

CITY OF BALTIMORE
COUNCIL BILL 11-0658
(First Reader)

Introduced by: The Council President
At the request of: The Administration (Department of Transportation)
Introduced and read first time: March 7, 2011
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Transportation, Department of Finance, Environmental Control Board, Board of Estimates

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Traffic Mitigation – Establishing Traffic-Mitigation Zones**

3 FOR the purpose of modifying the requirements for certain development projects to mitigate their
4 impacts on City traffic; requiring the Department of Transportation to review certain
5 development projects; defining certain terms; designating certain areas to be
6 Traffic-Mitigation Zones; providing for payments in lieu of Traffic-Mitigation studies;
7 establishing how these payments are to be calculated; creating certain exceptions;
8 authorizing certain traffic-mitigation projects; and generally relating to the requirements and
9 procedures for building and zoning code permits and authorizations.

10 BY authority of
11 Article II - General Powers
12 Section(s) (40) and (47)
13 Baltimore City Charter
14 (1996 Edition)

15 BY repealing and reordaining, with amendments
16 Article - Building, Fire, and Related Codes
17 Section(s) 2-103 (IBC §§ 105.3(4), 105.3.1, 105.3.3, and 105.3.4)
18 Baltimore City Revised Code
19 (Edition 2000)

20 BY adding
21 Article - Building, Fire, and Related Codes
22 Section(s) 2-103 (IBC Chapter 38)
23 Baltimore City Revised Code
24 (Edition 2000)

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

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1 BY transferring, with amendments
2 Article - Building, Fire, and Related Codes
3 Section(s) 2-103 (IBC § 105.3.2)
4 to
5 Section(s) 2-103 (IBC § 105.3.1.2 and Chapter 38)
6 Baltimore City Revised Code
7 (Edition 2000)

8 BY repealing and reordaining, with amendments
9 Article - Zoning
10 Section(s) 2-305, 2-403(c), 13-704(b), 14-201(d) and (e), and 16-301(b)
11 Baltimore City Revised Code
12 (Edition 2000)

13 BY repealing and reordaining, with amendments
14 Article 1 - Mayor, City Council, and Municipal Agencies
15 Section(s) 40-14(e)(5a)
16 Baltimore City Code
17 (Edition 2000)

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

20 **Baltimore City Revised Code**

21 **Article – Building, Fire, and Related Codes**

22 **Part II. International Building Code**

23 **§ 2-103. City modifications.**

24 The additions, deletions, amendments, and other modifications adopted by the City are as
25 follows:

26 **Chapter 1. Administration**

27 **Section 105 Permits**

28 **105.3 Application for permit.** To obtain a permit, the applicant must first file an
29 application on the form provided by the Building Official for that purpose. The application
30 must:

31 . . .

- 32 4. specify the gross floor area, as defined in [§ 105.3.2.1] ZONING CODE § 1-304,
33 involved in the proposed work,

34 . . .

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105.3.1 Action on application[– General].

105.3.1.1 GENERAL. The Building Official must examine all applications for permits within a reasonable time after filing. If the application or the proposed work does not conform to the requirements of this Code or any other applicable law, the Building Official must reject the application in writing, stating the reasons for the rejection. If the Building Official is satisfied that the application and the proposed work conform to the requirements of this Code and all other applicable laws, the Building Official must issue the permit as soon as practicable.

105.3.1.2 [105.3.2.2] Referral [to DoT] TO ASSESS NEED FOR TRAFFIC MITIGATION. Within 15 business days of receiving a completed application, the Building Official must refer the application and all accompanying documents to the Director of Transportation, FOR REVIEW AND ACTION UNDER CHAPTER 38 {"TRAFFIC MITIGATION"} OF THIS CODE, if:

1. TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED WORK HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS CODE OR THE BALTIMORE CITY ZONING CODE; AND
2. the proposed work:
 - A. IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED UNDER CHAPTER 38 {"TRAFFIC MITIGATION"} OF THIS CODE,
 - B. [1.] involves 15,000 sq. ft. or more of gross floor area (AS DEFINED IN ZONING CODE § 1-304), [and] OR
 - C. INVOLVES 50 OR MORE DWELLING UNITS [2. a traffic-impact study for the proposed work has not already been undertaken in accordance with the Baltimore City Zoning Code].

105.3.2 [105.3.3] Time limitation of application. {As in IBC [§ 105.3.2]}

105.3.3 [105.3.4] Bond for exterior removal of formstone, paint, etc. An application for a permit to remove formstone, paint, or other material from exterior surfaces must be accompanied by evidence satisfactory to the Building Official that the applicant has obtained a bond to cover the City's expense in the event of a spill or failure to properly dispose of hazardous waste. The bond must be in an amount of at least \$5,000.

CHAPTER 38. TRAFFIC MITIGATION

SECTION 3801 DEFINITIONS

3801.1 GENERAL. IN THIS CHAPTER, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

3801.1.1 DIRECTOR. "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION OR THE DIRECTOR'S DESIGNEE.

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[105.3.2 Action on application – Traffic-impact study.]

3801.1.2 [105.3.2.1 “Gross floor area” defined] GROSS FLOOR AREA. [In this § 105.3.2, “gross] “GROSS floor area” means the area specified in § 1-304 of the Baltimore City Zoning Code.

3801.1.3 SUBSTANTIAL REHABILITATION. “SUBSTANTIAL REHABILITATION” MEANS ANY PROPOSED WORK THAT WILL RESULT IN A CHANGE IN THE USE OF A PROPERTY FROM ONE TO ANOTHER OF THE USAGE CATEGORIES ESTABLISHED BY RULE OR REGULATION FOR DETERMINING THE NUMBER OF TRIPS GENERATED BY A USE.

3801.1.4 TRAFFIC-MITIGATION ZONE. “TRAFFIC-MITIGATION ZONE” OR “ZONE” MEANS A GEOGRAPHIC AREA DESIGNATED BY THIS CHAPTER FOR HEIGHTENED REVIEW OF THE POTENTIAL IMPACT OF DEVELOPMENT ON THE AREA’S TRANSPORTATION NETWORK.

SECTION 3802 SCOPE OF CHAPTER

3802.1 CITY EXEMPT. THIS CHAPTER DOES NOT APPLY TO ANY PROJECT CONSTRUCTED OR OWNED BY THE CITY OF BALTIMORE.

3802.2 [105.3.2.3 Study criteria] OUTSIDE OF A TRAFFIC-MITIGATION ZONE. A traffic-impact study is required [if the] FOR ANY proposed work OUTSIDE OF A TRAFFIC-MITIGATION ZONE IF THE PROPOSED WORK involves any 1 of the following:

1. an impact area[, as determined by the Director of Transportation,] that includes an intersection performing at Level of Service D or worse, [or]
2. [100] 50 or more dwelling units, or
3. a gross floor area that equals or exceeds:
 - a. for a warehouse use, [150,000] 100,000 sq. ft., or
 - b. for any other use OR COMBINATION OF USES, 50,000 sq. ft.

3802.2.1. DETERMINATION OF IMPACT AREA. FOR PURPOSES OF THIS § 3802.2, AN IMPACT AREA MAY NOT HAVE A RADIUS OF MORE THAN ½ MILE, UNLESS THE DIRECTOR, IN ACCORDANCE WITH THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER, DETERMINES THAT EXTRAORDINARY CIRCUMSTANCES EXIST THAT REQUIRE THAT A LARGER IMPACT AREA OF UP TO 1 MILE BE CONSIDERED.

3802.3 WITHIN A TRAFFIC-MITIGATION ZONE. A TRAFFIC-MITIGATION FEE IS REQUIRED FOR ANY PROPOSED NEW CONSTRUCTION OR SUBSTANTIAL REHABILITATION WITHIN A TRAFFIC-MITIGATION ZONE IF THE PROPOSED WORK INVOLVES ANY 1 OF THE FOLLOWING:

1. 10 OR MORE DWELLING UNITS, OR
2. A GROSS FLOOR AREA THAT EQUALS OR EXCEEDS:

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1 A. FOR A WAREHOUSE USE, 100,000 SQ. FT., OR

2 B. FOR ANY OTHER USE OR COMBINATION OF USES, 50,000 SQ. FT.

3 **3802.4 [105.3.2.4] DoT initial determination.** Within 20 business days [of the referral of
4 an] AFTER AN application HAS BEEN REFERRED TO THE DIRECTOR OF TRANSPORTATION
5 UNDER § 105.3.1.2 {"REFERRAL TO ASSESS NEED FOR TRAFFIC-MITIGATION"} OF THIS CODE,
6 the Director [of Transportation] must review the application and notify the [Building
7 Official] REFERRING OFFICIAL and the applicant:

8 1. whether and, if so, what additional information is needed to evaluate the application,
9 or

10 2. if no additional information is needed:

11 A. WHETHER THE PROPOSED PROJECT IS IN A TRAFFIC-MITIGATION ZONE, AND IF
12 SO, WHETHER THE DEVELOPER OF A PROJECT MUST PAY A
13 TRAFFIC-MITIGATION FEE UNDER § 3806 {"TRAFFIC-MITIGATION FEE"} OF
14 THIS CHAPTER,

15 B. [a.] whether, under the criteria set forth in [§ 105.3.2.3] THIS § 3802, a
16 traffic-impact study will be required, and

17 C. [b.] if a traffic-impact study will be required, the estimated expenses for
18 undertaking or contracting for the study.

19 **3803 [105.3.2.9] DoT rules and regulations.**

20 **3803.1 [105.3.2.9.1] In general.** The Department of Transportation [may] MUST adopt
21 rules and regulations to carry out this CHAPTER [§ 105.3.2.].

