

**CITY OF BALTIMORE  
COUNCIL BILL 06-0360  
(First Reader)**

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Introduced by: Councilmembers Kraft, D’Adamo, Curran, Welch, Harris, Clarke

Introduced and read first time: March 6, 2006

Assigned to: Land Use and Transportation Committee

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REFERRED TO THE FOLLOWING AGENCIES: Board of Municipal and Zoning Appeals, City Solicitor, Department of Housing and Community Development, Department of Transportation, Baltimore City Parking Authority, Baltimore Development Corporation, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Building and Zoning – Traffic Studies**

3 FOR the purpose of requiring a traffic study as a condition for certain building and zoning  
4 authorizations; defining certain terms; correcting, clarifying, and conforming certain  
5 language; and generally relating to the requirements and procedures for building permits,  
6 zoning authorizations, use permits, modifications and continuances of nonconforming uses,  
7 conditional uses, legislative authorizations, and other building and zoning code permits and  
8 authorizations.

9 BY repealing and reordaining, with amendments

10 Article - Building, Fire, and Related Codes  
11 Section(s) 2-103 (IBC §§ 105.1 and 105.3)  
12 Baltimore City Revised Code  
13 (Edition 2000)

14 BY repealing and reordaining, without amendments

15 Article - Zoning  
16 Section(s) 1-304, 2-301, 2-302, 2-402, 9-111, 10-301, 13-708,  
17 13-712, 13-714, 14-205, 14-309, 14-310, and 15-219  
18 Baltimore City Revised Code  
19 (Edition 2000)

20 BY adding

21 Article - Zoning  
22 Section(s) 2-305  
23 Baltimore City Revised Code  
24 (Edition 2000)

25 BY renumbering

26 Article - Zoning  
27 Section(s) 2-305  
28 to be

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

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1 Section(s) 2-306  
2 Baltimore City Revised Code  
3 (Edition 2000)

4 BY repealing and reordaining, with amendments  
5 Article - Zoning  
6 Section(s) 2-403, 13-704, 14-201, and 16-301  
7 Baltimore City Revised Code  
8 (Edition 2000)

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

11 **Baltimore City Revised Code**

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

13 **Part II. International Building Code**

14 **§ 2-103. City modifications.**

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

17 **Chapter 1. Administration**

18 **Section 105 Permits**

19 **105.1 Required.** A permit issued by the Building Official is required before any person  
20 may DO ANY OF THE FOLLOWING WORK:

- 21 a. construct, alter, add to, repair, rehabilitate, demolish, or move any structure,
- 22 b. change the use of any structure or land,
- 23 c. install or alter any equipment subject to this Code,
- 24 d. move a lot line that affects any structure, or
- 25 e. perform any grading or excavating.

26 **105.1.1 Annual permit. [Not Adopted]**

27 **105.1.2 Annual permit records. [Not Adopted]**

28 **105.1.3 By whom application to be made.** The application for a permit must be made  
29 as follows:

- 30 a. for a demolition or moving permit, by the owner of the property to be demolished  
31 or moved,

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1           b. for a permit to remove formstone, paint, or other material from exterior surfaces,  
2           by the licensed contractor employed to do the proposed work, and

3           c. for all other permits, by:

4                     1. the owner or lessee of the structure,

5                     2. the agent of the owner or lessee, or

6                     3. the licensed engineer or architect employed in connection with the  
7                     proposed work.

8           **105.1.4 Work done without permit.** A person who does any work without a permit or  
9           after a permit is revoked for any reason must obtain a permit for that work, even if  
10          already completed, and pay the appropriate permit fee and penalty surcharge.

11          **105.3 Application for permit.** To obtain a permit, the applicant [shall] MUST first file an  
12          application [therefor in writing] on [a] THE form [furnished] PROVIDED by the [department of  
13          building safety] BUILDING OFFICIAL for that purpose. [Such] THE application [shall] MUST:

14                    1. [Identify] IDENTIFY and describe the work to be covered [by] UNDER the permit [for  
15                    which application is made.],

16                    2. [Describe] DESCRIBE the land on which the proposed work is to be done by legal  
17                    description, street address, or similar description that will readily identify and  
18                    definitely locate the proposed building or work[.],

19                    3. [Indicate] INDICATE the use and occupancy for which the proposed work is  
20                    intended[.],

21                    4. [Be] BE accompanied by THE construction documents and other information [as]  
22                    required [in Section 106.3] BY § 106 of this Code[.],

23                    5. [State] STATE the valuation of the proposed work[.],

24                    6. IDENTIFY THE PARTIES BY PROVIDING:

25                            A. THE FULL NAMES AND ADDRESSES OF THE OWNER, LESSEE, AND APPLICANT,  
26                            AND

27                            B. IF THE OWNER OR LESSEE IS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY  
28                            COMPANY, OR OTHER ENTITY, THE FULL NAMES AND ADDRESSES OF ITS  
29                            RESPONSIBLE OFFICERS, PARTNERS, OR MEMBERS.

