

Amendment 131 to Council Bill No. 28 -2023

BY: Christiana Rigby

Legislative Day 12

Date: 10/12/23

Amendment No. 131

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

*Chapter 6: Dynamic
Neighborhoods*

- *Amends the DN-11 Policy Statement by adding
Implementing Action 7 to consider local amendments that
establish certain minimum building standards during the
review of the building code update and by adding Policy
and Implementing Action 8 ~~to ensure Universal Design
Guidelines are utilized for at least 10% of all affordable
units built~~ evaluate incentives to achieve Universal Design
Guideline utilization in at least 10% of all affordable units
built; and*

*Chapter 11:
Implementation*

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built.)*

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: 62; and
- 4 • Chapter 11: Implementation: 43.

5

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

I certify this is a true copy of

Am 131 CB 28-2023

passed on 10/11/2023

Michelle Anderson
Council Administrator

Universal Design

As defined in the Age-Friendly Action Plan, "Universal design, also called barrier-free design, focuses on making the house safe and accessible for everyone, regardless of age, physical ability, or stature. Universal design elements in homes and apartments contribute to age-friendly communities and multi-generational households, and they increase the independence of persons with disabilities."

As noted previously, only 4% of the County's residential land is used for 55 years or more age-restricted development. According to the County's land use database, there are a total of 5,160 age-restricted units consisting of the following housing types: 419 single-family detached, 367 apartments, 1,244 single-family attached condominiums, 1,364 apartments and 1,766 apartment condominiums. However, many of those homes are not financially attainable. The County has limited affordable housing options for older adults, many of whom will have mobility and accessibility needs as they age, and persons with disabilities. Without an adequate supply of these types of homes, some older adults may be unable to find appropriate housing, forcing them to look outside the County if/when they decide to move. While many older adults prefer to age in their homes, that option is not always feasible due to health reasons, mobility issues, changes in finances, or a home not being suitable for modifications. Therefore, housing options for early retirees, empty nesters, or older adults who want to downsize—perhaps because they can no longer maintain a single-family detached dwelling on a large lot (or choose not to)—should be readily available as part of a larger suite of housing typologies catering to changing demands and interests.

Multi-Generational Neighborhoods

Multi-generational neighborhoods offer a variety of housing types and include units that are designed with older adults in mind but appeal to people of all ages and abilities. While the features of the units for older adults are important—size, number of floors, and universal design—the elements of the neighborhood are also important. The housing mix should contribute to the creation of a community that is conducive to social interaction among neighbors and a level of activity that can minimize feelings of isolation that older adults could experience with changing health and social conditions. When surrounded by a network of support, older adults living in a multi-generational neighborhood have a lower likelihood of depression, as such arrangements can foster an environment of neighbors helping neighbors. In addition, older adults provide a resource to younger neighbors in the form of teaching, mentoring, and sharing personal histories, thus improving interactions among generations and enhancing respect across age, race, ethnicity, and other differences. Neighborhoods that offer a safe system of sidewalk connections to nearby convenience retail and services can help older adults with mobility issues maintain their independence longer while allowing all families to maintain healthy lifestyles. The County in Motion chapter provides more details about plans for multi-modal transportation options.

DN-11 Policy Statement



Implementing Actions

1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.
2. Provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.
3. Encourage Age-Restricted Adult Housing (ARAH) developments to build small- to medium-scale housing units to include apartments, condominiums, townhomes, and missing middle housing types that allow seniors to downsize and are affordable to low- and moderate-income households. Evaluate if current ARAH Zoning Regulations allow sufficient density increases to incentivize missing middle housing types, such as cottage clusters, duplexes, and multiplexes.
4. Explore options for additional Continuing Care Retirement Communities in the County.
5. Update the County's Universal Design Guidelines to enhance the capacity for individuals to remain safe and independent in the community through universal design in construction.
6. Require builders and homeowners to follow, when practical, the updated Universal Design Guidelines for new and rehabilitated, remodeled, or redesigned age-restricted housing.
7. [During review of the building code update, consider local amendments that establish minimum building standards for the majority of new housing units as discussed in the Age Friendly Action Plan.](#)
8. [Ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built. Evaluate incentives achieve Universal Design Guideline utilization in at least 10% of all affordable units built.](#)

DN-12 Policy Statement



Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.

Implementing Actions

1. Design new activity centers to accommodate the needs of various ages, abilities, and life stages. Ensure design of neighborhoods and their amenities provide accessibility using universal design guidelines with sidewalks, wayfinding, and safe connections.
2. Bring multi-modal transportation options to locations planned for new multi-generational neighborhoods.

