Ordinances Governing

UNIFIED DEVELOPMENT CODE

of the

CITY OF ARLINGTON

TEXAS

Amended by Ordinance No. 20-030

(June 23, 2020)

(Chapter Designator: UDC)

ORDINANCE HISTORY

Number	Date of Adoption	Comments
14-039	06/24/14	Amending in their entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through their replacement by the adoption of a new "Unified Development Code" Chapter consisting of **Article 1** entitled "General Provisions"; **Article 2** entitled "Zoning Districts"; **Article 3** entitled "Use Standards"; **Article 4** entitled "Dimensional Standards"; **Article 5** entitled "Design and Development Standards"; **Article 6** entitled "Subdivision Regulations"; **Article 7** entitled "Sign Standards"; **Article 8** entitled "Enforcement and Penalties"; **Article 9** entitled "Review Authorities"; **Article 10** entitled "Review Procedures"; **Article 11** entitled "Nonconformities"; and **Article 12** entitled "Definitions".
15-009	03/03/15	Amend **Article 1**, General Provisions, regarding the zoning district transitions effective date; amend **Article 2**, Zoning Districts, regarding the Residential Single-Family-15, Downtown Business, Downtown Neighborhood Overlay, Lamar Collins Mixed-Use Overlay, and Entertainment District Overlay districts; amend **Article 3**, Use Standards, regarding "mixed-use development or building", "commercial parking garage", "recreation, indoor (other than listed)", "public or private school", "dwelling, live/work", "accessory building (not listed below)", and "recycling collection center" land uses; amend **Article 5**, Design and Development Standards, regarding perimeter streetscape standards, garage standards for single-family and two-family residential dwellings, special parking requirements in the NMU, RMU, DB, DNO, LCMUO, and EDO districts, retaining walls for residential and non-residential development, residential design standards and dimensional standards for the Village on the Green at Tierra Verde zoning district, mixed-use developments in the Entertainment District Overlay,

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Number	Date of Adoption	Comments
		and applicability and site design standards for mixed-use development; amend **Article 6**, Subdivision Regulations, regarding standards for cul-de-sacs; amend **Article 12**, Definitions, regarding "commercial parking garage", "mixed-use development or building", "recycling collection center", "hotel, boutique", "lateral line", "feeder line", and "service line".
15-018	05/26/15	Amend **Article 5**, Design and Development Standards; amend **Article 7**, Sign Standards; amend **Article 10**, Review Procedures; amend **Article 11**, Nonconformities; and amend **Article 12**, Definitions, relative to incorporating an update to commercial sign regulations.
16-008	02/09/16	Amend **Article 3**, Use Standards; **Article 5**, Design and Development Standards; and **Article 12**, Definitions; relative to incorporating land use regulations for a new commercial use type, Alternative Financial Institutions; removing Outside Storage as a primary use and amending supplemental accessory use standards for said use.
17-004	02/14/17	Amend **Article** 3, Use Standards, **Section 3.3.4**, Use Tables for Accessory Uses and Structures, **Subsection (B)**, Accessory Uses – Non-Residential and Mixed Use Districts, relative to the addition of the Mobile Food Establishment to the permitted list of accessory use types; amend **Section 3.3.6**, Supplemental Accessory Use Standards, relative to the addition of **Subsection (N)**, providing for supplemental accessory use standards for mobile food establishments; amend **Article 10**, Review Procedures, **Section 10.4.6**, Specific Use Permits (SUP), **Subsection (H)**, Scope of Approval, relative to the repeal of five-year anniversary reviews of Specific Use Permits for gas well drilling; and amend **Article 12**, Definitions, **Section 12.3.5**, Accessory Uses and Structures, relative to the

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Number	Date of Adoption	Comments
		addition of a definition of mobile food establishment.
17-057	09/26/17	Amend **Article 5**, Design and Development Standards, **Section 5.3.4**, Fences, relative to the standards, maintenance, repair, and replacement of fences.
18-014	03/20/18	Amend **Article 2,** Zoning Districts, **Section 2.3.8,** Downtown Business | DB, **Subsection (F),** Notes; **Section 2.4.3,** Downtown Neighborhood Overlay | DNO, **Subsection (F),** Notes; amend **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; **Section 3.2,** Supplemental Use Standards, **Subsection 3.2.3,** Commercial Uses, **Subsection (K)(1),** Mixed-Use Development or Building; relative to requiring a Specific Use Permit for "Mixed-use development or building" in the Downtown Business (DB) and Downtown Neighborhood Overlay (DNO) districts.
18-037	07/05/18	Amend **Article 5**, Design and Development Standards, **Section 5.3.1**, Residential Screening and Buffering, **Subsection (D)**, Required Screening and Buffering, relative to requiring a minimum building setback from residential development to a gas well; amend **Article 10**, Review Procedures, **Section 10.4.6**, Specific Use Permits (SUP), relative to requiring an applicant for a Specific Use Permit for gas well drilling conduct a neighborhood meeting prior to consideration of such a permit.

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Number	Date of Adoption	Comments
18-062	10/16/18	Amend **Article 2**, Zoning Districts, **Section 2.2.7**, Residential Medium Density | RM-12, relative to adding lot dimension and coverage requirements for single family uses; amend **Article 5**, Design and Development Standards, **Section 5.2.2**, Landscaping Required, **Subsection (B)**, Perimeter Landscape Setback, Multi-Family and Non-Residential, relative to expressly prohibiting the parking of motor vehicles within the perimeter landscape setback; amend **Article 10**, Review Procedures, **Section 10.4**, Specific Review Procedures, relative to various changes intended to provide consistent review procedures from Planning and Zoning Commission denials.
19-014	04/23/19	Amend **Article 3**, Use Standards, **Section 3.4**, Temporary Uses and Structures, **Section 3.4.3**, Use Tables for Temporary Uses, relative to allowing short-term rental units as a temporary use in certain residential, non-residential, and mixed-use districts, establishing a short-term rental zone for said use in single-family zoned use districts, and requiring a short-term rental permit issued in accordance with the "Short-term Rental" Chapter of the Arlington City Code, to be adopted concurrently with this ordinance; amend **Section 3.4.5**, Supplemental Temporary Use Standards, relative to providing supplemental temporary use standards for short-term rentals; amend **Article 12**, Definitions, **Section 12.3.6**, Temporary Uses, relative to providing a definition for short-term rental; amend **Section 12.7.1**, Other Terms Defined, relative to providing a definition for STR Zone.
19-025	05/07/19	Amend **Article 3**, Use Standards, **Section 3.1.5**, Table of Allowed Uses, relative to determining hotel use types and allowed zoning use districts; amend **Section 3.2.3**, Supplemental Use Standards, relative to revising supplemental use standards for all hotel

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		types; amend **Article 5**, Design and Development Standards, **Sections 5.4.3** and **5.4.11**, relative to the revision of required off-street parking and bicycle parking; amend **Section 5.8.1**, Entertainment District Overlay, relative to allowed and prohibited hotel uses in the Entertainment District Overlay; amend **Article 12**, Definitions, **Section 12.3.3**, Commercial Uses, relative to providing revised definitions for all hotel use types.
19-034	06/25/19	Amend **Articles 2, 3** and **5** related to clarifying maximum height requirements for lighting for public and private schools, and for public parks and playgrounds; and amend **Article 10**, related to adding maximum height requirements for lighting to the list of restrictions eligible for alternative equivalent compliance under **Section 10.4.22**.
19-053	10/15/19	Amend **Articles 3, 5, 6** and **10**, related to exterior building material requirements, subdivision regulations, and revisions to plat approval procedures; updating the name of the department throughout the Chapter.
20-030	06/23/20	Amend **Articles 2, 5,** and **12**, related to minimum gross living area requirements for multi-family dwelling units, modifying the minimum off-street parking requirements for various group living use types, and revising the definition of Independent Senior Living Facility.

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ARTICLE 1. GENERAL PROVISIONS

1.1. TITLE

This ordinance shall be known, cited, and referred to as the Unified Development Code of the City of Arlington. It is referred to in this ordinance as the "Arlington Unified Development Code," or "this Unified Development Code" or "this Code."

1.2. EFFECTIVE DATE

This Code shall take effect and be in force from and after July 10, 2014.

1.3. AUTHORITY

The Arlington Unified Development Code is enacted pursuant to the powers granted and limitations imposed by laws of the State of Texas, including the statutory authority granted in Local Government Code (LGC) Chapters 211 and 212, and all other relevant laws of the State of Texas. Whenever any provision of this Code refers to or cites a section of the Texas Revised Statutes and that section is later amended or superseded, this Code shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.4. PURPOSE AND INTENT

The general purposes of this Unified Development Code are to protect the public health, safety, and general welfare, and to implement the policies and objectives in the Arlington Comprehensive Plan and the City's other adopted plans. The Unified Development Code is intended to:

1.4.1. Secure safety from fire, panic, and other natural and man-made dangers;

1.4.2. Protect life and property in areas subject to floods, landslides, and other natural disasters;

1.4.3. Provide adequate light and air;

1.4.4. Lessen congestion in the streets while enhancing pedestrian and vehicular movement with the least detriment to environmental quality;

1.4.5. Facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements to avoid transportation and public service and facility demands that cannot be satisfied; provide for phased development of government services and facilities;

1.4.6. Ensure that development and resource decisions are sustainable not only for the current residents of Arlington but for future residents and generations;

1.4.7. Preserve the viability of the City as an entertainment and tourist area to conserve and enhance the value of the investments of the people of this community;

1.4.8. Preserve and protect uses of land that provide employment opportunities to City residents;

1.4.9. Consider the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development;

1.4.10. Promote the economic stability of existing land uses that are consistent with the comprehensive plan and protect them from intrusions by incompatible land uses;

1.4.11. Encourage innovations in residential development and redevelopment to provide a greater variety in type and design of dwellings;

1.4.12. Enhance the quality of development through superior building and site design; and

1.4.13. Reduce the consumption of energy by encouraging the use of products and materials that maximize energy efficiency.

1.5. APPLICABILITY

1.5.1. GENERAL APPLICABILITY

This Code applies to all land, buildings, structures, and uses thereof located within the City of Arlington, unless a variance or exemption is provided by or pursuant to the terms of this Code.

1.5.2. APPLICABILITY TO PUBLIC AGENCIES

To the extent allowed by law, the provisions of this Code shall apply to all land, buildings, structures, and uses owned, leased, or otherwise controlled by any district, county, state, or federal government agencies in the City of Arlington. Where the provisions of this Code do not legally control such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this Code.

1.5.3. COMPLIANCE REQUIRED

No land shall be used or divided, and no structure shall be constructed, occupied, enlarged, altered, or moved until:

A. All applicable development review and approval processes have been followed in accordance with Article 10, *Review Procedures*;

B. All applicable approvals have been obtained; and

C. All required permits or authorizations to proceed have been issued.

1.5.4. EMERGENCY POWERS

The City Council may authorize deviations from any provision of this Code during a local emergency. Such deviations shall be authorized by resolution of the City Council without a requirement for prior notice or public hearing.

1.6. TRANSITIONAL PROVISIONS

1.6.1. CONTINUITY OF PROVISIONS

The provisions of this Code, insofar as they are substantially the same as previously existing Code provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions, proceedings, or permits commenced or issued pursuant to any previously existing ordinance and subject to Texas Local Government Code § 245 shall not be affected by the enactment of this Code.

1.6.2. VIOLATIONS CONTINUE

Any violation of the previous zoning and subdivision regulations will continue to be a violation under this Code and be subject to penalties and enforcement under Article 8,

Enforcement and Penalties, unless the use, development, construction, or other activity complies with the provisions of this Code. The enactment of this Code shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before the effective date of this Code.

1.6.3. LEGAL NONCONFORMITIES UNDER PRIOR REGULATIONS

Any legal nonconformity under the previous zoning and subdivision regulations will also be a legal nonconformity under this Code, as long as the situation that resulted in the nonconforming status under the previous Code continues to exist. If a nonconformity under the previous zoning and subdivision regulations becomes conforming because of the adoption of this Code, then the situation will no longer be a nonconformity.

1.6.4. USES, LOTS, STRUCTURES, AND SITES RENDERED NONCONFORMING

A. When a lot is used for a purpose that was a lawful use before the effective date of this Code and this Code no longer classifies such use as either a permitted use or conditional use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of Article 11, *Nonconformities*.

B. Where any building, structure, lot, or development site that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, lot, or site shall be considered nonconforming and shall be controlled by the provisions of Article 11, *Nonconformities*.

1.6.5. PENDING APPLICATIONS

A. Any complete application subject to Texas Local Government Code § 245 that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this Code, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise pursuant to paragraph (B) below. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this Code. Any re-application of an expired project approval shall meet the standards in effect at the time of re-application.

B. An applicant with a complete application subject to Texas Local Government Code § 245 that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Code, may request review under this Code.

1.6.6. PRELIMINARY PLAT APPROVALS

An application for which approval of a preliminary subdivision plat was granted prior to July 10, 2014, shall be considered as having received preliminary plat approval under this Code. Preliminary approvals granted under the previous regulations shall be valid for two years from the date of approval. Failure to obtain a final plat approval in the time shall result in the expiration of the preliminary plat. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for resubdivision into smaller tracts, lots, or building sites, the resubdivision shall comply with all provisions of this

Code except for those that, in the opinion of the Zoning Administrator, have been satisfied prior to filing of the original subdivision plat.

1.6.7. APPROVED PROJECTS

A. Use permits, variances, architectural or design approvals, and final subdivision plats, including planned developments, any of which are valid on July 10, 2014, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the zoning and subdivision regulations in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.

B. No provision of this Code shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to July 10, 2014, unless the building permit has expired.

C. The Director may renew or extend the time of a previous approval of an application that was administratively approved if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted. Non-administratively approved projects may be granted extensions from the reviewing body by which they were originally approved where such extension would be permissible under the zoning and subdivision regulations in effect at the time of approval. If those regulations are silent as to extensions then no extension may be granted.

D. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

1.6.8. TRANSITION TO NEW ZONE DISTRICTS

Upon the effective date of this Code, land that is zoned with a zoning district classification from the previous zoning regulations shall be re-classified or translated to one of the zoning district classifications set forth in this Code by separate action of the City Council. Table 1.6-1, *Zoning District Transitions*, summarizes the translation or re-classification of the zoning districts in the previous zoning regulations to the zoning districts used in this Code.

TABLE 1.6-1: Zoning District Transitions

Prior Zoning District		Zoning District as of July 10, 2014	
Residential Districts		***Residential Districts***	
A	Agricultural	**RE**	Residential Estate
-	-	**RS-20**	Residential Single-Family
E	Estate	**RS-15**	Residential Single-Family
R	Residential	**RS-7.2**	Residential Single-Family
R1	Residential	**RS-5**	Residential Single-Family
R2	Residential		
D	Duplex	**RM-12**	Residential Medium-Density
TH	Townhouse		
MF14	Medium Density Multi-Family	**RMF-22**	Residential Multi-Family
MF18	Medium Density Multi-Family		
MF22	High Density Multi-Family		
VG	Village on the Green at Tierra Verde Overlay	**VG**	Village on the Green at Tierra Verde

TABLE 1.6-1: Zoning District Transitions

Prior Zoning District		Zoning District as of July 10, 2014	
MH	Manufactured Housing	**MH**	Manufactured Housing (*obsolete*)
Non-Residential and Mixed Use Districts		***Non-Residential and Mixed Use Districts***	
-	-	**LO**	Limited Office
O	Office	**OC**	Office Commercial
NS **LS**	Neighborhood Services Local Services	**NC**	Neighborhood Commercial
CS **F**	Community Services Festival	**CC**	Community Commercial
B	Business	**GC**	General Commercial
-	-	**HC**	Highway Commercial
-	-	**BP**	Business Park
DB	Downtown Business	**DB**	Downtown Business
LI	Light Industrial	**LI**	Light Industrial
IM	Industrial Manufacturing	**IM**	Industrial Manufacturing
-	-	**NMU**	Neighborhood Mixed Use
-	-	**RMU**	Regional Mixed Use
MU	Mixed Use	**-**	*(proposed for deletion)*
Overlay Districts		***Overlay Districts***	
AP	Airport Overlay	**APO**	Airport Overlay
BP	Business Park Overlay	**-**	*(proposed for deletion)*
CD	Conservation District Overlay	**CDO**	Conservation District Overlay
DN	Downtown Neighborhood Overlay	**DNO**	Downtown Neighborhood Overlay
ED	Entertainment District Overlay	**EDO**	Entertainment District Overlay
LCMU	Lamar Collins Mixed Use Overlay	**LCMUO**	Lamar Collins Mixed Use Overlay
LP	Landmark Preservation Overlay	**LPO**	Landmark Preservation Overlay
PD	Planned Development	**PD**	Planned Development Overlay
T	Transitional Overlay District	**-**	*(proposed for deletion)*
SCT	Special Commercial Transition	**-**	*(proposed for deletion)*

1.6.9. MAP INTERPRETATIONS

Questions or disputes regarding zoning designations on the City of Arlington Zoning Map resulting from adoption of this new Code shall be submitted to the Zoning Administrator for written interpretation.

1.7. CONFLICTING PROVISIONS

1.7.1. MINIMUM REQUIREMENTS

The provisions of this Code shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare.

1.7.2. CONFLICT WITH OTHER PUBLIC LAWS, ORDINANCES, REGULATIONS, OR PERMITS

This Code is intended to complement other City, state, and federal regulations that affect land use. This Code is not intended to revoke or repeal any other public law, ordinance,

regulation, or permit. However, where conditions, standards, or requirements imposed by any provision of this Code are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements, as determined by the Zoning Administrator, shall govern.

1.7.3. CONFLICT WITH PRIVATE AGREEMENTS

This Code is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Code shall govern. Nothing in this Code shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this Code. In no case shall the City to be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.8. SEVERABILITY

It is expressly declared that this Code and each section, subsection, sentence, and phrase would have been adopted regardless of whether one or more other portions of the Code is declared invalid or unconstitutional.

1.8.1. If any section, subsection, sentence, or phrase of this Code is held to be invalid or unconstitutional by a court of competent jurisdiction for any reason, the remaining portions of this Code shall not be affected.

1.8.2. If any court of competent jurisdiction invalidates the application of any provision of this Code, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.

1.8.3. If any court of competent jurisdiction judges invalid any condition attached to the approval of an application for development, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

ARTICLE 2. ZONING DISTRICTS

2.1. DISTRICTS ESTABLISHED; ZONING MAP

2.1.1. RELATIONSHIP TO OTHER ARTICLES

This article establishes the Arlington zoning districts. Article 3, *Use Standards*, and Article 4, *Dimensional Standards*, identify the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively. Article 5, *Design and Development Standards*, identifies any district-specific standards applying to development in the districts.

2.1.2. ZONING DISTRICTS ESTABLISHED

The following zoning districts are established:

TABLE 2.1-1: Zoning Districts Established

District Type	Abbreviation	District Name
Residential	RE	Residential Estate
	RS-20	Residential Single-Family 20
	RS-15	Residential Single-Family 15
	RS-7.2	Residential Single-Family 7.2
	RS-5	Residential Single-Family 5
	RM-12	Residential Medium-Density 12
	RMF-22	Residential Multi-Family 22
	VG	Village on the Green at Tierra Verde
	MH	Manufactured Housing (Obsolete)
Non-Residential and Mixed-Use	LO	Limited Office
	OC	Office Commercial
	NC	Neighborhood Commercial
	CC	Community Commercial
	GC	General Commercial
	HC	Highway Commercial
	DB	Downtown Business
	BP	Business Park
	LI	Light Industrial
	IM	Industrial Manufacturing
	NMU	Neighborhood Mixed-Use
	RMU	Regional Mixed-Use
Overlays	APO	Airport Overlay
	CDO	Conservation District Overlay
	DNO	Downtown Neighborhood Overlay
	EDO	Entertainment District Overlay
	LCMUO	Lamar Collins Mixed-Use Overlay
	LPO	Landmark Preservation Overlay
	PD	Planned Development

2.1.3. ZONING DISTRICT MAP

A. The zoning districts are shown on the "City of Arlington Zoning Map" (Zoning Map). The boundaries of zoning districts established in this Code are delineated upon the Zoning Map and adopted as part of this Code as fully as if the same were set forth in this section in detail. Procedures for amending the Zoning Map are set forth in Section 10.4.2, Zoning Map Amendments (Zone Changes).

B. The Zoning Administrator shall keep a complete set of the Official Zoning Maps in any convenient format, either electronically or in hard copy. The Official Zoning Maps shall be kept up to date by posting or causing to be posted to the maps any subsequent zoning changes as soon as practicable after the change occurs. These maps shall be available for public inspection.

C. Administrative modifications to the Zoning Map shall be made by the Zoning Administrator.

2.1.4. ZONING DISTRICT BOUNDARIES

A. When uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the Zoning Administrator shall be responsible for interpretation of the zoning map in accordance with the following rules:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys are construed to follow those centerlines.

2. Boundaries indicated as approximately following platted lot lines are construed as following those lot lines.

3. Boundaries indicated as approximately following city limits are construed as following city limits.

4. Boundaries indicated as following railroad lines are construed as following the established centerline of a railroad right-of-way. If no centerline is established, the boundary is midway between the railroad right-of-way lines.

5. Boundaries indicated as following shorelines are construed to follow shorelines. If the shoreline changes, the boundaries are construed as moving with the actual shoreline.

6. Boundaries indicated as approximately following the centerlines of streams, creeks, rivers, canals, lakes, or other bodies of water are construed to follow those centerlines. The centerline is interpreted as being midway between the shorelines of the body of water. If the centerline changes, the boundaries are construed as moving with the centerline.

7. Boundaries indicated as parallel to or extensions of the features described in Subsections A.1 through A.6 are construed as being parallel to or extensions of the features.

8. Where a district boundary line traverses a large parcel of land or acreage in a recorded subdivision, and such large parcel or acreage has been divided by metes and bounds without indication upon the recorded plat, or where it may hereafter be divided into blocks and lots, the district boundaries shall

be construed to be the centerline of a street or alley or the property line resulting from such division nearest to the district line shown on the Official Zoning Map, so long as the district boundary is not varied more than 100 feet from its location on the Official Zoning Map.

B. When the district boundary line is not otherwise determined, it shall be determined by the scale of the Official Zoning Map from a given line.

C. Whenever a street, alley, or other public way is vacated by official action of the City, the zoning district line adjoining each side of the street, alley, or other public way automatically extends to the centerline of the vacated street, alley, or public way.

D. When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections A. through C. above, the Zoning Board of Adjustment shall determine the boundary by interpreting the official zoning district map and ordinances amending the map.

E. If, because of error or omission on the Official Zoning Map, any property in the City is not shown and included in a zoning district, such property shall be classified as the RE Residential Estate district until change by amendment.

2.1.5. RELATIONSHIP TO OVERLAY DISTRICTS

All lands within the City shall be designated as one of the base zoning districts listed in Sections 2.2 and 2.3. In addition, some lands may be designated as one or more of the overlay districts listed in Section 2.4. Where the property is designated as an overlay district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

2.1.6. ANNEXED TERRITORY

When any territory is brought into the jurisdiction of the City of Arlington, by annexation or otherwise, such territory shall be deemed to be in the RE Residential Estate district unless the City Council designates another zoning district at the time of annexation after review and recommendation by the Planning and Zoning Commission, giving due consideration to the surrounding existing uses as well as the Comprehensive Plan, and provides notice that complies with the notice requirements of Article 10, *Review Procedures*. This provision shall not preclude subsequent rezoning of such property by amendment in the manner set forth in Article 10, *Review Procedures*.

2.2. RESIDENTIAL DISTRICTS

2.2.1. GENERAL PURPOSES OF ALL RESIDENTIAL ZONE DISTRICTS

The residential zoning districts are intended to:

A. Provide appropriately located areas for residential development that are consistent with the Comprehensive Plan and with standards for public health, safety, and general welfare;

B. Ensure adequate light, air, and privacy for all dwelling units;

C. Minimize traffic congestion and overloading of public services and utilities;

D. Allow for a variety of housing types that meet the diverse needs of residents; and

E. Protect residential development from the encroachment of uses that are not appropriate to a residential environment.

In all residential districts, complementary uses such as parks, open space, public and private schools, religious assemblies, minor utilities, accessory dwellings, and certain temporary uses are also allowed.

2.2.2. RESIDENTIAL ESTATE | RE

A. Purpose

The RE district is intended to accommodate large-lot (minimum one acre) single-family detached residential uses, accessory development, and select agricultural activities. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district.

Figure 2.2.2-A: C. Lot Dimension Measurement

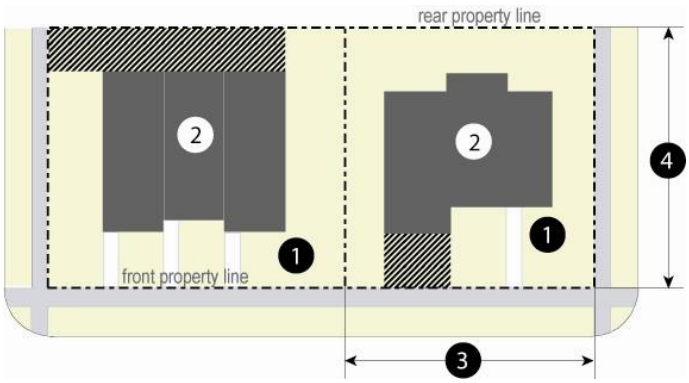


Figure 2.2.2-B: D. Setback Measurement

B. Density	
Dwelling units/acre, max.	1
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Single family	1 acre
Non-residential	15,000 s.f.
2. Gross living area min. (s.f.)	
Single family	2,500
3. Lot width, min. (ft)	
Single family	100
Non-residential	100
4. Lot depth, min. (ft)	150
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	10
Rear	10
Non-residential adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Single family	50
Non-residential	50
See Article 4 for measurements and exceptions.	

2.2.3. RESIDENTIAL SINGLE-FAMILY-20 | RS-20

A. Purpose

The RS-20 district is intended to accommodate large-lot (roughly one-half acre) single-family detached residential uses and accessory development. The district provisions discourage any use that would substantially interfere with the development of single-family detached dwellings or the quiet residential nature of the district.

Figure 2.2.3-A: C. Lot Dimension Measurement

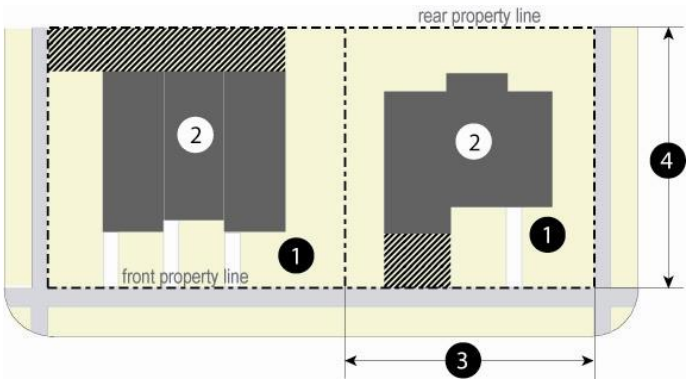


Figure 2.2.3-B: D. Setback Measurement

B. Density	
Dwelling units/acre, max.	2
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Single family	20,000 s.f.
Non-residential	15,000 s.f.
2. Gross living area min. (s.f.)	
Single family	2,200
3. Lot width, min. (ft)	
Single family	100
Non-residential	100
4. Lot depth, min. (ft)	150
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	10
Rear	10
Non-residential adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Single family	50
Non-residential	50
See Article 4 for measurements and exceptions.	

2.2.4. RESIDENTIAL SINGLE-FAMILY-15 | RS-15

A. Purpose

The RS-15 district is intended to accommodate single-family detached residential uses and typical accessory development at low densities (minimum 15,000-square foot lots).

Figure 2.2.4-A: C. Lot Dimension Measurement

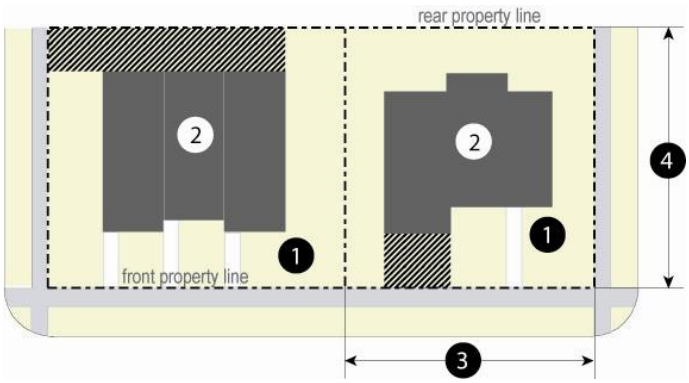


Figure 2.2.4-B: D. Setback Measurement

B. Density	
Dwelling units/acre, max.	4
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Single family	15,000
Non-residential	15,000
2. Gross living area min. (s.f.)	
Single family	2,000
3. Lot width, min. (ft)	
Single family	80
Non-residential	80
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	10
The setback on one side may be reduced to 5 feet provided the other side setback is 15 feet.	
Rear	10
Non-residential adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Single family	50
Non-residential	50
See Article 4 for measurements and exceptions.	

2.2.5. RESIDENTIAL SINGLE-FAMILY-7.2 | RS-7.2

A. Purpose

The RS-7.2 district is intended to accommodate single-family detached residential uses and typical accessory development at low densities (minimum 7,200-square foot lots).

Figure 2.2.5-A: C. Lot Dimension Measurement

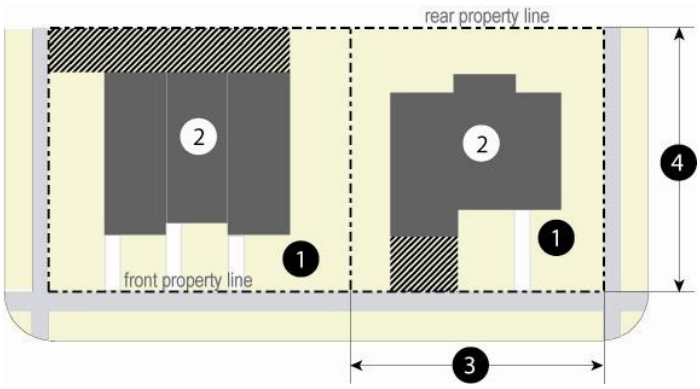


Figure 2.2.5-B: D. Setback Measurement

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
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 adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Single family	50
Non-residential	50
See Article 4 for measurements and exceptions.	

2.2.6. RESIDENTIAL SINGLE-FAMILY-5 | RS-5

A. Purpose

The RS-5 district is intended to accommodate single-family detached residential uses and typical accessory development at medium densities (minimum 5,000-square foot lots).

Figure 2.2.6-A: C. Lot Dimension Measurement

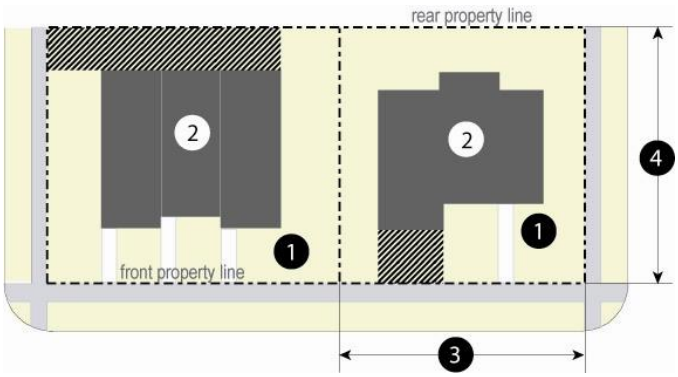


Figure 2.2.6-B: D. Setback Measurement

B. Density	
Dwelling units/acre, max.	8
C. Lot Dimensions	
1. Lot area, min. (s.f.)	
Single family	5,000
Non-residential	15,000
2. Gross living area min. (s.f.)	
Single family	1,500
3. Lot width, min. (ft)	
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	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 adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Single family	60
Non-residential	60
See Article 4 for measurements and exceptions.	