30                    7. PROVIDE ANY OTHER DATA AND INFORMATION THAT THE BUILDING OFFICIAL  
31                    REQUIRES, AND

32                    8. [6. Be] BE signed by the applicant, or the applicant's authorized agent.

33                    [7. Give such other data and information as required by the building official.]

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1 **[105.3.1 Identity of parties.** The application must state:

- 2 a. the full names and addresses of the owner, lessee, and applicant, and
- 3 b. if the owner or lessee is a corporation, partnership, limited liability company, or
- 4 other entity, the full names and addresses of its responsible officers, partners, or
- 5 members.]

6 **105.3.1 [105.3.2] Action on application – GENERAL.** The [building official] BUILDING  
 7 OFFICIAL [shall] MUST examine [or cause to be examined] ALL applications for permits  
 8 [and amendments thereto] within a reasonable time after filing. If the application or the  
 9 [construction documents do] PROPOSED WORK DOES not conform to the requirements of  
 10 THIS CODE OR ANY OTHER [pertinent laws] APPLICABLE LAW, the [building official]  
 11 BUILDING OFFICIAL [shall] MUST reject [such] THE application in writing, stating the  
 12 reasons [therefor] FOR THE REJECTION. If the [building official] BUILDING OFFICIAL is  
 13 satisfied that the APPLICATION AND THE proposed work [conforms] CONFORM to the  
 14 requirements of this [code] CODE and ALL OTHER APPLICABLE laws [and ordinances  
 15 applicable thereto], the [building official] BUILDING OFFICIAL [shall] MUST issue [a] THE  
 16 permit [therefor] as soon as practicable.

17 **105.3.2 ACTION ON APPLICATION – TRAFFIC-IMPACT STUDY.**

18 **105.3.2.1 “GROSS FLOOR AREA” DEFINED.** IN THIS § 105.3.2, “GROSS FLOOR AREA”  
19 MEANS THE AREA SPECIFIED IN § 1-304 OF THE BALTIMORE CITY ZONING CODE .

20 **105.3.2.2 STUDY REQUIRED.** THE BUILDING OFFICIAL MUST REFER THE APPLICATION  
21 AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A  
22 TRAFFIC-IMPACT STUDY IF:

- 23 A. THE PROPOSED WORK INVOLVES 50,000 SQ. FT. OR MORE OF GROSS FLOOR
- 24 AREA; AND
- 25 B. A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN
- 26 ACCORDANCE WITH THE BALTIMORE CITY ZONING CODE.

27 **105.3.2.3 How CONDUCTED.** THE DEPARTMENT OF TRANSPORTATION MAY ITSELF  
28 UNDERTAKE THE STUDY OR CONTRACT WITH INDEPENDENT CONSULTANTS FOR THE  
29 STUDY, AS THE DIRECTOR OF TRANSPORTATION CONSIDERS NECESSARY OR  
30 APPROPRIATE.

31 **105.3.2.4 EXPENSES.** ALL REASONABLE EXPENSES INCURRED IN UNDERTAKING OR  
32 CONTRACTING FOR THE STUDY MUST BE PAID BY THE APPLICANT, IN ADVANCE, AS AN  
33 ADDITIONAL SERVICE CHARGE FOR THE PERMIT, TO BE IMPOSED AND COLLECTED AS  
34 PROVIDED IN § 108 OF THIS CODE FOR FEES AND SERVICE CHARGES.

35 **105.3.3 Time limitation of application. [As in IBC § 105.3.2]**

36 **105.3.4 Bond for exterior removal of formstone, paint, etc.** An application for a  
37 permit to remove formstone, paint, or other material from exterior surfaces must be  
38 accompanied by evidence satisfactory to the Building Official that the applicant has

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1 obtained a bond to cover the City’s expense in the event of a spill or failure to properly  
2 dispose of hazardous waste. The bond must be in an amount of at least \$5,000.

