

**CITY OF BALTIMORE
COUNCIL BILL 05-0221
(First Reader)**

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: July 11, 2005
Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Board of Municipal and Zoning Appeals, Baltimore Substance Abuse Systems, Department of Housing and Community Development, Department of Transportation, Fire Department, Police Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning –**
3 **Group Homes – Nursing Homes – Emergency Shelters**

4 FOR the purpose of specifying the districts within which group homes, nursing homes, and
5 emergency shelters are allowed as permitted uses, conditional uses requiring approval by the
6 Zoning Board, or conditional uses requiring approval by ordinance; defining or redefining
7 certain terms; conforming and modifying the schedule of off-street parking spaces required
8 for these uses; requiring the Zoning Administrator to provide reasonable accommodation to
9 certain persons; repealing provisions that require an ordinance to establish certain health
10 facilities; and generally relating to the zoning of group homes, nursing homes, and
11 emergency shelters.

12 By repealing

13 Article - Zoning
14 Section(s) 1-129, 4-204(2), 4-1004(3), 5-204(2), 6-309(7), and 6-509(2) and (3)
15 Baltimore City Revised Code
16 (Edition 2000)

17 By renumbering

18 Article - Zoning
19 Section(s) 1-168.1
20 to be
21 Section(s) 1-168.2
22 Baltimore City Revised Code
23 (Edition 2000)

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

1 BY adding
2 Article - Zoning
3 Section(s) 1-138.1, 1-147, 1-168.1, 2-105(b)(13), 4-201(4a), 4-204(3a), 4-901(4),
4 4-1001(6), 4-1004(5), 4-1101(5a) and (7), 5-201(4a), 5-204(11), 6-206(20a),
5 6-208(3a), 6-309(9a) and (13), 6-406(47a), and 6-509(2) and (5)
6 Baltimore City Revised Code
7 (Edition 2000)

8 BY repealing and reordaining, without amendment
9 Article - Zoning
10 Section(s) 4-301, 4-303, 4-304, 4-401, 4-403, 4-404, 4-501(1),
11 4-503(1), 4-504(1), 4-601, 4-603, 4-604, 4-701, 4-703, 4-704, 4-801(1),
12 4-803, 4-804, 4-901(1), 4-903(1), 4-904(1), 4-1001(1), 4-1003(1),
13 4-1004(1), 4-1101(1), 4-1103(1), 4-1104, 4-1201(1), 4-1203(1), 4-1204,
14 4-1301(1), 4-1303, 4-1304, 6-306(1), 6-308(1), 6-309(1), 6-406(1), 6-408(1),
15 6-409(1), 6-506(1), 6-508(1), 6-509(1), 6-606(1), 6-608(1), and 6-609(1)
16 Baltimore City Revised Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments
19 Article - Zoning
20 Section(s) 2-105(b)(12) and (13), 4-202(2)(iii), 4-203(9), 4-1004(2),
21 5-203(11), 5-204(6), 6-207(1)(iii), and 10-405(11)(i) and (ii)
22 Baltimore City Revised Code
23 (Edition 2000)

24 BY repealing
25 Article - Health
26 Section(s) §§ 3-101 through 3-107, inclusive, together with the
27 subtitle designation “Subtitle 1. Ordinance Required to Establish”
28 Baltimore City Revised Code
29 (Edition 2000)

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

32 **Baltimore City Revised Code**

33 **Article – Zoning**

34 **[§ 1-129. Convalescent, nursing, or rest home.**

35 (a) *In general.*

36 “Convalescent, nursing, or rest home” means a home in which 3 or more people who are
37 aged, chronically ill, infirm, incurable, or suffering bodily disorders are housed and
38 provided with food and care.

1 (b) *Exclusions.*

2 “Convalescent, nursing, or rest home” does not include any hospital, clinic, or similar
3 institution devoted primarily to the diagnosis and treatment of disease and injury,
4 maternity cases, or mental illness.]

5 **§ 1-138.1. EMERGENCY SHELTER.**

6 “EMERGENCY SHELTER” MEANS A FACILITY THAT PROVIDES TEMPORARY SHELTER FOR 1 OR
7 MORE INDIVIDUALS WHO ARE OTHERWISE HOMELESS.

