



PLANNING COMMISSION

Meeting No. 02-26
Wednesday, January 28, 2026 - 7:00 PM

AGENDA

Meng Sun, Chair

Susan Pitman
Eric Fulton
Jeff Zyontz

Shayan Salahuddin
Jaime Espinosa

Jim Wasilak, Staff Liaison
Nicholas Dumais, Senior Assistant City Attorney

Rockville City Hall 111 Maryland Ave and
Virtually via WebEx

Watch LIVE on Comcast Cable Rockville Channel 11 and online at <https://www.rockvillemd.gov>

See page 2 for more information

- 1. Convene**
- 2. Public Hearing and Work Session**

Public Hearing and Work Session on Zoning Text Amendment Application TXT2026-00271, for the Zoning Ordinance Rewrite and Map Amendment Application MAP2026-00126, for the Comprehensive Map Amendment; Mayor and Council of Rockville, Applicants

- 3. Commission Items**

- A. Staff Liaison Report
- B. Old Business
- C. New Business
- D. Minutes Approval
 - October 8, 2025
 - October 22, 2025

- November 12, 2025
 - January 14, 2026
- E. FYI/Correspondence

4. Adjourn

PLANNING COMMISSION

HYBRID MEETING AND PUBLIC HEARING PROCEDURE

The Planning Commission meets in person in the Mayor and Council Chambers at Rockville City Hall, 111 Maryland Avenue. The public is invited to participate in person or virtually via Webex. Anyone wishing to participate virtually may do so per the instructions below.

HYBRID MEETING AND PUBLIC HEARING PROCEDURE

1. Pre-meeting Platform: Webex

- A. Applicant Access: Provided by Community Planning and Development Services/IT
- B. Access for Oral Testimony and Comment: Provided by CPDS/IT (see below)

2. Pre-Meeting Preparations/Requirements:

A. Written Testimony and Exhibits

Written testimony and exhibits may be submitted by email to Jim Wasilak, Staff Liaison to the Planning Commission, at jwasilak@rockvillemd.gov or by regular mail to:

Meng Sun, Chair
Rockville Planning Commission
111 Maryland Avenue
Rockville, MD 20850

Written testimony must be received no later than nine (9) days in advance of the hearing in order to be distributed with the Planning Commission briefing materials. Written testimony and exhibits received after this date, until 4:00 pm on the day before the hearing, will be provided to the Planning Commission by email.

B. Webex Orientation for Applicants

- i. Applicants must contact the planning case manager assigned to the Application no later than five(5) days in advance of the hearing in order to schedule Webex orientation, which must be completed prior to the hearing.

C. Oral Testimony by Applicants and the Public

- i. Applicants – Applicants must provide to the planning case manager a list of presenters and witnesses who will testify on behalf of the Application to the planning case manager no later than five (5) days prior to the date of the hearing.
- ii. Public Testimony/Comment on an Application – Any member of the public who wishes to comment on an application must submit their name and email address to the Staff Liaison Jim Wasilak (jwasilak@rockvillemd.gov) no later than 9:00 am on the day of the hearing to be placed on the testimony list.

Members of the public who seek technical assistance from City staff must submit their name and email address to Jim Wasilak no later than two (2) days in advance of the hearing so that an orientation session may be scheduled.

If a member of the public is unable to meet the deadline to be placed on the testimony list, they can submit written testimony to the Staff Liaison to the Planning Commission by email to jwasilak@rockvillemd.gov.

3. Conduct of Online Meeting and Public Hearing

A. Rules of Procedure

The Meeting and Public Hearing will be held in accordance with the Planning Commission Rules of Procedure, including the order of testimony and applicable time limits on testimony. The Rules may be viewed here: <https://www.rockvillemd.gov/DocumentCenter/View/2023/Planning-Commission---Rules-of-Procedure>

B. Oral Testimony

During the hearing, the Chair will sequentially recognize each person on the testimony list and ask the host to allow the speaker to speak. Each speaker must wait to be specifically recognized by the Chair before speaking.

If during the hearing a party wishes to speak, or a speaker wishes to request the opportunity to engage in cross-examination following specific testimony, the party must contact the Staff Liaison/Host by email at jwasilak@rockvillemd.gov with the specific request. The Host/Staff Liaison will inform the Commission. The Chair will determine if the party may be heard.

C. Continuance of Hearing

The Planning Commission, at its discretion, reserves the right to continue the hearing until another date.

HELPFUL INFORMATION FOR STAKEHOLDERS AND APPLICANTS

A. GENERAL ORDER OF SESSION FOR DEVELOPMENT APPLICATIONS

1. Staff presentation
2. City Board or Commission comment
3. Applicant presentation (10 min.)
4. Public comment (3 min, or 5 min for the representative of an association)
5. Planning Commission Discussion and Deliberation
6. Decision or recommendation by vote

The Commission may ask questions of any party at any time during the proceedings.

B. PLANNING COMMISSION BROADCAST

- Watch LIVE on Comcast Cable Rockville Channel 11 and online at: www.rockvillemd.gov
- Replay on Comcast Cable Channel 11:
 - o Wednesdays at 7:00 pm (if no live meeting)
 - o Sundays at 7:00 pm
 - o Mondays, Thursdays and Saturdays at 1:00 pm
 - o Saturdays and Sundays at 12:00 am (midnight)
- Video on Demand (within 48 hours of meeting) at: www.rockvillemd.gov/VideoOnDemand.

C. NEW DEVELOPMENT APPLICATIONS

- For a complete list of all applications on file, visit: www.rockvillemd.gov/DevelopmentWatch.

D. ADDITIONAL INFORMATION RESOURCES

- Additional resources are available to anyone who would like more information about the planning and development review process on the City's web site at:
www.rockvillemd.gov/cpds

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte (extra-record) communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission. Wednesdays at 7:00 pm (if no live meeting)



PLANNING COMMISSION Meeting Date: January 28, 2026

Agenda Item Type: PUBLIC HEARING

Department: PC - CHIEF OF ZONING REVIEW

Responsible Staff: HOLLY SIMMONS

Subject

Public Hearing and Work Session on Zoning Text Amendment Application TXT2026-00271, for the Zoning Ordinance Rewrite and Map Amendment Application MAP2026-00126, for the Comprehensive Map Amendment; Mayor and Council of Rockville, Applicants

Department

CPDS - Zoning Review & Other

Discussion

Background

This is the second in a series of Planning Commission work sessions during the Zoning Ordinance Rewrite (ZOR) and Comprehensive Map Amendment (CMA) adoption process. The first work session was conducted on January 14, 2026. Additional project background was provided in the staff report for the January 14 work session.

The following materials can be accessed via the project webpage, engagerockville.com/zoningrewrite:

- *Highlights: Staff Draft Zoning Ordinance*
- Staff Draft Zoning Ordinance Table of Contents
- Staff Draft Zoning Ordinance (full text)
- Staff Draft Comprehensive Map Amendment

Ultimately, the Planning Commission will make a recommendation to the Mayor and Council.

Fencing

The topic of fencing to protect yards from deer incursions has arisen from the community. Due to the increasing deer problem for residents, the Mayor and Council have directed staff to develop options for consideration that would reduce the possibility of deer accessing and congregating in individual yards, searching for plants as food sources.

The draft Zoning Ordinance regulates fencing in general by limiting the height of fences located in the front, side and rear yards of residential property. The maximum height of fences in side and rear yards is eight feet, while the maximum height of fences in front yards is four feet. For

corner lots, the code specifies that the yards adjacent to both street frontages are front yards, with fence height limited accordingly. Through lots also have two front yards for zoning purposes abutting each street frontage. Neither the current code nor the proposed code describes the type materials that are allowed, so the city allows for maximum flexibility regarding fence types.

Montgomery County adopted regulations specific to deer fencing in 2003. The County's text amendment defined deer fencing and created a distinct type of fence with associated regulations. While the County's fencing regulations limited all fences to 6.5 feet in height, the 2003 ZTA allowed deer fences to have a maximum height of eight feet in the side and rear yards but not in the front yard. In Rockville, both the current and proposed Zoning Ordinance permit all fences in the side and rear yard to have a maximum height of eight feet in the side and rear yards and four feet in the front yard, unless the property abuts an arterial roadway and a height of six feet is permitted.

Many city residents have installed deer fences in their rear and side yards and successfully barred deer from entering those areas. However, prohibiting deer in all yard areas, particularly those that are considered front yards by zoning but are practically side or rear yards, has proven to be difficult, given the height limit of four feet in front yards. This has an outsize impact on corner and through lots.

