# **Affordable Housing Planning**

Maryland Land Use Article Requirements and Resources

Maryland Planning Commissioners Association

Southern Maryland Regional Workshop

La Plata, Maryland

January 31, 2023



### Maryland Housing Needs Assessment & 10-Year Strategic Plan

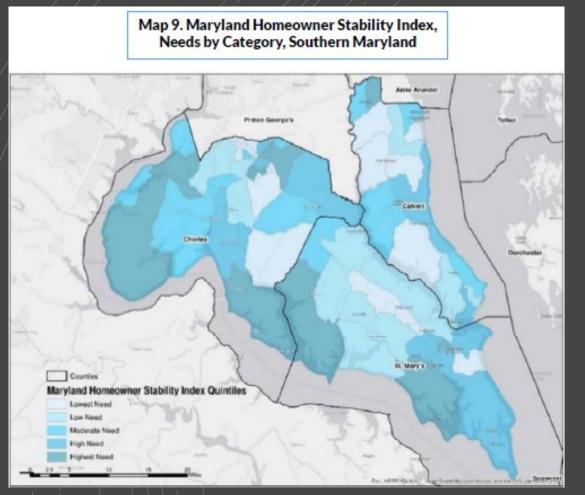
A shared framework & toolbox for the Maryland Department of Housing and Community Development and local partners

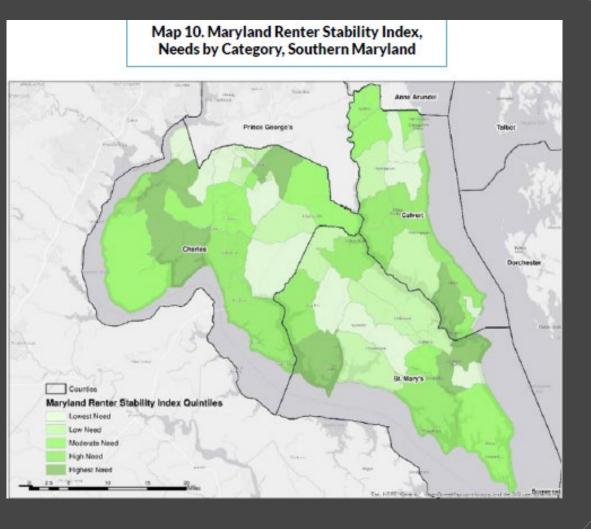


### Maryland Housing Needs Assessment

- A shortage of 85,000 affordable apartments in Maryland for families and individuals earning less than 30% of median income, representing the most serious gap in supply for people at all income levels;
- An additional 97,200 families and individuals earning less than 50% of median income are expected to move to the state by 2030, highlighting the need to dramatically increase affordable housing supply over the next 10 years; and
- People of color, individuals with disabilities and seniors—who represent 14% of all Maryland families—face additional hurdles such as lack of flexible standards used by landlords when screening tenants and requiring high down payments. These disparities have been made worse by the Covid-19 pandemic.

Image linked to the report







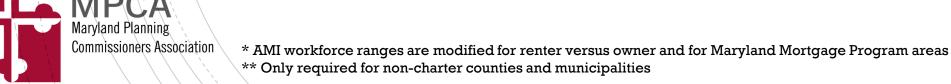
## Housing Element Requirements

### HB 1045 (2019): effective June 1, 2020

- Added Housing Element requirement to comprehensive plans
- "Shall" assess need for housing that is affordable to lowincome (60% AMI) and workforce (60-120% AMI) households\*

### HB 90 (2021): effective January 1, 2023\*\*

- Added Affirmatively Furthering Fair Housing requirement to housing elements
- "Shall" include an assessment of fair housing to ensure that the local government is affirmatively furthering fair housing



## Maryland Department of Planning Housing Element Models and Guidelines

**MPCA** 

Maryland Planning

**Commissioners Association** 

#### Models & Guidelines The Housing Element



#### Additional Resources

- Additional Housing Resources
- Maryland Housing Needs Assessment & 10-Year
  Strategic Plan
  - Needs Assessment Summaries (published in Planning Practice Monthly)
    - Part I Introduction/Overview
    - Part II Section 2. Proposed statewide priorities
    - Part III Section 3. State of housing in Maryland
    - Part IV Section 4. Needs by region and core actions to address them
    - Part V Section 5. Maryland Housing Toolbox
- Affordable Housing Webinar Recordings
- Other Comprehensive Plan Housing Element Resources
  - Articles (published in Planning Practice Monthly)
    - HB 90 (2021) Modifies Comprehensive Plan Housing Element Requirements: What Maryland Jurisdictions Need to Know
    - Affordable Housing in Maryland: A Rural Developer's Experience
    - Analyzing Affordable Housing Needs in Your Jurisdiction: Examples from Maryland Housing Elements

#### Models & Guidelines: The Housing Element

#### Introduction

The Maryland Department of Planning (Planning) is the primary state agency responsible for reviewing comprehensive plans, providing technical assistance to complete them, and creating Models and Guidelines (M&G) to implement them. In response to Senate Bill (SB) 55 (2019), Planning is the central repository for all comprehensive plans and amendments and they are compiled on our Comprehensive Plans webpage. In this role, Planning collaborates with other state agencies and local staff at every step of the process — from community outreach efforts to plan implementation. As planning statutes change in Maryland, we seek to respond the process and guidance for communities.