22 **3803.2 CONTENTS.** THESE RULES AND REGULATIONS:

23 1. MUST INCLUDE:

24 A. PROCEDURES FOR DETERMINING THE NUMBER OF TRIPS TO BE ATTRIBUTABLE
25 TO PROJECTS IN A PARTICULAR TRAFFIC-MITIGATION ZONE OR SUB-ZONE,

26 B. PROCEDURES FOR DETERMINING WHAT CONSTITUTE EXTRAORDINARY
27 CIRCUMSTANCES REQUIRING THAT AN IMPACT AREA OF UP TO A 1 MILE RADIUS
28 BE CONSIDERED FOR PURPOSES OF § 3802.2, AND

29 C. A SCHEDULE OF THE FEES THAT AN APPLICANT MAY BE CHARGED UNDER
30 § 3804,

31 2. MAY ESTABLISH:

32 A. USAGE CATEGORIES FOR DETERMINING THE NUMBER OF TRIPS GENERATED BY
33 DIFFERING USES WITHIN TRAFFIC-MITIGATION ZONES, AND

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1 B. PROCEDURES FOR DESIGNATING, WITHIN TRAFFIC-MITIGATION ZONES,
2 SUB-ZONES WITH DIFFERING TRIP-GENERATION FORMULAS, AND

3 3. MAY INCLUDE ANY OTHER PROCEDURES, STANDARDS, OR REQUIREMENTS CONSISTENT
4 WITH THIS CHAPTER.

5 **3803.3 PUBLIC REVIEW.** ALL PROPOSED RULES AND REGULATIONS UNDER THIS CHAPTER
6 MUST BE PUBLISHED FOR PUBLIC COMMENT ON THE DEPARTMENT OF TRANSPORTATION'S
7 WEBSITE BY THE DIRECTOR FOR AT LEAST 30 DAYS. DURING THE 30 DAY PUBLIC COMMENT
8 PERIOD THE DIRECTOR MUST HOLD 1 OR MORE PUBLIC HEARINGS ON THE PROPOSED RULES
9 AND REGULATIONS. AFTER THIS PUBLICATION AND HEARING, THE DIRECTOR MAY MODIFY
10 AND ADOPT RULES AND REGULATIONS BY FILING A COPY OF THE FINAL RULES AND
11 REGULATIONS WITH THE DIRECTOR OF LEGISLATIVE REFERENCE.

12 **3803.4 [105.3.2.9.2] Filing.** A copy of all rules and regulations adopted under this CHAPTER
13 [§ 105.3.2.] must be filed with:

- 14 1. the Building Official,
- 15 2. the Zoning Administrator,
- 16 3. the Board of Municipal and Zoning Appeals, and
- 17 4. the Director of Legislative Reference.

18 SECTION 3804 TRAFFIC-IMPACT STUDY

19 **3804.1 SCOPE OF SECTION.** THIS § 3804 IS APPLICABLE TO ALL PROPOSED PROJECTS
20 LOCATED OUTSIDE OF A TRAFFIC-MITIGATION ZONE.

21 **3804.2 [105.3.2.5] How conducted.**

22 **3804.2.1 [105.3.2.5.1] By DoT or consultant.** The Department of Transportation may
23 itself undertake the study or contract with independent consultants for the study, as the
24 Director [of Transportation] considers necessary or appropriate.

25 **3804.2.1.1 CONSULTANT CONFLICTS.** FOR A CONSULTANT TO BE ELIGIBLE TO
26 UNDERTAKE A TRAFFIC-IMPACT STUDY, THE CONSULTANT MUST CERTIFY TO THE
27 DIRECTOR, IN THE MANNER PRESCRIBED BY THE DIRECTOR, THAT THE CONSULTANT IS
28 FREE OF ANY CONFLICTS OF INTEREST.

29 **3804.2.2 [105.3.2.5.2] Scope of study.** The area and scope of each study is to be
30 determined by the Department of Transportation.

31 **3804.3 [105.3.2.6] Expenses.** All reasonable expenses incurred in undertaking or
32 contracting for the study must be paid by the applicant, [as an additional service charge for
33 the permit, to] AND WILL be imposed and collected as provided in § 108 of this Code for fees
34 and service charges.

35 **3804.3.1 [105.3.2.6.1] Initial payment.** Before the study begins, the applicant must pay
36 [an amount equal to 50% of] the expenses estimated under [§ 105.3.2.4] § 3802.4.

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1 **3804.3.2 [105.3.2.6.2] Balance.** After the study is completed, but before any permit may
2 be issued, the applicant must pay [the] ANY difference between the INITIAL amount paid
3 UNDER § 3804.3.1 and the actual expenses incurred for the study.

4 **3804.3.2.1 REFUND.** AFTER THE STUDY IS COMPLETED, THE APPLICANT IS ENTITLED
5 TO A REFUND OF ANY PAYMENTS MADE UNDER § 3804.3.1 THAT EXCEED THE ACTUAL
6 EXPENSES INCURRED FOR THE STUDY PLUS A REASONABLE SERVICE CHARGE.

7 **3804.4 [105.3.2.7] Applicant’s option on delay.** If the traffic-impact study is not
8 completed within 60 business days after the initial payment is made under [§ 105.3.2.6.1]
9 § 3804.3.1[,];

- 10 1. the applicant may proceed to contract for the traffic-impact study with a consultant
11 selected from a list of consultants [approved by the Department of Transportation]
12 PREQUALIFIED BY THE DEPARTMENT OF PUBLIC WORKS’ OFFICE OF BOARDS AND
13 COMMISSIONS; AND
- 14 2. THE APPLICANT IS ENTITLED TO A FULL REFUND OF ALL FEES PAID TO THE CITY FOR
15 THE UNCOMPLETED TRAFFIC-IMPACT STUDY.

16 **3804.5 [105.3.2.8] Mitigation.** The applicant AND THE DEPARTMENT OF TRANSPORTATION
17 must negotiate in good faith [with the Department of Transportation] to determine who must
18 pay for and undertake the actions necessary or appropriate to mitigate the adverse traffic
19 impacts identified in the traffic-impact study. If no agreement is reached, the application is
20 not approved.

21 **SECTION 3805 TRAFFIC-MITIGATION ZONES**

22 **3805.1 PURPOSE OF ZONES.** AREAS DESIGNATED AS TRAFFIC-MITIGATION ZONES ARE
23 AREAS THAT HAVE OVERBURDENED AND INTERRELATED TRANSPORTATION NETWORKS AND
24 THAT ARE ANTICIPATED TO EXPERIENCE SIGNIFICANT DEVELOPMENT. HEIGHTENED REVIEW
25 OF DEVELOPMENT THAT MIGHT IMPACT THE TRANSPORTATION NETWORKS IN THESE AREAS IS
26 THEREFORE NECESSARY.

27 **3805.2 TRAFFIC MANAGEMENT PLANS FOR ZONES.** THE PLANNING COMMISSION MUST
28 ADOPT A 10-YEAR TRAFFIC MANAGEMENT PLAN FOR EACH TRAFFIC-MITIGATION ZONE AND
29 REVIEW AND UPDATE EACH PLAN EVERY 5 YEARS.

30 **3805.2.1 REQUIRED PLAN INCLUSIONS.** EACH PLAN MUST, AMONG OTHER THINGS:

- 31 1. PROJECT THE NUMBER OF TRIPS THAT REASONABLY MIGHT BE EXPECTED TO BE
32 GENERATED IN THE ZONE, BASED ON NEW DEVELOPMENT (INCLUDING
33 REDEVELOPMENT OF VACANT AND UNDERUTILIZED PARCELS),
- 34 2. IDENTIFY MULTIMODAL TRANSPORTATION SOLUTIONS TO MITIGATE THE LIKELY
35 GROWTH IN TRAFFIC CONGESTION, AND
- 36 3. BASED ON THE DIRECTOR’S RECOMMENDATIONS, INDICATE WHAT PROJECTS MAY
37 BE FUNDED, IN WHOLE OR IN PART, BY TRAFFIC-MITIGATION FEES FROM THE
38 ZONE.

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1 **3805.2.2 PLAN EXCLUSIONS.** THE PLAN MAY NOT INCLUDE TRAFFIC-MITIGATION FEE
2 FUNDING FOR SYSTEM PRESERVATION PROJECTS SUCH AS STREET RESURFACING,
3 RECONSTRUCTION, OR OTHER PROJECTS NOT REQUIRED TO MITIGATE THE GROWTH IN
4 TRAFFIC CONGESTION.

5 **3805.3 DESIGNATED ZONES.** THERE ARE 5 TRAFFIC-MITIGATION ZONES IN THE CITY OF
6 BALTIMORE.

7 **3805.3.1 DOWNTOWN/MIDTOWN ZONE.** THE AREA WITHIN THE FOLLOWING
8 BOUNDARIES IS THE “DOWNTOWN/MIDTOWN TRAFFIC-MITIGATION ZONE”:

9 BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF
10 THE CENTERLINE OF EAST NORTH AVENUE (VARYING IN WIDTH), AND THE
11 CENTERLINE OF NORTH CALVERT STREET, 60 FEET WIDE; THENCE RUNNING WITH
12 THE CENTERLINE OF SAID NORTH CALVERT STREET WITH MERIDIAN REFERENCE
13 TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM, THE FOLLOWING COURSES:

