

SENATE BILL 829

L6, C9

(6lr2223)

ENROLLED BILL

— Education, Energy, and the Environment/Economic Matters —

Introduced by **Senator Waldstreicher**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Land Use—Multifamily Developments and Mixed-Use Developments—~~
3 ~~Authorization~~
4 Residential-in-Commercial-Zone Laws – Study
5 (Bring Back Main Street Act)

6 FOR the purpose of requiring ~~certain counties to allow multifamily developments and~~
7 ~~mixed-use developments as a permitted use on certain parcels or lots; prohibiting~~
8 ~~certain counties from imposing certain restrictions, requirements, or limitations on~~
9 ~~permitted developments; authorizing certain counties to require a permitted~~
10 ~~development to have a certain percentage of available floor space dedicated to retail~~
11 ~~uses and to include on-site parking; prohibiting a restriction on use from imposing~~
12 ~~or acting to impose certain limitations on the development of a multifamily~~
13 ~~development or mixed-use development; and generally relating to multifamily~~
14 ~~developments and mixed-use developments~~ requiring the Department of Housing
15 and Community Development to study and make recommendations regarding laws

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 to require certain local jurisdictions to allow certain residential or mixed-use
 2 developments as a permitted use on certain parcels or lots zoned for commercial use;
 3 and generally relating to residential-in-commercial-zone laws.

4 ~~BY repealing and reenacting, without amendments,~~
 5 ~~Article — Land Use~~
 6 ~~Section 1—101(a) and (b) and 7—501(a), (b), (c), (d), and (i)~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2012 Volume and 2025 Supplement)~~

9 ~~BY repealing and reenacting, with amendments,~~
 10 ~~Article — Land Use~~
 11 ~~Section 1—401 and 10—103~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2012 Volume and 2025 Supplement)~~

14 ~~BY adding to~~
 15 ~~Article — Land Use~~
 16 ~~Section 4—104(c)~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2012 Volume and 2025 Supplement)~~

19 ~~BY adding to~~
 20 ~~Article — Real Property~~
 21 ~~Section 2—127~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(2023 Replacement Volume and 2025 Supplement)~~

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

26 ~~Article — Land Use~~

27 ~~1—101.~~

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

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

32 ~~1—401.~~

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

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

- 1 ~~(1) this subtitle, including Parts II and III (Charter county~~
2 ~~Comprehensive plans);~~
- 3 ~~(2) § 1-101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”,~~
4 ~~and “Sensitive area”);~~
- 5 ~~(3) § 1-201 (Visions);~~
- 6 ~~(4) § 1-206 (Required education);~~
- 7 ~~(5) § 1-207 (Annual report – In general);~~
- 8 ~~(6) § 1-208 (Annual report – Measures and indicators);~~
- 9 ~~(7) Title 1, Subtitle 3 (Consistency);~~
- 10 ~~(8) Title 1, Subtitle 5 (Growth Tiers);~~
- 11 ~~(9) § 4-104(e) (Limitations – Bicycle parking);~~
- 12 ~~(10) § 4-104(d) (Limitations – Manufactured homes and modular dwellings);~~
- 13 ~~(11) § 4-104(E) (MULTIFAMILY DEVELOPMENTS AND MIXED USE~~
14 ~~DEVELOPMENTS);~~
- 15 ~~(12) § 4-208 (Exceptions – Maryland Accessibility Code);~~
- 16 ~~[(12)] (13) § 4-210 (Permits and variances – Solar panels);~~
- 17 ~~[(13)] (14) § 4-211 (Change in zoning classification – Energy generating~~
18 ~~systems);~~
- 19 ~~[(14)] (15) § 4-212 (Agritourism);~~
- 20 ~~[(15)] (16) § 4-213 (Alcohol production);~~
- 21 ~~[(16)] (17) § 4-214 (Agricultural alcohol production);~~
- 22 ~~[(17)] (18) § 4-215 (Pollinator friendly vegetation management);~~
- 23 ~~[(18)] (19) § 4-216 (Limitations – Family child care homes and large family~~
24 ~~child care homes);~~
- 25 ~~[(19)] (20) Title 4, Subtitle 5 (Accessory Dwelling Units);~~

