

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 12-0038

Introduced by: Councilmembers Middleton, Branch, Mosby

At the request of: Gaudenzia Foundation, Inc.

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: March 5, 2012

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 30, 2012

AN ORDINANCE CONCERNING

**Zoning – Conditional Use Convalescent, Nursing, and Rest Home
(Substance Abuse Treatment Center) – Variances – 4613 Park Heights Avenue**

FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (substance abuse treatment center) on the property known as 4613 Park Heights Avenue, as outlined in red on the accompanying plat; and granting variances from certain setback, lot area size and lot area coverage, floor area ratio, off-street parking, and side yard projection requirements.

BY authority of

Article - Zoning

Section(s) 4-904(1), ~~and~~ 14-102, 15-202, 15-203, 15-204, 15-208, and 15-218

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for the establishment, maintenance, and operation of a convalescent, nursing, and rest home (substance abuse treatment center) on the property known as 4613 Park Heights Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-904(1) and 14-102, subject to the following conditions:

1. The convalescent, nursing, and rest home (substance abuse treatment center) shall only be permitted on the first floor of the property.
2. The convalescent, nursing, and rest home (substance abuse treatment center) shall conform to the site plan ~~known as Exhibit A that is attached to and made part of this Ordinance~~ approved by the Site Plan Review Committee and the Building Elevations approved by the Department of Planning.

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.

Council Bill 12-0038

- 1 3. The convalescent, nursing, and rest home (substance abuse treatment center) must
2 comply with all applicable federal, state, and local licensing and certification
3 requirements.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted
5 by Title 15 of the Zoning Code of Baltimore City and, specifically, by §§ 15-101 and 15-202, the
6 City Council grants a variance from the lot area requirement of 32,000 square feet to 24,401
7 square feet and a variance from the permitted lot area coverage of 35% to 47%.

8 **SECTION 3. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted
9 by Title 15 of the Zoning Code of Baltimore City and, specifically, by §§ 15-101 and 15-203, the
10 City Council grants a variance from the interior side yard setback requirement of 15 feet to 5 feet.

11 **SECTION 4. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted
12 by Title 15 of the Zoning Code of Baltimore City and, specifically, by §§ 15-101 and 15-204, the
13 City Council grants a variance from the permitted Floor Area Ratio of 1.0 to 1.57.

14 **SECTION 5. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted
15 by Title 15 of the Zoning Code of Baltimore City and, specifically, by §§ 15-101 and 15-208, the
16 City Council grants a variance from the requirement of 29 vehicle parking spaces to 15 vehicle
17 parking spaces.

18 **SECTION 6. AND BE IT FURTHER ORDAINED,** That pursuant to the authority granted
19 by Title 15 of the Zoning Code of Baltimore City and, specifically, by §§ 15-101, and 15-218, the
20 City Council grants a variance from the permitted 3-foot side yard projection to a 5-foot side yard
21 projection to the property line.

22 **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
23 accompanying plat and in order to give notice to the agencies that administer the City Zoning
24 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
25 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
26 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
27 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
28 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
29 the Zoning Administrator.

30 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
31 day after the date it is enacted.

Council Bill 12-0038

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

President, Baltimore City Council

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

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City