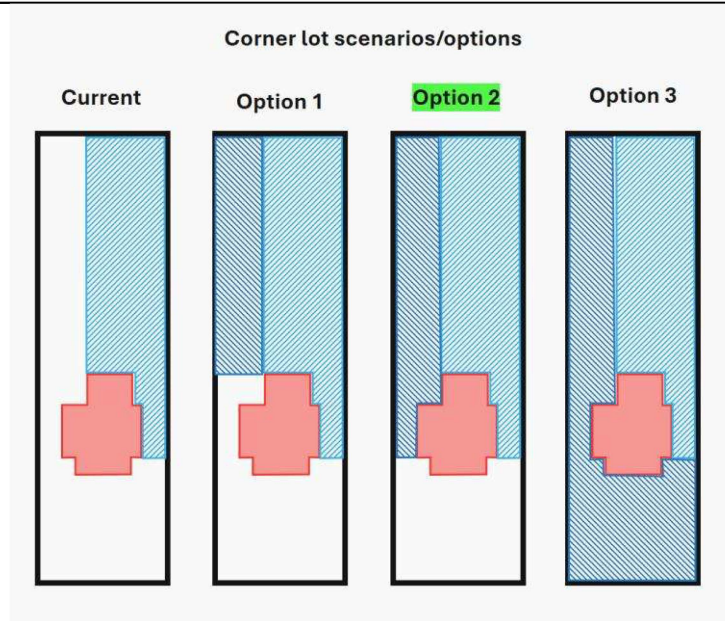
Staff have identified the following options for consideration for where deer fencing may be located on a lot; all options include retaining the current height limits in the side and rear yards for all fences but would allow for deer fencing only, up to eight feet in height, in certain areas:

Option 1: Retain current limitations in the front yards that are between the dwelling and the street but allow for deer fences in the front yard by zoning that is not between the building and the street. In most cases that would be the practical rear yard of the property.

Option 2: Retain current limitations in the front yard between the building and the street but allow for deer fences in the front yard by zoning that is practically a side yard for a corner lot or a rear yard for a through lot.

Option 3: Allow deer fencing in all yards, including front yards on corner and through lots.

Figure 1: Deer fencing options



Other related considerations for the regulation of deer fencing include:

- Clearly defining what type of fencing qualifies as deer fencing;
- Requiring a compliant fence in front yards whenever a deer fence is installed due to the temporary nature of deer fencing and to increase the compatibility of an 8-foot-tall fence in front yards; and
- Requiring a setback from the property line abutting a street when deer fencing is installed. This might be four or five feet to provide for a landscaped area in front of the fence.

Staff recommendation:

Staff recommends that Option 2 be considered for incorporation into the draft Zoning Ordinance for both corner and through lots. This would place those lots on equal footing with interior lots regarding fencing specifically to prohibit deer in what most residents consider to be their usable rear and side yards, while maintaining consistency regarding fence height in front yards. Staff further recommends that a minimum setback or an otherwise compliant fence be installed along with the deer fence to reduce the visual impact of a structure that is eight feet in height adjacent to the public right-of-way.

Use Standards

In the current Zoning Ordinance, uses and use standards are addressed in various locations. As with other topics (including pedestrian and bicycle facilities, discussed during January 14 work session), the Staff Draft Zoning Ordinance relocates relevant requirements to one location (draft Article 6, Uses and Use Standards) for ease of use and transparency.

The Mayor and Council along with staff, identified select uses and use standards as an area of interest to be discussed during the adoption process. These include accessory dwelling units, group homes, townhouses, adult-oriented establishments and shoot galleries (specifically, the different location requirements), and electric vehicle charging. Also identified were the restrictions on gross floor area that apply to various uses in certain zones.

Accessory Dwelling Units (ADUs)

Accessory dwelling units (ADUs) were added to the city's Zoning Ordinance relatively recently, with attached ADUs being added in 2023 and detached ADUs added in 2024. Under the current Zoning Ordinance, attached and detached ADUs are codified in separate sections (Sec. 25.10.15, Regulations for attached accessory dwelling units; and Sec. 25.09.03, Accessory buildings and structures, respectively). Attached ADUs are subject to a wider range of use-specific and operational requirements, including owner-occupancy, entrance location, addressing, and detailed legacy provisions, while detached ADUs are regulated primarily through size limits, development standards, and ownership requirements.

The Staff Draft Zoning Ordinance consolidates ADU regulations into one location. It also uses the 2024 detached ADU ordinance as a framework for simplifying regulations, applying a common set of use standards to both attached and detached units and shifting emphasis away from operational controls toward form-based requirements. The Staff Draft removes owner-occupancy and addressing requirements, clarifies and simplifies legacy provisions, maintains size limitations for detached ADUs, and relies on underlying development standards to regulate the scale and compatibility of attached ADUs.

Group Homes

In the current Zoning Ordinance, large group homes (serving nine to 16 residents) are allowed only by Special Exception. As part of a broader effort to convert most Special Exception uses to conditional or permitted uses as recommended by the ongoing FAST 2 initiative, the consultant team recommended allowing large group homes as a conditional use to reduce process and support housing goals, subject to additional use standards designed to retain the intent of the Special Exception approval. Those standards would prohibit placement of large group homes in apartments, cottage courts, multiplexes, and townhouses; and in the single-unit residential zones would require a minimum separation of one-quarter mile from other large group homes, intended to limit concentration of higher-intensity residential uses.

Townhouses

The Staff Draft Zoning Ordinance establishes limited standards for front-loaded townhouses (those with garages facing the street instead of an interior alley) that are intended to proactively address site development issues identified by DPW staff. Specifically, front-loaded townhouses typically dedicate significant space for driveways and curb cuts, causing conflicts with required site elements, including utilities, street trees, stormwater management facilities, storm drains, etc. In addition to requiring that front-loaded townhouses must be designed to accommodate these site elements, the Staff Draft requires that garage doors may only take up

50 percent of the ground-floor façade, and that driveways may be no greater than 10 feet wide within the first eight feet of the curb.

Adult-oriented Establishment and Shooting Gallery standards

The Mayor and Council requested information on location requirements for these two uses – specifically, why they differ. Based on research and analysis conducted by the project’s consultant team, As a result, most cities which require additional setbacks for both adult-oriented establishments and shooting galleries do not require the same setback for each.

- *Adult-Oriented Establishments.* The Staff Draft Zoning Ordinance prohibits adult-oriented establishments “within a structure that is located within 1,000 feet of the nearest property line of any residence, school, church, library, public facility, or public building.”

Zoning codes often restrict adult-oriented establishments and sexually-oriented establishments from being located near schools, day care, parks, residential uses, and similar adult-oriented or sexually-oriented establishments. While the exact separation varies across jurisdictions, the logic underpinning the regulation is consistent. The separation of such uses is based on a concern about physical and negative externalities. These externalities include documented concerns such as increased crime rates, diminished property values, and the potential exposure of minors to environments deemed harmful to their development.

- *Shooting Galleries.* The Staff Draft Zoning Ordinance prohibits shooting galleries “within 200 feet of a residential zone.”

By allowing the firing of firearms, shooting galleries can present a physical safety hazard if established in an inappropriate location. However, the basis for locational restrictions on shooting galleries is the tangible physical risks and environmental impacts rather than any social or moral externalities. The overriding concerns are the noise created by shooting firearms and the need to prevent the accidental discharge of a bullet or projectile beyond the property line.

Table 1 compares the location requirements in the Staff Draft Zoning Ordinance to similar regulations in other cities.

TABLE 1. ADULT-ORIENTED ESTABLISHMENT AND SHOOTING GALLERIES LOCATION REQUIREMENTS

City	Locational Requirement	
	Adult-Oriented Establishments	Shooting Galleries
Rockville, MD - Proposed	Prohibited within 1,000 feet of any residence, school, church, library, public facility, or public building.	Prohibited within 200 feet of a residential zone.
Carroll County, MD	Prohibited within 1,000 feet of religious, public, or residential use.	N/A

	Prohibited within 2,500 feet of a similar use.	
Montgomery County, MD	Prohibited within 750 of residential zone or school, library, park, playground, recreational facility, religious facility, or similar uses.	Outdoor shooting galleries are prohibited from predominately abutting developed lots.
Fairfax County, VA	Prohibited within 1,000 feet of religious facility, school, or similar use.	N/A
Prince George's County, MD	Prohibited within 1,000 feet of an agricultural or residential zone and school, library, recreational facility, day care, church, or similar use.	N/A
Baltimore County, MD	Prohibited within 1,000 feet of religious facility, school, recreational facility, library, childcare, or residential zone. Prohibited within 2,500 feet of a similar use, tattoo parlor, or body-piercing establishment.	Prohibited within 500 feet of any residential use other than a multi-unit dwelling.
Frederick County, MD	N/A	Prohibited within 250 feet of property line or public right-of-way. Prohibited within 450 feet of an occupied structure.
Anne Arundel County, MD	Prohibited within 1,000 feet of a residential zone or a dwelling, school, library, park, childcare, religious facility, video lottery facility, or similar use.	Indoor galleries prohibited within 100 feet of residential zone and 50 feet of road intersection.

