

SENATE BILL 829

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6lr2223
CF HB 1137

By: **Senator Waldstreicher**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Land Use – Multifamily Developments and Mixed–Use Developments –**
3 **Authorization**
4 **(Bring Back Main Street Act)**

5 FOR the purpose of requiring certain counties to allow multifamily developments and
6 mixed–use developments as a permitted use on certain parcels or lots; prohibiting
7 certain counties from imposing certain restrictions, requirements, or limitations on
8 permitted developments; authorizing certain counties to require a permitted
9 development to have a certain percentage of available floor space dedicated to retail
10 uses and to include on–site parking; prohibiting a restriction on use from imposing
11 or acting to impose certain limitations on the development of a multifamily
12 development or mixed–use development; and generally relating to multifamily
13 developments and mixed–use developments.

14 BY repealing and reenacting, without amendments,
15 Article – Land Use
16 Section 1–101(a) and (b) and 7–501(a), (b), (c), (d), and (i)
17 Annotated Code of Maryland
18 (2012 Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Land Use
21 Section 1–401 and 10–103
22 Annotated Code of Maryland
23 (2012 Volume and 2025 Supplement)

24 BY adding to
25 Article – Land Use
26 Section 4–104(e)
27 Annotated Code of Maryland
28 (2012 Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Real Property
3 Section 2–127
4 Annotated Code of Maryland
5 (2023 Replacement Volume and 2025 Supplement)

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

8 **Article – Land Use**

9 1–101.

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

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

14 1–401.

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

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

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

20 (2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,
21 and “Sensitive area”);

22 (3) § 1–201 (Visions);

23 (4) § 1–206 (Required education);

24 (5) § 1–207 (Annual report – In general);

25 (6) § 1–208 (Annual report – Measures and indicators);

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

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

28 (9) § 4–104(c) (Limitations – Bicycle parking);

- 1 (10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);
- 2 (11) **§ 4–104(E) (MULTIFAMILY DEVELOPMENTS AND MIXED–USE**
3 **DEVELOPMENTS);**
- 4 **(12)** § 4–208 (Exceptions – Maryland Accessibility Code);
- 5 **[(12)] (13)** § 4–210 (Permits and variances – Solar panels);
- 6 **[(13)] (14)** § 4–211 (Change in zoning classification – Energy generating
7 systems);
- 8 **[(14)] (15)** § 4–212 (Agritourism);
- 9 **[(15)] (16)** § 4–213 (Alcohol production);
- 10 **[(16)] (17)** § 4–214 (Agricultural alcohol production);
- 11 **[(17)] (18)** § 4–215 (Pollinator–friendly vegetation management);
- 12 **[(18)] (19)** § 4–216 (Limitations – Family child care homes and large family
13 child care homes);
- 14 **[(19)] (20)** Title 4, Subtitle 5 (Accessory Dwelling Units);
- 15 **[(20)] (21)** § 5–102(d) (Subdivision regulations – Burial sites);
- 16 **[(21)] (22)** § 5–104 (Major subdivision – Review);
- 17 **[(22)] (23)** Title 7, Subtitle 1 (Development Mechanisms);
- 18 **[(23)] (24)** Title 7, Subtitle 2 (Transfer of Development Rights);
- 19 **[(24)] (25)** except in Montgomery County or Prince George’s County, Title
20 7, Subtitle 3 (Development Rights and Responsibilities Agreements);
- 21 **[(25)] (26)** Title 7, Subtitle 4 (Inclusionary Zoning);
- 22 **[(26)] (27)** Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 23 **[(27)] (28)** § 8–401 (Conversion of overhead facilities);
- 24 **[(28)] (29)** for Baltimore County only, Title 9, Subtitle 3 (Single–County
25 Provisions – Baltimore County);

1 **[(29)] (30)** for Frederick County only, Title 9, Subtitle 10 (Single-County
2 Provisions – Frederick County);

3 **[(30)] (31)** for Howard County only, Title 9, Subtitle 13 (Single-County
4 Provisions – Howard County);

5 **[(31)] (32)** for Talbot County only, Title 9, Subtitle 18 (Single-County
6 Provisions – Talbot County); and

7 **[(32)] (33)** Title 11, Subtitle 2 (Civil Penalty).

8 (c) This section supersedes any inconsistent provision of Division II of this article.
9 4–104.

