



Legislation Details (With Text)

File #:	16-0631	Version:	0	Name:	Zoning - Alcoholic Beverage Sales - Public Nuisance Prevention
Type:	Ordinance	Status:		Status:	Failed - End of Term
File created:	2/29/2016	In control:		In control:	Land Use & Transportation Committee
On agenda:		Final action:		Final action:	12/5/2016
Enactment date:		Enactment #:			
Title:	Zoning - Alcoholic Beverage Sales - Public Nuisance Prevention FOR the purpose of classifying alcoholic beverage sales establishments as conditional uses that require Zoning Board approval, subject to certain considerations and conditions, including compliance with certain Alcoholic Beverage Sales Public Nuisance Prevention Requirements ("PNP Requirements"); allowing alcoholic beverage sales establishments that legally pre-exist a certain date to continue as nonconforming uses, subject to certain conditions, including compliance with certain PNP Requirements; establishing an Alcoholic Beverage Sales Public Nuisance Prevention Board ("PNP Board") and providing for its composition, administrative staff, and powers and duties; authorizing the PNP Board to assign Complaint Response Teams to investigate and report to the Board on alleged violations of PNP Requirements; providing for the designation of certain Public Nuisance Prevention Officers to conduct periodic inspections to ascertain compliance with PNP Requirements; requiring the Zoning Administrator to refer violations of PNP Requirements to the PNP Board for its investigation and, in certain cases, re-referral to the Administrator for possible suspension or revocation of an establishment's conditional use or nonconforming use status; requiring alcoholic beverage sales establishments to pay an annual Public Nuisance Prevention Impact Fee and, for violations of PNP Requirements, enhanced Impact Fees; providing modified procedures for appeals to the Zoning Board of PNP actions by the Zoning Administrator or the PNP Board; authorizing the issuance of environmental citations and civil citations for violations of PNP Requirements; defining and redefining various terms; mandating a certain period during which 1st violations of PNP Requirements may be enforced only by the issuance of warnings; providing for a special effective date; and generally relating to the prevention and abatement of public nuisances attributable to alcoholic beverage sales.				
Sponsors:	Nick Mosby, Robert Curran, Brandon M. Scott, Carl Stokes				
Indexes:	Alcoholic Beverage, Prevention, Public Nuisance, Sale, Zoning				
Code sections:					
Attachments:	1. 16-0631~1st Reader, 2. ECB 16-0631				

Date	Ver.	Action By	Action	Result
3/3/2016	0	The City Council	Refer to Environmental Control Board	
3/3/2016	0	The City Council	Refer to Dept. of Health	
3/3/2016	0	The City Council	Refer to Baltimore Development Corporation	
3/3/2016	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
3/3/2016	0	The City Council	Refer to Planning Commission	
3/3/2016	0	The City Council	Refer to Dept. of Housing and Community Development	
3/3/2016	0	The City Council	Refer to City Solicitor	
2/29/2016	0	City Council	Assigned	

2/29/2016

0

City Council

Introduced

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Mosby

A BILL ENTITLED

AN ORDINANCE concerning

Zoning - Alcoholic Beverage Sales - Public Nuisance Prevention

FOR the purpose of classifying alcoholic beverage sales establishments as conditional uses that require Zoning Board approval, subject to certain considerations and conditions, including compliance with certain Alcoholic Beverage Sales Public Nuisance Prevention Requirements ("PNP Requirements"); allowing alcoholic beverage sales establishments that legally pre-exist a certain date to continue as nonconforming uses, subject to certain conditions, including compliance with certain PNP Requirements; establishing an Alcoholic Beverage Sales Public Nuisance Prevention Board ("PNP Board") and providing for its composition, administrative staff, and powers and duties; authorizing the PNP Board to assign Complaint Response Teams to investigate and report to the Board on alleged violations of PNP Requirements; providing for the designation of certain Public Nuisance Prevention Officers to conduct periodic inspections to ascertain compliance with PNP Requirements; requiring the Zoning Administrator to refer violations of PNP Requirements to the PNP Board for its investigation and, in certain cases, re-referral to the Administrator for possible suspension or revocation of an establishment's conditional use or nonconforming use status; requiring alcoholic beverage sales establishments to pay an annual Public Nuisance Prevention Impact Fee and, for violations of PNP Requirements, enhanced Impact Fees; providing modified procedures for appeals to the Zoning Board of PNP actions by the Zoning Administrator or the PNP Board; authorizing the issuance of environmental citations and civil citations for violations of PNP Requirements; defining and redefining various terms; mandating a certain period during which 1st violations of PNP Requirements may be enforced only by the issuance of warnings; providing for a special effective date; and generally relating to the prevention and abatement of public nuisances attributable to alcoholic beverage sales.

BY repealing and reordaining, with amendments

Article - Zoning

Sections 1-102, 1-114.1, 1-118, 1-182.2, 1-194.1, 1-401(9) and (10), 2-304(a), 3-306(b), 3A-104, 3A-106, 4-201, 4-203, 4-501, 4-801, 4-901, 4-1001, 4-1003, 4-1103, 4-1201, 4-1203, 4-1301, 5-201, 5-203, 6-206, 6-208, 6-306, 6-308, 6-309, 6-406, 6-408, 6-409, 6-506, 6-508, 6-606, 6-608, 6-609, 7-202, 7-206 to 7-209, 7-306 to 7-308, 7-309(f)(2), 7-310, 7-406 to 7-409, 9-126, 13-101, 13-102, 13-401, 13-402, 13-403(b), 13-407(a)(1), 13-703(a), 14-204, 14-501, and 17-101(a)

Baltimore City Revised Code
(Edition 2000)

BY renumbering

Article - Zoning

Sections 1-168.1 and 1-168.2

to be
Sections 1-168.3 and 1-168.4, respectively
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Zoning
Sections 1-107.1, 1-107.2, 1-156.1, 1-164, 1-165.1, 1-168.1, 1-168.2, 1-175.1 to 1-175.4,
1-194, 1-199, 1-401(11), 13-409, 14-328.1, 14-328.2, 14-501.1, and 17-401(d)
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Zoning
Sections 2-126 to 2-136, to be in Title 2, Subtitle 1, under the new part designation,
◆Part V. Alcoholic Beverage Sales Public Nuisance Prevention Board◆
Baltimore City Revised Code
(Edition 2000)

BY renaming
Article - Zoning
◆Title 12. Performance Standards◆
to be
◆Title 12. Performance Standards - Production, Processing, Cleaning, Servicing, Testing, Repair, or
Light Industrial◆
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Zoning
Section(s) 12A-101 to 12A-111, to be under the new title designation,
◆Title 12A. Performance Standards - Alcoholic Beverage Sales Establishments◆
Baltimore City Revised Code
(Edition 2000)

BY adding
Article - Zoning
Section(s) 17-1A01 to 17-1A38, to be in Title 17, under the new title designation,
◆Subtitle 1A. Special Provisions for Alcoholic Beverage Sales Establishments◆
Baltimore City Revised Code
(Edition 2000)

By repealing
Article - Zoning
Sections 6-109 and 7-109
Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article - Zoning

Sections 4-301, 4-303, 4-401, 4-403, 4-503, 4-601, 4-603, 4-701, 4-703, 4-803, 4-903, 4-1303, 17-501 to 17-503, and 17-506

Baltimore City Code
(Edition 2000)

BY repealing and reordaining, without amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Sections 40-14(e)(8) and 41-14(7)

Baltimore City Code
(Edition 2000)

BY adding

Article 8 - Ethics

Section 7-8(1a) and (1b)

Baltimore City Code
(Edition 2000)

Recitals

The Mayor and City Council of Baltimore recognizes that the selling of alcohol is a legitimate activity and seeks to encourage safe and responsible alcohol practices by consumers and alcohol-serving businesses. At the same time, the Mayor and City Council seeks to protect against threats to public health and safety due to the impairment of motor skills, decision-making, and judgment associated with excessive and unmanaged sales of alcohol.

In its consideration of this Ordinance and the findings, determinations, and standards adopted by it, the City Council has reviewed studies addressing the impacts of alcohol-related land uses on the public health, safety, and welfare. Through a series of community discussions and public meetings, residents have communicated their experiences with high levels of nuisances associated with retail alcohol sales that have jeopardized their quality of life. These nuisances include, for example, public inebriation, assaults, fights, violence, driving under the influence of alcohol, public urination, littering, loitering, graffiti, noise, vandalism, and other disruptive behaviors detrimental to the peace, safety, and quiet enjoyment of neighboring properties.

The inappropriate location or inadequate management practices of establishments engaged in the sale of alcohol beverages present City residents, businesses, property owners, shoppers, and visitors with public health, safety, welfare, and quality-of-life problems that include driving under the influence of alcohol, crime, assaults, domestic violence, public inebriation, littering, loitering, obstruction of pedestrian traffic, noise, overuse of local parking, interference with children on their way to school, interference with shoppers using the streets, and defacement and damaging of structures.

According to the State standard of one license per every 1,000 residents, Baltimore City has more than twice the number of liquor licenses than it should. Studies show that increases in the availability of alcohol outlets are associated with increases in crime rates, violence, and automobile crashes in municipal areas. Police arrest records show that alcohol-related offenses, such as public drunkenness and assaults, vary according to the concentration and density of retail alcohol outlets in the community. In Baltimore City, each increase in the number of alcohol outlets was associated with

a 2.2% increase in the count of violent crime. Off-premise alcohol outlets doubled the risk of violent crime and were specifically associated with increased homicide rates.

Law enforcement personnel find alcohol is involved in many arrests, particularly assaults, robbery, drug offenses, and domestic violence. Also, alcohol use can be found throughout all community settings, including residences, retail alcohol outlets, streets, sidewalks, parking lots, and vehicles.

Alcohol is the number one drug of choice among youth in Baltimore City, with 56% having tried alcohol and 19% starting before age 13. Studies show that more than one-third of high school students routinely obtain alcoholic beverages from retail outlets and that students do so by a variety of methods, including theft, purchase by adults, failure of clerks and servers to request age verification, and use of false identification, thus hampering parents' efforts to reduce their children's exposure to alcohol.

In Baltimore City, alcohol outlets in communities are strongly related to poor outcomes for youth (e.g., school performance, violence exposure, and drug use).

The sale of alcohol after midnight increases the risk of drinking and driving, and of crime and violence, causing an increase in law enforcement activities.

The State of Maryland has delegated authority to Baltimore City to preserve the health and safety of citizens living in Baltimore City.

Implementation of this Ordinance will act as a proactive community tool to prevent problematic alcohol outlets from interfering with the quality of life of Baltimore City residents and will serve as a protective factor for all community members.

The Mayor and City Council of Baltimore finds and determines that the existence of these problems creates serious impacts on the peace, health, safety, and welfare of residents, including fear for the safety of children, shoppers, and visitors to the area, deterioration of neighborhoods and commercial activity, devaluation of property, and destruction of community values and quality of life.

Alcohol is a legal but potentially hazardous product that requires special regulatory and planning attention. Local governments should thus retain oversight and promote public involvement to ensure a safe alcohol environment. This means that communities should maintain an active regulatory posture regarding land use controls for alcohol outlets.

The provisions of this Ordinance can serve as a tool to assist City agencies, officials, and personnel in providing a balanced approach to dealing with new licensees and problematic outlets throughout Baltimore City.

This Ordinance is intended and designed to reduce alcohol-related environmental problems and conditions by regulating the location of alcohol outlets in relation to one another, by regulating their proximity to sensitive-use areas and facilities used by children, families, and the general public, and by imposing conditions on alcohol outlets or denying conditional uses as appropriate to prevent undesirable community impact of these uses.

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

Baltimore City Revised Code

Article ♦ Zoning

Title 1. Definitions; General Provisions

Subtitle 1. Definitions

♦ 1-102. Accessory use or structure.

(A) IN GENERAL.

♦Accessory use♦ or ♦accessory structure♦ means a use or structure, respectively, that:

- (1) serves and customarily is incidental and subordinate to the principal use or structure;
- (2) is subordinate in area, extent, or purpose to the principal use or structure;
- (3) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served; and
- (4) except in a planned unit development, is located on the same lot as the principal use or structure served.

(B) NO ALCOHOLIC BEVERAGE SALES.

♦ACCESSORY USE♦ DOES NOT INCLUDE ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES UNLESS THOSE SALES ARE EXPRESSLY ALLOWED UNDER THIS ARTICLE FOR THE PRINCIPAL USE.

♦ 1-107.1. ALCOHOLIC BEVERAGE SALE.

♦ALCOHOLIC BEVERAGE SALE♦ MEANS THE RETAIL SALE OF ALCOHOLIC BEVERAGES, WHETHER FOR ON-PREMISE OR OFF-PREMISE CONSUMPTION.

♦ 1-107.2. ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

♦ALCOHOLIC BEVERAGE SALES ESTABLISHMENT♦ MEANS ANY ESTABLISHMENT IN WHICH AN ALCOHOLIC BEVERAGE SALE OCCURS.

♦ 1-114.1. Banquet OR CATERING hall.

(a) In general.

♦Banquet OR CATERING hall♦ means an establishment:

- (1) that is used regularly for serving food or beverages to groups that, before the day of the event, have reserved the facility for banquets or meetings;

- (2) to which the general public is not admitted; and
- (3) for which no admission charge is imposed at the door.

(b) Inclusions.

♦Banquet OR CATERING hall♦ includes an establishment that provides live entertainment as an accessory to the use described in subsection (a) of this section.

(c) Exclusions.

♦Banquet OR CATERING hall♦ does not include any restaurant or tavern.

♦ 1-118. Board; ZONING BOARD.

♦Board♦ OR ♦ZONING BOARD♦ means the Board of Municipal and Zoning Appeals of Baltimore City.

♦ 1-156.1. MANAGER (ALCOHOLIC BEVERAGE SALES ESTABLISHMENT).

♦MANAGER♦, WHEN USED WITH RESPECT TO AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, MEANS ANY PERSON:

(1) WHO REPRESENTS THE INTEREST OF AN ALCOHOLIC BEVERAGES LICENSEE IN THE OPERATION OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT; AND

(2) WHOSE DUTIES INCLUDE:

(I) MAKING OR CHANGING OF POLICY;

(II) HIRING OR FIRING EMPLOYEES; OR

(III) GENERALLY EXERCISING INDEPENDENT JUDGMENT IN THE OPERATION OF THE ESTABLISHMENT.

♦ 1-164. NEW (ALCOHOLIC BEVERAGE SALES ESTABLISHMENT).

♦NEW♦, WHEN USED WITH RESPECT TO AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, HAS THE MEANING STATED IN ♦ 14-328.1 {♦NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ♦ IN GENERAL♦} OF THIS ARTICLE.

♦ 1-165.1. NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

♦NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT♦ HAS THE MEANING STATED IN ♦ 13-101 {♦NONCONFORMANCE: DEFINITIONS♦} OF THIS ARTICLE.

