



Legislation Text

File #: 17-0489, **Version:** 1

Consider and take action on 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 (Director of Planning and Development)

Planning and Zoning Commission recommended approval 6-0-0 with 2 absent on July 31, 2017.

Timeline

- **March 24, 2015** - City Council approves 2nd reading of Ordinance 2015-08 amending the City’s zoning ordinance related to housing for persons with disabilities in residential districts, including “disabled group dwellings” (generally 6 or fewer persons) and assisted living facilities (generally 7 more persons).
- **Fall 2015** - Updated rules promulgated by the DOJ related to housing and certain protected classes of citizens.
- **November 7, 2016** - The City received notice from the U.S. Department of Justice (the "DOJ") that the DOJ had initiated an investigation of the City’s zoning and land use practices, pursuant to the Fair Housing Act (the “Act”). The Act authorizes DOJ to commence a civil action whenever it has reasonable cause to believe that any person or group of persons is engaging in a pattern of practices of housing discrimination, or that a group of persons has been denied any of the rights granted by the Act and such denial raises an issue of general public importance. The purpose of the DOJ investigation was to determine whether the City, through its adoption and/or enforcement of Ordinance 2015-08, has denied, made available, or otherwise discriminated in housing on the basis of disability in violation of the Act.
- **February 10, 2017** - city staff met with DOJ attorney Max Lapertosa to discuss the DOJ’s specific concerns with Ordinance 2015-08. The DOJ is requesting the City amend its regulations to be consistent with Federal/State laws.
- **February 27, 2017** - Workshop conducted by City Council to discuss issue. City attorney and staff committed to continuing to work with DOJ on proposed amendments, and then bring forth said amendments through the public hearing process.
- **July 17, 2017** - The City’s Planning and Zoning Commission (P&Z) conducts public hearing on proposed amendments; postpones action to July 31, 2017.
- **July 31, 2017** - P&Z recommends approval of proposed amendments by a vote of 6-0-0 with 2 absent.
- **August 8, 2017** - City Council scheduled to conduct public hearing and consider amendments on first ordinance reading.
- **August 22, 2017** - Pending approval on first reading, City Council to consider amendments on 2nd reading.

Summary

The DOJ has requested the City amend its regulations related to group homes and assisted living facilities to better reflect federal and state laws. In general, the City must facilitate group home-type facilities for those with certain disabilities in single-family residential zones with very limited regulation(s). The DOJ conveyed to the City concerns with the following requirements of the City’s related regulations:

- Separation requirements - current City regulations require no less than one-half (1/2) mile separation between group homes.
- Parking requirements - current City regulations require all related parking for group homes in a single-family residential zone be on the side or rear of property, and screened from view.

- Definitions - current ordinance inconsistent with state regulations.

The proposed ordinance drafted by the City Attorney's Office addresses the concerns raised by the DOJ but still keeps in place as much local regulation as possible without undue risk of inviting enforcement litigation.

Staff recommends approval of the proposed amendments.

Attachment:

1. Data Sheet
2. Proposed Ordinance

CONTRACT ORIGINATION:

Planning and Development Department

FUNDING

{ x } NOT APPLICABLE

{ } Funds are available from Account # _____

{ } Requires Budget Amendment to transfer from Account # _____ to Account # _____