

**Planning and
Zoning
Commission
Public Hearing
02.07.24**

Unified Development Code Annual Update 2023

Purpose: To make minor updates to the Unified Development Code to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department.



UDC Amendments

The **Unified Development Code (UDC)** has been amended and updated numerous times since its adoption in June 2014. Amendments keep the UDC relevant with changes that reflect the latest thinking and best practices on land use and development.

Omnibus updates are made to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department.

Recent UDC Amendments

10.16.18.....	Annual UDC Updates
06.01.19.....	Hotel Design Standards
09.24.19.....	UDC updates related to HB2439 and HB3167
06.23.20.....	UDC update related to Minimum Living Area and Parking Requirements for Multi-family, Independent Senior Living, Assisted Living, and Nursing Homes
12.17.20.....	Tree Preservation and Mitigation
06.01.21.....	Annual UDC Updates
11.09.21.....	Ballfield Lighting and Vertical Banners
06.28.22.....	Small Box Discount Stores
01.24.23.....	Tobacco, E-cigarette, CBD, and CHP Retail Stores
03.07.23.....	2022 Annual UDC Updates
05.23.23.....	Flex Hybrid Zoning District
09.05.23.....	Standards for Cottage Communities
09.26.23.....	Wall Murals

Items for Consideration

There are 30 items for consideration:

- Seven Clarifications
- Three Corrections
- Four Definitions (New or Modified)
- Eleven Additions
- Two Changes in Use (Primary)
- Three Changes in Use (Accessory)

Item for Consideration

<h1>Maintenance</h1> <h2>Article 8: Enforcement</h2>	Existing	None
	Proposed	<p>Amend Section 8.2 to include:</p> <p>8.2.10 – Failing to Maintain Premises</p> <p>To fail to maintain, restore, replace or otherwise keep in a state of good repair or condition the improvements, facilities, and appurtenances to property required by plat, site plan, development plan, specific use permit, variance, alternative equivalent compliance, permit, or the substantive standards of this Code.</p>
	Rationale	<p>This new section makes clear that a property owner has a continuing obligation to keep buildings, parking lots, landscaping, signage and other improvements in good repair and condition. The section is additive to other applicable enforcement provisions of the City Code.</p>

Item for Consideration

<u>Landscape Maintenance</u> Article 8: Enforcement Clarification	Existing	None
	Proposed	<p>Amend Section 8.2 to include:</p> <p>8.2.11 – Failure to Maintain Landscaping</p> <p>To fail to maintain all required landscaping in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant materials of similar variety and size.</p>
	Rationale	<p>This new section makes clear that a property owner has a continuing obligation to keep landscaping in a healthy, neat, and orderly manner. The section is additive to other applicable enforcement provisions of the City Code.</p>

Item for Consideration

Penalty for Violation

Article 8: Enforcement

Clarification

Existing	The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Code shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.
Proposed	Amend second paragraph of Section 8.7 as follows: 8.7 – Penalty for Violation The owner, or owners or tenant manager , tenant, lessee, sublessee, occupant, or person in custody and control of any building or premises or part thereof, where anything in violation of this Code shall be placed or shall exist, and any architect, builder, contractor, agent, person, or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.
Rationale	This addition makes clear that any who violate the code or use a building in violation of the code shall be held accountable.

Item for Consideration

<u>Acceptance of Conditions</u> 10.4.22 Alternate Equivalent Compliance	Existing	None
	Proposed	Add Subsection I to 10.4.22, Alternate Equivalent Compliance: I. Acceptance of Conditions An applicant or owner of premises that constructs a building or sign or develops property and receives the benefit of an alternative equivalent compliance plan constitutes acceptance of the terms and conditions of the plan as approved by the Zoning Administrator.
	Rationale	It is not uncommon for an applicant to give initial consent to an AEC to complain about the terms after they have built and taken advantage of the benefit granted in the AEC.

Item for Consideration

Planned Development Scope of Approval

10.4.3 Planned Developments

Existing

10.4.3.1.1(c): Prior to a permit being issued for property with an approved PD Development Plan, the building permit shall be reviewed for compliance with the approved design standards.

Proposed

Amend subsection 1(c) to read:
Prior to a permit being issued for property with an approved PD Development Plan, the building permit shall be reviewed for compliance with the approved design standards. **Unless stipulated in the enacting ordinance or specifically annotated on the Development Plan, all dimensional standards of the base zoning district and substantive standards of this Code shall apply, and the Development Plan shall be modified to conform to easements, rights-of-way, and dedications necessary to provide adequate public facilities.**

Rationale

The amendment makes clear that an approved development plan does not supersede underlying regulations unless clearly spelled out, and that the plan must adjust to standards for streets, water, sewer, and drainage infrastructure.