2.2.7. RESIDENTIAL MEDIUM-DENSITY | RM-12

A. Purpose

The RM-12 district is established and intended to encourage a wide range of low- to medium-density housing types, especially single-family attached, duplexes, and townhouse projects, though single-family detached is also allowed to meet the diverse needs of city residents. The district standards are designed for transition from areas of lower-density single-family neighborhoods to higher-density multi-family districts at appropriate locations throughout the city. Maximum residential density is limited to 12 units per gross acre.

Figure 2.2.7-A: C. Lot Dimension Measurement

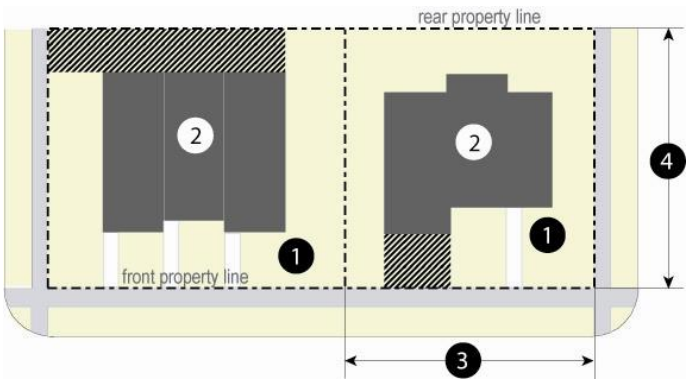


Figure 2.2.7-B: D. Setback Measurement

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
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. For ballfield lighting see Sec. 3.2.2	40
Lot coverage, max. (%)	
Duplex	60
Townhouse	75
Single Family	60
Non-residential	60
See Article 4 for measurements and exceptions.	

2.2.8. RESIDENTIAL MULTI-FAMILY–22 | RMF-22

A. Purpose

The RMF-22 district is established to provide opportunities for high-density multi-family residential uses with a maximum density of 22 units per acre, which are designed to be compatible with their sites and surroundings. The district also allows medium-density residential uses, including attached residential, live/work units, and residential units over ground-floor non-residential uses.

Figure 2.2.8-A, C. Lot Dimension Measurement

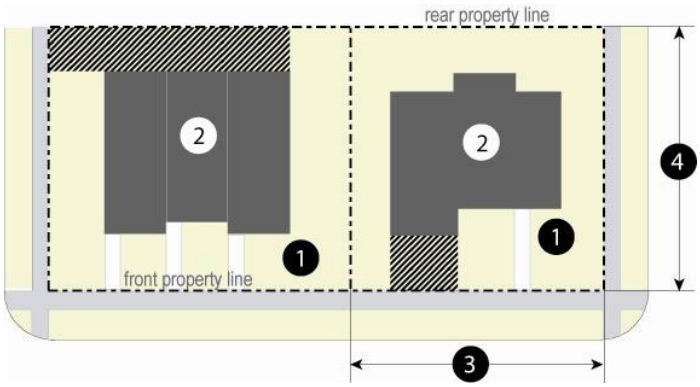


Figure 2.2.8-B, D. Setback Measurement

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)	100
D. Setbacks	
6. Street front, min. (ft)	
Arterial	40
Collector	25
Local street, alley, or private access easement	20
7. Street side, min. (ft)	
All roadways	20
Private access easement or alley	10
8. Street rear, min. (ft)	
All roadways	20
Private access easement or alley	10
9. Interior, min. (ft)	
Side	10
Rear	10
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.	

2.2.9. VILLAGE ON THE GREEN AT TIERRA VERDE | VG

A. Purpose and Intent

The Village on the Green at Tierra Verde (VG) District is established to provide an area in southwest Arlington that will be a financially and environmentally sustainable residential community memorable for its rural character, village-like atmosphere, and mix of high-quality housing options.

B. Development Standards

Residential development in the VG district is subject to the design and development standards in Section 5.5.5.

2.2.10. MANUFACTURED HOUSING | MH (OBSOLETE)

A. Purpose

The Manufactured Housing (MH) district provides for accommodations for a specific form of housing - the manufactured home. To provide appropriate standards for density, spacing, and use, a separate district is created and designated for the specific purpose of providing, at appropriate locations, areas for the development of manufactured home parks, courts, and subdivisions.

B. Applicability

The Manufactured Housing district is obsolete and may not be requested as a district for a zoning amendment following the effective date of this Code. Existing MH districts shall remain on the Arlington zoning map and shall be subject to the development standards of the previous Arlington Zoning Code Section 9-400.

2.3. NON-RESIDENTIAL AND MIXED-USE DISTRICTS

2.3.1. GENERAL PURPOSES OF ALL NON-RESIDENTIAL AND MIXED-USE DISTRICTS

The non-residential and mixed-use zoning districts are intended to:

A. Accommodate office, retail, commercial, service, and mixed uses needed by Arlington's residents, businesses, visitors, and workers;

B. Encourage site planning, land use planning, and architectural design that create an interesting, pedestrian-friendly environment;

C. Maintain and enhance the city's economic base and provide shopping, entertainment and employment opportunities close to where people live and work;

D. Preserve, protect, and promote employment-generating uses;

E. Create suitable environments for various types of commercial and other non-residential uses and protect them from the adverse effects of incompatible uses;

F. Allow flexibility to encourage redevelopment and positive improvements to existing businesses and residences;

G. Minimize potential negative impacts of non-residential development on adjacent residential areas; and

H. Help ensure that the appearance and operational impacts of commercial developments do not adversely affect the character of the areas in which they are located.

2.3.2. LIMITED OFFICE | LO

A. Purpose

The LO district is intended to provide for the development of small-scale, low-intensity professional office uses near or adjacent to residential neighborhoods. The district encourages the conversion of existing residential structures to offices uses, provided that the office use is compatible in scale, character, and intensity with adjacent residential uses. This district is appropriate in areas that are transitioning from residential to non-residential uses, or are mixed-use in character. Adequate street access and parking capacity should be available to serve the office use.

B. Density	
Dwelling units/acre, max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	5,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side	20
Rear	10
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. (ft)	40
Lot Coverage, max. (%)	75
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.2 Limited Office Illustration

2.3.3. OFFICE COMMERCIAL | OC

A. Purpose

The OC district is intended to provide areas primarily for high-quality office development and selected retail uses that serve community and citywide needs.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.3 Office Commercial Illustration

2.3.4. NEIGHBORHOOD COMMERCIAL | NC

A. Purpose

The NC district is intended to provide sites for businesses serving the daily needs of nearby residential areas and for small-scale offices. Development should be compatible in scale, character, and intensity with adjacent residential development, and the district's standards are intended to prevent significant adverse effects on adjacent residential areas. This district should be located adjacent to residential uses. The NC district should also be used as a buffer between residential and more intense retail/commercial uses.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	5,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.4 Neighborhood Commercial Illustration

2.3.5. COMMUNITY COMMERCIAL | CC

A. Purpose

The CC district is established to provide sites for community and regional retail shopping centers containing a wide variety of commercial establishments including retail stores and businesses selling home furnishings, apparel, durable goods, and specialty items; restaurants; commercial recreation; and business, personal, and financial services. The CC district is generally intended for nodal developments located at the intersection of two arterial streets.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.5 Community Commercial Illustration

2.3.6. GENERAL COMMERCIAL | GC

A. Purpose

The GC district is intended primarily to provide sites for a broad range of commercial uses including automobile sales and services, car washes, restaurants, offices, warehousing, and commercial services. Sites should provide an attractive appearance with landscaping, well-designed parking, and controlled traffic movement. This district is primarily intended for development of freestanding commercial structures along arterial streets in older sections of the city that are experiencing redevelopment.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or rear	0
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.6 General Commercial Illustration

2.3.7. HIGHWAY COMMERCIAL | HC

A. Purpose

The HC district is intended primarily to provide sites for commercial uses including automobile sales and services, hotels, drive-through and drive-in restaurants, offices, warehousing, and commercial services. These uses are subject to frequent view by the public and visitors to Arlington, and they should provide an attractive appearance with landscaping, well-designed parking, and controlled traffic movement. Traffic generated by the uses may include high volumes of vehicle traffic, and trucks and commercial vehicles as appropriate for sites adjacent to regional roadways. Strip development is discouraged.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	10,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	20
Interior, min. (ft)	
Side	20
Rear	10
Adjacent to single family (side and/or rear)	25
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.7 Highway Commercial Illustration

2.3.8. DOWNTOWN BUSINESS | DB

A. Purpose

The DB district provides concentrated downtown, civic, service, office, institutional, cultural, residential, and other uses in the existing central business district. The DB district is intended to aid in the revitalization of Arlington's original downtown area, and to establish an identity for the downtown area by permitting uses that enhance its role as a unique civic and ceremonial heart of the City. Urban design standards are intended to protect property values, create a vibrant downtown that is mixed-use, pedestrian-friendly, and transit-oriented, and make the development process more predictable for member of the public and development community.

B. Density

Max. dwelling units per acre with one use in a structure.	60
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

1. Lot area, min. (s.f.)	N/A
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

*Efficiency and 1-bedroom units will be permitted with gross living areas up to 10% smaller than the minimums stated above; provided that the smaller units do not exceed more than 20% of each unit type, and the project provides additional open space and amenities as described in Section 5.5.4.C.3 and Section 5.10.2.

D. Setbacks

Street (ft)	
Minimum	0
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	20

E. Building Standards

Building height, max. (ft)	N/A
Lot Coverage, max. (%)	N/A

F. Notes

See Article 4 for measurements and exceptions.
See Section 3.2.3.K for more information on mixed-use requirements.

Figure 2.3.8: Downtown Business Illustration

2.3.9. BUSINESS PARK | BP

A. Purpose

The BP district is intended to provide and protect sites for offices, research and development facilities, support commercial services, and limited industrial activities including non-nuisance production, distribution, and storage of goods (but no raw materials processing or bulk handling) in a landscaped setting.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	15,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	25
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.9: Business Park Illustration

2.3.10. LIGHT INDUSTRIAL | LI

A. Purpose

The LI district is intended to provide for the development of research, light industrial, processing, warehousing and other indoor light industrial uses, as well as supporting business and office uses. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low- and medium-density residential development.

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	15,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	30
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.3.10: Light Industrial Illustration

2.3.11. INDUSTRIAL MANUFACTURING | IM

A. Purpose

The IM district is intended to provide for the development of heavy industrial and manufacturing uses, as well as supporting business and office uses. Uses permitted in this district are intended to serve community and regional needs. This district is intended to be located away from low- and medium-density residential development.

Figure 2.3.11: Industrial Manufacturing Illustration

B. Density	
Dwelling units/acre, min./max.	N/A
C. Lot Dimensions	
Lot area, min. (s.f.)	15,000
D. Setbacks	
Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	40
E. Building Standards	
Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A
F. Notes	
See Article 4 for measurements and exceptions.	

2.3.12. NEIGHBORHOOD MIXED-USE | NMU

A. Purpose

The NMU district is intended to encourage the redevelopment of traditional suburban commercial centers as higher-density, mixed-use, urban-scale districts. The NMU district may be used for nodal centers or linear-oriented commercial retail development along well-traveled corridors. The NMU area is intended to include commercial, institutional, recreational, and service facilities needed to support the surrounding neighborhoods, for example, grocery and convenience stores, drug stores, religious assembly, and personal household services. Multi-family residential and office uses are also allowed. Development should facilitate pedestrian connections between residential and non-residential uses. The siting and architectural design and scale of structures in this district should be compatible with surrounding neighborhoods. Residential uses are encouraged on the upper floors of non-residential establishments. NMU centers are generally between 5 and 20 acres in size. There are no maximum lot sizes, but residential densities are limited to a maximum of 40 units per gross acre.

Figure 2.3.12 Neighborhood Mixed-Use Illustration

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
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.	

2.3.13. REGIONAL MIXED-USE | RMU

A. Purpose

The RMU district is established to encourage and facilitate the development of large-scale, distinctive, attractive regional centers containing a concentrated mix of land uses. Development in these highly visible regional activity centers should be distinctive in character and attractive in design. The centers should include major economic generators, most with a regional market draw, such as a regional shopping mall, major employer, restaurants, theaters, hotels, and dense office development. The area should contain a broad mix of complementary uses, including high-density multi-family housing, major civic and public facilities, and parks. Development should facilitate and encourage pedestrian travel between residential and non-residential uses. Transit facilities and pedestrian-friendly elements are important components of development in these centers, in order to reduce demand for auto travel as well as increase visual interest. The RMU district is intended for locations in the city that have the transportation network and market potential to accommodate concentrated development. RMU centers are generally at least 20 acres or larger in size. There are no maximum lot sizes, but residential densities are limited to a maximum of 100 units per gross acre.

Figure 2.3.13 Regional Mixed-Use Illustration

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
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.	

2.4. OVERLAY DISTRICTS

2.4.1. AIRPORT OVERLAY | APO

A. Purpose and Intent

The purpose and intent of this district is to regulate the development of noise-sensitive land uses so as to promote compatibility between the Airport and the surrounding land uses; to prevent the encroachment of incompatible uses surrounding the Airport; and to promote the public health, safety and welfare of property users.

B. Airport Overlay Development Standards

The development standards and permitted land uses applicable to the Airport Overlay are located in Section 5.8.2, *Airport Overlay*.

2.4.2. CONSERVATION DISTRICT OVERLAY | CDO

A. Purpose and Intent

Arlington has many unique and distinctive residential neighborhoods and commercial areas that contribute significantly to the overall character and identity of the city, but may lack sufficient historical, architectural, or cultural significance at the present time to be designated as a historic district. The Conservation District Overlay is intended to recognize the need to preserve, protect, and enhance the value of these areas, and to provide a means of conserving the distinctive atmosphere or character of the areas by protecting or enhancing their significant architectural or cultural attributes. This district has the following purposes:

1. To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity and charm of existing neighborhoods;

2. To provide residents and property owners with a planning tool for future development;

3. To support and promote neighborhood initiated efforts to preserve their quality of life and strengthen civic pride;

4. To promote compatible and sensitive new development and redevelopment;

5. To promote and retain affordable housing and stabilize property values; and

6. To ensure the harmonious, orderly, and efficient growth and development of the city and provide for economic revitalization.

B. Conservation District Overlay Development Standards

The development standards applicable to the Conservation District Overlay are located in Section 5.8.4, *Conservation District Overlay*.

2.4.3. DOWNTOWN NEIGHBORHOOD OVERLAY | DNO

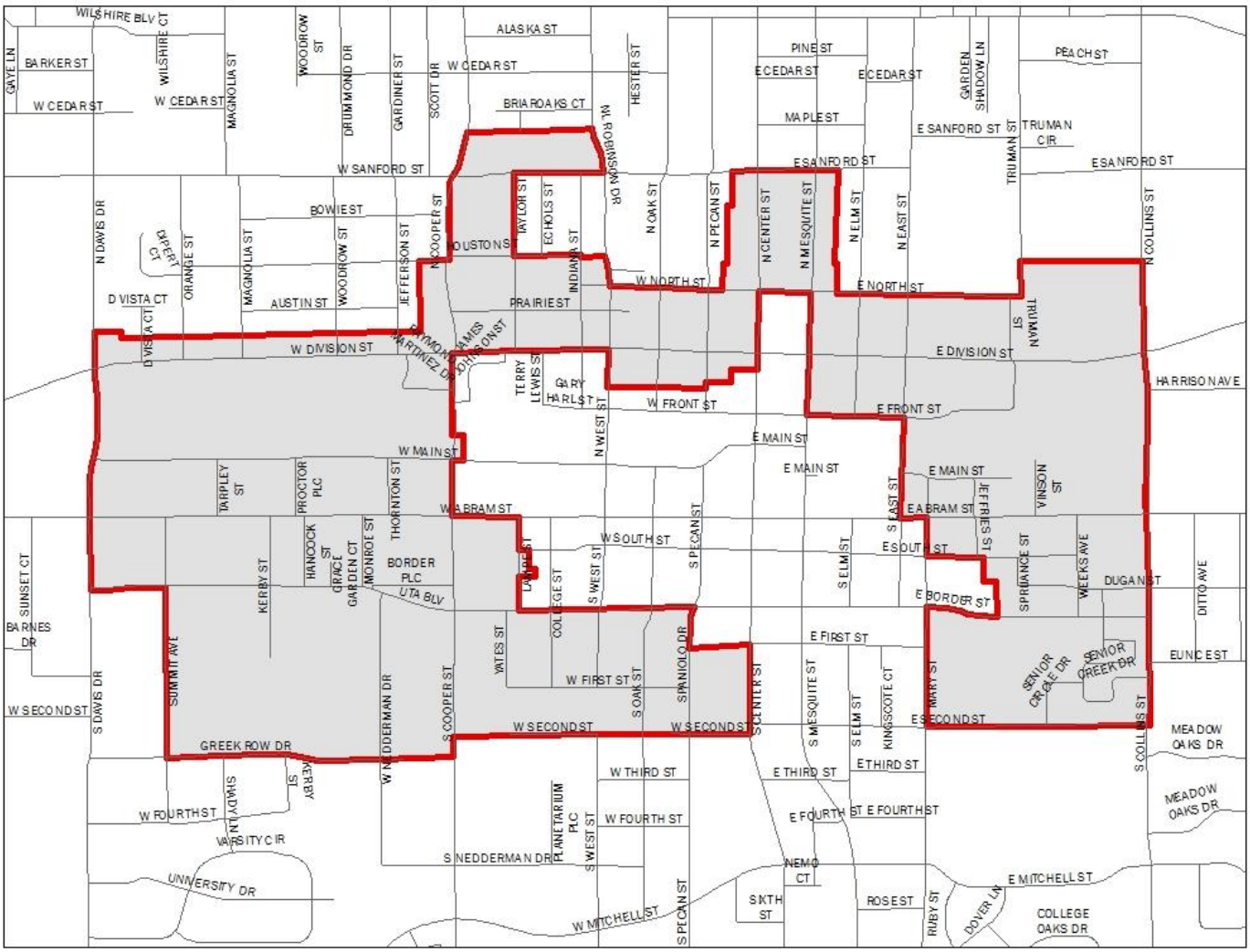
A. Purpose

The Downtown Neighborhood Overlay district is intended to protect and enhance the character and function of the downtown business and lodging areas, and to attract new residential development to provide energy and support to the downtown area. Mixed-use projects that encourage pedestrian activity and serve local residents and visitors are preferred. This district will likely attract office buildings; retail, dining, drinking, and lodging establishments; and leisure facilities. Many of these uses are established in older existing downtown buildings that contribute to the downtown character. Design standards are required to ensure that structures in the downtown area exhibit a distinctive, high quality character, and that surrounding neighborhoods are adequately buffered from the more intense development intended in this district.

Figure 2.4.3-A Downtown Neighborhood Illustration

B. Density	
Max. dwelling units per acre with one use in a structure. Applicable to districts where residential uses are permitted.	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.	80
C. Lot Dimensions	
Lot area, width, and depth: refer to base zoning district.	
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
*Efficiency and 1-bedroom units will be permitted with gross living areas up to 10% smaller than the minimums stated above; provided that the smaller units do not exceed more than 20% of each unit type, and the project provides additional open space and amenities as described in Section 5.5.4.C.3 and Section 5.10.2.	
D. Setbacks	
Street frontages (ft)	
Minimum	0
Maximum	25
Any portion of the building taller than 50 feet requires an additional 10-foot setback.	
Street rear, min. (ft)	
Public street	10
Private access easement or alley	5
Interior, min. (ft)	
Side and/or rear	0
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height	
Minimum (ft)	20
Maximum	12 stories
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions. See Section 3.2.3.K for more information on mixed-use requirements.	

Figure 2.4.3-B Downtown Neighborhood Overlay Boundary



2.4.4. LAMAR COLLINS MIXED-USE OVERLAY | LCMUO

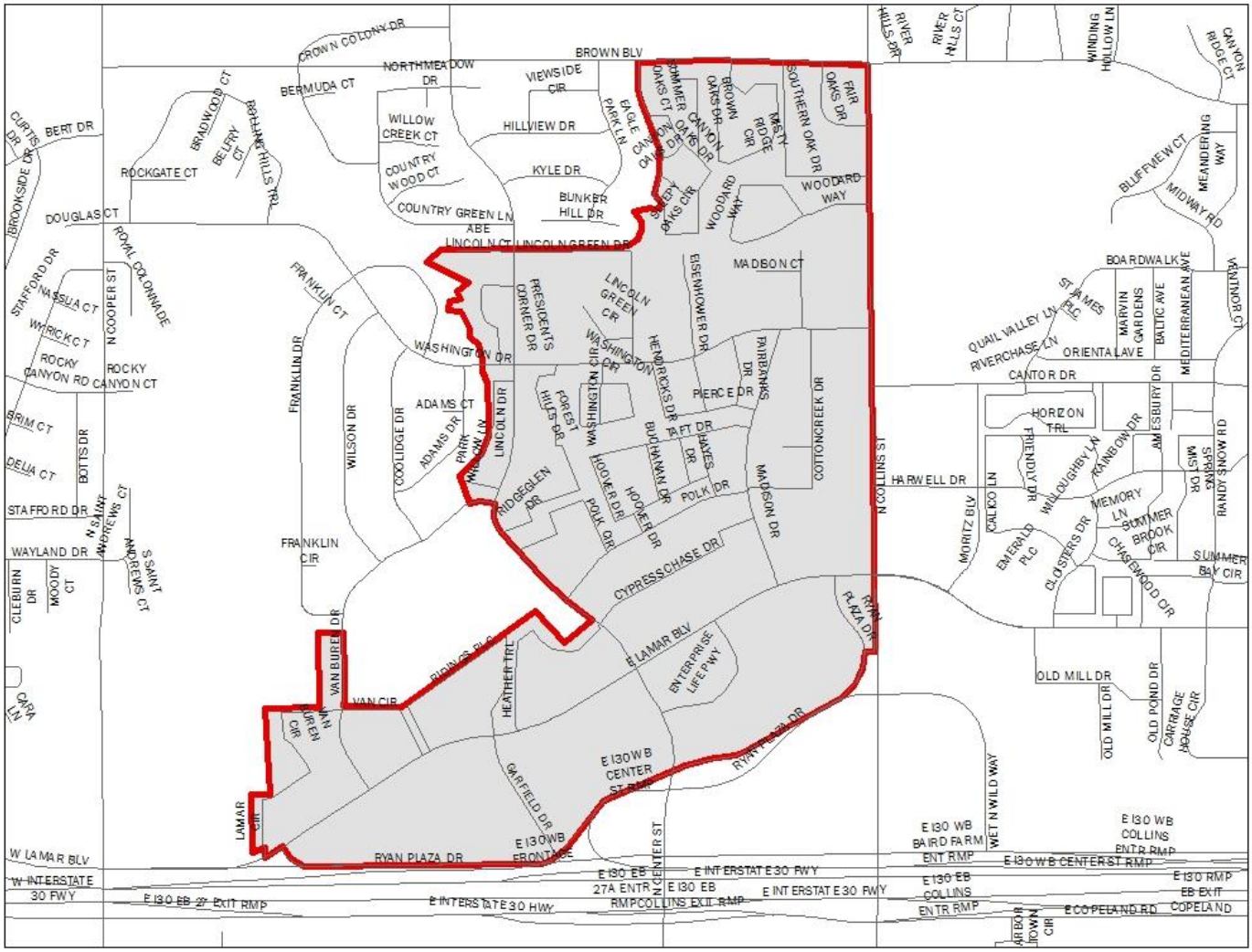
A. Purpose

The Lamar Collins Mixed-Use Overlay is intended to promote high quality, high-density, mixed-use development in this area in north Arlington. New development and redevelopment in the LCMUO district is intended to encourage pedestrian-oriented activities through a complementary mix of land uses and physical design. Accordingly, the development standards are intended to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to establish consistency.

Figure 2.4.4-A Lamar Collins Mixed-Use Illustration

B. Density	
Max. dwelling units per acre with one use in a structure. Applicable to districts where residential uses are permitted.	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, width, and depth: refer to base zoning district.	
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 frontages (ft)	
Minimum	0
Interior, min. (ft)	
Side and/or rear	5
Adjacent to single family (side and/or rear)	20
E. Building Standards	
Building height	
Minimum (ft)	20
Maximum	
Adjacent to single family	3 stories
Fronting all other streets	6 stories
Fronting Collins Street	8 stories
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions.	

Figure 2.4.4-B Lamar Collins Mixed-Use Overlay Boundary

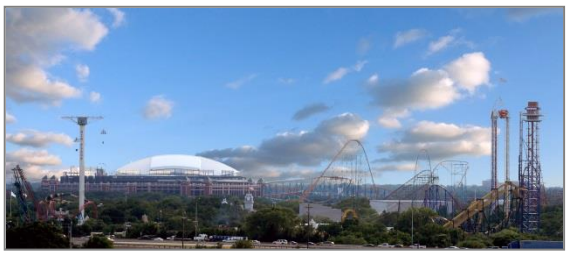


2.4.5. ENTERTAINMENT DISTRICT OVERLAY | EDO

A. Purpose

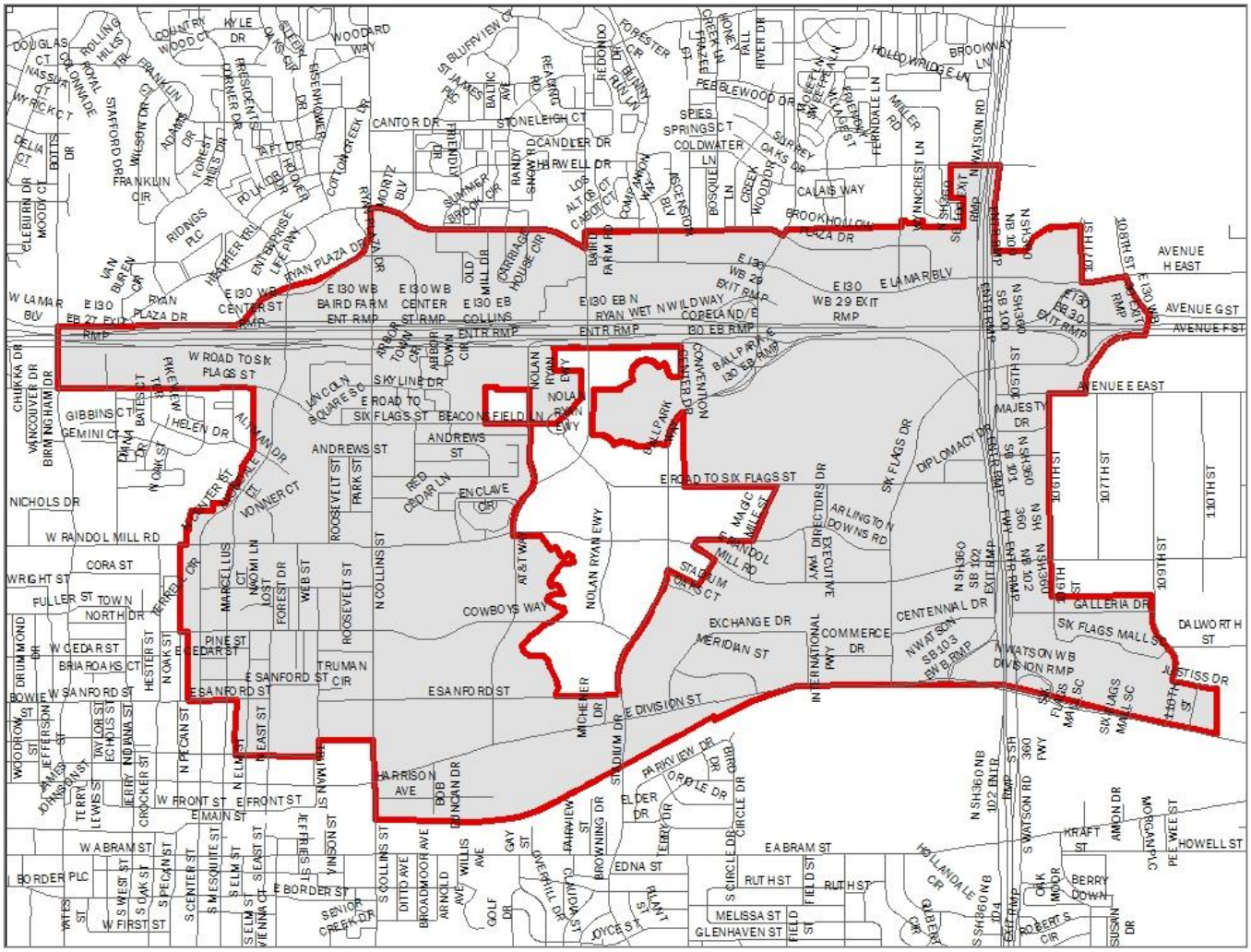
The Entertainment District Overlay is intended to create an identifiable and exciting character for the 2,800-acre entertainment area in central Arlington. New development and redevelopment in the EDO district is guided by development standards intended to promote a unifying identity for the Entertainment District as a whole through a complementary mix of land uses and physical design. Accordingly, the development standards are intended to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to establish consistency.

Figure 2.4.5-A Entertainment District Overlay Illustration



B. Density	
Max. dwelling units per acre with one use in a structure. Applicable to districts where residential uses are permitted.	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, width, and depth: refer to base zoning district.	
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 frontages (ft)	
See Section 5.8.1.D, *Private Realm Design and Development Standards*	
Interior, min. (ft)	
Refer to base zoning district.	
E. Building Standards	
Building height	
Minimum (ft)	20
Maximum	
Adjacent to single family	3 stories
Fronting all other streets	N/A
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions and Section 5.8.1 for design and development standards.	

Figure 2.4.5-B Entertainment District Overlay Boundary


W ROAD TO SIX FLAGS ST
E ROAD TO SIX FLAGS ST
SIX FLAGS DR
DIPLOMACY DR
ARLINGTON DOWNS RD
NOLAN RYAN EWY
BALLPARK WAY
CONVENTION CENTER DR
COWBOYS WAY
EXCHANGE DR
MERIDIAN ST
CENTENNIAL DR
GALLERIA DR
SIX FLAGS MALL
DALWORTH ST
JUSTISS DR
W RANDOL MILL RD
ESANFORD ST
E DIVISION ST
W DIVISION RMP
N WATSON WB
S WATSON RD
E LAMAR BLV
W LAMAR BLV
AVENUE H EAST
AVENUE G ST
AVENUE F ST
AVENUE E EAST
MAJESTY DR
107TH ST
108TH ST
109TH ST
110TH ST
N SH360
S SH360
E 130 WB
E 130 EB
E 130 WB 29 EXIT RMP
E 130 EB N RYAN WET
N WILDWAY
CORELAND/B 30 EB RMP
BALLPARK 30 EB RMP
E 130 WB BAIRD FARM ENT RMP
E 130 WB CENTER ST RMP
E 130 EB COLLINS ENTR RMP
E 130 EB 29 EXIT RMP
E 130 EB 30 EXIT RMP
E 130 WB 30 EXIT RMP
E 130 WB 27 EXIT RMP
RYAN PLAZA DR
CANTOR DR
STONELEIGH CT
CANDLER DR
HARWELL DR
SPIES SPRINGS CT
COLDWATER LN
SURREY OAKS DR
CALAIS WAY
BROOKHOLLOW PLAZA DR
FEBLEWOOD DR
HOLLOWBROOK LN
BROOKWAY LN
MILLER RD
FERNDALE LN
WINCHESTER LN
FRANKLIN CIR
RIDINGS PLC
ENTERPRISE LEE PWY
HEATHER TRL
VAN BUREN CIR
CLEBURN DR
MOODY CT
CHURKA DR
VANCOUVER DR
BIRMINGHAM DR
GIBBINS CT
GEMINI CT
HELEN DR
ALLMAN DR
NICHOLS DR
CORA ST
WRIGHT ST
FULLER ST
NORTH DR
W CEDAR ST
BRIARO AKS CT
W SANFORD ST
BOWIE ST
WOODROW ST
DRUMMOND DR
ANDREWS ST
RED CEDAR LN
ENCLAVE CIR
ROOSEVELT ST
PARK ST
N COLLINS ST
MARCELLUS CT
NAOMI LN
LOST FOREST DR
WEB ST
PINE ST
TRUMAN CIR
HESTER ST
N OAK ST
N PECAN ST
N ELM ST
N EAST ST
N MAIN ST
W FRONT ST
E FRONT ST
E MAIN ST
W ABRAM ST
E ABRAM ST
HARRISON AVE
BOB DUNCAN DR
STADIUM DR
MICHENER DR
PARKVIEW DR
ORPLE DR
ELDER DR
CIRCLE DR
EDNA ST
RUTH ST
MELISSA ST
GLENHAVEN ST
HOLLANDALE CIR
KRAFT ST
AMON DR
MOSCAN PLC
PEEWEE ST
HOWELL ST
BERRY DOWN
SUSAN DR
ROBERTS CIR
BORDER PLC
W FIRST ST
E BORDER ST
SENIOR CREEK DR
S COLLINS ST
DITTO AVE
BROADMOOR AVE
ARNOLD AVE
WILLIS AVE
GAY ST
FAIRVIEW ST
BROWNING DR
GOLF DR
OVERHILL DR
JOYCE ST
BLANT ST
S CIRCLE DR
FIELD ST
S MESQUITE ST
S CENTER ST
S PECAN ST
S OAK ST
S WEST ST
S ELM ST
S EAST ST
VIENNA CT
JEFFRIES ST
VINSON ST
AT&T WAY
INTERNATIONAL PWY
COMMERCE DR
EXECUTIVE DIRECTORS DR
N WATSON SB 103 EW B RMP
N SH360 SB 122 EXIT RMP
N SH360 NB 102 ENTR RMP
S SH360 NB D4 EXIT RMP
N SH360 NB 101 EXIT RMP
N SH360 NB 102 EXIT RMP
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N SH360 NB 1 EXIT RMP
N SH360 NB 1 ENTR RMP
N SH360 NB 0 EXIT RMP
N SH360 NB 0

2.4.6. LANDMARK PRESERVATION OVERLAY | LPO

A. Purpose and Intent

The Landmark Preservation Overlay District is intended to provide for the protection, preservation, and enhancement of buildings, structures, sites, and areas of architectural, historical, archaeological, or cultural importance or value. Specifically, this district has the following expressed purposes:

1. To stabilize and improve property values;
2. To encourage neighborhood conservation;
3. To foster civic pride in the beauty and accomplishments of the past;
4. To protect and enhance the city's attraction to tourists and visitors;
5. To strengthen and help diversify the economy of the city; and
6. To promote the use of historical, cultural and architectural landmarks for the education, pleasure, and welfare of the community.

B. Landmark Preservation Overlay District Standards

The standards applicable to development in the LPO district are located in Section 5.8.3, *Landmark Preservation Overlay*.

2.4.7. PLANNED DEVELOPMENT | PD

A. Purpose

The PD district is established to provide an alternative to conventional development, and requires approval under the procedures in Section 10.4.3, *Planned Developments*. This district is intended to accomplish all of the following purposes:

1. To permit greater flexibility for new development or redevelopment projects to best utilize the physical features of the particular site in exchange for greater public benefits than would otherwise be achieved through development under this Code;
2. To ensure that any development impacts that occur through the use of greater flexibility are mitigated to the greatest extent feasible so as not to create adverse impacts on neighboring properties;
3. To encourage the provision and preservation of meaningful open space; and
4. To encourage integrated and unified design and function of the various uses comprising the PD.

B. Review Procedure

The Planned Development review procedure is located in Section 10.4.3, *Planned Developments*.

ARTICLE 3. USE STANDARDS

3.1. TABLES OF ALLOWED USES

3.1.1. PURPOSE

Tables 3.1-1, *Table of Allowed Uses – Residential Districts*; and 3.1-2, *Table of Allowed Uses – Non-Residential and Mixed-Use Districts* below list the uses allowed within all base zoning districts. Accessory and temporary uses are summarized in tables 3.3.4, *Use Tables for Accessory Uses and Structures* and 3.4.3, *Use Tables for Temporary Uses*. All uses are defined in Article 12, *Definitions*. Approval of a use listed in this article, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this article and approved under the appropriate process is prohibited.

3.1.2. EXPLANATION OF TABLE ABBREVIATIONS

A. Permitted By-Right Uses

"P" in a cell indicates that the use is permitted by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Code, including the supplemental use standards in this article and the requirements of Article 5, *Design and Development and Design Standards*.

B. Uses Requiring a Specific Use Permit

"S" in a cell indicates that, in the respective zoning district, the use is allowed only if issued a Specific Use Permit, in accordance with the procedures of Section 10.4.6, *Specific Use Permits*. Uses requiring a Specific Use Permit are subject to all other applicable regulations of this Code, including the supplemental use standards in this article and the requirements of this Article 5, *Design and Development Standards*.

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

D. Supplemental Use Standards

Regardless of whether a use is allowed by right, or permitted with a Specific Use Permit, there may be supplemental standards that are applicable to the use. The existence of these standards is noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.2, *Supplemental Use Standards,* Section 3.3.6, *Supplemental Accessory Use Standards,* and Section 3.4.5, *Supplemental Temporary Use Standards*. An asterisk [*] in a cell indicates that the use, whether permitted by right or as a special use, is permitted subject to supplemental use standards in that district.

E. Allowed Land Uses in Overlay Districts

Except as otherwise provided by this Code for a specific overlay district:

1. Any land use permitted by right in the applicable underlying base zoning district may be permitted within an overlay district, subject to any supplemental use standards required by this Article and any additional requirements of the specific overlay district.

2. Any land use requiring a Specific Use Permit in the applicable underlying base zoning district is only allowed if a Specific Use Permit is issued for the use.

3. Any land use prohibited in the underlying base zoning district is also prohibited in an overlay district. A specific overlay district may include additional prohibited land uses.

F. Allowed Land Uses in Planned Development Districts

Land uses in a Planned Development district are permitted as follows:

1. If the PD Development Plan references a base zoning district:

a. Any land use permitted by right in the applicable underlying base zoning district, as amended, may be permitted.

b. Any land use requiring a Specific Use Permit in the applicable underlying base zoning district, as amended, is only allowed if a Specific Use Permit is issued for the use.

c. Any land use prohibited in the underlying base zoning district, as amended, is also prohibited in the PD district.

2. The PD district may list the permitted and prohibited uses separately.

3. A combination of the above options.

G. Rebuilding of Legally Nonconforming and Conforming Lodging Facilities

"R" in a cell indicates that, in the respective zoning district, the use is allowed only if it complies with Table 3.2-3 in accordance with the supplemental use standards in this article and the requirements of Article 5, *Design and Development Standards*.

3.1.3. TABLE ORGANIZATION

In Tables 3.1-1 and 3.1-2, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

3.1.4. CLASSIFICATION OF NEW AND UNLISTED USES

The City recognizes that new types of land use will develop and forms of land use not anticipated in this Code may seek to locate in the city. When application is made for a use category or use type that is not specifically listed in the appropriate use table, the Zoning Administrator shall make a determination as to the appropriate classification of any new or unlisted form of land use in the following manner:

A. The Zoning Administrator shall provide an interpretation as to the zoning classification into which such use should be placed. In making such interpretation,

the Zoning Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:

1. The volume and type of sales, retail, wholesale, etc.;

2. The size and type of items sold and nature of inventory on the premises;

3. Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;

4. Any dangerous, hazardous, toxic, or explosive materials used in the processing;

5. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building; predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);

6. The type, size, and nature of buildings and structures;

7. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;

8. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;

9. Trip purposes and whether trip purposes can be shared by other use types on the site;

10. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other use types;

11. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

12. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

13. The effect on adjacent lands created by the proposed use type, which should not be greater than that of other use types in the zoning district.

B. Standards for new and unlisted uses may be interpreted as those of a similar use.

C. Appeal of the Zoning Administrator's decision shall be made to the Zoning Board of Adjustment following procedures of Section 10.4.7, *Zoning Variances and Appeals*.

D. The Zoning Administrator shall periodically request amendment to this Code to incorporate newly listed uses into this Article 3, *Use Standards*.

3.1.5. TABLE OF ALLOWED USES

A. Residential Districts

TABLE 3.1-1: Allowed Uses – Residential Districts

*P = Permitted Use S = Specific Use Permit * = Supplemental Use Standards Apply*

		Residential								
Use Category	**Use Type**	**RE**	**RS 20**	**RS 15**	**RS 7.2**	**RS 5**	**RM 12**	**RMF 22**	**VG**	**Supplemental Use Standards**
RESIDENTIAL USES										
Household Living	Dwelling, duplex						P	P		
	Dwelling, live/work						P*	P*		3.2.1.A
	Dwelling, multi-family							P*		3.2.1.A
	Dwelling, single-family detached	P	P	P	P	P	P		P	
	Dwelling, townhouse						P	P		
	HUD-Code manufactured home | Mobile home									
Group Living	Assisted living facility (≤6 residents)	P	P	P	P	P	P	P	P	
	Assisted living facility (≥7 residents)	S	S	S	S	S	S	P	S	
	Boarding house | fraternity or sorority house | private dorm							P*		3.2.1.B
	Community home for disabled persons	P	P	P	P	P	P	P	P	
	Foster family home	P	P	P	P	P	P	P	P	
	Foster group home	P	P	P	P	P	P	P	P	
	Independent senior living facility							P*		3.2.1.B
	Nursing home						P*	P*		3.2.1.B
PUBLIC AND INSTITUTIONAL USES										
Community and Cultural Facilities	Art gallery or museum							P		
	Domestic violence shelter							P		
	Government administration and civic buildings	P	P	P	P	P	P	P	P	
	Philanthropic institution (other than listed)	S	S	S	S	S	S	S	S	
	Religious assembly	P	P	P	P	P	P	P	P	
Educational Facilities	Public or private school	P*	P*	P*	P*	P*	P*	P*	P*	3.2.2.
Parks and Open Space	Cemetery							S		
	Community garden	P	P	P	P	P	P	P	P	
	Public park or playground	P*	P*	P*	P*	P*	P*	P*	P*	3.2.2.

TABLE 3.1-1: Allowed Uses – Residential Districts

*P = Permitted Use S = Specific Use Permit * = Supplemental Use Standards Apply*

		Residential								
Use Category	**Use Type**	**RE**	**RS 20**	**RS 15**	**RS 7.2**	**RS 5**	**RM 12**	**RMF 22**	**VG**	**Supplemental Use Standards**
COMMERCIAL USES										
Agriculture	Animal production	P								
	Crop production	P								
Animal-related Services	Stables, commercial	S*							S*	3.2.3.A
Lodging Facilities	Bed and breakfast inn	S*	S	S*	S*	S*	S*	S*	S*	3.2.3.E
Personal Services	Day care center				S	S	S	P		
Recreation and Entertainment, Indoor	Private club, lodge or fraternal organization							S		
Recreation and Entertainment, Outdoor	Country club	S	S	S	S	S	S	S	S	
	Golf course	P	P	P	P	P	P	P	P	
	Marina	S	S	S	S	S	S	S		
Retail (Sales)	Nursery garden shop or plant sales	S*								3.2.3.I
INDUSTRIAL USES										
Transportation	Airport or landing field	S	S	S	S	S	S	S	S	
Utilities	Electric utility substation							P		
	Gas well	S	S	S	S	S	S	S	S	3.2.4.B
	Utility lines, towers or metering station	P	P	P	P	P	P	P	P	
	Telecommunication Facilities Building-mounted antennae and towers	P*	P*	P*	P*	P*	P*	P*	P*	3.2.4.C
	Telecommunication Facilities Towers ≤75 ft Stealth towers ≤100 ft	S*	S*	S*	S*	S*	S*	S*	S*	3.2.4.C
	Telecommunication Facilities Towers >75 ft Stealth towers >100 ft	S*	S*	S*	S*	S*	S*	S*	S*	3.2.4.C

B. Non-Residential and Mixed-Use 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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
RESIDENTIAL USES														
Household Living	Dwelling, duplex													
	Dwelling, live/work		P*					P*				P*	P*	3.2.1.A
	Dwelling, multi-family							S*				P*	P*	3.2.1.A
	Dwelling, single-family detached													
	Dwelling, townhouse							S				P	P	
	HUD-code manufactured home | Mobile home													
Group Living	Assisted living facility (≤6 residents)							S						
	Assisted living facility (≥7 residents)							S						
	Boarding house | fraternity or sorority house | private dorm							P*						3.2.1.B
	Community home for disabled persons													
	Foster family home													
	Foster group home													
	Halfway house				S					S	S			
	Independent senior living facility							P*				P*	P*	3.2.1.B
	Nursing home				P	P								
PUBLIC AND INSTITUTIONAL USES														
Community and Cultural Facilities	Art gallery or museum	P	P	P	P	P	P	P	P	P	P	P	P	
	Correctional facility										S			
	Domestic violence shelter		P	P	P					P	P			
	Emergency shelter					P				P	P			
	Government administration and civic buildings	P	P	P	P	P	P	P	P	P	P	P	P	
	Mortuary |crematory | funeral chapel				P	P		P		P	P			
	Philanthropic institution (other than listed)	P	P	P	P	P	P	P	P	P	P	P	P	
	Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P	
Educational Facilities	Business school		P	P	P	P	P	P	P	P	P	P	P	
	Public or private school	P	P	P	P	P	P	P	P	S	S	P	P	

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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
	Trade school					P		P	P	P	P			
	University | college | seminary		S	S	P	P	P	P	P	P	P	P	P	
Health Care Facilities	Hospital				P	P	P	P	P	P	P		P	
	Hospital, psychiatric				S	S								
	Medical or dental office or clinic	P	P	P	P	P	P	P	P	P	P	P	P	
Parks and Open Space	Cemetery		S	S	P					P	P			
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	
	Public park or playground	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES														
Agriculture	Animal production										P			
	Crop production				P	P				P	P			
Animal-related Services	Kennel, commercial				P*	P*				P	P			3.2.3.A
	Stables, commercial									P*	P*			3.2.3.A
	Veterinary clinic		P*	P*	P*	P		P*	P*	P	P	P*	P*	3.2.3.A
Auto Sales, Equipment, and Repair	Auto service center					S*	S*			S*	P			3.2.3.B
	Auto repair garage, major									S*	P*			3.2.3.B
	Car wash					S*				P	P			3.2.3.B
	Commercial parking garage							S				S	S	
	Gasoline sales				P	P	P		S	P	P			3.2.3.B
	Motor vehicle rental				P*	P	P		P	P	P			3.2.3.B
	Motor vehicle sales, new					P	P			P	P			
	Motor vehicle sales, used					S*				S*	P*			3.2.3.B
Financial Services	Bank or Financial Institution		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.C
	Alternative Financial Institution		S*	S*	S*	S*	S*	S*		S*	S*			3.2.3.C
Food and Beverage Services	Bar							P*		P*	P*		P*	3.2.3.D
	Catering service			P	P	P	P	P		P	P		P	
	Restaurant		P	P	P	P	P	P	P	P	P	P	P	
	Restaurant, take-out and delivery only			P	P	P	P	P	P	P	P	P	P	
	Restaurant with drive-through			S	P*	P*	P*	S	P*	P*	P*			3.2.3.D
	Sidewalk cafe		P*	P*	P*	P*	P*	P*	P*			P*	P*	3. 3.6.M
Lodging Facilities	Bed and breakfast inn		S*	S*				P*				P*	P*	3.2.3.E
	Hotel, luxury		P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E

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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
	Hotel, upper upscale				P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E
	Hotel, upscale				S*	S*	S*	S*	S*	S*	S*	S*	S*	3.2.3.E
	Hotel, upper midscale				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, midscale				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, economy				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, independent													3.2.3.E
	Hotel, convention		P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E
	Overnight parking facility													3.2.3.E
	Trailer camp | RV park									P*				3.2.3.E
Mixed-Use	Mixed-use development or building							P*				P*	P*	3.2.3.K
Office, Business or Professional	Office, business or professional	P	P*	P	P	P	P	P	P*	P	P	P	P	3.2.3.F
	Telemarketing call center		P		P		P		P	P	P			
Personal Services	Bail bond service				S	S	S			P	P			
	Day care center		P	P	P	P	P	P	P	S	S	P	P	
	General personal services (other than listed)		P	P	P	P	P	P	P	P	P	P	P	
	Massage therapy clinic		P	P	P	P	P	P	P	P	P	P	P	
	Tattoo parlor or piercing studio				S	P				P	P			
Recreation and Entertain-ment, Indoor	Banquet hall				S*	S*								3.2.3.G
	Bingo parlor				S*	S*								3.2.3.G
	Billiard parlor				S*	S*								3.2.3.G
	Bowling alley				S*	S*		S*					S*	3.2.3.G
	Game room													
	Gun range (indoor)				S					P	P			
	Nightclub				S*	S*		P*		P*	P*		S*	3.2.3.G
	Private club | lodge | fraternal organization	S	P	P	P	P	P	P	P	P	P	P	P	
	Recreation, indoor (other than listed)				P*	P	P	P*	P	P	P		P*	3.2.3.G
	Skating rink				P*	P	P		P				P	3.2.3.G
	Teen club				P*			P*					P*	3.2.3.G
	Theatre, indoor				P*	P	P	P*	P			P*	P*	3.2.3.G
	Wedding chapel				P	P	P	S	P			P	P	
Recreation and	Country club	P	P	P	P	P	P	P	P	P	P		P	
	Golf course	P	P	P	P	P	P	P	P	P	P		P	

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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
Entertain-ment, Outdoor	Gun club, skeet, or target range (outdoor)									S	S			
	Major tourist attraction				P	S	S							
	Recreation, general outdoor (other than listed)				S	S	S	P		P	P			
	Marina		S	S	S					S	S			3.2.3.H
Retail (Sales)	Boat and accessory sales, rental and service					P	S			P	P			
	Building and landscaping materials and lumber sales				P*	P*	P*			P	P			3.2.3.I
	Farmer's market							S*					S*	3.2.3.I
	General retail store (other than listed)		P	P	P	P	P	P		P	P	P	P	
	Firearm sales			P	P	P	P	P	P	P	P			
	Nursery, garden shop or plant sales				P*	P*	P*	P*		P	P			3.2.3.I
	Open-air vending							P*		P*	P*			3.2.3.I
	Package liquor store					P*				P*	P*			3.2.3.I
	Pawn shop				P	P				P	P			
	Second-hand goods store				P	P	P			P	P			
	Specialty paraphernalia sales				S	S				S	S			
	Swimming pool, spa and accessory sales and service				P	P		P		P	P			3.2.3.I
Sexually Oriented Business	Sexually oriented business									P*	P*			3.2.3.J
INDUSTRIAL USES														
Industrial Service	Building maintenance sales and service									P*	P*			3.2.4.A
	Cleaners, commercial									P	P			
	Food processing				P*	P				P	P			3.2.4.A
	Heavy machinery rental, sales, and service									P	P			
	Medical or scientific research laboratory		P		P	P	P	P	P	P	P			
	Microbrewery | microdistillery | winery					P		S		P	P		P	
	Wrecker service				S*					P	P			3.2.4.A
Manufac-	Asphalt or concrete batch plant										S			

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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
turing	Custom and craft work				P*			P*	P	P	P		P*	3.2.4.B
	Gas well	S	S	S	S	S	S	S	S	S	S	S	S	3.2.4.B
	High-impact use										S			
	Manufacturing, light								P	P	P			
	Manufacturing, heavy										P			
	Salvage yard (indoor)									P	P			
	Salvage yard (outdoor)										S*			3.2.4.B
Transporta-tion-related Uses	Airport or landing field					S		S		S	S			
	Heliport							S	S				S	
	Railroad yard, shop, or roundhouse										P			
	Transit passenger terminal				S	P		P		P	P	S	S	
Utilities	Electric generating plant					S		S		S	S			
	Electric utility substation			S	P	P		P		P	P			
	Radio or TV station or studio				P	P		P		P	P		P	
	Utility lines, towers or metering station	P	P	P	P	P	P	P	P	P	P	P	P	
	Utility installation other than listed				S	S		S		P	P			
	Telecommunication Facilities Building-mounted antennae and towers	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.4.C
	Telecommunication Facilities Towers ≤75 ft Stealth towers ≤100 ft	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.4.C
	Telecommunication Facilities Towers >75 ft Stealth towers >100 ft	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	3.2.4.C
Wholesale Distribution and Storage	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*		P*	P*			3.2.4.D
	Wholesale supply business				P*	P		P		P	P			3.2.4.D

3.2. SUPPLEMENTAL USE STANDARDS

The standards in this section apply as noted in Tables 3.1-1 and 3.1-2.

3.2.1. RESIDENTIAL USES

A. Household Living

1. Dwelling, Live/Work

a. A single-story live/work unit is permitted. However, in a two-story live/work unit, the residential living portion is not permitted on the first floor.

b. In a mixed-use development or building, a live/work dwelling is considered a non-residential use.

2. Dwelling, Multi-family

All multi-family dwellings shall comply with Section 5.5.4*, Standards for Multi-Family Residential Dwellings*.

B. Group Living

1. Boarding | Fraternity or Sorority House | Private Dorm

In all districts, the minimum lot area shall be 6,000 square feet for the first five occupants of the building's designated occupancy and 900 square feet for each additional residential occupant.

2. Independent Senior Living Facility

In all districts:

a. All independent senior living facilities shall comply with Section 5.5.4, *Standards for Multi-Family Residential Dwellings*, except where specified below.

b. Dwelling units shall be in accordance with the Table 3.2-1. No dwelling unit shall contain more than two bedrooms.

TABLE 3.2-1: Dwelling Unit Size

Number of Bedrooms	Gross living area min.
Studio	475 sf
1 bedroom	525 sf
2 bedrooms	725 sf

c. Indoor common or recreational areas shall be provided at a ratio of 100 square feet of gross floor area per dwelling unit. Such areas may include common living/seating rooms, dining room, library, game room, exercise room, dance floor, arts and crafts room, music room, and other indoor recreational facilities.

d. In addition to dwelling units for occupants of the facility, a senior living facility may include special facilities and services for its residents such as cafeterias, dining rooms, housekeeping services, laundry services,

transportation services, swimming pools, greenhouses, and other outdoor recreational facilities.

3. Nursing Home

In the residential and mixed-use districts, nursing homes shall comply with the residential density requirements of the district in which they are located. If not designated in separate dwelling units, each 2.5 persons of the designated occupancy shall be deemed a dwelling unit for the purpose of calculating density.

3.2.2. PUBLIC AND INSTITUTIONAL USES

A. Ballfield Lighting

In residential districts:

1. The maximum height standards for ballfield lighting for public or private schools, or public parks or playgrounds are limited to the maximum building heights listed under Building Standards under each of the residential districts found in Section 2.2.2 through Section 2.2.8.

2. The Zoning Administrator is authorized to permit increased maximum heights through Section 10.4.22, Alternative Equivalent Compliance, for ballfield lighting for public or private schools, or public parks or playgrounds, located in residential zoning districts that are not adjacent to residential zoning districts or parcels containing a residential structure.

3.2.3. COMMERCIAL USES

A. Animal-Related Services

Provisions of the "Animals" Chapter of the Code of the City of Arlington may also be applicable to these uses.

1. Kennel, Commercial

In the CC and GC districts, outside runs are not permitted.

2. Stables, Commercial

In all districts, this use shall meet the spacing requirements of the "Animals" chapter of the Code of the City of Arlington.

3. Veterinary Clinic

a. In all districts except GC, LI, and IM:

(i) Outside boarding is not permitted.

(ii) Commercial breeding is not permitted.

(iii) Uses shall be entirely enclosed, properly ventilated, and provide sound barriers (when attached to other tenants) and odor protection to adjacent properties and users within the same development.

b. In the OC and NC districts:

(i) No single space in an existing tenant building shall exceed 5,000 feet.

(ii) Rooms containing cages or enclosures are not permitted to have windows, doors, or other penetrations on exterior walls.

B. Auto Sales, Equipment, and Repair

1. Auto Service Center

a. In the GC, HC, and LI districts:

(i) Spray painting or bodywork is not allowed. Dismantling, remanufacturing, and rebuilding are not allowed.

(ii) Outside storage or display of products is not allowed.

(iii) Repair or installation work must be conducted inside a building.

b. In the HC district, the following additional standards apply:

(i) Service bays shall not face a public street. Service bays that face a residential zoning district shall be screened in accordance to the standards for a Level 3 screening and buffering area described in Section 5.3.1 *Residential Screening and Buffering.*

c. In the GC district:

(i) Service bays shall not face a public street. Service bays that face a residential zoning district shall be screened in accordance to the standards for a Level 3 screening and buffering area described in Section 5.3.1 *Residential Screening and Buffering.*

(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.

d. In the LI district:

(i) For new "auto service center" or "auto repair garage, major" uses in existing or new buildings, the use is permitted by right in existing or new buildings, lease spaces, and associated parking areas that are 200 feet or greater in distance from the right-of-way line of a freeway, arterial, collector, or local street, and permitted by Specific Use Permit in buildings, lease spaces, and associated parking areas within 200 feet from the right-of-way line of a freeway, arterial, collector, or local street.

(ii) For existing auto service or repair uses legally operating on January 7, 2014, and located in buildings or lease space within 150-foot from the right-of-way line of a freeway, arterial, collector, or local street, the use may be changed to another nonconforming "auto service center" or "auto repair garage, major" use in the existing buildings or lease spaces provided the change in use is equal to or a

decrease in the intensity of the existing use. For the purposes of this condition, the order of the uses from most intense to least intense is: "auto repair garage, major" and "auto service center". In buildings or lease spaces greater than 150 feet from the right-of-way line of a freeway, arterial, collector, or local street, an existing auto service or repair use legally operating on January 7, 2014, may be changed to another nonconforming "auto service center" or "auto repair garage, major" use in the existing buildings or lease space.

2. Auto Repair Garage, Major

a. In all districts:

(i) Outside storage or display of products is not allowed.

(ii) Repair or installation work must be conducted inside a building.

b. In the LI district:

(i) Service bays shall not face a public street. Service bays that face a residential zoning district shall be screened in accordance to the standards for a Level 3 screening and buffering area described in Section 5.3.1 *Residential Screening and Buffering.*

(ii) See Section 3.2.3.B.1.d for additional conditions applicable to the LI district.

3. Car Wash

In the GC district:

a. Wash bays and vacuum bays facing a public street or a residential zoning district shall be screened in accordance to the standards for a Level 3 screening and buffering area described in Section 5.3.1 *Residential Screening and Buffering*.

b. 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.

4. Motor Vehicle Rental

In the CC district:

a. The types of vehicles for rent shall be limited to passenger cars and/or 3/4 ton pick-up trucks.

b. No more than 20 parking spaces shall be reserved for rental vehicles.

c. Service bays facing a public street or a residential zoning district shall be screened to a height of at least eight feet as viewed from the facing public street or facing residential property line.

5. Motor Vehicle Sales, Used

a. In the GC district, 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.

b. In the GC, LI, and IM districts, "Motor Vehicle Sales, Used" uses are prohibited in the area of the Interstate 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east, and Bardin Road on the south.

C. Financial Services

1. All uses with drive-in or drive-through facilities shall comply with the vehicle stacking requirements in Section 5.4.6, *Drive Through Vehicle Stacking and Noise Reduction Standards*.

2. Alternative Financial Institution

a. No alternative financial institution shall be located within 1,000 feet, measured from property line to property line, of any other alternative financial institution.

b. No alternative financial institution shall be located within 200 feet, measured from property line to property line, of a lot zoned or used for residential purposes.

c. No alternative financial institution shall be located within 500 feet of I-20, I-30, US 287, and SH 360.

d. An alternative financial institution may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 3.3.1.

e. In the EDO and DNO districts, "Alternative Financial Institution" uses are prohibited.

D. Food and Beverage Services

1. Bar

In the DB and RMU districts:

a. 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.

b. Access to the lot on which the use is located must be from an arterial or major collector street as identified in the Thoroughfare Development Plan.

2. Restaurant with drive-through

a. In all districts, stacking lanes for drive-through service windows shall be screened as required in Section 5.4.6, *Drive Through Vehicle Stacking and Noise Reduction Standards*.

b. All uses with drive-in facilities shall comply with the vehicle stacking requirements in Section 5.4.6, *Drive Through Vehicle Stacking and Noise Reduction Standards*.

E. Lodging Facilities

1. Bed and Breakfast Inn

a. In all districts:

(i) In the DB, NMU, and RMU districts, the number of guest rooms is limited to 12. In all other districts, the number of guest rooms is limited to six.

(ii) Cooking facilities in guest rooms are not allowed.

(iii) Individual guest occupancy is limited to no more than one month in any three-month period.

2. Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention)

a. Chain Scale Rating

After June 1, 2019, all new and existing hotels, except **Convention Hotels**, shall be classified as one of the following use types based on a hotel's chain scale rating. In order to be classified as a **Luxury Hotel**, an **Upper-Upscale Hotel**, an **Upscale Hotel**, an **Upper-Midscale Hotel**, a **Midscale Hotel**, or an **Economy Hotel**, a hotel must be associated with a hotel brand rated at the corresponding scale level in the most recent listing of chain scale ratings published by STR, Inc. A **Residence Hotel** is a subclassification of a hotel classified by chain scale rating.

(i) If STR, Inc., ceases to publish chain scale ratings for hotels, another rating entity may be used by the Zoning Administrator. The "Average Daily Rate" shall be used when assessing the chain scale of hotels.

(ii) A franchise agreement or similar contract from a hotel brand must be provided to the Zoning Administrator prior to the issuance of any building permit associated with the hotel project. All approved building permits shall be conditioned to require the applicant to provide notice to the City within thirty (30) days of any contractual change between the applicant/owner and the hotel brand.

(iii) A certificate of occupancy may only be approved for a hotel that is associated with a hotel brand rated with the appropriate chain scale rating above.

(iv) Any existing hotel other than **Convention Hotels** not classified in the most recent listing of chain scale ratings published by STR, Inc., shall be classified as an **Independent Hotel**.

(v) Except as provided in this subsection 2, no certificate of occupancy shall be approved for a hotel that is not classified by a chain scale rating.

b. General Design Standards for All Hotels

The general design standards of this subsection 2.b. shall apply to all hotels.

(i) Entry Features

(1) Special care shall be taken to enhance the site entry by providing front yard paving and landscaping that interfaces with the streetscape and sidewalk condition.

(2) All public entrances shall incorporate arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from the sun and weather. This requirement shall not apply to loading areas.

(3) Primary building entrances are to be defined and treated as a signature element of the building and articulated with architectural elements such as pediments, columns, porticos, and overhangs.

(4) A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk, with an area for temporary parking of at least two vehicles underneath the covered area for guests checking in and out.

(5) All hotels shall provide at least one additional design element such as, but not limited to, a water feature, sculpture, or public art at the building entrance. Any such design element shall be designed in proportion to the primary building entrance.

(ii) Site Design

(1) All landscaping shall be provided in accordance with Section 5.2, *Landscaping*.

(2) All outside equipment such as air conditioners, pool equipment, satellite dishes, etc., shall be screened from view by a masonry screening wall and landscaping. Individual portable window-mounted air conditioning units are prohibited.

(3) Hotels shall conform to Crime Prevention Through Environmental Design (CPTED) principles and provide good visibility in all public areas, open space areas, and driveway entrances from public streets, driveway intersections, and parking lots. Lighting, for example, shall be used to create safe and secure public areas while illuminating only those areas for which lighting is designed, and shall be designed to reduce glare and not affect adjacent uses.

(4) Parking Lot Lighting. Parking lots shall have exterior lighting in all publicly accessible areas without needlessly lighting adjacent properties or developments. All lighting shall be controlled by a

photocell or seasonally-adjusted timer switch. Lighting fixtures that have been identified as non-operable shall be repaired to an operable state within 72 hours.

(5) In order to reduce urban storm water runoff, the City encourages the following strategies to promote the use of pervious surface parking construction (interlocking grass pavers) for all surface parking lots:

(a) Additional parking spots over the required number may be surfaced with pervious material.

(b) In addition, all surface parking lots may have all center rows (face-to-face parking rows) surfaced with a permeable material between the wheel stops or the curb, a minimum width of six feet. Center rows shall be landscaped to serve as bio-retention areas. Curbs for permeable center row medians shall not be required in order to allow sheet flow from impervious areas. If curbs are not provided, a wheel stop shall be required for each space.

