

Agencies

<input type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

CITY OF BALTIMORE
ORDINANCE 18-167
Council Bill 18-0187

Introduced by: Councilmembers Reisinger, Henry, Costello, Burnett, Scott, Pinkett, Bullock,
Cohen, Stokes, Sneed, Dorsey, Clarke, Middleton
Introduced and read first time: February 5, 2018
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable
Council action: Adopted
Read second time: July 9, 2018

AN ORDINANCE CONCERNING

Zoning – Use Regulation – Live Entertainment

FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments

Article 32 - Zoning
Section(s) 14-319(b)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)

SECTION 1. 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 14. Use Standards

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.



Council Bill 18-0187

§ 14-319. Live entertainment or dancing.

(b) Imposition of conditions.

In approving a conditional use for live entertainment or dancing, the Board of Municipal and Zoning Appeals OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, may:

....

Baltimore City Code

Article 32. Zoning

Zoning Tables

Table 10-301: Commercial Districts – Permitted and Conditional Uses

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
...								
Commercial								
...								
Entertainment: Live			P		P	[P] CO	P	Per § 14-319
....								

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

Council Bill 18-0187

Certified as duly passed this _____ day of AUG 06 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of AUG 06 2018



Chief Clerk

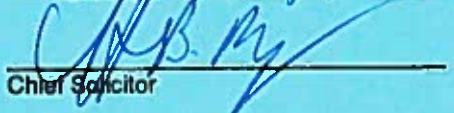
Approved this 10 day of August, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 8th Day of August 2018.



Chief Solicitor

800 333 0114

800 333 0114

800 333 0114

Approved For Form and Initial Submission

This document is for internal use only.

For more information, please contact your local office.

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 18-0187

Introduced by: Councilmembers Reisinger, Henry, Costello, Burnett, Scott, Pinkett, Bullock,
Cohen, Stokes, Sneed, Dorsey, Clarke, Middleton
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Council Bill 18-0187

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

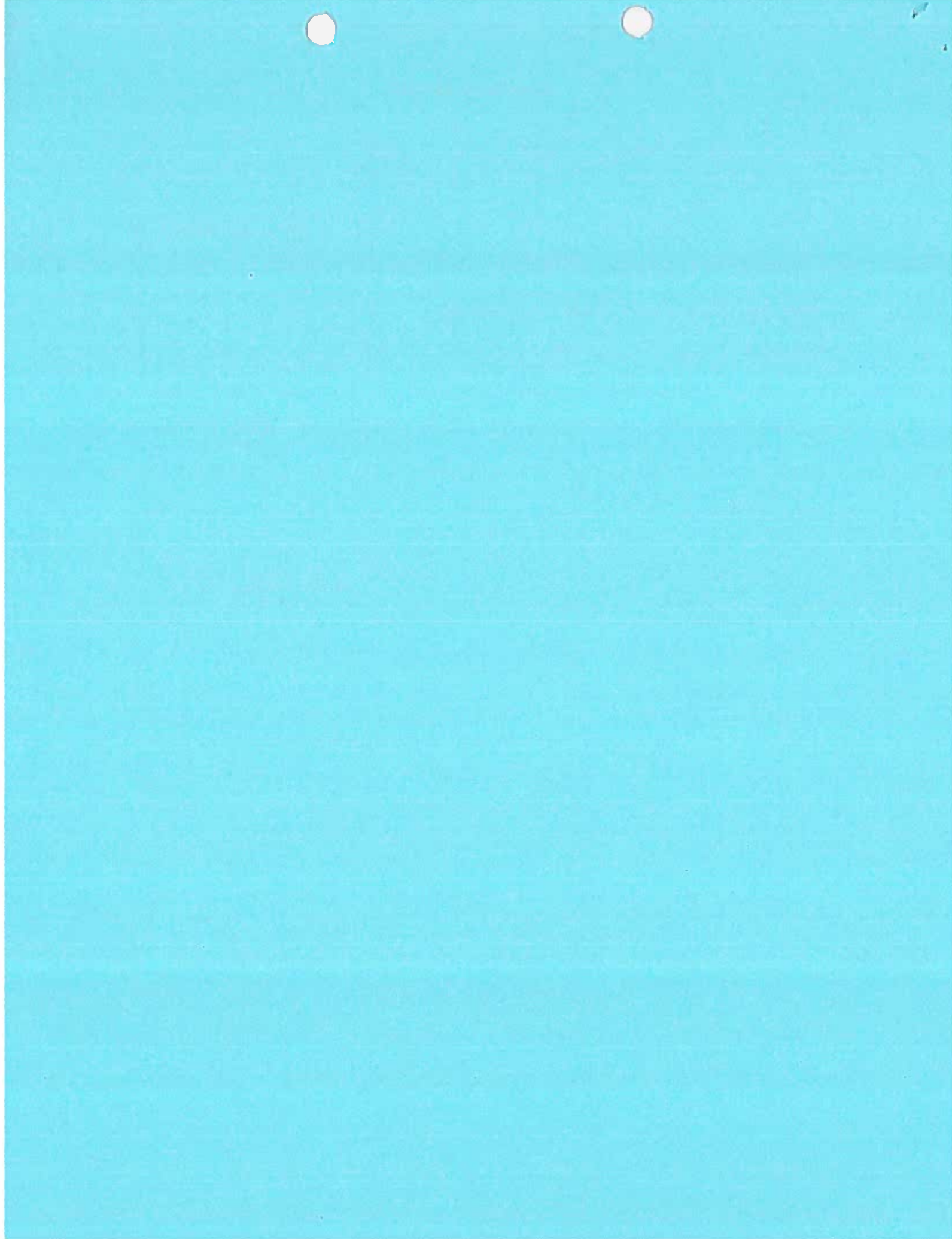
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION
VOTING RECORD**

DATE: June 27, 2018

BILL#: 18-0187

BILL TITLE: Zoning - Use Regulation - Live Entertainment

MOTION BY: Middleton SECONDED BY: Stokes

☒ FAVORABLE

☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	6			1

CHAIRPERSON: Edward L. Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

Order #: 11549891

Case #: 18-0187

Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0187 The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 6, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

5/16/2018



Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 18-0187

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 6, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0187.

