

Introduced 01.05.2026
Public Hearing 01.20.2026
Council Action 03.02.2026
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2026 Legislative Session

Legislative Day No. 1

Bill No. 4-2026 (ZRA 219)

Introduced by: The Chairperson at the request of the County Executive

Short Title: Zoning Regulation Amendment 219 – Activity Centers – TOD or TNC
Zoning Districts – Age-Restricted Adult Housing

Title: AN ACT amending the Howard County Zoning Regulations to implement the General Plan's recommendations for housing in activity centers, including defining activity center; providing that certain types of development projects in the TOD or TNC zoning districts shall provide more than one housing type; and adding regulations for age-restricted adult housing in the TOD zoning district; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time Jan 5, 2026. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Jan 20, 2026.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on Mar 2, 2026 and Passed _____, Passed with amendments _____, Failed Withdrawn

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2026 at _____ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved/Vetoed by the County Executive _____, 2026

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

Tabled Feb 2, 2026 Michelle Harrod
Withdrawn Mar 2, 2026 Michelle Harrod

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the
2 Howard County Zoning Regulations are amended as follows:

3 1. By amending

4 103.0: Definitions

5 To add a definition for “activity center”

6
7 2. By amending

8 Subsection B “Uses Permitted as a Matter of Right” and Subsection F

9 “Requirements for TOD Development”

10 Section 127.4: TOD (Transit Oriented Development) District

11
12 3. By amending

13 Subsection C “Uses Permitted as a Matter of Right” and Subsection F

14 “Requirements for TNC Development”

15 Section 127.6: TNC (Traditional Neighborhood Center) Overlay District

16
17 **Howard County Zoning Regulations.**

18 **Section 103.0. Definitions.**

19
20 Terms used in these Zoning Regulations shall have the definition provided in any
21 standard dictionary, unless specifically defined below or in any other provision of these
22 Zoning Regulations:

23 **A**

24 Accessory Use or Accessory Structure: A use or structure which is customarily incidental
25 to the principal use or structure, serving no other use or structure, and which is
26 subordinate in area, intensity and purpose to the principal use or structure. An accessory
27 use or accessory structure shall be located on the same lot or parcel as the principal use or
28 structure, except where it is otherwise allowed in these Zoning Regulations.

29 **ACTIVITY CENTER: TARGETED AREAS FOR GROWTH IDENTIFIED IN THE HOWARD**
30 **COUNTY GENERAL PLAN, THAT PROMOTE OPPORTUNITIES FOR COMPACT MIXED-USE**
31 **DEVELOPMENT, DIVERSE MIXED-INCOME FOR-SALE AND RENTAL HOUSING CHOICES,**

1 **SMALL PARKS OR COMMUNITY GATHERING SPACES, EMPLOYMENT OPPORTUNITIES,**
2 **RETAIL USES, AND WALKING, BIKING, AND TRANSIT OPTIONS.**

3
4 **Howard County Zoning Regulations.**
5 **Section 127.4 TOD (Transit Oriented District)**
6

7 **B. Uses Permitted as a Matter of Right**

8 1. **AGE-RESTRICTED ADULT HOUSING, SUBJECT TO THE REQUIREMENTS OF**
9 **SUBSECTION F.2 AND F.3. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES**
10 **OR GREATER OF TOD ZONED LAND MUST INCLUDE MORE THAN ONE**
11 **RESIDENTIAL HOUSING TYPE.**

12 [[1]]2. Ambulatory health care facilities, including pharmacies incidental to these uses.

13 [[2]]3. Athletic facilities, commercial.

14 [[3]]4. Biomedical laboratories.

15 [[4]]5. Commercial communication antennas.

16 [[5]]6. Conservation areas, including wildlife and forest preserves, environmental
17 management areas, reforestation areas, and similar uses.

18 [[6]]7. Data processing and telecommunication centers.

19 [[7]]8. Dwellings, apartment[.]/MULTIFAMILY AND SINGLE-FAMILY ATTACHED.

20 **DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TOD**
21 **ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.**

22 [[8. Dwellings, single-family attached.]]

23 9. Flex space.

24 10. Government structures, facilities and uses, including public schools and colleges.

25 11. Horse racetrack facilities.

26 12. Hotels, motels, country inns and conference centers.

27 13. Industrial Uses, light, provided that: The property is at least 30 acres or greater and fronts
28 on and has direct access to an arterial or collector highway; adjoins other properties
29 developed with existing light industrial uses; the light industrial use is principally
30 conducted within a building with a maximum building height of 50 feet; the proposed
31 industrial development does not include a proposal for any dwelling units within the
32 same project; and; the light industrial development is at the periphery of the TOD
33 District, well separated from the MARC Station.

- 1 14. Offices, professional and business.
- 2 15. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
- 3 16. Religious facilities, structures and land used primarily for religious activities.
- 4 17. Research and development establishments.
- 5 18. Restaurants, carryout, including incidental delivery services.
- 6 19. Restaurants, standard, and beverage establishments, including those serving beer, wine
- 7 and liquor for consumption on premises only.
- 8 20. Rooftop solar collectors.
- 9 21. Schools, commercial.
- 10 22. Schools, private academic, including colleges and universities.
- 11 23. Underground pipelines; electric transmission and distribution lines; telephone, telegraph
- 12 and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
- 13 public utility uses not requiring a Conditional Use.
- 14 24. Volunteer fire departments.

15

16 **F. Requirements for TOD Development**

17 1. Amenity Area

18 TOD developments shall include an amenity area or areas that are a minimum of 10% of

19 the net site acreage. The amenity area shall include seating and trees. The number of

20 seating areas and trees shall increase proportionately to the increase in size of the amenity

21 area. No amenity area shall be smaller than 0.25 acre. Amenity areas on the site shall be

22 connected by pedestrian and bicycle improvements that link with existing and future

23 connections to surrounding developments.

24

25 Sites larger than 25 acres must provide well-designed recreational areas for both

26 children's and adult's activities. On sites larger than 25 acres, one amenity area must be

27 designed as a civic gathering place large enough to accommodate such activities as

28 community picnics, concerts, fairs and similar events.

29 2. Area Requirements for Residential Uses

- 30 a. Residences are permitted only within a development project encompassing at least 3
- 31 gross acres of TOD-zoned land. **IF THE PROJECT IS ON MORE THAN 5 GROSS**
- 32 **ACRES OF LAND, IT MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE**
- 33 **UNLESS IT IS DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE**
- 34 **DEPARTMENT OF PLANNING AND ZONING THAT THE MINIMUM DENSITY**

1 **REQUIREMENTS OF THE TOD DISTRICT CANNOT BE MET DUE TO UNIQUE**
2 **PHYSICAL CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR**
3 **SHALLOWNESS OF LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER**
4 **EXISTING FEATURES PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT**
5 **COMPLIANCE WITH THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH**
6 **ONE RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF**
7 **LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.**

8 b. No more than 50% of the developable acreage, excluding road right-of-way and open
9 space, shall be devoted to residential buildings and parking. For parcels that are 5
10 acres or less, no more than 50% of the developable acreage, excluding road-right-of-
11 ways, open space, and structured parking, shall be devoted to residential buildings
12 and surface parking lots.

13 c. Moderate Income Housing Units

14 At least 15% of the dwelling units shall be Moderate Income Housing Units [[and
15 shall be developed on the site]]. **EXCEPT FOR AGE-RESTRICTED ADULT HOUSING**
16 **UNITS, THE[[The]] developer shall not provide the moderate income housing units at**
17 a different location or pay a fee-in-lieu to the Department for the moderate income
18 housing units required under this subsection.

