

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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SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sections 1-313(m) to (w) and 14-337 to 14-340, respectively, of Article 32 - Zoning of the Baltimore City Code be renumbered to be Sections 1-313(n) to (x) and 14-338 to 14-341, respectively.

SECTION 2. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32. Zoning

Title 1. General Provisions

Subtitle 3. Definitions

§ 1-313. “Roofline” to “Substantial construction”.

(M) *SMOKE SHOP*.

“SMOKE SHOP” MEANS A RETAIL ESTABLISHMENT THAT:

(1) 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, INCLUDING CANNABIS, TO THE INDIVIDUAL INHALING FROM THE DEVICE, OR ANY CARTRIDGE, COMPONENT, OR ACCESSORY OF THE DEVICE; AND

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

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

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

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

(IV) A CIGARETTE BUSINESS LICENSE, AS ESTABLISHED BY TITLE 16 {“CIGARETTES”}; AND

(3) DEVOTES 10% OR MORE OF ITS GROSS RETAIL FLOOR AREA TO THE COMBINED TOTAL OF:

(I) OTHER TOBACCO PRODUCTS, AS DEFINED BY § 16.7-101(C) OF THE STATE BUSINESS REGULATION ARTICLE; AND

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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.

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

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.

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.

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.

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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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.

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	
Telecommunications Facility ¹	CB, P	CB, P	CB, P	CB, P	CB, P	Per § [14-338] 14-339
Utilities	CB	CB	CB	CB	CB	Per § [14-340] 14-341
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.