- 1 ~~[(20)] (21)~~ § 5-102(d) (Subdivision regulations—Burial sites);
- 2 ~~[(21)] (22)~~ § 5-104 (Major subdivision—Review);
- 3 ~~[(22)] (23)~~ Title 7, Subtitle 1 (Development Mechanisms);
- 4 ~~[(23)] (24)~~ Title 7, Subtitle 2 (Transfer of Development Rights);
- 5 ~~[(24)] (25)~~ ~~except in Montgomery County or Prince George's County, Title~~
- 6 ~~7, Subtitle 3 (Development Rights and Responsibilities Agreements);~~
- 7 ~~[(25)] (26)~~ Title 7, Subtitle 4 (Inclusionary Zoning);
- 8 ~~[(26)] (27)~~ Title 7, Subtitle 5 (Housing Expansion and Affordability);
- 9 ~~[(27)] (28)~~ § 8-401 (Conversion of overhead facilities);
- 10 ~~[(28)] (29)~~ ~~for Baltimore County only, Title 9, Subtitle 3 (Single County~~
- 11 ~~Provisions—Baltimore County);~~
- 12 ~~[(29)] (30)~~ ~~for Frederick County only, Title 9, Subtitle 10 (Single County~~
- 13 ~~Provisions—Frederick County);~~
- 14 ~~[(30)] (31)~~ ~~for Howard County only, Title 9, Subtitle 13 (Single County~~
- 15 ~~Provisions—Howard County);~~
- 16 ~~[(31)] (32)~~ ~~for Talbot County only, Title 9, Subtitle 18 (Single County~~
- 17 ~~Provisions—Talbot County); and~~
- 18 ~~[(32)] (33)~~ Title 11, Subtitle 2 (Civil Penalty).

19 ~~(e) This section supersedes any inconsistent provision of Division II of this article.~~

20 ~~4-104.~~

21 ~~(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE~~

22 ~~MEANINGS INDICATED.~~

23 ~~(II) "AFFORDABLE" HAS THE MEANING STATED IN § 7-501 OF~~

24 ~~THIS ARTICLE.~~

25 ~~(III) "AFFORDABLE DWELLING UNIT" HAS THE MEANING STATED~~

26 ~~IN § 7-501 OF THIS ARTICLE.~~

1 ~~(IV) "AREA MEDIAN INCOME" HAS THE MEANING STATED IN §~~
2 ~~7-501 OF THIS ARTICLE.~~

3 ~~(V) "MIXED USE DEVELOPMENT" MEANS A DEVELOPMENT~~
4 ~~CONSISTING OF RESIDENTIAL AND NONRESIDENTIAL USES IN WHICH THE~~
5 ~~NONRESIDENTIAL USES:~~

6 ~~1. ARE LESS THAN 50% OF THE TOTAL SQUARE FOOTAGE~~
7 ~~OF THE DEVELOPMENT; AND~~

8 ~~2. ARE LIMITED TO THE FIRST FLOOR OF BUILDINGS~~
9 ~~THAT ARE TWO OR MORE STORIES.~~

10 ~~(VI) "MULTIFAMILY DEVELOPMENT" MEANS A BUILDING~~
11 ~~DESIGNED FOR FIVE OR MORE DWELLING UNITS IN WHICH:~~

12 ~~1. THE DWELLING UNITS SHARE A COMMON SEPARATION~~
13 ~~SUCH AS A CEILING OR WALL; AND~~

14 ~~2. COMMON ACCESS BETWEEN THE DWELLING UNITS~~
15 ~~CANNOT BE GAINED THROUGH AN INTERNAL DOORWAY, EXCEPT FOR A COMMON~~
16 ~~HALLWAY.~~

17 ~~(VII) "PERMITTED DEVELOPMENT" MEANS A MULTIFAMILY~~
18 ~~DEVELOPMENT OR MIXED USE DEVELOPMENT ALLOWED AS A PERMITTED USE~~
19 ~~UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

20 ~~(VIII) "PERMITTED USE" MEANS THE ABILITY TO BE APPROVED~~
21 ~~WITHOUT REQUIRING A PUBLIC HEARING, VARIANCE, CONDITIONAL USE PERMIT,~~
22 ~~SPECIAL PERMIT, SPECIAL EXCEPTION, OR ANY OTHER DISCRETIONARY ZONING~~
23 ~~ACTION REQUIRED UNDER THIS ARTICLE OTHER THAN A DETERMINATION THAT A~~
24 ~~SITE PLAN CONFORMS WITH APPLICABLE ZONING REGULATIONS.~~

