

## ORDINANCE NO. 5410

**AN ORDINANCE AMENDING CHAPTER 34, "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; AMENDING SECTION 10 OF ORDINANCE NO. 4647; PROVIDING A PENALTY CLAUSE, A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:**

### **Section 1**

That Chapter 34, "Zoning" of the Code of Ordinances of the City of Garland, Texas is hereby amended by adding a new article, Article V., which shall read as follows:

#### **"ARTICLE V. DEVELOPMENT STANDARDS FOR SENIOR LIVING AND RELATED FACILITIES**

The following requirements shall apply to all Nursing Home/Convalescent Centers, Assisted Living Facilities and Independent Senior Living Facilities, except where otherwise noted:

##### **Sec. 34.50. Definitions.** In this Article:

- (A) *Assisted living facility* means an establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and that provides personal care services as defined by Chapter 247 of the Texas Administrative Code. Personal care services include assistance with meals, dressing, movement, bathing, or other personal needs or maintenance; the administration of medication; or the general supervision or oversight of a person's physical and mental well-being.
- (B) *Independent senior living facility* means a facility containing dwelling units, accessory uses and support services specifically designed for occupancy by persons 60 years of age or older. Such facilities may include accommodations for persons who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for persons who require only limited or intermittent medical or personal assistance.
- (C) *Nursing home/convalescent center* means a facility that provides lodging and skilled nursing care for elderly, disabled, chronically ill or convalescent patients.
- (D) Collectively, the terms "assisted living facility", "independent senior living facility", and "nursing home/convalescent center" may be referred to as "senior living facilities" in this Article unless the context indicates otherwise.

**Sec. 34.51. Site Design.**

(A) Density.

- (1) Assisted Living and Independent Senior Living Facilities shall have a maximum density allowed as follows:
  - (a) Twelve (12) units per acre in a Multi-Family 12 District.
  - (b) Eighteen (18) units per acre in a Multi-Family 18 District.
  - (c) Thirty-six (36) units per acre in Health Services, Central Area 1 and Central Area 2 Districts.
  - (d) As established by the governing ordinance in a Planned Development District.
- (2) There is no maximum density established for Nursing Home/Convalescent Centers, unless otherwise provided in the governing ordinance for a Planned Development District.

(B) Building Design.

- (1) Maximum height:
  - (a) The maximum height of a senior living facility located in a Multi-family District shall be thirty-one (31) feet from the first floor elevation to the top plate on the third floor.
  - (b) The maximum height of a senior living facility located in other than a Multi-Family District shall be governed by the appropriate district regulations.
  - (c) The maximum height and appropriate building setbacks of a senior living facility located in a Planned Development District shall be established by the governing ordinance.
- (2) Roofscapes. Roof-mounted equipment shall be screened in accordance with the provisions of Resolution No. 6078, Screening Standards For Roof-Mounted Equipment.
- (3) Storage space.
  - (a) Except for nursing home/convalescent centers, an enclosed storage space shall be provided for each dwelling unit within a senior living facility with direct access provided from the dwelling unit. Each storage space shall be a minimum of twenty-five (25) square feet in area and shall contain not less than one hundred seventy-five (175) cubic feet. A garage shall not count as a storage space.

