February 13, 2026

Senate Education, Energy & Environment Committee

Bill: SB36 - Land Use - Zoning - Limitations (Starter and Silver Homes Act of 2026)
Position: Support with Amendments

Dear Members of the Senate Education, Energy & Environment Committee,

The City of Gaithersburg appreciates the General Assembly's efforts to expand housing options and reduce regulatory barriers to housing development. We support the overall intent of this legislation and respectfully submit the following comments and proposed amendments to ensure that its implementation aligns with environmental resilience, infrastructure capacity, housing affordability, and local planning best practices.

Eliminating maximum lot coverage requirements can conflict with environmental and sustainability objectives. Minimum lot coverage standards help preserve residential open space, which is typically planted with trees and contributes significantly to local and statewide canopy goals.

Maryland's no-net-loss policy seeks to maintain the State's current 40% tree canopy. According to the City's Environmental and Sustainability Element of the 2009 Master Plan (adopted 2015), approximately 45.97% of Gaithersburg's tree canopy is located on private residential land.

Eliminating lot coverage maximums could undermine these goals and increase impervious surfaces, leading to higher stormwater fees for homeowners—an outcome that would work against housing affordability.

Suggested amendment:

If eliminating lot coverage maximums is necessary, limit this change to townhouses only and maintain a maximum lot coverage of at least 50% for single-family detached homes.

Most residential zones in Gaithersburg already require minimum front and rear yard setbacks of 10 feet. The proposed changes would primarily affect the R-A, R-90, RB, and R-H zones.

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2038
301-258-6300 • FAX 301-948-6149 • cityhall@gaithersburgmd.gov • gaithersburgmd.gov

MAYOR
Jud Ashman

COUNCIL MEMBERS
Neil Harris
Lisa Henderson
Yamil Hernández
Jim McNulty
Robert Wu

CITY MANAGER
Tanisha R. Briley

Suggested amendment:

If establishing maximum allowable minimum setbacks is required, require a 20-foot minimum front and rear setback to preserve neighborhood character and functionality.

With respect to side yard setbacks, impacts would be limited to the R-A, R-6, and R-H zones. The City is generally comfortable with the proposed maximum side yard setbacks.

However, the bill also applies setback standards to accessory structures, such as sheds and detached garages, which do not contribute to housing supply.

Suggested amendment:

Remove references to accessory structures from the setback provisions. If the intent is to address accessory dwelling units (ADUs), note that these were addressed in HB 1466 (2025), and local jurisdictions are not required to comply with that law until October 1, 2026. If accessory structures remain in this bill, jurisdictions should be granted corresponding deadline relief.

The bill's definition of "townhouse" could be interpreted to include stacked condominiums (two-over-two), triplexes, or quadplexes, which were not the intended housing types contemplated.

Suggested amendment:

Revise the definition of townhouse to align more closely with the City's definition:

Dwelling, Townhouse: A type of single-family attached dwelling consisting of three or more units, each attached by a party wall serving as a vertical boundary, with each unit extending from ground to roof, no unit located above another, and each unit having its own ground-floor entrance or sharing an entrance with only an adjacent unit.

The bill prohibits lot coverage limits for accessory structures such as sheds and detached garages, which do not increase housing supply.

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Suggested amendment:

Remove this prohibition or revise it to apply only to accessory dwelling units (ADUs).

The bill prohibits jurisdictions from restricting subdivision of improved lots into three or fewer lots without regard to access or Adequate Public Facilities Ordinance (APFO) standards.

Suggested amendment:

Clarify that newly created lots must comply with local subdivision requirements, have adequate access to a public or private street, and meet APFO standards.

Additionally, to align with the bill's goal of streamlining development:

Suggested amendment:

Allow residential and mixed-use subdivision applications to be reviewed and approved at the administrative level, rather than requiring Planning Commission approval under §5-201 of the Land Use Article. This would reduce delays while maintaining consistency with local standards.

The bill prohibits local jurisdictions from adopting regulations that establish restrictions "directly or indirectly."

Suggested amendment:

Remove the word "indirectly", as it is overly broad and subjective and could unintentionally invalidate reasonable local regulations.

The bill prohibits minimum square footage requirements, though building codes already establish minimum interior space standards.

Suggested amendment:

Clarify that this prohibition applies only to exterior dimensional requirements and does not preempt interior minimum standards established under building codes.

The City currently enforces design guidelines regulating architectural and aesthetic elements for single-family homes.

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Suggested amendments:

Allow grandfathering of existing design guidelines.

Permit Planning Commissions to establish reasonable design standards during site plan review or when developers voluntarily incorporate design elements into their projects.

The bill states that it does not supersede codes necessary to address "immediate threats" to public safety.

Suggested amendment:

Remove the reference to "immediate threats." Building, fire, and safety codes are inherently designed to protect public health, safety, and welfare and should remain fully enforceable without qualification.

The City of Gaithersburg supports the intent of this legislation and believes that, with the amendments outlined above, it can advance housing goals while preserving environmental sustainability, infrastructure capacity, and local planning integrity. We respectfully urge the Committee to consider these amendments and move the bill forward in a balanced and effective manner.

Thank you,

Jud Ashman, Mayor
City of Gaithersburg

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