Item for Consideration

<u>Applicant Responsibility When Postponed or Continued</u> 10.3.7 Approval Procedures	Existing	None
	Proposed	<p>Amend subsection E of Section 10.3.7 by adding a new paragraph 2 to read:</p> <p>2. By motion, the decision-making body may for any reason it deems appropriate continue a public hearing indefinitely without specifying a date of continuance.</p> <p>Add a new subsection E to Section 10.3.7 to read:</p> <p>E. The applicant is responsible for notifying the Zoning Administrator in writing of a proposed date to reschedule a postponed or indefinitely continued public hearing. The Zoning Administrator may reschedule the public hearing on the applicant's proposed date or another date mutually convenient to the parties. The Zoning Administrator shall ensure that notice and publication of the rescheduled public hearing are provided as required by this Article 10 and by state law.</p>
	Rationale	<p>Indefinite continuance is a common practice but not expressly provided for in the UDC. The new subsection E places responsibility on the applicant to take the initiative to reschedule a postponed or indefinitely continued hearing. See companion amendments to Section 10.3.9.</p>

Item for Consideration

Withdrawal of Inactive Cases

10.3.9.A Withdrawal of Application by Applicant

Existing

None

Proposed

Add new paragraph 6 to Section 10.3.9.A to read:

6. An application for which the public hearing is postponed at the applicant's request or continued indefinitely pursuant to Section 10.3.7 and not rescheduled for public hearing within one year from the date of complete submittal constitutes the applicant's withdrawal of the application.

Rationale

This amendment terminates postponed cases or indefinite continuances for which the applicant has not taken the initiative to reschedule for public hearing. See the companion amendments to Section 10.3.7.

Item for Consideration

<p><u>Two Family Residential Dwelling Standards</u></p> <p>Section 5.5.3 Standards for Single-Family and Two-Family Residential Dwellings</p>	Existing	Section 5.5.3 is not consistent in referring to single family and two-family structures.
	Proposed	<p>PROPOSED REVISION:</p> <p>5.5.3.A Specifically, the goals for single-family detached and two-family developments are:</p> <p>5.5.3.B.1 These standards are applicable in all zoning districts to new construction or redevelopment of single-family and two-family dwelling units in all zoning districts, except the following:</p> <p>a. Planned Development districts that have specific residential design standards, but only to the extent such standards differ from the standards of this Section 5.5.3.</p> <p>5.5.3.C (caption) Building Design Standards Applicable to All Single-Family and Two-Family Residential</p> <p>5.5.3.D (caption) Building Design Standards Applicable to Two-Family and Detached Single-Family Residential</p> <p>5.5.3.E (caption) Building Design Standards Applicable to All Two-Family and Attached Single-Family Residential</p>
	Rationale	5.5.3 applies to both single-family and two-family residential, but application is confusing due to the lack of reference at appropriate points. As to 5.5.3.A, the goals should be equally applicable to SF detached and 2F.

Item for Consideration

Single and Two-Family Parking

Table 5.5.3.D Driveway

Existing

None

Proposed

Add a new paragraphs b and c to Subsection 5.5.3.D.5 to read as follows:

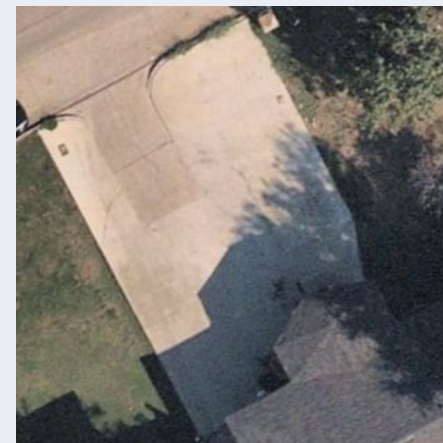
- b. The driveway shall be constructed as a vehicular lane providing direct access to the original or reconstructed garage. The Zoning Administrator may approve circular drives subject to the limitations of this Section.
- c. All parking in the street frontage building setback shall be restricted to the driveway. Parking pads or spaces accessed from the driveway, the street, the interior of the lot, or adjoining properties are prohibited.