3 **Article – Zoning**

4 **Title 1. Definitions; General Provisions**

5 *Subtitle 3. Measurements and Computations*

6 **§ 1-304. Gross floor area.**

7 For determining the maximum gross floor area for certain uses, the gross floor area is the  
8 sum of the area of each floor or part of a floor that is devoted to the use in question,  
9 excluding space permanently devoted to off-street parking or loading facilities.

10 **Title 2. Administration; Authorizations**

11 *Subtitle 3. Zoning Authorizations*

12 **§ 2-301. Authorization required.**

13 (a) *In general.*

14 No license or other permit pertaining to the use of land or structures may be issued by  
15 any officer, department, or employee of the City unless:

16 (1) the application for that license or permit has been examined by the Office of the  
17 Zoning Administrator; and

18 (2) has affixed to it the authorization of the Zoning Administrator, indicating that the  
19 proposed structure or use complies with all the provisions of this article.

20 (b) *When no other permit required.*

21 If no license or other permit is otherwise required for the use of land, this zoning  
22 authorization constitutes the permit to so use the land.

23 **§ 2-302. Plot plan.**

24 The application for a zoning authorization must be accompanied by a plot plan that:

25 (1) is drawn to scale and fully dimensioned;

26 (2) indicates the parcel of land, lot, and block, or the relevant portions of them; and

27 (3) shows:

28 (i) the ground area, height, and bulk of the structure;

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- 1 (ii) the structure in relation to the lot lines;
- 2 (iii) the use to be made of the structure or land; and
- 3 (iv) any other information that the Zoning Administrator requires for the proper
- 4 administration and enforcement of this article.

5 **§ 2-305. TRAFFIC-IMPACT STUDY.**

6 (A) *STUDY REQUIRED.*

7 THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING  
8 DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY IF:

9 (1) THE PROPOSED STRUCTURE OR USE INVOLVES 50,000 SQ. FT. OR MORE OF GROSS  
10 FLOOR AREA; AND

11 (2) A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE  
12 WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED  
13 CODES.

14 (B) *HOW CONDUCTED.*

15 THE DEPARTMENT OF TRANSPORTATION MAY ITSELF UNDERTAKE THE STUDY OR  
16 CONTRACT WITH INDEPENDENT CONSULTANTS FOR THE STUDY, AS THE DIRECTOR OF  
17 TRANSPORTATION CONSIDERS NECESSARY OR APPROPRIATE.

18 (C) *EXPENSES.*

19 ALL REASONABLE EXPENSES INCURRED IN UNDERTAKING OR CONTRACTING FOR THE  
20 STUDY MUST BE PAID BY THE APPLICANT, IN ADVANCE.

21 **§ 2-306. [§ 2-305.] Noncomplying permits void.**

22 Any building permit, occupancy permit, or other license or permit issued in conflict with the  
23 requirements of this article is void.

24 ***Subtitle 4. Use Permits***

25 **§ 2-402. Use permit required.**

26 A use permit is required before any person may:

- 27 (1) occupy any newly-constructed structure or any addition to a previously-constructed  
28 structure;
- 29 (2) use for any purpose any previously-vacant land; or
- 30 (3) make any change in the authorized use of any land or structure.

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1 **§ 2-403. Application for permit.**

2 (a) *How made.*

3 (1) Every application for a building permit constitutes an application for a use permit as  
4 well, but approval of one does not constitute approval of the other.

5 (2) For a new use of a structure or land for which no building permit is required, the  
6 application for a use permit must be made to the Zoning Administrator.

7 (b) *Required information.*

8 The application must be accompanied by:

9 (1) unless one already is on file, a plot plan that complies with and contains the  
10 information specified in § 2-302 {"PLOT PLAN"} of this title for zoning  
11 authorizations; or

12 (2) in the discretion of the Zoning Administrator, whatever other written information  
13 the Zoning Administrator requires to enable her or him to act on the application.

14 (c) *TRAFFIC-IMPACT STUDY.*

15 THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING  
16 DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY, TO  
17 BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"} OF THIS TITLE, IF:

18 (1) THE PROPOSED OCCUPANCY OR USE INVOLVES 50,000 SQ. FT. OR MORE OF GROSS  
19 FLOOR AREA; AND

20 (2) A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE  
21 WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED  
22 CODES.