♦ 1-168.1. ♦OFF-SALE♦ (ALCOHOLIC BEVERAGE SALES) ESTABLISHMENT.

♦ ♦OFF-SALE♦ (ALCOHOLIC BEVERAGE SALES) ESTABLISHMENT♦ MEANS AN

ESTABLISHMENT THAT ENGAGES IN THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE ESTABLISHMENT'S PREMISES.

♦ 1-168.2. ♦ON-SALE♦ (ALCOHOLIC BEVERAGE SALES) ESTABLISHMENT.

♦ ♦ON-SALE♦ (ALCOHOLIC BEVERAGE SALES) ESTABLISHMENT♦ MEANS AN ESTABLISHMENT THAT ENGAGES IN THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE ESTABLISHMENT'S PREMISES.

♦ 1-168.3. [♦ 1-168.1.] Outdoor table service.

♦Outdoor table service♦, as an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks.

♦ 1-168.4. [♦ 1-168.2.] Parking; Parking facility, parking space, etc.; Special-event parking.

(a) Parking.

♦Parking♦ means the parking, storage, housing, or keeping of a motor vehicle, whether self-service or valet-service, long-term or short-term, ticketed or metered, for special events only, or otherwise.

(b) Parking facility, parking space, etc.

♦Parking facility♦, ♦parking space♦, ♦vehicular parking space♦, and ♦bicycle parking space♦ have the meanings stated in ♦ 10-101 {♦Off-Street Parking Regulations: Definitions♦} of this article.

(c) Special-event parking lot.

♦Special-event parking lot♦ has the meaning stated in ♦ 10-601 {♦Special-Event Parking District: Definitions♦} of this article.

♦ 1-175.1. PNP BOARD.

♦PNP BOARD♦ MEANS THE ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD ESTABLISHED UNDER ♦ 2-126 {♦PNP BOARD ESTABLISHED♦} OF THIS ARTICLE.

♦ 1-175.2. PNP IMPACT FEE.

♦PNP IMPACT FEE♦ MEANS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION IMPACT FEE (OR ENHANCED IMPACT FEE) IMPOSED UNDER TITLE 17, SUBTITLE 1A {♦SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS♦}, OF THIS ARTICLE.

♦ 1-175.3. PNP OFFICER.

♦PNP OFFICER♦ MEANS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICER DESIGNATED UNDER ♦ 17-1A11 {♦DESIGNATION OF PNP OFFICERS♦} OF THIS ARTICLE.

♦ 1-175.4. PNP REQUIREMENT.

♦PNP REQUIREMENT♦ MEANS ANY 1 OF THE FOLLOWING STANDARDS OR CONDITIONS IMPOSED BY OR UNDER THIS ARTICLE ON ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS:

(1) FOR A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT:

(I) ANY PERFORMANCE STANDARD IMPOSED BY TITLE 12A {♦PERFORMANCE STANDARDS ♦ ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS♦} OF THIS ARTICLE; AND

(II) THE CONDITION IMPOSED BY ♦ 13-402 {♦CONTINUATION OF USE♦} OF THIS ARTICLE REQUIRING THAT NO SUBSTANTIAL MODIFICATION MAY BE MADE TO THE MODE OR CHARACTER OF THE ESTABLISHMENT'S OPERATION, AS DEFINED IN ♦ 1-194 {♦SUBSTANTIAL MODIFICATION ...♦} OF THIS ARTICLE; AND

(2) FOR A NEW ALCOHOLIC BEVERAGE ALCOHOLIC BEVERAGE SALES ESTABLISHMENT:

(I) ANY PERFORMANCE STANDARD IMPOSED BY TITLE 12A {♦PERFORMANCE STANDARDS ♦ ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS♦} OF THIS ARTICLE;

(II) ANY OPERATIONAL STANDARD IMPOSED BY OR UNDER ♦ 14-328.2 {♦NEW ... ESTABLISHMENTS ♦ OPERATIONAL STANDARDS♦} OF THIS ARTICLE; AND

(II) THE CONDITION IMPOSED BY ♦ 14-501.1(A)(1) {♦♦CERTAIN VIOLATIONS BY ALCOHOLIC ... ESTABLISHMENTS♦} OF THIS ARTICLE REQUIRING THAT NO SUBSTANTIAL MODIFICATION MAY BE MADE TO THE MODE OR CHARACTER OF THE ESTABLISHMENT'S OPERATION, AS DEFINED IN ♦ 1-194 {♦SUBSTANTIAL MODIFICATION ...♦} OF THIS ARTICLE.

♦ 1-182.2. Restaurant.

(a) In general.

♦Restaurant♦ means a business establishment at which:

(1) food and drinks are provided to the public, primarily for on-premises consumption by seated patrons; and

(2) if the establishment also serves alcoholic beverages:

(i) a full menu of food and drinks is prepared primarily on premises in a fully equipped kitchen capable of preparing food for the rated seating capacity; and

(ii) annually, the average daily receipts from the sale of food [exceeds] EXCEED 50% of the establishment's total average daily receipts, not including sales of novelty items, income

from vending machines, cover charges, or other receipts not derived from the sale of food or beverages.

(b) Inclusions.

♦Restaurant♦ includes a cafeteria that meets the criteria specified in subsection (a) of this section.

(c) Exclusions.

♦Restaurant♦ does not include any tavern.

♦ 1-194. SUBSTANTIAL MODIFICATION (ALCOHOLIC BEVERAGE SALES ESTABLISHMENT).

♦SUBSTANTIAL MODIFICATION♦, WHEN USED WITH RESPECT TO THE MODE OR CHARACTER OF OPERATION OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, MEANS:

(1) ANY CHANGE IN ACTIVITIES FOR WHICH THE BALTIMORE CITY LIQUOR BOARD REQUIRES A DIFFERENT TYPE OF LICENSE;

(2) ANY TRANSFER OF AN ALCOHOLIC BEVERAGES LICENSE TO A NEW PREMISES;

(3) ANY SUSPENSION OR REVOCATION OF AN ALCOHOLIC BEVERAGES LICENSE;

(4) ANY INCREASE IN THE FLOOR AREA, SHELF SPACE, OR LAND AREA DEVOTED TO THE DISPLAY OR SALE OF ALCOHOLIC BEVERAGES;

(5) ANY EXPANSION OF A CUSTOMER SERVICE AREA PRIMARILY DEVOTED TO THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES OR ANY INCREASE IN THE NUMBER OF CUSTOMER SEATS PRIMARILY DEVOTED TO THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES;

(6) ANY EXTENSION OF THE ESTABLISHMENT♦S HOURS OR DAYS OF OPERATION;

(7) ANY REVOCATION OR EXPIRATION WITHOUT RENEWAL OF THE ESTABLISHMENT♦S ALCOHOLIC BEVERAGES LICENSE OR ANY SUSPENSION OF THE ESTABLISHMENT♦S ALCOHOLIC BEVERAGES LICENSE FOR LONGER THAN 30 DAYS; OR

(8) ANY VOLUNTARY DISCONTINUANCE OF ACTIVE OPERATION FOR MORE THAN 90 CONSECUTIVE DAYS.

♦ 1-194.1. Tavern.

(A) IN GENERAL.

♦Tavern♦ means a business establishment that:

(1) is devoted primarily to serving alcoholic beverages to the public for on-premises consumption; and

(2) might or might not also:

(I) serve food; AND

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

(B) SALES FOR OFF-PREMISES CONSUMPTION.

TAVERNS MAY SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ONLY IF:

(1) ANNUALLY, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION EXCEED 50% OF THE ESTABLISHMENT'S TOTAL AVERAGE DAILY RECEIPTS, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, COVER CHARGES, OR OTHER RECEIPTS NOT DERIVED FROM THE SALE OF FOOD OR BEVERAGES; AND

(2) MORE THAN 50% OF THE ESTABLISHMENT'S PUBLIC FLOOR SPACE IS DEVOTED TO ON-PREMISE CONSUMPTION.

◆ 1-199. ZONING BOARD; BOARD.

◆ZONING BOARD◆ OR ◆BOARD◆ MEANS THE BOARD OF MUNICIPAL AND ZONING APPEALS OF BALTIMORE CITY.

Subtitle 4. Purposes; Short Title

◆ 1-401. Purposes of article.

This article is intended to serve the following purposes:

(9) to encourage the most appropriate use of land throughout the City; [and]

(10) to divide the City into zoning districts of the character, number, shape, and area best suited to effect these purposes; AND

(11) TO PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY, WELFARE, AND QUALITY OF LIFE BY REQUIRING CONSIDERATION AND APPROVAL OF A CONDITIONAL USE BEFORE ANY NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY BE ALLOWED IN ANY ZONING DISTRICT AND BY REQUIRING ALL NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS TO COMPLY WITH THE PERFORMANCE STANDARDS IN TITLE 12A {◆PERFORMANCE STANDARDS ◆ ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆} OF THIS ARTICLE AND THE OPERATIONAL STANDARDS IN ◆ 14-328.2 {◆NEW ... ESTABLISHMENTS ◆ OPERATIONAL STANDARDS◆} OF THIS ARTICLE AND, BY DOING SO, TO:

(I) PROTECT SURROUNDING NEIGHBORHOODS FROM THE HARMS TO PUBLIC HEALTH, SAFETY, WELFARE, AND QUALITY-OF-LIFE ASSOCIATED WITH THE SALE OF ALCOHOLIC BEVERAGES AND MINIMIZE THE ADVERSE IMPACTS OF NONCONFORMING AND INCOMPATIBLE USES;

(II) ENCOURAGE BUSINESSES THAT SELL ALCOHOLIC BEVERAGES TO OPERATE IN A MANNER THAT IS MUTUALLY BENEFICIAL TO THESE BUSINESSES AND OTHER COMMERCIAL AND CIVIC SERVICES;

(III) PROVIDE MECHANISMS TO ADDRESS PROBLEMS OFTEN ASSOCIATED WITH THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES, SUCH AS LITTERING, LOITERING, GRAFFITI, UNRULY BEHAVIOR, AND INCREASED NOISE;

(IV) ENSURE THAT BUSINESSES SELLING ALCOHOLIC BEVERAGES ARE NOT THE SOURCE OF PUBLIC NUISANCES IN THE COMMUNITY;

(V) ENSURE THAT SITES USED FOR THE SALE OF ALCOHOLIC BEVERAGES ARE PROPERLY MAINTAINED SO THAT NEGATIVE IMPACTS GENERATED BY THESE ACTIVITIES ARE NOT HARMFUL TO THE SURROUNDING ENVIRONMENT IN ANY WAY; AND

(VI) MONITOR NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS TO ENSURE THAT THEY DO NOT SUBSTANTIALLY CHANGE THEIR MODE OR CHARACTER OF OPERATION.

Title 2. Administration; Authorizations

Subtitle 1. General Administration

PART V. ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD

◆ 2-126. BOARD ESTABLISHED.

THERE IS AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD (◆PNP BOARD◆).

◆ 2-127. APPOINTMENT AND QUALIFICATIONS.

THE PNP BOARD COMPRISES THE FOLLOWING 9 MEMBERS, APPOINTED BY THE MAYOR IN ACCORDANCE WITH CITY CHARTER ARTICLE IV, ◆ 6:

(1) 3 MEMBERS WHO REPRESENT NEIGHBORHOOD ASSOCIATIONS FROM DIVERSE CITY NEIGHBORHOODS;

(2) 1 MEMBER WHO REPRESENTS A NONPROFIT COMMUNITY-BASED LEGAL ORGANIZATION;

(3) 1 MEMBER WHO REPRESENTS A FAITH-BASED ORGANIZATION;

(4) 1 MEMBER WHO REPRESENTS THE BALTIMORE CITY HEALTH DEPARTMENT;

(5) 1 MEMBER WHO REPRESENTS THE BALTIMORE CITY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND

(6) 2 MEMBERS:

(I) EACH OF WHOM OWNS OR MANAGES AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT IS LOCATED IN THE CITY AND THAT, WITHIN THE 6 YEARS IMMEDIATELY PRECEDING THE DATE OF APPOINTMENT, HAS HAD NO CITY LIQUOR BOARD VIOLATIONS NOR ANY PNP REQUIREMENT OR OTHER CITY CODE VIOLATIONS;

(II) 1 OF WHOM IS THE OWNER OR MANAGER OF AN ♦ON-SALE♦ ESTABLISHMENT; AND

(III) 1 OF WHOM IS THE OWNER OR MANAGER OF AN ♦OFF-SALE♦ ESTABLISHMENT.

♦ 2-128. POWERS AND DUTIES.

THE PNP BOARD HAS THE FOLLOWING POWERS AND DUTIES:

(1) TO REVIEW COMPLAINTS RECEIVED BY OR REFERRED TO THE PNP BOARD THAT RELATE TO ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS;

(2) TO DESIGNATE COMPLAINT RESPONSE TEAMS TO INVESTIGATE AND REPORT ON THESE COMPLAINTS;

(3) TO ISSUE VIOLATION NOTICES REQUIRING CORRECTIVE ACTIONS BY ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT ARE IN VIOLATION OF 1 OR MORE PNP REQUIREMENTS;

(4) TO ASSESS ENHANCED PNP IMPACT FEES ON ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT ARE IN VIOLATION OF 1 OR MORE PNP REQUIREMENTS;

(5) AT ITS DISCRETION, TO SOLICIT PUBLIC INPUT INTO ITS DELIBERATIONS;

(6) TO RECOMMEND TO THE ZONING ADMINISTRATOR APPROPRIATE PENALTIES OR OTHER ENFORCEMENT ACTIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS THAT CONTINUE OR REPEAT VIOLATIONS OF 1 OR MORE PNP REQUIREMENTS;

(7) TO ADVISE THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT ON THE HIRING AND EVALUATION OF PNP OFFICERS;

(8) TO RECOMMEND TO THE BOARD OF ESTIMATES ADJUSTMENTS TO THE ANNUAL AND ENHANCED PNP IMPACT FEES IMPOSED UNDER THIS ARTICLE;

(9) TO TRACK AND MAINTAIN FILES AND STATISTICS ON COMPLAINTS RECEIVED BY IT AND THEIR DISPOSITION; AND

(10) TO RECOMMEND TO THE MAYOR AND CITY COUNCIL ANY NEEDED MODIFICATIONS TO THE PROVISIONS OF THIS ARTICLE THAT GOVERN THE OPERATION OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

♦ 2-129. TERMS; VACANCIES; COMPENSATION AND EXPENSES.

(A) TERM OF OFFICE.

(1) PNP BOARD MEMBERS SERVE FOR A TERM OF 4 YEARS, CONCURRENT WITH THE TERM OF THE MAYOR.

(2) AT THE END OF A TERM, A PNP BOARD MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(B) VACANCIES.

