

2012 Land Preservation, Parks & Recreation Plan

Appendix III - Municipal Open Space Requirements

Hampstead

Open Space Requirements for Cluster Subdivisions

Hampstead's code allows for cluster subdivisions. In cluster subdivisions, the Planning & Zoning Commission can approve residential lots that are smaller than normally would be required if the unlotted land "shall be provided and maintained as open space or recreational areas . . ." The open space may be publicly or privately owned. Uses can include "parks, golf courses, riding trails, summer or winter resort areas, fishing or country clubs, game preserves and similar uses of a commercial or noncommercial nature." Use can be restricted to only the residents of the cluster subdivision or can be for residents and nonresidents alike. (Article XXIV)

Open Space Requirements for Major Subdivisions in Conservation Districts

Hampstead's adequate public facilities requirements (Article XXVIII) do not address parks and recreation. However, the code allows the Planning & Zoning Commission to require on-site or off-site open space facilities or improvements as a condition of approval for major subdivisions in Conservation Districts.

Manchester

Open Space Requirements for Cluster Subdivisions (§250-85)

Manchester's code allows for cluster subdivisions. In cluster subdivisions the Planning & Zoning Commission can approve residential lots that are smaller than would normally be required if the unlotted land "shall be provided and maintained as common open space for joint use by the residents of the cluster subdivision . . ." Plans for the use and providing for perpetual care of open space areas and/or recreational areas must be provided for, subject to approval by the Planning & Zoning Commission.

Adequate Public Facilities Ordinance

Concept Plan Stage:

Manchester's APFO states that, before granting approval for a Concept Plan, the Planning Commission must "consider" a list of potential impacts that includes "whether the proposed subdivision will create or add to an inadequacy in fire or police protection, emergency services or recreation facilities . . ." (§89-8).

Preliminary Plan Stage:

Recreation facilities are not mentioned.

Final Plan Stage:

Recreation facilities are not mentioned.

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Mount Airy

Mount Airy requires designated open space for residential development located within any residential zone or special exemption residential uses in commercial zones. Required open space is based on housing density and is calculated as a percentage of net developable acreage (i.e., gross developable area minus environmental resource areas). Residential lot sizes may be reduced (e.g., as in cluster developments), but the total area of dedicated open space must equal the amount by which the residential lots are reduced below the base zoning requirements. Total dedicated open space must also meet the following minimum percentages of net developable acreage:

Conservation and R-1 Zones:	25 percent
R-2 and RE Zones:	35 percent
R-3 to R-5 Zones:	45 percent
R-5 to R-7 Zones:	50 percent

These percentages can be adjusted by the Planning Commission based upon unique features of the property.

Certain land uses cannot be counted toward the required designated open space, including: unbuildable land (e.g., floodplains, wetlands, streams, and steep slopes), existing rights-of-way and utility easements, setbacks and lawns, stormwater management facilities (except those that preserve the area in a natural or forested condition), roads, and parking areas. Interconnectivity between neighborhoods, via pathways, is encouraged. At least 50 percent of the defined open space area must be designated as green space and maintained in a natural, undisturbed condition. The remaining open space area may be improved and used as community open space for dry-ground activities.

If deemed appropriate, the Town may allow the payment of a fee in lieu of dedicating open space. However, the fee must be used for recreational purposes in the Town's park system.

The town also has the following environmental protection standards:

- Floodplains – Non-buildable
- Non-tidal wetlands and wetland buffer- Non-buildable
- Streams and stream buffers – Non-buildable
- Steep slopes – Non-buildable
- Water supply protection – Areas within a development that are within the water recharge area of any of the Town's well fields must be identified. The Planning Commission may disapprove any plans if the proposed development would decrease the recharge rate by more than 10 percent, or create a water demand on the site that would be greater than the estimated groundwater recharge rate for the property.

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New Windsor

The Town of New Windsor allows clustering of residential lots within a subdivision. Land that is derived from the reduction of lot size from the minimum lot size specified for the zoning district must be provided as common open space. At a minimum, the common open space area must comprise 25 percent of the property's gross area. The open space area cannot include streets, off-street parking areas, or utility easements. Wetlands, streams, and steep slopes cannot account for more than one-third of the common area. Location of the common open space areas must take into consideration the Town's existing open space areas; proximity and access to nearby public buildings and gathering places (e.g., schools, churches, the historic downtown, and shopping areas); and opportunities for connections to walkways, linear trails, or greenways. For development projects that are 15 acres or smaller, the Town may allow restrictive covenants on private lots that would protect adequate areas from activity, or the provision of cross-easements, in lieu of actual dedication of open space.