Renumber paragraph b to d and amend to read as follows:

- d. ~~Driveway~~ pavement for the owners and their guests shall not exceed one-half of the area of the required front yard setback, or 600 square feet, whichever is less.

Rationale

Also see
3.3.6.H.4 {HBB}



Item for Consideration

Light Trespass on Residential Properties

5.3.1.H Lighting

Existing	None
Proposed	Add to Section 5.3.1 Residential Screening and Buffering: H. Lighting 1. This section shall apply to all residential and non-residential uses that abut properties used for residential purposes. 2. Light sources must be indirect, diffused, or covered by shielded type fixtures, and be installed to reduce glare and interference with residential uses.
Rationale	Except for parking lot lighting (5.4.9.F), there is no provision in the UDC to protect residential uses from the glare of lights installed on buildings on abutting properties.

Item for Consideration

Roof Mounted Mechanical Equipment Visibility

Section 5.3.2.B.2(a)
Roof-mounted
mechanical
equipment

Existing

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened

Proposed

The current section should be amended as follows:

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened **so that such equipment is not visible from a point six feet above any portion of the opposing sidewalk or above the crown of the abutting street, whichever is greater.**

Rationale

This is needed to deal with a development situation where the pad elevation is below the elevation of the sidewalk or street. Administrative leeway is always available in circumstances where there is an extreme grade change, or the result would be a parapet too high and out of proportion to the building façade.

Item for Consideration

<u>Distinct Materials</u> 5.3.2 Mechanical and Utility Equipment Screening	Existing	None
	Proposed	Add a new subsection D to Section 5.3.2 to read: D. Materials used to construct the mechanical and utility screening required by this Section 5.3.2 shall not count towards compliance with the design requirements of Article 5 for distinct building materials on facades.
	Rationale	Mechanical and equipment screening serves a utilitarian function and latitude is provided on its appearance. The purpose of the distinct façade materials requirement is to provide preferred materials in sufficient quantity to create visual interest in the structure.

Item for Consideration

<p><u>Issuance of Building Permits</u></p> <p>Section 5.3.4 Single-Family Residential Fences</p>	Existing	<p>5.3.4.A.2 Residential Fencing Types</p> <p>....Perimeter fencing is required to be completely installed by the developer for the boundary of the approved final plat in the areas as set forth below, prior to the issuance of a building permit....</p>
	Proposed	<p>Amend Section 5.3.4.A.2 to read as follows:</p> <p>a. Residential fencing standards are divided into two main categories: perimeter fencing and privacy fencing.</p> <p>(1) Perimeter fencing is required to be completely installed by the developer for the boundary of the approved final plat in the areas as set forth below, prior to the issuance of a building permit. The Zoning Administrator may, but is not required to, authorize the issuance of building permits for up to 10 percent of the residential lots in the development prior to complete installation of perimeter fencing. No dwelling unit within the development shall be approved for occupancy until the perimeter fencing has been completely installed.</p> <p>(2) Privacy fencing is an option left up to the builder or homeowner, but if built it shall follow the standards listed below.</p> <p>Correct the caption for Section 5.3.4 to read: Single-Family and Two-Family Residential Fences</p>
	Rationale	<p>The amendment codifies current administrative policy, ratified by Council on August 1, 2023, to limit early building permits to 10 percent.</p>

Item for Consideration

Deferral of Landscaping Installation

Section 5.5.2.A Residential Landscaping

Existing

Section 5.2.2.A.3.e Streetscape Adjacent to Major Thoroughfares

Landscape buffer zones adjacent to major arterials, minor arterials, and major collectors shall be identified as open space lots on the plat. The landscaping and sidewalks on such lots shall be the same as required in Section 5.2.2.A.3.c, above, but it shall be maintained by the community's homeowners' association or public improvement district.

Proposed

Amend Section 5.2.2.A.3.e by adding a new paragraph (2):

(2) The Zoning Administrator may, but is not required to, temporarily defer the installation of perimeter landscaping if climate conditions are not conducive to the establishment of new plants. Said landscaping shall be installed immediately when the deferral period or any extension thereof expires.

Rationale

The amendment codifies the administrative practice of deferring perimeter landscaping of a development as warranted by climate conditions.

