

Ordinance No. 21-022

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 2, Zoning Districts; Article 3, Use Standards; Article 4, Dimensional Standards; Article 5, Design and Development Standards; Article 6, Subdivision Regulations; Article 9, Review Authorities; Article 10, Review Procedures; and Article 12, Definitions; related to providing clarification and consistency; establishing a setback distance between commercial day care centers and existing gas well drilling sites; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date

WHEREAS, after notice and public hearing on the 7th day of April, 2021, the Planning and Zoning Commission heard and recommended amendment to the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the amendments relative to the "Unified Development Code" Chapter be approved; NOW THEREFORE

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

1.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article 2, Zoning Districts, Section 2.2.5, Residential Single-Family 7.2 | RS-7.2, Subsections B-E**, to read as follows:

B. Density	
Dwelling units/acre, max.	6
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Single family	7,200
Non-residential	15,000
2. Gross living area min. (s.f.)	
Single family	1,500

3. Lot width, min. (ft)	
Single family	60
Non-residential	60
4. Lot Depth, min. (ft)	100
D. Setbacks	
5. Street Front, min. (ft)	
Arterial or collector	40
Local street, alley, or private access easement	20
6. Street Side, min. (ft)	
All roadways	15
Private access easement or alley	10
7. Street Rear, min. (ft)	
All roadways	20
Private access easement or alley	5
8. Interior, min. (ft)	
Side	5
Rear	5
Non-residential uses adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max.	40
For ballfield lighting see Sec. 3.2.2	
Lot coverage, max. (%)	
Single family	50
Non-residential	50
See Article 4 for measurements and exceptions.	

Further, that **Section 2.2.7, Residential Medium-Density 12 | RM-12, Subsections B-E**, is hereby amended to read as follows:

B. Density	
Dwelling units/acre, max.	12
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Duplex	6,000
Townhouse	2,900
Single family	5,000
Non-residential uses	15,000
2. Gross living area min. (s.f.)	
Duplex	800
Townhouse	800
Single family	1,500
3. Lot width, min. (ft)	
Duplex	60

Townhouse	20
Single family	50
Non-residential	60
4. Lot depth, min. (ft)	100
D. Setbacks	
5. Street front, min. (ft)	
Arterial or collector	40
Local street, alley, or private access easement	20
6. Street side, min. (ft)	
All roadways	20
Private access easement or alley	20
7. Street rear, min. (ft)	
All roadways	20
Private access easement or alley	5
8. Interior, min. (ft)	
Side	5
Rear	10
Non-residential uses adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max.	40
For ballfield lighting see Sec. 3.2.2	
Lot coverage, max. (%)	
Duplex	60
Townhouse	75
Single Family	60
Non-residential	60
See Article 4 for measurements and exceptions.	

Further, that **Section 2.2.8, Residential Multi-Family-22 | RMF-22, Subsections B-E**, is hereby amended to read as follows:

B. Density	
Dwelling units/acre, max.	22
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Duplex	6,000
Townhouse	2,900
Multifamily or Non-residential	15,000
2. Gross living area, min. (s.f.)	
Duplex or townhouse	800
MF efficiency	600
MF 1 bedroom	750

MF 2 bedroom	900
MF 3 bedroom	1,100
MF more than 3 bedrooms	+125 per additional bedroom
3. Lot width, min. (ft)	
Townhouse	20
Duplex or multifamily	60
Non-residential	60
4. Lot depth, min. (ft)	
D. Setbacks	
5. Street front, min. (ft)	
Arterial	40
Collector	25
Local street, alley, or private access easement	20
6. Street side, min. (ft)	
All roadways	20
Private access easement or alley	10
7. Street rear, min. (ft)	
All roadways	20
Private access easement or alley	10
8. Interior, min. (ft)	
Side	10
Rear	10
Non-residential uses and multi-family adjacent to single family (side and/or rear)	40
E. Building Standards	
Building height: see Section 5.5.4	
For ballfield lighting, also see Sec. 3.2.2	
Lot coverage, max. (%)	
Duplex	80
Townhouse or multifamily	90
Non-residential	80
See Article 4 for measurements and exceptions.	

Further, that **Section 2.2.9, Village on the Green at Tierra Verde | VG**, is hereby amended by the addition of **Subsection C.**, which shall read as follows:

C. Dimensional Standards

VG Dimensional Standards	
A. Lot Dimensions	
1. Lot area, min. (s.f.)	