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-11 - Provide a range of affordable, accessible, and adaptable housing options for older adults and persons with special needs.		
1. Use zoning tools and incentives that increase the supply of missing middle housing and accessory dwelling units, as identified in Policy Statements DN-1 and DN-2.	DPZ DHCD	Mid-Term
2. Provide flexibility in the Zoning Regulations and the Subdivision and Land Development Regulations for adult group homes/ communal living and for accessibility modifications for persons with disabilities who wish to live independently or older adults who wish to age in place or downsize and age in their community at affordable price points.	DPZ DILP	Mid-Term
3. Encourage Age-Restricted Adult Housing (ARAH) developments to build small- to medium-scale housing units to include apartments, condominiums, townhomes, and missing middle housing types that allow seniors to downsize and are affordable to low- and moderate-income households. Evaluate if current ARAH Zoning Regulations allow sufficient density increases to incentivize missing middle housing types, such as cottage clusters, duplexes, and multiplexes.	DPZ DHCD	Ongoing
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7. <u>During review of the building code update, consider local amendments that establish minimum building standards for the majority of new housing units as discussed in the Age Friendly Action Plan.</u>	DPZ	Mid-Term
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DN-12 - Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.		
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2. Bring multi-modal transportation options to locations planned for new multi-generational neighborhoods.	OOT ---	Ongoing

Table 10-1: Implementation Matrix

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
DN-13 - Preserve affordability of existing housing stock and create opportunities for context-sensitive infill development, especially in Preservation-Revitalization Neighborhoods.		
1. Identify neighborhoods and properties for preservation.	DPZ DHCD	Mid-Term
2. Continue to support the County's housing preservation programs, which are designed to preserve existing affordable housing and assist low- and moderate-income homeowners and renters to remain in their homes.	DHCD DPZ	Ongoing
3. Explore options and partnerships for an acquisition/rehabilitation program for older single-family homes that would support homeownership opportunities for moderate-income households.	DHCD	Ongoing
4. Encourage the development of missing middle housing types that conform to existing neighborhood character and contribute to the creation of mixed-income communities.	DPZ	Ongoing
5. Develop strategies for employing the right of first refusal policy to ensure no loss of affordable units when there are opportunities for redevelopment of multi-family properties.	DHCD	Mid-Term
DN-14 - Support existing neighborhoods and improve community infrastructure and amenities as needed, especially in older or under-served neighborhoods and multi-family communities.		
1. Assess existing community facilities and the neighborhoods that they serve, and upgrade or retrofit as needed to support changing neighborhood needs. Engage communities in the identification of neighborhood needs.	DPW	Ongoing
2. Identify older communities in need of a comprehensive revitalization strategy and work with those communities to develop revitalization plans to assist those communities.	DPZ	Long-term
3. Work with the multi-family rental community to understand the barriers to reporting and resolving issues related to multi-family property maintenance.	DHCD DILP HCHC	Mid-Term

Amendment 131 to Council Bill No. 28 -2023

BY: Christiana Rigby

**Legislative Day 12
Date: 10/11/2023**

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

*Chapter 6: Dynamic
Neighborhoods*

- *Amends the DN-11 Policy Statement by adding Implementing Action 7 to consider local amendments that establish certain minimum building standards during the review of the building code update and by adding Policy and Implementing Action 8 to ensure Universal Design Guidelines are utilized for at least 10% of all affordable units built; and*

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DN-11 Policy Statement

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DN-12 Policy Statement

 Create greater opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers.

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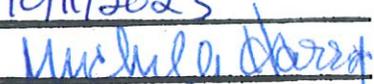
**Amendment 1 to Amendment 131
to Council Bill No. 28-2023**

BY: Christiana Rigby

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

(This amendment amends the DN-11 Policy Statement Implementing Action 8 to evaluate incentives to achieve Universal Design Guideline utilization in at least 10% of all affordable units built.)

- 1 Substitute page 1 of Amendment 131 with the attached page 1 to this Amendment to
- 2 Amendment.
- 3
- 4 Substitute the attached pages DN-62 and IMP-43 of Amendment 131 with the attached pages
- 5 DN-62 and IMP-43 to this Amendment to Amendment.
- 6

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Council Administrator

Amendment 131 to Council Bill No. 28 -2023

BY: Christiana Rigby

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DN-11 Policy Statement

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(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 "existing";*
- *Amends the third paragraph under Residential Growth Targets, 2020-2040 to include reference to a recent analysis from EDA, that indicates over 20,000 additional vehicles commute into Howard County;*
- *Removes the image of the house on page MG-5;*
- *Moves a paragraph from the top of page MG-6 to the bottom of page MG-5;*
- *Adds a paragraph at the top of page MG-6 that references the 2023 Spending Affordability Committee report that indicates the critical long-term fiscal challenges, along with the agency and educational entity spending requests outpacing annual revenue growth, and supports the recommendation to expand the tax base;*
- *Amends the section titled "Managing Growth into the Future" by adding after the first paragraph details about the HCPSS budget requests and the impact on the need for more housing units; the need to consider housing options and new businesses to fund HCPSS and transportation needs; and focusing on creating diverse housing options that appeal to a variety of demographics.)*

I certify this is a true copy of

Am 132 CB28-2023

passed on 10/11/2023

Nichelle D. Brown
Council Administrator

Failed

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

4 • Chapter 10, Managing Growth: 5, 6, and 21

5

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

8

residential growth targets, 2020-2040

HoCo By Design has set a target of approximately 1,580 new units per year. This future growth represents a similar pace compared to the last 20 years, when an average of 1,537 new units were built annually.

