
BALTIMORE COUNTY LOCAL OPEN SPACE MANUAL



As Adopted by the Baltimore County Council
February 22, 2000

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SECTION I

INTRODUCTION

A. BACKGROUND

The Local Open Space (LOS) Manual has been prepared in response to the requirements of Section 26-283 (c) (4) and (f) Baltimore County Code, 1988 as amended, Bill 110-99, 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.”

LOS is defined within the Baltimore County Zoning Regulations as “land provided in residential subdivisions as necessary and desirable for the local recreational needs of residents of such subdivisions. It provides for such recreational types of spaces as play lots, local unusual natural scenic beauty, recreational walkways and pathways, and special street center islands. The term local open space parcel shall not include the larger open space park and play field areas of the type which serve larger than local needs and which are incorporated in the Master Plan.”

Section 26-167 (a)(11) of the Baltimore County Code articulates 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; to enhance the appearance of neighborhoods through the preservation of natural green spaces; to counteract the effects of urban congestion and monotony; and to encourage participation by all age groups in the use and care of LOS tracts.”

Section 26-168(ee)(1)&(2) defines ‘Open Space’ as, “LOS, public parks, or other open space including such recreational facilities as are customarily found in public parks, reserved for public use and enjoyment, whether privately owned or owned by the County, State or Federal Government or other agencies.”

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



SECTION II

GOALS AND OBJECTIVES

A. FUNCTION OF THE MANUAL

This manual establishes the standards and procedures that guide the Department of Recreation and Parks (hereafter referred to as “the Department”) in the creation and management of a LOS and greenway system in Baltimore County. Policies pertaining to LOS and greenways in the Baltimore County Master Plan, the Baltimore County Development Regulations, the Maryland Land Preservation and Recreation Plan, and the Baltimore County Local Land Preservation and Recreation Plan provide the foundation for these standards.

B. GOALS AND OBJECTIVES FOR LOCAL OPEN SPACE

LOS goals and objectives are as follows:

1. Provide recreational opportunities.
 - a. Employ LOS parcels to provide sites suitable for limited “close to home” active recreational use.
 - b. Provide access to LOS parcels within the community, to connect LOS parcels with neighboring stream valley park/greenway systems, or to connect with other park, open space areas and school-recreation centers.
 - c. Employ LOS parcels to provide “close to home” opportunities for the observation and enjoyment of natural areas.
2. Promote design that is visually attractive and enhances a sense of community.
 - a. Employ LOS as a form-giving element in community design.
 - b. Encourage forms of development that express the natural features of the landscape.

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- c. Protect the visual integrity of the landscape.
 3. Preserve significant cultural and historic resources and characteristics.

Employ LOS parcels to protect recognized historic sites, landforms, and trees or other elements of natural, cultural, or historical significance that contribute to a sense of place.

C. GOALS AND OBJECTIVES FOR GREENWAYS

1. Provide greenways as an open space component.

Greenways provide a natural form of open space that also may allow for limited recreational uses as described in Section IV.B.3 of this manual.

2. Provide greenways to create a park and 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 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 LOS.

3. 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

LOCAL OPEN SPACE DEFINITIONS AND STANDARDS

A. LOCAL OPEN SPACE REQUIREMENTS

1. Residential development plans for properties in all zones, regardless of approval process, except for minor subdivisions, must provide LOS parcels, except as provided in Sections III.H and III.I.
2. All development within the Honeygo Overlay District must provide LOS in accordance with the Honeygo Zoning Regulations, BCZR 259.4-259.9 or the requirements of this manual, whichever are more stringent.

B. DEFINITIONS

1. **ACCESSIBLE:** The LOS and access is designed and constructed in accordance with the Americans with Disabilities Act (ADA).
2. **DEPARTMENT:** The Baltimore County Department of Recreation and Parks.
3. **DIRECTOR:** The Director of the Department of Recreation and Parks or a designated representative.
4. **ENVIRONMENTALLY CONSTRAINED AREAS:** Areas that may not be developed because of critical area buffers, forest and stream buffers, forest conservation easements, wildlife habitats, flood plains, wetlands, or contain stormwater management facilities.
5. **GREENWAY:** Corridors of open space that follow streams, rivers, ridge tops or other linear features. Intended purposes of greenways may be recreational or environmental protection, such as conservation or to serve as wildlife corridors.