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

12 **(II) “AFFORDABLE” HAS THE MEANING STATED IN § 7–501 OF**
13 **THIS ARTICLE.**

14 **(III) “AFFORDABLE DWELLING UNIT” HAS THE MEANING STATED**
15 **IN § 7–501 OF THIS ARTICLE.**

16 **(IV) “AREA MEDIAN INCOME” HAS THE MEANING STATED IN §**
17 **7–501 OF THIS ARTICLE.**

18 **(V) “MIXED-USE DEVELOPMENT” MEANS A DEVELOPMENT**
19 **CONSISTING OF RESIDENTIAL AND NONRESIDENTIAL USES IN WHICH THE**
20 **NONRESIDENTIAL USES:**

21 **1. ARE LESS THAN 50% OF THE TOTAL SQUARE FOOTAGE**
22 **OF THE DEVELOPMENT; AND**

23 **2. ARE LIMITED TO THE FIRST FLOOR OF BUILDINGS**
24 **THAT ARE TWO OR MORE STORIES.**

25 **(VI) “MULTIFAMILY DEVELOPMENT” MEANS A BUILDING**
26 **DESIGNED FOR FIVE OR MORE DWELLING UNITS IN WHICH:**

27 **1. THE DWELLING UNITS SHARE A COMMON SEPARATION**
28 **SUCH AS A CEILING OR WALL; AND**

1 **2. COMMON ACCESS BETWEEN THE DWELLING UNITS**
2 **CANNOT BE GAINED THROUGH AN INTERNAL DOORWAY, EXCEPT FOR A COMMON**
3 **HALLWAY.**

4 **(VII) “PERMITTED DEVELOPMENT” MEANS A MULTIFAMILY**
5 **DEVELOPMENT OR MIXED-USE DEVELOPMENT ALLOWED AS A PERMITTED USE**
6 **UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

7 **(VIII) “PERMITTED USE” MEANS THE ABILITY TO BE APPROVED**
8 **WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE PERMIT,**
9 **SPECIAL PERMIT, SPECIAL EXCEPTION, OR ANY OTHER DISCRETIONARY ZONING**
10 **ACTION REQUIRED UNDER THIS ARTICLE OTHER THAN A DETERMINATION THAT A**
11 **SITE PLAN CONFORMS WITH APPLICABLE ZONING REGULATIONS.**

12 **(2) THIS SUBSECTION APPLIES ONLY TO A COUNTY WITH A**
13 **POPULATION OF MORE THAN 150,000.**

14 **(3) A COUNTY SHALL ALLOW MULTIFAMILY DEVELOPMENTS OR**
15 **MIXED-USE DEVELOPMENTS AS A PERMITTED USE ON A PARCEL OR LOT THAT IS:**

16 **(I) CURRENTLY SERVICED BY A WATER AND SEWER SYSTEM,**
17 **WHETHER PUBLIC OR PRIVATE; AND**

18 **(II) LOCATED ON A PARCEL ZONED FOR RECREATIONAL OR**
19 **COMMERCIAL USE.**

20 **(4) ON A PERMITTED DEVELOPMENT, A COUNTY MAY NOT IMPOSE:**

21 **(I) DENSITY LIMITS THAT ARE LOWER THAN THE HIGHEST**
22 **ALLOWABLE DENSITY IN THE COUNTY’S RESIDENTIAL ZONES;**

23 **(II) SETBACK REQUIREMENTS THAT ARE GREATER THAN THE**
24 **LESSER OF:**

25 **1. STANDARD UTILITY EASEMENTS;**

26 **2. EXISTING COMMERCIAL SETBACK REQUIREMENTS**
27 **FROM SIDE AND REAR LOT LINES; OR**

28 **3. EXISTING SETBACK REQUIREMENTS FOR A PROPERTY**
29 **BEING CONVERTED TO RESIDENTIAL OR MIXED-USE THROUGH ADAPTIVE REUSE;**

30 **(III) RESTRICTIONS ON LOT SIZE OR COVERAGE;**

1 (IV) MANDATORY WALLS, FENCES, OR SCREENING;

2 (V) MANDATORY USE OF IMPERVIOUS PAVEMENT OUTDOORS
3 UNLESS IF NECESSARY FOR:

4 1. DISABILITY ACCOMMODATION; OR

5 2. PUBLIC HEALTH AND SAFETY; OR

6 (VI) MANDATORY NONPUBLIC OPEN SPACE OR COMMON AREAS.

