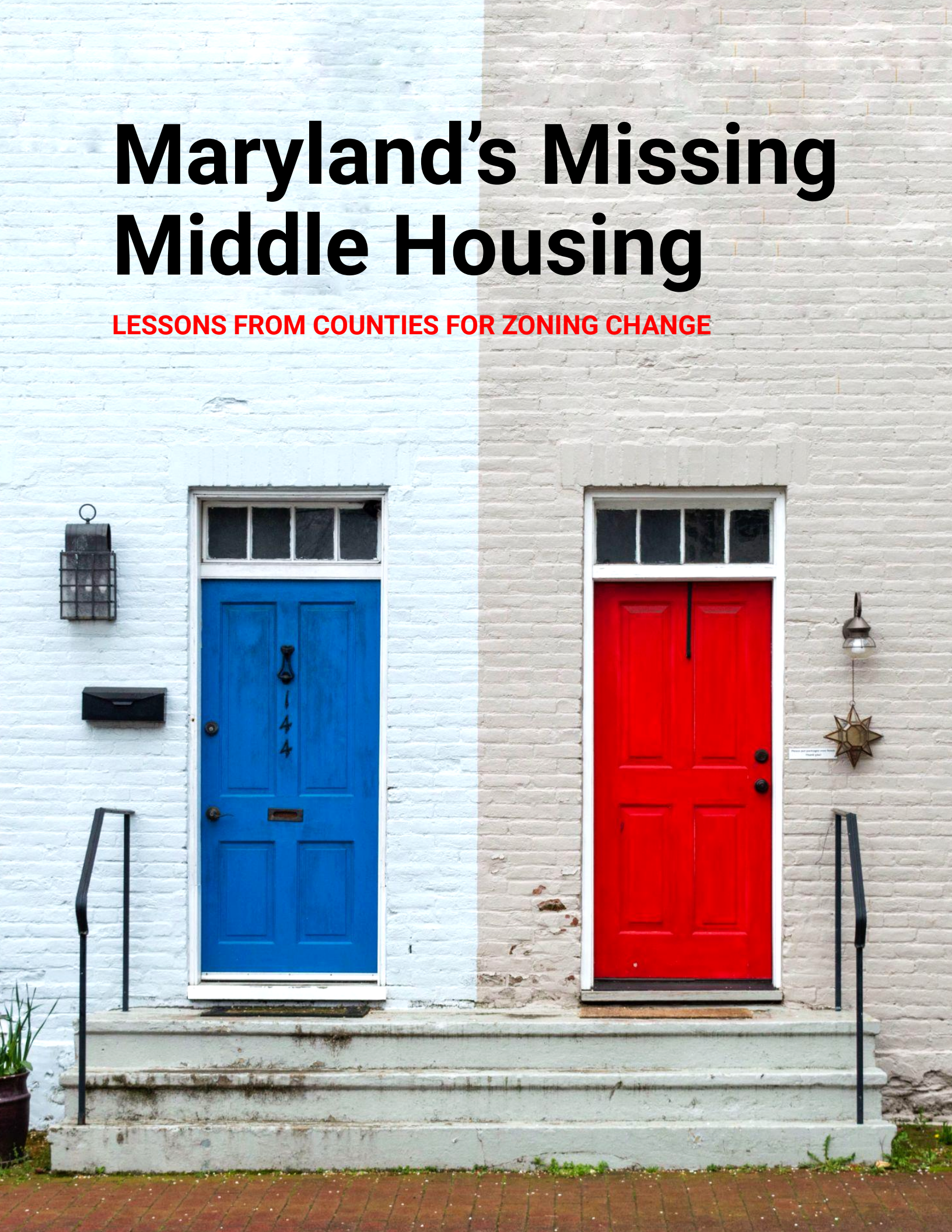


Maryland's Missing Middle Housing

LESSONS FROM COUNTIES FOR ZONING CHANGE



SPRING 2024

Maryland's Missing Middle Housing

LESSONS FROM COUNTIES FOR ZONING CHANGE



Partnership for
Action Learning
in Sustainability



Maryland Department of Housing
and Community Development



SCHOOL OF
PUBLIC POLICY

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PARTNERSHIP FOR ACTION LEARNING IN SUSTAINABILITY (PALS)

An initiative of the National Center for Smart Growth (NCSG)

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MISSING MIDDLE HOUSING PHOTOS

Courtesy of Catherine Madsen, Project Documentation Coordinator, PALS

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Abstract

As Maryland localities struggle to meet the demand for a diversity of housing types at a range of income levels, the predominance of detached single-family zoning constrains available land for building new housing and limits the expansion of the housing supply. In this context, local governments have considered zoning change in detached single-family neighborhoods to better accommodate missing middle housing. As of May 2024, however, there have been no significant zoning changes to accommodate missing middle housing in single-family neighborhoods. However, counties are planning for future upzoning initiatives to increase density in residential neighborhoods through comprehensive plans.

This report compiles lessons learned from four counties—Montgomery, Frederick, Anne Arundel, and Howard—about successes and challenges in preparing for upzoning to accommodate missing middle housing. These counties employ a range of strategies to address the market and political challenges to upzoning. Lessons learned from counties include using small area planning and zoning overlays, building political will through extensive stakeholder engagement, and offering incentives to developers to build missing middle housing.

Definition of Terms

Accessory dwelling unit (ADU)	A separate, secondary unit attached to, or detached and on the same lot as, a principal single-family unit, usually with a full kitchen and bathroom.
Adequate Public Facilities Ordinance (APFO)	A regulation enacted by Maryland localities that requires new development to undergo testing for impacts on public facilities (e.g., schools, stormwater and drainage, road capacity, and traffic). For development approval, public facilities must be able to accommodate the impacts of the project.
Comprehensive plan	A document or collection of documents produced by local planning departments that lays out planning priorities for land use and development. Comprehensive plans can include general plans, area plans, and planning maps.
Duplex	A residential structure containing two attached principal units, located on abutting and separate lots and separated from each other by a continuous vertical party wall along the lot line. Units can be sold separately.
Euclidean zoning	A land use development strategy that separates land by use, e.g. residential, commercial, retail, and industrial. Widely used in local zoning codes.
Form-based code	A land use development strategy that uses physical form rather than separation of uses as the organizing principle for the code. Adopted into local law as a regulation.
Floor-area ratio (FAR)	The ratio of the unit's floor area to the total lot area.
Infill	New development on underused land that is part of an existing development pattern.
Missing middle housing	A range of higher-density housing types (including townhomes, duplexes, triplexes, fourplexes, fiveplexes, sixplexes, and courtyard housing) that are consistent in scale and form with detached single-family units.
Multifamily (MF)	A residential structure containing more than one principal unit.
Single-family (SF)	A residential structure containing one principal unit.

SF, detached	A residential structure with one principal unit that is unattached to any other residential structure with principal units.
SF, attached	A residential structure with one principal unit that is attached to another residential structure with one principal unit. Generally, this term refers to townhouses but can also refer to some side-by-side duplexes.
Unit, residential	An independent dwelling unit intended as separate living quarters. Usually includes a bathroom and kitchen facilities.
Zoning text amendment (ZTA)	Changes to the text in a local zoning ordinance. In many cases, these are bills that are passed by county or city councils.

Introduction

As Maryland localities struggle to meet the demand for a diversity of housing types at a range of income levels, the predominance of detached single-family zoning constrains available land for new housing and limits the expansion of the housing supply. In this context, state and local governments have considered zoning change in detached single-family neighborhoods to better accommodate missing middle housing.

As of May 2024, however, there have been no significant recent zoning changes to accommodate missing middle housing types in single-family neighborhoods. While some counties have increasingly approved “gentle density increases” through accessory dwelling units (ADUs), they have yet to approve comprehensive changes to zoning regulations to bolster the development of missing middle housing. However, counties are planning for future upzoning initiatives to increase density in residential neighborhoods through comprehensive plans.

This report compiles lessons learned from four counties—Montgomery, Frederick, Anne Arundel, and Howard—about successes and challenges in preparing for upzoning to accommodate missing middle housing. These counties employ a range of strategies to address the market and political challenges to upzoning. Lessons learned from counties include using small area planning and zoning overlays, building political will through extensive stakeholder engagement, and offering incentives to developers to build missing middle housing.

This report is not an authoritative guide on best practices for zoning change, but rather a compilation of learnings based on interviews with county planning departments and summaries of county zoning codes. This report primarily examines only zoning policies and does not analyze in depth other policies that impact missing middle housing development (e.g., adequate public facilities ordinances, subdivision regulations, administrative hearings, and review processes). The primary zoning policies examined in this report focus on allowed use and density allowances. Design requirements like building height and setbacks, as well as off-street parking requirements, are not analyzed in depth.

Pictures of existing missing middle housing in the City of Frederick, Takoma Park, and Adelphi accompany the text of this report. Their inclusion reflects one of the learnings from counties: spotlight local examples of existing missing middle housing. Missing middle housing goes beyond abstractions among housing policy researchers and community planners. It can be a reality with high aesthetic and functional value that helps meet important housing supply challenges in residential neighborhoods across the state. The photos featured in this report include townhouses, duplexes, triplexes, a fourplex, a sixplex, and a single-level courtyard apartment building. Most of the photographed structures were built between 1900 and 1950. The photos have been edited to blur the house numbers for privacy purposes. All missing middle housing photos are courtesy of Catherine Madsen, Project Documentation Coordinator at PALS.

WHAT IS THE “MISSING MIDDLE”?

Missing middle housing refers to a range of higher-density, house-scale residential structures that include townhomes (single-family attached structures), duplexes, triplexes, fourplexes, fiveplexes, sixplexes and courtyard apartments. The term is derived from the fact that many of these housing types have been overwhelmingly underrepresented in the US housing stock since the 1940s (Parolek, 2020). The growing popularity of density- and use-based zoning (i.e., Euclidian zoning) in the 1940s, along with the interest in developing low-density, segregated, single-family-dominated suburban neighborhoods, contributed to the current scarcity of missing middle housing (Parolek, 2020; Greene and Ellen, 2020).