- 14 (1) SOUTHERLY TO THE POINT FORMED BY THE GEOMETRIC INTERSECTION
15 OF THE CENTERLINE OF SAID NORTH CALVERT STREET, AND THE
16 CENTERLINE OF INTERSTATE ROUTE 83 RIGHT-OF-WAY (ROADWAY
17 BELOW); THENCE RUNNING WITH THE CENTERLINE OF SAID INTERSTATE
18 ROUTE 83 RIGHT-OF-WAY
- 19 (2) SOUTHERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF
20 THE CENTERLINE OF SAID INTERSTATE ROUTE 83 RIGHT-OF-WAY AND
21 THE CENTERLINE OF THE FALLSWAY, VARYING IN WIDTH (ROADWAY
22 ABOVE); THENCE RUNNING WITH THE CENTERLINE OF SAID THE
23 FALLSWAY
- 24 (3) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
25 CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF EAST
26 FAYETTE STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID
27 EAST FAYETTE STREET
- 28 (4) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
29 CENTERLINE OF SAID EAST FAYETTE STREET AND THE CENTERLINE OF
30 NORTH PRESIDENT STREET CORRIDOR, VARYING IN WIDTH; THENCE
31 RUNNING WITH THE CENTERLINE OF SAID NORTH PRESIDENT STREET
32 CORRIDOR
- 33 (5) SOUTHEASTERLY, PASSING OVER EAST BALTIMORE STREET AT WHICH
34 POINT SAID NORTH PRESIDENT STREET CORRIDOR BECOMES SOUTH
35 PRESIDENT STREET CORRIDOR, VARYING IN WIDTH; TO A POINT FORMED
36 BY THE INTERSECTION OF SAID SOUTH PRESIDENT STREET CORRIDOR
37 AND THE CENTERLINE OF FLEET STREET, VARYING IN WIDTH; THENCE
38 DEPARTING LASTLY MENTIONED POINT AND RUNNING WITH THE
39 CENTERLINE OF FELICIA STREET CORRIDOR
- 40 (6) SOUTHEASTERLY TO THE CENTER OF ALBEMARLE STREET ROUND-
41 ABOUT; THENCE DEPARTING LASTLY MENTIONED POINT AND RUNNING
42 WITH ALBEMARLE STREET
- 43 (7) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
44 ALBEMARLE STREET AND THE CENTERLINE OF LANCASTER STREET;
45 THENCE DEPARTING LAST POINT OF INTERSECTION AND RUNNING
- 46 (8) DUE SOUTH TO A POINT ON THE SOUTH 52° 18' 41" EAST, 1018.66 FOOT
47 LINE AS SHOWN ON A PLAT ENTITLED “PIERHEAD AND BULKHEAD LINES,
48 BALTIMORE HARBOR, MARYLAND” SHEET 2 OF 6, FILE 13 MAP 849

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1 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS,
2 BALTIMORE DISTRICT; THENCE RUNNING WITH SAID SOUTH 52° 18' 41"
3 EAST, 1018.66 FOOT LINE REVERSELY AND

4 (9) NORTHWESTERLY TO THE BEGINNING THEREOF AND A POINT LABELED
5 VII, AS SHOWN ON SAID PLAT; THENCE DEPARTING SAID POINT VII AND
6 RUNNING WITH THE SOUTH 10° 17' 58" EAST 424.29 FOOT LINE,
7 REVERSELY AND

8 (10) NORTHERLY TO THE BEGINNING THEREOF, AND A POINT LABELED VI, AS
9 SHOWN ON SAID PLAT; THENCE DEPARTING SAID POINT VI AND CROSSING
10 THE NORTHWEST BRANCH OF THE PATAPSCO RIVER

11 (11) IN A WESTERLY DIRECTION TO A POINT LABELED LIV, AS SHOWN ON
12 SAID PLAT; SAID POINT LIV ALSO BEING LABELED 16 ON A PLAT
13 ENTITLED "HARBORVIEW SUBDIVISION PLAN" AND RECORDED AMONG
14 THE LAND RECORDS OF BALTIMORE CITY, MARYLAND, IN PLAT BOOK
15 S.E.B., PAGE 3187; THENCE DEPARTING SAID POINT 16 (AKA LIV) AND
16 RUNNING WITH THE SOUTH 74° 47' 38" EAST, 30.90 FOOT LINE,
17 REVERSELY AND

18 (12) IN A NORTHWESTERLY DIRECTION TO THE BEGINNING THEREOF AND A
19 POINT LABELED 15, AS SHOWN ON LASTLY MENTIONED PLAT; THENCE
20 RUNNING WITH THE NORTH 02° 06' 20" WEST, 340.82 FOOT LINE
21 REVERSELY AND

22 (13) IN A SOUTHERLY DIRECTION AS SHOWN ON THE LASTLY MENTIONED
23 PLAT, AND BINDING ON, IN PART, THE EAST SIDE OF THE FORMER BED OF
24 COVINGTON STREET, IF PROJECTED, TO A POINT FORMED BY THE
25 INTERSECTION OF THE EAST SIDE OF SAID COVINGTON STREET AND KEY
26 HIGHWAY; THENCE RUNNING WITH THE CENTERLINE OF SAID KEY
27 HIGHWAY

28 (14) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
29 CENTERLINE OF SAID KEY HIGHWAY AND THE CENTERLINE OF LIGHT
30 STREET, 82.5 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF
31 SAID LIGHT STREET

32 (15) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
33 CENTERLINE OF SAID LIGHT STREET AND THE CENTERLINE OF EAST
34 MONTGOMERY STREET, 82 FEET WIDE; THENCE RUNNING WITH THE
35 CENTERLINE OF SAID EAST MONTGOMERY STREET

36 (16) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
37 CENTERLINE OF SAID EAST MONTGOMERY STREET AND THE CENTERLINE
38 OF SOUTH CHARLES STREET, 66 FEET WIDE; THENCE RUNNING WITH THE
39 CENTERLINE OF SAID SOUTH CHARLES STREET

40 (17) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
41 CENTERLINE OF SAID SOUTH CHARLES STREET AND THE CENTERLINE OF
42 WEST CHURCHILL STREET, 20 FEET WIDE; THENCE RUNNING WITH THE
43 CENTERLINE OF SAID WEST CHURCHILL STREET

44 (18) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
45 CENTERLINE OF SAID WEST CHURCHILL STREET AND THE CENTERLINE
46 OF SOUTH HANOVER STREET, 66 FEET WIDE; THENCE RUNNING WITH THE
47 CENTERLINE OF SAID SOUTH HANOVER STREET

48 (19) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
49 CENTERLINE OF SAID SOUTH HANOVER STREET AND THE CENTERLINE OF
50 WEST MONTGOMERY STREET, 35 FEET WIDE; THENCE RUNNING WITH
51 THE CENTERLINE OF SAID WEST MONTGOMERY STREET

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- 1 (20) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
2 CENTERLINE OF SAID WEST MONTGOMERY STREET AND THE
3 CENTERLINE OF SOUTH SHARP STREET, 66 FEET WIDE; THENCE RUNNING
4 WITH THE CENTERLINE OF SAID SOUTH SHARP STREET

- 5 (21) SOUTHWESTERLY TO A POINT ON THE SOUTH SIDE OF WEST HENRIETTA
6 STREET, 66 FEET WIDE; THENCE BINDING ON AND RUNNING WITH THE
7 SOUTH SIDE OF SAID WEST HENRIETTA STREET

- 8 (22) NORTHWESTERLY TO A POINT ON THE WEST SIDE OF SAID SOUTH SHARP
9 STREET AND THE BEGINNING OF THE SECOND LINE OF A PARCEL OF LAND
10 DESCRIBED IN A CONVEYANCE FROM CONGRESS HALL SQUARE LIMITED
11 PARTNERSHIP, UNTO CHS SWIM CLUB, INC. BY DEED DATED MAY 26,
12 1987 AND RECORDED AMONG AFORESAID LAND RECORDS IN LIBER
13 S.E.B. No. 1319, FOLIO 231; THENCE RUNNING WITH THE SECOND OR
14 NORTH 70° 05' 00" WEST, 99.74 FOOT LINE,

- 15 (23) IN A NORTHWESTERLY DIRECTION, AS DESCRIBED IN SAID DEED,
16 PASSING OVER THE END THEREOF AND CROSSING INTERSTATE ROUTE
17 395 TO INTERSECT THE CENTERLINE OF SOUTH MARTIN LUTHER KING
18 JR. BOULEVARD; THENCE RUNNING WITH THE CENTERLINE OF SAID
19 SOUTH MARTIN LUTHER KING JR. BOULEVARD,

- 20 (24) NORTHERLY, PASSING OVER WEST BALTIMORE STREET AT WHICH POINT
21 SOUTH MARTIN LUTHER KING JR. BOULEVARD BECOMES NORTH
22 MARTIN LUTHER KING JR. BOULEVARD, TO A POINT FORMED BY THE
23 INTERSECTION OF THE CENTERLINE OF SAID NORTH MARTIN LUTHER
24 KING JR. BOULEVARD AND THE CENTERLINE OF NORTH EUTAW STREET,
25 110 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID
26 NORTH EUTAW STREET

- 27 (25) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
28 NORTH EUTAW STREET AND THE CENTERLINE OF DOLPHIN STREET , 100
29 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID DOLPHIN
30 STREET

- 31 (26) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
32 CENTERLINE OF SAID DOLPHIN STREET AND THE CENTERLINE OF NORTH
33 HOWARD STREET, 80 FEET WIDE; THENCE RUNNING WITH THE
34 CENTERLINE OF SAID NORTH HOWARD STREET

- 35 (27) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH
36 HOWARD STREET AND THE CENTERLINE OF WEST NORTH AVENUE;
37 THENCE RUNNING WITH THE CENTERLINE OF SAID WEST NORTH AVENUE

- 38 (28) EASTERLY, PASSING OVER NORTH CHARLES STREET AT WHICH POINT
39 SAID WEST NORTH AVENUE BECOMES EAST NORTH AVENUE, TO THE
40 PLACE OF BEGINNING.

