TECHNICAL STAFF REPORT

Planning Board Meeting of October 16, 2025

Case No./Petitioner: ZRA-219; Department of Planning and Zoning

Request: To add a definition of "Activity Center" and promote diverse housing opportunities within Activity Centers in the Transit Oriented Development (TOD) and Traditional Neighborhood Center Overlay (TNC) zoning districts, to align with the goals of the General Plan, HoCo By Design.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

Activity Centers are defined in the General Plan, HoCo By Design, as "places where housing and businesses are mixed together, usually in a walkable environment." The General Plan identifies activity centers as areas for redevelopment, presenting opportunities for mixed-use development, mixed-income housing, small parks or community gathering spaces, increased stormwater management, and multi-modal transportation options.

The Transit Oriented Development (TOD) district was created with the 2004 Zoning Regulations to provide for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. Specifically, the TOD district aims to encourage development of multistory office centers that are located and designed for safe and convenient pedestrian access for those using a MARC train or other public transit systems. The TOD district is found within the Route 1 Corridor and the zoning regulations for the district are used in conjunction with the Route 1 Manual to enhance and aid in redevelopment of the area. Single-family attached and apartments/multi-family uses are the only residential uses permitted in the TOD district and are required to have a minimum lot size of three (3) acres. The TOD zoning regulations remained largely unchanged with the adoption of the current (2013) zoning regulations.

The Traditional Neighborhood Overlay (TNC) zoning district was also created with the 2004 Zoning Regulations. The TNC district is an overlay district and inside the Activity Centers, is used in conjunction with the B-2 (Business General) district. The establishment of the TNC district in 2004 was to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. The TNC district is specific to the Route 40 area and development under this overlay must comply

with the Route 40 Manual. The TNC regulations and Route 40 Manual are aimed to strengthen nearby communities, provide for safe and convenient pedestrian travel, and improve the streetscape of Route 40 and intersecting roads. The TNC district allows for single-family attached and apartments/multifamily on at least two acres as well as agerestricted adult housing. The TNC overlay district regulations have remained largely unchanged since its creation in 2004.

II. DESCRIPTION OF PROPOSAL

This section contains a summary of the Petitioner's proposed amendment. The Petitioner's proposed amendment text is attached as Exhibit A.

Sec. 103.0: Definitions

The Petitioner is proposing to amend the Definitions section of the code:

• Add a new definition of "Activity Center."

<u>Activity Center:</u> Targeted areas for growth identified in the Howard County General Plan, that promote opportunities for compact mixed-use development, diverse mixed-income for-sale and rental housing choices, small parks or community gathering spaces, employment opportunities, retail uses, and walking, biking, and transit options.

Sec. 127.4: Transit Oriented Development (TOD)

The Petitioner is proposing to amend the TOD district section of the code:

- Add age-restricted adult housing as a use permitted as a matter of right and add additional requirements for the use.
 - Adding this use would require renumbering the subsequent uses listed in the section.
- Amend the "Dwellings, apartment" use permitted as a matter of right to specify multifamily, add single-family attached units, and add the provision that development projects that are five (5) gross acres or more must include more than one residential housing type, unless it is demonstrated that the minimum density requirements of the district cannot be met due to unique physical conditions or other existing features peculiar to the lot.
- Add language that existing residential housing projects on five (5) gross acres or greater with one residential housing type in existence prior to the legislation will not be subject to Section 129.0 Nonconforming Uses.
- Remove the "Dwellings, single-family attached" use permitted as a matter of right since it is being combined with the "Dwellings, apartment" use.

- Add a provision under the Moderate-Income Housing Unit (MIHU) requirements
 to allow age-restricted adult housing projects an option to pay a fee-in-lieu or
 provide MIHUs at a different location to be consistent with the Department of
 Housing and Community Development regulations (Section 13.400 of County
 Code).
- Add additional requirements for age-restricted adult housing developments to include designs for older adults, enforcement of age restrictions, community centers, and housing types.

Sec. 127.6: Traditional Neighborhood Center Overlay (TNC)

This section contains the regulations for the TNC district. The amendment proposes the following changes:

- Amend the additional requirement language for the age-restricted adult housing permitted use.
- Amend the "Dwellings, apartment and single-family attached..." use permitted as a matter of right to require development projects that are five (5) gross acres or greater to include more than one residential housing type, unless it is demonstrated that there are unique physical conditions or other existing features peculiar to the particular lot.
- Add language that existing residential housing projects on five (5) gross acres or greater with one residential housing type in existence prior to the legislation will not be subject to Section 129.0 Nonconforming Uses.
- Add additional requirements for age-restricted adult housing developments to include designs for older adults, enforcement of age restrictions, community centers, and housing types.

III. EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-219 in accordance with Section 16.208.(d) of the Howard County Code.