Figure 1: Missing Middle Housing types

Source: [Opticos Design](#)

The predominance of single-family residential zoning precludes the development of missing housing types in residential neighborhoods across the country (Local Housing Solutions, n.d.). As such, the primary policy tools to address the lack of missing middle housing consist of changes to local zoning policy (Parolek, 2020). Upzoning initiatives to gently increase the density of single-family zoned lots, and thus permit and promote the construction of missing middle housing, have increased in popularity over the past decade (Freemark, 2023b).

Upzoning initiatives are based on the simple economic logic of supply and demand. In theory, increasing the supply of residential land through upzoning—that is, allowing higher-density development—puts downward pressure on prices. In the context of a US housing market that has consistently underproduced housing, upzoning initiatives can promote the supply of market-rate housing and potentially moderate prices (Up For Growth, 2022).

Ensuring there are enough housing types for a range of income levels allows low- and moderate-income households to live near their workplaces. Beyond the potential for moderating housing prices, higher density allowances encourage urban infill and thus increase land use efficiency (Parolek, 2020). Infill near transit corridors can result in transit-oriented development, increased use of public transportation, and walkable neighborhoods (Schmitz & Scully, 2006; Parolek, 2020).

A range of constituent groups stand to benefit from gentle density increases through missing middle housing. Older adults are increasingly interested in alternatives to living in empty nest single-family homes but still want to age in place in their local communities

(AARP, 2023). Young families find themselves priced out of homeownership for detached single-family homes (Choi et al, 2018). Growing numbers of teachers are unable to live in the localities where they work (Katz and Bokhari, 2023). Multigenerational households are looking for ways to add additional units for children and grandparents (Cohn et al., 2022). Missing middle housing types can expand the options available to these groups, whose options have historically been restricted to single-family housing or apartment complex living.

UPZONING IN PRACTICE

In Maryland, planning for zoning change is reflected in local comprehensive plans, the documents produced by local planning departments that lay out planning priorities for land use and development. However, actual changes to zoning regulations require legislative action. Changes to local zoning codes often are the result of zoning text amendments (ZTAs) or bills that are introduced by county or city council members on behalf of the local planning department. In some cases, these bills may trigger requirements for public hearings. Approval of the bills results in amendments to local zoning regulations.

Planning departments, through ZTAs, can use a variety of approaches to encourage increases in density. The most aggressive approach is a **comprehensive overhaul** of the zoning code. This involves extensive changes to existing county zoning policies and often takes several years to enact and implement. Overhauls often involve extensive public engagement and can result in significant shifts in land use. The benefits of overhauls can include the simplification of existing complex regulations to make development easier, the designation of certain areas as priority zones for increased density, and the reflection of modern priorities (e.g., climate change, public health) in land use (Forman et al., 2023). The time and capacity needed for overhauls, in addition to the risk of significant pushback from the public, are barriers to planning departments attempting to overhaul zoning (Forman et al., 2023).

A less intensive approach is **by-right zoning**. Planning departments can use ZTAs to advance density increases by effectively changing the maximum density requirements and other conditions for development on residential lots. For example, if a county has a zone with a maximum allowable density of two units per acre, a ZTA could increase that maximum allowable density to three units. This could also be accomplished by a change in approved structures. In a zone that only allows detached single-family structures, for example, a ZTA could make duplexes allowable by right. In practice, this can have the effect of increasing the diversity of housing types in certain zones.

Another strategy that planning departments use is **overlay zones**. These zones can allow for increased density, mixed-use (i.e., combining residential and commercial uses), and different design requirements (e.g., maximum height and maximum floor-to-area ratio) that add to or supersede the existing requirements of the base zone (Forman, et al., 2023). For example, a particular area zoned for medium density, detached single-family units could receive an overlay zone to develop a small town center. The overlay zone would change the

allowable uses and design requirements within the limited geographic area of the overlay.

A less common technique is **form-based code**, which is a land use regulation that prioritizes the form and visual character of structures and public space over the separation of uses (e.g., residential, commercial, industrial, and agricultural) within a specific geographic area. Form-based codes, which are adopted into local law, include regulating plans for the area where the code applies, design standards for buildings and public spaces, and a streamlined application and review processes (Forman, et al., 2023). Ideally, form-based codes can reduce the time and money developers invest in waiting for review approval. Additionally, because form-based codes don't prioritize maximum allowable density, areas with form-based codes could potentially see a greater diversity of housing types, including missing middle housing. However, form-based codes are challenging to implement in practice because most localities have existing Euclidean codes, zoning based on the division of uses. Form-based codes must navigate the existing zoning code, which can result in a hybrid of form-based and Euclidean zoning regulations (Talen, 2021).

In each of these zoning techniques, development standards are critical to regulating the scale and form of newly built or rehabbed structures. Standards like minimum setbacks, minimum lot size, maximum lot coverage, maximum building height, and off-street parking requirements effectively regulate the maximum density allowed in a zone. If there is a high maximum allowable density but development standards restrict the size of the unit or necessitate more parking than the lot can accommodate, the impact of increasing the allowable density is diluted. Development standards must be compatible with increased density allowances for upzoning initiatives to result in a real expansion of the housing supply.

This report doesn't focus on development standards, though expected future analyses of zoning restrictiveness by the Maryland Department of Housing and Community Development will likely include research on development standards.

Literature Review

The literature on missing middle housing reflects the complexities of upzoning. The following review surveys literature on missing middle housing's relationship to housing price moderation and exclusionary zoning, as well as a review of popular examples of missing middle zoning change in localities across the US. This section also includes a review of existing planning for missing middle development in Maryland.

MISSING MIDDLE HOUSING AND PRICE MODERATION

The literature describing the overall impacts of upzoning initiatives on housing prices is mixed. Been et al. (2018) argue that increased supply moderates price increases and ultimately advances affordability for low-and moderate-income households. Stacy et al. (2023) find that upzoning is associated with only a 0.8% supply increase within three to nine years following zoning reform in a survey of over a thousand cities in eight metropolitan regions. Critically, Stacy et al. (2023) observe that this increase occurs for only higher-priced units; there was no significant impact on the supply or prices of lower-priced units. Freemark (2023b) finds that, in the short term, upzoning generally results in increased housing costs that mirror increased new construction, and in the long term upzoned lots maintain high values.

In general, the lower cost of missing middle housing is associated with a lower unit-to-land cost ratio. The economies of scale that developers achieve are passed on to buyers and renters. However, the economics of missing middle housing development can be complicated. In interviews with developers in large metropolitan areas, Garcia et al. (2022) find that in certain markets, allowing only duplexes and triplexes may not result in a sufficiently high density for projects to be financially feasible. Developers noted that in these high-cost markets, slightly higher density allowances—specifically 8 to 12 units—can result in more projects that make financial sense (Garcia et al., 2022).

Addressing the housing affordability crisis requires a wide range of policy tools. Missing middle housing is just one tool in the housing toolbox of local governments. Expanding the development of missing middle housing alone is unlikely to reduce housing prices. In high-cost jurisdictions, slow growth of missing middle housing may not overwhelmingly moderate increases in prices in the short term. Regardless, as localities manage population growth and rising housing demand, missing middle housing is an important step toward expanding housing supply and ultimately moderating prices in the long term.

MISSING MIDDLE HOUSING AND RACE

The literature describing the correlation between zoning restrictiveness and race is generally consistent. Manville et al. (2020) identify classist and racist triggers for the mid-1900s expansion of single-family zoning in the aftermath of *Buchanan v. Warley* (1917), in which the Supreme Court deemed racial zoning unconstitutional. Localities responded to

the ruling by increasing the size of residential lots, effectively restricting the capacity of lower-income Black buyers to purchase homes (Manville et al., 2020). Local planning departments today are not uniquely responsible for the preponderance of single-family zoning and the resultant concentration of wealth in predominantly whiter, more affluent owner neighborhoods; however, the consequences of legacy racist land use decisions persist (Manville et al., 2020). Freemark et al. (2023a) find that across Connecticut, neighborhoods zoned as single-family are more likely to have higher household incomes and less likely to be Black or Hispanic. In the Minneapolis-St. Paul metropolitan area, Furth and Webster (2022) find that neighborhoods zoned for multifamily lots are 21% more likely to be non-White than a similarly situated neighborhood zoned for predominantly single-family lots.

ARLINGTON COUNTY, VA

Various local zoning reform initiatives across the country further demonstrate the mixed impacts of upzoning on overall supply and prices. Arlington's 2020 upzoning initiative to promote missing middle housing may not significantly alter development patterns in the county. Research on the implications of zoning change in Arlington indicates that new supply would not significantly reduce the prices of existing multifamily and single-family units, as well as the new construction of missing middle units; however, zoning change might have a moderating effect (Huntley, 2022). The reform, called the Expanded Housing Option (EHO), allows up to six units by right on most residential lots, 73% of which are zoned for single-family homes (Alliance for Housing Solutions, n.d.; Arlington County, 2023). New developments are required to share the same height, setbacks, and size as single-family units (Arlington County, 2023). Critically, Arlington County will issue no more than 58 EHO permits annually (Arlington County, 2023).