Single family	7,200
Non-residential	15,000
2. Lot width, min. (ft)	
Single family	N/A
Non-residential	N/A
3. Lot depth, min. (ft)	
B. Setbacks	
4. Street front, min. (ft)	
All roadways	20
Alley, or private access easement	20
5. Street side, min. (ft)	
All roadways	5
Alley, or private access easement	5
6. Street rear, min. (ft)	
All roadways	5
Private access easement or alley	5
7. Interior, min. (ft)	
Side	5
Rear	5
Non-residential uses adjacent to single family (side and/or rear)	30
C. Building Standards	
Building height, max.	40
Lot coverage, max. (%)	
Single family	40
Non-residential	40
See Article 4 for measurements and exceptions.	

Further, that **Section 2.3.12, Neighborhood Mixed Use | NMU, Subsections B-F**, is hereby amended to read as follows:

B. Density	
Max. dwelling units per acre with one use in a structure.	22
Max. dwelling units per acre with more than one use in a structure. Second use must occupy at least 15% of gross floor area of building.	40
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
Gross living area, per dwelling unit, min. (s.f.)	
Duplex or townhouse	800
MF efficiency	600
MF 1 bedroom	750
MF 2 bedroom	900
MF 3 bedroom	1,100

MF more than 3 bedrooms	+125 per additional bedroom
D. Setbacks	
Street front, min./max. (ft)	
Interstate or state highway	12/24
Public street, private access easement, or alley	10/20
Street rear, min./max. (ft)	
Public street	10/none
Private access easement or alley	5/none
Interior, min./max. (ft)	
Side and/or Rear	0/none
Non-residential uses adjacent to single family (side and/or rear)	20/20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions.	

Further, that **Section 2.3.13, Regional Mixed Use | RMU, Subsections B-F**, is hereby amended to read as follows:

B. Density	
Max. dwelling units per acre with one use in a structure.	40
Max. dwelling units per acre with more than one use in a structure. Second use must occupy at least 15% of gross floor area of building.	100
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
Gross living area, per dwelling unit, min. (s.f.)	
Duplex or townhouse	800
MF efficiency	600
MF 1 bedroom	750
MF 2 bedroom	900
MF 3 bedroom	1,100
MF more than 3 bedrooms	+125 per additional bedroom
D. Setbacks	
Street front, min./max. (ft)	
Interstate or state highway	12/24

Public street, private access easement, or alley	10/20
Street rear, min./max. (ft)	
Public street	10/none
Private access easement or alley	5/none
Interior, min./max. (ft)	
Side and/or Rear	0/none
Non-residential uses adjacent to single family (side and/or rear)	20/20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions.	

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection A., Residential Districts, Table 3.1-1: Allowed Uses – Residential Districts**, is hereby amended under Use Category, Personal Services, Use Type, Day care center, to add “*” to each applicable district column and add “3.2.3.L” to the “**Supplemental Use Standards**” column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection A., Residential Districts, Table 3.1-1: Allowed Uses – Residential Districts**, is hereby amended under Use Category, Utilities, Use Type, Gas well, to add “*” to each applicable district column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Auto Sales, Equipment, and Repair, Use Type, Gasoline sales, to delete “3.2.3.B” from the “**Supplemental Use Standards**” column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Personal Services, Use Type, Day care center, to add “*” to each applicable district column and add “3.2.3.L” to the “**Supplemental Use Standards**” column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Recreation and Entertainment, Indoor, Use Type, Nightclub, to hereafter read as Nightclub | live entertainment venue.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Recreation and Entertainment, Indoor, Use Type, Skating rink, to delete “3.2.3.G” from the “Supplemental Use Standards” column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Recreation and Entertainment, Indoor, Use Type, Theatre, indoor, to add “*” under the “GC” district column.

Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts**, is hereby amended under Use Category, Manufacturing, Use Type, Gas well, to add “*” under all applicable district columns.

