



Montgomery Planning | Countywide Planning & Policy

# Attainable Housing Strategies HEAT Meeting #2

Information and Advance Reading





# Potential Zoning Approaches

# Potential Zoning Approaches

## A. Zoning Text Amendment (ZTA)

1. Modify uses in existing zones  
(Ex. Councilmember Will Jawando's [ZTA 20-07](#))
2. ZTA to create a new Optional Method of Development  
(Ex. Councilmember Hans Riemer's [draft ZTA](#))
3. ZTA to establish a new zone or overlay zone

## B. Local Map Amendment (LMA)

## C. Master Plan Recommendations

# A. Zoning Text Amendment

A **Zoning Text Amendment (ZTA)** is the county process for making any text change to the Zoning Ordinance.

ZTAs are introduced by and ultimately approved by the County Council sitting as the District Council.

- Sponsors may be Councilmembers, the County Executive on behalf of an executive branch official, or the Planning Board.
- ZTAs go through a public process that includes a Planning Board meeting with recommendations, a Council Public Hearing, committee work sessions and a final Council vote.

Learn more about the ZTA process [here](#).

# ZTA Approach 1: Modify Existing Zones

## What might a ZTA under Approach 1 amend?

- Define new building types under [Section 4.1.3 Building Types](#)
- Modify the Use table under [Section 3.1.6](#) to add new residential uses and modify whether it is permitted, limited, or conditional.
- Modify household living to add or modify use standards under [Section 3.3.1 Household Living](#).
- Update Development Standards for zones such as [R-90](#) and [R-60](#).

# ZTA Approach 1: Modify Existing Zones

Good for ‘house scale’ Missing Middle:

- Multiplexes (duplex, triplex, quadplex)
- Compatible with existing single family detached dwellings based on building scale
- Changes to development standards limited to creating appropriate lot sizes for different building types and typical lot coverage. Limited or no changes to front and rear setbacks or building height.

# ZTA Approach 1: Modify Existing Zones

No, or very limited ‘review’

Likely permitted or limited use in the [use table](#).

- **Permitted use:** ‘by right’ with no site plan requirement; review of development standards within the zone is done at building permit.
- **Limited use:** standards provided/modified in Division 3.3 under [Household Living](#) or within the development standards tables.
  - Good for provisions such as setting a maximum dwelling or structure size, listing any affordability requirements, basic architecture/building orientation, or any other requirement that could also be implemented without a site plan review.

# ZTA Approach 1: Modify Existing Zones

Potential need for a pattern book or other approved architecture.

- Many other jurisdictions use their codes to lay out acceptable building massing, orientation and unit layout to keep projects ‘by right.’
- Could be in the code, or a separate adopted standards manual.



# ZTA Approach 2: Modify/Add Optional Method

What might a ZTA under Approach 2 amend?

- Make similar changes to building types, use tables, and use standards as ZTA Approach 1
  - Allow new building types (multiplex) in existing Optional Methods
- Add a new Optional Method Development Standard under [Section 4.4.2 Optional Method Development](#) with development standards for certain residential zones (such as R-40, R-60, R-90, possibly R-200)

# Standard Method vs. Optional Method

## Standard Method

- [Standard Method Development](#) for all residential zones generally permits construction without a site plan review for any use permitted (or possibly limited) in the use table, if following the development standards ([R-60 for example](#)).
- Often referred to as ‘by right.’
- Still some requirements:
  - Established Building Line – R-40 through R-200 zones – Intent to have a uniform front setback even if it’s more than the minimum required by the zone
  - Residential Infill Compatibility – R-40 through R-200 zones – limits lot coverage to limit the size of teardown/rebuilds
  - Potential limited use standards

# Standard Method vs. Optional Method

## Optional Method

- [Optional Method Development](#) for most residential zones generally relaxes or eliminates the standard method development standards, allowing more flexibility in building size, placement, and unit types, and often an increase in density, in exchange for a desired public benefit and site plan review to ensure compatibility and design.
  - **MPDU Optional Method** – Greatly relaxes development standards and provides density bonuses for providing more than the minimum MPDUs. Still sets minimums for tract area, lot size, setbacks, building heights but much more flexible than standard ([R-200 example](#)).
  - **Cluster Optional Method** – Greatly relaxes development standards in exchange for providing more open space or protecting more environmental features. Usually needs a Master Plan recommendation. Similar to MPDU optional method in what standards are modified.



# ZTA Approach 2: Modify/Add Optional Method

What would a new Optional Method Standard look like?

