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~~ Purpose Built Student Housing; 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.), <u>COMMERCIAL,</u> 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;

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

f. Tier 6: The Downtown Towson District.

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

(II) FOR A DEVELOPMENT IN AN M.U. DISTRICT, A DEVELOPMENT ENABLED PURSUANT TO § 259.17.P OF THE ZONING REGULATIONS, OR ANY COMBINATION THEREOF, THE FEE SHALL BE PAID ~~UPON THE APPLICATION FOR A BUILDING PERMIT~~ PRIOR TO RECORDATION OF A PLAT FOR ANY PORTION OF THE DEVELOPMENT THAT INCLUDES A RESIDENTIAL COMPONENT, AS SET FORTH IN § 259.17.K OF THE ZONING REGULATIONS.

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

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

ARTICLE 2 – ELEVATOR-APARTMENT RESIDENCE ZONES, RESIDENTIAL-OFFICE ZONES, OFFICE ZONES, BUSINESS ZONES, MANUFACTURING ZONES AND DISTRICTS

Section 259 – Districts

§ 259.17. Mixed-Use (M.U.) District.

K. Open space requirements.

7. TO ACCOMMODATE THE TYPICALLY SIGNIFICANT SIZE, SCOPE, AND COMPLEXITY OF DEVELOPMENTS IN THE M.U. DISTRICT ~~AND/~~OR ENABLED PURSUANT TO § 259.17.P OF THESE REGULATIONS, WHICH MAY OR MAY NOT INVOLVE APPROVALS ~~AND/~~OR PERMITS ISSUED ~~IN PHASES~~ AT DIFFERENT TIMES THROUGH THE DURATION OF THE PROJECT, PAYMENT OF ANY FEE IN LIEU FOR A DEVELOPMENT IN THE M.U. DISTRICT ~~AND/~~OR ANY DEVELOPMENT ENABLED PURSUANT TO § 259.17.P OF THESE REGULATIONS SHALL BE PAID ~~UPON THE APPLICATION FOR A BUILDING PERMIT AND CALCULATED~~ PRIOR TO RECORDATION OF A PLAT FOR ANY PORTION OF THE PROJECT THAT INCLUDES A RESIDENTIAL COMPONENT, AND THE FEE SHALL BE BASED ON THE NUMBER OF RESIDENTIAL UNITS AUTHORIZED BY THE SUBJECT ~~BUILDING PERMIT~~ RECORD PLAT.

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

LEGISLATION DETAIL

LEGISLATION	BILL 71-25
DISPOSITION	PASSED AS AMENDED
ENACTED	11/13/25
EFFECTIVE	11/27/25
AMENDMENTS	YES (1)

ROLL CALL - BILL

MOTION PATOKA SECOND ERTEL

AYE	NAY	
☑	☐	Councilman Young
☑	☐	Councilman Patoka
☑	☐	Councilman Kach
☑	☐	Councilman Jones
☑	☐	Councilman Marks
☑	☐	Councilman Ertel
☑	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION MARKS SECOND JONES

AYE	NAY	
☑	☐	Councilman Young
☑	☐	Councilman Patoka
☑	☐	Councilman Kach
☑	☐	Councilman Jones
☑	☐	Councilman Marks
☑	☐	Councilman Ertel
☑	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
☐	☐	Councilman Young
☐	☐	Councilman Patoka
☐	☐	Councilman Kach
☐	☐	Councilman Jones
☐	☐	Councilman Marks
☐	☐	Councilman Ertel
☐	☐	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
☐	☐	Councilman Young
☐	☐	Councilman Patoka
☐	☐	Councilman Kach
☐	☐	Councilman Jones
☐	☐	Councilman Marks
☐	☐	Councilman Ertel
☐	☐	Councilman Crandell