

**FILE NUMBER:** DCA223-002(SD)

**DATE INITATED:** December 15, 2022

**TOPIC:** Development Code Amendment regarding adult day care facilities, child-care facilities, and day homes.

**COUNCIL DISTRICTS:** All

**CENSUS TRACTS:** All

**PROPOSAL:** Consideration of amending Chapters 51 and 51A of the Dallas Development Code, with consideration to be given to amending Sections 51-4.204(4) and 51A-4.204(3), “Child-Care Facility;” 51-4.204(6) and 51A-4.204(1), “Adult Day Care Facility;” 51-4.217(b)(10) and 51A-4.217(b)(7.1) “Day home;” 51-4.407 and 51A-4.407, “Maximum lot coverage;” 51-4.408 and 51A-4.408 “Maximum building height;” 51A-13.306, “Uses;” and 51A-13.402, “Required Parking;” and related sections with consideration to be given to appropriate zoning districts and developing appropriate standards associated with adult day care facilities, child-care facilities, and day homes.

**SUMMARY:** The proposed code amendments combine the uses of adult day care and child-care facilities into one land use; considers appropriate zoning districts, parking requirements, and additional provisions. Code amendments are also proposed to remove the age limitation of accessory day homes. Updates to terminology and Texas Health and Human Services limitations are also proposed.

**ZOAC RECOMMENDATION:** Approval of ZOAC’s recommended amendments.

**STAFF RECOMMENDATION:** Approval of staff’s recommended amendments.

**APPENDICES:**

Appendix 1: Comparison Table of Current and Proposed Regulations

Appendix 2: HHS Facilities by Council District and Zoning Districts

Appendix 3: HHS Facilities Maps

Appendix 4: HHS Designation Descriptions

Appendix 5: HHS Designation Matrix

Appendix 6: Specific Use Permits

Appendix 7: List of Notified Potential Nonconforming Uses

**BACKGROUND:**

A code amendment was initiated by City Plan Commission (CPC) at the December 15, 2022 meeting. CPC authorized a hearing to consider appropriate zoning districts and development standards associated with adult day care facilities and child-care facilities. During research, staff determined that it may also be appropriate to consider amendments to development standards for day homes, which are small scale child-care facilities that are considered accessory to the primary use of a premises as a residence.

The Zoning Ordinance Advisory Committee (ZOAC) discussed this item at the May 2 and 30, 2023 ZOAC meetings and made a recommendation to CPC at the July 18, 2023 meeting

*Note: The terms “childcare,” “child-care,” and “child care” are used depending on context throughout this report, but should be considered interchangeable for the purposes of this report.*

**SUMMARY OF RECOMMENDATIONS:**

Staff and ZOAC recommend the following amendments:

1. Combine the main uses Adult Day Care and Child-Care Facility into one use (Child or adult day care facility). *[Page 5]*
2. Since attendees of this use are often a vulnerable population, it is recommended to require an SUP for this use in CS Commercial Services and industrial districts where it is currently allowed by right. *[Page 11]*
3. Add a provision to limit the hours of outdoor activities between the hours of 10 p.m. and 7 a.m. for child and adult day care facilities in residential districts. *[Page 11]*
4. Although both have different rationales, no minimum off-street parking requirement. *[Page 12]*
5. Add a provision that allows the Board of Adjustment to approve special exceptions to outdoor recreational structures and parking in setbacks. *[Page 12-13]*
6. Update the accessory use Day Home definition to allow use for adults and children, including increasing the maximum number of attendees from 10 to 12 (including children and household members of the operator that are being cared for) to align with state licensing standards and add provisions for foster care. *[Page 13]*
7. Update outdated references and terminology throughout. *[Page 13]*

ZOAC recommends the following amendments, in addition to items 1-7 listed above:

8. Remove SUP requirement for the newly combined main use in multifamily districts. *[Page 11]*
9. Require child and adult day cares be restricted to the same lot coverage and height that residential uses are allowed in the agricultural, single family, and Manufactured Home districts. *[Page 13]*

Staff recommends the following amendments, in addition to items 1-7 listed above:

8. Remove SUP requirement for the newly combined main use in all residential districts. *[Page 11]*
9. If ZOAC's recommendation on districts permitted is followed and an SUP is required in non-multifamily residential districts, staff recommends **no amendments** to the current exemptions to allow additional lot coverage and height that institutional uses because an SUP could restrict both lot coverage and height, but an SUP may not grant relief to lot coverage or height.

Alternatively, if staff's recommendation on districts permitted is followed and these uses are allowed by right in all residential districts, staff has **no objection** to ZOAC's recommendation to require child and adult day cares be restricted to the same lot coverage and height that residential uses are allowed in the districts listed. *[Page 14]*

**STAFF ANALYSIS:**

In general, the code currently stipulates that adult day cares and child-care facilities are permitted by Specific Use Permit (SUP) in residential districts; as a limited use in MF-3(A), MF-4(A), and office districts; and by right in non-residential zoning districts. Day homes, which are accessory uses to a residence that limits daytime care for no more than 10 children and prohibits outdoor activities between the hours of 10 p.m. and 7 a.m., are allowed by right wherever the main use of a residence is allowed.

The primary issues with these existing regulations are that the residents of the city need these services and because of the many regulatory barriers to provide these services, these services are hard to find and are expensive (supply and demand), and they are generally located outside of communities who need these services (increases traffic and vehicle miles traveled by residents).

The remainder of this report contains data-driven analyses and proposes solutions to foster compatible and inclusive communities.

**Comparison Cities**

The cities studied for comparison have similar zoning district restrictions as Dallas (SUP or CUP required in residential districts). However, it is expected that similar code amendments will occur in cities nationwide, based on recent publications from the American Planning Association, American Association of Retired Persons, US Census Bureau, and other sources discovered during staff’s research.

**State childcare facility designations**

The Texas Department of Health and Human Services (HHS) regulates and licenses childcare facilities throughout the state. Designations are determined by the ages of children for which care is provided, when care is provided, and the setting (provider’s home or facility). A list of these uses and a table comparing their differences and designations of the Dallas Development Code are provided at the end of this report in Appendix 3.

Most childcare facilities, as defined by the Dallas Development Code, are licensed as a “Licensed Child Care Center” per HHS regulations; however, not all HHS licensed child-care centers are child-care facilities, as defined by the Dallas Development Code. The most common example of how the state and city designations differ is when a religious organization operates childcares. For simplicity’s sake, this report refers to these as

“church-operated” and includes all religions that are considered a “church” main use in the Dallas Development Code, without regard to a specific religion. A “church” can provide childcare services at any time, for any day or days of the week, and it is considered accessory to the main use of a “church” when all four of the following criteria are met.

1. The church owns and operates the child-care facility.
2. The church is directly responsible for all phases of the child-care facility operation.
3. All people working in the child-care facility are employees of the church.
4. The child-care facility is located upon the same property as the main church operation.

Therefore, a church-operated childcare is currently allowed by right in all districts, including residential districts, because the church is allowed by right. Church-operated childcares are also required to be licensed by HHS.

Similarly, programs that provide supervision to children that are hosted at schools, recreation centers, and similar facilities are licensed as “Licensed Before or After-School Programs” and also are exempted from the current definition of child-care facilities in the Dallas Development Code. Other exemptions from being classified as a “child-care facility”, such as a drop-in child care establishment in a shopping center, are also listed in the current regulations and will remain in effect with some terminology updates.

Since these examples show HHS licensed facilities are not directly correlated to the Dallas Development Code’s land use designation of child-care facility, it should be noted that HHS information is not a direct correlation to the Dallas Development Code’s land use designations.

### **Combining adult day care and child-care facilities into one land use**

In staff’s analysis of the use standards, there is no discernable difference between child and adult care centers in terms of what zoning districts they are currently allowed and how they function as daytime institutional caregiving. The major difference is in the current definitions of an adult day care and a child-care facility is that there is a gap in care for persons aged between 14 and 17 (Adult Day Care is for persons 18 or older, and Child-Care Facility is for persons under 14 years old). Further, staff discovered there is not an existing corresponding specific accessory use for adult day care and therefore recommends that the age limits specified in the accessory use, “day home” be expanded to persons of any age. Therefore, staff and ZOAC recommend combining the main uses and deleting references to ages in both the main use and accessory use.

## **Recent SUP applications**

Staff has reviewed the most recent specific use permits (SUP) that have been approved for childcare facilities in residential districts. Conditions included in the SUP approval for these requests include:

- Development must conform to the attached site plan
- Hours of operation
- Time limit
- Building size maximum
- Fence standards

Last fiscal year, several requests for new SUPs to allow a child-care facility to operate were heard. All were approved with minimal opposition or support from properties within the notification area. It is also important to note that one of these SUPs was needed in order for a skilled nursing facility to provide on-site child-care for its employees. Between 2020 and May 2023, 14 new SUPs or renewals were approved by Council. Most facilities were approved for a five year period with automatic renewal.

Hours of operation, enrollment numbers, and building sizes are all driven by the applicant based on building design, site constraints, and licensing status, not by land use concerns. State code requires a play area to be enclosed by a fence a minimum of four feet tall; however, child-care facilities often request fences that are taller for added security. Since an SUP cannot exempt a site from fencing standards, when a fence over four feet in height is proposed in a residential front yard, a special exception from the Board of Adjustment is required. No changes are proposed regarding fences.

## **Enrollment and spacing requirements**

Enrollment limits and spacing requirements were discussed at ZOAC meetings; however, it is not recommended to add enrollment limitations or spacing requirements for these facilities because there is a need for both child-care facilities and adult day care facilities near homes.