Further, that **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection E., Lodging Facilities**, is hereby amended by the addition of **Subsection 3., Overnight Parking Facility**, which shall read as follows:

3. Overnight Parking Facility

In the EDO district, the following standards shall apply:

- a. Overnight parking facilities shall not be used as temporary living quarters for any stay exceeding seven consecutive days for any one event.
- b. Each overnight parking facility shall be located within a major sports complex on a site that fronts an arterial street.
- c. Before initial occupancy, a zoning site plan showing fire lanes and sanitation facilities reasonably adequate for the overnight parking facility shall be submitted to the Zoning Administrator pursuant to Section 10.4.4, Zoning Site Plan.

- d. Any person who owns, constructs, alters, extends, promotes or operates an Overnight Parking Facility shall be exempt from (a) permit and license requirements under the "Mobile Homes and Travel Trailers" chapter of the Code of the City of Arlington and (b) permit requirements for mass gatherings under the "Health and Sanitation" chapter of the Code of the City of Arlington.

Further, that **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection E., Lodging Facilities**, is hereby amended by the addition of **Subsection 4., Trailer Camp or RV Park**, which shall read as follows:

4. Trailer Camp or RV Park

In the LI district:

- a. The camp shall be located on a site that has frontage on a federal or state highway.
- b. Prior to the issuance of any building permit for a trailer camp, a site plan shall be approved by the Zoning Administrator.
- c. No more than 10 percent of the total fully developed and usable spaces shall be designed for and occupied by manufactured homes for more or less permanent residential occupancy.
- d. The minimum lot area per trailer stand shall be 1,500 square feet.
- e. The minimum lot width per trailer stand shall be 30 feet.
- f. The minimum lot depth per trailer stand shall be 50 feet.
- g. The minimum front setback shall be 30 feet from dedicated street right-of-way, and 20 feet from private drives used for access, circulation, or service to the trailer site.
- h. The minimum rear setback per trailer shall be 10 feet.
- i. The minimum space between trailers shall be 20 feet.
- j. The minimum off-street parking required per trailer stand shall be one space per stand.
- k. On any side of a trailer camp not directly abutting a dedicated public street, there shall be either a permanent screening device that is not less than six feet in height, or an additional landscaped buffer as required by Section 5.3.1.D, Required Screening and Buffering.

Further, that **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection G., Recreation and Entertainment, Indoor, Subsection 2., Nightclub**, is hereby amended to hereafter read as follows:

2. Nightclub | Live Entertainment Venue

a. In all districts:

- (i) No entrance or exit, other than an exit used only for emergencies, shall be located within 500 feet of an RE, RS-20, RS-15, RS-7.2, RS-5, or RM-12 district. The measurement shall be taken in straight lines along building faces from the nearest point of the door to the residential district to the nearest boundary of said district.
- (ii) If the use is located in a multi-tenant structure of a unified development, the tenant space shall not exceed 10 percent of the gross square footage of all structures. If the use is located in a separate structure, the gross square footage of the structure shall not exceed 5,000 square feet.
- (iii) Access to the lot or use shall be from an arterial or major collector street as identified on the Thoroughfare Development Plan.
- (iv) There shall not be other nightclubs | live entertainment venues or sexually oriented business uses within a 1,000-foot radius of the tenant space. The measurement of the distance between the places of shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Further, that **Article 3, Use Standards, Section 3.2.3, Commercial Uses**, is hereby amended by the addition of **Subsection L., Day care center**, which shall read as follows:

L. Day care center

In all districts, no day care center and its outside playground area, shall be permitted within three hundred (300) feet of an existing gas wellhead or City Council approved drilling zone.

Further, that **Article 4, Dimensional Standards, Section 4.1.6, Setbacks, Subsection H., Permitted Projections into Required Setbacks, Subsection 8., Swimming Pools**, is hereby amended to hereafter read as follows:

8. Swimming Pools

A swimming pool, and the decking around a swimming pool, may project into the required side or rear setback, provided the outside wall of the pool is at least five feet from the lot line.

Further, that **Article 5, Design and Development Standards, Section 5.3.1, Residential Screening and Buffering, Subsection D., Required Screening and Buffering, Subsection 5., Landscape Buffer Design Standards, Subsection a., Planting Requirements**, is hereby amended by the addition of (iii), which shall read as follows:

- (iii) The Zoning Administrator may authorize a reduction in the planting ratio where unique property characteristics exist, for no less than one tree for each 450 square feet of buffer area. Trees shall be a three-inch caliper that is 10 feet in height at the time of installation. Trees shall be layered into two rows.

