

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2014, Legislative Day No. 7

Bill No. 16-14

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All Councilmembers  
By Request of County Executive

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By the County Council, April 7, 2014

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A BILL  
ENTITLED

AN ACT concerning

Zoning Regulations - Hookah Lounges, Vapor Lounges—Definitions and  
Limitations

FOR the purpose of allowing Hookah Lounges and Vapor Lounges in the B.L. Zone;

limiting the operating hours of hookah and vapor lounges; defining certain terms;

making technical changes; providing for the application of this act; and generally

establishing certain restrictions for hookah and vapor lounges

By adding

Section 101.1, Definition of “Hookah Lounge”

Section 101.1, Definition of “Vapor Lounge”

Baltimore County Zoning Regulations, as amended

By repealing and re-enacting, with amendments.

Sections 101.1, Definition of Striptease Business and 230.1

Baltimore County Zoning Regulations, as amended

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF  
2 BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations  
3 shall read as follows:

4  
5 Section 101.1. Definitions:

6 HOOKAH LOUNGE. ANY FACILITY, ESTABLISHMENT, OR LOCATION  
7 WHOSE BUSINESS OPERATION, WHETHER AS ITS PRIMARY USE OR AS AN  
8 ANCILLARY USE, INCLUDES THE SMOKING OF TOBACCO OR OTHER  
9 SUBSTANCES THROUGH ONE OR MORE HOOKAH PIPES (ALSO COMMONLY  
10 REFERRED TO AS A HOOKAH, WATERPIPE, SHISHA OR NAREGHILE),  
11 INCLUDING BUT NOT LIMITED TO ESTABLISHMENTS KNOWN VARIOUSLY  
12 AS HOOKAH BARS, HOOKAH LOUNGES OR HOOKAH CAFES. A HOOKAH  
13 LOUNGE MAY ONLY OPERATE ~~BETWEEN 6:00 A.M. AND 8:00 P.M. SUNDAY~~  
14 ~~THROUGH THURSDAY AND 6:00 A.M. AND 9:00 P.M. FRIDAY AND~~  
15 ~~SATURDAY~~ FROM 6:00 A.M. TO 12 A.M.

16 VAPOR LOUNGE. ANY FACILITY, ESTABLISHMENT, OR LOCATION,  
17 WHETHER FIXED OR MOBILE, WHOSE BUSINESS OPERATION, WHETHER AS  
18 ITS PRIMARY USE OR AS AN ANCILLARY USE, INCLUDES THE UTILIZATION  
19 OF A HEATING ELEMENT THAT VAPORIZES A SUBSTANCE THAT RELEASES  
20 NICOTINE, TOBACCO, FLAVORED VAPOR OR OTHER SUBSTANCES,  
21 THROUGH ONE OR MORE ELECTRONIC OR BATTERY OPERATED DELIVERY  
22 DEVICE, INCLUDING ANY DEVICE KNOWN AS AN ELECTRONIC CIGARETTE  
23 (ALSO COMMONLY REFERRED TO AS E-CIG, E-CIGARETTE, E-PIPE,

1 ELECTRONIC CIGARILLO, HOOKAH PEN, E-HOOKAH, VAPE PEN, VAPE PIPE  
2 OR ANY OTHER ELECTRONIC CIGARETTE PRODUCT), INCLUDING BUT NOT  
3 LIMITED TO, ESTABLISHMENTS KNOWN VARIOUSLY AS VAPE BARS, VAPE  
4 LOUNGES, E-CIGARETTE BARS OR VAPE CAFES. A VAPOR LOUNGE MAY  
5 ONLY OPERATE ~~BETWEEN 6:00 A.M. AND 8:00 P.M. SUNDAY THROUGH~~  
6 ~~THURSDAY AND 6:00 A.M. AND 9:00 P.M. FRIDAY AND SATURDAY~~ FROM 6  
7 A.M. TO 12 A.M.

8 Striptease Business. A commercial establishment where persons appear in a state  
9 of total or partial nudity in person. Such establishment shall, for example, include, but not  
10 be limited to, a restaurant, nightclub, dance club, HOOKAH LOUNGE, VAPOR  
11 LOUNGE, or social hall if such entertainment is provided as an accessory or principal  
12 use. A striptease business, including the building or portion thereof that contains or  
13 advertises the business, must be located at least 1,000 feet from a dwelling, church, park,  
14 child care center or school [existing on the effective date of this legislation] and be  
15 arranged to that the interior is not visible from the outside. A striptease business may not  
16 operate between 2:00 a.m. and 6 a.m.