Enrollment and proximity to other day cares should also not be a reason to add another barrier to providing these services to community members. The rationale to not add enrollment or spacing requirements also includes:

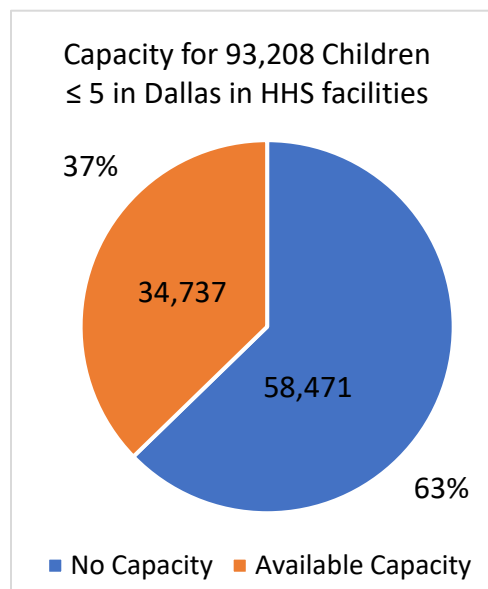
1. HHS licensing requirements ensure that health and safety standards are inspected and enforced and are based on enrollment,

2. Enrollment restrictions would also be difficult to prove in court and would likely not be enforceable because it would require facilities to provide the information or for Code officers to somehow document the number of children being supervised.
3. The issuance of a certificate of occupancy ensures that life and safety standards of the City are inspected and documented,
4. The current and proposed provisions in the Dallas Development Code address the compatibility of nonresidential uses in residential districts more appropriately, and
5. Although there are situations where child-care facilities can currently operate in residential districts without an SUP (e.g., a day home or as a church-operated child-care facility), the current requirements have resulted in a lack of services; this point is more fully described in the below section titled, “Adult and child care needs in residential areas”.

### Day care needs for children and adults in Dallas

Based on analyses from the Center for American Progress, as of 2018, 48 percent of people in Texas were living in a childcare desert, which is any census tract with more than 50 children under age five that contains either no childcare providers or so few options that there are more than three times as many children as licensed childcare slots<sup>1</sup>. Moreover, an update to the 2018 report in 2020 predicts that this statistic will increase as a result of the COVID-19 pandemic<sup>2</sup>.

This prediction is consistent with data sourced for Dallas and is represented in the pie chart on the right. Based on the 2022 American Community Survey 5-year estimate there are approximately 93,208 children under the age of five in Dallas. According to HHS licensing data, there is capacity for 34,737 children in Dallas in licensed child-care facilities, in-home facilities, and small employer-based centers, which is capacity for only 37 percent of the city’s youngest children, if all centers were enrolled at capacity. Because there is no capacity to enroll approximately 63 percent of the city’s



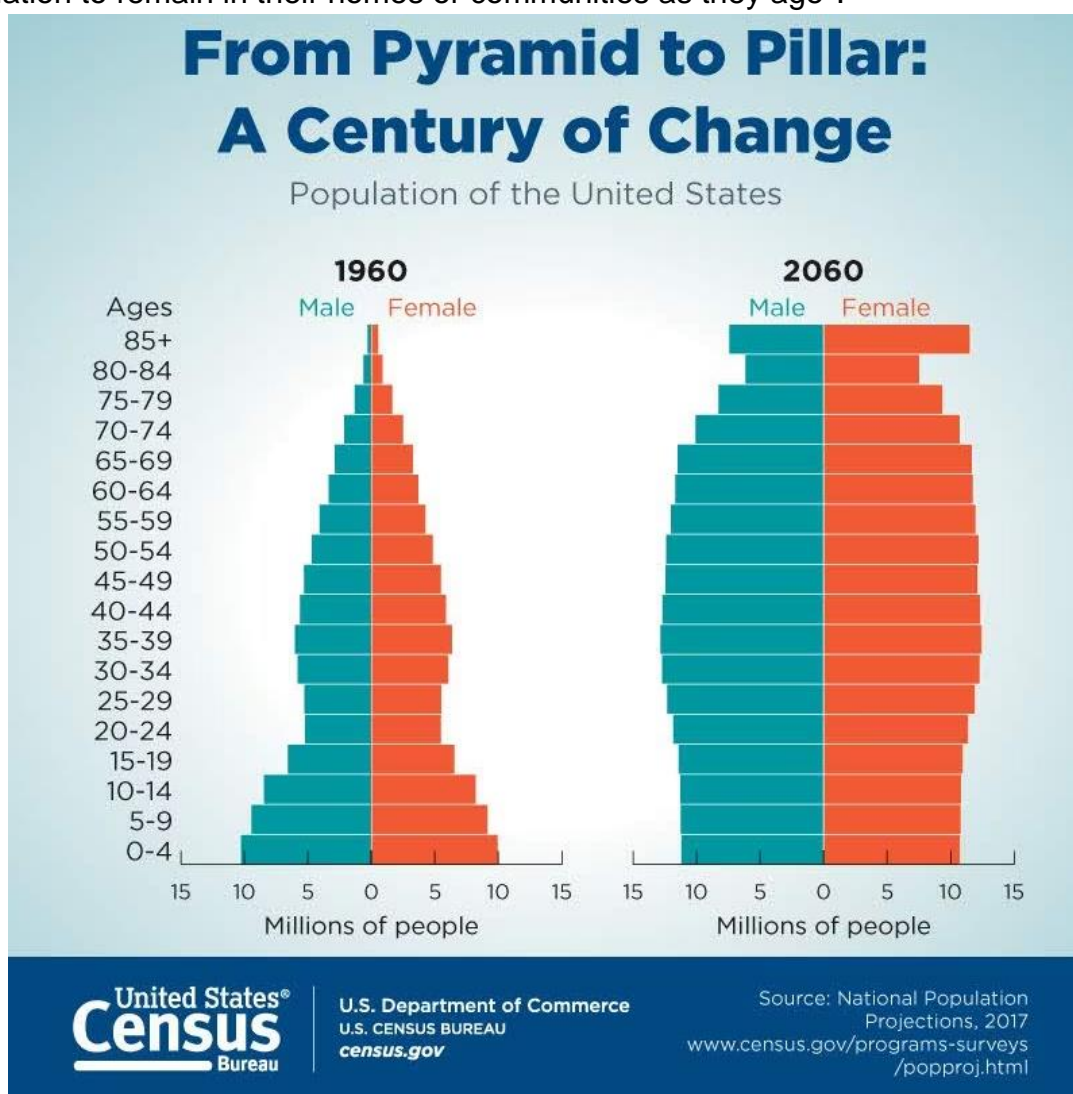
youngest children in the HHS licensed facilities, they are supervised outside of Dallas or are cared for under another caregiver’s supervision, such as a parent, relative, or otherwise. The responsibility of daily care by a child’s relative or parent can have two

<sup>1</sup> “Child Care Deserts,” Center for American Progress 2018 <https://childcaredeserts.org/2018/?state=TX>

<sup>2</sup> “The Coronavirus Will Make Child Care Deserts Worse and Exacerbate Inequality,” Center for American Progress 2020 <https://www.americanprogress.org/article/coronavirus-will-make-child-care-deserts-worse-exacerbate-inequality/>

effects on the caregiver. Providing childcare outside a licensed facility might remove them the local workforce, if they have the privilege of being supported by other means of income, or they must find other supervision to work a second job outside the home (e.g. one caregiver works during the day while the other cares for the child(ren) and they switch for the evening hours).

The availability of adult day care services (also known as adult day programs) are also predicted to be a larger issue soon. According to the US Census Bureau, adults aged 65 and over are not only growing in number but are also expected to outnumber children under 18 by 2035 (U.S. Census, 2018). According to a recent survey by the American Association of Retired Persons (AARP) there is a strong desire from the older adult population to remain in their homes or communities as they age<sup>3</sup>.



<sup>3</sup> “Despite Pandemic, Percentage of Older Adults Who Want to Age in Place Stays Steady,” American Association of Retired Persons. 2022 <https://www.aarp.org/home-family/your-home/info-2021/home-and-community-preferences-survey.html>



## **Current status of adult day cares and child-care facilities in Dallas**

1. Adult day cares: According to state licensing records, there are 10 HHS Day Activity and Health Services (DAHS) facilities in Dallas. A DAHS can include more than simply providing care for adults, and several facilities that were identified provide job training, job placement, life skills training, and other services. These are in a variety of zoning districts, primarily IR and PD districts. Therefore, a portion of the 10 DAHS facilities in Dallas are not classified as adult day care facilities per the Dallas Development Code. Additionally, adult day cares facilities are not included in the summary tables in the appendices, except Appendix 7 which lists the sites identified as potentially becoming nonconforming, of which four adult day care facilities are listed.
2. Methodology for childcare analysis: Since HHS Licensed Before or After-School Programs are generally focused on school-aged children and those programs are also generally operated as a customarily incidental accessory use to the main use operated during school hours, staff's analysis focuses on HHS licensed childcare centers and HHS in-home facilities and excludes HHS Licensed Before or After-School Programs and other designations.
3. HHS licenses in Dallas generally: After a review Texas Department of Health and Human Services (HHS) licensing records currently licensed in Dallas, approximately 281 facilities are HHS licensed childcare centers and 112 are HHS in-home facilities, and the remaining 59 are "School Age Program; Before / After School Program; Small Employer Based" facilities.
4. Council district distribution: Childcare facilities are fairly evenly distributed between Council Districts, except that District 6 is the only district with fewer than 20 facilities. A full table of all districts is included in Appendix 2.
5. Single Family Districts:
  - a. 90 HHS licensed childcare centers are in Single Family Districts. These centers are presumed to be church-operated childcares, have an SUP for a child-care facility, or are nonconforming, since a child-care facility requires an SUP in single family districts.
  - b. 87 HHS licensed in-home centers are in Single Family Districts, all of which are currently allowed by right when the number of attendees does not exceed 10 children.

6. Planned Development Districts (PDs): 85 HHS licensed childcare centers and 15 HHS in-home facilities are located within PDs, all 15 HHS in-home facilities are located within a residence and it is likely that many of the 85 HHS licensed childcare centers in PDs are located within institutional structures, such as churches or schools, and also likely to be in a residential community.
7. Multifamily Districts: Only seven HHS licensed childcare centers and 10 HHS licensed in-home centers are located in Multifamily Districts. Therefore, since there are only 17 HHS licensed childcare centers and HHS licensed in-home centers in all of the city's Multifamily Districts, staff does not consider removing barriers only in Multifamily Districts to be enough to address the demand for these services.
8. Commercial Service (CS) and Industrial Districts: 16 HHS licensed childcare centers and no HHS licensed in-home centers are located in CS and Industrial Districts. Of those 16 centers, two are church or school-operated facilities and are not classified as child-care facilities. If these licensed facilities are also considered child-care facilities, amendments that require an SUP in CS and Industrial districts would make 14 centers nonconforming and would therefore have nonconforming rights which allow them to continue to operate as prescribed in Section 51A-4.704 Nonconforming Uses and Structures.

