

Appendices

- A. Local Government Memorandum of Understanding Regarding Residential Development Capacity Inventories**
- B. Existing Land Use Definitions**
- C. Zoning and Historical Density Factors**

Appendix A

Local Government Memorandum of Understanding Regarding Residential Development Capacity Inventories

August 19, 2004

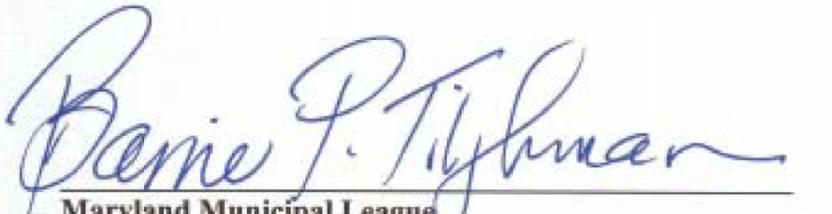
- 1) The Maryland Department of Planning (MDP) and local governments, (county and municipal), including their respective representative organizations the Maryland Association of Counties (MACo) and the Maryland Municipal League (MML), and the other members of the Development Capacity Task Force understand the importance and usefulness of land capacity inventories as a beneficial land-use planning tool. Recent efforts by MDP and selected local governments to establish capacity inventories have resulted in a renewed State and local government planning partnership to address this complex land-use planning tool. MDP's continued support, including technical assistance, is essential to maintaining this partnership and to further the interest of county and municipal governments to implement the capacity inventory planning tool.
- 2) MDP, MACo, and MML shall continue to work with county and municipal governments to encourage the creation of land capacity inventories and their inclusion in comprehensive plans and for Priority Funding Area changes. County and municipal governments will also further the other recommendations of the Governor's Development Capacity Task Force (DCTF). MACo and MML will continue to encourage local governments to share needed land-use information and work with MDP in creating capacity inventory inventories.
- 3) The commitment to the creation of land capacity inventories and their inclusion in comprehensive plans and for Priority Funding Area changes by local governments is contingent on MDP providing support as needed, including technical assistance, which is consistent with a recommendation of the Maryland Smart Growth Policy Collaborative that instructed "the Administration to provide funding to State and local governments to develop land capacity inventories."
- 4) In developing the capacity inventories, MACo and MML will encourage local planning departments to use the analysis developed by MDP and used throughout the work of the DCTF that estimates development capacity in and out of Priority Funding Areas. However, it is expected that the inventory will be customized and enhanced according to best practices by local jurisdictions to the extent feasible, based on the availability of resources. Jurisdictions that currently have their own capacity inventories will share them with MDP.

- (5) For the purpose of reporting key development trends and to aid in the production and tracking of development capacity, local governments will develop annual development reports. As recommended in the Task Force Report, these annual reports should provide information on zoning yields, rates of infill and redevelopment, environmental constraints, and development trends.
- (6) MDP shall consult with the Maryland State Builders Association, MACo, and MML to develop a proposed schedule for conducting its capacity analysis with the local governments. Key considerations in the development of this schedule include a jurisdiction's comprehensive planning cycle and its growth pressure. A local jurisdiction shall be notified of the estimated date of the commencement of the inventory analysis in collaboration with MDP.
- (7) Two years after the execution of this MOU, MDP will survey the progress of local government land capacity analyses for consistency with the Governor's Development Capacity Task Force recommendations and the Governor's Executive Order. This time period anticipates the uncertain fiscal realities facing both the State and local governments and also provides them sufficient time to demonstrate commitment towards developing this land-use planning tool. If this survey of progress is determined to be unacceptable, MML and MACo will work with the Administration and the members of the original Development Capacity Task Force to draft mutually agreeable legislation to remedy this lack of progress. Members of the Task Force will not introduce legislation related to development capacity until this time.
- (8) For the purpose of continuing progress in developing capacity analyses, representatives of MML and MACo will meet quarterly with MDP, the Homebuilders, and other members of the Task Force to track progress, exchange information, and share lessons learned. These meetings will also help to track the progress of creating the capacity inventories per paragraph (7) above.
- (9) This MOU is contingent on the Governor signing the corresponding Executive Order that was also drafted by the Task Force, or a version that closely resembles this draft. The Draft Executive Order is intended to insure that State and local resources are deployed in a cooperative and coordinated way to implement the recommendations of the Task Force. It specifies that MDP shall provide technical assistance (e.g., data, analysis, examples, guidance) to local governments for the purpose of including the results of development capacity analysis in comprehensive plan updates and for Priority Funding Area changes.