23 **Title 9. Planned Unit Developments**

24 ***Subtitle 1. Overview; General Requirements***

25 **§ 9-111. Agency reviews.**

26 (a) *Referrals.*

27 On introduction of a bill proposing a Planned Unit Development, the City Council must  
28 refer the bill for review by the Board, the Planning Commission, and other agencies as  
29 provided in Title 16 {"Legislative Authorizations"} of this article.

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1 (b) *Reports and recommendations.*

2 The agencies to which a bill has been referred must submit their reports and  
3 recommendations to the City Council as provided in Title 16 {"Legislative  
4 Authorizations"} of this article.

5 **Title 10. Off-Street Parking Regulations**

6 ***Subtitle 3. General Requirements***

7 **§ 10-301. Plot plan.**

8 (a) *Plan to show facilities.*

9 When a plot plan is submitted with an application for a building permit, or with an  
10 application for a use permit where a building permit is not required, the plot plan must  
11 include the off-street parking facilities to be provided.

12 (b) *Form and contents.*

13 The plot plan must:

14 (1) be drawn to scale and fully dimensioned; and

15 (2) indicate the location of, and provision for:

16 (i) parking spaces;

17 (ii) curbing and wheelstops;

18 (iii) pavement markings;

19 (iv) surfacing;

20 (v) screening and landscaping;

21 (vi) lighting; and

22 (vii) drainage; and

23 (3) contain any other pertinent information that the Zoning Administrator requires.

24 (c) *Required reviews.*

25 (1) If a proposed new or expanded use provides for 5 or more new parking spaces, the  
26 Zoning Administrator must forward the plot plan for that use to:



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1 (i) the Department of Planning; and

2 (ii) the Department of Public Works.

3 (2) The Department of Public Works must determine:

4 (i) compliance with:

5 (A) drainage requirements;

6 (B) sidewalk, curb, and driveway requirements; and

7 (C) other relevant standards adopted by the Department of Public Works;  
8 and

9 (ii) the adequacy of:

10 (A) ingress and egress provisions for vehicular movement;

11 (B) safety provisions for pedestrian and vehicular traffic; and

12 (C) all safeguards needed to ensure a minimum of disruption to public  
13 rights-of-way and a maximum of safety.

14 (3) Within 10 days of their having received the plot plan, the Department of Planning and  
15 the Department of Public Works must return the plot plan to the Zoning  
16 Administrator, with their written approvals or recommended modifications.

17 **Title 13. Nonconformance**

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

19 **§ 13-704. Applications.**

20 (A) *IN GENERAL.*

21 (1) An application for any modification or continuance under this subtitle must be filed  
22 with the Zoning Administrator in the form that the Zoning Administrator requires.

23 (2) The application must be accompanied by the plans and information that the Board  
24 requires by general rule.

25 (B) *TRAFFIC-IMPACT STUDY.*

26 THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING  
27 DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY, TO  
28 BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"} OF THIS ARTICLE, IF:

29 (1) THE PROPOSED MODIFICATION OR CONTINUANCE INVOLVES 50,000 SQ. FT. OR  
30 MORE OF GROSS FLOOR AREA; AND

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1 (2) A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE  
2 WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED  
3 CODES.

### 4 § 13-708. General considerations.

5 In addition to the guides, standards, and limitations prescribed for the specific instances to  
6 which this Part II applies, the Board must consider in each instance:

- 7 (1) the general character of uses and structures within at least 300 feet in all directions  
8 from the lot lines of the property under consideration;
- 9 (2) the site plan, arrangement, design, and architectural features of all existing and  
10 proposed structures in the surrounding neighborhood;
- 11 (3) the type, nature of illumination, and design of any signs;
- 12 (4) the amount of noise, traffic, and any other deleterious external effect that the  
13 nonconforming use can reasonably be anticipated to generate or create;
- 14 (5) the nature of any protective screening or other safeguard designed to shield the  
15 neighborhood from any adverse effect; and
- 16 (6) the amount and nature of off-street parking and loading facilities available or to be  
17 provided in conjunction with the proposed use.

