

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 (§105-91)

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 maintenance of the open space area must be provided to and approved 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.

Mount Airy

Mount Airy requires at least 10 percent of any development to be reserved for recreational use. This 10 percent cannot include floodplains, steep slopes, or stormwater management facilities. The Town Council can accept a fee in lieu of the land, if it is deemed appropriate. 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 resource protection - Areas must be identified and the Planning Commission may disapprove any plans if the proposed development would decrease the recharge rate by more than 10%.

New Windsor

The Town of New Windsor is in the process of developing subdivision regulations to accompany their newly adopted revisions to the zoning ordinance. As a result, no open space requirements exist in the town at this time.

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.

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 open space.

Union Bridge

In the R-6,000, R-10,000, R-20,000 Districts, no less than 25% 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% can not account for more than 1/3 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 and Planned Unit Developments (PUDs) 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 reserved for recreational open space, half of which must be suitable for dry-ground activities. Environmental open space may not be counted towards this requirement, with the exception of 1/3 of the land within the 100-foot stream buffer. The Planning & Zoning Commission may require cluster subdivisions to provide additional common open space in accordance with the need for parks and recreation sites.

Planned Unit Developments (PUDs) require that 20 percent of the net project area be set aside for recreational open space, half of which must be suitable for dry-ground activities. The developer may offer additional contiguous open space consisting of environmentally sensitive features to the City for parkland. The Planning & Zoning Commission may require that \$1,000 per lot/dwelling unit (whichever is greater) be paid in lieu of the 20 percent dedication if the development is on a small parcel.