8 **§ 1-147. GROUP HOME.**

9 (A) “*ASSISTED LIVING PROGRAM*” *DEFINED.*

10 IN THIS SECTION, “ASSISTED LIVING PROGRAM” MEANS A RESIDENTIAL OR FACILITY-
11 BASED PROGRAM LICENSED OR CERTIFIED BY THE STATE OF MARYLAND TO PROVIDE
12 HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-
13 RELATED SERVICES, OR A COMBINATION OF THESE SERVICES TO PERSONS WHO ARE 62
14 YEARS OLD AND OLDER OR OTHER PERSONS WITH DISABILITIES WHO ARE PROTECTED
15 UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT OR THE FEDERAL FAIR
16 HOUSING AMENDMENTS ACT.

17 (B) “*GROUP HOME*” *DEFINED.*

18 “GROUP HOME” MEANS A FACILITY THAT PROVIDES AN ASSISTED LIVING PROGRAM.

19 (C) *TYPES OF GROUP HOMES.*

20 (1) *GENERAL.*

21 THE FOLLOWING ARE THE TYPES OF GROUP HOMES. NEITHER RESIDENT STAFF
22 MEMBERS NOR DEPENDENT CHILDREN IN THE CUSTODY OF A PARTICIPANT IN THE
23 ASSISTED LIVING PROGRAM ARE COUNTED IN DETERMINING THE TYPE OF GROUP HOME.

24 (2) *DESIGNATED TYPES.*

25 (I) *GROUP HOME: SMALL* – 1 TO 8 PERSONS IN AN ASSISTED LIVING PROGRAM.

26 (II) *GROUP HOME: LARGE* – 9 TO 16 PERSONS IN AN ASSISTED LIVING PROGRAM.

27 (III) *GROUP HOME: CONGREGATE LIVING FACILITY* – 17 OR MORE PERSONS IN AN
28 ASSISTED LIVING PROGRAM.

29 **§ 1-168.1. NURSING HOME.**

30 (A) *IN GENERAL.*

31 “NURSING HOME” MEANS A FACILITY LICENSED BY THE STATE OF MARYLAND TO PROVIDE
32 TREATMENT AND CARE FOR PERSONS SUFFERING FROM ILLNESS, DISEASE, AGING, OR
33 INJURY, WHO DO NOT REQUIRE THE EXTENSIVE OR INTENSIVE CARE THAT IS NORMALLY

1 PROVIDED IN A HOSPITAL, BUT WHO REQUIRE THE ON-SITE AVAILABILITY OF MAXIMAL
2 NURSING SERVICES PROVIDED BY A LICENSED NURSE, AND MEDICAL, CONVALESCENT,
3 REHABILITATIVE, OR CHRONIC CARE.

4 (B) *EXCLUSION.*

5 “NURSING HOME” DOES NOT INCLUDE A GROUP HOME.

6 **§ 1-168.2. [§ 1-168.1.] Outdoor table service.**

7 “Outdoor table service”, as an accessory to a restaurant, means an outdoor service area at
8 which patrons are seated at tables for service of food and drinks.

9 **§ 2-105. Duties.**

10 (b) *Specific duties.*

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

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

14 (13) PROVIDE REASONABLE ACCOMMODATION IN THE APPLICATION OF THIS ARTICLE
15 FOR THE SITING, DEVELOPMENT, AND USE OF HOUSING OR SERVICES FOR AN
16 INDIVIDUAL PROTECTED UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT
17 OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT; AND

18 (14) [(13)] perform all other duties imposed on the Zoning Administrator by this
19 article.

20 **§ 4-201. Permitted uses.**

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

22 (4A) GROUP HOMES: SMALL.

23 **§ 4-202. Accessory uses.**

24 In an R-1 District, accessory uses and structures include the following:

25 (2) Accessory microwave antennas (satellite dishes), as follows:

26 (iii) Any accessory satellite dish not exceeding 12 feet in diameter that is located:

27 (A) on the premises of a tavern, regardless of lot size; or

28 (B) on the premises one of the following uses, if the use is on lot of at
29 least 7,500 square feet:

30 [1. Convalescent, nursing, or rest homes.]

