

*Managing
Maryland's Growth*

Infill and Redevelopment

The "Smart Growth" Areas Act of 1997
Maryland Department of Planning

STATEMENT OF PURPOSE

Designed to reinvigorate existing communities and support new compact, mixed-use development, Maryland's Smart Codes initiative consists of the Maryland Building Rehabilitation Code, which streamlines conflicting and overlapping building codes that previously hampered the rehabilitation of existing buildings, and models and guidelines for infill development and "Smart Neighborhoods." This publication addresses infill development and includes model zoning codes¹, examples of existing zoning codes from jurisdictions throughout the country, and a list of minimum requirements that jurisdictions must meet in order to qualify for certain State incentives.

By absorbing growth into existing communities, infill relieves growth pressure on rural areas and can improve quality of life for older communities. Infill helps to achieve the goals of smart growth: support existing communities, preserve our best agricultural and natural areas, and save taxpayers from the high cost of building infrastructure to support development that has spread far from our traditional population centers. However, there are many barriers to infill development.

For example, zoning requirements adopted for new construction during the last half-century generally favor a single use, Euclidean model. While initially well intended, zoning can stifle efforts to replicate or maintain the many physical amenities which our traditionally-built communities offer. Current regulations often prohibit construction of structures that reflect the pattern, use, function, or character of established neighborhoods. Simply stated, infill development codes avoid this problem and allow replication of what already exists.

This publication is intended to help local governments, architects, builders and developers achieve infill by offering remedies that overcome barriers; illustrating rural, suburban, and urban strategies; and identifying alternative approaches.

¹ In this document, "codes" refers to zoning codes.

I. INTRODUCTION

The State of Maryland has a solid policy basis for encouraging infill development. The seven visions of the 1992 Economic Growth, Resource Protection, and Planning Act direct development to suitable areas and existing population centers. Building upon this framework, the 1997 Smart Growth Priority Funding Areas Act targets State spending on growth-related capital projects to areas (Priority Funding Areas, or PFAs) where State and local governments want to encourage economic development, community revitalization, and new growth. In 2000, the Maryland Legislature enacted Chapter 285 of the Laws of 2000, which directs the Maryland Department of Planning to develop models and guidelines and model development codes to further promote infill development and "Smart Neighborhoods."



Infill should be designed to be attractive and compatible with existing development.

Minimum Requirements to Qualify for State Infill Incentives

The 2000 legislation also directed the Maryland Department of Planning to work with local governments, state agencies, and departments to develop incentives to encourage the voluntary adoption and implementation of infill programs that reflect the intent of the models and guidelines. Qualifying local programs will contain:

1. Comprehensive plan policies and provisions for infill;
2. Zoning that encourages infill on certain vacant, abandoned, passed over, or underutilized parcels of land within built-up areas of the jurisdiction;
3. Zoning tools that require connectivity of infill with surrounding streets and open spaces;
4. Zoning that maintains or increases the density of the surrounding community at or above applicable PFA density standards;
5. Zoning that allows a mix of housing types, where planned;
6. Regulatory processes that make infill competitive with conventional development.

There are three main ways that local jurisdictions may qualify for the incentives:

- 1) Adopt the State's model, or a substantially similar model;
- 2) Develop another model that meets the State's minimum requirements; and
- 3) Demonstrate that existing codes meet the minimum requirements.

Infill Development Defined

Infill refers to new development in a Priority Funding Area on vacant, bypassed, and underutilized land within built-up areas of existing communities, where infrastructure is already in place. Infill also includes redevelopment of lots in these areas. The following examples illustrate the wide range of potential infill scenarios:

- 2 acre brownfield redevelopment site;
- single commercial parcel made vacant after a fire on Main Street;
- one or two lots in an urban or suburban residential neighborhood; and
- one or two lots in a rural village.

Infill and Smart Growth

Infill development fills gaps in existing communities and plays a critical role in achieving community revitalization, resource and land conservation, and alternatives to sprawl development. Although the current number of infill housing starts is quite small (estimated at 1% nationally) in the context of all new development, it is emerging as a viable long-term method of reducing pressure for sprawl development.

Infill development conserves a community's financial resources by taking advantage of existing infrastructure, increases walkability by contributing to safe and attractive pedestrian environments, and creates new opportunities for mixed-use neighborhoods that recapture the "sense of place" that is largely missing from development projects during the past 50 years.



New growth in existing communities reduces sprawl pressure on Maryland's farmlands and woodlands, and takes advantage of existing infrastructure.

Historic preservation plays a key role in Smart Growth. These models and guidelines do not advocate nor promote the demolition and replacement of historic buildings with infill. Use of the Maryland Building Rehabilitation Code and state and local preservation tax credit programs provide the preferential benefit for the re-use of existing buildings of historic character, so that our communities retain a strong sense of historical perspective.