**3805.3.2 SOUTHEAST ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE
"SOUTHEAST TRAFFIC-MITIGATION ZONE":**

BEGINNING AT A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF
ORLEANS STREET (U.S. ROUTE 40), VARYING IN WIDTH, AND THE CENTERLINE OF
NORTH PATTERSON PARK AVENUE, 70 FEET WIDE; THENCE DEPARTING SAID
POINT SO FIXED AND RUNNING WITH THE CENTERLINE OF SAID ORLEANS STREET,
WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM
THE FOLLOWING COURSES:

- (1) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
CENTERLINE OF ORLEANS STREET (U.S. ROUTE 40) AND THE

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- 1 CENTERLINE OF PULASKI HIGHWAY (U.S. ROUTE 40), VARYING IN
2 WIDTH, FORMERLY BEING PHILADELPHIA AVENUE AS LISTED IN
3 ORDINANCE #81, DATED APRIL 24, 1944; THENCE RUNNING WITH THE
4 CENTERLINE OF SAID PULASKI HIGHWAY (U.S. ROUTE 40)
- 5 (2) EASTERLY AND NORTHEASTERLY TO A POINT FORMED BY THE
6 INTERSECTION OF THE CENTERLINE OF SAID PULASKI HIGHWAY (U.S.
7 ROUTE 40) AND THE CENTERLINE OF ERDMAN AVENUE (MARYLAND
8 ROUTE 151), VARYING IN WIDTH; THENCE RUNNING WITH CENTERLINE
9 OF SAID ERDMAN AVENUE (MARYLAND ROUTE 151)
- 10 (3) SOUTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF WITH
11 THE CENTERLINE OF SAID ERDMAN AVENUE (MARYLAND ROUTE 151)
12 AND THE CENTERLINE OF BALTIMORE HARBOR TUNNEL (INTERSTATE
13 ROUTE 895) RIGHT-OF-WAY; THENCE RUNNING WITH CENTERLINE OF
14 SAID BALTIMORE HARBOR TUNNEL RIGHT-OF-WAY
- 15 (4) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
16 CENTERLINE OF SAID BALTIMORE HARBOR TUNNEL (INTERSTATE ROUTE
17 895) RIGHT-OF-WAY AND THE CENTERLINE OF EAST LOMBARD STREET,
18 80 FEET WIDE, (FORMERLY KNOWN AS BAYVIEW AVENUE AS LISTED IN
19 ORDINANCE #302, DATED MARCH 30, 1977); THENCE RUNNING WITH
20 CENTERLINE OF SAID EAST LOMBARD STREET
- 21 (5) NORTHERLY AND EASTERLY TO A POINT FORMED BY THE INTERSECTION
22 OF THE CENTERLINE OF SAID EAST LOMBARD STREET AND THE
23 CENTERLINE OF KANE STREET, VARYING IN WIDTH; THENCE RUNNING
24 WITH THE CENTERLINE OF SAID KANE STREET
- 25 (6) NORTH EASTERLY TO A POINT FORMED BY THE GEOMETRIC
26 INTERSECTION OF THE CENTERLINE OF SAID KANE STREET (ROADWAY
27 BELOW), AND THE CENTERLINE OF INTERSTATE ROUTE 95, JOHN F.
28 KENNEDY MEMORIAL HIGHWAY, RIGHT-OF-WAY (VARYING IN WIDTH,
29 ROADWAY ABOVE); THENCE RUNNING WITH THE CENTERLINE OF SAID
30 INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL HIGHWAY)
- 31 (7) SOUTHERLY AND WESTERLY TO A POINT FORMED BY THE GEOMETRIC
32 INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 95 -
33 JOHN F. KENNEDY MEMORIAL HIGHWAY,(ROADWAY ABOVE), AND THE
34 CENTERLINE OF GUSRYAN STREET (ROADWAY BELOW), 60 FEET WIDE;
35 THENCE RUNNING WITH THE CENTERLINE OF SAID GUSRYAN STREET
- 36 (8) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
37 CENTERLINE OF SAID GUSRYAN STREET AND THE CENTERLINE OF
38 O'DONNELL STREET, 60 FEET WIDE; THENCE RUNNING WITH THE
39 CENTERLINE OF SAID O'DONNELL STREET
- 40 (9) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
41 CENTERLINE OF SAID O'DONNELL STREET AND THE CENTERLINE OF
42 BROENING HIGHWAY, VARYING IN WIDTH; THENCE RUNNING WITH THE
43 CENTERLINE OF SAID BROENING HIGHWAY
- 44 (10) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
45 CENTERLINE OF SAID BROENING HIGHWAY AND THE CENTERLINE OF
46 KEITH AVENUE, VARYING IN WIDTH; THENCE RUNNING WITH THE
47 CENTERLINE OF SAID KEITH AVENUE

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- 1 (11) WESTERLY RUNNING WITH THE CENTERLINE OF SAID KEITH AVENUE TO
2 A POINT FORMED BY THE INTERSECTION OF SAID KEITH AVENUE AND
3 INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL), AS SHOWN ON
4 BALTIMORE CITY BLOCK PLAT-WARD 1, SECTION 10, BLOCK 1903-D,
5 DATED AUGUST 1963, VARYING IN WIDTH; THENCE RUNNING WITH THE
6 CENTERLINE OF SAID INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL)

- 7 (12) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
8 CENTERLINE OF SAID INTERSTATE ROUTE 95 (FORT MCHENRY TUNNEL)
9 AND THE CENTERLINE OF NORTHWEST BRANCH; THENCE DEPARTING
10 LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING WITH THE
11 CENTERLINE OF THE NORTHWEST BRANCH

- 12 (13) NORTHERLY AND WESTERLY TO A POINT FORMED BY THE INTERSECTION
13 OF THE CENTERLINE OF SAID NORTHWEST BRANCH AND A LINE
14 CROSSING THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, IF
15 DRAWN BETWEEN A POINT LABELED VI AND A POINT LABELED LIV,
16 BOTH BEING SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD
17 LINES, BALTIMORE HARBOR, MARYLAND" SHEET 2 OF 6, FILE 13 MAP
18 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS,
19 BALTIMORE DISTRICT; THENCE DEPARTING LASTLY MENTIONED POINT
20 OF INTERSECTION AND RUNNING

- 21 (14) IN A EASTERLY DIRECTION TO A POINT LABELED VI, AS SHOWN ON
22 LASTLY MENTIONED PLAT; THENCE DEPARTING SAID POINT VI, BINDING
23 ON AND RUNNING IN A

- 24 (15) SOUTHERLY DIRECTION WITH THE SOUTH 10° 17' 58" EAST 424.29 FOOT
25 LINE AS SHOWN ON LASTLY MENTIONED PLAT TO END THEREOF AND A
26 POINT LABELED VII; THENCE DEPARTING SAID POINT VII, BINDING ON
27 AND RUNNING

- 28 (16) IN A SOUTHERLY DIRECTION WITH THE SOUTH 52° 18' 41" EAST,
29 1018.66 FOOT LINE AS SHOWN ON LASTLY MENTIONED PLAT, TO POINT
30 FORMED BY THE INTERSECTION OF SAID SOUTH 52° 18' 41" EAST,
31 1018.66 FOOT LINE AND A LINE DRAWN DUE SOUTH FROM A POINT
32 FORMED BY THE INTERSECTION OF THE CENTERLINE OF THE FORMER BED
33 OF ALBEMARLE STREET, VARYING IN WIDTH, AND THE CENTERLINE OF
34 LANCASTER STREET, 52 FEET WIDE; THENCE DEPARTING LAST POINT OF
35 INTERSECTION AND RUNNING

- 36 (17) DUE NORTH TO A POINT FORMED BY THE INTERSECTION OF SAID FORMER
37 BED OF ALBEMARLE STREET AND THE CENTERLINE OF SAID LANCASTER
38 STREET; THENCE DEPARTING LAST POINT OF INTERSECTION AND
39 RUNNING WITH THE CENTERLINE OF FORMER BED OF SAID ALBEMARLE
40 STREET

- 41 (18) NORTHWESTERLY TO THE CENTER OF ALBEMARLE STREET ROUND-
42 BOUT; THENCE DEPARTING LASTLY MENTIONED POINT AND RUNNING
43 WITH THE CENTERLINE OF FELICIA STREET CORRIDOR

- 44 (19) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
45 CENTERLINE OF SAID FELICIA STREET CORRIDOR / SOUTH PRESIDENT
46 STREET CORRIDOR AND THE CENTERLINE OF FLEET STREET, VARYING IN
47 WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SOUTH PRESIDENT
48 STREET CORRIDOR, VARYING IN WIDTH

- 49 (20) NORTHWESTERLY, PASSING OVER EAST BALTIMORE STREET AT WHICH
50 POINT SAID SOUTH PRESIDENT STREET CORRIDOR BECOMES NORTH
51 PRESIDENT STREET CORRIDOR, VARYING IN WIDTH, TO A POINT FORMED
52 BY THE INTERSECTION OF SAID NORTH PRESIDENT STREET CORRIDOR
53 AND THE CENTERLINE OF EAST FAYETTE STREET, VARYING IN WIDTH;

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1 THENCE RUNNING WITH THE CENTERLINE OF SAID EAST FAYETTE
2 STREET

3 (21) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
4 CENTERLINE OF SAID EAST FAYETTE STREET AND THE CENTERLINE OF
5 THE FALLSWAY, VARYING IN WIDTH; THENCE RUNNING WITH THE
6 CENTERLINE OF SAID THE FALLSWAY

7 (22) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
8 CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF HILLEN
9 STREET, 66 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF SAID
10 HILLEN STREET

11 (23) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
12 HILLEN STREET AND THE CENTERLINE OF NORTH EXETER STREET,
13 VARYING IN WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID
14 NORTH EXETER STREET

15 (24) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
16 NORTH EXETER STREET AND THE CENTERLINE OF ORLEANS STREET
17 (U.S. ROUTE 40), 66 FEET WIDE; THENCE RUNNING WITH THE
18 CENTERLINE OF SAID ORLEANS STREET (U.S. ROUTE 40)

19 (25) WESTERLY TO THE PLACE OF BEGINNING.