A MEMBER APPOINTED TO FILL A VACANCY:

(1) MUST MEET THE SAME QUALIFICATIONS AS REQUIRED FOR THE MEMBER BEING SUCCEEDED; AND

(2) SERVES ONLY FOR THE REMAINDER OF THAT TERM.

(C) COMPENSATION; EXPENSES.

THE MEMBERS OF THE PNP BOARD :

(1) SERVE WITHOUT COMPENSATION; BUT

(2) ARE ENTITLED TO TIMELY REIMBURSEMENT FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES, AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

(D) REMOVAL ON FAILURE TO ATTEND MEETINGS.

IF ANY MEMBER IS ABSENT FROM REGULARLY SCHEDULED MEETINGS MORE THAN 3 TIMES IN 1 YEAR, NOT COUNTING ABSENCES EXCUSED BY THE CHAIR:

(1) THE MEMBER IS CONSIDERED TO HAVE RESIGNED; AND

(2) THE CHAIR MUST REQUEST THE MAYOR TO FILL THE RESULTANT VACANCY.

♦ 2-130. OFFICERS; COMMITTEES; STAFF.

(A) CHAIR.

THE MAYOR MUST DESIGNATE A MEMBER OF THE PNP BOARD TO SERVE AS THE BOARD'S CHAIR.

(B) OTHER OFFICERS.

THE PNP BOARD, BY A MAJORITY OF ITS MEMBERS, MAY SELECT FROM AMONG ITS MEMBERS A VICE-CHAIR AND ANY OTHER OFFICERS THAT THE BOARD CONSIDERS NECESSARY OR APPROPRIATE.

(C) COMMITTEES.

THE CHAIR MAY APPOINT COMMITTEES TO ASSIST THE PNP BOARD IN CARRYING OUT ITS FUNCTIONS AND DUTIES.

(D) EXECUTIVE DIRECTOR; STAFF.

THE PNP BOARD MUST EMPLOY AN EXECUTIVE DIRECTOR AND STAFF AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

♦ 2-131. MEETINGS; QUORUM; VOTING.

(A) MEETINGS.

(1) REGULAR MEETINGS OF THE PNP BOARD ARE HELD MONTHLY.

(2) ADDITIONAL MEETINGS WILL BE HELD AT THE CALL OF THE CHAIR, AS NEEDED FOR THE BOARD TO PERFORM ITS DUTIES.

(B) QUORUM.

A MAJORITY OF THE PNP BOARD'S MEMBERS CONSTITUTES A QUORUM FOR THE TRANSACTION OF BUSINESS.

(C) VOTING.

AN AFFIRMATIVE VOTE BY A MAJORITY OF A QUORUM IS NEEDED FOR ANY OFFICIAL ACTION.

♦ 2-132. RULES AND REGULATIONS.

(1) PNP TO ADOPT.

THE PNP BOARD MAY ADOPT RULES AND REGULATIONS AS NECESSARY OR APPROPRIATE TO:

(I) ADMINISTER AND ENFORCE THE PNP REQUIREMENTS AND PNP IMPACT FEES IMPOSED BY THIS ARTICLE; AND

(II) OTHERWISE, FOR THE PNP BOARD, PNP OFFICERS, AND COMPLAINT RESPONSE TEAMS, TO CARRY OUT THEIR RESPECTIVE POWERS AND DUTIES UNDER THIS ARTICLE.

(2) FILING.

A COPY OF ALL RULES AND REGULATIONS ADOPTED BY THE PNP BOARD MUST BE FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

◆ 2-133. BUDGET.

THE PNP BOARD MAY EXPEND FUNDS AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

◆ 2-134. ANNUAL REPORT.

THE PNP BOARD MUST SUBMIT AN ANNUAL REPORT ON ITS ACTIVITIES TO THE MAYOR AND CITY COUNCIL.

◆ 2-135. {RESERVED}

◆ 2-136. AGENCY COOPERATION.

AT THE REQUEST OF THE PNP BOARD, ALL CITY OFFICIALS AND AGENCIES MUST COOPERATE WITH THE PNP BOARD AND EXTEND THE SERVICES AND FACILITIES THAT THE PNP BOARD REQUIRES, TO THE EXTENT THAT THE OFFICIALS AND AGENCIES ARE ABLE TO DO SO GIVEN THEIR PERSONNEL AND BUDGETS AS PROVIDED IN THE ORDINANCE OF ESTIMATES.

Subtitle 3. Zoning Authorizations

◆ 2-304. Compliance with performance standards FOR B AND M-1 DISTRICTS.

(a) Certification by engineer required.

If a structure or use is one that is required to comply with the performance standards in Title 12 {◆Performance Standards ◆ PRODUCTION, PROCESSING ...◆} of this article, the application must have affixed on it a certification of compliance from a professional engineer licensed to practice in the State of Maryland.

Title 3. General Rules for Use, Bulk, and Other Regulations

Subtitle 3. Other Regulations

◆ 3-306. Preexisting uses, structures, and lots.

(b) Lawful preexisting uses reclassified as conditional.

(1) [If an existing] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A PREEXISTING lawful use is reclassified by this article as a conditional use in the

district in which it is located[.]:

(I) the use may be continued as a lawful conditional use, subject to the conditions and restrictions previously imposed on it by law or regulation[.]; AND

(II) [Any] ANY change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY PREEXISTING LAWFUL ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT HAS BEEN RECLASSIFIED AS A CONDITIONAL USE IN THE DISTRICT IN WHICH IT IS LOCATED. RATHER, ON RECLASSIFICATION AS A CONDITIONAL USE, THAT USE MAY ONLY BE CONTINUED AS A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, SUBJECT TO THE CONDITIONS, RESTRICTIONS, AND REQUIREMENTS IMPOSED BY OR IN ACCORDANCE WITH TITLE 13 {NONCONFORMANCE} OF THIS ARTICLE.

Title 3A. Open Space Districts

Subtitle 1. Overview; General Requirements

{ 3A-104. Permitted uses.

(A) IN GENERAL.

In an Open Space District, permitted uses are as follows:

. . . .
{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

{ 3A-106. Conditional uses { Board approval required.

In an Open Space District, conditional uses that require Board approval are as follows:

. . .

(.5) AUDITORIUMS AND BANQUET OR CATERING HALLS { INCLUDING ALCOHOLIC BEVERAGE SALES { BUT ONLY IF LOCATED IN A PUBLIC PARK.

. . .

(8) Restaurants { including live entertainment or dancing, INCLUDING ALCOHOLIC BEVERAGE SALES, and INCLUDING accessory outdoor table service { but only if located in a public park.

. . . .
{No change to any other listed item}

Title 4. Residence Districts

Subtitle 2. R-1 Single-Family Residence District

◆ 4-201. Permitted uses.

(A) IN GENERAL.

In an R-1 District, permitted uses are as follows:

....
{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-203. Conditional uses ◆ Board approval required.

In an R-1 District, conditional uses that require Board approval are as follows:

...

(5) Clubs and lodges: nonprofit ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.

....
{No change to any other listed item}

Subtitle 3. R-1A Single-Family Residence District

◆ 4-301. Permitted uses.

In an R-1A District, permitted uses are the same as those in an R-1 District.

◆ 4-303. Conditional uses ◆ Board approval required.

In an R-1A District, conditional uses that require Board approval are the same as those in an R-1 District.

Subtitle 4. R-1B Single-Family Residence District

◆ 4-401. Permitted uses.

In an R-1B District, permitted uses are the same as those in an R-1 District.

◆ 4-403. Conditional uses ◆ Board approval required.

In an R-1B District, conditional uses that require Board approval are the same as those in an R-1 District.

Subtitle 5. R-2 General Residence District

◆ 4-501. Permitted uses.

(A) IN GENERAL.

In an R-2 District, permitted uses are as follows:

- (1) As in an R-1 District.
-
- {No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-503. Conditional uses ◆ Board approval required.

In an R-2 District, conditional uses that require Board approval are as follows:

- (1) As in an R-1 District (unless it is a permitted use under ◆ 4-501).
-
- {No change to any other listed item}

Subtitle 6. R-3 Single-Family Residence District

◆ 4-601. Permitted uses.

In an R-3 District, permitted uses are the same as those in an R-1 District.

◆ 4-603. Conditional uses ◆ Board approval required.

In an R-3 District, conditional uses that require Board approval are the same as those in an R-1 District.

Subtitle 7. R-4 General Residence District

◆ 4-701. Permitted uses.

In an R-4 District, permitted uses are the same as those in an R-2 District.

◆ 4-703. Conditional uses ◆ Board approval required.

In an R-4 District, conditional uses that require Board approval are the same as those in an R-2 District (unless it is a permitted use under ◆ 4-701).

Subtitle 8. R-5 General Residence District

◆ 4-801. Permitted uses.

(A) IN GENERAL.

In an R-5 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.
-
- {No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-803. Conditional uses ◆ Board approval required.

In an R-5 District, conditional uses that require Board approval are the same as those in an R-2 District (unless it is a permitted use under ◆ 4-801).

Subtitle 9. R-6 General Residence District

◆ 4-901. Permitted uses.

(A) IN GENERAL.

In an R-6 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.
-
- {No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-903. Conditional uses ◆ Board approval required.

In an R-6 District, conditional uses that require Board approval are as follows:

- (1) As in an R-1 District (unless it is a permitted use under ◆ 4-901).
-
- {No change to any other listed item}

Subtitle 10. R-7 General Residence District

◆ 4-1001. Permitted uses.

(A) IN GENERAL.

In an R-7 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.

...

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-1003. Conditional uses ◆ Board approval required.

In an R-7 District, conditional uses that require Board approval are as follows:

- (1) As in an R-1 District (unless it is a permitted use under ◆ 4-1001).

...

(2A) CLUBS AND LODGES: NONPROFIT ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.

....

{No change to any other listed item}

Subtitle 11. R-8 General Residence District

◆ 4-1101. Permitted uses.

(A) IN GENERAL.

In an R-8 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-1103. Conditional uses ◆ Board approval required.

In an R-8 District, conditional uses that require Board approval are as follows:

(1) As in an R-7 District (unless it is a permitted use under ♦ 4-1101).

...

(2A) CLUBS AND LODGES: NONPROFIT ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

....

{No change to any other listed item}

Subtitle 12. R-9 General Residence District

♦ 4-1201. Permitted uses.

(A) IN GENERAL.

In an R-9 District, permitted uses are as follows:

(1) As in an R-8 District.

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 4-1203. Conditional uses ♦ Board approval required.

In an R-9 District, conditional uses that require Board approval are as follows:

(1) As in an R-8 District (unless it is a permitted use under ♦ 4-1201), except that cemeteries are not allowed.

(1A) APARTMENT HOTELS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

....

{No change to any other listed item}

Subtitle 13. R-10 General Residence District

♦ 4-1301. Permitted uses.

(A) IN GENERAL.

In an R-10 District, permitted uses are as follows:

(1) As in an R-9 District.

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 4-1303. Conditional uses ◆ Board approval required.

In an R-10 District, conditional uses that require Board approval are the same as those in an R-9 District (unless it is a permitted use under ◆ 4-1301).

Title 5. Office-Residence Districts

Subtitle 2. O-R District

◆ 5-201. Permitted uses.

(A) IN GENERAL.

In an O-R District, permitted uses are as follows:

....
{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 5-203. Conditional uses ◆ Board approval required.

In an O-R District, conditional uses that require Board approval are as follows:

....
(6) Clubs and lodges: nonprofit ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.
....
{No change to any other listed item}

Title 6. Business Districts

Subtitle 1. Overview; General Requirements

[◆ 6-109. Performance standards.]

[Activities involving the production, processing, cleaning, servicing, testing, or repair of materials, goods, or products must conform to the performance standards set forth in Title 12 {◆Performance Standards◆} of this article.]

Subtitle 2. B-1 Neighborhood Business District

◆ 6-206. Permitted uses.

(A) IN GENERAL.

In a B-1 District, permitted uses are as follows:

...

{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 6-208. Conditional use ◆ Board approval required.

In a B-1 District, conditional uses that require Board approval are as follows:

...

(2) Clubs and lodges: private nonprofit ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(15) Restaurants ◆ including live entertainment and dancing, INCLUDING ALCOHOLIC BEVERAGE SALES, and including accessory outdoor table service.

...

{No change to any other listed item}

Subtitle 3. B-2 Community Business District

◆ 6-306. Permitted uses.

(A) IN GENERAL.

In a B-2 District, permitted uses are as follows:

(1) As in a B-1 District, except that:

(i) the gross floor area limitations of a B-1 District do not apply; and

(ii) drive-in establishments are not excluded.

...

[(45) Liquor stores: package goods.]

...

(71) Restaurants ◆ but not including live entertainment or dancing, NOT INCLUDING ALCOHOLIC BEVERAGE SALES, and not including accessory outdoor table service.

...

[(82) Taverns ♦ but not including live entertainment or dancing.]

...

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 6-308. Conditional uses ♦ Board approval required.

In a B-2 District, conditional uses that require Board approval are as follows:

(1) As in a B-1 District (unless it is a permitted use under ♦ 6-306).

...

(10) Clubs and lodges: private ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(13A) HOTELS AND MOTELS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(13B) LIQUOR STORES: PACKAGE GOODS.

...

(21) Taverns ♦ including live entertainment [and] OR dancing.

(22) Theaters ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(25) VIDEO LOTTERY FACILITY ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

{No change to any other listed item}

♦ 6-309. Conditional uses ♦ Ordinance required.

In a B-2 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-1 District (unless it is a permitted use under ♦ 6-306).

(2) Auditoriums and concert halls ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(9) Banquet OR CATERING halls ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

{No change to any other listed item}

Subtitle 4. B-3 Community Commercial District

♦ 6-406. Permitted uses.

(A) IN GENERAL.

In a B-3 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

...

(57) Restaurants ♦ including live entertainment and dancing, but not including ALCOHOLIC BEVERAGE SALES AND NOT INCLUDING accessory outdoor table service.

...

[(65) Taverns ♦ including live entertainment and dancing.]

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 6-408. Conditional uses ♦ Board approval required.

In a B-3 District, conditional uses that require Board approval are as follows:

(1) As in a B-2 District (unless it is a permitted use under ♦ 6-406).

...

(10) Racetracks, existing before July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(11) Recreational facilities: indoor ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(12) Recreational facilities: outdoor ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(13) Stadiums, existing before July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(15) Theaters: drive-in, existing before July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

....

{No change to any other listed item}

♦ 6-409. Conditional uses ♦ Ordinance required.

In a B-3 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-2 District (unless it is a permitted use under ♦ 6-406).

(2) Racetracks, established on or after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(4) Restaurants: drive-in ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(5) Stadiums, established on or after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(6) Theaters: drive-in, established on or after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

{No change to any other listed item}

Subtitle 5. B-4 Central Business District

♦ 6-506. Permitted uses.

(A) IN GENERAL.

In a B-4 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

...

(23) Restaurants ♦ including live entertainment and dancing[,] and including accessory outdoor table service, BUT NOT INCLUDING ALCOHOLIC BEVERAGE SALES.