Local Government Organization Signatories



Maryland Association of Counties
County Executive James M. Harkins, Harford County, President

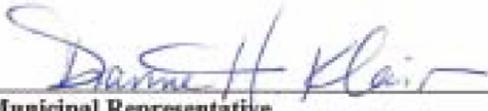


Maryland Municipal League
Mayor Barrie P. Tilghman, City of Salisbury, President

Development Capacity Task Force Members



State of Maryland, Task Force Chair
Secretary Audrey E. Scott – Maryland Department of Planning



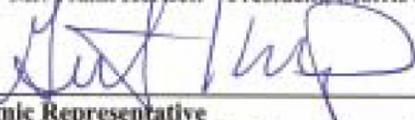
Municipal Representative
Ms. Dianne Klair – Manager, Community Development and Planning, City of Havre de Grace



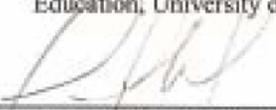
County Representative
Mr. Arnold "Pat" Keller – Planning Director, Baltimore County



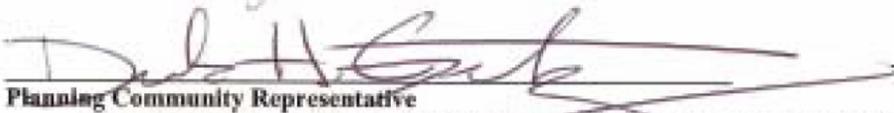
Homebuilders Representative
Mr. Frank Hertsch – President, Morris & Ritchie Associates, Inc.



Academic Representative
Dr. Gerrit Knaap – Executive Director, National Center for Smart Growth Research and Education, University of Maryland



Environmental Representative
Mr. George Maurer - Senior Planner, Chesapeake Bay Foundation



Planning Community Representative
Mr. Dirk Geratz – President, Maryland Chapter – American Planning Association



Economic Development Representative
Mr. John Savich – Director of Economic Development, St. Mary's County



Historic Preservation Representative
Mr. Tyler Gearhart – Executive Director, Preservation Maryland

Appendix B. Definitions for Existing Land Use Codes

Code	Description	Definition	Notes/Examples	Source
	FOR ALL PARCELS		No splitting parcels; code the predominant use (more than 50% in land coverage) except the following takes precedence in the following order: 1) State and county parks and open space 2) Permanent Ag/RC Easements and 3) Agriculture.	Note: Zoning can be used to provide an indication of land use; however, newer developments that occurred as PUDs can have different uses than what is allowed by zoning.
	Residential			
101	SFD	Single family detached housing	One dwelling per parcel	Ortho, Buildings, Tax account data
102	SFSD	Single family semi-detached housing	Includes linear and vertical (duplex) two-family dwellings	Ortho, Buildings, Tax account data
103	SFA	Single family attached housing, three or more single units attached at a building wall, including back to back units	Code any open space or road parcels separately. If the development is all in one ownership (rental units) code entire development as SFA.	Ortho, Buildings, Tax account data
104	Multifamily	Structure containing three or more apartments or condos; includes SFDs or other types of housing that has been converted to apartments when source information is available.	Usually multifamily developments are contained in a single parcel, but some developments may contain many parcels. If there are many parcels, code the predominant use.	Ortho, Buildings, tax account data, Facilities
105	Multi SFD	A parcel that contains more than one single family detached dwelling	A mobile home park	Ortho, Buildings
	Commercial/Industrial		Can include floodplain and swm areas when not county-owned (usually not a separate parcel).	
201	Commercial	Structure containing retail and service uses, but excluding stand-alone office uses. If it can't be determined whether the use is predominantly retail/service or office, code as commercial. Includes parking lots.	A strip center with predominantly retail/service uses, private recreational facilities that are substantially enclosed such as bowling alleys, health clubs, hair salon, service garage, hotel/motel, restaurant, commercial swimming pool facility, public storage facilities, storage facilities associated with retail/service use, funeral parlor, day care center	Ortho, Buildings, Tax account data (has a C land use code), Facilities, Zoning (has a Business zone)