(iii) Building Design

(1) Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system.

(2) The hotel shall install and maintain, in proper operating order, surveillance cameras in each interior hallway and lobby/lounge area, in the parking lots, and at each exterior door. The cameras shall be placed to provide visibility to the front and rear exteriors of the building. Monitors shall be provided for security and other hotel personnel so that on-site activities are viewable at all times. Surveillance cameras shall be in operation 24 hours a day and records of images recorded shall be kept a minimum of 30 days.

c. Additional Standards for Hotels in the EDO

In addition to all other standards enumerated in subsection 2.b., the minimum standards of this subsection 2.c. shall apply to **Luxury, Upper-Upscale, Upscale** (when permitted as a demo and rebuild) and **Convention Hotels** in the Entertainment District Overlay (EDO).

(i) Only **Luxury Hotels, Upper-Upscale, Upscale** (when permitted as a demo and rebuild) and **Convention Hotels** are allowed in the EDO.

(ii) The lobby shall have a minimum ceiling height of sixteen (16) feet.

(iii) The lobby shall have a minimum area of 4,000 square feet, or 10 square feet per guest room, whichever is greater. This area excludes the bar, restaurant, and corridors accessing the elevators.

(iv) The hotel shall include a restaurant with a full-service kitchen and an adjacent or separate full bar. The restaurant and bar shall be open to the public.

(v) The hotel shall be a minimum of six stories in height.

d. Status of existing hotels and projects in progress

An existing hotel that is illegally nonconforming prior to June 1, 2019 shall continue to be illegally nonconforming after said date. An existing hotel that is legally nonconforming prior to June 1, 2019 shall continue to be legally nonconforming. An existing hotel that is conforming prior to June 1, 2019, shall continue to be conforming.

A hotel project in progress that was approved by Specific Use Permit or Planned Development (with Development Plan) on or after January 1, 2014, or that is holding a valid building permit as of June 1, 2019, shall be considered conforming upon issuance of the certificate of occupancy. Said projects shall comply with previous approved requirements and may elect to be classified under the now obsolete hotel classifications of full-service, limited service, or boutique hotel. Legally nonconforming and conforming hotels may be demolished and rebuilt in accordance with this subsection 2.d.

If at any time a new hotel or an existing hotel with a conforming chain scale rating is shifted to a lower nonconforming chain scale rating within the same brand, the hotel shall continue to be conforming; provided, that any hotel with a chain scale rating on or after June 1, 2019, which becomes unrated due to a loss of brand affiliation, shall be re-classified as a legally nonconforming **Independent Hotel.**

(i) Legally nonconforming and conforming hotels classified as **Upscale, Upper-Midscale, Midscale, Economy,** or **Independent** may be demolished and redeveloped; provided, that the existing and proposed hotel development complies with the upgrading requirements of Table 3.2-3, below.

TABLE 3.2-3: Demo and Rebuild

Existing Hotel Classification	Permitted Hotel Classification on Rebuild	Approval Requirement
Upscale	Upper-Upscale	P*
	Upscale	SUP+
Upper-Midscale	Upscale	
	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.		

(ii) If a legally nonconforming hotel is demolished as part of a redevelopment project and the new hotel is not issued a building permit within one year after the date of the demolition permit, or if no progress is made toward completion of the project within two years after the date of issuance of the building permit, the right to redevelop the property as a hotel in accordance with Table 3.2-3 shall automatically expire. For good cause shown, the Administrator may grant a one-time extension not to exceed ninety (90) days to the time periods of this subsection 2.d.(ii).

e. Independent Hotels

An **Independent Hotel** shall be permitted only with the approval of a Planned Development (PD). An **Independent Hotel**, having been duly approved as a PD and constructed in accordance with the covenants and conditions of said PD, the standards of this Unified Development Code, and all applicable building, development and construction codes of the City, shall be granted a certificate of occupancy.

f. Residence Hotels

It shall be unlawful for a hotel to operate as a **Residence Hotel** without the endorsement of the building official made on the certificate of occupancy.

F. Office, Business or Professional

1. In the OC and BP districts, office buildings may include areas for customarily incidental retail and personal service uses such as personal household services, restaurants, laboratories, and incidental retail sales, when these uses serve the clients or are incidental to the clients in the office building, and subject to the following standards:

a. The area of any single incidental use in an office building shall not exceed 25 percent of the gross floor area of the building.

b. The aggregate area of all incidental uses in an office building shall not exceed 30 percent of the gross floor area of the building.

c. Sign standards shall apply to primary, secondary, and incidental uses.

G. Recreation and Entertainment, Indoor

1. Banquet Hall, Billiard Parlor, Bingo Parlor, Bowling Alley, Indoor Theater

a. In the CC, GC, NMU, and RMU districts, access to the lot or use must be from an arterial or major collector street as identified on the Thoroughfare Development Plan.

2. Nightclub

a. In the CC, GC, DB, and RMU 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 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.

3. Recreation, Indoor (other than listed)

a. In the CC and DB districts, access to the lot or use must be from an arterial or major collector street, as identified on the Thoroughfare Development Plan.

b. In the RMU district, the maximum square footage shall not exceed 25,000 square feet.

4. Teen Club

a. In all districts:

(i) During operating hours, no less than one uniformed security officer shall be provided on premises to monitor activities both in the club and in the parking lot.

b. In the CC and RMU districts, the following additional standards apply:

(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 ten percent of the gross square footage of all structures.

(iii) If the use is located in a separate structure, the gross square footage of the structure shall not exceed 5,000 square feet.

(iv) Access to the lot or use shall be from an arterial or major collector street as identified on the Thoroughfare Development Plan.

(v) There shall net be other nightclubs 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.

H. Recreation and Entertainment, Outdoor

1. Marina

a. The standards in this section apply to marinas in all zoning districts.

b. Location and Configuration:

(i) The City shall have sole discretion in determining when and where to permit marinas on Lake Arlington, how far a marina may extend into the main body of the reservoir, and the total number of slips.

(ii) No marina shall extend into Lake Arlington to such a distance that such would constitute a navigational hazard, a safety hazard, a flood management hindrance, or would occupy more than the following amount of surface area:

(1) No marina, at any time, shall extend such a distance to preclude the maintenance of navigable passage of a cove or arm of the reservoir. The facility shall not be located within 40 feet of the centerline between parallel or converging shorelines.

(2) No structure within a marina shall be constructed so that it can extend to a height of more than 35 feet above the normal surface of the water, as measured at 550 feet elevation.

(iii) Marinas shall be located over property that is owned or leased by the commercial facility owner or operator. The City retains the right to review and approve the provisions of any lease used for the construction, operation, and maintenance of a marina.

(iv) A marina shall not be closer than 20 feet to any property line of the lot or parcel of land on which the facility is located.

c. Trash and Service Facilities:

(i) All trash and service facilities that face parking areas, marina facilities, the waterfront, and adjacent properties shall be screened in accordance to the standards for a Level 3 screening device described in Section 5.3.1 *Residential Screening and Buffering*.

d. Parking:

(i) Marina parking areas shall be located outside the flowage easement.

(ii) Parking areas should accommodate parking space for both single vehicles and vehicles with boat trailers.

I. Retail (Sales)

1. Building and Landscaping Materials and Lumber Sales.

In the CC, GC, and HC districts, a maximum of 40 percent of the lot area may be used for accessory outside storage provided that:

a. Outside storage is not allowed in any portion of the lot between a public street and a line(s) projected from the face(s) of the building to the lot lines.

b. Outside storage shall be screened from view of public streets by a screening device of not less than eight feet in height. Screening of outside storage areas shall be constructed of the same materials as the building facade.

c. Outside storage areas must be screened from view of an adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned Ll or IM.

d. No materials stored shall be stacked above the top of the screening device.

2. Farmer's Market

In the DB district, permanently roofed structures are required.

3. Nursery, Garden Shop, or Plant Sales

a. In the CC, GC, and HC districts, a maximum of 40 percent of the lot area may be used for accessory outside storage provided that:

(i) Outside storage is not allowed in any portion of the lot between a public street and the face(s) of the building.

(ii) Outside storage shall be screened from view of public streets by a screening device of not less than eight feet in height. Screening of outside storage areas shall be constructed of the same materials as the building facade.

(iii) Outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM.

(iv) No materials stored shall be stacked above the top of the screening device.

b. In the RE district, this use is limited to wholesale only.

c. In the DB districts, no outside storage is allowed.

4. Open-Air Vending

a. In all districts, the following standards apply:

(i) A certificate of occupancy shall be issued by the Building Official upon a finding:

(1) That such vending will not endanger the health, safety or general welfare of the public, and specifically, that said vending will not unreasonably increase congestion upon the public roadways in and about said vending location so as to endanger the safety of drivers and pedestrians; and,

(2) That the vendor applicant shall comply with all other ordinances and laws applicable to said commercial activity, and have obtained all other necessary permits.

b. In the DB district, open air vending shall be permitted only during an event within the district or a special community sponsored event that is sponsored by community-based nonprofit entities.

5. Package Liquor Stores

In the GC, LI, and IM districts, package liquor stores are prohibited in the area of the Interstate 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east, and Bardin Road on the south.

6. Swimming Pool, Spa, and Accessory Sales and Service

a. In all districts, the following standards apply:

(i) Outside storage and display of spas, equipment, or accessories is not allowed in any portion of the lot between a public street and the face(s) of the building.

(ii) Outside storage shall be screened from view of public streets by a screening device of not less than eight feet in height. Screening of outside storage areas shall be constructed of the same materials as the building facade.

(iii) Outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM.

(iv) No materials stored shall be stacked above the top of the screening device.

J. Sexually Oriented Business

a. In all districts, the specific standards of the "Sexually Oriented Business" chapter of the Code of the City of Arlington apply.

b. In the LI and IM districts, "Sexually Oriented Business" uses are prohibited in the area of the Interstate 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east, and Bardin Road on the south.

c. In the DNO district, "Sexually Oriented Business" uses require a Specific Use Permit in the LI base district, and are prohibited in the IM base district.

K. Mixed-Use

Mixed-Use Development or Building

Notwithstanding any other provision, in the DB, LCMUO, DNO, NMU and RMU district, townhouse and multi-family dwelling residential uses require a Mixed Use Development Plan in a mixed-use development or building.

3.2.4. INDUSTRIAL USES

A. Industrial Service

1. Building Maintenance Sales and Service

In all districts, a maximum of 40 percent of the lot area may be used for accessory outside storage provided that:

a. Outside storage is not allowed in any portion of the lot between a public street and a line(s) projected from the faces) of the building to the lot lines.

b. Outside storage shall be screened from view of public streets by a screening device of not less than eight feet in height. Screening of outside storage within 50 feet of the street on which the building fronts shall be of the same materials as the building facade.

c. Outside storage areas must be screened from view by a screening device at least eight feet in height from any adjoining property, except along adjacent property lines zoned LI or IM.

d. No materials stored shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.

2. Food Processing

In the CC district, no single tenant space in a building shall exceed 5,000 square feet in gross floor area.

3. Wrecker Service

In the CC district:

a. On-premise storage of towed vehicles is not permitted.

b. A maximum of two wreckers may be stored on premise.

B. Manufacturing

1. Custom and Craft Work

a. In the CC and DB districts:

(i) External dust collection systems are not permitted.

(ii) Operation shall be conducted in fully enclosed building.

b. In the RMU district, the maximum square footage of the use shall not exceed 5,000 square feet.

2. Gas Well

In all districts, the specific standards of the “Gas Drilling and Production” chapter of the Code of the City of Arlington apply.

3. Salvage Yards (outdoor)

a. General Standards

(i) All required state permits and/or licenses shall be submitted with the zoning application.

(ii) All outside storage, salvage and/or junk shall be screened from view of public streets by an eight-foot high solid screening device that complies with the following requirements:

(1) All screening devices shall form an opaque, solid barrier, without gaps or openings, except as provided in (3) below;

(2) All screening devices shall be constructed of 100-percent brick, stone, or architecturally-finished reinforced concrete;

(3) Only openings in screening devices that are necessary for reasonable access to the salvage yard shall be permitted, but shall be equipped with a solid gate or door constructed and maintained in accordance with the requirements for screening devices set forth in this section. All openings so permitted shall be closed and securely locked at all times, except for needed access;

(4) All screening devices shall extend downward to within three inches of the ground below, and shall also test plumb and square at all times;

(5) Any painting, staining, coating, covering or other coloring of any screening device shall be of a uniform color;

(6) All screening devices shall be maintained, repaired and/or replaced to ensure compliance with the requirements in this section at all times; and

(7) Outside storage, salvage and /or junk shall not be stacked, accumulated, kept, or otherwise placed above the solid screening device described in this subsection.

(8) A row of evergreen screening trees shall be planted in front of and within 15 feet of the required screening device. These trees should be spaced ten to 15 feet on center. They should be placed no closer than five feet to the street side of the required screening device. The trees should be six to eight feet in height at the time of planting.

(iii) There shall be no outside storage or display of salvage or junk within 50 feet of the right-of-way of any public street; however, this setback may be reduced to 25 feet if:

(1) A row of evergreen screening trees that will attain a height of 40 feet at maturity is planted in front of and within 15 feet of the required screening device. These trees should be spaced 20 to 30 feet on center and should be planted no closer than 5 feet to the street side of the screening device. The trees should be 12 to 14 feet in height at the time of planting.

(iv) Screening shall not be permitted in the floodway. Any screening in the floodplain shall comply with the “Flood Damage Prevention” Chapter of the Code of the City of Arlington. If the location of the

required screening is in the floodplain, screening should be placed elsewhere on the property to achieve the required screening.

C. Utilities

1. Wireless Communication Facilities

The following standards apply in all districts:

a. Purpose and Intent

(i) The purpose of this section is to establish standards regulating the location of telecommunication towers and antennas with the objective of minimizing their number, to protect and promote public safety, and to mitigate any adverse visual impacts on the community while promoting the provision of telecommunications service to the public.

(ii) The regulations contained in this section have been developed under the following general guidelines as provided in the federal Telecommunications Act of 1996:

(1) Cities have local authority over the "placement, construction and modification" of cellular telephone facilities and other personal wireless telecommunication service facilities.

(2) Regulations "shall not unreasonably discriminate among providers of functionally equivalent services."

(3) Regulations "shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

(4) "Denial shall be in writing and supported by substantial evidence."

(5) Cities may not "regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental or radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions."

(iii) Notwithstanding any other provision of this ordinance, telecommunications towers and antennas, when permitted by federal law and the laws of the State of Texas shall be regulated and governed by the requirements in this section.

b. General Provisions

(i) Applicable Federal and State Standards

All telecommunications towers and antennas shall be erected and operated in compliance with current Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) rules and regulations and other applicable federal, state, and local standards.

(ii) Platted Lots

Telecommunications facilities, including towers and related equipment buildings, but exempting co-located facilities, shall be located on a platted lot.

(iii) Technical Assistance

When a rezoning or Specific Use Permit is required to comply with the provisions of this section, and when the technical information provided by the applicant is beyond the technical capacity of City staff to review, the applicant, in addition to the usual application fee, shall reimburse the City for the actual cost to the City for the services of a technical expert to review the application and/or information supplement.

(iv) Pre-application Meetings

Prior to leasing or purchasing facilities, the telecommunications service provider is encouraged to meet with the Zoning Administrator or his/her designee to determine if the location will require a Specific Use Permit or other approvals, and to review the merits of potential locations.

(v) Exemptions

Dish antennae less than two meters in diameter, antennae used exclusively for SCADA (System Control And Data Acquisition) communications in a utility substation or facility, antennae used exclusively as part of a federally licensed amateur radio station, antennae for Citizen's Band (CB) radios, and antennae less than one foot in greatest dimension are exempt from this section.

(vi) Abandoned Antennae or Towers

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 180 days of receipt of notice from the Zoning Administrator notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 180 days shall be grounds for the City to remove the tower or antenna at the owner's expense.

c. Telecommunications Tower Standards

(i) Structural Standards

Guyed telecommunications towers shall be designed and located such that if the structure should fall it will avoid habitable structures and public streets.

(ii) Co-location

(1) Towers shall be designed and built to accommodate a minimum of two wireless providers, if over 75 feet in height. The owner of the tower must certify to the City that the tower is available for

use by other telecommunications service providers on a reasonable and nondiscriminatory basis.

(2) Applicants seeking to erect a tower greater than 75 feet in height within 3,000 feet of any tower greater than 75 feet in height, shall provide evidence that reasonable efforts were made to lease space on an existing or planned tower or that no existing tower will satisfy the applicant's technological needs.

(iii) Tower Height

(1) The height of a tower, whether freestanding or building-mounted, shall be measured from the base of the tower to the highest point of the tower, including any installed antennae and appurtenances, unless excepted be Section 4.1.7.C, *Height Exceptions for Appurtenances*.

(2) The maximum height for towers is 75 feet plus 25 feet for each co-located installation, or as approved by Specific Use Permit in accordance with Table 3.1-1 or 3.1-2.

(iv) Security Fencing and Building Materials

Security fencing, if installed, shall be by a wrought iron or steel chain link fence with evergreen hedge, or a masonry wall, each not less than six feet in height. The exterior of equipment buildings and/or metal equipment cabinets visible from residential areas or public rights-of-way must have a neutral aggregate finish or be painted to reflect the color and character of adjoining structures or blend with adjacent landscaping and other surroundings.

(v) Location

(1) All telecommunication towers, as well as guys and guy anchors, shall be located within the buildable area of the lot and not within the front, rear, or side setbacks. New telecommunication towers in excess of 200 feet in height shall be set back a minimum of 1,300 feet from the right-of-way of all controlled access federal and state roadways designated as freeways to provide unobstructed flight paths for helicopters.

(2) Except for compatible stealth antennae or stealth towers that effectively camouflage or conceal the presence of telecommunications antennas, telecommunications towers shall not be located on or within 300 feet of property zoned LPO Landmark Preservation Overlay district.

(3) Except as otherwise provided in this Code, all telecommunications towers, including stealth towers, are not allowed in any residential zoning district and must be a minimum of a three-to-one distance to height ratio from a single-family residential district and one-to-one distance to height ratio from a multi-family district.

(4) Any new telecommunications tower in excess of 180 feet in height must be located a minimum of one mile from any existing tower in excess of 180 feet in height.

(vi) Signage

Except as otherwise permitted in this Code, no signage, lettering, symbols, images, or trademarks in excess of 200 square inches shall be placed on or affixed to any part of a telecommunications tower, antenna, antenna array, equipment building, or security fencing other than as required by FCC regulations or other applicable law.

(vii) Lighting

Except as otherwise permitted in this Code, no signals, lights, or illumination of any kind shall be permitted on or directed toward any tower unless required by the FCC, the FAA, or other appropriate public authority.

d. Stealth Telecommunication Towers and Antennae

(i) Stealth telecommunication towers and antennae must be similar in color, scale, and character to adjoining buildings or structures or blend with the landscaping and other surroundings immediately adjacent to them so as to generally avoid the creation of unique visual objects that stand out in the environment.

(ii) Each design for a proposed stealth tower or antenna shall be reviewed by the Zoning Administrator. A proponent of a stealth tower or antenna design shall provide the Zoning Administrator with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the Zoning Administrator to determine whether the design effectively conceals the tower or antenna. The Zoning Administrator shall disapprove or grant preliminary approval to the design within 30 days of receiving such sufficient data.

(iii) Only one installation may be constructed under a preliminary approval. At completion of the first concealed tower or antenna of a particular design, it shall be reviewed by the Zoning Administrator to confirm that the installation effectively conceals the tower or antenna. If the Zoning Administrator finds that the installation fails to effectively conceal the tower or antenna, that design shall be considered a non-stealth design. The installation constructed under the Zoning Administrator's preliminary approval shall, however, be considered a stealth tower or antenna.

(iv) If the Zoning Administrator finds that the installation effectively conceals the tower or antenna, the Zoning Administrator shall grant final approval to the design and all other towers or antennae of that design shall be considered stealth.

e. Airport Notification and Overlay District

(i) The City's airport manager shall be notified by the owner or developer of any proposed construction of a tower or telecommunication support if it is:

(1) over 200 feet (60 meters) in height above the ground level;

(2) of a greater height than an imaginary surface extending outward at a slope of 100 to one for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the Arlington Municipal Airport; or

(3) of a greater height than an imaginary surface at a slope of 25 to 1 for a horizontal distance of 5,000 feet from the nearest landing and take-off of any heliport within the city of Arlington.

(ii) The height of a tower shall not exceed any limitations specified in the Airport Overlay District or in any other codes or standards adopted by the City of Arlington that regulate the height of structures and objects including structures or objects of natural growth in the vicinity of the Arlington Municipal Airport.

(iii) The height of a tower shall not exceed the obstruction standards of any Federal law, including but not limited to, the Code of Federal Regulation, Part 77, as applied to the Arlington Municipal Airport, as it may be amended.

f. Antenna Mounting Standards

The purpose of this section is to promote public safety and maintain order and harmony within the city's business, cultural, and residential districts by restricting the size and location of telecommunication antennas. The objective is to avoid the creation of visual distractions, prevent obstructions to the view of pedestrians and motorists on public thoroughfares, and to insure the integrity of supporting structures.

(i) Whip and Panel Antenna Mounting Standards

(1) Telecommunications antennas, including mounting structures, are allowed on existing electric utility poles, light standards, and telecommunication towers in excess of 40 feet in height, provided that the total length of any antenna does not exceed 15 percent of the height of the existing structure. The height of a telecommunications tower is determined by the highest point of any and all components of the structure, including antennas.

(2) Telecommunications antennas and arrays are allowed by right on existing electric transmission towers.

(3) Existing conforming building element structures (excluding towers) in excess of 50 feet in height may, as a matter of right, be rebuilt, if necessary, to support or contain a new antenna, provided that the new structure is the same height and substantially the same in appearance as the structure it replaces.

(4) Panel antennas, which do not extend above the structure, or whip antennas 15 feet or less in height, are permitted on conforming billboard structures.

(5) Building-mounted panel antennas are permitted on non-residential buildings and multifamily dwellings in all zoning districts, provided that they are mounted flush with the exterior of the building and that they do not project above the roof line or more than 30 inches from the surface of the building to which they are attached. The antenna's appearance shall be such that its color blends with the surrounding surface of the building.

(6) Whip antennas are permitted on non-residential buildings and multifamily dwellings in all zoning districts, provided that the total length of said whip antennas, regardless of mounting method or location, does not exceed 15 percent of the existing height of the building.

(7) Only one building/roof mounted antenna support structure, less than 100 square feet in area, is permitted per 5,000 square feet of building floor area.

(ii) Dish Antenna Mounting Standards

(1) Dish antennae shall not be permitted in any front setback area or side yard setback adjacent to any roadway.

(2) Ground-mounted dish antennae in excess of five feet in height shall be screened from roadways and adjacent property by a minimum six-foot high screening fence, evergreen hedge, or masonry wall.

(3) Dish antennae in excess of ten feet in height, in any position, and/or more than three meters in diameter, shall not be more than ten feet above grade and shall not be permitted in any residential zoning district.

(4) Building/roof-mounted dish antennae one meter or less in diameter are permitted in all zoning districts.

(5) Building/roof-mounted dish antennae in excess of two meters in diameter may be permitted on buildings in excess of 100,000 square feet of building floor area in the non-residential districts.

(6) Building/roof-mounted dish antennae in excess of one meter in diameter in residential zoning districts shall be painted to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(7) Building/roof-mounted dish antennae in excess of two meters in diameter in non-residential districts shall be painted or screened with enclosures so as to have an appearance that blends with the building on which they are located or be located so that they are not visible from any adjacent roadway.

(iii) Structural Certification

Prior to the installation of any building/roof mounted telecommunications antenna, antenna array or support structure the Building Official may require an engineer's certification that the structure will support and not be adversely affected by the proposed antenna and associated equipment.

D. Wholesale Distribution and Storage

1. Self-Storage Facility

In the CC, GC, DB, LI, and IM districts:

a. Doors into storage units shall be screened from view of public streets and adjacent properties, unless adjacent properties are zoned LI or IM.

b. Self-storage facilities must comply with Section 5.6, *Non-Residential Design Standards.*

c. See Section 5.8.1, *Entertainment District Overlay*, for additional requirements.

2. Deleted with UDC update on 02/24/16.

3. Wholesale Supply Business

In the CC district, no single tenant space in an existing building shall exceed 10,000 square feet.

3.3. ACCESSORY USES AND STRUCTURES

3.3.1. PURPOSE

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. An accessory use or structure is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this section. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this section. Section 12.3, *Definitions of General Use Categories and Specific Use Types*, identifies typical accessory uses associated with principal uses as part of the principal use definition.

3.3.2. APPROVAL PROCEDURE

A. Generally

Any of the accessory uses identified in this section may be allowed as accessory to an authorized principal use provided that:

1. The proposed accessory use is allowed as a principal or accessory use in the base district or overlay district where proposed; and

2. The proposed accessory use or structure is consistent with the general and specific standards for accessory uses in this subsection.

B. Simultaneously with a Principal Use

Accessory uses or structures may be reviewed as part of review of an associated principal use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with an approved Specific Use Permit.

C. Subsequent to a Principal Use

1. Unless exempted, a building permit shall be required in cases where an accessory use or structure is proposed subsequent to a principal use.

2. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with the provisions in Section 10.4.6, *Specific Use Permits*.

3.3.3. INTERPRETATION OF UNIDENTIFIED ACCESSORY USES AND STRUCTURES

The Zoning Administrator shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

A. The definition of "accessory use" in Article 12, *Definitions*, and the general accessory use standards and limitations established in Section 3.3.5;

B. The purpose and intent of the base and overlay districts in which the accessory use is located;

C. Potential adverse effects the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and

D. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

3.3.4. USE TABLES FOR ACCESSORY USES AND STRUCTURES

A. Accessory Uses – Residential Districts

TABLE 3.3-1: Accessory Uses – Residential Districts

P = Permitted Use *S = Specific Use Permit* ** = Supplemental Standards Apply*

Use Type	RE	RS 20	RS 15	RS 7.2	RS 5	RM 12	RMF 22	VG	Use Standards
Accessory building (not listed below)	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	
Alternative energy system	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.B
Caretaker's quarters	P*							P	3.3.6.C
Carport	P*	P*	P*	P*	P*			P*	3.3.6.D
Community center (private)	S	S	S	S	S	S	P	S	
Garage apartment						P*	P*		3.3.6.F
Garage (private)	P	P	P	P	P	P	P	P	
Home-based business	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.H
Secondary living unit	P*	P*	P*	S*	S*	P*		P*	3.3.6.L
Swimming pool (private)	P	P	P	P	P	P	P	P	

B. Accessory Uses – Non-Residential and Mixed-Use Districts

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	

3.3.5. GENERAL STANDARDS FOR ALL ACCESSORY USES AND STRUCTURES

All accessory uses and structures shall be subject to the general standards in this section, as well as any applicable supplemental standards in Section 3.3.6, *Supplemental Accessory Use Standards* and all standards applicable to the associated principal use as set forth in Section 3.2, *Supplemental Use Standards*.

A. Size

All accessory uses and structures shall:

1. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and

2. Not violate the bulk, density, parking, landscaping, or open space standards of this Code when taken together with the principal use or structure.

3. The floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure. The total combined floor area of all structures shall not exceed the maximum lot coverage for the zoning district in which it is located. The Zoning Administrator may authorize a structure to exceed this percentage if the structure is used as a guest house, or is used for animal production or crop production associated with an agricultural use.

B. Function

All accessory uses and structures shall directly serve the principal use or structure, and be accessory and clearly incidental to the principal use or structure.

C. Timing

Accessory uses and structures shall not be constructed or established prior to the start of construction of the principal use or structure. An accessory structure shall not be used until the construction of the primary structure is complete.

D. Height

Accessory structures shall be limited to a maximum height of 24 feet unless exempted from the height requirements in this Code.

E. Location

1. Accessory uses or structures shall be located on the same lot as the principal use or structure.

2. Accessory structures shall not be located within platted or recorded easements.

3. The Zoning Administrator may authorize an accessory structure on a vacant lot if the structure is used for animal production or crop production associated with an agricultural use, or used in conjunction with a park or community garden.

F. Design Compatibility

1. Except where exempted, all accessory structures shall be designed to be aesthetically compatible with the principal structure. Compatibility shall be measured in terms of building materials, building orientation, building placement, and building mass. Non-enclosed stables, gazebos, greenhouses, and carports ten feet or less in height with a roofed area of 300 square feet or less are exempted from this compatibility requirement.

2. Applicants for accessory structures not exempted in accordance with this subsection who request exceptions from the design compatibility requirements shall demonstrate screening methods or design features that will be used to minimize any potential adverse effects on neighboring properties.

G. Ownership

Accessory uses or structures shall be owned or operated by the same person as the principal use or structure.

3.3.6. SUPPLEMENTAL ACCESSORY USE STANDARDS

A. Accessory Building

1. Uses

a. In all residential districts, permitted accessory buildings include garages, storage sheds, gazebos, cabanas, storm shelters, and similar structures. An accessory building may be used for hobbies insofar as such activities are an accessory use only and are not offensive by reason of odor, noise, or manner of operation. Accessory buildings cannot be used for commercial or business purposes.

b. In all non-residential and mixed-use districts, accessory buildings are permitted only for uses listed in the Public and Institutional Uses category, as identified in Table 3.1-2, *Allowed Uses – Non-Residential and Mixed-Use Districts*.

2. Building Design

The standards for exterior materials and appearance of the accessory building are based on the size (area and height) of the structure itself and are set forth in Table 3.3-3, below.

TABLE 3.3-3: Accessory Building Design Standards

Floor Area/ Wall Height		Exterior walls	Roof	Foundation
A.	Less than or equal to 200 square feet in floor area			
	Less than or equal to 8 feet in wall height	Any approved building material	Any approved roofing material	No requirements
	Greater than 8 feet in wall height	Any approved building material, except for metal	No metal,(standing seam metal allowed if present on primary structure). Any other approved roofing material	No requirements
B.	More than 200 square feet but less than 550 square feet in floor area			
	All wall heights	Any approved building material, except for metal	No metal,(standing seam metal allowed if present on primary structure). Any other approved roofing material. Roof pitch shall be compatible with the roof pitch of the primary residence.	As required by the Construction Chapter of the Arlington Code of Ordinances
C.	550 square feet or larger in floor area			
	All wall heights	As required by Section 5.5.3.C.5, *Exterior Finish Materials*	No metal,(standing seam metal allowed if present on primary structure). Any other approved roofing material. Roof pitch shall be compatible with the roof pitch of the primary residence.	As required by the Construction Chapter of the Arlington Code of Ordinances

TABLE 3.3-3: Accessory Building Design Standards				
Floor Area/ Wall Height		**Exterior walls**	**Roof**	**Foundation**
		The exterior appearance of an accessory structure shall be architecturally compatible with the primary residence, including but not limited to coordination of architectural style, exterior building materials and colors, roof form and pitch, and window style and placement.		

3. Setbacks and Number of Buildings

a. Front setback

Enclosed accessory buildings, such as a storage building or storm shelter, 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.

b. Side and Rear Setback

An accessory building shall be located a minimum of five feet from side and rear property lines, except as provided below.

(i) A minimum setback of 15 feet is required from the side property line adjacent to a street on a corner or reverse corner lot. The setback may be reduced to ten feet when a side screening fence is installed per Section 5.3.4, *Single-Family Residential Fencing*.

(ii) A minimum setback of 20 feet is required from the rear property line adjacent to an arterial or collector street identified on the Thoroughfare Development Plan. The setback may be reduced to five feet if the accessory structure is no taller than eight feet in wall height and is 200 square feet in area or smaller.

c. Number of Accessory Buildings

The maximum number of accessory buildings allowed per lot shall be in accordance with Table 3.3-4.

TABLE 3.3-4: Number of Accessory Buildings		
Lot Size	Less than 1 acre	1 acre and larger
Number of Buildings, max.	3 buildings	5 buildings

B. Alternative Energy System

Permitted alternative energy systems include solar energy systems, small wind energy systems, geoexchange systems, and geothermal direct heat systems.