CC 18-0187 ORDINANCE - Zoning - Use Regulation - Live Entertainment

FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Section(s) 14-319(h)(Intro)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Zoning

Table 10-301

Baltimore City Code

(Edition 2000)

Applicant: Councilman Edward Reisinger

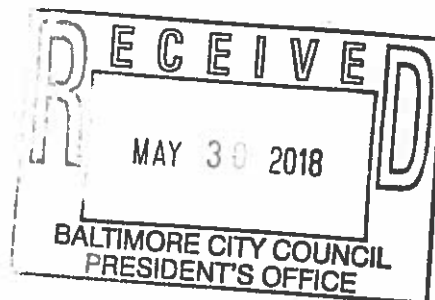
For more information contact Committee staff at (410) 396-1200

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

EDWARD REISINGER

Chair

ny16



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION **BY WEDNESDAY, MAY 22, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO 18-0187

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 6, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0187

CC 18-0187 ORDINANCE - Zoning - Use Regulation - Live Entertainment

FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments
Article 32 - Zoning
Section(s) 14-319(b)(intro)
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments
Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)

Applicant: Councilman Edward Reisinger

For more information contact Committee staff at (410) 396-1260.

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

EDWARD REISINGER


Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Mr. Larry E. Greene
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
(410) 396-7215

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0187/ ZONING - USE REGULATION - LIVE ENTERTAINMENT		

TO

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

DATE: April 20, 2018

At its regular meeting of April 19, 2018, the Planning Commission considered City Council Bill #18-0187, for the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0187, and adopted the following resolution, nine members being present (seven in favor):

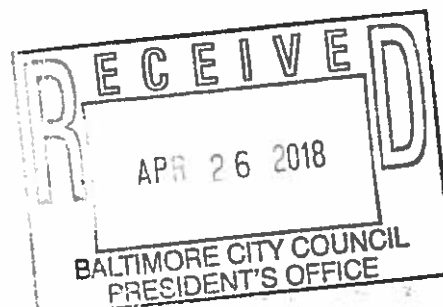
RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #18-0187 be passed by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

TJS/ewt

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services





Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stasur
Director

April 19, 2018

REQUEST: City Council Bill #18-0187/ Zoning – Use Regulation – Live Entertainment:

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmembers Reisinger, Henry, Costello, Burnett, Scott, Pinkett, Bullock, Cohen, Stokes, Sneed, Dorsey, Clarke, and Middleton

OWNERS: Various, within C-4 Zoning Districts in Baltimore City

SITE/GENERAL AREA

Site Conditions: This proposed ordinance would be applicable to multiple sites.

General Area: There are approximately fifteen widely scattered geographic areas of Baltimore City that are now zoned C-4.

HISTORY

The C-4 Zoning District, and its mapping, became effective on June 5, 2017 as part of Article 32 of the Baltimore City Code. This Article, also known as the Baltimore City Zoning Code, was enacted by Ordinances 16-581 and 17-015.

CONFORMITY TO PLANS

The proposed action would be consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City, Play Goal 2: Improve Nightlife, Entertainment, and Recreation Experiences for Residents and Visitors.

ANALYSIS

Background: Under the previous Zoning Code, live entertainment was approvable only in connection with another use, such as a restaurant, a tavern, or a stadium. In low-intensity Business Zoning Districts, live entertainment connected to a restaurant or tavern required conditional use approval by the Board of Municipal and Zoning Appeals (BMZA), while live entertainment that occurred in auditoriums, concert halls, or banquet halls first required approval of a principal use by ordinance, there being no mention of what would occur in the auditorium or

concert hall; a banquet hall could include live entertainment of a limited variety. In higher-intensity Business Zoning Districts (B-4 and B-5) live entertainment was permitted in connection with restaurants, taverns, auditoriums, concert halls, and banquet halls either by explicit reference ("restaurants – including live entertainment and dancing" for example) or as understood in connection with a principal use such as a concert hall.

The previous Zoning Code also restricted live entertainment in Manufacturing Zoning Districts, making auditoriums only a permitted use in all M-zones, and prohibiting live entertainment in connection with restaurants or taverns in M-1 zones while making it conditional to the BMZA in M-2 and M-3 Zoning Districts. Banquet halls and concert halls were prohibited in M-zones. Live entertainment in a tavern in a M-2 Zoning District could be approved by the BMZA as a conditional use only if the property was located at least 500 feet from a Residence District.

Its replacement, the current Zoning Code, established five major types of Commercial Districts, with two of those (C-1 and C-5) each having a set of subdistricts intended to tailor the more general use and bulk regulations for those zoning districts to specific needs and geographic realities found within them. Intensity of land uses was graduated from least intense in C-1 Districts to most intense in C-5 Districts. The C-4 Heavy Commercial District was created for areas of more intense commercial use generally not appropriate for lower intensity commercial districts, including uses relating to motor vehicles and their outdoor storage. Because of potential impacts from the more intensive uses allowed in C-4 Districts, certain controls were created expressly for the purpose of mitigating negative impacts on neighboring uses (§10-206). Contrastingly, the C-3 District is a General Commercial District intended for shopping centers and larger retail establishments, while the C-5 Districts are Downtown Districts intended to accommodate a wide range of uses associated with an urban center.

