

Amendment 2 Amendment No. 80 to Council Bill No. 28 -2023

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

**Legislative Day 12
Date: October 11, 2023**

Amendment No. 2 to Amendment No. 80

(This Amendment to Amendment No. 80 strikes the statement “The allocation chart presented here provides guidance for future consideration”.)

- 1 Substitute page 1 of Amendment 80 with the attachment to this Amendment to Amendment.
- 2
- 3 In Chapter 10, Managing Growth, substitute page MG21 attached to Amendment No. 80 with
- 4 revised page MG21 attached to this Amendment to Amendment.

Amendment 80 to Council Bill No. 28 -2023

BY: Deb Jung

Legislative Day 11

Date: 10/02/2023

Amendment No. 80

(This Amendment makes the following changes to HoCo by Design Chapter 10 and Chapter 11:

*Chapter 10:
Managing Growth*

- *Amends the description of demand from “pent-up” to “potential”;*
- *Clarifies that the FLUM is only illustrative at the parcel level and that targeting activity centers does not mean they can or will be redeveloped;*
- *Amends the proposed process for Zoning Regulations amendments to consider allowing limited accessory dwelling units;*
- *Amends map 10-2 to reflect the 2023 School Capacity Chart data;*
- *Removes a reference to a buildup of available housing allocations;*
- *Amends the section titled “Managing Growth into the Future” by removing the fifth paragraph ~~and adding language clarifying that the allocation chart presented is provided for under the current APFO law;~~*
- *Amends the MG-1 Policy Statement to remove a reference to amending APFO and substitute the APFO will be evaluated to support the vision of HoCo By Design in accordance with the law established for the review of APFO, and amends the Implementing Actions to clarify APFO is a model to pace future growth rather than support future growth, remove an evaluation of granting automatic or limited exceptions to incentivize affordable, age-restricted, and missing middle housing, remove an examination of alternatives to APFO waiting periods, and remove the development of fee-based funding methods; and*

*Chapter 11:
Implementation*

- *Amends the MG-1 Policy Statement to remove a reference to amending APFO and substitute the APFO will be evaluated to support the vision of HoCo By Design in accordance with the law established for the review of APFO, and amends the Implementing Actions to clarify APFO is a model to pace future growth rather than support future growth, remove an evaluation of granting automatic or limited exceptions to incentivize affordable, age-restricted, and missing middle housing, remove an examination of alternatives to APFO waiting periods, and remove the development of fee-based funding methods.)*

Managing Growth into the Future

HoCo By Design recommends a comprehensive review and assessment of APFO. Future land use patterns in Howard County will largely be realized through infill development and redevelopment in activity centers, and to a much lesser extent by suburban development in greenfields. APFO was designed to manage growth in the latter, and now needs to be updated to reflect the land use patterns of the County's future.

Section 16.1100(b)(iv) of the Howard County Subdivision and Land Development Regulations requires that a task force be convened within one year of the adoption of the General Plan to review and recommend changes to APFO. The APFO task force will be responsible for reviewing and updating APFO to support the vision, policies, and implementing actions presented in this Plan. The task force may research alternate APFO models used in other counties in Maryland, particularly those counties where redevelopment and infill are the primary forms of new development.

The task force should also explore regulations that consider various development types, locations, and intensities, and incentive-based provisions to expedite capacity improvements. For example, the APFO review should determine whether higher-density, mixed-use projects in activity centers, which may have low student yields, should meet different standards or thresholds, and whether pay-based incentives should be established where suburban-style developments could proceed if a higher school surcharge were paid. The task force should evaluate how APFO may apply to detached accessory dwelling units.

Not only are development and zoning incentives a vital part of a comprehensive affordable housing strategy, process incentives like APFO should be considered as well. The Dynamic Neighborhoods chapter suggests that the APFO task force assess the applicability of APFO to accessory dwelling units and develop recommendations as applicable. The Housing Opportunities Master Plan also recommends the APFO task force look for opportunities to grant automatic or limited exemptions to incentivize affordable, age-restricted, and missing middle housing developments. Accordingly, the County should evaluate targeted changes to APFO to support the growth required to improve housing affordability and opportunities when the APFO task force convenes following the adoption of the General Plan.