...

[(27) Taverns ♦ including live entertainment and dancing.]

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 6-508. Conditional uses ♦ Board approval required.

In a B-4 District, conditional uses that require Board approval are as follows:

(1) As in a B-2 District (unless it is a permitted use under ♦ 6-506).

...

(2A) AUDITORIUMS AND CONCERT HALLS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(2B) BANQUET OR CATERING HALLS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

(4) Dance halls ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

{No change to any other listed item}

Subtitle 6. B-5 Central Commercial District

♦ 6-606. Permitted uses.

(A) IN GENERAL.

In a B-5 District, permitted uses are as follows:

...

{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 6-608. Conditional uses ♦ Board approval required.

In a B-5 District, conditional uses that require Board approval are as follows:

(1) As in a B-3 District (unless it is a permitted use under ♦ 6-606).

(1A) AUDITORIUMS AND CONCERT HALLS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(1B) CONVENTIONS HALLS ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(2) Dance halls ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

{No change to any other listed item}

♦ 6-609. Conditional uses ♦ Ordinance required.

In a B-5 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-4 District (unless it is a permitted use under ♦ 6-606).

...

(5) Racetracks, established on or after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(6) Restaurants: drive-in ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(7) Stadiums, established after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

(8) Theaters: drive-in, established on after July 1, 1973 ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.

{No change to any other listed item}

Title 7. Industrial Districts

Subtitle 1. Overview; General Requirements

[♦ 7-109. Performance standards in M-1 District.]

[All uses in an M-1 District, whether permitted, accessory, or conditional, must conform to the performance standards set forth in Title 12 {♦Performance Standards♦} of this article.]

Subtitle 2. M-1 Industrial District

♦ 7-202. Performance standards.

It is anticipated that an M-1 District might be adjacent to Business or Residence Districts. To promote and maintain the nuisance-free characteristics of the permitted uses and their compatibility with any adjoining Residence or Business District, compliance with the performance standards set forth in Title 12 {♦Performance Standards ♦ PRODUCTION, PROCESSING, ...♦} of this article is required.

♦ 7-206. Permitted uses.

(A) IN GENERAL.

In an M-1 District, permitted uses are as follows, subject to compliance with the performance standards set forth in Title 12 {♦Performance Standards ♦ PRODUCTION, PROCESSING, ...♦} of this article:

....

{No change to any of the listed items}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

♦ 7-207. Conditional uses ♦ Board approval required.

In an M-1 District, conditional uses that require Board approval are as follows, subject to compliance with the performance standards set forth in Title 12 {♦Performance Standards ♦ PRODUCTION, PROCESSING, ...♦} of this article:

...

- (2) Auction rooms ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.
- (3) Auditoriums ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.
- ...
- (6) Hotels and motels ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.
- ...
- (17) Recreational facilities: outdoor ♦ INCLUDING ALCOHOLIC BEVERAGE SALES.
-
- {No change to any other listed item}

♦ 7-208. Conditional uses ♦ Ordinance required.

In an M-1 District, conditional uses that require approval by ordinance are as follows, subject to compliance with the performance standards set forth in Title 12 {♦Performance Standards ♦ PRODUCTION, PROCESSING, ...♦} of this article:

....
{No change to any of the listed items}

♦ 7-209. Accessory uses.

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

....
{No change to any of the listed items}

Subtitle 3. M-2 Industrial District

♦ 7-306. Permitted uses.

(A) IN GENERAL.

In an M-2 District, permitted uses are as follows:

(1) As in an M-1 District, except that they need not comply with the performance standards in Title 12 {♦Performance Standards ♦ PRODUCTION, PROCESSING, ...♦} of this article.

...

(56) Restaurants ♦ including accessory outdoor table service, but not including live entertainment or dancing AND NOT INCLUDING ALCOHOLIC BEVERAGE SALES.

...

[(68) Taverns ♦ but not including live entertainment or dancing.]

....

{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

◆ 7-307. Conditional uses ◆ Board approval required.

In an M-2 District, conditional uses that require Board approval are as follows:

(1) As in an M-1 District (unless it is a permitted use under ◆ 7-306), except that:

(i) those uses need not comply with the performance standards in Title 12 {◆Performance Standards ◆ PRODUCTION, PROCESSING, ...◆} of this article; and

...
...

(2A) CLUBS AND LODGES: NONPROFIT ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.

(9) Restaurants ◆ including live entertainment and dancing AND INCLUDING ALCOHOLIC BEVERAGE SALES ◆ but only if located at least 500 feet from a residence district.

...

(12) Taverns ◆ including live entertainment and dancing ◆ but only if located at least 500 feet from a residence district.

(12A) VIDEO LOTTERY FACILITY ◆ INCLUDING ALCOHOLIC BEVERAGE SALES.

...

{No change to any other listed item}

◆ 7-308. Conditional uses ◆ Ordinance required.

In an M-2 District, conditional uses that require approval by ordinance are as follows:

(1) As in an M-1 District (unless it is a permitted use under ◆ 7-306), except that they need not comply with the performance standards in Title 12 {◆Performance Standards ◆ PRODUCTION, PROCESSING, ...◆} of this article.

...

{No change to any other listed item}

◆ 7-309. Additional industrial uses.

(f) Authorization for additional industrial use.

(2) The procedures to be followed by the applicant and the Zoning Administrator are as provided in ◆ 2-304 {◆Compliance with performance standards IN B AND M-1 DISTRICTS◆} of this article.

◆ 7-310. Accessory uses.

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

Subtitle 4. M-3 Industrial District

7-406. Permitted uses.

(A) IN GENERAL.

In an M-3 District, permitted uses are as follows:

- (1) As in an M-2 District.
...
{No change to any other listed item}

(B) NO ALCOHOLIC BEVERAGE SALES.

THE USES LISTED IN SUBSECTION (A) OF THIS SECTION DO NOT INCLUDE OR APPLY TO ANY USE THAT INVOLVES, OR ANY ESTABLISHMENT THAT ENGAGES IN, ANY ALCOHOLIC BEVERAGE SALES.

7-407. Conditional uses Board approval required.

In an M-3 District, conditional uses that require Board approval are as follows:

- (1) As in an M-2 District (unless it is a permitted use under 7-406).
...
{No change to any other listed item}

7-408. Conditional uses Ordinance required.

In an M-3 District, conditional uses that require approval by ordinance are as follows:

- (1) As in an M-1 District (unless it is a permitted use under 7-406), except that they need not comply with the performance standards in Title 12 {Performance Standards PRODUCTION, PROCESSING, ...} of this article.
...

7-409. Accessory uses.

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

Title 9. Planned Unit Developments

Subtitle 1. Overview; General Requirements

◆ 9-126. Performance standards [in Business and Industrial Developments].

(A) IN BUSINESS AND INDUSTRIAL DEVELOPMENTS.

Uses in a Business or Industrial Planned Unit Development must comply with the performance standards of Title 12 {◆Performance Standards ◆ PRODUCTION, PROCESSING, ...◆} of this article, as they apply to the underlying district.

(B) ALCOHOLIC BEVERAGE SALES IN ALL DEVELOPMENTS.

ALL ALCOHOLIC BEVERAGE SALES USES IN ALL PLANNED UNIT DEVELOPMENTS MUST COMPLY WITH THE PERFORMANCE STANDARDS OF TITLE 12A {◆PERFORMANCE STANDARDS ◆ ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆} OF THIS ARTICLE.

Title 12. Performance Standards ◆ PRODUCTION, PROCESSING, CLEANING,
SERVICING, TESTING, REPAIR, OR LIGHT INDUSTRIAL

.....

TITLE 12A. PERFORMANCE STANDARDS ◆ ALCOHOLIC BEVERAGE SALES
ESTABLISHMENTS

◆ 12A-101. SCOPE OF TITLE.

THE FOLLOWING STANDARDS APPLY TO THE DESIGN, CONSTRUCTION, AND OPERATION OF EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, WHETHER THE ESTABLISHMENT IS A LAWFUL NONCONFORMING USE OR A NEWLY AUTHORIZED CONDITIONAL USE.

◆ 12A-102. PUBLIC HEALTH, SAFETY, ETC., OF SURROUNDING AREA.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT BE DESIGNED, CONSTRUCTED, OR OPERATED SO AS TO ADVERSELY AFFECT, JEOPARDIZE, OR ENDANGER THE PUBLIC HEALTH, SAFETY, WELFARE, OR QUALITY OF LIFE OF PERSONS RESIDING OR WORKING IN THE SURROUNDING AREA.

◆ 12A-103. NUISANCE ACTIVITIES.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT BE DESIGNED, CONSTRUCTED, OR OPERATED SO AS TO CONTRIBUTE TO NUISANCE ACTIVITIES WITHIN OR IN CLOSE PROXIMITY OF THE ESTABLISHMENT, INCLUDING ALCOHOLIC BEVERAGE SALES TO MINORS, DISTURBANCE OF THE PEACE, ILLEGAL DRUG ACTIVITY, PUBLIC DRUNKENNESS, DRINKING IN PUBLIC, HARASSMENT OF PASSERSBY, GAMBLING, PROSTITUTION, TRAFFICKING IN STOLEN GOODS, PUBLIC URINATION, THEFT, ASSAULTS, BATTERIES, ACTS OF VANDALISM, EXCESSIVE LITTERING, LOITERING, GRAFFITI, ILLEGAL PARKING, EXCESSIVE LOUD NOISES (ESPECIALLY IN THE LATE NIGHT OR EARLY MORNING HOURS), TRAFFIC VIOLATIONS, CURFEW VIOLATIONS, LEWD CONDUCT, OR OTHER BEHAVIORS RESULTING IN POLICE ARRESTS OR DETENTIONS.

◆ 12A-104. COMPATIBILITY WITH NEARBY LIVABILITY AND DEVELOPMENT.

THE DESIGN, CONSTRUCTION, OPERATION, AND UPKEEP OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST BE COMPATIBLE WITH AND NOT ADVERSELY AFFECT THE LIVABILITY OR APPROPRIATE DEVELOPMENT OF THE SURROUNDING NEIGHBORHOOD.

◆ 12A-105. REMOVAL OF GRAFFITI.

ALL GRAFFITI MUST BE REMOVED FROM AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, INCLUDING ALL ADJACENT WALLS, FENCES, AND PAVEMENTS, WITHIN 24 HOURS OF DISCOVERING ITS APPEARANCE ON OR ADJACENT TO THE ESTABLISHMENT'S PREMISES.

◆ 12A-106. LOITERING.

LOITERING OR STANDING WITHIN 100 FEET OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT FOR MORE THAN 15 MINUTES MUST BE DISCOURAGED. LOITERERS MUST BE ASKED TO LEAVE THE AREA AND, IF THEY FAIL TO DO SO, LOCAL LAW ENFORCEMENT OFFICIALS MUST BE CONTACTED AND ASKED TO ENFORCE APPLICABLE TRESPASSING AND LOITERING LAWS.

◆ 12A-107. PUBLIC WARNINGS.

(A) IN GENERAL.

A SIGN PROVIDED BY THE ZONING ADMINISTRATOR MUST BE PROMINENTLY POSTED, IN A READILY VISIBLE MANNER, IN EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

(B) CONTENTS ◆ LIQUOR STORES.

FOR ALL ◆LIQUOR STORES◆ TO WHICH CITY CODE ARTICLE 19, SUBTITLE 32 {◆MINORS ◆ SALES IN PROXIMITY TO LIQUOR STORES◆}, APPLIES, AS DEFINED IN ◆ 32-1(C) {◆DEFINITIONS: LIQUOR STORE◆} OF THAT ARTICLE, THE SIGN MUST CONTAIN THE FOLLOWING NOTICES:

(1) ◆IN OR IN CLOSE PROXIMITY TO THIS ESTABLISHMENT, IT IS ILLEGAL TO SELL ANY MERCHANDISE (EVEN IF NON-ALCOHOLIC) TO ANYONE UNDER 18 YEARS OF AGE◆;

(2) ◆MARYLAND STATE LAW PROHIBITS THE SALE OF ALCOHOLIC BEVERAGES TO ANYONE UNDER 21 YEARS OF AGE◆;

(3) ◆NO LOITERING OR PUBLIC DRINKING◆; AND

(4) ◆IT IS ILLEGAL TO POSSESS AN OPEN CONTAINER OF ALCOHOL IN THE VICINITY OF THIS ESTABLISHMENT◆.

(C) CONTENTS ◆ ALL OTHER ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

FOR ALL OTHER ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, THE SIGN MUST CONTAIN THE NOTICES LISTED IN ITEMS (2), (3), AND (4) OF SUBSECTION (B) OF THIS SECTION, BUT NOT THE NOTICE LISTED IN ITEM (1) OF THAT SUBSECTION.

♦ 12A-108. SIGNS AND ADVERTISEMENTS ♦ PLACEMENT GENERALLY.

ALL SIGNS AND ADVERTISING MUST BE PLACED AND MAINTAINED IN A MANNER THAT ENSURES THAT LAW ENFORCEMENT PERSONNEL HAVE A CLEAR AND UNOBSTRUCTED VIEW OF THE PREMISES ♦ INTERIOR, INCLUDING THE AREA IN WHICH THE CASH REGISTERS ARE MAINTAINED, FROM THE EXTERIOR PUBLIC SIDEWALK OR ENTRANCE TO THE PREMISES. THIS REQUIREMENT DOES NOT APPLY TO PREMISES WHERE THERE ARE NO WINDOWS OR WHERE EXISTING WINDOWS ARE LOCATED AT A HEIGHT THAT PRECLUDES A PERSON STANDING OUTSIDE THE PREMISES FROM VIEWING THE INTERIOR.

♦ 12A-109. SIGNS AND ADVERTISEMENTS ♦ AGGREGATE WINDOW COVERAGE.

SIGNS AND ADVERTISEMENTS MAY NOT BE PLACED IN A MANNER THAT COVERS MORE THAN 15% OF AVAILABLE WINDOW SPACE.

♦ 12A-110. PNP IMPACT FEE.

ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ARE REQUIRED TO PAY THE ANNUAL PUBLIC NUISANCE PREVENTION IMPACT FEE IMPOSED UNDER TITLE 17, SUBTITLE 1A {♦SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS♦}, OF THIS ARTICLE.

♦ 12A-111. POSTING COPY OF PERFORMANCE STANDARDS.

A COPY OF THIS TITLE 12A MUST BE POSTED IN THE INTERIOR OF THE ESTABLISHMENT, IN AT LEAST 1 PROMINENT LOCATION WHERE IT WILL BE READILY VISIBLE AND LEGIBLE TO THE EMPLOYEES AND PATRONS OF THE ESTABLISHMENT.

Title 13. Nonconformance

Subtitle 1. Definitions; Overview

♦ 13-101. Definitions.

(a) In general.

In this title, the following terms have the meanings indicated.