- Similar to the MPDU and Cluster options
  - Focus would be around **providing a variety of types and sizes of units aimed at creating desired attainable housing options**
  - Require a site plan
  - Minimum tract area
  - Locational requirement (adjacent to a corridor, activity center, or transit)
  - Relax but not fully eliminate many development standards
  - Possible density bonuses

# ZTA Approach 3: Create New Zone/Overlay Zone

- Rather than modifying existing zones, ZTA Approach 3 establishes a new zone or [overlay zone](#) that contains all the necessary standards
  - Example of an overlay zone that restricts allowed uses and sets new height requirements is Section [4.9.15 the Sandy Spring/Ashton Rural Village Overlay](#)
  - An overlay zone could be written to list allowed uses rather than restricted uses

# ZTA Approach 3: Create New Zone/Overlay Zone

Overlay Zones are special zones that are ‘layered’ on top of typical zones

- Provide requirements and standards different than the underlying zone, including uses, development standards and minimum requirements
- Generally recommended by a Master Plan or Sector Plan
- Serve a public interest that the underlying zone can’t achieve



# ZTA Approach 3: Create New Zone/Overlay Zone

A new zone or overlay zone could take the by right approach of option 1, the site plan and optional method approach of option 2, or both depending on size.

Mapping new zones is generally done through a Sectional Map Amendment, following adoption of a Master Plan or Sector Plan.

# ZTA Options – Generally

ZTA Approaches 1 and 2 are mutually exclusive – they could be introduced independently or concurrently.

- Targets are likely different in geography and scale
- Both approaches provide for quicker action – a few months to a year

ZTA Approach 3 is a longer-term strategy.

- Needs a countywide study or individual Master Plans to implement
- Likely would overlap ZTA Approaches 1 and 2 substantially
- Longer term – could take 10+ years to finish master plans for all targeted areas

## B. Local Map Amendment

Local Map Amendments (LMAs) are rezoning applications applied for by an applicant to change the underlying zoning of a property to a [floating zone](#) and are governed by [Section 7.2.1](#) of the Zoning Code.

- Could be utilized now for a zone favorable to attached housing types or utilized after a ZTA created new opportunities
- Can be time consuming and costly with multiple approvals and public process



# Local Map Amendment Examples

## H-131 Kingsview Station

- Vacant R-200 and R-200 TDR to CRNF 1.0 for up to 61 townhomes on approximately 10 acres
  - [Planning Board records](#) and [Hearing Examiner report](#).

## H-129 MHP Forest Glen

- 72 garden apartments R-10 to CRTF 1.75 for approximately 220 multi-family units on approximately 2.5 acres
  - [Planning Board records](#) and [Hearing Examiner report](#).

## C. Master Plan Recommendations

Master Plans can make area or property specific recommendations for future zoning or land uses desired in specific areas

- Limited examples from recent master plans recommending ‘missing middle’ utilizing existing zoning
- Could be used in the future after ZTAs modify or create new zones or overlay zones
- Well documented public process at low/no cost to property owners
- Time consuming process to achieve updated master plans in all desired locations

# Master Plan Recommendation Example

## Veirs Mill Corridor Master Plan

- Plan recommended rezoning for additional housing and amenities in many locations, two in particular focused guidelines on housing similar to the attainable housing focus
  - Department of Recreation office – Page 83
    - R-60 to CRN 1.0 with detailed design guidance
  - Single-Family Parcels at Robindale Drive – Page 96
    - R-60 to CRN 1.5 and CRNF floating zone recommendation with focus specifically on townhouses, stacked units or small apartments



# Subdivision

Subdivision of land is covered by Chapter 50 and is also reviewed by the Planning Department and Planning Board.

Subdivision is the process by which a property owner submits plans for review and recordation of plats.

Important to ensure opportunities are created for home and property ownership, not just rental units.

# Subdivision – Current Procedures

Any subdivision in non-residential zones, or more than 3 lots in residential zones:

- [50.4](#) Preliminary Plan procedures apply
  - Full application and review
  - 120-day regulatory clock (with possible extensions)
  - Subsequent Plat applications
  - Adequate Public Facilities
  - Forest Conservation and Master Plan conformance
  - Full findings of adequacy and approval from other county agencies required *before Planning Board approval*

# Subdivision – Current Procedures

Any subdivision of 3 or fewer lots in residential zones:

- [50.6](#) Administrative Subdivision Plan procedures apply
  - Full application and review
  - 90-day regulatory clock (with possible extensions)
  - Subsequent Plat applications
  - Adequate Public Facilities
  - Forest Conservation and Master Plan conformance
  - Full findings of adequacy and approval from other county agencies required *before plat approval*