When the current Zoning Code was adopted, a new zoning map for Baltimore City was also adopted. This map, using the newly-defined Zoning Districts, established C-4 Zoning Districts in some areas previously zoned B-3, M-2, and M-3. One consequence of this was to open a limited number of properties to possible permitted use for live entertainment purposes. Some of the areas newly zoned C-4 adjoin Residential Zoning Districts such as R-3, R-5, R-6, R-7, and R-8, while others are less than 500 feet from such Residential Zoning Districts.

More significant is the small number of properties, relative to all properties in Baltimore, that are now included in C-4 Zoning Districts. There are 228 properties with buildings on them in C-4 Zoning Districts, and an additional 40 properties shown as vacant or unimproved in C-4 Zoning Districts, according to information available to Planning staff. A C-4 zone is where gas stations are permitted by right, whereas in C-2 and C-3 zones, and I-1 and I-2 zones, they must receive BMZA approval as a conditional use. (C-5 Zoning Districts, being established for the downtown urban center, do not allow gas stations.) Similarly, C-4 zones are the only zones that permit motor vehicle dealerships with outdoor vehicle display, motor vehicle rental establishments with outdoor vehicle display, motor vehicle service and repair, major, and recreational vehicle dealerships, by right. These permitted uses generally are related to a steady stream of customers who often have their off-street parking demand accommodated on site. While live entertainment performances can range from a single musician at a neighborhood restaurant or tavern to a 200-seat play to a 30,000 seat rock concert in a stadium, what sets them apart from these other uses that are now permitted by right is whether the producer or promoter of live entertainment is able to provide both off-street parking and traffic and security management adequate to prevent

reductions of quality of life for nearby residents and businesses, and of sufficient quality and quantity to reinforce the value of nearby communities and neighborhoods, without impairing functioning businesses.

The proposed legislation would require a public process, now in place for certain other uses, to determine that a proposed live entertainment authorization would meet Zoning Code standards for approval, superseding the current lack of explicit case-by-case determination that a property's use for live entertainment would meet these standards:

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – Zoning:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Additional standards contained in §5-406(b) {"Required considerations"} of Article 32 – Zoning could also become points of reference for determining approvability of live entertainment at a particular location:

(b) *Required considerations.*

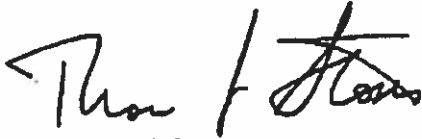
As a further guide to its decision on the facts of each case, the Board of Municipal and Zoning Appeals must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for emergency vehicles;
- (6) accessibility of light and air to the premises and to the property in the vicinity;
- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks and structures;
- (9) the character of the neighborhood;
- (10) the provisions of the City's Comprehensive Master Plan;
- (11) the provisions of any applicable Urban Renewal Plan;
- (12) all applicable standards and requirements of this Code;
- (13) the intent and purpose of this Code; and
- (14) any other matters considered to be in the interest of the general welfare.

The limited number of properties zoned C-4 makes them a valuable resource for which a number of important commercial uses compete. While standards for a conditional use relate a proposed use's effect to that of a similar use elsewhere in the same zoning district, another concern is

impact on surrounding properties zoned for less intense commercial, or even residential, uses. As all potential effects of live entertainment venues on nearby properties could be hard to predict generally, given the wide range and scale of entertainment covered in the Zoning Code, and are related to a small proportion of all properties, it would be prudent to have more detailed review occur on a case-by-case basis.

Notification of this action was sent to 10,048 subscribers using the Compass mailing list and the Planning Commission Agenda mailing list.

A handwritten signature in black ink, appearing to read 'Thomas J. Stosur', written in a cursive style.

Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

June 5, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

RE: CC Bill #18-0187: Zoning – Use Regulation – Live Entertainment

Ladies and Gentlemen:

City Council Bill No. 18-0187 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

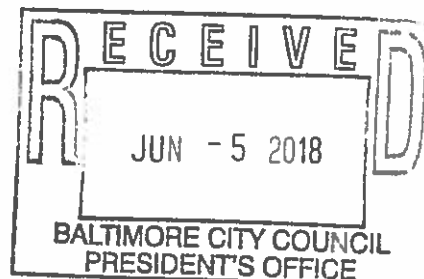
The purpose of City Council Bill No. 18-0187 is to amend Article 32, the Zoning Code of the City of Baltimore, by changing the use designation of live entertainment in the C-4 Zoning District from permitted-by-right to requiring conditional use approval by Ordinance of the Mayor and City Council.

The BMZA has reviewed the legislation and does not support of the passage of CC Bill #18-0187.


Sincerely,

Derek J. Baumgardner
Acting Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference



does Not Support

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0187		

TO Mayor Catherine E. Pugh

DATE: February 26, 2018

TO: Respective City Council Land Use and Transportation Committee

FROM: Department of Transportation

POSITION: Support

RE: Council Bill – 18-0187 - Zoning – Use Regulation – Live Entertainment

INTRODUCTION – The proposed bill is made in effort to clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

PURPOSE/PLANS – The proposed bill seeks to repeal and reordain, with amendments, Article 32- Zoning, Section(s) 14-319 (b)(intro) Baltimore City Code (Edition 2000), which reads as follows:

§ 14-319. Live entertainment or dancing

(b) "Imposition of conditions. In approving a conditional use for live entertainment or dancing, the Board of Municipal and Zoning Appeals may:"...