1. [2.] Educational and cultural institutions: nonprofit or publicly owned, as specified in § 4-201(4) of this subtitle.
2. [3.] Hotel and motels.
3. [4.] Housing for the elderly.
4. [5.] Medical facilities: nonprofit or publicly owned.
5. NURSING HOMES.
6. Religious institutions, as specified in § 4-201(6) of this subtitle.
7. VFW and American Legion Posts.

§ 4-203. Conditional uses – Board approval required.

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

- (9) [Health and medical institutions: for care of aged or children] GROUP HOMES: LARGE OR CONGREGATE LIVING FACILITY.

§ 4-204. Conditional uses – Ordinance required.

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

- [(2) Convalescent, nursing, and rest homes.]
- (3A) NURSING HOMES.

§ 4-301. Permitted uses.

In an R-1A District, permitted uses are the same as those in an R-1 District.

§ 4-303. Conditional uses – Board approval required.

In an R-1A District, conditional uses that require Board approval are the same as those in an R-1 District.

§ 4-304. Conditional uses – Ordinance required.

In an R-1A District, conditional uses that require approval by ordinance are the same as those in an R-1 District.

§ 4-401. Permitted uses.

In an R-1B District, permitted uses are the same as those in an R-1 District.

1 **§ 4-403. Conditional uses – Board approval required.**

2 In an R-1B District, conditional uses that require Board approval are the same as those in an
3 R-1 District.

4 **§ 4-404. Conditional uses – Ordinance required.**

5 In an R-1B District, conditional uses that require approval by ordinance are the same as those
6 in an R-1 District.

7 **§ 4-501. Permitted uses.**

8 In an R-2 District, permitted uses are as follows:

- 9 (1) As in an R-1 District.

10 **§ 4-503. Conditional uses – Board approval required.**

11 In an R-2 District, conditional uses that require Board approval are as follows:

- 12 (1) As in an R-1 District (unless it is a permitted use under § 4-501).

13 **§ 4-504. Conditional uses – Ordinance required.**

14 In an R-2 District, conditional uses that require approval by ordinance are as follows:

- 15 (1) As in an R-1 District.

16 **§ 4-601. Permitted uses.**

17 In an R-3 District, permitted uses are the same as those in an R-1 District.

18 **§ 4-603. Conditional uses – Board approval required.**

19 In an R-3 District, conditional uses that require Board approval are the same as those in an
20 R-1 District.

21 **§ 4-604. Conditional uses – Ordinance required.**

22 In an R-3 District, conditional uses that require approval by ordinance are the same as those
23 in an R-1 District.

24 **§ 4-701. Permitted uses.**

25 In an R-4 District, permitted uses are the same as those in an R-2 District.

26 **§ 4-703. Conditional uses – Board approval required.**

27 In an R-4 District, conditional uses that require Board approval are the same as those in an
28 R-2 District (unless it is a permitted use under § 4-701).

1 **§ 4-704. Conditional uses – Ordinance required.**

2 In an R-4 District, conditional uses that require approval by ordinance are the same as those
3 in an R-2 District.

4 **§ 4-801. Permitted uses.**

5 In an R-5 District, permitted uses are as follows:

6 (1) As in an R-2 District, except that agricultural uses are not permitted.

7 **§ 4-803. Conditional uses – Board approval required.**

8 In an R-5 District, conditional uses that require Board approval are the same as those in an
9 R-2 District (unless it is a permitted use under § 4-801).

10 **§ 4-804. Conditional uses – Ordinance required.**

11 In an R-5 District, conditional uses that require approval by ordinance are the same as those
12 in an R-2 District.

13 **§ 4-901. Permitted uses.**

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

15 (1) As in an R-2 District, except that agricultural uses are not permitted.

16 (4) GROUP HOMES: LARGE.

17 **§ 4-903. Conditional uses – Board approval required.**

18 In an R-6 District, conditional uses that require Board approval are as follows:

19 (1) As in an R-1 District (unless it is a permitted use under § 4-901).

20 **§ 4-904. Conditional uses – Ordinance required.**

21 In an R-6 District, conditional uses that require approval by ordinance are as follows:

22 (1) As in an R-1 District.

23 **§ 4-1001. Permitted uses.**

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

25 (1) As in an R-2 District, except that agricultural uses are not permitted.

