

**CITY OF BALTIMORE
COUNCIL BILL 17-0096
(First Reader)**

Introduced by: The Council President

At the request of: The Administration (Department of Housing and Community Development)

Introduced and read first time: July 17, 2017

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, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Zoning – After-Hours Establishments; Lounges

FOR the purpose of allowing certain after-hours establishments and certain lounges only in certain commercial and industrial zoning districts; defining certain terms; imposing certain standards; providing for a special effective date; and generally relating to the zoning and development laws of Baltimore City.

BY adding

Article 32 - Zoning
Sections 1-302(i-1), 1-309(h-1), 14-301.1, and 14-321
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 32 - Zoning
Tables 10-301 and 11-301
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 1. Definitions

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

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§ 1-302. “Abut” to “Awning”.

(I-1) *AFTER-HOURS ESTABLISHMENT.*

“AFTER-HOURS ESTABLISHMENT” MEANS ANY OF THE FOLLOWING USES THAT REMAINS OPEN AFTER 2 A.M. ON ANY DAY:

(1) AN ADULT USE, BANQUET HALL, LODGE OR SOCIAL CLUB, OR SIMILAR PLACE; OR

(2) A LOUNGE, A RESTAURANT WITH ACCESSORY LIVE ENTERTAINMENT, OR LIVE ENTERTAINMENT AS A PRINCIPAL USE.

§ 1-309. “Lot line” to “Motel”.

(H-1) *LOUNGE.*

(1) *IN GENERAL.*

“LOUNGE” MEANS A BUSINESS ESTABLISHMENT THAT:

(I) IS OPEN TO THE GENERAL PUBLIC;

(II) PROVIDES SEATING OR A DESIGNATED AREA FOR SOCIAL GATHERING; AND

(III) DOES NOT SERVE OR PERMIT THE ON-SITE CONSUMPTION OF ALCOHOL.

(2) *EXCLUSIONS.*

“LOUNGE” DOES NOT INCLUDE ANY OF THE FOLLOWING USES:

(I) ADULT USE;

(II) BANQUET HALL;

(III) CARRY-OUT FOOD SHOP;

(IV) ENTERTAINMENT: INDOOR;

(V) ENTERTAINMENT: LIVE;.

(VI) LODGE OR SOCIAL CLUB;

(VII) RESTAURANT; OR

(VIII) TAVERN.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-301.1. AFTER-HOURS ESTABLISHMENTS.

(A) GENERAL CONSIDERATIONS.

FOR AN AFTER-HOURS ESTABLISHMENT, THE ZONING BOARD MUST CONSIDER IMPOSING CONDITIONS, AS APPROPRIATE, CONCERNING:

- (1) DAYS AND HOURS OF OPERATION;
- (2) USE OF AMPLIFICATION, NOISE LEVELS, AND NEED FOR NOISE PROOFING;
- (3) LIMITS ON THE SIZE OF THE ESTABLISHMENT OR ON THE SIZE, LOCATION, OR CONFIGURATION OF ANY ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;
- (4) NUMBER OF LIVE ENTERTAINERS;
- (5) WHETHER TO PLACE LIMITS ON THE TYPE OF ENTERTAINMENT USE;
- (6) EXTERIOR LIGHTING; AND
- (7) THE ESTABLISHMENT AND MAINTENANCE OF:
 - (I) A TRAFFIC AND PARKING MANAGEMENT PLAN; AND
 - (II) AN INDOOR AND OUTDOOR SECURITY PLAN.

(B) REQUIRED FINDINGS AND CONDITIONS.

THE BOARD MUST FIND, AND REQUIRE AS A CONDITION OF APPROVAL, THAT THE ESTABLISHMENT CANNOT BE ENTERED FROM A TAVERN.

§ 14-321. LOUNGES.

(A) IN GENERAL.

THE ESTABLISHMENT, LOCATION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF A LOUNGE MAY NOT BE DETRIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, OR WELFARE.

(B) EFFECT ON THE COMMUNITY.

THE LOUNGE MUST BE DESIGNED SO THAT THE LOCATION OF ENTRANCES AND EXITS, EXTERIOR LIGHTING, NOISE LEVELS, SERVICE AREAS, AND PARKING AND LOADING FACILITIES WILL MINIMIZE TRAFFIC CONGESTION, PEDESTRIAN HAZARDS, AND ADVERSE IMPACTS ON ADJACENT PROPERTIES.

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[§§ 14-321 to] § 14-322. {Reserved}

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								
AFTER-HOURS ESTABLISHMENT			CB		CB	CB	CB	PER § 14-301.1
...								
LOUNGE			P		P	P	P	PER § 14-321
....								

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

Uses	OIC	BSC	I-MU	I-1	I-2	MI	Use Standards
...							
Commercial							
...							
LOUNGE			CB				PER § 14-321
....							

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 when it is enacted.