



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

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## TECHNICAL STAFF REPORT

### *Planning Board Meeting of November 4, 2021*

**Case No./Petitioner: ZRA-199 – Liz Walsh, Howard County Council, Member**

**Request:** To amend Section 126.0.E of the zoning regulations to require that at least 15% of dwelling units in residential developments within the Planned Golf Course Community (PGCC) zoning district be Moderate Income Housing Units (MIHUs).

#### **I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS**

##### PGCC Zoning District

The PGCC Zoning District was created in 1985 during the Comprehensive Zoning process to "permit mixed use development combining recreation, residential, commercial and conference center uses while preserving 50% of the district as open space." The PGCC Zoning District includes two subdistricts, the PGCC-1 Residential Subdistrict and the PGCC-2 Multi-use Subdistrict. All Comprehensive Sketch/Final Development plans in the PGCC zoning district require approval by the Planning Board prior to development. The Planning Board also has the authority to approve site development plans in this district.

On February 10, 1986, ZB-808, added several uses to the Residential – Medium and Recreational Services Subdistricts, allowed Underground pipelines, etc. as accessory uses, amended several Bulk Regulations addressing density and setbacks, amended Other Provisions addressing minimum lot size in relation to previously developed lots, and prevented administrative adjustments in the PGCC Zoning District.

On August 19, 1986, ZB-819R corrected a mistake preventing development in the PGCC zoning district without access to public water. (There was no access to public water in the PGCC zoning district at the time).

On May 27, 1987, ZB-840 amended the zoning regulations related to lot coverage restrictions in the PGCC zoning district.

On August 1, 1989, ZB-882, added Day Care Centers as a permitted use within the Commercial Subdistrict, allowed private, off-street parking..., and the resident housing of not more than 8... as an accessory use, and amended the zoning regulations related to building length and setbacks in the PGCC zoning district.

In 1995 and 1996, CB55-1995 (ZRA-01) and CB19-1996 (ZRA-05) amended the zoning regulations related to communications towers in the PGCC zoning district.

In 2001, CB11-2001 (ZRA-30) comprehensively amended the conditional uses permitted within the PGCC Zoning District.

In 2020, ZRA-194 (still being processed), proposes to amend the zoning regulations to permit Motor Vehicle Fueling Facilities within the PGCC Multi-Use Subdistrict subject to Planning Board approval and will be subject to the General Standards and Specific Criteria in Section 131.0 applicable to the Conditional Use for a Motor Vehicle Fueling Facility.

The only development zoned PGCC is the Turf Valley Golf Course community (Attachment A), which consists of an 18-hole golf course, conference center, hotel, resort, a town square-style shopping center, and is approved for 1,618 dwelling units. However, according to Section 100.E.3.b of the Zoning Regulations, future residential development in this project will need to be evaluated to determine if this the proposed text amendment applies.

#### Moderate Income Housing Units

In 1989, ZB-882R added a definition of MIHU to Section 103.A.81 which read, *A dwelling unit offered for sale or rent to households with incomes between 50 and 80 percent of the median income in the Baltimore Region* and Section 123.1.J. which required any development within the PD (Planned Development) zoning district to provide at least 15 percent of the total housing units within the district as low and moderate income housing units in accordance with guidelines established by the Howard County Office of Housing and Community Development.

In the 2004 Comprehensive Rezoning, the definition of MIHUs changed to state: *A dwelling unit offered for sale or rent to households with incomes between 50 and 80 percent of the median income in the Baltimore region, in accordance with Title 13, Subtitle 4 of the Howard County Code and the Procedures of the Howard county Department of Housing and Community Development.* Also, a requirement that 10% of the dwelling units in residential developments be MIHU was added to the R-A-15, R-SI, MXD, and PSC zoning districts. Additionally, the TOD and CAC zoning districts were added to the zoning regulations and included a requirement that 15% of the dwelling units in these zoning districts be MIHU.

In 2012, ZRA-144 (CB36-2012) created the CEF zoning district, which included a 10% MIHU requirement.

In the 2013 Comprehensive Rezoning, the 10% MIHU requirement was added to the RC, RR, R-ED, R-20, R-12, R-SC, R-H-ED, R-SA-8 zoning districts. Additionally, the R-APT zoning district was added to the zoning regulations and included a 15% MIHU requirement.

## **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.

The Petitioner contends that, like other residential zoning districts, MIHUs are required in each development ranging between 10% and 15%, as established in Title 13, Subtitle 4 of the Howard County Code. However, the PGCC district has been exempt from that requirement. Since 1985, approximately 1,400 residential dwelling units have been developed without any MIHUs being offered, and development is on-going. The Petitioner asserts that MIHUs will provide an equal housing opportunity for the PGCC district and allow any future development to require at least 15% of all new units to be designated as MIHU.



**Section 126.0.E.8**

This section identifies the other provisional regulations in the PGCC zoning district. The petitioner proposes to add the requirement that at least 15% of all new dwelling units be MIHUs.

**III. EVALUATION OF PROPOSAL**

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-199 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.**

The proposed amendment is unlikely to result in adverse impacts to the surrounding areas, as it only impacts the price and ownership of housing units and not the housing type/land use. Pursuant to Section 13.402(b)(2) of the Howard County Code, the developer must comply with the minimum specifications for MIHUs established by the Department of Housing and Community Development (DHCD). Among these specifications, DHCD requires that MIHUs must be of a design and construction to ensure that the exterior features are architecturally compatible and are interspersed with vicinal market rate units.