Item for Consideration

Screening of Metal Facades

5.6.4 Non-Residential Design Standards

Existing	None
Proposed	Add a new paragraph f to Section 5.6.4.I.1 to read: f. Unless exempted or permitted by planned development ordinance or alternative equivalent compliance, the front façade of any building utilizing more than 20 percent <u>(non-architectural)</u> metal shall be screened from view by structures or landscaping comprised of evergreen trees, layered in two rows at a rate of not less than one tree per 300 square feet, with a minimum three-inch caliper and 10 feet in height at the time of installation.
Rationale	This provision is intended to shield from public view commercial building facades constructed primarily of metal. In keeping with HB2439 (2019), it does not limit, directly or indirectly, the use of metal for building facades when approved in the IBC for such application and as otherwise permitted by the UDC.

Item for Considerations

<u>Used Auto Sales</u> Section 3.2.3 (B)(1). Auto Sales, Equipment, and Repair	Existing	In the GC District: (ii) For existing “Motor Vehicle Sales, Used”, “Auto Service Center”, and “Car Wash” uses legally operating on January 7, 2014, and located in buildings or lease spaces, the use may be changed to another nonconforming “Motor Vehicle Sales, Used”, “Auto Service Center”, or “Car Wash” in the existing buildings or lease spaces and an SUP shall not be required and Zoning Board of Adjustment approval is not required.
	Proposed	Remove: For existing “Motor Vehicle Sales, Used”, “Auto Service Center”, and “Car Wash” uses legally operating on January 7, 2014, and located in buildings or lease spaces, the use may be changed to another nonconforming “Motor Vehicle Sales, Used”, “Auto Service Center”, or “Car Wash” in the existing buildings or lease spaces and an SUP shall not be required and Zoning Board of Adjustment approval is not required.
	Rationale	This deletion should have been made in conjunction with other auto use changes in the 2022 UDC updates.

Item for Consideration

<div>Used Auto Sales in the Entertainment District Overlay</div> <div>Section 5.8.1.B.2 Prohibited Uses</div>	Existing	Used Auto Sales are allowed in the EDO-IM Zoning District.	
	Proposed	Add “Used Auto Sales” to the list of Prohibited Uses in the EDO that already includes “auto service centers” and “auto repair garage, major”.	
	Rationale	<div>Prohibited Uses Any use not explicitly allowed in Table 3.1-1, <i>Table of Allowed Uses – Residential Districts</i>; and 3.1-2, <i>Table of Allowed Uses – Non-Residential and Mixed-Use Districts</i>, is prohibited in the EDO district. In addition, the following uses are prohibited in the entire EDO district:</div> <div><div><div>a. HUD Code manufactured home/mobile home</div><div>b. Halfway house</div><div>c. Correctional facility</div><div>d. Animal production</div><div>e. Crop production</div><div>f. Auto service center</div><div>g. Auto repair garage, major</div><div>h. Surface parking lots as a primary use</div><div>i. Any hotel used for extended stay (see definition of Residence Hotel-subclassification)</div></div><div><div>j. Secondhand goods store</div><div>k. Bail bond service</div><div>l. Gun range (indoor)</div></div></div>	

Item for Consideration

<u>Permitted by PD Only Uses</u> 3.1.2 Explanation of Table Abbreviations	Existing	None
	Proposed	H. Permitted by PD Only Uses. “PD” in a cell indicates that the use is permitted only through the PD process. The use is allowed only if it complies with Tables 3.1-1 and 3.1-2 in accordance with the supplemental use standards in this article and the requirements of Article 5, Design and Development Standards. The use is subject to all other applicable regulations of this Code and the defined use standards requirements for the PD.
	Rationale	Insert language in explanation of Table Abbreviations to include those uses permitted by PD only (i.e., Cottage Communities).



Item for Consideration

Swimming Pools

Table 3.3-1:
Accessory Uses –
Residential Districts

Table 3.3-2
Accessory Uses -
Non-Residential and
Mixed-Use Districts

Section 3.3.6
Supplemental
Accessory Use
Standards

Existing	None
Proposed	<p>Add P* to all districts permitting swimming pools (private) in the Accessory Uses Tables.</p> <p>Amend Supplemental Accessory Use Standards to include: 3.3.6.P. Swimming Pools. Swimming Pools shall not be located between the front property line and an imaginary building line drawn from each front corner of the main building to the side property line.</p>
Rationale	<p>This new section makes clear that swimming pools cannot be constructed in the front yard or in front of the primary structure.</p> <div>   </div>

Item for Consideration

<u>Secondary Living Units</u> Table 3.3-1 Accessory Uses- Residential Section 3.3.6 Supplemental Accessory Use Standards	Existing	None
	Proposed	Amend Supplemental Accessory Use Standards: 3.3.6.L. Secondary Living Units to include: 3. Only one secondary living unit is allowed per lot and that secondary living unit shall count towards the maximum number of accessory buildings allowed per lot in accordance with Table 3.3-4.
	Rationale	This new section makes clear that only one secondary living unit can be constructed on residential lots where they are permitted.

