



BALTIMORE CITY COUNCIL LAND USE & TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Labor and Workforce Committee is committed to strengthening Baltimore's workforce by championing fair labor practices, equitable job opportunities, and economic mobility for all residents. The committee prioritizes policies that ensure safe and dignified working conditions, uphold workers' rights, and expand access to career pathways through job training and education.

The Honorable Ryan Dorsey

CHAIR

PUBLIC HEARING

March 26, 2026

10:00AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

25-0114

Zoning – Uses – Smoke Shop

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LAND USE & TRANSPORTATION COMMITTEE

The Honorable Ryan Dorsey
CHAIR

Bill Hearing

25-0114
Zoning – Uses – Smoke Shop

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.

BACKGROUND

Bill Summary

Council Bill 25-0114 amends the Baltimore City Zoning Code to establish a formal definition of “smoke shop” and to regulate the location and operation of these establishments. A smoke shop is defined as a retail business primarily engaged in the sale or on-site consumption of tobacco products, electronic smoking devices, or related paraphernalia, and that devotes at least 10% of its gross floor area to such products.

The bill creates use standards for smoke shops, prohibiting their location within 500 feet of a school, recreation center, or park, and within 1,500 feet of another smoke shop. It also clarifies that distance between properties is measured by the shortest distance between property boundary lines.

Additionally, the bill updates zoning tables across multiple zoning districts to incorporate smoke shops as a conditional use subject to these standards and makes technical amendments to existing code sections, including terminology changes and cross-reference updates.

Amendments

The bill sponsor proposed two amendments:

1. Modifies the definition of “smoke shop” by adding criteria that exclude establishments primarily deriving revenue from premium cigars, pipe tobacco, membership fees, or locker rentals. It also makes technical changes to numbering and language and expands the list of applicable State licenses to include tobacconist licenses.
2. Removes the provision specifying that the ordinance would take effect on the 30th day after enactment.

Agency Reports

The Board of Municipal and Zoning Appeals (BMZA) supports the intent of City Council Bill 25-0114 to regulate smoke shops and protect neighborhoods, but notes that zoning alone is less effective than licensing density caps, like those used in Philadelphia. If the Council proceeds with zoning-based regulation, BMZA recommends technical amendments to improve enforceability, including measuring linear display area instead of gross floor area, establishing safe harbor exemptions for grocery and convenience stores with incidental tobacco sales, and creating a mandatory registration process for existing smoke shops. Enforcement should also coordinate with the Maryland Alcohol, Tobacco, and Cannabis Commission (ATCC) and the Baltimore Police Department. Implementing these measures may require additional staff, with fees proposed to offset costs.

The Law Department found the bill is legally defensible but recommends technical amendments for clarity, including two sponsor-proposed amendments: the first clarifies definitions and numbering, adds text regarding businesses that do not primarily derive revenue from certain tobacco products or memberships, and references State Tobacco Licenses; the second adjusts effective date wording. These changes strengthen enforceability and alignment with state law.

The Planning Commission highlighted the need to consider multi-use properties, enforceability, and measurement methodology. Notification of the bill was sent to over 17,000 residents and stakeholders.

FISCAL NOTE

There should be no fiscal impact.

REPORTING AGENCIES

- | | |
|---|---|
| • Law Department | • Approved for form and legal sufficiency |
| • Department of Finance | • Does not oppose. |
| • Planning Commission | • Approved |
| • Board of Municipal and Zoning Appeals | • Favorable with amendments |
| • Department of Transportation | • Without Recommendation |
| • Department of Housing and Community Development | • Favorable |
| • Mayor’s Office of Small and Minority Business Advocacy and Development | • Favorable |

Analysis by: Juliane Jemmott

Direct Inquiries to: juliane.jemmott@baltimorecity.gov

Analysis Date: 3/23/2026

**CITY OF BALTIMORE
COUNCIL BILL 25-0114
(First Reader)**

Introduced by: Councilmember Blanchard

Cosponsored by: Councilmembers Parker, Dorsey, Conway, Gray, Bullock, Jones, Glover,
Ramos, and President Cohen

Introduced and read first time: October 27, 2025

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Planning
Commission, Board of Municipal and Zoning Appeals, Department of Transportation,
Department of Housing and Community Development, Mayor's Office of Small and Minority
Business Advocacy and Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Uses – Smoke Shop**

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

7 BY renumbering

8 Article 32 - Zoning
9 Sections 1-313(m) to (w) and 14-337 to 14-340, respectively
10 to be
11 Section 1-313(n) to (x) and 14-338 to 14-341, respectively
12 Baltimore City Code
13 (Edition 2000)

14 BY adding

15 Article 32 - Zoning
16 Sections 1-313(m), 14-337, and 15-305
17 Baltimore City Code
18 (Edition 2000)

19 BY repealing and re-ordaining

20 Article 32 - Zoning
21 Tables 7-202, 8-301, 9-301, 10-301, 11-301, 12-301, 12-402, 12-501, 12-601, 12-1302, and
22 12-1403
23 Baltimore City Code
24 (Edition 2000)

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

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(II) ELECTRONIC SMOKING DEVICES, AS DEFINED BY § 16.7-201 {"LICENSE REQUIRED"} OF THE STATE BUSINESS REGULATION ARTICLE.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-337. SMOKE SHOPS.

A SMOKE SHOP MAY NOT BE LOCATED:

- (1) WITHIN 500 FEET OF ANY SCHOOL, RECREATION CENTER, OR PARK; AND
- (2) WITHIN 1,500 FEET FROM ANOTHER SMOKE SHOP.

Title 15. Site Development Standards

Subtitle 3. Measurement Methodologies

§ 15-305. MEASUREMENT OF DISTANCE BETWEEN PROPERTIES.

IN DETERMINING THE DISTANCE BETWEEN PROPERTIES, THE MEASUREMENT SHALL BE CALCULATED USING THE SHORTEST SEPARATION BETWEEN THE PROPERTY BOUNDARY LINES.