7 (5) A COUNTY MAY NOT REQUIRE A PERMITTED DEVELOPMENT TO
8 INCLUDE A PERCENTAGE OF AFFORDABLE DWELLING UNITS GREATER THAN THE
9 PERCENTAGE OTHERWISE REQUIRED IN RESIDENTIAL ZONES IN THAT COUNTY.

10 (6) A COUNTY MAY REQUIRE:

11 (I) UP TO 20% OF THE AVAILABLE FLOOR SPACE OF A
12 PERMITTED DEVELOPMENT TO BE DEDICATED TO RETAIL USES; AND

13 (II) A PERMITTED DEVELOPMENT TO INCLUDE ON-SITE
14 PARKING.

15 (7) A COUNTY MAY REGULATE THE SITING AND DESIGN OF A
16 PERMITTED DEVELOPMENT.

17 (8) A COUNTY MAY NOT IMPOSE A MINIMUM OFF-STREET PARKING
18 REQUIREMENT ON A PERMITTED DEVELOPMENT, EXCEPT AS NECESSARY TO
19 COMPLY WITH FEDERAL LAW.

20 7-501.

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

22 (b) "Affordable" means that housing costs do not exceed 30% of a household's
23 income.

24 (c) "Affordable dwelling unit" means a dwelling unit that is affordable to
25 households earning 60% or less of the area median income.

26 (d) "Area median income" means the median household income for the area
27 adjusted for household size as published and annually updated by the U.S. Department of
28 Housing and Urban Development.

1 (i) (1) “Mixed–use” means any combination of a residential use with a
2 recreational, office, dining, or retail use.

3 (2) “Mixed–use” does not mean any combination of a residential use with
4 an industrial or hazardous use.

5 10–103.

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

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

9 (1) this title;

10 (2) § 1–101(m) (Definitions – “Priority funding area”);

11 (3) § 1–101(o) (Definitions – “Sensitive area”);

12 (4) § 1–201 (Visions);

13 (5) § 1–206 (Required education);

14 (6) § 1–207 (Annual report – In general);

15 (7) § 1–208 (Annual report – Measures and indicators);

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

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

19 (10) § 4–104(c) (Limitations – Bicycle parking);

20 (11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

21 (12) **§ 4–104(E) (MULTIFAMILY DEVELOPMENTS AND MIXED–USE
22 DEVELOPMENTS);**

23 **(13)** § 4–205 (Administrative adjustments);

24 **[(13)] (14)** § 4–208 (Exceptions – Maryland Accessibility Code);

25 **[(14)] (15)** § 4–210 (Permits and variances – Solar panels);

- 1 **(III) A CONTRACT;**
- 2 **(IV) THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION;**
- 3 **(V) A SECURITY INSTRUMENT; OR**
- 4 **(VI) ANY OTHER INSTRUMENT AFFECTING:**
- 5 **1. THE TRANSFER OR SALE OF REAL PROPERTY; OR**
- 6 **2. ANY OTHER INTEREST IN REAL PROPERTY.**

7 **(B) (1) IF A PROPERTY OWNER HAS THE EXCLUSIVE RIGHT TO USE THE**
8 **PROPERTY AND ABIDES BY ALL APPLICABLE LAWS AND REGULATIONS, A**
9 **RESTRICTION ON USE REGARDING LAND USE MAY NOT IMPOSE OR ACT TO IMPOSE**
10 **AN UNREASONABLE LIMITATION ON THE ABILITY OF THE PROPERTY OWNER TO**
11 **BUILD A RESIDENTIAL DEVELOPMENT OR MIXED-USE DEVELOPMENT.**

12 **(2) FOR THE PURPOSE OF PARAGRAPH (1) OF THIS SUBSECTION, AN**
13 **UNREASONABLE LIMITATION INCLUDES A LIMITATION THAT:**

14 **(I) SIGNIFICANTLY INCREASES THE COST OF DEVELOPING A**
15 **MULTIFAMILY DEVELOPMENT OR MIXED-USE DEVELOPMENT; OR**

16 **(II) PROHIBITS, EITHER EXPLICITLY OR BY EFFECT OF THE**
17 **RESTRICTIONS, A MULTIFAMILY DEVELOPMENT OR MIXED-USE DEVELOPMENT.**

18 **(C) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC**
19 **PROPERTY THAT IS LISTED IN OR DETERMINED BY THE DIRECTOR OF THE**
20 **MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN THE MARYLAND**
21 **REGISTER OF HISTORIC PROPERTIES.**

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