Code	Description	Definition	Notes/Examples	Source
202	Office	Building constructed for office use; converted residential	includes a commercial building or strip center with predominantly office uses, medical office, private clinic	Ortho, Buildings, Tax account data (has a C land use code), Facilities, Zoning (Office usually occurs in Business, Office, or ML zones; RO, ROA zones may indicate converted residential structures)
203	Industrial	Buildings and land mostly industrial in nature, but may contain ancillary office, retail uses.	Manufacturing, assembly, warehouse, laboratory, equipment and material storage yard, junkyard, quarry, wholesale business, B to B uses.	Ortho, Buildings, Tax account data (has a I land use code), Facilities, Zoning (has a Manufacturing zone)
	Mixed Use	Building constructed for mixed use or parcel containing several buildings of different uses.	Can include parking or floodplain and swm areas when not county owned (usually not a separate parcel).	
301	Mixed Office/Retail		A strip center with a second floor of office	Ortho, Buildings (commercial), Tax account data (has a C land use code), Facilities, Zoning (Business or Office zone)
302	Mixed Residential with Office or Retail		A residential building with non-res. on first floor	Facilities, Zoning (usually RAE or Office-Residential zone)
303	Mixed Office/Industrial		A flex office/warehouse building	Ortho, tax account data (has a I land use code), Facilities, Zoning (has a Manufacturing or SE zone)
304	Mixed Office/Industrial/Retail		A flex office/warehouse/retail building (as above but with retail uses)	Ortho, tax account data (has a I land use code), Facilities, Zoning (has a Manufacturing zone)
	Institutional		Can include floodplain and swm areas when not county-owned (usually not a separate parcel).	
401	Places of Worship		Includes school facilities if on the same parcel, but occupying less than 50% of the land area; parsonages associated with the place of worship	Ortho, ADC map, tax ownership records
402	Hospital		Includes all parcels owned by the hospital	Ortho, ADC map, tax ownership records

Code	Description	Definition	Notes/Examples	Source
403	College		Includes all parcels owned by the college, dormitories, etc.	Ortho, ADC map, tax ownership records
404	Private school		includes Trade School, Nursing School; religious schools and ancillary facilities; parsonages when associated with the school.	Ortho, ADC map, tax ownership records
405	Public school and school sites		Schools sites owned by Balto Co.; all Board of Ed -owned properties including R&P School Recreation Centers and adjoining lands, vacant schools and vacant school sites	Ortho, ADC map, tax ownership records
406	Cemetery without place of worship			Ortho, ADC map
407	Police facility		State and local police, crime labs, police and K-9 training facility	County facilities layer
408	Fire facility		Fire station, fire training facility	County facilities layer
409	Library	Public library		County facilities layer
410	Assisted Living Facility	Facility that provides housing and supportive services, medical care, etc, for people who need assistance in performing the activities of daily life.	Assisted senior living facility, convalescent home, nursing home, include active adult and independent living if part of the complex, but not age restricted developments that have no medical care.	Facilities, tax ownership records.
411	Misc. Government--Public	Government facilities not included in other categories.	Rec. maintenance shops, health center, courthouses, community ctrs w/o parkland, public recreation facilities that are substantially enclosed such as sports arena, detention centers, post office, salt domes	Facilities, ortho, tax ownership records.
412	Misc. Institution--Private	Private institutional uses not included in other categories.	YMCA, VFW, Elks, Moose, American Legion, orphanage, group home	Facilities, tax ownership records.
413	County Senior Center			County facilities layer
	Recreational/Environmental Open Space			
501	Publicly Owned Golf Course		Includes ancillary facilities	R&P Govt. Lands, tax ownership records
502	Privately Owned Golf Course		Includes ancillary facilities	R&P Govt. Lands, tax ownership records