1. The compatibility, including potential adverse impacts and consequences, of the proposed Zoning Regulation Amendment with the existing and potential uses of the surrounding areas and within the same zoning district.

Staff do not foresee any adverse impacts or consequences of the proposed amendment. The TOD and TNC districts currently permit apartments/multifamily or single-family attached residential uses on a minimum lot, and the TNC district permits age-restricted adult housing. The purpose of the ZRA is to require more than one housing type for residential projects that are five (5) acres or greater in those districts, and permit age-restricted adult housing as a use permitted as a matter of right in the TOD district.

2. The properties to which the Zoning Regulation Amendment could apply and, if feasible, a map of the impacted properties.

The proposed ZRA will generally impact the TOD and TNC districts that are located inside an identified Activity Center and are five (5) acres or greater. These areas are depicted in Attachment A.

In total, this ZRA could apply to approximately 67 parcels and 451 acres. In the TOD district, this ZRA could impact 63 parcels and 400 acres. In the TNC district, this ZRA could impact 4 parcels totaling 51 acres.

3. Conflicts in the Howard County Zoning Regulations as a result of the Zoning Regulation Amendment.

If adopted, this amendment would not create any potential conflicts in the Howard County Zoning Regulations. The ZRA is drafted to impact only projects submitted after the effective date. Existing projects over five (5) gross acres and one housing type are not subject to the nonconforming use requirements. Also, the ZRA is drafted to allow projects on properties with unique characteristics relief from providing more than one housing type.

4. The compatibility of the proposed Zoning Regulation Amendment with the Policies and objectives, specifically including the environmental policies and objectives, of the Howard County General Plan.

The proposed ZRA is supported by the Dynamic Neighborhoods chapter of HoCo By Design, which calls for a greater diversity of housing choices in activity centers.

Policy Statement DN-4 (page DN-44) states that "Future activity centers should include a unique mix of densities, uses, and building forms that provide diverse, accessible, and affordable housing options."

Policy Statement DN-13 (page DN-62) states the County should "Create opportunities for multi-generational neighborhoods, especially in character areas identified as activity centers." **Implementing Action 1** recommends the County "Design new activity centers to accommodate the needs of various ages, abilities, and life stages."

The proposed ZRA also advances activity center and TOD policies in the Route 1 Corridor Plan (2023). The Plan, which provides strategies, policies and implementing actions to maximize the economic and redevelopment potential of the Route 1 Corridor, supports establishing activity centers as identified on the Future Land Use Map

(FLUM) as a way to foster revitalization in corridor (Policy RTE1-3). It also expresses a need to implement zoning changes to achieve the vision of the Route 1 Corridor (RTE 1-3.2). The Plan highlights the need to provide housing options in the employment corridor of Route 1 and acknowledges that there is limited land for housing and thereby calls for a mix of multifamily and single-family attached homes (Route 1 Corridor Plan, p. 68).

Policy Statement RTE 1-17 states the County should "Catalyze the redevelopment of activity centers in the Route 1 Corridor and ensure they allow a mix of uses." **Implementing Action 5** recommends evaluating the TOD district to ensure that it is reflective of a mixed-use area that maximizes residential, commercial and open space uses. Implementing Action 8 encourages a mix of housing types available at different price points in activity centers to create more missing middle and affordable housing opportunities in the County.

Conclusion

Overall, DPZ finds that the proposed amendments described in the TSR, and the proposed legislation, are consistent with the Policy Statements and Implementing Actions in the General Plan. The ZRA is intended to expand diverse housing opportunities by encouraging a mix of housing types and aligns with the vision for diverse housing choices in activity centers.

Environmental Policies and Objectives

The proposed ZRA-219 is not in conflict with the environmental policies and objectives in HoCo By Design, the County's General Plan. The proposed ZRA would not change any development requirements for sensitive resource protection, stormwater management or forest conservation.

> Lynda Eisenberg 9/30/2025

Lynda D. Eisenberg, AICP, Director Date

Exhibit A

Petitioner's Proposed Text

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

Section 127.4: TOD (Transit Oriented Development) District

Proposed Revisions:

- B. Uses Permitted as a Matter of Right
 - 1. Age-restricted adult housing, subject to the requirements of Subsection F.2 and F.3. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.
 - 7. Dwellings, apartment/Multifamily and single-family attached. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.
 - [[8. Dwellings, single-family attached.]]
 - *Renumber subsequent uses
- F. Requirements for TOD Development
- 2. Area Requirements for Residential Uses
 - a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land. If the project is on more than 5 gross acres of Land, it must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the department of planning and zoning that the minimum density requirements of the TOD district cannot be met due to unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.
 - c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units [[and shall be developed on the site]]. EXCEPT FOR AGE-RESTRICTED ADULT HOUSING UNITS, the developer shall not provide the moderate income housing units at a different location or pay a fee-in-lieu to the Department for the moderate income housing units required under this subsection.

3. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING

A. DESIGN FOR OLDER ADULTS

THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

B. ENFORCEMENT OF AGE RESTRICTIONS

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS. C. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND
- (2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

D. HOUSING TYPES

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTIFAMILY UNITS ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS. AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS THAT ARE GREATER THAN 5 ACRES MUST PROVIDE MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.4, if adopted:

- B. Uses Permitted as a Matter of Right
 - 1. Age-restricted adult housing, subject to the requirements of Subsection F.2 and F.3. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.
 - 7. Dwellings, apartment/multifamily and single-family attached. Development projects that are 5 gross acres or greater of TOD zoned land must include more than one residential housing type.
- *Renumber uses accordingly following addition of Age-restricted adult housing and listing uses alphabetically
- F. Requirements for TOD Development
- 2. Area Requirements for Residential Uses
 - a. Residences are permitted only within a development project encompassing at least 3 gross acres of TOD-zoned land. If the project is on more than 5 gross acres of land, it must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the Department of Planning and Zoning that the minimum density requirements of the TOD district cannot be met due to unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.
 - c. Moderate Income Housing Units

At least 15% of the dwelling units shall be Moderate Income Housing Units. Except for any age-restricted adult housing units, the developer shall not provide

the moderate income housing units at a different location or pay a fee-in-lieu to the Department for the moderate income housing units required under this subsection.

3. Additional Requirements for Age-Restricted Adult Housing

A. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the agerestricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multifamily units are permitted in age-restricted adult housing developments. Age-restricted adult housing developments that are greater than 5 acres must provide more than one housing type.

<u>Section 127.6: TNC (Traditional Neighborhood Center) Overlay District</u> <u>Proposed Revisions:</u>

- C. Uses Permitted as a Matter of Right
 - 1. Age-restricted adult housing, SUBJECT TO THE REQUIREMENTS OF SUBSECTION F.3 AND F.4 [[if the additional requirements for age-restricted adult housing set forth in the POR District are met]]. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.
 - 18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND MUST INCLUDE MORE THAN ONE RESIDENTIAL HOUSING TYPE.
- F. Requirements for TNC Development
 - 3. Requirements for residential uses
 - a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. Development Projects that are 5 gross acres or greater of TNC zoned land must include more than one residential Housing type unless it is demonstrated on a site development plan submitted to the department of planning and zoning that there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.
 - 4. ADDITIONAL REQUIREMENTS FOR AGE-RESTRICTED ADULT HOUSING
 - a. Design for Older Adults
 - THE DEVELOPMENT SHALL INCORPORATE UNIVERSAL DESIGN FEATURES FROM THE DEPARTMENT OF PLANNING AND ZONING GUIDELINES WHICH IDENTIFY REQUIRED, RECOMMENDED AND OPTIONAL FEATURES. PLAN SUBMITTALS SHALL INCLUDE DESCRIPTIONS OF THE DESIGN FEATURES OF THE PROPOSED DWELLINGS

TO DEMONSTRATE THEIR APPROPRIATENESS FOR THE AGE-RESTRICTED POPULATION. THE MATERIAL SUBMITTED SHALL INDICATE HOW UNIVERSAL DESIGN FEATURES WILL BE USED TO MAKE INDIVIDUAL DWELLINGS ADAPTABLE TO PERSONS WITH MOBILITY OR FUNCTIONAL LIMITATIONS AND HOW THE DESIGN WILL PROVIDE ACCESSIBLE ROUTES BETWEEN PARKING AREAS, SIDEWALKS, DWELLING UNITS AND COMMON AREAS.

b. Enforcement of Age Restrictions

IF THE DEVELOPMENT WILL NOT BE A RENTAL COMMUNITY UNDER SINGLE OWNERSHIP, IT SHALL BE SUBJECT TO COVENANTS OR OTHER LEGAL RESTRICTIONS ENFORCING THE AGE RESTRICTIONS FOR THIS USE. PLAN SUBMITTALS SHALL INCLUDE THE PROPOSED COVENANTS AND OTHER LEGAL MEANS OF ENFORCING THE AGE RESTRICTIONS. THE LEGAL ENTITY THAT WILL IMPLEMENT AND MAINTAIN THE AGE RESTRICTIONS MUST BE CLEARLY IDENTIFIED AND ABLE TO PROVIDE EFFECTIVE ENFORCEMENT TO SUPPLEMENT COUNTY ENFORCEMENT OF ZONING REGULATIONS.

c. COMMUNITY CENTER

AT LEAST ONE ON-SITE COMMUNITY BUILDING OR INDOOR COMMUNITY SPACE WITHIN A PRINCIPAL STRUCTURE SHALL BE PROVIDED THAT CONTAINS A MINIMUM OF:

- (1) 20 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT, FOR THE FIRST 99 DWELLING UNITS WITH A MINIMUM AREA OF 500 SQUARE FEET, AND
- (2) 10 SQUARE FEET OF FLOOR AREA PER DWELLING UNIT FOR EACH ADDITIONAL DWELLING UNIT ABOVE 99.

d. Housing Types

ONLY SINGLE-FAMILY ATTACHED AND APARTMENTS/MULTI-FAMILY UNITS ARE PERMITTED IN AGE-RESTRICTED ADULT HOUSING DEVELOPMENTS IN DEVELOPMENT PROJECTS THAT ARE 5 GROSS ACRES OR GREATER OF TNC ZONED LAND AND MUST PROVIDE MORE THAN ONE HOUSING TYPE.

