

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 25-0040

Introduced by: Councilmembers Middleton and Ramos
Cosponsored by: Councilmembers Parker, Conway, Torrence, Gray, Bullock, Porter, Glover, and
Blanchard
Introduced and read first time: March 24, 2025
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable, with Amendments
Council action: Adopted
Read second time: October 20, 2025

AN ORDINANCE CONCERNING

Zoning – Uses – Retail: Small Box Establishment

FOR the purpose of making small box discount retail stores a conditional use by approval of the Board of Municipal and Zoning Appeals in all commercial zoning districts; setting use standards for new small box discount retail stores; requiring a permit issued by the Building Official upon transfer of ownership or operation of a small box discount retail store; and defining certain terms.

BY repealing and re-ordaining, with amendments,
Article – Building, Fire, and Related Codes
Section 2-103 (BC § 105.1.7)
Baltimore City Revised Code
(2024 Edition)

BY renumbering
Article 32 - Zoning
Sections 1-312(v) and 1-312(w)
to be
New Sections 1-312(w) and 1-312(x)
Baltimore City Code
(Edition 2000)

BY adding
Article 32 - Zoning
New Sections 1-312(v) and 14-335.2
Baltimore City Code
(Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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BY repealing and re-ordaining, with amendments,
Article 32 - Zoning
~~Section 18-307 and~~ Table 10-301
Baltimore City Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sections 1-312(v) and 1-312(w) of Article 32 - Zoning of the Baltimore City Code be renumbered to be Sections 1-312(w) and 1-312(x), respectively.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Revised Code

Article – Building, Fire, and Related Codes

Part II. International Building Code

§ 2-103. City Modifications.

The additions, deletions, amendments, and other modifications adopted by the City are as follows:

Chapter 1. Scope and Administration

Section 105. Permits

105.1 Required.

A permit issued by the Building Official is required before any person may do any of the following work:

7. on transfer of ownership or operation of property, continue any of the following uses:

- a. banquet hall (as defined in Baltimore City Zoning Code § 1-303(c) {"Banquet hall."}),
- b. body art establishment (as defined in Baltimore City Zoning Code § 1-303(j) {"Body art establishment."}),
- c. carry-out food shop (as defined in Baltimore City Zoning Code § 1-303(t) {"Carry-out food shop."}),
- d. congregate living facilities (as defined in § 202.1 of the Baltimore City Building Code),
- e. day-care center: adult or child (as defined in Baltimore City Zoning Code §§ 1-304(y) and (z) {"Day-care center: Adult"} and {"Day-care center: Child"}, respectively),

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- 1 f. drive-through facility (as defined in Baltimore City Zoning Code § 1-305(h)
2 {“Drive-through facility.”}),
- 3 g. entertainment: indoor or live (as defined in Baltimore City Zoning Code
4 §§ 1-306(b) and 1-306(c) {“Entertainment: Indoor”} and {“Entertainment:
5 Live”}, respectively),
- 6 h. fuel station (as defined in Baltimore City Zoning Code § 1-306(t) {“Fuel
7 station.”}),
- 8 i. health-care clinic (as defined in Baltimore City Zoning Code § 1-307(f)
9 {“Health-care clinic.”}),
- 10 j. lodge or social club (as defined in Baltimore City Zoning Code § 1-308(q)
11 {“Lodge or social club.”}),
- 12 k. lounge (as defined in Baltimore City Zoning Code § 1-309(h-1) {“Lounge.”}),
- 13 l. pawn shop (as defined in Baltimore City Zoning Code § 1-311(l) {“Pawn
14 shop.”}),
- 15 m. personal services establishment (as defined in Baltimore City Zoning Code
16 § 1-311(o) {“Personal services establishment.”}),
- 17 n. residential care facility (as defined in Baltimore City Zoning Code § 1-312(p)
18 {“Residential care facility”}),
- 19 o. restaurant (as defined in Baltimore City Zoning Code § 1-312(s) {“Restaurant.”}),
- 20 p. retail: big box establishment (as defined in Baltimore City Zoning Code § 1-312(t)
21 {“Retail: Big box Establishment”}),
- 22 Q. RETAIL: SMALL BOX ESTABLISHMENT (AS DEFINED IN BALTIMORE CITY ZONING
23 CODE § 1-312(V) {“RETAIL: SMALL BOX ESTABLISHMENT.”}),
- 24 R. [q.] retail goods establishment – with or without alcoholic beverage sales
25 (as defined in Baltimore City Zoning Code § 1-312(u) {“Retail goods
26 establishment.”}),
- 27 S. [r.] rooming house (as defined in Baltimore City Zoning Code § 1-313(b)
28 {“Rooming house.”}),
- 29 T. [s.] supportive housing facility (as defined in § 202.2.56 of this Code), or
- 30 U. [t.] tavern (as defined in Baltimore City Zoning Code § 1-314(a)
31 {“Tavern.”}),

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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 ESTABLISHMENT.*

(1) *IN GENERAL.*

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

~~(I) IS PART OF A CHAIN WITH 10 OR MORE LOCATIONS IN BALTIMORE CITY DOING BUSINESS UNDER THE SAME NAME, REGARDLESS OF THE TYPE OF OWNERSHIP OF THE LOCATION;~~