20 **3805.3.3 SOUTH BALTIMORE/MIDDLE BRANCH ZONE.** THE AREA WITHIN THE
21 FOLLOWING BOUNDARIES IS THE “SOUTH BALTIMORE/MIDDLE BRANCH
22 TRAFFIC-MITIGATION ZONE”:

23 BEGINNING FOR THE SAME AT A POINT FORMED BY THE GEOMETRIC
24 INTERSECTION OF THE CENTERLINE OF SOUTH MARTIN LUTHER KING, JR.
25 BOULEVARD, VARYING IN WIDTH, AND THE CENTERLINE OF RUSSELL STREET
26 (BALTIMORE-WASHINGTON PARKWAY MD 295/129), VARYING IN WIDTH;
27 THENCE RUNNING WITH CENTERLINE OF SAID RUSSELL STREET WITH MERIDIAN
28 REFERENCE TO THE BALTIMORE CITY SURVEY CONTROL SYSTEM, THE
29 FOLLOWING COURSES:

30 (1) SOUTHWESTERLY TO A POINT FORMED BY THE GEOMETRIC
31 INTERSECTION OF SAID CENTERLINE OF SAID RUSSELL STREET
32 (BALTIMORE-WASHINGTON PARKWAY MD 295/129) AND THE
33 CENTERLINE OF INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL
34 HIGHWAY), VARYING IN WIDTH; THENCE RUNNING WITH THE
35 CENTERLINE OF SAID INTERSTATE ROUTE 95

36 (2) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
37 CENTERLINE OF SAID INTERSTATE ROUTE 95 AND THE CENTERLINE OF
38 THE RAMP FROM SOUTH BOUND SOUTH MONROE STREET TO SAID
39 BALTIMORE-WASHINGTON PARKWAY (MD 295/129); THENCE RUNNING
40 WITH THE CENTERLINE OF SAID RAMP

41 (3) SOUTHERLY TO A POINT FORMED BY CENTERLINE OF SAID RAMP AND
42 CENTERLINE OF SOUTHBOUND MD 295 (BALTIMORE-WASHINGTON
43 PARKWAY); THENCE RUNNING WITH SAID SOUTHBOUND MD 295
44 (BALTIMORE-WASHINGTON PARKWAY)

45 (4) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
46 SOUTHBOUND MD 295 (BALTIMORE-WASHINGTON PARKWAY) AND THE
47 CENTERLINE OF WATERVIEW AVENUE (MD ROUTE 648), VARYING IN
48 WIDTH; THENCE RUNNING WITH THE CENTERLINE OF SAID WATERVIEW
49 AVENUE

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- 1 (5) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF CENTERLINE
2 OF SAID WATERVIEW AVENUE AND THE CENTERLINE OF ANNAPOLIS
3 ROAD (ALSO MD ROUTE 648), VARYING IN WIDTH; THENCE RUNNING
4 WITH CENTERLINE OF SAID ANNAPOLIS ROAD
- 5 (6) SOUTHERLY TO A POINT FORMED BY THE CENTERLINE OF SAID
6 ANNAPOLIS ROAD AND CENTERLINE OF A RAILROAD RIGHT-OF-WAY
7 OWNED BY THE CSX TRANSPORTATION, INC.; THENCE RUNNING WITH
8 THE CENTERLINE OF SAID CSX RIGHT-OF-WAY
- 9 (7) SOUTH EASTERLY TO A POINT FORMED BY THE CENTERLINE OF SAID
10 CSX RIGHT-OF-WAY AND THE CENTERLINE OF REEDBIRD AVENUE, 60
11 FEET WIDE, AS SHOWN ON BLOCK PLAT 7612-L; THENCE RUNNING WITH
12 CENTERLINE OF SAID REEDBIRD AVENUE
- 13 (8) NORTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF
14 CENTERLINE SAID REEDBIRD AVENUE AND THE CENTERLINE OF POTEE
15 STREET (MD ROUTE 2), 66 FEET WIDE; THENCE RUNNING WITH THE
16 CENTERLINE OF SAID POTEE STREET
- 17 (9) SOUTH EASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
18 CENTERLINE OF SAID POTEE STREET AND THE CENTERLINE OF
19 FRANKFURST AVENUE, 80 FEET WIDE; THENCE RUNNING WITH THE
20 CENTERLINE OF SAID FRANKFURST AVENUE
- 21 (10) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
22 FRANKFURST AVENUE AND THE CENTERLINE OF OF INTERSTATE ROUTE
23 895 (HARBOR TUNNEL THROUGHWAY), VARYING IN WIDTH; THENCE
24 DEPARTING LASTLY MENTIONED POINT OF INTERSECTION AND RUNNING
- 25 (11) DUE NORTH TO THE CENTERLINE OF THE PATAPSCO RIVER CHANNEL AS
26 SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD LINES,
27 BALTIMORE HARBOR, MARYLAND" SHEET 3 OF 6, FILE 13 MAP 849
28 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS,
29 BALTIMORE DISTRICT; THENCE RUNNING WITH CENTERLINE OF SAID
30 PATAPSCO RIVER CHANNEL
- 31 (12) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF CENTERLINE
32 OF SAID PATAPSCO RIVER CHANNEL AND THE CENTERLINE OF
33 NORTHWEST BRANCH; THENCE DEPARTING LASTLY MENTIONED POINT
34 OF INTERSECTION AND RUNNING WITH THE CENTERLINE OF THE
35 NORTHWEST BRANCH
- 36 (13) NORTHERLY AND WESTERLY TO A POINT FORMED BY THE INTERSECTION
37 OF THE CENTERLINE OF SAID NORTHWEST BRANCH AND A LINE
38 CROSSING THE NORTHWEST BRANCH OF THE PATAPSCO RIVER, IF
39 DRAWN BETWEEN A POINT LABELED VI AND A POINT LABELED LIV,
40 BOTH BEING SHOWN ON A PLAT ENTITLED "PIERHEAD AND BULKHEAD
41 LINES, BALTIMORE HARBOR, MARYLAND" SHEET 2 OF 6, FILE 13 MAP
42 849 DATED JULY 13, 1950 AND PREPARED BY THE CORPS OF ENGINEERS,
43 BALTIMORE DISTRICT; THENCE DEPARTING LASTLY MENTIONED POINT
44 OF INTERSECTION AND RUNNING
- 45 (14) IN A WESTERLY DIRECTION TO A POINT LABELED LIV, AS SHOWN ON
46 LASTLY MENTIONED PLAT; SAID POINT LIV ALSO BEING LABELED 16 ON
47 A PLAT ENTITLED "HARBORVIEW SUBDIVISION PLAN" AND RECORDED
48 AMONG THE LAND RECORDS OF BALTIMORE CITY, MARYLAND, IN PLAT
49 BOOK S.E.B., PAGE 3187; THENCE DEPARTING SAID POINT 16 (AKA LIV)
50 AND RUNNING WITH THE SOUTH 74° 47' 38" EAST, 30.90 FOOT LINE,
51 REVERSELY AND

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- 1 (15) IN A NORTHWESTERLY DIRECTION TO THE BEGINNING THEREOF AND A
2 POINT LABELED 15, AS SHOWN ON LASTLY MENTIONED PLAT; THENCE
3 RUNNING WITH THE NORTH 02° 06' 20" WEST, 340.82 FOOT LINE
4 REVERSELY AND
- 5 (16) IN A SOUTHERLY DIRECTION AS SHOWN ON THE LASTLY MENTIONED
6 PLAT, AND BINDING ON, IN PART, THE EAST SIDE OF THE FORMER BED OF
7 COVINGTON STREET, IF PROJECTED, TO A POINT FORMED BY THE
8 INTERSECTION OF THE EAST SIDE OF SAID COVINGTON STREET AND KEY
9 HIGHWAY; THENCE RUNNING WITH THE CENTERLINE OF SAID KEY
10 HIGHWAY
- 11 (17) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
12 CENTERLINE OF SAID KEY HIGHWAY AND THE CENTERLINE OF LIGHT
13 STREET, 82.5 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE OF
14 SAID LIGHT STREET
- 15 (18) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
16 CENTERLINE OF SAID LIGHT STREET AND THE CENTERLINE OF EAST
17 MONTGOMERY STREET, 82 FEET WIDE; THENCE RUNNING WITH THE
18 CENTERLINE OF SAID EAST MONTGOMERY STREET
- 19 (19) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
20 CENTERLINE OF SAID EAST MONTGOMERY STREET AND THE CENTERLINE
21 OF SOUTH CHARLES STREET, 66 FEET WIDE; THENCE RUNNING WITH THE
22 CENTERLINE OF SAID SOUTH CHARLES STREET
- 23 (20) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
24 CENTERLINE OF SAID SOUTH CHARLES STREET AND THE CENTERLINE OF
25 WEST CHURCHILL STREET, 20 FEET WIDE; THENCE RUNNING WITH THE
26 CENTERLINE OF SAID WEST CHURCHILL STREET
- 27 (21) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
28 CENTERLINE OF SAID WEST CHURCHILL STREET AND THE CENTERLINE
29 OF SOUTH HANOVER STREET, 66 FEET WIDE; THENCE RUNNING WITH THE
30 CENTERLINE OF SAID SOUTH HANOVER STREET
- 31 (22) NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
32 CENTERLINE OF SAID SOUTH HANOVER STREET AND THE CENTERLINE
33 OF WEST MONTGOMERY STREET, 35 FEET WIDE; THENCE RUNNING WITH
34 THE CENTERLINE OF SAID WEST MONTGOMERY STREET
- 35 (23) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
36 CENTERLINE OF SAID WEST MONTGOMERY STREET AND THE
37 CENTERLINE OF SOUTH SHARP STREET, 66 FEET WIDE; THENCE RUNNING
38 WITH THE CENTERLINE OF SAID SOUTH SHARP STREET
- 39 (24) SOUTHWESTERLY TO A POINT ON THE SOUTH SIDE OF WEST HENRIETTA
40 STREET, 66 FEET WIDE; THENCE BINDING ON AND RUNNING WITH THE
41 SOUTH SIDE OF SAID WEST HENRIETTA STREET
- 42 (25) NORTHWESTERLY TO A POINT ON THE WEST SIDE OF SAID SOUTH SHARP
43 STREET AND THE BEGINNING OF THE SECOND LINE OF A PARCEL OF LAND
44 DESCRIBED IN A CONVEYANCE FROM CONGRESS HALL SQUARE LIMITED
45 PARTNERSHIP, UNTO CHS SWIM CLUB, INC. BY DEED DATED MAY 26,
46 1987 AND RECORDED AMONG AFORESAID LAND RECORDS IN LIBER
47 S.E.B. No. 1319, FOLIO 231; THENCE RUNNING WITH THE SECOND OR
48 NORTH 70° 05' 00" WEST, 99.74 FOOT LINE,

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1 (26) IN A NORTHWESTERLY DIRECTION, AS DESCRIBED IN SAID DEED,
2 PASSING OVER THE END THEREOF AND CROSSING INTERSTATE ROUTE
3 395 TO INTERSECT THE CENTERLINE OF SOUTH MARTIN LUTHER KING
4 JR. BOULEVARD; THENCE RUNNING WITH THE CENTERLINE OF SAID
5 SOUTH MARTIN LUTHER KING JR. BOULEVARD

6 (27) NORTHWESTERLY TO THE POINT OF BEGINNING.