St. Mary's County

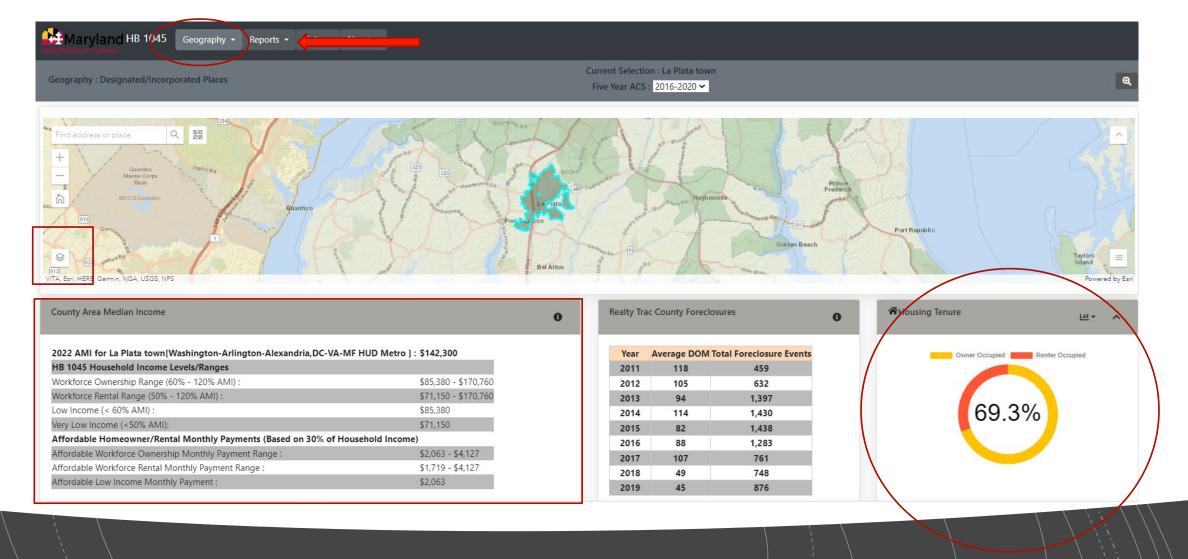
Planning has a long history of creating M&Gs to assist jurisdictions with their needs, particularly in response to new legislative requirements (see inset below). The new Housing M&G builds upon this legacy and creates similar resources and guidance in response to House Bill (HB) 1045 (2019). Planning believes that state guidance can help Maryland's communities meet the requirements of state law and address local housing objectives. While a housing element is now included as a mandatory element for comprehensive plans, and the new HB 1045 (2019) legislation provides specific definitions and requirements for low income and workforce housing, the format and strategies should be generated locally. HB 1045 (2019) requires jurisdictions with planning and zoning authority to include a housing element as part of its next 10-year cycle comprehensive plan update.

For example, following HB 1141, passed during the 2006 session, Planning developed M&Gs for the newly required Municipal Growth and Water Resources Elements. The most recent M&G is Placing Jobs, a web-based tool incorporating a variety of economic development resources for local planners. Other recent online planning resources include the Transit Station Area Profile Tool and the Transportation Element Checklist.

The resources in this M&G are intended to help local planners and other staff customize a planning process based on the characteristics of their communities and should not be interpreted as the expected approach. Finally, while HB 1045 (2019) focuses on affordable housing, specifically low-income and workforce housing and a needs analysis of each, Planning is developing tools and guidance to address topics spanning the broad range of housing topics.

Note: In this M&G, the term "affordable housing" will often be used and includes both workforce and low-income housing as defined in HB 1045 (2019).

Image linked to Housing Element M&G



# Housing Data Dashboard

# Resources

MARY

#### Housing Element M&G

- Self Assessments
- Maryland Best Practice Examples
- Filterable Table of Affordable Housing Financing and Technical Assistance
- Methodology Articles (In M&G Left Panel)
- <u>HB 90 Overview and Resources (more to come!)</u>
- Other Resources
  - DHCD Needs Assessment and 10-Year Strategic Plan
  - Local Housing Solutions (Check this one out!)
  - <u>U.S. HUD Guidance on Regulatory Barrier</u> <u>Removal</u>
  - National Low Income Housing Coalition
  - National Housing Preservation Database
  - <u>H + T Affordability Index</u>
- Under Development
  - Expanded Self Assessments
  - Housing Element Worksheet

# Zoning, Growth, and Development

Maryland Planning Commissioners Association

Southern Maryland Regional Workshop

La Plata, Maryland

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## Content Overview

Growth and the Comprehensive Plan

Zoning and the Comprehensive Plan

Zoning and Growth

**Zoning Tools** 

Infrastructure and Growth

Infill, Design, and Density



### Discussion Questions

How does your comprehensive plan address the issue of growth and development?

How does your zoning guide and implement growth?

In what ways are your comprehensive plan and/or zoning code insufficient to address growth and development in your community?

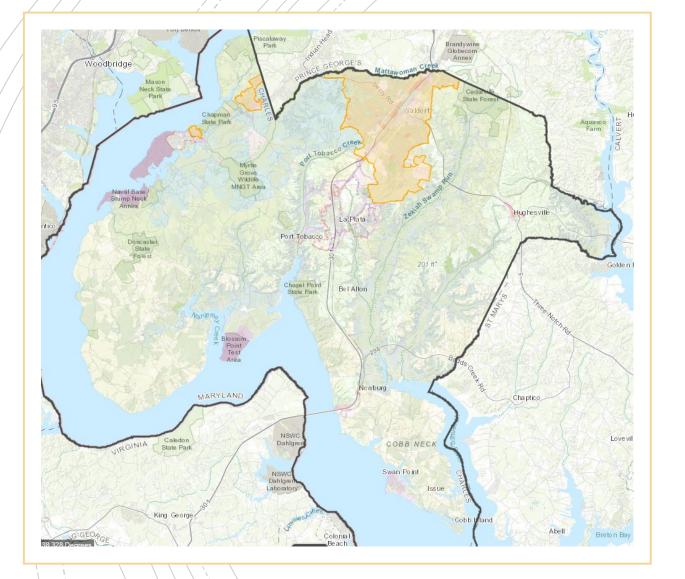
# Growth and the Comprehensive Plan

#### 1-201. Visions

- growth areas: growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers
- 3-111. Land Use Element (Non-Charter Counties and Municipalities)
  - On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land
- 1-407 and 3-103. Development Regulations Element
  - The development regulations element shall include the planning commission's recommendation for land development regulations to implement the plan.
  - The development regulations element shall encourage:
    - the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and
    - within the **areas designated for growth** in the plan:
      - (i) economic development through the use of innovative techniques; and
      - (ii) streamlined review of applications for development, including permit review and subdivision plat review.

