



FROM	NAME & TITLE	Eric W. Tiso,  Director of Development Oversight and Project Support	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Planning 8 th Floor, 417 East Fayette Street		
	SUBJECT	City Council Bill #25-0114 / Zoning – Uses – Smoke Shop		

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

DATE: December 2, 2025

At its regular meeting of November 20, 2025, the Planning Commission considered City Council Bill #25-0114, for the purpose of making smoke shops a conditional use by approval of the Board of Municipal and Zoning Appeals in all commercial zoning and mixed-use districts; setting use standards for smoke shops; making conforming changes; and defining certain terms.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #25-0114 and adopted the following resolution:

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #25-0114 be **approved** by the City Council, with these additional concerns for the Council to consider:

- How will this new use and definition would impact properties with multiple approved land uses (e.g. grocery stores);
- How will these provisions be enforced, and what is the practical ability for the City to enforce them; and
- Consider definitions, how they will affect primary and accessory uses, and measurement methodology by floor area.

If you have any questions, please contact me at eric.tiso@baltimorecity.gov or by phone at 410-396-8358.

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
Mr. Justin Williams, BMZA
Mr. Geoffrey Veale, Zoning Administrator
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Tim Keane
Director

November 20, 2025

REQUEST: City Council Bill #25-0114/ Zoning – Uses – Smoke Shops:

For the purpose of making smoke shops a conditional use by approval of the Board of Municipal and Zoning Appeals in all commercial zoning and mixed-use districts; setting use standards for smoke shops; clarifying a certain measurement methodology; making conforming changes; and defining certain terms.

RECOMMENDATION: Approval

STAFF: Austin C. Davis

INTRODUCED BY: Councilmember Blanchard

SITE/GENERAL AREA: Citywide

HISTORY

In July 2025, the Maryland General Assembly enacted Chapter 120 (SB 215), establishing mandatory statewide minimum distance requirements for cannabis dispensaries through Alcoholic Beverages and Cannabis Article §§ 36–405 and 36–410. These provisions prohibit dispensaries from locating within:

- 500 feet of a pre-existing school, child care center, park, playground, recreation center, library, or place of worship; and
- 1,000 feet of another dispensary.

Importantly, local governments were given until July 1, 2025 to adopt their own ordinances under § 36–410(c). If they failed to act, the state’s default standards would apply. While local jurisdictions may not increase the minimum distances, they are empowered to reduce them, define measurement methods, and determine land use classification for dispensaries and related uses.

The Maryland Cannabis Administration (MCA) also clarified that it will not make local zoning determinations, and that each jurisdiction must review dispensary locations for compliance with its own zoning code before a license is issued.

CONFORMITY TO PLANS

The bill is consistent with the Baltimore City Comprehensive Master Plan's objectives to enhance neighborhood quality of life, support healthy communities, and ensure compatibility of land uses. Specifically, it aligns with policies under the 2024 Our Baltimore Plan, including those targeting reduced exposure of children to tobacco and drug-related products. Additionally, the bill reinforces the zoning code's intent to protect public health and welfare and to ensure land uses are appropriately sited, especially with respect to sensitive populations and uses. Finally, this bill aligns with State of Maryland licensing requirements and distance mandates for cannabis dispensaries, providing zoning consistency for retail establishments offering similar or overlapping products.

ANALYSIS

Summary: The bill adds new definition for "Smoke Shop" (Art. 32, § 1-313(m)), establishing "Smoke Shop" as a retail establishment primarily engaged in the sale or on-site use of tobacco, nicotine, and cannabis-related paraphernalia, and operating under specific State-issued licenses (including OTP, Vape Shop Vendor, ESD Retailer, and Cigarette Business License). The definition also includes a threshold: if 10% or more of a store's gross retail floor area is dedicated to such products, it qualifies as a smoke shop.

Adds new use standard for Smoke Shops (Art. 32, § 14-337)

Prohibits smoke shops from locating within 500 feet of any school, park, or recreation center, and within 1,500 feet of another smoke shop. This is intended to prevent clustering and minimize proximity to youth-serving or sensitive uses.

Adds new measurement methodology (Art. 32, § 15-305)

Establishes that all required spacing distances are to be measured from property line to property line using the shortest distance. This codifies the standard approach to distance measurement and ensures consistency in enforcement.

Renumbers existing sections to accommodate the new use standard (Art. 32, §§ 1-313(m) to (w) become §§ 1-313(n) to (x); §§ 14-337 to 14-340 become §§ 14-338 to 14-341)

Shifts existing definitions and use standards forward by one section number each to create space for the new smoke shop provisions without disrupting code structure.

Amends multiple zoning tables across districts to require conditional use approval for Smoke Shops (Art. 32, Tables 7-202, 8-301, 9-301, 10-301, 11-301, 12-301, 12-402, 12-501, 12-601, 12-1302, and 12-1403)

Updates the "Use Tables" for all open space, residential, commercial, industrial, and special-purpose districts to reflect that Smoke Shops are only permitted as conditional uses. These changes insert "Smoke Shop" as a "CB" in each applicable district and cross-reference the new use standard under § 14-337, and renumbering subsequent use standards sections.

Background: Baltimore has experienced a sharp proliferation of unregulated smoke shops, many of which sell tobacco, vape products, and cannabis-adjacent paraphernalia. These establishments often operate under state-issued licenses — such as for Other Tobacco Products (OTP), Vape Shops, or Electronic Smoking Devices (ESDs) — and are not currently regulated through local spacing or zoning review. Critically, while the City tracks Use & Occupancy (U&O) permits internally, there is no mechanism for automatic renewal or closure notification, as business license activity is managed by the State. This means smoke shops may open, close, or change character without timely local notice or zoning review. This bill provides a local zoning framework to bring such uses into conformity with appropriate land use and public health standards.

Equity:

1) Short / long-term impact on surrounding community: In the short term, the bill is expected to have minimal physical impact but a significant regulatory effect by introducing zoning controls on smoke shops. In the long term, the ordinance aims to improve neighborhood quality of life by limiting clustering of tobacco and cannabis-adjacent uses near sensitive sites such as schools, parks, and places of worship.

2) Impact on Baltimore's existing patterns of inequity: Smoke shops are currently concentrated in many of Baltimore's historically underinvested communities, often operating without community input. This bill introduces equity-centered land use controls that aim to prevent further overconcentration and allow for context-sensitive review in impacted neighborhoods.

3) Impact on internal operations: Implementation will require Planning and Zoning staff to establish a methodology for verifying required spacing distances between smoke shops and sensitive uses. Staff will also need to incorporate this review into existing conditional use workflows and permit evaluations. While manageable, this will introduce new workload demands and may require internal coordination on mapping tools and data access.

Notification: GovDelivery notification was sent out to over 17,000 residents and stakeholders of this bill.



Tim Keane
Director