

DEPARTMENT OF PLANNING AND ZONING, * BEFORE THE
PETITIONER * PLANNING BOARD OF
ZRA-218 * HOWARD COUNTY, MARYLAND

* * * * *

MOTION: Recommend approval of ZRA-218.

ACTION: *Approved with Amendments; Vote 4-0.*

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RECOMMENDATION

On October 16, 2025, the Planning Board of Howard County, Maryland, considered the petition of the Department of Planning and Zoning (DPZ), the Petitioner, for several amendments throughout the Zoning Code to implement the State Law (HB-1466) regarding Accessory Dwelling Units and align them with the broader goals of Howard County’s General Plan, HoCo By Design, and the County’s Housing Opportunities Master Plan. DPZ’s Petition included:

- Rename the Accessory Apartments to Accessory Dwelling Unit definition under Section 103.0.
- Add a definition of Accessory Dwelling Unit under Section 103.0.
- Amend the definitions of Density, Dwelling Unit and Kitchen under Section 103.0.
- Remove definitions and mentions of Dwelling, Accessory Apartment and Dwelling, Temporary Accessory Family.
- Amend the Accessory Dwelling Unit accessory uses in the R-ED, R-20, R-12, R-SC, R-SA-8 & PGCC districts to remove the requirements for a minimum lot size, maximum number of bedrooms and external design requirements.
- Amend the Uses Permitted as a Matter of Right in the RC, RR, R-ED, R-20, and R-12 districts to permit one two-family dwelling unit per lot. Impose a 16,000 square foot minimum lot size requirement for two-family dwellings in the R-ED and R-12 districts.
- Remove two-family dwellings, accessory apartments and multi-plex dwellings as a conditional use within County Preservation Easements.
- Add an Accessory Dwelling Unit as a permitted Accessory Use in the R-H-ED, R-A-15, R-APT, R-MH, HO, HC, TOD, CAC, and TNC districts.
- Exempt an Accessory Dwelling Unit from the accessory structure lot coverage requirements for lots developed with a single-family detached dwelling.
- Amend the restrictions for detached accessory structures on lots developed with a single-family

detached dwelling.

- Amend the supplemental zoning regulations for an Accessory Dwelling Unit.
- Remove the lot size restriction for an Accessory Dwelling Unit in Traditional Residential Neighborhoods.
- Remove the Conditional Use for Dwelling, Temporary Accessory Family; and Two-Family Dwellings and Accessory Apartments.

The Planning Board considered the petition and the Department of Planning and Zoning's (DPZ) Technical Staff Report (TSR).

Testimony

Mr. Justin Tyler, DPZ staff member, presented the proposed Zoning Regulation Amendment (ZRA) on behalf of the Department of Planning and Zoning. He stated that the purpose of the ZRA is to implement the State Law (HB-1466) regarding Accessory Dwelling Units (ADU) and align them with the broader goals of Howard County's General Plan, HoCo By Design, and the County's Housing Opportunities Master Plan. Mr. Tyler went through each text amendment and explained what the current regulations allow, what is proposed, what code sections are impacted (as summarized above), as well as the ZRA criteria.

Following DPZ's presentation of the proposed amendment, Mr. Kevin McAliley, Planning Board Chair, asked the Planning Board if they had questions for DPZ. Ms. Barbara Mosier, Planning Board member, asked if ADU's would be exempt from the Adequate Public Facilities Ordinance (APFO). Ms. Lynda Eisenberg, AICP, Planning Board Executive Secretary and Planning Director, responded that the current regulations exclude Accessory Apartments from APFO calculations, so ADU's would also be subject to the same exemption. Ms. Mosier also asked what the ADU process would be like for properties within the NT district. Ms. Eisenberg explained that an applicant would still need to apply for a permit issued by DPZ to operate an ADU on the Property and that the regulations outlined in the appropriate FDP would govern the Regulations, such as setbacks and lot coverage requirements.

Mr. James Connelly testified in support of the ZRA stating that the ZRA would be a helpful tool to increase housing stock, housing types and housing affordability.

Mr. Brent Loveless testified in opposition to the ZRA and had concerns with APFO allocations. He urged Planning Board members to rescind the ZRA and only put forward the legislation from HB1466 and to exclude any additional regulation implementations the County suggested.

Ms. Karen Mosel testified in support of the ZRA stating that the ZRA would assist in creating more housing stock within the County, assist with housing affordability and give more residents a chance to age in place.

Mr. James Hagan testified in opposition to the ZRA indicating concerns with removing the Conditional Use for Two-family dwellings. He stated that the Conditional Use process allowed residents to give input on these proposed uses. He also had reservations with properties that are on well and septic, and how these uses would be compatible with existing systems.

Mr. Nirmal Kedia testified in opposition to the ZRA stating that the 75% size limit would have an impact on the character of the neighborhoods and that the Conditional Use process helped maintain the characteristics and allowed for resident input.

Ms. Jessamine Duvall testified on behalf of the Housing Affordability Coalition in support of the ZRA stating that the ZRA will help expand housing options and promote home ownership.

Ms. Jessamine Duvall, Executive Director of the Columbia Housing Center, testified in support of the ZRA stating that the ZRA will help create missing middle housing and would assist in housing affordability.