Item for Considerations

Sidewalk Cafes

Table 3.3-2
Accessory Uses –
Non-residential

Existing	None
Proposed	Add P* (in lieu of existing P) to all zoning districts for the Sidewalk Café accessory uses.
Rationale	3.3.6.M supplement use standards apply to accessory sidewalk cafes regarding the occupancy of a public sidewalk or parkway for a sidewalk café with conditions.

TABLE 3.3-2: Accessory Uses – Non-Residential and Mixed-Use Districts													
P = Permitted Use S = Specific Use Permit * = Supplemental Standards Apply													
Use Type	LO	OC	NC	CC	GC	HC	DB	BP	LI	IM	NMU	RMU	Use Standards
Accessory building (not listed below)	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.A
Accessory use (not listed below)	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.A
Alternative energy system	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.B
Caretaker's quarters	P	P	P	P	P	P	P	P	P	P			3.3.6.C
Community center (private)							P				P	P	
Customarily incidental use	P	P	P	P	P	P	P	P	P	P	P	P	3.3.6.E
Electric vehicle charging station	P	P	P	P	P	P	P	P	P	P	P	P	
Garage apartment							P				P	P	3.3.6.F
Garage (private)	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.G
Home-based business							p*				p*	p*	3.3.6.H
Mobile Food Establishment	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.N
Outside display and sales			p*	p*	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.I
Outdoor storage				p*	p*	p*		p*	p*	p*			3.3.6.J
Recycling collection center				S*	S*				p*	p*			3.3.6.K
Sidewalk cafe	P	P	P	P	P	P	P	P	P	P	P	P	3.3.6.M
Swimming pool (private)							P				P	P	
Transit passenger shelter	P	P	P	P	P	P	P	P	P	P	P	P	

Item for Consideration

Hotels in the EDO

Table 3.2-3: Demo and Rebuild


Section 5.8.1.B.1 Entertainment District Overlay Permitted Uses

Existing	<p>“*In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).“</p> <p>In the EDO, “Upper-Upscale Hotels require approval of a Specific Use Permit.”</p> <div><p>Land Uses</p><p>1. Permitted Uses</p><p>Subject to the provisions of Section 3.1, <i>Tables of Allowed Uses</i>, any use permitted in the applicable underlying base zoning district may be permitted the EDO overlay district, with the following conditions:</p><ul style="list-style-type: none">a. Restaurants with drive-through windows require approval of a Specific Use Permit.b. Upper-Upscale Hotels require approval of a Specific Use Permit.c. An Upscale Hotel may be permitted only by Specific Use Permit in conjunction with a demo and rebuild as provided in Table 3.2.-3.d. Overnight parking facilities are subject to Section 3.2.3.E.e. Self-storage facilities require approval of a Specific Use Permit.</div> <table><caption>TABLE 3.2-3: Demo and Rebuild</caption><tr><th>Existing Hotel Classification</th><th>Permitted Hotel Classification on Rebuild</th><th>Approval Requirement</th></tr><tr><td>Upscale</td><td>Upper-Upscale</td><td>p*</td></tr><tr><td rowspan="2">Upper-Midscale</td><td>Upscale</td><td rowspan="5">SUP*</td></tr><tr><td>Upper-Midscale</td></tr><tr><td rowspan="3">Midscale</td><td>Upscale</td></tr><tr><td>Upper-Midscale</td></tr><tr><td>Midscale</td></tr><tr><td rowspan="3">Economy Independent</td><td>Upscale</td></tr><tr><td>Upper-Midscale</td></tr><tr><td>Midscale</td></tr><tr><td></td><td>Economy</td><td></td></tr><tr><td colspan="3">* In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).</td></tr><tr><td colspan="3">* Rebuilds to the Economy, Midscale and Upper-Midscale classifications are prohibited in the EDO.</td></tr></table>	Existing Hotel Classification	Permitted Hotel Classification on Rebuild	Approval Requirement	Upscale	Upper-Upscale	p*	Upper-Midscale	Upscale	SUP*	Upper-Midscale	Midscale	Upscale	Upper-Midscale	Midscale	Economy Independent	Upscale	Upper-Midscale	Midscale		Economy		* In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).			* Rebuilds to the Economy, Midscale and Upper-Midscale classifications are prohibited in the EDO.		
Existing Hotel Classification	Permitted Hotel Classification on Rebuild	Approval Requirement																										
Upscale	Upper-Upscale	p*																										
Upper-Midscale	Upscale	SUP*																										
	Upper-Midscale																											
Midscale	Upscale																											
	Upper-Midscale																											
	Midscale																											
Economy Independent	Upscale																											
	Upper-Midscale																											
	Midscale																											
	Economy																											
* In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).																												
* Rebuilds to the Economy, Midscale and Upper-Midscale classifications are prohibited in the EDO.																												
Proposed	<p>Remove:</p> <p>"*In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).“</p> <p>“Upper-Upscale Hotels require approval of a Specific Use Permit.”</p>																											
Rationale	<p>The intent is/was to allow Upper-Upscale and Rebuilds to Upper-Upscale Hotels in the EDO as permitted uses.</p>																											

