

Baltimore County Residential Open Space and Greenway Manual



**As Approved by
the Baltimore County Planning Board**

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SECTION I:

INTRODUCTION

BACKGROUND

The Residential Open Space and Greenway Manual has been prepared in response to the requirements of Sections 32-6-108 and 32-4-404(c)(1)(i), Baltimore County Code (BCC) 2003 as amended, and as outlined in the Baltimore County Master Plan. The Baltimore County Charter provides that the Department of Recreation and Parks “shall be responsible for providing a variety of naturalistic and developed recreational areas and facilities.”

Section 32-4-103(a)(15) of the Baltimore County Code articulates the development policies for Baltimore County. It states that these regulations are to “provide for open spaces in order to: offer recreational opportunities close to home; enhance the appearance of neighborhoods through the preservation of natural green spaces; counteract the effects of urban congestion; and encourage participation by all age groups in the use and care of local open space tracts.”

The Baltimore County Code mandates that the Open Space Manual be updated periodically. This revision serves to fulfill this requirement.



SECTION II:

GOALS AND OBJECTIVES

This manual establishes the standards and procedures that guide the County in the creation and management of an open space and greenway system in Baltimore County. Policies pertaining to Residential Open Space and Greenways in the Baltimore County Master Plan, the Baltimore County Development Regulations, the Maryland Land Preservation and Recreation Plan, and the Baltimore County Land Preservation, Parks and Recreation Plan (LPPRP) provide the foundation for these standards.

GOALS AND OBJECTIVES FOR RESIDENTIAL OPEN SPACE AND GREENWAYS

RESIDENTIAL OPEN SPACE

Residential Open Space goals and objectives are as follows:

1. Provide recreational opportunities on high quality and usable land:
 - a. Employ Residential Open Space parcels to provide sites suitable for “close to home” recreational use;
 - b. Provide access to Residential Open Space parcels within the community, to connect Residential Open Space parcels with neighboring stream valley park/greenway systems, or to connect with other Open Space areas, school-recreation centers, and other public lands; and
 - c. Employ Residential Open Space parcels to provide opportunities for the observation and enjoyment of natural areas.
2. Promote design that is visually attractive and enhances a sense of community.
 - a. Employ Residential Open Space as a form-giving element in community design.
 - b. Encourage forms of development that express the natural features of the landscape.
3. Preserve significant cultural and historic resources and characteristics.

Employ Residential Open Space parcels to protect recognized historic sites or other elements of cultural or historical significance that contribute to a sense of place where appropriate.

GREENWAYS

Greenways goals and objectives are as follows:

1. Provide Greenways to create a park and an open space network.

Greenways serve as an integral part of a park and open space network in either a passive or an active manner. Greenways are used to connect existing and planned parklands. Where practical, trails may be provided within the Recreational Greenway Network to enhance pedestrian and/or bicycle access. As such, subdivisions or developments that include designated Greenways must ensure that one or more sufficient accesses are provided between the Greenway and the subdivision's Residential Open Space.



2. Preserve natural resources.

Greenways protect natural wetland, stream and forest systems by providing natural buffers that improve water quality. Greenways also serve as wildlife corridors and provide habitat for birds, fish, and mammals.



SECTION III:

RESIDENTIAL OPEN SPACE DEFINITIONS AND STANDARDS

A. RESIDENTIAL OPEN SPACE REQUIREMENTS

Residential development including mixed use or transit-oriented projects for properties in all zones, except for minor subdivisions, must provide Residential Open Space parcels, except as provided in Sections III.I and III.J.

Additional regulations may apply per the Baltimore County Zoning Regulations (BCZR). This includes but is not limited to the residential performance standards in BCZR Section 260.3, the OR2 performance standards in BCZR Section 206.4, the Honeygo Overlay District Standards in BCZR Section 259.4-259.9, and the Downtown Towson District Regulation in BCZR Section 259.16.

B. DEFINITIONS

The following definitions are for terms used in this manual. Additional definitions for Open Space can be found in BCC Section 32-6-108.