## **Protections for neighborhoods**

### *Current standards to protect neighborhoods:*

There are existing standards within the Development Code to address the compatibility of nonresidential uses in residential districts as well as nonresidential uses near residential uses or districts. The following standards apply either to nonresidential uses in residential districts or nonresidential uses within a certain distance from residential uses, as stated by the code.

- Parking is prohibited in the front yard in residential districts. [§51A-4.301\(b\)\(1\)](#)
- Remote parking is prohibited in residential districts, so there will not be standalone parking lots serving nonresidential uses in residential districts. [§51A-4.301\(a\)\(11\)](#)
- A six-foot tall solid screening wall is required between any nonresidential parking and contiguous residential uses or vacant lot in residential districts. A lot abutting an alley is considered contiguous. [§51A-4.301\(f\)](#)
- Garbage storage areas must be screened with a six-foot tall solid fence when visible from a street or adjoining property. [§51A-4.602\(b\)\(6\)](#)

- Screening is required between the rear or service side of a building and a residential use. [§51A-4.602\(b\)\(7\)](#)
- A landscape buffer is required between a nonresidential use and a residential use or vacant lot in residential districts. [§51A-10.125\(b\)\(2\)](#)
- Signs in residential districts must comply with the nonbusiness district sign standards. [§51A-7.403 and 7.404](#)
- When parking lot lighting is provided, it must only be provided if the business is open after sunset and the light sources must be indirect, diffused, or covered by shielded type fixtures; and installed to reduce glare and the consequent interference with boundary street; and there is a limit on the amount of spillover light. [§51A-4.301\(e\)\(2\)](#)

*New standards proposed to further protect neighborhoods:*

A new additional provision for child-care and adult day care facilities is recommended to limit outdoor activities in residential districts to between the hours of 7 a.m. and 10 p.m. This is consistent with the existing provision for day homes.

### **Districts permitted**

In conclusion, since church-operated childcares are already allowed by right, there have been few SUP applications submitted recently, staffing ratios and licensing are the purview of the state, these uses are in need in the city, and because there are current and enhanced protections for neighborhoods proposed, staff recommends amendments to allow these uses to operate by right (without an SUP) in all residential districts. Staff's recommended amendments would remove one of the many regulatory barriers and would encourage accessibility to care services for these vulnerable populations in their communities.

ZOAC recommends the SUP requirement only be removed in multifamily districts but maintain the requirement for an SUP for all other residential districts. ZOAC's rationale was because it is an additional step for oversight on siting and design of these uses.

Staff and ZOAC reviewed the other districts that allow these uses by right and determined most were appropriate. However, it is recommended that an SUP requirement be added in the CS Commercial Services and industrial districts because adult day care and child-care facilities could create compatibility issues between the vulnerable populations that are given care at these facilities and the heavy commercial and industrial uses that are the primary use in those districts. Staff originally proposed that these uses not be allowed in CS and industrial districts to encourage them to locate in areas with less potential for

incompatibility or to rezone areas that might have CS and industrial zoning; however, ZOAC was concerned that existing uses that may become nonconforming would prefer to have an option to obtain an SUP. Although existing uses that are in CS and industrial districts could just as easily change zoning districts to one that allows their use by right, staff does not object to ZOAC's request to allow these uses by SUP in CS and industrial districts. A list of 18 sites that have been identified may become nonconforming is listed in Appendix 7 and includes sites in CS and industrial districts. Of the 82 sites in planned development districts (PDs) and three sites in conservation districts (CDs), none will become nonconforming due to the proposed changes to districts permitted.

### **Parking requirements**

It is recommended that the parking requirements for adult and childcare facilities be eliminated. Parking demand studies have shown that the current requirement of one space per 500 square feet of floor area is higher than necessary since demand varies based on location, operational plans, and other site-specific criteria. Not only do minimum parking requirements increase impervious surfaces, but they also contribute to a reduction in outdoor recreational areas, which are much more beneficial to communities than surface parking.

Requiring parking minimums for adult and childcare facilities incentivizes the use of personal vehicles for drop-of and pick-up. Neighborhood-scale facilities that are located within the communities they serve, reduce vehicle miles traveled, encourage alternate transportation methods such as walking, biking, carpooling, paratransit services, and shuttle services provided by the facility.

ZOAC and staff both recommend reducing the minimum off-street parking requirements for adult day care and child-care facilities to none required. However, staff and ZOAC have differing rationales for this recommendation. Staff recommends that each facility be permitted to discern the appropriate number of parking spaces for employees and customers as their needs dictate. ZOAC recommends no parking requirements because when a Specific Use Permit is required for the use, CPC and City Council may establish a minimum number of parking spaces for that particular site as a condition to the SUP.

### **Additional board special exception**

It is recommended that an applicant be allowed to pursue a special exception from the Board of Adjustment for the placement of outdoor recreation structures and off-street parking in setbacks. This would reduce Planned Development District applications for minor exceptions to the code.

A special exception will allow an opportunity to consider if the exceptions proposed are compatible or create unwanted impacts without having to meet the higher variance standard of proving a property hardship (e.g. a restrictive size, shape, or sloped lot), while maintaining the ability to have neighborhood input through notices sent and a public hearing.

### **Day home attendees**

It is recommended that the attendee limit for a day home be increased from 10 to 12 to align with state licensing limits.

### **Updating terminology**

Other amendments are recommended to update general references to outdated terminology. For example, the Central Education Agency (CEA) no longer exists and has been replaced by the Texas Education Agency (TEA).

### **Changes to maximum lot coverage and height**

Currently, institutional uses are allowed a maximum 60% lot coverage single family, duplex, townhouse, MF- 1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), MH(A), NO(A), and NS(A) districts. Similarly, institutional uses are allowed unlimited building height in all districts, with the exception of residential proximity slope (RPS) restrictions required in CH, multifamily, mixed use, and nonresidential districts.

ZOAC recommends that child and adult day cares be restricted to the same lot coverage allowed for residential structures in the single family, duplex, and Manufactured Home districts. Since the lot coverage for residential structures in the duplex through multifamily districts meet or exceeds 60%, there is no need to reiterate the restriction to match residential structures in those districts.

ZOAC also recommends that child and adult day cares be restricted to the same maximum structure height allowed for structures in the single family, duplex, townhouse, MF-1(A) Multifamily, and MF-2(A) Multifamily districts.

The table below shows the maximum lot coverage and height for buildings other than institutional uses in residential districts, current exceptions for institutional uses, and ZOAC's recommended amendments.

| Regulation  | A (A) | Single Family |             |           |                | D (A)     | TH (A)    | CH   | Multifamily |            |          |          | MH        |
|---|-------|---------------|-------------|-----------|----------------|-----------|-----------|------|-------------|------------|----------|----------|-----------|
|   |       | R-1 ac(A)     | R-1/2 ac(A) | R-16 (A)  | R-13 to R-5(A) |           |           |      | MF-1 (A)    | MF-2 (A)   | MF-3 (A) | MF-4 (A) |           |
| 51A-4.407 Maximum Lot Coverage (%)  |       |               |             |           |                |           |           |      |             |            |          |          |           |
| Residential structures  | 10    | 40            | 40          | 40        | 45             | 60        | 60        | 60   | 60          | 60         | 60       | 80       | 20        |
| Nonresidential structures   | 25    | 25            | 25          | 25        | 25             | 25        | 25        | 60   | 25          | 50         | 60       | 80       | 25        |
| Institutional (current)   | 10    | 60            | 60          | 60        | 60             | 60        | 60        | 60   | 60          | 60         | 60       | 80       | 60        |
| ZOAC rec.   | 10    | <b>40</b>     | <b>40</b>   | <b>40</b> | <b>45</b>      | 60        | 60        | 60   | 60          | 60         | 60       | 80       | <b>20</b> |
| 51A-4.408 Maximum Structure Height (in feet)<br>*means Residential Proximity Slope (RPS) restrictions apply |       |               |             |           |                |           |           |      |             |            |          |          |           |
| All structures  | 24    | 36            | 36          | 30        | 30             | 36        | 36        | 36*  | 36*         | 36*        | 90*      | 240*     | 24        |
| Institutional (current)   | Any   | Any           | Any         | Any       | Any            | Any       | Any       | Any* | Any*        | Any*       | Any*     | Any*     | Any       |
| ZOAC rec.   | Any   | <b>36</b>     | <b>36</b>   | <b>30</b> | <b>30</b>      | <b>36</b> | <b>36</b> | Any* | <b>36*</b>  | <b>36*</b> | Any*     | Any*     | Any       |

If ZOAC’s recommendation on districts permitted is followed and an SUP is required in all residential districts except for multifamily districts, staff recommends **no amendments** to the current exemption to allow additional lot coverage and height that institutional uses are allowed because an SUP could restrict both lot coverage and height. Further restricting lot coverage and height for these uses, in addition to the requirement to obtain an SUP, which may not grant relief to yard, lot and space requirements, adds another barrier to these uses. If an exception to bridge the gap between residential structures’ lot coverage or height restriction is needed, the only avenue for relief is through a variance with the board of adjustment (remember a property hardship of a restrictive size, shape, or sloped lot is required to be granted) or a planned development district is required. The additional restriction ZOAC has recommended is counterproductive and could be addressed in the SUP process.

If staff’s recommendation on districts permitted is followed and these uses are allowed by right in all residential districts, staff has **no objection** to ZOAC’s recommendation to require child and adult day cares be restricted to the same lot coverage and height as residential uses in the single family, duplex, townhouse, MF-1(A) Multifamily, and MF-2(A) Multifamily districts.

**ZOAC Recommended 51A  
Article IV Amendments**

Note: Underlines and double underlines indicate words to be added and ~~strikeouts~~ indicate words to be deleted.