## Maryland Land Use Article





### Development Policy/Growth Areas/Envelopes

This **Development District** is the principal center of population, services and employment for the County. The incorporated Towns of La Plata and Indian Head serve as separate development districts, although the towns are not under the planning authority of the Charles County government. The Development Districts are the most suitable areas for new population growth

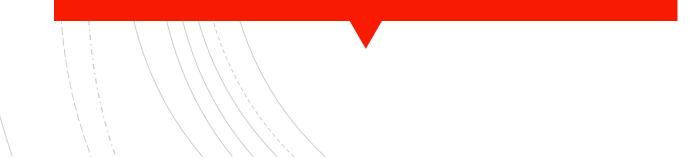
## Municipal Growth

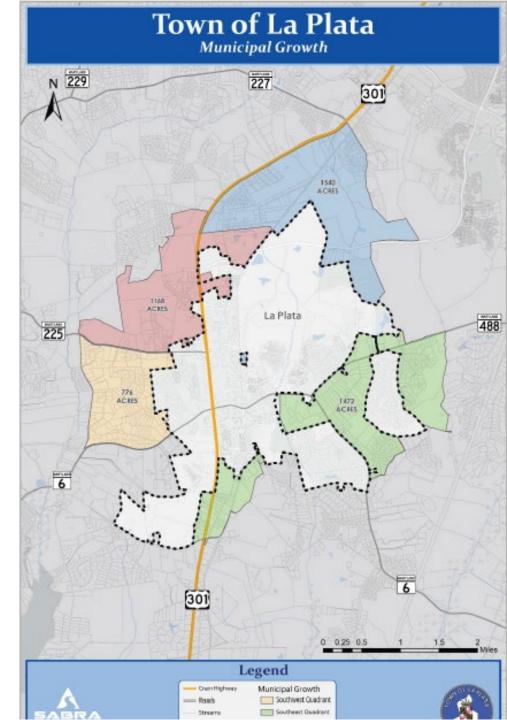
Annexations require consistency with municipal growth element (MGE), per <u>Local Government Article §4–415</u>

Consider and describe desired land uses, densities, and intensities in municipal growth areas

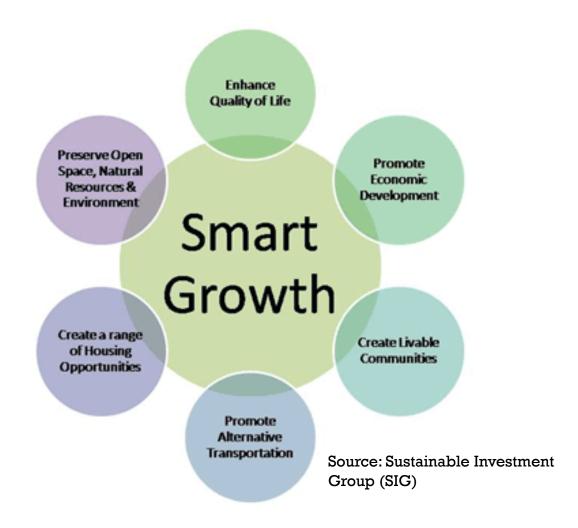
Plan and zone these areas in alignment with MGE upon annexation

5-Year rule





## So.... What does "smart growth" mean then?



### State Government Article § 9-1402

The General Assembly finds that the State is committed to addressing the high financial, social, and environmental costs of sprawl development through effective smart growth policy

# Zoning and the Comprehensive Plan

For an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan:

(1) policies;

(2) timing of the implementation of the plan;

(3) timing of development;

(4) timing of rezoning;

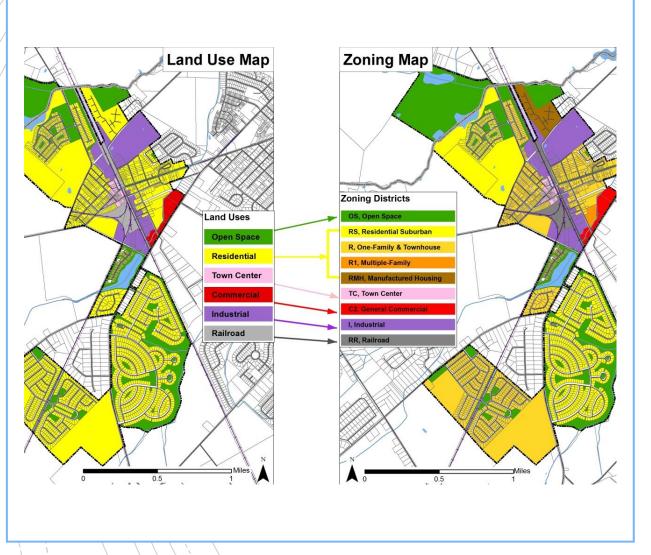
(5) development patterns;

(6) land uses; and

(7) densities or intensities.

What does consistent with the comprehensive plan mean?

