



Montgomery Planning Design, Placemaking & Policy Division

Starter and Silver Homes Act of 2026

Civic Federation of Montgomery County

Overview

- SB0036/HB0239 limits how far local zoning may go in restricting small-scale single-family housing.
- The bill is intended to expand the ability to build starter homes and homes suitable for downsizing seniors by preventing local jurisdictions from using zoning standards that effectively prohibit smaller housing.

Minimum Lot Size Limits

- Local jurisdictions may not require minimum lot sizes larger than 5,000 square feet for single-family homes in qualifying areas (public water and sewer) single-family residential areas.
- The Montgomery County Planning Board recommends changing the qualifying geography to Priority Funding Areas with public water and sewer.

Minimum Lot Size in Standard Method for Detached Homes:

R-40: 6,000 sf

R-60: 6,000 sf

R-90: 9,000 sf

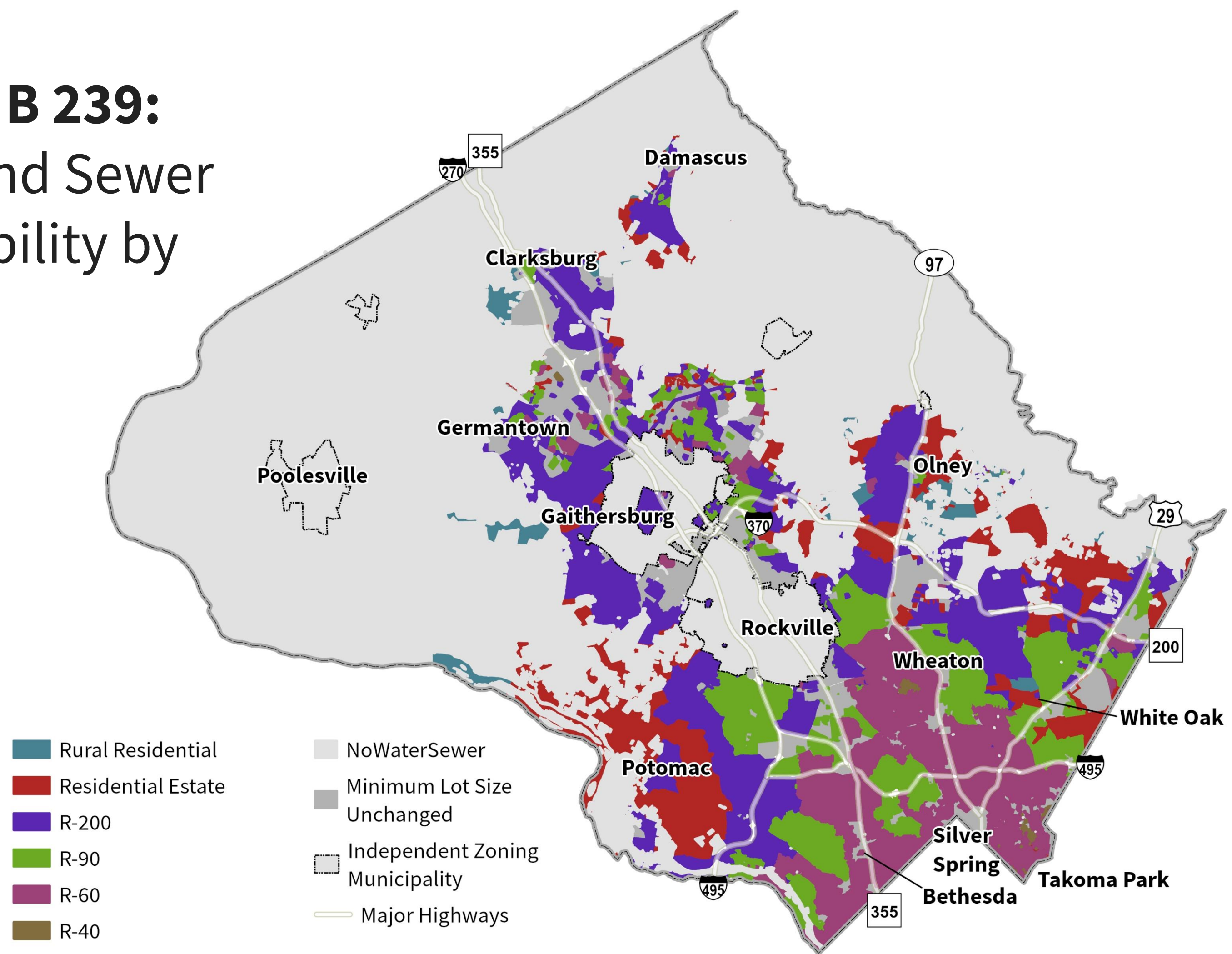
R-200: 20,000 sf

RE-2: 2 acres (87,120 sf)

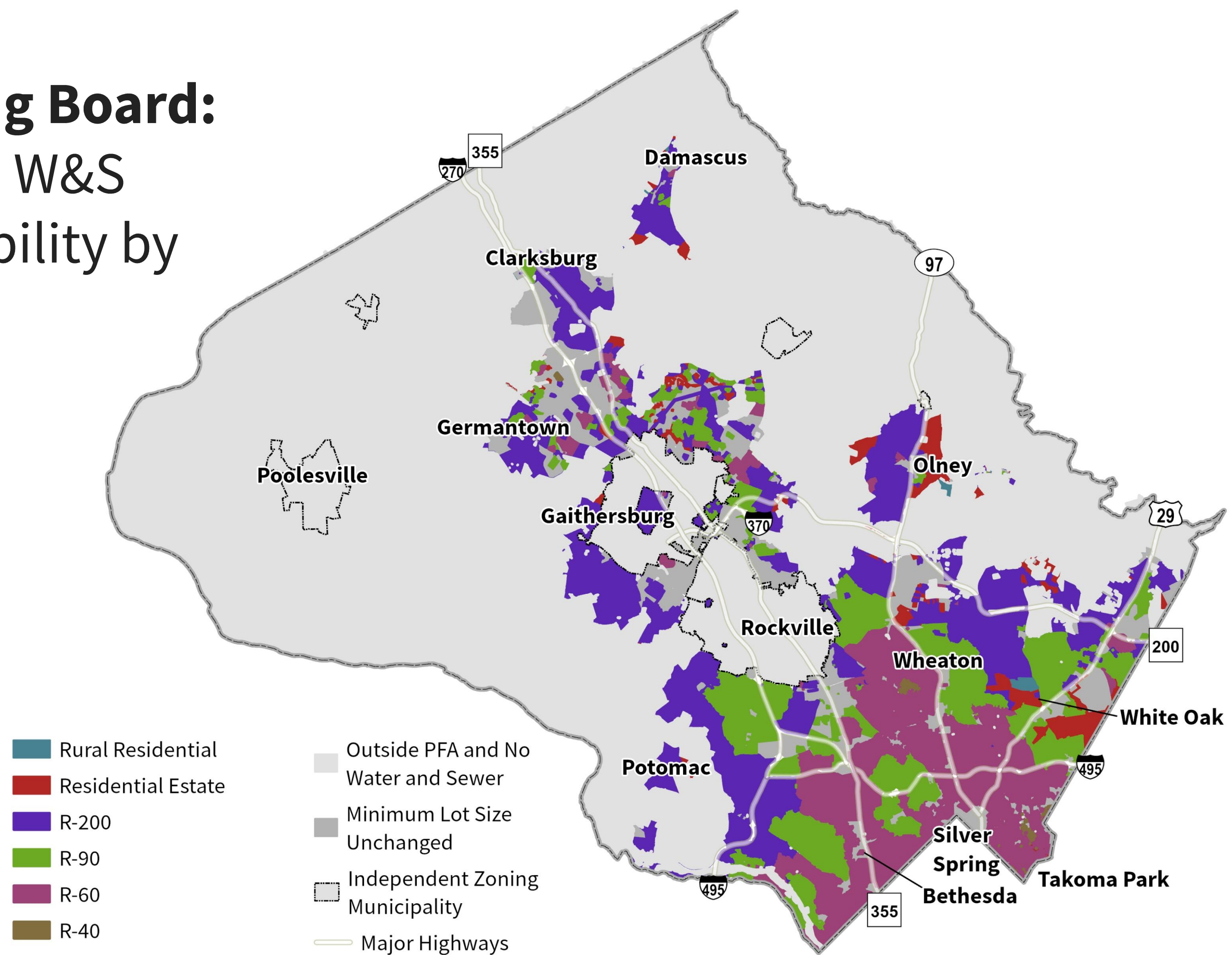
RE-2C: 2 acres (87,120 sf)

