

**Introduced by:** The Council President

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

**Prepared by:** Department of Legislative Reference

**Date:** July 11, 2017

**Referred to:** **LAND USE AND TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17 - 0096

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)

**\*\*The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

# Agencies

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other:

Other:

Other:

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other:

Other:

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other:

Other:

Other:

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other:

Other:

Other:



CITY OF BALTIMORE  
ORDINANCE **17-056**  
Council Bill 17-0096

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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  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: August 14, 2017

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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.

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(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  
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 17-0096

§ 1-302. "Abut" to "Awning".

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

"AFTER-HOURS ESTABLISHMENT" MEANS ANY OF THE FOLLOWING USES THAT ~~REMAINS OPEN AFTER 2 A.M.~~ IS OPEN FOR ANY PERIOD OF TIME AFTER 2 A.M. AND BEFORE 6 A.M. ON ANY DAY:

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

(2) ~~AN ADULT USE, A LOUNGE. LIVE ENTERTAINMENT AS A PRINCIPAL USE, OR A RESTAURANT WITH ACCESSORY THAT PROVIDES LIVE ENTERTAINMENT AS AN ACCESSORY USE, 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~~ IS DESIGNED OR OPERATED PRIMARILY TO ACCOMMODATE SOCIAL GATHERINGS;  
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; OR

(VII) RESTAURANT; ~~OR,~~

~~(VIII) TAVERN.~~



**Council Bill 17-0096**

**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.



**Council Bill 17-0096**

[§§ 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
...								
<b>Commercial</b>								
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	RSC	LME	I-1	I-2	MH	Use Standards
...							
<b>Commercial</b>							
...							
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.

Council Bill 17-0096

Certified as duly passed this \_\_\_\_\_ day of AUG 14 2017

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of AUG 14 2017

  
\_\_\_\_\_  
Chief Clerk

Approved this 23 day of August, 20 17

  
\_\_\_\_\_  
Mayor, Baltimore City

Approved For Form and Legal Sufficiency  
This 15th Day of August, 2017.

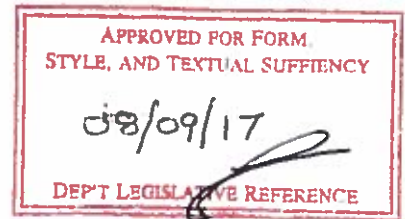
  
\_\_\_\_\_  
Chief Solicitor







AMENDMENTS TO COUNCIL BILL 17-096  
(1<sup>st</sup> Reader Copy)



By: Land Use and Transportation Committee

**Amendment No. 1 {§ 1-302(i-1)}**

On page 2 of the bill, in lines 3 and 4, strike "REMAINS OPEN AFTER 2 A.M." and substitute "IS OPEN FOR ANY PERIOD OF TIME AFTER 2 A.M. AND BEFORE 6 A.M."; and, in line 5, strike "AN ADULT USE," and substitute "A"; and, in the same line, before "LODGE" and before "SIMILAR", in each instance, insert "A"; and, in line 6, before "A LOUNGE", insert "AN ADULT USE"; and, in the same line, before "A RESTAURANT", insert "LIVE ENTERTAINMENT AS A PRINCIPAL USE, OR"; and, in the same line, after "RESTAURANT", strike "WITH ACCESSORY" and substitute "THAT PROVIDES"; and, in the same line, after "LIVE ENTERTAINMENT", insert "AS AN ACCESSORY USE"; in lines 6 and 7, strike ", OR LIVE ENTERTAINMENT AS A PRINCIPAL USE".

**Amendment No. 2 {§ 1-309(h-1)}**

On page 2, in line 14, strike beginning with "PROVIDES" through "GATHERING" and substitute "IS DESIGNED OR OPERATED PRIMARILY TO ACCOMMODATE SOCIAL GATHERINGS"; and, in line 23, after the semicolon, strike the period; and, in line 24, after the semicolon, insert "OR"; and, in line 25, strike "; OR" and substitute a period; and strike line 26, in its entirety.