19 **3. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING**

20 **A. DESIGN FOR OLDER ADULTS**

21 **THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES**
22 **FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH**
23 **IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN**
24 **SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF**
25 **THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR**
26 **THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL**
27 **INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE**
28 **INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR**
29 **FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE**
30 **ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND**
31 **COMMON AREAS.**

32 **B. ENFORCEMENT OF AGE RESTRICTIONS**

1 **IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE**
2 **OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL**
3 **RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN**
4 **SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL**
5 **MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT**
6 **WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY**
7 **IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO**
8 **SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.**

9 **C. COMMUNITY CENTER**

10 **AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY**
11 **SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS**
12 **A MINIMUM OF:**

- 13 **(1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99**
14 **DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET; AND**
15 **(2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH**
16 **ADDITIONAL DWELLING UNIT ABOVE 99.**

17 **D. HOUSING TYPES**

18 **ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTIFAMILY UNITS ARE**
19 **PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS. AGE-**
20 **RESTRICTED ADULT HOUSING DEVELOPMENTS THAT ARE GREATER THAN 5**
21 **ACRES MUST PROVIDE MORE THAN ONE HOUSING TYPE.**

22
23 **Howard County Zoning Regulations.**

24 **Section 127.6 TNC (Traditional Neighborhood Center) Overlay District.**

25
26 **C. Uses Permitted as a Matter of Right**

- 27 1. Age-restricted adult housing, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.3
28 AND F.4 [[if the additional requirements for age-restricted adult housing set forth in the
29 POR District are met]]. **DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR**
30 **GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL**
31 **HOUSING TYPE.**
- 32 2. Ambulatory health care facilities.

- 1 3. Animal hospitals, completely enclosed.
- 2 4. Antique shops, art galleries, craft shops.
- 3 5. Athletic facilities, commercial.
- 4 6. Bakeries, provided all goods baked on the premises shall be sold at retail from the
- 5 premises.
- 6 7. Banks, savings and loan associations, investment companies, credit unions, brokers, and
- 7 similar financial institutions, without a drive-through, except that one lane drive-through
- 8 service shall be permitted on sites within a Route 40 corridor development project
- 9 encompassing at least 20 gross acres of land in the TNC District provided that there shall
- 10 be no portion of drive-through service visible from a public road and the drive-through
- 11 service shall be appropriately buffered from adjoining residential property.
- 12 8. Bicycle repair shops.
- 13 9. Blueprinting, printing, duplicating or engraving services limited to 5,000 square feet of net
- 14 floor area.
- 15 10. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
- 16 charitable, social, civic or educational organizations, subject to the requirements of
- 17 Section 128.0.D.
- 18 11. Child day care centers and nursery schools.
- 19 12. Clothing and apparel stores with goods for sale or rent.
- 20 13. Commercial communication antennas.
- 21 14. Conservation areas, including wildlife and forest preserves, environmental management
- 22 areas, reforestation areas, and similar uses.
- 23 15. Convenience stores.
- 24 16. Day treatment or care facilities.
- 25 17. Drug and cosmetic stores, without a drive-through, except that one lane drive-through
- 26 service shall be permitted on sites within a Route 40 corridor development project
- 27 encompassing at least 20 gross acres of land in the TNC District provided that there shall
- 28 be no portion of drive- through service visible from a public road and the drive-through
- 29 service shall be appropriately buffered from adjoining residential property.
- 30 18. Dwellings, apartment and single-family attached, only within a Route 40 corridor
- 31 development project with at least 2 gross acres of TNC-zoned land. **DEVELOPMENT**
- 32 **PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST**
- 33 **INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.**
- 34

- 1 19. Farmers markets.
- 2 20. Food stores.
- 3 21. Furniture, appliance and business machine repair, furniture upholstery, and similar
- 4 services.
- 5 22. Government structures, facilities and uses, including public schools and colleges.
- 6 23. Hardware stores.
- 7 24. Hotels, motels, country inns and conference centers.
- 8 25. Laundry or dry cleaning establishments.
- 9 26. Liquor stores.
- 10 27. Museums and libraries.
- 11 28. Nonprofit clubs, lodges, community halls.
- 12 29. Offices, professional and business.
- 13 30. Parking facilities that serve adjacent off-site uses in accordance with Section 133.0.B.
- 14 31. Personal service establishments.
- 15 32. Pet grooming establishments and daycare, completely enclosed.
- 16 33. Recreation Facilities, Commercial including bowling centers, billiard or pool centers,
- 17 children's party and play spaces, laser-tag facilities, computer gaming centers, golf
- 18 driving ranges, miniature golf, water slides, paintball, and similar uses.
- 19 34. Repair of electronic equipment, radios, televisions, computers, clocks, watches, jewelry,
- 20 and similar items.
- 21 35. Restaurants, carryout, including incidental delivery service.
- 22 36. Restaurants, fast food, in a building without a drive-through.
- 23 37. Restaurants, standard, and beverage establishments, including those serving beer, wine
- 24 and liquor.
- 25 38. Rooftop solar collectors.
- 26 39. Seasonal sale of Christmas trees or other decorative plant materials, subject to the
- 27 requirements of Section 128.0.D.
- 28 40. Schools, commercial.
- 29 41. Schools, private academic, including colleges and universities.
- 30 42. Service agencies.
- 31 43. Specialty stores.
- 32 44. Underground pipelines; electric transmission and distribution lines; telephone, telegraph
- 33 and CATV lines; mobile transformer units; telephone equipment boxes; and other similar
- 34 45. Volunteer fire departments.

1 **F. Requirements for TNC Development**

2 1. Amenity area

3 TNC developments shall include a formal, landscaped, outdoor amenity area,
4 such as a plaza, courtyard, square, or common that complies with the
5 requirements of the Route 40 Manual.

6 2. Requirements for nonresidential uses

7 On a lot adjoining the right-of-way of Route 40 or Frederick Road, for the
8 buildings closest to Route 40 or Frederick Road:

- 9 a. At least 50% of the first floor of the building must be designed for retail or
10 service uses. Service uses include personal service, service agency, restaurants,
11 and similar uses serving the public.
- 12 b. The first floor of the building façade facing the right-of-way must include
13 storefronts and entrances for the first floor retail and service uses.
- 14 c. The first floor façade shall be designed to provide pedestrian interest along sides
15 of buildings that face the street in accordance with the Route 40 Manual

16 3. Requirements for residential uses

- 17 a. Residences are permitted only within Route 40 corridor development projects
18 encompassing at least 2 gross acres of TNC-zoned land. **DEVELOPMENT**
19 **PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST**
20 **INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE UNLESS IT IS**
21 **DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE**
22 **DEPARTMENT OF PLANNING AND ZONING THAT THERE ARE UNIQUE PHYSICAL**
23 **CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR SHALLOWSNESS OF**
24 **LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER EXISTING FEATURES**
25 **PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT COMPLIANCE WITH**
26 **THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH ONE**
27 **RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF**
28 **LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.**

- 29 b. The first floor of buildings on lots adjoining the Route 40 or Frederick Road
30 right-of-way shall not include residential uses in the building space closest to
31 the right-of-way. Residences may occupy other portions of the first floor space.