CITY OF MINNEAPOLIS, MN

In 2019, Minneapolis eliminated single-family zoning in accordance with its comprehensive plan, the *2040 General Plan*, which encouraged higher-density development in previously single-family zoned neighborhoods. The city legalized two- and three-unit developments on all residential lots, with increased density allowances for more zones in more urbanized areas (Bipartisan Policy Center, 2023). In terms of housing production, adjustment to the zoning change has been slow in the short term. Between 2020 and 2022, the city approved only 57 permits for housing with two, three, or four units, though this number represents a 45% increase over the average from 2017 to 2019 (Bipartisan Policy Center, 2023). Evidence on the extent to which the reforms have moderated price increases is limited. Kuhlmann (2021) compares units affected by the zoning changes to similar unaffected units outside Minneapolis and finds a 5% increase in the price of affected units. Critically, the zoning changes were part of a larger housing policy reform package that eliminated off-street minimum parking requirements, added a new inclusionary zoning ordinance, and drastically increased funding to support low-income renters and individuals experiencing homelessness (Kahlenberg, 2019).

CITY OF PORTLAND, OR

Portland's Residential Infill Project (RIP), adopted by the city council in 2020, resulted in some of the most significant upzoning reforms nationwide (Bliss, 2020). RIP's primary zoning changes are the legalization of a range of missing middle housing options, manufactured housing, and accessory dwelling units (ADUs) in most residential areas (City of Portland, n.d.). Over the past decade, Portland's single-family-dominated residential zoning reinforced soaring housing costs due to rapid population growth (Bliss, 2020). By allowing up to four units by-right on single-family lots, RIP further encourages development by reducing costly administrative delays in the approval process (Bliss, 2020). Andersen (2021) acknowledges that between the high costs of demolition and rebuilding on previously single-family lots in Portland, developers would be unable to keep sale prices significantly more affordable than prices for existing single-family structures. If prices continue to rise, however, the legalization of high-density options like fourplexes and sixplexes could serve as a "pressure valve" to help moderate rent and sale price hikes (Andersen, 2021).

MANAGING PUBLIC OPINION

Attempts at zoning reform are often curtailed by public opposition. The mandatory public hearings and comment periods for zoning changes produce significant delays that can result in stalled or quashed attempts at zoning reform altogether (Bronin, 2021). Einstein et al. (2018) find that across the country, participants in local government community meetings are more likely to be older longtime homeowners who overwhelmingly oppose the development of new housing. This disproportionate participation can result in the privileging of the concerns of older, wealthier homeowners as opposed to younger, lower-income renters (Einstein et al., 2019).

The consequences of public opposition can be significant. In Arlington, for example, the adopted upzoning changes resulted in a lawsuit against the county in April 2023 in which residents argued that the county did not adequately assess the implications of upzoning in their neighborhoods (Armus, 2023). As of May 2024, the Arlington lawsuit is ongoing.

As the literature on upzoning shows, zoning reform is not a panacea to the housing affordability crisis, but it can be an important tool to respond to growing population pressures in the long term. Effective management of public opposition is critical to the passage of zoning reforms and reducing the potential for lawsuits.

MISSING MIDDLE HOUSING IN MARYLAND

In Maryland, attention to missing middle housing is growing at the state level. In April 2024, the Maryland General Assembly passed the Housing Expansion and Affordability Act, which was part of the Moore-Miller administration's affordable housing package. The bill includes

provisions on local zoning change, including allowable density increases for qualifying projects on previously state- or nonprofit-owned land or land near train stations (Housing Expansion and Affordability Act, 2024). Additionally, in 2023, the Maryland Department of Housing and Community Development applied for \$10 million in HUD funding for fair housing planning across the state to address the barriers to housing production posed by zoning (Maryland DHCD, 2023a). The funding will support an extensive DHCD-led analysis of zoning codes and related regulations to identify segregated areas across the state in need of zoning reform (Maryland DHCD, 2023b). The funding will also support technical assistance for localities updating their zoning codes to accommodate a diversity of housing types (Maryland DHCD, 2023b).

While no Maryland county has recently enacted a significant upzoning initiative for missing middle housing, many counties have increasingly promoted infill and housing density increases through permitting Accessory Dwelling Units (ADUs) in single-family residential neighborhoods. While detached ADUs are not formally included in the range of missing middle housing types, attached ADUs (e.g., units attached over a garage or within the structure of a single-family home) can effectively produce a duplex on a single-family lot (Parolek, 2020). As of May 2024, 21 out of 24 counties have ADU ordinances, the exceptions being Baltimore City, Prince George's County, and Washington County (Maryland Department of Planning, n.d.-b).

CHALLENGES TO UPZONING IN MARYLAND

The Maryland Department of Planning recognizes that local planning departments face several challenges in moving from planning for zoning changes in comprehensive plans to actual zoning changes through ZTAs or other regulatory changes (Maryland Department of Planning, n.d.-a). Localities grapple with significant public pushback, which can be reflected in local attitudes and campaigns against development and local council member votes on ZTAs. The Maryland Department of Planning notes that extensive public engagement, plans for residential design that are compatible with the existing neighborhood, and requirements for supportive infrastructure can "convert density detractors into density defenders" (Maryland Department of Planning, n.d.-a).

Planning for supportive infrastructure is a crucial component of implementing upzoning initiatives. Most Maryland counties and cities use Adequate Public Facilities Ordinances (APFOs) to determine if new development will pose an undue burden on existing public facilities like schools, sewers, and roads, among others (Maryland Department of Planning, n.d.-c). In most cases, when developers apply to build or significantly alter residential structures, the review process includes an APFO review by the local planning department. Public facilities must be able to accommodate the impacts of the development for development approval. Often, new developments incur impact fees to pay for the future expansion of public facilities. In practice, high impact fees can be cost-prohibitive to developers attempting to build missing middle housing (Parolek, 2020).

Methodology

This report centers on approaches to missing middle housing development in four counties: Montgomery, Frederick, Anne Arundel, and Howard. The selection criteria for these four counties assume that localities may be more interested in upzoning and have more to gain from missing middle housing development if housing supply is constrained by limited available land for development (as represented by population density) and housing demand is expected to significantly increase (as represented by population growth).

In a list of the ten counties with the highest population density, Montgomery, Frederick, and Anne Arundel counties saw population growth higher than 8% between 2010 and 2020 (see Figure 2). While Frederick County is ninth in density ranking, it ranks first in past and projected population growth. Although Harford and Calvert counties surpass Anne Arundel in projected population growth between 2020 and 2030 and Harford again exceeds Anne Arundel for growth between 2030 and 2040, Anne Arundel's high population density is of greater relevance to this research.

	Population Density (per square mile) (2020)	Population Growth (2010-2020)	Projected Population Growth (2020-2030)	Projected Population Growth (2030-2040)
Baltimore City	7,428	(4.18%)	1.83	2.33
Montgomery County	2,199	8.25%	6.92%	6.43%
Prince George's County	1,899	5.53%	3.27%	3.17%
Anne Arundel County	1,402	8.41%	4.48%	3.81%
Baltimore County	1,396	3.14%	1.96%	3.13%
Howard County	1,314	14.25%	8.80%	3.35%
Harford County	584	5.25%	5.50%	6.39%
Calvert County	433	5.15%	4.92%	1.29%
Frederick County	394	13.45%	13.52%	9.50%
Carroll County	378	1.12%	3.05%	3.82%

Figure 2: Maryland counties ranked by population density, with population growth

Data sources: [Maryland Association of Counties](#); [Maryland Department of Planning](#)

The findings are grounded in learnings gleaned from semi-structured interviews with representatives from county planning departments: Lisa Govoni (Montgomery Planning), Denis Superczynski (Frederick County Department of Planning and Permitting), Michael Stringer (Anne Arundel Office of Planning and Zoning), and Mary Kendall, Sarah Latimer and Kate Bolinger (Howard County Department of Planning & Zoning). Interview questions largely centered on specific language around missing middle housing in comprehensive plans, implementation challenges, strategies for managing public opposition, and feedback from developers on the feasibility of developing missing middle housing (Appendix A).

Interview learnings were supported with analyses of county zoning codes and comprehensive plans, American Community Survey data (2022 5-year surveys) on units in structure, and additional secondary research.

Findings

The following summaries of each county's approach to missing middle housing include a discussion of comprehensive plans, ongoing missing middle housing projects, successes and challenges in planning for upzoning, and zoning context. The summaries are grounded in conversations with county planning department staff and include additional secondary research (Appendix A).

Montgomery County

GENERAL PLAN: Thrive Montgomery 2050 (2020)

ZONING REGULATIONS: Ch. 59 of Montgomery County Code

CURRENT MISSING MIDDLE PROJECT: Attainable Housing Strategies initiative

Montgomery County has produced some of the strongest planning around missing middle housing development in recent Maryland history. In its comprehensive plan, *Thrive Montgomery 2050*, Montgomery County indicates its plans for density increases in residential neighborhoods around transit corridors (Montgomery Planning, 2022; Figure 3). In its follow-up study on missing middle housing development, the Attainable Housing Strategies initiative (ongoing as of May 2024), the County will likely propose allowing duplexes and triplexes by right in single-family detached neighborhoods (L. Govoni, personal communication, March 2024; Montgomery Planning, n.d.-a). If a zoning text amendment is introduced and passed in early 2025, Montgomery County could see some of the state's first significant wide scale upzoning to existing residential zones (L. Govoni, personal communication, May 2024).

Montgomery County's current leadership around planning for missing middle housing is the result of over six years of dedicated research efforts. In 2018, Montgomery Planning released its Missing Middle Housing Study, which provided recommendations for zoning changes to accommodate missing middle housing development, including overlay zones and rezoning of transit-adjacent neighborhoods (Montgomery Planning, 2018).

PRIORITIES AROUND MISSING MIDDLE HOUSING IN THRIVE MONTGOMERY 2050

Plan for a wide range of housing types and sizes to meet diverse needs:

- Facilitate the development of a variety of housing types in every part of the county but especially in areas near transit, employment, and educational opportunities.
- Support creative housing options including personal living quarters and/or micro units; "Missing Middle" housing types such as tiny houses, cottages, duplexes, multiplexes, and small apartment buildings; shared housing, cooperative housing, co-housing, and accessory dwelling units (ADUs), to help meet housing needs and diversify housing options throughout the county.
- Consider features of other housing models such as social housing that, in addition to providing long-term affordability for low- and moderate-income households, emphasizes architectural quality, environmental performance, and social stability.
- Encourage provision of multi-bedroom units suitable for households with children in multifamily housing.