Further, that **Article 5, Design and Development Standards, Section 5.5.2, General Standards For All Residential Development, Subsection A., Residential Infill Compatibility Standards, Subsection 1., Applicability**, is hereby amended to hereafter read as follows:

1. Applicability

These residential infill compatibility standards shall apply to any development of a new residential use or substantial renovation of an existing residential use that meets the following requirements:

- a. Located in the NMU, RMU, DNO, or LPO districts, or any residential use district platted prior to January 31, 1984;
- b. Not a part of a planned development;
- c. Meets the applicability standards of this article;
- d. Is proposed on a lot that abuts existing structures on at least three sides; and
- e. Is served by existing water, sanitary sewer, and streets.

Further, that **Article 5, Design and Development Standards, Section 5.5.5, Residential Design Standards for Village on the Green at Tierra Verde, Subsection B., Dimensional Standards, Table 5.5-2: VG Minimum Contiguous Acreage and Dwelling Unit Size**, is hereby amended to hereafter read as follows:

TABLE 5.5-2: VG Minimum Contiguous Acreage and Dwelling Unit Size						
Number of Units per Acre	4.5	3.5	2.5	1.5	1.0	0.5
Minimum Contiguous Acreage	20 or more	10 to 19	N/A	N/A	N/A	N/A
Minimum Dwelling Unit Size (sq. ft.)	2,250	2,500	2,750	2,750	N/A	N/A

Further, that **Article 5, Design and Development Standards, Section 5.8.2, Airport Overlay | APO, Subsection H., Compatible Uses, Table 5.9-1: Compatible Land Uses**, is hereby amended by the addition of the following two land uses to the table:

Commercial				
Office, business or professional	Y	Y	25	30
Financial institution	Y	Y	25	30

Further, that **Article 6, Subdivision Regulations, Section 6.2.2, Criteria For Adequate Public Facilities, Subsection A., Street Access**, is hereby amended to hereafter read as follows:

A. Street Access

All platted lots shall have safe and reliable street access for daily use and emergency purposes. All platted lots shall have direct access to a paved public street, private street, or an approved access easement. (See Section 6.4, *Street and Right-of-Way Requirements*). Any flag shaped lot that adjoins a public street must have enough street frontage to allow the creation of an approved access easement that complies with Sec. 6.4.5.K.

Further, that **Article 9, Review Authorities, Section 9.4.2, Membership, Appointment, and Term of Office, Subsection B., Appointment and Term of Office**, is hereby amended and shall hereafter read as follows:

B. Appointment and Term of Office

The City Council shall appoint the Zoning Board of Adjustment in accordance with the City of Arlington Boards and Commissions Policy Statement. Each of the nine seats for the Zoning Board of Adjustment shall be assigned a Place number ranging from one to nine. The City Council shall appoint alternate members to serve in the absence of one or more regular members. Members shall serve at the will and pleasure of the City Council. A person is eligible to serve up to three consecutive two-year terms.

Further, that **Article 9, Review Authorities, Section 9.4.3, Meetings, Hearings, and Procedures**, is hereby amended by the addition of **Subsection C., Quorum**, which shall hereafter read as follows:

C. Quorum

Seven members of the Zoning Board of Adjustment constitute a quorum for the transaction of business.

Further, that **Article 9, Review Authorities, Section 9.5.2, Membership, Appointment and Term of Office, Subsection B., Appointment and Term of Office**, is hereby amended and shall hereafter read as follows:

B. Appointment and Term of Office

The City Council shall appoint the Landmark Preservation Commission in accordance with the City of Arlington Boards and Commissions Policy Statement. Each of the nine seats for the Landmark Preservation Commission shall be assigned a Place number ranging from one to nine. Members shall serve at the will and pleasure of the City Council. A person is eligible to serve up to three consecutive two-year terms.

Further, that **Article 10, Review Procedures, Section 10.2, Table of Procedures, Table 10.2-1: Summary Table of Review Procedures**, is hereby amended under Subdivision Procedures, to delete “A” under rows “Preliminary Plat”, “Replats” and “Vacation of Plats” under the “City Council” column.

Further, that **Article 10, Review Procedures, Section 10.3.6, Public Notice**, is hereby amended to revise the first paragraph to read as follows:

Unless otherwise specified, notice for public hearings shall be provided at least 11 days before the date of the hearing. Table 10.3-2 sets forth the specific notice requirements for each application.