Future growth in Howard County is expected to be modest given the limited amount of vacant land upon which housing and other development can occur. Most of the County has already been developed or preserved as agriculture, parks, and open space, and there is limited land left for the typical greenfield development that occurred in previous decades. Additionally, much of the remaining land is constrained with environmental features, difficult topography, limited access, or other physical features that restrict ultimate yield. This dwindling land supply and the challenges associated with developing it naturally reduce growth opportunities.

However, the HoCo By Design Market Research and Demand Forecast (prepared by the consulting firm RCLCO) shows demand for new housing in Howard County remains strong and is necessary to support job growth and a healthy jobs/housing balance. As further described in the Growth and Conservation Framework chapter, RCLCO found potential to add 59,000 jobs in Howard County between 2020 and 2040, resulting in demand for 31,000 new homes to accommodate households associated with the job growth. The RCLCO market analysis also identified a current "pent-up" existing demand for 20,000 more housing units tied to those who work in Howard County but live elsewhere in the region. According to a recent analysis from FDA, over 20,000 additional vehicles commute into Howard County rather than leave the County every day. An inadequate supply of housing exacerbates housing affordability challenges, as further described in the Dynamic Neighborhoods chapter. A lack of housing choices also makes recruiting workers more difficult, as they are priced out of the local market. Further, the fiscal study for this Plan indicates that new growth is important to maintain the high quality of life and service levels that Howard County residents and businesses value and have come to expect.

To meet these demands, HoCo By Design provides a strategy for redevelopment, as detailed in the Growth and Conservation Framework chapter. The Future Land Use Map (FLUM) shown in that chapter divides the County into 18 character areas and focuses future growth into activity center redevelopment areas—many of which were included in the last General Plan, PlanHoward 2030. However, the locations of these activity centers are more targeted, as compared to PlanHoward's growth and revitalization areas.

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of which were included in the last General Plan, PlanHoward 2030. However, the locations of these activity centers are more targeted, as compared to PlanHoward's growth and revitalization areas.

As stated in the 2023 Spending Affordability Committee report, 'the County continues to face critical long-term fiscal challenges. For FY 2023 and the past several years, agency and educational entity spending requests are significantly outpacing annual growth in revenues.' These entities requested funding grew by \$200 million, which exceeded projected revenues by over \$120 million. The report recommends that, 'expanding our tax base is the optimal long-term strategy.'

Among the activity centers depicted on the FLUM is a Regional Activity Center in Gateway. As described in the Economic Prosperity chapter, HoCo By Design calls for the development of a master plan for the Gateway Regional Activity Center. The Gateway master plan will summarize the area's future development phasing and intensity, mix of uses, open space network, building height range, and infrastructure approach. HoCo By Design's growth targets will need to be adjusted when the master plan for Gateway is completed, using an amendment process similar to the Downtown Columbia Plan in 2010. Specific growth targets will be identified through the Gateway planning process and any development in the Regional Activity Center will take place over 30 or more years. A separate, specialized APFO program should be created for Gateway to address transportation needs and school capacity. Given this long-term development horizon, multiple future General Plans will incorporate the plan for Gateway.

In addition to the Gateway master plan, development in many of the other activity centers, as shown on the FLUM, will require amendments to the County's Zoning Regulations, Subdivision and Land Development Regulations, and associated design guidelines to shape the character of new development. Amendments to these regulations should allow for accessory dwelling units and better regulate infill development to maintain the character of existing neighborhoods.

It is important to note that redevelopment in mature suburban communities like Howard County can be difficult and time-consuming. Regulations will need to be amended, and the transition toward redevelopment of the envisioned activity centers may take some time. Implementation will need to accommodate market forces, overcome fractured property ownership, and consider development economics and consumer behavior.



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.

For the past four years, HCPSS has requested budgets that exceed the County's revenue. The County would need to generate an additional \$50 million in revenue to meet HCPSS's median budget request. This would require building more housing units at a faster pace than the current general plan allows.

HCPSS and transportation are funded by the county's general fund, which is primarily supported by property and income taxes. To increase the county's tax base without increasing tax rates or diminishing services, the county needs to consider ways to attract more taxpayers, such as by creating more housing options and attracting new businesses.

Focusing on creating diverse housing options that appeal to a variety of demographics, including empty nesters and young professionals, can help increase the county's tax base and generate additional revenue while keeping student enrollment growth manageable. By providing a variety of housing options, the county can attract a diverse range of taxpayers who can support the county's services without putting a strain on the school system.

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.

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.

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 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. Evaluate the necessity of a housing allocation chart, including its goals, design, and appropriate place in the law.
 - e. 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. Evaluate the timing and process of the school capacity chart.
 - f. 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. 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.