17 For the purpose of this definition, an establishment which is duly licensed by the  
18 Board of Liquor LICENSE Commissioners for Baltimore County and which features  
19 striptease dancing, nudity or partial nudity as an accessory use shall be considered a  
20 striptease establishment, except that it shall satisfy the setback limitation established  
21 hereinabove for a striptease business.

22 The one-thousand-foot distance requirement shall be considered an area  
23 requirement and, in addition to the authority and limitations set forth in Section 307.1 of

1 these regulations, a variance be granted if strict compliance with said setback would  
2 result in severe economic circumstances, which are not the result of actions by the  
3 petitioner.

4 Section 230, Business, Local (B.L.) Zone Use Regulation

5 §230.1 Permitted Uses.

6 The following uses are permitted (See Section 230.2):

- 7 Alcoholic beverage package store
- 8 Amusement devices, subject to the provisions of Section 422
- 9 Animal grooming facility
- 10 Antique shop
- 11 Arcade, subject to the provisions of Section 423. A
- 12 Automobile accessory shop
- 13 Automobile parking lot
- 14 Bakery, but goods baked on the premises must be sold only at retail on the premises,  
15 except that wholesale operations are permitted if the bakery is located in a commercial  
16 revitalization district and if the retail component of the bakery fronts the street and the  
17 wholesale operations are limited to no more than 30% of the building's square footage
- 18 Barbershops and beauty shops
- 19 Billiard and pool rooms
- 20 Bowling alley
- 21 Camera, photo-supply or film-processing shops or pickup stations (including "drive-  
22 by" facilities)

- 1 Candy store, but goods made on the premises must be sold only at retail on the
- 2 premises, except that retail sales may be supplemented with Internet sales, provided that
- 3 the retail component of the store fronts the street
- 4 Clothing and accessory stores
- 5 Commercial film production, subject to Section 435
- 6 Dairy products store
- 7 Department store
- 8 Dressmaking and millinery establishments
- 9 Drugstore
- 10 Dry-cleaning establishment, coin-operated, or retail store plant, etc. (as regulated by
- 11 the Baltimore County Building Code, Baltimore County Fire, Health and Police
- 12 Regulations)
- 13 Dry-cleaning pickup station
- 14 Duplicating service business
- 15 Electrical contractors and appliance repair shop
- 16 Florist
- 17 Food store
- 18 Fortune-telling establishments
- 19 Fuel service stations in a planned shopping center or drive-in cluster only, subject to
- 20 Section 405
- 21 Furniture and upholstery stores
- 22 Garden center
- 23 Gift shop

- 1 Hand laundry employing not more than five persons
- 2 Hardware store
- 3 Helistop
- 4 Hobby shop
- 5 HOOKAH LOUNGE
- 6 Household appliance store
- 7 Jewelry store
- 8 Laundromat or self-service laundry
- 9 Laundry-pickup station
- 10 Medical clinic
- 11 Neighborhood car rental agency, subject to Section 408A
- 12 Parking lot
- 13 Pet shop
- 14 Photographic studio
- 15 Picnic grove
- 16 Public utility service center
- 17 Radio shop
- 18 Radio studio
- 19 Rail passenger stations, subject to Section 434
- 20 Recreational vehicle parking lot
- 21 Residential art salon
- 22 Secondhand store
- 23 Shoe repair shop

1 Social clubs and fraternal organizations

2 Sporting goods store

3 Stationery store

4 Swimming pool

5 Tailor shop.

6 Tavern

7 Television shop

8 Television studio

9 Temporary or occasional outdoor sales of cut flowers or live plants (not in connection  
10 with florists' establishments), provided that the sales area does not exceed 200 square feet  
11 and that the sales are carried on for no more than 120 days per year. Before approving an  
12 application for any license required, the Zoning Commissioner must approve a site plan  
13 for the premises, showing the sales area and the dates on which flowers or plants are to be  
14 sold. Any provision of these regulations to the contrary notwithstanding, the Zoning  
15 Commissioner's approval of such a license shall expire one year after its issuance;  
16 however, such a license may be reapproved annually upon request of the licensee

17 Theater, if located in a Commercial Revitalization District on a site formerly used as a  
18 theater

19 Transit facilities

20 VAPOR LOUNGE

21 Variety and dry goods store

22 Veterinarian's office

23 Veterinarianium

1       Wireless telecommunications antennas or wireless telecommunications towers, subject  
2 to Section 426

3               SECTION 2. AND BE IT FURTHER ENACTED, that a hookah lounge or vapor  
4 lounge lawfully in existence on or before the effective date of this act shall comply with  
5 the operating hours requirements of this act not more than 45 days after the effective date.

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7               SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having passed by  
8 the affirmative vote of five members of the County Council, shall take effect on May 18,  
9 2014.