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Zoning Tables

Table 7-202: Open-Space Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>	<i>Use Standards</i>
	OS	
Open-Space		
...		
Park or Playground	P	
Urban Agriculture	CB	Per § [14-339] 14-340
Zoo	CB	
...		
Other		
...		
Parking Lot (Accessory Use)	CO	Per § 14-331
Telecommunications Facility	CB	Per § [14-338] 14-339
Utilities	CB	Per § [14-340] 14-341
Wireless Communications Services ¹	CB, P	Per § [14-338] 14-339

¹ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 8-301: Detached and Semi-Detached Residential Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>									<i>Use Standards</i>
	R-1A	R-1B	R-1C	R-1D	R-1E	R-1	R-2	R-3	R-4	
Open Space										
...										
Park or Playground	P	P	P	P	P	P	P	P	P	
Urban Agriculture	CB	CB	CB	CB	CB	CB	CB	CB	CB	Per § [14-339] 14-340
...										
Other										
...										
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Telecommunications Facility	CB	CB	CB	CB	CB	CB	CB	CB	CB	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹ A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

² Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 9-301: Rowhouse and Multi-Family Residential Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>						<i>Use Standards</i>
	R-5	R-6	R-7	R-8	R-9	R-10	
Open-Space							
...							
Park or Playground	P	P	P	P	P	P	
Urban Agriculture	CB	CB	CB	CB	CB	CB	Per § [14-339] 14-340
...							
Other							
Alternative Energy System: Community-Based ¹	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)	CO	CO	CO	CO	CO	CO	Per § 14-331
Parking Lot (Principal Use)	CO	CO	CO	CO	CO	CO	Per § 14-331
Telecommunications Facility	CB	CB	CB	CB	CB	CB	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ²	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹ A Community-Based Alternative Energy System: (i) if on a lot less than 0.5 acre in lot area, requires conditional-use approval by the Zoning Board, and (ii) if on a lot 0.5 acres or more in lot area, is a permitted use.

² Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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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	
Open-Space								
...								
Marina: Recreational				CB	CB	P	P	Per § 14-323
Urban Agriculture	CB	CB	CB	CB	CB	CB	CB	Per § [14-339] 14-340
Commercial								
...								
Greenhouse or Nursery	P	P	P	P	P	P	P	Per § [14-339] 14-340
...								
Retail Goods Establishment (With Alcoholic Beverages Sales)	CO	CO	CO	CO	CO	P	P	Per § 14-336
SMOKE SHOP	CB	CB	CB	CB	CB	CB	CB	PER § 14-337
Stadium						CB	CB	
Tavern	CB	CB	P	P	P	P	P	Per § [14-337] 14-338
...								
Other								
Alternative Energy System: Community-Based	P	P	P	P	P	P	P	Per § 14-306
Electric Substation: Enclosed	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Electric Substation: Indoor	P	P	P	P	P	P	P	Per § [14-340] 14-341

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<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	
Electric Substation: Outdoor	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)				CB	P	P	CB ²	Per § 14-331
Parking Lot (Principal Use)	CB	CB	CB	CB	P	P	CO	Per § 14-331
Telecommunications Facility ³	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ⁴	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹ Allowed only in a structure lawfully existing as of June 5, 2017.

² However, along Pratt Street in the C-5 District, principal-use parking garages are prohibited. See § 10-503(c)(1).

³ Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

⁴ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

⁵ Under § 14-329(a)(1) and (a)(2), both outdoor dining and rooftop dining, respectively, require approval as a conditional use by the Board of Municipal and Zoning Appeals if located in a C-1, C-1-E, C-1-VC, or C-2 zoning district.

Table 11-301: Industrial Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>							<i>Use Standards</i>
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
Open-Space								
...								
Park or Playground	P	P	P					

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<i>Uses</i>	<i>Districts</i>							<i>Use Standards</i>
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
Urban Agriculture	P	P	P	P	P			Per § [14-339] 14-340
Commercial								
...								
Greenhouse		P	P	P	P			Per § [14-339] 14-340
...								
Nursery		P	P	P	P			Per § [14-339] 14-340
...								
Retail Goods Establishment (With Alcoholic Beverages Sales)		P	CO	P ²	CB			Per § 14-336
Tavern				P	P	P		Per § [14-337] 14-338
...								
Other								
...								
Electric Substation: Enclosed or Indoor	P	P	P	P	P	P	P	Per § [14-340] 14-341
Electric Substation: Outdoor	CB	CB	CB	CB	CB	P	P	Per § [14-340] 14-341
Parking Garage (Principal Use)	P	P	CO	CB	P	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	CO	CB	P	P	P	Per § 14-331
Telecommunications Facility ⁴	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

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<i>Uses</i>	<i>Districts</i>							<i>Use Standards</i>
	OIC	BSC	IMU-1	IMU-2	I-1	I-2	MI	
Utilities	CB	CB	CB	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ⁵	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

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¹ Allowed only when (i) accessory to an office structure, research and development facility, or industrial use, and (ii) integrated into that structure, facility, or use to serve its employees.

² Allowed only when secondary to a primary industrial use.

³ Office uses legally established as of the effective date of this Code are deemed conforming and are not required to be secondary to a primary industrial use.

⁴ Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

⁵ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 12-301: Office-Residential Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>	<i>Use Standards</i>
	OR	
Open-Space		
...		
Park or Playground	P	
Urban Agriculture	CB	Per § [14-339] 14-340
...		
Other		
Electric Substation: Enclosed, Indoor, or Outdoor	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)	CB	Per § 14-331
Parking Lot (Principal Use)	CB	Per § 14-331
Telecommunications Facility ²	CB, P	Per § [14-338] 14-339
Utilities	CB	Per § [14-340] 14-341
Wireless Communications Services ³	CB, P	Per § [14-338] 14-339

¹ [Thes] THESE are permitted uses only if: (i) the structure has 50 or more dwelling units; and (ii) non-residential uses are limited to 10% of the structure's gross floor area.

² Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

³ Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 12-402: Transit-Oriented Development – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>				<i>Use Standards</i>
	TOD-1	TOD-2	TOD-3	TOD-4	
...					
Commercial					
...					
Retail Goods Establishment (With Alcoholic Beverages Sales)		P		P	Per § 14-336
Tavern	CB	P	CB	P	Per § [14-337] 14-338
Other					
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)	CB	CB	CB	CB	Per § 14-331
Parking Lot (Principal Use)	CB	CB	CB	CB	Per § 14-331
Telecommunications Facility ³	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ⁴	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹No recreation facilities are allowed, except for standard playground equipment and outdoor furniture.

²Not to exceed 5,000 sq. ft. of the structure's gross floor area.

³Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

⁴Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 12-501: Educational Campus Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>		<i>Use Standards</i>
	EC-1	EC-2	
...			
Open-Space			
...			
Park or Playground	P	P	
Urban Agriculture	P	P	Per § [14-339] 14-340
...			
Other			
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	Per § 14-340
Parking Garage (Principal Use)	P	P	Per § 14-331
Parking Lot (Principal Use)	P	P	Per § 14-331
Telecommunications Facility ¹	CB, P	CB, P	Per § 14-338
Utilities	CB	CB	Per § 14-340
Wireless Communications Services ²	CB, P	CB, P	Per § 14-338

¹ Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

² Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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Table 12-601: Hospital Campus Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>	<i>Use Standards</i>
	H	
...		
Other		
Electric Substation: Enclosed, Indoor, or Outdoor	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)	P	Per § 14-331
Parking Lot (Principal Use)	P	Per § 14-331
Telecommunications Facility ¹	CB, P	Per § [14-338] 14-339
Utilities	CB	Per § [14-340] 14-341
Wireless Communications Services ²	CB, P	Per § [14-338] 14-339

¹ Only telecommunications base stations that comply with the stealth design standards of § 14-338 are considered permitted uses.

² Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

Table 12-1302: Port Covington District – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>				<i>Use Standards</i>
	PC-1	PC-2	PC-3	PC-4	
...					
Open-Space					
...					
Recreational Boat Launch	P	P	P	P	
Urban Agriculture	P	P	P	P	Per § [14-339] 14-340

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<i>Uses</i>	<i>Districts</i>				<i>Use Standards</i>
	PC-1	PC-2	PC-3	PC-4	
Zoo	CB	CB	CB		
Commercial					
Funeral Home	P	P	P	P	
Greenhouse or Nursery	P	P	P	P	Per § [14-339] 14-340
Health-Care Clinic		P	P	P	
...					
Stadium	P	P	P	P	
Tavern	P	P	P	P	Per § [14-337] 14-338
Video Lottery Facility		P	P		
...					
Other					
Alternative Energy System: Community-Based	P	P	P	P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	Per § [14-340] 14-341
Parking Garage (Principal Use)		P	P	P	Per § 14-331
Parking Lot (Principal Use)		P	P	P	Per § 14-331
Telecommunications Facility ²	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	Per § [14-340] 14-341
Wireless Communications Services ³	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹ Subject to conformance with the Marina Master Plan.

² Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

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1 ³ Only Wireless Communication Services that are modifications to – and do not substantially change the physical
 2 dimension of – an existing telecommunications facility, are considered permitted uses.

Table 12-1403: Harford Road Overlay District – Office, Commercial, and Industrial Districts – Permitted and Conditional Uses

<i>Uses</i>	<i>Districts</i>					<i>Use Standards</i>
	OR-1	C-1	C-2	C-3	IMU-1	
...						
Open-Space						
...						
Park or Playground	P	P	P	P		
Urban Agriculture	CB	CB	CB	CB	P	Per § [14-339] 14-340
Commercial						
...						
Financial Institution		P	P	P	P	
Greenhouse or Nursery		P	P	P	P	Per § [14-339] 14-340
Health-Care Clinic	P		P	P	P	
...						
Retail Goods Establishment (With Alcoholic Beverages Sales)		P	P	P	P	Per § 14-336
Tavern	P	P	P	P	P	Per § [14-337] 14-338
...						
Other						
Alternative Energy System: Community-Based		P	P	P	P	Per § 14-306
Electric Substation: Enclosed, Indoor, or Outdoor	CB	CB	CB	CB	CB	Per § [14-340] 14-341

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<i>Uses</i>	<i>Districts</i>					<i>Use Standards</i>
	OR-1	C-1	C-2	C-3	IMU-1	
1 2 Telecommunications Facility ¹	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339
3 Utilities	CB	CB	CB	CB	CB	Per § [14-340] 14-341
4 5 6 Wireless Communications Services ²	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339

¹ Only telecommunications base stations that comply with the stealth design standards of § [14-338] 14-339 are considered permitted uses.

² Only Wireless Communication Services that are modifications to – and do not substantially change the physical dimension of – an existing telecommunications facility, are considered permitted uses.

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

**AMENDMENTS TO COUNCIL BILL 25-0114
(1st Reader Copy)**

By: Councilmember Blanchard
{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

Strike beginning with line 13 on page 2 down through and including line 2 on page 3 and substitute:

“(1) “SMOKE SHOP” MEANS A RETAIL GOODS ESTABLISHMENT THAT:

(I) IS PRIMARILY ENGAGED IN THE RETAIL SALE OR ON-SITE CONSUMPTION OF TOBACCO PRODUCTS, TOBACCO SMOKING ACCESSORIES, ANY DEVICE OR PARAPHERNALIA THAT CAN BE USED TO DELIVER NICOTINE OR OTHER SUBSTANCES TO THE INDIVIDUAL INHALING FROM THE DEVICE, OR ANY CARTRIDGE, COMPONENT, OR ACCESSORY OF THE DEVICE; AND

(II) OPERATES UNDER 1 OR MORE OF THE FOLLOWING LICENSES ESTABLISHED BY THE STATE BUSINESS REGULATION ARTICLE:

(A) OTHER TOBACCO PRODUCTS (OTP) RETAILER, AS ESTABLISHED BY § 16.5-201 {“LICENSES REQUIRED RELATING TO TOBACCO PRODUCTS”};

(B) ELECTRONIC SMOKING DEVICES RETAILER, AS ESTABLISHED BY § 16.7-201 {“LICENSE REQUIRED”};

(C) VAPE SHOP VENDOR, AS ESTABLISHED BY § 16.7-201 {“LICENSE REQUIRED”};

(D) A CIGARETTE RETAILER, AS ESTABLISHED BY SUBTITLE 2 OF TITLE 16 {“CIGARETTE BUSINESS LICENSES”}; OR

(E) A TOBACCONIST LICENSE, AS ESTABLISHED BY § 16.5-201 {“LICENSES REQUIRED RELATING TO TOBACCO PRODUCTS”} OF THE STATE BUSINESS REGULATION ARTICLE; AND

(III) DEVOTES MORE THAN 10 LINEAR FEET OF DISPLAY AREA, MEASURED BY SHELF SPACE, COUNTER SPACE, AND WALL-MOUNTED DISPLAYS, WHETHER VERTICAL OR HORIZONTAL, TO:

(A) OTHER TOBACCO PRODUCTS, AS DEFINED BY § 16.5-101(J) OF THE STATE BUSINESS REGULATION ARTICLE; AND

(B) ELECTRONIC SMOKING DEVICES, AS DEFINED BY § 16.7-101(C) OF THE STATE BUSINESS REGULATION ARTICLE.

(2) EXCLUSIONS.

“SMOKE SHOP” DOES NOT INCLUDE A RETAIL GOODS ESTABLISHMENT:

(I) THAT PRIMARILY DERIVES ITS REVENUE FROM THE SALE OF PREMIUM CIGARS, PIPE TOBACCO, MEMBERSHIP FEES, OR LOCKER RENTALS; OR

(II) WHERE THE SALE OF TOBACCO PRODUCTS IS SECONDARY TO THE ESTABLISHMENT’S PRIMARY RETAIL FUNCTION AND LESS THAN 25% OF THE ESTABLISHMENT’S REVENUE IS DERIVED FROM THE SALE OF TOBACCO PRODUCTS.”.