1. Accessible: “accessible” means designed and constructed in accordance with the Americans with Disabilities Act (ADA).
2. Department: The Baltimore County Department of Recreation and Parks.
3. Greenway Easement: a “Greenway Easement” is a type of easement that is recorded among the land records of Baltimore County to run with the land and continue in perpetuity. The easement must be granted to Baltimore County or to a land trust which the county approves, and must permanently restrict further subdivision or development.
4. Greenway Parcel: a “Greenway Parcel” is a corridor of Residential Open Space that follows streams, rivers, ridge tops or other linear features. The intended purposes of Greenway Parcel may be recreational or environmental protection, such as conservation or to serve as wildlife corridors.
5. Greenway Reservation: a “Greenway Reservation” is an area designated on a plat for environmental protection and recreational purposes that has public access whether improved or not and must be recorded among the land records of Baltimore County to run with the land and continue in perpetuity.

6. In-kind services: “in-kind services” are services provided to the county that are mutually agreed upon by the Departments of Permits, Approvals, and Inspections(PAI) and Recreation and Parks that include but are not limited to upgrades to existing county parks, Open Space or recreation sites.

C. STANDARDS

Baltimore County Code Section 32-6-108 provides minimum requirements for Open Space. The following are additional requirements that may apply in specific situations. Land deemed suitable for Residential Open Space use shall contain the following attributes.

1. On-site Residential Open Space shall be integrated into the overall site development and provided in a suitable location which is accessible to the residents.
2. On-site Residential Open Space shall have a minimum area of 20,000 square feet on a grade of less than 5% unless deemed infeasible and an alternative plan is accepted.
3. Residential Open Space should be provided in an accessible parcel. Each Residential Open Space parcel must have one 20-foot-wide vehicular access.
4. Residential Open Space parcels shall have a minimum average width of 75 feet or have an average grade of no more than 15%.
5. The minimum width and maximum grade are not required in order to accommodate greenways that will allow connectivity.
6. The Directors of Recreation and Parks and PAI shall determine that an environmentally constrained area, a residential transition area, or an area encumbered by an environmental, stormwater management or utility easement qualifies as Residential Open Space if it is improved with trails or other amenities; and if they determine that the amenities are part of the overall design of the Residential Open Space and recreational system and the area or easement provides usable open space.

D. LOCATION OF RESIDENTIAL OPEN SPACE

The Residential Open Space requirement may be met either on-site or off-site.

1. Off-site Residential Open Space land should be located in the same councilmanic district as the proposed development site. If an off-site Residential Open Space proposal is not located in the councilmanic district, the proposal is subject to the approval of the councilperson in whose district the proposed development is located.
2. Off-site Residential Open Space for developments in the Downtown Towson (DT) District should be provided within the DT district, or within one mile of the DT District.
3. Any off-site Residential Open Space improvements will be evaluated on a case-by-case basis for consistency with the Land Preservation, Parks and Recreation Plan (LPPRP). When evaluating off-site improvements, the number of people with access to the site and the

recreational deficiencies of the community will be taken into consideration. Additionally, off-site improvements shall provide added value to the Open Space network.

E. CALCULATING RESIDENTIAL OPEN SPACE

1. The applicant shall be required to provide a minimum of 1000 square feet per residential dwelling unit.
2. In addition to Residential Open Space, amenity open space may be required in the CT, CCC, DT Districts and the RAE zone. (See BCZR Sections 235B.4, 238A.4, 259.16A(6)(d), 200.3 (e), and 201.3 (e), respectively).

F. QUALIFICATIONS FOR RESIDENTIAL OPEN SPACE

1. The county may condition its acceptance of the dedicated Residential Open Space upon the continuing obligation of the applicant or the applicant's successors and assigns to maintain the dedicated Residential Open Space.
2. Median strips, street center islands, street sidewalks, parking areas, and crosswalk rights-of-way may not be counted toward any Residential Open Space obligation unless otherwise specified in the zoning regulations.
- 3: Documentation of the acceptance shall be recorded in the land records of Baltimore County via recorded deed or similar instrument).

