

Baltimore bar owners could get mired in live entertainment measure's paperwork

by Rachel Bernstein, *Baltimore Business Journal*, October 27, 2009

A City Council bill expanding live entertainment may have Baltimore's bar and restaurant owners thinking twice before lining up for a permit because of a rigorous application process from city agencies. While the added feature of live music might bring in the money for taverns and restaurants, owners must apply and be subjected to rules from both the city's zoning authority and the state liquor board.

"It's trying to correct what was an antiquated and kind of foolish bunch of definitions," said Tony Foreman, owner of Pazo Restaurant in Harbor East. The Mediterranean eatery was allowed to have a disc jockey, but the DJ could not speak while spinning records because it would be considered live entertainment.

Baltimore City Council passed legislation Monday to allow bars and restaurants in Baltimore to hire bands, singers and other performers. City Mayor Sheila Dixon must sign the measure before it becomes law, which would overturn the prohibition on live entertainment in certain areas since 1971. At that time, businesses were re-zoned into "B1" and "B2" designations, depending on how close the businesses were to residences.

The bill allows the city's Board of Municipal and Zoning Appeals to give permission for live music, then restaurant and bar owners will need to get approval from the state liquor board.

Two complimentary bills also were passed to address neighborhood concerns about bars or restaurants that repeatedly drew complaints. One would strip the food license of a tavern or bar that gets multiple citations, the other would allow the zoning board to take away the live entertainment permit if neighbors complain.

But neighborhood association leaders say they hope the restrictions make bar owners think before applying for the permit.

Paul Robinson, president of the Federal Hill Neighborhood Association, points to the 34 liquor licensed businesses in a three-square-block radius of Cross Street Market to why recourse might be needed.

"We're opening the floodgates here; there's huge potential for increase in traffic," Robinson said.

Association leaders and the agencies alike may have many applications to sift through and enforce, he said.

City Councilman William H. Cole said the supplementary bills will also help the city crack down on bars that have gotten complaints even without live music. Most of the bars are capable of adhering to the rules, but with the zoning board's ability to strip a bar's conditional use permit, it can also give way to shutting down bars that become neighborhood nuisances, Cole said. Cole was among those on the council who switched his vote after opposing the bill earlier this year.

“Getting back [dancing] is something we look forward to,” Foreman said. “People can't figure out why it has turned into 'Footloose,' because we're in the wrong zoning for dancing.”