- (b) In addition to individual storage spaces, a senior living facility other than nursing home/convalescent centers shall provide a common storage area with a minimum of fifty (50) square feet per dwelling unit.
- (4) Exterior walls.
    - (a) The exterior walls of all buildings shall have a minimum exterior of seventy-five (75%) percent face brick on all outside wall surfaces, excluding doors and windows.
    - (b) Buildings with linear frontage in excess of eighty (80) feet shall have not less than thirty (30%) percent of the total area of front facades offset a minimum of four (4) feet, either protruding forward of or recessed back from the remainder of the façade. Buildings having a linear frontage less than eighty (80) feet shall have no less than thirty (30%) percent of the total area of front facades offset a minimum of two (2) feet.
- (C) Site Facilities.
- (1) Unit size and mix.
    - (a) Nursing home/convalescent center: No minimum unit size.
    - (b) Assisted living facility: Dwelling units shall have a minimum size of 250 square feet.
    - (c) Independent senior living facility: The average minimum dwelling unit size shall be 600 square feet. One bedroom units shall have a minimum dwelling unit size of 475 square feet. Two bedroom units shall have a minimum dwelling unit size of 725 square feet. No dwelling unit shall contain more than two bedrooms. No efficiency units shall be permitted.
  - (2) Common Areas. Indoor common or recreational areas shall be provided at a ratio of a minimum of 100 square feet of gross floor area per dwelling unit. Such areas shall include common living/sitting room, dining room, library, game room, exercise room, dance floor, arts and crafts room, music room, and other indoor recreational facilities.
- (D) Building Placement.
- (1) For assisted living and independent senior living facilities, a minimum of fifty (50%) percent of the buildings within one hundred (100) feet of any public right-of-way shall be placed so that any side of such building shall have an angle of thirty (30) degrees or more to that right-of-way. The intent of this provision is to avoid the external appearance of long, monotonous building alignments and to provide for internal courts between building clusters for parking

and open space/recreation. The Director of Planning may approve an alternate plan for building placement that meets the stated intent of this provision.

- (2) Buildings within an assisted living facility or an independent senior living shall be located no less than twenty (20) feet apart.
- (3) No building, or any part thereof, of a senior living facility shall be placed less than thirty (30) feet from the right-of-way or any public street.
- (4) No building, or any part thereof, of a senior living facility, shall be placed less than:
  - (a) Fifteen (15) feet from rear and side property lines (ten (10) feet if the setback area is landscaped and if approved by the Plan Commission);
  - (b) For single story buildings not exceeding thirty (30) feet in height, fifty (50) feet from the property line of an abutting residential district (forty (40) feet if the area is landscaped with additional landscaping and if approved by the Plan Commission).
- (5) All other buildings and those buildings exceeding thirty (30) feet in height and which abut a residential district shall be set back from the residential district line not less than twice the height of the highest point on the building above grade.

(E) Parking and Circulation.

- (1) Number of spaces.
  - (a) Nursing Home/Convalescent Center. One (1) parking space shall be provided for each four (4) beds within a nursing home/convalescent center.
  - (b) Assisted Living Facility: One (1) parking space shall be provided for each three (3) dwelling units within an assisted living facility. In addition, one (1) parking space shall be provided for each day shift staff member, and one (1) parking space shall be provided for each twenty (20) dwelling units to accommodate guests.
  - (c) Independent Senior Living Facility: One (1) parking space shall be provided for each dwelling unit within an independent senior living facility. In addition, one (1) parking space shall be provided for each day shift staff member, and one (1) parking space shall be provided for each twenty (20) dwelling units to accommodate guests.
- (2) A minimum of fifty (50%) percent of the required parking spaced for an assisted living facility or independent senior living facility shall be contained in either an attached

enclosed garage or a detached multi-car covered parking structure. Detached covered parking shall function unobtrusively and shall be compatible with the main buildings of the facility in terms of materials design, style and color. Detached covered parking structures, if used, shall be located near the building served. No detached covered parking structure shall accommodate more than ten (10) parking spaces or be located closer than ten (10) feet to another parking structure.

- (3) All parking area located between any building and the right-of-way of any public street or a single-family district shall be screened from view in accordance with Section 9.4.2 of the Screening and Landscape Standards of the City of Garland.

