

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING CHAPTER 125 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "ZONING" BY AMENDING SECTION 125-90.J. ENTITLED "GROUP RESIDENTIAL FACILITIES" AND SECTION 125-260.C. ENTITLED "RESIDENTIAL USE FACILITIES" TO CLARIFY REQUIREMENTS FOR GROUP HOMES; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 125-90.J. entitled *Group Residential Facilities*, to read as follows:

Sec. 125-90.J. Group Residential Facilities.

Group residential facilities must be located, developed, and operated in compliance with the following standards.

1. *Location of disabled group dwelling.* A disabled group dwelling shall not **locate in such close proximity to other disabled group dwellings so as to form a cluster of such facilities that poses a substantial risk of creating a residential area distinguishable from other residential areas primarily occupied by persons who do not require routine support services because of a disability be located within one-half mile of another disabled group dwelling.** There shall be a rebuttable presumption that such a risk is present if a disabled group dwelling locates so near to other disabled group dwellings that any one disabled group dwelling is within six hundred (600) feet of at least three other disabled group dwellings.
2. *Location of halfway houses and homeless shelters.* Halfway houses and homeless shelters shall not be located within one-half mile of another halfway house or homeless shelter, or within 1,000 feet of a park or K-12 school.
3. *Architecture and character.* Group residential facilities located in RSF residential single family zoning districts shall be designed, constructed and maintained to uphold the single family residential architectural character of the surrounding area.
4. *Location of parking.* **Except for disabled group dwellings, g**Group residential facilities located in RSF residential single family zoning districts shall provide for their required parking on the side or rear of the property. All parking areas shall be paved and screened from surrounding residential uses by an opaque fence of wood or masonry, no less than six feet, and no more than eight feet in height.
5. *State license.* Applicable state license or certification shall be provided prior to the issuance of an operations permit.

6. *Evacuation plan.* Group residential facilities shall prepare and provide an evacuation plan to the fire department prior to receipt of an operations permit.
7. *Operations permit.* All group residential facilities shall obtain an operations permit from the City of League City.

Section 2. That the Code of Ordinances is hereby amended to AMEND Section 125-260.C. entitled *Residential Use Classifications*, to amend the definitions for “Assisted Living Facility” and “Disabled Group Dwellings” to read as follows:

Sec. 125-260.C. Residential Use Classifications.

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Assisted living facility. A facility ~~governed by Texas Health and Safety Code Chapter 247 licensed and regulated by the Texas Department of Aging and Disability Services~~ that provides room, board, and personal care services to its residents within a structure containing multiple living quarters for four or more elderly or disabled persons who are unrelated to the owner of the establishment by blood, marriage, or adoption. Disabled person has the ~~same meaning assigned to the term “person with a disability” defined by Chapter 123 of the Texas V.T.C.A., Human Resources Code eh. 123, and the Federal Fair Housing Act of 1988, as amended.~~ This term does not refer to facilities that provide care for persons mostly incapable of self-preservation due to age, physical or mental disability, or because of security measures not under the occupants' control. This classification excludes homeless shelters, halfway houses, assisted living homes, or any other use specifically defined in this section.”

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Disabled group dwelling. A residential facility designed and used as a residence by not more than six persons with disabilities and two supervisors who are unrelated to the owner of the establishment by blood, marriage, or adoption and who are living together as a single housekeeping unit. This ~~term use~~ includes community homes as regulated by ~~Chapter 123 of the Texas V.T.C.A., Human Resources Code eh. 123, as well as an assisted living facility that qualifies as a community home pursuant to said chapter.~~ Disabled person has the ~~same meaning assigned to the term “person with a disability” defined by Chapter 123 of the Texas V.T.C.A., Human Resources Code eh. 123, and the Federal Fair Housing Act of 1988, as amended.~~

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Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2017.

PASSED second reading the ____ day of _____, 2017.

PASSED AND ADOPTED the ____ day of _____, 2017.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney