

**Amendment 39 to Council Bill No. 28 -2023**

**BY: The Chairperson at the Request  
of the County Executive**

**Legislative Day 11  
Date: October 2, 2023**

**Amendment No. 39**

*(This Amendment adds a statement that accessory dwelling units are accessory to the primary residential use and should not be eligible for subdivision and further describes location-specific criteria for ADUs in an implementing action.)*

- 1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
- 2 pages as indicated in this Amendment:
- 3     • Chapter 6, Dynamic Neighborhoods – pages 35 and 40
- 4     • Chapter 11, Implementation – page 37
- 5
- 6 Correct all page numbers, numbering, and formatting within this Act to accommodate this
- 7 amendment.

While the County's housing mix presented earlier in the chapter represents the percentage of specific housing types that exist in the County today, zoning districts determine where certain housing types are allowed by-right or as a conditional use. Zoning districts west of the Planned Service Area (PSA) are restricted in development density due to lack of access to public water and sewer, growth tiers limiting the number of units, and significant amounts of land permanently preserved for agricultural uses. Therefore, the amount of land permitting single-family detached homes is much higher than the amount of land permitting other types of housing in the County.

Since missing middle housing types often include two or more units, there are a limited number of locations where they can be built under the Zoning Regulations, as they are either not defined in the regulations or not permitted. New zoning should also consider bulk requirements (a set of controls that determine the size and placement of a building on a lot) that are realistic for these housing types and do not preclude their potential on existing lots. Regulatory barriers, limited precedent, and uncertain returns on investments are noted obstacles to creating this housing type in today's market. While demand exists for smaller, more affordable housing stock, many missing middle types are not a common housing product within the building industry and the ability to finance them remains to be proven in the market. Therefore, jurisdictions may need to facilitate and incentivize demonstration projects to encourage these new housing types or offer a range of multi-unit or clustered housing models or designs that are compatible with single-family homes. This could provide greater predictability for both the community and the developers of these housing types.

## Accessory Dwelling Units

The American Planning Association defines an accessory dwelling unit (ADU) as "a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home." ADUs are self-contained residences that include their own kitchen, bathroom, and sleeping area. ADUs can go by many other names, such as granny flats, tenant homes, accessory apartments, in-law suites, and more. They can also come in a variety of shapes and forms, including basement, attic, garage, attached, and detached. The ADU drawings and descriptions on page 37 help to distinguish between these different types. [By their inherent nature, accessory dwelling units are accessory to the primary residential use and should not be eligible for subdivision.](#)



Not only do ADUs increase the supply of diverse, lower cost housing options, they provide opportunities for homeowners to supplement their income. This could help many older adults to age in place. Today, Howard County Zoning Regulations allow some forms of ADUs—accessory apartments and temporary accessory family dwellings—but there are various restrictions on where they are permitted. Between 2015 and 2020, only 99 attached accessory apartments and one temporary accessory family dwelling were permitted in the County.

Throughout the HoCo By Design planning process, some residents have expressed concerns about the impact that ADUs would have on parking, the environment, and neighborhood character. However, regulatory tools can be adopted to minimize these potential impacts.

According to the AARP, data from Portland, Oregon suggests that the average ADU in Portland has 0.93 cars, and about half of Portland's ADU-generated cars are parked on the street. Portland's experience suggests that ADUs have a minimal impact on street parking; however, parking requirements should be flexible and location- and site-dependent so that units are neither over- nor under-parked.

To ensure that ADUs have minimal impact on the environment and neighborhood character, zoning regulations could provide height and size caps, design controls, minimum lot size or environmental condition restrictions, and limits on the number of bedrooms. These types of standards could provide neighbors with greater predictability of the size and look of this housing type. Additional information on the environmental impact can be found in the "Infill Development in Existing Residential Neighborhoods" section.

## ADUs IN HOWARD COUNTY


### ATTACHED ACCESSORY APARTMENTS

Accessory apartments are permitted as an accessory use in most residential zoning districts if located within a single-family detached dwelling, such as a renovated basement, attic, or garage. In addition to meeting various site and building criteria, they must be located in an owner-occupied dwelling, and the owner must occupy either the accessory or the principal dwelling.

### DETACHED ACCESSORY APARTMENTS

Detached accessory apartments are not permitted under the Zoning Regulations, except as a temporary accessory family dwelling. These dwellings are permitted conditionally (as opposed to by-right) and allow for a second dwelling unit on a lot if it is used for an elderly or disabled family member of the resident of the primary residence. There are various site and building criteria that must be met, such as being located on a lot that is two acres or larger, and allowed through a conditional-use process in certain zoning districts. These dwellings must be removed once no longer in use by a family member.