> Land Use Article § 1-303



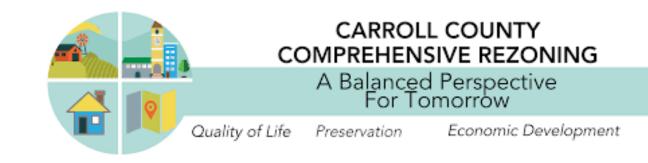
## Comprehensive Rezoning

- After adoption of new comprehensive plan or sub-area plan
- "Consistent" implementation measure guided by the comprehensive plan
- Avoids change or mistake requirement

Source: University of Maryland, Land Use and Zoning Link-Clayton Delaware

## Carroll and Baltimore County Examples

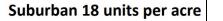




### Images Linked to Respective County Websites

# Zoning and Growth















# Visualizing Residential Density



Fairview Village, Oregon

#### Town of Leonardtown Chart A Height, Area, Bulk and Density Requirements by Zoning District [Amended 8-9-2004 by Ord. Nos. 116 and 117; 5/9-2011 by Ord. No. 149]

Maximum Heigl		m Height	Minimum Yard Requirements (feet)			Minimum	Minimum	Minimum	Maximum
Zoning District	Feet	Stories	Front Yard	Side Yard	Rear Yard	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Density (units per acre
R-SF	40	3	25	8	25	10,000	70	100	4
R-MF	45	3	15	10	30	43,560	> NA	100	10
PUD-M	NA	NA	NA	NA	NA	NA	NA	NA	5
С-В	45	3	0 (see § 155-27)	3	3	NA	NA	NA	NA
C-0	45	3	0	(see § 155-31)	5	NA	NA	NA	NA
С-Н	45	3	15*	10	10	NA	NA	NA	NA
C-M	35	2	NA	NA	NA	NA	NA	NA	NA
C-SC	40	2	30	20**	NA	NA	NA	NA	NA
I/O	45	3	70	20	20	10,000	NA	NA	NA

## Residential Density

## Zoning Review Processes

## MPCA Maryland Planning Commissioners Association

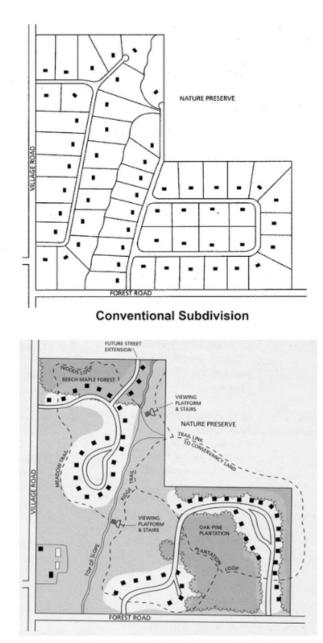
### **BY-RIGHT**

- Use and density permitted in zoning district
- Does not require planning board or legislative review
- Must meet specified standards
- "Promoted" uses, therefore easier to develop

### SPECIAL EXCEPTION

- Use and density permitted with review
- Must meet certain criteria, more subjective
- Political influences and public involvement
- "Special" uses, therefor more difficult and expensive to develop

# Zoning Tools



Planned Unit Development (PUD)

# Clustering, PUDs, and Density Bonuses

## Charles County Clustering

RL District-Low-Density Residential Zone

SF Detached

	Traditional Development	Cluster Development
Minimum Lot Size	18,000 ft2	8,000 ft2
Minimum Front Yard	30 ft	25 ft
Minimum Tract Size	N/A	15 acres
Minimum Open Space	15%	30%



## Inclusionary Zoning

Annapolis Inclusionary Zoning



Montgomery Inclusionary Zoning



Maryland Department of Planning Housing Element Models & Guidelines



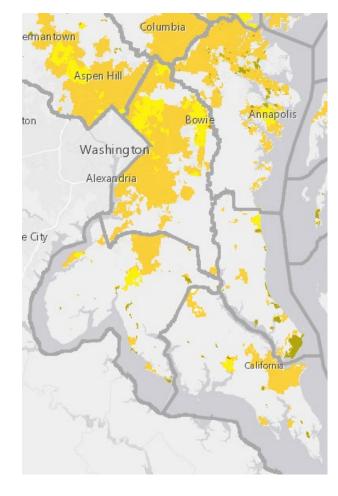
## Infrastructure and Growth

## Priority Funding Areas

**MPCA** 

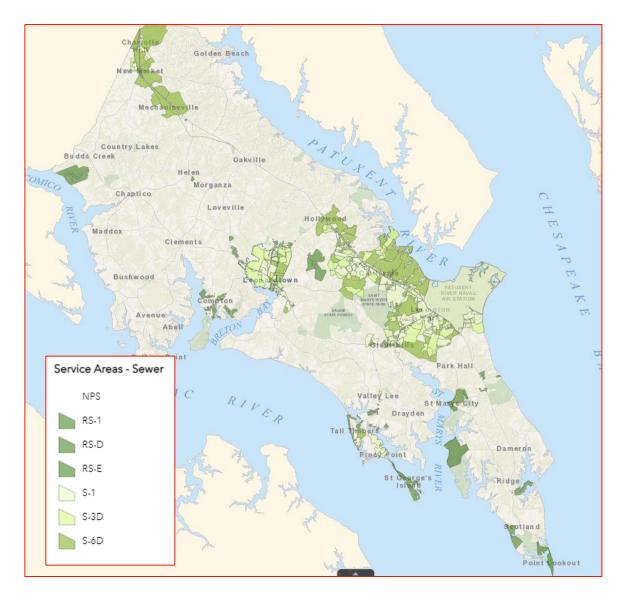
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- Governed by State
  Finance and Procurement
  Article, Title 5, Subtitle 7B
- Official Map
- Three Criteria
  - 1. Locally designated growth area
  - 2. Planned for water and sewer in 10-year plan
  - 3. Zoning
    - 3.5 du/acre
    - employment

## Water and Sewer





DIECTS

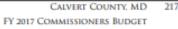
The Capital Improvement Plan identifies and prioritizes capital projects and major equipment purchases, including phasing and financing plans.



