



City of Annapolis
Planning Commission
Department of Planning & Zoning
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Recommendation

Ordinance O-22-23, Creation of Art Establishment Beer and Wine 3 License

November 7, 2023

Background

The purpose of this ordinance is to establish a new City of Annapolis beer and wine license for nonprofit art establishments as authorized by MD. Alcoholic Beverages Code § 10-1001 which was added following the adoption of House Bill 352 and Senate Bill 472 by the 2023 General Assembly. The ordinance creates a new definition for “art establishment” in Title 7 - BUSINESS LICENSE, TAXES AND REGULATIONS which is consistent with the definition established by the House Bill and Senate Bill, and the MD. Alcoholic Beverages Code.

Eric Leshinsky, Chief of Comprehensive Planning gave an overview of the legislation which is the local implementation of the House Bill which was signed by Governor Moore in May 2023. The ordinance establishes an annual beer and wine license for non-profit art establishments versus the requirement for individual permits for each event. Non-profit organizations typically spend considerable time and money on stand alone permits for specific events and this legislation is aimed at expediting the process.

Planning Commission Public Hearing

The Planning Commission held a public hearing over the course of two meetings on October 12, 2023 and October 19, 2023. No members of the public provided testimony during either meeting.

Deliberation And Recommendation

The Commissioners discussed the language of the legislation which does not define the hours of events where the sale of beer and wine could occur. The Commission concluded that the lack of specificity might lead to sale of alcohol beyond the limited times of artistic performances, special artistic events and exhibitions, essentially allowing an arts establishment to operate as bar or social club.

The Commissioners asked staff to clarify this issue. Mr. Leshinsky distributed the response from the Office of Law. In summary, the state law created the license, but the City Alcoholic Beverage Control Board is tasked with setting hours and other limitations.

However, the Planning Commission strongly suggests to the City Council that the enabling ordinance be amended to reasonably limit the sale of alcohol to the times of performances, special events and exhibition openings. With this recommendation, the Planning Commission recommends APPROVAL of O-22-23.

On October 19, 2023 a vote was held and the motion passed 5-1 (Iams, Pico, Pline, Sfakiyanudis, Waldman in favor; Butler opposed).

Alex P. Pline

Chair, Alex Pline

Teresa Rubio-Dorsey (by Alex Pline)

Vice Chair, Teresa Rubio-Dorsey

Benjamin N. Sale (by Alex Pline)

Member, Benjamin N. Sale

Diane Butler (by Alex Pline)

Member, Diane Butler

David Iams (by Alex Pline)

Member, David Iams

Thomas Sfakiyanudis (by Alex Pline)

Member, Thomas Sfakiyanudis

Robert H. Waldman (by Alex Pline)

Member, Robert H. Waldman