

January 21, 2014	<i>Planning and Zoning Commission</i>	Item: 12A
Ordinance Amendment	Ordinance Amendment - Zoning Chapter 11 Residential-Type Commercial Facilities	
OA-13-009		

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The City's Zoning Ordinance currently identifies a number of types of commercial facilities that are somewhat residential in nature, including long term care facilities, assisted living facilities, convalescent homes, and day cares. The definitions for these facilities often overlap and do not align with definitions at the state level, making it difficult to determine in which zoning districts new facilities should be permitted. In addition, these facilities do not always meet the spirit of the purpose statements for the zoning districts in which they are permitted.

Attached are proposed amendments to the Zoning Ordinance, specifically Article 11.02 (Zoning Districts and Regulations) and Article 11.12 (Definitions). Proposed amendments are intended to accomplish the following:

- Consolidate overlapping definitions for various residential-type commercial facilities;
- Align City definitions with State definitions wherever possible; and,
- Assign appropriate permitted zoning districts for residential-type commercial facilities.

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DIVISION 13: DUPLEX RESIDENTIAL DISTRICT, DP

Sec. 11.02.101 Permitted uses

2. ~~Extended care facility~~Reserved

DIVISION 14: MULTIFAMILY RESIDENTIAL DISTRICT, MF

Sec. 11.02.111 Permitted uses

3. ~~Extended care, nursing home~~Convalescent home, nursing home, or related institution

DIVISION 15: TRANSITIONAL OFFICE DISTRICT, TO

Sec. 11.02.122 Permitted uses

3. ~~Day care center, incidental, Sec. 11.02.128D~~Reserved

DIVISION 17: GENERAL OFFICE DISTRICT, GO

Sec. 11.02.138 Permitted uses

5. ~~Convalescent Nursing Home~~Reserved
6. ~~Day Care Center, Adult~~Reserved
7. ~~Day Care Center, Child~~Reserved
8. ~~Day nurseries, day care facilities~~Reserved
11. ~~Extended care facilities, nursing home~~Reserved

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DIVISION 22: HOSPITAL DISTRICT, H

Sec. 11.02.182 Permitted Use

- 22. Convalescent home, nursing home, or related institution
- 23. Special Care Facility

DIVISION 31: MIXED USE DISTRICT, MU

Sec. 11.02.252 Permitted uses

Commercial

- 33. Convalescent home, nursing home, or related institution

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DIVISION 38: LAND USE CHART COMPARISON

Sec. 11.02.341 Zoning District Chart Residential Districts

Use	RA	MH	ES	SF	SF-1	SF-2	SF-3	TH	CD	DP	MF	MU
Assisted Living Facility								P	P	P	P	P
Convalescent home, nursing home, or related institution											P	P
Extended Care Facility	-	-	-	-	-	-	-	-	-	P	P	-

Sec. 11.02.342 Zoning District Chart Nonresidential Districts

Use	TO	TC	GO	LR	GR	CS	HC	H	BD	PS	LI	GI	HI	OSG	OSR	MU
Convalescent, Nursing Homes home, nursing home, or related institution			P					P								P
Day care center, adult		P	P	P	P											P
Day care center, child		P	P	P	P											P
Day care center, incidental	P	P	P	P	P											
Extended Care Facilities, Nursing Homes	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
Special Care Facility								P								

← MU + MF too (Audrey)

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ARTICLE 11.12 DEFINITIONS

DIVISION 1: DEFINITION OF TERMS

Sec. 11.12.002 Terms

~~*Assisted living facility:* The use of a site for three (3) or more dwelling units designed and marketed specifically for persons sixty (60) years of age or older, the physically handicapped, or both, with common dining facilities and amenities. An institution which provides food and shelter to four or more persons who are unrelated to the proprietor of the establishment, as well as personal care services or administration of medication. These may also provide assistance with or supervision of the administration of medication or skilled nursing services. They are licensed by the Texas Department of Aging and Disability Services and further defined in Chapter 247 of the Texas Health and Safety Code.~~

~~*Convalescent, nursing home:* The use of a facility for the provision of bed care and in-patient services for persons requiring regular medical attention. This use excludes the provision of surgical or emergency medical services and the provision of care for alcoholism, drug addiction, mental disease, or communicable disease.~~

~~*Convalescent home, nursing home, or related institution:* An institution which provides food and shelter to four or more persons who are unrelated to the proprietor of the establishment; as well as minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry. These are licensed by the Texas Board of Human Services under and further defined in Chapter 242 of the Texas Health and Safety Code.~~

~~*Extended care facility:* A long term facility or a distinct part of a facility licensed or approved as a convalescent or nursing home, infirmary unit of a home for the aged, or governmental medical institution. (Ordinance CO33-07-06-28-5D adopted 6/28/07; Ordinance CO04-08-10-09-C4 adopted 10/9/08)~~

~~*Nursing home:* See Extended Care Facilities.~~

~~*Special care facility:* An institution or establishment licensed by the Texas Department of Health under Chapter 248 of the Texas Health and Safety Code, and defined as one that provides a continuum of nursing or medical care or services primarily to persons with acquired immune deficiency syndrome or other terminal illnesses. The term includes a special residential care facility.~~