1. Solar Energy System Standards

All solar energy systems shall comply with the following requirements:

a. Ground-Mounted System Setbacks, Location, and Height

(i) Ground-mounted solar energy systems shall not be located in the front yard between the principal structure and the public right-of-way.

(ii) A ground-mounted solar energy systems shall be located a minimum of ten feet from all property lines and other structures.

Figure 3.1 Ground-mounted solar energy system.

(iii) A ground-mounted solar energy system is not permitted as a primary use of a property. The size of a ground-mounted solar energy system in any residential district shall not exceed 600 square feet. The size of ground-mounted solar energy systems in non-residential and mixed-use districts shall not exceed one-half of the footprint of the principal structure.

(iv) Ground-mounted solar energy systems shall not exceed 12 feet in height in a residential zone district, or 20 feet in height in a non-residential zone district.

(v) Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a ground-mounted solar energy system shall comply with Section 5.3.2 *Mechanical and Utility Equipment Screening*.

b. Building-Mounted System Setbacks, Location, and Height

(i) A building-mounted solar energy system shall be located a minimum of six feet from all property lines and other structures, except the structure on which it is mounted.

(ii) Building-mounted solar energy system panels shall be located only on rear- or side-facing elevations as viewed from any adjacent street. The Zoning Administrator may approve an alternate location if the owner demonstrates that, due to solar access limitations, no other location exists where the system can perform effectively.

(iii) A building-mounted solar energy system shall not extend more than the maximum height permitted in the zoning district in which it is located.

(iv) A building-mounted solar energy system may be located on an accessory structure, such as a patio cover or detached garage.

Figure 3.2 Building-mounted solar energy system

Excluding solar collection panels, their necessary support structure, and conduits, all equipment related to a building-mounted solar energy system shall comply with Section 5.3.2 *Mechanical and Utility Equipment Screening*

c. Code Compliance

All solar energy systems shall comply with all applicable building, construction, and electrical codes adopted by the City.

2. Small Wind Energy System Standards

Small wind energy systems may be horizontal axis or vertical axis systems, and shall comply with the following requirements:

a. Residential District Requirements

(i) A maximum of one small wind energy system is permitted per lot or one per acre, whichever is greater.

(ii) The maximum height for a small wind energy system shall not exceed 75 feet measured from the base of the tower to the highest point on the tower. Systems taller than 75 feet shall be subject to the specific use permit process set forth in Section 10.4.6, *Specific Use Permits*.

(iii) Building-mounted small wind energy systems shall not exceed 40 feet in height measured from the base attached to the structure to the highest point on the tower.

(iv) A small wind energy system shall be setback a distance of 1.0 times its total height from:

(1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(2) Any overhead utility lines, unless written permission is granted by the affected utility; and

(3) All property lines, unless written permission is granted from the affected land owner or neighbor.

b. Non-Residential District Requirements

Multiple small wind energy systems are permitted on any non-residential lot subject to the following requirements:

(i) The maximum height for a small wind energy system shall not exceed 75 feet measured from the base of the tower to the highest point on the tower.

(ii) Building-mounted small wind energy systems shall not exceed 40 feet in height measured from the base attached to the structure to the highest point on the tower.

(iii) Lightpole mounted small wind energy systems shall not exceed 25 feet in height measured from the top of the lightpole to the highest point on the tower.

(iv) A small wind energy system shall be setback a distance of 1.0 times its total height from:

(1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;

(2) Any overhead utility lines, unless written permission is granted by the affected utility; and

(3) All property lines, unless written permission is granted from the affected land owner or neighbor.

c. General Standards for Small Wind Energy Systems

(i) Lighting

A small wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration. A light temporarily used to inspect a turbine, tower, and associated equipment is permissible, provided said light is only used for inspection purposes and not left on for an extended period.

(ii) Decibel Levels

Decibel levels for a small wind energy system shall not exceed 60 decibels (Dba) as measured at the closest neighboring inhabited dwelling, except during short-term events such as utility outages and severe wind storms.

(iii) Glare

Small wind energy systems shall be sited to prevent shadow flicker or blade glint upon any inhabited structure, except for the owner's, or public roadway.

(iv) Signs

All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

(v) Code Compliance

A small wind energy structure, including the tower, shall comply with all applicable state and City construction and electrical codes.

(vi) Screening

Ground-level mechanical equipment associated with the small wind energy system shall conform to the utility screening standards of Section 5.3.2, *Mechanical and Utility Equipment Screening*.

(vii) Equipment Access

All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(viii) Other Standards

The structure shall comply with all applicable Federal Aviation Administration requirements, including but not limited to Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations in excess of 200 feet in height and installations close to airports. The system shall also comply with all Texas aeronautics regulations.

(1) All electrical wires associated with a small wind energy system shall be located underground, except for wires necessary to

connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires.

(2) A small wind energy system tower shall be designed and installed so that step bolts or a ladder are not readily accessible to the public for a minimum height of 8 feet above the ground.

(3) No part of the system, including guy wire anchors, may be closer than five feet from any property boundary.

(4) Meteorological (Met) towers shall be permitted under the same standards as a small wind energy system.

d. Repair and Removal of Small Wind Energy Systems

The repair and/or removal of small wind energy systems are subject to the following:

(1) Any device found to be unsafe by the Zoning Administrator shall immediately cease operation upon notification, and the device shall be repaired by the owner to meet federal, state, and local safety standards, or be removed within six months. Wind devices that are not operated for a continuous period of 12 months shall be removed by the owner of the device.

(2) When a wind device is removed from a site, all associated and ancillary equipment, batteries, devices, structures or supports for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind device remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind device is no longer connected to the public utility electricity distribution system.

3. Geoexchange System Standards

Geoexchange systems shall comply with the following requirements:

a. Closed System

A geoexchange system shall be “closed-loop”, meaning it shall be designed so that it does not remove or introduce any fluid into the ground, groundwater, or any body of water.

b. Loop Configuration

A geoexchange system may be of vertical or horizontal loop configuration so long as it does not penetrate any aquifer. The loop may be placed into a pond or other body of surface water provided that the entire body of water is under the ownership and control of the property owner.

c. Antifreeze

To avoid possible contamination in the event of a system failure, the use of antifreeze is discouraged within a geoexchange system, and shall be limited to glycol or another similar ecologically benign substance.

4. Geothermal Direct Heat System Standards

Geothermal direct heat systems shall comply with the following requirements:

a. Proof of Permits Required

A building permit for a geothermal direct heat system shall not be issued by the City until the applicant submits proof that all required local, regional, state, and federal permits (for drilling of wells, etc.) have been secured.

b. Performance

Heat, vibration, steam, or other emissions from a geothermal direct heat system shall not be detectable on nearby commercial or residential property, nor shall the steam create an impediment to visibility within any airport approach or departure zone.

C. Caretaker's Quarters

1. Caretaker's quarters may be permitted as an accessory use provided the structure:

a. Is oriented towards side or rear yard of the primary structure; and

b. Shall not contain more than one bedroom, more than one kitchen, or more than one bathroom.

2. The owner shall sign and record restrictive covenants limiting use of the accessory dwelling unit prior to the issuance of a building permit.

D. Carports in Required Front Yards

1. Purpose and Applicability

The purpose of this provision is to allow carports to be erected within the required front yard when no other feasible option exists on the qualifying residential lots. Carports in the required front yard shall be limited to lots where the principal structure was originally constructed before January 31, 1984.

2. Approval

Carports may be permitted in required front yards of certain single-family residential lots where the Zoning Administrator determines that the proposed carport:

a. Is in keeping with the existence, location, and design of other carports in the immediate vicinity of the requested carport;

b. Will not cause sight obstructions to motorists on or entering the abutting neighborhood;

c. Will not cause a negative visual impact on the streetscape of the neighborhood;

d. Is compatible with the architectural style of the dwelling and the predominant architectural style of the neighborhood; and

e. There are no recorded and active covenants and/or restrictions that apply to the subject property and/or surrounding neighborhood that would prohibit the proposed carport.

3. Design

Any carport that is permitted to occupy a portion of the required front yard shall comply with the following restrictions:

a. Freestanding carports that are not structurally integrated with the roof of the principal structure shall not exceed 18 inches of separation from the principal structure.

b. Except for the roof, carports shall be painted to match or replicate the color of the trim areas of the principal structure.

c. Carports shall have a pitched roof that matches the existing pitch of the principal structure and that utilizes shingles that substantially match the color of the shingles used on the principal structure. The roof of the carport shall be either a closed gable or hip design. The Zoning Administrator may approve an alternate design to satisfy this requirement.

d. Carports shall have dimensions no greater than 20 feet in length by 20 feet in width for lots with principal structures originally designed with two-car garages, and/or no greater than 10 feet in width for lots with principal structures originally designed with single-car garages.

e. No portion of a carport structure shall be nearer to the side lot lines than the principal structure, or five feet, whichever is the greater distance from the side lot line.

f. The minimum height of a support structure for the carport shall be eight feet. The overall height of the carport shall not exceed the height of the primary structure. All heights shall be measured from the highest ground elevation at the wall of the carport.

g. All sides of a carport that are within the required front yard shall be open and unobstructed, except for support columns, which in total shall not obstruct more than 15 percent of the area of any side.

h. The entire area under a carport shall only be used to park operable and properly licensed vehicles (i.e., cars, pickup trucks, vans, sport utility vehicles, boats, campers, etc.) that are customarily incidental to the residential use of the property. No storage of household belongings or other non-vehicle items are allowed.

i. Carports shall only be permitted when covering an appropriate all-weather driveway surface (i.e. concrete or asphalt) designed for vehicle storage.

E. Customary Incidental Use

In all districts, a customary incidental use shall be determined by the Zoning Administrator.

F. Garage Apartment

In the RM-12, RMF-22, DB, NMU, and RMU districts, an accessory garage apartment shall be counted as a dwelling unit for purposes of calculating density on the site.

G. Garage, Private

1. In the LO, OC, NC, CC, GC, and HC districts:

a. The garage shall be for use by a business owner or manager, and is not intended for customers or storage; and

b. Vehicle storage is limited to not more than five motor vehicles.

2. In the DB, NMU, and RMU districts, the garage shall be for use by a business owner, manager, or customers, and is not intended for general public use.

H. Home-Based Business

A home occupation may be permitted as accessory to any principal dwelling unit in all residential districts, and the DB and RMU districts, subject to the following standards:

1. Location

The home-based business shall be conducted in the house by a resident of the primary dwelling.

2. Size and Area

The business or service located within the dwelling shall not exceed 25 percent of the floor area of the house. Activities are limited to the living portion of a house or its attached garage. Accessory buildings or detached structures cannot be used in conjunction with a home-based business.

3. Employees and Residency

The principal person(s) providing the business or service shall reside in the dwelling on the premises. Only one additional employee, other than the resident(s) of the primary dwelling unit, is permitted at the home-based business at any one time.

4. Neighborhood Compatibility

a. The home-based business shall cause no change in the external appearance of the existing buildings and structures on the property.

b. All vehicles used in connection with the home-based business shall be of a size, and located on the premises in such a manner, so that a casual observer or a person of normal sensibilities will not be able to detect any sign of the premises being used as a home occupation. No vehicle larger than one ton shall be kept on the premises.

c. Parking of vehicles to accommodate off-site employees or permitted customers shall be limited to the driveway of such premises or along the curb immediately adjacent to such premises.

d. There shall be no advertising devices on the property or other signs of the home-based business that are visible from off the premises, other

than advertising located on vehicles in accordance with Article 7, *Sign Standards*.

e. The property shall contain no outdoor display of goods or services that are associated with the home occupation. Outside storage is prohibited. For the purpose of this section, the parking of one trailer in a driveway or along the street curb is not considered outside storage.

f. Wholesale or retail sales of goods shall not occur on the premises.

g. The home-based business shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception. All home based businesses are subject to the "Nuisance", "Fire Prevention", "Animals", and other applicable chapters of the Code of the City of Arlington.

5. Prohibited Home-based Businesses

The following uses, because of their effects on the surrounding residential area, shall not be permitted as home-based businesses: auto repair or motorized implement repair; dance, music or other types of tutoring instruction where more than four students are being instructed at one time; dental offices; medical offices; the painting of vehicles, trailers or boats; private schools with organized classes; motor vehicle towing operation; barber or beauty shops having more than one chair; welding shops; nursing homes; bed and breakfast and other such transient lodging; or any other home-based business that, in the sole opinion of the Zoning Administrator, will have negative effects on the neighborhood.

6. Incidental Use Subject to Termination

A home-based business is permitted as an incidental use and is secondary to the use of a dwelling. As such, the City Council may amend this ordinance at any time to terminate any or all home-based business uses without creating nonconforming rights to the continuance of a home based business.

7. Annual Registration

No residence shall be allowed to operate a home-based business until the Building Official or a designee has issued an annual Registration Certificate. The issuance of a Certificate requires that an applicant affirm knowledge of, and intent to comply with all ordinances applicable to home based businesses. The Building Official, or a designee, shall establish that the proposed use is allowable under the terms of the ordinance. The issuance of a Certificate shall not authorize any violations of the Code of the City of Arlington. Violations may result in the revocation or non-renewal of Certificates thereby terminating the home based business.

I. Outside Display and Sales

1. In all districts:

a. The use is not permitted within street frontage building setbacks or any landscape buffer yard required by Section 5.2, *Landscaping*.

b. Limited to no more than five percent of building area containing the main use.

c. Outside display of finished products for a time period exceeding one day may be permitted by the Zoning Administrator where, in addition to 1.a and 1.b:

(i) The products are screened pursuant to Section 5.3, *Screening, Buffering, and Fences*;

(ii) The display is limited to the minimum number of units necessary to demonstrate the use of a product;

(iii) The display is not located within any required side or rear setback; and

(iv) The display does not pose any threat to public health or welfare and does not violate any City or state law related to public health or welfare.

J. Outside Storage

1. In the BP, CC, GC, and HC districts:

a. The use is not permitted within street frontage building setback or any transitional buffer yard required by this Code.

b. Outside storage areas not screened by an intervening building shall be screened from view of any public street right-of-way by a screening device at least eight feet in height. In addition, outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM. Said screening device shall not be constructed from corrugated metal or chain link fencing material.

c. No materials stored shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.

d. Outside storage is limited to no more than 5% of the lot area containing the main use.

2. In the LI and IM districts:

a. The use is not permitted within street frontage building setback or any transitional buffer yard required by this Code.

b. Outside storage areas not screened by an intervening building shall be screened from view of any public street right-of-way by a screening device at least eight feet in height. In addition, outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM. Said screening device shall not be constructed from corrugated metal or chain link fencing material.

c. No materials stored shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.

d. Along major thoroughfares, a minimum fence setback of 50 feet shall apply.

e. Along all other streets, a minimum fence setback of 25 feet shall apply.

f. The screening standards included herein shall not apply to sites within core industrial areas, as determined by the Zoning Administrator.

g. In the LI district, outside storage is limited to no more than 40% of the lot area containing the main use.

h. In the IM district, outside storage is limited to no more than 75% of the lot area containing the main use, unless the lot is located in an ED or DN overlay, in which case outside storage is capped at 40% of the lot area containing the main use.

K. Recycling Collection Center

1. In the CC and GC districts, can banks existing on June 28, 1995, are exempt from these requirements, but remain under any conditions approved with the original Special Exception.

2. In the LI and IM districts:

a. A recycling collection center located on a parking lot may not occupy required off-street parking spaces, and it must be located so as to not impede free traffic flow.

b. The owner of the property and the owner and operator of the recycling collection center shall:

(i) remove products stored at the recycling collection center at least once a week;

(ii) keep the recycling collection center in proper repair and maintain a neat and clean exterior appearance; and

(iii) keep the building site clean and in a neat appearance, and dispose of material and other litter from the building site where the recycling collection center is located.

c. In the CC and GC districts:

(i) A recycling collection center may only be located in an enclosed trailer less than 50 feet in length situated on a parking lot.

(ii) A recycling collection center may only be placed on a parking lot of a site containing a building of 50,000 square feet or more of floor area. Not more than one recycling collection center is permitted on a lot.

(iii) A recycling collection center located on a parking lot may not occupy required off-street parking spaces, and it must be located so as not to impede free traffic flow.

(iv) Receipt of and payment for material at a recycling collection center may take place at a point no more than 20 feet from the opening of the enclosed trailer where the products are stored.

(v) The owner of the property and the owner and operator of the recycling collection center shall:

(1) remove products stored at the recycling collection center at least once a week;

(2) keep the recycling collection center in proper repair and maintain a neat and clean exterior appearance; and

(3) keep the building site clean and in a neat appearance, and dispose of material and other litter from the building site where the recycling collection center is located.

L. Secondary Living Unit

In all districts, this use shall be permitted under the following conditions:

1. The structure must meet all standards as applied to the primary structure except the requirement for minimum gross living area, the requirement for a garage or carport, and the off-street parking requirements.

2. The structure must not contain more than one bedroom, more than one kitchen, or more than one bathroom.

M. Sidewalk Cafe

In all districts in which a sidewalk café is allowed, occupancy of a public sidewalk or parkway for a sidewalk café shall be permitted under the following conditions:

1. Use of a public sidewalk is subject to approval of an easement or right-of-way use agreement by the Zoning Administrator

2. The area of occupancy must be abutting and contiguous to the restaurant in which food preparation, sanitation, and related services for the sidewalk cafe will be performed.

3. A sidewalk cafe may not be enclosed by fixed fencing or other structures, unless necessary to comply with requirements to serve alcohol.

4. A sidewalk cafe must be open to the air; however, it may be covered with a canopy.

5. There shall be a six-foot wide unimpeded sidewalk remaining for pedestrian flow from the face of the curb and the area of temporary occupancy.

6. The sidewalk café shall be located a minimum of five feet from driveways and alleys, and ten feet from intersections.

7. All curbs, alleys, sidewalks, and public rights-of-way adjacent to such sidewalk café shall be kept in a clean and orderly condition.

N. Mobile food establishment

A mobile food establishment shall only be permitted in the following use districts:

1. Downtown Business (DB); and

2. Any non-residential or mixed-use zoning use district located within the Downtown Neighborhood Overlay (DNO).

Provided, that the accessory use shall only exist concurrently with a certificate of occupancy permitted in said zoning use districts with an underlying land use for one of the following:

1. Restaurant;

2. Bar;

3. Microbrewery, microdistillery, or winery; and

4. Theatre.

If the underlying land use ceases to operate for any reason, the certificate of occupancy for a mobile food establishment operating in connection with the property shall expire automatically without any formal action required by the City.

3.4. TEMPORARY USES AND STRUCTURES

3.4.1. PURPOSE

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

3.4.2. APPROVAL PROCEDURE

Any use listed in this section may be permitted as a temporary use provided:

A. Where indicated on Table 3.4-1 or 3.4-2, the proposed temporary use obtains a Specific Use Permit in accordance with the requirements in Section 10.4.6, *Specific Use Permit*; and

B. The proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.

3.4.3. USE TABLES FOR TEMPORARY USES

A. Residential Districts

TABLE 3.4-1: Temporary Uses – Residential Districts
*P = Permitted Use S = Specific Use Permit * = Supplemental Standards Apply*

Use Type	RE	RS 20	RS 15	RS 7.2	RS 5	RM 12	RMF 22	VG	Use Standards
Construction field office	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.B
Construction storage yard	P*	P*	P*	P*	P*	P*	P*		3.4.5.C
Real estate sales office	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.D
Short term rental	P*	P*	P*	P*	P*	P*	P*		3.4.5.E

B. Non-Residential and Mixed-Use Districts

TABLE 3.4-2: Temporary 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
Carnival, circus or amusement ride				P*	P*	S*	S*	S*	P*	P*	S*	S*	3.4.5.A
Construction field office	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.B
Construction storage yard	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.C
Real estate sales office											P*	P*	3.4.5.D
Short term rental	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.E

3.4.4. GENERAL STANDARDS FOR ALL TEMPORARY USES AND STRUCTURES

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Code:

A. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.

B. The temporary use shall comply with all applicable general and specific regulations of this Section 3.4, unless otherwise expressly stated.

C. Permanent alterations to the site are prohibited.

D. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.

E. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

F. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.

G. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.

H. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.

I. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Building Official, including fire rating.

J. Off-street parking shall be adequate to accommodate the proposed temporary use.

3.4.5. SUPPLEMENTAL TEMPORARY USE STANDARDS

A. Carnival, Circus, or Amusement Ride

1. In the HC, DB, BP, NMU, and RMU districts:

a. The hours of operation and location shall be subject to approval by the City Council as part of any specific use permit approval.

The City Council may approve a specific use permit not to exceed two years. However, the use may not operate more than twice in a 12-month period, nor may operations occur for more than eight consecutive days at a time.

b. A special event/temporary outdoor event permit shall be obtained from the Building Official prior to beginning operations.

2. In the CC, GC, LI, and IM districts:

a. The use may not operate more than twice in a 12-month period

b. The use may not operate for more than eight consecutive days at a time.

c. A special event/temporary outdoor event permit shall be obtained from the Building Official prior to beginning operations.

B. Construction Field Office

1. In the residential districts:

a. This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

b. The Zoning Administrator may order the use to be discontinued, and in no event shall such temporary use continue after subdivision construction is 90-percent complete.

2. In the non-residential and mixed-use districts:

a. This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

b. The Zoning Administrator may order the use to be discontinued, and in no event shall such temporary use continue 60 days after building construction is 100-percent complete.

C. Construction Storage Yard

1. In the residential districts:

a. This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

b. The Zoning Administrator may order the use to be discontinued, and in no event shall such temporary use continue after construction is 90-percent complete.

2. In the non-residential and mixed-use districts:

a. This use is limited to on-premise construction purposes associated with the properties within the same platted subdivision.

b. The Zoning Administrator may order the use to be discontinued, and in no event shall such temporary use continue 60 days after subdivision construction is 100-percent complete.

D. Real Estate Sales Office

In the residential districts:

1. This use may be located in a model home or a portable building within the subdivision.

2. The Zoning Administrator may order the use discontinued, and in no event shall such temporary use continue after subdivision sales are 90-percent complete.

E. Short Term Rental

1. In all zoning districts:

a. It shall be unlawful to operate a short-term rental without a valid short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter of the City Code of Arlington, 1987, as amended.

b. If a short-term rental permit is denied or revoked in accordance with the above-reference chapter, the provisions of Section 3.4 herein do not grant or imply any vested right to any landowner or operator of a short-term rental property.

c. A HUD-Code Manufactured Home or Mobile Home as defined in the Unified Development Code shall not be eligible for a short-term rental permit.

2. In the RE, RS-20, RS-15, RS-7.2 and RS-5 zoning districts (STR Zone only):

a. A residential structure, or its accessory secondary living unit, located within the Short-Term Rental Zone ("STR Zone") is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

b. The STR Zone is a geographically contiguous area, extending approximately one mile from Arlington's entertainment hub, that is bounded on the north by E. Lamar Blvd., on the west by Center Street, on the south by E. Abram Street, and on the east by southbound State Highway 360 frontage road. Short-term rentals located in single family residential use districts outside the STR Zone are not allowed.

3. In the RM-12 and RMF-22 zoning districts (city-wide):

A residential structure, or its accessory secondary living unit, is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

4. In all non-residential and mixed-use districts (city-wide):
An existing residential structure, or its accessory secondary living unit, as of August 1, 2019, is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

ARTICLE 4. DIMENSIONAL STANDARDS

4.1. MEASUREMENTS AND EXCEPTIONS

4.1.1. DENSITY

A. Gross Density

Gross density is the number of principal dwelling units allowed for each gross acre of land, and is determined by dividing the number of dwelling units on a site by the gross acreage of the site, including dedicated rights-of-way, private streets, and open space set asides, but excluding perimeter right-of-way dedicated for streets. In the determination of the number of principal residential units to be allowed on a specific parcel of land, a fractional unit equal to or greater than one-half of a unit shall be rounded up to equal a full unit. The density calculation does not include secondary residential units.

B. Dwelling Units Allowed

The number of dwelling units allowed on a site is based on the presumption that all other applicable standards of this Code shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying or modifying other dimensional or development standards.

4.1.2. LOT AREA

A. Lot area shall mean the total gross lot area unless otherwise indicated.

B. Existing platted lots shall not be made nonconforming by the acquisition of public right-of-way. See Article 11, *Nonconformities*.

C. Transit passenger shelters are exempt from the minimum lot area requirements.

4.1.3. GROSS LIVING AREA

A. The minimum required gross living area for a multifamily dwelling unit is calculated exclusive of breezeways, garages, porches, carports, or balconies.

B. In the RE, RS-20, RS-15, RS-7.2, and RS-5 zoning districts, the Zoning Administrator may reduce the minimum gross living area to 1,000 square feet where a smaller unit size is consistent with existing development in surrounding neighborhoods.

4.1.4. LOT COVERAGE

A. Lot coverage shall mean the percentage of a lot covered by primary and accessory buildings. Paving for parking facilities is not counted when calculating lot coverage.

B. For single-family uses in the RE, RS-20, RS-15, RS-7.2, RS-5, RM-12, VG and PD zoning districts, maximum lot coverage calculations shall not include paving, swimming pools, decks, and uncovered patios unless otherwise indicated.

C. Lots smaller than 7,500 square feet in mixed-use districts shall have minimum building footprint coverage of 60 percent.

4.1.5. MINIMUM LOT WIDTH

A. In addition to the minimum lot width requirements, corner lots for one- or two-family residential uses located in residential districts and PD-zoned property that have a side lot line abutting an arterial street, shall provide an additional 20 feet in lot width to allow appropriate building setbacks from and orientation to all arterial streets.

B. All other corner lots for residential use shall provide an additional ten feet of lot width over the minimum standards.

C. Lots for one- or two-family residential uses located in in residential districts and PD zoned property that have direct access on to a major collector shall have a minimum lot width of 120 feet.

4.1.6. SETBACKS

A. Definitions

1. A street frontage setback is that area extending along any front, side, or rear lot line that is adjacent to a street, private access easement, or alley in which no structure may be built.

2. The side interior building setback is that area extending along the side lot line not adjacent to a street, private access easement, or alley in which no structure may be built.

3. The rear building setback is that area extending across the rear lot line, not adjacent to a street, private access easement, or alley, in which no structure may be built.

B. Platted Building Lines and Setbacks

Setbacks shall conform to the setback requirements of the applicable zone district regardless of previously approved platted building lines or setbacks.

C. Measurement

Setbacks shall be measured from the property lines, except as follows:

1. Street frontage setbacks shall be measured from the right-of-way line as shown on the Thoroughfare Development Plan for arterial and collector streets, as shown in Figure 4.1 below.

2. Street frontage setbacks shall be measured from the existing right-of-way for all non-Thoroughfare Development Plan streets, as shown in Figure 4.1 below.

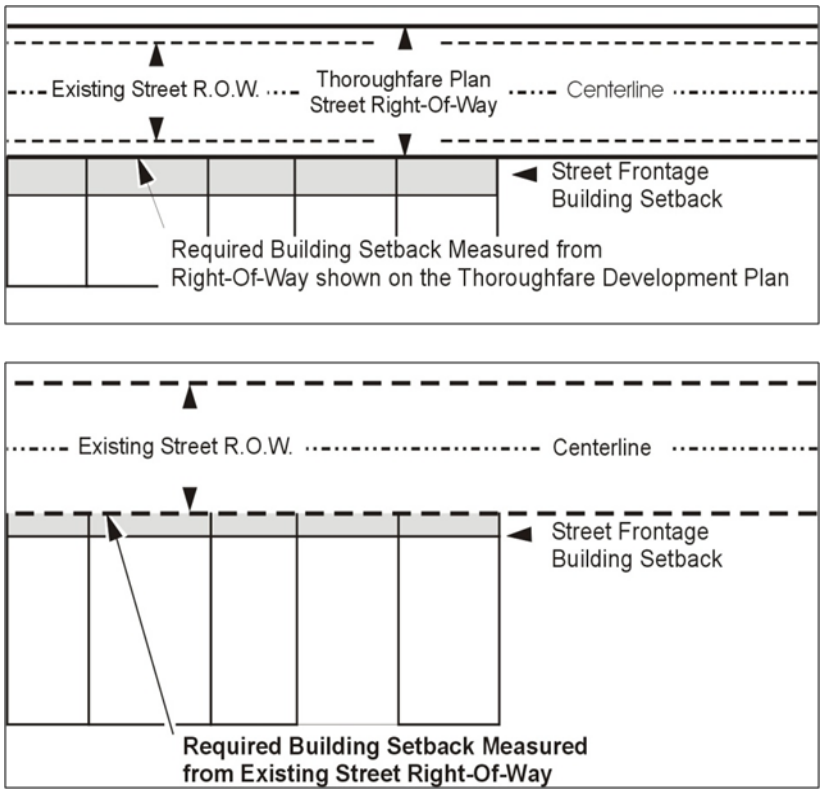


Figure 4.1 Setback measurement at thoroughfare right-of-way

3. Street frontage on private access easements or alleys shall be measured from the closest edge of a private access easement or alley for residential zoning districts.

D. Double-Frontage Lots

Except in the mixed-use zoning districts, street setbacks shall be required on all frontages of double-frontage lots. In the mixed-use zoning districts, the street setback shall be required only in the front yard of the primary structure.

E. Corner Lots

1. For corner lots, only one lot line shall be considered the front lot line. The front setback shall be measured from the front lot line.

2. The Zoning Administrator may determine the front yard to be on the street front that is consistent with the prevailing pattern of front yards on the street in order to maintain compatibility with the established development pattern of the street.

F. Standards

1. Setbacks shall be unoccupied and unobstructed by any building, structure, or portion of a structure from 30 inches above grade upward; provided, however, that fences, non-structural walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be

permitted in any setback subject to height limitations and visibility triangle requirements of this Code.

2. As used in this section, the term "building" includes any structure that by nature of its size, scale, bulk, dimension, or use constitutes a visual obstruction or generates activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

a. Gas pumps and overhead canopies or roofs.

b. Fences running along lot boundaries adjacent to public rights-of-way that exceed six feet in height and are substantially opaque.

3. Landscaping that meets or exceeds the requirements in Section 5.2, *Landscaping*, is permitted in any setback or transitional buffer yard.

G. Minimum Setback Reductions

The following setback reductions apply to the minimum setbacks as indicated below:

1. In the RE, RS-20, RS-15, RS-7.2, RS-5, and RM-12 zoning districts, covered front porches and j-swing garages may encroach up to five feet into the 20-foot setback from a local street, private access easement, or alley. This reduction shall not apply to front entry garages.

2. For permitted townhouses and duplexes, the minimum front setback may be reduced to fifteen feet when access is provided by a private access easement at the rear of the structure and the lot fronts a minor collector, local street, or private access easement.

3. The side setback for an attached townhouse may be reduced to zero except for end units, which shall have a minimum side setback of five feet.

4. When a single family or townhouse residence is developed on a double-frontage lot with a major thoroughfare or private access easement as the rear lot line, and a fence is installed as permitted by Section 5.3.4, *Fences*, then the rear setback may be reduced to five feet.

H. Permitted Projections into Required Setbacks

Structures listed in this subsection may project into specified required setbacks. Projections shall not extend or encroach into a public or private easement or right-of-way, nor obscure a required visibility triangle as described in Section 5.3.5, *Visibility Triangles Maintained*.

1. Uncovered Paved Terraces and Patios

Uncovered paved terraces and patios not taller than 12 inches may project into any required setback, provided that no structures placed there shall violate other requirements of this Code.

2. Unroofed Landings, Decks, Stairs, and Balconies

Unroofed landings, decks, and stairs may project into required setbacks not more than 5 feet, provided that no portion other than a handrail shall

extend higher than 30 inches above the finished grade level. Unroofed balconies may project into a required side or rear yard provided that these projections are at least five feet from the property line.

3. Incidental Architectural Features

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, headers, sills, pilasters, lintels, ornamental features, box windows, and other similar architectural features may project not more than two feet into any required yard provided these projections occupy not more than two percent of the required setback area and are at least five feet from the lot line.