# Subdivision – Current Procedures

Long list of minor changes that include: Lot line adjustments, lot consolidation, ownership lots for commercial, industrial or multi-unit residential, corrections, parcels with existing dwellings:

- [50.7](#) Minor Subdivisions
  - Submission under sections 4 and 6 not required
  - Concurrent plat application
  - Deemed minor and do not change any prior approvals

# Other Jurisdictions' Approach



# We're not alone

- Other jurisdictions have enacted recent policy and zoning changes
  - Passed resolutions to study housing issues
    - [Berkeley, CA](#)
    - [Sacramento, CA](#)
  - State Mandate
    - [Oregon](#) ([Portland](#) is exceeding state requirements)
  - Affordable housing near new transit lines and activity centers
    - [Seattle, WA](#)
    - [Austin, TX](#)
  - Update to General Plans
    - [Minneapolis, MN](#) and the recently implemented built form regulations

# California Resolutions



## Berkeley, California

- Passed a resolution to end Exclusionary Zoning
- Help implement Bill 828 – Regional Housing Needs Allocation requiring 9,000 more units
- No new policy expected until end of 2022

## Sacramento, California

- Part of 2040 General Plan – anticipated December 2021
- Allow up to 4 units per lot
- No change to height/setback/lot coverage from the requirements for SFD



# Oregon Examples

## State of Oregon

- Passed HB 2001 – Housing Choices
- Requires all local governments to change zoning codes. Cities >25k residents must allow duplexes, triplexes, fourplexes, townhouses and cottage clusters in SFD zoning areas by 6/30/2022. Cities <25k but >10k must allow duplexes by 6/30/2021.

## Portland

- Residential Infill Project
- Limits the size of new SFD dwellings, allows more on-lot FAR for multiplexes
- 2, 3 and 4 plexes by right, up to 6 if including affordable controlled units
- Removes parking requirements
- Includes basic design elements within the code



# Affordable Housing Focus

## Seattle, Washington

- Mandatory affordable housing provision within 27 transit-oriented urban villages – new (and existing) light rail lines being built
- All zoning classifications automatically move up 1 density level
- Density in SFD neighborhoods is calculated at 1 unit per 2,000 sq ft, Max dwelling size of 2,200 sq ft for any dwelling type
- Must provide 5-11% of units as affordable, or pay between \$5 and \$32.75 per sq. ft. depending on the district – goal of 6,000 new affordable restricted units

## Austin, Texas

- Affordability Unlocked
- City wide effort – more focused on attainable housing, less on ‘missing middle’ with goal to increase development of townhomes and multi-family units
- Waivers available to setbacks, height, and FAR depending on the number of affordable units





# Minneapolis Adapts

## Original Initiative

- Housing Policy of the 2040 General Plan to allow duplexes and triplexes citywide
- Only 16 new duplexes and 4 new triplexes, plus 22 existing conversions in 2020 (70 new units total)

## Built Form Regulations

- Overhaul of zoning to help implement 2040 plan goals – effective date 1/1/2021
- District based (with each district representing a different built form)
- Development standards such as floor area ratio (FAR), setbacks and height based on districts
- First step at making du and triplexes simpler – further reviews by city staff underway



# Catalysts and Other Policy Tools

# Pattern or Plan Books

- **Working with a Plan or Pattern Book**

- A Plan Book is used by residents, potential homeowners, and developers.
- Once the resident/potential homeowner, or developer chooses their design option from the book they can proceed with other regulatory issues such as permitting.
- A standard fully approved set plans is usually provided which expedites review and construction. A resident (property owner) can initiate this process themselves in partnership with a builder.
- May work best in conjunction with a master plan.
- Example: [Olde Huntersville Plan Book, Norfolk, VA](#)

# Public Financing

- **Housing Bonds**

- Bonds are managed at the local level and are typically approved by voters and/or the council.
- Affordable Housing bonds may increase local real estate property taxes for residents, however when applied to a product type that produces unsubsidized housing the fiscal impact may be minimal.
- May be used in conjunction with other funds dedicated to housing.
- [Example: Affordable Housing Bonds, Raleigh, NC](#)

# Financing with New Fintech

- **Tokenization**

- Using technology and municipal support private entities can raise monies by selling real-estate tokens.
- Tokenization is one way to securitize real assets; it allows people to divide assets and trade them.
- These tokens are secured through blockchain technology, and they're tradeable via crypto exchanges.
- Blockchain is a highly secure system of recording information which makes it ideal for smart contracts and financial transactions.
- [Example 1: Manhattan Property Tokenized](#)
- [Example 2: St. Regis Aspen Resort](#)