- Integrate people with disabilities, people transitioning from homelessness, and older adults into housing with appropriate affordability, amenities and services sized and designed to accommodate their households.
-

SUCSESSES

Public engagement was essential to the development of Thrive. The Plan was informed by resident feedback through extensive community engagement efforts including listening sessions, meetings with community-based organizations, pop-up events, social media campaigns, public hearings, and even an online quiz (Montgomery Planning, 2022). Engagement efforts were divided into four phases—Excite, Educate, Engage, and Endorse—each of which had specific objectives and outreach strategies (Montgomery Planning, 2022).

Public engagement for Thrive was developed to reflect the Plan’s social equity priority. Outreach was intentionally targeted toward young adults and racial and ethnic groups that have been historically excluded from the planning process, including residents who are Latinx, Black, foreign-born, renters, and/or small business owners (Montgomery Planning, 2022). Written materials for Thrive, including the entire 200+ page plan, were translated into seven languages to ensure accessibility for non-English speakers (Montgomery Planning, n.d.-b). Montgomery Planning bolstered its targeted outreach efforts through hiring a consultant team to collect input from underrepresented communities which ultimately informed Thrive’s chapter on racial equity and social justice (Montgomery Planning, 2022).

CHALLENGES

Despite extensive public engagement, Montgomery County faces challenges around building political will for zoning change. In 2019, the County Council passed a zoning text amendment to eliminate restrictions around building accessory dwelling units (ADUs) on smaller residential lots (ZTA 19-01). The amendment effectively expanded the use of detached ADUs in smaller single-family residential zones, where development was previously only permitted for single-family lots over one acre (Montgomery County DPS, n.d.).

Despite unanimous support from County Councilmembers, the change produced significant public opposition, largely around the impacts on neighborhood congestion, traffic, and stormwater management (Schweitzer, 2019a). Public concerns around Thrive’s expected density increases in residential zones along transit corridors (see Figure 3) will likely resurface if a missing middle housing-focused zoning text amendment is introduced and passed in early 2025.

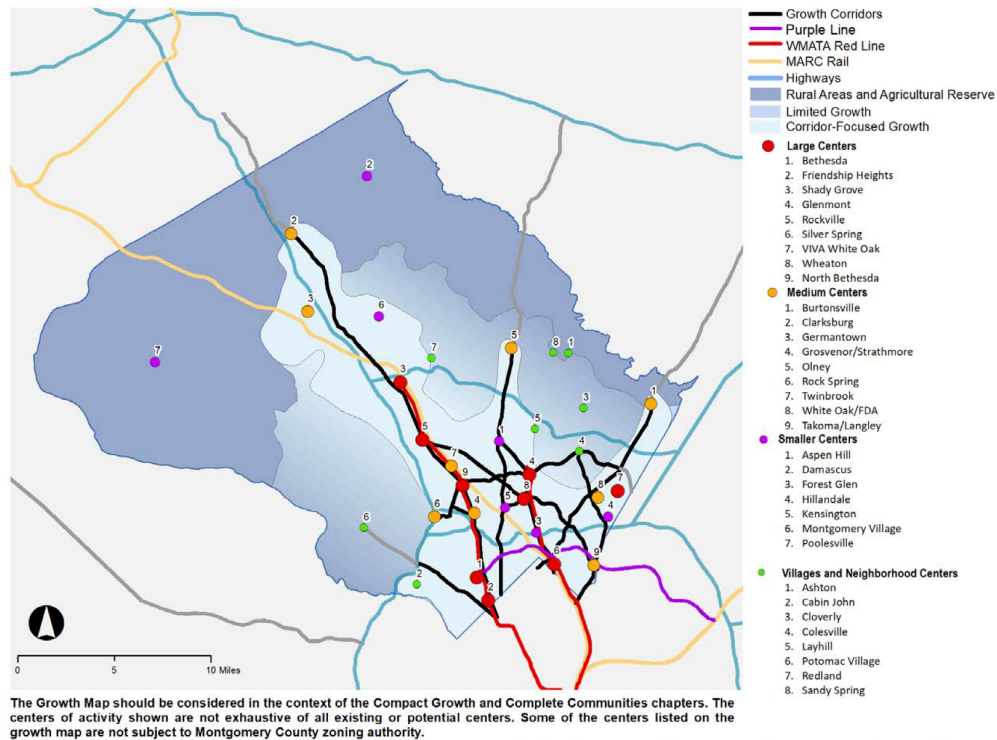


Figure 3: Map of corridor-focused growth proposed in *Thrive Montgomery 2050*

Source: [Thrive Montgomery 2050](#)

The market also plays a significant role in the development of missing middle housing in Montgomery County. Even if a ZTA were to be introduced and approved by the County Council, missing middle housing still might not be produced to the extent that Montgomery Planning may hope because developers aren't used to building missing middle housing types. The teardown and replacement cycle (i.e., the demolition of an old home and building a new one) in single-family neighborhoods is common in Montgomery County (Schweitzer, 2019b). Developers in Montgomery County are accustomed to rebuilding detached single-family units as opposed to rebuilding a duplex or other missing middle housing type. There has been a shift, however, in developer attitudes since Arlington's upzoning initiative went into effect (L. Govoni, personal communication, March 2024). One of the region's leading infill builders has indicated an interest in providing missing middle housing types if zoning regulations change (L. Govoni, personal communication, March 2024).

ZONING CONTEXT

Nearly half of all the residential units in Montgomery County are detached single-family structures. According to 2022 ACS 5-year estimates, 47% of housing units in Montgomery County are detached single family, 18% are attached single family units (i.e., townhomes), and 7% are in structures with between two and nine units. Approximately a quarter of units

in Montgomery County have densities similar to missing middle housing (18% of townhomes plus 7% of units in structures between two and nine units) (see Figure 4).

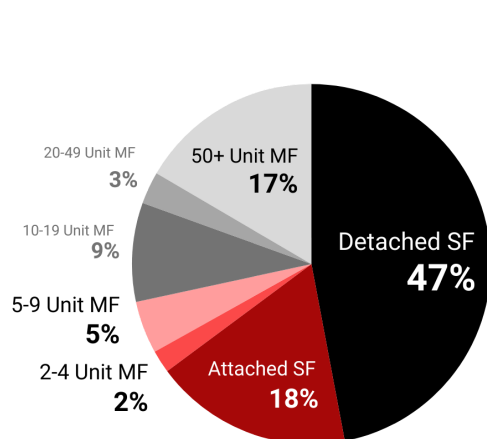


Figure 4: All residential units in Montgomery County by units in structure

Data source: [2022 ACS 5-Year Estimates](#)

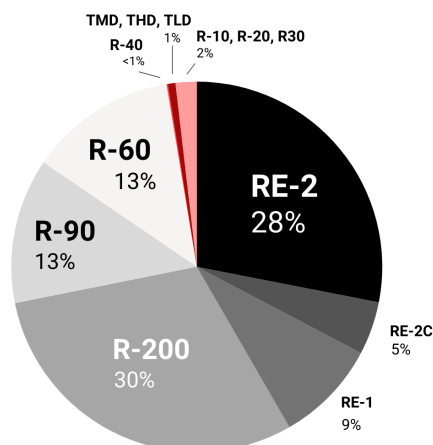


Figure 5: Total land zoned exclusively for residential use in Montgomery County by zone

Data source: [Montgomery County zoning data](#).

Percentages are approximate. Acreage was derived.

The vast majority of all the land zoned exclusively for residential use is dedicated to detached single-family zoning (Figure 5).¹ While the minimum lot sizes for detached single-family residential zones vary (from a minimum of two acres for RE-2 to a minimum of 6,000 sq. ft. for R-60), the primary use is for a single-family detached residence (Appendix B). Only 1% of land zoned exclusively for residential use is dedicated to townhouses (Zones TMD, THD, and TLD) and 2% is dedicated to multifamily apartment complexes (Zones R-10, R-20, and R-30) (see Figure 5).

ZONING FEATURE: DUPLEX ZONING

Montgomery County has a specific zoning category for duplexes: the R-40 zone. While this zone accounts for less than 1% of all land zoned exclusively for residential use in the county, the zone has supported some missing middle housing preservation in Takoma Park. Approximately half of all land zoned for R-40 is in Takoma Park (Montgomery Planning, 2014). R-40 has also supported limited instances of new duplex development, including a joint affordable homeownership project by the City of Takoma Park and Habitat for Humanity Metro Maryland. In 2020, the Takoma Park City Council approved \$200,000 from

¹ While Figure 4 is based on estimates of the total number of units for the whole of Montgomery County, Figure 5 only pertains to the parts of the county where Montgomery Planning has jurisdiction. Incorporated areas like the City of Rockville and the City of Gaithersburg are not included in Figure 5 and as such, Figure 5 does not capture all land zoned for residential purposes in Montgomery County. Figure 5 does not include some high-density zoning in incorporated areas, as well as in mixed-use zones (CRN, CRT and CR). Figure 5 also does not include rural, and agricultural zones (AR, R, RC, and RNC).

its Housing Reserve Fund to support Habitat's purchase of 7402 Garland Avenue (City of Takoma Park, n.d.). The property was previously a single-family home used as a multifamily rental (City of Takoma Park, n.d.). It was acquired through the City's Right to Purchase which was then assigned to Habitat (City of Takoma Park, 2021). Habitat then applied and was approved for a subdivision of the 0.26-acre lot in the R-40 zone, redeveloped the property into a side-by-side duplex, and sold both units to low-income households on its waiting list (MCPB, 2021; City of Takoma Park, n.d.). The project is an example of an effective combination of multiple affordable housing strategies: missing middle housing development, use of City-managed reserve funding, public-private partnerships, and the City's Right to Purchase.