Ms. Elizabeth Murphy testified in opposition to the ZRA claiming that more guardrails are needed to protect communities. She indicated that there should be a maximum number of people who can reside in an ADU.

Mr. Dana Sohr, representative from the Bridges to Housing Affordability, testified virtually in support of the ZRA stating that the ZRA would expand housing affordability and would meet the local needs for more housing opportunities. In addition, he stated that it would allow for housing for family members and creates the opportunity for multi-generational homes.

Ms. Cindy LaFollette testified in opposition to the ZRA stating that ADU's should be subject to APFO calculations. She also indicated concerns with the removal of the Conditional Use for Two-family dwellings stating that it would not allow residents the chance to voice their concerns about a proposed use.

Ms. Susan Garber testified virtually in opposition to the ZRA and had concerns with the lack of guardrails in place to protect communities. She also had concerns with why the ZRA provided more changes than what HB-1466 offered.

Mr. Joel Hurewitz testified virtually in opposition to the ZRA stating the need for clearer regulations for the NT district and better clarification on how ADU's would be applied to NT zoned neighborhoods.

Board Discussion and Recommendation

Planning Board member Mr. James Cecil asked DPZ staff about the ADU process and how the review process would be set up. Ms. Eisenberg explained that ADU's would follow a process similar to the currently ongoing Accessory Apartments review process. Mr. Cecil also inquired about the enforcement process and how it is handled when it comes to the maximum number of people with a dwelling. Ms. Eisenberg explained that it would be, and is difficult, for DPZ code enforcement inspectors to determine who resides in the residence or

1 not. She further stated that Howard County does not allow short-term rentals and that there are mechanisms in
2 place to assist in enforcing this maximum limitation.

3 Planning Board member Mr. Mason Godsey asked if staff could clarify how the size of ADU's would
4 be calculated. Mr. Tyler explained that the 75% size limit for ADU's would be based on the lot coverage of the
5 principal dwelling on the Property. Mr. Cecil asked about height limitations and how they apply to ADU's. Mr.
6 Tyler stated that each zoning district has height limitations that can vary by roof type and if it was a principal
7 or accessory detached structure. Mr. Kevin McAliley inquired on the owner occupancy requirement and why it
8 was removed. Ms. Eisenberg stated it was removed to allow for more flexibility and to remove barriers for
9 constructing ADU's. Mr. McAliley also asked about the difference of a Two-Family dwelling and an ADU.
10 Ms. Eisenberg explained that a Two-Family dwelling was entirely on one lot and resembled one larger dwelling
11 but was split in the middle and further stated that they had the ability to add one additional ADU.

12 The Planning Board discussed the repeated testimony about the concern with removing the owner
13 occupancy requirement. Mr. Cecil discussed adding restrictions for real estate listings so that they only advertise
14 for conforming uses. Mr. Cecil also indicated concern again with the removal of the owner's occupancy
15 requirement. Ms. Eisenberg reminded him that the County prohibits short-term rentals and can be used as a
16 guardrail to prevent transient stay situations within ADU's. Mr. Godsey stated that there was a benefit to the
17 owner occupancy requirement and maintaining it would limit the risks involved with non-owner occupied
18 ADU's. Ms. Mosier stated that she was fine with keeping the owner-occupied requirement also indicating that
19 the prohibition of short-term rentals would act as a guardrail. Mr. McAliley inquired about the required parking
20 for ADU's. Ms. Eisenberg stated that a parking study would be needed if they were to adopt additional parking
21 requirements. Mr. Cecil stated that he was concerned about affordability of housing if investors took advantage
22 of the ZRA. Ms. Mosier inquired about the statistics involved with owner-occupied versus non-owner occupied
23 within other jurisdictions. Ms. Eisenberg stated that she was not sure of any but indicated that Montgomery
24 County does not permit ADU's to be on non-owner-occupied lots. The Planning Board was in agreement that
25 the owner occupancy requirement should stand and will act as a guardrail for ADU's. The Planning Board was
26 also in agreement with the other proposed text changes.

27 Mr. Cecil motioned to recommend approval of ZRA-218 with amendments. Mr. Mason seconded the
28 motion. The motion passed 4-0.

29 The amendments are:

- 30 1. To keep the owner-occupied requirement so that the owner must reside in either the ADU or
31 principal structure.
- 32 2. To request accompanying legislation that mandates the advertising of properties for sale must
33 explicitly and accurately align with the permitted uses of the underlying zoning district. This is
34 intended to increase market transparency and protect prospective buyers from misleading

advertisements.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 19th day of November 2025, recommends that ZRA-218, as described above, be APPROVED WITH AMENDMENTS.

HOWARD COUNTY PLANNING BOARD

Signed by:

Kevin McAliley

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Kevin McAliley, Chair

Signed by:

James Cecil

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James Cecil, Vice-chair

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Mason Godsey

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Mason Godsey

Signed by:

Barbara Mosier

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Barbara Mosier

Lynn Moore (Absent)

ATTEST:

DocuSigned by:

Lynda Eisenberg

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Lynda Eisenberg, AICP, Executive Secretary