- 1 c. For every dwelling unit developed, 300 square feet of commercial space must
2 be developed or renovated to be compatible in architectural character with new
3 development on the site. The Director of the Department of Planning and
4 Zoning may, however, reduce the commercial space requirement to 200 square
5 feet per dwelling unit under the following conditions:
- 6 (1) The TNC Development is less than 20 acres and is specially constrained in
7 terms of size, shape, environmental factors or access in a manner that limits
8 commercial development potential; or
- 9 (2) The proposed design includes recreational, public, or non-profit uses on the
10 first floor that benefit and are accessible to the general public.
- 11 d. The phasing of residential and commercial construction should be roughly
12 proportional. Once building permits have been issued for 50% of the residential
13 units, no more building permits for residential units will be issued until the
14 developer obtains building permits for a proportional amount of commercial
15 construction or renovation. This requirement may be satisfied by continuing
16 presence of a proportional amount of existing commercial development that is
17 intended to remain as part of the development project, provided that the existing
18 commercial space is redeveloped and the redevelopment is subject to the same
19 requirements as new commercial construction in the TNC District.
- 20 e. At least 15% of the dwelling units shall be Moderate Income Housing Units.

21 **4. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING**

22 **A. DESIGN FOR OLDER ADULTS**

23 **THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES**
24 **FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH**
25 **IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN**
26 **SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF**
27 **THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR**
28 **THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL**
29 **INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE**
30 **INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR**
31 **FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE**

1 **ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND**
2 **COMMON AREAS.**

3 **B. ENFORCEMENT OF AGE RESTRICTIONS**

4 **IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE**
5 **OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL**
6 **RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN**
7 **SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL**
8 **MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT**
9 **WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY**
10 **IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO**
11 **SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.**

12 **C. COMMUNITY CENTER**

13 **AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY**
14 **SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS**
15 **A MINIMUM OF:**

- 16 **(1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99**
17 **DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET; AND**
18 **(2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH**
19 **ADDITIONAL DWELLING UNIT ABOVE 99.**

20 **D. HOUSING TYPES**

21 **ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTI-FAMILY UNITS**
22 **ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS IN**
23 **DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC**
24 **ZONED LAND AND MUST PROVIDE MORE THAN ONE HOUSING TYPE.**

25
26 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
27 *Maryland, that this Act shall become effective 61 days after its enactment.*



Howard County

Internal Memorandum

Subject: *Testimony for Council Bill XX-2025: Activity Center Zoning Regulation Amendment 219*

To: *Brandee Ganz, County Administrative Officer*

From: *Lynda Eisenberg, AICP, Director*  ^{DS} For

Date: *December 18, 2025*

The Department of Planning and Zoning (DPZ) supports Council Bill XX-2025. The proposed zoning regulation amendment (ZRA) promotes diverse housing opportunities within Activity Centers in the Transit Oriented Development (TOD) zoning district and Traditional Neighborhood Center (TNC) Overlay district and aligns with the goals and policies of the County's General Plan, HoCo By Design.

Key recommendations of the bill are:

- Add a definition of Activity Center in the zoning regulations
- Require residential development projects over five-acres in the TOD or TNC districts to provide more than one housing type
- Add age-restricted adult housing as a permitted use in the TOD district

HoCo By Design identifies Activity Centers as areas targeted for growth that can promote opportunities for diverse mixed-income housing choices. DPZ is proposing this ZRA to advance the HoCo By Design housing goals for Activity Centers located in zoning districts that currently allow residential uses, which include the TNC and TOD zoning districts. On October 16, 2025, ZRA-219 was presented to the Howard County Planning Board for its recommendations who voted 4-0 in favor of this ZRA, with one member absent.

There are no fiscal impacts associated with adoption of this Council Bill. Given the reasons stated above, DPZ supports Council Bill XX-2025 and appreciates Council's consideration.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
Angela Cabellon, Chief of Staff
Brian Shepter, Deputy Chief of Staff
Gary W. Kuc, County Solicitor, Office of Law



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350
 www.howardcountymd.gov

DPZ Office Use only:

Case No: ZRA-219

Date Filed: 9/5/2025



REVISED
 9/15/2025

Zoning Regulation Amendment Petition

Petition Request

Description of Proposed Amendment:

Add a definition for Activity Centers to the Zoning Regulations and promote diverse housing opportunities within Activity Centers in the TOD and TNC zoning districts to align with the goals of the General Plan, HoCo By Design.

Petitioner's Representative Information

Petitioner's Representative Name: David Moore
Address: 3450 Court House Drive, Ellicott City, MD, 21043
Phone: 410-313-2100
Email: dmoore@howardcountymd.gov
Profession: Attorney

Petitioner Information

Petitioner Name: Lynda Eisenberg
Petitioners Business Name/Trading As: Howard County Government
Address: 3430 Court House Drive, Ellicott City, MD, 21043
Phone: 410-313-2350
Email: leisenberg@howardcountymd.gov
Petitioner's Interest in Subject Property: Other
If the petitioner is not the property owner, please explain: Petition submitted on behalf of Howard County Government

Zoning Regulation Amendment Information

Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed:

Howard County's General Plan identifies Activity Centers as areas targeted for growth that promote opportunities for compact mixed-use development, diverse mixed-income for-sale and rental housing choices, small parks or community gathering spaces, employment opportunities, retail uses, and walking, biking, and transit options. The purpose of the ZRA is to allow and require various housing types within the designated Activity Centers in the TNC and TOD zoning districts.

The Legislative Intent of the Zoning Regulations in Section 100.0.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.0.A.

The proposed ZRA is in harmony with preserving and promoting the health, safety and welfare of the County as described in Section 100.A. Specifically, this proposed ZRA is described in enumerated intent number 5 – *To provide for adequate housing choices in suitable living environment within the economic reach of all citizens.*

Provide the address, Tax Map, and Parcel Number for any parcel(s) of land known to be affected by the amendment(s) that the Petitioner owns or has a legal or equitable interest in.

The amendment would impact more than eight properties. The amendment has a general impact on lots and parcels zoned TOD and TNC.

Zoning Regulation Amendment Criteria

Describe the compatibility, including potential adverse impacts and consequences, of the proposed zoning regulation amendment with the existing and potential land uses of the surrounding areas and within the same zoning district.

This ZRA would generally have an impact on all lots and parcels zoned TOD and TNC. The proposed ZRA is promoting the General Plan policy goals to expand opportunities for more diverse housing options within targeted Activity Centers. The proposed ZRA would encourage property owners to build a mix of housing types, such as apartments, stacked townhomes, single-family attached, and age-restricted adult housing.

Provide an overview of the properties to which the zoning regulation amendment could apply and, if feasible, a map of the impacted properties.

The proposed amendment will impact properties zoned TOD and TNC. A Map has been included with the Petition that highlights these areas.

Describe any conflicts that would occur in the Howard County Zoning Regulations as a result of the zoning regulation amendment.

If approved, this amendment would not create any conflicts in the Howard County Zoning Regulations. The purpose of the ZRA is to create opportunities for a variety of housing types and generally require developments over a certain acreage to provide a mix of these housing types.

Describe the compatibility of the proposed zoning regulation amendment with the policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The General Plan's Dynamic Neighborhood Chapter is supportive of providing attainable and diverse housing options. It emphasizes creating more diverse housing options throughout the County, increasing housing affordability, and ensuring there are housing options for older adults, disabled populations, and those with special needs. Below is a list of the Dynamic Neighborhood Policy Statements and Implementing Actions that support the proposed ZRA amendment.

DN-4 Policy Statement – Future Activity Centers, as identified on the Future Land Use Map (FLUM), should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options.

DN-9 Policy Statement – Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.

- *Implementing Action #1 – Design new activity centers to accommodate the needs of various ages, abilities, and life stages. Ensure design of neighborhoods and their amenities provide accessibility using universal design guidelines with sidewalk, wayfinding, and safe connections.*

If the zoning regulation text amendment would impact eight (8) parcels of land or less, please provide the following:

- (i) A list of those impacted parcels;
- (ii) The address of each impacted parcel;
- (iii) The ownership of each impacted parcel; and
- (iv) The contact information for the owner, if an individual, or resident agent or owner, if a corporate entity, of each impacted parcel.