This bill would allow for code to instead read:

14-319. Live entertainment or dancing.

(b) Imposition of conditions.

In approving a conditional use for live entertainment or dancing, the Board of Municipal and Zoning Appeals **OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE,** may:"...

The proposed bill seeks to repeal and reordain, with amendments, Article 32- Zoning, Table 10-301, Baltimore City Code (Edition 2000), which reads as follows:

Entertainment: Live			P		P	P	P	Per § 14-319
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This bill would allow for this table to instead read:

Entertainment: Live			P		P	(P) C/C	P	Per § 14-319
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BRIEF HISTORY – Please refer to "PURPOSE/PLANS."

FISCAL IMPACT – Not applicable.

AGENCY/DEPARTMENT POSITION –

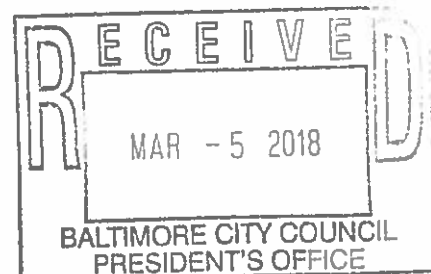
The Department of Transportation **supports** City Council Bill 18-0187.

If you have any questions, please do not hesitate to contact Katelyn McCauley at Katelyn.McCauley@baltimorecity.gov, (443)677-9391.

Sincerely,


Michelle Pourciau
Director

F



CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

June 5, 2018

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

Re: City Council Bill 18-0187 – Zoning – Use regulation – Live Entertainment

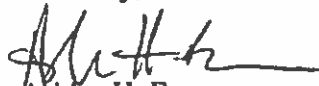
Dear President and City Council Members:

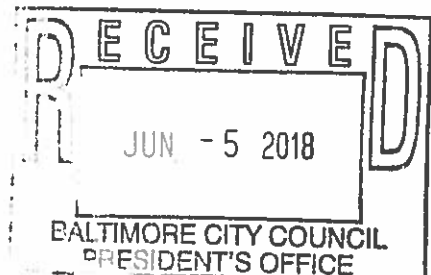
The Law Department has reviewed City Council Bill 18-0187 for form and legal sufficiency. The bill clarifies that, in certain circumstances, the Mayor and City Council may approve a conditional use for live entertainment, and provides that live entertainment in the C-4 zoning district requires conditional use approval by ordinance of the Mayor and City Council.

A bill that authorizes a text amendment is a "legislative authorization." Art. 32, § 5-501. Legislative authorizations require that certain procedures be followed in the bill's passage. Specifically, certain notice requirements apply to the bill. *See* Art. 32, § 5-601. The bill must be referred to certain City agencies, which are obligated to review the bill in a specified manner. *See* Art. 32, §§ 5-504, 5-506. Finally, certain limitations on the City Council's ability to amend the bill apply. *See* Art. 32 § 5-507. The following standards must be considered in the passage of a text amendment: 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 the zoning 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. § 5-508 (c).

Assuming all the above requirements are met, the Law Department will approve the bill for form and legal sufficiency

Sincerely,


Ashlea H. Brown
Assistant Solicitor



Fav w/ comments



cc: Andre Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Victor K. Tervala, Chief Solicitor

Coates, Jennifer

From: Brown, Ashlea
Sent: Tuesday, June 19, 2018 1:58 PM
To: Reisinger, Edward; Middleton, Sharon; Clarke, Mary Pat; Costello, Eric; Dorsey, Ryan; Pinkett, Leon; Stokes, Robert
Cc: Coates, Jennifer
Subject: law department follow-up re: CCB 18-0187 Zoning - Use Regulation - Live Entertainment

Mr. Chairman and members of the Committee,

As requested, below please find a response to the issue raised at the hearing for CCB 18-187:

CCB 18-187 amends the zoning code to require a conditional use by ordinance for live entertainment in the C4 districts. Currently, live entertainment is a permitted use in a C4 district. During the bill hearing, a gentleman testified that he was concerned about the property owners in the C4 districts who had already expended money with the understanding that they could have live entertainment on their property as a permitted use.

As I responded during the hearing, whether a particular property owner has a legal right to continue a use is a separate issue from the legal sufficiency of the bill. Certainly, any change in the zoning code will cause these concerns for current property owners, which is why we have transition rules in our zoning code. The relevant section, 2-203, contains two provisions which would regulate either a previously-established live entertainment use or a pending application for live entertainment use submitted prior to the effective date of this bill should it be enacted:

(c) Preexisting permitted use reclassified as conditional.

(1) If a preexisting permitted use is reclassified by this Code or an amendment to it as a conditional use for the Zoning District in which it is located, that use may be continued as a lawful conditional use, subject to the conditions and restrictions previously imposed on it by law or regulation.

(2) Any subsequent change to that use, including any addition, expansion, relocation, or structural alteration, is subject to the procedural and substantive requirements imposed by this Code on conditional uses

(k) Pending applications.

(1) An application that has been submitted and considered complete before June 5, 2017, or before the effective date of any relevant amendment to this Code is governed by the Code provisions in effect when the application was submitted.

(2) A new application submitted after June 5, 2017, or after the effective date of any relevant amendment to this Code is governed by the Code provisions in effect when the application was submitted.