Further, that **Article 10, Review Procedures, Section 10.3.6, Public Notice, Subsection D., Posted (Sign) Notice, Subsection 3., Timing**, is hereby amended to read as follows:

3. Timing

- a. The required number of notification signs shall be posted on the property at least 11 days before the date of the scheduled public hearing.
- b. The required number of notification signs shall remain on the property until final action is taken on the application.

Further, that **Article 10, Review Procedures, Section 10.3.6, Public Notice, Subsection F., Summary Table of Notice Requirements, Table 10.3-2: Summary Table of Notice Requirements**, is hereby amended to read as follows:

TABLE 10.3-2: Summary Table of Notice Requirements				
Application	Published	Written	Posted	Timing (in days before the hearing date, or decision date if no hearing is required)
Zoning Code Amendments	✓			16 days
Zoning Map Amendments	✓	✓	✓	11 days
Planned Developments	✓	✓	✓	11 days
Multi-family Development Plans	✓	✓	✓	11 days
Specific Use Permits	✓	✓	✓	11 days
Variances	✓	✓		11 days
Appeals to Zoning Board of Adjustment	✓	✓		11 days
Landmark District Designation	✓	✓	✓	7 days
Landmark District Certificates of Appropriateness	✓			7 days

Further, that **Article 10, Review Procedures, Section 10.3.12, Appeals, Subsection B., Request, Subsection 1.**, is hereby amended to read as follows:

1. An appellant must file with the board and the official from whom the appeal is taken. The appeal must be filed not later than the 20th day after the date the decision is made.

Further, that **Article 10, Review Procedures, Section 10.4.2, Zoning Map Amendments (Zone Changes), Subsection F., Approval Procedures**, is hereby amended to add **Subsection 3, Action by City Council on Denial by Planning and Zoning Commission**, which shall hereafter read as follows:

3. **Action by City Council on Denial by Planning and Zoning Commission**
 - a. If the Planning and Zoning Commission recommends denial of a zoning change, the City Council may decide to conduct a public hearing on the application.
 - b. If the City Council conducts a public hearing, it may approve, modify, or deny the application. The City Council may also remand the application back to the Planning and Zoning Commission.
 - c. The request must be filed by the applicant no later than 10 business days after the Planning and Zoning Commission recommends denial.
 - d. The request must be filed with the Zoning Administrator, or their designee.

- e. The request will be placed on the agenda for the next available City Council meeting. No published, written, or posted notices shall be required for the City Council to consider whether to conduct a public hearing on the application.
- f. The City Council's decision not to conduct a public hearing constitutes final denial of the application.
- g. Published, written, and posted notice shall be required pursuant to Section 10.3.6, if the City Council decides to conduct a public hearing on the application.

Further, that **Article 10, Review Procedures, Section 10.4.3, Planned Developments, Subsection F., Approval Procedures, Subsection 2., Action by City Council**, is hereby amended to hereafter read as follows:

2. Action by City Council

- a. The City Council has final authority to adopt or deny any proposed planned development.
- b. The City Council may grant a change of zoning to a zoning district not applied for by the applicant if the approved district is less intensive than the zoning district advertised.
- c. If the Planning and Zoning Commission recommends denial of a planned development, the City Council may decide whether or not to conduct a public hearing on the application. The City Council's decision not to conduct a public hearing constitutes denial of the application. For additional information related to the process and requirements of requesting a public hearing following a recommendation of denial by the Planning and Zoning Commission, see Section 10.4.2.F.3.

Further, that **Article 10, Review Procedures, Section 10.4.5, Multi-Family Development Plans, Subsection A., Applicability and Jurisdiction, Subsection 2.**, is hereby amended to hereafter read as follows:

- 2. Approval of a multi-family development plan is required for:
 - a. New construction of a multi-family residential building in the RMF-22, DB, NMU, or RMU district.
 - b. Amendments to the existing development plans that involve changes to the site related to building layout, building elevations, traffic circulation, or other changes that materially alter the site, as determined by the Zoning Administrator.