(B) NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

♦NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT♦ MEANS ANY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT WAS LAWFULLY EXISTING AND OPERATING AS OF JUNE 30, 2016.

(c) Nonconforming use.

(1) IN GENERAL.

◆Nonconforming use◆ means any lawfully existing use of a structure or of land that does not conform to the applicable use regulations of the district in which it is located.

(2) INCLUSIONS.

◆NONCONFORMING USE◆ INCLUDES A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT.

(D) [(b)] Noncomplying structure.

◆Noncomplying structure◆ means any lawfully existing structure that does not comply with the applicable bulk regulations of the district in which it is located.

◆ 13-102. Purpose.

(A) IN GENERAL.

This article establishes separate districts, each of which is an appropriate area for the location of the uses and structures that are allowed in that district. Consistent with the establishment of those districts, all uses and structures incompatible with allowed uses and structures must be strictly regulated and properly controlled. This title, therefore, provides for the regulation of nonconforming uses and noncomplying structures existing in the various districts.

(B) ALCOHOLIC BEVERAGE SALES.

THE PURPOSE OF THE REGULATIONS GOVERNING NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ARE TO PROTECT AND PROMOTE THE PUBLIC HEALTH, SAFETY, WELFARE, AND QUALITY OF LIFE.

Subtitle 4. Nonconforming Uses of Structures (Class III)

◆ 13-401. Scope of subtitle.

This subtitle applies to Class III nonconforming uses, which comprise:

- (1) any nonconforming use of all or part of a structure that was designed and erected primarily for a use that is no longer allowed in the district in which it is located;
- (2) ANY NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT;
- (3) [(2)] any nonconforming use of the lot on which that structure is located; and
- (4) [(3)] any nonconforming use of land or structures not regulated as Class I or Class II.

◆ 13-402. Continuation of use.

(A) IN GENERAL.

Except as specified in this article, Class III nonconforming uses of structures may be continued, subject to the regulations of this subtitle.

(B) NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY ALSO BE CONTINUED, SUBJECT TO THE REGULATIONS OF THIS SUBTITLE, BUT ONLY AS LONG AS:

(1) THE ESTABLISHMENT COMPLIES WITH THE PERFORMANCE STANDARDS SET FORTH IN TITLE 12A {◆PERFORMANCE STANDARDS ◆ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆} OF THIS ARTICLE; AND

(2) THERE IS NO SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT◆S OPERATION, AS DEFINED IN ◆ 1-194 {◆SUBSTANTIAL MODIFICATION ...◆} OF THIS ARTICLE.

◆ 13-403. Repairs and alterations.

(b) Conditions of making repairs, etc.

(1) In a Business District (other than B-1) or Industrial District (other than M-1), all alterations that create expansions must comply with ◆ 13-406 {◆Expansions of use◆} of this subtitle.

(2) In a Residence, Office-Residence, B-1, or M-1 District:

(i) the nonconforming use may not be expanded; and

(ii) no structural alterations may made in or to any part of the structure, except:

(A) those required by law;

(B) those made to conform the structure and its use to the regulations of the district in which the structure is located; or

(C) the alteration of an exterior wall, if authorized by the Board under Subtitle 7 {◆Modifications and Continuances by Board◆} of this title.

(3) FOR ANY NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, NO ALTERATION MAY BE MADE THAT CONSTITUTES A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT◆S OPERATION, AS DEFINED IN ◆ 1-194 {◆SUBSTANTIAL MODIFICATION ...◆} OF THIS ARTICLE.

◆ 13-407. Discontinuance or abandonment.

(a) Discontinuance of use.

(1) Except as specified in this section, whenever the active and continuous operation of any Class III nonconforming use, or any part of that use, has been discontinued for 12 consecutive months OR, IN THE CASE OF A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, DISCONTINUED FOR LONGER THAN ANY PERIOD THAT CONSTITUTES A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT'S OPERATION, AS DEFINED IN § 1-194 {SUBSTANTIAL MODIFICATION ...} OF THIS ARTICLE:

(i) the discontinuance constitutes an abandonment of the discontinued nonconforming use, or discontinued part of that use, regardless of any reservation of an intent to resume active operations or otherwise not abandon the use; and

(ii) the discontinued nonconforming use, or discontinued part of that use:

(A) may not be reestablished; and

(B) any subsequent use of any part of the land or structure previously used for the discontinued use, or discontinued part of that use, must conform to the regulations of the district in which the land or structure is located.

§ 13-409. ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS § TERMINATION OF NONCONFORMING STATUS.

(A) SCOPE OF SECTION.

THIS SECTION APPLIES TO ANY NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT, ON EXHAUSTION OF THE PROCEDURES SET OUT IN TITLE 17, SUBTITLE 1A {SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS}, OF THIS ARTICLE:

(1) HAS BEEN DETERMINED TO HAVE MADE AND HAS FAILED TO PROMPTLY CORRECT A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT; OR

(2) HAS BEEN DETERMINED TO BE IN CONTINUED OR REPEATED NON-COMPLIANCE WITH THE PERFORMANCE STANDARDS IMPOSED BY TITLE 12A {PERFORMANCE STANDARDS § ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS} OF THIS ARTICLE.

(B) EFFECT OF NONCOMPLIANCE.

IF A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT FAILS, AS DESCRIBED IN SUBSECTION (A) OF THE SECTION, TO COMPLY WITH THE PNP REQUIREMENTS:

(1) THE ESTABLISHMENT'S LAWFUL NONCONFORMING STATUS TERMINATES; AND

(2) BEFORE THE ESTABLISHMENT MAY ENGAGE IN ANY FURTHER ALCOHOLIC BEVERAGE SALES, A CONDITIONAL USE APPROVAL MUST BE APPLIED FOR AND OBTAINED UNDER TITLE 14 {CONDITIONAL USES} OF THIS ARTICLE.

(C) NOTICE OF TERMINATION AND RIGHT OF APPEAL.

AS PROVIDED IN TITLE 17, SUBTITLE 1 {ACTION BY ADMINISTRATOR}, THE ZONING ADMINISTRATOR MUST PROVIDE THE ESTABLISHMENT'S ALCOHOLIC BEVERAGES LICENSEE AND, IF DIFFERENT, THE PROPERTY'S OWNER OF RECORD WITH NOTICE OF THE TERMINATION AND OF THE RIGHT TO APPEAL THE TERMINATION TO THE ZONING BOARD UNDER TITLE 17, SUBTITLE 2 {ADMINISTRATIVE APPEALS} OF THIS ARTICLE.

Subtitle 7. Modifications and Continuances by Board

13-703. Limitations.

(a) Specific instances.

(1) The Board's authority [extends] under 13-702 {Board authority} of this subtitle EXTENDS only to the specific instances set forth in this subtitle.

(2) IN THE CASE OF A NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, THE BOARD MAY AUTHORIZE A MODIFICATION OR CONTINUANCE ONLY TO THE EXTENT THAT THE MODIFICATION OR CONTINUANCE DOES NOT CONSTITUTE A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF THE ESTABLISHMENT'S OPERATION, AS DEFINED IN 1-194 {SUBSTANTIAL MODIFICATION ...} OF THIS ARTICLE.

Title 14. Conditional Uses

Subtitle 2. Procedures and General Considerations

Part I. For Board Approval

14-204. Required findings.

(A) IN GENERAL.

The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that:

(1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;

(2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;

(3) the authorization is not otherwise in any way contrary to the public interest; and

(4) the authorization is in harmony with the purpose and intent of this article.

(B) FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

THE BOARD MAY NOT APPROVE A CONDITIONAL USE FOR ANY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT UNLESS, AFTER PUBLIC NOTICE AND HEARING AND ON CONSIDERATION OF THE STANDARDS PRESCRIBED IN THIS TITLE, IT ALSO FINDS THAT:

(1) THE PROPOSED ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS LOCATED IN A ZONING DISTRICT IN WHICH IT IS AN ALLOWED USE;

(2) THE ALCOHOLIC BEVERAGE SALES ESTABLISHMENT WILL NOT AGGRAVATE EXISTING PROBLEMS IN THE NEIGHBORHOOD CREATED BY THE SALE OF ALCOHOL, INCLUDING ALCOHOLIC BEVERAGE SALES TO MINORS, DISTURBANCE OF THE PEACE, ILLEGAL DRUG ACTIVITY, PUBLIC DRUNKENNESS, DRINKING IN PUBLIC, HARASSMENT OF PASSERSBY, GAMBLING, PROSTITUTION, TRAFFICKING IN STOLEN GOODS, PUBLIC URINATION, THEFT, ASSAULTS, BATTERIES, ACTS OF VANDALISM, EXCESSIVE LITTERING, LOITERING, GRAFFITI, ILLEGAL PARKING, EXCESSIVE LOUD NOISES (ESPECIALLY IN THE LATE NIGHT OR EARLY MORNING HOURS), TRAFFIC VIOLATIONS, CURFEW VIOLATIONS, LEWD CONDUCT, OR OTHER BEHAVIORS RESULTING IN POLICE ARRESTS OR DETENTIONS;

(3) THE PROPOSED ESTABLISHMENT WILL NOT DETRIMENTALLY AFFECT NEARBY NEIGHBORHOODS CONSIDERING THE DISTANCE OF THE ESTABLISHMENT FROM RESIDENTIAL BUILDINGS, SCHOOLS, PARKS, PLAYGROUNDS OR RECREATIONAL AREAS, NONPROFIT YOUTH FACILITIES, PLACES OF WORSHIP, HOSPITALS, ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, OR OTHER ALCOHOLIC BEVERAGES SALES ESTABLISHMENTS; AND

(4) THE PROPOSED ESTABLISHMENT WILL OTHERWISE BE COMPATIBLE WITH EXISTING AND POTENTIAL USES WITHIN THE GENERAL AREA.

Subtitle 3. Additional Considerations for Certain Uses

Part II. For Board Approval

◆ 14-328.1. NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ◆ IN GENERAL.

(A) DEFINITIONS.

(1) IN GENERAL.

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(2) COCKTAIL LOUNGE.

(I) IN GENERAL.

◆COCKTAIL LOUNGE◆ MEANS AN ESTABLISHMENT ENGAGED IN THE PREPARATION AND

RETAIL SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES.

(II) INCLUSIONS.

◆COCKTAIL LOUNGE◆ INCLUDES A TAVERN, BAR, OR SIMILAR USE, OTHER THAN A RESTAURANT.

(3) FOOD STORE ENGAGED IN ALCOHOLIC BEVERAGE SALES.

(I) IN GENERAL.

◆FOOD STORE ENGAGED IN ALCOHOLIC BEVERAGE SALES◆ MEANS A GROCERY STORE, DELICATESSEN, OR OTHER FOOD STORE THAT OFFERS FOR SALE BOTH GROCERIES AND ALCOHOLIC BEVERAGES.

(II) TYPES OF FOOD STORES

THE FOLLOWING ARE THE TYPES OF FOOD STORES ENGAGED IN ALCOHOLIC BEVERAGE SALES:

(A) FOOD STORE ... (CONVENIENCE): A FOOD STORE THAT:

1. HAS LESS THAN 15,000 SQUARE FEET OF
RETAIL SALES SPACE; AND
2. DOES NOT MEET THE CRITERIA FOR A
FOOD STORE (LIMITED).

(B) FOOD STORE ... (GENERAL): A FOOD STORE THAT HAS 15,000 SQUARE FEET OR MORE OF RETAIL SALES SPACE.

(C) FOOD STORE ... (LIMITED): A FOOD STORE THAT:

1. LESS THAN 15,000 SQUARE FEET OF
RETAIL SALES SPACE;
2. DEDICATES NO MORE THAN 2% OF ITS
SHELF SPACE AND NO MORE THAN 2% OF ITS TOTAL FLOOR SPACE TO ALCOHOLIC
BEVERAGE SALES; AND
3. CLOSES EVERY DAY AT OR BEFORE 11:00
P.M.

(4) LIQUOR STORE.

◆LIQUOR STORE◆ MEANS AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT:

(I) AS ITS PRIMARY CONSUMER PRODUCT, OFFERS ALCOHOLIC

BEVERAGES FOR CONSUMPTION OFF THE PREMISES; AND

(II) IS NOT A FOOD STORE ENGAGED IN ALCOHOLIC BEVERAGE SALES (CONVENIENCE, GENERAL, OR LIMITED).

(5) NEW (ESTABLISHMENT).

◆NEW◆, WHEN USED WITH RESPECT TO AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, MEANS AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT FIRST BEGINS LAWFUL ALCOHOLIC BEVERAGE SALES ON OR AFTER JULY 1, 2016.

(B) CONDITIONAL USE APPLICATION REQUIREMENTS.

AN APPLICATION FOR CONDITIONAL USE APPROVAL OF AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST CONTAIN THE FOLLOWING INFORMATION:

(1) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT (AND, IF THE APPLICANT IS A CORPORATION, THE APPLICANT MUST SET FORTH THE CORPORATION'S NAME EXACTLY AS SHOWN IN ITS ARTICLES OF INCORPORATION);

(2) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF EACH OF THE PROPOSED ESTABLISHMENT'S ALCOHOLIC BEVERAGES LICENSEES, AS NAMED ON THE LICENSE, OR, IF ISSUANCE OF THE LICENSE IS STILL PENDING, OF EACH APPLICANT FOR THE LICENSE, AS NAMED ON THE APPLICATION FOR THE LICENSE;

(3) THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON WHO WILL MANAGE AND OPERATE THE ESTABLISHMENT;

(4) UNLESS THE APPLICATION IS FOR A RESTAURANT, THE NAME AND ADDRESS OF ALL OF THE FOLLOWING THAT ARE LOCATED WITHIN 500 FEET OF THE PROPOSED ESTABLISHMENT: PUBLIC OR PRIVATE ACCREDITED SCHOOLS, CHURCHES, PUBLIC PARKS, HOSPITALS, ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITIES, AND UNIVERSITY FACILITIES WHERE STUDENTS RESIDE OR REGULARLY ATTEND CLASSES;

(5) UNLESS THE APPLICATION IS FOR AN ESTABLISHMENT IN THE B-4 (CENTRAL BUSINESS) OR B-5 (CENTRAL COMMERCIAL) ZONING DISTRICT OR FOR A RESTAURANT IN ANY ZONING DISTRICT, THE NAME AND ADDRESS OF ALL EXISTING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS (OTHER THAN RESTAURANTS) WITHIN 300 FEET OF THE PROPOSED ESTABLISHMENT;

(6) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PERSON AUTHORIZED TO ACCEPT SERVICE OF LEGAL NOTICES;

(7) THE PROPOSED BUSINESS NAME OF THE ESTABLISHMENT AND A DESCRIPTION OF ALL OPERATING ASPECTS OF THE PROPOSED BUSINESS;

(8) THE TYPE OF ALCOHOLIC BEVERAGES LICENSE THAT HAS BEEN ISSUED FOR THE ESTABLISHMENT OR, IF ISSUANCE IS STILL PENDING, THAT IS BEING SOUGHT FOR THE ESTABLISHMENT;

(9) THE STREET ADDRESS OF THE PROPOSED ESTABLISHMENT AND THE BLOCK AND LOT NUMBER OF THE PROPERTY;

(10) THE PLAN OF OPERATION, INCLUDING THE TYPES OF ALCOHOLIC BEVERAGES TO BE SOLD, THE LOCATION AND SIZE OF BAR SERVICE, IF ANY, THE NUMBER AND SIZE OF COOLERS, PROPOSED ENTERTAINMENT, AND FOOD SERVICE, AMONG OTHER OPERATIONAL FEATURES OF THE PROPOSED ESTABLISHMENT; AND

(11) A PLOT PLAN FOR THE PROPERTY, DEPICTING THE LOCATION OF THE BUILDING HOUSING THE ESTABLISHMENT ON THE PROPERTY AND ALL EXISTING AND PROPOSED PARKING, EXTERIOR LIGHTING, SIGNAGE, LANDSCAPING, TRASH ENCLOSURES, AND WAITING OR QUEUING AREAS.