The proposed ZRA impacts more than 8 parcels therefore this criterion does not apply.

Signatures

The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct.

Petitioner's Signature  Date 9/15/2025

If the Property Owner is not the Petitioner, you must submit a signed [Property Owners Authorization](#).

Process information and submittal requirements can be found on the [ProjectDox website](#).

Digitally Signed by: Julia Sauer
Signature Date: 2025-9-2 12:43:47

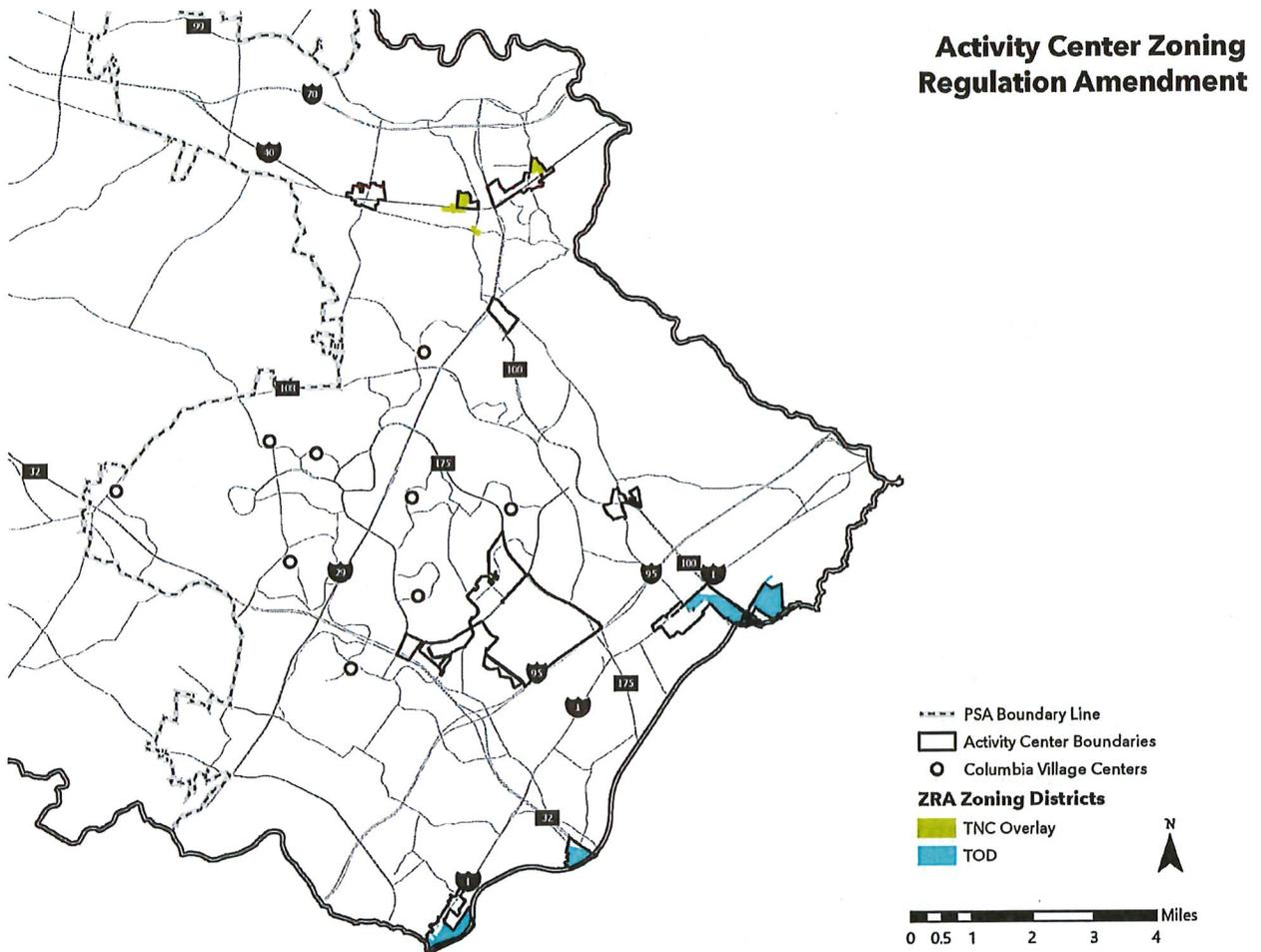
CONTACT US

Department of Planning and Zoning
Public Service and Zoning Division
3430 Court House Drive, Ellicott City, MD 21043
TEL: 410.313.2350

Summary of Changes:

- Add definition of Activity Center.
- Add provision that certain development projects in the TOD or TNC district must provide more than one housing type.
- Add regulations for age-restricted adult housing in the TOD district.

Potentially Impacted Properties in relation to HoCo By Design Activity Centers



Draft Legislation

Section 103.0. – Definitions

Proposed Revisions:

ACTIVITY CENTER: TARGETED AREAS FOR GROWTH IDENTIFIED IN THE HOWARD COUNTY GENERAL PLAN, THAT PROMOTE OPPORTUNITIES FOR COMPACT MIXED-USE DEVELOPMENT, DIVERSE MIXED-INCOME FOR-SALE AND RENTAL HOUSING CHOICES, SMALL PARKS OR COMMUNITY GATHERING SPACES, EMPLOYMENT OPPORTUNITIES, RETAIL USES, AND WALKING, BIKING, AND TRANSIT OPTIONS.

Example of how the proposed text would look in Section 103.0, if adopted:

Activity Center: Targeted areas for growth identified in the Howard County General Plan, that promote opportunities for compact mixed-use development, diverse mixed-income for-sale and rental housing choices, small parks or community gathering spaces, employment opportunities, retail uses, and walking, biking, and transit options.

Section 127.4: TOD (Transit Oriented Development) District

Proposed Revisions:

B. Uses Permitted as a Matter of Right

1. AGE-RESTRICTED ADULT HOUSING, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.2 AND F.3. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TOD ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

7. Dwellings, apartment/MULTIFAMILY AND SINGLE-FAMILY ATTACHED. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TOD ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

[[8. Dwellings, single-family attached.]]

*Renumber subsequent uses

F. Requirements for TOD Development

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land. If THE PROJECT IS ON MORE THAN 5 GROSS ACRES OF LAND, IT MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE UNLESS IT IS DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING THAT THE MINIMUM DENSITY REQUIREMENTS OF THE

TOD DISTRICT CANNOT BE MET DUE TO UNIQUE PHYSICAL CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR SHALLOWSNESS OF LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER EXISTING FEATURES PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT COMPLIANCE WITH THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH ONE RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.

c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units [[and shall be developed on the site]]. EXCEPT FOR AGE-RESTRICTED ADULT HOUSING UNITS, the developer shall not provide the moderate income housing units at a different location or pay a fee-in-lieu to the Department for the moderate income housing units required under this subsection.

3. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

A. DESIGN FOR OLDER ADULTS

THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

B. ENFORCEMENT OF AGE RESTRICTIONS

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

C. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND

(2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH
ADDITIONAL DWELLING UNIT ABOVE 99.

D. HOUSING TYPES

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTIFAMILY UNITS ARE
PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS. AGE-RESTRICTED
ADULT HOUSING DEVELOPMENTS THAT ARE GREATER THAN 5 ACRES MUST PROVIDE
MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.4, if adopted:

B. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, subject to the requirements of Subsection F.2 and F.3.
Development projects that are 5 gross acres or greater of TOD zoned land must include
more than one residential housing type.