Electric Vehicle Charging

The Staff Draft Zoning Ordinance adds Electric Vehicle Charging as a new use, defined as “a lot or portion thereof containing one or more electric vehicle (EV) parking spaces and associated electric vehicle supply equipment (EVSE).” The Staff Draft identifies use permissions to allow EV charging in all zones, while directing sole-purpose EV charging hubs to auto-oriented and industrial areas. The use permissions are as follows:

- Principal use: I-L, I-H, MXCD, MXCT, and MXB zone
- Accessory use: All Residential zones, all MXTD zones, MXNC, MXC, MXT, MXE, and Park zone

Members of the Mayor and Council identified EV charging as one of the uses within their areas of interest. Previously, some members raised questions regarding the proposed use permissions for EV charging, noting that limiting EV charging to an accessory use could constrain the ability of existing gasoline service stations to transition over time to sole-purpose EV charging facilities. In response to these concerns, the Planning Commission could consider an alternate approach of

allowing EV charging as a Conditional use in all MXTD zones, MXNC, MXC, and MXE zones, subject to the condition that the use may only be established when converting from a gas station.

Use-based gross floor area restrictions, generally

The current zoning ordinance includes floor area restrictions for certain uses in the lowest-intensity mixed-use zones. Floor area restrictions are intended to serve as a means of controlling a use's intensity, in addition to any height and setback requirements of the zone. As with other quantitative requirements, the consultant team reviewed all dimensional use standards, including gross floor area restrictions, to recommend updates. As a result, the Staff Draft Zoning Ordinance retains many of the current ordinance's floor area restrictions in principal while modernizing and updating the specific limits. See examples in Table 2, below.

TABLE 2. EXAMPLE GROSS FLOOR AREA RESTRICTIONS

Use ¹	Current Zoning Ordinance	Staff Draft Zoning Ordinance
Auctioneer & Commercial Gallery	Limited to 2,500sf in the MXNC, MXC, and MXT.	Restriction eliminated
Health and Fitness Establishment	Limited to 4,000sf in the MXNC, MXC, and MXT	Limited to 5,000sf in the MXNC, MXC, and MXT
Laboratory, Medical or Dental	Limited to basements or cellars in the MXNC	Limited to 10,000sf in the MXNC
Retail Establishment	Limited to 2,500sf in the MXT, except for grocery stores and pharmacies	Limited to 5,000sf in the MXT, except for grocery stores and pharmacies

However, it should be noted that some zoning ordinances do not include any restrictions on a use's size, and restrictions like these could be viewed as working counter to the city's economic development goals. For example, nearby Gaithersburg's zoning ordinance generally does not include similar limitations.

Additional key changes in the Uses and Use Standards Article include:

- *Grandfathers uses which were conforming prior to the effective date of the ordinance.* This allows the continuation of uses currently in existence and avoids creating nonconformities due to changes in use permissions or standards.
- *Ensures use terms and definitions are clear and current.*
- *Updates the list of uses contained in the Zoning Ordinance.* This includes eliminating and consolidating uses. It also includes adding new uses and associated use permissions and, where applicable, use standards.
- *Organizes use permissions into one comprehensive use table allowing for comparison across zones. Locates all use definitions and standards within the same division, significantly increasing transparency and reducing the need to search the ordinance.* Currently, use permissions are addressed across multiple tables that were developed over time. As a result, use terminology and definitions are not always applied consistently. The Staff Draft consolidates use permissions, definitions, and standards into a single, centralized location.

- *For accuracy, redefines what a 'Permitted' versus a 'Conditional' use is.* In the draft, Permitted uses may or may not have use standards, and any use standards associated with Permitted use apply regardless of zone where the use is located. Conditional uses have use standards that differ from one zone to another.
- *Comprehensively updates the list of uses, use permissions, and use standards to:*
 - *Accomplish the goals of the Rockville 2040 Comprehensive Plan.*
 - *Implement best planning practices.*
 - *Make regulations more modern and user-friendly.*
 - *Increase equity.*
 - *Address identified issues.*
 - *Reflect state and federal law.*
- *Transitions many Special Exception uses to Permitted or Conditional uses.* This is based on recommendations of the FAST 2 initiative to make development review and permitting processes Faster, Accountable, Smarter, and Transparent. In certain cases, the Staff Draft introduces new use standards for transitioned uses.

Nonconformities

The Nonconformities article (draft Article 9) addresses uses and structures that were lawful when established but which no longer conform to the requirements of the zone in which they are location. The goal in amending the article was to simplify and clarify the requirements for such uses and structures to continue and to be brought into compliance with the Zoning Ordinance. The Nonconformities article in the Staff Draft Zoning Ordinance loosens restrictions on

Key changes include:

- *Allows for nonconforming uses to expand by up to 20%, subject to the Nonconforming Use Expansion approval process.* Currently, expansion of nonconforming uses is generally not permitted. This process replaces the nonconforming alterations process, which requires additional findings.
- *Renames the 'Nonconforming Alterations' approval process to the 'Nonconforming Use Expansion' approval process for accuracy and clarity.*
- *Allows certain site improvements to be approved through the standard process (not the Nonconforming Use Expansion approval process), including:*
 - *Bringing the nonconforming use into greater conformity with the Code;*
 - *Maintenance, safety, and ADA compliance work; or*
 - *Improvements to façades, stormwater management, or pedestrian and bicycle facilities.*
 - *In the existing Zoning Ordinance, these improvements would be subject to the nonconforming alterations process.*
- *Allows nonconforming uses and structures to be replaced or repaired in kind in the event of a fire, flood, or other natural disaster or emergency.* Currently, this would not be permitted.

The October 8, 2025, Planning Commission work session included a discussion of nonconformities. During that work session, staff outlined their intention to create

nonconformities in certain zones to allow the existing nonconformities to persist while encouraging their eventual replacement. Specifically, gas stations and drive-through windows were proposed to be Prohibited uses in all MXTD zones. However, based on input from Mayor and Councilmembers, the Staff Draft includes grandfathering language (referenced in the Uses and Use Standards section above) that would treat any existing gas stations or drive-through windows in the MXTD zones as permitted uses, while prohibiting new MXTD gas stations or drive-throughs.

2026 Starter and Silver Homes Act (HB239; SB36)

Background

For situational awareness, staff is bringing two pieces of proposed legislation to the Planning Commission. The first is the Starter and Silver Homes Act of 2026, a bill introduced as part of Governor Moore's 2026 legislative agenda. A related proposal was introduced but not enacted in 2025. The bill's underlying goal is to expand affordable homeownership options for first-time homebuyers and seniors statewide, principally by preempting local jurisdictions from enacting or enforcing certain zoning and subdivision regulations. The bill was pre-filed in late October 2025 and formally introduced in January 2026 as cross-filed bills HB239 and SB36. It is currently pending committee hearings.² Ultimately, the bill may not be enacted, or it may be enacted with or without further revisions. If passed in its current form, the act would have significant implications for the ongoing Zoning Ordinance Rewrite project (outlined below).

City staff are not recommending that the Planning Commission take a position on the bill. Instead, the bill is brought to the Planning Commission's attention for the body's awareness and for an opportunity to provide comments to the Mayor and Council for their consideration.

Bill Overview

The full text of the bill is found in Attachment 1 – Starter and Silver Homes Act Below is a brief summary of the bill. Note that the bill's definition of 'single-family home' includes townhouses, and likely cottage court dwellings and detached accessory dwelling units.

As currently drafted, the bill generally would preempt the City from adopting or enforcing:

1. Any rules or regulations that would establish:
 - Minimum lot sizes greater than 5,000sf for any lot served by public water and sewer on which a single-family home could be located;
 - Minimum square footage or exterior dimension requirements for single-family homes;
 - Lot coverage maximums for single-family homes and any accessory structures;
 - Setbacks for single-family homes and any accessory structures greater than:
 - Front/rear: 10 feet
 - Side: 5 feet
 - Design, architectural, or aesthetic elements for single-family homes;

2. Any rules or regulations that would prohibit the placement of townhouses in single-unit zones (i.e., this would require that townhouses be allowed in all areas in which detached single-family homes are permitted);
3. Any rules or regulations that would prohibit an improved lot in a single-unit residential zone from being subdivided into three or fewer lots that conform to local law, unless the improved lot was created by subdivision within the preceding three years.

