

SRA 25-02

TECHNICAL REVIEW – OPTIONAL METHOD WORKFORCE HOUSING DEVELOPMENT

Description

This SRA complements ZTA 25-02, Workforce Housing – Development Standards. The SRA would restrict the consolidation of more than three eligible lots for use under the optional Workforce Housing development method and prohibit the creation of flag lots, through lots, and lots without frontage.

ZTA 25-11
Completed: 8-28-25

MCPB
Item No. 8
9-4-25

2425 Reddie Drive
Floor 14
Wheaton, MD 20902

	Benjamin Berbert, Planner III, Design, Placemaking, and Policy Division Benjamin.Berbert@montgomeryplanning.org , 301-495-4644
	Lisa Govoni, Supervisor, Design, Placemaking, and Policy Division Lisa.Govoni@montgomeryplanning.org , 301-650-5624
	Atul Sharma, Chief, Design, Placemaking, and Policy Division Atul.Sharma@montgomeryplanning.org , 301-495-4658

ZTA SPONSORS

Sponsors:

Councilmember Friedson and Council President Stewart

Co-Sponsors:

Councilmembers Balcombe, Luedtke, and Albornoz

INTRODUCTION DATE

July 22, 2025

COUNCIL PUBLIC HEARING DATE

September 16, 2025

REVIEW BASIS

Chapter 50

Summary

- SRA 25-02 is companion legislation to ZTA 25-02, Workforce Housing – Development Standards which created a new Optional Method Workforce Housing (OMWH) development.
- The SRA would prohibit the Planning Board from creating flag lots, through lots, and lots that do not abut a public or private road as part of a subdivision for Optional Method Workforce Housing developments.
- Planning Staff recommend modifications to the SRA that preserve Council’s intent and address community concerns while also permitting reasonable subdivision of land for homeownership opportunities within OMWH developments.

TABLE OF CONTENTS

SECTION 1 – BACKGROUND	3
SECTION 2 – SRA 25-02 AS INTRODUCED.....	4
SECTION 3 – ANALYSIS AND RECOMMENDATIONS.....	5
SECTION 4 – CONCLUSION	10
SECTION 5 – ATTACHMENTS	10

SECTION 1 – BACKGROUND

Subdivision Regulation Amendment (SRA) 25-02, Technical Review – Optional Method Workforce Housing Development was introduced on July 22, 2025, by Councilmember Friedson and Council President Stewart, and co-sponsored by Councilmembers Balcombe, Luedtke, and Alborno (Attachment A). The SRA is scheduled for a District Council Public Hearing on September 16, 2025.

SRA 25-02 is introduced as a companion to ZTA 25-02 – Workforce Housing – Development Standards, which was recently passed by the District Council on July 22, 2025. ZTA 25-02 created a new Optional Method Workforce Housing (OMWH) method of development, allowing new housing opportunities for certain properties located along identified corridors. During the review of the ZTA, concerns were raised about the potential for lot consolidation, and the use of flag lots, lots that do not abut a road, or through lots to increase the size of OMWH developments to a degree that could negatively impact the character of existing single-family detached neighborhoods. Provisions were added to the final version of ZTA 25-02 to address some of those concerns that are regulated by the Zoning Code. However, additional concerns over lot consolidation and the creation of non-standard lots are something that must be addressed through amendments to Chapter 50.

SRA 25-02 is short, only proposing additions to one section of Chapter 50 of the County Code, under Section 4.3. Technical Review, C. Lot Design, 1. General Requirements. This section of code includes basic language including ensuring proposed lot dimensions are appropriate for the use contemplated for the lot, special findings the Board must make when approving flag lots, requirements that lots must abut a public or private road except as waived by the Board, requirements for side lot lines to be as perpendicular as practical to the front street, a provision prohibiting through-lots except for unusual circumstances, and provisions on mid-block pedestrian alleys and pathways. Figure 1 shows examples of what is considered a flag lot, a lot not abutting a public or private road or alley, and a through lot.

