

ORDINANCE NO. 13,190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 3 "LAND USE TABLES AND CONDITIONS," "SECTION 2.09 "LAND USE TABLES." TABLE 2-2 NON-RESIDENTIAL USES," PERTAINING TO "NURSING HOMES AND ASSISTED LIVING FACILITIES" AND ARTICLE III "DESIGN AND COMPATIBILITY STANDARDS" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS; AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE II "USE DISTRICTS," DIVISION 3 "LAND USE TABLES AND CONDITIONS," SECTION 2.10 "LAND USE CONDITIONS," SECTION A "NON-RESIDENTIAL CATEGORIES" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, TO ADD SUBSECTION 58 "NURSING HOMES AND ASSISTED LIVING FACILITIES" AND ARTICLE IV "DEFINITIONS" OF THE CODE OF ORDINANCES, BAYTOWN, TEXAS, TO ADD A DEFINITION OF "VEGETATIVE BUFFER ZONE"; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00); AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS:

Section 1: That Appendix A "Unified Land Development Code," Article II "Use Districts," Division 3 "Land Use Tables and Conditions," Section 2.09 "Land use tables," Table 2-2 "Non-residential uses," pertaining to "Nursing homes and assisted living facilities" is hereby amended to read as follows:

ARTICLE II. USE DISTRICTS

DIVISION 3. LAND USE TABLES AND CONDITIONS

Sec. 2.09. Land use tables.

This section sets forth the land uses allowed in each zoning district. In the following tables "P" means permitted use and "PC" means permitted use with conditions as set forth in the conditions tables in division 3 of this article. Where neither a "P" nor a "PC" exists in the table, the use is prohibited. To the extent that there is a conflict between the use tables and the conditions, the use table controls.

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Table 2-2. Non-residential uses.

USES	MU	NSC	ACE	GC	LC	LI	HI	COND REF
Nursing homes and assisted living facilities	PC	PC		PC	PC			A20, A22, A58

...

Section 2: That Appendix A "Unified Land Development Code," Article II "Use Districts," Division 3 "Land Use Tables and Conditions," Section 2.10 "Land use conditions," Section A "Non-

Residential Categories” of the Code of Ordinances, Baytown, Texas, is hereby amended to add subsection 58 “Nursing homes and assisted living facilities” to read as follows:

ARTICLE II. USE DISTRICTS

DIVISION 3. LAND USE TABLES AND CONDITIONS

Sec. 2.10. Land use conditions.

This section sets forth the conditions associated with identified land uses in section 2.05. The conditions expressed in the use table are cumulative of applicable conditions contained elsewhere in the Code.

No.	Land Use	Applicable Zoning District	Conditions
A. Non-Residential Categories			
58	Nursing homes and assisted living facilities	NSC	(a) Nursing homes and assisted living facilities shall provide a 20-foot vegetative buffer zone consisting of one tree and eight shrubs for every 30 linear feet of the shared property line between all residential zoning districts and uses. The plantings shall meet the specifications of section 18-1203 of the Code of Ordinances. (b) Nursing homes and assisted living facilities shall be located on arterials or collectors.

Section 3: That Appendix A “Unified Land Development Code,” Article IV “Definitions” of the Code of Ordinances, Baytown, Texas, is hereby amended to add a definition of “vegetative buffer zone,” which definition shall read as follows:

ARTICLE IV. DEFINITIONS

Vegetative buffer zone means an area, which extends inward from the property line of a site, provides protection between land uses, and contains plantings consisting of ground cover, shrubs and trees.

Section 4: Any person who fails to comply with any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjudication and revocation of licenses or permits.

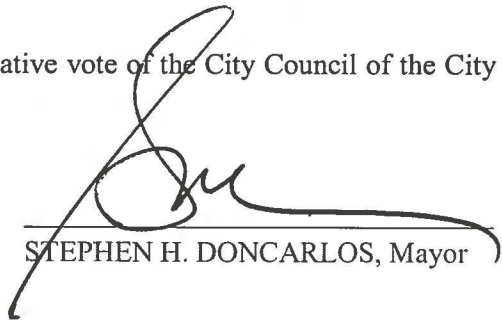
Section 5: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such

inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 6: If any provisions, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and to this end all provisions of this ordinance are declared to be severable.

Section 7: This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown, this the 12th day of May, 2016.



STEPHEN H. DONCARLOS, Mayor

ATTEST:



LETICIA BRYSCH, City Clerk

APPROVED AS TO FORM:



IGNACIO RAMIREZ, SR., City Attorney

