

COUNCIL BILL 08-163

**MOCKUP TO SHOW TEXT OF
AMENDED BILL, WITHOUT MARKINGS**

A BILL ENTITLED

AN ORDINANCE concerning

Live Entertainment and Dancing – Zoning – Conditional Uses

FOR the purpose of allowing live entertainment and dancing, in conjunction with restaurants or taverns, as a conditional use in certain Business Districts; expanding the conditions to be considered before granting a conditional use for restaurants or taverns to provide live entertainment or dancing; requiring the Zoning Board to maintain and periodically provide to the City Council certain information about all pending applications for all conditional uses; authorizing the issuance of environmental citations for violations of conditions, etc., imposed on live entertainment or dancing uses; correcting, conforming, and clarifying related provisions; and generally relating to the zoning and related requirements for restaurants and taverns providing live entertainment or dancing.

BY repealing and reordaining, without amendments

Article - Zoning

Section(s) 1-153.1, 1-182.2, 1-194.2, 3A-106(8), 6-306(71) and (82), 6-308(1), 6-406(1), (57), and (65), 6-506(1), (23), and (27), 6-606(1), 7-306(56) and (68), 7-307(9) and (12), 8-407(b)(4), 14-103(a)

Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 6-208(15), 14-103(e), 14-309

Baltimore City Revised Code
(Edition 2000)

BY adding

Article - Zoning

Section(s) 6-308(21), 14-201(f), 17-401(c)

Baltimore City Revised Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1. Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(8)

Baltimore City Code
(Edition 2000)

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

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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

§ 1-153.1. Live entertainment.

(a) *In general.*

“Live entertainment” means any one or more of any of the following, performed live by one or more persons, whether or not done for compensation and whether or not admission is charged:

- a. musical act (including karaoke);
- b. theatrical act (including stand-up comedy);
- c. play;
- d. revue;
- e. dance;
- f. magic act;
- g. disc jockey; or
- h. similar activity.

(b) *Exclusions.*

“Live entertainment” does not include adult entertainment, as defined in § 1-106 of this subtitle.

§ 1-182.2. Restaurant – including live entertainment or dancing.

“Restaurant – including live entertainment or dancing” means a restaurant at which live entertainment, dancing, or both may be provided as an accessory use.

§ 1-194.2. Tavern – including live entertainment or dancing.

“Tavern – including live entertainment or dancing” means a tavern at which live entertainment, dancing, or both may be provided as an accessory use.

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Title 3A. Open Space Districts

§ 3A-106. Conditional uses – Board approval required.

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

- (8) Restaurants – including live entertainment or dancing, and accessory outdoor table service – but only if located in a public park.

Title 6. Business Districts

§ 6-208 {B-1} Conditional use — Board approval required.

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

- (15) Restaurants – including LIVE ENTERTAINMENT AND DANCING, AND INCLUDING accessory outdoor table service[, but not including live entertainment or dancing].

§ 6-306. {B-2} Permitted uses.

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

- (71) Restaurants – but not including live entertainment or dancing, and not including accessory outdoor table service.
- (82) Taverns – but not including live entertainment or dancing.

§ 6-308. {B-2} 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).
- (21) TAVERNS – INCLUDING LIVE ENTERTAINMENT AND DANCING.

§ 6-406. {B-3} Permitted uses.

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 accessory outdoor table service.
- (65) Taverns – including live entertainment and dancing.

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§ 6-506. {B-4} Permitted uses.

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.
- (27) Taverns – including live entertainment and dancing.

§ 6-606. {B-5} Permitted uses.

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

- (1) As in a B-3 or B-4 District.

Title 7. Industrial Districts

§ 7-306. {M-2} Permitted uses.

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

- (56) Restaurants – including accessory outdoor table service, but not including live entertainment or dancing.
- (68) Taverns – but not including live entertainment or dancing.

§ 7-307. {M-2} Conditional uses — Board approval required.

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

- (9) Restaurants – including live entertainment and dancing— 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.

Title 8. Overlay Districts

§ 8-407. {Maritime Industrial} Use regulations.

(b) *Prohibited uses.*

Notwithstanding any other provision of this article, the following uses are prohibited within the Overlay District:

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- (4) Restaurants, other than accessory without live entertainment or dancing.

Title 14. Conditional Uses

§ 14-103. Imposition of conditions.

(a) *When authorized.*

Before the Board or City Council, as the case may be, approves any conditional use, it may impose on the establishment, location, construction, maintenance, and operation of the conditional use any conditions, restrictions, or limitations that the Board or City Council considers necessary or desirable to:

- (1) reduce or minimize any effect of the use on other properties in the neighborhood;
- (2) secure compliance with the standards and requirements of this title; and
- (3) better carry out the intent and purposes of this article.

(e) *Compliance required.*

Failure to comply with any condition, restriction, or limitation imposed under this [section] TITLE constitutes a violation of this article.