6. ACTIVE LOCAL OPEN SPACE:

- a. Areas suitable for interactive play, and/or for gatherings of 10 or more people, that are relatively flat, open, dry, and unencumbered by easements, outside of environmentally constrained areas. Finished grades shall be less than 4%.
- b. For multi-family dwellings, as defined in the zoning regulations, the calculated active open space area may include on-site swimming pools, tennis courts, and community playgrounds.

7. PASSIVE LOCAL OPEN SPACE:

- a. Open or sparsely wooded areas with less than a 10% grade, suitable for non-interactive recreational uses including walking, picnicking, or sitting.
- b. Environmentally constrained areas are not to be included.

C. STANDARDS

Land deemed suitable for LOS use shall contain the following attributes:

- 1. Active LOS should be provided in a single, centrally located, accessible parcel of no less than 20,000 square feet, within the subdivision it serves. Each LOS parcel must have a minimum of one, 20-foot wide, vehicular access. If more than one open space parcel is necessary, they should be located to sufficiently serve a significant portion of the residents within the development.
- 2. Active LOS parcels should be regular in shape (squares, rectangles, triangles) to be easily identifiable and to deter encroachment. The minimum width shall be 75 feet. A minimum 20-foot road frontage must be provided. Parcels must be relatively flat, open, dry, and unencumbered by overhead transmission lines or in-ground stormwater management facilities. Encumbrances by underground utilities will be subject to review and approval by the county. Finished grades shall be less than 4%.
- 3. Passive LOS grades shall not exceed 10%. A maintenance access to a public right-of-way must be provided. Parcels must be 75 feet wide unless they are clearly a part of the overall open space system, in which case they shall be appropriately improved with paths or trails. These links shall be a minimum of 20 feet wide. Paths must be made accessible to the extent practicable and designed to prevent encroachment by adjoining property owners.

D. CALCULATING LOCAL OPEN SPACE

1. The applicant shall be required to provide a minimum of 1000 square feet per dwelling unit.
2. The first 650 square feet of open space shall be dedicated for active open space in parcels of not less than 20,000 square feet and located on the site of the development.
3. The remaining 350 square feet of open space may be dedicated as active or passive open space or a combination thereof.
4. Amenity open space areas provided by the applicant shall be deducted from the local open space requirement.

E. QUALIFICATIONS FOR LOCAL OPEN SPACE

1. The county may condition its acceptance of the dedicated open space upon the continuing obligation of the applicant or the applicant's successors and assigns to maintain the dedicated open space.
2. Residential transition area buffers that are 75 feet or more in width may be approved by the Director as fulfilling the passive LOS requirements if they are clearly a contiguous part of the overall open space system.
3. Median strips, street center islands, street sidewalks, parking areas, and crosswalk rights-of-way may not be counted toward any LOS obligation.
4. No parcel less than 75 feet in width may be calculated as LOS unless it is clearly part of the overall open space system.

F. REQUIRED IMPROVEMENTS

1. A $\frac{3}{4}$ -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 LOS parcel within a subdivision 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.

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- 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.
 - c. All access paths and trails are to be accessible for all, to the extent practicable.

3. Connector Interior Pathways

Interior pathways shall be provided to connect the new developments with existing open spaces, public parks and recreation facilities, school sites, commercial centers and other community 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 LOS parcel merits the addition of measures to protect individuals using the LOS, the developer will provide permanent safety features. Specifically, barriers such as standard fencing and/or post and cable barrier may be required if the LOS 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.)

G. OPTIONAL IMPROVEMENTS/AMENITIES

1. On-Site Improvements/Amenities

In accordance with Section III.D.1, an alternative agreement may be made between the developer and the Department whereby the passive LOS requirement may be fulfilled by the providing of approved improvements or amenities within the active LOS.