(C) DISTANCING REQUIREMENTS.

(1) A NEW COCKTAIL LOUNGE, TAVERN, LIQUOR STORE, OR FOOD STORE (CONVENIENCE) IS NOT ALLOWED IN ANY OF THE FOLLOWING LOCATIONS:

(I) WITHIN 500 FEET OF ANY RESIDENCE;

(II) WITHIN 500 FEET OF A PUBLIC OR PRIVATE ACCREDITED SCHOOL, A CHURCH, AN ALCOHOL OR OTHER DRUG ABUSE RECOVERY OR TREATMENT FACILITY, A HOSPITAL, A PUBLIC PARK, OR A UNIVERSITY FACILITY WHERE STUDENTS RESIDE OR REGULARLY ATTEND CLASSES; OR

(III) EXCEPT IN THE B-4 (CENTRAL BUSINESS) OR B-5 (CENTRAL COMMERCIAL) ZONING DISTRICT:

(A) WHERE THE NEW ESTABLISHMENT WOULD LEAD TO A GROUPING OF MORE THAN 4 ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS (EXCLUDING RESTAURANTS) WITHIN A 1,000 FOOT RADIUS FROM THE NEW ESTABLISHMENT; OR

(B) WITHIN 300 FEET OF AN EXISTING ALCOHOLIC BEVERAGE SALES ESTABLISHMENT (OTHER THAN A RESTAURANT).

(2) THESE DISTANCE RESTRICTIONS ARE AS MEASURED FROM PROPERTY LINE TO PROPERTY LINE.

(3) THESE DISTANCE RESTRICTIONS DO NOT APPLY TO:

(I) A FOOD STORE (GENERAL OR LIMITED); OR

(II) A RESTAURANT.

◆ 14-328.2. NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS ◆ OPERATIONAL STANDARDS.

(A) MANDATORY COMPLIANCE.

(1) IN GENERAL.

ALL APPROVED NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS MUST ADHERE TO THE FOLLOWING OPERATIONAL STANDARDS.

(2) ♦OFF-SALE♦ ESTABLISHMENTS ♦ PRODUCT SALES.

AN ♦OFF-SALE♦ ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS PROHIBITED FROM SELLING ANY 1 OR MORE OF THE FOLLOWING PRODUCTS:

(I) CONTAINERS OF BEER OR MALT LIQUOR NOT IN THEIR ORIGINAL FACTORY PACKAGES OF 6 PACKS OR MORE;

(II) CONTAINERS OF BEER OR MALT LIQUOR LARGER THAN 18 FLUID OUNCES;

(III) DISTILLED SPIRITS IN BOTTLES OR CONTAINERS SMALLER THAN 200 MILLILITERS; OR

(IV) FLAVORED ALCOHOLIC BEVERAGE PRODUCTS, EITHER WINE BASED OR MALT-BEVERAGE BASED, IN LESS THAN 4-PACK QUANTITIES.

(3) ♦OFF-SALE♦ ESTABLISHMENTS ♦ DISTRIBUTION OF CUPS.

AN ♦OFF-SALE♦ ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS PROHIBITED FROM SELLING OR DISTRIBUTING TO A CUSTOMER ANY PAPER OR PLASTIC CUPS IN LESS THAN 50-PACK QUANTITIES.

(4) SECURITY CAMERAS.

(I) EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST INSTALL AND PROPERLY MAINTAIN ON THE BUILDING♦S EXTERIOR, AT LOCATIONS RECOMMENDED BY THE BALTIMORE POLICE DEPARTMENT, AT LEAST TWO 24-HOUR TIME-LAPSE SECURITY CAMERAS.

(II) ALL CRIMINAL AND SUSPICIOUS ACTIVITIES RECORDED BY THESE CAMERAS MUST BE REPORTED TO POLICE.

(III) ALL TAPES OR OTHER RECORDING MEDIA FROM THE SECURITY CAMERAS MUST BE SAFELY STORED FOR AT LEAST 30 DAYS.

(IV) TO THE EXTENT ALLOWED BY LAW, THE ESTABLISHMENT♦S OPERATORS MAY BE REQUIRED TO PROVIDE THESE TAPES OR OTHER RECORDING MEDIA TO POLICE.

(5) EXTERIOR LIGHTING.

EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST HAVE EXTERIOR LIGHTING IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY BUILDING, FIRE AND RELATED CODES.

(6) PARKING.

EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST HAVE ADEQUATE PARKING IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE CITY ZONING CODE.

(7) NO INTERIOR BULLET-PROOF WINDOWS.

AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MAY NOT HAVE ANY BULLET-PROOF WINDOW IN ITS INTERIOR.

(B) BMZA IMPOSED.

(1) IN GENERAL.

THE ZONING BOARD MAY REQUIRE AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT TO ADHERE TO 1 OR MORE OF THE FOLLOWING OPERATIONAL STANDARDS.

(2) SPECIAL SECURITY MEASURES.

SPECIAL SECURITY MEASURES, SUCH AS SECURITY GUARDS, DOOR MONITORS, AND BURGLAR ALARM SYSTEMS, MAY BE REQUIRED BY THE BOARD TO PREVENT THE CONGREGATION OF MINORS, VIOLENCE, DRUNKENNESS, VANDALISM, LOITERING, SOLICITATION, OR LITTER.

(3) ACTIVITIES.

THE BOARD MAY PROHIBIT THE PRESENCE OF 1 OR MORE OF THE FOLLOWING ON THE PREMISES: POOL OR BILLIARD TABLES, FOOTBALL OR PINBALL GAMES, ARCADE STYLE VIDEO OR ELECTRONIC GAMES, AND COIN-OPERATED AMUSEMENT DEVICES.

(4) ADDITIONAL STANDARDS.

THE ZONING BOARD MAY IMPOSE ANY ADDITIONAL STANDARDS THAT IT DETERMINES ARE NECESSARY OR DESIRABLE TO ENSURE THAT THE ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS ESTABLISHED, OPERATED, AND MAINTAINED IN ACCORDANCE WITH THE PURPOSES DESCRIBED IN ♦ 1-401 {♦PURPOSES OF ARTICLE♦} OF THIS ARTICLE AND THE FINDINGS DESCRIBED IN ♦ 14-204 {♦REQUIRED FINDINGS♦} OF THIS TITLE.

(C) COPY OF STANDARDS TO BE MAINTAINED ON PREMISES.

A COPY OF ALL OPERATIONAL STANDARDS IMPOSED BY SUBSECTION (A) OF THIS SECTION AND ALL OPERATIONAL STANDARDS IMPOSED BY THE ZONING BOARD UNDER SUBSECTION (B) OF THIS SECTION MUST BE:

(1) MAINTAINED ON THE PREMISES OF THE ESTABLISHMENT AT ALL TIMES, READILY AVAILABLE TO ALL EMPLOYEES; AND

(2) PRESENTED TO ANY LAW ENFORCEMENT OFFICER OR AUTHORIZED CITY OFFICIAL ON REQUEST.

Subtitle 5. Suspension, Revocation, etc.

◆ 14-501. [Scope] GENERAL APPLICABILITY of subtitle.

[This] EXCEPT AS LIMITED BY ◆ 14-501.1 {◆CERTAIN VIOLATIONS BY ALCOHOLIC ... ESTABLISHMENTS◆}, THIS subtitle applies to THE SUSPENSION OR REVOCATION OF all conditional uses [approved under this title, whether by the Board or by ordinance] FOR VIOLATING A CONDITION, RESTRICTION, OR LIMITATION IMPOSED UNDER THIS TITLE BY THE BOARD OR BY ORDINANCE, AS THE CASE MAY BE.

◆ 14-501.1. CERTAIN VIOLATIONS BY ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

(A) ADDITIONAL SPECIFIC CAUSES FOR SUSPENSION OR REVOCATION.

IN ADDITION TO THE GENERAL CAUSES SPECIFIED IN ◆ 14-501 {◆GENERAL APPLICABILITY OF SUBTITLE◆}, THE CONDITIONAL USE APPROVAL FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS ALSO SUBJECT TO SUSPENSION OR REVOCATION UNDER THIS SUBTITLE FOR ANY OF THE FOLLOWING SPECIFIC CAUSES:

(1) THE ESTABLISHMENT HAS BEEN DETERMINED TO HAVE MADE AND HAS FAILED TO PROMPTLY CORRECT A SUBSTANTIAL MODIFICATION TO THE MODE OR CHARACTER OF ITS OPERATION, AS DEFINED IN ◆ 1-194 {◆SUBSTANTIAL MODIFICATION ...◆} OF THIS ARTICLE;

(2) THE ESTABLISHMENT HAS BEEN DETERMINED TO BE IN CONTINUED OR REPEATED NON-COMPLIANCE WITH THE PERFORMANCE STANDARDS IMPOSED BY TITLE 12A {◆PERFORMANCE STANDARDS ◆ ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆} OF THIS ARTICLE; OR

(3) THE ESTABLISHMENT IS A NEW ESTABLISHMENT AND HAS BEEN DETERMINED TO BE IN CONTINUED OR REPEATED NON-COMPLIANCE WITH THE OPERATIONAL STANDARDS IMPOSED BY OR UNDER ◆ 14-328.2 {◆NEW ... ESTABLISHMENTS ◆ OPERATIONAL STANDARDS◆} OF THIS TITLE.

(B) PRIOR ABATEMENT EFFORTS REQUIRED.

HOWEVER, NOTWITHSTANDING ◆ 14-501 {◆GENERAL APPLICABILITY OF SUBTITLE◆} OR ANY OTHER PROVISION OF THIS SUBTITLE, FOR ANY VIOLATION DESCRIBED IN SUBSECTION (A)(1), (2), OR (3) OF THIS SECTION, THE PROCEDURES SET OUT IN TITLE 17, SUBTITLE 1A {◆SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆}, OF THIS ARTICLE MUST FIRST BE FOLLOWED AND EXHAUSTED BEFORE PURSUING A SUSPENSION OR REVOCATION UNDER THIS SUBTITLE.

Title 17. Enforcement and Penalties

Subtitle 1. Action by Administrator

◆ 17-101. Notice of violation.

(a) In general.

(1) [Whenever] EXCEPT AS LIMITED BY PARAGRAPH (2) OF THIS SUBSECTION, WHENEVER the Zoning Administrator learns of a violation of this article and does not resolve it informally and promptly[,]:

(I) the Zoning Administrator must issue a written notice to:

(A) [(1)] the owner of record of the property, as shown on the tax records of Baltimore City; and

(B) [(2)] any other person against whom the Zoning Administrator intends to proceed for the violation; AND

(II) ENFORCEMENT MAY PROCEED AS PROVIDED IN THIS SUBTITLE.

(2) HOWEVER, IF THE MATTER INVOLVES A VIOLATION OF A PNP REQUIREMENT:

(I) THE ZONING ADMINISTRATOR MUST PROMPTLY REFER THE MATTER TO THE PNP BOARD; AND

(II) THE PROCEDURES SET OUT IN SUBTITLE 1A {◆SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS◆}, PART I {◆INVESTIGATIONS BY PNP BOARD ...◆} OF THIS TITLE MUST FIRST BE FOLLOWED AND EXHAUSTED BEFORE ISSUING A VIOLATION NOTICE UNDER THIS SUBTITLE.

SUBTITLE 1A. SPECIAL PROVISIONS FOR ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS

PART I. INVESTIGATIONS BY PNP BOARD OF CERTAIN VIOLATIONS

◆ 17-1A01. DEFINITIONS.

(A) IN GENERAL.

IN THIS PART I, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) COMPLAINT.

(1) IN GENERAL.

◆COMPLAINT◆ MEANS, EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY COMPLAINT THAT:

(1) ASSERTS FACTS SUGGESTING A VIOLATION OF 1 OR MORE PNP REQUIREMENTS; AND

(2) HAS BEEN REFERRED TO OR FILED WITH THE PNP BOARD BY:

(I) THE ZONING ADMINISTRATOR;

(II) A POLICE OFFICER; OR

(III) A MEMBER OF THE GENERAL PUBLIC.

(2) EXCEPTION.

◆COMPLAINT◆ DOES NOT INCLUDE A MATTER REFERRED TO THE PNP BOARD BY A PNP OFFICER ACTING UNDER PART II OF THIS SUBTITLE.

◆ 17-1A02. {RESERVED}

◆ 17-1A03. COMPLAINT RESPONSE TEAM.

(A) DESIGNATION.

IF THE PNP BOARD RECEIVES A COMPLAINT, AS DEFINED IN ◆ 17-1A01 {◆DEFINITIONS◆} OF THIS PART I, THAT IS AT LEAST FACIALLY CREDIBLE, THE PNP BOARD MUST PROMPTLY DESIGNATE A 3-MEMBER COMPLAINT RESPONSE TEAM TO INVESTIGATE THE COMPLAINT AND REPORT TO THE PNP BOARD.

(B) TEAM COMPOSITION.

EACH COMPLAINT RESPONSE TEAM MUST COMPRISE:

(1) 1 PNP OFFICER; AND

(2) 2 PNP BOARD MEMBERS, AT LEAST 1 OF WHOM REPRESENTS A NEIGHBORHOOD ASSOCIATION.

◆ 17-1A04. NOTICE OF VIOLATION.

(A) IN GENERAL.

IF, BASED ON THE REPORT OF THE COMPLAINT RESPONSE TEAM AND OTHER AVAILABLE EVIDENCE, THE PNP BOARD FINDS THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF 1 OR MORE PNP REQUIREMENTS AND IF THE BOARD IS UNABLE TO RESOLVE THE VIOLATION INFORMALLY AND PROMPTLY, THE PNP BOARD

MUST ISSUE A NOTICE OF VIOLATION TO THE ESTABLISHMENT.

(B) CONTENTS OF NOTICE.

(1) IN GENERAL.