G. REQUIRED IMPROVEMENTS

1. A ¾-inch boundary stake (metal stake with plastic cap) shall be provided at each property corner and installed at the developer's expense (see Section V.C.1.b.).
2. Access
 - a. A minimum of one fee-simple access from a street to each Residential Open Space parcel shall be provided. This access must be a minimum of 20-feet-wide. Concrete ribbons or other suitable paving may be required for access by maintenance and emergency vehicles.
 - b. Additional 10-foot-wide access points may be required for pedestrian circulation to accomplish a comprehensive Open Space design. If a designated Greenway is located on-site, access to it shall be required.
3. Connector Interior Pathways

Interior pathways shall be provided to connect the new developments with existing Residential Open Spaces, public parks and recreation facilities, school sites, commercial centers and other community and public sites and amenities. These shall permit safe and pleasant pedestrian access for residents of all ages.

- a. Planting to enhance the aesthetics of the pathway shall be provided as per the requirements of the Baltimore County Landscape Manual.
- b. Pathways proposed for wooded areas should be constructed in a manner that causes minimum impact to natural features. Pathway alignment shall be designed to minimize the impact to trees with a caliper of 3 inches DBH or greater.

4. Safety Features

When the Director determines that a Residential Open Space parcel merits the addition of measures to protect individuals using the Residential Open Space, the developer will provide permanent safety features. Specifically, barriers such as standard fencing and/or a post and cable barrier may be required if the Residential Open Space parcel is situated along a roadway or slope. Additionally, the developer may be required to provide barriers or protective devices adjacent to environmentally sensitive areas (see Section V.C.2.C.).

5. Signage

Signage may be required when a private homeowner's association (HOA) or Condominium Association (COA) area is adjacent to a public area.

H. OPTIONAL AMENITIES

1. On-Site or Off-Site Amenities

In accordance with Section III.I.1, an alternative agreement may be made between the developer and the Department whereby the Residential Open Space requirement may be fulfilled by the providing of approved amenities either on-site or off-site. In considering this option, such factors as the additional area needed for Residential Open Space acreage and the presence of community facilities shall be weighed.

- a. Any Residential Open Space areas that are proposed for amenities must be identified on the concept plan, with notes indicating how the areas will be developed and maintained. Design of these areas showing the amenity and associated equipment, landscaping, and grading, along with the applicable cost estimate, must be provided as part of the development plan. When provided on-site, areas must be owned and maintained by a homeowners' association or other private entity unless otherwise specified by the Department.
- b. Design Standards

Residential Open Space improved with amenities should be designed to meet the requirements of BCC Section 32-6-108 as well as the following design standards:

- (1) All amenities must meet the existing standards set by the Department and be available for use by the general public.
- (2) Areas should be designed to meet the needs of the projected users. For example, tot lots and playgrounds would be appropriate in areas expected to attract families with young children.

- (3) Areas may include separate activity centers such as tot lots, tennis courts, specially designed sitting areas, etc.
- c. A final design, layout, and detailed cost estimate for the improved area must be shown on the development plan and final landscape plan and approved by the Department. Any modification to the Residential Open Space will be addressed as a modification to the plan.

I. RESIDENTIAL OPEN SPACE FEE IN LIEU

1. If it is not feasible to meet the Residential Open Space requirement on-site or off-site, the applicant shall submit a fee in lieu proposal and pay a fee to Baltimore County. In such cases where the Department determines that a proposed Residential Open Space parcel would not effectively serve the goals and objectives of the Open Space system, the Department may approve the payment of a fee in lieu. In general, it is appropriate for developments that generate an isolated parcel of land less than 20,000 square feet in size provide a fee in lieu of Residential Open Space. Developments with 20 or fewer dwelling units should also be considered for a fee in lieu of Residential Open Space. A proposal to request the payment of a fee in lieu of Open Space must be made to the Department prior to or at the time of the Development Plan Conference.
 - a. Fee in lieu. The Department may approve a fee in lieu of Residential Open Space parcels where such parcels do not meet the goals of this manual. Such factors as proximity to other open spaces, parks or school-recreation centers, and the need for open space within the community will be considered when making such a decision. To evaluate these factors, the LPPRP shall be referenced and there must be an analysis of neighborhood and community demographics and density. The recommendations of the LPPRP, Baltimore County Master Plan, community plans, Sustainable Community plans, and other plans and studies may impact whether or not a fee in lieu of open space is suitable.
 - b. If the applicant partially satisfies the Residential Open Space requirement, either on-site or off-site, the fee shall be reduced by the percentage of the minimum requirement that is provided.
2. Procedure for payment of a fee in lieu of Residential Open Space
 - a. If a fee in lieu of Residential Open Space is approved, the applicant shall pay the county a fee determined by the County Administrative Officer. The fee shall be credited to a separate and distinct revenue account within the Department of Recreation and Parks capital budget. For a Planned Unit Development (PUD), a fee shall be assessed based on the tier(s) into which its residential component falls.
 - b. Payment of the fee is due prior to the recordation of the record plat. Any security necessary for the on-site or off-site amenities provided shall be posted prior to the issuance of the building permit.