**SEC. 51A-4.204. INSTITUTIONAL AND COMMUNITY SERVICE USES.**

(1) ~~Reserved. Adult day care facility.~~

(A) ~~Definition: A facility that provides care or supervision for five or more persons 18 years of age or older who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.~~

(B) ~~Districts permitted: By right in retail, CS, industrial, central area, mixed use, multiple commercial, and urban corridor districts. By right as a limited use in MF-3(A), MF-4(A), and office districts. By SUP in residential districts. [No SUP required for a limited use in MF-3(A) and MF-4(A) districts.]~~

(C) ~~Required off-street parking: One space per 500 square feet of floor area.~~

(D) ~~Required off-street loading:~~

| <b>SQUARE FEET OF FLOOR AREA IN STRUCTURE</b> | <b>TOTAL REQUIRED SPACES OR BERTHS</b> |
|---|--|
| 0 to 10,000                                   | NONE                                   |
| 10,000 to 60,000                              | 1                                      |
| Each additional 60,000 or fraction thereof    | 1 additional                           |

(E) ~~Additional provisions:~~

(i) ~~The limited use regulations in this chapter are modified for this use to allow an outdoor recreation area and separate access from the main building to the recreation area.~~

(ii) ~~This use must comply with statutory licensing requirements.~~

(iii) ~~The persons being cared for or supervised under this use may not use the facility as a residence.]~~

(3) Child or adult care ~~[care]~~ facility.

(A) Definition: A facility that provides care, training, education, custody, treatment, or supervision for persons of any age ~~[under 14 years of age]~~ who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers. This use does not include:

(i) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities on or near the premises, including but not limited to retreats or classes for religious instruction;

(ii) a school or class for religious instruction that does not last longer than two weeks and is conducted by a religious organization during the summer months;

(iii) an educational facility accredited by the [~~Central~~]Texas Education Agency or the Southern Association of Colleges and Schools, or their successor agencies, that operates primarily for educational purposes in grades kindergarten and above;

(iv) an educational facility that operates solely for educational purposes in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day, and that is a member of an organization that promulgates, publishes, and requires compliance with health, safety, fire, and sanitation standards equal to standards required by state, municipal, and county codes;

(v) a kindergarten or preschool educational program that is operated as part of a public school or a private school accredited by the [~~Central~~]Texas Education Agency or its successor agency, that offers educational programs through grade six, and does not provide custodial care during the hours before or after the customary school day;

(vi) an educational facility that is integral to and inseparable from its sponsoring religious organization or an educational facility both of which do not provide custodial care for more than two hours maximum per day, and that offers educational programs for children age five and above in one or more of the following: kindergarten through at least grade three, elementary, or secondary grades;

(vii) a day home as defined in Section 51A-4.217; or

(viii) individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.

**ZOAC recommendation:**

(B) Districts permitted: By right in multifamily, retail, [~~CS, industrial,~~] central area, mixed use, multiple commercial, office, and urban corridor districts. [~~By right as a limited use in MF-3(A), MF-4(A), and office districts.~~] By SUP in A(A), R(A), D(A), TH(A), CH, MH(A), CS, and industrial [~~residential~~] districts. [~~No SUP required for a limited use in MF-3(A) and MF-4(A) districts.~~]

**Staff recommendation:**

(B) Districts permitted: By right in residential, retail, [~~CS, industrial,~~] central area, mixed use, multiple commercial, office, and urban corridor districts. [~~By right as a limited use in MF-~~



~~3(A), MF 4(A), and office districts]. By SUP in CS and industrial [residential] districts. [No SUP required for a limited use in MF 3(A) and MF 4(A) districts.]~~

(C) Required off-street parking: None [~~If an SUP is required for this use, the off-street parking requirement may be established in the ordinance granting the SUP, otherwise one space per 500 square feet of floor area.~~]

(D) Required off-street loading:

| SQUARE FEET OF FLOOR AREA IN STRUCTURE     | TOTAL REQUIRED SPACES OR BERTHS |
|--|---------------------------------|
| 0 to 10,000                                | NONE                            |
| 10,000 to 60,000                           | 1                               |
| Each additional 60,000 or fraction thereof | 1 additional                    |

(E) Additional provisions:

(i) When this use is located within a residential district, outdoor activities are limited to the hours between 7 a.m. and 10 p.m. [~~The limited use regulations in this chapter are modified for this use to allow an outdoor play area and separate access from the main building to the play area.~~]

(ii) [~~This use must comply with all applicable requirements imposed by state law.~~]

—————(ii) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence.

(iii) The board of adjustment may grant a special exception to the following requirements when, in the opinion of the board, the special exception will not adversely affect neighboring properties:

(aa) Minimum front, side, or rear yard requirements for accessory structures for use in outdoor recreation; and

(bb) Placement of off-street parking in the front yard when prohibited pursuant to Section 51A-4.301(b).

**SEC. 51A-4.217. ACCESSORY USES.**

(7.1) Day home.

(A) Definition: A facility that provides care or supervision for more than three persons of any age [~~“day home attendees,” whether or not the facility is operated for profit or charges for the services it offers. For the purposes of this paragraph, “day home attendees” means persons under 14 years of age,~~] not including persons in foster care or those related to the owner of the residence

or the head of the household by blood, marriage, or adoption. A day home is incidental to the primary use of the premises as a residence and conducted on the premises by a resident of the premises who is on the premises during hours of operation.

(B) Districts restrictions: This accessory use is not permitted in P(A) and urban corridor districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) No more than 12 [~~10~~] day home attendees, including persons in foster care and those related to the owner of the residence or the head of the household by blood, marriage, or adoption, are permitted at any time in the operation of this use.

(ii) A person who conducts a day home use shall not:

(aa) use an advertisement, sign, or display on or off the premises;

(bb) advertise in the yellow pages of the telephone directory;

(cc) employ more than two persons on the premises, other than the residents of the premises;

(dd) conduct outdoor activities between the hours of 10 p.m. and 7 a.m.;

(ee) conduct outdoor activities unless the activities are screened from the neighboring property by a fence at least four feet in height;

(ff) generate loud and raucous noise that renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

~~(iii) [This use does not include individuals living together as a single housekeeping unit in which not more than four individuals are unrelated to the head of the household by blood, marriage, or adoption.]~~

~~\_\_\_\_\_ (iv) ] The area restrictions in Subsection (a)(3) do not apply to this use.~~

~~[(v) This use must comply with all applicable requirements imposed by city ordinances, rules, and regulations, and by state law.]~~

**SEC. 51A-4.407. MAXIMUM LOT COVERAGE.**

(a) General provisions.

***ZOAC Recommendation***

(1) Except as provided in paragraph (2), in [H] single family, duplex, townhouse, MF-1(A), MF-1(SAH), MF-2(A), MF-2(SAH), MF-3(A), MH(A), NO(A), and NS(A) districts, institutional buildings may cover a maximum of 60 percent of the lot.

(2) In single family and MH(A) districts, structures used solely for child or adult care facility uses are limited to the maximum lot coverage applicable to residential structures in each district [Reserved].

(3) The maximum lot coverage requirements in a planned development district are controlled by the planned development district regulations.

***Staff Recommendation***

If ZOAC's recommendation for districts permitted is followed, no amendment to this section is recommended.

If staff's recommendation for districts permitted is followed, no objection to ZOAC's recommendation to this section.

*The remainder of this section is omitted for brevity.*

**SEC. 51A-4.408. MAXIMUM BUILDING HEIGHT.**

(a) Special height provisions.

***ZOAC Recommendation***

(1) Except as provided in this subsection, structures [~~Structures~~] for utility and public service uses and institutional uses may be erected to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions, and the building code. Exceptions:

(A) No portion of a structure that exceeds the maximum structure height specified in the district regulations (Divisions 51A-4.100 et seq.) may be located above a residential proximity slope. See Section 51A-4.412.

(B) Local utility transmission and distribution lines and supporting structures are exempt from residential proximity slope height restrictions.

(C) A mounted cellular antenna, as defined in Paragraph 51A-4.212(10.1), attached to a utility structure is exempt from residential proximity slope height restrictions if the utility structure is greater than 65 feet in height. For purposes of this subparagraph, a utility structure means an electrical transmission distribution tower, an elevated water storage tank, and any other structure operated by a municipality, a transit authority, or a certificated, franchised, or licensed utility company in connection with provision of the utility.

(D) A tower/antenna for cellular communication, as defined in Paragraph 51A-4.212(10.1), is exempt from residential proximity slope height restrictions if a specific use permit is required, or if a modification to an existing tower/antenna for cellular communication use is modified in a manner that does not substantially change the physical dimensions of the existing tower/antenna for cellular communication or its auxiliary building. A modification substantially changes the physical dimensions of an existing tower/antenna for cellular communication or its auxiliary building if it meets any of the criteria listed in 47 C.F.R. §1.40001(b)(7), as amended.

(E) In single family, duplex, townhouse, MF-1(A), MF-1(SAH), MF-2(A), and MF-2(SAH) districts, structures used solely for child or adult care facility uses are limited to the maximum structure height applicable in each district.

***Staff Recommendation***

If ZOAC's recommendation for districts permitted is followed, no amendment to this section is recommended.

If staff's recommendation for districts permitted is followed, no objection to ZOAC's recommendation to this section.

*The remainder of this section is omitted for brevity.*

**ZOAC Recommended 51A  
Article XIII Amendments**

Note: Underlines and double underlines indicate words to be added and ~~strikeouts~~ indicate words to be deleted.

SEC. 51A-13.304. DEVELOPMENT TYPES.

(a) General.

(1) Development Types by District.

|   | Mixed Use Shopfront | Single-Story Shopfront | General Commercial | Apart-ment | Town-house Stacked | Town-house | Manor House | Single-Family House | Civic Building | Open Space Lot |
|---|---------------------|------------------------|--------------------|------------|--------------------|------------|-------------|---------------------|----------------|----------------|
| District  | Mu                  | Ss                     | Gc                 | Apt        | Ts                 | Th         | Mh          | Sf                  | Civ            | O              |
| Walkable Urban Mixed Use (WMU)                      |                     |                        |                    |            |                    |            |             |                     |                |                |
| Low (WMU-3, WMU-5)                                  | •                   | •                      | •                  | •          | •                  | •          | •           |                     | •              | •              |
| Medium (WMU-8, WMU-12)                              | •                   |                        | •                  | •          | •                  | •          |             |                     | •              | •              |
| High (WMU-20, WMU-40)                               | •                   |                        | •                  | •          |                    |            |             |                     | •              | •              |
| Walkable Urban Residential (WR)                     |                     |                        |                    |            |                    |            |             |                     |                |                |
| Low (WR-3, WR-5)                                    |                     | .*                     |                    | •          | •                  | •          | •           |                     | •              | •              |
| Medium (WR-8, WR-12)                                |                     |                        |                    | •          | •                  | •          |             |                     | •              | •              |
| High (WR-20, WR-40)                                 |                     |                        |                    | •          |                    |            |             |                     | •              | •              |
| Residential Transition (RTN)                        |                     |                        |                    |            |                    | •          | •           | •                   | •              | •              |
| Shopfront (-SH) Overlay over any WMU or WR district | •                   | •                      |                    |            |                    |            |             |                     | •              | •              |

\* Office and Medical allowed only along thoroughfare

SEC. 51A-13.306. USES.