The bill exempts historic districts, agricultural land, and conservation property, and specifically states that the bill does not supersede applicable building or fire codes, or public health and safety regulations necessary to address threats to public safety.

Considerations for the Staff Draft Zoning Ordinance

Should the bill pass during the 2026 legislative session, Staff anticipate that the Staff Draft Zoning Ordinance would be revised to reflect State law. As such, Staff analyzed the full text of the proposed bill to understand implications for the ongoing development of the city's new Zoning Ordinance. Staff analysis included a) identification of provisions within the Staff Draft Zoning Ordinance that would require revision, should the bill be enacted in its current form, and b) a critical review of identified policies to determine if any may be revised proactively. This staff report addresses both elements of this analysis.

First, should the bill be adopted in its current form, the Staff Draft Zoning Ordinance would need to be revised as follows:

- *Minimum lot size.* Update minimum lot size requirements in the R-400, R-200, R-150, R-90, R-75, R-60, and Lincoln Park Neighborhood Conservation District to 5,000sf.

TABLE 3. MINIMUM LOT SIZE COMPARISON

Zone	Current Zoning Ordinance	Staff Draft Zoning Ordinance	Starter and Silver Homes Act
R-400	40,000 sf		5,000 sf
R-200	20,000 sf		
R-150	15,000 sf		
R-90	9,000 sf		
R-75	7,500 sf		
R-60	6,000 sf		
Lincoln Park Neighborhood Conservation District	6,000 sf		
R-40	4,000 sf		4,000 sf

- *Single-unit home size minimums.* Pending clarification from the State on whether detached ADUs qualify as ‘single-family homes,’ eliminate minimum detached ADU footprint requirement. These are currently set at 400sf in both the existing and Staff Draft Zoning Ordinance.
- *Lot coverage maximums.* Currently, the Zoning Ordinance includes overall lot coverage maximums, as well as rear yard lot coverage maximums, for all single-unit residential zones. The Staff Draft Zoning Ordinance eliminates the rear yard lot coverage maximums, as they are overly restrictive and inequitable, particularly when considering the development of detached ADUs on smaller lots. Should the bill pass in its current form, the Staff Draft Zoning Ordinance would need to be revised to remove all lot coverage maximums from the R-400, R-200, R-150, R-90, R-75, R-60, and R-40 zones.

TABLE 4. LOT COVERAGE COMPARISON

Zone	Current Zoning Ordinance			Staff Draft Zoning Ordinance			Starter and Silver Homes Act
	Overall	Rear Yard	Front Yard Coverage (Single Frontage & Thru Lot / Corner Lot)	Overall	Rear Yard	Front Yard Coverage (Single Frontage & Thru Lot / Corner Lot)	
R-400	15%	15%	10% / 5%	15%	Eliminated	10% / 5%	Prohibits all lot coverage requirements
R-200	25%		20% /10%	25%		20% /10%	
R-150			25% / 12.5%			25% / 12.5%	
R-90	25%	30% / 15%	35%	30% / 15%			
R-75		35% / 17.5%		35% / 20%			
R-60		40% / 20%		40% / 20%			
R-40		45% / 22.5%	40%	45% / 22.5%			

The current Zoning Ordinance and Staff Draft Zoning Ordinance also include maximums for front yard coverage in all residential zones. This ‘front yard coverage’ differs from ‘lot coverage,’³ and it is not yet clear if the city would be prohibited from regulating front yard coverage under the proposed State bill; however, upon further consideration, staff recommend removing this requirement from the Staff Draft Zoning Ordinance. (See additional information in the Front Yard Coverage and Established Setbacks section below.)

- *Setbacks.* Update setbacks for the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones. Separately, establish specific townhouse setbacks for the RMD-10, RMD-15, and RMD-25 zones (currently, townhouse and apartment setbacks in these zones are the same). Update all accessory structure setbacks.

TABLE 5. SETBACK COMPARISON

Zone	Current Zoning Ordinance			Staff Draft Zoning Ordinance			Starter and Silver Homes Act		
	Front ⁴	Rear	Side (Abutting street / Abutting land)	Front	Rear	Side (Abutting street / Abutting land)	Front	Rear	Side
R-400	50'	50'	30' / 20'	50'	50'	30' / 20'	10'	10'	5'
R-200	35'	35'	25' / 13'	35'	35'	25' / 13'			
R-150		30'	30' / 13'		30'	30' / 13'			
R-90	30'	25'	20' / 11'	30'	25'	20' / 11'			
R-75	25'	20'	20' / 9'	25'	20'	20' / 9'			
R-60			20' / 8'			20' / 8'			
R-40			25' / 10'			25' / 10'			
RMD-Infill	20'	15'	15' / 5'	20'	15'	15' / 5'			
RMD-10			8'		20'	8'			
RMD-15	15'		10'	15'	15'	10'			
RMD-25	25'			25'					

Requirements for 'established setbacks' would need to be eliminated. Upon further consideration, and in advance of final action on the bill, staff recommends removing established setbacks from the Staff Draft Zoning Ordinance. (See additional information in the Front Yard Coverage and Established Setbacks section below.)

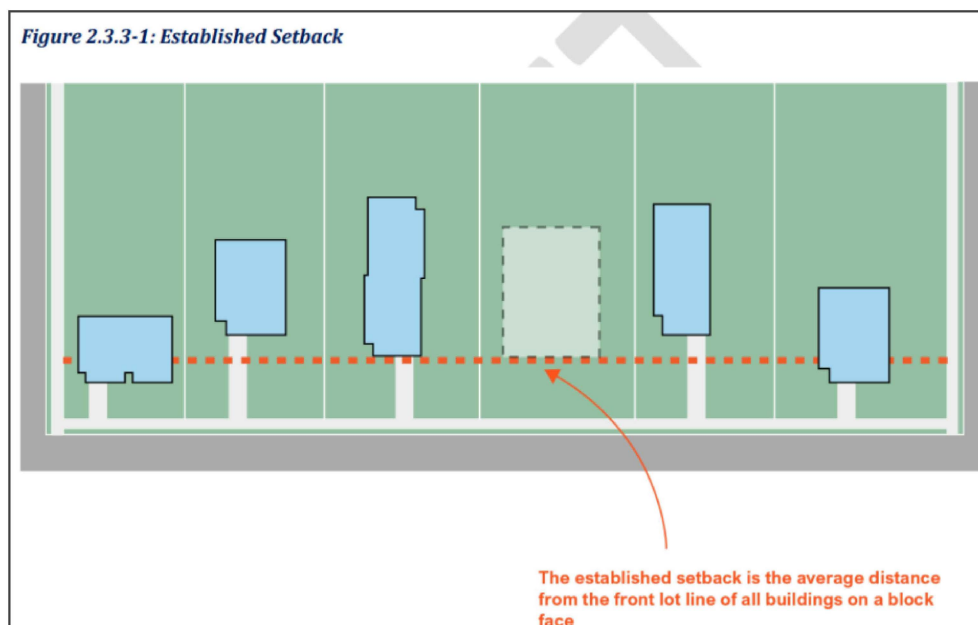
- *Design standards and guidelines.* Remove single-unit and townhouse design standards and guidelines from the Staff Draft Zoning Ordinance. This would include decommissioning the *East Rockville Design Guidelines*, and eliminating the proposed townhouse design standards and likely the cottage court design standards (both of which are contained in draft Article 6, Uses & Use Standards).
- *Townhouse use permissions.* Update the use table to permit townhouses in the R-400, R-200, R-150, R-90, R-75, R-60, R-40, MXC, MXT, and possibly the MXE zones.
- *Subdivision.* Update draft Sec. 25.7.5.3(a), Lincoln Park Neighborhood Conservation District overlay zone subdivision standards, to allow resubdivision of improved lots in the same manner as would be allowed in standard base zones.

Front Yard Coverage and Established Setbacks

As noted, upon further consideration, staff recommends the removal of the front yard coverage and established setback requirements from the Staff Draft Zoning Ordinance. These requirements are contained within the existing Zoning Ordinance and carried forward in the Staff Draft Zoning Ordinance.

