

**CITY OF BALTIMORE
COUNCIL BILL 12-0055
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Law Department)
Introduced and read first time: April 16, 2012
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, Police Department, Health Department, Fire Department, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Residential Substance-Abuse Treatment Facilities**

3 FOR the purpose of allowing in certain zoning districts residential substance-abuse treatment
4 facilities as a conditional use requiring an ordinance or, under certain circumstances, as a
5 permitted use; requiring a certain number of off-street parking spaces for these facilities;
6 authorizing the Zoning Administrator, under certain circumstances, to provide reasonable
7 accommodation in the application of the Zoning Code to individuals protected under certain
8 federal laws; defining certain terms; repealing certain obsolete or obsolescent references to
9 non-bedridden alcoholics; repealing certain obsolete or obsolescent provisions governing the
10 authorization of health facilities; providing for a special effective date; and generally relating
11 to the siting, development, and use of residential substance-abuse treatment facilities.

12 BY renumbering

13 Article - Zoning
14 Section(s) 1-182.1 and 1-182.2
15 to be
16 Section(s) 1-182.2 and 1-182.3
17 Baltimore City Revised Code
18 (Edition 2000)

19 BY adding

20 Article - Zoning
21 Section(s) 1-182.1, 4-201(6a), 4-204(6), 4-901(4), 4-1001(6),
22 4-1101(7), 4-1201(2b), 5-201(7a), 5-204(10), 6-206(31a),
23 6-209(6), and 10-405(11)(v) and (vi)
24 Baltimore City Revised Code
25 (Edition 2000)

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

Council Bill 12-0055

1 BY repealing and reordaining, with amendments
2 Article - Zoning
3 Section(s) 2-105(b)(13) and (14), 4-1004(3), 5-204(6), 6-309(7),
4 and 6-509(3)
5 Baltimore City Revised Code
6 (Edition 2000)

7 BY repealing
8 Article - Health
9 Section(s) 3-101 through 3-107, inclusive, together with the
10 subtitle designation, "Subtitle 1. Ordinance Required to Establish"
11 Baltimore City Revised Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
14 Zoning Article §§ 1-182.1 and 182.2 are renumbered to be Zoning Article §§ 1-182.2 and 182.3.

15 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
16 follows:

17 **Baltimore City Revised Code**

18 **Article – Zoning**

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

20 *Subtitle 1. Definitions*

21 **§ 1-182.1. RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITY.**

22 "RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITY" MEANS A GROUP-CARE OR SIMILAR
23 FACILITY FOR THE 24-HOUR MEDICAL OR NON-MEDICAL CARE OF PERSONS WHO ARE
24 RECOVERING FROM SUBSTANCE ABUSE AND ARE IN NEED OF PERSONAL SERVICES,
25 SUPERVISION, OR ASSISTANCE.

26 **Title 2. Administration; Authorizations**

27 *Subtitle 1. General Administration*

28 *Part II. Zoning Administrator*

29 **§ 2-105. Duties.**

30 (b) *Specific duties.*

31 In addition to and in furtherance of that responsibility, the Zoning Administrator has the
32 duty to:

33

34 (13) periodically provide for publication of this article; [and]

Council Bill 12-0055

(14) WHERE REASONABLE, NECESSARY, AND NOT A FUNDAMENTAL ALTERATION OF THIS ARTICLE, PROVIDE REASONABLE ACCOMMODATION IN THE APPLICATION OF THIS ARTICLE TO THE SITING, DEVELOPMENT, AND USE OF HOUSING OR SERVICES FOR INDIVIDUALS PROTECTED UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT; AND

(15) [(14)] perform all other duties imposed on the Zoning Administrator by this article.

Title 4. Residence Districts

Subtitle 2. R-1 Single-Family Residence District

§ 4-201. Permitted uses.

In an R-1 District, permitted uses are as follows:

....

(6A) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES, IF THE FACILITY COMPLIES WITH § 1-136(C)(5) {"DWELLING: SINGLE-FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS ARTICLE.

....

§ 4-204. Conditional uses – Ordinance required.

In an R-1 District, conditional uses that require approval by ordinance are as follows:

....

(6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE PATIENTS.

Subtitle 9. R-6 General Residence District

§ 4-901. Permitted uses.

In an R-6 District, permitted uses are as follows:

....

