

## CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



## BOARD OF MUNICIPAL AND ZONING APPEALS

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

July 20, 2017

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

Re: City Council Bill No. 17-0096: Zoning – After-Hours Establishments; Lounges

Ladies and Gentlemen:

City Council Bill No. 17-0083 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for review and subsequent recommendation. The purpose of City Council Bill No. 17-0096 is to amend Article 32 {Zoning} that will add two new uses; after-hours establishments and lounges. After-hours establishments will be a conditional use that requires BMZA approval in the C-1-E and C-3 through C-5 zoning districts, and lounges will be permitted in C-1-E, C-3 through C-5, and conditional based upon BMZA approval in the I-MU zoning district. The subsequent passages will address the proposed uses in order to give a more contextual understanding why these two amendments should passed.

### **AFTER-HOURS ESTABLISHMENTS**

Historically, after-hours establishments were conditional uses that required BMZA approval in the B-3, B-4, and B-5 zoning districts with additional considerations and required findings under § 14-310 of the old zoning code. The definition that is outlined in this proposed bill is consistent with the previous definition under the old zoning code, and the proposed use standards for after-hours establishment is the exact same language that was in § 14-310 of the old zoning code. The only marginal changes occur on the definition to make the appropriate adaptation to the new uses within Article 32.

Under Article 32 {Zoning}, the regulatory provisions surrounding after-hours establishments was omitted completely. Moreover, in the areas of C-3 through C-5, there are no other regulatory mechanisms to stop live entertainment establishments, social clubs, banquet halls, or similar places from operating beyond 2 a.m. This lack of oversight and inadequate regulatory mechanisms causes an inability for nearby residents, community organizations, and property owners to voice any trepidation that they may have with a use of this manner.

By reestablishing the after-hours establishment into Article 32, the city will be able to address specific uses that want to operate in this manner while giving the appropriate public forum for concerned citizens to voice any issues or opinions they may have on the matter.



Moreover, it will give the city the ability to impose circumstantial restrictions that may need to occur, as well as the ability to revoke the use and occupancy permit for operators who consistently cause adverse issues by operating beyond 2 a.m.

## **LOUNGES**

The proposed use of a lounge is new to the City of Baltimore, but one that needs to be clearly defined due to the trending social and economic behavior that is displayed within Baltimore City. Currently, uses that would fit the proposed definition of a lounge does not have a place within the zoning code. In order to add clarity to Article 32, and to enable willing business-owners to operate lawfully, the definition of a lounge with the requisite use standards is an appropriate method for alleviating this void.

Therefore, the BMZA recommends that City Council Bill 17-0096 be approved.

Sincerely,

A handwritten signature in cursive script that reads "David C. Tanner".

David C. Tanner  
Executive Director

DCT/rdh

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