25 ~~(2) THIS SUBSECTION APPLIES ONLY TO A COUNTY WITH A~~
26 ~~POPULATION OF MORE THAN 150,000.~~

27 ~~(3) A COUNTY SHALL ALLOW MULTIFAMILY DEVELOPMENTS OR~~
28 ~~MIXED USE DEVELOPMENTS AS A PERMITTED USE ON A PARCEL OR LOT THAT IS:~~

29 ~~(I) CURRENTLY SERVICED BY A WATER AND SEWER SYSTEM,~~
30 ~~WHETHER PUBLIC OR PRIVATE; AND~~

~~(H) LOCATED ON A PARCEL ZONED FOR RECREATIONAL OR COMMERCIAL USE.~~

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

~~(I) DENSITY LIMITS THAT ARE LOWER THAN THE HIGHEST ALLOWABLE DENSITY IN THE COUNTY'S RESIDENTIAL ZONES;~~

~~(H) SETBACK REQUIREMENTS THAT ARE GREATER THAN THE LESSER OF:~~

~~1. STANDARD UTILITY EASEMENTS;~~

~~2. EXISTING COMMERCIAL SETBACK REQUIREMENTS FROM SIDE AND REAR LOT LINES; OR~~

~~3. EXISTING SETBACK REQUIREMENTS FOR A PROPERTY BEING CONVERTED TO RESIDENTIAL OR MIXED USE THROUGH ADAPTIVE REUSE;~~

~~(III) RESTRICTIONS ON LOT SIZE OR COVERAGE;~~

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

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

~~1. DISABILITY ACCOMMODATION; OR~~

~~2. PUBLIC HEALTH AND SAFETY; OR~~

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

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

~~(6) A COUNTY MAY REQUIRE:~~

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

~~(H) A PERMITTED DEVELOPMENT TO INCLUDE ON-SITE PARKING.~~

1 ~~(7) A COUNTY MAY REGULATE THE SITING AND DESIGN OF A~~
2 ~~PERMITTED DEVELOPMENT.~~

3 ~~(8) A COUNTY MAY NOT IMPOSE A MINIMUM OFF-STREET PARKING~~
4 ~~REQUIREMENT ON A PERMITTED DEVELOPMENT, EXCEPT AS NECESSARY TO~~
5 ~~COMPLY WITH FEDERAL LAW.~~

6 ~~7-501.~~

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

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

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

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

15 ~~(i) (1) "Mixed use" means any combination of a residential use with a~~
16 ~~recreational, office, dining, or retail use.~~

17 ~~(2) "Mixed use" does not mean any combination of a residential use with~~
18 ~~an industrial or hazardous use.~~

19 ~~10-103.~~

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

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

23 ~~(1) this title;~~

24 ~~(2) § 1-101(m) (Definitions—"Priority funding area");~~

25 ~~(3) § 1-101(e) (Definitions—"Sensitive area");~~

26 ~~(4) § 1-201 (Visions);~~

27 ~~(5) § 1-206 (Required education);~~

28 ~~(6) § 1-207 (Annual report—In general);~~

- 1 ~~(7) § 1-208 (Annual report — Measures and indicators);~~
- 2 ~~(8) Title 1, Subtitle 3 (Consistency);~~
- 3 ~~(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties~~
4 ~~— Comprehensive Plans; Implementation);~~
- 5 ~~(10) § 4-104(e) (Limitations — Bicycle parking);~~
- 6 ~~(11) § 4-104(d) (Limitations — Manufactured homes and modular dwellings);~~
- 7 ~~(12) § 4-104(E) (MULTIFAMILY DEVELOPMENTS AND MIXED USE~~
8 ~~DEVELOPMENTS);~~
- 9 ~~(13) § 4-205 (Administrative adjustments);~~
- 10 ~~[(13)] (14) § 4-208 (Exceptions — Maryland Accessibility Code);~~
- 11 ~~[(14)] (15) § 4-210 (Permits and variances — Solar panels);~~
- 12 ~~[(15)] (16) § 4-211 (Change in zoning classification — Energy generating~~
13 ~~systems);~~
- 14 ~~[(16)] (17) § 4-215 (Pollinator friendly vegetation management);~~
- 15 ~~[(17)] (18) § 4-216 (Limitations — Family child care homes and large family~~
16 ~~child care homes);~~
- 17 ~~[(18)] (19) Title 4, Subtitle 5 (Accessory Dwelling Units);~~
- 18 ~~[(19)] (20) § 5-102(d) (Subdivision regulations — Burial sites);~~
- 19 ~~[(20)] (21) Title 7, Subtitle 1 (Development Mechanisms);~~
- 20 ~~[(21)] (22) Title 7, Subtitle 2 (Transfer of Development Rights);~~
- 21 ~~[(22)] (23) Title 7, Subtitle 3 (Development Rights and Responsibilities~~
22 ~~Agreements);~~
- 23 ~~[(23)] (24) Title 7, Subtitle 4 (Inclusionary Zoning);~~
- 24 ~~[(24)] (25) Title 7, Subtitle 5 (Housing Expansion and Affordability); and~~
- 25 ~~[(25)] (26) Title 11, Subtitle 2 (Civil Penalty);~~