(a) General Provisions.

(1) Allowed uses.

No certificate of occupancy may be issued for a use in a WMU, WR, or RTN district that is not allowed by this section. Existing nonconforming uses may continue in accordance with Section 51A-4.704.

(2) Use Categories.

(A) In order to regulate uses more efficiently, categories of uses have been established.

(B) Use categories provide a systematic basis for assigning land uses to appropriate development types. Use categories classify land uses and activities based on common functional, product, or physical characteristics.

(C) Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

(3) Principal Uses.

Principal uses are grouped into categories of uses. Permitted uses are shown in Section 51A-13.306(b), "Use Chart." The use categories used in the use chart are listed in Section 51A-13.306(d), "Use Categories." The examples of permitted uses listed are not an exhaustive list. The building official has the responsibility for categorizing uses. See Paragraph (6) below.

(4) Transitional Uses.

Transitional uses are intended to provide an opportunity for owners in a form district to make appropriate use of their property during the interim period as the district develops. For a list of permitted transitional uses and regulations, see Section 51A-13.306(e), "Transitional Uses."

(5) Accessory uses.

(A) Except as provided below, accessory uses are allowed in conjunction with a permitted principal use in accordance with Section 51A-4.217.

(B) A use listed in Section 51A-13.306, "Uses," (and not Sections 51A-4.201 through 51A-4.216) may be an accessory use if the building official determines that the use is customarily incidental to a main use and otherwise complies with this section.

(C) Except as otherwise provided in this article or in Article IV, accessory uses are subject to the following area restrictions.

(i) If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use.

(ii) If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use.

(iii) Any use that exceeds these area restrictions is considered to be a separate main use.

(D) Pedestrian sky bridges are not permitted in the form districts.

(E) Wind turbines and other integrated renewable energy systems are permitted in the form districts.

(6) Building Official Responsibility.

(A) The building official is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the building official shall place the proposed use under that use category.

(B) When determining whether a proposed use is similar to a listed use in Section 51A-13.306(d), "Use Categories," the building official shall consider the following criteria:

(i) The actual or projected characteristics of the proposed use.

(ii) The relative amount of site area or floor area and equipment devoted to the proposed use.

(iii) Relative amounts of sales.

(iv) The customer type.

(v) The relative number of employees.

(vi) Hours of operation.

(vii) Building and site arrangement.

(viii) Types of vehicles used and their parking requirements.

(ix) The number of vehicle trips generated.

(x) Signs.

(xi) How the proposed use is advertised.

(xii) The likely impact on surrounding properties.

(xiii) Whether the activity is likely to be independent of the other activities on the site.

(7) Additional Use Regulations.

Except as otherwise provided in this article, the additional provisions in Division 51A-4.200 for a specific use apply to that use under this article.

(b) Use Chart.

The use chart identifies the uses allowed by right, the uses requiring a specific use permit, and uses that are not allowed. The use chart key is set forth below.

(A) Permitted. (·)

Indicates that the use is allowed by right in that development type.

(B) specific use Permit. ([I])

Indicates that a use is permitted in that development type only in accordance with Section 51A-4.219, "Specific Use Permit (SUP)."

(C) Blank Cell.

A blank cell indicates that a use is not permitted in that development type.



|                           |   | Mixed Use Shopfront |               | Single- Story Shopfront | General Commercial | Apartment   | Townhouse Stacked | Townhouse     | Manor House | Single- family House | Civic Building | Open Space Lot | Additional Regulations |                |
|---------------------------|---|---------------------|---------------|-------------------------|--------------------|-------------|-------------------|---------------|-------------|----------------------|----------------|----------------|------------------------|----------------|
|                           |   | Mu                  |               | Ss                      | Gc                 | Apt         | Ts                | Th            | Mh          | Sf                   | Civ            | O              |                        |                |
| Principal Use             | Use Category                                | Ground Story        | Upper Stories | Ground Story            | All Stories        | All Stories | Ground Story      | Upper Stories | All Stories | All Stories          | All Stories    | All Stories    | ---                    |                |
| Residential               | Single-family living                        |                     | .             |                         |                    |             | .                 | .             | .           | .                    |                |                |                        | (c)(1), (c)(2) |
|                           | Multifamily living                          |                     | .             |                         |                    | .           | .                 | .             | .           | .                    |                |                |                        |                |
|                           | Group living                                |                     | .             |                         |                    | .           | .                 | .             | .           | .                    |                |                |                        | (c)(1)         |
| Civic                     | Community service, except as listed below:  | ☐                   | ☐             | ☐                       | ☐                  |             | ☐                 |               |             |                      | ☐              |                |                        |                |
|                           | <i>Museum, library</i>                      | .                   | .             | .                       | .                  |             | .                 |               |             |                      | .              |                |                        | (c)(3)         |
|                           | <b>Day care</b>                             | .                   | .             | .                       | .                  | ⋮           | ⋮                 | ⋮             | ⋮           | ⋮                    | .              |                |                        | (c)(3)         |
|                           | Educational                                 | .                   | .             | .                       | .                  |             |                   |               |             |                      | .              |                |                        | (c)(3)         |
|                           | Government service, except as listed below: | .                   | .             | .                       | .                  |             |                   |               |             |                      | .              |                |                        | (c)(3)         |
|                           | <i>Detention center, jail, or prison</i>    |                     |               |                         | ☐                  |             |                   |               |             |                      | ☐              |                |                        |                |
|                           | Park or Open space                          |                     |               |                         |                    |             |                   |               |             |                      |                | .              |                        |                |
|                           | Social service                              | ☐                   | ☐             | ☐                       | ☐                  |             |                   |               |             |                      |                |                |                        | (c)(8)         |
|                           | Transit station                             | .                   | .             | .                       | .                  |             |                   |               |             |                      | .              |                |                        |                |
|                           | Utilities                                   |                     |               |                         |                    |             |                   |               |             |                      |                | .              |                        | (c)(4)         |
| Place of Worship          | Place of Worship                            | .                   | .             | .                       | .                  |             |                   |               |             |                      | .              |                |                        |                |
| Office                    | Medical                                     | .                   | .             | .                       | .                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Office                                      | .                   | .             | .                       | .                  |             | .                 |               |             |                      |                |                |                        |                |
| Retail                    | Drive-thru facility                         | ☐                   | ☐             | ☐                       | ☐                  |             |                   |               |             |                      |                |                |                        | (c)(9)         |
|                           | Restaurant or Bar                           | .                   | .             | .                       |                    |             |                   |               |             |                      |                |                |                        | (c)(5)         |
|                           | Retail sales                                | .                   | .             | .                       |                    |             |                   |               |             |                      |                |                |                        | (c)(5)         |
|                           | Vehicle sales                               | .                   | .             | .                       |                    |             |                   |               |             |                      |                |                |                        |                |
| Service and Entertainment | Commercial amusement (inside)               | ☐                   | ☐             | ☐                       | ☐                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Indoor recreation                           | .                   | .             | .                       | .                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Personal service, except as listed below:   | .                   | .             | .                       | .                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Animal care                                 | .                   | .             | .                       | .                  |             |                   |               |             |                      |                |                |                        | (c)(6)         |
| Commerce                  | Commercial parking                          | .                   | .             |                         | .                  |             |                   |               |             |                      |                | ☐              |                        |                |
|                           | Passenger terminal limited to a Helistop    |                     | ☐             |                         | ☐                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Overnight lodging                           |                     | .             |                         | .                  |             |                   |               |             |                      |                |                |                        | (c)(7)         |
|                           | Self-service storage                        |                     | ☐             |                         | ☐                  |             |                   |               |             |                      |                |                |                        |                |
| Fabrication               | Light manufacturing                         |                     |               |                         | .                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Research and development                    |                     |               |                         | .                  |             |                   |               |             |                      |                |                |                        |                |
|                           | Vehicle service                             |                     |               |                         | .                  |             |                   |               |             |                      |                |                |                        |                |

Key: . = Permitted ☐ = Specific Use Permit Blank Cell = Not Permitted

DCA223-002(SD)

(c) Additional Regulations.

*Omitted for brevity.*

(d) Use Categories.

*Omitted for brevity.*

(2) Civic Use Categories.

*Omitted for brevity.*

(B) Day care.

(i) Definition. Uses providing care, protection, and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day when the additional provisions of this use are met.

(ii) Examples of Permitted Uses.

[Adult day care facility.]

Child or adult day care facility.

Nursery school or preschool.

*Omitted for brevity.*

(e) Transitional Uses.

*Omitted for brevity.*

(Am. Ord. 30889, passed 6-13-18)

## **SEC. 51A-13.402. REQUIRED PARKING.**

**(a) Spaces Required.**

**(1) RTN District Required Spaces.**

(A) Except as otherwise provided, the residential parking design standards of Division 51A-4.300 and the number of required off-street parking spaces in Division 51A-4.200 apply in the RTN district.

(B) No compact parking is permitted on surface parking lots. A maximum of 20 percent of the required parking in a structure may be compact parking.

(C) No parking reductions are permitted in the RTN district.

**(2) WMU and WR District Required Spaces.**

The following spaces are required in the WMU or WR districts.

