

CITY OF BALTIMORE
COUNCIL BILL 25-0040
(First Reader)

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

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Uses – Retail: Small Box Establishment**

3 FOR the purpose of making small box discount retail stores a conditional use by approval of the
4 Board of Municipal and Zoning Appeals in all commercial zoning districts; setting use
5 standards for new small box discount retail stores; and defining certain terms.

6 BY renumbering

7 Article 32 - Zoning

8 Sections 1-312(v) and 1-312(w)

9 to be

10 New Sections 1-312(w) and 1-312(x)

11 Baltimore City Code

12 (Edition 2000)

13 BY adding

14 Article 32 - Zoning

15 New Sections 1-312(v) and 14-335.2

16 Baltimore City Code

17 (Edition 2000)

18 BY repealing and re-ordaining, with amendments,

19 Article 32 - Zoning

20 Section 18-307 and Table 10-301

21 Baltimore City Code

22 (Edition 2000)

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

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

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

Council Bill 25-0040

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;

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

(III) OFFERS FOR SALE ASSORTED INEXPENSIVE GENERAL GOODS IN SMALL UNITS.

(2) *EXCLUSIONS.*

“RETAIL: SMALL BOX 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 FUEL STATION;

(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.

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

(1) *In general.*

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

Council Bill 25-0040

(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.

(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:

Council Bill 25-0040

(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

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