Amendment No. 2

On page 3, in line 7, strike “500” and substitute “1,000”; and, on that same page, in that same line, strike “AND” and substitute “OR”.

Amendment No. 3

On page 17, in lines 12 and 13, strike “the 30th day after”.

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

25-0114

Zoning – Uses – Smoke Shop

Agency Reports

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY THOMPSON
CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

January 30, 2026

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0114 – Zoning – Uses – Smoke Shop

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0114 for form and legal sufficiency. The bill would create a new definition in the Zoning Code for “smoke shop”; would create distance restrictions for smoke shops from one another and from schools, recreation centers, and parks; would establish a calculation for measuring distance between properties; and would allow smoke shops in the commercial districts as a conditional use with BMZA approval.

In promoting the health, safety, and general welfare of the community, the City may, in pertinent part, regulate “the location and use of buildings, signs, structures, and land.” Md. Code, Land Use (“LU”) § 10-202. This includes controlling the location of commercial establishments by concentration and/or dispersal regulations to ameliorate legitimate land use impacts posed by those establishments. *See, e.g., Davenport v. City of Alexandria, Va.*, 683 F.2d 853, 856 (4th Cir. 1982), *on reh’g*, 710 F.2d 148 (4th Cir. 1983) (*citing Young v. American Mini Theatres, Inc.*, 427 U.S. 50, 62 (1975)) (“We have no doubt that the municipality may control the location of theatres as well as the location of other commercial establishments, either by confining them to certain specified commercial zones or by requiring that they be dispersed throughout the city.”).

Although the State has an extensive licensing scheme governing the tobacco-related retailers covered by the bill, it does not establish distance requirements for such retailers. *See* Md. Code, State Business Regulation, §§ 16.5-201 (licenses for other tobacco products retailers); 16.7-201 (licenses for electronic smoking devices retailers); 16.7-201 (licenses for vape shop vendors); Title 16, Subtitle 2 (licenses for cigarette businesses). The distance requirements in the bill, thus, are likely not preempted by State law.

Moreover, so long as the City has a rational basis for the bill’s dispersal requirements—and that the requirements are related to the City’s legitimate interests in controlling the land use impacts posed by smoke shops—the bill passes constitutional muster. *See, e.g., Pack Shack, Inc. v. Howard Cnty.*, 377 Md. 55, 92 (2003) (explaining that a locality must have some justification for the size of the exclusionary zone created).

However, a number of minor amendments are recommended for clarity and accuracy, as follows:

1. On page 2, in line 17, delete the words “including cannabis”.
 - *Reason: State law regulates cannabis retailers separately from the tobacco-related retailers covered by the bill’s definition of “smoke shop”. The state regulations include a distance requirement for cannabis dispensaries. See Md. Code, Alcoholic Beverages and Cannabis, Section 36-410(b). Accordingly, the bill’s attempt to include cannabis retailers is both internally inconsistent and preempted by State law.*
2. On page 2, in line 21, delete the letter “s” from the word “retailers”; and on that same page, in line 27, delete “business license” and replace it with “retailer”; and on that same page, in line 27, between the words “by” and “Title” insert “Subtitle 2 of”; and on that same page, in line 28, delete “Cigarettes” and replace it with “Cigarette Business Licenses”; and on that same page, in line 31, delete “16.7-101(c)” and replace it with “16.5-101(j)”; and on page 3, in line 1, delete “16.7-201 {“License Required”}” and replace it with “16.7-101(c)”.
 - *Reason: These changes better align the subsection with the State laws it references.*
3. On page 3, in line 7, delete “and” and replace it with “or”.
 - *Reason: This change is clearer grammatically in the context of the list.*

Procedural Requirements

The City Council must consider the following when evaluating changes to the text of the City’s Zoning Code:

- (1) the amendment’s consistency with the City’s Comprehensive Master Plan;
- (2) whether the amendment would promote the public health, safety, and welfare;
- (3) the amendment’s consistency with the intent and general regulations of this Code;
- (4) whether the amendment would correct an error or omission, clarify existing requirements, or effect a change in policy; and
- (5) the extent to which the amendment would create nonconformities.

City Code, Art. 32, § 5-508(c).

Any bill that authorizes a change in the text of the Zoning Code is a “legislative authorization,” which requires that certain procedures be followed in the bill’s passage, including a public hearing. City Code, Art. 32, §§ 5-501; 5-507; 5-601(a). Certain notice requirements apply to the bill. Baltimore City Code, Art. 32, §§ 5-601(b)(1), (c), (e). The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. City Code, Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council’s ability to amend the bill apply. City Code, Art. 32, § 5-507(c).

Assuming all procedural requirements are followed, and amendments are adopted consistent with those suggested above, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey Hochstetler', with a long horizontal flourish extending to the right.

Jeffrey Hochstetler
Chief Solicitor

cc: Ebony Thompson, City Solicitor
Nina Themlis, Mayor's Office of Government Relations
Ty'lor Schnella, Mayor's Office of Government Relations
Hilary Ruley, Chief Solicitor, General Counsel Division
Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor
Desireé Luckey, Assistant Solicitor

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.

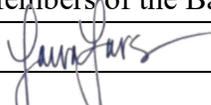
If you have any questions, please contact me at eric.tiso@baltimorecity.gov or by phone at 410-396-8358.

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



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Laura Larsen, Budget Director 
DATE	January 27 th , 2026
SUBJECT	City Council Bill 25-0114, Zoning – Uses – Smoke Shop

Position: Does Not Oppose

The Department of Finance is herein reporting on City Council Bill 25-0114, Zoning – Uses – Smoke Shop, the purpose of which is 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

Background

Over the past five years the Council has worked on several pieces of legislation regarding to tobacco and the uses in the zoning code.

Tobacco			
Bill Number	Bill Name	Bill establishes	Disposition
20-0631	Excise Tax - Electronic Smoking Devices	30% tax on e-cigarettes and e-cigarette products	Did Not Pass
23-0418	Tobacco Products - Tobacco Product Use in Stadiums – Prohibition	Ban on e-cigarette usage in stadiums	Passed
Zoning - Uses			
23-0356	Zoning - Modifications to Research and Development Facility	Amending the definition of research and development establishment; creating use standards for research and development establishments	Passed
25-0040	Zoning – Uses – Retail: Small Box Establishment	Regulates where a “small box establishment may open	Passed

City Council Bill 25-0114

City Council Bill 25-0114 establishes new zoning regulations for smoke shops in Baltimore City by designating them as a conditional use subject to approval by the Board of Municipal and Zoning Appeals (BMZA). The bill defines a “smoke shop” as a retail business primarily engaged in selling or allowing the on-site use of tobacco, vaping, or similar products and accessories, operating under applicable state tobacco or electronic smoking device licenses. To reduce clustering the bill prohibits smoke shops from locating

within 500 feet of any school, recreation center, or park, and within 1,500 feet of another smoke shop.