- *Front yard coverage.* Front yard coverage was introduced with the 2009 update to the Zoning Ordinance. While lot coverage requirements limit the portion of a lot that can be covered by buildings, the front yard coverage limits the portion of a front yard that can be covered by driveways, parking areas, and sidewalks. It was intended to guard against front yards being turned into parking lots; however, this concern has never turned into a prominent issue. Additionally, this regulation can be difficult to enforce, as this at-grade work in itself is not subject to any specific permit and so compliance has typically been gained through after-the-fact enforcement actions.
 - *Established setbacks.* Established setbacks are applied to the front yard setbacks of the R-400, R-200, R-150, R-90, R-75, R-60, R-40, and RMD-Infill zones. Established setback is defined in the Staff Draft Zoning Ordinance as “the average distance from the front lot line of all buildings on a block face (one side of a street between two intersecting streets)” (draft Sec. 25.2.3.3(b)(1)). The Draft further states, “When the majority of existing buildings located on the block face exceed the required front yard setback, the established setback applies as the front yard setback from new development. Where the established setback would be less than that required in the zone, the front setback of the zone applies” (draft Sec. 25.2.3.3(b)(1)A). Figure 1 (draft Figure 2.3.3-1 in the Staff Draft Zoning Ordinance) illustrates the established setback.
-

FIGURE 2. ESTABLISHED SETBACKS



Historically, established setbacks were used to preserve and continue existing development patterns; however, viewed from another angle, established setbacks can entrench low-density development patterns, perpetuate historic choices and inequities from earlier eras, and conflict with modern goals related to walkability, efficient land use, and street interaction. These setbacks can also reduce predictability and understanding for homeowners and builders, as an ‘established’ setback is more difficult to calculate than a numerical standard. For these reasons, staff recommend removing established setbacks.

TABLE 6. ESTABLISHED SETBACKS

Zone	Current Zoning Ordinance	Staff Draft Zoning Ordinance
R-400	50 ft. or the established setback, whichever is greater (up to 100 ft. max.)	
R-200	35 ft. or the established setback, whichever is greater (up to 100 ft. max.)	
R-150	35 ft. or the established setback, whichever is greater (up to 60 ft. max.)	
R-90	30 ft. or the established setback, whichever is greater (up to 60ft. max.)	
R-75	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	
R-60	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	
R-40	25 ft. or the established setback, whichever is greater (up to 50 ft. max.)	
RMD-Infill	20 ft. or the established setback, whichever is less	

RMD-10	20 ft. or the established setback, whichever is less
RMD-15	15 ft. or the established setback, whichever is less

Maryland Housing Certainty Act

The Moore administration is also proposing the Maryland Housing Certainty Act. This Act would, among other things, require local governments to approve housing development project applications using the laws and regulations in effect at the time of submission of a substantially complete application, rather than the laws and regulations in effect when the application comes before an approving authority like the Planning Commission. The Act also provides that after a housing development project has received all necessary approvals, the developer would have a “vested right” to build the project as approved for at least five years. Under current State law, a developer must make substantial, visible efforts to begin construction for building rights to vest. These changes would insulate housing development project applications from revisions to local land use and development laws and would provide developers with greater regulatory certainty. Staff is in the process of analyzing the Act to identify impacts on the ongoing Zoning Ordinance Rewrite. The full text of the bill is found in Attachment 2 – Maryland Housing Certainty Act.

Next Steps

The Planning Commission will hold work sessions on Wednesday, February 4 and February 11. Follow-up to prior work sessions will be included in these sessions as needed.

Attachments

HB239 - The Starter and Silver Homes Act, LR1437 - Housing Certainty Act

HOUSE BILL 239

C9, L6

(PRE-FILED)

6lr0184
CF SB 36

By: **Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development)**

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Zoning – Limitations**
3 **(Starter and Silver Homes Act of 2026)**

4 FOR the purpose of prohibiting local jurisdictions from adopting or enforcing certain zoning
5 provisions relating to lot size, dimensions, setback requirements, lot coverage, and
6 design or architectural elements for certain single-family homes; prohibiting local
7 jurisdictions from prohibiting certain housing types in certain zones; prohibiting
8 local jurisdictions from prohibiting certain subdivisions of certain lot types; and
9 generally relating to local zoning laws.

10 BY repealing and reenacting, with amendments,
11 Article – Land Use
12 Section 1–101, 1–401, 4–102, 4–103, 10–103, and 10–202
13 Annotated Code of Maryland
14 (2012 Volume and 2025 Supplement)

15 BY adding to
16 Article – Land Use
17 Section 4–104(e)
18 Annotated Code of Maryland
19 (2012 Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Land Use**

23 1–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this division the following words have the meanings indicated.

(b) “Adaptive reuse” means a change granted by a legislative body under § 4–207 of this article to the use restrictions in a zoning classification, as those restrictions are applied to a particular improved property.

(c) “Charter county” means a county that has adopted charter home rule under Article XI–A of the Maryland Constitution.

(d) “Code county” means a county that has adopted code home rule under Article XI–F of the Maryland Constitution.

(e) “County” means a county of the State or Baltimore City.

(f) (1) “Development” means an activity that materially affects the existing condition or use of any land or structure.

(2) “Development” does not include a normal agricultural activity.

(g) (1) “Legislative body” means the elected body of a local jurisdiction.

(2) “Legislative body” includes:

(i) the board of county commissioners;

(ii) the county council; and

(iii) the governing body of a municipal corporation.

(h) (1) “Local executive” means the chief executive of a local jurisdiction.

(2) “Local executive” includes:

(i) the board of county commissioners;

(ii) the county executive;

(iii) the executive head; and

(iv) the mayor.

(i) “Local jurisdiction” means a county or municipal corporation and the territory within which its powers may be exercised.

(j) (1) “Local law” means an enactment of the legislative body of a local jurisdiction, whether by ordinance, resolution, or otherwise.

(2) “Local law” does not include a public local law.

(k) “Person” means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, limited liability company, or other entity.

(l) (1) “Plan” means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps that constitute the guide for an area’s future development.

(2) “Plan” includes a general plan, master plan, comprehensive plan, functional plan, or community plan adopted in accordance with Subtitle 4 of this title and Title 3 of this article.

(m) “Priority funding area” has the meaning stated in § 5–7B–02 of the State Finance and Procurement Article.

(n) (1) “Regulation” means a rule of general applicability and future effect.

(2) “Regulation” includes a map or plan.

(o) “Sensitive area” includes:

(1) a stream or wetland, and its buffers;

(2) a 100–year flood plain;

(3) a habitat of a threatened or endangered species;

(4) a steep slope;

(5) agricultural or forest land intended for resource protection or conservation; and

(6) any other area in need of special protection, as determined in a plan.

(p) “Special exception” means a grant of a specific use that:

(1) would not be appropriate generally or without restriction; and

(2) shall be based on a finding that:

(i) the requirements of the zoning law governing the special exception on the subject property are satisfied; and

(ii) the use on the subject property is consistent with the plan and is compatible with the existing neighborhood.

(q) (1) Except as provided in paragraph (2) of this subsection, “state” means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, “State” means Maryland.

(r) (1) “Subdivision” means:

(i) the process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land, consistent with criteria established by the legislative body of the local jurisdiction; or

(ii) the land so subdivided.

(2) “Subdivision” includes resubdivision.

(s) **“TOWN HOUSE” MEANS A DWELLING UNIT CONSTRUCTED IN A ROW OF THREE OR MORE ATTACHED DWELLING UNITS, WHERE EACH DWELLING UNIT:**

(1) SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT; AND

(2) (I) IS LOCATED ON AN INDIVIDUAL LOT OR PARCEL; OR

(II) IS SUBJECT TO A CONDOMINIUM REGIME ESTABLISHED UNDER TITLE 11 OF THE REAL PROPERTY ARTICLE.

(T) “Variance” means a modification only of density, bulk, dimensional, or area requirements in the zoning law that is not contrary to the public interest, and where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty, as specified in the zoning law.

[(t)] (U) (1) “Zoning law” means the legislative implementation of regulations for zoning by a local jurisdiction.

(2) “Zoning law” includes a zoning ordinance, zoning regulation, zoning code, and any similar legislative action to implement zoning controls in a local jurisdiction.

