard Sales

a. Performance Standards

1. Any proposed display area shall be limited to ten (10) percent of the lot area or five hundred (500) square feet whichever is greater.
2. Private yard sales shall not be held for more than four (4) continuous days or more than four (4) separate times in a calendar year.
3. With the exception of special promotional or sales events requiring street closure, no goods shall be located closer than six (6) feet to the curb. No goods or merchandise shall be displayed within the intersection sight triangle, as defined in Section 165-65 of this Article.
4. The number and type of motor vehicle sales shall be determined on a case by case basis taking into account factors such as the gross weight, vehicle size, nature of vehicles, impacts on adjoining properties and traffic implications.

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(iv) Outdoor Sidewalk Cafe

a. Performance Standards

1. No building exit, entrance, or fire escape shall be obstructed by café fixtures, seating or landscape materials.
2. Lighting, except for existing building lighting, shall be restricted to table tops and shall be very low intensity.
3. Planters, if displayed, shall be in scale with the space of the adjacent sidewalk and the adjacent building. Materials shall be compatible with the adjacent building façade.
4. Sidewalk cafés shall be open to adjacent walks and may be partially enclosed by fences, planters, barriers, lattice, railings or ropes of any type.
5. Outdoor sidewalk café area shall be restricted to areas with a minimum sidewalk width of eight (8) feet. A five (5) foot sidewalk area must be maintained to allow adequate pedestrian circulation.
6. Stacking of tables and chairs on sidewalks for storage is prohibited.
7. Proof of liability insurance and submission of an agreement to hold the Town harmless in case of accidents, losses, claims, etc. is required.
8. Submission of a functional plan and design for the facility, outlining plans for operation or management, proposed use, materials, colors and signage shall be submitted for Zoning Administrator review and approval.
9. Submission of a detailed site plan showing relationship of outdoor seating to the existing building, sidewalk and any public improvements; the dimensions of the proposed outdoor seating area; and the existing and proposed circulation pattern for pedestrians shall be submitted for Zoning Administrator review and approval.
10. A description of proposed hours of operation, services to be provided, maintenance, cleaning and storage plans

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shall be submitted for Zoning Administrator review and approval.

(v) Sales/Construction Trailers

(a) Performance Standards

1. Applicant shall fully describe proposed use/activity to the satisfaction of the reviewing agency, including the means to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation.
2. Applicant shall specify method for and ensure that removal of trash and clearing of debris and restoration of the site is to be accomplished.
3. Unit shall be totally removed from site and returned to exact previous appearance within the time frame specified by the reviewing agency.
4. Sales/construction trailers shall be removed within fifteen (15) days of completion of construction project.

b. Guidelines

1. Modular Sales/Construction facilities may be permitted for eighteen (18) months. If longer duration is required, the Board of Appeals may approve the use for no more than a one (1) year period. An extension of one (1) additional year may be granted by the Board of Appeals for good cause shown.

(vi) Snowball Stands

(a) Performance Standards

1. Applicant shall fully describe proposed use/activity to the satisfaction of the reviewing agency, including the means

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to prevent interference with traffic, both pedestrian and vehicular, and shall specify the precise time during which the use shall be in operation.

2. Hours of operation shall be specified.
3. Trash and debris shall be removed from premises and lot shall be cleared of same daily.

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