The Director shall determine the amount of the credit granted. In considering this option, such factors as the additional area needed for open space acreage and the presence of community facilities shall be weighed.

- a. Any LOS areas that are proposed for amenities must be identified on the concept plan, with notes indicating how the areas will be developed and maintained. Schematic design of these areas showing the amenity and associated equipment, landscaping, and grading must be provided as part of the development plan.

Areas must be owned and maintained by a homeowners' association or other private entity unless otherwise specified by the Department.

b. Design Standards

LOS improved with amenities should be designed to meet the following design standards:

- (1) All improvements/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 occupants. 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, final development plan, and final landscape plan and approved by the Department.

2. Valuation of Improvements/Amenities

The value of proposed on-site improvements or amenities must meet or exceed the value of the open space land requirement that is being waived. (See Section III.H.2.b.)

H. LOCAL OPEN SPACE WAIVER/FEE IN LIEU

1. In such cases where the Department determines that a proposed LOS 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, developments that generate an isolated parcel of land less than 20,000 square feet in size are appropriate for providing a fee in lieu of LOS. Developments with 20 or less dwelling units should be considered for a fee in lieu of LOS. 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 concept plan conference.

a. Fee In Lieu

The Department may approve a fee in lieu of LOS 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. The content of any existing neighborhood, community, and/or county plans also may be considered.

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- b. Waivers may be allowed for the first 650 square feet of on-site active LOS if:
 - (1) The development is not adjacent to a county or state park, a school-recreation center or other public open space and contains 20 or fewer units or,
 - (2) The development is located within a CT district, a RAE zone or is an elderly housing facility as defined in the zoning regulations or is dormitories for not less than 50 students attending an accredited higher education institution, and the Department determines that there is no suitable land to meet the open space requirements.
 - (3) In a CT district or a RAE zone, the applicant shall meet the amenity open space requirements and then subtract that area from the local open space required.
 - c. Waivers for the on-site provision of the remaining 350 square feet of passive open space may be allowed if the Department determines that there is no suitable land to meet the requirements.

2. Procedure for Payment of a Fee in Lieu of LOS

- a. If a waiver of LOS is approved, the applicant shall pay to 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's capital budget. Upon appropriation, it may be spent only for the acquisition and development of LOS parcels or neighborhood parks as approved by the Director.
- b. The administrative officer shall establish the fees required under this section after consultation with the Department, the Office of Budget and Finance, and the Department of Permits and Development Management (PDM).
 - (1) When establishing these fees, the administrative officer shall consider, at least, establishing the fees based upon the zoning classification, uses of the land and their public purposes.
 - (2) The fees shall be reasonably proportionate to offset the cost to the county to acquire recreational lands.
 - (3) The Baltimore County Council will adopt the fees by resolution.
 - (4) The per acre cost of land for recreational use within the Honeygo Overlay District shall be based upon the mean land values within that district or the above fee, whichever is more. (BCZR Sec. 259.9/E.5.)
- c. Checks shall be made payable to Baltimore County, MD and submitted to the PDM. Payment of the fee is due prior to the recordation of the record plat.

3. Procedure for Filing a Waiver Request

The applicant must submit a standard “Request For Fee in Lieu of LOS” form (a sample of which may be found as Appendix A) with the submission of the development plan. The request must be accompanied by a site plan.

I. LOCAL OPEN SPACE EXEMPTIONS

1. Qualifications for Exemptions

The Director shall grant an exemption from the obligations regarding the reservation of LOS 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.
- 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.
- c. Acknowledgment of future applicability of development regulations. (A sample of the required affidavit is included as Appendix B.)



SECTION IV

GREENWAY STANDARDS

A. INTRODUCTION

The Parks and Open Space component of the Baltimore County Master Plan contains specific recommendations intended to identify and direct the acquisition of a county-wide greenway network. 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 Master Plan and the Baltimore County Local Land Preservation and Recreation Plan.