### **Sec. 34.52. Screening and Landscaping.**

- (A) A minimum of forty (40%) percent of the gross platted area of the site of any senior living facility shall be devoted to landscaping, open space areas, pools and similar outdoor recreational activity areas.
- (B) Perimeter fencing and landscaping shall be required along property lines and access points to a senior living facility. Such fencing shall have a minimum height of six (6) feet, and shall be constructed of masonry or ornamental iron with masonry columns. Landscaping shall be provided in accordance with Section 5.4.1 and 5.4.2 of the Screening and Landscape Standards, except that the fence height shall be required to be six (6) feet instead of five (5) feet, and allowed fencing materials shall include masonry and ornamental iron and exclude chain link.
- (C) All satellite dishes/antennas, refuse collection areas and refuse compactors, and ground-mounted equipment shall be placed unobtrusively and screened from view of the perimeter of the development. Whenever possible, appurtenances for utility services shall be installed at the rear of the structures which they service. Acceptable methods of screening are landscaping including trees or evergreen shrubbery, earthen berms in conjunction with landscaping, and masonry walls in conjunction with landscaping.

### **Sec. 34.53. Glare and Illumination.**

- (A) Parking Area Lighting.
  - (1) All off-street parking areas shall be illuminated. The level of intensity of illumination, measured at a height of three (3) feet above the pavement surface, shall be a minimum average of 2.0 foot-candles, and a minimum level at any point of at least 0.66 foot-candles. Illumination shall be uniformly distributed throughout the lighted area, at an average-to-minimum uniformity ratio of at least 3:1.

- (2) The mounting height of luminaire fixtures shall not exceed twenty (20) feet.
  - (3) Standards, poles and fixtures shall be of a single color, compatible with the architecture of the building.
  - (4) All lighting fixtures shall be restricted to down-light or cut-off types.
- (B) Walkway Lighting.
- (1) All outdoor pedestrian areas and walkways shall be illuminated. The level of intensity of illumination, measured at the walkway surface, shall be a minimum average of 0.8 foot-candles, distributed at an average-to-minimum uniformity ratio of at least 5:1.
  - (2) The mounting height of luminaire fixtures shall not exceed twelve (12) feet.
  - (3) Pole and wall-mounted fixtures mounted above six (6) feet shall be of a down-light or cut-off type.

**Sec. 34.54 Signage.**

- (A) All signage for a senior living facility shall be architecturally compatible with the main buildings of the facility in terms of materials, design style and colors.
- (B) Freestanding signs shall be subject to the following restrictions:
- (1) Freestanding signs shall be limited to monument signs.
  - (2) Only one monument sign may be erected on any site of a senior living facility, except that where a site possesses frontage on at least two streets, a maximum of two (2) monument signs may be used.
  - (3) A minimum setback of fifteen (15) feet from any street right-of-way and from property lines abutting a single-family use shall be required of all monument signs. No monument sign shall exceed thirty-five (35) square feet in sign area or seven (7) feet in height.
  - (4) No part of a monument sign shall be closer than twenty-five (25) feet (measured radially) to another freestanding sign on an adjacent sign site, nor shall any part of a freestanding sign be closer than one hundred (100) feet radially to another freestanding sign on the same development site.
- (C) Attached signs shall have a maximum total sign area of one-half times the width of the building with a maximum area of thirty-five (35) square feet. Attached signs may be located only on the building containing the management office for the facility.

**Sec. 34.55 Support Services and Accessory Uses.**

- (A) In addition to dwelling units for occupants of the facility, a senior living facility may include special facilities and services for its residents such as cafeterias, dining rooms, housekeeping services, laundry services, transportation services, libraries, game rooms, exercise rooms, dance floors, arts and crafts rooms, swimming pools, greenhouses, and other recreational facilities.
- (B) The following uses are permitted in conjunction with an assisted living facility or independent senior living facility to provide on-site goods and services for the use and benefit of residents of the facility. The following are intended as accessory and secondary uses only, and for the exclusive use of facility residents, their guests, and facility staff:
  - 1. medical office
  - 2. massage therapy
  - 3. drug store/pharmacy
  - 4. optical dispensary
  - 5. limited restaurant
  - 6. retail sales/personal service
  - 7. financial institutions
  - 8. church/religious facilities

The total floor area occupied by the above listed uses shall comprise no more than ten (10%) percent of the total floor area contained within the senior living facility. Signage for the above listed accessory uses shall be limited to attached signs for identification purposes only, with a maximum area of fifteen (15) square feet.