3. Procedure for filing a fee in lieu request
The applicant must submit a standard “Request for Fee in Lieu of Residential Open Space” form with the submission of the development plan. The request must be accompanied by a site plan. See Appendix A for an example of a request form.
4. Use of the fee in lieu
 - a. The fee must be used in the same council district where the property is located. Fees in lieu of Residential Open Space for developments in the Downtown Towson District should be used in the district or within one mile of the district boundary. The use of fee in lieu revenues is at the sole discretion of the Department of Recreation and Parks.
 - b. Every year, the County Administrative Officer shall provide an annual report to the County Council of the Residential Open Space provided, the fees in lieu that are collected or assessed, and the specific Residential Open Space projects funded with the fees in lieu. The required contents of the report are provided in BCC Section 32-6-108(j)(2). The report shall be posted on the county’s website.

J. RESIDENTIAL OPEN SPACE EXEMPTIONS

1. Qualifications for Exemptions

The Director shall grant an exemption from the obligations regarding the reservation of Residential Open Space and from payment in lieu of such reservation where land is being subdivided for the following purposes:

- a. Pursuant to the terms of a will;
- b. By court order dividing the estate of an owner after he or she has died intestate;
- c. Between the parties to a divorce settlement approved by court decree; and
- d. By an owner, transferring part of a tract of land to said owner’s spouse, sibling, parent, child, or child’s spouse.

2. Exemption Filing Procedure

To request an exemption in such cases, the applicant and the grantee must file a notarized affidavit with the Department. The affidavit must include:

- a. A description of the property;
- b. The purpose of the subdivision; and
- c. Acknowledgment of future applicability of development regulations.



SECTION IV:

GREENWAY STANDARDS

A. INTRODUCTION

This portion of the manual describes the process to be followed, regardless of zoning classification, in order to comply with the intent of the Baltimore County Land Preservation, Parks and Recreation Plan (LPPRP).

B. PROCESS

All subdivisions, regardless of zoning, are subject to the following requirements:

1. **Dedication of Greenways:** Besides Residential Open Space requirements, developers will dedicate, either by reservation or easement, limits of Greenways, as identified within the current LPPRP, which occur on properties proposed for subdivision or development regardless of approval process.

2. Limits of Greenways: The limits of a Greenway shall be the limit of the 100-year floodplain or the wetland or forest buffer, whichever is greater.
3. Use of Greenways:
 - a. Within areas delineated as Baltimore County Recreational Greenway Reservations or easements, permitted recreational activities include public access for hiking, bicycling, fishing, nature/environmental studies and approved Baltimore County supervised trail improvements and maintenance, subject to approval by the Baltimore County Department of Environmental Protection and Sustainability (DEPS).
 - b. Within areas delineated as Baltimore County Environmental Greenways, public access is not required, however, access for public safety and maintenance will be required.
4. Identification of Greenway Reservation: The limit of a recreational or environmental Greenway Reservation must be clearly labeled as “Baltimore County Greenway Reservation” on all plans and plats. The boundary and acreage of the reservation must be computed and noted on all record plats.
5. Identification of Greenway Easement: If a Greenway Easement is utilized, the limits of the Greenway Easement must be clearly labeled as “Baltimore County Greenway Easement” on all plans and plats. The boundary and acreage of the easement must be computed and noted on all record plats.
 - a. For recreational Greenways, the following text must be included within the notes on all plans and plats, and on the original and all successive lot conveyances when lots include the Greenway Easement:

