



Legislation Details (With Text)

File #: 12-0055 **Version:** 0 **Name:** Residential Substance-Abuse Treatment Facilities
Type: Ordinance **Status:** Enacted
File created: 4/16/2012 **In control:** City Council
On agenda: **Final action:** 6/18/2012
Enactment date: **Enactment #:** 12-27
Title: Residential Substance-Abuse Treatment Facilities

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 permitted use; requiring a certain number of off-street parking spaces for these facilities; authorizing the Zoning Administrator, under certain circumstances, to provide reasonable 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 non-bedridden alcoholics; repealing certain obsolete or obsolescent provisions governing the 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.

Sponsors: City Council President (Administration)
Indexes: Residential, Substance Abuse, Treatment Center

Code sections:

Attachments: 1. 12-0055 - 1st Reader.pdf, 2. Planning - 12-0055.pdf, 3. Transportation - 12-0055.pdf, 4. Law - 12-0055.pdf, 5. BMZA - 12-0055.pdf, 6. Fire - 12-0055.pdf, 7. Health - 12-0055.pdf, 8. HCD - 12-0055.pdf, 9. Police - 12-0055.pdf, 10. Law - Supplementary report- amendments - 12-0055.pdf, 11. 12-0055 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
6/18/2012	0	Mayor	Signed by Mayor	
6/11/2012	0	City Council		
6/4/2012	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	
6/4/2012	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
4/30/2012	0	Land Use and Transportation Committee	Advertising	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/19/2012	0	The City Council	Referred for a Report	
4/16/2012	0	City Council	Assigned	

4/16/2012	0	Land Use and Transportation Committee	Scheduled for a Public Hearing
4/16/2012	0	City Council	Introduced

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

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President
At the request of: The Administration (Law Department)

A BILL ENTITLED

AN ORDINANCE concerning
Residential Substance-Abuse Treatment Facilities

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 permitted use; requiring a certain number of off-street parking spaces for these facilities; authorizing the Zoning Administrator, under certain circumstances, to provide reasonable 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 non-bedridden alcoholics; repealing certain obsolete or obsolescent provisions governing the 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.

BY renumbering
Article - Zoning
Section(s) 1-182.1 and 1-182.2
to be
Section(s) 1-182.2 and 1-182.3
Baltimore City Revised Code
(Edition 2000)

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

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),
and 6-509(3)
Baltimore City Revised Code

(Edition 2000)

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)

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.

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

Baltimore City Revised Code

Article - Zoning

Title 1. Definitions; General Provisions

Subtitle 1. Definitions

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

“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.

Title 2. Administration; Authorizations

Subtitle 1. General Administration

Part II. Zoning Administrator

§ 2105. Duties.

(b) Specific duties.

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

....

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

(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. R1 Single Family Residence District

§ 4201. Permitted uses.

In an R1 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.
....

§ 4204. Conditional uses - Ordinance required.

In an R1 District, conditional uses that require approval by ordinance are as follows:

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

Subtitle 9. R6 General Residence District

§ 4901. Permitted uses.

In an R6 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. R7 General Residence District

§ 41001. Permitted uses.

In an R7 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.

§ 41004. Conditional uses - Ordinance required.

In an R7 District, conditional uses that require approval by ordinance are as follows:

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

Subtitle 11. R8 General Residence District

§ 41101. Permitted uses.

In an R8 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. R9 General Residence District

§ 41201. Permitted uses.

In an R9 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. OR District

§ 5201. Permitted uses.

In an OR 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.

.....
§ 5204. Conditional uses - Ordinance required.

In an OR District, conditional uses that require approval by ordinance are as follows:

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

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

Title 6. Business Districts

Subtitle 2. B1 Neighborhood Business District

§ 6206. Permitted uses.

In a B1 District, permitted uses are as follows:

.....

(31A) 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.

....

§ 6209. Conditional uses - Ordinance required.

In a B1 District, conditional uses that require approval by ordinance are as follows:

....

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

Subtitle 3. B2 Community Business District

§ 6309. Conditional uses - Ordinance required.

In a B2 District, conditional uses that require approval by ordinance are as follows:

....

(7) Homes for [the rehabilitation of nonbedridden alcoholics and for] the care and custody of homeless persons.

....

Subtitle 5. B4 Central Business District

§ 6509. Conditional uses - Ordinance required.

In a B4 District, conditional uses that require approval by ordinance are as follows:

....

(3) Homes for [the rehabilitation of nonbedridden alcoholics and for] the care and custody of homeless persons.

....

Title 10. OffStreet Parking Regulations

Subtitle 4. Required Number of OffStreet Spaces

§ 10405. Required number of vehicle parking spaces.

Offstreet vehicle parking spaces must be provided as follows:

....

(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
CONFIGURED DWELLINGS IN THE SAME DISTRICT .

SAME AS REQUIRED FOR SIMILARLY

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.

dlr12-199(3)~intro/11Apr12
Zg/SbstncAbuseTrtmnt/aa:me

dlr12-199(3)~intro/11Apr12
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Zg/SbstncAbuseTrtmnt/aa:me