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(c) (Limitations – Bicycle parking);

(10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(11) **§ 4–104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);**

(12) § 4–208 (Exceptions – Maryland Accessibility Code);

[(12)] (13) § 4–210 (Permits and variances – Solar panels);

[(13)] (14) § 4–211 (Change in zoning classification – Energy generating systems);

[(14)] (15) § 4–212 (Agritourism);

[(15)] (16) § 4–213 (Alcohol production);

[(16)] (17) § 4–214 (Agricultural alcohol production);

[(17)] (18) § 4–215 (Pollinator-friendly vegetation management);

[(18)] (19) § 4–216 (Limitations – Family child care homes and large family child care homes);

1 ~~[(19)]~~ **(20)** Title 4, Subtitle 5 (Accessory Dwelling Units);

2 ~~[(20)]~~ **(21)** § 5–102(d) (Subdivision regulations – Burial sites);

3 ~~[(21)]~~ **(22)** § 5–104 (Major subdivision – Review);

4 ~~[(22)]~~ **(23)** Title 7, Subtitle 1 (Development Mechanisms);

5 ~~[(23)]~~ **(24)** Title 7, Subtitle 2 (Transfer of Development Rights);

6 ~~[(24)]~~ **(25)** except in Montgomery County or Prince George’s County, Title
7 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

8 ~~[(25)]~~ **(26)** Title 7, Subtitle 4 (Inclusionary Zoning);

9 ~~[(26)]~~ **(27)** Title 7, Subtitle 5 (Housing Expansion and Affordability);

10 ~~[(27)]~~ **(28)** § 8–401 (Conversion of overhead facilities);

11 ~~[(28)]~~ **(29)** for Baltimore County only, Title 9, Subtitle 3 (Single–County
12 Provisions – Baltimore County);

13 ~~[(29)]~~ **(30)** for Frederick County only, Title 9, Subtitle 10 (Single–County
14 Provisions – Frederick County);

15 ~~[(30)]~~ **(31)** for Howard County only, Title 9, Subtitle 13 (Single–County
16 Provisions – Howard County);

17 ~~[(31)]~~ **(32)** for Talbot County only, Title 9, Subtitle 18 (Single–County
18 Provisions – Talbot County); and

19 ~~[(32)]~~ **(33)** Title 11, Subtitle 2 (Civil Penalty).

20 (c) This section supersedes any inconsistent provision of Division II of this article.

21 4–102.

22 To promote the health, safety, and general welfare of the community, a legislative
23 body may, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**, regulate:

24 (1) the height, number of stories, and size of buildings and other structures;

25 (2) the percentage of a lot that may be occupied;

26 (3) off–street parking;

(4) the size of yards, courts, and other open spaces;

(5) population density; and

(6) the location and use of buildings, signs, structures, and land.

4–103.

(a) When zoning or rezoning land under this division, a legislative body may, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**, impose any additional conditions or limitations that the legislative body considers appropriate to improve or protect the general character and design of:

(1) the land and improvements being zoned or rezoned; or

(2) the surrounding or adjacent land and improvements.

(b) A municipal corporation may include in an annexation agreement conditions and limitations on the use of land and density of development otherwise allowed in the zoning district where the land is located.

(c) When zoning or rezoning land under this division, to ensure conformity with the intent and purpose of this division and of the local jurisdiction's zoning law, a legislative body may retain the power to approve or disapprove, **SUBJECT TO THE OTHER PROVISIONS OF THIS SUBTITLE**:

(1) the design of buildings, construction, landscaping, or other improvements; and

(2) the changes made or to be made on the land being zoned or rezoned.

(d) The powers provided in this section shall apply only if the legislative body adopts a local law that includes:

(1) enforcement procedures; and

(2) requirements for adequate notice of:

(i) public hearings; and

(ii) conditions or limitations sought to be imposed.

4–104.

(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE" MEANS AN AREA IN WHICH THE CONSTRUCTION AND PLACEMENT OF DETACHED SINGLE-FAMILY HOMES IS ALLOWED BY RIGHT UNDER LOCAL LAW.

(III) "IMPROVED LOT" MEANS A LOT OR PARCEL ON WHICH A RESIDENTIAL STRUCTURE IS LOCATED.

(IV) "LEGISLATIVE BODY" INCLUDES:

1. THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION; AND

2. ANY OTHER LOCAL BODY WITH AUTHORITY TO CREATE OR MODIFY ZONING REGULATIONS OR DESIGN LIMITATIONS FOR RESIDENTIAL USE.

(V) "SINGLE-FAMILY HOME" MEANS:

1. A STANDALONE RESIDENTIAL STRUCTURE THAT IS INTENDED FOR OCCUPANCY BY ONE HOUSEHOLD AND HAS A PRIVATE ENTRANCE, A KITCHEN, AND BATHROOM FACILITIES; OR

2. A TOWN HOUSE.

(2) THE PROVISIONS OF THIS SUBSECTION DO NOT APPLY TO:

(I) AN AREA THAT WAS DESIGNATED AS PART OF A HISTORIC DISTRICT IN ACCORDANCE WITH § 8-105 OF THIS ARTICLE ON OR BEFORE JULY 1, 2025;

(II) AGRICULTURAL LAND, AS DEFINED IN § 9-206 OF THE TAX – PROPERTY ARTICLE; OR

(III) CONSERVATION PROPERTY, AS DEFINED IN § 8-209.1 OF THE TAX – PROPERTY ARTICLE.

(3) NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR OTHER REQUIREMENT THAT ESTABLISHES, DIRECTLY OR INDIRECTLY:

1 (I) IN AREAS CONNECTED OR PLANNED TO BE CONNECTED TO
2 PUBLIC WATER AND SEWER SYSTEMS, A MINIMUM LOT SIZE GREATER THAN 5,000
3 SQUARE FEET FOR LOTS ON WHICH A SINGLE-FAMILY HOME MAY BE LOCATED;

4 (II) MINIMUM SQUARE FOOTAGE OR EXTERIOR DIMENSION
5 REQUIREMENTS FOR A SINGLE-FAMILY HOME;

6 (III) LOT COVERAGE MAXIMUMS FOR A SINGLE-FAMILY HOME
7 AND ANY ACCESSORY STRUCTURES;

8 (IV) MINIMUM BUILDING SETBACKS FOR A SINGLE-FAMILY
9 HOME AND ANY ACCESSORY STRUCTURES GREATER THAN:

10 1. FOR FRONT AND REAR SETBACKS, 10 FEET; AND

11 2. FOR SIDE SETBACKS, 5 FEET; OR

12 (V) DESIGN, ARCHITECTURAL, OR AESTHETIC ELEMENTS FOR A
13 SINGLE-FAMILY HOME.

14 (4) NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY
15 NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR
16 OTHER REQUIREMENT THAT PROHIBITS, DIRECTLY OR INDIRECTLY, THE
17 PLACEMENT OF TOWN HOUSES IN AN AREA ZONED FOR SINGLE-FAMILY
18 RESIDENTIAL USE.

19 (5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
20 PARAGRAPH AND NOTWITHSTANDING ANY OTHER LAW, A LEGISLATIVE BODY MAY
21 NOT ADOPT OR ENFORCE ANY CODE, ORDINANCE, REGULATION, STANDARD, OR
22 OTHER REQUIREMENT THAT PROHIBITS THE OWNER OF AN IMPROVED LOT IN AN
23 AREA ZONED FOR SINGLE-FAMILY RESIDENTIAL USE FROM SUBDIVIDING THE LOT
24 INTO THREE OR FEWER SMALLER LOTS THAT CONFORM TO LOCAL LAW.

25 (II) THIS PARAGRAPH DOES NOT APPLY TO AN IMPROVED LOT
26 CREATED BY SUBDIVISION WITHIN THE PRECEDING 3 YEARS.

27 (6) THE PROVISIONS OF THIS SUBSECTION:

28 (I) DO NOT SUPERSEDE APPLICABLE BUILDING CODES, FIRE
29 CODES, OR PUBLIC HEALTH AND SAFETY REGULATIONS THAT ARE NECESSARY TO
30 ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY; AND

(II) APPLY TO A LEGISLATIVE BODY ONLY TO THE EXTENT THAT
THEY DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

10–103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1–101(m) (Definitions – “Priority funding area”);

(3) § 1–101(o) (Definitions – “Sensitive area”);

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

(6) § 1–207 (Annual report – In general);

(7) § 1–208 (Annual report – Measures and indicators);

(8) Title 1, Subtitle 3 (Consistency);

(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);

(10) § 4–104(c) (Limitations – Bicycle parking);

(11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(12) **§ 4–104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);**

(13) § 4–205 (Administrative adjustments);

[(13)] (14) § 4–208 (Exceptions – Maryland Accessibility Code);

[(14)] (15) § 4–210 (Permits and variances – Solar panels);

[(15)] (16) § 4–211 (Change in zoning classification – Energy generating systems);

[(16)] (17) § 4–215 (Pollinator-friendly vegetation management);

1 [(17)] (18) § 4–216 (Limitations – Family child care homes and large family
2 child care homes);

3 [(18)] (19) Title 4, Subtitle 5 (Accessory Dwelling Units);

4 [(19)] (20) § 5–102(d) (Subdivision regulations – Burial sites);

5 [(20)] (21) Title 7, Subtitle 1 (Development Mechanisms);

6 [(21)] (22) Title 7, Subtitle 2 (Transfer of Development Rights);

7 [(22)] (23) Title 7, Subtitle 3 (Development Rights and Responsibilities
8 Agreements);

9 [(23)] (24) Title 7, Subtitle 4 (Inclusionary Zoning);

10 [(24)] (25) Title 7, Subtitle 5 (Housing Expansion and Affordability); and

11 [(25)] (26) Title 11, Subtitle 2 (Civil Penalty).

