

Amendment 118 to Council Bill No. 28-2023

BY: Liz Walsh

Legislative Day 12

Date: 10/11/2023

Amendment No. 118

(This Amendment makes the following changes to HoCo By Design Chapter 6 and Chapter 11:

- Chapter 6: Dynamic Neighborhoods*
- *Amends the DN-3 Policy Statement Implementing Actions to ensure at least one-for-one replacement of affordable housing within or proximate to the redevelopment, and require the production of housing units that meet the needs of different levels of ability;*
 - *Amends the DN-7 Policy Statement Implementing Actions to ensure at least a one-for-one replacement of affordable housing units within or proximate to the redevelopment at a comparable cost;*
- Chapter 11: Implementation*
- *Amends the DN-3 Policy Statement Implementing Actions to ensure at least one-for-one replacement of affordable housing within or proximate to the redevelopment, and require the production of housing units that meet the needs of different levels of ability; and*
 - *Amends the DN-7 Policy Statement Implementing Actions to ensure at least a one-for-one replacement of affordable housing units within or proximate to the redevelopment at a comparable cost.)*

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: 44 and 54;
4 • Chapter 11: Implementation: 37, and 41.

5 Correct all page numbers, numbering, and formatting within this Act to accommodate this
6 amendment.

7

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.

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, ensuring at least a one-for-one replacement of affordable housing within or proximate to the re-development at comparable cost if the district includes existing affordable units.
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.

Opportunities for New Multi-Family Communities

Rising affordability issues and personal lifestyle preferences, nationally and locally, have driven many households towards rentership. Between 2005 and 2018, the homeownership rate in Howard County fell from 77% to 72%, as households in nearly every age category moved away from homeownership. The number of renter households between the ages of 25 and 74 increased by 6,000 between 2010 and 2018 (a 43% increase). However, the number of renter households under the age of 35 decreased by 9% between 2010 and 2018, likely due to affordability issues. The County lacks a sufficient supply of rental units to meet future demand. The HoCo By Design Market Research and Demand forecast cites projected demand for 11,249 multi-family apartment rental units over 20 years (2020-2040). While there is a much greater demand for rental multi-family developments, there is still a projected demand for 1,884 for-sale condominium units over the next 20 years.

The HOMP found that a large share of the County's existing rental market is affordable to households that make 60-80% of the Area Median Income (AMI). However, since there are limited rental options for higher (over 120% AMI) and lower (under 60% AMI) income households, the supply of moderately priced rental units tends to serve all income levels. The HOMP suggests that future rental housing should be available at all price points, especially housing that serves low- and moderate-income households where housing supply is limited.



To remain socioeconomically diverse and support a healthy economy, the County should consider opportunities for new multi-family communities in the Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-Use Neighborhood character areas identified on the Future Land Use Map (FLUM). These opportunities can be realized through redevelopment of existing, aging, multi-family properties, older suburban shopping centers, strategic infill development, and redevelopment of older mobile home parks. Increasing the supply of multi-family units, to include market rate rental and units affordable to low- and moderate- income households, will help the County meet various housing supply gaps identified in the HOMP and the Market Research and Demand Forecast completed for HoCo By Design. While multi-family buildings are defined in the County's Zoning Regulations as structures with three or more housing units, multi-family properties can range in size from three to more than 50 units per structure. Various character areas on the FLUM are envisioned to have a range of multi-family housing types; however, Multi-Family Neighborhood, Mixed-Use Activity Centers, and Mixed-Use Neighborhood character areas are envisioned to contain apartment complexes and condominiums with a higher number of units and buildings at a greater scale.

New multi-family communities are encouraged to redevelop using design principles that emphasize an interconnected network of streets, bicycle facilities, and walkways; encourage options to reduce the size and location of surface parking lots; orient buildings toward the street; offer a variety of housing types between larger buildings; and deliver a comprehensive and connected network of open space. For additional details and illustrative concepts about the design and character of new multi-family communities, see Technical Appendix B: Character Areas and Technical Appendix C: Focus Areas.

