


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0096/ZONING – AFTER-HOURS ESTABLISHMENTS; LOUNGES		

TO

DATE:

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

July 28, 2017

At its regular meeting of July 27, 2017, the Planning Commission considered City Council Bill #17-0096, 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0096, and adopted the following resolution; eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0096 be approved by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

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. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Ms. Kathleen Byrne, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

July 27, 2017

**REQUEST:** City Council Bill #17-0096/ 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.

**RECOMMENDATION:** Approve

**STAFF:** Christina Hartsfield

**INTRODUCED BY:** Council President Young at the request of The Administration  
(Department of Housing and Community Development)

**HISTORY:**

- December 5, 2016, Ordinance #16-581 established a new Article 32 – Zoning, which repealed and replaced the prior zoning code of 1971.
- June 5, 2017, Ordinance #17-015, legalized and corrected Ordinance #16-581.
- June 15, 2017, the Planning Commission recommended approval of City Council Bill #17-0075 – Zoning – Corrective

**ANALYSIS:**

The Department of Housing and Community Development is requesting that Baltimore City Code, Article 32 – Zoning be amended for the purpose of adding definitions and use standards for after-hours establishments and lounges. These definitions provide new use categories by which the City can more accurately assign permits and provide regulatory oversight to certain uses that typically host crowds during late-night hours, with or without live entertainment.

Adding "after-hour establishment" as a use would capture those businesses that operate between 2:00am and 6:00am primarily for entertainment and social gatherings. Banquet halls, lodges, social clubs, adult entertainment venues, lounges, restaurants with live entertainment, and general live entertainment venues that are open after 2:00am are included in this category. Late-night businesses like twenty-four hour pharmacy stores, hospitals, and similar retail or institutional uses would not be considered after-hour establishments since they do not primarily function as a place for social gatherings. After-hour establishments would only be allowed in C-1-E, C-3, C-4, and C-5 zoning districts.

To facilitate the management of sizable crowds during late night hours, regulatory oversight by way of conditions of the use will be placed upon these after-hour establishments. The Zoning Board must consider conditions on days and hours of operation, noise levels, number of entertainers, types of entertainment, lighting, traffic and parking management, and security on a case-by-case basis. These conditions will help protect the integrity of the business and, more importantly, the integrity, safety, and quality of life in the surrounding neighborhood.

The "lounge" definition is being added to more accurately classify those establishments that also cater to social gatherings and may operate late night, but do not serve food or alcohol nor provide entertainment for patrons. Furthermore, because a lounge must be open to the public, it cannot be classified as a lodge, social club, banquet hall, or adult entertainment venue. Lounges would be permitted in C-1-E, C-3, C-4, and C-5 districts and conditional in the I-MU district.

It is staff's assessment that the proposed legislation to add definitions for "after-hour establishment" and "lounge" is needed to further align the City's Zoning Code with contemporary land uses and lifestyle trends, and also provide the City with the appropriate regulatory tools to develop LIVE-WORK-PLAY environments that are beneficial to businesses, visiting patrons, and long-standing community members.

Community: Notice of this action was sent to 2,256 subscribers through GovDelivery (98% delivery rate).



**Thomas J. Stosur**  
**Director**