**Amendment No. 3 {Table 11-301}**

On page 1, in line 14, strike "and 11-301"; and, on page 4, strike lines 12 through 18, in their entireties.

**ADOPTED**





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

DATE: August 9, 2017

BILL NUMBER: 17-0096

BILL TITLE: ZONING - AFTER-HOURS ESTABLISHMENTS; LOUNGES

MOTION BY: Costello

SECONDED BY: Middleton

☐ FAVORABLE

☒ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE

☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon - Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>7</u>			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Marshall C. Bell Initials: MB



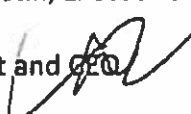




**Baltimore**  
Development Corporation

## MEMORANDUM

**TO:** Honorable President and Members of the City Council  
Attention: Natawna B. Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO 

**DATE:** August 4, 2017

**SUBJECT:** City Council Bill No. 17-0096  
Zoning - After-Hours Establishments; Lounges

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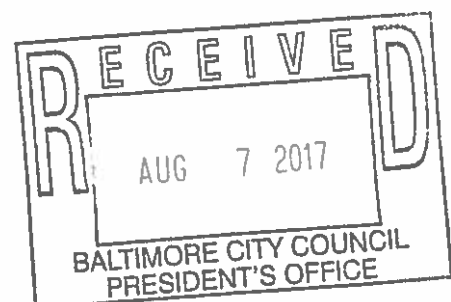
The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0096, Zoning-After-Hours Establishments; Lounges. For the purpose of allowing certain after-hours establishments and certain lounges only in certain commercial and industrial zoning districts; defining certain terms; imposing certain standards; providing for a special effective date; and generally relating to the zoning and development laws of Baltimore City.

The proposed bill pertains to those businesses with or without a liquor license seeking to operate as an After-Hours Establishment, including Lounges. As a result of an unintentional omission of language from the prior zoning code, these uses are not fully addressed and defined under the new zoning code for Baltimore City, which became effective on June 5, 2017. This legislation is necessary to reestablish oversight for these business types under the new zoning code in a manner similar to that of the prior code for Baltimore City.

BDC supports Bill 17-0096 and respectfully requests that favorable consideration is given by the City Council.


**cc:** Kyron Banks

F







F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of  BALTIMORE  M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0096		

TO The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

August 2, 2017

I am herein reporting on 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.

The proposed bill is to add definitions and use standards for after-hours establishments and lounges. These definitions provide the Department of Housing and Community Development with new use categories to more accurately assign permits and provide regulatory oversight.

The Department of Transportation supports this bill.

Thank you for this opportunity to comment.

Respectfully,

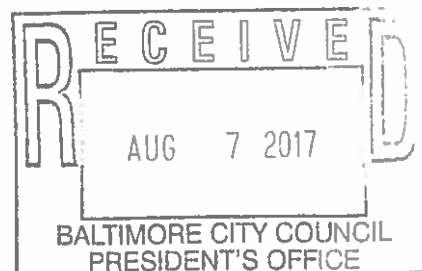


Michelle Pourciau  
Director

MP/PAF

*Sw*

Cc: Karen Stokes, Mayor's Office  
Kyron Banks, Mayor's Office





CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall  
Baltimore, Maryland 21202

August 3, 2017

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

Re: City Council Bill 17-0096 – Zoning – After-Hours Establishments; Lounges

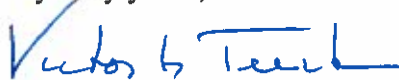
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0096 for form and legal sufficiency. The bill defines certain terms and regulates after-hours establishments and lounges as those terms are defined in the bill. The proposed legislation has an immediate effective date.