Example of how the proposed text would look in Section 127.6, if adopted:

C. Uses Permitted as a Matter of Right

- 1. Age-restricted adult housing, subject to the requirements of Subsection F.3 and F.4. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.
- 18. Dwellings apartment and single-family attached, only within a Route 40 corridor development project with at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type.

F. Requirements for TNC Development

- 3. Requirements for residential uses
 - a. Residences are permitted only within Route 40 corridor development projects encompassing at least 2 gross acres of TNC-zoned land. Development projects that are 5 gross acres or greater of TNC zoned land must include more than one residential housing type unless it is demonstrated on a site development plan submitted to the Department of Planning and Zoning that there are unique physical conditions, including irregularity, narrowness or shallowness of lot or shape, exceptional topography, or other existing features peculiar to the particular lot precluding strict compliance with this provision. Any residential housing project with one residential housing type in existence prior to [[effective date of legislation]] will not be subject to Section 129.0.

4. Additional Requirements for Age-Restricted Adult Housing

a. Design for Older Adults

The development shall incorporate universal design features from the Department of Planning and Zoning guidelines which identify required, recommended and optional features. Plan submittals shall include descriptions of the design features of the proposed dwellings to demonstrate their appropriateness for the age-restricted population. The material submitted shall indicate how universal design features will be used to make individual dwellings adaptable to persons with mobility or functional limitations and how the design will provide accessible routes between parking areas, sidewalks, dwelling units and common areas.

b. Enforcement of Age Restrictions

If the development will not be a rental community under single ownership, it shall be subject to covenants or other legal restrictions enforcing the age restrictions for this use. Plan submittals shall include the proposed covenants and other legal means of enforcing the age restrictions. The legal entity that will implement and maintain the age restrictions must be clearly identified and able to provide effective enforcement to supplement county enforcement of zoning regulations.

c. Community Center

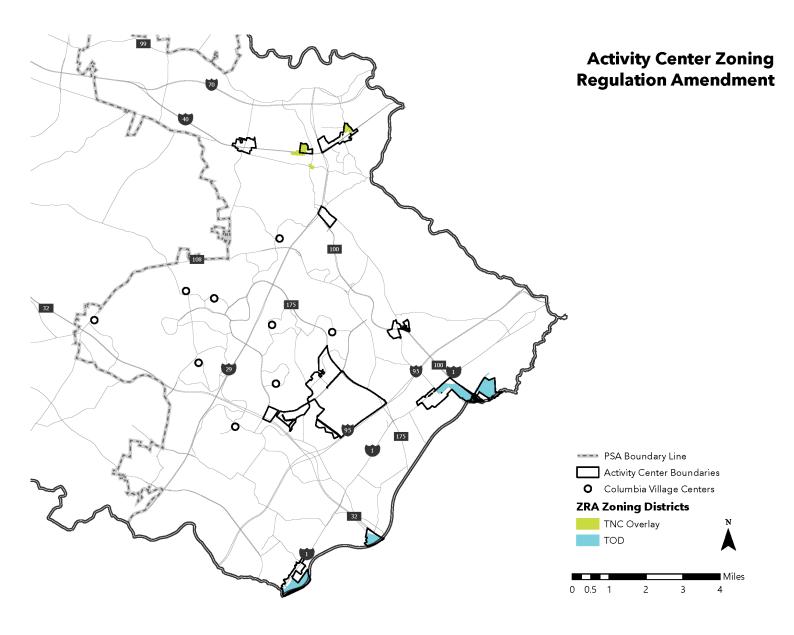
At least one on-site community building or indoor community space within a principal structure shall be provided that contains a minimum of:

- (1) 20 square feet of floor area per dwelling unit, for the first 99 dwelling units with a minimum area of 500 square feet, and
- (2) 10 square feet of floor area per dwelling unit for each additional dwelling unit above 99.

d. Housing Types

Only single-family attached and apartments/multi-family units are permitted in agerestricted adult-housing developments in development projects that are 5 gross acres or greater of TNC zoned land and must provide more than one housing type.

Attachment A



Case No. ZRA-219 – Petitioner: Department of Planning and Zoning