(3) If a pending application is modified after its submittal, the Zoning Administrator must review the application to determine if the proposed modifications constitute a new application. If the Zoning Administrator determines that the modifications constitute a new application, the application must be resubmitted under the Code provisions then in effect at the time of resubmittal.

Case law also protects a property owner who has a "vested right" when zoning law changes. Whether a particular property owner has "vested rights" and can therefore continue under the previous zoning laws, depends on the particular circumstances of each case. Under Maryland law, three factors must be present for the vested rights doctrine to be triggered:





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Handwritten text in the lower middle section of the page, continuing the cursive script.

Handwritten text in the lower section of the page, possibly a concluding line or signature.

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Handwritten text in the bottom left corner, possibly a date or a reference number.

when a property owner

[1] obtains a lawful building permit,

[2] *commences to build in good faith*, and

[3] completes substantial construction on the property,

his right to complete and use that structure cannot be affected by any subsequent change of the applicable building or zoning regulations.

Prince George's County v. Equitable Trust Co., Inc., 44 Md.App. 272, 278 (1979) (Emphasis supplied).

Merely spending money or purchasing a particular property in a zone with the expectation that in the future the use will still be permitted, does not trigger the vested rights doctrine. Generally speaking however, our Zoning Code's transition provisions are more protective of the property owner than the "vested rights" doctrine because under 2-203 (k), one may proceed with a pending application for live entertainment even where one does not possess a "vested right" under case law.

In sum, the fact that this amendment to the code may make getting live entertainment in a C4 district more onerous in the future is perhaps a policy concern, but not a legal impediment to passing this bill. The City Council is of course free to reject the bill for reasons of policy based upon the gentleman's remarks, but the Law Department does not believe that such remarks present any legal authority preclude approval of this bill.

Please let us know if you have further questions.



DEPARTMENT OF LAW

Ashlea H. Brown

*Assistant Solicitor, Legal Advice & Opinions
Baltimore City Department of Law*

100 N. Holliday Street, Suite 101
Baltimore, MD 21202

ashlea.brown@baltimorecity.gov

Office: (410) 396-2646

Fax: (410) 396-1457

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City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, June 27, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

Voting Session: 18-0187

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR VOTING SESSIONS

18-0187

Zoning - Use Regulation - Live Entertainment

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

Sponsors: Edward Reisinger, Bill Henry, Eric T. Costello, Kristerfer Burnett, Brandon M. Scott, Leon F. Pinkett, III, John T. Bullock, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Ryan Dorsey, Mary Pat Clarke, Sharon Green Middleton

A motion was made by Member Middleton, seconded by Member Stokes, Sr., that the bill be recommended favorably. The motion carried by the following vote:

Yes: 6 - Member Reisinger, Member Middleton, Member Clarke, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

Abstain, COI: 1 - Member Costello

ADJOURNMENT

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, June 27, 2018

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INTRODUCTIONS

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ITEMS SCHEDULED FOR VOTING SESSIONS

18-0187

Zoning - Use Regulation - Live Entertainment

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

Sponsors:

Edward Reisinger, Bill Henry, Eric T. Costello, Kristerfer Burnett, Brandon M. Scott, Leon F. Pinkett, III, John T. Bullock, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Ryan Dorsey, Mary Pat Clarke, Sharon Green Middleton

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, June 6, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0187

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 4 - Member Edward Reisinger, Member Eric T. Costello, Member Ryan Dorsey, and Member Robert Stokes Sr.
- Absent** 3 - Member Sharon Green Middleton, Member Mary Pat Clarke, and Member Leon F. Pinkett III

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0187

Zoning - Use Regulation - Live Entertainment

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

Sponsors: Edward Reisinger, Bill Henry, Eric T. Costello, Kristerfer Burnett, Brandon M. Scott, Leon F. Pinkett, III, John T. Bullock, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Ryan Dorsey, Mary Pat Clarke, Sharon Green Middleton

THIS MEETING WAS RECESSED.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0187

Zoning - Use Regulation - Live Entertainment

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: June 6, 2018

Time (Beginning): 1:00 PM

Time (Ending): 1:23 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~25

Committee Members in Attendance:

Reisinger, Edward, Chairman

Costello, Eric

Dorsey, Ryan

Stokes, Robert

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read/confirmed?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember *		
Seconded by	Councilmember *		
Final Vote:			



Major Speakers

(This is not an attendance record.)

- The Honorable Edward Reisinger, Sponsor
- Mr. Martin French, Planning Department
- Ms. Ashlea Brown, Law Department
- Mr. David Framm, Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Louis Fields, operator, Baltimore African American Tourism Council
- Mr. William Butler, attorney, Falcon Group, representing clients with properties in C4 zoning districts.
- Mr. William Bauer, Resident
- Ms. Caroline Hecker, Rosenberg, Martin and Greenberg, representing Hammerjacks

