

# SENATE BILL 36

C9, L6

(PRE-FILED)

6lr0183

CF HB 239

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By: Chair, Education, Energy, and the Environment Committee (By Request – Departmental – Housing and Community Development)

Requested: October 29, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

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## 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.

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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 6 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 in 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.

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

(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.

13 (n) (1) "Regulation" means a rule of general applicability and future effect.

14 (2) "Regulation" includes a map or plan.

15 (o) "Sensitive area" includes:

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

17 (2) a 100-year flood plain;

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

19 (4) a steep slope;

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

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

23 (p) "Special exception" means a grant of a specific use that:

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

25 (2) shall be based on a finding that:

26 (i) the requirements of the zoning law governing the special  
27 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, 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 E OR MORE ATTACHED DWELLING UNITS, WHERE EACH DWELLING UNIT:

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

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

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

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

25 [t] (U) (1) "Zoning law" means the legislative implementation of  
26 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.

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

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

6 (2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,  
7 and “Sensitive area”);

8 (3) § 1–201 (Visions);

9 (4) § 1–206 (Required education);

10 (5) § 1–207 (Annual report – In general);

11 (6) § 1–208 (Annual report – Measures and indicators);

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

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

14 (9) § 4-104(c) (Limitations – Bicycle parking);

15 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

16 (11) § 4-104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);

17 (12) § 4-208 (Exceptions – Maryland Accessibility Code);

19                   [(13)] (14) § 4-211 (Change in zoning classification – Energy generating  
20 systems):

<sup>21</sup> [(14)] (15) § 4–212 (Agritourism);

22 [15] (16) § 4-213 (Alcohol production);

23 [16] (17) § 4-214 (Agricultural alcohol production):

<sup>24</sup> [(17)] (18) § 4–215 (Pollinator-friendly vegetation management):

25                           [(18)] (19) § 4–216 (Limitations – Family child care homes and large family  
26 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 4-103.

- (1) the land and improvements being zoned or rezoned; or
- (2) the surrounding or adjacent land and improvements.

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

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

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

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

27 4-104.

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

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

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

8 (IV) "LEGISLATIVE BODY" INCLUDES:

14 (V) "SINGLE-FAMILY HOME" MEANS:

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

## 18 2. A TOWN HOUSE.

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

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

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:

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

**2. FOR SIDE SETBACKS, 5 FEET; OR**

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

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:

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

3 10-103.

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

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

7 (1) this title;

8 (2) § 1–101(m) (Definitions – “Priority funding area”);

9 (3) § 1–101(o) (Definitions – “Sensitive area”);

10 (4) § 1–201 (Visions);

11 (5) § 1–206 (Required education);

12 (6) § 1–207 (Annual report – In general);

13 (7) § 1–208 (Annual report – Measures and indicators);

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

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

17 (10) § 4-104(c) (Limitations – Bicycle parking);

18 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

19 (12) § 4-104(E) (LIMITATIONS – SINGLE-FAMILY HOMES);

20 (13) § 4–205 (Administrative adjustments);

21 [ (13) ] (14) § 4-208 (Exceptions – Maryland Accessibility Code);

22 [ (14) ] (15) § 4-210 (Permits and variances – Solar panels);

23                           [(15)] (16) § 4-211 (Change in zoning classification – Energy generating  
24 systems);

25 [ (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.