Sykesville

For single-family detached housing developments, the Sykesville Zoning Ordinance requires a cluster subdivision that complies with the Small Town Planning Guidelines (unless the property is exempt because it is too small or is "grandfathered", in which case the property can develop as a conventional subdivision). For these cluster subdivisions, at least 40 percent of the gross acreage of the property must be designated common space. If additional architectural/ community design guidelines are met, a common space credit up to 10 percent can be awarded. Only 5 percent of the common space may be dedicated to paved areas, bike trails or pathways, or accessory structures. Wetlands, streams, and steep slopes (greater than 25 percent) cannot cover more than one-third of the common space. Small areas of common space scattered throughout the development are prohibited. A contiguous system of common space will be linked by pedestrian pathways, to the extent possible.

For residential developments that comprise a mix of housing types (single- and multi-family), the Zoning Ordinance provides for a PUD in the "R-10,000" and "R-7,500" zoning districts for properties that meet the minimum acreage requirement. The town's PUD provisions are very similar to the county's, including the requirement that at least 25 percent of the gross acreage of the property be designated common open space. The designated space cannot include streets, off-street parking areas, or utility easements.

For development within the Employment Campus District, an overlay district, the Zoning Ordinance requires a minimum of 25 percent in open space and landscaping for a given property. If a property adjoins a Town park, the park may be taken into account when determining the open space requirement.

Provisions for industrial parks do not include specific requirements for open space. However, the maximum lot coverage of principal buildings is 25 percent of total lot area. Areas of the lot not occupied by buildings, parking and loading areas, driveways, outside storage, or walkways are required to be planted with grass or other ground cover, trees, shrubs, and/or flowers.

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Taneytown

Residential subdivisions are required to dedicate and convey to the City a minimum of 10 percent of the net project area (and/or pay the impact fee in lieu thereof) as common open space. Net project area includes the entire property, minus acreage required for roads, rights-of-way, public utilities, and stormwater management facilities. All open space must have access to a street in fee simple and be reasonably located to be accessible to the neighborhood. In all instances, a minimum of 85 percent of the open space must be suitable for dry-ground active recreational uses.

For a Community Village development, a minimum of 25 percent of the gross land area must be allocated to permanent open space. The required open space must be exclusive of any reservations required by the Town's official comprehensive plan, such as public school sites, highways, regional stormwater management facilities, and public utility structures.

Union Bridge

In the R-6,000, R-10,000, R-20,000 Districts, no less than 25 percent of the gross area of the property subdivided must be open space. This can include land derived from the reduction of lot sizes as a result of clustering from the minimum lot size. Wetlands, water courses, and/or land with slopes of greater than 25 percent cannot account for more than one-third of the open space.

Westminster

The City may require land dedications for parks and other public uses where designated by the Master Plan or another applicable plan. Additionally, no structure may be placed in a floodplain or within 100 feet of a stream. Cluster subdivisions (single-family detached development as allowed in the Residential "R-10,000" and "R-20,000" zones), Planned Developments (PD-4 and PD-9 zones), and other residential developments have added requirements.

Cluster subdivisions are required to set aside all land within the 100-year floodplain, wetlands, streams, and steep slopes for environmental open space, and the developer may provide additional contiguous open space to the City for parkland. Also, 15 percent of the gross project area must be dedicated for recreational open space, at least half of which must be suitable for dry-ground active recreational uses. Environmental open space may not be counted towards this requirement; however, land within the 100-foot stream buffer (that is not part of the environmental open space) may account for up to 33 percent of the recreational open space. The Planning & Zoning Commission may require cluster subdivisions to provide additional common open space in accordance with the need for parks and recreation sites.

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Planned Developments (PDs) are required to set aside 20 percent of the net project area for common open space, at least half of which must be suitable for dry-ground active recreational uses. The developer may offer additional contiguous open space consisting of environmentally sensitive features to the City for parkland. The Planning Commission may require that \$2,500 per acre be paid in lieu of the required open space if the Planning Commission deems the open space to be inappropriate (e.g., based on the small size of the development, or other factors unique to the proposed development). Such payments will be held in escrow and used for acquiring, developing, and maintaining open space land in the general area of the development project.

For multi-family development where the site is larger than one acre, the open space provisions specified for the PD zones applies.

At least 10 percent of the site must be reserved for open space for the following types of developments:

- Multi-family development located within the Housing for Older Persons Zone
- Multi-family development where the site is one acre or smaller
- Development in the “R-7,500” residential district
- Housing for older persons
- Single-family detached and semi-detached residential development in conventional (non-cluster) developments

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