Code	Description	Definition	Notes/Examples	Source
503	Reservoir Property	Open space that contains surface or underground water storage and also provides open space/recreational amenity; owned by Baltimore City	Loch Raven Reservoir, Fullerton Reservoir	Tax ownership records
504	County Open Space and DEPRM owned lands and Greenways	Unimproved open space transferred to the County through the development process or acquired by other means	Could include public floodplain, forest buffers, wetlands	R&P Govt. Lands Undeveloped LOS" and "DEPRM Land", tax records (may be coded as 12 or 21 in the tax record address field (eg, 12--RW-73-244), plats.
505	HOA / COA/ Developer / Multifamily management co.	Open space, SWM, forest buffers, floodplains and wetland reservations owned by HOA/COA/Developer or Management Company.	If parcels contain parking, traffic islands, walkways, etc. rather than open space, code as roads or residential as appropriate.	R&P Gov't Lands designated "Private Open Space", tax ownership records
506	Other Private Open Space	Recreational open space in private ownership.	Campgrounds, community-oriented swim club, driving range	Tax ownership records, ADC map
507	County Park	County owned and maintained open space containing a permanent recreational improvement.		R&P Govt. designated ".Park" or "Community Center" when accompanied by parkland
508	State Park	State owned and maintained park		Tax ownership records
509	Other Public Park	City owned and maintained park	Robert E. Lee Park, city Board of Ed park.	Tax ownership records
510	Other gov't open space	Vacant, gov't owned, usually assoc. w/ road r/w.	Reserved for future road widening, state highway administration, state roads commission	Ortho, plats, tax ownership records
Rural				
601	Agriculture	Parcels with a land use designation of "A" in the tax records, but without a preservation easement	Can include forest lands; does not include land that looks like it is being farmed in the ortho, but does not have the "A" designation in the tax records--this would be coded as vacant if there are no structures.	Ortho, tax records
602	Permanent Easement	Parcels with permanent agriculture, resource conservation, or other preservation easement	Also includes preservation easements in urban areas	"Restriction" layer "Easement", "Purchased in Fee" and "In Fee with Easement"
604	Rural Residential SFD	Single family detached dwellings located outside the Urban-Rural Demarcation Line.	Residential parcels with permanent easements should be coded 602.	Ortho, tax records