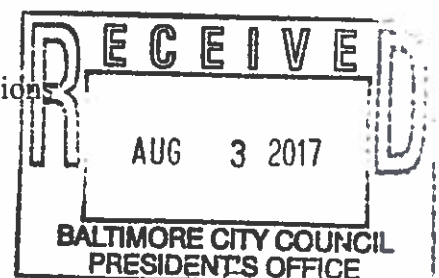
Until Transform Baltimore went into effect, June 5, 2017, after-hours establishments were conditional uses in certain zoning districts requiring approval by the Board of Municipal and Zoning Appeals. Transform Baltimore, effective after the above date, appears to have inadvertently omitted regulations applicable to these establishments. City Council Bill 17-0096 proposes to correct the omission by regulating after-hours establishments in the manner contained in the bill. Furthermore, the bill seeks to regulate “lounges” as that term is defined in the legislation.

In reviewing the bill, the Law Department concluded that the bill as drafted could not be approved for form and legal sufficiency, given certain ambiguity contained in the definition of “lounge.” The amendment offered by the Department of Housing and Community Development (“DHCD”) eliminates the ambiguity. For this reason, and assuming the bill is amended as offered by DHCD, the Law Department is prepared to approve Council Bill 17-0096 for form and legal sufficiency.

Very truly yours,

  
Victor K. Tervala  
Chief Solicitor


cc: David Ralph, Interim 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  
Jennifer Landis, Assistant City Solicitor



*For w/ comment*





<b>FROM</b>	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		

DATE:

TO

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.

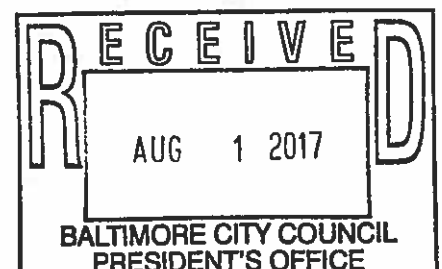
If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

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

F









*Catherine E. Pugh*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

## STAFF REPORT

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





# The Daily Record

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

<http://www.thedailyrecord.com>

## PUBLISHER'S AFFIDAVIT

Order #: 11376431  
Case #: Bill No. 17-0096  
Description:

Bill No. 17-0096 - Land Use and Transportation Committee of the  
Baltimore City Council will

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:

7/24/2017



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0096

The Land Use and Transportation Committee of the Baltimore City Council  
will meet on Wednesday, August 2, 2017 at 1:00 p.m. in the City Council  
Chambers, 4th floor, City Hall, 100 Holliday Street to conduct a public hearing  
on City Council Bill No. 17-0096.

CC 17-0096 ORDINANCE - 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  
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**BY adding**

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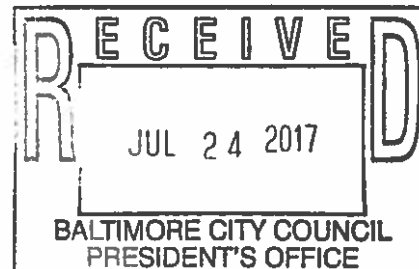
**BY repealing and reordinating, with amendments**

Article 32 - Zoning  
Tables 10-301 and 11-301  
Baltimore City Code  
(Edition 2000)

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

**EDWARD REISINGER**  
Chair

1y24







The Baltimore City Department of  
HOUSING & COMMUNITY  
DEVELOPMENT

**MEMORANDUM**

**To:** The Honorable President and Members of the Baltimore City Council  
c/o Natawna Austin, Executive Secretary

**From:** Michael Braverman, Acting Housing Commissioner

**Date:** July 26, 2017

**Re:** City Council Bill 17-0096 – Zoning – After-Hours Establishments; Lounges

The Department of Housing and Community Development (HCD) has reviewed 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.

