

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2015, Legislative Day No. 16

Resolution No. 90-15

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Mr. David Marks, Councilman

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By the County Council, October 5, 2015

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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 wavier fees and recommended that any increase in fees not be applied retroactively; and

~~WHEREAS, the County Council believes that any fee collected for a development plan, pending as of the date of this Resolution, in a M.L.-I.M. zone should be utilized for the construction of a turf field at Loch Raven High School; any fee collected for a development plan in a R.A.E. zone (in a revitalization district) should be utilized for the construction of improvements to the Dumbarton Middle School athletic fields; and any fee collected for development plans in the B.M.-C.T. District of Towson should be utilized as follows: \$245,000 in fees collected from the Towson Row project shall be utilized for turf fields at Towson High School and the Carver Center for Arts and Technology, with the remainder applied to the Radebaugh Park project; and fees collected from the project at York Road and Washington Avenue shall be utilized for improvements to the West Towson Trail, the Southland Hills mini-park, and Towson Manor Village Park; now therefore~~

WHEREAS, the County Council agrees that fees should be raised to address deficient open space in greater Towson; and

WHEREAS, the County Council believes that fees collected from development plans, pending as of the date of this Resolution, should be prioritized as follows: improvements to the Radebaugh property announced for parkland acquisition by the County Executive on June 12, 2015; and improvements to Towson Manor Village Park and to Towson Recreation Council facilities; and

WHEREAS, the County Council believes that the fees apportioned to NeighborSpace of Baltimore County, Inc., should be prioritized for improvements to the West Towson Trail upon completion of an agreement that transfers control of that trail to NeighborSpace of Baltimore County, Inc.; 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
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RAE (in a commercial revitalization district)	<del>\$3,500 PER DWELLING UNIT</del> <u>\$0</u>	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
M.L.-I.M. (in a commercial revitalization district)	\$2,500 PER DWELLING UNIT	N/A
B.M.-C.T. DISTRICT OF TOWSON	\$2,000 PER <u>DWELLING</u> UNIT	
<u>B.M. (IN THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, BUT EXCLUDING B.M.-C.T. ZONED AREAS WITHIN THE DISTRICT)</u>	<u>\$3,800 PER DWELLING UNIT</u>	<u>N/A</u>

AND BE IT FURTHER RESOLVED, that the fee adopted herein for the M.L.-I.M. zone (in a commercial revitalization district), the ~~R.A.E. zone (in a revitalization district)~~ B.M. (in the Towson Commercial Revitalization district, but excluding B.M.-C.T. zoned areas within the district), and the B.M.-C.T. District of Towson shall apply retroactively to a development plan filed prior to the effective date of this Resolution; except that the fees shall not apply to (i) a development plan that obtained Hearing Officer approval prior to October 1, 2015 and obtained final, non-appealable approval prior to December 31, 2015, including any subsequent amendment or refinement to such plan that does not increase residential density; and (ii) a development plan that is not awarded a commercial revitalization tax credit. For a development plan filed prior to the effective date, the fee shall be ~~40%~~ 43% of the fee listed herein for a development plan for which an administrative law judge written decision has been issued prior to the effective date of this Resolution, and the fee shall be 70% of the fee listed herein for a development plan for which a concept plan was filed prior to the effective date of this Resolution, but an administrative law judge decision not yet issued as of the effective date. A new waiver application is not required;

AND BE IT FURTHER RESOLVED, that for any approved development plan that (i) obtained Hearing Officer approval prior to October 1, 2015; (ii) obtained final, non-appealable approval prior to December 31, 2015; (iii) is not yet vested; and (iv) following adoption of this Resolution, is refined or amended such that there is an increase in residential density, the increased fees adopted by way of this Resolution shall only apply to those additional dwelling units approved by way of the refinement or amendment and shall not apply to the dwelling units approved on the plan that obtained Hearing Officer approval prior to October 1, 2015 and final non-appealable approval prior to December 31, 2015;

AND BE IT FURTHER RESOLVED, that a fee due in a M.L.-I.M. (in a commercial revitalization district) shall become due upon the issuance of a use and occupancy permit for any residential component and shall be paid in equal installments over eight years;

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

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