

Amendment 2 to Amendment No. 100 to Council Bill No. 28 -2023

BY: Deb Jung

Legislative Day 12

Date: 10/11/2023

(This Amendment to Amendment 100 adds a sentence at the end of the first paragraph of the Accessory Dwelling Units section describing the inherent nature of accessory dwelling units, amends DN-2 Policy Statement Implementing Action 1 by changing “Establish” to “Explore” and specifying additional criteria for ADUs, and amends DN-2 Policy and Implementing Action 1 by changing “Establish” to “Explore” and specifying additional criteria for ADUs.)

- 1 Substitute pages 1 through 4 of the Amendment with the attachment to this Amendment to Amendment.
- 2
- 3 Substitute the pages DN-35 and DN-40 attached to Amendment 100 with the pages DN-35 and DN-40 attached to this Amendment to Amendment.
- 5
- 6 Substitute the page IMP-37 attached to Amendment 100 with the page IMP-37 attached to this
- 7 Amendment to Amendment.

Amendment ___ to Amendment ___ to Council Bill No. 28 -2023

BY: Deb Jung

Legislative Day ___

Date: ___

Amendment No. ___

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

- Chapter 6: Dynamic Neighborhoods*
- *Removes all quotes;*
 - *Amends the Equity in Action subsection of the “What We Heard” section by adding a second sentence to the third bullet as follows: “Explore programs that will incentivize developers to build housing in mixed-use projects that will be affordable and create new home ownership opportunities.”;*
 - *Amends the Housing Element (HB 1045) and the Housing Opportunities Master Plan section by describing the types of rental housing and homes for sale in Columbia.*
 - *Amends the second paragraph of the Housing Element (HB1045) and the Housing Opportunities Master Plan section by deleting “However, as and substituting “Since”;*
 - *Amends the Data and Findings of the Housing Opportunities Master Plan section by specifying the locations in the County with concentrations of low- and moderate-income households that have lower home ownership rates and less access to affordable for sale homes;*
 - *Amends the Why is Missing Middle Housing Important paragraph of the Diversify Housing Typologies Permitted in the County section by deleting the second sentence and adding the following sentence at the end of the paragraph: “Home ownership opportunities should be emphasized in the areas where apartments are now concentrated.”;*
 - *Amends the Accessory Dwelling Units section by deleting language relating to Portland, Oregon, data regarding the number of cars for each ADU and where they are parked;*
 - *Amends the DN-1 Policy Statement Implementing Action 2 to consider eliminating specified barriers to housing stock diversification in the Zoning Regulations and Subdivision and Land Development Regulations and deletes the following language: “and do not preclude their potential on existing lots”;*
 - *Amends the DN-1 Policy Statement Implementing Action 3 to consider expanding the types of housing allowed in the Zoning Regulations and Subdivision and Land Development Regulations to include specified missing middle housing types;*

- Amends the DN-1 Policy Statement Implementing Action 4 to evaluate rather than establish specified zoning tools as potential opportunities to create missing middle housing;
- Amends the Accessory Dwelling Units section by adding a sentence at the end of the first paragraph describing the inherent nature of accessory dwelling units;
- Amends the DN-2 Policy Statement Implementing Action 1 to explore a clear, predictable process and location-specific criteria for ADUs so they do not adversely impact older neighborhoods lacking sufficient infrastructure , including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking;
- Amends the DN-2 Policy Statement Implementing Action 2 to consider revising the Zoning Regulations;
- Amends the fourth paragraph of the Expand Locations and Opportunity Areas for More Diverse Housing Choices Throughout the County section to provide that new residential growth may have a net positive fiscal impact on the County budget, and deletes language that a specified approach to housing development will reduce constraints on housing prices and continue a net positive tax revenue for the County;
- Amends the fifth paragraph of the Expand Locations and Opportunity Areas for More Diverse Housing Choices Throughout the County section by deleting language relating to the County's inclusionary zoning policies and the development of diverse housing types;
- Amends the first paragraph of the Diverse Housing Opportunities in New Activity Centers section to provide that a significant amount of future housing may, rather than will, be concentrated in new mixed-use activity centers;
- Amends the third paragraph of the Diverse Housing Opportunities in New Activity Centers to add consideration of the unintended impact of activity centers resulting in students who may be added to overcrowded schools;
- Amends the DN-3 Policy Statement Implementing Actions 1 to consider establishing rather than establish a specified zoning district and adds language relating to more home ownership opportunities;
- Amends the DN-3 Policy Statement Implementing Actions by adding Action 5 to consider establish housing scenarios that support for-sale units to specified income households and to require mixed use and activity centers to reflect home-ownership opportunities;
- Amends the third paragraph of the Infill Development in Existing Residential Neighborhoods section to note that the current occupancy of detached ADUs is limited to elderly or disabled