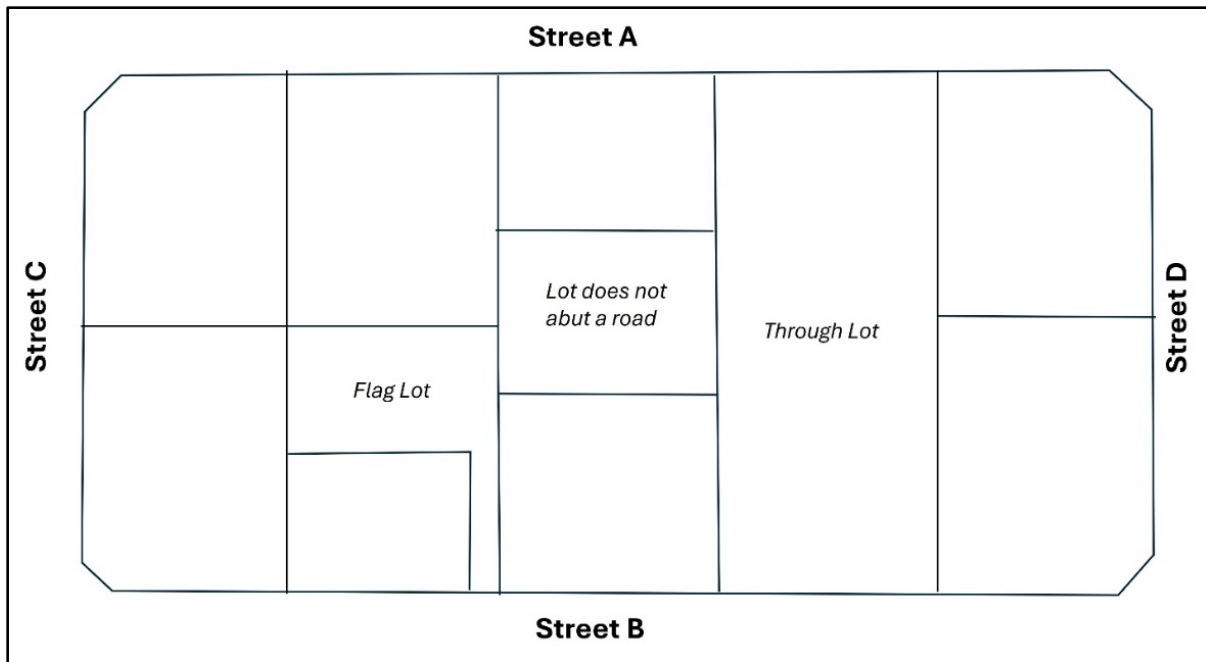


Figure 1 Flag lot, Lot that does not abut a road, and Through Lot

SECTION 2 – SRA 25-02 AS INTRODUCED

SECTION 50.4.3. TECHNICAL REVIEW

SRA 25-02 proposed one new section of text, located on lines 90-97 of the SRA. This adds a new section g. Optional Method Workforce Housing Development to the General Requirements of Lot Design. These provisions only apply to subdivisions that are creating lots that are being used as part of an OMWH development under the Zoning Code.

The first subsection states that, notwithstanding the provisions of Chapter 50 to the contrary, the Board must not approve flag lots, lots that do not abut a public or private road, or a through lot for an OMWH development.

The second subsection states the Board must not approve the assemblage of more than three eligible lots under Section 59-4.4.2.C. Eligible lots are those identified in ZTA 25-02 and include properties who's front lot line abuts a Downtown Street or any Boulevard street, where the master planned width of the road is at least 100 feet, and there are at least three existing travel lanes.

SECTION 3 – ANALYSIS AND RECOMMENDATIONS

Lot Consolidation

Planning Staff has no comments or concerns with the second subsection of the SRA, limiting the assemblage of eligible properties under ZTA 25-02 to no more than three. This limitation will ensure the scale of OMWH developments will remain compatible with their surrounding context.

Flag Lots

Planning Staff have identified key issues related to the SRA as written, which would not allow the Board to approve flag lots, lots that do not abut a public or private road, or a through lot. Planning staff anticipates in most scenarios, allowing for the development of three or more units on an existing residential lot will require the creation of flag lots, or lots that do not abut a road. The simplest example is the redevelopment of an existing standard R-60 or R-90 lot. These lots generally are deeper than they are wide, so to accommodate multiple dwelling units, the orientation of the buildings would likely be turned perpendicular to the road. As Figure 2 below demonstrates, only one of the units would have a lot with access to the road, and the remaining units would need to be on a flag lot, or as drawn, on lots without direct access to the road.

