

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0360

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
Committee Report: Favorable with Amendments
Council action: Adopted
Read second time: September 25, 2006

AN ORDINANCE CONCERNING

Building and Zoning – Traffic Studies

- 1
- 2 FOR the purpose of requiring a traffic study as a condition for certain building and zoning
3 authorizations; defining certain terms; correcting, clarifying, and conforming certain
4 language; and generally relating to the requirements and procedures for building permits,
5 zoning authorizations, use permits, modifications and continuances of nonconforming uses,
6 conditional uses, legislative authorizations, and other building and zoning code permits and
7 authorizations.
- 8 BY repealing and reordaining, with amendments
9 Article - Building, Fire, and Related Codes
10 Section(s) 2-103 (IBC §§ 105.1 and 105.3)
11 Baltimore City Revised Code
12 (Edition 2000)
- 13 BY repealing and reordaining, without amendments
14 Article - Zoning
15 Section(s) 1-304, 2-301, 2-302, 2-402, 9-111, 10-301, 13-708,
16 13-712, 13-714, 14-205, 14-309, 14-310, and 15-219
17 Baltimore City Revised Code
18 (Edition 2000)
- 19 BY adding
20 Article - Zoning
21 Section(s) 2-305
22 Baltimore City Revised Code
23 (Edition 2000)
- 24 BY renumbering
25 Article - Zoning
26 Section(s) 2-305
27 to be

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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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:

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- 1 a. for a demolition or moving permit, by the owner of the property to be demolished
2 or moved,
- 3 b. for a permit to remove formstone, paint, or other material from exterior surfaces,
4 by the licensed contractor employed to do the proposed work, and
- 5 c. for all other permits, by:
 - 6 1. the owner or lessee of the structure,
 - 7 2. the agent of the owner or lessee, or
 - 8 3. the licensed engineer or architect employed in connection with the
9 proposed work.

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

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

- 16 1. [Identify] IDENTIFY and describe the work to be covered [by] UNDER the permit [for
17 which application is made.],
- 18 2. [Describe] DESCRIBE the land on which the proposed work is to be done by legal
19 description, street address, or similar description that will readily identify and
20 definitely locate the proposed building or work[.],
- 21 3. [Indicate] INDICATE the use and occupancy for which the proposed work is
22 intended[.],
- 23 4. SPECIFY THE GROSS FLOOR AREA, AS DEFINED IN § 105.3.2.1, INVOLVED IN THE
24 PROPOSED WORK;
- 25 5. SPECIFY THE NUMBER OF DWELLING UNITS, IF ANY, INVOLVED IN THE PROPOSED
26 WORK;
- 27 6. ~~4.~~ [Be] BE accompanied by THE construction documents and other information [as]
28 required [in Section 106.3] BY § 106 of this Code[.],
- 29 7. ~~5.~~ [State] STATE the valuation of the proposed work[.],
- 30 8. ~~6.~~ IDENTIFY THE PARTIES BY PROVIDING:
 - 31 A. THE FULL NAMES AND ADDRESSES OF THE OWNER, LESSEE, AND APPLICANT,
32 AND

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

9. ~~7.~~ PROVIDE ANY OTHER DATA AND INFORMATION THAT THE BUILDING OFFICIAL REQUIRES, AND

10. ~~8.~~ [6. Be] BE signed by the applicant, or the applicant’s authorized agent.

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

[105.3.1 Identity of parties. The application must state:

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

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

105.3.2 ACTION ON APPLICATION – TRAFFIC-IMPACT STUDY.

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

105.3.2.2 ~~STUDY REQUIRED~~ REFERRAL TO DOT. ~~THE~~ “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 A TRAFFIC-IMPACT STUDY~~ IF:

- A. THE PROPOSED WORK INVOLVES ~~50,000~~ 15,000 SQ. FT. OR MORE OF GROSS FLOOR AREA; AND
- B. A TRAFFIC-IMPACT STUDY FOR THE PROPOSED WORK HAS NOT ALREADY BEEN UNDERTAKEN IN ACCORDANCE WITH THE BALTIMORE CITY ZONING CODE.