7. Dwellings, apartment/multifamily and single-family attached. Development projects that
are 5 gross acres or greater of TOD zoned land must include more than one residential
housing type.

*Renumber uses accordingly following addition of Age-restricted adult housing and listing uses
alphabetically

F. Requirements for TOD Development

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least
3 gross acres of TOD-zoned land. If the project is on more than 5 gross acres of
land, it must include more than one residential housing type unless it is
demonstrated on a site development plan submitted to the Department of Planning
and Zoning that the minimum density requirements of the TOD district cannot be
met due to unique physical conditions, including irregularity, narrowness or
shallowness of lot or shape, exceptional topography, or other existing features
peculiar to the particular lot precluding strict compliance with this provision. Any
residential housing project with one residential housing type in existence prior to
[[effective date of legislation]] will not be subject to Section 129.0.

c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units.
Except for any age-restricted adult housing units, the developer shall not provide
the moderate income housing units at a different location or pay a fee-in-lieu to
the Department for the moderate income housing units required under this
subsection.

3. Additional Requirements for Age-Restricted Adult Housing

A. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multifamily units are permitted in age-restricted adult housing developments. Age-restricted adult housing developments that are greater than 5 acres must provide more than one housing type.

Section 127.6: TNC (Traditional Neighborhood Center) Overlay District

Proposed Revisions:

C. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.3 AND F.4 [[if the additional requirements for age-restricted adult housing set forth in the POR

District are met]]. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

F. Requirements for TNC Development

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE UNLESS IT IS DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING THAT THERE ARE UNIQUE PHYSICAL CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR SHALLOWNESS OF LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER EXISTING FEATURES PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT COMPLIANCE WITH THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH ONE RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.

4. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

- a. DESIGN FOR OLDER ADULTS
THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.
- b. ENFORCEMENT OF AGE RESTRICTIONS
IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL

IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

c. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND
- (2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

d. HOUSING TYPES

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTI-FAMILY UNITS ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS IN DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND AND MUST PROVIDE MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.6, if adopted:

C. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, subject to the requirements of Subsection F.3 and F.4. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.

18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.

F. Requirements for TNC Development

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the department of planning and zoning that there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project

with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.

4. Additional Requirements for Age-Restricted Adult Housing

a. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multi-family units are permitted in age-restricted adult-housing developments in development projects that are 5 gross acres or greater of TNC zoned land and must provide more than one housing type.



Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043

dpzzoning@howardcountymd.gov (410) 313-2350

ZONING PETITION AFFIDAVIT

Petitioner Name: Lynda Eisenberg

Property Address: _____

Zoning Petition Type: Zoning Regulation Amendment

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

The undersigned does hereby declare that no officer or employee of Howard County, whether elected or appointed, has received prior hereto or will receive subsequent hereto, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the attached application for a zoning petition as requested for the property referenced above.

I we, do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my, our, knowledge, information and belief.

<u>Lynda Eisenberg</u>		<u>9/5/2025</u>
Petitioner Name	Signature	Date

_____ Witness Name	_____ Signature	_____ Date
-----------------------	--------------------	---------------

_____ Witness Name	_____ Signature	_____ Date
-----------------------	--------------------	---------------

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.





Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive, Ellicott City, MD 21043

dpzzoning@howardcountymd.gov (410) 313-2350

AFFIDAVIT AND DISCLOSURE OF CONTRIBUTION

For Petitions to Amend the Zoning Regulations, Zoning Maps and Preliminary Develop Plans of Howard County

Zoning Matter: Zoning Regulation Amendment

AFFIDAVIT AS TO CONTRIBUTIONS TO CANDIDATES AND BUSINESS ENGAGEMENTS WITH ELECTED OFFICIALS

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General
Provisions Article Sections 5-852 through 5-854

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852 MARK EACH PARAGRAPH AS
APPLICABLE

1. I, Lynda Eisenberg, the **Applicant** filing an **Application** in the above zoning matter, to the best of my information, knowledge, and belief HAVE / HAVE NOT made a **Contribution** or contributions having a cumulative value of \$500 or more to the treasurer of a **Candidate** or the treasurer of a **Political Committee** during the 48-month period before the **Application** was filed; and I AM / AM NOT currently **Engaging in Business** with an **Elected Official**.
2. I, the **Applicant** or a **Party of Record** in the above referenced zoning matter, acknowledge and affirm that, if I or my **Family Member** has made a **Contribution** or contributions having a cumulative total of \$500 or more during the 48-month period before the **Application** was filed or during the pendency of the **Application**, I will file a disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**; and that a **Contribution** made between the filing and the disposition of the **Application** will be disclosed within 5 business days after the **Contribution**.

3. I, the **Applicant**, acknowledge and affirm that, if I begin **Engaging in Business** with an **Elected Official** between the filing and the disposition of the **Application**, I will file this Affidavit at the time of **Engaging in Business** with the **Elected Official**.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY and upon personal knowledge that the contents of this Affidavit are true.

Lynda Eisenberg

(Print Full Name)

DocuSigned by:
Lynda Eisenberg
DE9E10E4B5B1444...

9/5/2025

(Sign full name & indicate legal capacity, if applicable)

Date

Zoning Matter: _____

DISCLOSURE OF CONTRIBUTION

As required by the Maryland Public Ethics Law Annotated Code of Maryland, General Provisions Article Sections 5-852 through 5-854

ALL BOLDED TERMS ARE DEFINED BY SECTION 5-852

If the **Applicant** or a **Party of Record** or their **Family Member** has made a **Contribution** or contributions having a cumulative value of \$500 or more during the 48-month period before the **Application** is filed or during the pendency of the **Application**, the **Applicant** or the **Party of Record** must file this disclosure providing the name of the **Candidate** or **Elected Official** to whose treasurer or **Political Committee** the **Contribution** was made, the amount, and the date of the **Contribution**.

For a **Contribution** made during the 48-month period before the **Application** is filed, the **Applicant** must file this disclosure when they file their **Application**, and a **Party of Record** must file this disclosure within 2 weeks after entering the above zoning matter.

A **Contribution** made between the filing and the disposition of the **Application** must be disclosed within 5 business days after the **Contribution**.

Any person who knowingly and willfully violates Sections 5-852 through 5-854 of the General Provisions Article of the Annotated Code of Maryland is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

Applicant or Party of Record: _____
(Print Full Name)

RECIPIENTS OF CONTRIBUTIONS:

NAME	DATE	AMOUNT

I acknowledge and affirm that any **Contribution** I make between the filing of this disclosure and the disposition of the **Application** must be disclosed within 5 business days of the **Contribution**.

(Print Full Name)

(Sign full name & indicate legal capacity, if applicable)

Date

This Affidavit must be signed, scanned and uploaded through the ProjectDox Zoning Petition Application process at <https://howard-md-us.avolvecloud.com/ProjectDox/>

For more information or questions, contact DPZ at (410) 313-2350.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

TECHNICAL STAFF REPORT

Planning Board Meeting of October 16, 2025

Case No./Petitioner: ZRA-219; Department of Planning and Zoning

Request: To add a definition of “Activity Center” and promote diverse housing opportunities within Activity Centers in the Transit Oriented Development (TOD) and Traditional Neighborhood Center Overlay (TNC) zoning districts, to align with the goals of the General Plan, HoCo By Design.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Activity Centers are defined in the General Plan, HoCo By Design, as “places where housing and businesses are mixed together, usually in a walkable environment.” The General Plan identifies activity centers as areas for redevelopment, presenting opportunities for mixed-use development, mixed-income housing, small parks or community gathering spaces, increased stormwater management, and multi-modal transportation options.