Fiscal Impact

City Council Bill 25-0114, Zoning – Uses – Smoke Shop is expected to bring in a variable amount of revenue from Zoning Appeals filings every year and is expected to cost \$106,090 in personnel costs.

Fiscal Analysis

In researching this legislation, the Department of Finance consulted the State Licensing Bureau, a bureau within the State Comptroller’s Office. The Bureau provided data on every new license issued in Baltimore City between 2015 and 2025; note that a license year runs from May 1 to April 30. One key observation is that licenses change frequently due to changes in ownership or operatorship. The Department of Finance assumes that the intent of this law is to affect newly established smoke shops, rather than existing businesses that simply experienced a change in ownership or operatorship and therefore required a new license. Accordingly, licenses issued solely due to a change in ownership or operatorship were excluded from the analysis.

25-0114 will require new smoke shops seek a variance from the Board of Municipal and Zoning Appeals (BMZA), it is assumed that the number of applicants before the BMZA will increase. To estimate the expected volume, the Department analyzed State data on newly licensed tobacco retailers each year, assuming that each new licensee would need to appear before the BMZA. An appeal for two or fewer variances before the BMZA costs \$100, and it is assumed that applicants will request no more than two variances.

License Year (May 1 to April 30)	Newly Issued Licenses	BMZA filing fees paid under 25-0114
2014	97	\$9,700
2015	1496	\$14,9600
2016	219	\$21,900
2017	175	\$17,500
2018	188	\$18,800
2019	86	\$8,600
2020	90	\$9,000
2021	69	\$6,900
2022	63	\$6,300
2023	117	\$11,700
2024	129	\$12,900
2025	77	\$7,700
TOTAL	2809	\$280,900
Newly issued licenses data is from the State License Bureau of the Comptroller of Maryland.		

The table shows that there are a variable number of licenses issued is varies significantly from year to year. The average number of new licenses between 2014 and 2025 was 234, if 2015 was excluded, it would be 119.

BMZA has stated that if they receive applications above 30 annually, that in conjunction with the requirements of 25-0040 Zoning – Uses – Retail: Small Box Establishment, the agency will need a GIS Analyst to assist with implementing both pieces of legislation. A GIS Analyst's salary is \$70,509 with

\$35,581 in other personnel costs for a total of \$106,090 in personnel costs. While the number of licenses annually is variable, most years of the last ten years have seen more than 30 new smoke shops annually.

Other Considerations

The Department of Finance recognizes that this legislation will have costs that are difficult to quantify, in revenues and expenditures, impacts on City residents. The dedensification of “smoke shops” and reduced youth exposure to tobacco products will lead to healthier outcomes for all.

Conclusion

City Council Bill 25-0114 represents the City Council’s continued effort to regulate tobacco and vaping-related activities to protect public health and neighborhood quality of life. By establishing distance requirements from schools, parks, and other smoke shops, and by requiring conditional use approval through the BMZA, the bill aims to prevent overconcentration and reduce youth exposure to tobacco products. While the fiscal impact is expected to be minimal, the legislation introduces an additional layer of oversight intended to promote more thoughtful placement and regulation of these businesses across Baltimore City.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 25-0114.

cc: Michael Mocksten
Nina Themelis



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.

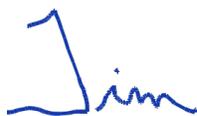
Equity:

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



**BALTIMORE CITY
BOARD OF MUNICIPAL
AND ZONING APPEALS**

Brandon M. Scott
Mayor

Justin A. Williams
Interim Executive Director

Members
Leland Shelton
Chair

Victor Clark
Liz Cornish
David Marcozzi
Rian Hargrave

417 E. Fayette St., Ste. 922
Baltimore, MD 21202
(410) 396-4301
zoning.baltimorecity.gov

MEMORANDUM

To: The Honorable Members of the Land Use & Transportation Committee
From: Justin A. Williams, Interim Executive Director
CC: Geoffrey Veale, Zoning Administrator
Date: January 8, 2026
Re: Council Bill No. 25-0114 – Zoning – Uses – Smoke Shop
Position: Favorable with Amendments

This testimony reflects staff analysis and does not constitute a formal Board-approved position.

The Board of Municipal and Zoning Appeals (BMZA) staff supports the intent of City Council Bill #25-0114 to regulate the proliferation of smoke shops and protect the health and character of Baltimore's neighborhoods. However, based on an analysis of best practices from other jurisdictions and the operational realities of zoning enforcement, BMZA staff strongly recommends specific technical amendments to ensure this legislation is enforceable, equitable, and legally defensible.

I. THE PREFERRED MECHANISM: LICENSING DENSITY CAPS

While CCB #25-0114 proposes to use zoning to regulate smoke shop locations, BMZA staff notes that *the most effective tool for controlling the density of tobacco retailers is business licensing*. We point the Committee to the model utilized by Philadelphia, Pennsylvania.

Philadelphia Code § 9-631 created a comprehensive 'Tobacco Retailer Permit' system that imposes a strict cap of one permit per 1,000 residents in each planning district.¹ This 'cap and winnow' approach provides three critical advantages over zoning-based regulation:

- (1) **Dynamic adjustment:** The City can naturally reduce density over time as existing permits lapse, without triggering the complex property-specific litigation often associated with zoning non-conformities;
- (2) **Administrative efficiency:** License caps are easier to track and enforce than property line-to-property line distance measurements; and
- (3) **Targeted equity:** Density caps can be calibrated by neighborhood planning district, allowing the city to address over-concentration in historically underinvested communities while preserving legitimate businesses in appropriately zoned commercial corridors.

BMZA staff recognizes that the City is currently constrained by the Maryland Supreme Court's decision in *Altadis U.S.A., Inc. v. Prince George's County*, which held that State law impliedly preempts local jurisdictions from enacting certain regulations regarding the sale of tobacco.² However, given the demonstrated public health

crisis and the proven effectiveness of density caps in peer jurisdictions, BMZA staff recommends the City Council consider a Resolution urging the Maryland General Assembly to enact enabling legislation that would grant Baltimore City the specific authority to cap tobacco retailer licenses locally, mirroring the Philadelphia model. Such enabling legislation would provide Baltimore with the most effective regulatory tool while avoiding the enforcement challenges inherent in zoning-based approaches.