Playground at Hallowing Point Park

CAPITAL IMPROVEMENT PLAN DESCRIPTION COMPONENTS OF THE PLAN PROJECT PRIORITIZATION RECURRING / NON-RECURRING SUMMARY CAPITAL IMPROVEMENT SUMMARY CAPITAL PROJECTS BY EXPENSE CATEGORY CAPITAL PROJECTS BY FUNDING SOURCE

Return to Section TOC



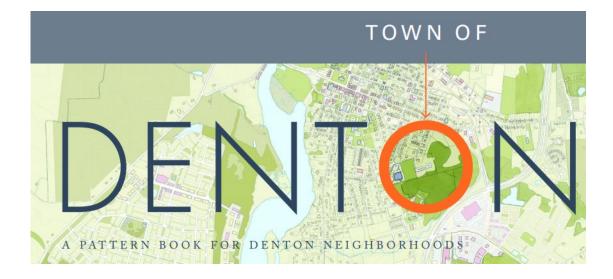
### Capital Improvement Programs (CIP)

Budgeting and capital expenditures channel growth and reinvestment

Blueprint for planning a community's capital expenditures

Includes a capital budget and a capital program

# Infill, Density, and Design



#### The Transect of Denton





### https://dentonmaryland.com/wpcontent/uploads/2021/11/Pattern-Book-June-2007.pdf

Design guidelines/pattern books

- Essential Qualities of Denton Today
- Strategies for New Development
- Building Types
- Architectural Styles
- Green Building Guidelines
- Homeowner's Guide
- Environmentally Responsible Landscape Design

## Character Survey

NO CONTRACTOR

- Create a process to decide on areas that need to be adjusted
- Pick example blocks to measure in each of the districts you intend to revise
- Take a walking tour and measure the elements using a character survey form
  - Ex. Lot widths, building heights, setbacks, uses, parking location, and percent window glazing
- Measure less visible elements using online maps or aerial photography
  - Ex. lot coverage, the number and setback of outbuildings, and parking location.
- Analyze results and recalibrate requirements

## Modified Zoning Requirements to Support Infill

## Setbacks

# **Height Requirements**

**Open Space** 

Lot Size

Parking Policy





Parking Requirements Case Study: Bel Air

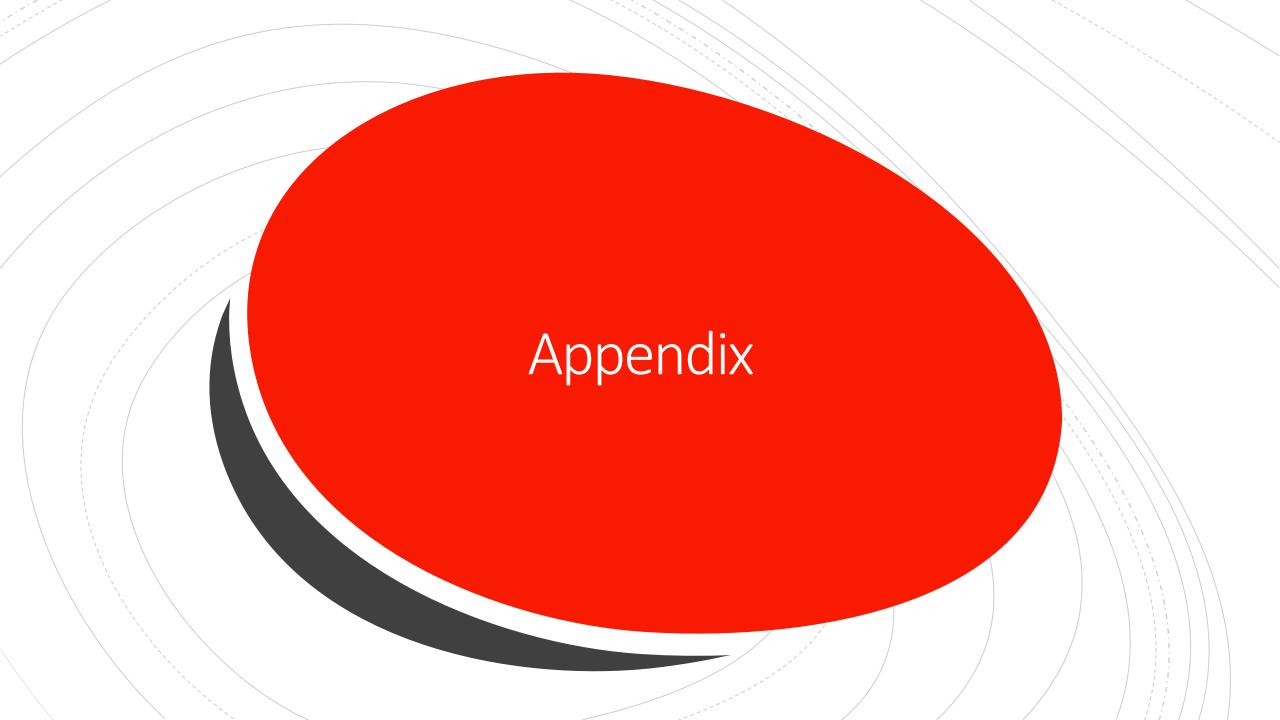
- Removed parking minimums for all service/retail uses in downtown
- Lowered many other parking minimums
- Relaxed the ability to share parking between uses
- 'Building Height Bonus' if a use included structural parking as part of its design
- Changed the code to allow for non-asphalt paving for lots of 15 spaces or less



