

Ordinance No.: 20-25  
Subdivision Regulation Amendment No.: 25-02  
Concerning: Technical Review – Optional  
Method Workforce Housing Development  
Revised: 10/14/2025 Draft No.: 3  
Introduced: July 22, 2025  
Public Hearing: September 16, 2025  
Adopted: October 14, 2025  
Effective: November 3, 2025

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

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

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**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”
<u>Division 50.2.</u>	<u>“Interpretation and Defined Terms”</u>
<u>Section 50.2.2.</u>	<u>“Definitions”</u>
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:**

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## Division 50.2. Interpretation and Defined Terms

\* \* \*

## Section 2.2. Definitions

\* \* \*

## F.

\* \* \*

*Flag Lot:* A lot that is separated from the nearest public or private road except for a narrow strip of land used for vehicular access, pedestrian access, frontage requirements, or utility connections.

\* \* \*

**S.**

\* \* \*

*Shared Access Lot:* A flag lot or a lot that does not abut a public or private road that is created for the subdivision of land for a duplex, triplex, townhouse, or apartment building type.

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## Division 50.4. Preliminary Plan

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### Section 4.3. Technical Review

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### C. Lot Design

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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.

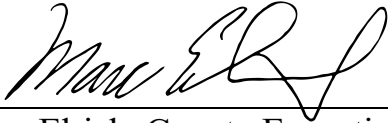
f. *Alley or pedestrian paths for residential lots.* If a mid-block alley or pedestrian right-of-way is provided in a residential subdivision for detached houses, the subdivider must increase the lot widths adjoining the alley or right-of-way to provide for a parallel side building restriction line 15 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 the Board must not approve:

- 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]] a shared access lot that is  
located behind a detached house addressed on the same  
road;
- ~~ii~~iii. [[the Board must not approve]] the assemblage of more  
than 3 eligible lots under Section 59-4.4.2.C., and the  
resulting lot cannot be more than 19,500 square feet in the  
R-40 zone, 23,400 square feet in the R-60 zone, 33,600  
square feet in the R-90 zone, and 66,000 square feet in the  
R-200 zone; and
- iv. [[the Board must not approve]] the assemblage of lots that  
are not eligible 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

October 18, 2025

Date

*This is a correct copy of Council action.*



Sara R. Tenenbaum  
Clerk of the Council

October 20, 2025

Date