II. ZONING AMENDMENTS REQUIRED FOR ENFORCEABILITY

If the City Council proceeds with regulating smoke shops through the Zoning Code, BMZA shares the concerns raised by the Planning Commission regarding the definition and administration of the use. Specifically, the Planning Commission has asked: (1) how the definition will impact properties with multiple approved land uses (e.g., grocery stores); (2) how these provisions will be enforced; and (3) how the floor area measurement methodology will function in practice. To address these operational concerns, we recommend the following amendments:

A. Replace “Floor Area” with “Display Area” (The “Tape Measure” Rule)

Section 1-313(m)(3) of the First Reader defines a smoke shop as an establishment that devotes ‘10% or more of its gross retail floor area’ to tobacco products. This threshold creates three significant administrative problems:

First, the City does not currently collect/require floor plans for Use & Occupancy (U&O) permits. So will be difficult to discern at the permit level whether a proposed use that self-identifies as a retail goods establishment should actually be identified as a smoke shop.

Second, at the time of review by a building inspector at the time of issuance of the U&O Permit, or subsequently after complaint, an inspector cannot easily calculate square footage percentages in the field without specialized tools, structural drawings, and multiple site visits. This will significantly delay enforcement actions and increase litigation risk.

Third, retailers can manipulate floor area calculations by reconfiguring interior spaces or redefining what constitutes ‘gross retail floor area’ versus back-of-house space.

Recommendation: Adopt the objective, field-verifiable metrics used by cities like San Francisco and Modesto, California. These jurisdictions define smoke shops based on *linear feet of display area*; a measurement that any inspector can verify with a tape measure during a routine site visit.

- San Francisco Health Code Article 19H defines a ‘Tobacco Paraphernalia Establishment’ as any retail use with more than 10 linear feet of display area devoted to tobacco products or paraphernalia.³
- Modesto Municipal Code § 4-24.102 defines a ‘Smoke Shop’ as having more than 15 linear feet of display area.⁴

Proposed Amendment to Baltimore City Code Art. 32, § 1-313(m)(3):

(3) DEVOTES MORE THAN 20 LINEAR FEET OF DISPLAY AREA (MEASURED BY SHELF SPACE, COUNTER SPACE, OR WALL-MOUNTED DISPLAYS, WHETHER VERTICAL OR HORIZONTAL) OR 10% OF TOTAL RETAIL DISPLAY VOLUME TO THE SALE OF TOBACCO PRODUCTS OR RELATED PARAPHERNALIA.

This amendment provides enforcement/inspectors with a clear, objective standard. A retail establishment exceeding 20 linear feet of tobacco/vape product display is clearly operating as a specialty smoke shop rather than a general retailer with ancillary tobacco sales.

B. The Safe Harbor: Explicit Exemption for Grocery Stores and Essential Retailers

If the Council declines to adopt the ‘Display Area’ metric and retains the ‘Floor Area’ definition, BMZA Staff recommend adding a safe harbor provision to prevent the accidental classification of grocery stores and smaller food retailers as “smoke shops.” Without this protection, one could foresee a small corner store (like a ‘bodega’) or even a small grocery store inadvertently meeting the 10% floor area threshold if tobacco products occupy even a modest endcap display or checkout counter rack, subjecting essential food access points to the 1,500-foot distancing requirement and conditional use process.

Inadvertently subjecting these establishments to smoke shop regulations could trigger closure or relocation, further reducing food access in already underserved communities.

Recommendation: Adopt an ‘Ancillary Tobacco Retailer’ definition similar to Covina, California.⁵ This creates a rebuttable presumption that full-service grocery stores and convenience stores are *not* smoke shops where tobacco sales are incidental to their primary food retail function.

Proposed Amendment: Add Baltimore City Code Art. 32, § 1-313(m)(4):

(4) SAFE HARBOR FOR ANCILLARY SALES. THE TERM ‘SMOKE SHOP’ SHALL NOT INCLUDE A RETAIL GOODS ESTABLISHMENT, GROCERY STORE, CONVENIENCE STORE, OR SUPERMARKET WHERE: (I) THE SALE OF TOBACCO PRODUCTS IS ANCILLARY TO THE ESTABLISHMENT’S PRIMARY RETAIL FUNCTION; (II) SUCH PRODUCTS OCCUPY LESS THAN 20 LINEAR FEET OF DISPLAY AREA; AND (III) THE ESTABLISHMENT DERIVES LESS

THAN 10% OF ITS GROSS REVENUE FROM TOBACCO PRODUCTS. SUCH ESTABLISHMENTS SHALL REMAIN CATEGORIZED AS DETERMINED BY THE ZONING ADMINISTRATOR AND SHALL NOT BE SUBJECT TO THE SPACING REQUIREMENTS OF § 14-337.

C. Establishing the Baseline: Mandatory Registration

The Bill prohibits new smoke shops within 1,500 feet of an existing smoke shop. However, the City does not currently have a comprehensive map or database distinguishing ‘smoke shops’ from general retailers. While the Department of Planning maintains GIS layers for schools, parks, and recreation centers (necessary for enforcing the 500-foot buffer), no comparable dataset exists for smoke shop locations.

This creates an immediate enforcement problem: without a baseline inventory, Zoning Administration and BMZA staff cannot determine whether a new conditional use application complies with § 14-337(2)’s 1,500-foot spacing requirement. Additionally, existing operators have a strategic incentive to delay registration, creating uncertainty about which establishments are ‘grandfathered’ legal non-conforming uses.

Recommendation: Adopt a mandatory registration affidavit process similar to San Antonio, Texas.⁶ Upon passage of the Bill, existing operators should be given some period of time (e.g., 180 days) to register their status as a ‘Legal Non-Conforming Smoke Shop’ via affidavit submitted to the Department of Planning or other agency. The affidavit should require:

- (1) Business name, address/block & lot;
- (2) Current State tobacco license number(s) (e.g., Vape Shop Vendor, ESD Retailer, or Cigarette Business License);
- (3) Affirmation under penalty of perjury that the establishment meets the definition of ‘Smoke Shop’ under § 1-313(m); and
- (4) Documentation demonstrating continuous operation at the location prior to [*effective date of ordinance*].

Failure to register within [180] days would result in the presumption that the use is a general retail goods establishment subject to the ancillary use limits proposed above. This approach balances the need for a clear enforcement baseline with protection for legitimate existing businesses.

III. “BAD ACTOR” ENFORCEMENT: ZONING IS NOT THE APPROPRIATE TOOL

Regarding concerns about illegal sales (e.g., unlicensed cannabis products or Delta-9 THC variants), **BMZA staff advises that zoning is not the appropriate tool for penalizing criminal behavior.** Zoning regulations ‘run with the land’ and thus attach to the property itself, not to individual operators. Revoking zoning approval is an inherently slow, quasi-judicial process requiring notice, hearing, findings of fact, and

appellate review. This procedural framework is not designed to address immediate public safety threats posed by illegal drug sales.