7 **3805.3.4 EAST ZONE. THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE “EAST**
8 **TRAFFIC-MITIGATION ZONE”:**

9 BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF
10 THE CENTERLINE OF NORTH CALVERT STREET, 60 FEET WIDE, AND THE
11 CENTERLINE OF EAST NORTH AVENUE, VARYING IN WIDTH; THENCE DEPARTING
12 SAID POINT SO FIXED AND RUNNING WITH THE CENTERLINE OF SAID EAST NORTH
13 AVENUE, WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY
14 CONTROL SYSTEM THE FOLLOWING COURSES:

- 15 (1) EASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
16 CENTERLINE OF SAID EAST NORTH AVENUE AND THE CENTERLINE OF
17 NORTH BROADWAY, 130 FEET WIDE; THENCE RUNNING WITH THE
18 CENTERLINE OF SAID NORTH BROADWAY
- 19 (2) SOUTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE
20 CENTERLINE OF SAID NORTH BROADWAY AND A POINT FORMED BY THE
21 CENTERLINE OF A RAILROAD RIGHT OF WAY; THENCE RUNNING WITH
22 THE CENTERLINE OF SAID RAILROAD RIGHT OF WAY
- 23 (3) SOUTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
24 RAILROAD RIGHT OF WAY AND THE CENTERLINE OF NORTH PATTERSON
25 PARK AVENUE, 70 FEET WIDE; THENCE RUNNING WITH THE CENTERLINE
26 OF SAID NORTH PATTERSON PARK AVENUE
- 27 (4) SOUTHERLY DIRECTION TO A POINT FORMED BY THE INTERSECTION OF
28 SAID NORTH PATTERSON PARK AVENUE AND THE CENTERLINE OF
29 ORLEANS STREET (U.S. ROUTE 40), 66 FEET WIDE; THENCE RUNNING
30 WITH THE CENTERLINE OF SAID ORLEANS STREET (U.S. ROUTE 40)
- 31 (5) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID
32 ORLEANS STREET (U.S. ROUTE 40) AND NORTH EXETER STREET
33 (VARYING IN WIDTH); THENCE RUNNING WITH THE CENTERLINE OF SAID
34 NORTH EXETER STREET
- 35 (6) NORTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
36 CENTERLINE OF SAID NORTH EXETER STREET AND THE CENTERLINE OF
37 HILLEN STREET (66’ WIDE); THENCE RUNNING WITH THE CENTERLINE OF
38 SAID HILLEN STREET
- 39 (7) SOUTHWESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
40 CENTERLINE OF SAID HILLEN STREET AND THE CENTERLINE OF THE
41 FALLSWAY (VARYING IN WIDTH); THENCE RUNNING WITH THE
42 CENTERLINE OF SAID THE FALLSWAY
- 43 (8) NORTHERLY TO A POINT FORMED BY THE GEOMETRIC INTERSECTION OF
44 THE CENTERLINE OF SAID THE FALLSWAY AND THE CENTERLINE OF
45 INTERSTATE ROUTE 83 RIGHT OF WAY BELOW; THENCE RUNNING WITH
46 THE CENTERLINE OF SAID INTERSTATE ROUTE 83
- 47 (9) NORTHWESTERLY DIRECTION TO THE POINT FORMED BY THE GEOMETRIC
48 INTERSECTION OF THE CENTERLINE OF SAID INTERSTATE ROUTE 83
49 RIGHT OF WAY AND THE CENTERLINE OF SAID NORTH CALVERT STREET

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1 ABOVE; THENCE RUNNING WITH THE CENTERLINE OF SAID NORTH
2 CALVERT STREET TO THE PLACE OF BEGINNING.

3
4 **3805.3.5 SOUTHWEST ZONE.** THE AREA WITHIN THE FOLLOWING BOUNDARIES IS THE
5 “SOUTHWEST TRAFFIC-MITIGATION ZONE”:

6
7 BEGINNING FOR THE SAME AT THE POINT FORMED BY THE INTERSECTION OF
8 THE CENTERLINE OF WEST MULBERRY (AKA US ROUTE 40) AND THE CENTERLINE
9 OF NORTH MARTIN LUTHER KING, JR. BOULEVARD, VARYING IN WIDTH; THENCE
10 RUNNING WITH THE CENTERLINE OF SAID NORTH MARTIN LUTHER KING, JR.
11 BOULEVARD, WITH MERIDIAN REFERENCE TO THE BALTIMORE CITY SURVEY
12 CONTROL SYSTEM, THE FOLLOWING COURSES:

- 13 (1) SOUTHERLY AND SOUTHEASTERLY, PASSING OVER WEST BALTIMORE
14 STREET WHEREAS SAID NORTH MARTIN LUTHER KING, JR. BOULEVARD
15 BECOMES SOUTH MARTIN LUTHER KING, JR. BOULEVARD, VARYING IN
16 WIDTH, TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE
17 OF SAID SOUTH MARTIN LUTHER KING, JR. BOULEVARD AND THE
18 CENTERLINE OF RUSSELL STREET (BALTIMORE-WASHINGTON
19 PARKWAY, MD I-295), 160 FEET WIDE; THENCE RUNNING WITH THE
20 CENTERLINE OF SAID RUSSELL STREET
- 21 (2) SOUTHWESTERLY AND WESTERLY TO A POINT FORMED BY THE
22 INTERSECTION OF THE CENTERLINE OF SAID RUSSELL STREET AND THE
23 CENTERLINE OF INTERSTATE ROUTE 95 (JOHN F. KENNEDY MEMORIAL
24 HIGHWAY), VARYING IN WIDTH; THENCE RUNNING WITH THE
25 CENTERLINE OF SAID INTERSTATE ROUTE 95
- 26 (3) WESTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
27 CENTERLINE OF SAID INTERSTATE ROUTE 95 AND THE CENTERLINE OF
28 WASHINGTON BOULEVARD, 49.5 FEET WIDE; THENCE RUNNING WITH
29 THE CENTERLINE OF SAID WASHINGTON BOULEVARD
- 30 (4) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF THE
31 CENTERLINE OF SAID WASHINGTON BOULEVARD AND THE NORTH 44°
32 31' 29" WEST 1,544.00 FOOT LINE, AS SHOWN ON A PLAT ENTITLED
33 “SUBDIVISION OF THE LANDS OF 998 MONROE CORPORATION” DATED
34 MAY 26, 1994 AND RECORDED AMONG THE LAND RECORDS OF
35 BALTIMORE CITY IN PLAT BOOK S.E.B. 3479, IF PROJECTED
36 SOUTHEASTERLY; THENCE BINDING ON AND RUNNING WITH SAID
37 PROJECTED LINE, REVERSELY
- 38 (5) NORTH 44° 31' 29" WEST 1,544.00 FEET TO A POINT DESIGNATED AS
39 “508” AS SHOWN ON SAID PLAT; THENCE BINDING ON AND RUNNING
40 WITH THE NORTH-WEST BOUNDARY LINE OF LOT 1 AS SHOWN ON SAID
41 PLAT
- 42 (6) NORTH 45° 24' 52" EAST 1,109.33 FEET LINE TO A POINT DESIGNATED AS
43 “509” AS SHOWN ON SAID PLAT AND LOCATED ALONG THE SOUTH SIDE
44 OF THE FORMER BED OF PUTNAM STREET, ALSO KNOWN AS THE FORMER
45 BED OF THE BALTIMORE AND OHIO RAILROAD RIGHT-OF-WAY, AND
46 CURRENTLY THE SOUTH SIDE OF CSX TRANSPORTATION, INC.
47 PROPERTY; THENCE BINDING ON AND RUNNING WITH THE NORTH-EAST
48 BOUNDARY LINE OF LOT 1 AS SHOWN ON SAID PLAT
- 49 (7) SOUTH 44° 31' 29" EAST TO INTERSECT THE LAST LINE OF THE SECOND
50 PARCEL OF LAND CONVEYED BY CARROLL PARK, LLC, TO
51 WASHINGTON-MONROE, LLC, BY DEED DATED SEPTEMBER 7, 2001 AND
52 RECORDED AMONG SAID THE LAND RECORDS IN LIBER F.M.C. 1719,
53 FOLIO 30, IF PROJECTED IN A SOUTHERLY DIRECTION; THENCE BINDING

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ON AND RUNNING WITH SAID LAST LINE OF SECOND PARCEL SO PROJECTED

(8) NORTH 44° 42' 07" EAST, PASSING OVER THE NORTH SIDE OF SAID CSX TRANSPORTATION, INC. PROPERTY AND THE SOUTH WEST SIDE OF SOUTH MONROE STREET, 66 FEET WIDE, TO THE CENTERLINE OF SAID SOUTH MONROE STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID SOUTH MONROE STREET

(9) NORTHWESTERLY AND NORTHERLY TO A POINT FORMED BY THE INTERSECTION OF THE CENTERLINE OF SAID SOUTH MONROE STREET AND THE "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY AS DESCRIBED IN A DEED DATED AUGUST 14TH, 1991, BY AND BETWEEN CSX TRANSPORTATION, INC. ET AL TO B&O RAILROAD MUSEUM, INCORPORATED AS RECORDED AMONG SAID LAND RECORDS IN LIBER S.E.B. 3638, FOLIO 208; THENCE BINDING AND RUNNING WITH THE SAID "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY

(10) NORTHEASTERLY TO A POINT FORMED BY THE INTERSECTION OF SAID "SOUTHERN PROPERTY LINE" OF THE B&O RAILROAD MUSEUM, INCORPORATED PROPERTY AND THE CENTERLINE OF SOUTH CAREY STREET, 80 FEET WIDE; THENCE BINDING ON THE CENTERLINE OF SAID SOUTH CAREY STREET

(11) NORTHERLY, PASSING OVER WEST BALTIMORE STREET WHEREAS SAID SOUTH CAREY STREET BECOMES NORTH CAREY STREET, 80 FEET WIDE, TO A POINT FORMED BY THE INTERSECTION OF SAID NORTH CAREY STREET AND AFORESAID WEST MULBERRY STREET; THENCE RUNNING WITH THE CENTERLINE OF SAID WEST MULBERRY STREET

(12) EASTERLY, TO THE POINT OF BEGINNING.