105.3.2.3 STUDY CRITERIA. A TRAFFIC-IMPACT STUDY IS REQUIRED IF THE PROPOSED WORK INVOLVES ANY 1 OF THE FOLLOWING:

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1 A. AN IMPACT AREA, AS DETERMINED BY THE DEPARTMENT OF TRANSPORTATION,
2 THAT INCLUDES AN INTERSECTION PERFORMING AT LEVEL OF SERVICE D OR
3 WORSE; OR

4 B. 100 OR MORE DWELLING UNITS; OR

5 C. A GROSS FLOOR AREA THAT EQUALS OR EXCEEDS:

6 1. FOR A WAREHOUSE USE, 150,000 SQ. FT.; OR

7 2. FOR ANY OTHER USE, 50,000 SQ. FT.

8 **105.3.2.4 DoT INITIAL DETERMINATION. WITHIN 20 BUSINESS DAYS OF THE**
9 **REFERRAL OF AN APPLICATION, THE DIRECTOR OF TRANSPORTATION MUST REVIEW**
10 **THE APPLICATION AND NOTIFY THE BUILDING OFFICIAL AND THE APPLICANT:**

11 A. WHETHER AND, IF SO, WHAT ADDITIONAL INFORMATION IS NEEDED TO
12 EVALUATE THE APPLICATION; OR

13 B. IF NO ADDITIONAL INFORMATION IS NEEDED:

14 1. WHETHER, UNDER THE CRITERIA SET FORTH IN § 105.3.2.3,
15 A TRAFFIC-IMPACT STUDY WILL BE REQUIRED; AND

16 2. IF SO, THE ESTIMATED EXPENSES FOR UNDERTAKING OR
17 CONTRACTING FOR THE STUDY.

18 **105.3.2.5 ~~105.3.2.3~~ HOW CONDUCTED.**

19 **105.3.2.5.1 BY DoT OR CONSULTANT.** THE DEPARTMENT OF TRANSPORTATION
20 MAY ITSELF UNDERTAKE THE STUDY OR CONTRACT WITH INDEPENDENT
21 CONSULTANTS FOR THE STUDY, AS THE DIRECTOR OF TRANSPORTATION
22 CONSIDERS NECESSARY OR APPROPRIATE.

23 **105.3.2.5.2 SCOPE OF STUDY. THE AREA AND SCOPE OF EACH STUDY IS TO BE**
24 **DETERMINED BY THE DEPARTMENT OF TRANSPORTATION.**

25 **105.3.2.6 ~~105.3.2.4~~ EXPENSES.** ALL REASONABLE EXPENSES INCURRED IN
26 UNDERTAKING OR CONTRACTING FOR THE STUDY MUST BE PAID BY THE APPLICANT, ~~IN~~
27 ~~ADVANCE~~, AS AN ADDITIONAL SERVICE CHARGE FOR THE PERMIT, TO BE IMPOSED AND
28 COLLECTED AS PROVIDED IN § 108 OF THIS CODE FOR FEES AND SERVICE CHARGES.

29 **105.3.2.6.1 INITIAL PAYMENT. BEFORE THE STUDY BEGINS, THE APPLICANT**
30 **MUST PAY AN AMOUNT EQUAL TO 50% OF THE EXPENSES ESTIMATED UNDER §**
31 **105.3.2.4.**

32 **105.3.2.6.2 BALANCE. AFTER THE STUDY IS COMPLETED, BUT BEFORE ANY**
33 **PERMIT MAY BE ISSUED, THE APPLICANT MUST PAY THE DIFFERENCE BETWEEN THE**
34 **AMOUNT PAID AND THE ACTUAL EXPENSES INCURRED FOR THE STUDY.**

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1 **105.3.2.7 APPLICANT’S OPTION ON DELAY. IF THE TRAFFIC-IMPACT STUDY IS NOT**
2 **COMPLETED WITHIN 60 BUSINESS DAYS AFTER THE INITIAL PAYMENT IS MADE UNDER**
3 **§ 105.3.2.6.1, THE APPLICANT MAY PROCEED TO CONTRACT FOR THE TRAFFIC-IMPACT**
4 **STUDY WITH A CONSULTANT SELECTED FROM A LIST OF CONSULTANTS APPROVED BY**
5 **THE DEPARTMENT OF TRANSPORTATION.**