Major Issues Discussed

1. Councilman Reisinger read the bill's number, title and purpose.
2. Mr. Martin French testified that the Planning Commission recommended approval of the bill. He testified that C4 zoning districts are very few/limited in Baltimore City. There are approximately 228 properties with improvements and 40 vacant/unimproved properties that are zoned C4 and that would be affected by the bill. He indicated that the Zoning Code does not provide any separation of the different levels of live entertainment, which can include a single musician to a play or a rock concert. Large levels of attendance at live entertainment events create parking issues in communities. There may be a need for more careful review on a case-by-case basis of the potential effect of live entertainment.
3. Mr. Baumgardner indicated that the Board of Municipal Zoning Appeals does not support the bill.
4. Mr. David Framm testified that the Department of Transportation supports the bill.
5. Ms. Ashlea Brown testified that the Law Department has no objection to the bill.
6. Councilmember Reisinger explained the purpose for introduction of the bill. He stated that the major concern is parking in communities. He also indicated that he has pushed for a master plan for live entertainment in Baltimore City. He also expressed that when reviewing live entertainment proposals his concerns have always been for parking, sanitation and security.
7. Mr. Louis Fields, operator of the Baltimore African-American Tourism Council, testified that tourists seek entertainment. His organization supports more live entertainment in Baltimore. His organization supports the bill and the concerns the City Council may have for providing parking, security and safety.
8. Mr. William Butler, attorney for certain persons in the C4 zoning districts, indicated that his clients' concerns are that since their property already exists in a C4 zoning district they do not want to be put into a position of revisiting some of the aspects of retaining the C4 rezoning with future conditions or terms applied to the zoning granted. He also believes that once the C4 is granted the use should be grandfathered and not subject to further conditions. He believes parking rules and regulations already take care of parking and security issues. There are situations where some who have property designated as C4 zoning have already spent money for engineering and planning and are relying upon the C4 zoning that was granted. Councilman Reisinger explained

that those who have property in C4 Zoning Districts can proceed with the use that was granted. Mr. Butler opposes the bill. Ms. Ashlea Brown indicated that the City Council has the right to regulate zoning in the future. In the case where zoning rights have been vested, a review may have to be done on a case-by-case basis. Ms. Brown will research and report back to the committee.

9. Mr. William Bauer testified about zoning rights and understanding why the focus of the change is on C4 rather than C3 or C1 Zoning Districts. The chairman explained that there are certain intensities/capacities associated with each zoning district.
10. Ms. Caroline Hecker, representing Andy Hotchless and Kevin Butler (Hammerjacks), urged the committee to oppose the bill. She indicated that the way the Zoning Code treats live entertainment needs to be re-studied by the Department of Planning. She also suggested that parking regulations or associated Urban Renewal Plans be adjusted to address parking issues.
11. The hearing was recessed.

Further Study

Was further study requested?

☒ Yes ☐ No

If yes, describe.

The Law Department (Ashlea Brown) will review and report back to the committee about whether entities which have properties in C4 Zoning Districts and that also have rights that have been vested should be grandfathered in when new changes are proposed for the zoning district in which their property is located.

Committee Vote:

Reisinger, Edward, Chairman.....
Middleton, Sharon, Vice Chair.....
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Jennifer L. Coates, Committee Staff

Date: June 6, 2018

cc: Bill File
OCS Chrono File



CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
Date: June 6, 2018 Time: 1:00 PM Place: Clarence "Du" Burns Chambers
Subject: Ordinance - Zoning - Use Regulation - Live Entertainment CC Bill Number: 18-0187

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



PLEASE PRINT						WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY?			
IF YOU WANT TO TESTIFY PLEASE CHECK HERE						TESTIFY	FOR	AGAINST	YES	NO
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS					
John	Doe	100	North Charles Street	21202	John.doe@bmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Don Doyle										
Louis	Fields-BART		PO Box 3014	21204	louefields@gmail.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Martin	Franch		Planning			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
William	Butter		Att. Franco Group		B. Butera@BHTFirm.com	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
David	Kellum		207 1212							
W.	BAVER		GENE PULKA - 79		LOUCARBAU@GMAIL.COM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Karin	Butter		1300 Russell St.	21230	KB@Hammocks.GA			<input checked="" type="checkbox"/>		
Andy	Hotchkiss		1300 Russell St.	21230	Andy@Hammocks.com			<input checked="" type="checkbox"/>		
Stanley FINE	FINE	25	5 CHARLES ST / RMG	21201	stan@newyork.com	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Caroline	Hecker		25 S. Charles St / RMG	21201	checker@senate.mt.com	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, June 6, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0187

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0187

Zoning - Use Regulation - Live Entertainment

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

Sponsors:

Edward Reisinger, Bill Henry, Eric T. Costello, Kristerfer Burnett, Brandon M. Scott, Leon F. Pinkett, III, John T. Bullock, Zeke Cohen, Robert Stokes, Sr., Shannon Sneed, Ryan Dorsey, Mary Pat Clarke, Sharon Green Middleton

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, June 6, 2018

1:00 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0187

Zoning - Use Regulation - Live Entertainment

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

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Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

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Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

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Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0187

Zoning – Use Regulation – Live Entertainment

Sponsor: Councilmember Reisinger

Introduced: February 5, 2018

Purpose:

For the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

Effective: 30th day after enactment

Hearing Date/Time/Location: June 6, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Department of Law

Board of Municipal and Zoning Appeals

Planning Commission

Department of Transportation

Favorable

Favorable



Analysis

Current Law

Article 32 – Zoning; Section(s) 14-319(b) (intro); Baltimore City Code; (Edition 2000)

Background

CC Bill 18-0187, if approved, would amend Article 32 – Zoning, Section 14-319 to require Mayor and City Council approval for a conditional use for live entertainment and dancing in a commercial C-4 Zoning District.

According to Article 32, Section 1-306, *Entertainment: Live* excludes any adult use and is defined as 1 or more of any of the following, performed live by 1 or more individuals, whether or not done for compensation and whether or not admission is charged:

- (i) musical act, including karaoke;
- (ii) theatrical act, including a play, a revue, or stand-up comedy;
- (iii) dance;
- (iv) magic act;
- (v) disc jockey; or
- (vi) similar activity.