3806 TRAFFIC-MITIGATION FEE

3806.1 SCOPE OF SECTION. THIS § 3806 IS APPLICABLE TO ALL PROPOSED PROJECTS LOCATED INSIDE OF A TRAFFIC-MITIGATION ZONE.

3806.2 GENERAL. A TRAFFIC-MITIGATION FEE IS A PAYMENT THAT, BY AUTHORITY OF CHARTER ARTICLE II, §§ (40) AND (47), MUST BE PAID FOR PROJECTS THAT MEET THE CRITERIA ESTABLISHED IN § 3802.3.

3806.2.1 APPLICATION AND PROCESSING FEE. AN APPLICATION TO BEGIN THE REQUIRED TRAFFIC-MITIGATION FEE PROCESS MUST BE:

1. MADE IN THE FORM AND WITHIN THE TIME FRAME SET FORTH IN THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER; AND
2. ACCOMPANIED BY A PROCESSING FEE IN THE AMOUNT SET BY THESE RULES AND REGULATIONS.

3806.3 ASSESSMENT OF FEE.

3806.3.1 TRIP FORMULA. THE RULES AND REGULATIONS ADOPTED UNDER THIS CHAPTER MUST ESTABLISH PROCEDURES FOR DETERMINING THE NUMBER OF TRIPS

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1 ATTRIBUTABLE TO VARIOUS TYPES OF PROJECTS IN A PARTICULAR TRAFFIC-MITIGATION
2 ZONE OR SUB-ZONE.

3 **3806.3.2 FEE RATES.** THE FEE RATE PER TRIP IS AS SET BY THE BOARD OF ESTIMATES, IN
4 CONSULTATION WITH THE DIRECTOR, FOR EACH ZONE.

5 **3806.3.3 FEE FORMULA.** THE AMOUNT OF THE TRAFFIC-MITIGATION FEE ASSESSED ON A
6 SPECIFIC PROJECT IS DETERMINED BY MULTIPLYING:

- 7 1. THE APPLICABLE RATE PER TRIP FOR THE ZONE WHERE THE PROJECT IS LOCATED,
8 BY
- 9 2. THE NUMBER OF TRIPS THAT THE DEPARTMENT OF TRANSPORTATION ATTRIBUTES
10 TO THE PROJECT USING THE PROCEDURE ESTABLISHED UNDER § 3806.3.1.

11 **3806.4 TRIP-GENERATION CREDITS.**

12 **3806.4.1 GENERAL.** THE DIRECTOR MUST ISSUE TRIP-GENERATION CREDITS TO ANY
13 PROPOSED PROJECT THAT MEETS THE REQUIREMENTS OF THIS § 3806.4. EACH CREDIT
14 ISSUED REDUCES BY 1 THE NUMBER OF TRIPS USED TO CALCULATE THE AMOUNT OF THE
15 TRAFFIC-MITIGATION FEE UNDER § 3806.3.

16 **3806.4.1.1 CREDIT CAP.** THE DIRECTOR MAY NOT ISSUE ANY TRIP-GENERATION
17 CREDITS THAT WOULD REDUCE THE TOTAL NUMBER OF TRIPS USED TO CALCULATE THE
18 TRAFFIC-MITIGATION FEE BY MORE THAN 50%.

19 **3806.4.2 AUTHORIZED CREDITS.** TRIP-GENERATION CREDITS ARE AUTHORIZED AS
20 FOLLOWS.

21 **3806.4.2.1 NEGOTIATED AGREEMENT.** THE DIRECTOR MAY AGREE TO ISSUE
22 TRIP-GENERATION CREDITS FOR A PROPOSED PROJECT IF:

- 23 1. THE MAYOR AND CITY COUNCIL ENTER INTO A BINDING, WRITTEN MITIGATION
24 AGREEMENT WITH THE DEVELOPER OF THE PROJECT THAT REQUIRES THE
25 PERFORMANCE OF SPECIFIC ACTIONS THAT THE DIRECTOR DETERMINES WILL
26 REDUCE THE NUMBER OF TRIPS ACTUALLY GENERATED BY THE PROJECT;
- 27 2. THE MITIGATION AGREEMENT REQUIRES THE DEVELOPER TO REQUIRE ALL
28 SUBSEQUENT PURCHASERS OR OCCUPANTS OF THE PROPERTY TO ABIDE BY THE
29 ONGOING REQUIREMENTS OF THE MITIGATION AGREEMENT;
- 30 3. THE MITIGATION AGREEMENT INCLUDES A MECHANISM MAKING IT BINDING ON
31 ALL FUTURE SUCCESSORS AND ASSIGNS WHO MAY ACQUIRE ANY INTEREST IN
32 THE PROPERTY IN THE FUTURE; AND
- 33 4. THE MITIGATION AGREEMENT REQUIRES THE DIRECTOR TO ISSUE A NUMBER OF
34 CREDITS EQUIVALENT TO THE NUMBER OF TRIPS THAT THE DIRECTOR
35 CALCULATES WILL BE AVOIDED THROUGH THE ACTIONS AGREED TO BY THE
36 DEVELOPER.

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1 **3806.4.2.2 AFFORDABLE HOUSING.** THE DIRECTOR MUST ISSUE TRIP-GENERATION
2 CREDITS FOR A PROPOSED PROJECT EQUIVALENT TO THE NUMBER OF TRIPS
3 ATTRIBUTABLE TO RESIDENTIAL UNITS WITH A COST AT OR BELOW A “LOW HOUSING
4 COST” (AS THAT TERM IS DEFINED IN CITY CODE ARTICLE 13, § 2B-3) .

5 **3806.4.2.3 SUBSTANTIAL REHABILITATION WITHIN 1 YEAR.** FOR THE SUBSTANTIAL
6 REHABILITATION OF A STRUCTURE THAT HAS BEEN VACANT FOR LESS THAN 1 YEAR
7 BEFORE THE DATE OF APPLICATION FOR A PERMIT, THE DIRECTOR MUST ISSUE
8 TRIP-GENERATION CREDITS EQUIVALENT TO THE NUMBER OF TRIPS ATTRIBUTABLE TO
9 THE PREVIOUS USE, AS CALCULATED USING THE PROCEDURE ESTABLISHED UNDER
10 § 3806.3.1.

11 **3806.4.3 BUY-OUT OF CREDITS.** AN OWNER OR OCCUPIER OF PROPERTY THAT HAS
12 BENEFITTED FROM THE ISSUANCE OF TRIP-GENERATION CREDITS MAY NOT CHANGE THE
13 USE OF THE PROPERTY IN ANY WAY THAT WOULD NO LONGER QUALIFY THE PROPERTY FOR
14 1 OR MORE TRIP-GENERATION CREDITS PREVIOUSLY ISSUED UNLESS THE OWNER OR
15 OCCUPIER FIRST CANCELS THE PREVIOUSLY ISSUED CREDITS.

16 **3806.4.3.1 FORMULA.** TO CANCEL THOSE CREDITS, THE OWNER OR OCCUPIER MUST
17 PAY TO THE DIRECTOR OF FINANCE AN AMOUNT EQUAL TO THE GREATER OF:

- 18 1. THE NUMBER OF TRIP-GENERATION CREDITS BEING CANCELED, MULTIPLIED BY
19 THE TRAFFIC-MITIGATION FEE RATE THAT WAS IN FORCE FOR THE ZONE WHEN
20 THE CREDITS WERE ISSUED; OR
- 21 2. THE NUMBER OF TRIP-GENERATION CREDITS BEING CANCELED, MULTIPLIED BY
22 THE TRAFFIC-MITIGATION FEE RATE THAT IS IN FORCE IN THE ZONE WHEN THE
23 CREDITS ARE CANCELLED.

24 **3806.4.4 OBLIGATION CREATED BY ACCEPTANCE OF CREDITS.** THE ACCEPTANCE OF
25 TRIP-GENERATION CREDITS UNDER THIS § 3806.4 CREATES A BINDING OBLIGATION ON THE
26 PERSONS ACCEPTING THE CREDITS TO FULFILL THE REPRESENTATIONS AND AGREEMENTS
27 THAT ALLOWED THE CREDITS TO BE ISSUED. IN ADDITION TO ANY OTHER REMEDY OR
28 ENFORCEMENT ACTION, THE DIRECTOR MAY ENFORCE THESE OBLIGATIONS BY SEEKING
29 BOTH LEGAL AND EQUITABLE REMEDIES.

30 **3806.5 PAYMENT OF FEES.**

31 **3806.5.1 LESS THAN \$50,000.** IF THE TRAFFIC-MITIGATION FEE ASSESSED FOR A
32 PROPOSED PROJECT IS LESS THAN \$50,000, THE FEE MUST BE PAID TO THE DEPARTMENT OF
33 FINANCE IN FULL BEFORE ANY PERMITS FOR THE WORK ARE ISSUED.

34 **3806.5.2 \$50,000 OR MORE.** IF THE TRAFFIC-MITIGATION FEE ASSESSED FOR A
35 PROPOSED PROJECT IS \$50,000 OR MORE, THE DIRECTOR OF TRANSPORTATION MAY
36 NEGOTIATE INSTALLMENT PAYMENTS FOR A PERIOD OF UP TO 5 YEARS FROM THE
37 ISSUANCE OF A BUILDING PERMIT. ANY INSTALLMENT PLAN UNDER THIS § 3806.5.2
38 REQUIRES THE APPROVAL OF THE BOARD OF ESTIMATES TO BECOME EFFECTIVE.

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3807 USE OF FEES.

3807.1 SEPARATE REVENUE ACCOUNTS. TRAFFIC-MITIGATION FEES COLLECTED UNDER THIS CHAPTER ARE TO BE DEPOSITED TO THE GENERAL FUND AND ACCOUNTED FOR IN SEPARATE REVENUE ACCOUNTS DESIGNATED TO INDICATE PRECISELY HOW MUCH REVENUE IS DERIVED FROM EACH TRAFFIC-MITIGATION ZONE.