“Within the area shown as ‘Baltimore County Recreational Easement,’ permitted uses may include: public access for hiking, bicycling, fishing, nature/environmental studies, and Baltimore County supervised trail improvements and maintenance, subject to approval by the Department of Environmental Protection and Sustainability.”
 - b. For environmental Greenways, the following text must be included within the notes on all plans and plats and on the original and all successive lot conveyances when lots include the Greenway Easement:

“Within the area shown as ‘Baltimore County Environmental Greenway Easement,’ access by Baltimore County, or its assigns, for public safety or maintenance is allowed, subject to approval by the Department of Environmental Protection and Sustainability.”



SECTION V:

DEVELOPMENT PROCESS

A. CONCEPT PLAN

1. Informational Conference (Optional):

Although optional, an applicant may want to set up an informational meeting where standards, requirements, procedures, and criteria are outlined that apply regarding designation of Residential Open Space and protection of natural resources. This data must be sufficiently displayed to permit the Department to make reasonably informed decisions regarding preservation of Open Space and resources on the parcel and all contiguous holdings of the applicant.

2. Pre-concept Plan Conference and concept plan preparation:

- a. A Pre-concept Plan Conference is recommended for proposals that include any on-site Residential Open Space as defined in BCC Section 32-6-108. The Pre-concept Plan Conference provides the opportunity to receive information from the county reviewing agencies that may be beneficial in the preparation of future concept and development plans (saving time later in the process) and to investigate if a fee in lieu is feasible.
- b. The concept plan is a conceptual schematic representation of an applicant's proposal for development of a parcel of land. It consists of a site constraints map and a site proposal map (see Baltimore County Code, Section 32-4-213).

(1) Site Constraints - the Department is especially interested in the following data being shown on the site constraints map:

- Significant historic and cultural features as defined in Section 32-4-213 of Baltimore County Code, 2003, as amended;
- Important and/or unusual geological features as identified by DEPS;
- Existing topography;
- Location, size, and botanical and common name of specimen trees as identified by DEPS; and

- Location and botanical and common name of other vegetation worthy of preservation as identified by DEPS.
- (2) Site Proposal Map - The concept plan shall display the following data relative to Residential Open Space provisions:
- A line showing proposed limits of clearing and grading;
 - Indication of grading to occur in the Residential Open Space /Greenway;
 - Clear identification and delineation of all improvements and/or amenities proposed for the Residential Open Space /Greenway;
 - Location of access point(s) for maintenance/emergency vehicles, which is/are no less than 20 feet in width;
 - Locations of additional 10-foot-wide pedestrian access(es), where required; and
 - A clear delineation of the Residential Open Space and Greenway areas that are proposed, including the specific parcel size in acres and identification of resources to be protected.
- c. The concept plan review will consist of comments relating to compliance with the regulations of this manual, Baltimore County Master Plan, Baltimore County LPPRP and the Baltimore County Development Regulations. Comments from the Department relative to Open Space, Greenways, and Master Plan issues will be submitted in writing at the Concept Plan Conference.

B. DEVELOPMENT PLAN

The purpose of the development plan is to provide a detailed picture of the proposed development of a parcel of land for final review by the hearing officer in a public forum. Preparation must be consistent with Section 32-4-224 of the Baltimore County Code.

In addition to elements noted in Section 32-4-224, the plan providing Residential Open Space should contain detailed information as follows:

- Limit and amount of Residential Open Space or Greenway;
- Proposals for improvements to Residential Open Space or Greenway, including the design and layout;
- If providing amenities, a detailed cost estimate for the amenities;
- Limit of disturbance and vegetation to be saved; and
- Determination of ownership and maintenance of the Residential Open Spaces and Greenways.

In accordance with Section 32-4-114 of the Baltimore County Code, all development shall comply with all applicable laws, rules, or regulations of the county.

