

**CITY OF BALTIMORE  
COUNCIL BILL 23-0431  
(First Reader)**

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Introduced by: Councilmembers Middleton, Ramos  
Introduced and read first time: October 2, 2023  
Assigned to: Economic and Community Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of Planning, Board of Municipal and Zoning Appeals, Baltimore Development Corporation, Department of Transportation

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Retail: Small Box Discount Establishments**

3 FOR the purpose of creating the Retail: Small Box Discount Establishment as a conditional use;  
4 establishing certain use standards for Retail: Small Box Discount Establishments; requiring  
5 approval of a Retail: Small Box Discount Establishment as a conditional use in certain  
6 commercial zoning districts by the Board of Municipal and Zoning Appeals; and generally  
7 relating to Retail: Small Box Discount Establishments.

8 BY renumbering

9 Article 32 - Zoning  
10 Sections 1-312(v) and (w), to be  
11 1-313(w) and (x), respectively  
12 Baltimore City Code  
13 (Edition 2000)

14 BY adding

15 Article 32 - Zoning  
16 Section 1-312(v) and 14-336.1  
17 Baltimore City Code  
18 (Edition 2000)

19 BY repealing and re-ordaining, with amendments

20 Article 32 - Zoning  
21 Table 10-301  
22 Baltimore City Code  
23 (Edition 2000)

24 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
25 Laws of Baltimore City read as follows:

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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**Baltimore City Code**

**Article 32. Zoning**

**Title 1. General Provisions**

***Subtitle 3. Definitions***

**§ 1-312. “Property line” to “Roof deck”.**

(V) *RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT.*

(1) *IN GENERAL.*

“RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT” MEANS A RETAIL STORE THAT:

- (I) HAS A FLOOR AREA OF MORE THAN 5,000 SQUARE FEET AND LESS THAN 12,000 SQUARE FEET; AND
- (II) OFFERS FOR SALE:
  - (A) A COMBINATION AND VARIETY OF CONVENIENCE SHOPPING GOODS AND CONSUMER SHOPPING GOODS; AND
  - (B) THE MAJORITY OF THE ITEMS IN THE STORE’S INVENTORY AT A PRICE NOT TO EXCEED \$5.

(2) *EXCLUSIONS.*

“RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT” DOES NOT INCLUDE:

- (I) A GROCERY STORE;
- (II) A STORE THAT CONTAINS A PHARMACY WHERE PRESCRIPTION DRUGS ARE COMPOUNDED, DISPENSED, OR DISTRIBUTED;
- (III) A STORE THAT OFFERS FOR SALE GASOLINE, DIESEL FUEL, OR ON-SITE ELECTRIC CHARGING CAPABILITIES FOR VEHICLES;
- (IV) A RETAIL STORE WHERE THE MAJORITY OF THE PRODUCTS SOLD ARE PERSONAL HYGIENE PRODUCTS OR COSMETICS; OR
- (V) A STORE THAT PRIMARILY ENGAGES IN THE RESALE OF USED CONSUMER GOODS.

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**Title 14. Use Standards**

**Subtitle 3. Use Standards**

**§ 14-336.1. “RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT”.**

(A) *MINIMUM DISTANCE.*

A RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT MAY NOT BE LOCATED WITHIN 1/2 MILE OF ANOTHER RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT.

(B) *COMMUNITY BENEFITS AGREEMENT.*

BEFORE APPROVING A CONDITIONAL USE APPLICATION FOR A PROPOSED RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT, A COMMUNITY BENEFITS AGREEMENT MUST BE IN PLACE BETWEEN:

- (1) AN AGENT OF THE COMMUNITY ASSOCIATION OF RECORD FOR THE PROPOSED LOCATION;
- (2) THE PROPERTY OWNER OR AN AGENT OF THE PROPERTY OWNER OF THE STRUCTURE WHERE THE PROPOSED RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT MAY BE LOCATED; AND
- (3) AN AGENT OF THE RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT.

**Zoning Tables**

***Table 10-301: Commercial Districts – Permitted and Conditional Uses***

USES	DISTRICTS							USE STANDARDS
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
COMMERCIAL								
...								
Retail Goods Establishment (With Alcoholic Beverages Sales)	CO	CO	CO	CO	CO	P	P	Per § 14-336
RETAIL: SMALL BOX DISCOUNT ESTABLISHMENT	CB	CB	CB	CB	CB	CB	CB	PER § 14-336.1
...								

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1       **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
2 after the date it is enacted.