26 (6) GROUP HOMES: LARGE.

1 **§ 4-1003. Conditional uses – Board approval required.**

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

- 3 (1) As in an R-1 District (unless it is a permitted use under § 4-1001).

4 **§ 4-1004. Conditional uses – Ordinance required.**

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

- 6 (1) As in an R-1 District.

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

- 9 (5) EMERGENCY SHELTERS.

10 **§ 4-1101. Permitted uses.**

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

- 12 (1) As in an R-2 District, except that agricultural uses are not permitted.

13 (5A) GROUP HOMES: LARGE.

14 (7) NURSING HOMES.

15 **§ 4-1103. Conditional uses – Board approval required.**

16 In an R-8 District, conditional uses that require Board approval are as follows:

- 17 (1) As in an R-7 District (unless it is a permitted use under § 4-1101).

18 **§ 4-1104. Conditional uses – Ordinance required.**

19 In an R-8 District, conditional uses that require approval by ordinance are the same as those
20 in an R-7 District (unless it is a permitted use under § 4-1101).

21 **§ 4-1201. Permitted uses.**

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

- 23 (1) As in an R-8 District.

24 **§ 4-1203. Conditional uses – Board approval required.**

25 In an R-9 District, conditional uses that require Board approval are as follows:

- 26 (1) As in an R-8 District (unless it is a permitted use under § 4-1201), except that
27 cemeteries are not allowed.

1 **§ 4-1204. Conditional uses – Ordinance required.**

2 In an R-9 District, conditional uses that require approval by ordinance are the same as those
3 in an R-7 District (unless it is a permitted use under § 4-1201).

4 **§ 4-1301. Permitted uses.**

5 In an R-10 District, permitted uses are as follows:

6 (1) As in an R-9 District.

7 **§ 4-1303. Conditional uses — Board approval required.**

8 In an R-10 District, conditional uses that require Board approval are the same as those in an
9 R-9 District (unless it is a permitted use under § 4-1301).

10 **§ 4-1304. Conditional uses – Ordinance required.**

11 In an R-10 District, conditional uses that require approval by ordinance are the same as those
12 in an R-7 District (unless it is a permitted use under § 4-1301).

13 **§ 5-201. Permitted uses.**

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

15 (4A) GROUP HOMES: SMALL OR LARGE.

16 **§ 5-203. Conditional uses – Board approval required.**

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

18 (11) [Health and medical institutions: for care of aged or children] GROUP HOMES:
19 CONGREGATE LIVING FACILITY.

20 **§ 5-204. Conditional uses – Ordinance required.**

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

22 [(2) Convalescent, nursing, and rest homes.]

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

25 (11) EMERGENCY SHELTERS.

26 **§ 6-206. Permitted uses.**

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

28 (20A) GROUP HOMES: SMALL OR LARGE.

1 **§ 6-207. Accessory uses.**

2 In a B-1 District, accessory uses and structures include the following:

3 (1) Accessory microwave antennas (satellite dishes), as follows:

4 (iii) Any accessory satellite dish not exceeding 12 feet in diameter that is located:

5 (A) on the premises of a tavern, regardless of lot size; or

6 (B) on the premises one of the following uses, if the use is on lot of at
7 least 7,500 square feet:

8 [1. Convalescent, nursing, or rest homes.]

9 1. [2.] Educational and cultural institutions: nonprofit or publicly
10 owned, as specified in § 4-201(4) of this article.

11 2. [3.] Hotel and motels.

12 3. [4.] Housing for the elderly.

13 4. [5.] Medical facilities: nonprofit or publicly owned.

14 5. NURSING HOMES.

15 6. Religious institutions, as specified in § 5-201(7) of this article.

16 7. VFW and American Legion Posts.

17 **§ 6-208 Conditional use – Board approval required.**

18 In a B-1 District, conditional uses that require Board approval are as follows:

19 (3A) GROUP HOMES: CONGREGATE LIVING FACILITY.

20 **§ 6-306. Permitted uses.**

21 In a B-2 District, permitted uses are as follows:

22 (1) As in a B-1 District, except that:

23 (i) the gross floor area limitations of a B-1 District do not apply; and

24 (ii) drive-in establishments are not excluded.