6 **105.3.2.8 MITIGATION. THE APPLICANT MUST NEGOTIATE IN GOOD FAITH WITH THE**
7 **DEPARTMENT OF TRANSPORTATION TO DETERMINE WHO MUST PAY FOR AND**
8 **UNDERTAKE THE ACTIONS NECESSARY OR APPROPRIATE TO MITIGATE THE ADVERSE**
9 **TRAFFIC IMPACTS IDENTIFIED IN THE TRAFFIC-IMPACT STUDY. IF NO AGREEMENT IS**
10 **REACHED, THE APPLICATION IS NOT APPROVED.**

11 **105.3.2.9 DOT RULES AND REGULATIONS.**

12 **105.3.2.9.1 IN GENERAL. THE DEPARTMENT OF TRANSPORTATION MAY ADOPT**
13 **RULES AND REGULATIONS TO CARRY OUT THIS § 105.3.2.**

14 **105.3.2.9.2 FILING. A COPY OF ALL RULES AND REGULATIONS ADOPTED**
15 **UNDER THIS § 105.3.2. MUST BE FILED WITH:**

- 16 A. THE BUILDING OFFICIAL,
- 17 B. THE ZONING ADMINISTRATOR,
- 18 C. THE BOARD OF MUNICIPAL AND ZONING APPEALS, AND
- 19 D. THE DEPARTMENT OF LEGISLATIVE REFERENCE.

20 **105.3.3 Time limitation of application. [As in IBC § 105.3.2]**

21 **105.3.4 Bond for exterior removal of formstone, paint, etc.** An application for a
22 permit to remove formstone, paint, or other material from exterior surfaces must be
23 accompanied by evidence satisfactory to the Building Official that the applicant has
24 obtained a bond to cover the City’s expense in the event of a spill or failure to properly
25 dispose of hazardous waste. The bond must be in an amount of at least \$5,000.

26 **Article – Zoning**

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

28 **Subtitle 3. Measurements and Computations**

29 **§ 1-304. Gross floor area.**

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

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Title 2. Administration; Authorizations

Subtitle 3. Zoning Authorizations

§ 2-301. Authorization required.

(a) *In general.*

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

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

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

(b) *When no other permit required.*

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

§ 2-302. Plot plan.

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

(1) is drawn to scale and fully dimensioned;

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

(3) shows:

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

(ii) the structure in relation to the lot lines;

(iii) the use to be made of the structure or land; and

(iv) any other information that the Zoning Administrator requires for the proper administration and enforcement of this article.

§ 2-305. TRAFFIC-IMPACT STUDY.

(A) ~~STUDY REQUIRED~~ REFERRAL TO DOT.

~~THE WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE ZONING ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS TO THE DIRECTOR OF TRANSPORTATION FOR A TRAFFIC-IMPACT STUDY IF:~~

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1 (1) THE PROPOSED STRUCTURE OR USE INVOLVES ~~50,000~~ 15,000 SQ. FT. OR MORE OF
2 GROSS FLOOR AREA; AND

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

6 ~~(B) HOW CONDUCTED.~~

7 ~~THE DEPARTMENT OF TRANSPORTATION MAY ITSELF UNDERTAKE THE STUDY OR~~
8 ~~CONTRACT WITH INDEPENDENT CONSULTANTS FOR THE STUDY, AS THE DIRECTOR OF~~
9 ~~TRANSPORTATION CONSIDERS NECESSARY OR APPROPRIATE.~~

10 (B) STUDY CRITERIA.

11 A TRAFFIC-IMPACT STUDY IS REQUIRED IF ANY 1 OF THE CRITERIA SPECIFIED IN BUILDING
12 CODE § 105.3.2.3 APPLY.

13 (C) PROCEDURES AND CONDUCT.

14 THE DIRECTOR OF TRANSPORTATION MUST REVIEW THE APPLICATION AND
15 UNDERTAKE OR CONTRACT FOR ANY REQUIRED TRAFFIC-IMPACT STUDY AS PROVIDED
16 IN BUILDING CODE § 105.3.2.