Figure 6: Renderings of former detached SF and converted duplex



Source: [Muse Architects](#)

Figure 7: Current converted duplex

Source: Courtesy of Catherine Madsen, PALS

Frederick County

GENERAL PLAN: Livable Frederick Master Plan (2019)

ZONING REGULATIONS: Ch. 1-19 of Frederick County Code

CURRENT MISSING MIDDLE PROJECT: South Frederick Corridors Plan

While Frederick County has not recently enacted major upzoning initiatives, it is home to some of the best-preserved stock of duplexes in the state. In the context of rapid recent population growth and spiking housing demand, Frederick County addresses the need for expanding housing supply and increasing density in residential neighborhoods in its *Livable Frederick Master Plan*. Notably, the Plan does not explicitly use the term “missing middle housing” to discuss its goals for developing a diversity of housing types and instead uses phrases like “alternative residential forms” (Frederick County, 2019). Regardless, the Plan outlines goals to support the possibility of developing alternative housing types through regulatory changes (Frederick County, 2019).

These goals are consistent with those in the *South Frederick Corridors Plan*, which builds on the housing supply and density increase goals of Livable Frederick with small-area planning for new transit-oriented residential zoning in an area dominated by commercial zones (Frederick County, 2024). The Corridors Plan explicitly uses the term “missing middle housing” and discusses the potential for missing middle housing growth in and around South Frederick (Frederick County, 2024). The Plan outlines goals for regulatory change to support missing middle housing development (Frederick County, 2024).

PRIORITIES AROUND MISSING MIDDLE HOUSING IN LIVABLE FREDERICK

Initiative: Housing Options

Support the development of a broader and richer mix of dwelling types, unit sizes, and tenancy conditions throughout the county.

Supporting Initiatives:

1. Provide design guidance for new development on housing type diversity that specifically addresses the housing needs of Frederick County.
2. Reorganize and recalibrate regulatory documents to place a greater emphasis on alternative housing types.
3. Utilize comprehensive and community planning efforts to demonstrate the benefits of alternative residential forms.
4. Seek developer assistance in creating a marketplace conducive to housing types other than just single-family detached dwellings.
5. Explore amendments to zoning and other regulations to increase the number of accessory apartment dwelling units and to allow for a greater variety of dwelling types.

PRIORITIES AROUND MISSING MIDDLE IN SOUTH FREDERICK CORRIDORS PLAN

Homes Goal 1: Provide Regulatory Language and Guiding Documentation for Missing Middle Housing Types that clearly and affirmatively define and permit a variety of multi-unit residential building types known as “Missing Middle” and “Upper Missing Middle” housing. Specifically, these would include unit types such as courtyard apartments, multiplex (medium), multiplex (large), and fourplexes. The County should adapt its codes and policies to encourage the development of these types of residential units, remove regulatory and policy barriers to their acceptance, and actively promote their role in delivering attainable and affordable housing options for middle-income households.

SUCCESES

In planning for zoning change, the county has pursued extensive public engagement. The Frederick County Planning Commission encouraged resident participation in surveys, public review periods, hearings, and community outreach meetings (Frederick County, 2019). Residents also participated in the Livable Frederick steering committee and the county’s eight workgroups to develop a community vision, and recommendations for various policy areas in Livable Frederick (Frederick County, 2019). Throughout its extensive public engagement process, the county has found success in spotlighting existing local, well-preserved, missing middle housing (D. Superczynski, personal communication, March 2024).

Frederick County's significant observable stock of duplexes is the result of a critical allowance in its zoning code: duplexes are permitted by right in all residential zones, including the low-density R1 zone (Appendix B). While units with multiple structures are only permitted by right on 2% of land zoned exclusively for residential use in the county, duplex allowances reflect both Frederick County's leadership state-wide on missing middle housing as well as residents' familiarity with an important missing middle housing type.

CHALLENGES

One of the challenges Frederick County has contended with around missing middle housing development is school capacity. The county has seen considerable population growth over the past ten years and expects similar growth to occur over the next two decades (see Figure 2). The South Frederick planning area will absorb a lot of this growth over the next two decades. The *South Frederick Corridors Plan* details steps to develop housing for 10,000 new households in the next 20 to 30 years (Frederick County, 2024). With respect to school capacity, the Plan identifies the need for three new elementary schools, one middle school, and one high school to accommodate the new growth in the South Frederick planning area

(Frederick County, 2024). The County's APFO ensures that housing growth is paced with school growth, along with the expansion of other public facilities. South Frederick development may be stalled due to a lack of school capacity, unless the county pursues busing programs and other strategies for regional schools to temporarily absorb the growth as new school facilities are built.

ZONING CONTEXT

Nearly one in three residential units in Frederick County is a detached single-family structure. According to 2022 ACS 5-year estimates, 61% of housing units in Frederick County are detached single family, 22% are attached single family (i.e., townhomes, or in this case, duplexes), and 8% are in structures with between two and nine units (see Figure 8). Nearly a third of units in Frederick County have densities similar to missing middle (22% of townhomes plus 8% of units in structures with between two and nine units). Given the extensive observable stock of duplexes in Frederick County and the relatively low percentage of 2-4-unit multifamily structures, it is possible the ACS data represents some duplexes as attached single-family structures and includes them in the 22% figure.

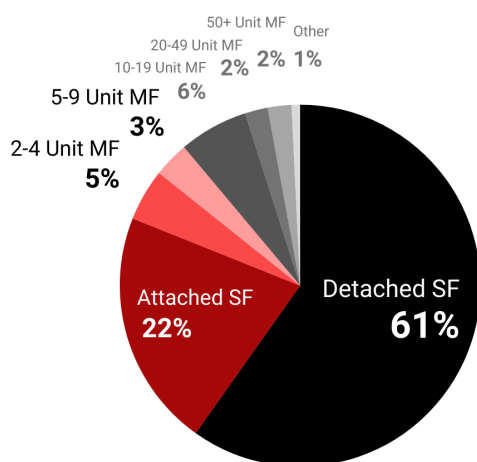


Figure 8: All residential units in Frederick County by units in structure

Data source: [2022 ACS 5-Year Estimates](#)

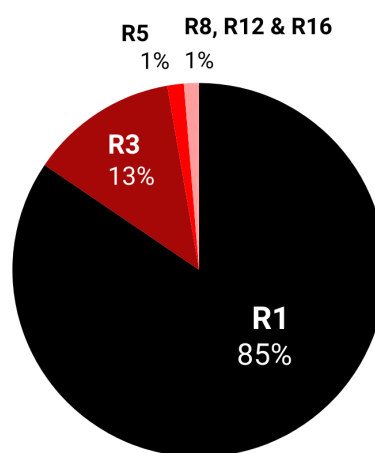


Figure 9: Total land zoned exclusively for residential use in Frederick County by zone

Data source: [Frederick County zoning data](#).

Percentages are approximate. Acreage was derived from GIS.

The vast majority of all the land zoned exclusively for residential use is dedicated to low-density, detached single-family and duplex zoning (Zone R1) (see Figure 9; Appendix B).² Townhouses are permitted in 15% of land zoned for residential use (Zones R3, R5, and

² While Figure 8 is based on estimates of the total number of units for the whole of Frederick County, Figure 9 only pertains to the parts of the county where the Frederick County Division of Planning and Permitting has jurisdiction. The City of Frederick has its own planning department and is not included in Figure 9. As such, Figure 9 does not capture all land zoned for residential purposes in Frederick County. Figure 9 also does not

R8) and less than 1% is dedicated to multifamily apartment complexes (Zones R-12 and R-16).

ZONING FEATURE: FORM-BASED CODE AND LESSONS FROM THE CITY OF FREDERICK

While the Frederick County Division of Planning & Permitting does not have jurisdiction in the City of Frederick, which has its own planning office, the City's leadership on form-based code can offer lessons for implementation in the county. The City's use of form-based code on its East Street corridor is one of the first major implementations of form-based code by a local jurisdiction in Maryland's recent history. The planning process was informed by significant successful public engagement in planning charrettes with residents (City of Frederick, 2022).

However, the City has experienced some challenges with implementing the code. One of the primary touted benefits of form-based code—cost savings from expedited review processes—is complicated to achieve in practice since developers have tended to write the original, extensive review times into their budgets (B. Mark, personal communication, March 2024). The area where the form-based code applies can also present some challenges. East Street is already a developed neighborhood, and developers must budget for development standards mandated by the form-based code to build infill development (B. Mark, personal communication, March 2024). On smaller infill lots, developers may be unable to make projects financially feasible (B. Mark, personal communication, March 2024).

Frederick County has indicated interest in implementing form-based code in its *South Frederick Corridors Plan*. The challenges of infill development in the city may be less relevant in the South Frederick planning area since it's currently dominated by industrial zones. The Plan identifies priorities to inject residential zones into the area, which would allow for new, greenfield residential development (Frederick County, 2024). The Plan envisions most of the newly constructed housing as apartment complexes in mixed-use zones (Frederick County, 2024). The Plan does acknowledge the potential for missing middle housing development in a few limited areas in the planning area, in addition to the area just outside planning area (Frederick County, 2024). Importantly, the Plan identifies the cost efficiencies of building higher-density housing (Frederick County, 2024). The more units a developer builds into a structure, the more cost-efficient the construction of a single unit can be.

include some high-density zoning in mixed-use zones (MX, VC). Figure 9 also does not include rural, and agricultural zones (RC and A).