THE NOTICE MUST:

(I) CITE THE VIOLATION; AND

(II) SPECIFY:

(A) THE CORRECTIVE ACTION TO BE TAKEN; AND

(B) THE TIME WITHIN WHICH THAT ACTION MUST BE TAKEN, NOT TO EXCEED 3 WEEKS FROM THE DATE OF THE NOTICE.

(2) ENHANCED IMPACT FEE.

THE NOTICE MUST ALSO ADVISE THE ESTABLISHMENT THAT:

(I) AN ENHANCED ANNUAL PNP IMPACT FEE WILL BE IMPOSED ON THE ESTABLISHMENT, AS PROVIDED IN PART III {PNP IMPACT FEES} OF THIS SUBTITLE; UNLESS

(II) THE PNP BOARD'S ASSESSMENT OF THE ENHANCED FEE IS TIMELY APPEALED TO AND, ON REVIEW, MODIFIED BY THE ZONING BOARD, AS PROVIDED IN 17-1A38 {APPEAL TO BMZA}.

(3) POTENTIAL TERMINATION, ETC., OF USE STATUS.

THE NOTICE MUST ALSO ADVISE THE ESTABLISHMENT THAT ITS NONCONFORMING OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, MAY BE SUBJECT TO SUSPENSION OR REVOCATION BY THE ZONING ADMINISTRATOR, AS PROVIDED IN 13-409 {ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS} TERMINATION OF NONCONFORMING STATUS OF THIS ARTICLE, 14-501.1 {CERTAIN VIOLATIONS BY ALCOHOLIC ... ESTABLISHMENTS} OF THIS ARTICLE, AND 17-1A07 {CONSIDERATION BY ZONING ADMINISTRATOR} OF THIS SUBTITLE, AS THE CASE MAY BE.

17-1A05. SUBSEQUENT REVISITS BY TEAM.

(A) INITIAL REVISIT TO DETERMINE CORRECTION.

AS SOON AS POSSIBLE AFTER THE DEADLINE SPECIFIED IN THE NOTICE FOR CORRECTIVE ACTION, THE COMPLAINT RESPONSE TEAM MUST REVISIT THE ESTABLISHMENT AND SURROUNDING COMMUNITY TO DETERMINE IF THE VIOLATIONS HAVE BEEN CORRECTED.

(B) SUBSEQUENT REVISITS TO VERIFY CONTINUED COMPLIANCE.

IF THE VIOLATIONS ARE FOUND TO HAVE BEEN CORRECTED, THE COMPLAINT RESPONSE TEAM MAY NONETHELESS UNDERTAKE SUBSEQUENT VISITS AND INSPECTIONS TO VERIFY THAT THE ESTABLISHMENT REMAINS IN COMPLIANCE.

◆ 17-1A06. CONTINUING, REPEATED, OR NEW VIOLATIONS; FAILURE TO COOPERATE.

(A) NOTICE TO PNP BOARD.

IF 1 OR MORE VIOLATIONS ARE CONTINUED OR REPEATED, OR IF 1 OR MORE NEW VIOLATIONS OF PNP REQUIREMENTS ARE COMMITTED BY THE ESTABLISHMENT, OR IF THE OWNER OR MANAGER OF THE ESTABLISHMENT FAILS TO COOPERATE WITH THE COMPLAINT RESPONSE TEAM, THE TEAM'S PNP OFFICER MUST PROMPTLY NOTIFY THE OWNER OR MANAGER OF THE ESTABLISHMENT AND THE PNP BOARD OF THIS CONTINUED NON-COMPLIANCE.

(B) REFERRAL TO ZONING ADMINISTRATOR.

THE PNP BOARD MUST THEN DETERMINE WHETHER IT SHOULD REFER THE MATTER TO THE ZONING ADMINISTRATOR FOR HIS OR HER CONSIDERATION UNDER ◆ 17-1A07 {◆CONSIDERATION BY ADMINISTRATOR◆} UNDER THIS PART I.

◆ 17-1A07. CONSIDERATION BY ADMINISTRATOR.

(A) DETERMINATION OF NON-COMPLIANCE.

ON REFERRAL TO THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MUST DETERMINE WHETHER THE ESTABLISHMENT WAS IN CONTINUING NON-COMPLIANCE WITH THE PNP REQUIREMENTS.

(B) DECISION.

BASED ON THIS DETERMINATION, THE ZONING ADMINISTRATOR MAY TAKE ANY 1 OR COMBINATION OF THE FOLLOWING ACTIONS:

(1) REVOKE THE ESTABLISHMENT'S NONCONFORMING OR CONDITIONAL USE STATUS, AS THE CASE MAY BE;

(2) SUSPEND THE NONCONFORMING OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, PENDING CORRECTIVE ACTION OR OTHER CONDITION SET BY THE ZONING ADMINISTRATOR;

(3) AFFIRM THE NONCONFORMING OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, SUBJECT TO A SCHEDULE FOR CORRECTIVE ACTION, WITH PROVISION FOR AUTOMATIC TERMINATION OF THE USE IF THE SCHEDULE IS NOT MET AS DETERMINED BY THE ZONING ADMINISTRATOR: AND

(4) AFFIRM THE NONCONFORMING OR CONDITIONAL USE STATUS, AS THE CASE MAY BE, AND ALLOW IT TO CONTINUE WITHOUT CONDITION OR FURTHER

ACTION.

(C) CONSIDERATIONS.

IN DETERMINING WHETHER AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT WAS IN CONTINUING NON-COMPLIANCE OR DETERMINING THE APPROPRIATENESS OF TAKING ONE OR ANOTHER ACTION UNDER THIS SECTION, THE ZONING ADMINISTRATOR MUST CONSIDER:

(I) THE LENGTH OF TIME AND NUMBER OF TIMES THAT THE ESTABLISHMENT WAS OUT OF COMPLIANCE;

(II) THE IMPACT OF THE ESTABLISHMENT'S NON-COMPLIANCE ON THE COMMUNITY; AND

(III) THE SCOPE AND TIMELINESS OF EFFORTS MADE BY THE ESTABLISHMENT'S OWNER OR MANAGER TO REMEDY VIOLATIONS.

♦ 17-1A08. APPEAL TO BMZA.

(A) IN GENERAL.

A DECISION OF THE ZONING ADMINISTRATOR UNDER ♦ 17-1A07 {CONSIDERATION BY ADMINISTRATOR♦} OF THIS SUBTITLE MAY BE APPEALED TO THE ZONING BOARD, AS PROVIDED IN:

(1) SUBTITLE 2 {♦ADMINISTRATIVE APPEALS♦} OF THIS TITLE;

(2) ♦ 2-114 {♦PUBLIC HEARINGS♦} OF THIS ARTICLE; AND

(3) THIS SECTION.

(B) PUBLIC HEARING ON APPEAL.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN APPEAL UNDER THIS SECTION MUST BE CONDUCTED AS A PUBLIC HEARING AT WHICH THE ESTABLISHMENT, THE APPELLANT, A PNP BOARD REPRESENTATIVE, ALL PARTIES IN INTEREST AND AGGRIEVED PERSONS, AND MEMBERS OF THE GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD.

(C) PUBLIC NOTICE OF HEARING.

(1) IN ADDITION TO ANY OTHER NOTICE REQUIRED BY LAW, NOTICE OF THE HEARING MUST BE POSTED IN A CONSPICUOUS PLACE ON THE EXTERIOR OF THE PROPERTY.

(2) THE POSTED NOTICE MUST BE:

(I) IN THE FORM AND TENOR REQUIRED BY REGULATION OF

THE ZONING BOARD;

(II) POSTED FOR AT LEAST 15 DAYS BEFORE THE SCHEDULED HEARING; AND

(III) GIVEN BY AND AT THE EXPENSE OF THE PERSON WHO FIRST FILED THE APPEAL.

♦♦ 17-1A09 TO 17-1A10. {RESERVED}

PART II. INSPECTIONS BY PNP OFFICERS FOR CERTAIN VIOLATIONS

♦ 17-1A11. DESIGNATION OF PNP OFFICERS.

THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST DESIGNATE AT LEAST 2 OF THE DEPARTMENT'S SPECIAL ENFORCEMENT OFFICERS, AS CERTIFIED AND APPOINTED UNDER CITY CODE ARTICLE 19, ♦ 71-1, TO SERVE AS ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICERS (♦PNP OFFICERS♦) UNDER THIS ARTICLE.

♦ 17-1A12. INSPECTION PLAN.

THE COMMISSIONER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT MUST DEVELOP AND IMPLEMENT, AS PROVIDED IN THIS SECTION, A PLAN FOR THE INITIAL AND PERIODIC INSPECTION BY PNP OFFICERS OF ALL ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS IN THE CITY.

♦ 17-1A13. PURPOSE AND SCOPE OF INSPECTIONS.

THE PRIMARY PURPOSE AND SCOPE OF THESE INSPECTIONS IS TO DETERMINE AN ESTABLISHMENT'S COMPLIANCE WITH ALL APPLICABLE PNP REQUIREMENTS.

♦ 17-1A14. INITIAL INSPECTIONS ♦ WHEN CONDUCTED.

(A) NONCONFORMING ESTABLISHMENTS.

AN INITIAL INSPECTION OF ALL NONCONFORMING ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS MUST BE CONDUCTED WITHIN THE 12-MONTH PERIOD THAT BEGINS JULY 1, 2016.

(B) NEW ESTABLISHMENTS.

AN INITIAL INSPECTION OF EACH NEW ALCOHOLIC BEVERAGE SALES ESTABLISHMENT MUST BE CONDUCTED WITHIN 90 DAYS OF THAT ESTABLISHMENT'S START OF ALCOHOLIC BEVERAGE SALES.

♦ 17-1A15. INITIAL INSPECTIONS ♦ INTRODUCTORY ASSISTANCE.

IN ADDITION TO THE COMPLIANCE CHECKS DESCRIBED IN ♦17-1A13 {♦PURPOSE AND

SCOPE OF INSPECTIONS OF THIS PART II, AN ADDITIONAL PURPOSE OF AN INITIAL INSPECTION IS FOR PNP OFFICERS TO:

(1) PROVIDE OWNERS AND MANAGERS WITH EDUCATIONAL MATERIALS ON THE APPLICATION OF THIS ARTICLE TO ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS; AND

(3) REVIEW WITH OWNERS OR MANAGERS BEST PRACTICES FOR REDUCING PUBLIC NUISANCE ACTIVITIES.

◆ 17-1A16. PERIODIC INSPECTIONS.

PNP OFFICERS MUST ALSO CONDUCT ONGOING, PERIODIC INSPECTIONS OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS, WITH A MINIMUM OF 50 INSPECTIONS PER MONTH ONCE INITIAL INSPECTIONS HAVE BEEN COMPLETED.

◆ 17-1A17. {RESERVED}

◆ 17-1A18. NOTICE OF VIOLATION.

(A) IN GENERAL.

IF A PNP OFFICER FINDS THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF 1 OR MORE PNP REQUIREMENTS AND IF THE PNP OFFICER IS UNABLE TO RESOLVE THE VIOLATION INFORMALLY AND PROMPTLY, THE PNP OFFICER MUST ISSUE A NOTICE OF VIOLATION TO THE ESTABLISHMENT.

(B) CONTENTS OF NOTICE.

THE NOTICE MUST CONTAIN THE SAME INFORMATION AS THAT REQUIRED FOR A NOTICE OF VIOLATION ISSUED BY THE PNP BOARD UNDER ◆ 17-1A04 {◆NOTICE OF VIOLATION◆} OF THIS SUBTITLE.

◆ 17-1A19. CONTINUING, REPEATED, OR NEW VIOLATIONS; FAILURE TO COOPERATE.

(A) NOTICE TO ESTABLISHMENT AND PNP BOARD.

IF 1 OR MORE VIOLATIONS OF PNP REQUIREMENTS ARE CONTINUED OR REPEATED, OR IF 1 OR MORE NEW VIOLATIONS OF PNP REQUIREMENTS ARE COMMITTED BY THE ESTABLISHMENT, OR IF THE OWNER OR MANAGER OF THE ESTABLISHMENT FAILS TO COOPERATE WITH THE PNP OFFICER, THE PNP OFFICER MUST PROMPTLY NOTIFY THE OWNER OR MANAGER OF THE ESTABLISHMENT AND THE PNP BOARD OF THIS CONTINUED NON-COMPLIANCE.

(B) REFERRAL TO ZONING ADMINISTRATOR.

THE PNP BOARD MUST THEN DETERMINE WHETHER IT SHOULD REFER THE MATTER TO THE ZONING ADMINISTRATOR FOR HER OR HIS CONSIDERATION IN ACCORDANCE WITH ◆ 17-1A20 {◆CONSIDERATION BY ADMINISTRATOR◆} OF THIS PART II.

◆ 17-1A20. CONSIDERATION BY ADMINISTRATOR.

ON REFERRAL TO THE ZONING ADMINISTRATOR, THE ZONING ADMINISTRATOR MUST MAKE THE DETERMINATION AND DECISIONS PROVIDED FOR IN ♦ 17-1A07 {♦CONSIDERATION BY ADMINISTRATOR♦} OF THIS SUBTITLE.

♦ 17-1A21. APPEAL TO BMZA.

A DECISION OF THE ZONING ADMINISTRATOR UNDER ♦ 17-1A20 {♦CONSIDERATION BY ADMINISTRATOR♦} OF THIS PART II MAY BE APPEALED TO THE ZONING BOARD, AS PROVIDED IN ♦ 17-1A08 {♦APPEAL TO BMZA♦} OF THIS SUBTITLE.

♦ 17-1A22. {RESERVED}

♦ 17-1A23. ACTION ON FINDING OTHER ZONING VIOLATIONS.

IF A PNP OFFICER HAPPENS TO FIND THAT AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IS IN VIOLATION OF A ZONING PROVISION OTHER THAN A PNP REQUIREMENT, THE PNP OFFICER MUST REPORT THAT VIOLATION TO THE ZONING ADMINISTRATOR FOR POSSIBLE ACTION BY THE ADMINISTRATOR UNDER SUBTITLE 1 {♦ACTION BY ADMINISTRATOR♦} OF THIS TITLE.

♦ 17-1A24. {RESERVED}

♦ 17-1A25. UNDERAGE COMPLIANCE CHECKS.

THE PNP OFFICERS MAY ALSO WORK WITH THE BALTIMORE CITY POLICE DEPARTMENT TO ENCOURAGE REGULAR COMPLIANCE CHECKS OF ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS TO ENSURE THAT:

(1) NO ALCOHOLIC BEVERAGES ARE BEING SOLD ILLEGALLY TO PERSONS UNDER 21 YEARS OF AGE; AND

(2) NO MERCHANDISE (EVEN IF NON-ALCOHOLIC) IS BEING SOLD ILLEGALLY IN OR IN CLOSE PROXIMITY TO A ♦LIQUOR STORE♦, AS DEFINED IN CITY CODE ARTICLE 19, ♦ 32-1(C) {♦DEFINITIONS: LIQUOR STORE♦}, TO PERSONS UNDER 18 YEARS OF AGE.