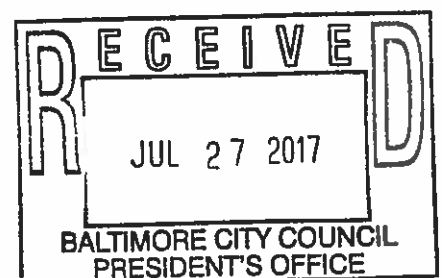
If enacted, this bill would add definitions and standards for use for after-hours establishments and lounges to the Baltimore City Zoning Code, Article 32. These definitions and standards for use will provide the necessary oversight for businesses without a liquor license or some other type of after-hours restriction in certain Commercial and Industrial zoned Districts in the City. The proposed bill would permit certain establishments to operate not only after midnight, but also after 2:00 am based on conditional use authorization by the Board of Municipal Zoning Appeals (BMZA).

If this bill does not pass, it could result in establishments seeking applications for live entertainment under the authority of the new zoning code, which would allow them to be open for 24 hours without any after-hours conditional use review. All of the other authorized uses in the code either have a liquor license and close at 2:00 a.m. or they have an after-hours conditional use permit in place as per the old zoning code. This bill would close an existing gap in the zoning code by requiring an "after-hours establishment" that remains open after 2:00 a.m. to receive conditional approval from the BMZA.

The Department of Housing and Community Development strongly encourages the passage of City Council Bill 17-0096.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*





**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor

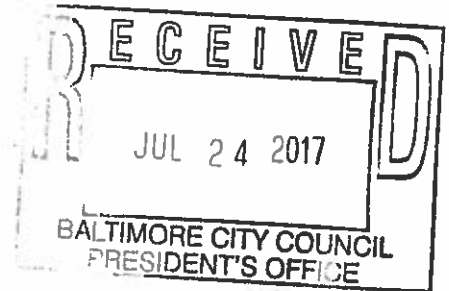


**BOARD OF MUNICIPAL AND  
ZONING APPEALS**

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.

*Fav w/ comm.*




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,



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





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: 17-0096

Zoning – After-Hours Establishment; Lounges

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: August 9, 2017

Time (Beginning): 1:10 pm

Time (Ending): 2:10 pm

Location: Clarence "Du" Burns Chamber

Total Attendance: 20

Committee Members in Attendance:

Edward Reisinger	Leon Pinkett	Mary Pat Clarke
Sharon Green Middleton	Ryan Dorsey	Eric Costello
Robert Stokes		

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? .....	<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 checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by: .....	Councilmember Costello		
Seconded by: .....	Councilmember Middleton		
Final Vote: .....	Fav. with Amendments		

Major Speakers

(This is not an attendance record.)

- Christina Hartsfield, Department of Planning
- Katy Bryne, Housing





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### **Major Issues Discussed**

1. The Planning Department representative testified in support of the legislation, explaining that the two defined terms, "after-hours establishments" and "lounges", were mistakenly omitted in the TransForm Baltimore bill, recently passed and signed into law just a few months ago. These two categories were included in the old zoning code as a regulated use. This legislation simply seeks to rectify an error of omission, in order to allow the City the ability to regulate such businesses which do not currently fit into any other business category currently defined (and regulated) in the new TransForm Baltimore zoning law.
2. The representative from the Housing Department explained how the old code worked and why this legislation was needed, too. Currently, there is no mechanism for the city to grant conditional use permits to those individuals who want to operate a social gathering establishment between the hours of 2 am and 6 am, nor is there a means by which the city can regulate those who are currently operating during these hours, either. Mrs. Byrne concluded her testimony by offering two amendments for the committee's consideration, and answering various questions from the members in attendance.
3. All other departments and agencies stood by their submitted written reports.
4. Committee member Clarke raised concerns regarding the bill's two new defined terms potential adverse effect on certain businesses in her district. To address her concerns, an amendment was introduced (and successfully voted on), to eliminate lines 12 thru 18 in (Zoning) Table 11-301: Industrial Districts - Permitted and Conditional Uses.

