

**CITY OF BALTIMORE
ORDINANCE 25-065
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-ordinating, 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.

Council Bill 25-0040

1 BY repealing and re-ordinating, with amendments,
2 Article 32 - Zoning
3 ~~Section 18-307 and Table 10-301~~
4 Baltimore City Code
5 (Edition 2000)

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

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

11 **Baltimore City Revised Code**

12 **Article – Building, Fire, and Related Codes**

13 **Part II. International Building Code**

14 **§ 2-103. City Modifications.**

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

18 **Chapter 1. Scope and Administration**

19 **Section 105. Permits**

20 **105.1 Required.**

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

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

- 24 a. banquet hall (as defined in Baltimore City Zoning Code § 1-303(c) {"Banquet
25 hall."}),
- 26 b. body art establishment (as defined in Baltimore City Zoning Code § 1-303(j)
27 {"Body art establishment."}),
- 28 c. carry-out food shop (as defined in Baltimore City Zoning Code § 1-303(t)
29 {"Carry-out food shop."}),
- 30 d. congregate living facilities (as defined in § 202.1 of the Baltimore City Building
31 Code),
- 32 e. day-care center: adult or child (as defined in Baltimore City Zoning Code
33 §§ 1-304(y) and (z) {"Day-care center: Adult"} and {"Day-care center: Child"},
34 respectively),

Council Bill 25-0040

- 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."}).

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;

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

(II) (III) 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

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

2 (1) *In general.*

3 "Right-of-way" means land dedicated for use as a public way.

4 (2) *Inclusions.*

5 "Right-of-way" includes the roadway and, generally, the curbs, parkways, sidewalks,
6 lighting facilities, and drainage facilities.

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

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

10 **Title 14. Commercial Districts**

11 **Subtitle 3. Use Standards**

12 **§ 14-335.2. RETAIL: SMALL BOX ESTABLISHMENT.**

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

15 **Title 18. Nonconformities**

16 **Subtitle 3. Nonconforming Uses**

17 **§ 18-307. Discontinuance or abandonment.**

18 (a) *Discontinuance of use.*

19 Whenever the active and continuous operation of any nonconforming use EXCEPT FOR A
20 RETAIL: SMALL BOX ESTABLISHMENT, or any part of that use, has been discontinued for
21 12 consecutive months:

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

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

26 (i) may not be reestablished; and

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

Council Bill 25-0040

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

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

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

9 (2) THE DISCONTINUED NONCONFORMING USE, OR DISCONTINUED PART OF THAT USE:
10 (I) MAY NOT BE REESTABLISHED; AND
11 (II) ANY SUBSEQUENT USE OF ANY PART OF THE LAND OR STRUCTURE
12 PREVIOUSLY USED FOR THE DISCONTINUED USE, OR DISCONTINUED PART OF
13 THAT USE, SHALL CONFORM TO THE REGULATIONS OF THE ZONING DISTRICT
14 IN WHICH THE LAND OR STRUCTURE IS LOCATED.

15 **(C) [(b)] Abandonment of use.**

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

19 (1) that action constitutes an abandonment of the nonconforming use, or affected part
20 of that use, and
21 (2) all rights to continue or reestablish the nonconforming use, or part of that use,
22 immediately terminate.

23 Zoning Tables

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

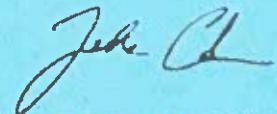
25 Uses	26 Districts							27 Use Standards
	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	
28 Commercial								
29 RETAIL: SMALL BOX ESTABLISHMENT	CB	CB	CB	CB	CB	CB	CB	PER § 14-335.2

Council Bill 25-0040

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

Council Bill 25-0040

Certified as duly passed this 27th day of October, 2025



President, Baltimore City
Council

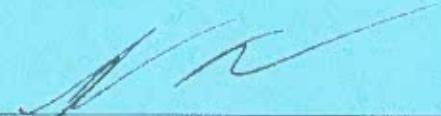
Certified as duly delivered to His Honor, the Mayor,

this 28th day of October, 2025



Chief Clerk

Approved this 21st day of October, 2025

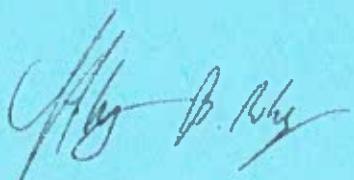


Mayor, Baltimore City

A TRUE COPY
Director of Finance

Approved for Form and Legal Sufficiency,

this 29th day of October, 2025



Chief Solicitor