3807.2 FEES TO BENEFIT ZONE OF ORIGIN. SUBJECT TO APPROPRIATION, REVENUE DERIVED FROM TRAFFIC-MITIGATION FEES IN EACH TRAFFIC-MITIGATION ZONE MUST BE USED ONLY FOR THE PURPOSES DESCRIBED IN § 3807.3 OR FOR:

1. DESIGNING AND CONSTRUCTING PROJECTS TO BENEFIT THE TRANSPORTATION INFRASTRUCTURE OF THE ZONE FROM WHICH THE FEES DERIVE, AS APPROVED BY THE PLANNING COMMISSION IN THE TRAFFIC MANAGEMENT PLAN ADOPTED UNDER § 3805.2; AND
2. DEFRAYING THE PLANNING AND ADMINISTRATIVE COSTS, OF NO MORE THAN 10% OF ALL REVENUE COLLECTED, OF IMPLEMENTING THIS CHAPTER.

3807.3 FEES MAY DEFRAY COST OF SITE ACCESS IMPROVEMENTS.

3807.3.1 SITE ACCESS IMPROVEMENTS. SUBJECT TO THE APPROVAL OF THE BOARD OF ESTIMATES, THE DIRECTOR MAY PERMIT UP TO 33% OF THE TRAFFIC MITIGATION FEE PAID BY AN APPLICANT TO BE USED FOR MINOR SITE ACCESS IMPROVEMENTS INCLUDING TURNING LANES, ACCELERATION/DECELERATION LANES, TRAFFIC SIGNALS, OR SIMILAR IMPROVEMENTS.

3807.3.2 USE OF FEES. FEES APPROPRIATED UNDER THIS § 3807.3 MAY BE EITHER:

1. REBATED TO THE APPLICANT PURSUANT TO AN AGREEMENT REQUIRING THE APPLICANT TO CONSTRUCT THESE IMPROVEMENTS; OR
2. RETAINED BY THE DEPARTMENT OF TRANSPORTATION FOR THE PURPOSE OF CONSTRUCTING THESE IMPROVEMENTS.

3807.4 ANNUAL ACCOUNTING. WITH THE ASSISTANCE OF THE DEPARTMENT OF FINANCE, THE DIRECTOR MUST ANNUALLY PRODUCE AND PROVIDE TO THE BOARD OF ESTIMATES AN ACCOUNTING THAT SHOWS:

1. THE CUMULATIVE REVENUE DERIVED FROM TRAFFIC-MITIGATION FEES IN EACH TRAFFIC-MITIGATION ZONE; AND
2. THE CUMULATIVE EXPENDITURES OR APPROPRIATIONS FOR PROJECTS THAT BENEFIT THE TRANSPORTATION INFRASTRUCTURE OF EACH ZONE.

3808 ENFORCEMENT.

3808.1 GENERAL. A VIOLATION OF ANY PROVISION OF THIS CHAPTER, OF A RULE OR REGULATION ADOPTED UNDER THIS CHAPTER, OR OF AN AGREEMENT ENTERED INTO UNDER THIS CHAPTER CONSTITUTES A VIOLATION OF THIS CODE, SUBJECT TO THE ENFORCEMENT,

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1 PENALTY, AND OTHER PROVISIONS OF § 113 {"VIOLATIONS"} AND RELATED SECTIONS OF THIS
2 CODE.
3

4 **Article – Zoning**

5 **Title 2. Administration; Authorizations**

6 ***Subtitle 3. Zoning Authorizations***

7 **§ 2-305. [Traffic-impact study] TRAFFIC MITIGATION.**

8 (a) *Referral to DoT.*

9 Within 15 business days of receiving a completed application, the Zoning Administrator
10 must refer the application and all accompanying documents to the Director of
11 Transportation, if:

12 (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED STRUCTURE OR USE HAVE
13 NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE
14 BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

15 (2) the proposed structure or use:

16 (i) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805,

17 (ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

18 (iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the
19 proposed structure or use has not already been undertaken in accordance with
20 this article or the Baltimore City Building, Fire, and Related Codes].

21 (b) *[Study criteria] MITIGATION REQUIRED.*

22 A traffic-impact study OR THE PAYMENT OF A TRAFFIC-MITIGATION FEE is required if any
23 1 of the criteria specified in Building Code [§ 105.3.2.3] § 3802 apply.

24 (c) *Procedures and conduct.*

25 The Director of Transportation must review the application [and undertake or
26 contract for any required traffic-impact study] as provided in Building Code
27 [§ 105.3.2] § 3802.

28 [(d) *Expenses.*

29 All reasonable expenses incurred in undertaking or contracting for the study must be paid
30 by the applicant as provided in Building Code § 105.3.2.6.]

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1 [(e) *Mitigation.*

2 The applicant is responsible for mitigating adverse traffic impacts as provided in
3 Building Code § 105.3.2.8.]

4 (D) *MITIGATION PROCEDURE.*

5 IF THE DIRECTOR OF TRANSPORTATION INFORMS THE APPLICANT THAT TRAFFIC
6 MITIGATION IS REQUIRED UNDER BUILDING CODE CHAPTER 38, THE APPLICANT MUST
7 COMPLY WITH THE APPLICABLE PROCEDURES AND REQUIREMENTS OF THAT CHAPTER.

8 ***Subtitle 4. Use Permits***

9 **§ 2-403. Application for permit.**

10 (c) *Traffic-impact study.*

11 Within 15 business days of receiving a completed application, the Zoning Administrator
12 must refer the application and all accompanying documents to the Director of
13 Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION,
14 as provided in § 2-305 {[Traffic-impact study] TRAFFIC MITIGATION"} of this title, if:

15 (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED OCCUPANCY OR USE
16 HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR
17 THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

18 (2) the proposed occupancy or use:

19 (I) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE
20 § 3805,

21 (II) involves 15,000 sq. ft. or more of gross floor area, [and] OR

22 (III) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the
23 proposed occupancy or use has not already been undertaken in accordance
24 with this article or the Baltimore City Building, Fire, and Related Codes.].

25 **Title 13. Nonconformance**

26 ***Subtitle 7. Modifications and Continuances by Board***

27 **§ 13-704. Applications.**

28 (b) *Traffic-impact study.*

29 Within 15 business days of receiving a completed application, the Zoning Administrator
30 must refer the application and all accompanying documents to the Director of
31 Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION,
32 as provided in § 2-305 {[Traffic-impact study] TRAFFIC MITIGATION"} of this article, if:

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1 (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED MODIFICATION OR
2 CONTINUANCE HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH
3 THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES;
4 AND

5 (2) the proposed modification or continuance:

6 (i) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE
7 § 3805,

8 (ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

9 (iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the
10 proposed modification or continuance has not already been undertaken in
11 accordance with this article or the Baltimore City Building, Fire, and
12 Related Codes].

13 **Title 14. Conditional Uses**

14 ***Subtitle 2. Procedures and General Considerations***

15 **§ 14-201. Applications.**

16 (d) *Traffic-impact study.*

17 Within 15 business days of receiving a completed application, the Zoning Administrator
18 must refer the application and all accompanying documents to the Director of
19 Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION,
20 as provided in § 2-305 {“[Traffic-impact study] TRAFFIC MITIGATION”} of this article, if:

21 (1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED CONDITIONAL USE HAVE
22 NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE
23 BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

24 (2) the proposed conditional use:

25 (i) IS IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE
26 § 3805,

27 (ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

28 (iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the
29 proposed conditional use has not already been undertaken in accordance
30 with this article or the Baltimore City Building, Fire, and Related Codes].

31 (e) *Transmittal to Board.*

32 (1) The Zoning Administrator must forward the application and all relevant information
33 to the Board.

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(2) The Director of Transportation must forward TO THE BOARD the results of [its] ANY traffic-impact study [to the Board] THAT IS CONDUCTED.

Title 16. Legislative Authorizations and Amendments

Subtitle 3. Referrals and Required Findings

§ 16-301. Referral to agencies.

(b) *Traffic-impact study.*

Within 15 business days of receiving a completed application, the City Council must also refer the bill and all accompanying documents to the Director of Transportation for review and, if required, [a traffic-impact study] TRAFFIC MITIGATION, as provided in § 2-305 {"[Traffic-impact study] TRAFFIC MITIGATION"} of this article, if:

(1) TRAFFIC MITIGATION REQUIREMENTS FOR THE PROPOSED ZONING AUTHORIZATION HAVE NOT ALREADY BEEN COMPLIED WITH IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES; AND

(2) the proposed zoning authorization:

(i) IS FOR PROPERTY IN A TRAFFIC-MITIGATION ZONE DESIGNATED IN BUILDING CODE § 3805,

(ii) involves 15,000 sq. ft. or more of gross floor area, [and] OR

(iii) INVOLVES 50 OR MORE DWELLING UNITS [(2) a traffic-impact study for the proposed zoning authorization has not already been undertaken in accordance with this article or the Baltimore City Building, Fire, and Related Codes].

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.*

(5a) *Building, Fire, and Related Codes – Building Code*

§ 113.14. Work without permit	\$500
§ 114.3. Stop-work order: Unlawful continuance	\$500
§ 123.8. Failure to comply with notice Condemnation proceedings {§ 120}	\$500

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1	Unsafe structures {§ 115}	\$500
2	All other notices (excluding citations)	\$250
3	§ 3302.3. Construction Safeguards: Waste and debris	\$250
4	§ 3808. TRAFFIC-MITIGATION: ENFORCEMENT	\$500

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the requirements of this Ordinance apply
6 to all applications made after the effective date of this Ordinance, notwithstanding any traffic
7 study that might previously have been undertaken.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
9 are not law and may not be considered to have been enacted as a part of this or any prior
10 Ordinance.

11 **SECTION 4. AND BE IT FURTHER ORDAINED,** That until the Board of Estimates adopts a fee
12 schedule for each Zone designated in Section 3805.3, proposed work in any Zone without a fee
13 schedule will be treated as if it were not in a Zone.

14 **SECTION 5. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
15 after the date it is enacted.