DN-7 Policy Statement

Support the new development and redevelopment of multi-family communities to meet the County's current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.

Implementing Actions

1. Establish new locations and zoning districts as identified on the Future Land Use Map (FLUM) and defined in the character areas appendix for multi-family developments. Prioritize new locations for multi-family housing that are near transit and transit corridors.
2. Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.
3. Ensure that redevelopment of age-restricted housing and housing for residents with disabilities preserves affordability of units for existing residents.
4. **Strive for Ensure at least** a one-for-one replacement of affordable housing units **when within or proximate to the re-development at comparable cost if** multi-family communities with affordable units are redeveloped.

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, <u>ensuring at least a one-for-one replacement of affordable housing within or proximate to the re-development at comparable cost if the district includes existing affordable units.</u>	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)
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

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-7 - Support the new development and redevelopment of multi-family communities to meet the County's current and future rental housing demands and ensure that resident displacement is minimized in redevelopment projects.		
1. Establish new locations and zoning districts as identified on the Future Land Use Map (FLUM) and defined in the character areas appendix for multi-family developments. Prioritize new locations.	DPZ	Mid-Term
2. Support multi-family housing projects that serve a range of income levels and integrate traditional market rate housing with affordable housing opportunities.	DHCD DPZ	Ongoing
3. Ensure that redevelopment of age-restricted housing and housing for residents with disabilities preserves affordability of units for existing residents.	DHCD	Ongoing
4. Strive for Ensure at least a one-for-one replacement of affordable housing units when within or proximate to the redevelopment at comparable cost if multi-family communities with affordable units are redeveloped.	HCHC DHCD Private Partners Non-profit Partners	Ongoing
DN-8 - Create opportunities to increase the diversity of home choices in the Rural West, especially		
1. Allow the development of accessory dwelling units that conform to specific design and site criteria.	DPZ	Mid-Term
2. Locate missing middle housing typologies in the Rural Crossroads, where upper-story residential and small-scale residential infill opportunities exist. Use recommendations found in the Rural Crossroads section of the Focus Areas Technical Appendix for additional guidance.	DPZ	Mid-Term
3. Determine if there are strategic locations in the Rural West where it is feasible to accommodate increased housing development on shared or community well and shared or multi-use sewerage systems, while balancing other priorities such as environmental concerns, historical context, and agricultural preservation goals.	DPZ DPW HCHD	Ongoing
4. Evaluate and amend Rural Conservation and Rural Residential Zoning District regulations to allow for duplex and multiplex housing types that fit within the existing neighborhood character.	DPZ	Mid-Term
5. Determine zoning, land development, and other code changes needed for small-scale, context-sensitive, multi-family or mixed-use development in the Rural West.	DPZ	Mid-Term
6. Evaluate and identify barriers to on-site tenant housing for the agricultural workforce.	DPZ	Long-term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-9 - Facilitate the use of shared and/or multi-use sewerage system technologies to create more diverse housing options in the Rural West.		
1. Identify best practices for shared and/or multi-use sewerage systems and pursue state and local code changes necessary to facilitate their use.	DPZ DPW HCHD	Long-Term
2. Establish necessary management, operations, and maintenance structures to increase the use of shared and multi-use sewerage systems in the West.	DPW DPZ	Long-Term
3. Evaluate how accessory dwelling units may be able to safely connect to existing septic systems with capacity.	DPZ HCHD	Ongoing
DN-10 - Establish policies, programs, and planning and zoning practices aimed at reducing farmer-neighbor conflicts.		
1. Enhance farmer-resident relationships through expansion of educational programs that encourage farm visits and other activities to bridge the farming and non-farm communities and build understanding of allowable farm-related uses.	HCEDA OCS	Ongoing
2. Work with the agricultural and development community to evaluate, determine, and implement adequate landscape, screening, or other type of buffer requirement on new residential development abutting agricultural uses.	DPZ	Ongoing
3. Encourage use of the Maryland Agricultural Conflict Resolution Service or other conflict resolution programs to help address farmer-neighbor conflicts.	HCEDA OCS	Ongoing