Further, that **Article 10, Review Procedures, Section 10.4.5, Multi-Family Development Plans, Subsection F., Approval Procedures, Subsection 2., Action by the City Council**, is hereby amended to hereafter read as follows:

2. Action by the City Council

- a. The City Council has final authority to adopt or deny any proposed multi-family development plan.
- b. If the Planning and Zoning Commission recommends denial of a multi-family development plan, the City Council may decide whether or not to conduct a public hearing on the application. The City Council's decision not to conduct a public hearing constitutes denial of the application. For additional information related to the process and requirements of requesting a public hearing following a recommendation of denial by the Planning and Zoning Commission, see Section 10.4.2.F.3.
- c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

Further, that **Article 10, Review Procedures, Section 10.4.55, Mixed-Use Development Plans, Subsection F., Approval Procedures, Subsection 2., Action by the City Council**, is hereby amended to hereafter read as follows:

2. Action by the City Council

- a. The City Council has final authority to adopt or deny any proposed mixed-use development plan.
- b. If the Planning and Zoning Commission recommends denial of a mixed-use development plan, the City Council may decide whether to conduct a public hearing on the application. The City Council's decision not to conduct a public hearing constitutes denial of the application. For additional information related to the process and requirements of requesting a public hearing following a recommendation of denial by the Planning and Zoning Commission, see Section 10.4.2.F.3.
- c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

Further, that **Article 10, Review Procedures, Section 10.4.6, Specific Use Permits, Subsection E., Approval Procedures, Subsection 2., Action by the City Council**, is hereby amended to hereafter read as follows:

2. Action By City Council

- a. The City Council has the final authority to adopt or deny any proposed SUP.
- b. If the Planning and Zoning Commission recommends denial of a

Specific Use Permit, the City Council may decide whether or not to conduct a public hearing on the application. The City Council's decision not to conduct a public hearing constitutes denial of the application. For additional information related to the process and requirements of requesting a public hearing following a recommendation of denial by the Planning and Zoning Commission, see Section 10.4.2.F.3.

Further, that **Article 10, Review Procedures, Section 10.4.22, Specific Use Permits, Subsection E., Approval Procedures, Subsection 2., Action by the City Council**, is hereby amended to hereafter read as follows:

C. Criteria

To grant a request for alternative equivalent compliance, the Zoning Administrator shall find that the following criteria are substantially met:

1. The proposed alternative design is original, innovative, or exceptional, and achieves the intent of the subject design standard to the same or better degree than the subject standard;
2. The proposed alternative design achieves the goals and objectives of the Comprehensive Plan, other relevant plans, and this Code to the same or better degree than the subject standard;
3. The proposed alternative design addresses unique aspects of the site or building, such as infill development or operational characteristics;
4. The proposed alternative design results in benefits to the community that are equivalent to or better than compliance with the subject design standard; or
5. The proposed alternative design imposes no greater effects on adjacent properties than would occur through compliance with specific requirements of Article 5, Design and Development Standards.

Further, that **Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection I., Recreation and Entertainment, Indoor, Subsection 7., Nightclub**, is hereby retitled and amended to hereafter read as follows:

7. Nightclub | Live Entertainment Venue

An establishment, facility, or room that offers or provides entertainment of any kind for remuneration, whether through fees, ticket sales, cover charges, membership, dues, or portion of funds generated in any other manner, usually collected at the time of customer entry into the establishment. Such establishments may provide accommodations for patron dancing; dispense alcoholic beverages for consumption on the premises; provide live, recorded, or televised music or comedy performances; and/or serve food as an ancillary service. This definition shall include nightclubs, lounges, and comedy clubs.

“Nightclub/Live Entertainment Venue” shall not include indoor theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, banquet halls, or establishments defined elsewhere in this Code or other City codes as a sexually oriented business.

Further, that **Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection K., Retail (Sales), Subsection 11., Specialty Paraphernalia Sales**, is hereby amended to hereafter read as follows:

11. Specialty Paraphernalia Sales

Establishment where the primary use of the building or lease space includes any one or any combination of the following: the sale of cigarette papers, bongs, other smoking accessories or paraphernalia items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances. This definition shall include head shops. This definition shall not include massage therapy clinics, acupuncture clinics, retail tobacco shops, or cigar or cigarette shops.