## DN-1 Policy Statement

 Increase opportunities for missing middle housing through the creation and use of zoning tools and incentives.

### Implementing Actions

1. Evaluate conditions where duplex and multiplex homes can be compatible with existing neighborhoods and permitted by-right in a greater number of residential and mixed-use zoning districts.
2. Identify and eliminate barriers in the Zoning Regulations and Subdivision and Land Development Regulations to housing stock diversification. Ensure that bulk regulations are realistic for these housing types and do not preclude their potential on existing lots.
3. Expand the types of housing allowed in the Zoning Regulations and Subdivision and Land Development Regulations to include missing middle housing types, such as stacked townhomes, cottage clusters, and multiplexes, and consider appropriate parking requirements for these housing types.
4. Evaluate and establish one or more of the following zoning tools and incentives as potential opportunities to create missing middle housing:
  - a. Zoning overlays or floating zones that could be applied to activity centers, transportation corridors, or other areas that are appropriate for this housing type.
  - b. Smaller lot sizes (lot width and lot area).
  - c. Density-based tools such as transfer of development rights or density bonuses.
  - d. Tax incentives for developers and/or land owners.
  - e. Flexible development standards such as maximum building size or lot coverage.
5. Establish regulations that disperse missing middle homes throughout the County so that neighborhoods contain a proportionate mix of different housing types and can balance other infrastructure needs.
6. Explore opportunities to work with public and private partners to build missing middle housing demonstration projects or provide models and designs for these housing types.

## DN-2 Policy Statement

 Allow attached and detached accessory dwelling units (ADUs) on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.

### Implementing Actions

1. Establish a clear, predictable process and location-specific criteria for ADUs including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking.
2. Revise the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.
3. Establish a clear definition of ADUs in the updated Zoning Regulations.
4. Direct the Adequate Public Facilities Ordinance (APFO) task force to develop recommendations as to the applicability of APFO to accessory dwelling unit creation or construction.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-2 - Allow attached and detached accessory dwelling units (ADUs) on a variety of single-family attached and single-family detached lots that meet specific site development criteria in residential zoning districts.</b>		
1. Establish a clear, predictable process and location-specific criteria for ADUs <u>including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking.</u>	DPZ	Mid-Term
2. Revise the Zoning Regulations and Subdivision and Land Development Regulations to allow attached and detached ADUs that meet pre-determined location and site criteria. Provide parking requirements as needed.	DPZ DHCD	Mid-Term
3. Establish a clear definition of ADUs in the updated Zoning Regulations.	DPZ	Mid-Term
4. Direct the Adequate Public Facilities Ordinance (APFO) task force to develop recommendations as to the applicability of APFO to accessory dwelling unit creation or construction.	DPZ DHCD	Mid-Term
<b>DN-3 - 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.</b>		
1. Establish a new mixed-density and mixed-use zoning district that encourages diverse housing types and creates opportunities for mixed-income neighborhoods.	DPZ	Mid-Term
2. Allow a vertical (a range of uses within one building) and horizontal (a range of uses within one complex or development site) mix of uses, including housing, employment, and open space, that encourage walkability and transit connections.	DPZ OOT	Mid-Term
3. Incentivize the production of housing units affordable to low- and moderate-income households, beyond what is currently required by the Moderate Income Housing Unit (MIHU) program.	DHCD DPZ Non-profit Partners	Ongoing
4. Incentivize the production of housing units that meet the needs of different levels of ability (like persons with disabilities) and other special needs households. Ensure that these units are both accessible and affordable.	DPZ DHCD Non-profit Partners	Ongoing

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>DN-4 - Allow the development of small-scale missing middle housing and accessory dwelling units (ADUs) that respect the character and integrity of their surroundings and meet specific site conditions in single-family neighborhoods.</b>		
1. Establish design requirements, pattern book or character-based regulations for missing middle housing types and detached accessory dwelling units to ensure that new construction is consistent with the character of the surrounding existing housing.	DPZ	Long-term
2. Establish provisions in the regulations that include dimensional and design standards to ensure neighborhood compatibility, off-street parking requirements, minimum lot sizes, and other standards.	DPZ	Mid-Term
3. Explore zoning and other incentives for minor subdivisions that consist of missing middle housing types and explore form-based or character-based zoning for these types of residential infill developments.	DPZ	Mid-Term
4. Evaluate how accessory dwelling units and other types of new development could enhance or impact stormwater management practices.	DPZ DPW	Mid-Term