Anne Arundel County

GENERAL PLAN: Plan2040 (2021)

ZONING REGULATIONS: Art. 18 of Anne Arundel County Code

CURRENT MISSING MIDDLE PROJECT: Region plans

Anne Arundel County's *Plan2040* identifies several missing middle housing-related priorities. The Office of Planning and Zoning details its goals for higher-density development with plans for a future study on the potential for a greater diversity of housing types, and importantly, plans for upzoning ZTAs (Anne Arundel County, 2021). In the Plan's chapter titled "Planning for the Built Environment," the Anne Arundel County Office of Planning and Zoning commits to reviewing and amending zoning regulations to expand the variety of housing types (Anne Arundel County, 2021). As indicated by the Office's 2023 Progress Report, the analysis of the county zoning code is in progress as of May 2024 (Anne Arundel County, 2024b).

Like Frederick County's general plan, *Plan2040* doesn't use the term "missing middle housing" in its plans for building a greater diversity of housing types. The Anne Arundel County Office of Planning and Zoning intentionally reduced the use of the term throughout *Plan2040* to limit the use of planning jargon unfamiliar to the public (M. Stringer, personal communication, March 2024).

PRIORITIES AROUND MISSING MIDDLE HOUSING IN PLAN2040

Built Environment Goal 11: Provide for a variety of housing types and designs to allow all residents housing choices at different stages of life and at all income levels.

Built Environment Policy 11.2: Review zoning and development regulations and amend to allow for a variety of residential forms, densities, and sizes in stable communities throughout the County

- a. Study the potential for new forms of housing, or additional areas for certain housing forms, in residential or mixed-use zoning categories. Potential forms may include duplexes or triplexes, "tiny house" forms, shared housing, cottage houses, or accessory dwelling units (ADUs) such as garage apartments or in-law suites.
- b. Where appropriate, amend zoning and development regulations to allow additional residential forms and housing densities, with strong provisions to ensure compatibility with the surrounding built character.
- c. Work with developers to provide the full spectrum of rental and ownership housing choices for all incomes, ages, and abilities, especially in areas designated for increased density and revitalization.

- d. Make necessary Code revisions to allow the development of accessory dwelling units (ADUs) for existing and new single-family dwellings. Consider incentives for new housing developments as well as explore opportunities to promote ADU construction for existing homes.
-

SUCCESSSES

Plan2040 was informed by significant public engagement efforts. The Office of Planning and Zoning invited citizens into the planning process through listening sessions, surveys, public forums, and meetings with community-based organizations. The planning efforts were also supported by a 23-member Citizen Advisory Committee that developed the Plan's community vision, and reviewed the goals, policies, strategies, and changes to the Planned Land Use Map (Anne Arundel County, 2021).

Anne Arundel County's primary approach to implementing the goals of *Plan2040* is through developing individual area plans for each of the County's nine regions (Anne Arundel County, n.d.). Region plans are developed with the extensive input of stakeholder advisory boards, many of which include residents (Anne Arundel County, n.d.). Community members are invited to apply to participate in stakeholder advisory boards through the Department of Planning and Zoning's website (Anne Arundel County, n.d.). Each region has a dedicated webpage featuring maps and summary statistics on existing conditions, project timelines, dates of upcoming engagement opportunities, and summaries of community feedback. Region planning webpages also include an innovative interactive community feedback map where, for a limited time during the planning process, residents can leave location-specific comments on what parts of their neighborhoods they love and what parts need to change.

The region plans are developed through a staggered approach. As of May 2024, three of the nine regions have completed final drafts. Completed drafts of the plan are accompanied by a list of recommended comprehensive zoning changes that could result in ZTAs for individual parcels. The drafts include substantial language on the opportunities for missing middle housing development in the region. In the Region 7 draft plan, for example, the Office of Planning and Zoning recommends the following:

- streamlining development review processes
- reducing impact fees for affordable housing
- removing barriers to development from school capacity testing
- reforming zoning regulations to permit character-consistent missing middle housing in residential neighborhoods
- reducing parking requirements for affordable housing
- providing resources to encourage developer interest in affordable housing (Anne Arundel County, 2024a).

CHALLENGES

Despite extensive language on missing middle housing in region plans and a newly passed ZTA on reducing barriers to ADU development, Anne Arundel County still must contend with challenges to progressive housing policies at the County Council level. After significant deliberation, the Anne Arundel County Council failed to pass the Essential Worker Housing Access Act (Bill 78-23), an inclusionary zoning bill, in 2023 (Anne Arundel County, 2024b). The bill will be reintroduced in 2024 (Anne Arundel County, 2024b).

Anne Arundel County, like Montgomery and Frederick Counties, doesn't have a developer community committed to taking on new missing middle housing development. As such, the County has considered creating a missing middle housing demonstration project through its affiliated affordable housing-focused nonprofit, Arundel Community Development Resources (ACDS) (M. Stringer, personal communication, March 2024). Like the Takoma Park single-family to duplex conversion project, an ACDS demonstration project could potentially be funded with an allocation from Anne Arundel County's new housing trust fund (M. Stringer, personal communication, March 2024).

ZONING CONTEXT

Just under two-thirds of all residential units in Anne Arundel County are detached single-family structures. According to 2022 ACS 5-year estimates, 60% of housing units in Anne Arundel County are detached single family, 21% are attached single family (i.e., townhomes), and 5% are in structures with between two and nine units (see Figure 10). Just over a quarter of units have densities similar to missing middle (21% of townhomes plus 5% of units in structures between two and nine units).

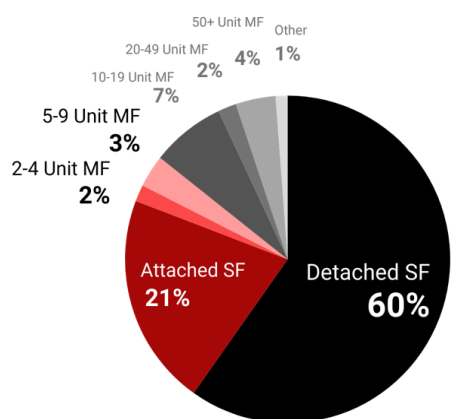


Figure 10: All residential units in Anne Arundel County by units in structure

Data source: [2022 ACS 5-Year Estimates](#)

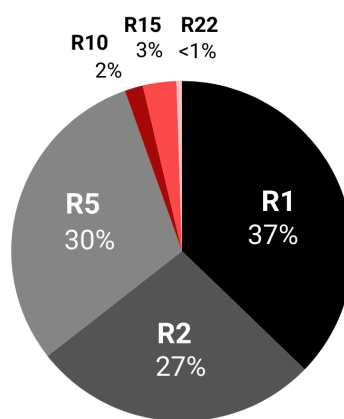


Figure 11: Total land zoned exclusively for residential use in Anne Arundel County by zone

Data source: [Anne Arundel zoning data](#). Percentages are approximate. Acreage was derived from GIS.

The vast majority of all the land zoned exclusively for residential use is dedicated to low-density, detached single-family (Zones R1, R2, and R5) (see Figure 11; Appendix B).³ Townhouses require conditional approval in all middle and high-density zones (Zones R5, R10, R15, and R22) and duplexes are permitted by right in middle and high-density zones (Zones R10 and R15) (Appendix B). Less than 1% is dedicated to multifamily apartment complexes (Zone R22).

ZONING FEATURE: WORKFORCE HOUSING

Despite the recent failure of the workforce housing inclusionary zoning bill, Anne Arundel County has had a workforce housing-specific feature in its zoning code since 2019. Workforce housing is a conditional use in middle-density zones (R5, R10, and R15), mixed-use zones, and some industrial and commercial zones. Workforce housing is allowed to be higher density (equivalent to 22 units per acre) than the base zone which can help developers keep per-unit costs down (Anne Arundel Code § 18-10-172). Workforce housing is also income-limited and carries a 10-year affordability period for homeownership units and a 30-year affordability period for rental units (Anne Arundel Code § 18-10-172). This zoning feature doesn't specifically pertain to missing middle housing since the density allowance incentivizes multifamily apartment complexes. However, the feature could serve as a model for allowable density increases in lower-density, single-family residential neighborhoods.

³ While Figure 11 is based on estimates of the total number of units for the whole of Anne Arundel County, Figure 12 only pertains to the parts of the county where the Anne Arundel County Office of Planning and Zoning has jurisdiction. The City of Annapolis has its own planning department and is not included in Figure 12. As such, Figure 12 does not capture all land zoned for residential purposes in Anne Arundel County. Figure 12 also does not include some high-density zoning in mixed-use zones (MX, TC) and low-density zoning in rural and agricultural zones (RA, RLD).

Howard County

GENERAL PLAN: HoCo By Design (2023)

ZONING REGULATIONS: Zoning Regulations of Howard County

Of the four counties surveyed, Howard County has the strongest language around missing middle housing in its general plan. In *HoCo By Design*'s chapter titled "Dynamic Neighborhoods," the Howard County Department of Planning and Zoning discusses the importance of missing middle housing for the county and outlines the county's priorities around missing middle housing development. As of May 2024, the implementation of *HoCo By Design* had only recently started, so current missing middle housing-focused initiatives have yet to be publicized. However, the county is in the initial stages of planning for a comprehensive rezoning process over the next several years to implement *HoCo By Design*'s zoning goals.

PRIORITIES AROUND MISSING MIDDLE HOUSING IN HOCO BY DESIGN

Dynamic Neighborhoods Policy Statement 1: 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. 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.
3. 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 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.

Dynamic Neighborhoods Policy Statement 5: Allow the development of small-scale missing middle housing and accessory dwelling units (ADUs) that are consistent with the character and integrity of their surroundings, meet specific site conditions in single-family neighborhoods, and comply with all applicable APFO and parking requirements.

Implementing Actions:

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.
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.
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.
4. Evaluate how accessory dwelling units and other types of new development could enhance or impact stormwater management practices.
5. Determine parking requirements for small-scale missing middle housing and ADUs that accommodate increased occupancy and diffuse neighborhood conflicts.