1. Plan Requirements: The following notes shall be placed on all development plans which require Residential Open Space:
 - a. “All Residential Open Space shall be in compliance with the Residential Open Space Manual, Latest Edition”;
 - b. “Temporary Open Space boundary markers, tree protection devices and four-foot-high snow fencing or approved equivalent shall be installed prior to any clearing or grading”;
 - c. “Within the area shown as Open Space, disturbance beyond that which is shown on the development plan shall not be allowed without prior approval from the Department of Permits, Approvals, and Inspections”; and
 - d. If an improvement is being provided on Residential Open Space, the following note shall be included:

“Security in the amount of \$_____ shall be provided to assure completion of the agreed upon improvements to the Open Space. These improvements must be constructed concurrently with the development of the project.”
2. Development Plan Review: Departmental review of the plan will consist of written comments relating to the plan’s compliance with the requirements of this manual, the Baltimore County Master and Community Plans, the Baltimore County LPPRP and the Baltimore County Development Regulations.
3. Development Plan Hearing: Preliminary comments from the Department relative to Residential Open Space, Greenways, and master plan issues will be submitted in writing at the Development Plan Conference. The applicant may discuss these comments prior to their final submission for the Hearing Officer’s Hearing.

C. REQUIREMENTS FOR THE DEVELOPMENT OF RESIDENTIAL OPEN SPACE

1. Boundary Markers
 - a. The applicant shall clearly mark boundaries of the Residential Open Space/Greenway parcels prior to the commencement of clearing and grubbing on the site. The boundary markers shall be maintained in good condition during the construction process.
 - b. Permanent metal boundary markers shall be installed at all corners by the developer so as to permit easy identification of the limits of the Residential Open Space/Greenway parcel (see Section III.G.1). Prior to the first building permit being issued any dedicated Residential Open Space or Greenway parcel, including trail paths, shall include an identification sign posted at the appropriate location. Additionally, the developer may be requested to provide fencing or boundary plantings on-site to further define its limits.

2. Protection during Construction

- a. The applicant shall be responsible for the protection of all significant natural, scenic, cultural, and historic resources identified within the Greenway or Residential Open Space parcel.
- b. Clearing and grading limits shall not exceed those shown on the development plan and subsequent grading and sediment and erosion control plans.
- c. The Department may require the installation of additional protective devices if it finds that measures identified by the applicant are inadequate. Any device may be used which will effectively protect the roots, trunk, and top of the trees and other resources retained on the site. The less formidable the barrier used, the greater the care that must be taken to avoid inflicting damage. Personnel working in the vicinity of the vegetation area retained must be instructed to honor the protective devices. Protection devices outlined below are suggestions only and are not intended to exclude the use of other devices which will protect the resources retained and be subject to approval by the Department. Any additional BCC regulation related to protective devices applies. Protection devices include:
 - (1) Snow Fence: A standard 48-inch-high snow fence may be placed at the limit of clearing on posts mounted six feet apart.
 - (2) Board Fencing: Board fencing consisting of 4" x 4" posts set securely in the ground and protruding at least four feet above the ground may be placed at the limit of clearing with a minimum of two horizontal boards between each post.
 - (3) Additional Trees: Additional trees may be left standing as protection between the trunks of the trees to be retained and the limits of clearing. The trunks of trees in this buffer should be no more than six feet apart to prevent passage of equipment and material through the buffer. When this method of protection is used, the Department may require that these additional trees be removed prior to project closeout.
 - (4) Plastic Safety Fence: Plastic fencing placed at the limit of clearing shall consist of 2" x 2" posts set securely in the ground, spaced no more than eight feet apart and protruding at least four feet above the ground. The plastic safety fence shall be attached to the posts in such a manner so as to hold the fence securely in place during construction.

All protection and preservation shall be performed in accordance with the terms of the Baltimore County Landscape Manual and other BCC regulations.
- d. The Department may permit temporary stockpiling of materials or disposition of sediment and construction debris within the Residential Open Space parcel, provided it is consistent with the other provisions of this manual and permission is received prior to placement of the material.
- e. Heavy equipment and vehicular traffic shall only be permitted on the Residential Open Space parcel where indicated within the limits of clearing on the approved grading and erosion/sediment control plans.