4. Roofs Over Porches and Other Exterior Approaches

Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback. The covered porch or entrance area encroaching into the setback shall remain exterior to the building and enclosed by no more than a railing.

5. Handicap Ramps

Handicap access ramps may be located within required front, side, and rear setbacks.

6. Fences

Fences as regulated by Section 5.3.4, *Fences*.

7. Parking Facilities

Parking facilities and structures as regulated by Section 5.4, *Off-Street Parking and Loading*.

8. Swimming Pools

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.

4.1.7. BUILDING HEIGHT

A. Measurement of Primary Structures

The height of a building shall be the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

B. Measurement of Accessory Structures

For all accessory structures, the height of a building is measured as the height of the tallest wall.

C. Height Exceptions for Appurtenances

Except as specifically provided elsewhere in this Code, the height limitations contained in this Code do not apply to cupolas, flagpoles, chimneys, antennas, heating and ventilation equipment, stairwell towers, lightning rods, ground-

mounted wind turbines, solar panels, or similar appurtenances; provided, however, the following:

1. The appurtenance does not interfere with Federal Aviation Regulations;

2. The appurtenance does not extend more than five feet above the maximum permitted building height, except for flagpoles, belfries, and antennas that must be of greater height in order to function;

3. The appurtenance is not constructed for the purpose of providing additional floor area in the building;

4. The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in Section 5.3.2,Mechanical and *Utility Equipment Screening*; and

5. The appurtenance is functional.

D. Special Height Limitations in Airport Controlled Area

Building height may be further limited within the APO overlay district.

ARTICLE 5. DESIGN AND DEVELOPMENT STANDARDS

5.1. APPLICABILITY OF THIS ARTICLE

5.1.1. GENERAL APPLICABILITY

Unless excepted under Subsection 5.1.3, *Existing Structures* below, or unless otherwise provided in this article, this article shall apply to the following.

5.1.2. NEW CONSTRUCTION

A. This article shall apply to all new construction.

B. The construction of any new structure on a lot with existing structures shall be considered as new construction and shall comply fully with this article.

5.1.3. EXISTING STRUCTURES

A change in use or external addition to a structure existing as of the effective date of this Code shall require compliance with all or portions of the design and development standards in this article to the maximum extent practicable, based on the following scaled implementation approach. See Section 5.8.1, *Entertainment District Overlay*, for additional applicability standards.

A. External Additions

Any external additions to an existing structure as calculated based on the total area of that structure (and not total area of all structures per lot), shall comply with the following:

1. Addition Less than 10 Percent

If the addition to a structure is less than 10 percent of the size of the entire structure, then the site shall comply with the following standards:

a. The following subsections of Section 5.3, *Screening, Buffering and Fences*, for the entire site:

(i) Subsection 5.3.1, *Residential Screening and Buffering* (if applicable);

(ii) Subsection 5.3.2, *Mechanical and Utility Equipment Screening*; and

(iii) Subsection 5.3.3, *Screening of Service, Loading, and Storage Areas*.

b. If the structure is either non-residential or mixed-use, compliance with the street tree requirements of Section 5.2.2.B, *Perimeter Landscape Setback, Multi-Family and Non-Residential*, as applicable, for the entire frontage along public or private streets.

c. Section 5.4, *Off-Street Parking and Loading,* if the expansion triggers a recalculation of parking requirements (Section 5.4.2.B, *Expansions and Enlargements*).

d. Article 7, *Sign Standards,* if applicable to that addition.

2. Addition Between 10 and 30 Percent

If the addition to a structure is more than 10 percent and less than 30 percent of the size of the entire structure, then the site shall comply with the following standards:

a. Section 5.2.2.E, *Parking Lot Landscaping and Screening*, for the entire site.

b. The following subsections of Section 5.3, *Screening, Buffering, and Fences*, for the entire site:

(i) Subsection 5.3.1, *Residential Screening and Buffering* (if applicable);

(ii) Subsection 5.3.2, *Mechanical and Utility Equipment Screening*; and

(iii) Subsection 5.3.3, *Screening of Service, Loading, and Storage Areas*.

c. Section 5.4, *Off-Street Parking and Loading* if the expansion triggers a recalculation of parking requirements (See Section 5.4.2.B, *Expansions and Enlargements*).

d. If the structure is detached or attached single-family residential, the addition to the structure shall match the character of the existing structure and comply with the exterior finish materials provisions of Section 5.5, *Residential Design Standards*.

e. If the structure is either non-residential or mixed-use, compliance with Section 5.6, *Non-residential Design Standards*, or Section 5.7, *Mixed-Use Design Standards*, as applicable, but only for the following items:

(i) Façade colors for the building, and not just the tenant space;

(ii) Covered entryways for that tenant space; and

(iii) Street tree standards of Section 5.2.2.B, *Perimeter Landscape Setback, Multi-Family and Non-Residential*.

f. Article 7, *Sign Standards,* as pertinent to that tenant space and any site signs.

3. Addition More than 30 Percent

a. If the addition to a structure is 30 percent or more of the size of the entire structure, then the addition shall match the character of the existing structure and the addition and site shall comply with all of the standards in this article.

b. If the structure is detached or attached single family residential, the entire structure, including the addition, shall comply with all standards of Section 5.5, *Residential Design Standards*. Compliance with roof pitch standards is not required when the existing structure has a pitch lower than 6:12.

B. External Damage

Structures damaged to the extent of 50 percent or more of their fair market value shall have all reconstruction or new construction fully comply with the design and development standards of this article.

C. Timeframe for Expansions

Any application to expand buildings or structures shall remain on record with the City. Any subsequent application to expand structures shall be cumulative to any previous request. The total square footage of expansions shall be used by the Zoning Administrator to determine the necessary level of compliance with this article.

D. Removal of Square Footage

For purposes of determining the amount of building square footage added during a redevelopment project, square footage removed from a building shall not be counted toward the overall square footage of the site.

E. Exterior Renovation

Any exterior renovation of a building shall comply with the design and development standards of this article for that renovation. If the renovation is proposed for only a portion of a building, the Zoning Administrator may waive compliance with the design and development standards if that renovation would be inconsistent with the overall design of the existing structure.

5.1.4. EXCEPTIONS

A. General Exceptions

The following are excepted from this article:

1. Development within a Major Sports Complex is excepted from this article but shall comply with applicable provisions related to a major sports complex in the Arlington Code of Ordinances;

2. Development within the Six Flags area (excluding the perimeter of the amusement park and offsite properties) and Hurricane Harbor (excluding the perimeter of the water park and offsite properties);

3. Development, as defined in Article 12, *Definitions*, of this Code, under an approved planned development, provided the existing planned development has specific development and design standards in each of the categories described in this article, e.g., landscaping, screening, building design standards, as determined by the Zoning Administrator. Where the existing planned development is missing development or design standards as provided in this article, this article shall apply pursuant to Section 5.1, *Applicability of this Article*. If a new planned development is established for a particular property following the effective date of this Code, this article shall serve as the baseline for the approval of any development or design standards to be incorporated into the plan.

B. Historic Structures

Building design standards in Sections 5.5, *Residential Design Standards,* 5.6, *Non-residential Design Standards,* and 5.7, *Mixed-Use Design Standards,* shall not apply to the restoration, repair, or expansion of structures that meet any of the following conditions:

1. the structure is located in an LPO overlay; or,

2. the structure is located in a designated historic district; or,

3. the structure has a "high priority" designation in the City's current historic resources survey; or,

4. the structure has any of the following designations or listings: National Register of Historic Places, National Historic Landmark, Recorded Texas Historic Landmark, or State Antiquities Landmark.

5.2. LANDSCAPING

5.2.1. GENERAL PROVISIONS

A. Purpose

The standards of this section are intended to enhance the quality of development through the provision of appropriate landscaping. The landscape regulations serve to safeguard and enhance property values while protecting public and private investment. The regulations encourage the preservation of the existing natural environment to aid in the stabilization of the environment's ecological balance whenever possible, and require property owners to provide landscape amenities, setbacks, and screening that promote a positive image reflecting order, harmony, and pride for new development in the city. A critical component of these regulations is the preservation of trees in Arlington that serve to clean the air, provide shade, reduce the amount of soil runoff due to erosion, and beautify the environment. The results of this effort will be a strengthening of the economic stability of Arlington's business, cultural, and residential areas.

B. General Descriptions of Landscaping Requirements

1. One or more of the three types of landscaping in Section 5.2.2, *Landscaping Required*, may be required for a development depending on the use and zoning district of the property and adjacent properties and the portion of the property involved. These types of landscaping are: (1) residential landscaping; (2) perimeter landscape setbacks; and (3) parking lot landscaping and screening.

2. Each type of required landscaping shall meet the minimum standards of Section 5.2.3, *Tree Preservation and Replacement*, and Section 5.2.4, *Landscaping Design and Materials Requirements*, and shall be shown on a landscaping plan that meets the requirements of Section 5.2.1.E, unless exempted by the terms of that section.

3. The standards in this section are minimum requirements. Nothing in this section shall prevent the Planning and Zoning Commission from recommending or the City Council from requiring additional landscaping as part of any case where the nature and character of surrounding property dictate a need in order to protect such property and to provide protection for the general health, safety, and welfare of the community.

C. Applicability

This section is subject to the applicability standards of Section 5.1, *Applicability of this Article*. In addition, the following subsections may include specific applicability provisions:

1. 5.2.2.A. Residential Landscaping

2. 5.2.2.B. Perimeter Landscape Setback, Multi-Family and Non-Residential

3. 5.2.2.C. Perimeter Streetscape in the DB and DNO districts

4. 5.2.2.D. Perimeter Streetscape in the LCMUO district

5. 5.2.2.E. Parking Lot Landscaping and Screening

D. Landscaping and Screening Requirements in Other Sections or Development Approvals

1. Any use required to provide landscaping or screening pursuant to Section 3.2, *Supplemental Use Standards*, shall comply with such requirements. In the event of a conflict between the supplemental use standards and the requirements of this section, the supplemental use standards shall control.

2. Any use required to provide landscaping or screening pursuant to a parcel-specific ordinance, including PD zoning, shall comply with such requirements. In the event of a conflict between the parcel-specific zoning ordinance and the requirements of this section, the parcel-specific standards shall control.

E. Landscaping Plan

1. Prior to the issuance of a building or construction permit for any use other than single-family or duplex dwellings, a landscape plan reflecting all landscaping and screening required under this section shall be submitted to and approved by the Zoning Administrator. The plan may be combined with any land clearance, vegetation protection, erosion control, or other plan required for compliance with other sections of this Code.

2. Landscaping plans for sites larger than one-half acre or uses that are not single-family residential shall be prepared by a registered landscape architect and shall contain, at a minimum, the information specified in the UDC User's Guide.

F. Texas Local Government Code

The provisions of the Texas Local Government Code Section 211.016, regulating the timing of the placement of landscaping for single-family residential lots, are applicable to the requirements of this section.

5.2.2. LANDSCAPING REQUIRED

A. Residential Landscaping

1. Applicability

This section shall apply to all single-family detached and single-family attached residential development.

2. Front Yard Landscaping Requirements

a. Purpose

Landscaping should be selected and placed in the front yards of residences to soften the effect of the built environment. An arrangement of vegetation such as trees, bushes, and grass, together with other suitable materials such as flowering plants, ground cover, mulch, etc., arranged in a complementary fashion, is desired.

b. Landscaping Options

The front yard shall meet one of the following two landscaping options:

(i) Option 1: Percent Vegetative Cover

The following percentages of the front yard shall be landscaped with vegetative cover other than turf grass. For the purposes of this

requirement, front yard means the area between the house and the front property line.

(1) Single-family detached: at least 15 percent vegetative cover.

(2) Duplex or townhouse: at least 30 percent vegetative cover.

(ii) Option 2: Required Materials
The front yard shall be landscaped with the following materials.

(1) Single-family detached: at least ten shrubs of at least two different species, and one tree.

(2) Duplex or townhouse: at least six shrubs and one tree.

c. Design and Planting Standards

(i) Each tree shall count for 25 square feet of the required vegetative cover in the landscaped area.

(ii) The use of native vegetation, drought-tolerant plants, or rain gardens is encouraged.

(iii) In addition to Options 1 and 2, front yard landscaping on corner lots shall wrap around the side for a minimum of 10 feet from the street-facing building corner in single-family detached developments, and seven feet in single-family attached developments. At least three shrubs shall be included in this area.

Figure 5.1 Acceptable front yard landscaping

3. Residential Streetscape Design

a. Purpose

The intent of this requirement is to provide appealing and comfortable pedestrian street environments in order to promote pedestrian activity that, in turn, promotes public health through increased physical activity. An attractive streetscape is a significant community asset, and is often cited by homebuyers as an important neighborhood amenity. Homes designed in relation to the streetscape become part of the neighborhood rather than a solitary residence.

b. Applicability

This section is applicable to internal residential streets within a new development of 20 or more single-family detached or attached dwelling units.

c. Requirements

The following zones are required, starting from the back of the curb on each side of the street being developed:

(i) Landscaped Buffer Zone

A landscaped buffer area at least six feet wide shall be provided between the sidewalk and the back of the curb. The landscaped buffer area shall be designed as follows:

(1) Street trees shall be located within the buffer area and provided at the following quantity and spacing:

(a) Single-family detached:

(i) Lots with 60 linear feet or less of street frontage: one tree per lot, evenly spaced.

(ii) Lots with greater than 60 linear feet of street frontage: two trees per lot, evenly spaced.

(iii) For the length of frontage on the side street of corner lots: one street tree per 35 linear feet, evenly spaced

(b) Single-family attached:

One tree per lot, evenly spaced.

(i) For communities with front-loaded, front-facing garages, street trees may be placed in alternate landscape islands between driveways or clustered in single or multiple locations along the street.

Figure 5.2 Acceptable front yard landscaping design for single-family attached.

(ii) For communities with a tree preserve in front of the entrances, this requirement may be waived by the Zoning Administrator if there are a sufficient number of trees in the preservation area to compensate for the street trees.

(2) A maximum spacing of 30 feet on center shall be maintained between the trees in single-family detached development.

(3) Trees shall be centered at a minimum distance of four feet from the back of the curb.

(4) Trees shall be selected from the list of species approved by the Zoning Administrator. No single species of tree shall represent more than 30 percent of the trees required to satisfy the street tree requirement.

(5) A root barrier or tree box at least 24 inches in depth and six feet in length on both the curb and the sidewalk side shall be provided for all street trees.

(6) Street lampposts and mailboxes shall be located in this buffer area, subject to post office regulations for mailboxes.

(7) Street trees shall not be located closer than 15 feet to a lamppost.

(ii) Sidewalk Zone

A continuous sidewalk at least five feet in width shall be provided on both sides of the street at least five feet distant from and generally parallel to the back of the curb. Meandering sidewalks are encouraged and may be approved by the Zoning Administrator.

(iii) Walkways

Separate walkways that connect the front doorway or porch to the sidewalk and to the driveway are recommended. These walkways shall be at least three feet wide.

d. Permitted Intrusions in the Landscape Buffer for Single-Family Attached

(i) Awnings or overhanging eaves may be permitted to project into the landscape setback.

(ii) Balconies above the first floor level may be permitted to project up to four feet into the landscape setback. Balconies may have roofs and are required to be open.

(iii) Bay windows above the first floor level may be permitted to project up to four feet into the landscape setback.

(iv) Suspended planter or flower boxes may project up to 30 inches into the landscape setback.

Figure 5.3 Stairs projecting into landscape setback

(v) Stoops and stairs may project into the landscape setback up to five feet if they connect with the sidewalk.

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.

B. Perimeter Landscape Setback, Multi-Family and Non-Residential

1. Applicability

All multi-family and non-residential development shall provide a perimeter landscape setback area along the entire right-of-way adjacent to any public street right-of-way.

a. This section shall not be applicable in the DB district or DNO and LCMUO overlay districts.

b. This section shall apply to non-residential development that occurs in a residential zoning district.

2. Uses and Structures Prohibited in Landscape Setback

Buildings and paving, except for sidewalks and driveways, are prohibited in the perimeter landscape setback. Parking within a perimeter landscape setback is expressly prohibited.

3. Minimum Width of Landscape Setback

a. The perimeter landscape setback shall be located on private property and shall be measured from the right-of-way line as shown on the Thoroughfare Development Plan for major streets, and from the existing right-of-way for all non-Thoroughfare Development Plan Streets, and shall be provided as follows:

TABLE 5.2-1: Required Landscape Setback Standards

	Interstate Highway	Major/ Minor Arterial Major Collector	Minor Collector Local
Buffer Width (min.)	20 feet	15 feet	10 feet
Tree Requirement			
3-inch caliper (min.)	1 per 35 feet		1 per 40 feet
4-inch caliper (min.)	1 per 45 feet		1 per 50 feet
5-inch caliper (min.)	1 per 55 feet		1 per 60 feet
	The required number of trees is based on the linear feet of street frontage. The size of all trees planted in the setback must be the same. Trees should be spaced as appropriate for the species provided. Trees may be clustered in the setback area.		
Landscape Plant Requirement			
Number of plants (min.)	16 per 50 feet	14 per 50 feet	10 per 50 feet
Evergreen shrubs	At least 50 percent of the plants in the landscape setback shall be evergreen shrubs.		
Plant selection	All plants, ornamental trees, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.		
Drought-tolerant plants	A minimum of 25 percent of all required trees and 25 percent of all required plants shall be drought-tolerant native or adapted species. If 100 percent all trees and plants are drought-tolerant native or adapted species, then: 1. the total required number of trees and plants may be reduced by 10 percent; and 2. the minimum size of trees planted on site may be reduced to 2.5-inch caliper, except for trees in the perimeter landscape setback.		
Grass Coverage Limit			
Maximum amount of grass cover in landscape setback	40%		50%
	All grasses planted in the landscape buffer shall be species identified on the plant list approved by the Zoning Administrator.		

b. Where a deceleration/acceleration lane and transition area has been dedicated, a parking facility may encroach into the required setback area abutting such lane and transition area, provided that:

(1) No parking facility shall be located within 10 feet of a right-of-way line of a controlled access freeway or within five feet of a right-of-way line of any other public street; and

(2) Required landscaping and wheel stops shall be provided. Required trees may be clustered in remaining setback area not adjacent to the acceleration/deceleration lane.

c. The Zoning Administrator may authorize encroachments into the perimeter landscape setback where unique property characteristics exist.

4. Coverage

a. The perimeter landscape setback shall be planted with a mixture of ground cover and grass and shall not be covered with any impervious surface except low impact improvements that do not violate any section of this Code, as determined by the Zoning Administrator. Low impact improvements include, but are not limited to: trails constructed of pervious materials, fountains, putting greens, handicap accessibility ramps, ponds, and decorative lampposts.

b. The placement of all sidewalks and drive approaches shall be approved by the Zoning Administrator and shall not defeat the intent of the landscape standards.

c. Loading areas, outside storage, and outside display areas shall not encroach into the perimeter landscape setback.

5. Landscape Planting Areas for All Structures

a. All building façades adjacent to a right-of-way shall have at least two planting areas, a minimum of eight feet wide, between the façade and the sidewalk for the total length of the façade not including entryways and display windows.

b. Planting areas shall enhance architectural features of the building such as entries, arcades, tower elements, and display windows.

c. The Zoning Administrator may authorize a reduction in the landscape planting areas where unique property characteristics exist.

6. Landscape at Site Entries for Multi-Family Developments

a. The main site entry for multi-family developments shall be treated with special landscape elements that will provide an individual identity to the project.

b. Site entry and access drives for multi-family development shall include at least three of the following:

(i) a minimum 5-foot wide landscaped median;

(ii) textured paving, interlocking pavers, or other decorative pavement;

(iii) gateway elements such as lighting, bollards, entry fences, or monuments;

(iv) a roundabout containing landscaping, water feature, or artwork;

(v) other improvements as approved by the Zoning Administrator.

C. Perimeter Streetscape in the DB and DNO districts

1. Applicability

All non-residential development in the DB and DNO districts shall provide a perimeter landscape setback area along the entire right-of-way adjacent to any public street right-of-way. This section shall also apply to non-residential development that occurs in a residential zoning district.

2. Minimum Width of Streetscape Setback

a. A minimum 18-foot streetscape from the back of curb shall be required. If the existing right-of-way or required right-of-way dedication is less than 18 feet from the back of curb to the property line, the additional area shall be provided on private property through a landscape easement.

b. The streetscape shall include a minimum 8-foot wide strip for street trees or planters and a 10-foot wide sidewalk, constructed in one of the configurations shown below. Trees planted adjacent to the street at the back of curb will require a vertical root barrier.

c. Street trees shall be a minimum height of 10 feet and 3-inch caliper at the time of planting.

d. Street trees shall be spaced between 25 and 30 feet apart on center, as appropriate for the species provided.

e. The Zoning Administrator may authorize encroachments into the perimeter streetscape where unique property characteristics exist.

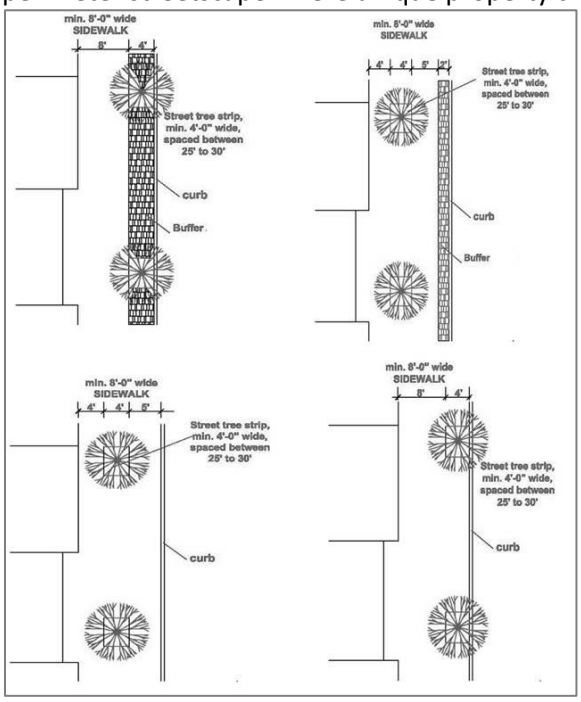


Figure 5.4 DB and DNO Overlay landscape setback options

D. Perimeter Streetscape in the LCMUO district

1. Applicability

All development in the LCMUO district shall provide a perimeter landscape setback area along the entire right-of-way adjacent to any public street right-of-way. This section does not apply to single family detached residential uses.

2. Minimum Width of Streetscape Setback

a. A minimum 16-foot streetscape from the back of curb shall be required. If the existing right-of-way or required right-of-way dedication is less than 16 feet from the back of curb to the property line, the additional area shall be provided on private property through a landscape easement.

b. The streetscape shall include a minimum 4-foot wide green space strip for street trees and landscaping. The green space shall be planted with trees and groundcover or grass. Trees planted adjacent to the street at the back of curb will require a vertical root barrier. The green space shall not be covered with any impervious surface except for permitted drive approaches.

c. Street trees shall be spaced between 25 and 30 feet apart on center, as appropriate for the species provided. Street trees shall be a minimum height of 10 feet and 3-inch caliper at the time of planting.

d. A minimum 10-foot wide sidewalk shall be constructed in the streetscape.

e. The Zoning Administrator may authorize encroachments into the perimeter streetscape where unique property characteristics exist.

E. Parking Lot Landscaping and Screening

1. Applicability

a. New Parking Lots

All new surface parking lots containing ten or more off-street parking spaces shall provide both perimeter and interior landscaping that meets the standards of this section. Parking lots with fewer than 10 spaces shall provide perimeter landscaping.

b. Parking Lot Expansion

Existing surface parking lots that are expanded by 30 percent or more in area, whether as required by this article or voluntarily, shall be required to meet the standards of this section.

c. Exemptions

(i) These requirements shall not apply to parking structures. The requirements of Section 5.2.2.B, *Perimeter Landscape Setback, Multi-Family and Non-Residential* may be applicable to parking structures, as well as screening and buffering requirements in Section 5.3, *Screening, Buffering, and Fences*.

(ii) Parking spaces directly abutting a public street right-of-way are not required to have internal landscaping where the abutting landscaping meets the requirements of the perimeter landscape setback. The remainder of the parking rows in the lot shall be landscaped pursuant to this section.

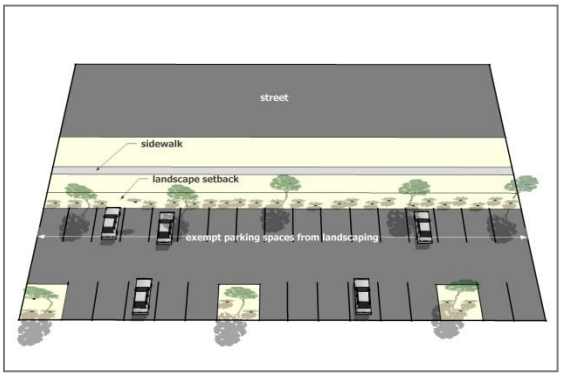


Figure 5.5 Landscaping exemption

2. Internal Parking Area Landscaping

a. Landscape Island Location

All surface parking lots shall incorporate the following internal landscaping:

(i) Landscape islands shall be installed at the terminus of each row of parking.

(ii) Landscape islands shall not be separated by more than 10 parking spaces. For purposes of determining tree spacing, parking spaces may be counted in any rational sequence.

b. Landscape Island Design

(i) Landscape islands shall contain one tree and at least 50 percent vegetative cover other than turf grass. Other materials may be approved by the Zoning Administrator.

(ii) Required landscape islands shall be no smaller than 162 square feet.

(iii) All landscaped areas shall be protected by a raised concrete curb. The Zoning Administrator may approve a curbless design for stormwater BMP or Low Impact Design (LID) purposes.

(iv) No paving shall be permitted within four feet of the center of a tree.

(v) Any vertical construction in the median must be located at least two feet from the curb surrounding the median.

(vi) No parking space shall be located farther than 90 feet from a tree, including trees that are in the landscape setback.

c. Landscape Island in Drive Approach

(i) If a landscape island is installed in a drive approach, the median shall be a minimum width of four feet.

(ii) The island shall contain vegetative cover other than turf grass. Other materials may be approved by the Zoning Administrator.

(iii) Any vertical construction in the median must be located at least two feet from the curb surrounding the median.

d. Landscape Island Planting Requirements and Tree Preservation

In order to preserve a protected tree on-site, the Zoning Administrator may authorize up to a five percent reduction in the required number of parking spaces, or a five percent reduction of certain parking space sizes, if the Zoning Administrator determines that reduction in the number or size of certain parking spaces will preserve a protected tree that would otherwise be removed to provide for required parking. Nothing in this section shall allow the Zoning Administrator the authority to reduce the entire required parking space size or number by more than five percent. This provision shall be enacted only in instances where a protected tree is to be preserved.

3. Parking Lot Screening

a. Applicability

All parking, maneuvering, customer loading areas, vehicular display and storage, and/or boat storage areas that are not screened by on-site buildings shall be screened from view of public streets pursuant to the standards of this section.

b. Design

(i) The screening shall be a minimum height of three feet.

(ii) Screening shall be opaque and consist of a combination of screening shrubs and a berm that is 24 inches high with a 3:1 slope. The Zoning Administrator may waive the requirement for the berm due to changes in grade or existing vegetation.

(iii) Masonry fences three feet in height may also be used. The fences shall be designed with a running base and fence cap of complementary material. If such fences are used, plantings of dense evergreen hedge material, designed to provide a minimum 30-inch high shrub at installation, shall be required between the fence and sidewalk. The fence shall be designed to allow articulated and pedestrian entrance features at the corners of the block, or no less than 500 feet apart. The fence shall be constructed along the rear line of the perimeter setback.

(iv) No single application of shrubs, berms, or masonry fences shall be used to screen an entire development. A single application of one screening device may be used for a maximum 200 feet before alternating to another screening device. Openings in the screen for tree islands, decorative plantings, or other features may be approved by the Zoning Administrator.

c. Requirements Specific to the DB and DNO Districts

(i) Parking lots in the DB and DNO districts that are not screened by on-site buildings shall be screened from view of public streets by a three-foot high masonry fence within a five-foot wide landscaping bed.

(ii) All surface parking lots in the DB and DNO districts shall provide an additional five-foot setback from the front building line.

d. Plant Specifications

Screening shrubs shall be spaced a maximum of three feet on center, shall be a minimum of 30 inches in height at installation, and shall be capable of reaching a minimum height of three feet within 18 months of planting. At least 30 percent of the shrubs planted shall be flowering shrubs or perennial plants. All plants shall be species identified on the plant list approved by the Zoning Administrator.

e. Maximum Grade

The maximum acceptable grades for screening areas, such as sodded berms and planting beds, shall be 3:1 (i.e., for every three feet in width, the berm shall be one foot in height).

f. Wheel Stops

Wheel stops shall be provided for parking spaces adjacent to a landscape setback where no curb is provided to prohibit any car overhang over the planting area. Wheel stops shall be located two feet from the landscape setback.

4. Additional Landscaping Required Due to Overparking

Parking lots that exceed the number of spaces required by Section 5.4.3, *Off-Street Parking Standards*, shall provide additional parking lot landscaping, except in the DB and DNO districts, as follows:

a. Trees

(i) Additional trees not otherwise required by this Code shall be required to be planted or preserved on-site when parking for any use or mix of uses is provided in an amount that is greater than 100 percent of that required by this Code.

(ii) The number of additional trees to be planted or preserved on-site is equal to one tree per three parking spaces provided that are in excess of the required amount of parking spaces.

b. Infill and Redevelopment

(i) Where the provision of additional trees is restricted for infill and redevelopment projects due to site conditions, the applicant may provide sidewalk amenities or streetscape features as determined by the Zoning Administrator. Acceptable amenities may include:

(1) Sidewalk planters between the parking area and building and/or parking area and the street;

(2) Public art including, but not limited to sculptures, fountains, clocks, or murals; or

(3) Decorative fencing (such as wrought iron) around the perimeter of the parking area provided with seasonal plantings.

5.2.3. TREE PRESERVATION AND REPLACEMENT

A. Non-residential and Mixed-Use Development: Tree Preservation Requirements

1. Purpose

This section provides a methodology for tree removal and replacement. The intent is to protect certain size trees and/or require that their loss be mitigated through replacement.

1. Applicability

This section is applicable to all non-residential and mixed-use development, including non-structural improvements such as parking lots, site layouts, landscape setbacks, and buffer yards.

2. Exceptions

The following are exempted from the tree point provisions of this section:

a. Trees removed in a dedicated right-of-way, utility, and/or drainage easement by a public utility or contractor of a public utility, as authorized by the Zoning Administrator;

b. Property owned by the City of Arlington when performing maintenance and upkeep of the City's parks or when making improvements to the City's parks for nature trails, roads, or paths;

c. The removal of a tree that has disrupted a public utility service or otherwise presents itself as a danger to the public due to some catastrophe; however, only that portion of a tree may be removed that is necessary to restore normal utility service or public safety;

d. Diseased, dying, or dead trees as determined by the Zoning Administrator; and

e. Any species currently listed on the City’s prohibited plant list is not subject to tree point requirements.

3. Compliance with Section

Compliance with this section shall be achieved when the number of tree points earned through replacement or retention equals or exceeds the number of tree points removed.

4. Determining Tree Points Lost on a Lot

a. Tree points shall only be determined when there are trees six inches or greater caliper that are being destroyed or removed.

b. One tree point shall be equal to one caliper inch. Fractions shall be rounded to the nearest one-half inch.

c. To determine the number of tree points required by this section, the applicant shall inventory and combine the total caliper inches of all protected trees that are to be removed and that are:

(i) Located within the proposed building pad plus ten feet around the perimeter of the proposed structure, and are at least 30 inches or greater in size; and

(ii) Located elsewhere on-site and are at least six inches or greater in size.

d. This list of tree points shall be separated into caliper inches removed of canopy or shade trees and those classified as understory or ornamental trees. If there is a question as to classification, determination will be made by the Zoning Administrator.

e. The total of the required inventories represents the number of tree points that shall be earned through tree replacement or retention of existing trees.

f. Canopy or shade trees shall be replaced with canopy or shade trees and understory or ornamental trees shall be replaced with understory or ornamental trees.