Item for Consideration

<u>Accessible Parking</u> 5.4.5. ACCESSIBLE PARKING	Existing	5.4.5. ACCESSIBLE PARKING In addition to the required off-street parking identified in Section 5.4.3, Off-Street Parking Standards, accessible parking shall be provided for multi-family and all non-residential uses in accordance with the Americans with Disabilities Act and the Texas Accessibility Standards.
	Proposed	Add: In addition to the required off-street parking identified in Section 5.4.3, Off-Street Parking Standards, accessible parking spaces are required for each parking facility on a site, such as lots and garages. Requirements apply equally to public, private, employee, and/or restricted parking. On sites with multiple parking facilities, the minimum number of accessible spaces must be calculated separately for each parking facility instead of on the combined total of parking spaces provided on the site. The required number of accessible spaces, including van spaces, is calculated separately for each parking lot and site. All accessible parking must be in compliance the Americans with Disabilities Act (https://www.ada.gov/topics/parking/) and the Texas Accessibility Standards (https://www.tdlr.texas.gov/ab/abtas.htm).
	Rationale	Solidify the UDC requirement regarding ADA parking.

Item for Consideration

<u>Fencing around stormwater drainage ponds</u> Section 6.5.2 Drainage Features B. Stormwater Mitigation	Existing	None
	Proposed	<p>Add language in the UDC indicating where certain situations exist, such as slope adjacency to the pond, depth of pond, and location of pond relative to vehicular or pedestrian traffic, a four (4) foot open fence adjacent to or surrounding drainage areas/detention/retention ponds may be required.</p> 
	Rationale	<p>There is no UDC requirement for fencing around detention/retention storage ponds in keeping with staff practices.</p>

Item for Consideration

Pre-Application Meeting

Table 10.2-1:
Summary Table of
Review Procedures

Existing

A Pre-Application (Pre-submittal) Meeting is only required for Planned Developments (PD).

Proposed

TABLE 10.2-1: Summary Table of Review Procedures <i>✓ = required; R = recommendation; H = public hearing required; D = decision;</i> <i>A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing</i>								
Procedure	Pre-Application Meeting	Legislative (L) or Quasi-Judicial (QJ) Hearing	Zoning Administrator	Landmark Preservation Commission	Zoning Board of Adjustment	Planning and Zoning Commission	City Council	Code Reference
Zoning Procedures								
Unified Development Code Text Amendments		L	R			R-H	D-H	10.4.1
Zoning Map Amendments	✓	L	R			R-H	D-H	10.4.2
Planned Developments	✓	L	R			R-H	D-H	10.4.3
Zoning Site Plans			D		A			10.4.4
Multi-family Development Plans	✓	L	R			R-H	D-H	10.4.5
Mixed-use Development Plans	✓	L	R			R-H	D-H	10.4.55
Specific Use Permits	✓	L	R			R-H	D-H	10.4.6
Zoning Variances and Appeals		QJ	R		D-H			10.4.7

Rationale

Applicants can submit applications without meeting with staff first. This can lead to delays in review as staff as well as confusion with the review process. A Pre-Application meeting is provided to facilitate understanding of UDC and other City requirements, to assist in the preparation of application materials.

Item for Consideration

Piercing Studios

Article 12. Definitions Section 12.3.3

Existing

Tattoo Parlor or Piercing Studio

An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, by means of the use of needles or other instruments designed to contact or puncture the skin; **(2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration.**

Proposed



Update:

(2) creation of an opening in the body of a person, **other than the earlobe**, for the purpose of inserting jewelry, **implants**, or other decoration.