SUCSESSES

HoCo By Design is the product of over three and a half years of community engagement efforts that included dozens of public meetings, surveys, and in-person events (Howard County, 2023). In the initial planning stages of *HoCo By Design*, the Department regularly convened meetings for a 33-person Planning Advisory Committee that included representatives from community organizations, service providers, and industry groups. Summaries and materials from Planning Advisory Committee meetings and other public engagement efforts were consistently publicized on the project website. The Department prioritized a diversity, equity, and inclusion lens throughout the community engagement process, which led to customized outreach efforts to groups that are underrepresented in the planning process. Critically, the Department of Planning and Zoning found crucial allies

through engaging with a range of community-based organizations, including the Howard County Housing Affordability Coalition.

Outside of engagement efforts with the public, planning efforts around missing middle housing were supported by a dedicated strategic advisory group of appointed subject matter experts. As one of the members of the group was a representative from Montgomery Planning, the strategic advisory group presented an opportunity for cross-county knowledge sharing.

CHALLENGES

Howard County's extensive public engagement was both central to its success and reflected an ongoing challenge: many Howard County residents are concerned about the impact of development on their neighborhoods. *HoCo By Design* documents these concerns and notes that community members consistently raised concerns about the impacts of new development on public infrastructure, neighborhood character, and the conversion of single-family neighborhoods to rental communities. While these concerns are typical of what planning departments across Maryland and nationwide encounter, they are nonetheless a challenge that the county will need to contend with when amendments to zoning regulations are proposed in the next several years.

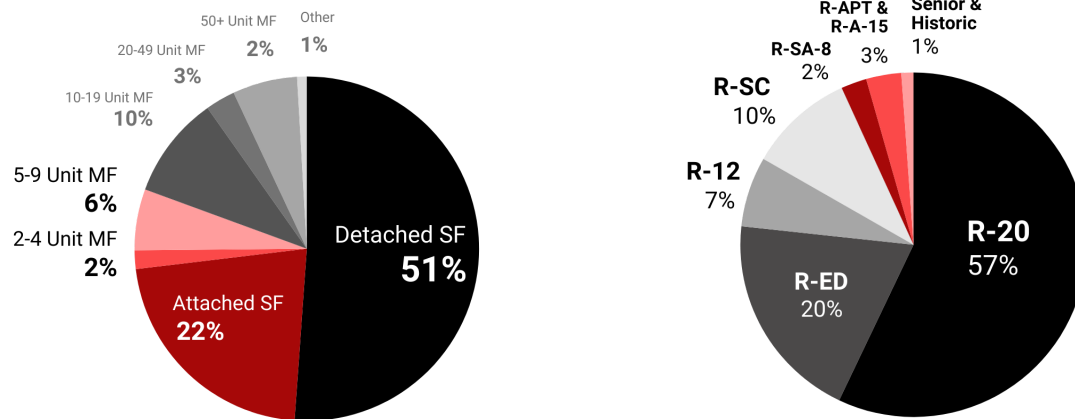
Another significant challenge to higher density development is Howard County's restrictive APFO. The county amended its APFO in 2018 to increase restrictions around developing near at-capacity schools due to concerns about housing development outpacing infrastructure development (Howard County, 2023). Annually, the development of hundreds of residential units is stalled due to a lack of school capacity, limiting the possibility of higher density development (Howard County, 2023). The county addresses these concerns with plans for new approvals (i.e. APFO allocations) for unit development, though the implementation of the approvals will happen in 2026 after new proposed developments have undergone a multi-year review process (Howard County, 2023).

The challenges of increasing residential density are compounded by the fact that more than half of the county's land has limited access to public water and sewer systems. Substantial density increases in the near future will only happen in the eastern portion of the county's Planned Service Areas, where APFO allocations will be prioritized in (Howard County, 2023).

ZONING CONTEXT

Just over half of all residential units in Howard County are detached single-family structures. According to 2022 ACS 5-year estimates, 51% of housing units in Howard County are detached single family, 22% are attached single family (i.e., townhomes), and 8% are in structures with between two and nine units (see Figure 12). Nearly a third of units in Howard County have densities similar to missing middle housing (22% of townhomes plus 8% of units in structures between two and nine units).

The vast majority of all the land zoned exclusively for residential use is dedicated to low-density, detached single-family (Zones R-20, R-ED, and R-12) (see Figure 13; Appendix B).⁴ Duplexes require conditional review in low density zones (Zones R-12 and R-ED). Townhouses are permitted in all middle and high-density zones (Zones R-SC, R-SA-8, and zones for apartments, senior and, historic developments) (Appendix B). About 4% is dedicated to multifamily structures (3% for R-APT and R-A-15, plus 1% for senior and historic zones).



⁴ Figure 13 does not capture high-density zones in town centers, mixed-use areas, and mobile home areas (NT, MXD, TNC, and R-MH). A majority of the City of Columbia is zoned as a town center (NT) and is not reflected in this analysis (Howard County, n.d.). Figure 13 also does not include low-density, rural, and agricultural zones (RR and RC).

Figure 12: All residential units Howard County by units in structure

Data source: [2022 ACS 5-Year Estimates](#)

Figure 13: Total land zoned exclusively for residential use in Howard County by zone

Data source: [Howard County zoning data](#).

Percentages are approximate. Acreage was derived from GIS

ZONING FEATURE: SENIOR COMMUNITIES

According to estimates from the Department of Planning and Zoning, 4% of all units in Howard County are age-restricted (55+). Many of these units are included in areas zoned exclusively for age-restricted communities, which comprise less than 1% of the area zoned exclusively for residential use (see Figure 13). The Residential-Senior Institutional (R-SI) zone and the planned senior community (PSC) Zone accommodate both single-family and multifamily structures and are opportunities for missing middle housing development (Appendix B). Plans for age-restricted housing are exempt from tests for adequate school facilities (Howard County Code §16.1107) and incur lower school impact fees than regular development (Howard County Dept. of Inspections, 2023). Given the specific zoning category and shorter review processes, age-restricted communities could be opportunities to advance the county's missing middle housing goals.

Lessons from Counties

The following lessons learned from Montgomery, Frederick, Anne Arundel, and Howard Counties reflect steps localities can take to lay the groundwork for future comprehensive upzoning or by-right upzoning. Three of these lessons focus on using zoning tools to gently increase residential density.

- Use small area planning and overlay zones to constrain the geographic spread of allowed density increases.
- Leverage underutilized features of zoning codes.
- Limit the use of form-based codes.

Another three lessons center on managing public opposition.

- Build political will through extensive stakeholder engagement.
- Spotlight local examples of existing missing middle housing.
- Use alternative language to reduce negative associations with housing jargon.

The last three lessons identify strategies to encourage the market to develop missing middle housing types.

- Invest in missing middle housing demonstration projects.
- Offer incentives and financial assistance to developers.
- Encourage age-restricted missing middle housing.

USE SMALL-AREA PLANNING

By constraining density increases to limited geographic areas, counties can restrict upzoning to areas best able to accommodate increased growth. Limited targeted efforts sidestep potential pushback from bigger zoning overhauls like a comprehensive rezoning or a by-right density increase. Montgomery County's proposed corridor-focused development in Thrive effectively accomplishes small-area planning, as do Anne Arundel's region plans and Frederick County's *South Frederick Corridors Plan*. As counties prepare for zoning change, planning departments can use these limited geographic areas as the boundaries for overlay zones that allow for higher-density development.

LEVERAGE UNDERUTILIZED CODE FEATURES

Existing tools for increasing density, like Montgomery County's underutilized duplex zoning (R-40), could be applied to other areas in the county. As an alternative to approving duplexes as a by-right use in single-family zones, Montgomery County can encourage subdivision of residential lots to R-40 zoning. Anne Arundel's conditional workforce housing use is another excellent and underutilized zoning tool. Since the high-density apartments incentivized by the conditional workforce housing use may be incompatible with low-density single-family

zones, Anne Arundel can consider the possibility of creating a similar, conditional missing middle housing use in low-density zones.

LIMIT THE USE OF FORM-BASED CODES

Two of the main benefits of form-based codes—expedited review timelines and increased density—aren’t always achievable in practice. Developers may underwrite the same development timelines, and development standards like height limits may limit the extent to which new development can feasibly add additional units to a development. Location is also an important factor. In the City of Frederick’s East Street, the area is largely already developed and new units must conform to existing neighborhood development standards. Form-based codes could have increased applications in areas not already zoned for residential development, as in the industrial zones in South Frederick. Outside of Frederick City and Frederick County, implementation of form-based code in the state is extremely limited. As county planning departments across the state consider new avenues to increase residential density, planning staff should take into consideration the challenges of implementing form-based codes.

EXTENSIVELY ENGAGE STAKEHOLDERS

Stakeholder engagement is standard practice for Maryland county planning departments. However, the extent to which planners engage with the public can ultimately “convert density detractors into density defenders” (Maryland Department of Planning, n.d.-a). Inviting underrepresented groups to participate in the planning process can produce a more representative sample of public opinion and can ultimately shift influence away from older longtime homeowners who oppose the development of new housing and are overrepresented in local government community meetings (Einstein et al., 2018).

Each of the four counties surveyed engaged extensively with stakeholder groups. Montgomery County’s pop-up events, easy-to-access project website, and unique tools like the Thrive2050 quiz invited the public, and especially underrepresented groups, to participate in the planning process. Frederick County’s steering committee and work groups for Livable Frederick presented several opportunities for residents to influence the planning process. Anne Arundel County’s region planning process provides a wide range of opportunities for residents to shape their communities, including innovative interactive community feedback maps. Howard County’s social equity-focused public engagement resulted in important connections with community-based organizations that served as local advocates for *HoCo By Design*.