12 10–202.

13 To promote the health, safety, and general welfare of the community, the Mayor and
14 City Council of Baltimore City may, **SUBJECT TO THE OTHER PROVISIONS OF THIS**
15 **DIVISION**, regulate:

16 (1) the height, number of stories, and size of buildings and other structures;

17 (2) the percentage of a lot that may be occupied;

18 (3) off–street parking;

19 (4) the size of yards, courts, and other open spaces;

20 (5) population density; and

21 (6) the location and use of buildings, signs, structures, and land.

22 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
23 October 1, 2026.

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Dodson

Typed by: Fran

Stored – 11/14/25

Proofread by _____

Checked by _____

By: **Senator Augustine**

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Permitting – Development Rights**
3 **(Maryland Housing Certainty Act)**

4 FOR the purpose of requiring the approval of a housing development project application by
5 a local regulatory authority or the Maryland–National Capital Park and Planning
6 Commission to be governed only by certain laws and regulations in effect at the time
7 of submission of a substantially complete application; granting the proponent of an
8 approved housing development project certain vested rights related to use and
9 development for a certain time period; prohibiting the collection of certain
10 development excise taxes and development impact fees before a housing development
11 project is completed; and generally relating to housing development and land use.

12 BY repealing and reenacting, with amendments,

13 Article – Land Use

14 Section 1–401 and 10–103

15 Annotated Code of Maryland

16 (2012 Volume and 2025 Supplement)

17 BY adding to

18 Article – Land Use

19 Section 12–101 through 12–301 to be under the new title “Title 12. Maryland
20 Housing Certainty Act”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland
(2012 Volume and 2025 Supplement)

BY adding to
Article – Local Government
Section 20–128
Annotated Code of Maryland
(2013 Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter
counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III
(Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

- 1 (9) § 4–104(c) (Limitations – Bicycle parking);
- 2 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 3 (11) § 4–208 (Exceptions – Maryland Accessibility Code);
- 4 (12) § 4–210 (Permits and variances – Solar panels);
- 5 (13) § 4–211 (Change in zoning classification – Energy generating systems);
- 6 (14) § 4–212 (Agritourism);
- 7 (15) § 4–213 (Alcohol production);
- 8 (16) § 4–214 (Agricultural alcohol production);
- 9 (17) § 4–215 (Pollinator–friendly vegetation management);
- 10 (18) § 4–216 (Limitations – Family child care homes and large family child
11 care homes);
- 12 (19) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 13 (20) § 5–102(d) (Subdivision regulations – Burial sites);
- 14 (21) § 5–104 (Major subdivision – Review);
- 15 (22) Title 7, Subtitle 1 (Development Mechanisms);
- 16 (23) Title 7, Subtitle 2 (Transfer of Development Rights);
- 17 (24) except in Montgomery County or Prince George’s County, Title 7,
18 Subtitle 3 (Development Rights and Responsibilities Agreements);
- 19 (25) Title 7, Subtitle 4 (Inclusionary Zoning);
- 20 (26) Title 7, Subtitle 5 (Housing Expansion and Affordability);

(27) § 8–401 (Conversion of overhead facilities);

(28) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

(29) for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

(30) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

(31) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); [and]

(32) Title 11, Subtitle 2 (Civil Penalty); AND

(33) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).

(c) This section supersedes any inconsistent provision of Division II of this article.

10–103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1–101(m) (Definitions – “Priority funding area”);

(3) § 1–101(o) (Definitions – “Sensitive area”);

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

- 1 (6) § 1–207 (Annual report – In general);
- 2 (7) § 1–208 (Annual report – Measures and indicators);
- 3 (8) Title 1, Subtitle 3 (Consistency);
- 4 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties
5 – Comprehensive Plans; Implementation);
- 6 (10) § 4–104(c) (Limitations – Bicycle parking);
- 7 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 8 (12) § 4–205 (Administrative adjustments);
- 9 (13) § 4–208 (Exceptions – Maryland Accessibility Code);
- 10 (14) § 4–210 (Permits and variances – Solar panels);
- 11 (15) § 4–211 (Change in zoning classification – Energy generating systems);
- 12 (16) § 4–215 (Pollinator–friendly vegetation management);
- 13 (17) § 4–216 (Limitations – Family child care homes and large family child
14 care homes);
- 15 (18) Title 4, Subtitle 5 (Accessory Dwelling Units);
- 16 (19) § 5–102(d) (Subdivision regulations – Burial sites);
- 17 (20) Title 7, Subtitle 1 (Development Mechanisms);
- 18 (21) Title 7, Subtitle 2 (Transfer of Development Rights);
- 19 (22) Title 7, Subtitle 3 (Development Rights and Responsibilities
20 Agreements);

(23) Title 7, Subtitle 4 (Inclusionary Zoning);

(24) Title 7, Subtitle 5 (Housing Expansion and Affordability); [and]

(25) Title 11, Subtitle 2 (Civil Penalty); AND

(26) TITLE 12 (MARYLAND HOUSING CERTAINTY ACT).

TITLE 12. MARYLAND HOUSING CERTAINTY ACT.

SUBTITLE 1. GENERAL PROVISIONS.

12-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.

(C) “HOUSING CONSTRUCTION PERMIT” MEANS A BUILDING PERMIT REQUIRED BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO COMMENCE OR CONTINUE THE CONSTRUCTION, SUBSTANTIAL RENOVATION, OR IMPROVEMENT OF RESIDENTIAL REAL ESTATE.

(D) “HOUSING DEVELOPMENT PROJECT” MEANS THE NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION OF A RESIDENTIAL REAL ESTATE PROJECT.

(E) “HOUSING DEVELOPMENT PROJECT APPLICATION” MEANS AN APPLICATION FOR A BUILDING PERMIT, CERTIFICATION, AUTHORIZATION, SITE PLAN APPROVAL, SUBDIVISION APPROVAL, CONCEPTUAL PLAN, OR ANY OTHER DETERMINATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION RELATING TO A HOUSING DEVELOPMENT PROJECT THAT HAS BEEN SUBMITTED TO A LOCAL REGULATORY AUTHORITY OR THE COMMISSION IN COMPLIANCE WITH APPLICABLE REQUIREMENTS.

(F) “LOCAL REGULATORY AUTHORITY” MEANS:

(1) THE GOVERNING BODY OF A LOCAL JURISDICTION; OR

(2) A DEPARTMENT, BOARD, COMMISSION, OR OTHER ENTITY OF A LOCAL JURISDICTION RESPONSIBLE FOR PROCESSING OR APPROVING AN APPLICATION FOR A HOUSING CONSTRUCTION PERMIT.

(G) “PHASED DEVELOPMENT PLAN” MEANS A SUBDIVISION OR SITE PLAN IN WHICH THE APPLICANT PROPOSES TO DEVELOP A PROPERTY IN 2 OR MORE INDIVIDUAL PHASES OVER A PERIOD OF TIME.

(H) “SUBSTANTIALLY COMPLETE APPLICATION” MEANS A HOUSING DEVELOPMENT PROJECT APPLICATION THAT SATISFIES A SUBSTANTIAL MAJORITY OF THE APPLICATION REQUIREMENTS, BUT MAY CONTAIN NONSUBSTANTIVE ERRORS, OMISSIONS, OR SIMILAR INCONSEQUENTIAL DEFICIENCIES.

SUBTITLE 2. LOCAL REGULATORY PROCEDURES.

12-201.

(A) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE APPROVAL, CONDITIONAL APPROVAL, OR DENIAL OF A HOUSING DEVELOPMENT PROJECT APPLICATION BY A LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL BE GOVERNED ONLY BY THE DULY ADOPTED LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF A SUBSTANTIALLY COMPLETE APPLICATION.

(2) (I) WITHIN 15 DAYS AFTER RECEIPT OF A HOUSING DEVELOPMENT PROJECT APPLICATION, A LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL MAKE A DETERMINATION AS TO WHETHER THE APPLICATION IS A SUBSTANTIALLY COMPLETE APPLICATION.