- f. Trees being removed shall not be felled, pushed, or pulled into trees being retained. Equipment operators shall not clean any part of their equipment by slamming it against the trunks of trees to be retained.
 - g. No hazardous substance as defined in the Annotated Code of Maryland, Health-Environmental, Title 7, Subtitle 2, shall be stored within 100 feet of wooded areas to be retained.
 - h. Burning must be approved by DEPS and shall not be permitted within 100 feet of wooded areas to be retained unless approved by the Director of DEPS.
 - i. No protective devices, signs, utility boxes, or other objects shall be nailed to trees to be retained within the Residential Open Space/Greenway.
 - j. The Department must approve all construction in Open Space/Greenway parcels by the owner, applicant, contractor, or utility company.
 - k. Tree preservation measures shall be shown on the approved grading and sediment/erosion control plan and shall be installed prior to any grading commencing.
3. Inspection: The Department may inspect the site from time to time to assure conformance with the requirements of this manual.

D. FINAL ACCEPTANCE OF THE RESIDENTIAL OPEN SPACE/GREENWAY PARCELS

Residential Open Space/Greenway parcels will not be accepted by the county for conveyance until the applicant requests an inspection of the parcel. This request shall be made through the Department of Permits, Approvals, and Inspections. The applicant is responsible for installing permanent boundary markers as specified in Section III.G.1. The applicant, their successors, and assigns shall maintain the Open Space dedication until the Open Space is accepted by the county under Article 3, Title 9, Subtitle 1 of the Code.

- 1. Prior to final acceptance, construction on lots adjacent to the parcels should be complete. However, the Department may, at its discretion, accept conveyance of parcels prior to completion of development on adjacent lots.
- 2. In cases where the Residential Open Space is to be deeded to an HOA, COA or private entity, the transfer of the Open Space shall not occur until the Open Space has been inspected and approved by the Department of Recreation and Parks or the Department of Permits, Approvals, and Inspections.
- 3. Condition of Acceptance of the Residential Open Space/Greenway Parcels:
 - a. The amount of Residential Open Space provided must be as shown on the approved development plan and denoted in accordance with Section V.B. of this manual.
 - b. All significant natural, scenic, historic, and cultural resources identified on the approved development plan shall be in natural condition. The developer should be responsible for any corrective actions in the case of damage or vandalization.

- c. All amenities proposed on the approved development plan must be in place, in working condition, and undamaged. No residential open spaces or greenways that include developer-provided amenities may be transferred to the County or a HOA/COA without first being inspected and approved by the Department of Recreation and Parks, the Department of Permits, Approvals, and Inspections, and/or Baltimore County Property Management.
- d. Approved access for vehicles must be present as designed and usable.
- e. Vegetative cover shall be restored wherever disturbed.
- f. Dead and dying trees posing a hazard shall be felled, removed, and stumps ground.
- g. Should any trees noted to remain on the development plan suffer construction damage, restitution shall be made prior to acceptance of the parcel.
- h. All trash, debris and construction materials must be removed.
- i. Any playgrounds that are provided shall be certified by a certified playground safety inspector.

E. RECORD PLAT/MODES OF CONVEYANCE

1. Modes of and Standards for Conveyance of Residential Open Space/Greenway Parcels:

Residential Open Space/Greenway parcels may be held publicly or privately as determined by the Department at time of development plan. The county may condition its acceptance of the dedicated Open Space upon the continuing obligation of the applicant or the applicant's successors or assigns to maintain the dedicated Open Space. Options include:

- a. Transfer to the county in fee, thus denoted on the development plan and subsequent record plats as a Residential Open Space or Baltimore County Greenway Reservation;
- b. Applicant ownership (retained by the applicant) or transfer to NeighborSpace of Baltimore County, Inc. or other registered 501(c)(3) organization thus denoted as Privately Held Open Space (PHOS) or Baltimore County Greenway Easement; or
- c. With the concurrence of the applicant, transfer to a homeowners' association or similar entity thus denoted on the plan as HOA Open Space/Greenway for a homeowners' association or COA Open Space/Greenway for a condominium owners association.

