

**CITY OF BALTIMORE
COUNCIL BILL 05-0294
(First Reader)**

Introduced by: President Dixon, Councilmembers Holton, Spector, Young, Conaway, Welch,
Mitchell, Curran, Harris

At the request of: Baltimore Licensed Beverage Association

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Introduced and read first time: November 21, 2005

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning
Appeals, Planning Commission, Department of Housing and Community Development,
Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Licensing and Regulation –**
3 **Amusement Devices – Amusement Device Location Permits**

4 FOR the purpose of modifying certain limitations on amusement devices as an accessory use in
5 certain zoning districts; repealing certain posting, hearing, and related requirements for
6 amusement device location permits; and generally relating to amusement devices and
7 amusement device location permits.

8 BY repealing and reordaining, without amendments

9 Article - Zoning

10 Section(s) 1-110, 6-307, 6-407, 6-507, 6-607, 7-310, and 7-409

11 Baltimore City Revised Code

12 (Edition 2000)

13 BY repealing and reordaining, with amendments

14 Article - Zoning

15 Section(s) 6-207(2) and 7-209(1)

16 Baltimore City Revised Code

17 (Edition 2000)

18 BY repealing and reordaining, without amendments

19 Article 15 - Licensing and Regulation

20 Section(s) 2-11(b), 3-1(b), 3-2

21 Baltimore City Code

22 (Edition 2000)

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

1 BY repealing
2 Article 15 - Licensing and Regulation
3 Section(s) 3-4 and 3-5
4 Baltimore City Code
5 (Edition 2000)

6 BY repealing and reordaining, with amendments
7 Article 15 - Licensing and Regulation
8 Section(s) 3-6
9 Baltimore City Code
10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
12 Laws of Baltimore City read as follows:

13 **Baltimore City Revised Code**

14 **Article – Zoning**

15 **§ 1-110. Amusement device.**

16 (a) *In general.*

17 “Amusement device” has the meaning stated in City Code Article 15, § 2-11, except as
18 specified in subsection (b) of this section.

19 (b) *Exclusions.*

20 “Amusement device” does not include any peep show device.

21 **§ 6-207. Accessory uses.**

22 In a B-1 District, accessory uses and structures include the following:

23 (2) Amusement devices, as follows:

24 (i) No more than [5] 6 amusement devices, PLUS UP TO AN AGGREGATE OF 5 POOL
25 TABLES OR POOLETTES, BOWLING OR SHUFFLEBOARD MACHINES, AND JUKE
26 BOXES OR OTHER MUSIC PLAYERS, when used in combination with one of the
27 following:

28 (A) Billiard or pool room.

29 (B) Bowling alley.

30 (C) Bus, train, or boat terminal.

- 1 (D) Hotel or motel.
- 2 (E) Marina.
- 3 (F) Miniature golf.
- 4 (G) Race track.
- 5 (H) Restaurant [with alcoholic beverage license].
- 6 (I) Skating rink.
- 7 (J) Social, fraternal, or veteran’s club.
- 8 (K) Swimming pool.
- 9 (L) Tavern.
- 10 (M) Tennis or racquet club: Indoor.
- 11 (ii) No more than [5] 6 amusement devices, PLUS UP TO AN AGGREGATE OF 5 POOL
- 12 TABLES OR POOLETTES, BOWLING OR SHUFFLEBOARD MACHINES, AND JUKE
- 13 BOXES OR OTHER MUSIC PLAYERS, when used in combination with other uses
- 14 that the Board finds, after a public hearing, to be entertainment, leisure, or
- 15 recreation oriented.
- 16 (iii) Amusement devices when used in combination with uses that are not
- 17 entertainment, leisure, or recreation oriented, subject to:
- 18 (A) the required location permit having been obtained under Article 15 of
- 19 the City Code; and
- 20 (B) the following limits based on the floor area of the location’s interior
- 21 space devoted to the principal use:
- 22 1. no more than [1 device] 2 DEVICES if the net floor area is 600
- 23 square feet or less; and
- 24 2. no more than [2] 4 devices if the net floor area exceeds 600
- 25 square feet.

§ 6-307. Accessory uses.

In a B-2 District, accessory uses and structures are the same as those in a B-1 District, except that the gross floor area limitations of a B-1 District do not apply in a B-2 District.

§ 6-407. Accessory uses.

In a B-3 District, accessory uses and structures are the same as those in a B-2 District.

1 **§ 6-507. Accessory uses.**

2 In a B-4 District, accessory uses and structures are the same as those in a B-1 District, except
3 that the gross floor area limitations of a B-1 District do not apply in a B-4 District.

4 **§ 6-607. Accessory uses.**

5 In a B-5 District, accessory uses and structures are the same as those in a B-1 District, except
6 that the gross floor area limitations of a B-1 District do not apply in a B-5 District.