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

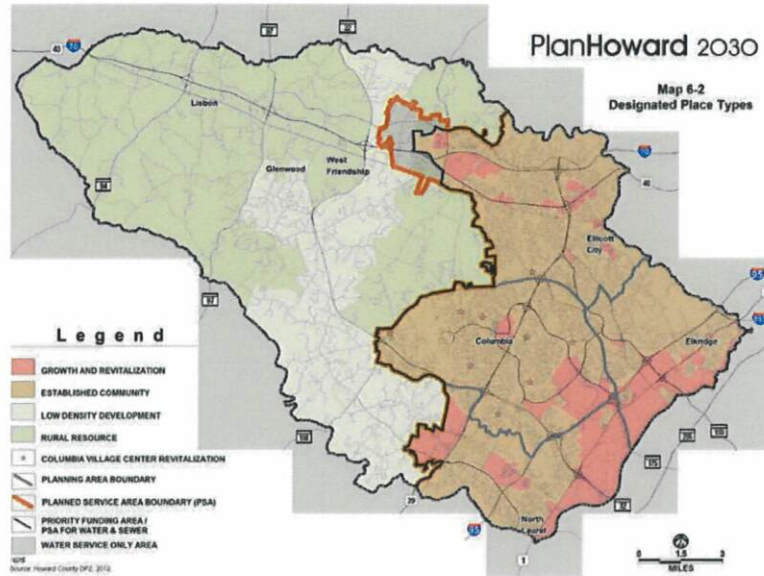
The proposed amendment could apply to properties within the PGCC zoning district, which are shown in Attachment A. However, as residential development plans are submitted, DPZ will need to determine if the proposed text amendment applies to individual plans under Section 100.0.E.3.b.

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

Requiring a percentage of dwelling units in residential developments to be MIHUs is consistent with the other zoning districts that allow residential uses. While not a conflict, a comparison of other zoning districts suggests that a 15% MIHU requirement is typically associated with high density apartment and mixed-use development, except for R-MH. The maximum allowed density in the PGCC zoning district is 2.0 dwelling units per gross acre, which is similar to the R-20/R-ED zoning districts that require 10% of the dwellings to be MIHU.

**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.**

ZRA-199 is generally in harmony with *PlanHoward 2030* goals and policies. *PlanHoward 2030*, the County's general plan, contains several policy goals and implementing actions that generally support the proposed zoning regulation amendment (ZRA) to permit at least 15% of all residential dwelling units to be MIHUs in the Planned Golf Course Community (PGCC) District.



*PlanHoward 2030*, identifies Turf Valley as a Targeted Growth and Revitalization area that are defined as “areas where current policies, zoning, and other regulations, as well as policies suggested in *PlanHoward 2030*, seek to focus most future County growth.” (p.74). In addition to Turf Valley, the Targeted Growth and Revitalization areas are defined on Map 6-2 on page 69 in *PlanHoward 2030* (see map above). These include the mixed-use and more compact planned communities of Maple Lawn, Emerson, Waverly Woods, and the Columbia Village Centers.

Policy 9.2 on page 129 of *PlanHoward 2030* recommends “that the County continue to expand full spectrum housing for residents at diverse income levels and life stages, and for individuals with disabilities, by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities.” Implementing Action a. on page 129 states to “continue to expand current options for full spectrum, affordable housing through affordable housing requirements in additional zoning districts; increased regulatory flexibility to provide low and middle alternatives to moderate income housing; institution of density or other incentives; use of fee-in-lieu option; accessory apartments; establishment of public, private, and nonprofit partnerships; and promotion of business community support for workforce housing.” Allowing for at least 15% of all residential dwelling units within the PGCC district be designated as MIHUs will allow for current and future affordable housing options, provid the opportunity for people to live where they work, and help to increase the diversity of the area.

This proposed amendment is consistent with *PlanHoward 2030*’s goal of ensuring that mixed-use, planned communities in Targeted Growth Areas provide a variety of affordable, diverse and accessible housing options.

 10/21/21  
Amy Gowan, Director Date



**Exhibit A**

**Petitioner's Proposed Text**

**Section 126.0.E:**

**E. Other Provisions**

1. No less than 5% and no more than 12% of the total net acreage of land in the PGCC District shall be non-residential or non-open space.
2. Retail businesses shall not exceed 20,000 square feet of floor area for any individual business, except for grocery stores as provided in Subsection B of this section.
3. Open Space  
At least 50% of the PGCC District shall be devoted to open space or golf course uses, and at least two eighteen-hole golf courses shall be provided. Open space and golf course uses shall be arranged so that each sub-district shall include at least 15% open space including landscaped areas.
4. The minimum district size shall be 500 contiguous acres. For the purposes of this section, lands which are divided by streets, roadways, highways, transmission pipes, lines or conduits, or rights-of-way in fee or by easement, owned by third parties, shall be considered to be contiguous, but such items shall not be included in determining the minimum area of the district.
5. Additional bulk and design regulations including, but not limited to, lot sizes, building setbacks, parking requirements, height and coverage requirements for non-residential uses, minimum lot widths, distances between buildings, and landscaping requirements shall be specified as part of the Final Development Plan. Bulk regulations specified in the Final Development Plan shall be in addition to the requirements of Section 126.0.D.
6. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
7. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.
8. AT LEAST 15% OF THE DWELLING UNITS SHALL BE MODERATE INCOME HOUSING UNITS AND DEVELOPED ON THE SITE OF THE DEVELOPMENT PROJECT

**Example of how the text would appear normally if adopted:**

**Section 126.0.E:**

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6. The provisions of Section 128.0 (Supplementary Zoning District Regulations) and Section 133.0 (Off-Street Parking and Loading Facilities) shall apply in the PGCC District unless different requirements are specifically approved in the Final Development Plan.
7. Connection to the public water facilities shall be made when the Howard County Department of Public Works determines that such public facilities are available to the property.
8. At least 15% of the dwelling units shall be Moderate Income Housing Units and developed on the site of the development project.



**Attachment A**