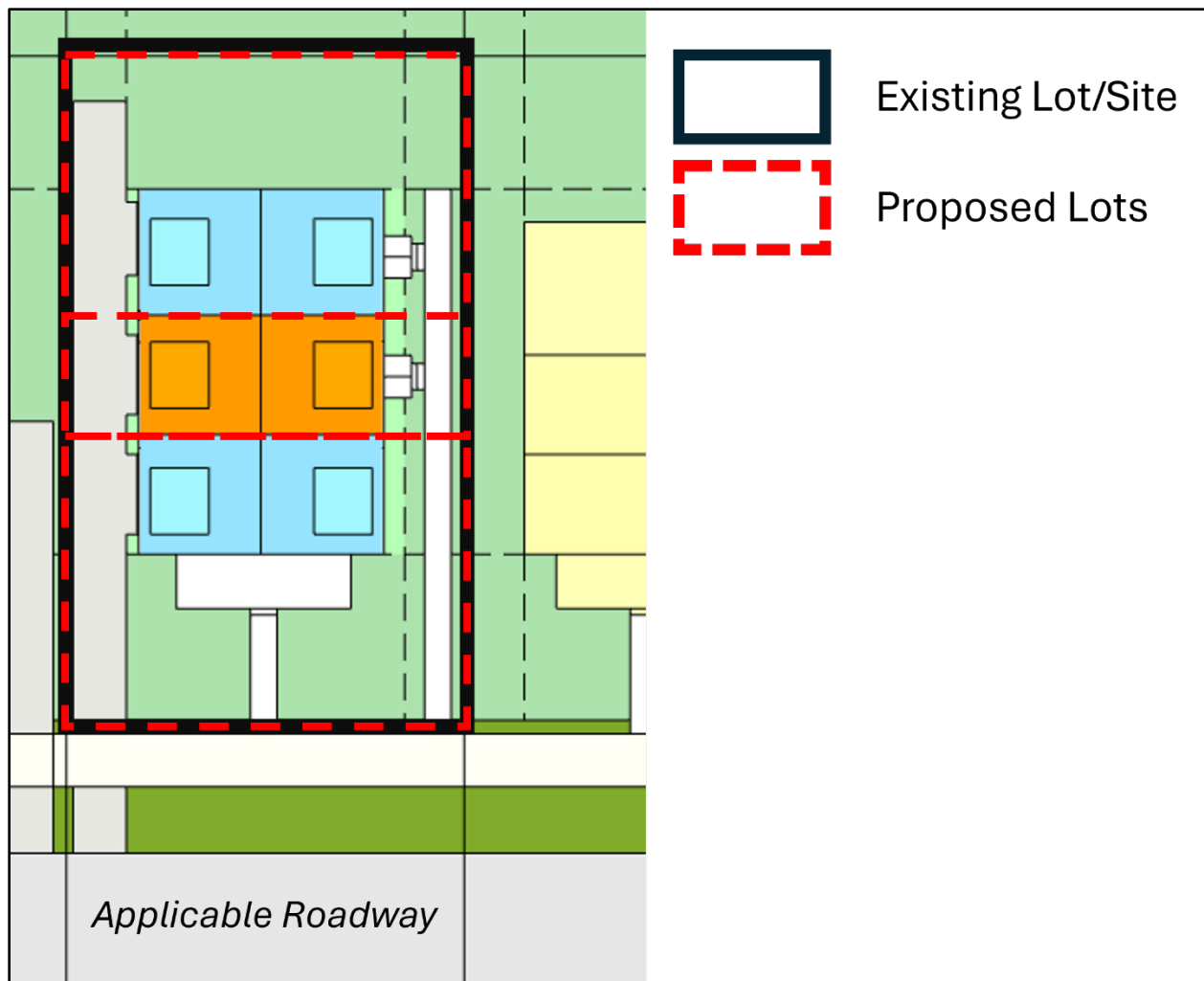


Figure 2 Potential Triplex Development

These restrictions on flag lots, lots that do not abut a road, and through lots were introduced by the District Council for a reason. Planning Staff engaged in discussions with Council Staff to better understand the intent in prohibiting these types of lots from being created through an OMWH development. There was testimony received by the Council, that resulted in discussions at the Planning, Housing, and Parks (PHP) committee work sessions on ZTA 25-02 that development of workforce housing types was not desired on flag lots, lots that do not abut a road, or through lots because it places these workforce housing types deeper into the block rather than directly along the corridors. The ZTA was amended to prohibit existing flag lots, lots that do not abut a road, and through lots from being eligible properties, but it was determined that an SRA was needed to also protect from future subdivisions creating these types of lots.

