CITY OF BALTIMORE ORDINANCE Council Bill 12-0055

Introduced by: The Council President At the request of: The Administration (Law Department) Introduced and read first time: April 16, 2012 <u>Assigned to: Land Use and Transportation Committee</u> Committee Report: Favorable with amendments Council action: Adopted Read second time: June 4, 2012

AN ORDINANCE CONCERNING

Residential Substance-Abuse Treatment Facilities

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

- 11 BY renumbering
- 12 Article Zoning
- 13 Section(s) 1-182.1 and 1-182.2
- 14 to be

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- 15 Section(s) 1-182.2 and 1-182.3
- 16 Baltimore City Revised Code
- 17 (Edition 2000)
- 18 BY adding
- 19 Article Zoning
- 20 Section(s) 1-182.1, 4-201(6a), 4-204(6), 4-901(4), 4-1001(6),
- 21 4-1101(7), 4-1201(2b), 5-201(7a), 5-204(10), 6-206(31a),
- 22 6-209(6), and 10-405(11)(v) and (vi)
- 23 Baltimore City Revised Code
- 24 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law. <u>Underlining</u> 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.

1 2 3	By repealing and reordaining, with amendments Article - Zoning Section(s) 2-105(b)(13) and (14), 4-1004(3), 5-204(6), 6-309(7),		
4 5 6	and 6-509(3) Baltimore City Revised Code (Edition 2000)		
7 8 9 10 11 12	By repealing Article - Health Section(s) 3-101 through 3-107, inclusive, together with the subtitle designation, "Subtitle 1. Ordinance Required to Establish" Baltimore City Revised Code (Edition 2000)		
13 14	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE , That Zoning Article §§ 1-182.1 and 182.2 are renumbered to be Zoning Article §§ 1-182.2 and 182.3.		
15 16	SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as 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 23 24 25	"RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITY" MEANS A GROUP-CARE OR SIMILAR FACILITY FOR THE 24-HOUR MEDICAL OR NON-MEDICAL CARE OF PERSONS WHO ARE RECOVERING FROM SUBSTANCE ABUSE AND ARE IN NEED OF PERSONAL SERVICES, 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 32 33	In addition to and in furtherance of that responsibility, the Zoning Administrator has the duty to:		
34	(13) periodically provide for publication of this article; [and]		

1 2	(14) WHERE REASONABLE, NECESSARY, AND NOT A FUNDAMENTAL ALTERATION OF THIS ARTICLE, PROVIDE REASONABLE ACCOMMODATION IN THE APPLICATION OF			
$\frac{2}{3}$	THIS ARTICLE, PROVIDE REASONABLE ACCOMMODATION IN THE AFFLICATION OF THIS ARTICLE TO THE SITING, DEVELOPMENT, AND USE OF HOUSING OR SERVICES			
4	FOR INDIVIDUALS PROTECTED UNDER THE FEDERAL AMERICANS WITH			
5	DISABILITIES ACT OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT; AND			
5				
6	(15) [(14)] perform all other duties imposed on the Zoning Administrator by this			
7	article.			
8	Title 4. Residence Districts			
9	Subtitle 2. R-1 Single-Family Residence District			
10	§ 4-201. Permitted uses.			
11	In an R-1 District, permitted uses are as follows:			
12	· · · · ·			
13	(6A) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES, IF THE FACILITY (I) IS			
14	LOCATED IN A SINGLE-FAMILY DWELLING (WHETHER DETACHED, SEMI-DETACHED, OR			
15	ATTACHED), (II) COMPLIES WITH § 1-136(C)(5) {"DWELLING: SINGLE-FAMILY			
16	DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS			
17	ARTICLE, AND (III) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND			
18	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE			
19	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.			
20				
21	§ 4-204. Conditional uses – Ordinance required.			
22	In an R-1 District, conditional uses that require approval by ordinance are as follows:			
23 24	(6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE			
24 25	PATIENTS.			
23	PAHEN15.			
26	Subtitle 9. R-6 General Residence District			
27	§ 4-901. Permitted uses.			
28	In an R-6 District, permitted uses are as follows:			
29	•••			
30	(4) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES-HOUSING 16 OR FEWER			
31	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § 1-136(C)(3) {"DWELLING: MULTIPLE-			
32	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS			
33	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND			
34	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE			
35	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.			