~~(I) ~~(H)~~ HAS A FLOOR AREA OF MORE THAN 5,000 SQUARE FEET AND LESS THAN 12,000 SQUARE FEET; AND~~

~~(II) ~~(H)~~ OFFERS FOR SALE ASSORTED INEXPENSIVE GENERAL GOODS IN SMALL UNITS. CONVENIENCE AND CONSUMER SHOPPING GOODS, THE MAJORITY OF WHICH DO NOT EXCEED \$5.00 PER ITEM OR ITS EQUIVALENT, AS ADJUSTED FOR INFLATION SINCE THE YEAR 2025.~~

(2) *EXCLUSIONS.*

“RETAIL: SMALL BOX ESTABLISHMENT” DOES NOT INCLUDE:

(I) A GROCERY ~~STORE~~; STORE, WHOSE PRIMARY BUSINESS IS SELLING FOOD AT RETAIL TO THE GENERAL PUBLIC FOR OFF-PREMISES CONSUMPTION, OF WHICH AT LEAST 20% OF THE GROSS RECEIPTS MUST BE DERIVED FROM THE RETAIL SALE OF FRESH PRODUCE, MEATS, AND DAIRY PRODUCTS;

(II) A STORE THAT CONTAINS A PHARMACY WHERE PRESCRIPTION DRUGS ARE COMPOUNDED, DISPENSED, OR DISTRIBUTED;

(III) A FUEL ~~STATION~~; STATION, AS OTHERWISE PERMITTED IN THIS CODE;

(IV) A RETAIL STORE WHERE THE MAJORITY OF THE PRODUCTS SOLD ARE PERSONAL HYGIENE PRODUCTS OR COSMETICS;

(V) A STORE THAT PRIMARILY ENGAGES IN THE RESALE OF USED CONSUMER GOODS.

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(w) [(v)] *Right-of-way*.

(1) *In general*.

“Right-of-way” means land dedicated for use as a public way.

(2) *Inclusions*.

“Right-of-way” includes the roadway and, generally, the curbs, parkways, sidewalks, lighting facilities, and drainage facilities.

(x) [(w)] *Roof deck*.

“Roof deck” means a roofless outdoor platform that is constructed on the roof of a structure and connected to the roof by structural supports.

Title 14. Commercial Districts

Subtitle 3. Use Standards

§ 14-335.2. RETAIL: SMALL BOX ESTABLISHMENT.

ANY NEW RETAIL: SMALL BOX ESTABLISHMENT SHALL BE AT LEAST 2,640 FEET FROM ANY EXISTING RETAIL: SMALL BOX ESTABLISHMENT.

~~Title 18. Nonconformities~~

~~Subtitle 3. Nonconforming Uses~~

~~§ 18-307. Discontinuance or abandonment.~~

~~(a) Discontinuance of use:~~

~~Whenever the active and continuous operation of any nonconforming use EXCEPT FOR A RETAIL: SMALL BOX ESTABLISHMENT, or any part of that use, has been discontinued for 12 consecutive months:~~

~~(1) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use, regardless of any reservation of an intent to resume active operations or otherwise not abandon the use; and~~

~~(2) the discontinued nonconforming use, or discontinued part of that use:~~

~~(i) may not be reestablished; and~~

~~(ii) any subsequent use of any part of the land or structure previously used for the discontinued use, or discontinued part of that use, must conform to the regulations of the district in which the land or structure is located.~~

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~~(B) RETAIL: SMALL BOX ESTABLISHMENT DISCONTINUANCE OF USE.~~

~~WHENEVER THE ACTIVE AND CONTINUOUS OPERATION OF ANY NONCONFORMING RETAIL: SMALL BOX ESTABLISHMENT USE, OR ANY PART OF THAT USE, HAS BEEN DISCONTINUED FOR 30 CONSECUTIVE DAYS:~~

~~(1) THE DISCONTINUANCE CONSTITUTES AN ABANDONMENT OF THE DISCONTINUED NONCONFORMING USE, OR DISCONTINUED PART OF THAT USE, REGARDLESS OF ANY RESERVATION OF AN INTENT TO RESUME ACTIVE OPERATIONS OR OTHERWISE NOT ABANDON THE USE; AND~~

~~(2) THE DISCONTINUED NONCONFORMING USE, OR DISCONTINUED PART OF THAT USE:~~

~~(I) MAY NOT BE REESTABLISHED; AND~~

~~(II) ANY SUBSEQUENT USE OF ANY PART OF THE LAND OR STRUCTURE PREVIOUSLY USED FOR THE DISCONTINUED USE, OR DISCONTINUED PART OF THAT USE, SHALL CONFORM TO THE REGULATIONS OF THE ZONING DISTRICT IN WHICH THE LAND OR STRUCTURE IS LOCATED.~~

~~(C) [(b)] Abandonment of use.~~

~~If, at any time, actual abandonment in fact is evidenced by removal of structures, machinery, or equipment, or by alterations that indicate a change in the use of any part of the land or structure:~~

~~(1) that action constitutes an abandonment of the nonconforming use, or affected part of that use; and~~

~~(2) all rights to continue or reestablish the nonconforming use, or part of that use, immediately terminate.~~

Zoning Tables

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

<i>Uses</i>	<i>Districts</i>							<i>Use Standards</i>
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
Commercial								
RETAIL: SMALL BOX ESTABLISHMENT	CB	CB	CB	CB	CB	CB	CB	PER § 14-335.2

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1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20____

President, Baltimore City
Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20____

Chief Clerk

Approved this _____ day of _____, 20____

Mayor, Baltimore City