

Amendment 40 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. 40

(This Amendment adds language about the use of public-private partnerships to facilitate mixed-use activity centers with a mix of for-sale and rental housing in redevelopment projects and adds an implementing action that such models shall be explored.)

- 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 – page 44
- 4 • Chapter 11, Implementation – page 37
- 5
- 6 Correct all page numbers, numbering, and formatting within this Act to accommodate this
- 7 amendment.

infill development. By seeking opportunities to expand the County's inclusionary zoning policies and encouraging the development of diverse housing types where growth opportunities exist, mixed-income communities will become more prevalent, housing prices will be less constrained, and county tax rates can remain stable. New financially attainable housing opportunities for all, including low- and moderate-income households, will be less concentrated and more available in more communities throughout the County.

As noted in the previous section, the Zoning Regulations do not permit many missing middle housing types or detached ADUs, and proposed policies aim to allow them with appropriate criteria. This section focuses on where opportunities exist for all types of new housing in the County. The section also emphasizes how regulations may need to change within different geographies, or opportunity areas, to accommodate diverse housing types.

Diverse Housing Opportunities in New Activity Centers

Based on the limited amount of land still available for development, a significant amount of future housing will be concentrated in new mixed-use activity centers identified on the Future Land Use Map (FLUM). The new mixed-use activity centers are envisioned to be compact walkable areas with employment opportunities, commercial uses and open space, community services and amenities, and multi-modal transportation connections. Activity centers, refined from PlanHoward 2030's Growth and Revitalization place type, create a predictable and sustainable pattern of growth. This pattern supports existing neighborhoods with retail, services, and job growth; provides greater opportunity for attainable housing; and supports opportunities to reduce environmental impacts of activity centers through redevelopment, including improved stormwater management infrastructure. Medium to high housing densities will likely be necessary to supporting this vision.



It is anticipated that activity centers will appeal to a wide variety of residents and will support and maintain the County's socioeconomic diversity by offering a multitude of housing options and opportunities to increase the supply of income-restricted affordable housing. Retirees, empty nesters, persons with disabilities, families, and young professionals would likely be attracted to living in more active mixed-use environments. As activity centers are envisioned to be the areas with the greatest potential for growth and are planned to be located along transportation corridors, having an efficient, safe, and well-maintained multi-modal transportation system that connects these places is critical. See the County in Motion chapter for more details about the future of transportation.

Activity centers are envisioned to be varying sizes and scales, which will help inform their infrastructure needs. They will also provide beneficial amenities to adjacent existing neighborhoods. However, they should be sensitive to any unintended impacts they may cause, such as traffic and noise. The Supporting Infrastructure chapter discusses the adequate and timely provision of infrastructure. The Public Schools Facilities chapter discusses opportunities for new models for public schools that could be appropriate in certain locations. The Quality by Design chapter recommends that adverse impacts, such as noise, light, and air pollution, be mitigated and new developments should be contextually-appropriate. It also provides guidance on the public realm and walkability within and around these new mixed-use centers.

Depending on the size, scale and proposed mix of uses in a redevelopment project, there may be increased complexities and costs associated with planning, financing, design and construction of these projects. Furthermore, as HoCo by Design envisions Activity Centers to provide a range of housing types, including for sale and rental options, overcoming hurdles in financial lending markets and navigating regulatory requirements associated with certain types of condominium development may impede some mixed-use redevelopments from realizing the full potential of diverse housing forms. There may be opportunities for the public sector to partner with the private sector to overcome these barriers and realize the desired vision.

DN-3 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.

Implementing Actions

1. Establish a new mixed-density and mixed-use zoning district that encourages diverse housing types and creates opportunities for mixed-income neighborhoods.
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.
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.
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.
5. Explore models of public-private partnerships that facilitate redevelopment of a mixed-use activity center with a mix of for-sale and rental housing.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
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.		
1. Establish a clear, predictable process and location-specific criteria for ADUs.	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
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.		
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
5. Explore models of public-private partnerships that facilitate redevelopment of a mixed-use activity center with a mix of for-sale and rental housing.	EDA DPZ	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
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.		
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