The Transit Oriented Development (TOD) district was created with the 2004 Zoning Regulations to provide for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. Specifically, the TOD district aims to encourage development of multistory office centers that are located and designed for safe and convenient pedestrian access for those using a MARC train or other public transit systems. The TOD district is found within the Route 1 Corridor and the zoning regulations for the district are used in conjunction with the Route 1 Manual to enhance and aid in redevelopment of the area. Single-family attached and apartments/multi-family uses are the only residential uses permitted in the TOD district and are required to have a minimum lot size of three (3) acres. The TOD zoning regulations remained largely unchanged with the adoption of the current (2013) zoning regulations.

The Traditional Neighborhood Overlay (TNC) zoning district was also created with the 2004 Zoning Regulations. The TNC district is an overlay district and inside the Activity Centers, is used in conjunction with the B-2 (Business General) district. The establishment of the TNC district in 2004 was to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. The TNC district is specific to the Route 40 area and development under this overlay must comply

with the Route 40 Manual. The TNC regulations and Route 40 Manual are aimed to strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads. The TNC district allows for single-family attached and apartments/multifamily on at least two acres as well as age-restricted adult housing. The TNC overlay district regulations have remained largely unchanged since its creation in 2004.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner’s proposed amendment. The Petitioner’s proposed amendment text is attached as Exhibit A.

Sec. 103.0: Definitions

The Petitioner is proposing to amend the Definitions section of the code:

- Add a new definition of “Activity Center.”
Activity Center: Targeted areas for growth identified in the Howard County General Plan, that promote opportunities for compact mixed-use development, diverse mixed-income for-sale and rental housing choices, small parks or community gathering spaces, employment opportunities, retail uses, and walking, biking, and transit options.

Sec. 127.4: Transit Oriented Development (TOD)

The Petitioner is proposing to amend the TOD district section of the code:

- Add age-restricted adult housing as a use permitted as a matter of right and add additional requirements for the use.
 - Adding this use would require renumbering the subsequent uses listed in the section.
- Amend the “Dwellings, apartment” use permitted as a matter of right to specify multifamily, add single-family attached units, and add the provision that development projects that are five (5) gross acres or more must include more than one residential housing type, unless it is demonstrated that the minimum density requirements of the district cannot be met due to unique physical conditions or other existing features peculiar to the lot.
- Add language that existing residential housing projects on five (5) gross acres or greater with one residential housing type in existence prior to the legislation will not be subject to Section 129.0 Nonconforming Uses.
- Remove the “Dwellings, single-family attached” use permitted as a matter of right since it is being combined with the “Dwellings, apartment” use.

- Add a provision under the Moderate-Income Housing Unit (MIHU) requirements to allow age-restricted adult housing projects an option to pay a fee-in-lieu or provide MIHUs at a different location to be consistent with the Department of Housing and Community Development regulations (Section 13.400 of County Code).
- Add additional requirements for age-restricted adult housing developments to include designs for older adults, enforcement of age restrictions, community centers, and housing types.

Sec. 127.6: Traditional Neighborhood Center Overlay (TNC)

This section contains the regulations for the TNC district. The amendment proposes the following changes:

- Amend the additional requirement language for the age-restricted adult housing permitted use.
- Amend the “Dwellings, apartment and single-family attached...” use permitted as a matter of right to require development projects that are five (5) gross acres or greater to include more than one residential housing type, unless it is demonstrated that there are unique physical conditions or other existing features peculiar to the particular lot.
- Add language that existing residential housing projects on five (5) gross acres or greater with one residential housing type in existence prior to the legislation will not be subject to Section 129.0 Nonconforming Uses.
- Add additional requirements for age-restricted adult housing developments to include designs for older adults, enforcement of age restrictions, community centers, and housing types.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-219 in accordance with Section 16.208.(d) of the Howard County Code.

1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

Staff do not foresee any adverse impacts or consequences of the proposed amendment. The TOD and TNC districts currently permit apartments/multifamily or single-family attached residential uses on a minimum lot, and the TNC district permits age-restricted adult housing. The purpose of the ZRA is to require more than one housing type for residential projects that are five (5) acres or greater in those districts, and permit age-restricted adult housing as a use permitted as a matter of right in the TOD district.

2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.

The proposed ZRA will generally impact the TOD and TNC districts that are located inside an identified Activity Center and are five (5) acres or greater. These areas are depicted in Attachment A.

In total, this ZRA could apply to approximately 67 parcels and 451 acres. In the TOD district, this ZRA could impact 63 parcels and 400 acres. In the TNC district, this ZRA could impact 4 parcels totaling 51 acres.

3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

If adopted, this amendment would not create any potential conflicts in the Howard County Zoning Regulations. The ZRA is drafted to impact only projects submitted after the effective date. Existing projects over five (5) gross acres and one housing type are not subject to the nonconforming use requirements. Also, the ZRA is drafted to allow projects on properties with unique characteristics relief from providing more than one housing type.

4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The proposed ZRA is supported by the Dynamic Neighborhoods chapter of HoCo By Design, which calls for a greater diversity of housing choices in activity centers.

Policy Statement DN-4 (page DN-44) states that “Future activity centers should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options.”

Policy Statement DN-13 (page DN-62) states the County should “Create opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.” **Implementing Action 1** recommends the County “Design new activity centers to accommodate the needs of various ages, abilities, and life stages.”

The proposed ZRA also advances activity center and TOD policies in the Route 1 Corridor Plan (2023). The Plan, which provides strategies, policies and implementing actions to maximize the economic and redevelopment potential of the Route 1 Corridor, supports establishing activity centers as identified on the Future Land Use Map

(FLUM) as a way to foster revitalization in corridor (Policy RTE1-3). It also expresses a need to implement zoning changes to achieve the vision of the Route 1 Corridor (RTE 1-3.2). The Plan highlights the need to provide housing options in the employment corridor of Route 1 and acknowledges that there is limited land for housing and thereby calls for a mix of multifamily and single-family attached homes (Route 1 Corridor Plan, p. 68).

Policy Statement RTE 1-17 states the County should “Catalyze the redevelopment of activity centers in the Route 1 Corridor and ensure they allow a mix of uses.” **Implementing Action 5** recommends evaluating the TOD district to ensure that it is reflective of a mixed-use area that maximizes residential, commercial and open space uses. **Implementing Action 8** encourages a mix of housing types available at different price points in activity centers to create more missing middle and affordable housing opportunities in the County.

Conclusion

Overall, DPZ finds that the proposed amendments described in the TSR, and the proposed legislation, are consistent with the Policy Statements and Implementing Actions in the General Plan. The ZRA is intended to expand diverse housing opportunities by encouraging a mix of housing types and aligns with the vision for diverse housing choices in activity centers.

Environmental Policies and Objectives

The proposed ZRA-219 is not in conflict with the environmental policies and objectives in HoCo By Design, the County’s General Plan. The proposed ZRA would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

DocuSigned by:

Lynda Eisenberg

9/30/2025

4220B635863942E...

Lynda D. Eisenberg, AICP, Director Date

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Section 127.4: TOD (Transit Oriented Development) District

Proposed Revisions:

B. Uses Permitted as a Matter of Right

1. AGE-RESTRICTED ADULT HOUSING, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.2 AND F.3. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TOD ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

7. Dwellings, apartment/MULTIFAMILY AND SINGLE-FAMILY ATTACHED. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TOD ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

[[8. Dwellings, single-family attached.]]