♦♦ 17-1A26 TO 17-1A30. {RESERVED}

PART III. PNP IMPACT FEES

♦ 17-1A31. FEE IMPOSED.

(A) IN GENERAL.

AN ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION IMPACT FEE (♦PNP IMPACT FEE♦) IS IMPOSED ANNUALLY ON EVERY ALCOHOLIC BEVERAGE SALES ESTABLISHMENT IN THE CITY.

(B) FEE IN ADDITION TO OTHER CHARGES.

THIS PNP IMPACT FEE IS IN ADDITION TO ANY OTHER FEE OR CHARGE THAT THE CITY HAS THE RIGHT TO IMPOSE UNDER ANY OTHER LAW, RULE, OR REGULATION.

◆ 17-1A32. PURPOSE; DISPOSITION.

(A) PURPOSE OF FEE.

THE PURPOSE OF THIS FEE IS TO COVER THE CITY'S COSTS AND EXPENSES INCURRED IN CARRYING OUT THIS SUBTITLE AND OTHERWISE IN ADMINISTERING AND ENFORCING THE PNP REQUIREMENTS AND RELATED PROVISIONS OF THIS ARTICLE.

(B) DISPOSITION OF PROCEEDS.

IT IS THE LEGISLATIVE INTENT THAT THE PROCEEDS OF THE PNP IMPACT FEES BE SET ASIDE AND DEDICATED FOR THE PURPOSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION, TO INCLUDE BY WAY OF ILLUSTRATION:

(1) THE COMPENSATION OF AND EXPENSES INCURRED BY THE PNP OFFICERS DESIGNATED UNDER PART II OF THIS SUBTITLE;

(2) THE COMPENSATION OF AND EXPENSES INCURRED BY THE EXECUTIVE DIRECTOR AND STAFF OF PNP BOARD;

(3) THE EXPENSES INCURRED BY THE ZONING ADMINISTRATOR IN CARRYING OUT THE ADDITIONAL DUTIES IMPOSED ON THE ZONING ADMINISTRATOR BY THIS SUBTITLE; AND

(4) THE EXPENSES INCURRED BY THE ZONING BOARD IN CARRYING OUT THE ADDITIONAL NOTICE AND PUBLIC HEARING APPEAL REQUIREMENTS IMPOSED ON IT BY THIS SUBTITLE; AND

(5) THE EXPENSES INCURRED BY THE COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT IN CARRYING OUT THE ADDITIONAL DUTIES IMPOSED ON THE COMMISSIONER BY THIS SUBTITLE.

◆ 17-1A33. ANNUAL ASSESSMENT AND PAYMENT.

THE ANNUAL PNP IMPACT FEE IS AUTOMATICALLY ASSESSED AND PAYABLE, WITHOUT NEED FOR ANY NOTICE FROM THE CITY, ON A FISCAL YEAR (JULY 1 TO JUNE 30) BASIS.

◆ 17-1A33. WHEN PAYABLE.

(A) ANNUAL PAYMENT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE PNP IMPACT FEE FOR AN ENSUING FISCAL YEAR MUST BE PAID TO THE DIRECTOR OF FINANCE ON OR BEFORE THE JUNE 30 THAT IMMEDIATELY PRECEDES THAT FISCAL YEAR.

(B) INITIAL PAYMENT

FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT FIRST BEGINS TO MAKE ALCOHOLIC BEVERAGE SALES ON OR AFTER JULY 1 OF A FISCAL YEAR, THE PNP IMPACT FEE FOR THE CURRENT FISCAL YEAR MUST BE PAID TO THE DIRECTOR OF FINANCE ON OR BEFORE THE 30TH DAY AFTER THE DATE ON WHICH THE ESTABLISHMENT FIRST BEGAN SALES.

◆ 17-1A34. BASE FEE.

(A) ANNUAL PAYMENT.

EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BASE ANNUAL PNP IMPACT FEE DUE AND PAYABLE FOR AN ENSUING FISCAL YEAR IS \$350.

(B) INITIAL PAYMENT.

FOR AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT THAT FIRST BEGINS TO MAKE ALCOHOLIC BEVERAGE SALES ON OR AFTER JULY 1 OF A FISCAL YEAR, THE BASE PNP IMPACT FEE DUE AND PAYABLE FOR THE CURRENT FISCAL YEAR IS THE GREATER OF:

(1) THE BASE ANNUAL FEE PRORATED MONTHLY; AND

(2) \$175.

◆ 17-1A35. ENHANCED ANNUAL FEE.

(A) IN GENERAL.

IF A NOTICE OF VIOLATION HAS BEEN ISSUED TO AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT UNDER ◆ 17-1A04 {◆NOTICE OF [PNP REQUIREMENT] VIOLATION [BY PNP BOARD]◆} OR ◆ 17-1A18 {◆NOTICE OF [PNP REQUIREMENT] VIOLATION [BY PNP OFFICER]◆}, THE PNP BOARD MAY ASSESS THE ESTABLISHMENT WITH AN ENHANCED PNP IMPACT FEE.

(B) WHEN PAYABLE.

ONCE ASSESSED, THE ENHANCED FEE REPLACES THE BASE FEE FOR ENSUING FISCAL YEARS, BEGINNING WITH THE FISCAL YEAR IMMEDIATELY FOLLOWING THE DATE ON WHICH THE VIOLATION OCCURRED.

(C) SCHEDULE OF ENHANCEMENTS.

SUBJECT TO A REVERSION UNDER SUBSECTION (D) OF THIS SECTION, THE AMOUNT OF THE ENHANCED ANNUAL FEE FOR ENSUING FISCAL YEARS IS AS FOLLOWS:

ANNUAL FEE	NUMBER OF OFFENSES	ENHANCED
	FOR A 1ST OFFENSE	\$

500

FOR A 2ND OFFENSE WITHIN 24 MONTHS
OF PREVIOUS OFFENSE

1,000

FOR A 3RD OR SUBSEQUENT OFFENSE
WITHIN 24 MONTHS OF PREVIOUS OFFENSE

2,000

(D) REVERSION TO BASE FEE.

FOR ANY FISCAL YEAR THAT IMMEDIATELY FOLLOWS 24 MONTHS DURING WHICH NO VIOLATION HAS BEEN COMMITTED BY AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT, THE PNP IMPACT FEE REVERTS TO THE BASE FEE.

◆ 17-1A36. PERIODIC ADJUSTMENTS TO BASE AND ENHANCED FEES.

THE AMOUNTS OF THE BASE FEE AND CORRESPONDING SCHEDULE OF ENHANCEMENTS MAY BE PERIODICALLY ADJUSTED IN ACCORDANCE WITH THE CITY FEE SCHEDULE OR AS OTHERWISE APPROVED BY THE BOARD OF ESTIMATES TO REFLECT INCREASED COSTS AND EXPENSES.

◆ 17-1A37. LIEN FOR FEES; COLLECTION.

THE PNP IMPACT FEES IMPOSED ON AN ALCOHOLIC BEVERAGE SALES ESTABLISHMENT:

(1) ARE A LIEN ON THE PROPERTY OF THE ESTABLISHMENT; AND

(2) MAY BE COLLECTED AND ENFORCED IN THE SAME WAY THAT THE CITY COLLECTS AND ENFORCES DEBTS TO IT OR LIENS IN ITS FAVOR.

◆ 17-1A38. APPEAL TO BMZA.

(A) IN GENERAL.

ANY PERSON AGGRIEVED BY THE PNP BOARD'S ASSESSMENT OF AN ENHANCED PNP IMPACT FEE MAY APPEAL THAT ASSESSMENT TO THE ZONING BOARD, AS PROVIDED IN:

(1) SUBTITLE 2 {◆ADMINISTRATIVE APPEALS◆} OF THIS TITLE FOR AN APPEAL FROM A DECISION BY THE ZONING ADMINISTRATOR;

(2) ◆ 2-114 {◆PUBLIC HEARINGS◆} OF THIS ARTICLE; AND

(3) THIS SECTION.

(B) WHEN AND HOW TAKEN.

(1) WHEN TAKEN.

THE NOTICE OF APPEAL MUST BE FILED WITHIN 10 WORKING DAYS OF THE DATE ON WHICH NOTICE OF THE ASSESSMENT WAS GIVEN.

(2) HOW TAKEN.

THE NOTICE OF APPEAL:

(I) MUST BE FILED WITH THE PNP BOARD, IN THE FORM THAT RULES OF THE ZONING BOARD REQUIRE; AND

(II) MUST SPECIFY THE GROUNDS FOR THE APPEAL.

(3) TRANSMITTAL OF RECORDS.

ON RECEIPT OF A NOTICE OF APPEAL, THE ZONING ADMINISTRATOR MUST FORTHWITH TRANSMIT TO THE ZONING BOARD ALL OF THE PAPERS THAT CONSTITUTE THE RECORD OF THE ACTION APPEALED FROM.

(C) PUBLIC HEARING ON APPEAL.

NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, AN APPEAL UNDER THIS SECTION MUST BE CONDUCTED AS A PUBLIC HEARING AT WHICH THE ESTABLISHMENT, THE APPELLANT, A PNP BOARD REPRESENTATIVE, ALL PARTIES IN INTEREST AND AGGRIEVED PERSONS, AND MEMBERS OF THE GENERAL PUBLIC WILL HAVE AN OPPORTUNITY TO BE HEARD.

(D) PUBLIC NOTICE OF HEARING.

(1) IN ADDITION TO ANY OTHER NOTICE REQUIRED BY LAW, NOTICE OF THE HEARING MUST BE POSTED IN A CONSPICUOUS PLACE ON THE EXTERIOR OF THE PROPERTY.

(2) THE POSTED NOTICE MUST BE:

(I) IN THE FORM AND TENOR REQUIRED BY REGULATION OF THE ZONING BOARD;

(II) POSTED FOR AT LEAST 15 DAYS BEFORE THE SCHEDULED HEARING; AND

(III) GIVEN BY AND AT THE EXPENSE OF THE PERSON WHO FIRST FILED THE APPEAL.

(E) NO STAY OF ASSESSMENT.

NOTWITHSTANDING ♦ 17-203 {♦STAY OF PROCEEDINGS♦} OF THIS TITLE, THE FILING OF AN APPEAL UNDER THIS SECTION DOES NOT AUTOMATICALLY STAY PROCEEDINGS TO

ENFORCE COLLECTION OF THE ENHANCED PNP IMPACT FEE.

Subtitle 4. Enforcement by [Civil] Citation

◆ 17-401. In general.

(D) ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS.

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY, A VIOLATION OF A PNP REQUIREMENT MAY BE ENFORCED BY ISSUANCE OF:

(1) AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {◆ENVIRONMENTAL CONTROL BOARD◆}; OR

(2) A CIVIL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 41 {◆CIVIL CITATIONS◆}.

Subtitle 5. Criminal Penalties

Part I. In General

◆ 17-501. Prohibited conduct.

No person may:

(1) violate any provision of this article or of any notice or order issued under this article;

(2) refuse, neglect, omit, or otherwise fail to comply with any provision of this article or of any notice or order issued under this article; or

(3) resist the enforcement of any provision of this article or of any notice or order issued under this article.

◆ 17-502. Violation a misdemeanor.

Any person who violates, fails to comply with, or resists the enforcement of any provision of this article or of any notice or order issued under this article is guilty of a misdemeanor and, on conviction, is subject to the penalties specified in this subtitle.

◆ 17-503. Each day after notice a separate offense.

Each day that a violation continues after written notice from the Zoning Administrator constitutes a separate offense.

Part II. Penalties Enumerated

◆ 17-506. Basic penalty: \$500.

Except as otherwise specified in this subtitle, the penalty for a violation is a fine of not more than \$500 for each offense.

Baltimore City Code

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

◆ 40-14. Violations to which subtitle applies.

(e) Provisions and penalties enumerated.

(8) Zoning Code

◆ 2-402. Use permit required	\$500
◆ 3-107. Prohibited uses - storage, etc., of vehicles	\$ 50
◆ 17-401(c). Conditional-use live entertainment	\$500
◆ 17-401(D). VIOLATION OF PNP REQUIREMENT 1ST OFFENSE	\$500
2ND OR SUBSEQUENT OFFENSE WITHIN 12 MONTHS OF PREVIOUS OFFENSE	\$1,000

Subtitle 41. Civil Citations

◆ 41-14. Offenses to which subtitle applies ◆ Listing.

(7) Zoning Code

◆ 3-107. Prohibited uses - storage, etc., of vehicles	\$ 50
◆ 17-401(D). VIOLATION OF PNP REQUIREMENT 1ST OFFENSE	\$500
2ND OR SUBSEQUENT OFFENSE WITHIN 12 MONTHS OF PREVIOUS OFFENSE	\$1,000

Article 8. Ethics

Subtitle 7. Financial Disclosure

◆ 7-8. Persons required to file ◆ Agency officials and staff.

The following officials and employees must file the financial disclosure statements required by this subtitle:

(1A) ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION BOARD (◆PNP BOARD◆).

(I) MEMBERS OF PNP BOARD.

(II) EXECUTIVE DIRECTOR.

(III) ALL NON-CLERICAL EMPLOYEES OF THE BOARD.

(1B) ALCOHOLIC BEVERAGE SALES PUBLIC NUISANCE PREVENTION OFFICERS (◆PNP OFFICERS◆).

(I) ALL PNP OFFICERS.

SECTION 2. AND BE IT FURTHER ORDAINED, That:

(a) Within 3 months of the effective date of this Ordinance, the Zoning Administrator shall send notice of the enactment of this Ordinance to the licensee, according to the records of the Baltimore City Liquor Board, and the property owner, according to the City tax records, of each alcoholic beverage sales establishment that becomes a nonconforming use under the provisions of this Ordinance.

(b) The notice shall include a copy of:

(i) Zoning Article Title 12A {◆Performance Standards ◆ Alcoholic Beverage Sales Establishments◆}, as enacted by this Ordinance, and a statement of the need to comply with the performance standards contained in that title; and

(ii) Zoning Article Title 17, Subtitle 1A, Part III {◆Public Nuisance Prevention Impact Fee◆}, as enacted by this Ordinance, with instructions of when and how the first year's fee must be paid.

(c) The notice shall be sent by Certified Mail, Return Receipt Requested. If the notice is returned undelivered, then the notice shall be resent by regular U.S. First Class Mail.

(d) Failure of any person to receive a notice this section does not affect the nonconforming use status of the activity.

SECTION 3. AND BE IT FURTHER ORDAINED, That, for 1 year after the effective date of this Ordinance, the 1st violation by an alcoholic beverage sales establishment of a PNP Requirement, as defined in Zoning Article ◆ 1-175.4, may be enforced only by issuance of a warning.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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