1	Subtitle 10. R-7 General Residence District		
2	§ 4-1001. Permitted uses.		
3 4	In an R-7 District, permitted uses are as follows:		
5	(6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER		
6	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § 1-136(C)(3) {"DWELLING: MULTIPLE-		
7	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS		
8	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND		
9	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE		
10	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.		
11	§ 4-1004. Conditional uses – Ordinance required.		
12 13	In an R-7 District, conditional uses that require approval by ordinance are as follows:		
14	(3) Nonprofit homes [for the rehabilitation of non-bedridden alcoholics and] for the care		
15	and custody of homeless persons.		
16	····		
17	Subtitle 11. R-8 General Residence District		
18	§ 4-1101. Permitted uses.		
19	In an R-8 District, permitted uses are as follows:		
20			
21	(7) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER		
22	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § $1-136(C)(3)$ {"DWELLING: MULTIPLE-		
23	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS		
24	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND		
25	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE		
26	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.		
27	Subtitle 12. R-9 General Residence District		
28	§ 4-1201. Permitted uses.		
29	In an R-9 District, permitted uses are as follows:		
30			
31	(2B) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER		
32	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § 1-136(C)(3) {"DWELLING: MULTIPLE-		
33	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS		
34	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND		
35	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE		
36 37	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.		
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1	Title 5. Office-Residence Districts		
2	Subtitle 2. O-R District		
3	§ 5-201. Permitted uses.		
4 5	In an O-R District, permitted uses are as follows:		
-	 (7A) Residential substance-abuse treatment facilities housing 16 or fewer		
6 7	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § 1-136(C)(3) {"DWELLING: MULTIPLE-		
8	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS		
8 9	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND		
9 10	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE		
11	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.		
12			
12			
13	§ 5-204. Conditional uses – Ordinance required.		
14 15	In an O-R District, conditional uses that require approval by ordinance are as follows:		
16	(6) Nonprofit homes [for the rehabilitation of non-bedridden alcoholics and] for the care		
17	and custody of homeless persons.		
18	and custody of nonnecess persons.		
19	(10) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE		
20	PATIENTS.		
21	Title 6. Business Districts		
22	Subtitle 2. B-1 Neighborhood Business District		
23	§ 6-206. Permitted uses.		
24 25	In a B-1 District, permitted uses are as follows:		
26	(31A) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 16 OR FEWER		
27	PATIENTS, IF THE FACILITY (I) COMPLIES WITH § 1-136(C)(3) {"DWELLING: MULTIPLE-		
28	FAMILY DWELLING"}, § 1-137 {"DWELLING UNIT"}, AND § 1-142 {"FAMILY"} OF THIS		
29	ARTICLE AND (II) MEETS THE GENERAL REQUIREMENTS, THE BULK REGULATIONS, AND		
30	ALL OTHER REQUIREMENTS OF THIS ARTICLE APPLICABLE TO DWELLINGS IN THE		
31	ZONING DISTRICT WITHIN WHICH THE FACILITY IS LOCATED.		
32			
33	§ 6-209. Conditional uses – Ordinance required.		
34	In a B-1 District, conditional uses that require approval by ordinance are as follows:		
35	() Deside the state of the state and the set of the state 17 of 12		
36 37	(6) RESIDENTIAL SUBSTANCE-ABUSE TREATMENT FACILITIES HOUSING 17 OR MORE PATIENTS.		

1	Subtitle 3. B-2 Community Business District			
2	§ 6-309. Conditional uses – Ordinance required.			
3	In a B-2 District, conditional uses that require approval by ordinance are as follows:			
4 5 6	(7) Homes for [the rehabilitation of non-bedric custody of homeless persons.	dden alcoholics and for] the care and		
7				
8	Subtitle 5. B-4 Central B	Susiness District		
9	§ 6-509. Conditional uses – Ordinance required.			
10 11	In a B-4 District, conditional uses that require approval by ordinance are as follows:			
12 13	(3) Homes for [the rehabilitation of non-bedric custody of homeless persons.	dden alcoholics and for] the care and		
14				
15	Title 10. Off-Street Park	ing Regulations		
16	Subtitle 4. Required Number of Off-Street Spaces			
17	§ 10-405. Required number of vehicle parking spa	ices.		
18	Off-street vehicle parking spaces must be provided	d as follows:		
19 20	(11) Health care services.			
21				
22	(V) RESIDENTIAL SUBSTANCE-ABUSE			
23	TREATMENT FACILITIES -			
24	HOUSING 17 OR MORE PATIENTS			
25	ALL DISTRICTS	1 PER 4 FULL-TIME EQUIVALENT		
26		STAFF MEMBERS, PLUS 1 PER 6		
27		RESIDENTS. HOWEVER, IF THE		
28		FACILITY DOES NOT PERMIT		
29		RESIDENTS TO HAVE VEHICLES AT		
30		THE FACILITY, THE FACILITY NEED		
31 32		NOT PROVIDE OFF-STREET PARKING SPACES FOR RESIDENTS.		
33	(VI) RESIDENTIAL SUBSTANCE-ABUSE			
34	TREATMENT FACILITIES -			
35	HOUSING 16 OR FEWER PATIENTS			
36	ALL DISTRICTS	SAME AS REQUIRED FOR SIMILARLY		
37		CONFIGURED DWELLINGS IN THE		
38		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.

6 **SECTION 5.** AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is 7 enacted.

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