*Renumber subsequent uses

F. Requirements for TOD Development

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land. If THE PROJECT IS ON MORE THAN 5 GROSS ACRES OF LAND, IT MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE UNLESS IT IS DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING THAT THE MINIMUM DENSITY REQUIREMENTS OF THE TOD DISTRICT CANNOT BE MET DUE TO UNIQUE PHYSICAL CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR SHALLOWSNESS OF LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER EXISTING FEATURES PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT COMPLIANCE WITH THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH ONE RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.

c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units [[and shall be developed on the site]]. EXCEPT FOR AGE-RESTRICTED ADULT HOUSING UNITS, the developer shall not provide the moderate income housing units at a different location or pay a fee-in-lieu to the Department for the moderate income housing units required under this subsection.

3. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

A. DESIGN FOR OLDER ADULTS

THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

B. ENFORCEMENT OF AGE RESTRICTIONS

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

C. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND
- (2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

D. HOUSING TYPES

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTIFAMILY UNITS ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS. AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS THAT ARE GREATER THAN 5 ACRES MUST PROVIDE MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.4, if adopted:

B. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, subject to the requirements of Subsection F.2 and F.3. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.

7. Dwellings, apartment/multifamily and single-family attached. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.

*Renumber uses accordingly following addition of Age-restricted adult housing and listing uses alphabetically

F. Requirements for TOD Development

2. Area Requirements for Residential Uses

- a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land. If the project is on more than 5 gross acres of land, it must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the Department of Planning and Zoning that the minimum density requirements of the TOD district cannot be met due to unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.

c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units. Except for any age-restricted adult housing units, the developer shall not provide

the moderate income housing units at a different location or pay a fee-in-lieu to the Department for the moderate income housing units required under this subsection.

3. Additional Requirements for Age-Restricted Adult Housing

A. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multifamily units are permitted in age-restricted adult housing developments. Age-restricted adult housing developments that are greater than 5 acres must provide more than one housing type.

Section 127.6: TNC (Traditional Neighborhood Center) Overlay District

Proposed Revisions:

C. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.3 AND F.4 [[if the additional requirements for age-restricted adult housing set forth in the POR District are met]]. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.

F. Requirements for TNC Development

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE UNLESS IT IS DEMONSTRATED ON A SITE DEVELOPMENT PLAN SUBMITTED TO THE DEPARTMENT OF PLANNING AND ZONING THAT THERE ARE UNIQUE PHYSICAL CONDITIONS, INCLUDING IRREGULARITY, NARROWNESS OR SHALLOWNESS OF LOT OR SHAPE, EXCEPTIONAL TOPOGRAPHY, OR OTHER EXISTING FEATURES PECULIAR TO THE PARTICULAR LOT PRECLUDING STRICT COMPLIANCE WITH THIS PROVISION. ANY RESIDENTIAL HOUSING PROJECT WITH ONE RESIDENTIAL HOUSING TYPE IN EXISTENCE PRIOR TO [[EFFECTIVE DATE OF LEGISLATION]] WILL NOT BE SUBJECT TO SECTION 129.0.

4. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

- a. DESIGN FOR OLDER ADULTS
THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS

TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

b. ENFORCEMENT OF AGE RESTRICTIONS

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

c. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND
- (2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

d. HOUSING TYPES

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTI-FAMILY UNITS ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS IN DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND AND MUST PROVIDE MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.6, if adopted:

C. Uses Permitted as a Matter of Right

1. Age-restricted adult housing, subject to the requirements of Subsection F.3 and F.4. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.

18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.

F. Requirements for TNC Development

3. Requirements for residential uses

- a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the Department of Planning and Zoning that there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.

4. Additional Requirements for Age-Restricted Adult Housing

a. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

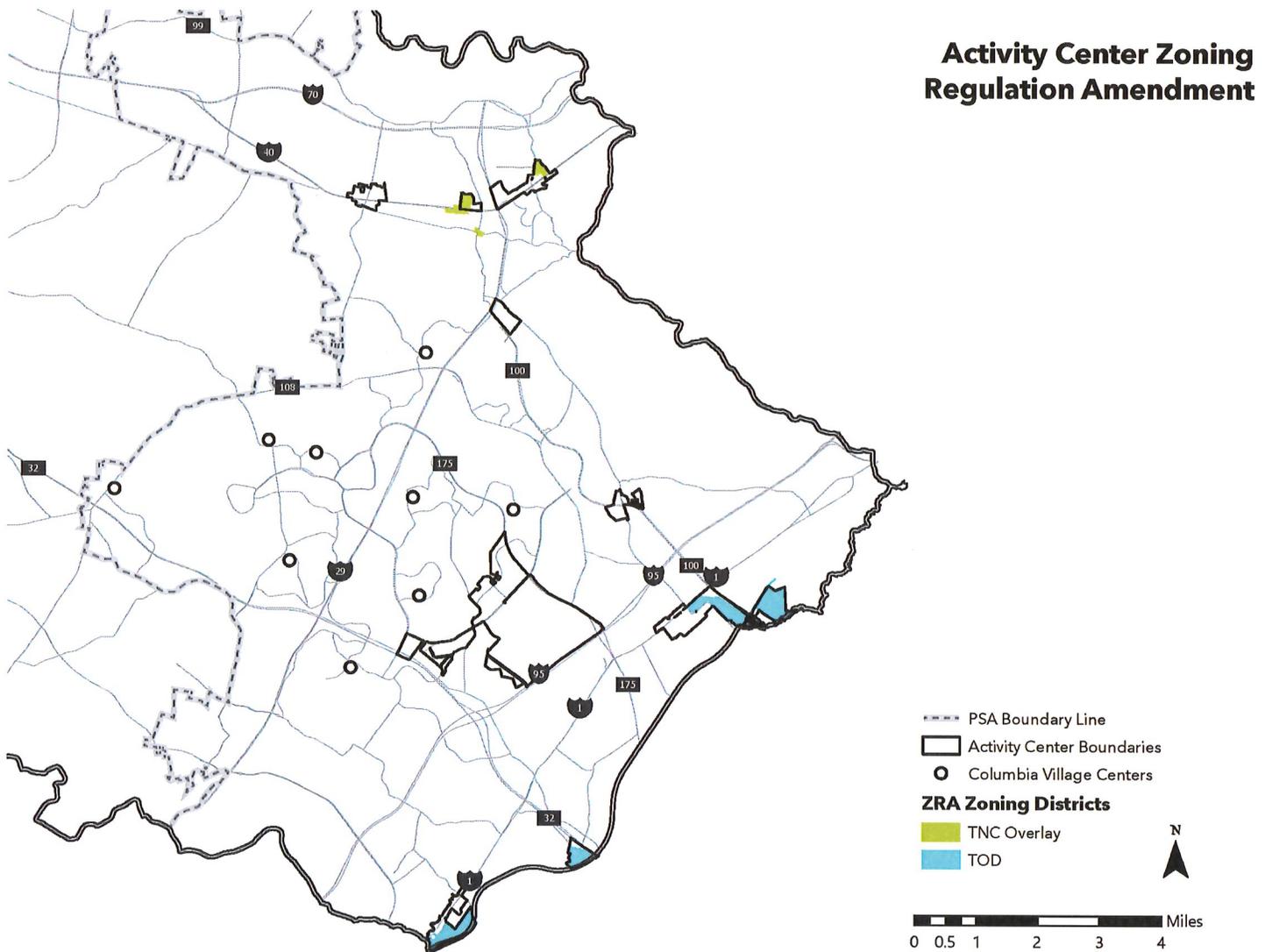
At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multi-family units are permitted in age-restricted adult-housing developments in development projects that are 5 gross acres or greater of TNC zoned land and must provide more than one housing type.