5. Determining Tree Points Earned

a. To determine the number of tree points earned, the applicant shall inventory and combine the total caliper inches of all trees that are:

(i) Preserved trees identified on the landscape plan greater than three caliper inches in size; and

(ii) Newly planted trees identified on the landscape plan three caliper inches or greater in size.

b. The total of the two inventories represents the number of tree points earned. Trees planted in accordance with perimeter landscape setback requirements may be counted toward tree points. All replacement trees installed shall be at least three inches of caliper at the time of planting in order to earn tree points.

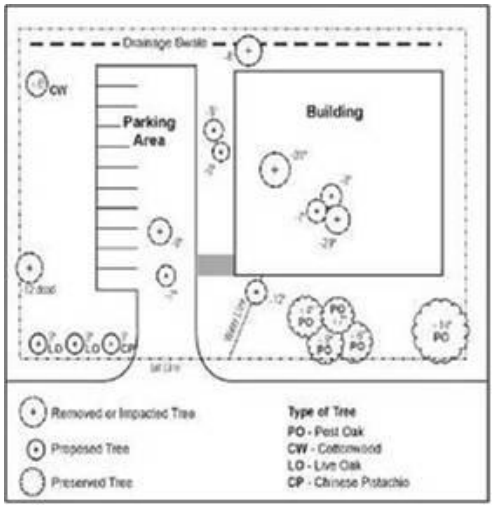
(i) Additional tree points may be earned for the following:

(1) Bonus trees, native species as identified on the Bonus Tree List in the UDC User's Guide, shall earn one-half additional tree points per caliper inch planted or preserved; and

(2) Trees meeting the definition of "significant stand" and identified on the landscape plan as "to remain" shall earn one-half additional tree points per caliper inch preserved.

c. Points for preserved (existing undisturbed) trees shall be granted by the Zoning Administrator subject to the certification by the landscape architect that the preserved trees indicated on the approved landscape plan conform to the following condition: A minimum of 75 percent of the critical root zone shall be preserved at natural grade, with natural ground cover for trees between three and ten caliper inches in size. In order to gain full credit for trees greater than ten caliper inches in size, 100 percent of the critical root zone shall be undisturbed.

TABLE 5.2-2: Example of Tree Point System			
Protected Trees Removed			
Canopy Trees		Understory Trees	
1@	8”	None removed	
1@	12”		
1@	9”		
1@	31”		
60” Canopy tree points		0’ Understory tree points	
Trees Preserved and Planted			
Canopy Trees	Tree Points	Bonus Points Native Species	Bonus Points Significant Stand
Post Oak 14”	14	7	0
Post Oak 8”	8	4	4
Post Oak 7”	7	3.5	3.5
Post Oak 4”	4	2	2
Post Oak 6”	6	3	3
Live Oak 3”	3	1.5	0
Live Oak 3”	3	1.5	0
Chinese Pistache	3	0	0
Total	**48**	**22.5**	**12.5**
Total Positive Tree Points			**83**
Total Negative Tree Points			**<60>**
Overall Positive Tree Points, No Mitigation Needed			**23**



B. Residential Development: Tree Preservation Requirements

1. Applicability

a. This section applies to all residential property that is vacant, undeveloped, or property to be redeveloped that is over one acre in size.

b. This section shall not apply to tracts and/or platted lots under one acre in size with an occupied residential structure.

2. General Requirements

a. All residential developments over one acre in size shall be required to submit a tree preservation plan at the time of preliminary plat, minor plat, combination plat, or replat submittal.

b. All residential developments shall preserve a minimum of 35 percent of the existing total protected caliper inches.

c. Unless otherwise provided, all numbers 0.5 or greater shall be rounded up to the next whole number. All numbers less than 0.5 shall be rounded down to the next whole number.

3. Tree Preservation Plan

a. This section provides for a methodology for tree preservation. Tree preservation shall only be required when residential development is proposed on sites where there are six-inch or greater caliper trees, or post oak, blackjack oak, or Texas oak trees three inches or greater. The intent is to protect a percentage of certain size trees from being destroyed.

b. Trees shall be preserved in contiguous stands to preserve clusters of old growth trees. Only when tree location prevents preservation in this manner, as determined by the Zoning Administrator, shall individual trees be accepted or, for all lots 10,000 square feet and greater, trees may be preserved on a lot-per-lot basis inside a landscape easement.

c. Compliance with this section shall be obtained when 35 percent of the total caliper inches of protected trees on the site equal that of tree points earned through preservation.

(i) To determine the number of tree points within a development, the applicant shall inventory and combine the total caliper inches of all protected trees that are at least six inches or greater in size.

(ii) The applicant shall inventory and combine the total caliper inches of all post oak, blackjack oak, and Texas oak trees that are at least three inches or greater in size.

(iii) The applicant shall determine tree points required for preservation by multiplying the total protected tree points by 35 percent.

(iv) Determine the area to be preserved in perpetuity. The applicant shall inventory and combine the total caliper inches of all trees that are designated for preservation. For residential development, all post oak, blackjack oak, and Texas oak trees from three to five inches in caliper shall be permitted to be counted twice for credit to achieve the 35 percent preservation requirement.

(v) Points for preserved (existing undisturbed) trees shall be granted by the Zoning Administrator subject to the certification by the landscape architect that the preserved trees indicated on the approved landscape plan conform to the following conditions:

(1) A minimum of 75 percent of the critical root zone shall be preserved at natural grade, with natural ground cover.

(2) If the Zoning Administrator determines that an otherwise protected tree is in danger of dying due to construction practices, the Zoning Administrator may require additional tree points be earned to offset the potential loss of the affected tree.

(vi) State on the tree preservation plan how the preserved area(s) will be maintained and the trees preserved.

4. Tree Protection

a. The following measures shall be undertaken prior to the commencement of on-site construction activity in order to preserve trees:

(i) All trees to be preserved shall be flagged by the developer with brightly colored vinyl tape wrapped around the main trunk at a height of approximately four feet or more such that the tape is visible to workers on foot or driving equipment.

(ii) All preserved trees remaining on-site shall have protective fencing, located approximately at the tree's drip line. The protective fencing may be comprised of brightly colored vinyl construction fencing, chain link fencing, or other similar fencing with an approximate height of four feet. Where preserved trees are in a stand, the entire stand shall have protective fencing.

b. In instances where the Zoning Administrator determines protective fencing is not practical, the trunk of the preserved tree shall be protected by enclosing the entire circumference with lumber encircled with wire or other stabilizing means that does not damage the tree.

5. Redevelopment and Demolition

If redevelopment and/or demolition are proposed on an existing residential lot, the preservation area shall exclude the existing footprint of the structure(s) plus ten feet around the perimeter of the structure.

5.2.4. LANDSCAPING DESIGN AND MATERIALS REQUIREMENTS

A. Landscape Material Standards

The following standards shall be considered the minimum required standards for all trees, shrubs, and landscape material installed to satisfy the requirements of this section.

1. Plant Selection and Design

Tree and plant materials shall be selected for energy efficiency and water efficiency; adaptability and relationship to the native environment; color, form and pattern; ability to provide shade; soil retention; and resistance to fire. The overall landscape plan shall be integrated with all elements of the project, such as buildings, parking lots, and streets, and to achieve a desirable microclimate and minimize energy demand.

1. Plant Quality

a. Trees and plants installed to satisfy the requirements of this section shall meet or exceed the plant quality and species standards of the North Central Texas SmartScape program. The plant list in the User's Guide identifies appropriate plant species for use in Arlington. This list also identifies plants that shall not be used in order to fulfill the planting requirements of this Code, and no tree points shall be attributed to the loss of trees on this list; however, they may be used to supplement the requirements, if desired.

b. Plants shall be nursery-grown and adapted to the local area. Grass seed, sod, and other material shall be clean and reasonably free of weeds and noxious pests and insects. No artificial plants or vegetation shall be used to meet any standards of this section.

2. Plant Varieties

The landscaping for every development shall consist of a combination of three or more of the following types of planting materials including, but not limited to grass, trees, shrubs, ground cover, and/or other forms of plant material.

3. Hardscape

Landscape design may integrate hardscape (plazas, courtyards, trails, etc.) and landscaping. The hardscape materials may be counted towards the overall project's site enhancement landscaping requirements at the discretion of the Zoning Administrator.

B. Plant Sizes and Specifications

1. Trees

a. Tree Size

Except as specified in the EDO overlay district, trees planted to satisfy the standards of this section shall be a minimum of three inches in caliper when measured 12 inches from the base of the trunk or the top of the ball.

b. Street Trees

All trees shall be species identified on the plant list approved by the Zoning Administrator.

c. Utilization of Existing Trees

Existing trees may be used to satisfy the tree planting requirements with the approval of the Zoning Administrator. The Zoning Administrator shall consider the location, type and size of trees, their health, and the degree of protection received both during and after construction.

2. Shrubs, Vines and Ornamental Grasses

a. Shrubs, vines, and ornamental grasses planted to satisfy the standards of this section shall have a minimum container size as specified in the UDC User's Guide. All shrubs, vines, and ornamental grasses shall be

species identified on the plant list approved by the Zoning Administrator.

b. Shrubs and ornamental grasses not of the dwarf variety shall be a minimum of two feet in height when measured immediately after planting. Screening shrubs, where installed, shall be planted and maintained to form a continuous, unbroken, solid visual screen that will be three feet tall within 18 months after time of planting.

c. When planted adjacent to sidewalks, shrubs and ornamental grasses shall not exceed three feet at maturity in commercial, industrial, multi-family, and mixed-use developments.

d. Vines not intended as ground cover shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences and screens to meet the screening requirements of this Code.

3. Groundcover

a. Groundcovers planted to satisfy the standards of this section shall have a minimum container size of one gallon. All groundcover shall be species identified on the plant list approved by the Zoning Administrator.

b. Grass areas shall be sodded, plugged, sprigged, hydro-mulched or seeded.

c. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one year of planting.

4. Berms

Earthen berms shall have side slopes not to exceed 3:1 (three feet of horizontal distance for each one foot of height). All berms shall contain necessary drainage provisions as may be required by the Zoning Administrator.

C. Maintenance and Irrigation

1. All landscaped areas shall be irrigated with an irrigation system consistent with the standards of the “Irrigation” Chapter of the Code of the City of Arlington, as amended. As an exception, hose bibs may be used in landscape areas not required by this Code or on commercial developments whose total lot area is one-half acre or less in size, and placed so that any portion of the landscaped area can be reached with a 50-foot hose.

2. Sprinkler systems shall be configured to prevent over-spray of water onto streets and sidewalks.

3. Areas of open space that contain preserved trees need not be irrigated if the Zoning Administrator determines irrigation would be harmful to the preserved trees.

4. Except for hand watering and the use of drip irrigation or soaker hoses, it is unlawful for any person to irrigate, water, or cause the irrigation or watering of any lawn or landscape between the hours of 10 a.m. and 6 p.m.

any day of the week as set forth in the "Water and Sewer Chapter" of the Code of the City of Arlington.

D. Parkway Planting Standards

Plantings within parkways may be allowed if all visibility triangles are maintained, all sight obstruction requirements outlined in the "Streets and Sidewalks" Chapter of the Code of the City of Arlington are met, and plantings do not interfere with existing or proposed utilities.

1. Plantings within the parkway may include the species identified in the UDC User's Guide. Prohibited species are also identified in the UDC User's Guide. All plantings shall be species identified on the plant list approved by the Zoning Administrator.

2. Irrigation is required pursuant to subsection 5.2.4.C, *Maintenance and Irrigation*.

3. It shall be the responsibility of any person, firm, corporation, or other entity who shall own or occupy any lot or lots that abuts parkway areas containing plantings pursuant to the terms of this section to maintain such plantings unless otherwise specified as the responsibility of a mandatory property owners' association.

5.3. SCREENING, BUFFERING, AND FENCES

5.3.1. RESIDENTIAL SCREENING AND BUFFERING

A. Purpose

The purpose of these standards is to ensure that less intensive development is protected from negative effects that may occur when uses that are more intensive or structures are developed on adjacent sites.

B. Applicability

The residential screening and buffering standards apply when:

1. Development is proposed on any property used or zoned commercial, mixed-use, or industrial that is located adjacent to a residential use and/or vacant property used or zoned residential or multi-family, including those in planned development zoning.

2. Multi-family uses shall comply with the requirements in Section 5.3.1.D, *Required Screening and Buffering*, and Section 5.3.1.E, *Infill Development*, when adjacent to residential uses or vacant properties zoned for residential uses.

3. The construction or installation of required residential screening, buffering, or fencing is the responsibility of the non-residential or multi-family property developer.

C. Exceptions

1. Residential screening and buffering is not required for uses and structures in the DB district.

2. Screening is not required for playgrounds for institutional uses or for private parks that do not contain a structure within 30 feet of a common residential property line.

D. Required Screening and Buffering

1. Properties subject to this section shall meet the requirements of Tables 5.3-1 and 5.3-2 below.

2. To use this table, an applicant identifies the zoning or use of his/her property across the top of the table, and then reads down to identify the zoning or use of the adjacent property(ies). The box at the intersection of identifies the screening and buffering requirement for the applicant on that property line. For example, an applicant for a single-story commercial development that is adjacent to single-family residential will need to meet the Level 2 screening and buffering requirements.

3. Different types of screening and buffering may be required on different property lines.

TABLE 5.3-1: Residential Screening and Buffering											
		Zoning or Use of Subject Property									
Zoning or Use of Adjacent Properties	Adjacent property↓	Subject property→	Single-Family		Multi-Family		Mixed-Use		Commercial		Industrial
	Zone District	Structure Type	Res.	Non-Res.	Res.	Non-Res.	Vert.	Horiz.	1-3 Stories	3+ Stories	--
	Single-Family	Residential	0	1	1	1	2	2	2	3	3
		Non-Residential	1	0	1	1	1	1	1	1	
	Multi-Family	Residential	1	1	0	1	1	1	2	3	3
		Non-Residential	1	0	1	0	1	1	1	1	
	Mixed-Use	Vertical	2	1	1	1	0	0	1	1	3
		Horizontal	2	1	1	1	0	0	0	1	
	Commercial	1-3 Stories	2	1	2	1	1	0	0	0	3
		3+ Stories	3	1	3	1	1	1	0	0	3
	Industrial	--	3	3	3	3	3	3	3	3	0

TABLE 5.3-2: Description of Buffer and Screening Requirements * = Additional Requirement ONLY for proposed residential structures		
	Landscape Buffer Width	Screening Device
Level 0	None	Not required
Level 1	10 feet	Required. See Section 5.3.4.A.2.c
Level 2	15 feet	Required. See Section 5.3.4.A.2.b
Level 3	30 feet*	Required. See Section 5.3.4.A.2.a

***<u>For proposed residential use (or mixed-use developments with residential use) adjacent to existing gas well sites:</u>**

- The residential structure shall have a minimum building setback of 300 feet from the nearest gas well drill zone or wellhead.
- The building setback is measured in a straight line from the nearest edge of the drill zone or gas wellhead.

EXCEPTION: This requirement does not apply to existing residentially-zoned properties (as currently zoned) or lots platted for residential uses prior to July 19, 2018.

The above exception does NOT apply to properties that changed zoning classifications after the above date. (For example, if a property was previously zoned RE and was changed to RS-7.2 after the above specified date, the 300-foot building setback standard would apply.

4. Screening Standards

a. Design of Fences

When properties are required or permitted to have a screening device to meet residential screening standards, the standards of Section 5.3.4, *Fences*, shall apply.

b. Location of Fences

A screening fence shall be located, to the extent it is practical, along the length of the common line between properties. Required screening fences shall not extend into a required street frontage setback. Access to any required transitional buffer shall be provided for maintenance.

5. Landscape Buffer Design Standards

a. Planting Requirements

The landscape buffer shall be planted with an evergreen plant mix (see Approved Plant List). This shall include the following:

(i) For each 300 square feet of buffer area, one tree with a three-inch caliper that is 10 feet in height at the time of installation. Trees shall be layered into two rows.

(ii) Existing vegetation shall be maintained and counted toward the overall landscape requirement where the Zoning Administrator determines that it is healthy and contributes to the overall landscape mix.

b. Permitted Structures and Uses

(i) No structures, at or above ground level, including buildings or parking areas (not including driveways) may encroach into the buffer area in non-residential districts. Typical accessory structures and swimming pools may encroach in the buffer area in residential districts. Sidewalks, bike lanes, and/or other street furniture may encroach in all districts.

(ii) Loading areas, outside storage, and outside display areas shall not encroach into the transitional buffer area.

(iii) Low-impact improvements, as determined by the Zoning Administrator, that are not affiliated with the marketing of any item represented by the development and that do not violate any section of this Code may be permitted in the landscape buffer area. Examples of such low-impact improvements may include, but are not limited to: concrete sidewalks or trails, trails constructed of pervious materials, fountains, putting greens, handicap accessibility ramps, ponds, and decorative lampposts.

c. Exceptions

(i) The required landscape buffer for non-residential uses and structures allowed in a residential zoning district and located in a more intensive district shall not be required to exceed Level 1 when abutting properties zoned for low-density residential uses but actually used for non-residential uses. Use of this subsection is allowed regardless of the zoning district of the subject property.

(ii) Playgrounds or parks that do not contain a structure within 30 feet of a common residential property line, or contain only paving for sidewalks or trails, are not required to have any transitional buffer.

E. Infill Development

Landscape buffer and screening may be reduced or waived for infill single-family, multifamily, mixed-use, or commercial development where the Zoning Administrator finds the design, height, location of uses, massing, and landscaping of the infill project mitigates potential adverse effects and promotes compatibility with surrounding structures and the character of the neighborhood.

F. Residential Screening Across a Street

1. Properties subject to this section that have a side or rear building face that is 1) adjacent to a street, and 2) across the street from properties zoned or used for single-family or two-family dwellings, shall provide a permanent six-foot high minimum and eight-foot high maximum screen at the landscape setback, consisting of a:

a. Masonry fence or equivalent material;

b. Wood fence as specified in Level 1 screening; or

c. Combination of a berm and shrubs planted to create an opaque screen.

2. This subsection shall not apply to the following uses:

a. Religious assembly,

b. Day care center,

c. Public or private school,

d. Residential uses,

e. Public parks and recreational facilities, or

f. Municipal golf courses and driving ranges.

G. Outdoor Speakers

Properties that are subject to this section shall direct outdoor speakers away from residential uses.

5.3.2. MECHANICAL AND UTILITY EQUIPMENT SCREENING

A. Applicability

The standards of this section shall apply to all of the following:

1. Air conditioning and heating equipment;

2. Ductwork used to heat, cool, or ventilate;

3. Swimming pool and spa pumps and filters;

4. Power systems, transformers, and generators for the building or site upon which the equipment is located; and,

5. Similar installations as required by the Zoning Administrator.

Roof and/or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards. The standards of this section are not intended to impede systems that use solar or wind energy to

reduce the costs of energy, if such systems are otherwise in compliance with applicable building codes and zoning requirements.

B. Screening Standards

1. Single-Family Residential Screening

a. On residential lots, mechanical equipment shall be located behind the building line of the house and screened from public view by a screening device or landscaping. This requirement does not apply to franchise utility boxes. Roof-mounted mechanical equipment, except solar energy systems, is prohibited on single-family residential dwellings.

b. Utility equipment located in the public right-of-way or designated open spaces shall be screened with a screening device or landscaping, or a combination of the two. Such screening or landscaping shall be maintained by the adjacent property owner or the community's homeowners association or public improvement district.

2. Multi-Family, Mixed-Use, Commercial, and Industrial Screening

For all developments other than single-family residential, the following mechanical equipment screening standard shall apply to the maximum extent practicable.

a. Roof-Mounted Mechanical Equipment

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.

b. Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), that protrudes more than six inches from the outer building wall shall be screened from view by structural features that are compatible with the architecture of the subject building. Wall-mounted mechanical equipment that protrudes six inches or less from the outer building wall shall be designed to blend with the color and architectural design of the subject building.

c. Ground-Mounted Mechanical Equipment

Ground-mounted mechanical equipment shall be screened from view by landscaping or by a decorative fence that is compatible with the architecture and landscaping of the development site. The fence shall be of a height equal to or greater than the height of the mechanical equipment being screened.

C. Alternate Screening

Where site constraints or other design limitations are present, the Zoning Administrator may allow mechanical equipment that is not screened in full compliance with the screening standards of this section to use alternative screening methods. Alternate screening methods may include, but shall not be limited to,

increased setbacks, increased landscaping, grouping the equipment on specific portions of a site, and painting or otherwise camouflaging the equipment.

5.3.3. SCREENING OF SERVICE, LOADING, AND STORAGE AREAS

A. Applicability

These screening requirements are applicable to all service, loading, and storage areas.

B. Placement

1. All service areas shall be placed at the rear, on the side of, or inside buildings.

2. No service area shall be visible from a public right-of-way or from adjacent residential areas.

3. Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

C. Outside Storage and Display Areas, Service Areas, and Loading Docks

All outside and display storage areas, service areas, and loading docks not screened by an intervening building shall be screened from view from any public street right-of-way. In addition, storage and loading areas shall be screened from view from any adjoining property when that property requires a transitional buffer as identified in Table 5.3-1 of this article. Property zoned or used for industrial purposes shall also screen from view all outside storage areas that are adjacent to non-industrial-zoned property.

1. The screening device shall consist of an opaque architectural screen or fence that substantially conforms to the color, detailing, and building materials of the principal structure. The height of the device shall not be less than the height of the materials stored.

2. Screening shall be a minimum height of eight feet to screen truck berths; loading docks; and areas designated for permanent parking or storage of heavy vehicles, equipment, or materials.

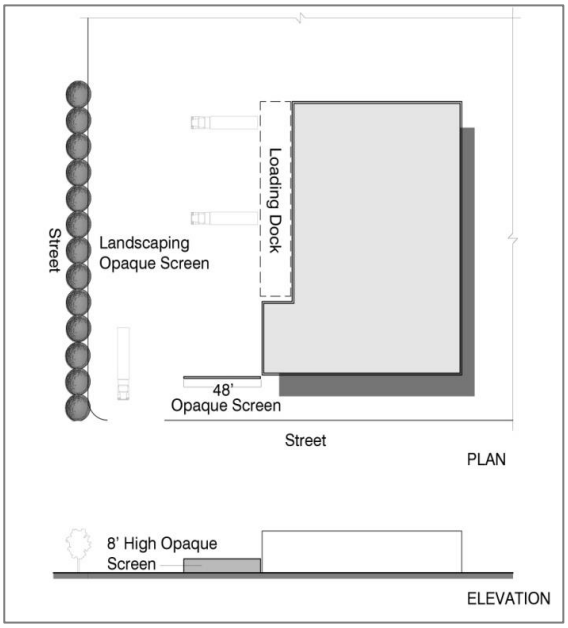


Figure 5.6 Screening of loading docks and storage areas

3. Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.

D. Shopping Cart Storage

1. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting. Plastic corrals are prohibited.

2. All shopping carts shall be stored overnight inside the building they serve. Overnight storage is not permitted in the corrals.

E. Refuse Facility Screened

1. All refuse facilities, including new refuse facilities placed on an existing development, shall be large enough to accommodate a trash dumpster and shall be completely screened from view of public streets and adjoining non-industrial zoned properties by:

a. Screening on three sides by a minimum eight-foot masonry fence enclosed by an evergreen living screen. Screening shrubs shall be a minimum of four feet in height at installation and shall provide a minimum six-foot high screen when fully grown.

b. An opening shall be situated so that the container is not visible from adjacent properties or public streets. The opening shall include a metal-clad opaque gate. Chain-link gates are not permitted. Gates shall have tiebacks to secure in the open position.

2. Screening is not required if the refuse facilities are otherwise screened from view by intervening buildings.

3. Screening is not required if the refuse facilities are located within a parking structure.

F. Stacking Lane for Drive-Through Service Windows Screened

Stacking lanes for drive-through service windows shall be screened according to the following:

1. Stacking lanes for drive-through service windows shall be screened to a height of three feet between the lane and the adjacent parking or maneuvering areas.

2. Screening shall be opaque and consist of one or a combination of screening shrubs, fences, and/or berms.

3. Screening shrubs shall be spaced a minimum of three feet on center. The shrubs shall be a minimum planting size of five gallons and shall be capable of reaching a minimum height of three feet within 18 months of planting.

G. Design of Screening

All screening shall be complementary to the building served in landscaping approach and through the use of similar colors and material palette.

5.3.4. FENCES

A. Single-Family Residential Fencing

1. Applicability

a. These standards are applicable in all zoning districts, except the following:

(1) Planned Development districts that have specific fence design standards,

(2) Entertainment District (EDO) overlay district,

(3) Village on the Green at Tierra Verde (VG) district,

(4) Downtown (DB) district, and

(5) Conservation District (CDO) overlay districts that have specific fence design standards.

b. Section 5.3.4.A.2, *Residential Fencing Types*, is applicable to replacement and new residential fences as further described in that section.

c. Compliance with the requirements listed below shall be reviewed with each fence permit application.

d. For the purposes of this section, the term "fence" is used to mean "a structure serving as an enclosure, a barrier, or a boundary."

2. Residential Fencing Types

Residential fencing standards are divided into two main categories: perimeter fencing and privacy fencing. 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. Privacy fencing is an option left up to the builder or homeowner, but if built it shall follow the standards listed below.

a. Adjacent to Major Thoroughfares and in Level 3 Screening and Buffering Areas

In the interest of public safety and privacy, the following standards shall apply for all perimeter fencing on lots where the rear and/or side yards are adjacent to a freeway, major arterial, minor arterial, or major collector as identified on the Thoroughfare Development Plan, or where Level 3 screening and buffering is required:

(1) Height

Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence. In order to create variation in the design of the fence, at certain locations for no more than 10 percent of the total linear length of the fence, the height may be increased to 10 feet with approval from the Zoning Administrator.

(2) Approved Materials

100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any other sustainable material with more than 30-year life expectancy to give a long lasting, aesthetically pleasing appearance. Materials should preferably have a low maintenance factor and be complemented with landscaping, where appropriate. Ornamental metal rail fencing may be used to provide at least 50 percent transparency for the portions of the subdivision abutting an internal park/open space or to emphasize the landscaping at the entrance.

(3) Prohibited Materials

Chain link, vinyl, and wood fencing are prohibited.

(4) Design

Adjacent to major thoroughfares, the fence should be curved or angled at corner locations to accommodate appropriate visibility and add variety. Wall sections greater than 50 feet in length should incorporate at least one of the following design features that are proportionate to the fence length:

(a) A minimum one foot change in fence plane and height for at least ten feet, after at least every 20 feet;

(b) A minimum 18-inch raised planter at least eight feet long, after at least every 35 feet;

(c) Use of columns at 35-foot intervals; or

(d) Any other feature, approved by the Zoning Administrator that provides adequate relief from the monotony of a continuous fence.

(5) Construction Standard

It is intended that all fences erected pursuant to this section be constructed in such a manner to last 30 years with minimal maintenance required during said period. As such, all fences required by this section shall conform to the following minimum standards:

(a) The Zoning Administrator shall approve plans and specifications for fences and foundations. Such plans and specifications are to be submitted at the same time as construction plans for other subdivision infrastructure improvements are required.

(b) Fences shall be located on or within the private property and outside of the public right-of-way. Fences may be in an offset configuration as long as there is no encroachment into the right of way.

(c) The material, color, and design of fences shall be uniform within an approved preliminary plat, unless otherwise approved by the Zoning Administrator.

(d) All fences shall be placed at least nine feet from any existing or proposed City water line. Where necessary for compliance, the developer shall be required to provide up to an additional nine feet of right-of-way.

(e) It shall be the responsibility of any person, firm, corporation or other entity who shall own or occupy any lot or lots on which a fence was constructed pursuant to the terms of this section to adequately maintain the fence and to prevent it from becoming dilapidated or unsightly, unless otherwise specified as the responsibility of a mandatory homeowners association or public improvement district.

b. Adjacent to Minor Collector and Local Streets and in Level 2 Screening and Buffering Areas

The following standards shall apply for all perimeter fencing on lots where the rear and/or side yards are adjacent to a minor collector or a local street or in areas where Level 2 screening and buffering is required:

(1) Height

Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Materials

(a) 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any sustainable material with more than a 30-year life expectancy;

(b) Ornamental metal rail fencing may also be used in combination with any of the masonry materials listed above;

(c) Composite fencing or vinyl fencing in a natural tone flat color such as rust or tan; and,

(d) Cedar or redwood is permitted, but only if used with metal posts, metal brackets, and metal caps. Wood posts are prohibited. The side of the fence with the exposed posts or rails shall be oriented away from view from the adjacent public street.

(3) Prohibited Materials

Chain link fencing is prohibited.

c. Level 1 Screening and Buffering Areas

The following standards shall apply in areas where Level 1 screening and buffering is required:

(1) Height

Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Materials

(a) 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any sustainable material with more than a 30-year life expectancy;

(b) Composite fencing or vinyl fencing in a natural tone flat color such as rust or tan; and

(c) Double-sided wood stockade fence with metal posts, metal brackets, and metal caps. A continuous six-inch tall by eight-inch wide concrete mowing edge shall be provided.

(3) Prohibited Materials

Chain link fencing is prohibited.

d. Privacy Fences on Single-Family Residentially Zoned Lots

(1) Applicability

This section applies to replacement of residential fences or construction of new fences. A fence permit is required when more than 50 percent of the length of the fence along a property line is being replaced.

(2) Height

Height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

(3) Approved Materials

(a) Masonry (brick, stone, reinforced cement concrete) or any other sustainable material with more than a 30-year life expectancy;

(b) Ornamental metal rail fencing;

(c) Cedar and redwood;

(d) Composite fencing;

(e) Vinyl fencing in flat white or flat natural tone colors such as rust or tan; and,

(f) Other wooden picket fences, only if constructed with metal posts, metal brackets, and metal caps. Chemically pre-treated wooden horizontal members shall be at least 2” X 4”.

(4) Prohibited Materials

(a) Chain link;

(b) Sheet, roll, or corrugated metal; and,

(c) Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.

(5) Chain Link Reconstruction Materials

An existing chain link fence may be replaced with a new chain link fence or be replaced with an approved material. If the existing

fence is not chain link, the fence may be repaired with the existing material or an approved material.

(6) Orientation of Fence

When any stockade fence or other screening device, whether required or not, is located on a lot adjacent to a public street, said fence or screening device shall orient the side with exposed posts or rails away from view from the adjacent public street.

(7) Location of Fence

Privacy fences may be located along the property line with the following exceptions:

(a) In the interest of public safety and considering the visibility triangles, no fence may be taller than two feet when located on the side property lines of a corner lot or a reverse corner lot.

(b) Any fence that is more than two feet high shall be set back at least five feet from the side property line of a corner lot. In the case of a reverse corner lot, any fence that is more than two feet high shall be set back at least 7.5 feet from the side property line.

e. Adjacent to Parkland or an Internal Designated Open Space

The following standard shall apply for all privacy fences where the rear and/or side yards share a common property line with a dedicated private open space or parkland as identified on the Parks Master Plan.

(1) Height

Height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Material

(a) Ornamental metal rail fencing with columns (brick or stone) or ornamental metal posts shall be used to provide at least 50 percent transparency. Vinyl fencing in a natural tone flat color such as rust or tan may also be used and shall provide the same percentage of transparency as ornamental metal rail fencing for lots adjacent to internal open spaces only.

(b) In the interest of privacy, homeowners may choose to plant vines or shrubs along the fence on their property.

(3) Prohibited Materials

(a) Chain link;

(b) Wood;

(c) Sheet, roll or corrugated metal; and

(d) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

f. Fences in Front Yard Setback

(1) Height
Height shall not exceed four feet above the average established grade at the front lot line and in the street front setback.

(2) Approved Materials
Such fences shall be constructed using the following materials:

(a) Ornamental metal rail fencing with at least 75-percent transparency.

(b) Masonry columns may be used, provided they are constructed of brick, stone, reinforced concrete, or any sustainable materials with more than a 30-year life expectancy.