RE-1: 40,000 sf

SB 36/HB 239: Water and Sewer Applicability by Zone



Planning Board: PFA and W&S Applicability by Zone



No Minimum House Size Requirements

- Local governments may not impose minimum square footage or minimum exterior dimension requirements on qualifying single-family homes.

Limits on Setbacks

- The Act caps how restrictive local dimensional standards can be:
 - Front and rear setbacks: no more than 10 feet
 - Side setbacks: no more than 5 feet
- The Planning Board recommends this section be struck.
- County setbacks are largely guided by state mandates and good governance programs such as stormwater regulations and considerations for utilities.
- These requirements will conflict with such provisions and will apply a one size fits all mandate without on-the-ground considerations.

Setbacks in the R-60 Zone:

Front setback: 25'

Side street setback, abutting lot fronts on the side street and is in a Residential Detached zone: 25'

Side street setback, abutting lot does not front on the side street or is not in a Residential Detached zone: 15'

Side setback: 8'

Sum of side setbacks: 18'

Rear Setbacks: 20'

Limits on Lot Coverage

- The Act caps how restrictive local dimensional standards can be:
 - Lot coverage requirements may not be imposed on single-family homes or accessory structures

Lot Coverage by Zone:

R-40: 35%

R-60: 35%

R-90: 30%

R-200: 25%

RE-2: 25%

RE-2C: 25%

RE-1: 15%

Prohibition on Design and Architectural Mandates

- Local jurisdictions are prohibited from enforcing:
 - Architectural style requirements
 - Aesthetic design standards
 - Exterior material mandates for covered single-family homes.
- Montgomery Planning Board comments: County requirements on design are guided by a variety of considerations, including health and safety, neighborhood inclusion, and community input.
 - For example, design requirements in many communities ensure that affordable housing does not unnecessarily stand out or draw attention to residents of different income brackets, fostering a strong sense of community.

Townhouses Allowed in Single-Family Zones

- Local governments may not prohibit townhouses in areas zoned for single-family residential use.
- In Montgomery County, **the Optional Method of Development already allows for townhouses in areas zoned for single-family residential.**
 - The Optional Method of Development is a zoning procedure that offers more flexibility, density, and additional housing types in exchange for providing public benefits like more affordable housing or green spaces.
 - It requires Planning staff review and Planning Board approval. **It is not a by-right use.**

Subdivision Rights

- Owners of an improved lot in a single-family zone may:
 - Subdivide their property into up to three lots, subject to subdivision regulations

Planning Board Comments on Starter and Silver Homes Act of 2026

- Support with amendments.
- Regarding the minimum lot size language, water and sewer service areas do not equate to **desired growth areas** in our counties.
- Consider using alternative geographies more consistent with long-standing state and county sustainable growth policies, like Priority Funding Areas with public water and sewer access.
- Clarify the **scope of preemption** to ensure that environmental, safety, and infrastructure-related standards (like adequate public facilities ordinances) remain intact.
- Preserve local authority to manage growth in a manner consistent with adopted **master plans**.
- Allow **reasonable design and development standards** that ensure compatibility and quality.
- Provide **implementation timelines** that allow jurisdictions to update zoning ordinances, conduct infrastructure analysis, and engage communities.

Contact

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<https://montgomeryplanning.org/planning/housing/>