Legislation Details (With Text)

File #:	19-0461	**Version:**	0	**Name:**	Zoning - Use Regulation - Residential Care Facilities
Type:	Ordinance			**Status:**	Failed - End of Term
File created:	10/28/2019			**In control:**	Land Use Committee
On agenda:				**Final action:**	12/7/2020
Enactment date:				**Enactment #:**	

Title: Zoning - Use Regulation - Residential Care Facilities
For the purpose of clarifying the requirements for a residential-care facility where single-family dwellings are permitted; clarifying the duties of the Zoning Administrator; requiring that residential care facilities require conditional use approval of the Board of Municipal and Zoning Appeals in certain residential zoning districts; and conforming related provisions.

Sponsors: Kristerfer Burnett, John T. Bullock, Bill Henry, Leon F. Pinkett, III, Ryan Dorsey, Sharon Green Middleton, Mary Pat Clarke, Edward Reisinger

Indexes: Regulation, Residential, Zoning

Code sections:

Attachments: 1. 19-0461~1st Reader

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Failed - End of Term	
10/31/2019	0	The City Council	Refer to Dept. of Transportation	
10/31/2019	0	The City Council	Refer to Dept. of Housing and Community Development	
10/31/2019	0	The City Council	Refer to Dept. of Health	
10/31/2019	0	The City Council	Refer to City Solicitor	
10/31/2019	0	The City Council	Refer to Board of Municipal and Zoning Appeals	
10/31/2019	0	The City Council	Refer to Planning Commission	
10/28/2019	0	City Council	Assigned	
10/28/2019	0	City Council	Introduced	

Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

*** Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

City of Baltimore
Council Bill

Introduced by: Councilmember Burnett

A Bill Entitled

An Ordinance concerning
Zoning - Use Regulation - Residential Care Facilities

For the purpose of clarifying the requirements for a residential-care facility where single-family dwellings are permitted; clarifying the duties of the Zoning Administrator; requiring that residential care facilities require conditional use approval of the Board of Municipal and Zoning Appeals in certain residential zoning districts; and conforming related provisions.

By repealing and re-ordaining, with amendments
Article 32 - Zoning
Sections 3-201(c) and 14-334(a)
Baltimore City Code
(Edition 2000)

By repealing and re-ordaining, with amendments
Article 32 - Zoning
Table 8-301(Residential)
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 32. Zoning

Title 3. Outline of Code Administration

Subtitle 2. Administrative Agencies and Officials

§ 3-201. Zoning Administrator.

(c) *Powers and duties - Specific.*

The Zoning Administrator has the following powers and duties under this Code:

(1) to determine whether a variance is a major or minor variance (Title 5, Subtitle 3);

(2) to grant minor variances (Title 5, Subtitle 3);

(3) to authorize use permits (Title 5, Subtitle 7);

(4) to provide zoning consultations (Title 5, Subtitle 8);

(5) to issue zoning verifications (Title 5, Subtitle 9);

(6) to inspect structures and uses of land to determine compliance with this Code and, where violations are found, initiate action to secure compliance;

(7) to preserve all records from the administration of the zoning law since its enactment by Ordinance 31-1247;

(8) to maintain permanent records of this Code and of all actions taken under it, including:

(i) all maps adopted under this Code; and

(ii) all amendments to this Code and to the maps adopted under it;

(iii) the rules and regulations of the Board of Municipal and Zoning Appeals;

(iv) applications for and approvals of conditional uses and variances; and

(v) appeals taken under this Code;

(9) to provide and maintain a public information service on matters arising out of this Code;

[(10) Where reasonable, necessary, and not a fundamental alteration of this Code, to provide reasonable accommodation in the application of this Code for the siting, development, and use of housing or services for an individual protected under the Federal Americans with Disabilities Act or the Federal Fair Housing Amendments Act;]

(10) [(11)] to receive, file, review, maintain copies of, and forward to the Board Municipal and Zoning Appeals applications for conditional uses, variances, appeals, and other matters on which the Board is required to act;

(11) [(12)] to perform completeness review of applications (§ 5-202);

(12) [(13)] with the approval of the Board of Estimates, to set fees for processing applications, issuing permits and other authorizations, and performing the various other functions required or authorized by this Code; and

(13) [(14)] to perform all other functions assigned to the Zoning Administrator by this Code.

Title 14. Use Standards

Subtitle 3. Use Standards

§ 14-334. Residential-care facilities.

(a) *Single-family dwelling.*

A residential-care facility may locate where single-family dwellings are allowed under this Code as permitted or conditional uses, if the facility:

(1) is located in a single-family dwelling (whether detached, semi-detached, or attached);

(2) complies with § 1-305(u) {"Definitions: Dwelling unit"} [and § 1-306(g) {"Definitions: Family"}] of this Code; [and]

(3) meets the general requirements, the bulk and yard regulations, and all other requirements of this Code

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applicable to dwellings in the zoning district within which the facility is located [.];

(4) is not located within 1,000 feet from any other residential-care facility; and

(5) is otherwise compliant with any applicable requirements under the City Building, Fire, and Related Codes Article.

Zoning Tables

Table 8-301: Detached and Semi-Detached Residential Districts - Permitted and Conditional Uses

Uses Districts Use Standards
R-1A R-1B R-1C R-1D R-1E R-1 R-2 R-3 R-4 Residential Bed and Breakfast CB CB CB CB CB CB CB CB . . .
Residential-Care Facility [P] CB [P] CB [P] CB [P] CB [P] CB [P] CB [P] CB [P] CB Per §14-334 . . . .

Section 2. 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 3. And be it further ordained, That this Ordinance takes effect on the 30th day after the date it is enacted.

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