B. PROCESS

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

1. **Dedication of Greenways:** Besides LOS requirements, developers will dedicate, either by reservation or easement, limits of greenways, as identified within the current Master Plan, 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 flood plain 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 Resource Management (DEPRM).
 - b. Within areas delineated as Baltimore County environmental greenways, public access is not required, however, access for public safety and maintenance will be required.

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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 Resource Management.”

- 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 Resource Management.”



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 LOS 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

- a. Pre-concept plan conferences are mandatory for planned unit developments but optional for all other developments. The applicant is encouraged to schedule a pre-concept plan conference 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).
- b. If the applicant wishes to have the Department attend the conference, a staff member will be available to attend upon the applicant's request.
- c. The applicant will receive information at the pre-concept plan conference that will help with the design and preparation of the concept plan. The Department will comment on LOS standards and design, Recreation and Parks Master Plan issues and Baltimore County greenway issues as they may affect the proposed development. It is helpful to have a location map and a site constraint map prepared for discussion at the pre-concept plan conference.

3. Concept Plan Preparation

- a. The concept plan is a conceptual schematic representation of an applicant's pro-

posal for development of a parcel of land. It consists of a site constraints map and a site proposal map. (See Baltimore County Code, Section 26-202.)

- (1) Site Constraints - The Department is especially interested in the following data being shown on the site constraints map:
 - (a) Significant landforms, historic, and cultural features as defined in Section II.B.3.a., in addition to those required in Section 14-196 of Baltimore County Code, 1988, as amended.
 - (b) Important and/or unusual geological features as identified by DEPRM.
 - (c) Existing topography.
 - (d) Location, size, and botanical and common name of specimen trees as identified by DEPRM.
 - (e) Location and botanical and common name of other vegetation worthy of preservation as identified by DEPRM.
- (2) Site Proposal Map - The concept plan shall display the following data relative to LOS provisions:
 - (a) A line showing proposed limits of clearing and grading.
 - (b) Indication of grading to occur in the LOS/greenway.
 - (c) Clear identification and delineation of all improvements and/or amenities proposed for the LOS/greenway.
 - (d) Location of access point(s) for maintenance/emergency vehicles, which is/are no less than 20 feet in width.
 - (e) Locations of additional 10-foot wide pedestrian access, as required.
 - (f) A clear delineation of the active and passive LOS and greenway areas that are proposed, including the specific parcel size in acres and identification of resources to be protected.
- b. The concept plan review will consist of comments relating to compliance with the regulations of this manual, Baltimore County Master Plans, Local Land Preservation and Recreation Plan and the Baltimore County Development Regulations. Comments from the Department relative to LOS, 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 26-203 of the Baltimore County Code.

In addition to elements noted in Section 26-203, the plan should contain detailed information on open spaces as follows:

- ~ Limit and amount of LOS or greenway;
- ~ Proposals for improvements to LOS or greenway;
- ~ Limit of disturbance and vegetation to be saved; and
- ~ Determination of ownership and maintenance of the local open spaces and greenways.

In accordance with Section 26-180 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 LOS.
 - a. "All Local Open Space shall be in compliance with the Local 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 Recreation and Parks."
 - d. If an improvement is being provided on LOS, 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, Local Land Preservation and Recreation Plans and the Baltimore County Development Regulations.
3. Development Plan Hearing: Preliminary comments from the Department relative to LOS, 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 zoning commissioner's hearing.

C. REQUIREMENTS FOR THE DEVELOPMENT OF LOCAL OPEN SPACE

1. Boundary Markers

- a. The applicant shall clearly mark boundaries of the LOS/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 LOS/greenway parcel (Section III.F.1 of this manual). 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 LOS 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.
 - (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.