17 (D) ~~(E)~~ EXPENSES.

18 ALL REASONABLE EXPENSES INCURRED IN UNDERTAKING OR CONTRACTING FOR THE
19 STUDY MUST BE PAID BY THE APPLICANT, ~~IN ADVANCE~~ AS PROVIDED IN BUILDING CODE
20 § 105.3.2.6.

21 (E) MITIGATION.

22 THE APPLICANT IS RESPONSIBLE FOR MITIGATING ADVERSE TRAFFIC IMPACTS AS
23 PROVIDED IN BUILDING CODE § 105.3.2.8.

24 **§ 2-306. [§ 2-305.] Noncomplying permits void.**

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

27 *Subtitle 4. Use Permits*

28 **§ 2-402. Use permit required.**

29 A use permit is required before any person may:

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

5 **§ 2-403. Application for permit.**

6 (a) *How made.*

- 7 (1) Every application for a building permit constitutes an application for a use permit as
8 well, but approval of one does not constitute approval of the other.
- 9 (2) For a new use of a structure or land for which no building permit is required, the
10 application for a use permit must be made to the Zoning Administrator.

11 (b) *Required information.*

12 The application must be accompanied by:

- 13 (1) unless one already is on file, a plot plan that complies with and contains the
14 information specified in § 2-302 {"PLOT PLAN"} of this title for zoning
15 authorizations; or
- 16 (2) in the discretion of the Zoning Administrator, whatever other written information
17 the Zoning Administrator requires to enable her or him to act on the application.

18 (c) *TRAFFIC-IMPACT STUDY.*

19 ~~THE WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE ZONING~~
20 ~~ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS~~
21 ~~TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND, IF REQUIRED, A TRAFFIC-~~
22 ~~IMPACT STUDY, TO BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"}~~
23 ~~OF THIS TITLE, IF:~~

- 24 (1) THE PROPOSED OCCUPANCY OR USE INVOLVES ~~50,000~~ 15,000 SQ. FT. OR MORE OF
25 GROSS FLOOR AREA; AND
- 26 (2) A TRAFFIC-IMPACT STUDY FOR THE PROPOSED OCCUPANCY OR USE HAS NOT
27 ALREADY BEEN UNDERTAKEN IN ACCORDANCE WITH THIS ARTICLE OR THE
28 BALTIMORE CITY BUILDING, FIRE, AND RELATED CODES.

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Title 9. Planned Unit Developments

Subtitle 1. Overview; General Requirements

§ 9-111. Agency reviews.

(a) *Referrals.*

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

(b) *Reports and recommendations.*

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

Title 10. Off-Street Parking Regulations

Subtitle 3. General Requirements

§ 10-301. Plot plan.

(a) *Plan to show facilities.*

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

(b) *Form and contents.*

The plot plan must:

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

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

(i) parking spaces;

(ii) curbing and wheelstops;

(iii) pavement markings;

(iv) surfacing;

(v) screening and landscaping;

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- 1 (vi) lighting; and
- 2 (vii) drainage; and
- 3 (3) contain any other pertinent information that the Zoning Administrator requires.
- 4 (c) *Required reviews.*
- 5 (1) If a proposed new or expanded use provides for 5 or more new parking spaces, the
- 6 Zoning Administrator must forward the plot plan for that use to:
 - 7 (i) the Department of Planning; and
 - 8 (ii) the Department of Public Works.
- 9 (2) The Department of Public Works must determine:
 - 10 (i) compliance with:
 - 11 (A) drainage requirements;
 - 12 (B) sidewalk, curb, and driveway requirements; and
 - 13 (C) other relevant standards adopted by the Department of Public Works;
 - 14 and
 - 15 (ii) the adequacy of:
 - 16 (A) ingress and egress provisions for vehicular movement;
 - 17 (B) safety provisions for pedestrian and vehicular traffic; and
 - 18 (C) all safeguards needed to ensure a minimum of disruption to public
 - 19 rights-of-way and a maximum of safety.
- 20 (3) Within 10 days of their having received the plot plan, the Department of Planning and
- 21 the Department of Public Works must return the plot plan to the Zoning
- 22 Administrator, with their written approvals or recommended modifications.