### 18 § 13-712. Change of certain Class II or III nonconforming uses.

19 The Board may authorize a change of a Class II or Class III nonconforming use, as limited  
20 and stated in §§ 13-305 and 13-405 {"Changes in use"} of this title, if the Board finds that:

- 21 (1) any emission of noise, vibration, smoke or particulate matter, toxic matter, odorous  
22 matter, or glare from the proposed use would be no greater than that from the existing  
23 or last use of the property;
- 24 (2) the proposed use will not generate a greater volume of traffic than the existing or last  
25 use of the property;
- 26 (3) the proposed use will not occupy a greater portion of the lot or structure than the  
27 existing or last use of the property; and
- 28 (4) the effect of the proposed use on the health, safety, or general welfare of the  
29 community will be no worse than the existing or last use of the property.

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**§ 13-714. Extension or moving of Class I, II, or III nonconforming use.**

The Board may authorize an extension or moving of a Class I, Class II, or Class III nonconforming use, as limited and stated in §§ 13-206, 13-306, and 13-406 {"Expansions of use"} and §§ 13-208, 13-308, and 13-408 {"Relocations"} of this title, if the Board finds that:

- (1) the extension or moving will not cause a greater volume of traffic than that generated before the extension or move;
- (2) the extension or moving will not violate in any manner the bulk regulations of the district in which the property is located;
- (3) the effect of the extended or moved use on the health, safety, or general welfare of the community will be no worse than the existing or last use;
- (4) for the extension of a Class II or Class III nonconforming use, the extension will not result in an increase of the floor area of more than 25% beyond that which had been occupied or used when it became nonconforming; and
- (5) for an extension in the Critical Area:
  - (i) there is no environmentally acceptable alternative outside the Critical Area; and
  - (ii) the use is needed to correct an existing water quality or wastewater management problem.

**Title 14. Conditional Uses**

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

**§ 14-201. Applications.**

(a) *Who may apply.*

An application for a conditional use must be filed by the property owner or with the written consent of the property owner.

(b) *Filing with Administrator.*

The application must be filed with the Zoning Administrator in the form that the Board requires.

(c) *Contents.*

The application must:

- (1) be accompanied by the plans and information that the Board requires by general rule; and

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1 (2) include a written statement by the applicant, with adequate supporting evidence,  
2 showing how the proposed conditional use will conform to the standards set forth  
3 in this title.

4 (D) *TRAFFIC-IMPACT STUDY.*

5 THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING  
6 DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY, TO  
7 BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"} OF THIS ARTICLE, IF:

8 (1) THE PROPOSED CONDITIONAL USE INVOLVES 50,000 SQ. FT. OR MORE OF GROSS  
9 FLOOR AREA; AND

10 (2) A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE  
11 WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED  
12 CODES.

13 (E) [(d)] *Transmittal to Board.*

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

16 (2) THE DEPARTMENT OF TRANSPORTATION MUST FORWARD THE RESULTS OF ITS  
17 TRAFFIC-IMPACT STUDY TO THE BOARD.

18 **§ 14-205. Required considerations.**

19 (a) *In general.*

20 As a further guide to its decision on the facts of each case, the Board must consider the  
21 following, where appropriate:

22 (1) the nature of the proposed site, including its size and shape and the proposed size,  
23 shape, and arrangement of structures;

24 (2) the resulting traffic patterns and adequacy of proposed off-street parking and  
25 loading;

26 (3) the nature of the surrounding area and the extent to which the proposed use might  
27 impair its present and future development;

28 (4) the proximity of dwellings, churches, schools, public structures, and other places  
29 of public gathering;

30 (5) accessibility of the premises for fire and police protection;

31 (6) accessibility of light and air to the premises and to the property in the vicinity;

32 (7) the type and location of adequate utilities, access roads, drainage, and other  
33 necessary facilities that have been or will be provided;

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- 1 (8) the preservation of cultural and historic landmarks;
- 2 (9) the provisions of the City Master Plan;
- 3 (10) the provisions of any applicable Urban Renewal Plan;
- 4 (11) all applicable standards and requirements of this article;
- 5 (12) the intent and purpose stated in § 1-401 {"Purposes of article"} of this article;
- 6 and
- 7 (13) any other matters considered to be in the interest of the general welfare.

8 (b) *Additional considerations and requirements.*

9 Additional considerations and requirements for certain uses are specified in Subtitle 3  
10 {"Additional Considerations for Certain Uses"} of this title.