- d. The Department may permit temporary stockpiling of materials or disposition of sediment and construction debris within the LOS 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 LOS 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 DEPRM and shall not be permitted within 100 feet of wooded areas to be retained unless approved by the Director.
 - i. No protective devices, signs, utility boxes, or other objects shall be nailed to trees to be retained within the LOS/greenway.
 - j. The Department must approve all construction in LOS/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 LOS/GREENWAY PARCELS

LOS/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 and Development Management. The applicant is responsible for installing permanent boundary markers as specified in Section III.F.1. The applicant, their successors, and assigns shall maintain the open space dedication until the open space is accepted by the county under paragraph 2-1 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 LOS 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.
3. Condition of Acceptance of the LOS/Greenway Parcels:
 - a. The amount of LOS 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, unless damaged by natural disasters or vandalism not attributable to the applicant, applicant's agent, servant, employee, or contractors.
 - c. All amenities proposed on the approved development plan must be in place, in working condition, and undamaged.
 - 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.

E. RECORD PLAT/MODES OF CONVEYANCE

1. Modes of, and Standards for, Conveyance of LOS/Greenway Parcels:
 - a. LOS/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:
 - (1) Transfer to the county in fee, thus denoted on the development plan and subsequent record plats as LOS or Baltimore County greenway reservation.
 - (2) Applicant ownership (retained by the applicant) thus denoted as Privately Held Open Space (PHOS) or Baltimore County greenway easement.
 - (3) With the concurrence of the applicant, transfer to a homeowner's 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 LOS/greenway parcel shall be in accordance with the Baltimore County Charter, Article IV, Section 402(d)(12).
 - c. Conveyance of LOS/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.
 - d. The Department will not allow conveyance of LOS to any entity without prior inspection and approval.



SECTION VI

APPENDICES

APPENDIX A: REQUEST FOR A WAIVER OF LOCAL OPEN SPACE

APPENDIX B: REQUEST FOR EXEMPTION

APPENDIX A



REQUEST FOR WAIVER OF LOCAL OPEN SPACE

Date: _____

Project: _____

Location: _____

Election District: _____

Councilmanic District: _____

Local Open Space Coordinator
Baltimore County Dept. of Rec. & Parks
301 Washington Avenue
Towson, Maryland, 21204

Gross Acreage: _____ Zoning: _____ Number of Proposed Units: _____

Active L.O.S. required: _____ (No. of units x 650 SF) Proposed: _____ acres

Passive L.O.S. required: _____ (No. of units x 350 SF) Proposed: _____ acres

Fee in Lieu of Acreage: _____

REASONS FOR REQUESTING A WAIVER (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 open space requirements.

____ Local Open Space required is less than 20,000 SF

____ There are no contiguous public recreational 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: _____

APPENDIX B

REQUEST FOR EXEMPTION

NOTE: This form should be completed in cases where the subdivision is for the benefit of a family member (In cases where subdivision is occurring pursuant to a court order, a copy of the pertinent court order should be forwarded.)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this ____ day of _____, 20____, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared, and having been duly sworn, states as follows:

1. That he/she/they is/are the owner(s) of _____ acres of land located at _____, in the _____ Election District of Baltimore County, which was acquired on _____ by Deed dated and recorded among the Land Records of Baltimore County in Liber _____, Page _____, a copy of which is attached hereto.

2. That the affiant(s) desire(s) to and will construct a residence for the sole use of their _____, _____, and _____, on the property, a copy of the subdivision plat attached (family members) hereto, and that it is the intention of the affiants to establish his/her/their residence therein.

3. The affiant(s) acknowledge that the granting of this exemption does not relieve them from the obligation to comply with the Subdivision Regulations of Baltimore County. (With regard to either the parcel presently being conveyed, or balance of the original tract in the event of further subdivision of either parcel at a future date)

4. That the affiants respectfully request exemption of the Local Open Space requirements pursuant to Baltimore County Subdivision Regulations, Bill 56-82, Section 22-93.D.

Sworn under penalty of perjury.

Signature(s) of Grantor(s)

Signature(s) of Grantee(s)

Signature of Notary Public

Seal

Authority Expires _____

C: DIRECTOR, PERMITS AND DEVELOPMENT MANAGEMENT



Baltimore County
Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

<http://www.baltimorecountymd.gov>

Baltimore County
Department of Recreation and Parks
301 Washington Avenue
Towson, Maryland 21204