**Required Parking in WMU and WR Districts**

| Use Category              |   | Number of Spaces Required  |
|---------------------------|---|--|
| Residential               | Household living                        | 1.50 per single-family living unit<br>1.15 per one-bedroom or smaller multifamily living unit<br>1.65 per two-bedroom multifamily living unit<br>2.00 per three-bedroom or larger multifamily living unit<br>0.70 per retirement housing living unit |
|                           | Group living                            | 0.25 per bed PLUS 1 per 200 SF office, minimum 4   |
| Civic                     | Community service                       | 1 per 200 SF   |
|                           | Day care                                | None [1 per 500 SF]  |
|                           | Educational                             | 1.50 per elementary classroom<br>3.50 per junior high or middle classroom<br>9.50 per senior high classroom<br>1 per 25 SF seats in any other classroom type   |
|                           | Government service                      | 1 per 200 SF   |
|                           | Park/open space                         | None   |
|                           | Place of worship                        | 1.00 per 4 fixed seats or per 18" length of bench OR 1 per 28.00 SF floor area without seating   |
|                           | Social service                          | see Group Living   |
| Office                    | Medical                                 | 1 per 222 SF   |
|                           | Office, except:                         | 1 per 333 SF   |
|                           | Art studio, gallery                     | 1 per 500 SF   |
|                           | Financial services,<br>Bank Call center | 1 per 222 SF<br>1 per 167 SF   |
| Retail                    | Restaurants, except:                    | 1 per 100 SF   |
|                           | Bar, private club                       | 1 per 83 SF  |
|                           | Retail sales                            | 1 per 250 SF   |
|                           | Vehicle sales                           | 1 per 200 SF sales area  |
| Service and Entertainment | Commercial amusement (inside), except:  | 1 per 200 SF   |
|                           | Dance hall                              | 1 per 25 SF  |
|                           | Indoor recreation, except:              | 1 per 150 SF   |
|                           | Health club or spa                      | 1 per 143 SF   |
|                           | Movie theater                           | 0.27 per seat  |
|                           | Performing arts theater                 | 0.40 per seat  |
| Personal service          | 1 per 250 SF                            |  |
| Commerce                  | Overnight lodging                       | 1.25 per room PLUS 1 per 200 SF of meeting room  |
|                           | Self-service storage                    | minimum 6  |
|                           | Light manufacturing                     | 1 per 600 SF   |

| Use Category |                        | Number of Spaces Required |
|--------------|------------------------|---------------------------|
| Fabrication  | Research & development | 1 per 300 SF              |
|              | Vehicle service        | 1 per 500 SF, minimum 5   |

Note: The parking requirements of Division 51A-4.200 apply to uses not listed in the preceding chart nor deemed to be an equivalent use pursuant to the provisions of Section [51A-13.306](#), "Uses."

### Appendix 1: Comparison Table of Current and Proposed Regulations

|                              | <b>Current Code</b>   | <b>Staff</b>   | <b>ZOAC</b>  |
|------------------------------|---|--|--|
| <b>Use</b>                   | Adult Day Care Facility<br>Child Care Facility  | Combine adult and child-care facility into one main use  | See staff recommendation   |
| <b>Districts Permitted</b>   | By right: Retail, CS, Industrial, Central Area, Mixed Use, Multiple Commercial, Urban Corridor districts<br>SUP: Residential districts<br>By-right as a limited use: MF-3(A), MF-4(A), Office districts | By right: Residential, Retail, Central Area, Mixed Use, Multiple Commercial, Office, Urban Corridor districts<br>SUP: CS, Industrial districts | By right: Residential when spacing is met, Retail, Central Area, Mixed Use, Multiple Commercial, Office, Urban Corridor districts<br>SUP: single family of within 500 feet of another child or adult day care facility. CS, Industrial districts |
| <b>Parking</b>               | One space per 500 sf of gross floor area  | None   | See staff recommendation   |
| <b>Loading</b>               | Up to 10,000 sf: none<br>10,001 – 60,000 sf: 1<br>Each additional 60,000 sf: 1  | No change  | See staff recommendation   |
| <b>Additional Provisions</b> |   |  |  |
| <b>Limited Use standards</b> | area limitations are not applicable for outdoor play areas; outdoor entrance is allowed when connected to outdoor play area   | Delete. Not needed   | See staff recommendation   |
| <b>State law compliance</b>  | Must comply with all applicable state laws  | Delete. Not needed   | See staff recommendation   |
| <b>Residency</b>             | Attendees may not use facility as residence.  | No change  | See staff recommendation   |
| <b>Outdoor activity</b>      | N/A   | No outdoor activity allowed between 10pm and 7am.  | See staff recommendation   |
| <b>Special exceptions</b>    | N/A   | May request special exception for specified standards  | May request special exception for specified standards with review criteria included  |

## Appendix 2: HHS Facilities by Council District and Zoning District

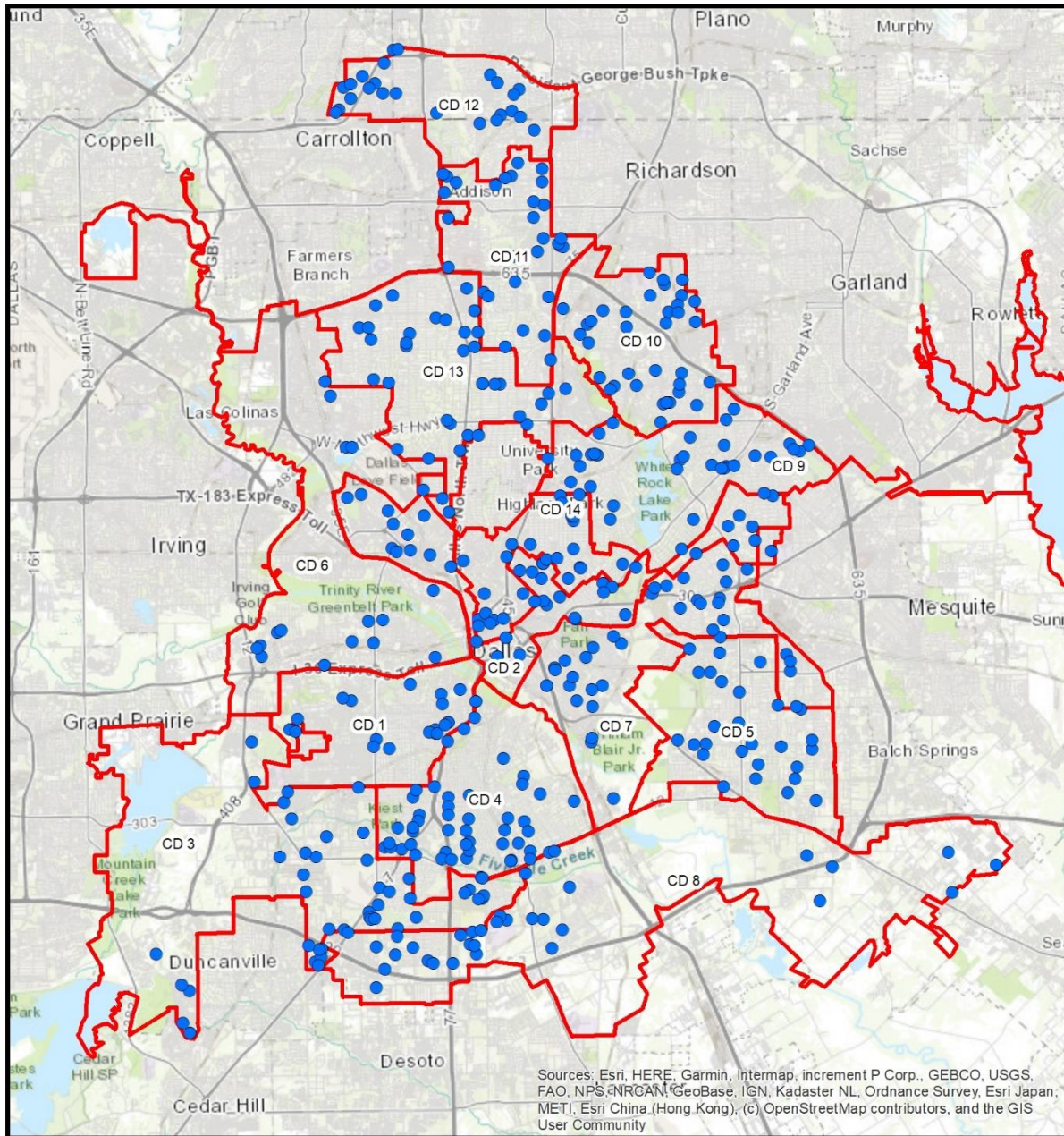
### HHS Licensed Facilities by Council District

|   | District 1 | District 2 | District 3 | District 4 | District 5 | District 6 | District 7 | District 8 | District 9 | District 10 | District 11 | District 12 | District 13 | District 14 | Total      |
|---|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------------|-------------|-------------|-------------|-------------|------------|
| Licensed Center   | 18         | 26         | 21         | 35         | 18         | 13         | 24         | 12         | 20         | 21          | 15          | 13          | 27          | 18          | 281        |
| In-Home Care  | 1          | 5          | 19         | 12         | 7          | 3          | 11         | 20         | 6          | 6           | 9           | 10          | 2           | 1           | 112        |
| School Age Program;<br>Before / After School<br>Program;<br>Small Employer<br>Based | 1          | 9          | 3          | 3          | 2          | 0          | 3          | 1          | 7          | 9           | 6           | 1           | 8           | 6           | 59         |
| <b>Totals</b>   | <b>20</b>  | <b>40</b>  | <b>43</b>  | <b>50</b>  | <b>27</b>  | <b>16</b>  | <b>38</b>  | <b>33</b>  | <b>33</b>  | <b>36</b>   | <b>30</b>   | <b>24</b>   | <b>37</b>   | <b>25</b>   | <b>452</b> |

### HHS Licensed Facilities by Zoning District

|  | Single Family Districts | Multifamily Districts | Retail Districts | Office Districts | CS & Industrial Districts | Central Area Districts | Mixed Use Districts | Multiple Commercial Districts | Urban Corridor Districts | Planned Development Districts | Total      |
|--|-------------------------|-----------------------|------------------|------------------|---------------------------|------------------------|---------------------|-------------------------------|--------------------------|-------------------------------|------------|
| Licensed Center  | 90                      | 7                     | 65               | 4                | 16                        | 2                      | 10                  | 2                             | 0                        | 85                            | 281        |
| In-Home Care   | 87                      | 10                    | 0                | 0                | 0                         | 0                      | 0                   | 0                             | 0                        | 15                            | 112        |
| School Age Program;<br>Before / After School<br>Program;<br>Small Employer Based | 14                      | 0                     | 4                | 0                | 1                         | 2                      | 3                   | 0                             | 0                        | 35                            | 59         |
| <b>Total</b>   |                         |                       |                  |                  |                           |                        |                     |                               |                          |                               | <b>452</b> |