(II) AFTER MAKING A DETERMINATION UNDER THIS PARAGRAPH, THE LOCAL REGULATORY AUTHORITY OR THE COMMISSION SHALL:

1. PROMPTLY NOTIFY THE APPLICANT OF THE DETERMINATION AND THE DATE OF THE DETERMINATION; AND

1 **2. IF THE LOCAL REGULATORY AUTHORITY OR THE**
2 **COMMISSION HAS DETERMINED THAT THE APPLICATION IS NOT A SUBSTANTIALLY**
3 **COMPLETE APPLICATION, PROVIDE THE APPLICANT WITH A LIST OF DEFICIENCIES**
4 **AND A REASONABLE TIME FRAME FOR CURING THE DEFICIENCIES.**

5 **(3) IF A LOCAL REGULATORY AUTHORITY OR THE COMMISSION FAILS**
6 **TO NOTIFY AN APPLICANT OF ITS DETERMINATION REGARDING THE COMPLETENESS**
7 **OF A HOUSING DEVELOPMENT APPLICATION WITHIN 20 DAYS AFTER RECEIPT OF**
8 **THE APPLICATION, THE APPLICATION IS DEEMED TO BE A SUBSTANTIALLY**
9 **COMPLETE APPLICATION FOR PURPOSES OF THIS SECTION.**

10 **(4) (I) WHEN A LOCAL REGULATORY AUTHORITY OR THE**
11 **COMMISSION PROVIDES FOR THE APPROVAL OF A HOUSING DEVELOPMENT**
12 **PROJECT IN MULTIPLE STAGES, THE DATE OF A COMPLETE OR SUBSTANTIALLY**
13 **COMPLETE APPLICATION SUBMISSION UNDER PARAGRAPH (1) OF THIS SUBSECTION**
14 **SHALL BE THE DATE OF THE FIRST COMPLETE OR SUBSTANTIALLY COMPLETE**
15 **APPLICATION SUBMISSION FOR ANY PROCESS THAT MAY CULMINATE IN THE FINAL**
16 **APPROVAL OF THE APPLICATION.**

17 **(II) A ZONING TEXT AMENDMENT, APPLICATION FOR**
18 **REZONING, OR OTHER LOCAL EQUIVALENT MAY NOT BE CONSIDERED AS A PROCESS**
19 **THAT MAY CULMINATE IN THE FINAL APPROVAL OF AN APPLICATION UNDER THIS**
20 **PARAGRAPH.**

21 **(B) AFTER A HOUSING DEVELOPMENT PROJECT HAS RECEIVED ALL**
22 **REQUIRED APPROVALS, THE PROPONENT OF THE PROJECT SHALL HAVE A VESTED**
23 **RIGHT TO THAT AUTHORIZED USE AND DEVELOPMENT FOR THE LONGER OF:**

24 **(1) 5 YEARS; OR**

25 **(2) A PERIOD DETERMINED BY THE LOCAL REGULATORY AUTHORITY**
26 **OR THE COMMISSION.**

27 **(C) FOR PURPOSES OF THIS SECTION, EACH DISCRETE PHASE OF A**
28 **HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN**
29 **SHALL BE CONSIDERED A DISCRETE HOUSING DEVELOPMENT PROJECT.**

30 **(D) THIS SECTION MAY NOT BE CONSTRUED TO:**

(1) PREVENT THE EXPIRATION OF AN APPROVAL OF A HOUSING DEVELOPMENT PROJECT APPLICATION IN ACCORDANCE WITH THE LAWS OR REGULATIONS GOVERNING A LOCAL REGULATORY AUTHORITY OR THE COMMISSION; OR

(2) LIMIT THE ABILITY OF A LOCAL REGULATORY AUTHORITY OR THE COMMISSION TO:

(I) REQUIRE APPROVALS OR PERMITS FOR EACH PHASE OF A HOUSING DEVELOPMENT PROJECT SUBJECT TO A PHASED DEVELOPMENT PLAN IN ACCORDANCE WITH THE LAWS AND REGULATIONS IN EFFECT AT THE TIME OF SUBMISSION OF A SUBSTANTIALLY COMPLETE APPLICATION FOR EACH RESPECTIVE PHASE;

(II) ENFORCE HEALTH AND SAFETY LAWS OR REGULATIONS THAT ARE NECESSARY TO ADDRESS IMMEDIATE THREATS TO PUBLIC SAFETY;

(III) EXECUTE A DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT UNDER TITLE 7, SUBTITLE 3 OF THIS ARTICLE; OR

(IV) APPROVE A ZONING TEXT AMENDMENT, APPLICATION FOR REZONING, OR OTHER LOCAL EQUIVALENT TO INCREASE THE DENSITY OF A HOUSING DEVELOPMENT PROJECT BEYOND THE MAXIMUM ALLOWABLE AMOUNT AT THE TIME OF COMPLETE OR SUBSTANTIALLY COMPLETE APPLICATION SUBMISSION UNDER SUBSECTION (A) OF THIS SECTION.

(E) THE REQUIREMENTS OF THIS SECTION APPLY TO A LOCAL REGULATORY AUTHORITY AND THE COMMISSION ONLY TO THE EXTENT THAT THE REQUIREMENTS DO NOT CONFLICT WITH OTHER STATE OR FEDERAL LAWS OR REGULATIONS.

SUBTITLE 3. SHORT TITLE.

12-301.

THIS TITLE MAY BE CITED AS THE MARYLAND HOUSING CERTAINTY ACT.

Article – Local Government

1 **20–128.**

2 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
3 **INDICATED.**

4 **(2) “DEVELOPMENT EXCISE TAX” MEANS AN EXCISE TAX IMPOSED BY**
5 **A COUNTY OR MUNICIPALITY ON THE CONSTRUCTION OR IMPROVEMENT OF A**
6 **BUILDING.**

7 **(3) “DEVELOPMENT IMPACT FEE” MEANS A FEE IMPOSED BY A**
8 **COUNTY OR MUNICIPALITY FOR THE PURPOSE OF FINANCING ANY OF THE CAPITAL**
9 **COSTS OF ADDITIONAL OR EXPANDED PUBLIC WORKS, IMPROVEMENTS, AND**
10 **FACILITIES REQUIRED TO ACCOMMODATE NEW CONSTRUCTION OR DEVELOPMENT.**

11 **(4) “RESIDENTIAL REAL ESTATE PROJECT” INCLUDES A MIXED–USE**
12 **DEVELOPMENT THAT INCLUDES RESIDENTIAL UNITS.**

13 **(B) THIS SECTION APPLIES ONLY TO:**

14 **(1) A COUNTY THAT:**

15 **(I) IS A CHARTER COUNTY THAT IMPOSES, BY LAW,**
16 **DEVELOPMENT IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES;**

17 **(II) IS A CODE COUNTY WITH PUBLIC LOCAL LAWS THAT**
18 **REQUIRE THE PAYMENT OF DEVELOPMENT IMPACT FEES, SURCHARGES, OR**
19 **DEVELOPMENT EXCISE TAXES; OR**

20 **(III) IS A COMMISSION COUNTY THAT:**

21 **1. HAS BEEN AUTHORIZED TO ENACT DEVELOPMENT**
22 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND**

23 **2. HAS ENACTED, BY LOCAL LAW, DEVELOPMENT**
24 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES; AND**

1 **(2) A MUNICIPALITY THAT IMPOSES, BY LOCAL LAW, DEVELOPMENT**
2 **IMPACT FEES, SURCHARGES, OR DEVELOPMENT EXCISE TAXES.**

3 **(C) ANY DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE**
4 **IMPOSED ON A RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY**
5 **GRANTED IN THIS ARTICLE MAY NOT BE COLLECTED UNTIL AFTER:**

6 **(1) CONSTRUCTION OF THE RESIDENTIAL REAL ESTATE PROJECT IS**
7 **COMPLETE; AND**

8 **(2) A CERTIFICATE OF OCCUPANCY, OCCUPANCY PERMIT, OR OTHER**
9 **LOCAL EQUIVALENT HAS BEEN ISSUED FOR THE RESIDENTIAL REAL ESTATE**
10 **PROJECT.**

11 **(D) NOTWITHSTANDING ANY OTHER LAW, A COUNTY OR MUNICIPALITY**
12 **THAT IMPOSES A DEVELOPMENT EXCISE TAX OR DEVELOPMENT IMPACT FEE ON A**
13 **RESIDENTIAL REAL ESTATE PROJECT UNDER THE AUTHORITY GRANTED IN THIS**
14 **ARTICLE MAY REVOKE A CERTIFICATE OF OCCUPANCY, OCCUPANCY PERMIT, OR**
15 **OTHER LOCAL EQUIVALENT IF THE DEVELOPMENT EXCISE TAX OR DEVELOPMENT**
16 **IMPACT FEE IS NOT PAID WITHIN A REASONABLE TIME PERIOD SET BY THE COUNTY**
17 **OR MUNICIPALITY.**

18 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
19 **October 1, 2026.**