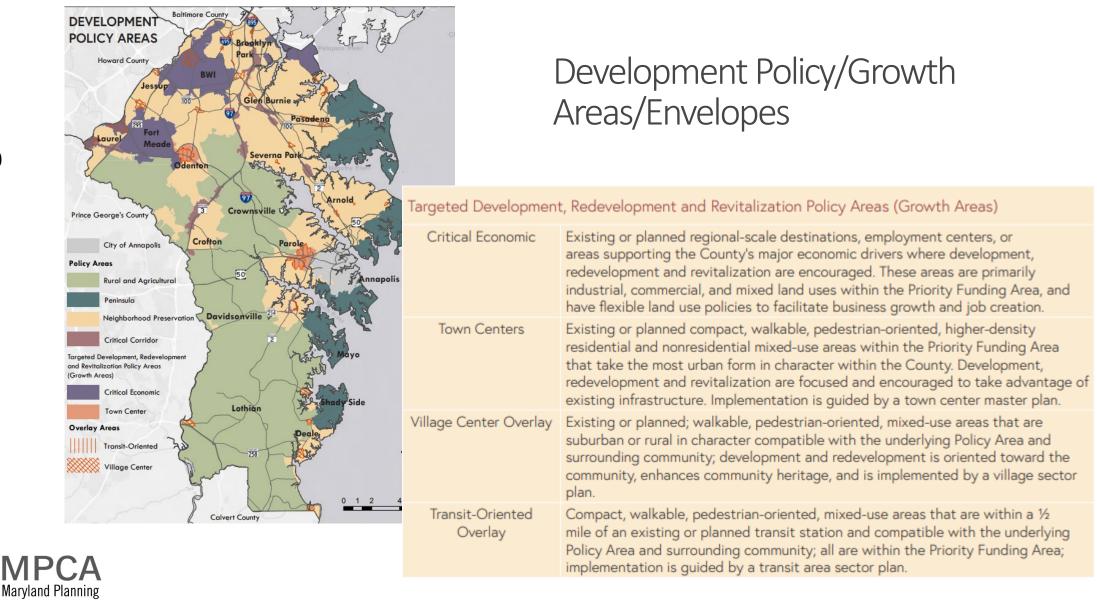


### **Citizen Planning Academies**

Case Studies: Baltimore City; Howard County; Philadelphia



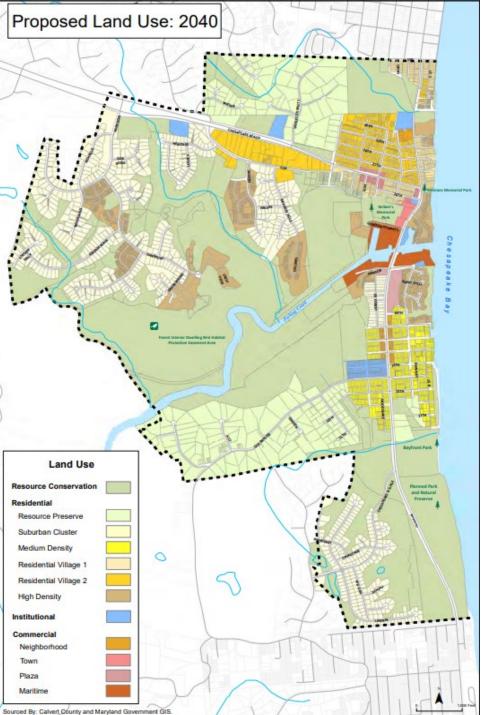
### Anne Arundel Plan 2040



**Commissioners Association** 

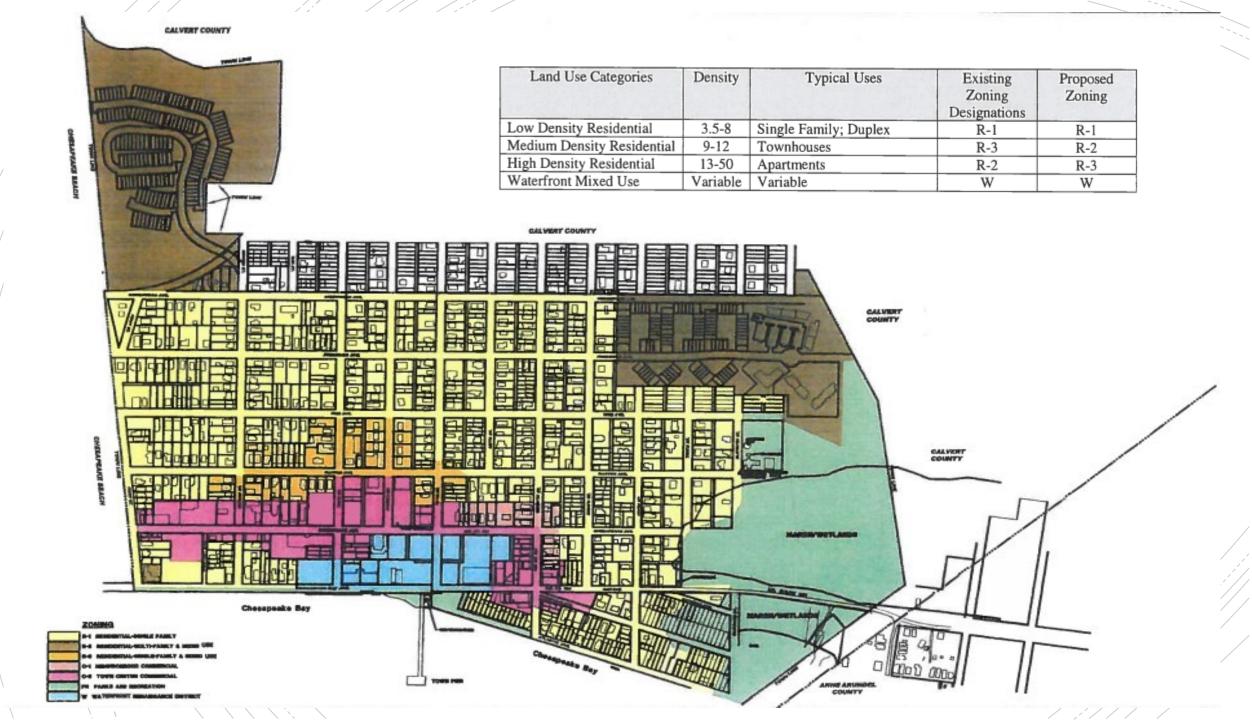
Chesapeake Beach Comprehensive Plan





# Land Use Designations and Density/Intensity

Residential		
Resource Reserve	Conserve the wooded and naturalized residential setting, and where existing steep slopes, stream buffers, and wetlands	Single-family detached houses on large lots, open space and woodlands
Suburban, cluster	Conserve the character of more recently developed neighborhoods which are clustered among preserved woodlands and open spaces	Single-family detached houses
Medium Density	Conserve the character of the neighborhoods south of Fishing Creek distinguished by houses built along narrow streets on the hilly and wooded terrain	Single-family detached houses
Residential Village 1	Conserve traditional cottage neighborhood character	Single-family detached houses
Residential Village 2	Conserve the traditional cottage neighborhood character	Single-family detached with allowance for other housing types compatible with neighborhood character
High Density	Conserve the quality of denser housing projects	Single-family attached and multi-family buildings



### GROSS DENSITY (TOTAL DWELLING UNITS / TOTAL AREA)



### $NET \ DENSITY \ (\texttt{TOTAL DWELLING UNITS / TOTAL LOT AREA})$



Source: MRSC Visualizing Compatible Density

# Residential Density



### Density Overview Gross Vs. Net

#### Hypothetical 100 Acre Parcel

**Total Gross Area** 

100 Acres

40 Acres

Undevelopable Area Highway ROW 10 Acres Floodway 5 Acres Slope Protection 25 Acres

Net Developable Area

Residential

Density

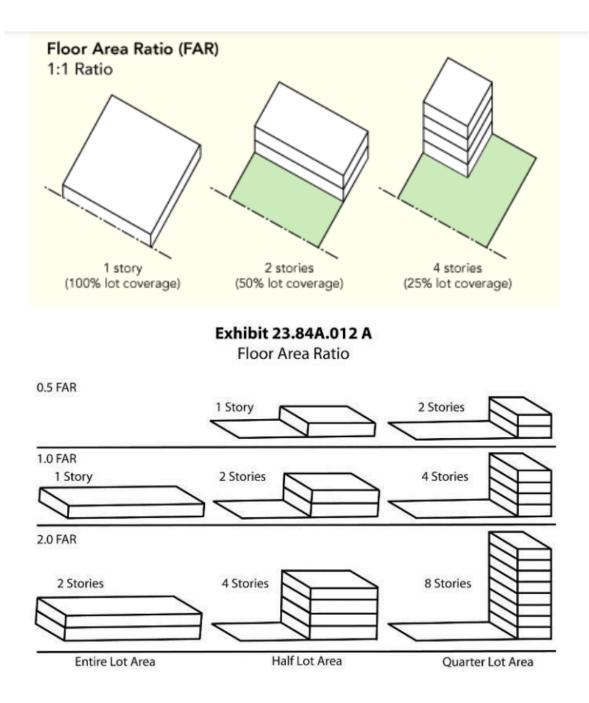
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60 Acres