It is Planning Staff's understanding that the primary concern the SRA intends to address is the placement of an OMWH type building (duplex, triplex, townhouse, or small apartment) **behind** a single family detached house on either a flag lot or a lot without frontage. The intent was not to prohibit

reasonable subdivisions from occurring to allow for OMWH building types when the buildings directly abut the applicable street or are a collection of buildings that are not located behind a single family detached house.

Encouraging homeownership as an opportunity to generate wealth and stability was another important component of ZTA 25-02 and of the county's larger housing policy and equity goals. Planning Staff considered the practicality of development OMWH developments based on a condominium ownership and determined that condominium projects at this scale will likely not be financially feasible (Attachment B). Therefore, allowing for reasonable subdivision of land for fee-simple ownership of dwellings is an important strategy in creating these ownership opportunities. To allow for practical subdivisions under the OMWH development that preserves the Council's intent, Planning Staff recommends amending the SRA to clarify that flag lots or lots without frontage are prohibited if it creates a buildable area for an OMWH type building behind the buildable area of an existing or planned single family detached house. The following amendments are proposed:

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 flag lots, or lots that do not abut a public or private road, if the lots would be approved for a duplex, triplex, townhouse, or apartment building type to be located behind a detached house addressed on the same road; and

This amended language should be adequate to allow the single-lot redevelopment type contemplated by Figure 2 above and also accommodate multi-building courtyard style developments on three or fewer consolidated lots as shown in Figure 3 below.