~~The allocation chart presented here is intended to serve as a temporary bridge between the current requirements of APFO and any subsequent revisions to the law that may result from the work of the APFO task force. The task force should consider whether the allocation chart achieves its intended goal and, if so, whether changes to the chart should be made. The task force should also advise whether the allocation chart, if still deemed necessary, should remain in the General Plan or be incorporated into the APFO ordinance.~~

The task force should also evaluate existing conditions and emerging trends for new student generation, whether it is due primarily to new housing units or family turnover in existing neighborhoods. Developing an understanding of neighborhood lifecycles will allow for a better assessment of student growth and housing. This understanding should further inform how the APFO school capacity test and associated chart could be changed to optimize growth targets while also maintaining adequate school capacity. ~~The allocation chart presented here provides guidance for future consideration.~~

Ultimately, the challenge will be to better balance housing market demand, economic development, and fiscal goals with the continued need to provide adequate school capacity and transportation facilities, as changing housing types and patterns emerge in the future. As noted in the Growth and Conservation Framework chapter, HoCo By Design provides a more predictable outlook for infrastructure with its focused approach on redevelopment—as only 2% of the County's already developed land is targeted as activity centers. This approach allows the County and allied agencies to more deliberately plan and budget for infrastructure.

MG-1 Policy Statement

Evaluate ~~and amend~~ the Adequate Public Facilities Ordinance (APFO) ~~to support the vision and policies presented in HoCo By Design~~, including current and anticipated development patterns and challenges, to support the vision and policies presented in HoCo By Design and in accordance with the law established for the review of APFO.

Implementing Actions

1. As part of the evaluation of APFO, achieve the following:
 - a. Research APFO models used in other Maryland and US jurisdictions that account for infill development and redevelopment to support pace future growth and transportation patterns as anticipated in this General Plan.
 - b. Assess the applicability of APFO to accessory dwelling units and develop recommendations as applicable.
 - ~~c. Evaluate opportunities to grant automatic or limited exemptions to incentivize affordable, age-restricted, and missing middle housing developments.~~
 - ~~d. c.~~ Evaluate the necessity of a housing allocation chart, including its goals, design, and appropriate place in the law.
 - ~~e. d.~~ Schools:
 - i. Collect data for school demands in the County sufficient to evaluate existing conditions, emerging trends, and future year needs. This analysis should include an evaluation of the life cycle of new and existing neighborhoods to better understand the origins of student growth.
 - ii. Evaluate the extent to which new growth generates revenues to pay for school infrastructure and review alternative financing methods.
 - iii. Evaluate the school capacity test in APFO to determine if intended outcomes are being achieved, and recommend changes to the framework and process to better pace development with available student capacity.
 - ~~iv. Examine alternatives to APFO waiting periods whereby a development proposal offsets the potential impact to zoned schools through an additional voluntary mitigation payment.~~
 - ~~v. iv.~~ Evaluate the timing and process of the school capacity chart.
 - ~~f. e.~~ Transportation:
 - i. Evaluate and amend APFO standards for transportation adequacy and develop context-driven transportation adequacy measures that align with the County's land use and transportation safety vision.
 - ii. Study and develop APFO standards for specific geographic subareas.
 - ~~iii. Study and develop methods to use a fee-based approach to advance the most significant projects in a subarea.~~
 - ~~iv. iii.~~ Evaluate and amend APFO standards to mitigate trips with investments in bicycle, pedestrian, and transit infrastructure, road connectivity, and safety projects.
2. Appoint an APFO task force within one year of General Plan adoption to review and provide recommendations for APFO updates that reflect the vision and policies in HoCo By Design.