§ 14-201. Applications.

(F) *LIST OF PENDING APPLICATIONS.*

- (1) THE BOARD MUST MAINTAIN A LIST OF ALL PENDING APPLICATIONS FOR A CONDITIONAL USE.
- (2) THE LIST MUST BE ARRANGED BY COUNCIL DISTRICT AND INCLUDE, FOR EACH APPLICATION:
 - (I) THE PROPERTY'S ADDRESS AND ZONING DISTRICT;
 - (II) THE APPLICANT'S NAME AND CONTACT INFORMATION;
 - (III) THE PROPOSED USE OF THE PROPERTY;
 - (IV) THE DATE THE APPLICATION WAS FILED; AND
 - (V) THE DATE OF THE HEARING BEFORE THE BOARD.
- (3) AT LEAST MONTHLY, THE BOARD MUST SUBMIT A COPY OF THE CURRENT LIST TO THE PRESIDENT AND MEMBERS OF THE CITY COUNCIL.

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§ 14-309. RESTAURANTS OR TAVERNS WITH LIVE entertainment or dancing.

(A) *SCOPE.*

THIS SECTION APPLIES TO ANY RESTAURANT OR TAVERN THAT SEEKS A CONDITIONAL-USE AUTHORIZATION TO PROVIDE LIVE ENTERTAINMENT, DANCING, OR BOTH AS AN ACCESSORY USE.

(B) *APPLICATION.*

(1) IN ADDITION TO THE INFORMATION REQUIRED UNDER § 14-201 {"APPLICATIONS"} OF THIS TITLE OR OTHERWISE REQUIRED BY THE BOARD, THE APPLICATION FOR CONDITIONAL USE MUST INCLUDE:

- (i) A DESCRIPTION OF THE TYPE OF LIVE ENTERTAINMENT OR DANCING TO BE PROVIDED; AND
- (ii) A FLOOR PLAN, IN THE FORM AND WITH THE DETAIL THAT THE BOARD REQUIRES, OF:
 - (A) THE ESTABLISHMENT GENERALLY; AND
 - (B) THE LIVE ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT.

(2) IF DANCING IS TO BE PROVIDED, THE FLOOR PLAN MUST SHOW:

- (i) THE LOCATION AND DIMENSIONS OF THE DANCE FLOOR; AND
- (ii) THE MAXIMUM AUTHORIZED OCCUPANT LOAD, AS APPROVED BY THE FIRE DEPARTMENT, FOR ALL CONFIGURATIONS OF:
 - (A) THE ESTABLISHMENT GENERALLY; AND
 - (B) THE DANCING VENUE WITHIN THE ESTABLISHMENT.

(C) *IMPOSITION OF CONDITIONS.*

[For a restaurant or tavern operating with live entertainment or dancing as an accessory use] IN APPROVING A CONDITIONAL USE, the Board must [consider imposing] IMPOSE conditions, as appropriate, concerning:

- (1) days and hours [of operation]:
 - (i) OF THE ESTABLISHMENT'S GENERAL OPERATIONS AS A RESTAURANT OR TAVERN; AND
 - (ii) OF THE LIVE ENTERTAINMENT OR DANCING TO BE PROVIDED;
- (2) use of amplification, noise levels, and need for noise proofing;

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- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only;
- (8) PROXIMITY OF RESIDENCES, SCHOOLS, RELIGIOUS INSTITUTIONS, OR PARKS TO THE ESTABLISHMENT;
- (9) MAXIMUM AUTHORIZED OCCUPANT LOADS OF THE ESTABLISHMENT AND OF THE LIVE ENTERTAINMENT OR DANCING VENUE WITHIN THE ESTABLISHMENT;
- (10) VOLUME AND TYPES OF VEHICULAR AND PEDESTRIAN TRAFFIC IN THE AREA OF THE ESTABLISHMENT; and
- (11) [(8)] the establishment and maintenance of:
 - (i) a traffic [and parking] management plan; [and]
 - (II) A PARKING MANAGEMENT PLAN;
 - (III) [(ii)] an indoor and outdoor security plan; AND
 - (IV) A SANITATION PLAN.

Title 17. Enforcement and Penalties

Subtitle 4. Enforcement by Civil Citation

§ 17-401. In general.

(C) *CONDITIONAL-USE LIVE ENTERTAINMENT.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, § 14-103 {“CONDITIONAL USES: IMPOSITION OF CONDITIONS”, AS APPLIED TO RESTAURANTS OR TAVERNS WITH LIVE ENTERTAINMENT OR DANCING, AND § 14-309 {“CONDITIONAL USES: RESTAURANTS, TAVERNS WITH LIVE ENTERTAINMENT AND DANCING”} OF THIS ARTICLE, MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION UNDER CITY CODE ARTICLE 1, SUBTITLE 40 {“ENVIRONMENTAL CONTROL BOARD”}.

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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

SECTION 2. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.