

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2025, Legislative Day No. 16

Bill No. 71-25

Mr. Mike Ertel, Councilman

By the County Council, October 6, 2025

A BILL
ENTITLED

AN ACT concerning

Open Space Fee-in-Lieu

FOR the purpose of amending the open space fee-in-lieu structure to be in conformance with Resolution 86-21; updating the open space fee-in-lieu structure to include the Mixed-Use District, the Elderly and Senior Housing District, and the Eco Park District; amending the time of payment of fees for developments in the M.U. district and/or developments enabled pursuant to Section 259.17.P of the Baltimore County Zoning Regulations; and generally relating to the Open Space Fee-in-Lieu.

BY repealing and re-enacting, with amendments

Sections 32-6-108(i)(1)(iv) and (i)(5)
Article 32 – Planning, Zoning, and Subdivision Control
Title 6 – Adequate Public Facilities
Baltimore County Code, 2015

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY adding

Section 259.17.K.7

Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

Title 6 – Adequate Public Facilities

§ 32-6-108. Open Space.

(i) (1) (iv) The fee structure shall be based upon the project location and the type
of development unit proposed and shall include separate rates per residential development unit
for:

- a. Tier 1: Projects outside the Urban Rural Demarcation Line;
- b. Tier 2: Single family detached, semi-detached, and duplex
dwelling and single family attached dwelling projects inside the Urban Rural Demarcation Line;
- c. Tier 3: Commercial, COMMUNITY CORE (C.C.C.), Town
Center Core (C.T.) projects, Residential, Apartment, Elevator (R.A.E.) projects, [and] Transit-
Oriented Development (TOD) projects, AND MIXED-USE (M.U.) PROJECTS LOCATED ON
M.U. ZONED PROPERTY OR ENABLED PURSUANT TO § 259.17.P OF THE ZONING
REGULATIONS inside the Urban Rural Demarcation Line;
- d. Tier 4: Multi-family projects not in Tier 3 inside the Urban
Rural Demarcation Line;

1 e. Tier 5: Student dormitories, PURPOSE BUILT STUDENT
2 HOUSING, [and] affordable housing, ELDERLY AND SENIOR HOUSING (E.S.H.), ECO
3 PARK (E.P.), and housing for the elderly as defined in the zoning regulations; and

4 f. Tier 6: The Downtown Towson District.

5 (5) (I) EXCEPT UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH,
6 the fee shall be paid before the recordation of the record plat.

7 (II) FOR A DEVELOPMENT IN AN M.U. DISTRICT, A
8 DEVELOPMENT ENABLED PURSUANT TO § 259.17.P OF THE ZONING
9 REGULATIONS, OR ANY COMBINATION THEREOF, THE FEE SHALL BE PAID UPON
10 THE APPLICATION FOR A BUILDING PERMIT, AS SET FORTH IN § 259.17.K OF THE
11 ZONING REGULATIONS.

12 (III) Any security necessary for the on-site or off-site amenities provided
13 shall be posted prior to the issuance of the building permit.

14
15 SECTION 2. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
16 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

17
18 ARTICLE 2 – ELEVATOR-APARTMENT RESIDENCE ZONES,
19 RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES,
20 MANUFACTURING ZONES AND DISTRICTS

21 Section 259 – Districts

22
23 § 259.17. Mixed-Use (M.U.) District.

1 K. Open space requirements.

2 7. TO ACCOMMODATE THE TYPICALLY SIGNIFICANT SIZE, SCOPE,
3 AND COMPLEXITY OF DEVELOPMENTS IN THE M.U. DISTRICT AND/OR ENABLED
4 PURSUANT TO § 259.17.P OF THESE REGULATIONS, WHICH MAY OR MAY NOT
5 INVOLVE APPROVALS AND/OR PERMITS ISSUED IN PHASES, PAYMENT OF ANY
6 FEE IN LIEU FOR A DEVELOPMENT IN THE M.U. DISTRICT AND/OR ANY
7 DEVELOPMENT ENABLED PURSUANT TO § 259.17.P OF THESE REGULATIONS
8 SHALL BE PAID UPON THE APPLICATION FOR A BUILDING PERMIT AND
9 CALCULATED ON THE NUMBER OF RESIDENTIAL UNITS AUTHORIZED BY THE
10 SUBJECT BUILDING PERMIT.

11
12 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by
13 the affirmative vote of five members of the County Council, shall take effect 14 days after its
14 enactment.