Rationale

Update definition to recognize retail stores with minor piercing services (e.g., Claires) separating them out from Tattoo Studios and Piercing Studios, making definition in line with DSHS definition. DSHS requires licensing for "any business in the practice of creating an opening in a person's body, **other than the earlobe**, to insert jewelry or another decoration. **This also applies to implants.**"

Item for Consideration

<div>Motor Vehicle Fueling Facility</div> <div>Table 3.1-2: Allowed Uses - Nonresidential and Mixed-Use Districts</div> <div>Section 12.3 Definitions of General Land Use Categories and Specific Use Types</div> <div></div>	Existing	<div>Electric Vehicle Charging Station</div> <div>A public or private parking space served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle. An EV charging station is an accessory use when it is provided on a lot with another main use and is permitted in all non-residential zoning districts as an accessory use.</div> <div>Gasoline Sales</div> <div>A facility or area for the retail sale of motor vehicle fuel dispensed from pumps. Gasoline Sales is a main use permitted in GC, CC, HC, LI & IM.</div>
	Proposed	<div>Create a definition and primary use for “Motor Vehicle Fueling Facility”, to include gasoline, electric, natural gas, and/or other refueling options for motor vehicles where that refueling or combination thereof is the main use, with a required associated structure (i.e., a convenience store).</div> <div><u>This definition and use would replace “Gasoline Sales”.</u></div> <div></div>
	Rationale	<div>There is not a definition and primary use for electric vehicle charging facilities; a group of EV charging stations, like a gas station with multiple fuel pumps. Gasoline Sales are not permitted without a main structure.</div>

Item for Consideration

<u>Karaoke Lounges</u> Section 12.3 Definitions of General Land Use Categories and Specific Use Types Section 12.3.3.I Recreation and Live Entertainment	Existing	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.
	Proposed	Add Karaoke Lounge to the inclusion of live entertainment. "This definition shall include nightclubs, lounges, karaoke lounges , and comedy clubs."
	Rationale	Questions have arisen regarding the distinction between lounges and karaoke lounges. Practice has been to classify karaoke lounges as lounges.

Item for Consideration

Columbariums

Section 12.3 Definitions of General Land Use Categories and Specific Use Types

Section 12.3.2.D Parks and Open Space

Existing

Cemetery

A facility or area used or intended to be used for the interment or burial of the dead, including graveyard, burial park, mausoleum, **columbarium**, or any other area containing one or more graves.

Religious Assembly

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory.

Proposed

Religious Assembly

A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage, rectory, or **columbarium**.



Rationale

Columbariums are not permitted except as a Cemetery. Texas Health and Safety Code allows for the establishment and use of a columbarium by an organized religious society or sect as part of the primary structure or on campus.

Item for Consideration

Flex Hybrid (FH) Zoning District Uses

Table 3.1-2: Allowed Uses - Nonresidential and Mixed-Use Districts

Existing	Self storage is an allowed use in the Flex Hybrid (FH) zoning district.
Proposed	Only allow self-storage by SUP in the FH district.
Rationale	Consistent with the requirements for self-storage in the CC and GC zoning districts.

TABLE 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts																
P = Permitted Use S = Specific Use Permit * = Supplemental Use Standards Apply																
		Non-residential and Mixed-Use														
Use Category	Use Type	L O	O C	N C	C C	G C	H C	D B	B P	F H	L I	I M	N M U	R M U	Supplemental Use Standards	
Wholesale Distribution and Storage	Telecommunication Facilities Towers >75 ft Stealth towers >100 ft	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	3.2.4.D	
	Cold storage plant										P	P				
	Contractors plant, shop and/or storage yards										P	P				
	Distribution center warehouse								P		P	P				
	Self-storage facility				S*	S*		S*		S*	P*	P*			3.2.4.E	
	Wholesale supply business				P*	P		P		P*	P	P			3.2.4.E	

Senate Bill 929

- Requires the governing body of a municipality or a zoning commission to provide written (mailed) notice to property owners and occupants of the property public hearing(s) regarding any proposed adoption of or change to a zoning regulation or boundary that could result in a current conforming use of that property becoming a nonconforming use.
- Requires the mailed notice not later than the 10th day before the hearing date, to include:
 - the time and place of the hearing(s)
 - the following text in **bold 14-point type or larger**:
"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."
- Became effective May 19, 2023

SB 929 Planned Notification Process

PUBLIC HEARING NOTICE

The City of Arlington is embarking on an annual update to its Unified Development Code (UDC). These proposed changes are made to eliminate unclear language, correct errors, and update content based on interpretations, best planning practices, and practices of the department. You are receiving this notice because you have been identified as being associated with a property or business use that may be impacted by the proposed updates.