Title 13. Nonconformance

Subtitle 7. Modifications and Continuances by Board

§ 13-704. Applications.

(A) *IN GENERAL.*

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

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

3 (B) *TRAFFIC-IMPACT STUDY.*

4 ~~THE WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE ZONING~~
5 ~~ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS~~
6 ~~TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND, IF REQUIRED, A TRAFFIC-~~
7 ~~IMPACT STUDY, TO BE CONDUCTED AS PROVIDED IN § 2-305 {"TRAFFIC-IMPACT STUDY"} }~~
8 ~~OF THIS ARTICLE, IF:~~

9 (1) THE PROPOSED MODIFICATION OR CONTINUANCE INVOLVES ~~50,000~~ 15,000 SQ. FT.
10 OR MORE OF GROSS FLOOR AREA; AND

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

14 **§ 13-708. General considerations.**

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

17 (1) the general character of uses and structures within at least 300 feet in all directions
18 from the lot lines of the property under consideration;

19 (2) the site plan, arrangement, design, and architectural features of all existing and
20 proposed structures in the surrounding neighborhood;

21 (3) the type, nature of illumination, and design of any signs;

22 (4) the amount of noise, traffic, and any other deleterious external effect that the
23 nonconforming use can reasonably be anticipated to generate or create;

24 (5) the nature of any protective screening or other safeguard designed to shield the
25 neighborhood from any adverse effect; and

26 (6) the amount and nature of off-street parking and loading facilities available or to be
27 provided in conjunction with the proposed use.

28 **§ 13-712. Change of certain Class II or III nonconforming uses.**

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

31 (1) any emission of noise, vibration, smoke or particulate matter, toxic matter, odorous
32 matter, or glare from the proposed use would be no greater than that from the existing
33 or last use of the property;

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1 (2) the proposed use will not generate a greater volume of traffic than the existing or last
2 use of the property;

3 (3) the proposed use will not occupy a greater portion of the lot or structure than the
4 existing or last use of the property; and

5 (4) the effect of the proposed use on the health, safety, or general welfare of the
6 community will be no worse than the existing or last use of the property.

7 **§ 13-714. Extension or moving of Class I, II, or III nonconforming use.**

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

12 (1) the extension or moving will not cause a greater volume of traffic than that generated
13 before the extension or move;

14 (2) the extension or moving will not violate in any manner the bulk regulations of the
15 district in which the property is located;

16 (3) the effect of the extended or moved use on the health, safety, or general welfare of the
17 community will be no worse than the existing or last use;

18 (4) for the extension of a Class II or Class III nonconforming use, the extension will not
19 result in an increase of the floor area of more than 25% beyond that which had been
20 occupied or used when it became nonconforming; and

21 (5) for an extension in the Critical Area:

22 (i) there is no environmentally acceptable alternative outside the Critical Area;
23 and

24 (ii) the use is needed to correct an existing water quality or wastewater
25 management problem.

26 **Title 14. Conditional Uses**

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

28 **§ 14-201. Applications.**

29 (a) *Who may apply.*

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

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1 (b) *Filing with Administrator.*

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

4 (c) *Contents.*

5 The application must:

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

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

11 (D) *TRAFFIC-IMPACT STUDY.*

12 ~~THE~~ WITHIN 15 BUSINESS DAYS OF RECEIVING A COMPLETED APPLICATION, THE ZONING
13 ADMINISTRATOR MUST REFER THE APPLICATION AND ALL ACCOMPANYING DOCUMENTS
14 TO THE DIRECTOR OF TRANSPORTATION FOR REVIEW AND, IF REQUIRED, A TRAFFIC-
15 IMPACT STUDY, TO BE CONDUCTED AS PROVIDED IN § 2-305 {“TRAFFIC-IMPACT STUDY”}
16 OF THIS ARTICLE, IF:

