

**CITY OF BALTIMORE
COUNCIL BILL 19-0461
(First Reader)**

Introduced by: Councilmembers Burnett, Bullock, Henry, Pinkett, Dorsey, Middleton, Clarke,
Reisinger

Introduced and read first time: October 28, 2019

Assigned to: Land Use Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Use Regulation – Residential Care Facilities**

3 FOR the purpose of clarifying the requirements for a residential-care facility where single-family
4 dwellings are permitted; clarifying the duties of the Zoning Administrator; requiring that
5 residential care facilities require conditional use approval of the Board of Municipal and
6 Zoning Appeals in certain residential zoning districts; and conforming related provisions.

7 BY repealing and re-ordaining, with amendments

8 Article 32 - Zoning
9 Sections 3-201(c) and 14-334(a)
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and re-ordaining, with amendments

13 Article 32 - Zoning
14 Table 8-301(Residential)
15 Baltimore City Code
16 (Edition 2000)

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

19 **Baltimore City Code**

20 **Article 32. Zoning**

21 **Title 3. Outline of Code Administration**

22 ***Subtitle 2. Administrative Agencies and Officials***

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

Council Bill 19-0461

§ 3-201. Zoning Administrator.

(c) *Powers and duties – Specific.*

The Zoning Administrator has the following powers and duties under this Code:

- (1) to determine whether a variance is a major or minor variance (Title 5, Subtitle 3);
- (2) to grant minor variances (Title 5, Subtitle 3);
- (3) to authorize use permits (Title 5, Subtitle 7);
- (4) to provide zoning consultations (Title 5, Subtitle 8);
- (5) to issue zoning verifications (Title 5, Subtitle 9);
- (6) to inspect structures and uses of land to determine compliance with this Code and, where violations are found, initiate action to secure compliance;
- (7) to preserve all records from the administration of the zoning law since its enactment by Ordinance 31-1247;
- (8) to maintain permanent records of this Code and of all actions taken under it, including:
 - (i) all maps adopted under this Code; and
 - (ii) all amendments to this Code and to the maps adopted under it;
 - (iii) the rules and regulations of the Board of Municipal and Zoning Appeals;
 - (iv) applications for and approvals of conditional uses and variances; and
 - (v) appeals taken under this Code;
- (9) to provide and maintain a public information service on matters arising out of this Code;
- [(10) Where reasonable, necessary, and not a fundamental alteration of this Code, to provide reasonable accommodation in the application of this Code for the siting, development, and use of housing or services for an individual protected under the Federal Americans with Disabilities Act or the Federal Fair Housing Amendments Act;]
- (10) [(11)] to receive, file, review, maintain copies of, and forward to the Board Municipal and Zoning Appeals applications for conditional uses, variances, appeals, and other matters on which the Board is required to act;

Council Bill 19-0461

- 1 (11) [(12)] to perform completeness review of applications (§ 5-202);
- 2 (12) [(13)] with the approval of the Board of Estimates, to set fees for processing
- 3 applications, issuing permits and other authorizations, and performing the various
- 4 other functions required or authorized by this Code; and
- 5 (13) [(14)] to perform all other functions assigned to the Zoning Administrator by
- 6 this Code.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-334. Residential-care facilities.

(a) *Single-family dwelling.*

11 A residential-care facility may locate where single-family dwellings are allowed under
12 this Code as permitted or conditional uses, if the facility:

- 13 (1) is located in a single-family dwelling (whether detached, semi-detached, or
- 14 attached);
- 15 (2) complies with § 1-305(u) {"Definitions: Dwelling unit"} [and § 1-306(g)
- 16 {"Definitions: Family"}] of this Code; [and]
- 17 (3) meets the general requirements, the bulk and yard regulations, and all other
- 18 requirements of this Code applicable to dwellings in the zoning district within
- 19 which the facility is located [.];
- 20 (4) IS NOT LOCATED WITHIN 1,000 FEET FROM ANY OTHER RESIDENTIAL-CARE
- 21 FACILITY; AND
- 22 (5) IS OTHERWISE COMPLIANT WITH ANY APPLICABLE REQUIREMENTS UNDER THE
- 23 CITY BUILDING, FIRE, AND RELATED CODES ARTICLE.

Council Bill 19-0461

Zoning Tables

1

**TABLE 8-301: DETACHED AND SEMI-DETACHED RESIDENTIAL DISTRICTS –
PERMITTED AND CONDITIONAL USES**

USES	DISTRICTS									USE STANDARDS
	R-1A	R-1B	R-1C	R-1D	R-1E	R-1	R-2	R-3	R-4	
RESIDENTIAL										
Bed and Breakfast	CB									
...										
Residential-Care Facility	[P] CB	Per §14-334								
...										

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

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