



Committee: PHP

Committee Review: At a future date

Staff: Livhu Ndou, Senior Legislative Attorney

Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #7C

July 22, 2025

Introduction

SUBJECT

Subdivision Regulation Amendment (SRA) 25-02, Technical Review – Optional Method Workforce Housing Development

Lead Sponsors: Councilmember Friedson and Council President Stewart

Co-Sponsors: Councilmembers Balcombe, Luedtke, and Albornoz

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

SRA 25-02 would prohibit the creation of flag lots and through lots under workforce housing optional method development and limit the number of consolidated lots for workforce housing optional method development to 3 lots.

SUMMARY OF KEY DISCUSSION POINTS

- SRA 25-02 is related to ZTA 25-02, Workforce Housing – Development Standards. ZTA 25-02 creates “optional method Workforce Housing Development,” and will allow duplexes, triplexes, townhouses, and apartment buildings in the R-40, R-60, R-90, and R-200 zones along certain corridors and with certain affordability requirements.
- SRA 25-02 will prohibit the creation of flag lots and through lots for use under optional method Workforce Housing Development.
- SRA 25-02 will also limit the consolidation of lots for use under optional method Workforce Housing Development to 3 eligible lots.
- A public hearing is tentatively scheduled for September 16, 2025.

This report contains:

SRA 25-02

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Letter from Chair Friedson

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Ordinance No.: _____
Subdivision Regulation Amendment No.: 25-02
Concerning: Technical Review – Optional
Method Workforce Housing Development
Revised: 7/14/2025 Draft No.: 1
Introduced: July 22, 2025
Public Hearing: _____
Adopted: _____
Effective: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmember Friedson and Council President Stewart
Co-Sponsors: Councilmembers Balcombe, Luedtke, and Albornoz

AN AMENDMENT to:

- (1) prohibit the creation and use of through lots and flag lots for optional method workforce housing development;
- (2) limit consolidation for optional method workforce housing to 3 lots; and
- (3) generally amend the subdivision requirements for optional method workforce housing.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.4. “Preliminary Plan”
Section 50.4.3. “Technical Review”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Chapter 50 is amended as follows:

* * *

Division 50.4. Preliminary Plan

* * *

Section 4.3. Technical Review

* * *

C. Lot Design

* * *

1. General requirements.

a. *Lot dimensions.* Lot size, width, shape, and orientation must be appropriate for the location of the subdivision and for the type of development or use contemplated, considering the recommendations of the master plan and the applicable requirements of Chapter 59. The dimensions of a lot must be able to accommodate any proposed building and other infrastructure deemed necessary to serve the lot, including but not limited to any accessory structure, stormwater management, parking, access drive, and off-street service.

b. *Flag lots.* The Board must not approve flag lots, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide and the Board determines that appropriate separation between building envelopes can be achieved. In approving a flag lot, the following provisions apply:

i. in residential zones, the Board must require building restriction lines as needed to provide separation of at

least 80 feet between the building envelope of the proposed flag lot and:

- (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed flag lot; and
- (b) the building envelopes of all lots that are between the proposed flag lot and the road on which it fronts;

- ii. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot; and
- iii. all building restriction lines must be shown on the plat.

c. *Lots to abut on a public or private road.* Except as specified below, every lot must abut on a public or private road. A public road must be dedicated or donated to public use or have acquired the status of a public road under Chapter 49. A private road must be shown on a record plat.

The Board must not approve lots that do not abut a public or private road, except where unusual topography, environmental conditions, or the position of the tract in relation to surrounding properties and rights-of-way permit no other feasible way to subdivide, and the Board determines that appropriate separation between building envelopes will be achieved. In approving a lot that does not abut a public or private road, the following provisions apply:

- i. the Board must not approve more than two lots in a subdivision that do not abut a public or private road;

- ii. the lots will be served by a private driveway that serves no other lots without frontage;
 - iii. in residential zones, the Board must require building restriction lines as needed to provide separation of at least 80 feet between the building envelope of the proposed lot without frontage and:
 - (a) the building envelopes of all lots that are adjacent to the rear lot line of the proposed lot without frontage; and
 - (b) the building envelopes of all lots that are between the proposed lot without frontage and the road from which it is accessed;
 - iv. the Board may require additional building restriction lines to ensure appropriate separation between building envelopes and to provide appropriate location of the building envelope within the lot;
 - v. all building restriction lines must be shown on the plat; and
 - vi. the access to lots with no road frontage must be adequate to serve the lots for emergency vehicles and for installation of public utilities. In addition, the lots must be accessible for other public services and not detrimental to future development of adjacent lands.
- d. *Side lines.* Side lines of interior lots must, to the extent possible, be aligned perpendicular to the road line or radial to a curved road line.

- e. *Through lots.* The Board must not approve through lots, except where unusual topography, orientation, or the size of the subdivision permit no other feasible way to subdivide.
- f. *Alley or pedestrian paths for residential lots.* If a mid-block alley or pedestrian right-of-way is provided in a residential subdivision for detached houses, the subdivider must increase the lot widths adjoining the alley or right-of-way to provide for a parallel side building restriction line 15 feet from the alley or right-of-way.
- g. Optional method Workforce Housing Development.
Notwithstanding any provisions of Section 4.3.C.1. to the contrary, for a lot or lots created for optional method Workforce Housing Development under Section 59-4.4.2.C:
 - i. the Board must not approve flag lots, lots that do not abut a public or private road, or through lots; and
 - ii. the Board must not approve the assemblage of more than 3 eligible lots under Section 59-4.4.2.C.

Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council

Date



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND


ANDREW FRIEDSON
COUNCILMEMBER, DISTRICT 1

CHAIR, PLANNING, HOUSING AND PARKS COMMITTEE
GOVERNMENT OPERATIONS AND FISCAL POLICY COMMITTEE

MEMORANDUM

June 18, 2025

TO: Livhu Ndou
Senior Legislative Attorney, Montgomery County Council

FROM: Andrew Friedson 
Chair, Planning, Housing, and Parks Committee
Councilmember, District 1

SUBJECT: Request for Subdivision Regulation Amendment

Zoning Text Amendment 25-02 Workforce Housing, which was introduced in February 2025, has solicited a number of technical questions from residents. Many of these questions can and will be resolved in our Planning, Housing, and Parks Committee work session on Monday, but according to your counsel, other issues could benefit from additional clarity via a Subdivision Regulation Amendment (SRA). In order to provide more clarity on provisions in ZTA 25-02, I am formally requesting a Subdivision Regulation Amendment to address the following points:

Through lots and flag lots

There has been significant confusion as to whether through lots and flag lots qualify under ZTA 25-02. As I have shared numerous times with residents, inclusion of such lots was not the legislative intent of ZTA 25-02 as introduced and should be prohibited. We need to make this clear to the public and to property owners who may be interested in redeveloping.

Combining or chaining lots for subdivision

We have received many questions about the rules surrounding the consolidation of lots for redevelopment under ZTA 25-02, which is silent on this matter as drafted, thus allowing unlimited chaining of eligible adjacent parcels. After listening to members of the community, visiting a number of neighborhoods, and

giving this issue further thought, I have come to the conclusion that putting a limit on consolidations is a reasonable step to balance realistic opportunities for redevelopment with potential impacts to neighboring properties. I believe that limit should be no more than three consecutive eligible parcels.

Please draft subdivision regulation amendments to address these issues as outlined above. I intend to introduce this SRA later this month.

Thank you for your assistance.

cc: Natali Fani-Gonzalez
 Will Jawando