**Sec. 34.56. Variations and Exceptions; Appeals.**

- (A) The Plan Commission shall hold a public hearing on any request for a variation or exception to the standards provided by this Article. The Plan Commission may not grant a variation or exception unless the Plan Commission determines that the variation or exception will not substantially alter the intent of the standards established by this Article.
- (B) Prior to hearing a request for a variation or exception under this Article, notice of a public hearing on the request shall be sent to all owners of property, as shown on the current tax rolls, located within the area of application and within four hundred (400) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last know address as listed on the City tax roll and depositing the notice, postage paid, in the United States mail. At least ten (10) days notice of the time and place of the hearing shall be published in the official newspaper of the City.
- (C) All decisions of the Plan Commission under this Article shall be final unless appealed to City Council. When the Plan Commission denies a request for a variation or exception to the standards set forth in this Article, a hearing before the City Council shall be set only if a written appeal is

filed by the applicant with the City Manager within fifteen (15) days of the date of denial."

## **Section 2**

That the Schedule of Uses as set forth in Section 10-200 of Ordinance No. 4647, the Comprehensive Zoning Ordinance of the City of Garland, Texas is hereby amended in the following respects:

- (1) The use "Nursing Home/Convalescent Center" shall be allowed in Health Services (HS), Central Area 1 (CA-1), Central Area 2 (CA-2), and Planned Development (PD) Districts (when authorized by the ordinance governing the PD) any may be allowed, by approval of a Specific Use Permit, in Multi-Family 12 (MF-12), Multi-Family 18 (MF-18), and Freeway (FW) Districts.
- (2) The use "Assisted Living Facility" shall be allowed in Health Services (HS), Central Area 1 (CA-1), Central Area 2 (CA-2), and Planned Development (PD) Districts (when authorized by the ordinance governing the PD) any may be allowed, by approval of a Specific Use Permit, in Multi-Family 12 (MF-12), Multi-Family 18 (MF-18), and Freeway (FW) Districts.
- (3) The use "Independent Senior Living Facility" shall be allowed in Central Area 1 (CA-1), Central Area 2 (CA-2), Multi-Family 12 (MF-12), Multi-Family 18 (MF-18), and Planned Development (PD) Districts (when authorized by the ordinance governing the PD) and may be allowed, by approval of a Specific Use Permit in Health Services (HS) and Freeway (FW) Districts.
- (4) The use "Complex for the Elderly" is deleted. For purposes of determining conformity of a use or structure that exists on the effective date of this Article, the Director of Planning shall determine, based upon the characteristics of the use and structure(s) whether the use is a Nursing Home/Convalescent Center, an Assisted Living Facility, or an Independent Senior Living Facility within the meaning provided by Sec. 34.50 of the Code of Ordinances and assign a classification accordingly.

## **Section 3**

That Sec. 10-307 and sub-item J of Sec. 32-510 of Ordinance No. 4647, the Comprehensive Zoning Ordinance of the City of Garland, Texas are hereby deleted.

## **Section 4**

That definition of "Complex for the Elderly" contained in definition No. 58 of Sec. 38 of Ordinance No. 4647, the Comprehensive Zoning Ordinance of the City of Garland, Texas is hereby amended to read as follows:

"Senior Living Facilities

The terms "Nursing Home/Convalescent Center", "Assisted Living Facility", and "Independent Senior Living" shall have the meaning assigned by Sec. 34.50 of the Code of Ordinances of the City of Garland, Texas."

**Section 5**

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

**Section 6**

That Chapter 34, "Zoning" of the Code of Ordinances and Ordinance No. 4647, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**Section 7**

That the terms and provisions of this Ordinance are servable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

**Section 8**

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

**PASSED AND APPROVED** this the 5th day of October, 1999.

**CITY OF GARLAND , TEXAS**

James M. Spence  
Mayor

**ATTEST:**

Ranette Larsen  
City Secretary