(4) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142 {"FAMILY"} OF THIS ARTICLE.

Subtitle 10. R-7 General Residence District

§ 4-1001. Permitted uses.

In an R-7 District, permitted uses are as follows:

....

(6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142 {"FAMILY"} OF THIS ARTICLE.

Council Bill 12-0055

§ 4-1004. Conditional uses – Ordinance required.

In an R-7 District, conditional uses that require approval by ordinance are as follows:

-
- (3) Nonprofit homes [for the rehabilitation of non-bedridden alcoholics and] for the care and custody of homeless persons.
-

Subtitle 11. R-8 General Residence District

§ 4-1101. Permitted uses.

In an R-8 District, permitted uses are as follows:

-
- (7) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142 {"FAMILY"} OF THIS ARTICLE.

Subtitle 12. R-9 General Residence District

§ 4-1201. Permitted uses.

In an R-9 District, permitted uses are as follows:

-
- (2B) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142 {"FAMILY"} OF THIS ARTICLE.
-

Title 5. Office-Residence Districts

Subtitle 2. O-R District

§ 5-201. Permitted uses.

In an O-R District, permitted uses are as follows:

-
- (7A) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142 {"FAMILY"} OF THIS ARTICLE.
-

§ 5-204. Conditional uses – Ordinance required.

In an O-R District, conditional uses that require approval by ordinance are as follows:

-
- (6) Nonprofit homes [for the rehabilitation of non-bedridden alcoholics and] for the care and custody of homeless persons.
-

Council Bill 12-0055

1 (10) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE
2 PATIENTS.

3 **Title 6. Business Districts**

4 ***Subtitle 2. B-1 Neighborhood Business District***

5 **§ 6-206. Permitted uses.**

6 In a B-1 District, permitted uses are as follows:

- 7
- 8 (31A) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER
- 9 PATIENTS, IF THE FACILITY COMPLIES WITH § 1-137 {"DWELLING UNIT"} AND § 1-142
- 10 {"FAMILY"} OF THIS ARTICLE.
- 11

12 **§ 6-209. Conditional uses – Ordinance required.**

13 In a B-1 District, conditional uses that require approval by ordinance are as follows:

- 14
- 15 (6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE
- 16 PATIENTS.

17 ***Subtitle 3. B-2 Community Business District***

18 **§ 6-309. Conditional uses – Ordinance required.**

19 In a B-2 District, conditional uses that require approval by ordinance are as follows:

- 20
- 21 (7) Homes for [the rehabilitation of non-bedridden alcoholics and for] the care and
- 22 custody of homeless persons.
- 23

24 ***Subtitle 5. B-4 Central Business District***

25 **§ 6-509. Conditional uses – Ordinance required.**

26 In a B-4 District, conditional uses that require approval by ordinance are as follows:

- 27
- 28 (3) Homes for [the rehabilitation of non-bedridden alcoholics and for] the care and
- 29 custody of homeless persons.
- 30

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

32 ***Subtitle 4. Required Number of Off-Street Spaces***

33 **§ 10-405. Required number of vehicle parking spaces.**

34 Off-street vehicle parking spaces must be provided as follows:

Council Bill 12-0055

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

.....
(11) *Health care services.*

.....
(V) RESIDENTIAL SUBSTANCE-ABUSE
TREATMENT FACILITIES –
HOUSING 17 OR MORE PATIENTS

ALL DISTRICTS

1 PER 4 FULL-TIME
EQUIVALENT STAFF
MEMBERS, PLUS 1 PER 6
RESIDENTS. HOWEVER, IF
THE FACILITY DOES NOT
PERMIT RESIDENTS TO HAVE
VEHICLES AT THE FACILITY,
THE FACILITY NEED NOT
PROVIDE OFF-STREET
PARKING SPACES FOR
RESIDENTS.

(VI) RESIDENTIAL SUBSTANCE-ABUSE
TREATMENT FACILITIES –
HOUSING 16 OR FEWER PATIENTS

ALL DISTRICTS

SAME AS REQUIRED FOR
SIMILARLY CONFIGURED
DWELLINGS IN THE SAME
DISTRICT .

SECTION 3. AND BE IT FURTHER ORDAINED, That Health Article Title 3, Subtitle 1
{“Ordinance Required to Establish”} is repealed, in its entirety.

SECTION 4. 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 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is
enacted.