Attachment A



1 **DEPARTMENT OF PLANNING AND ZONING, * BEFORE THE**
 2 **PETITIONER * PLANNING BOARD OF**
 3 **ZRA-219 * HOWARD COUNTY, MARYLAND**

4
 5
 6 * * * * *

7 **MOTION: Recommend approval of ZRA-219.**

8 **ACTION: *Approved with Amendments; Vote 4-0.***

9 * * * * *

10
 11 **RECOMMENDATION**

12 On October 16, 2025, the Planning Board of Howard County, Maryland, considered the petition of the
 13 Department of Planning and Zoning (DPZ), the Petitioner, for several amendments throughout the Zoning Code
 14 to promote diverse housing opportunities within Activity Centers in the Transit Oriented Development (TOD)
 15 and Traditional Neighborhood Center Overlay (TNC) zoning districts, specifically to:

- 16 • Create new definition for Activity Center under Section 103.0.
- 17 • Add age-restricted adult housing (ARAH) as a permitted use by right in the TOD district, subject
 18 to additional requirements, and allow ARAH housing developments to satisfy the Moderate Income
 19 Housing Unit (MIHU) requirement off-site or by fee-in-lieu payment.
- 20 • Require residential development projects, including ARAH projects, in the TOD and TNC districts
 21 that are five acres or greater to have more than one housing type, unless the developer can
 22 demonstrate that the property has a unique condition that precludes this requirement from being
 23 met.

24
 25 The Planning Board considered the petition and the Department of Planning and Zoning's (DPZ)
 26 Technical Staff Report (TSR).

27 **Testimony**

28 Ms. Julia Sauer, DPZ staff member, presented the proposed Zoning Regulation Amendment (ZRA).
 29 She stated the purpose of the ZRA is to promote diverse housing opportunities within identified Activity Centers
 30 in the TOD and TNC zoning districts to help align future development with the goals of Howard County's
 31 General Plan, HoCo By Design. Ms. Sauer went through each text amendment and explained what the current
 32 regulations allow, what is proposed, what code sections are impacted (as summarized above), as well as the
 33 ZRA criteria.

1 Following DPZ's presentation of the proposed amendment, Mr. Kevin McAilley, Planning Board
2 Chair, asked the Planning Board if they had questions for DPZ. Ms. Barbara Mosier and Mr. James Cecil,
3 Planning Board members, asked about the MIHU requirements for ARAH in the TOD district and the option
4 to pay a fee-in-lieu or provide MIHU's offsite. Ms. Sauer explained that the Housing and Community
5 Development Ordinance, which administers the MIHU program, explicitly allows ARAH to provide fee in-lieu
6 or off-site units, and the proposed ZRA adds language for the ARAH MIHU requirement to be consistent with
7 the Housing and Community Development Ordinance Ms. Lynda Eisenberg, Executive Secretary of the
8 Planning Board and Planning Director, explained the Department of Housing and Community Development
9 obtains funding from fee in-lieu units which would create a bigger conversation on eliminating the option of
10 fee-in-lieu. Mr. Cecil asked if consideration was given by DPZ to increase the MIHU requirement from 15% to
11 20% to be consistent with the policies of the General Plan. Ms. Sauer said increasing the MIHU requirement
12 was not contemplated.

13 Ms. Jasmine Duvall testified in support of the proposed ZRA, once on behalf of the Howard County
14 Housing Affordability Coalition and again on behalf of the Columbia Housing Center. Ms. Duvall testified that
15 the amendment would provide opportunity for affordable housing in Activity Centers. Ms. Duvall stated that
16 Housing Affordability Coalition and Columbia Housing Center provided a favorable recommendation on the
17 ZRA with a recommendation to increase the MIHU requirement to 20%. Ms. Duvall, on behalf of Columbia
18 Housing Center, also recommended providing an incentive for developers to build affordable housing onsite.
19 Mr. Cecil asked if the Coalition had any thoughts on the MIHU fee in-lieu option. Ms. Duvall stated the
20 Coalition does not have a stance or recommendation of the MIHU fee in-lieu option. Mr. Cecil also asked if
21 Ms. Duvall felt the MIHU fees are appropriate. Ms. Duvall stated on behalf of the Columbia Housing Center,
22 she feels the fees should be higher and there should be fewer projects that allow fee-in-lieu. Mr. Joel Hurewitz
23 testified on the proposed ZRA and asked for clarification on nonconformities.

24 Ms. Mosier asked staff to explain how the MIHU requirement is administered. DPZ staff explained that
25 the DPZ would provide the number of units needed to meet the MIHU requirement and the developer would
26 work with the Department of Housing and Community Development to come to an agreement to meet the
27 MIHU requirement. Ms. Mosier asked if there are any incentives for developers to provide more than the
28 required MIHU minimum. Ms. Eisenberg stated that the zoning code does not have incentives, but the TOD
29 district does allow for certain qualified projects to be exempt from Adequate Public Facility testing if providing
30 additional affordable housing on-site. Ms. Eisenberg explained that HoCo By Design does recommend looking
31 at the MIHU requirements comprehensively, but conversations about MIHU application is beyond a zoning
32 code update and should be discussed with the Department of Housing and Community Development.

Board Discussion and Recommendation

The Planning Board discussed that they were generally in favor of the ZRA and discussed the text changes by section of the code. Mr. Cecil stated he would be supportive of increasing the MIHU requirements to 20% in both the TOD and TNC districts to align with HoCo By Design. The Planning Board also recommended the Council could explore incentives for achieving the 20% MIHU requirement.

Mr. Cecil motioned to recommend approval of ZRA-219 with an amendment. Mr. Mason seconded the motion. The motion passed 5-0.

The amendment is:

- 1. Increase the MIHU requirements in the TOD and TNC districts to 20% to align with the goals of HoCo By Design and to consider and explore incentive structures to achieve the 20%, as needed.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 10th day of November 2025, recommends that ZRA-219, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAuley

C2C80F5D2434476...

Kevin McAuley, Chair

Signed by:

James Cecil

7DA1123B4D2D404...

James Cecil, Vice-chair

DocuSigned by:

Mason Godsey

B79ABA28B31447E...

Mason Godsey

ABSENT

Lynn Moore

Signed by:

Barbara Mosier

B05AB04E9F949F...

Barbara Mosier

ATTEST:

DocuSigned by:

Lynda Eisenberg

4228D695069942E...

Lynda Eisenberg, AICP, Executive Secretary

Harrod, Michelle

From: Shepter, Brian
Sent: Thursday, February 12, 2026 10:10 AM
To: Jones, Opel
Cc: CouncilMail; Facchine, Felix; Hira, Safa; Ball, Calvin; Cabellon, Angela; Ganz, Brandee; Eisenberg, Lynda
Subject: Request for Withdrawal of CB4-2026

Dear Chair Jones and Members of the County Council,

On behalf of County Executive Ball, I write to formally request the withdrawal of, [CB4-2026 \(ZRA 219\)](#), a proposed Zoning Regulation Amendment related to Activity Centers, TOD or TNC Zoning Districts, and Age-Restricted Adult Housing which was introduced on January 5, 2026 and is currently scheduled for a work session on February 23, 2026.

The Maryland General Assembly is presently considering an Administration bill, the Maryland Transit and Housing Opportunity Act of 2026, [SB039](#), that if passed, will have an impact on the County's TOD Zoning District. The TOD district is the primary district being amended in the Activity Center ZRA. To mitigate future conflicts between state and local land use laws, it is in the best interest of the County to withdraw CB4-2026 (ZRA 219) at this time.

Thank you for your time and attention to this matter. We ask that you please confirm in writing that this zoning regulation amendment will be withdrawn.

Thank you.

Brian

Brian Shepter
Deputy Chief of Staff
Office of the County Executive
410.313.4308