

SB0869/323326/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 869
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “store;” insert “requiring the Baltimore Planning Department to conduct a small box discount store diversity study;”; and after line 7, insert:

“BY repealing and reenacting, without amendments,
Article - Land Use
Section 10–201, 10–202, and 10–302(2)(ii) and (3)
Annotated Code of Maryland
(2012 Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 15, insert:

“10–201.

(a) It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls; and

(2) planning and zoning controls shall be implemented by local government.

(b) To achieve the public purposes of this regulatory scheme, the General Assembly recognizes that local government action will limit free business enterprise and

**SB0869/323326/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 869
Page 2 of 7**

competition by owners and users of property through the planning and zoning controls set forth in this title and elsewhere in the public general and public local laws.

10-202.

To promote the health, safety, and general welfare of the community, the Mayor and City Council of Baltimore City may regulate:

- (1) the height, number of stories, and size of buildings and other structures;
- (2) the percentage of a lot that may be occupied;
- (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.

10-302.

Zoning regulations adopted by the Mayor and City Council of Baltimore City under this subtitle shall:

- (2) be designed to:
 - (ii) promote health, public safety, and general welfare;
- (3) include reasonable consideration for:

**SB0869/323326/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 869
Page 3 of 7**

(i) the character of the district or zone and its suitability for particular uses;

(ii) the conservation of the value of buildings and other structures; and

(iii) encouragement for orderly development and the most appropriate use of land throughout Baltimore City.”;

and in line 19, after “(2)” insert “COMMUNITY BENEFITS AGREEMENT” MEANS A CONTRACT SIGNED BY RECOGNIZED COMMUNITY ASSOCIATIONS AND AN APPLICANT FOR A ZONING PERMIT THAT REQUIRES THE APPLICANT TO PROVIDE SPECIFIC AMENITIES, SIGNAGE, MITIGATIONS, ECONOMIC IMPACTS, AND REQUIREMENTS RELATING TO THE DIVERSITY, BALANCE, AND CHARACTER OF THE LOCAL COMMUNITY OR NEIGHBORHOOD DEFINED IN THE AGREEMENT.

(3)”.

On page 2, in lines 1, 3, and 5, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively; in line 5, after the second “STORE” insert “THAT HAS A FLOOR AREA OF MORE THAN 5,000 SQUARE FEET AND LESS THAN 12,000 SQUARE FEET AND THAT OFFERS FOR SALE:

1. A COMBINATION AND VARIETY OF CONVENIENCE SHOPPING GOODS AND CONSUMER SHOPPING GOODS; AND

2.”;

in line 6, strike “WHERE”; in the same line, strike “ARE OFFERED FOR SALE”; in line 18, strike “THE” and substitute “IN ACCORDANCE WITH §§ 10-201 AND 10-202 OF

(Over)

**SB0869/323326/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 869
Page 4 of 7**

THIS TITLE AND §§ 10-301 AND 10-302 OF THIS SUBTITLE, THE; in the same line, after “SHALL” insert “**ENACT PLANNING AND ZONING CONTROLS THAT**”; in line 20, strike “**OF 1 MILE**”; and strike beginning with “**DEPENDENT**” in line 22 down through “**OPTIONS**” in line 26, inclusive.

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 8 on page 3, inclusive, and substitute:

“(3) AS PART OF THE APPROVAL PROCESS FOR THE CONDITIONAL USE, AUTHORIZE THE CONSIDERATION OF WHETHER THE PROPOSED CONDITIONAL USE IS LIKELY TO:

(I) HAVE ANY DETRIMENTAL IMPACTS ON THE ECONOMY, DIVERSITY, OR PUBLIC SAFETY OF THE NEIGHBORHOOD WHERE THE PROPOSED CONDITIONAL USE IS LOCATED;

(II) HAVE ANY DETRIMENTAL IMPACTS ON EXISTING LOCAL RETAIL AND GROCERY STORES; OR

(III) IMPEDE THE ENTRY OR PRESERVATION OF FULL-SERVICE GROCERY STORES;