A C-4 Zoning District designation is intended for areas of more intense commercial use that are generally not appropriate for lower intensity commercial districts, including uses related to motor vehicles and those that might require outdoor storage. Standards for the district ensure that setbacks, buffering, and site development controls are in place to mitigate negative impacts on neighboring uses.

Live entertainment and dancing are currently permitted in the C-4 Zoning District as is reflected below in **Table 10-301: Commercial Districts – Permitted and Conditional Uses**.

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
Commercial								
...								
Entertainment Live			P		P	P	P	Per 14-319
...								

If approved, Bill 18-0187 would change the P (Permitted Use) designation in the C-4 Zoning Districts to CO (Conditional Use by Ordinance).

Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
Commercial								
...								
Entertainment Live			P		P	CO	P	Per 14-319
...								

Article 32, Section 14-319 Live entertainment or dancing currently reads as follows:

§ 14-319. Live entertainment or dancing.

(a) Additional application requirements.

An application for conditional-use authorization to provide live entertainment or dancing must include:

- (1) a description of the type of live entertainment or dancing to be provided;
- (2) a floor plan that describes, in sufficient detail:
 - (i) the establishment generally;
 - (ii) the live entertainment or dancing venue within the establishment;
 - (iii) if dancing is to be provided, the location and dimensions of the dance floor; and
 - (iv) the maximum authorized occupant load, as approved by the Fire Department, for:
 - (A) all configurations of the establishment, generally; and
 - (B) the live entertainment or dancing venue, specifically.

(b) Imposition of conditions. (Section being amended to allow City Council approval)

In approving a conditional use for live entertainment or dancing, the Board of Municipal and Zoning Appeals may:

- (1) limit the types of live entertainment or dancing to which the use is allowed; and
- (2) impose conditions, as appropriate, concerning:
 - (i) days and hours of operation for:
 - (A) the establishment's operations generally; and

- (B) the live entertainment or dancing to be provided;
- (ii) use of amplification, noise levels, and need for soundproofing;
- (iii) limits on the size of the establishment or on the size, location, or configuration of the live entertainment or dancing venue within the establishment;
- (iv) number of live entertainers;
- (v) number of seats proposed for outdoor dining
- (vi) exterior lighting;
- (vii) whether to limit the use to live entertainment only or dancing only;
- (viii) public need and desire for the establishment;
- (ix) number and location of other, similar establishments in the area and potential effect of the new use on those establishments;
- (x) proximity of residential dwellings, educational facilities, places of worship, or parks or playgrounds to the establishment;
- (xi) maximum authorized occupant loads of the establishment and of the live entertainment or dancing venue within the establishment;
- (xii) volume and types of vehicular and pedestrian traffic in the area of the establishment; and
- (xiii) the establishment and maintenance of:
 - (A) a traffic management plan;
 - (B) a parking management plan;
 - (C) an indoor and outdoor security plan; and
 - (D) a sanitation plan.

(Ord. 16-581.)

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates
Analysis Date: May 30, 2018



Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 18-0187
(First Reader)**

Introduced by: Councilmembers Reisinger, Henry, Costello, Burnett, Scott, Pinkett, Bullock,
Cohen, Stokes, Sneed, Dorsey, Clarke, Middleton

Introduced and read first time: February 5, 2018

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Use Regulation – Live Entertainment

FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments

**Article 32 - Zoning
Section(s) 14-319(b)(intro)
Baltimore City Code
(Edition 2000)**

BY repealing and reordaining, with amendments

**Article 32 - Zoning
Table 10-301
Baltimore City Code
(Edition 2000)**

SECTION 1. 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 14. Use Standards

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

Council Bill 18-0187

§ 14-319. Live entertainment or dancing.

(b) Imposition of conditions.

In approving a conditional use for live entertainment or dancing, the Board of Municipal and Zoning Appeals OR THE MAYOR AND CITY COUNCIL, AS THE CASE MAY BE, may:

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Uses	C-1	C-1-VC	C-1-E	C-2	C-3	C-4	C-5	Use Standards
...								
Commercial								
...								
Entertainment: Live			P		P	[P] CO	P	Per § 14-319
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SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

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

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Mr. Larry Greene, Director, Office of Council Services

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee,
Baltimore City Council

Date: April 25, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – ZONING CODE AMENDMENT

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 18-0187

Date: Wednesday, June 6, 2018

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) - see *Attachment B*. You can access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers.



Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for the Newspaper Advertisement

The information that must be published in a newspaper advertisement, appears between the double lines on the attached page (*see Attachment A*); the deadline date is indicated in **BOLD** letters at the top of Attachment A.

Certification of Postings

Certification of the publication of the newspaper advertisement, in duplicate, must be received four (4) days prior to the hearing by:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certification is not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Newspaper Advertisement Deadline:

May 22, 2018

Certificate of Posting Deadline:

June 2, 2018

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION **BY WEDNESDAY, MAY 22, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO 18-0187

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 6, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0187

CC 18-0187 ORDINANCE - Zoning - Use Regulation - Live Entertainment

FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may approve a conditional use for live entertainment; and providing that live entertainment in the C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City Council.

BY repealing and reordaining, with amendments

Article 32 - Zoning

Section(s) 14-319(b)(intro)

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Zoning

Table 10-301

Baltimore City Code

(Edition 2000)

Applicant: Councilman Edward Reisinger

For more information contact: Committee Staff at (410) 396-1260.

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

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO: SEND BILL FOR THIS ADVERTISEMENT TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

Mr. Larry E. Greene
Office of Council Services
100 N. Holliday Street, Room 415
Baltimore, MD 21202
(410) 396-7215

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

- (1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

- (2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

(g) Additional notice for proposed rezoning in MI District.