The City of Arlington is holding a hearing that will determine whether you may lose the right to continue using your property for its current use. Please read this notice carefully.*

Public hearings on the proposed amendments will be in the City Hall Council Chamber at 101 West Abram Street, Arlington TX 76010 on:

- Wednesday, February 7, 2024 (Planning & Zoning Commission) at 5:30 p.m.
- Tuesday, March 5, 2024 (City Council) at 6:30 p.m.

**Generally speaking, the proposed regulations apply to new development or redevelopment. Any existing use, structure, or property may continue to operate as-is (i.e., "grandfathered"). No uses are proposed to be closed or considered in violation as a result of the proposed regulations; however, the proposed changes may affect a use's or building's ability to expand or rebuild.*

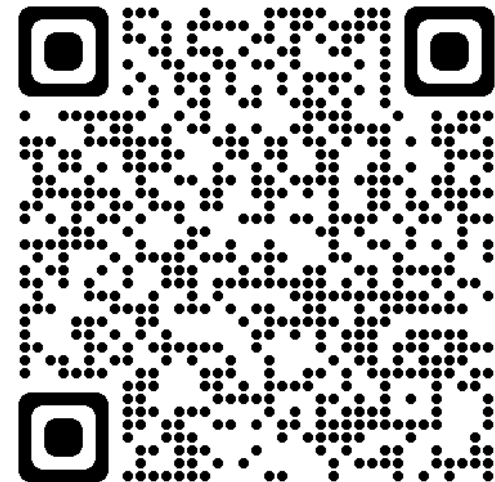
PUBLIC MEETING INFORMATION

City staff are available to address any questions or concerns you may have before the Public Hearings.

CONTACT

Planning and Development Services
Patricia Sinel, Long Range Planning Manager
Patricia.Sinel@arlingtontx.gov
817-459-6343

<https://www.arlingtontx.gov/cms/One.aspx?portalId=14481146&pageId=20021387>



Additional Items for Consideration

- Additional items for consideration can come from input from DRT, P&Z, and City Council.
- Scope of this update is limited to correcting errors, eliminating unclear language, and clarifying wording.
- Substantive/policy related changes can be considered through future text amendments as outlined in Section 10.4.1 of the UDC.

Next Steps

- ✓ P&Z Work Session (12/20/2023)
- ✓ City Council Work Session (01/09/2024)
- ✓ Developers Round Table (01/25/2024)
- ☐ P&Z Public Hearing (02/07/2024)
- ☐ City Council First Reading (03/05/2024)
- ☐ City Council Second Reading (03/26/2024)

Questions/Feedback

Planning and Development Services

Richard G. Gertson, FAICP, CNU-A
Assistant Director
817.459.6527
Richard.Gertson@arlingtontx.gov

Patricia Sinel, AICP, CFM, CNU-A
Long Range Planning Manager
817.459.6343
Patricia.Sinel@arlingtontx.gov

Clarification (7)	Correction (3)	New or Modified Definition (4)	Addition (11)	Change in Use (Primary) (2)	Change in Use (Accessory) (3)
PD Scope of Approval	Used Auto Sales in GC	Piercing Studios	Maintenance Enforcement	Flex Hybrid (self storage)	Swimming Pools
Withdrawal of inactive cases	Hotels in the EDO	Motor Vehicle Refueling	Landscape Maintenance	Used Auto Sales in the EDO	Secondary Living Units
Two Family Residential Standards	Permitted by PD Only Use Table Abbreviations	Nightclub/Live Entertainment (Karaoke Lounges)	Acceptance of Conditions (AEC)		Sidewalk cafes
Roof mounted mechanical equipment visibility		Religious Assembly (Columbariums)	Applicant Responsibility for Continuations		
Distinct building materials			Single family and two-family driveway parking		
Penalty for Violation			Light trespass on Residential properties		
Accessible Parking			Building Permit Issuance without perimeter fencing		
			Landscaping installation deferral		
			Fencing around ponds		
			Metal facade screening		
			Procedures requiring a Pre-Application Meeting		