SPOTLIGHT LOCAL EXAMPLES

Public opposition to development is often based on concerns that new construction will alter the character of an area. Showcasing local examples of existing, well-preserved missing middle housing can help to allay residents’ concerns about missing middle housing development in their neighborhoods. In its public planning charrettes for the *South Frederick*

Corridors Plan, the county used photos of nearby townhouse neighborhoods in Urbana to provide visual examples of what middle density, multifamily housing could look like in the South Frederick planning area (Frederick County, n.d.). Some of the best work on spotlighting local examples in the region comes from Arlington County. As part of its *Missing Middle Housing Study* and prior to upzoning, Arlington County developed an extensive, accessible virtual walking tour to spotlight examples of existing missing middle housing in Arlington neighborhoods (Arlington County, n.d.)

USE ALTERNATIVE LANGUAGE

Public opposition can be reinforced through the use of housing jargon. While the term “missing middle” has gained popularity in housing policy circles in recent years, the term is still not widely understood. To reduce negative associations with housing policy jargon, counties could use alternative language to communicate about increasing housing supply. Montgomery County’s “attainable housing,” Frederick County’s “alternative residential forms,” Anne Arundel County’s “variety of housing,” and Howard County’s “range of housing types” share similar messaging without using affordable housing-related jargon like “missing middle housing.”

INVEST IN DEMONSTRATION PROJECTS

Few developers in Maryland specialize in missing middle housing construction. Existing infill builders who may be interested in missing middle housing development when zoning regulations change would benefit from demonstration projects. Projects like the Takoma Park single-family to duplex redevelopment or Anne Arundel County’s considerations around using its county-affiliated nonprofit developer to build a model exemplify how localities have recently approached missing middle housing demonstration projects.

OFFER INCENTIVES AND FINANCIAL ASSISTANCE TO DEVELOPERS

Incentives like expedited permitting, tax abatements or credits, and waived fees can reduce project costs and encourage developers to build missing middle housing. Montgomery County has considered the use of impact fee waivers and tax credits in its missing middle housing study (Montgomery Planning, 2018). In its regional plans, Anne Arundel County confirms its interest in reducing impact fees, streamlining development review processes, and providing resources to boost developer interest in affordable housing (Anne Arundel County, 2024a). In *HoCo By Design*, Howard County identifies several incentives to evaluate for use by the Department of Planning and Zoning, including tax incentives and density bonuses (Howard County, 2023).

While the lower unit-to-land cost ratio in missing middle housing generally results in lower sale prices, missing middle housing is unlikely to be affordable to low-income prospective homebuyers and renters due to high development costs. Subsidies targeted toward affordable missing middle housing production, like the housing trust fund allocations for the

Takoma Park conversion and the possible Anne Arundel County demonstration project, can ensure that missing middle housing is accessible to a wide range of income levels.

ENCOURAGE AGE-RESTRICTED HOUSING

By building age-restricted housing, developers can work around the time and cost restrictions that result from adequate school facilities testing. In Howard County, for example, age-restricted developments are not subject to school facilities testing, and they pay lower school impact fees. By encouraging age-restricted housing through zoning like Howard County's senior institutional zones (R-SI) and planned senior communities (PSC), localities can provide avenues for missing middle housing construction in school districts with at-capacity facilities.

Conclusion

Missing middle development in Maryland is about the future of residential neighborhoods. As DHCD and local planning departments grapple with meeting the housing supply needs of growing populations, lessons learned from Montgomery, Frederick, Anne Arundel, and Howard Counties can inform State approaches to promoting missing middle housing development in localities that have limited planning capacity.

This report primarily examines zoning policies and doesn't extensively examine regulations and requirements like APFOs, subdivision regulations, and administrative hearings; much more research should be conducted to best inform State promotion of missing middle housing. This report's findings should be seen in the context of larger questions.

- What should comprehensive or by-right zoning look like county-to-county?
- To what extent do APFO, subdivision regulations, public hearing requirements, and other policies constrain the feasibility of developers producing missing middle housing?
- What design standards (e.g. setbacks, height, FAR) and off-street parking requirements most constrain missing middle development?
- What kinds of incentives work for developers and what dedicated funding sources exist to support affordable missing middle housing development?

Ultimately, zoning change for missing middle housing development is just one policy tool for local governments and needs to be paired with additional investments and policies to expand housing that is truly affordable to a wide range of income levels. However, county planning around future upzoning changes is an important first step. As Montgomery, Frederick, Anne Arundel, and Howard Counties prepare for zoning change, they must consider the housing supply needs of Maryland's future.

Appendix A

Interviews with County Planning Departments

This report is grounded in learnings gleaned from semi-structured interviews with county planning department staff: Lisa Govoni (Montgomery Planning), Denis Superczynski (Frederick County Department of Planning and Permitting), Michael Stringer (Anne Arundel Office of Planning and Zoning), and Mary Kendall, Sarah Latimer and Kate Bolinger (Howard County Department of Planning & Zoning). The following questions were posed to the interviewees.

MONTGOMERY COUNTY

- What has implementation of Thrive's higher density, infill, transit-oriented development goals looked like so far?
- How has Montgomery County approached public engagement and managed pushback?
- What would you want to see from a best practice guide on missing middle housing development?
- Has Arlington's missing middle upzoning and lawsuit influenced how Montgomery County is thinking about upzoning?
- What feedback has Montgomery Planning heard from developers?

FREDERICK COUNTY

- What has implementation of Livable Frederick's goals around higher-density development looked like so far?
- How has Frederick County approached public engagement and managed pushback?
- What would you want to see from a best practice guide on missing middle housing development?
- Has small area planning helped to advance missing middle goals?
- What feedback has Frederick County heard from developers?

ANNE ARUNDEL COUNTY

- What has implementation of Plan2040's higher density goals looked like so far?
- What would you want to see from a best practice guide on missing middle housing development?
- Has Arlington's missing middle upzoning and lawsuit influenced how Montgomery County is thinking about upzoning?
- Has small-area planning helped to advance missing middle goals?
- What feedback has Anne Arundel County heard from developers?

HOWARD COUNTY

- What has the implementation of the missing middle goals outlined in *HoCo By Design* looked like so far?
- How has Howard County approached public engagement and managed pushback?
- How has Arlington's missing middle upzoning and lawsuit influenced how Howard County is thinking about upzoning?
- Has small area planning helped to advance missing middle goals?
- What feedback has Howard County heard from developers?

Appendix B

County Residential Zones

Key:

P = permitted, by-right use
 L = limited use (approved in limited instances)
 C = conditional use (additional review requirements)
 SE = special exception (extensive additional review requirements)

MONTGOMERY COUNTY RESIDENTIAL ZONES

Source: Ch. 59 of Montgomery County Code

	Description	Minimum lot size for SF (sq. ft.)	Density (units per acre)	SF detached	Duplex	SF attached (townhome)	Multifamily
RE-2	Low density	2 acres	1 per 2 acres	P	-	-	-
RE-2C	Low density	2 acres	1 per 2 acres	P	L	L	-
RE-1	Low density	1 acre	1.09	P	L	L/C	-
R-200	Low density	20,000	2.18	P	L	L/C	-
R-90	Medium Low density	9,000	4.84	P	L	L/C	-
R-60	Medium-low density	6,000	7.26	P	L	L/C	-
R-40	Medium-low density	4,000-6,000	7.26	P	P	L	-
TLD	Townhouses, low-density	4,800	9.07	P	P	P	-
TMD	Townhouses, med density	3,600	12.10	P	P	P	-
THD	Townhouses, high-density	2,900	15.02	P	P	P	-
R-30	High density	3,000	14.50	P	P	P	P
R-20	High density	2,000	21.70	P	P	P	P
R-10	High density	2,000	43.50	P	P	P	P

FREDERICK COUNTY RESIDENTIAL ZONES

Source: Ch. 1-19 of Frederick County Code

	Description	Minimum lot size for SF (sq. ft.)	Density (units per acre)	SF detached	Duplex	SF attached (townhome)	Multifamily
R1	Low density	40,000	1	P	P	-	-
R3	Low density	12,000	3	P	P	P	-
R5	Medium density	8,000	5	P	P	P	-
R8	Medium-high density	6,000	8	P	P	P	P
R12	High density	6,000	12	P	P	P	P
R16	High density	6,000	16	P	P	P	P

ANNE ARUNDEL RESIDENTIAL ZONES

Source: Art. 18 of Anne Arundel County Code

	Description	Minimum lot size for SF (sq. ft.)	Density (units per acre)	SF detached	Duplex	SF attached (townhome)	Multifamily
R1	Low density	40,000	1 per 40000 sq. ft.	P	-	-	-
R2	Low density	15000-20000	1 per 20000 sq. ft. or 2.5	P	SE	-	-
R5	Low medium density	7000	5	P	C	C	-
R10	Medium density	-	10	P	P	C	P
R15	Medium-high density	-	15	P	P	C	P
R22	High density	-	22	-	-	C	P

HOWARD COUNTY RESIDENTIAL ZONES

Source: Zoning Regulations of Howard County

	Description	Minimum lot size for SF (sq. ft.)	Density (units per acre)	SF detached	Duplex	SF Attached (townhome)	Multifamily
R-20	SF, low density	20,000	2	P	-	-	-
R-12	SF, low density	12,000	3	P	C	-	-
R-ED	Environmental, low density	6,000	2	P	C	-	-
R-SC	SF cluster, low density	6,000	4	P	-	P	-
R-SA-8	Townhouse, med low density	4,000-6,000	8	P	-	P	P
R-VH	Village center, Medium low density	6,000	8	P	-	P	P
R-H- ED	Historic, med low density	6,000	10	P	-	P	-
R-A-15	MF, high density	6,000	15	P	-	P	P
R-APT	MF, high density	6,000	25	P	-	P	P
RSI	Senior housing, high density	6,000	25	P	-	P	P
PSC	Planned senior housing, high density	6,000	8-12	P	-	P	P

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