### **Further Study**

**Was further study requested?**

☐ Yes ☒ No

**If yes, describe.**

---

Marshall C. Bell, Committee Staff

Date: August 10, 2017

cc: Bill File  
OCS Chrono File





# OF BALTIMORE

## CHAIRPERSON: THE HONORABLE ED REISINGER

**PLACE: Clarence "Du" Burns Chambers**

CC BILL NUMBER: 17-0096

[illegible]

be required by law to register with the City Ethics Board. Registration is a simple process. For information and EGIS/ACTIVE REFERENCE 626 City Hall, Baltimore, MD 21202. Tel: 410-396-4730. Fax: 410-396-8483





**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 L. Reisinger  
Chairman**

**PUBLIC HEARING**

**WEDNESDAY, AUGUST 9, 2017**

**1:00 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***City Council Bill #17-0096***

***Zoning – After-Hours Establishments; Lounges***

## CITY COUNCIL COMMITTEES

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Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
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Ryan Dorsey  
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Eric Costello  
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### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
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Leon Pinkett  
Robert Stokes  
Staff: Marshall Bell

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Zeke Cohen  
Leon Pinkett  
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Staff: Marshall Bell

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
Staff: Jennifer Coates  
- 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 17-0096**

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**Zoning – After-Hours Establishments; Lounges**

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**Sponsor:** *President Young*

**Introduced:** *July 17, 2017*

**Purpose:**

**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.

**Effective:** 30th Day after Enactment

**Hearing Date/Time/Location:** Wednesday, August 9, 2017/1:00 PM/Clarence "Du" Burns Chambers

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**Agency Reports**

Planning Commission	Favorable
Department of Law	Favorable/Comments
Department of Housing and Community Development	Favorable
Board of Municipal and Zoning Appeals	Favorable/Comments
Baltimore Development Corporation	Favorable
Department of Transportation	Favorable





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## **Analysis**

### **Current Law**

Article 32 – Zoning: Tables 10-301 and 11-301; Baltimore City Code (Edition 2000)

### **Background**

Approval of City Council Bill 17-0096 would serve 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.

The Department of Housing and Community Development has requested that Baltimore City Code, Article 32 - Zoning be amended to add definitions and use standards for after-hours establishments and lounges. The proposed legislation will 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. After-hours establishments will be a conditional use that requires BMZA approval in certain zoning districts, and lounges will be permitted in some zoning districts and conditional in others, based upon BMZA approval.

To facilitate the management of sizable crowds during late night hours, regulatory oversight by way of conditions of the use will be placed upon after-hours establishments. 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.

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. The "lounge" definition is new to the City of Baltimore, but one which more accurately addresses a void in the zoning code for business activities that are consistent with contemporary, trending, social and economic behavior within the city, as well as 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.



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### **Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Planning Department staff report, BMZA report

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Analysis by: Marshall Bell  
Analysis Date: August 7, 2017

(MB)

Direct Inquiries to: 410-396-1091





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

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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

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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.

**Council Bill 17-0096**

**§ 1-302. "Abut" to "Awning".**

**(1-1) 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.

**Council Bill 17-0096**

**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.

**Council Bill 17-0096**

**[§§ 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
...								
<b>Commercial</b>								
<b>AFTER-HOURS ESTABLISHMENT</b>			<b>CB</b>		<b>CB</b>	<b>CB</b>	<b>CB</b>	<b>PER § 14-301.1</b>
...								
<b>LOUNGE</b>			<b>P</b>		<b>P</b>	<b>P</b>	<b>P</b>	<b>PER § 14-321</b>
....								

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

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

**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.

**LAND USE  
AND  
TRANSPORTATION  
COMMITTEE**

**CC#: 17-0096  
AGENCY  
REPORTS**



TJS

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).

A handwritten signature in blue ink, appearing to read "Thomas J. Stosur", is positioned above the printed name and title.

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



## 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,



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