Instead, we highlight two more appropriate enforcement mechanisms:

First, the Maryland Alcohol, Tobacco, and Cannabis Commission (ATCC) now has expanded enforcement powers. Following the lifting of the injunction in *Governor Wes Moore v. Maryland Hemp Coalition*,⁷ the ATCC has the authority to seize illegal THC products, conduct compliance inspections, and *revoke State tobacco licenses* for violations. This administrative action is immediate and does not require protracted zoning hearings.

Second, the Baltimore Police Commissioner retains the authority to close premises under the City's 'Padlock Law' (Baltimore City Code Article 19, Subtitle 43) for repeated drug violations. This statute allows for emergency closure orders and is specifically designed for immediate public safety response.¹⁰

Recommendation: Establish a protocol where revocation of a State Tobacco License by the ATCC automatically triggers the revocation of the U&O Permit, as the business would no longer meet the statutory definition of a smoke shop under § 1-313(m)(2). This creates a direct enforcement pipeline that leverages State regulatory authority while avoiding the procedural limitations of zoning enforcement.

IV. RESOURCE REQUIREMENTS: THE COST OF COMPREHENSIVE ENFORCEMENT

BMZA notes that the enforcement of this Bill, along with recent zoning legislation regulating small box discount stores ("Dollar Stores" per Ord. 25-065), sustainability requirements (e.g., Landscape Manual compliance, Forest Conservation), and other additional zoning provisions, places a significant and cumulative new burden on City staff.

Specifically, enforcing Bill #25-0114 will require:

- (1) Field inspections to verify 'linear feet of display area' in existing and prospective smoke shops;
- (2) Ongoing GIS mapping and spatial analysis to enforce the complex spacing buffers (500 feet from schools/parks/recreation centers and 1,500 feet from other smoke shops);
- (3) Processing and verification of mandatory registration affidavits for existing smoke shops (if the above-proposed amendments are adopted);
- (4) Coordination with the Maryland ATCC to track State tobacco license revocations and trigger corresponding U&O permit revocations (if the above proposed protocols are adopted); and

- (5) Responding to appeals and providing expert testimony in BMZA hearings for conditional use applications and enforcement actions.

So additional staffing would appear to be necessary.

Revenue Mechanisms to Offset Enforcement Costs: To partially defray the costs associated with enhanced enforcement staffing, the Council should consider establishing dedicated fees for smoke shop regulation. This has not been analyzed thoroughly, but as an example, BMZA staff recommends:

- (1) **A one-time registration fee** of \$500–\$750 for existing smoke shops to register as legal non-conforming uses during the [180]-day registration window. This fee would cover the administrative costs of processing registration affidavits, conducting initial compliance inspections, and updating GIS mapping systems;
- (2) **An enhanced conditional use application fee** for new smoke shop applications, set at \$600. This reflects the additional staff time required for display area verification, complex buffer analysis involving multiple sensitive uses, and coordination with State licensing authorities and would be comparable to the fee charged by the Liquor Board; and
- (3) An annual **compliance monitoring fee** of \$2000 for all permitted smoke shops to fund periodic inspections verifying continued compliance with display area limits, State licensing requirements, and conditional use approval conditions. This would also be comparable to the annual fee assessed to Class A (BWL) Liquor License holders.

While fees typically are collected into the City’s General Fund, it would help defray the costs of additional staff. Based on current estimates of approximately 150–200 existing smoke shops citywide and an anticipated 10–15 new conditional use applications annually, these fees could generate \$350,000–\$560,000 in the first year and \$300,000–\$400,000 annually thereafter: offsetting the cost of the additional positions to help with enforcement and regulation of this and other provisions within the Department of Planning’s portfolio. This approach ensures that the regulated industry bears a fair share of enforcement costs while maintaining affordability for legitimate small business operators.

Recommendation: BMZA staff recommends the Council provide for additional to allow for creation of additional full-time positions within the Department of Planning. These positions are essential to perform the field inspections required to verify display area measurements, conduct spatial buffer analysis, and enforce the new smoke shop regulations. Without adequate staffing, these regulations will exist on paper but not in practice, thus undermining the Council’s public health objectives and creating a false sense of regulatory protection.

* * *

BMZA staff appreciates the Council’s commitment to addressing the proliferation of smoke shops in Baltimore’s neighborhoods. The amendments recommended in this testimony are designed to ensure that CCB #25-0114 is enforceable in practice, not just aspirational in principle.

For any questions regarding this report or to discuss these concerns further, please contact **Justin Williams** at justin.williams@baltimorecity.gov or **(410) 396-4301**.

ENDNOTES

¹ Phila., Pa., Code § 9-631(2) (2016).

² *Altadis U.S.A., Inc. v. Prince George’s County*, 431 Md. 307, 65 A.3d 118 (2013).

³ S.F., Cal., Health Code art. 19H (2014).

⁴ Modesto, Cal., Mun. Code § 4-24.102 (2025).

⁵ *See* Covina, Cal., Mun. Code § 17.61.020 (2023) (exempting stores where tobacco sales represent less than 2% of floor area and 2% of gross revenue).

⁶ *See generally* San Antonio, Tex., Unified Dev. Code § 35-398 (2019) (establishing registration requirements for existing vape shops and smoke shops prior to implementing spacing buffers).

⁷ *Governor Wes Moore, et. al. v. Maryland Hemp Coalition et. al.*, No. 1590, September Term, 2023, 2025 WL 2602274 (Md. App. Ct. Sept. 9, 2025).



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Veronica P. McBeth, Director, Department of Transportation
CC	Mayor's Office of Government Relations
DATE	December 10, 2025
SUBJECT	25-0114 • Zoning – Uses – Smoke Shop

Position: Without Recommendation

BILL SYNOPSIS

Council Bill 25-0114 defines smoke shops as establishments primarily engaged in the sale or on-site consumption of tobacco and/or devices used to consume tobacco, nicotine, or cannabis (such as e-cigarettes, vaporizers, and so on). The legislation would limit the number of smoke shops by requiring any new smoke shop to receive conditional use approval from the Board of Municipal and Zoning Appeals (BMZA) to operate. Additionally, the bill would forbid the “clustering” of new smoke shops by forbidding a new smoke shop from being opened within 1,500 feet of an existing smoke shop or within 500 feet of any school, recreation center, or park.

SUMMARY OF POSITION

The Department of Transportation has reviewed the proposed changes and does not anticipate any fiscal or operational impact as a result of the legislation. Therefore, DOT provides no recommendation on Council Bill 25-0114.



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Timothy Keane, Acting Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	March 20, 2026
SUBJECT	25-0114 Zoning – Uses – Smoke Shop

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 25-0114 Zoning – Uses – Smoke Shop 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.

