

Proposed Amendments to “PAB Draft Open Space Manual 2024 Clean 10 9 2024”
Amendments shown with underlined text

Proposed Amendment # 1

NeighborSpace

p. 3, add additional goals for residential open space

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;
 - d. WHEN POSSIBLE, ENSURE THAT EVERY RESIDENT HAS ACCESS TO THE RESIDENTIAL OPEN SPACE WITHIN A 10-MINUTE WALK OF THEIR RESIDENCE, TO BE ACCOMPLISHED IN PARTNERSHIP WITH NEIGHBORSPACE OF BALTIMORE COUNTY; AND
 - e. WHEN APPROPRIATE, RESIDENTIAL OPEN SPACE OWNED BY A HOMEOWNERS’ ASSOCIATION SHALL BE ACCESSIBLE TO THE PUBLIC.
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.

Proposed Amendment # 2

NeighborSpace

p. 5-6, add open space definitions

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. AMENITY OPEN SPACE: AMENITY OPEN SPACE IS REQUIRED UNDER THE ZONING REGULATIONS AND IS NOT ADDRESSED AS PART OF THIS MANUAL. PER THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 101, "AMENITY OPEN SPACE" MEANS THE "AVAILABLE OPEN SPACE ON A LOT MINUS THE AREA USED FOR VEHICULAR TRAFFIC, MANEUVERING AND PARKING. IN ADDITION TO UNCOVERED GROUND AREA, THE TERM INCLUDES SUCH USABLE UNCOVERED OPEN AREA OF BUILDINGS SUITABLY IMPROVED AS OPEN SPACE AND DESIGNATED BY THE OWNER FOR THE USE OF OCCUPANTS OR THE PUBLIC AND, IN ENCLOSED MALLS IN DESIGNATED TOWN CENTERS, SUCH USABLE COVERED OPEN AREA OF BUILDINGS, OTHER THAN PARKING AREAS, SUITABLY IMPROVED AS OPEN SPACE AND DESIGNATED BY THE OWNER FOR THE USE OF OCCUPANTS OR THE PUBLIC.

COVERED OPEN SPACE INCLUDES EXTERIOR SPACE WHICH IS OPEN ON ITS SIDES TO WEATHER, BUT NOT OPEN ABOVE, AND WHICH IS NOT IN EXCESS OF TWICE THE TOTAL AREA OF THE CLEAR, OPEN AND UNOBSTRUCTED PORTIONS OF THE OPEN AND PARTIALLY OPEN SIDES. THE AREAS OF ROOFED PORCHES, COVERED EXTERIOR BALCONIES AND EXTERIOR SPACES COVERED BY PORTIONS OF BUILDINGS SUPPORTED ON COLUMNS OR CANTILEVERS, SUCH AS PORTICOES, LOGGIA, ARCADES, BREEZEWAYS OR GALLERIES, MAY BE CONSIDERED AS COVERED OPEN SPACE IF MEETING THE ABOVE-STATED LIMITATIONS.

OPEN GROUND AREA LESS THAN TEN FEET WIDE MAY NOT BE DESIGNATED AMENITY OPEN SPACE, EXCEPT THAT A SUITABLY PLANTED AREA AS LITTLE AS SEVEN FEET WIDE MAY BE SO DESIGNATED IF THAT AREA IS WITHIN A PARKING LOT.

3. Department: The Baltimore County Department of Recreation and Parks.
4. 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.
5. 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.
6. 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.
7. 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.

8. RESIDENTIAL OPEN SPACE: PER BALTIMORE COUNTY CODE SECTION 32-6-108, “RESIDENTIAL OPEN SPACE” MEANS “A PARCEL OR PARCELS OF LAND THAT IS A MINIMUM AVERAGE OF 75 FEET WIDE OR HAS AN AVERAGE GRADE OF NO MORE THAN 15 PERCENT, EXCEPT THE MINIMUM WIDTH AND MAXIMUM GRADE IS NOT REQUIRED IN ORDER TO ACCOMMODATE GREENWAYS THAT WILL ALLOW CONNECTIVITY IN AND THROUGHOUT THE GREATER TOWSON AREA; AND (I) IS UNIMPROVED; OR (II) CONTAINS ONE OR MORE AMENITIES.” RESIDENTIAL OPEN SPACE IS REQUIRED OF ALL RESIDENTIAL DEVELOPMENTS.

Proposed Amendment #3

NeighborSpace

p. 6, add additional guidance for open space located in stormwater management areas.

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. STORMWATER MANAGEMENT AREAS MAY NOT BE USED TO MEET RESIDENTIAL OPEN SPACE REQUIREMENTS UNLESS IT IS ACCESSIBLE AND ENHANCES THE RESIDENTIAL OPEN SPACE EXPERIENCE.

Proposed Amendment #4

NeighborSpace

p. 6, add further guidance on the location of 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, PREFERABLY IN A LOCATION WITHIN PROXIMITY OF THE SITE AND WITH SOME RATIONAL NEXUS TO SERVE THE COMMUNITY. OFF-SITE LOCATIONS SHALL BE IN CONFORMANCE WITH SECTION 32-6-108, (A)(4) AND REVIEWED BY THE LOCAL COMMUNITY, DEPARTMENT OF RECREATION AND PARKS AND THE DEVELOPER. 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) AND NEIGHBORSPACE WHEN APPROPRIATE. 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.

Proposed Amendment #5

NeighborSpace

p. 9, add code reference for fee in lieu

I. RESIDENTIAL OPEN SPACE FEE IN LIEU

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. SECTION 32-6-108(F) SPECIFIES THE REQUIREMENTS FOR PROVIDING A FEE IN LIEU. 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.

Proposed Amendment #6
NeighborSpace

p. 19, add more detail for amendment Planned Developments

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 VIA RESOLUTION, OTHERWISE SUCH CHANGES SHALL BE CONSIDERED A “MATERIAL AMENDMENT”.