~~Article Real Property~~~~2-127.~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) "MIXED USE DEVELOPMENT" HAS THE MEANING STATED IN § 4-104(E) OF THE LAND USE ARTICLE.~~

~~(3) "MULTIFAMILY DEVELOPMENT" HAS THE MEANING STATED IN § 4-104(E) OF THE LAND USE ARTICLE.~~

~~(4) "RESTRICTION ON USE" INCLUDES ANY COVENANT, RESTRICTION, OR CONDITION CONTAINED IN:~~

~~(I) A DEED;~~

~~(II) A DECLARATION;~~

~~(III) A CONTRACT;~~

~~(IV) THE BYLAWS OR RULES OF A HOMEOWNERS ASSOCIATION;~~

~~(V) A SECURITY INSTRUMENT; OR~~

~~(VI) ANY OTHER INSTRUMENT AFFECTING:~~

~~1. THE TRANSFER OR SALE OF REAL PROPERTY; OR~~

~~2. ANY OTHER INTEREST IN REAL PROPERTY.~~

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

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

1 ~~(I) SIGNIFICANTLY INCREASES THE COST OF DEVELOPING A~~
2 ~~MULTIFAMILY DEVELOPMENT OR MIXED-USE DEVELOPMENT; OR~~

3 ~~(II) PROHIBITS, EITHER EXPLICITLY OR BY EFFECT OF THE~~
4 ~~RESTRICTIONS, A MULTIFAMILY DEVELOPMENT OR MIXED-USE DEVELOPMENT.~~

5 ~~(C) THIS SECTION DOES NOT APPLY TO A RESTRICTION ON USE ON HISTORIC~~
6 ~~PROPERTY THAT IS LISTED IN OR DETERMINED BY THE DIRECTOR OF THE~~
7 ~~MARYLAND HISTORICAL TRUST TO BE ELIGIBLE FOR INCLUSION IN THE MARYLAND~~
8 ~~REGISTER OF HISTORIC PROPERTIES.~~

9 (a) (1) In this section the following words have the meanings indicated.

10 (2) “Department” means the Department of Housing and Community
11 Development.

12 (3) “Residential-in-commercial-zone (RICZ) law” means statewide
13 legislation that requires local jurisdictions to allow multifamily residential or mixed-use
14 developments as a permitted use in at least some commercially zoned areas.

15 (b) The Department shall conduct a study of RICZ laws, which shall include:

16 (1) a summary and comparison of RICZ laws enacted by other states;

17 (2) an assessment of the impact of RICZ laws on:

18 (i) urban communities where there is already a mix of commercial
19 and residential uses;

20 (ii) local infrastructure;

21 (iii) local economic development goals; and

22 (iv) housing production; and

23 (3) recommendations regarding appropriate requirements and restrictions
24 applicable to multifamily residential and mixed-use development under RICZ laws,
25 including recommendations regarding:

26 (i) off-street parking requirements;

27 (ii) allowed density;

28 (iii) first-floor nonresidential use requirements;

29 (iv) building height restrictions;

1 (v) the types of commercial areas appropriate for multifamily
2 residential and mixed-use developments; and

3 (vi) special considerations for urban, suburban, and rural areas.

4 (c) On or before December 1, 2026, the Department shall report its findings and
5 recommendations to the Governor and, in accordance with § 2-1257 of the State
6 Government Article, the General Assembly.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~October~~ June 1, 2026. It shall remain effective for a period of 1 year and, at the end of May
9 31, 2027, this Act, with no further action required by the General Assembly, shall be
10 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.