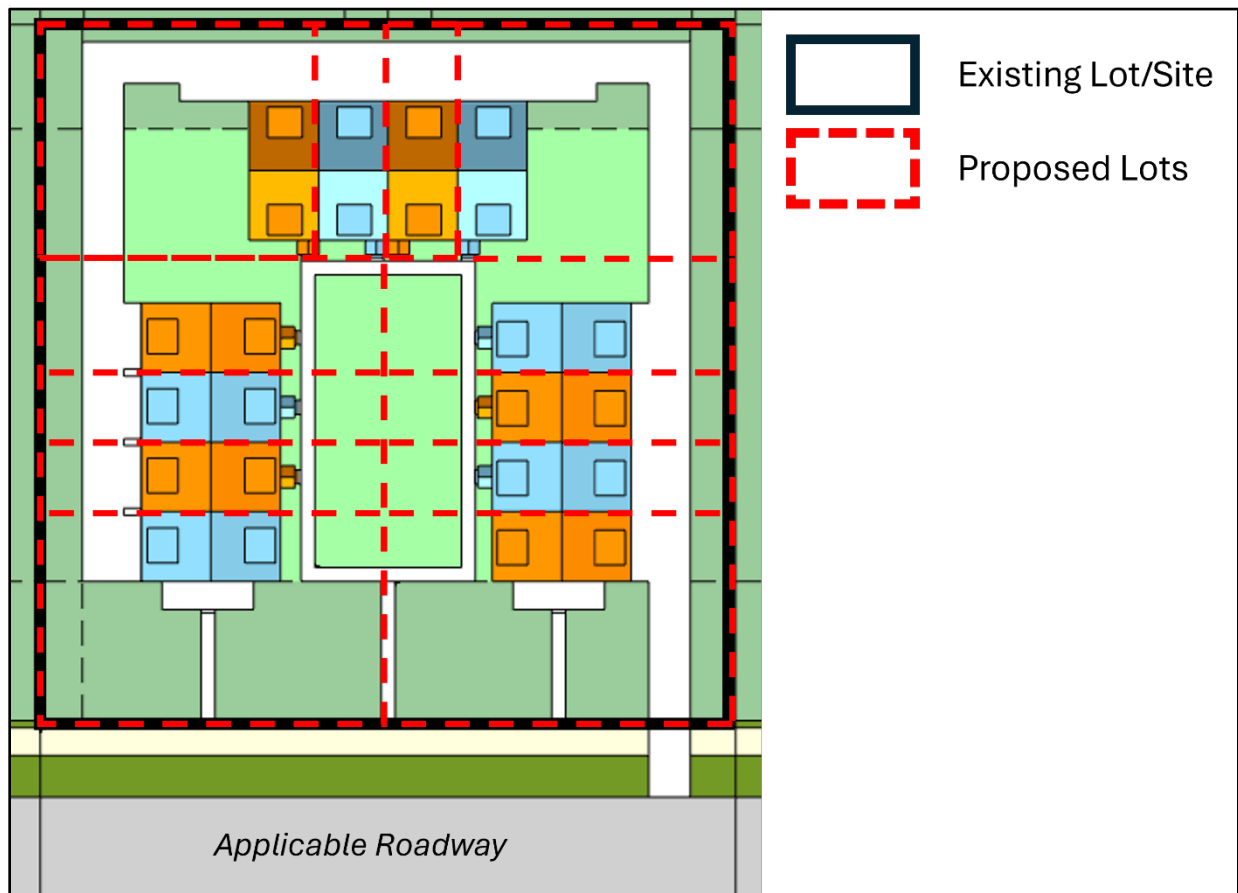


Figure 3 Courtyard Style Layout of Townhomes

Planning Staff have additional concerns related to the requirements and findings for creating flag lots in Section 50.4.3.C.1.b., and lots that do not abut a public or private road in Section 50.4.3.C.1.c. These code provisions were written with a single-family house development in mind and create practical difficulties for approving multi-unit/multi-structure infill development, such as that contemplated with the OMWH development.

For creating flag lots in residential zones, the Board is required to make a series of findings that include providing a separation of 80 feet between building envelopes and the flag lot. If the flag lots are providing access for multiple units within the same building, it is unclear if these provisions apply, and if they do, they could not be met. In the creation of lots that do not abut a public or private road, there are even more restrictions and necessary findings. These include:

- Not approving more than two lots that do not abut a road
- Providing a driveway that is not shared with other lots without frontage
- Providing 80 feet of separation between building envelopes, and
- Providing access to serve the lots for emergency vehicles, and installation of utilities.

Even with the amendments proposed by Planning Staff on page 6, the creation of lots for the dwelling units would be difficult, if not impossible to achieve. Without additional amendments to remove these hurdles, most applications for an OMWH development would need to include a subdivision regulation waiver request from the requirements of 50.4.3.C.1.b, and c. Planning Staff therefore recommends SRA 25-02 be further amended to proactively amend these sections of the code to accommodate the unique needs of OMWH development and avoid recurring waiver requests. The following additional language is recommended for SRA 25-02:

iii. The Board may approve flag lots, or lots that do not abut a public or private road, without making the findings of Section 4.3.C.1.b, or Section 4.3.C.1.c, except any building restriction lines determined necessary by the Board must be shown on the plat, and access to each lot must be adequate to serve the lots for emergency vehicles and for the installation of public utilities.

All of the amendments proposed by Planning Staff to Section 50.4.3.C.1.g in the SRA would read as follows

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 flag lots, or lots that do not abut a public or private road, if the lots would be approved for a duplex, triplex, townhouse, or apartment building type to be located behind a detached house addressed on the same road; and

iii. The Board may approve flag lots, or lots that do not abut a public or private road, without making the findings of Section 4.3.C.1.b, or Section 4.3.C.1.c, except any building restriction lines determined necessary by the Board must be shown on the plat, and access to each lot must be adequate to serve the lots for emergency vehicles and for the installation of public utilities.

~~iv.~~ The Board must not approve the assemblage of more than 3 eligible lots under Section 59-4.4.2.C.

SECTION 4 – CONCLUSION

Planning Staff recommends the Planning Board transmit these recommendations to the District Council amending SRA 25-02. Staff believes these amendments preserve Council's intent and address community concerns while also permitting reasonable subdivision of land for homeownership opportunities within OMWH developments.

SECTION 5 – ATTACHMENTS

Attachment A: SRA 25-02 Intro Packet

Attachment B: Condominium Analysis