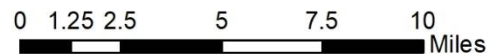
### Appendix 3: HHS Facilities Maps



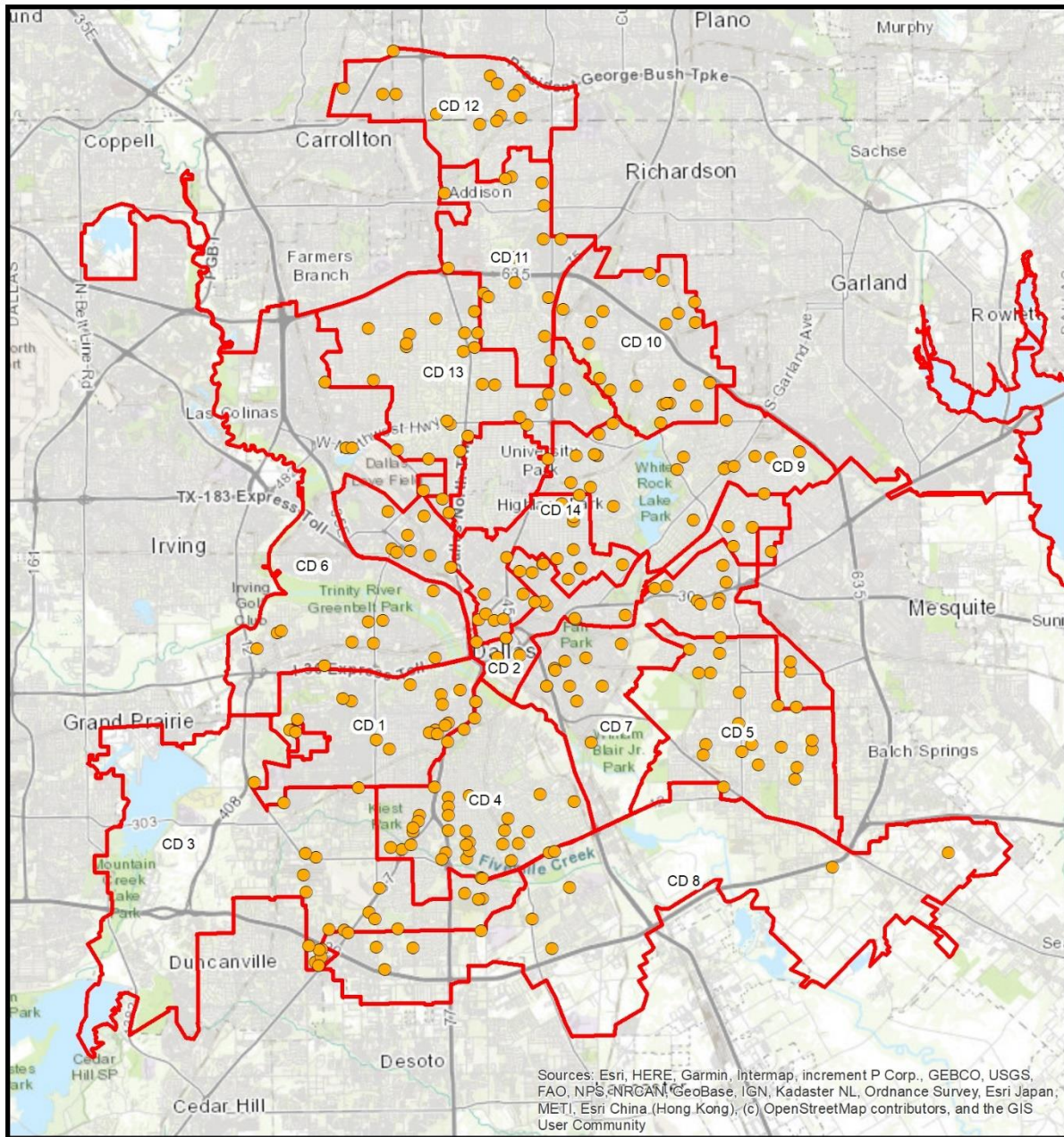
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## Licensed Child Care Facilities