(4) (I) ESTABLISH A MECHANISM FOR THE ADOPTION AND APPROVAL OF A COMMUNITY BENEFITS AGREEMENT BETWEEN THE APPLICANT, ALONG WITH THE OWNER OR OPERATOR OF THE BUILDING IN WHICH THE SMALL BOX DISCOUNT STORE WILL BE LOCATED IF THE APPLICANT IS NOT THE OWNER OR OPERATOR OF THE BUILDING, AND RECOGNIZED COMMUNITY ASSOCIATIONS LOCATED WITHIN A 0.5-MILE RADIUS OF THE PROPOSED SITE;

(II) REQUIRE THE APPLICANT TO:

1. ENTER INTO AN APPROVED COMMUNITY BENEFITS AGREEMENT IN ACCORDANCE WITH ITEM (I) OF THIS ITEM; OR

2. DEMONSTRATE TO THE BALTIMORE CITY ZONING ADMINISTRATOR THAT THE APPLICANT HAS USED THE APPLICANT'S BEST EFFORTS TO NEGOTIATE A COMMUNITY BENEFITS AGREEMENT IN ACCORDANCE WITH ITEM (I) OF THIS ITEM; AND

(III) IF THE BALTIMORE CITY ZONING ADMINISTRATOR DETERMINES THAT THE APPLICANT HAS NOT USED BEST EFFORTS TO NEGOTIATE A COMMUNITY BENEFITS AGREEMENT IN ACCORDANCE WITH ITEM (II)2 OF THIS ITEM, REQUIRE THAT THE APPLICATION'S APPROVAL BE DELAYED UNTIL THE APPLICANT HAS MET EITHER REQUIREMENT OF ITEM (II) OF THIS ITEM;

(5) REQUIRE THE NOTICE OF A ZONING APPLICATION FOR A SMALL BOX DISCOUNT STORE TO BE GIVEN TO THE RESIDENTS AND OWNERS OF PROPERTY THAT IS LOCATED WITHIN A 0.5-MILE RADIUS OF THE PROPOSED SITE:

(I) WITHIN 21 BUSINESS DAYS AFTER THE APPLICATION IS FILED; AND

(II) BEFORE A HEARING ON THE APPLICATION IS SCHEDULED; AND".

On page 3, in line 9, strike "(5)" and substitute "(6)"; in line 10, after "COMMUNITY" insert "BENEFITS"; in the same line, strike "EXECUTED UNDER ITEM (3)" and substitute "APPROVED IN ACCORDANCE WITH ITEM (4)"; after line 10, insert:

(Over)

“(C) A REGULATION ESTABLISHED IN ACCORDANCE WITH SUBSECTION (B)(1) OF THIS SECTION SHALL APPLY TO PERMITS FOR ALL USES, STRUCTURES, BUILDING ALTERATIONS, OR SITE MODIFICATIONS.”;

strike in their entirety lines 11 through 18, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Baltimore City Planning Department shall conduct a comprehensive small box discount store diversity study.

(b) The study shall:

(1) be completed by a qualified analyst selected by the Planning Department; and

(2) appropriately classify, define, and regulate small box discount stores along a number of economic, demographic, and public health dimensions, including:

(i) a list of the number and distribution of small box discount stores in Baltimore City;

(ii) a description of the environmental, public safety, and economic impact of a representative sample of existing stores; and

(iii) recommendations for changes to the establishment of small box discount stores as a conditional use, including restrictions, standards, enforcement procedures, and regulations.

(c) The Planning Department shall hold stakeholder meetings and solicit public comments on the study.

**SB0869/323326/01 Education, Health, and Environmental Affairs Committee
Amendments to SB 869
Page 7 of 7**

(d) On or before November 30, 2022, the Planning Department shall report its findings and recommendations to the Mayor and City Council of Baltimore City and the members of the Baltimore City House and Senate delegations to the General Assembly, in accordance with § 2–1257 of State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before September 1, 2022, the Mayor and City Council of Baltimore City shall report to the members of the Baltimore City House and Senate delegations to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the implementation of the provisions of Section 1 of this Act.”;

and in line 19, strike “June” and substitute “July”.