II. IDENTIFYING BARRIERS AND REALIZING BENEFITS

This section discusses some of the key physical, social, regulatory and economic barriers and benefits to infill development. Although some local jurisdictions have processes and regulations that facilitate infill development, they remain the exception, not the rule.

Barriers

The barriers described in this section, while not all-encompassing, convey a sense of the hurdles that lie in the path of infill projects. Combined, such barriers emerge to make infill difficult, uncertain and expensive. In the face of these barriers, most developers avoid infill projects in favor of developments that contribute to sprawl.

Physical Barriers

Physical site constraints often limit the feasibility of developing infill sites. Environmental issues such as wetlands, poor soils, poor drainage, or contamination from prior uses, can reduce the amount of buildable land, require costly design solutions, or necessitate environmental assessments and cleanup. Some infill sites adjacent to nuisance uses, such as automobile body shops, busy railway lines, heavily-traveled roads, or abandoned buildings, have to overcome the burden of a location that many people perceive as less desirable. Small-scale projects on small sites require successful melding into the fabric, architecture, function, and circulation of an existing neighborhood.

Social Barriers

People have an inherent resistance to change, and a natural fear of the unknown. As a result, plans to develop infill sites may face vociferous opposition, whether or not justified from a land use perspective. Opposition can center on design compatibility, increased density, different housing types, parking, traffic, or simply the prospect of more or different types of people moving in. Objections to infill are also often based on the belief that the project will strain public facilities, even if the impact on facilities is marginal.

Regulatory Barriers

Regulatory constraints often work against good design, raise roadblocks against innovation, or prevent projects that are otherwise consistent with the character of existing communities. The following list offers a sample of the range of potential regulatory constraints:

- Zoning, subdivision, and building codes can inadvertently preclude redevelopment or infill, or result in development designs that are incompatible with the existing character of older communities.
- Regulations for parking, road design or stormwater management may prohibit or severely limit development.
- Conflicting requirements or arbitrary approvals often limit the ability of developers to achieve permitted densities.
- The need for waivers or variances can slow the approval process, and overlapping and conflicting requirements can make it difficult for a developer to determine how to proceed, or how long it will take for agencies to resolve differences.

- Building permits may be denied if a lot is undersized by only a few square feet, even though it is otherwise in character with its neighbors.
- Adequate Public Facilities Ordinance (APFOs) sometimes contain language or provisions that inadvertently preclude infill and direct growth to peripheral areas with less capacity.

Economic Barriers

Difficult sites and uncertain outcomes and timeframes can reduce developers' economic interest in undertaking infill projects. In addition, land acquisition costs are usually higher for infill sites. In areas where land is undervalued, accumulated public liens on a property often outstrip its value. Even when those issues are overcome, historic but functionally obsolete buildings are often targeted for replacement by infill because rehabilitation costs are viewed to be prohibitive.

Construction costs are often higher for infill jobs. As projects tend to be small, it becomes more difficult to realize economies of scale for labor and materials. Contractors or subcontractors may be hard to find for small jobs or because job sites may be located in areas they perceive as dangerous.

The infill pre-construction process is often as time consuming, or more time consuming than for conventional development. Permits and approvals often take disproportionately longer, and time spent in meetings, attending zoning appeals hearings, and producing documentation costs time and money.

Another major obstacle is the lack of funding for infrastructure maintenance and renovation. Many smaller, rural jurisdictions do not have Capital Improvement Programs (CIPs). Development of a CIP strategy is essential to provide budgeting processes to plan for long-term capital needs, which should be in place in order to support infill development.

Benefits

By absorbing growth in existing communities, infill reduces growth pressure on rural areas, provides for efficient use of land, infrastructure, and services, and can improve quality of life in older communities. Infill can enhance the character, viability, and function of existing communities, and these benefits are evident in many Maryland communities, from Baltimore's revitalized waterfront neighborhoods to tight-knit villages like Centreville and downtown Ellicott City. A successful infill strategy at the local level maintains or restores spatial continuity to streetscapes, strengthens neighborhoods, respects historic preservation, and introduces compatible uses that complement existing community attributes and needs.

Response to needs of the Community

Infill can contribute to unmet commercial, economic, social, housing, or civic needs in the existing community.