- family members and deletes language relating to the historical use of specified structures;*
- *Amends the fourth paragraph of the Infill Development in Existing Residential Neighborhoods section by deleting specified language and adding specified considerations of the impact of new development on neighborhood character and storm water management as well as specified infrastructure;*
 - *Amends DN-4 Policy Statement to allow the development of missing middle and ADUs that are consistent with the character and integrity of their surroundings and comply with all applicable APFO and parking requirements;*
 - *Amends DN-4 Policy Statement Implementing Actions by adding Action 5 to determine specified parking requirements for specified small scale missing middle housing and ADUs;*
 - *Amends paragraph 3 of the Opportunities to Increase the Supply of Income-Restricted Housing Units section by deleting the fourth and fifth sentences referencing the Housing Opportunities Master Plan;*
 - *Amends the DN-5 Policy Statement Implementing Actions by adding Action 5 to incentivize affordable for-sale housing opportunities in specified areas;*
 - *Amends the third paragraph of the Opportunities for New Multi-Family Communities by deleting language relating to the redevelopment of older mobile home parks;*
 - *Amends the DN-7 Policy Statement by deleting Implementing Action 1;*
 - *Amends the DN-8 Policy Statement Implementing Action 1 to consider rather than allow the development of ADUs that conform to specific design and site criteria and Implementing Action 2 to explore locating rather than locating missing middle housing typologies in the Rural Crossroads;*

*Chapter 11:
Implementation*

- *Amends the DN-1 Policy Statement Implementing Action 2 to consider eliminating specified barriers to housing stock diversification in the Zoning Regulations and Subdivision and Land Development Regulations and deletes the following language: “and do not preclude their potential on existing lots”;*
- *Amends the DN-1 Policy Statement Implementing Action 3 to consider expanding the types of housing allowed in the Zoning Regulations and Subdivision and Land Development Regulations to include specified missing middle housing types;*
- *Amends the DN-1 Policy Statement Implementing Action 4 to*

evaluate rather than establish specified zoning tools as potential opportunities to create missing middle housing;

- *Amends the DN-2 Policy Statement Implementing Action 1 to explore a clear, predictable process and location-specific criteria for ADUs so they do not adversely impact older neighborhoods lacking sufficient infrastructure , including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking;*
- *Amends the DN-2 Policy Statement Implementing Action 2 to consider revising the Zoning Regulations;*
- *Amends the DN-3 Policy Statement Implementing Actions 1 to consider establishing rather than establish a specified zoning district and adds language relating to more home ownership opportunities;*
- *Amends the DN-3 Policy Statement Implementing Actions by adding Action 5 to consider establish housing scenarios that support for-sale units to specified income households and to require mixed use and activity centers to reflect home-ownership opportunities;*
- *Amends DN-4 Policy Statement to allow the development of missing middle and ADUs that are consistent with the character and integrity of their surroundings and comply with all applicable APFO and parking requirements;*
- *Amends DN-4 Policy Statement Implementing Actions by adding Action 5 to determine specified parking requirements for specified small scale missing middle housing and ADUs;*
- *Amends the DN-5 Policy Statement Implementing Actions by adding Action 5 to incentivize affordable for-sale housing opportunities in specified areas;*
- *Amends the DN-7 Policy Statement by deleting Implementing Action 1;*
- *Amends the DN-8 Policy Statement Implementing Action 1 to consider rather than allow the development of ADUs that conform to specific design and site criteria and Implementing Action 2 to explore locating rather than locating missing middle housing typologies in the Rural Crossroads;)*

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: 6, 11, 13, 21, 22, 25, 36, 39, 40, 41, 42, 43, 44, 45,
4 46, 47, 49, 50, 51, 54, 57, 60, and 65; and
- 5 • Chapter 11: Implementation: 36, 37, 38, 39, and 41.

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7 Correct all page numbers, numbering, and formatting within this Act to accommodate this
8 amendment.

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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~~ Consider eliminating 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~~ Consider expanding 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~~ Explore a clear, predictable process and location-specific criteria for ADUs ~~so they do not adversely impact older neighborhoods lacking sufficient infrastructure, including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking.~~
2. ~~Revise~~ Consider revising 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)
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 Explore a clear, predictable process and location-specific criteria for ADUs so they do not adversely impact older neighborhoods lacking sufficient infrastructure, including but not limited to consideration of lot coverage, lot size, setbacks, and other bulk regulations, stormwater management, and parking.	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

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