Gross Density Acts Like		Net Density Looks Like:
1 DUA (gross) [100 acres x 1 unit per acre yields 100 units]	$\Box$	1.67 DUA (net) [100 units on 60 acres, or approximately 18,000 SF Lots]
2 DUA (gross) [100 acres x 2 unit per acre yields 200 units]	$\Box$	3.33 DUA (net) [200 units on 60 acres, or approximately 9,000 SF Lots]
<b>3 DUA (gross)</b> [100 acres x 3 unit per acre yields 300 units]	$\Box$	5.00 DUA (net) [300 units on 60 acres, or approximately 6,000 SF Lots]

Source: Knoxville Tenn. Metropolitan Planning Commission



# Floor Area Ratios (Intensity)

Source: stpaul.gov

#### Schedule 32.1 Development Standards

	RPD	RSC	RCL	RL-T	RL	RH	RNC <sup>9</sup>	RMX	VMX	TMX	DMX	CMX	CC	OBP	1	СМ
Residential Density																
Base Density (units per acre)	1 dwelling per 5 acres subject to footnote1 3	none <sup>14</sup>	none <sup>14</sup>	1 <sup>16</sup>	1	10	1	1	1	1	20	1	none	none	none	none <sup>14</sup>
Maximum/Density (units/acre) See Table 32.2 for methods to achieve Residential Density Increase	1 dwelling per 3 acres	none	none	3 <sup>16</sup>	5	20	2	5	5	5	20	15	none	none	none	none
Development Intensity (per acre)																
Base Floor Area Ratio	0.05	0.10	0.25	0.10	0.10	0.30	0.10	0.20	0.20	0.20	0.60	0.40	0.35	0.40	0.40	0.20
Maximum Floor Area Ratio (see Table 32.2 for methods to achieve FAR Increase) (per acre)	0.15	0.30	0.30	0.20	0.20	0.30	0.15	0.35	0.45	0.60	none	0.50	0.50	0.50	0.60	0.30

# St. Mary's County Zoning Ordinance and FAR

#### Section 426. Standards – General

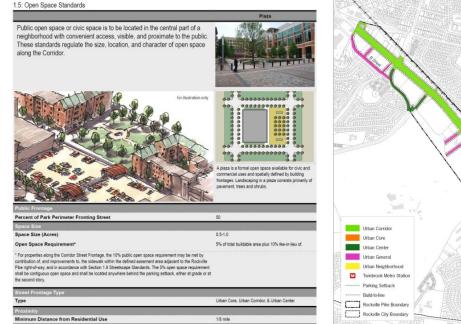
- (a) No special exception shall be approved by the Board of Appeals unless such Board shall find:
  - (i) That the establishment, maintenance and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.
  - (ii) That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
  - (iii) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the