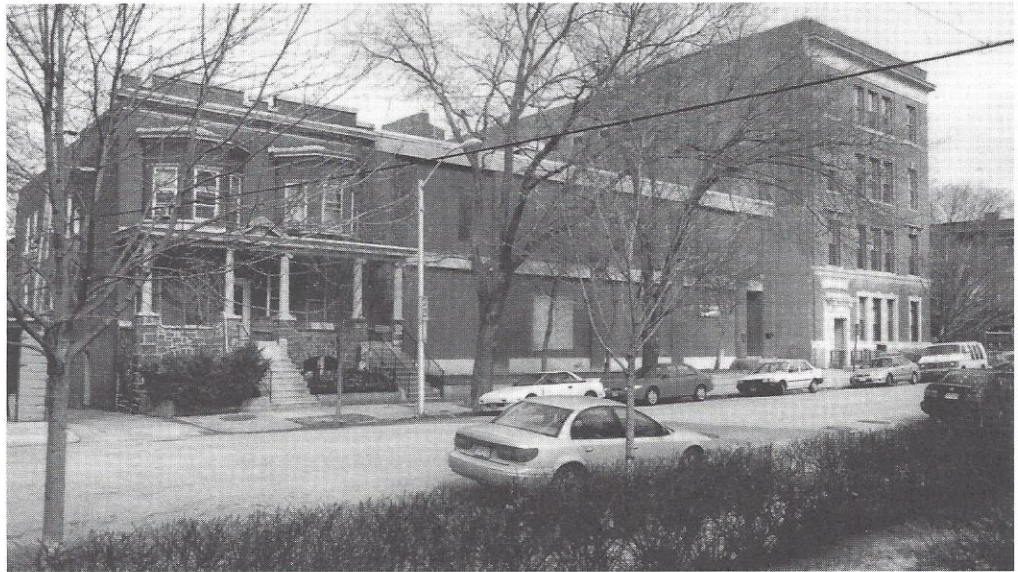
Through sensitive design, infill can introduce a new type of housing into the community. A balanced mix of well-designed housing types (owner/renter occupied units), sizes and prices for all income levels (market and non-market rate units) can be accomplished with similar or even identical housing styles on the same street and phase of construction, if economies of scale allow. Excellent examples exist in Montgomery County where smaller, moderately priced townhouses are adjacent to significantly higher priced units, and the difference is not apparent. Varying market gradations can coexist in the same structure as another way to create moderately priced units without architectural or geographic segregation.²

² Metro-Dade report, 1997, 12.

Appearance and Viability

Infill can inject new life into communities and help neighborhoods become more connected and sociable places, and ultimately increase property values, without altering their character.

Infill fills in the gaps of the existing community structure, providing for continuity and enclosure of the streetscape, elements that give a place definition and security. For example, traditional row or town houses, at 7 to 30 units per acre, provide excellent streetscape enclosure. Infill can support this same effect in urban, suburban, and rural communities, with housing types and densities appropriate to those communities.



Contextual Consideration. The middle building was built in 1926, 13 years after the rowhouses. The cornice band and porch line is carried across the new facade, respecting the presence of the houses, but the lack of fenestration presents a rather blank face to the street.

Circulation and Walkability

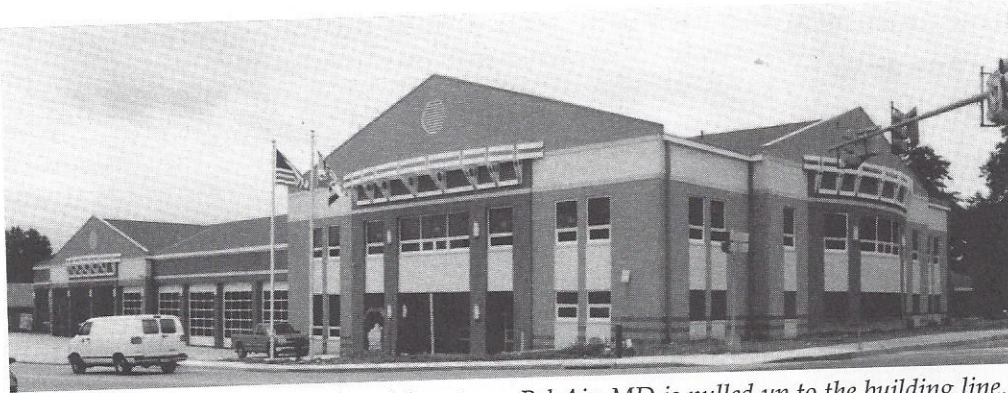
Infill can enhance circulation and walkability of a community by replacing vacant, deserted sites with vibrant land uses that people can walk to, such as schools, places of worship, shops, and parks.



Places to sit are a viable amenity in any community.

Infrastructure

Infill capitalizes on existing infrastructure and minimizes the need for costly new infrastructure. Although some infrastructure may need upgrades to meet new demand, the benefit from the expense is enjoyed broadly. School capacity may not be an issue in communities with a declining enrollment or aging population. The community can also benefit from more efficient use of emergency and public safety services, because response times are shorter for development located in existing communities than in peripheral, low density areas.



The new fire station on the edge of downtown Bel Air, MD is pulled up to the building line.