Code	Description	Definition	Notes/Examples	Source
	Transportation/Utility			
701	Airport	Commercial airport	Can have paved or grass air strips	Ortho, tax records
702	Roads	Public and private roads and right-of-ways	Includes adjacent parking owned by HOA/ROA when it comprises at least 50% of the land area, paper streets, alleys	Orthos, plats, tax records (may be coded as 05 in the address field (eg, 05--RW-73-244))
703	Rail	Active rail facilities	ROW, Transit Station (code abandoned R/W as vacant)	Rail layer
704	Park and Ride	State owned park and ride facilities		Ortho, tax records
705	Electric, Gas, Telecommunications Utilities	Parcels owned by electric, gas, telecommunications companies and used for these facilities.	Electric, Gas Transmission R/W, substations, microwave towers (do not code easements over land used for other purposes).	Ortho, tax ownership records
706	Storm Drainage	County SWM and Drainage Areas		R&P Gov't Lands "Public Works Land"; may be coded as 04 in the tax record address field (eg, 04--RW-73-244)
707	Water and Sewer Utilities	Any lands exclusively used for water and sewer facilities.	Pumping stations, water tanks, sewage treatment plants	May be coded as 31 in the tax record address field (eg, 31--RW-73-244)
708	Landfill	Active and inactive landfills that have not been converted to another use.	Includes collection site, reclamation center	May be coded as 08 in the tax record address field (eg, 08--RW-73-244)
	Vacant/Pipeline			
801	Vacant	Residentially zoned: Parcel that does not have a principal building, has been at least 10 years since the parcel was created thru the subdivision process, is not predominantly covered with accessory uses such as garages and swimming pools, and is at least 55' wide, or can be combined with adjoining vacant parcels to create a parcel at least 55' wide. The 55' width constraint can vary if typical building lot widths in the neighborhood are narrower than 55', but no smaller than 40'. Code with the adjoining residential land use code if these criteria are not met, and the parcel does not meet any other code criteria (eg, some parcels are county-owned).	Other zones: If a parcel does not have a principal building, has been at least 10 years since it was created thru the subdivision process, does not appear to be in use (eg, no parking, storage, quarrying activity, etc.) and does not fall into another category (eg, open space, public drainage), code as vacant, unless, because of its small size or odd shape, it does not appear to be developable. In this case, code the same as the adjoining parcel in the same ownership.	Ortho, Buildings layer (to check for principal building), tax record (no or very small improvement value)

Code	Description	Definition	Notes/Examples	Source
802	Pipeline NO LONGER USED, see Pipeline Code below	Parcels for which a plan has been approved, or occupancy permit has been submitted, but not yet approved. The previous existing land use has been removed, but the new use is not yet final. Once this code is applied, it stays in place until an occupancy permit is approved, or if it has been 10 years since the code was applied.	This code illustrates land uses that are in transition. Code roads, utility areas and open space parcels as units become occupied, and the areas are constructed or transferred to the county or HOA. When the last unit is occupied, make sure all parcels have been recoded to their new uses.	Permits, ortho
803	Unbuildable/Environmentally Constrained	Vacant parcels known to have floodplains, wetlands, streams, steep slopes, etc., and considered unbuildable.		OP will code these, based on environmental study or professional knowledge
888	Non-county Parcel	Complete parcels laying outside county boundaries	If the parcel is split in two at the county boundary, code both parcels the same.	County boundary
Misc				
901	Water	Water body with no ownership record	Chesapeake Bay	
999	Further Study	Planning use only.		
	PIPELINE = YES	Parcels for which a plan has been submitted or an occupancy permit has been issued. If the previous existing land use has been removed, but the new use is not yet final, code as Vacant, Pipeline = Yes. Once this code is applied, it stays in place until an occupancy permit is approved, the plan expires or becomes invalid, or if it has been 10 years since there has been any plan review or development activity.	This code illustrates land uses that are in the development pipeline. Code roads, utility areas and open space parcels as units become occupied, and the areas are constructed or transferred to the county or HOA. When the last unit is occupied, make sure all parcels have been recoded to their new uses.	

Appendix C: Zoning and Historical Density Factors

ZONE	ZONING DENSITY	HISTORIC DENSITY	MINIMUM LOT SIZE (s.f.)*	MINIMUM LOT SIZE SMALL LOT TABLE (s.f.)
DR 1	1.0 Unit/Acre	0.8 Unit/Acre	43,560	40,000
DR 2	2.0 Units/Acre	1.4 Units/Acre	21,780	20,000
DR 3.5	3.5 Units/Acre	2.2 Units/Acre	12,446	10,000
DR 5.5	5.5 Units/Acre	3.2 Units/Acre	7,920	6,000
DR 10.5	10.5 Units/Acre	9.7 Units/Acre	4,149	3,000
DR 16	16.0 Units/Acre	13.2 Units/Acre	2,723	2,500

*A minimum lot size is not required other than for lots that use the Small Lot Table. However, a minimum lot area was used in the model to distinguish between the vacant parcels that would be developed using a zoning/historic density factor from those using the Small Lot Table to construct one unit on a single lot of record.



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