11 ***Subtitle 3. Additional Considerations for Certain Uses***

12 **§ 14-309. Live entertainment or dancing.**

13 For a restaurant or tavern operating with live entertainment or dancing as an accessory use,  
14 the Board must consider imposing conditions, as appropriate, concerning:

- 15 (1) days and hours of operation;
- 16 (2) use of amplification, noise levels, and need for noise proofing;
- 17 (3) limits on the size of the establishment or on the size, location, or configuration of the
- 18 entertainment or dancing venue within the establishment;
- 19 (4) number of live entertainers;
- 20 (5) number of seats proposed for outdoor table service;
- 21 (6) exterior lighting;
- 22 (7) whether to limit the accessory use to live entertainment only or dancing only; and
- 23 (8) the establishment and maintenance of:
  - 24 (i) a traffic and parking management plan; and
  - 25 (ii) an indoor and outdoor security plan.

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1 **§ 14-310. After-hours establishments.**

2 (a) *Required considerations.*

3 For an after-hours establishment, the Board must consider imposing conditions, as  
4 appropriate, concerning:

- 5
- 6 (1) days and hours of operation;
- 7 (2) use of amplification, noise levels, and need for noise proofing;
- 8 (3) limits on the size of the establishment or on the size, location, or configuration of  
9 any entertainment or dancing venue within the establishment;
- 10 (4) number of live entertainers;
- 11 (5) number of seats proposed for outdoor table service;
- 12 (6) exterior lighting;
- 13 (7) whether to place limits on the type of entertainment use; and
- 14 (8) the establishment and maintenance of:
- 15 (i) a traffic and parking management plan; and
- 16 (ii) an indoor and outdoor security plan.
- 17

18 (b) *Required findings and conditions.*

19 The Board must find, and require as a condition of approval, that the establishment  
20 cannot be entered from a tavern.

21 **Title 15. Variances**

22 ***Subtitle 2. Authorized Variances; Required Findings***

23 **§ 15-219. Other required findings.**

24 The Board or Mayor and City Council must also find that:

- 25 (1) the conditions on which the application is based are unique to the property for which  
26 the variance is sought and are not generally applicable to other property within the  
27 same zoning classification;
- 28 (2) the unnecessary hardship or practical difficulty is caused by this article and has not  
29 been created by the intentional action or inaction of any person who has a present  
30 interest in the property;

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- 1 (3) the purpose of the variance is not based exclusively on a desire to increase the value  
2 or income potential of the property;
- 3 (4) the variance will not:
- 4 (i) be injurious to the use and enjoyment of other property in the immediate  
5 vicinity; or
- 6 (ii) substantially diminish and impair property values in the neighborhood;
- 7 (5) the variance will not:
- 8 (i) impair an adequate supply of light and air to adjacent property;
- 9 (ii) overcrowd the land;
- 10 (iii) create an undue concentration of population;
- 11 (iv) substantially increase the congestion of the streets;
- 12 (v) create hazardous traffic conditions;
- 13 (vi) adversely affect transportation;
- 14 (vii) unduly burden water, sewer, school, park, or other public facilities;
- 15 (viii) increase the danger of fire; or
- 16 (ix) otherwise endanger the public safety;
- 17 (6) the variance is not precluded by and will not adversely affect:
- 18 (i) any Urban Renewal Plan; or
- 19 (ii) the City's Master Plan;
- 20 (7) the variance will not otherwise:
- 21 (i) be detrimental to or endanger the public health, security, general welfare, or  
22 morals; or
- 23 (ii) in any way be contrary to the public interest;
- 24 (8) the variance is in harmony with the purpose and intent of this article; and
- 25 (9) within the purpose and intent of this article, the variance granted is the minimum  
26 necessary to afford relief, to which end a lesser variance than that applied for may be  
27 permitted.

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**Title 16. Legislative Authorizations and Amendments**

***Subtitle 3. Referrals and Required Findings***

**§ 16-301. Referral to agencies.**

(A) *IN GENERAL.*

On introduction of a bill proposing any zoning legislation, the City Council must refer the bill to the following for their written reports and recommendations:

- (1) the Board;
- (2) the Planning Commission;
- (3) for a bill involving housing for the elderly, the Department of Housing and Community Development; and
- (4) any other agencies that the President of the City Council specifies.

(B) *TRAFFIC-IMPACT STUDY.*

THE CITY COUNCIL MUST ALSO REFER THE BILL AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY, TO BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"} OF THIS ARTICLE, IF:

- (1) THE PROPOSED ZONING AUTHORIZATION INVOLVES 50,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; AND
- (2) A TRAFFIC-IMPACT STUDY HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE WITH THIS ARTICLE OR THE BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES.

**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 30<sup>th</sup> day after the date it is enacted.