

MEMORANDUM

DATE: April 16, 2025
TO: Land Use & Transportation Committee
FROM: Colin Tarbert, President and CEO
POSITION: Favorable with amendment
SUBJECT: Council Bill 25-0040 – Zoning – Uses – Retail: Small Box Establishments



INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 25-0040 introduced by Councilmembers Middleton & Ramos.

PURPOSE

The purpose of this bill is to require a conditional use variance be granted when establishing a Small Box Discount Retail Establishment, or dollar store, in any commercially zoned area within Baltimore City. The bill stipulates that new stores cannot be constructed within 0.5 miles of existing establishments. The bill also sets guidelines for discontinuance or abandonment of a non-conforming use.

BRIEF HISTORY

This bill represents a new attempt to regulate the proliferation of Small Box Retail Establishments within Baltimore City. This effort corresponds with a broader trend nationwide with cities such as Cleveland, New Orleans, Chicago, Kansas City, Atlanta, and many more have passed legislation aimed at controlling the spread of Small Box Retail Establishments.

BDC has identified more than 50 Small Box Retail Establishments currently located in the city, the overwhelming majority of which represent major national chains (Dollar Tree, Family Dollar, Dollar General), many of which are within 0.5 miles of one another. After identifying these locations, we cross-referenced them with available code violation data which did reveal several instances of excess trash and dumping, but very little in the way of more serious violations.

BDC supports the proposal to require a conditional use variance for Small Box Retail Establishments. Baltimore City's zoning code already restricts certain land uses to conditional use only, and also restricts the density of certain operations such as liquor stores, convenience stores, and big-box retail. Therefore, those strategies outlined in this bill would not be inconsistent with existing policy. Requiring a conditional use variance would also trigger the introduction of a City Council Bill, which would allow for public engagement, community input, and consideration of economic impact.

The section of this bill pertaining to the discontinuance of use for a non-conforming Small Box Retail Establishment stipulates that once a non-conforming use has been discontinued for a period of 30 days, the use may not be reestablished. BDC believes this represents an unfair burden to operators. This provision could potentially result in scenarios where Small Box Retail Establishments which have closed for renovations, disaster recovery, or other scenarios which require discontinuance of use could be subject to forfeiture of that use with no legal pathway to reopening the establishment. Typically, such forfeiture requires a use be discontinued or abandoned for a period of 12 months. BDC feels that 30 days represents an unrealistic timeline. We support the adoption of this bill provided that this section is amended to reflect a timeline for forfeiture of use that is more closely in line with existing practices.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits a **favorable report with amendment** on City Council Bill 25-0040. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Ty'lor Schnella, Mayor's Office of Government Relations

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