If enacted, City Council Bill 25-0114 would define “Smoke Shops,” create their use standards, and clarify the measurement methodology for the implementation and enforcement of those use standards. If approved, this Bill will take effect on the 30th day following its enactment.

SUMMARY OF POSITION

This Bill would define “Smoke Shop” within the Zoning Code and establish them as a conditional use by approval of the Board of Municipal and Zoning Appeals in all commercial and mixed-use zoning districts. This Bill would also prohibit smoke shops from being located within 500 feet of any school, park, or recreation center, and within 1,500 feet of any other smoke shop. This Bill further codifies that those distances would be calculated by measuring the shortest distance from one property line to another.

DHCD recognizes the concerns surrounding the potential overconcentration of “Smoke Shops” within City neighborhoods. Investigations into allegations of Zoning noncompliance are undertaken by DHCD’s Special Investigations Unit (SIU) As such, SIU would be responsible for investigating allegations of noncompliance with the new use standards introduced by this Bill. Given that investigations into potentially noncompliant “Smoke Shops” would largely proceed as any other investigation into potential Zoning violations would, we do not feel that a new 311

option would be required. It is our understanding that any currently operating “Smoke Shops” as defined within the Bill would be “grandfathered” in as legal non-conforming uses. Our investigators would distinguish between an establishment which began their operations before or after the enactment of this Bill based on the date on which they were granted their Use and Occupancy permit. With all these considerations, DHCD does not object to the Bill as currently written and does not anticipate the additional responsibilities related to implementation to be unduly burdensome.

FISCAL IMPACT

It is difficult to estimate how many complaints DHCD would receive if this Bill were enacted. Without knowing the volume of complaints, and consequentially how many inspections would need to be performed, we cannot currently forecast its potential impact on inspector workload.

AMENDMENTS

DHCD does not seek any amendments to this Bill at this time.

BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

25-0114

Zoning – Uses – Smoke Shop

Public Testimony

Leva, Anthony F (City Council)

From: Blanchard, Zachary (City Council)
Sent: Tuesday, March 24, 2026 6:06 AM
To: Leva, Anthony F (City Council)
Cc: Savarese, Brandy (City Council); Dorsey, Ryan (City Council)
Subject: Fw: Written Testimony in Support of Bill 25-0114 – Protecting Our Communities

Tony,

Please see the testimony below for inclusion into the bill file for 25-0114.



Zac Blanchard
Councilmember, District 11
Office: (410) 396-4816

From: Claudia Towles <claudiatowles@gmail.com>
Sent: Thursday, March 19, 2026 3:00 AM
To: Blanchard, Zachary (City Council) <zachary.blanchard@baltimorecity.gov>
Subject: Written Testimony in Support of Bill 25-0114 – Protecting Our Communities

CAUTION: This email originated from outside of Baltimore City IT Network Systems.
Reminder: DO NOT click links or open attachments unless you recognize the sender and know that the content is safe. Report any suspicious activities using the Report Phishing Email Button, or by emailing to Phishing@baltimorecity.gov

Councilman Blanchard,

I appreciate the City Council taking action on Bill #25-0114. This is long overdue.

Over the past several years, Baltimore has seen an explosion of smoke shops operating through loopholes. These are not neutral retail businesses. Many are selling intoxicating and mind-altering products, often packaged and marketed in ways that appeal to younger people.

What we are seeing is clustering, with multiple shops packed into very small areas. In Fells Point alone, we have more than six within a tight radius. That is not normal, and it is not healthy for a neighborhood.

We need to be honest about what these places represent. For many people, they are a gateway to broader substance use. When these products are everywhere and easy to access, especially for young people, it lowers the barrier to more dangerous behavior.

This is not theoretical for me. My family has lived it. We learned too late how accessible these products are and how potent they can be. What is being sold under the guise of being legal or harmless is often anything but. These loopholes are being used to push products that are absolutely mind-altering, and families are paying the price.

That is why this matters so much to me. I do not want other families going through what we have.

That is also why regulation alone is not enough. Public education has to be part of the solution. We need real public service campaigns so parents, families, and young people understand what is actually being sold and the risks involved. We did not know. A lot of people do not know. That has to change.

This bill is a strong first step.

Clearly defining what a smoke shop is and closing the loophole where businesses present as something else while making their money off these products is important. The 10% threshold helps address that.

Requiring conditional use approval is also critical. These should not be automatic approvals. There needs to be real oversight and a meaningful opportunity for community input, not just for new locations, but for those already operating. These businesses, by their very nature, are predatory and are already contributing to the further deterioration of our neighborhoods. This is not about a few bad actors, it is about a system we allowed to take hold through loopholes, and now we have to fix it. That means creating a clear path to reevaluate existing operators and take action where these uses are driving further decline in public health and safety.

The 500-foot buffer from schools, recreation centers, and parks is essential. Kids should not be walking past these shops on their way to school or practice.

The 1,500-foot separation between smoke shops is just as important. We are already seeing what happens when they cluster. It changes the feel of a neighborhood, and not in a good way. And having a clear way to measure distance matters. Without that, none of this is enforceable.

I do want to acknowledge and thank the Council for taking this step. It matters.

But we need to be clear, this is just the beginning. If we are serious about protecting our communities, we need stronger action, real enforcement, and continued effort to close the loopholes that allowed this to happen in the first place.

The work does not end here. It starts here.

Claudia

Fells Point Resident



Claudia Towles



BALTIMORE CITY COUNCIL



LAND USE & TRANSPORTATION COMMITTEE

25-0114

Zoning – Uses – Smoke Shop

Additional Materials

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND

THE DAILY RECORD

Affidavit of Publication

To: Office of Council Services - Nancy Mead
100 Holliday St
Baltimore, MD, 21202

Re: Legal Notice 4139619,
PUBLIC HEARING ON BILL NO. 25-0114

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 03/11/2026

By



Joy Hough
Authorized Designee of the Publisher

Baltimore City

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 25-0114

The Land Use & Transportation Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 25-0114 on Thursday, March 26, 2026, at 10:00 AM in the Clarence 'Du' Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Zoning - Uses - Smoke Shop

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.

Applicant: Zach Blanchard - Councilmember 11th District

For more information, contact committee staff at (410) 396-1891.

NOTE: This bill is subject to amendment by the Baltimore City Council.

Ryan Dorsey
Chair

mh11 4139619

MARYLAND

THE DAILY RECORD

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Credits						\$0.00
BALANCE DUE						\$130.52

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OID: 4139619

Index: Government - Baltimore City

Category: Baltimore City

Affidavit Reference: PUBLIC HEARING ON BILL NO. 25-0114

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