2. Preparation of Plat

- a. However held, covenants must be executed and recorded of even date with the record plat to assure the perpetual use of the parcels for Open Space/Greenway purposes and proper operation and maintenance of the parcel(s), including payment of taxes. Text will include ownership, operational and maintenance information for the parcels. The owners shall retain liability in perpetuity. Covenants shall be submitted to the Department for review and approval prior to the recordation of plats for any portion of the proposed subdivision. In

select instances, the Department may accept ownership at a later time if changes warrant such consideration.

- b. Acceptance of a Residential Open Space/Greenway parcel shall be in accordance with the Baltimore County Charter, Article IV, Section 402(d)(12).
- c. Conveyance of Residential Open Space/Greenway parcels shall be in accordance with the conditions specified by the Public Works Agreement. Good and marketable title to the land shall be conveyed. See Appendix B for an example of a conveyance.
- d. **The Department will not allow conveyance of Residential Open Space to any entity without prior inspection and approval.**

F. PLANNED UNIT DEVELOPMENTS (PUDS) AND COMMUNITY BENEFITS

If any Residential Open Space that was approved with a PUD as a community benefit is to be changed, the amendment may go to the Development Review Committee (DRC) as a “nonmaterial” amendment at the request of County Council.



SECTION VI

APPENDICES

APPENDIX A: SAMPLE REQUEST FOR A RESIDENTIAL OPEN SPACE FEE IN LIEU

APPENDIX B: CONVEYANCE EXAMPLE

Appendix A: Sample Request for a Residential Open Space Fee in Lieu

Date: _____	Project: _____
Location: _____	Election District: _____
Councilmanic District: _____	
Gross Acreage: _____	Zoning: _____
Number of Proposed Units: _____	
Residential Open Space required: _____	Proposed acres: _____
Fee in lieu of acreage: _____	

Reasons for requesting a Fee in Lieu (Check all that apply):

_____ Project is located in a RAE Zone or CT District

_____ Project is _____ An elderly housing facility as defined in the zoning regulations or
 _____ Dormitories for the housing of not less than 50 students attending an accredited higher education institution and
 _____ The Department of Recreation and Parks determines that there is no suitable land to meet the Residential Open Space requirements.

_____ Residential Open Space required is less than 20,000 SF

_____ There are no contiguous public recreation or educational lands
 _____ There is no Master Plan and/or other County plan conflict (i.e., Community Plan, Greenway issue, etc.)

Please type or print name, address, and phone number of the applicant/representative below:

Signature of Applicant: _____	Name: _____
Address: _____	Phone: _____
City/State: _____	Zip Code: _____
Email: _____	

Appendix B: Example of a Conveyance

I HEREBY CERTIFY
THAT THE RESIDENTIAL OPEN SPACE REQUIREMENTS
AS SET FORTH ON THE APPROVED DEVELOPMENT PLAN *AND/OR*
AS SPECIFIED BY THE BALTIMORE COUNTY RESIDENTIAL OPEN SPACE MANUAL
HAVE BEEN FULFILLED:

Name of Project: _____
PAI#

Location: _____
Plat Reference

Owner/Developer Name: _____

Mailing Address: _____

The following required items have been completed (check off those that apply or note N/A):

___ Deed has been conveyed. Deed Reference: _____ Date: _____
5/8" or 3/4" metal boundary stakes have been provided by a licensed surveyor at each corner of an Open Space parcel that abuts a privately owned lot.

___ Vehicular access to Open Space parcels is present as designed on the final grading plan and is usable.

___ All visible trash, debris and construction materials have been removed.

___ Open areas are 95% covered with grass. Required plantings are installed.
There are no dead or dying trees within the Open Space that are deemed to pose a hazard. Any such trees have been removed, stumps ground and ground restored.

___ Amenities specified on the approved Development Plan have been installed.

Owner/Developer's Signature	Printed Name	Company	Date
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___ Active LOS is graded at between 2-4%, Passive LOS is graded at between 2-10%.(if applicable)

Grading Contractor's Signature	Date
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Printed Name _____ Company _____



Baltimore County
Departments of Permits, Approvals, and Inspections; Planning; and Recreation and Parks
Towson, MD 21204