17 (1) THE PROPOSED CONDITIONAL USE INVOLVES ~~50,000~~ 15,000 SQ. FT. OR MORE OF
18 GROSS FLOOR AREA; AND

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

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

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

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

27 **§ 14-205. Required considerations.**

28 (a) *In general.*

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

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

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- 1 (2) the resulting traffic patterns and adequacy of proposed off-street parking and
2 loading;
- 3 (3) the nature of the surrounding area and the extent to which the proposed use might
4 impair its present and future development;
- 5 (4) the proximity of dwellings, churches, schools, public structures, and other places
6 of public gathering;
- 7 (5) accessibility of the premises for fire and police protection;
- 8 (6) accessibility of light and air to the premises and to the property in the vicinity;
- 9 (7) the type and location of adequate utilities, access roads, drainage, and other
10 necessary facilities that have been or will be provided;
- 11 (8) the preservation of cultural and historic landmarks;
- 12 (9) the provisions of the City Master Plan;
- 13 (10) the provisions of any applicable Urban Renewal Plan;
- 14 (11) all applicable standards and requirements of this article;
- 15 (12) the intent and purpose stated in § 1-401 {"Purposes of article"} of this article;
16 and
- 17 (13) any other matters considered to be in the interest of the general welfare.

18 (b) *Additional considerations and requirements.*

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

21 *Subtitle 3. Additional Considerations for Certain Uses*

22 **§ 14-309. Live entertainment or dancing.**

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

- 25 (1) days and hours of operation;
- 26 (2) use of amplification, noise levels, and need for noise proofing;
- 27 (3) limits on the size of the establishment or on the size, location, or configuration of the
28 entertainment or dancing venue within the establishment;
29

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- 1 (4) number of live entertainers;
- 2 (5) number of seats proposed for outdoor table service;
- 3 (6) exterior lighting;
- 4 (7) whether to limit the accessory use to live entertainment only or dancing only; and
- 5 (8) the establishment and maintenance of:
 - 6 (i) a traffic and parking management plan; and
 - 7 (ii) an indoor and outdoor security plan.

9 **§ 14-310. After-hours establishments.**

10 (a) *Required considerations.*

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

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

24 (b) *Required findings and conditions.*

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

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Title 15. Variances

Subtitle 2. Authorized Variances; Required Findings

§ 15-219. Other required findings.

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

(1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;

(2) the unnecessary hardship or practical difficulty is caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;

(3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

(4) the variance will not:

(i) be injurious to the use and enjoyment of other property in the immediate vicinity; or

(ii) substantially diminish and impair property values in the neighborhood;

(5) the variance will not:

(i) impair an adequate supply of light and air to adjacent property;

(ii) overcrowd the land;

(iii) create an undue concentration of population;

(iv) substantially increase the congestion of the streets;

(v) create hazardous traffic conditions;

(vi) adversely affect transportation;

(vii) unduly burden water, sewer, school, park, or other public facilities;

(viii) increase the danger of fire; or

(ix) otherwise endanger the public safety;

(6) the variance is not precluded by and will not adversely affect:

(i) any Urban Renewal Plan; or

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- 1 (ii) the City’s Master Plan;
- 2 (7) the variance will not otherwise:
 - 3 (i) be detrimental to or endanger the public health, security, general welfare, or
 - 4 morals; or
 - 5 (ii) in any way be contrary to the public interest;
- 6 (8) the variance is in harmony with the purpose and intent of this article; and
- 7 (9) within the purpose and intent of this article, the variance granted is the minimum
- 8 necessary to afford relief, to which end a lesser variance than that applied for may be
- 9 permitted.

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:

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

(B) *TRAFFIC-IMPACT STUDY.*

~~THE~~ 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, TO BE CONDUCTED AS PROVIDED IN § 2-305 {“TRAFFIC-IMPACT STUDY”} OF THIS ARTICLE, IF:

- 27 (1) THE PROPOSED ZONING AUTHORIZATION INVOLVES ~~50,000~~ 15,000 SQ. FT. OR MORE
- 28 OF GROSS FLOOR AREA; AND

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

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

7 **SECTION 2 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this**
8 **Ordinance are not law and may not be considered to have been enacted as a part of this or any**
9 **prior Ordinance.**

10 **SECTION 3 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th**
11 **day after the date it is enacted.**

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City