Zoning Chapter Town of Indian Head, Maryland

69

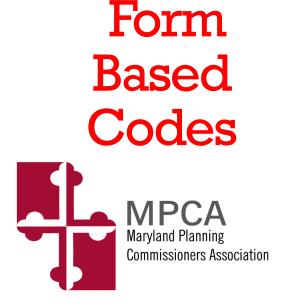
revised April 2021

Maryland Planning Commissioners Association



- Water Conder

   Uban Conder
  - Different districts based on the character and intensity of land development, as well as the desired urban form.
  - Form-based codes are zoning, but they also regulate things that are not typically part of zoning





Source: https://www.dpz.com/Initiatives/Transect

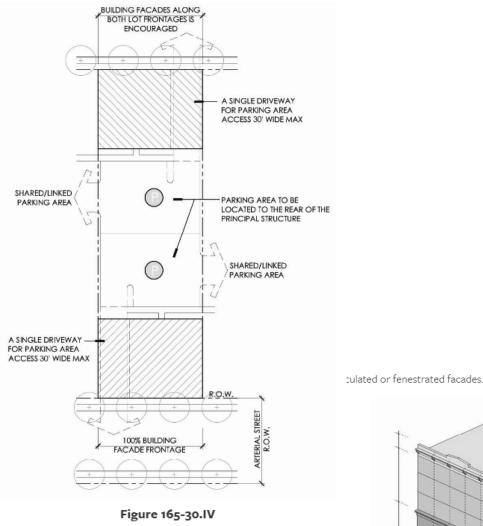


Illustration of site design standards: through lot.



Congress For New Urbanism List

#### Bel Air, MD Central Business District (B-2)

- Purpose: infill and redevelopment at a human scale that promotes economic vitality and respects existing fabric
- Design Goals

(a) The **streetscape and the building facade** facing the street shall be the primary focus of the development.

(b) New development shall contribute to the creation or reinforcement of a **pedestrian-friendly streetscape** with sidewalks and a defined pedestrian edge.

(c) Buildings on corner lots shall establish a strong presence with **unified facade design** along both street frontages.

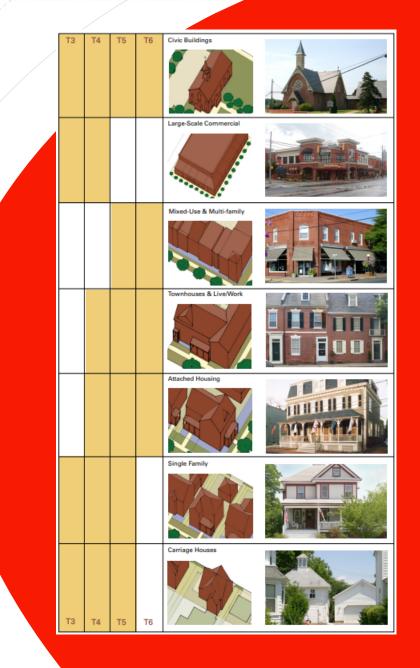
(d) Parking shall not be a dominant visual element of the streetscape. Views of parking should be screened by buildings or buffered with attractive plantings or low walls.

(e) Building and site designs should **preserve and enhance special street views**, in particular, views of landmark buildings and natural features, focal points at T-intersections and views along curving roadways.

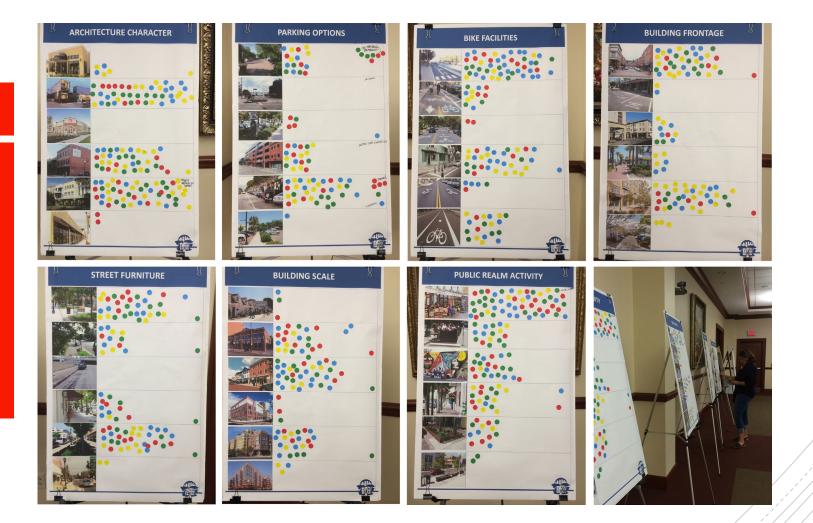
Figure 165-30.V Facade walls should be designed to break down into component pieces horizontally and vertically.

# Denton Zoning Ordinance § 128-95 Multifamily housing and apartments

In addition to the design standards set forth in this section, townhouses shall meet the standards set forth in the Denton Pattern Book, prepared by Urban Design Associates, which is attached to the Zoning Ordinance and copies of which are maintained in the Town office. The Pattern Book is intended to supplement existing applicable design guidelines. Persons proposing townhouses should consult the Denton Pattern Book and incorporate the design concepts and standards into the proposed townhouse design. Failure to adhere to the design principles set forth in the Pattern Book may be a basis for the denial of the site plan by the Town. The Town may approve townhouses that meet or exceed the goals and objectives of the Denton Pattern Book.



# Visual Preference surveys



MPCA Maryland Planning Commissioners Association



### CIP Funding Sources

### **CIP** Process

Inventory of Existing Facilities Analysis of Previously Approved Projects Solicit, compile and evaluate project requests Capital Project Evaluation Criteria Establish Project Priority CIP Approval process Monitoring approved projects