1 **§ 6-308. Conditional uses — Board approval required.**

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

- 3 (1) As in a B-1 District (unless it is a permitted use under § 6-306).

4 **§ 6-309. Conditional uses – Ordinance required.**

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

- 6 (1) As in a B-1 District (unless it is a permitted use under § 6-306).

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

9 (9A) NURSING HOMES.

10 (13) EMERGENCY SHELTERS.

11 **§ 6-406. Permitted uses.**

12 In a B-3 District, permitted uses are as follows:

- 13 (1) As in a B-2 District, except that business establishments are not limited to primarily
14 retail or service establishments.

15 (47A) NURSING HOMES.

16 **§ 6-408. Conditional uses — Board approval required.**

17 In a B-3 District, conditional uses that require Board approval are as follows:

- 18 (1) As in a B-2 District (unless it is a permitted use under § 6-406).

19 **§ 6-409. Conditional uses — Ordinance required.**

20 In a B-3 District, conditional uses that require approval by ordinance are as follows:

- 21 (1) As in a B-2 District (unless it is a permitted use under § 6-406).

22 **§ 6-506. Permitted uses.**

23 In a B-4 District, permitted uses are as follows:

- 24 (1) As in a B-2 District, except that business establishments are not limited to primarily
25 retail or service establishments.

1 **§ 6-508. Conditional uses — Board approval required.**

2 In a B-4 District, conditional uses that require Board approval are as follows:

- 3 (1) As in a B-2 District (unless it is a permitted use under § 6-506).

4 **§ 6-509. Conditional uses – Ordinance required.**

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

- 6 (1) As in a B-1 District (unless it is a permitted use under § 6-506).

7 [(2) Convalescent, nursing, and rest homes.]

8 (2) EMERGENCY SHELTERS.

9 [(3) Homes for the rehabilitation of non-bedridden alcoholics and for the care and
10 custody of homeless persons.]

11 (5) NURSING HOMES.

12 **§ 6-606. Permitted uses.**

13 In a B-5 District, permitted uses are as follows:

- 14 (1) As in a B-3 or B-4 District.

15 **§ 6-608. Conditional uses — Board approval required.**

16 In a B-5 District, conditional uses that require Board approval are as follows:

- 17 (1) As in a B-3 District (unless it is a permitted use under § 6-606).

18 **§ 6-609. Conditional uses — Ordinance required.**

19 In a B-5 District, conditional uses that require approval by ordinance are as follows:

- 20 (1) As in a B-4 District (unless it is a permitted use under § 6-606).

21 **§ 10-405. Schedule of required spaces.**

22 Off-street parking spaces must be provided as follows:

23 (11) *Health care services.*

- 24 (i) [(ii) Institutions for the care of the aged and
25 for children; convalescent, nursing, and
26 rest homes

1	R-9, R-10, O-R-2, O-R-3,	
2	O-R-4, B-3-3, B-5-1, B-5-2	1 per 10 beds, plus 1
3		per 6 employees
4		including staff
5		doctors
6	All other districts	1 per 5 beds, plus 1
7		per 6 employees
8		including staff
9		doctors]
10	GROUP HOMES: SMALL	
11	ALL DISTRICTS	2 PER GROUP HOME
12	GROUP HOMES: LARGE OR CONGREGATE	
13	LIVING FACILITY	
14	ALL DISTRICTS	1 PER 4 FULL-TIME
15		EQUIVALENT STAFF
16		MEMBERS, PLUS 1 PER
17		5 RESIDENTS
18	(ii) [(i)] Hospitals; NURSING HOMES	
19	R-9, R-10, O-R-2, O-R-3,	
20	O-R-4, B-2-3, B-3-3,	
21	B-4-1, B-4-2, B-5-1, B-5-2	1 per 10 [hospital]
22		beds, plus 1 per 6
23		employees including
24		staff doctors
25	All other districts	1 per 5 [hospital]
26		beds, plus 1 per 3
27		employees including
28		staff doctors
29		

30 **SECTION 2. AND BE IT FURTHER ORDAINED,** That §§ 3-101 through 3-107, inclusive, of
31 Article – Health, together with the subtitle designation “Subtitle 1. Ordinance Required to
32 Establish”, are repealed.

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

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