- All Licensed Child Care Facilities
- ▭ Council District Boundaries

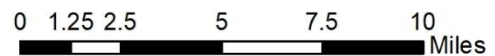


### Appendix 3: HHS Facilities Maps



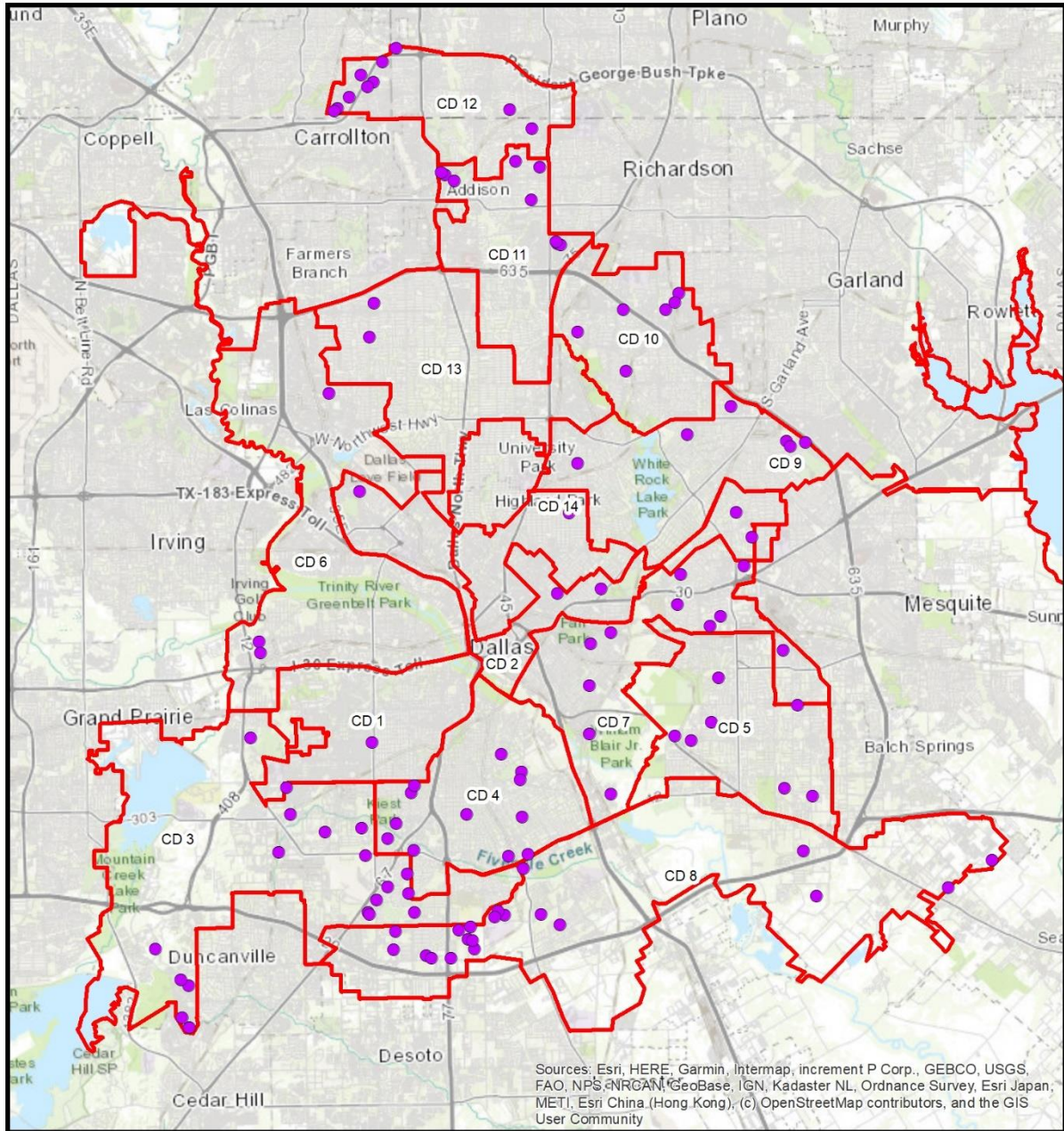
## Licensed Child Care Programs Only

- Licensed Child Care Programs Only
- ▭ Council District Boundaries





### Appendix 3: HHS Facilities Maps

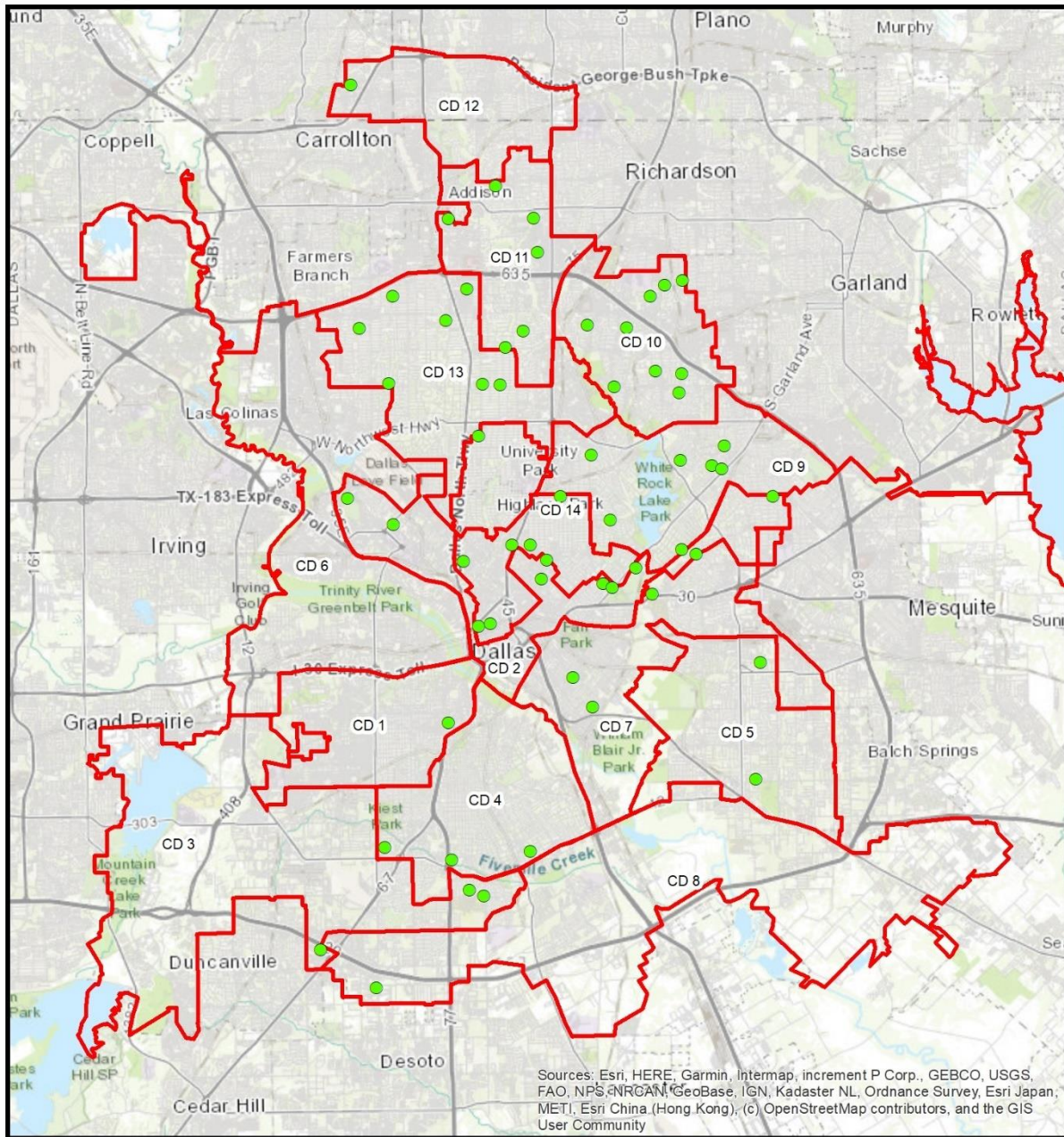


## In-Home Child Care Only

- In-Home Child Care Only
- ▭ Council District Boundaries

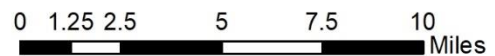
0 1.25 2.5 5 7.5 10 Miles

### Appendix 3: HHS Facilities Maps



## School and Employer Programs Only

- School and Employer Programs Only
- ▭ Council District Boundaries



#### Appendix 4: HHS Designation Descriptions

- **Licensed Child Care Center:** Typical child care facility for seven or more children ages 13 and under. The City would consider this to be a typical main use as child care facility.
- **Licensed Before or After-School Program:** Care provided before or after (or both) the typical school day. Most of these programs are located within schools, churches, recreation centers, or similar facilities. The City typically would consider this to be customarily incidental to the use of the property as the main use (school, recreation center, etc.) and would not be a separate main use.
- **Licensed School Age Program:** Same as above, but care is provided during typical school hours, regardless of time of year. Most summer camp programs are licensed this way unless otherwise covered. The City typically would consider this to be customarily incidental to the use of the property as the main use (school, recreation center, etc.) and would not be a separate main use.
- **Licensed Child-Care Home:** Care provided for seven to 12 children in the operator's home. City would typically consider as a day home unless care is provided to more than 10 children, which would then be considered a main use.
- **Registered Child-Care Home:** Care provided for up to six children in the operator's home. City would typically consider as a day home.
- **Listed Child-Care Home:** Care provided for up to three children in the operator's home. City would typically consider as a day home.

**Appendix 5: HHS Designation Matrix**

| Dallas Land Use Designation   | Texas HHS Licensing Designation         | Ages                      | Number of Children | Setting                | Time of care  |
|---|---|---------------------------|--------------------|------------------------|---|
| Child-care facility   | Licensed Child Care Center              | 13 or younger             | Seven or more      | Not in provider's home | At least two hours but less than 24 hours per day, three or more days per week  |
| Often an accessory use to a public or private school or other main use but <i>could</i> be inside a child-care facility | Licensed Before or After-School Program | Pre-K through sixth grade | Not specified      | Not specified          | At least two hours per day, three or more days per week, before or / and after school while school is in session  |
|   | Licensed School-Age Program             | Pre-K through sixth grade | Not specified      | Not specified          | At least two hours per day, three or more days per week, before or / and after school while school is in session, during the summer period, and any other time school is not in session |
| Day home or Child-care facility, depending on number of children  | Licensed Child-Care Home                | 13 or younger             | Seven – 12         | In the provider's home | At least two hours but less than 24 hours per day, three or more days per week  |
| Day Home  | Registered Child-Care Home              | 13 or younger             | Up to six          | In the providers home  | At least four hours per day, three or more days per week, for three or more consecutive weeks; or for four hours per day for 40 or more days in a 12-month period                       |
|   | Listed Family Home                      | Not specified             | Up to three        | In the providers home  | At least four hours per day, three or more days per week, for three or more consecutive weeks; or for four hours per day for 40 or more days in a 12-month period                       |

**Appendix 6: Specific Use Permits**

| Use  | Ordinance | Date Passed | Time Period            |
|--|-----------|-------------|------------------------|
| child care facility                                | 31459     | 2/26/2020   | 5 years/5 years auto   |
| child care facility and a community service center | 31682     | 10/28/2020  | 5 year/10 year auto    |
| private school and child care facility             | 31683     | 10/28/2020  | 6 year                 |
| childcare facility                                 | 31728     | 12/9/2020   | 5 year/5 year auto     |
| child care facility                                | 31753     | 1/27/2021   | 5 years/5 year auto    |
| child care facility                                | 31820     | 3/24/2021   | 5 year/ 5 year auto    |
| child care facility                                | 32111     | 1/12/2022   | 4 Yrs                  |
| child care facility                                | 32185     | 4/27/2022   | 5 years                |
| private school & day care center                   | 32263     | 8/10/2022   | 5 yr/5 yr auto renewal |
| child-care facility                                | 32275     | 8/24/2022   | 5 yrs/5 yrs auto       |
| child care facility                                | 32312     | 8/24/2022   | 5 years/ 5 years auto  |
| child care facility                                | 32374     | 8/24/2022   | 5 years/5 years auto   |
| child care facility                                | 32393     | 8/24/2022   | 5 years                |
| child care facility                                | 32396     | 8/24/2022   | 10 years/10 years auto |

**Appendix 7: List of Notified Potential Nonconforming Uses**

| ID | Operation Name                                   | Operation Address               |       | Owner Name                                 | Owner Address                |            |    |       | Zoning |
|----|--|---------------------------------|-------|--|------------------------------|------------|----|-------|--------|
| 1  | Abugida Academy                                  | 11501<br>Plano Rd               | 75243 | Modern Pyramids<br>Inc                     | 1111 Belt Line<br>Rd Ste 100 | Garland    | TX | 75040 | IR     |
| 2  | Annie's Place                                    | 2131 Butler<br>St               | 75235 | Dallas County<br>Hospital District         | 5200 Harry<br>Hines Blvd     | Dallas     | TX | 75235 | IR     |
| 3  | Aunt Tammy's<br>Daycare                          | 4909 S<br>Cockrell Hill<br>Rd   | 75236 | Smith Terry D &<br>Smith Patricia K        | 7221<br>Montgomery Rd        | Midlothian | TX | 76065 | IR     |
| 4  | Bryans House                                     | 3610<br>Pipestone<br>Rd         | 75212 | Open Arms Inc                              | Po Box 35868                 | Dallas     | TX | 75235 | IM     |
| 5  | Creative Minds Child<br>Care Center              | 5606 S<br>Cockrell Hill<br>Rd   | 75236 | Haynes Gary L &<br>Lakeisha                | 2832 Eden Dr                 | Cedar Hill | TX | 75104 | IR     |
| 6  | Destiny Learning<br>Center                       | 7620<br>Ferguson<br>Rd          | 75228 | Destiny Learning<br>Center LLC             | 7620 Ferguson<br>Rd          | Dallas     | TX | 75228 | CS     |
| 7  | First Steps Academy<br>& Daycare                 | 10120<br>Monroe Dr              | 75229 | Brandt Michael<br>Family Trust             | 3609<br>Timberview Rd        | Dallas     | TX | 75229 | IR     |
| 8  | Glen Oaks School                                 | 12105<br>Plano Rd               | 75243 | Sharber Schools<br>Inc                     | 12327<br>Creekspan Dr        | Dallas     | TX | 75243 | IR     |
| 9  | Katies Little Angels                             | 2850<br>Singleton<br>Blvd       | 75212 | Katie Little Angel<br>Day Care             | 556 Pinnacle<br>Drive        | Cedar Hill | TX | 75104 | IR     |
| 10 | Kids Country<br>Childcare and<br>Learning Center | 9571<br>Skillman St             | 75243 | Blooming<br>Wonders LLC                    | 6828 Sigma Ln                | Frisco     | TX | 75035 | CS     |
| 11 | Lighthouse Academy                               | 3727 Dilido<br>Rd Ste 132       | 75228 | Kosam<br>Enterprises Ltd                   | 3727 Dilido Rd<br>Ste 138    | Dallas     | TX | 75228 | LI     |
| 12 | Little Rascals Child<br>Development Center       | 2907 N<br>Hampton Rd            | 75212 | Cromwell Dev<br>Corp                       | Po Box 29794                 | Dallas     | TX | 75229 | IR     |
| 13 | My Small Wonders                                 | 2310 Stutz<br>Dr                | 75235 | Viceroy Post LP                            | 2722 Fairmount<br>St         | Dallas     | TX | 75201 | IM     |
| 14 | Citizens<br>Development Center                   | 8800<br>Ambassador<br>Row       | 75247 | Citizens<br>Development<br>Center          | 8800<br>Ambassador<br>Row    | Dallas     | TX | 75247 | IR     |
| 15 | Sunrise Senior<br>Center Inc                     | 13521<br>Method<br>Street       | 75243 | KSMI LLC &<br>Shining Beacon<br>Dallas LLC | 2234 Morley<br>Place West    | Seattle    | WA | 98199 | IR     |
| 16 | Supreme Care Adult<br>Center                     | 4033<br>Shilling Way            | 75233 | Garcia Fred                                | 4071 Shilling<br>Way         | Dallas     | TX | 75237 | IR     |
| 17 | We Care Adult Day<br>Center                      | 3200 S<br>Lancaster<br>Rd # 609 | 75216 | Weatherford<br>Plaza LLC                   | 1601 Palomino<br>Ridge Dr    | Austin     | TX | 78733 | CS     |
| 18 | Willow Montessori<br>Academy                     | 2404<br>Empire<br>Central       | 75235 | Naik Barkha                                | 2404 Empire<br>Central       | Dallas     | TX | 75235 | IR     |