7 **§ 7-209. Accessory uses.**

8 In an M-1 District, accessory uses and structures include, but are not limited to, the
9 following, subject to compliance with the performance standards set forth in Title 12
10 {"Performance Standards"} of this article:

11 (1) Amusement devices, as follows:

12 (i) No more than [5] 6 amusement devices, PLUS UP TO AN AGGREGATE OF 5 POOL
13 TABLES OR POOLETTES, BOWLING OR SHUFFLEBOARD MACHINES, AND JUKE
14 BOXES OR OTHER MUSIC PLAYERS, when used in combination with one of the
15 following:

16 (A) Billiard or pool room.

17 (B) Bowling alley.

18 (C) Bus, train, or boat terminal.

19 (D) Hotel or motel.

20 (E) Indoor tennis or racquet club.

21 (F) Marina.

22 (G) Miniature golf.

23 (H) Race track.

24 (I) Restaurant [with alcoholic beverage license].

25 (J) Skating rink.

26 (K) Social, fraternal or veteran club.

27 (L) Swimming pool.

28 (M) Tavern.

1 (ii) No more than [5] 6 amusement devices, PLUS UP TO AN AGGREGATE OF 5 POOL
 2 TABLES OR POOLETTES, BOWLING OR SHUFFLEBOARD MACHINES, AND JUKE
 3 BOXES OR OTHER MUSIC PLAYERS, when used in combination with other uses
 4 that the Board finds, after a public hearing, to be entertainment, leisure, or
 5 recreation oriented.

6 (iii) Amusement devices when used in combination with uses that are not
 7 entertainment, leisure, or recreation oriented, subject to:

8 (A) an amusement device location permit having been obtained under
 9 Article 15 of the City Code; and

10 (B) the following limits based on the net floor area of the location’s
 11 interior space devoted to the principal use:

- 12 1. no more than [1 device] 2 DEVICES if the net floor area is
 13 600 square feet or less; and
- 14 2. no more than [2] 4 devices if the net floor area exceeds 600
 15 square feet.

16 **§ 7-310. Accessory uses.**

17 In an M-2 District, accessory uses and structures are the same as those in an M-1 District,
 18 except that they need not comply with the performance standards in Title 12 {“Performance
 19 Standards”} of this article.

20 **§ 7-409. Accessory uses.**

21 In an M-3 District, accessory uses and structures are the same as those in an M-1 District,
 22 except that they need not comply with the performance standards in Title 12 {“Performance
 23 Standards”} of this article.

24 **Baltimore City Code**

25 **Article 15 – Licensing and Regulation**

26 **Subtitle 2. Amusements**

27 ***Part 3. Amusement Devices***

28 **§ 2-11. Definitions.**

29 (b) *Amusement device.*

30 (1) *In general.*

31 “Amusement device” means any electronic or mechanical device that is designed to
 32 provide amusement or entertainment and for which a fee is charged to operate or use.

1 first obtain an amusement device location permit from the Commissioner of Housing and
2 Community Development.

3 (b) *Exceptions.*

4 A location permit is not required under this subtitle for:

5 (1) any establishment that is entertainment, leisure, or recreation oriented, as listed in
6 or determined by the Zoning Board under § 6-207, 7-209, or 13-610 of the Zoning
7 Code; or

8 (2) any amusement arcade or recreation center that is operated by the City.

9 **[§ 3-4. Posting; objections.**

10 (a) *Posting required.*

11 Before a location permit (other than a renewal permit) may be issued, the applicant must
12 post the proposed location for 15 days.

13 (b) *9 or fewer objections.*

14 If, within the 15-day posting period, the Commissioner receives no more than 9 written
15 objections from persons within the same election precinct as the proposed location, the
16 permit may be issued.

17 (c) *10 or more objections.*

18 If, within the 15-day posting period, the Commissioner receives 10 or more written
19 objections from persons within the same election precinct as the proposed location, the
20 Commissioner must refer the matter to the Zoning Board for a hearing.]

21 **[§ 3-5. Hearing on objections; denial.**

22 (a) *Public hearing required.*

23 (1) On referral by the Commissioner, the Zoning Board must hold a public hearing on the
24 proposed location permit.

25 (2) Parties in interest and citizens must be given an opportunity to be heard at the hearing.

26 (b) *Denial to be in writing.*

27 Any denial of a permit must be in writing, with specific reasons given for the denial.

28 (c) *Reapplication waiting period.*

29 If the Zoning Board denies a permit, then the applicant may not reapply for a permit for at
30 least 12 months.]

1 **§ 3-6. Term and renewal of permits.**

2 (a) *Term.*

3 Each permit expires annually on June 30 and is renewable as provided in this section.

4 (b) *Application for renewal.*

5 (1) To renew a permit, the permit holder must apply no less than 30 days nor more than
6 60 days before the permit expires.

7 (2) The renewal application must be in the form and contain the information that the
8 Commissioner requires.

9 [(3) On filing the renewal application and payment of the renewal fee, the Commissioner
10 must approve the application unless 10 or more written objections from persons
11 within the same election precinct as the location in question are filed with the
12 Commissioner no later than 30 days before the permit expires.

13 (4) If the Commissioner receives 10 or more timely objections from persons within the
14 same election precinct as the location in question, the Commissioner must refer the
15 matter to the Zoning Board for a hearing.]

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

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