Further, that **Article 12, Definitions, Section 12.3.4, Industrial Uses, Subsection B., Manufacturing, Subsection 4., High Impact Use**, is hereby amended to hereafter read as follows:

4. High Impact Use

A facility or area for activities or products that have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the activity or use is conducted. High-impact uses include but are not limited to the following activities:

- a. Manufacture and/or bulk storage and testing of explosives, fireworks, or munitions.
- b. Refining petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms, or other similar facilities.
- c. Manufacture, storage, compounding, or handling of radioactive materials or wastes.
- d. Manufacture, blending, or mixture of pesticides, certain acids, and fertilizer.
- e. Stockyards, feed pens, livestock sales with barns, and/or shipping facilities. The rendering of animal fats and industrial manufacturing processes using raw materials.
- f. Refining of raw materials, such as, but not limited to chemicals, rubber, wood, or wood pulp, into other products.

Further, that **Article 12, Definitions, Section 12.3.5, Accessory Uses and Structures, Subsection N., Secondary Living Unit (Accessory)**, is hereby amended to hereafter read as follows:

N. Secondary Living Unit (Accessory)

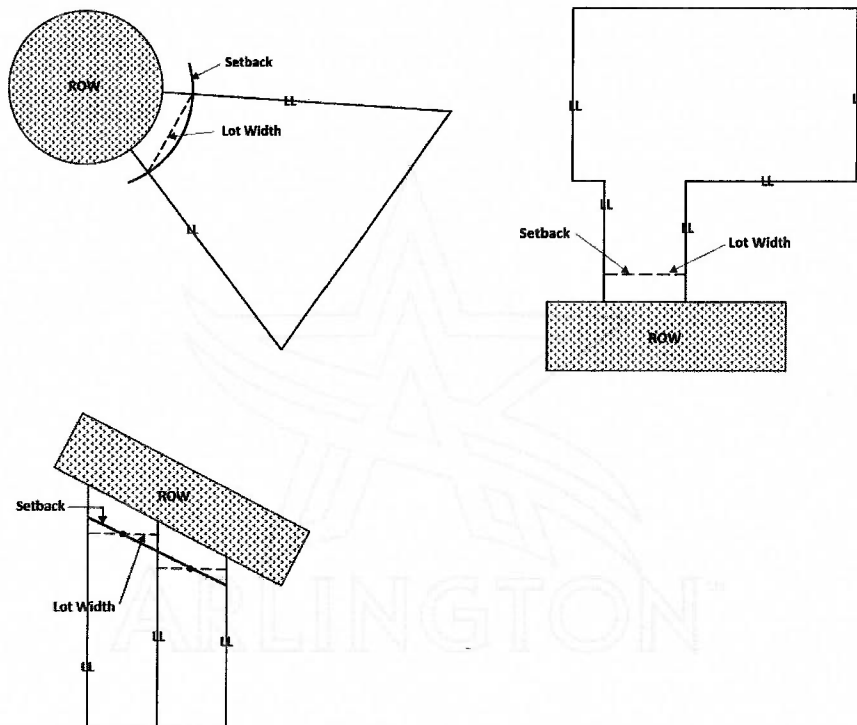
A second single-family residential living unit located on the same lot as the primary living unit, which provides independent provisions for living/sleeping, cooking, and sanitation. The secondary living unit is only for use by family members or relatives. This unit may either be attached or detached from the primary unit, but it shall not be rented or leased.

If attached, has a separate independent entrance not connected to the primary structure. A mobile home or HUD-Code manufactured home shall not be considered an accessory secondary living unit.

Further, that **Article 12, Definitions, Section 12.7.1, Other Terms Defined, Lot Width**, is hereby amended to hereafter read as follows:

Lot Width

The horizontal distance between side lot lines measured at the required front setback line and perpendicular to the side lot lines or along a chord where the setback intersects the side lot lines.



Further, that **Article 12, Definitions, Section 12.7.1, Other Terms Defined, Secondary Living Unit**, is hereby amended to hereafter read as follows:

Secondary Living Unit

A second single-family residential living unit located on the same lot as the primary living unit, which provides independent provisions for living/sleeping, cooking, and sanitation. The secondary living unit is only for use by family members or relatives. This unit may either be attached or detached from the primary unit, but it shall not be rented or leased. If attached, has a separate independent entrance not connected to the primary structure. A mobile home or HUD-Code manufactured home shall not be considered an accessory secondary living unit.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.


7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective on the 1st day of June 2021.

PRESENTED AND GIVEN FIRST READING on the 27th day of April, 2021, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 4th day of May, 2021, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 