If an application is made to rezone any property in the MI District, the Director of Planning must notify the Maryland Port Administration and the owners of any adjacent property of the application.

(Ord. 16-581; Ord. 17-015.)

**CITY OF BALTIMORE
COUNCIL BILL 18-0187
(First Reader)**

Introduced by: Councilmembers Reisinger, Henry, Costello, Burnett, Scott, Pinkett, Bullock,
Cohen, Stokes, Sneed, Dorsey, Clarke, Middleton

Introduced and read first time: February 5, 2018

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Use Regulation – Live Entertainment**

3 FOR the purpose of clarifying that, in a certain circumstance, the Mayor and City Council may
4 approve a conditional use for live entertainment; and providing that live entertainment in the
5 C-4 Zoning District requires conditional use approval by Ordinance of the Mayor and City
6 Council.

7 BY repealing and reordaining, with amendments

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Council Bill 18-0187

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INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY 1-24-18 DEPT. LEGISLATIVE REFERENCE

Introduced by: Councilmember Reisinger

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – Use Regulation – Live Entertainment

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* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Baltimore City Code

Article 32. Zoning

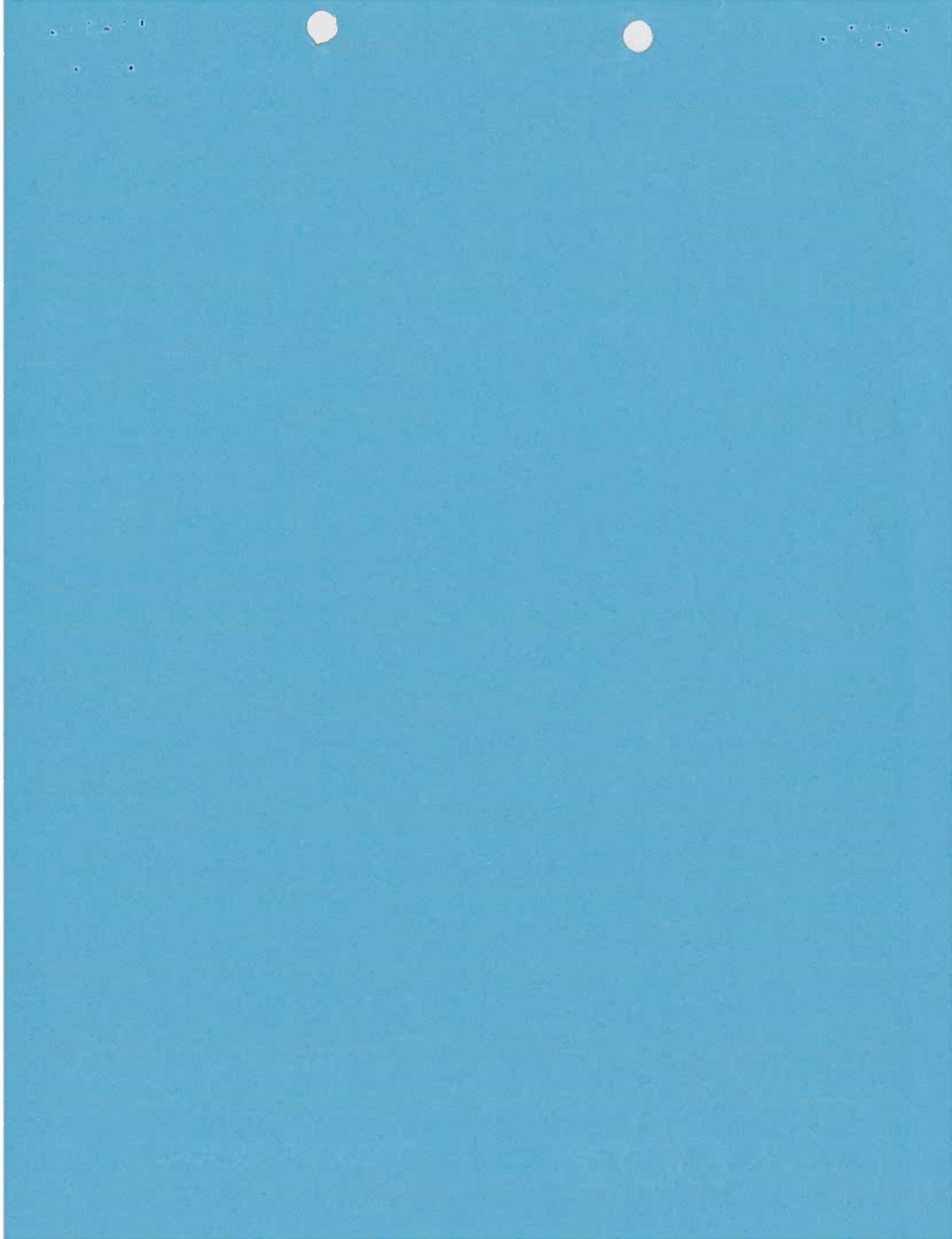
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ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) _____

FEB 05 2018

PUBLIC HEARING HELD ON _____

June 6,

20 18

COMMITTEE REPORT AS OF _____

July 9

20 18

☒ FAVORABLE ☐ UNFAVORABLE ☐ FAVORABLE AS AMENDED ☐ WITHOUT RECOMMENDATION

Edward H. Keener
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

JUL 09 2018

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____

AUG 06 2018

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____

20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____

20

WITHDRAWAL _____

20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

Bob DeLong

President

Lee Ann DeLong

Chief Clerk