

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 14

Resolution No. 76-15

Mr. David Marks, Councilman

By the County Council, September 8, 2015

A RESOLUTION to amend certain Local Open Space Waiver fees.

WHEREAS, the Department of Recreation and Parks may allow an applicant for development plan approval to pay a fee to the Local Open Space Revenue Account instead of dedicating a certain portion of land; and

WHEREAS, the Local Open Space Waiver fee was established in March 2000 as a reasonably proportionate offset for the cost to the County to acquire alternate recreational land; and

WHEREAS, the fee rates were last adjusted in May 2013; and

WHEREAS, the Department of Planning has recommended that the Council retain the existing fee structure and all exemptions; and

WHEREAS, the County Administrative Officer concurs with the recommendation of the Department of Planning; and

WHEREAS, the County Council held a public hearing, on June 1, 2015, on the report of the Planning Board which recommended an increase in Local Open Space waiver fees and recommended that any increase in fees not be applied retroactively; now, therefore

BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the fee for local open space waivers shall be:

<u>Zoning Classification</u>	<u>Fee/p Sq. Foot</u>	<u>Zoning Classification</u>	<u>Fee/p. Sq. Foot</u>
DR1	\$1.38	RC 2	\$0.22
DR2	\$2.30	RC 3	\$0.69
DR 3.5	\$3.44	RC 4	\$0.53
DR 5.5	\$3.79	RC 5	\$1.10
DR 10.5	\$4.36	RC 6	\$0.55
DR 16	\$5.74	RC 7	\$0.22
		RC 8	\$0.23
		RC 20	\$0.28
		RC 50	\$0.15

ZONING CLASSIFICATION OR USE	UNIT VALUE/SQ. FOOT	UNIT VALUE/ACRE
------------------------------	---------------------	-----------------

RAE (in a commercial revitalization district)	\$0	N/A
RAE (outside a commercial revitalization district)	\$0 (1 - 100 Units) \$5,000 (each 25 units thereafter)	N/A
CT	\$0 (1 - 100 Units) \$5,000 (each 25 units thereafter)	N/A
Domiciliary and nursing care centers	\$0	N/A
Elderly housing facilities that meet the requirements of Section 7-502(a) of The Tax-Property Article	\$0	N/A
All other elderly housing facilities	\$0 (1 - 50 Units) \$2,500 (each 25 units thereafter)	N/A
Dormitories for housing of not less than 50 students attending an accredited Higher education institution	\$0	N/A
B.M.-C.T. DISTRICT	\$2,000 PER UNIT (EXCLUDING DORMITORIES)	

AND BE IT FURTHER RESOLVED, that the fee adopted herein for the B.M.-C.T. District shall apply retroactively to a development plan filed prior to the effective date of this Resolution; except that the fees shall not apply to a development plan for which (i) an administrative law judge hearing has been held; (ii) the administrative law judge has issued a written decision approving the development plan; and (iii) the 30 day appeal period following the issuance of the written decision has expired, making the decision final. For a development plan filed prior to the effective date, the fee applicable to a development plan for which an administrative law judge hearing has been held prior to the effective date of this Resolution shall be 40 % of the fee listed herein, and the fee applicable to a development plan for which a concept plan has been filed prior to the effective date of this Resolution, but an administrative law judge hearing not yet held, shall be 75% of the fee listed herein;

AND BE IT FURTHER RESOLVED, that for any approved development plan, as may be refined, to which an increased fee is retroactively applied, any contribution made by a development plan applicant, or any of its affiliates, to a public recreational project within a three-mile radius of the property that is the subject of the development plan shall count toward the fee imposed hereunder;

AND BE IT FURTHER RESOLVED, that for any approved development plan, as may be refined, to which an increased fee is retroactively applied, the Director of Permits Approvals and Inspections shall not require a new open space waiver application, but shall collect such increased fee at the time required under the Baltimore County Code, and such fee or payment of fee shall not be appealable;

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its passage by the County Council.