(3) Prohibited Materials

(a) Cedar, redwood, or other wood products;

(b) Composite or vinyl fencing;

(c) Chain link;

(d) Sheet, roll or corrugated metal; and,

(e) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

g. Special Provisions for Fences for Townhouses, Large Lots, and Agricultural Uses
Special provisions to increase the height of a fence located in the minimum front yard are allowed for a townhouse development as well as lots one acre in size or larger if the following requirements are met.

(1) Townhouse Block with Rear-Loaded Garages
Ornamental metal rail fences up to four feet in height shall be allowed along the front lot line. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six inches. Such fences shall provide at least 75 percent transparency.

(2) Townhouse Block with Front-Loaded Garages
Ornamental metal rail fences up to four feet in height shall be allowed beginning at a point of at least eight feet from the front lot line, in order to maintain visibility at drive approaches. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six inches. Such fences shall provide at least 75 percent transparency.

(3) Lots One Acre in Size or Larger
The minimum front yard fence requirements may be modified in compliance with this subsection.

(a) Height
The height shall not exceed eight feet measured from the highest adjacent grade within ten feet of the fence.

(b) Approved Materials
Wrought iron, ornamental steel or any permanent, architecturally equivalent material. Masonry may be used in combination with these materials, provided that no more than 25 percent of the fence, measured in linear feet, is solid.

(c) Location
The fence shall not be located within setbacks that may be required for traffic safety purposes, as determined by the Zoning Administrator.

(4) Agricultural Uses
Fences constructed on lots with permitted agricultural uses may be constructed in compliance with this subsection, subject to approval by the Zoning Administrator.

(a) Height

The height shall not exceed six feet measured from the highest adjacent grade within ten feet of the fence.

(b) Approved Materials

(i) Post and rail construction;

(ii) Pipe and cable construction;

(iii) Rail pipe; or

(iv) Woven wire.

(c) Prohibited Materials

(i) Barbed wire; or

(ii) Electric fencing.

B. Fencing in Non-Residential and Mixed-Use Districts

1. Other than required screening fences, fencing in non-residential and mixed-use zoning districts, or for commercial uses located in residential or industrial districts, shall conform to the following minimum standards:

a. The height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

b. Fences and gates that exceed four feet in height shall not extend beyond the front façade of the building.

c. Chain link; vinyl; and sheet, roll or corrugated metal are prohibited materials for fencing and gates. The Zoning Administrator may approve the use of chain link for playground areas associated with day care centers or public or institutional uses.

2. Other than required screening fences, fencing for industrial uses located in the LI and IM districts shall conform to the following minimum standards:

a. The height shall not exceed twelve feet as measured from the highest adjacent grade within ten feet of the fence.

b. Fences and gates that exceed four feet in height shall not extend beyond the front façade of the building, unless approved by the Zoning Administrator.

c. Chain link or vinyl fencing are permitted materials for security fencing.

d. Sheet, roll or corrugated metal; or cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence are prohibited materials for fencing and gates.

3. Electric fences shall conform to the following minimum standards:

a. Electric fences are permitted only in the IM zoning district, except that electric fences are prohibited in EDO and DNO overlay districts.

b. An electric fence shall not extend beyond the front façade of the building.

c. The height of an electric fence shall not exceed 12 feet at its highest point measured at existing grade.

d. Electric fences shall not be installed within five feet of a door to the building, or within 30 feet of a property line zoned or used for residential purposes.

e. Electric fences shall be clearly marked with warning signs. The warning signs shall be placed not more than 50 feet apart around the entire perimeter of the fence and be visible from both sides of the fence.

f. Electric fences shall use an interrupted or pulsating current not exceed 7,000 volts. The use of an uninterrupted current is prohibited. The fence may only be charged over a system derived from a system powered by a direct current battery and shall not be connected to an alternating current electrical system. Devices shall be listed by a nationally-recognized testing laboratory.

g. A Knox security system or other approved access device shall be installed for emergency access by the police or fire departments. All electric fences shall be registered with the police department through an alarm permit.

h. All electric fences shall comply with all applicable building, construction, and electrical codes adopted by the City.

4. Fencing along public right-of-way may be used to delineate sidewalk seating areas for cafes and restaurants and shall conform to the following minimum standards:

a. Maintain primacy of the public right-of-way for pedestrian and vehicular movement.

b. Ensure a compatible relationship with adjacent streetscape elements and building architecture.

c. Maintain barrier-free access for persons with disabilities.

d. Maintain a safe, secure, and comfortable environment for pedestrians.

e. The design, materials, and colors used should be compatible with the streetscape.

f. Perimeter fences should not obstruct the line of sight for pedestrians and drivers.

C. General Fence Maintenance

1. All screening fences constructed as required by this Code, previous ordinances, or other approvals must be perpetually maintained, repaired, or replaced by the owner of use of the more intensively zoned property. For purpose of this section, owner of the property for which the fence permit was issued is presumed to be the owner of the fence.

2. All fences shall be maintained in accordance with the requirements of the Nuisance Chapter, the Construction Chapter, and any other provisions of the City of Arlington Code of Ordinances regulating fences.

3. Repair and Replacement of Fences.

a. For fences where 50 percent or more of one length of fence along a property line requires repair or replacement with new fencing materials, a fence permit must be obtained in accordance with the Construction Chapter.

b. For fences where less than 50 percent of one length of fence along a property line requires repair or replacement with new fencing materials, the repair or replacement:

(1) shall not change the scope, location or dimensions of the fence; and

(2) shall be made using the same material as originally used to construct the fence, or material with comparable composition, color, size, shape, and quality as the remaining fencing material.

c. Repair and replacement of fences must comply with all applicable provisions of this Code.

4. Notwithstanding any other provision, the use of materials not specifically manufactured for the construction of fences is strictly prohibited. These include, but are not limited to, plywood, corrugated steel panels, or fiberglass panels.

5.3.5. VISIBILITY TRIANGLES MAINTAINED

Visibility triangles shall be maintained as required in the “Streets and Sidewalks” chapter of the Code of the City of Arlington.

5.4. OFF-STREET PARKING AND LOADING

5.4.1. PURPOSE

The regulations of this section are intended to ensure provision of off-street parking and loading facilities in rough proportion to the generalized parking, loading, and transportation demands of different land uses. By requiring such facilities, it is the intent of this section to help avoid the negative effects associated with spillover parking into adjacent neighborhoods, while at the same time avoiding the negative environmental and urban design effects that can result from parking lots and other vehicular use areas. The provisions of this section are also intended to help protect the public health, safety, and general welfare by:

A. Helping avoid and mitigate traffic congestion;

B. Encouraging multi-modal transportation options and enhanced pedestrian safety;

C. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and

D. Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

5.4.2. APPLICABILITY

A. Generally

The off-street parking and loading standards of this section shall apply to all parking lots and parking structures accessory to any building constructed and to any use established in every district. Except when specifically exempted, the requirements of this section shall apply to all temporary parking lots and parking lots that are the principal use on a site.

B. Expansions and Enlargements

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing plus expansion) shall equal 100 percent of the minimum ratio established in Tables 5.4-1 and 5.4-2.

C. Change in Permitted Uses

A permitted use that does not meet the parking requirements of this section may be converted to another permitted use without full compliance with the required number of parking spaces if the Zoning Administrator determines:

1. The maximum amount of parking spaces possible is provided without removing or partially removing a structure.

2. If a structure or a portion of a structure is voluntarily removed, the resulting area shall be used to provide the additional parking spaces necessary towards fulfilling the requirements of Tables 5.4-1 and 5.4-2.

3. The amount of parking available at least 80 percent of the parking required for the new use in Tables 5.4-1 and 5.4-2.

D. Location

Required off-street parking, loading, and vehicle stacking spaces shall be located on the same lot as the principal use, except as otherwise provided in this section.

E. Use Limited to Parking

No required off-street parking facility or loading space shall be used for sales, non-vehicular or rental vehicle storage, repair, or service activities unless specifically provided for in this Code.

5.4.3. OFF-STREET PARKING STANDARDS

A. Off-Street Parking Schedule A

The off-street parking requirements for uses allowed by this Code are listed in Table 5.4-1. The vehicle stacking requirements of Section 5.4.6, *Drive-Through Vehicle Stacking and Noise Reduction Standards*, may also be applicable to certain uses.

TABLE 5.4-1: Off-Street Parking Schedule A

USE CATEGORY	USE TYPE	PARKING REQUIREMENT
RESIDENTIAL USES		
Household Living	Dwelling, duplex	2 per dwelling unit
	Dwelling, live/work	1.5 dwelling unit (work area calculated as retail, office, or commercial use)
	Dwelling, multi-family	1 per studio | 1.5 per 1 bedroom | 2.0 per 2 bedroom | 2.5 per 3 bedroom | 2.5 + .5 for each bedroom more than 3
	Dwelling, single-family detached	2 per dwelling unit
	Dwelling, townhouse	2 per dwelling unit
	Garage apartment	1 per dwelling unit
	HUD-Code manufactured home | Mobile home	2 per dwelling unit
Group Living	Assisted living facility (≤6 residents)	2.0 per dwelling unit, not to exceed 1 per bedroom
	Assisted living facility (≥7 residents)	1.0 per dwelling unit
	Boarding house |fraternity or sorority house | private dorm	1 per bed
	Community home for disabled persons	2 per dwelling unit, not to exceed 1 per bedroom
	Foster family home	As required for the principal use
	Foster group home	As required for the principal use plus 1 per 2 residential beds
	Halfway house	1 per bed plus 1 per 100 sf of common area
	Independent senior living facility	1.3 per dwelling unit
	Nursing home	1.0 per 4 beds

TABLE 5.4-1: Off-Street Parking Schedule A		
USE CATEGORY	**USE TYPE**	**PARKING REQUIREMENT**
PUBLIC AND INSTITUTIONAL USES		
Community and Cultural Facilities	Art gallery or museum	1 per 1,000 sf GFA
	Correctional facility	Schedule C
	Domestic violence shelter	3 per 1,000 sf GFA
	Emergency shelter	3 per 1,000 sf GFA
	Government administration and civic buildings	3 per 1,000 sf GFA
	Mortuary, crematory, or funeral chapel	3 per 1,000 sf GFA
	Philanthropic institution (other than listed)	3 per 1,000 sf GFA
	Religious assembly	1 space per 4 seats. If no fixed seating, then based on 25% maximum capacity of the assembly areas, as determined by the International Building Code.
Educational Facilities	Business school	3 per 1,000 sf GFA
	Public or private school	Elementary Schools: 2 per classroom Middle Schools: 2 per classroom High Schools: 6 per classroom and 1 per 300 sf of administrative office space
	Trade school	3 per 1,000 sf GFA
	University, college, or seminary	Schedule C
Health Care Facilities	Hospital	1 per 4 beds based on maximum capacity, plus 3 per 1,000 sf GFA of office area, plus parking as required for accessory uses
	Hospital, psychiatric	1 per 4 beds based on maximum capacity, plus 3 per 1,000 sf GFA of office area, plus parking as required for accessory uses
	Medical or dental office or clinic	4 per 1,000 sf GFA
Parks and Open Space	Cemetery	Schedule C
	Community garden	1 per 5,000 sf of lot area
	Public park or playground	Schedule C. Playfields (soccer, baseball, etc.) shall have minimum of 20 spaces per field.
COMMERCIAL USES		
Agriculture	Animal production	None
	Crop production	None
Animal-related Services	Kennel, commercial	1 per 1,000 sf GFA
	Stables, commercial	1 per 5 stalls
	Veterinary clinic	2 per 1,000 sf GFA
Auto Sales, Equipment, and Repair	Auto service center	2 per 1,000 sf GFA
	Auto repair garage, major	2 per 1,000 sf GFA
	Car wash	2 spaces plus any stacking spaces required. See Section 5.4.6
	Gasoline sales	2 spaces plus any stacking spaces required. See Section 5.4.6
	Motor vehicle rental	2.5 per 1,000 sf GFA
	Motor vehicle sales, new	2 per 1,000 sf GFA of sales floor area

TABLE 5.4-1: Off-Street Parking Schedule A		
USE CATEGORY	**USE TYPE**	**PARKING REQUIREMENT**
	Motor vehicle sales, used	2 per 1,000 sf GFA of sales floor area
	Parking garage	None
Financial Services	All uses	2.5 per 1,000 sf GFA
Food and Beverage Services	Bar	14 per 1,000 sf GFA
	Catering service	3 per 1,000 sf GFA
	Restaurant	10 per 1,000 sf GFA, including outside dining/drinking areas.
	Restaurant, take-out and delivery only	3 per 1,000 sf GFA
	Restaurant with drive-through	10 per 1,000 sf GFA, plus any stacking spaces required. see Section 5.4.6
	Sidewalk cafe	Same as restaurant
Lodging Facilities	Bed & breakfast inn	1 per guest room, in addition to those required for principal residence
	Hotel, all types	1 per guest room or residence unit up to 100 units, then 0.75 per unit over 100. 50% of spaces may be counted to satisfy parking requirements of accessory uses
	Overnight parking facility	Schedule C
Office, Business or Professional	All uses	2.5 per 1,000 sf GFA
	Telemarketing call center	8 per 1,000 sf of area devoted to telemarketing work stations
Personal Services	Bail bond service	3 per 1,000 sf GFA
	Day care center	2.5 per 1,000 sf GFA
	General personal services (other than listed)	3 per 1,000 sf GFA
	Massage therapy clinic	3 per 1,000 sf GFA
	Tattoo parlor or piercing studio	3 per 1,000 sf GFA
Recreation and Entertain-ment, Indoor	Banquet hall	10 per 1,000 sf GFA
	Bingo parlor	10 per 1,000 sf GFA
	Billiard parlor	10 per 1,000 sf GFA
	Bowling alley	4 per lane
	Gun range (indoor)	2 per target area
	Nightclub	14 per 1,000 sf GFA
	Private club, lodge or fraternal organization	3 per 1,000 sf GFA
	Recreation, indoor (other than listed)	Schedule C
	Skating rink	Schedule C
	Teen club	4 per 1,000 sf GFA
	Theatre, indoor	1 per four seats
	Wedding chapel	1 per four seats

TABLE 5.4-1: Off-Street Parking Schedule A		
USE CATEGORY	**USE TYPE**	**PARKING REQUIREMENT**
Recreation and Entertainment, Outdoor	Country club	4 per 1,000 sf GFA
	Golf course	4 per green
	Gun club, skeet, or target range (outdoor)	2 per target area
	Major tourist attraction	Schedule C
	Recreation, general outdoor (other than listed)	Schedule C
	Marina	0.75 spaces per boat slip, plus parking as required for other uses
Retail (Sales)	Boat and accessory sales, rental and service	2 per 1,000 sf GFA of sales floor area
	Building and landscape materials and lumber sales	Schedule B
	Farmer's market	Schedule C
	General retail store, other than listed	3 per 1,000 sf GFA
	Firearm sales	3 per 1,000 sf GFA
	Nursery garden shop or plant sales	Schedule B
	Open air vending	Schedule C
	Package liquor store	3 per 1,000 sf GFA
	Pawn shop	3 per 1,000 sf GFA
	Secondhand goods store	3 per 1,000 sf GFA
	Specialty paraphernalia sales	3 per 1,000 sf GFA
	Swimming pool, spa and accessory sales and service	3 per 1,000 sf GFA
Sexually Oriented Business	All uses	14 per 1,000 sf GFA
INDUSTRIAL USES		
Industrial Service	Building maintenance sales and service	Schedule B
	Cleaners, commercial	Schedule B
	Food processing	Schedule B
	Medical or scientific research laboratory	Schedule B
	Heavy machinery rental, sales and service	Schedule B
	Wrecker service	Schedule B
Manufacturing	Asphalt or concrete batch plant	Schedule C
	Custom and craft work	2 per 1,000 sf GFA
	Gas well	Schedule C
	High-impact use	Schedule C
	Manufacturing, light	Schedule B

TABLE 5.4-1: Off-Street Parking Schedule A		
USE CATEGORY	**USE TYPE**	**PARKING REQUIREMENT**
	Manufacturing, heavy	Schedule B
	Salvage yard (indoor)	Schedule C
	Salvage yard (outdoor)	Schedule C
Transportation - Related Uses	Airport or landing field	2.5 space per 1,000 sf GFA of passenger terminal area
	Heliport	Schedule C
	Railroad yard, shop, or roundhouse	Schedule C
	Transit passenger terminal	5 space per 1,000 sf GFA
Utilities	Electric generating plant	Schedule C
	Electric utility substation	None
	Radio or TV studio	3 per 1,000 sf GFA
	Utility lines, towers or metering station	None
	Utility installation other than listed	None
	Telecommunication Facilities Building-mounted antennae and towers	None
	Telecommunication Facilities Towers ≤75 ft Stealth towers ≤100 ft	1 space
	Telecommunication Facilities Towers >75 ft Stealth towers >100 ft	1 space
Wholesale Distribution and Storage	Cold storage plant	Schedule B
	Contractors plant, shop and/or storage yards	Schedule B
	Distribution center or warehouse	Schedule B
	Self-storage facility	1 per 20 storage units, plus 2.5 per 1,000 sf GFA of office area
	Outside storage	Schedule C
	Wholesale supply business	Schedule B

B. Off-Street Parking Schedule B

Uses that reference Schedule B in Table 5.4-1, *Off-Street Parking Schedule A*, shall provide the minimum number of spaces identified in the table below.

TABLE 5.4-2: Off-Street Parking Schedule B

Use or Activity		Required Number of Spaces
Office or administrative area		2 per 1,000 square feet GFA
Indoor sales area		3 per 1,000 square feet GFA
Indoor storage, warehousing, assembly, vehicular service, or manufacturing area:	1-3,000 square feet of floor area	3 per 1,000 square feet GFA
	3,001-5,000 square feet of floor area	2 per 1,000 square feet GFA
	5,001-10,000 square feet of floor area	1.25 per 1,000 square feet GFA
	10,001 or more square feet of floor area	0.8 per 1,000 square feet GFA
Outdoor sales, display, or storage area (3,000 square feet or less)		1.25 per 1,000 square feet GFA
Outdoor sales, display, or storage area (more than 3,000 square feet)		1 per 1,000 square feet GFA
NOTE: The total number of required spaces is cumulative based on the variety of different functions present in a single use.		

C. Off-Street Parking Schedule C

Uses that reference Schedule C in Table 5.4-1, *Off-Street Parking Schedule A*, have widely varying parking characteristics that make it difficult to establish a single standard. Upon receiving an application for a use subject to Schedule C standards, the Zoning Administrator shall apply the off-street parking standard specified for the listed use that is deemed most similar to the proposed use. The Zoning Administrator may also establish off-street parking requirements based on a parking analysis prepared by the applicant. Such analysis shall include estimates of parking demand based on recommendations of the Institute of Transportation Engineers, or other acceptable estimates, and shall include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The analysis shall document the source of data used to develop the recommendations.

5.4.4. COMPUTATION OF PARKING AND LOADING REQUIREMENTS

A. Fractions

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next higher whole number.

B. Multiple Uses

Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses. No off-street parking space provided for one type of use or building shall be included in calculation of the off-street parking requirements for any other use or building except as prescribed in Section 5.4.7, *Parking Alternatives*, of this Code.

C. Area Measurements

Unless otherwise specified, all square footage-based parking and loading standards shall be computed based on gross floor area of the use in question. Structured parking within a building shall not be counted in such measurement.

D. Off-Street Loading and Service Areas

Required off-street loading spaces shall not be counted as off-street parking spaces in computation of required off-street parking space. Parking spaces located in buildings used for repair garages or car washes, and spaces in drive-through lanes shall not be counted as meeting the required parking.

E. Parking Based on Occupants

Except as provided for in this section, when the standards use the number of occupants as a unit of measurement, all calculations shall be based on the occupant load as determined by the International Building Code.

F. Parking Based on Seating

When the standards use seating as a unit of measurement, all calculations shall be based on the occupant load of the areas used for seating as determined by the International Building Code.

G. Parking for Unlisted Uses

Parking requirements for uses not specifically listed in Table 5.4-1, *Off-Street Parking Schedule A*, shall be determined by the Zoning Administrator based on the requirements for the closest comparable use, as well as on the particular parking demand and trip generation characteristics of the proposed use. The Zoning Administrator may alternately require the submittal of a parking demand analysis that justifies estimates of parking demand based on the recommendations of the Institute of Transportation Engineers, and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

H. Special Parking Requirements in Certain Zoning Districts

1. NMU and RMU Districts

a. In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

b. The total number of required parking spaces in a mixed-use district may be reduced by the Zoning Administrator if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Zoning Administrator.

c. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and street. However, the Zoning Administrator may approve an off-street area for passenger drop-off or pick-up activity.

2. DB, DNO, and LCMUO Districts

a. For non-residential or mixed-use development within the DB district boundaries, the off-street parking requirements of Table 5.4-1, *Off-Street Parking Schedule A,* shall be reduced to one-third the amount required in other zone districts.

b. For non-residential or mixed-use development within the DNO or LCMUO district boundaries, the off-street parking requirements of Table 5.4-1, *Off-Street Parking Schedule A,* shall be reduced to one-half the amount required in other zone districts.

c. Where there is on-street parking immediately in front of any lot or parcel in the DB, DNO, or LCMUO districts, the off-street parking requirement under subsections a. or b. above may be reduced by one space for each on-street space located adjacent to the lot and between the side lot lines of the lot.

d. All surface parking lots shall be located behind and/or on the sides of buildings. Side parking shall be limited to 25 percent of the width of the street frontage. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and street. However, the Zoning Administrator may approve an off-street area for passenger drop-off or pick-up activity.

3. EDO Overlay District

a. Uses in the EDO overlay district are not permitted to exceed the parking requirement established in Table 5.4-1, *Off-Street Parking Schedule A*, unless approved by the Zoning Administrator.

b. Parking lots or parking structures shall not be located or constructed within the front building setback area. However, properties fronting on Interstate 30 along Ryan Plaza Drive, East Copeland Road, or Wet ‘n Wild Way; or fronting on SH 360 along Watson Road, may have one row of parking within the setback, unless approved by the Zoning Administrator.

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.

5.4.6. DRIVE-THROUGH VEHICLE STACKING AND NOISE REDUCTION STANDARDS

The following standards shall apply to businesses that contain a drive-through establishment, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

A. Location of Stacking Lanes and Use of Audible Electronic Devices

1. Stacking lanes shall not be located between the building and the street rights-of-way.

2. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line of the site.

3. No service shall be rendered, deliveries made, or sales conducted within the required front yard or corner side yard; customers served in vehicles shall be parked to the sides and/or rear of the principal building.

4. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

B. Stacking Space and Lane Requirements

The number of required stacking spaces shall be as provided for in Table 5.4-3, *Stacking Space Requirements*.

TABLE 5.4-3: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Bank, Financial Institution, or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	Pick-Up Window
Full Service or Automated Vehicle Washing Establishment	6	Outside of Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Zoning Administrator	

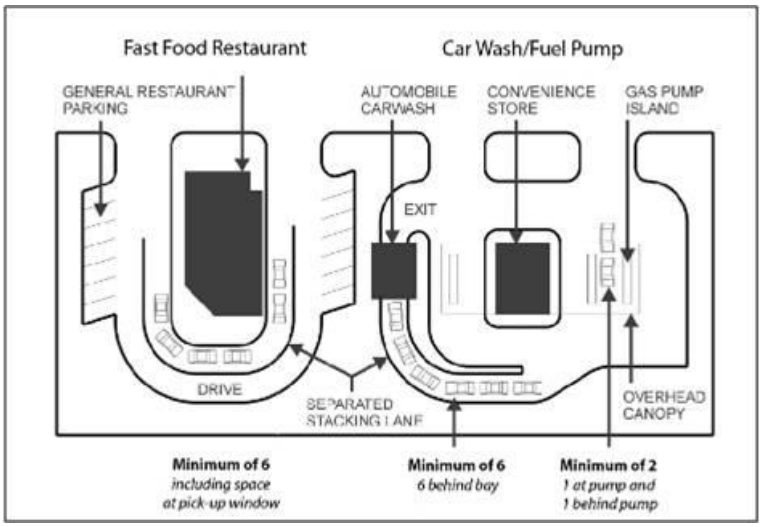


Figure 5.7 Location of stacking spaces and lanes. Note that the stacking lanes are oriented toward the side and rear yards.

C. Design and Dimensions

Stacking lanes shall be provided for any use having a drive-through establishment and shall apply comply with the following standards:

1. Drive-through stacking lanes shall have a minimum width of ten feet.

2. When stacking lanes are separated from other stacking lanes, bypass lanes, or from other site areas, the separation shall be by means of a five-foot wide landscaped median or island.

5.4.7. PARKING ALTERNATIVES

The Zoning Administrator may approve alternatives to providing the number of off-street parking spaces required by Section 5.4.3, *Off-Street Parking Standards*, in accordance with the following standards.

A. Off-Premise Parking

The Zoning Administrator may permit an off-premise parking facility to accommodate either required or additional parking subject to the following conditions:

1. The off-premise parking facility shall be located within 600 feet from an entrance, as measured along the shortest practical walking route, to the structure for which it will be used.

2. Off-premise parking should be connected to the use by a sidewalk or surfaced path.

3. Residential parking or accessible parking may not be provided in off-premise facilities.

4. Off-premise parking shall have the same or more intensive zoning classification as the primary use served.

B. Credit for On-Street Parking

The Zoning Administrator may give credit for on-street parking spaces located on the street adjacent to the entry of the building in which the use is located. Credit may not be given for parking spaces located in a residential zoning district.

C. Shared Parking

The Zoning Administrator may approve shared parking facilities for developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards.

1. Location

Shared parking spaces shall be located within 600 feet of a public entrance to the uses served unless remote parking shuttle bus service is provided.

2. Zoning Classification

Shared parking areas require the same or a more intensive zoning classification than required for the use served.

3. Shared Parking Analysis

Where shared parking is contemplated, the applicant may be required to include parking accumulation analyses as a part of the request for approval. The analysis shall include the parking demand for each hour over a 12- to 24-hour period for a typical high volume day. This will determine the minimum number of spaces that shall be provided. Based on the analysis submitted, if the maximum number of vehicles accumulated during a peak hour or hours for all overlapping uses exceeds the number of spaces that are required to be provided, shared parking shall be limited. A prorated number of shared parking spaces may be permitted based on the justification information of the analysis.

4. Agreement for Shared Parking

A shared parking plan will be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Zoning Administrator for review and approval. The applicant shall record the agreement prior to the issuance of a building permit or certificate of occupancy for any use to be served by the shared parking. A shared parking agreement may be terminated if all required off-street parking spaces will be provided in accordance with the requirements of Section 5.4.3, *Off-Street Parking Standards.*

a. Shared parking agreements that existed prior to the adoption of this Code shall continue in force.

b. Amendments to pre-existing agreements shall be made pursuant to the terms of this Code and shall be done by written agreement.

D. Structured Parking

1. Credit for Nearby Public Structured Parking

Spaces available in public parking structures located within 1,000 feet of the subject use may be counted toward the total amount of required off-street

parking if the Zoning Administrator determines that the spaces are reasonably available for the use.

E. Additional Reductions in Parking

The Zoning Administrator may allow an additional reduction in the required number of parking spaces (less than what is determined using the adjusted off-street parking calculation). A parking demand analysis, prepared in accordance with the Zoning Administrator's guidelines by a qualified parking or traffic consultant, substantiating the basis for granting a reduced number of spaces is required.

5.4.8. DEFERRED PARKING

The Zoning Administrator may approve a request to defer the construction of up to 20 percent of the required number of parking spaces specified in Section 5.4.3, *Off-Street Parking Standards*, if the request complies with the following standards:

A. Reserve Parking Plan

The request is accompanied by a reserve parking plan identifying:

1. The amount of off-street parking being deferred; and

2. The location of the area to be reserved for future parking, if needed.

B. Parking Demand Analysis

No later than 12 months after the initial certificate of occupancy is issued for the proposed development, the applicant shall submit a parking demand analysis to the Zoning Administrator that demonstrates the parking demand for the development and the adequacy of existing parking spaces. If the analysis indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces shall not be required. If the analysis indicates additional parking is required, it shall be provided consistent with the reserve parking plan and the standards of this section. An applicant may request one six-month extension on the submission of a parking demand analysis. Failure to submit a parking demand analysis shall result in the revocation of the deferred parking request.

C. Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.

D. Landscape Required

If the Zoning Administrator determines that a reserved parking area will not be needed for parking purposes, the area shall be landscaped in compliance with all relevant landscape standards of this Code.

5.4.9. PARKING FACILITY LOCATION AND DESIGN

A. Parking Space Dimensions

1. No parking space shall be less than 18 feet in length and nine feet in width, except as provided below.

2. Parking spaces may be reduced in length when a tire-stop curb is installed 16 feet from the maneuvering lane and a clear space of two feet is provided

for a vehicle to overhang. The overhang is not permitted over public property, sidewalks, or a setback in which parking is not permitted. Such reduction is permitted only when the width of the maneuvering lane is maintained at 26 feet.

3. A maximum of 20 percent of the required parking spaces may be designed and reserved for compact cars. Compact car parking spaces will be a minimum of eight feet by 16 feet and shall be clearly identified with either a sign or pavement marking limiting the spaces to compact cars. The minimum parking aisle width is 24 feet.

B. Location and Design of Parking Spaces

The following shall apply in all zoning districts.

1. Parking Prohibited in Rights-of-Way and Drive Lanes

a. No off-street parking facility shall be located, in whole or in part, in a public street or sidewalk, parkway, alley, or other public right-of-way.

b. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the City or within aisles, driveways, or maneuvering areas necessary to provide reasonable access to any parking space.

2. Garage Standards for Single-Family and Two-Family Residential Dwellings

a. An enclosed two-car garage is required for all single-family detached, townhouse, and duplex dwellings. The garage must be a minimum of 390 square feet in area.

b. A garage is not required for dwellings constructed prior to January 31, 1984.

c. A garage may not be converted to living space unless another two-car garage is constructed on the same lot. However, garage conversions are permitted for dwellings constructed prior to January 31, 1984, provided that a driveway of at least 20 feet in length, as measured from the front property line, is constructed to accommodate the same number of vehicles as the garage.

d. Tandem parking is permitted only for residential townhouses with a single-car garage, provided that the driveway accessing the garage has a minimum length of 20 feet as measured from the front property line.

3. Head-In Parking

Head-in parking is permitted only in the DB and DNO district, as provided below.

a. In the DB and DNO districts, all head-in parking spaces and sidewalks shall be entirely within the right-of-way unless otherwise approved by the Zoning Administrator. Head-in

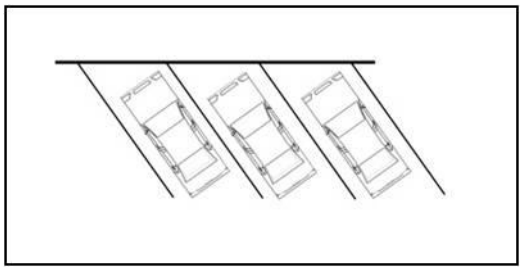


Figure5.8. Head-in parking must be angled.

parking shall be angled pursuant to the Design Criteria Manual and shall not be designed at a 90-degree angle. If insufficient right-of-way exists, additional dedication or easements shall be required. The building setback may be increased by the amount of land dedicated for head-in and/or parallel parking.

b. The Zoning Administrator may approve head-in parking in place of parallel or vice versa.

4. Maintenance

Parking facilities and loading berths shall be maintained and kept in a state of good repair at all times by the owner or the person in control of the premises.

5. Parking Calculations for Multi-Family Residential and Independent Senior Living

Both garage parking and tandem parking space (clear minimum 18 feet in length) behind the garage may be included in the parking calculation for multi-family and independent senior living developments.

C. Parking Area Location and Layout in Non-residential Districts

The following shall apply in the non-residential zoning districts.

1. Parking Location

Developments shall situate buildings at the street frontage, locating parking to the side and rear of buildings to avoid views of large, paved parking areas from public rights-of-way. However, the Zoning Administrator may waive this requirement based on the prevailing development patterns in order to be consistent with the established pattern of the street and keeping with the context of surrounding structures.

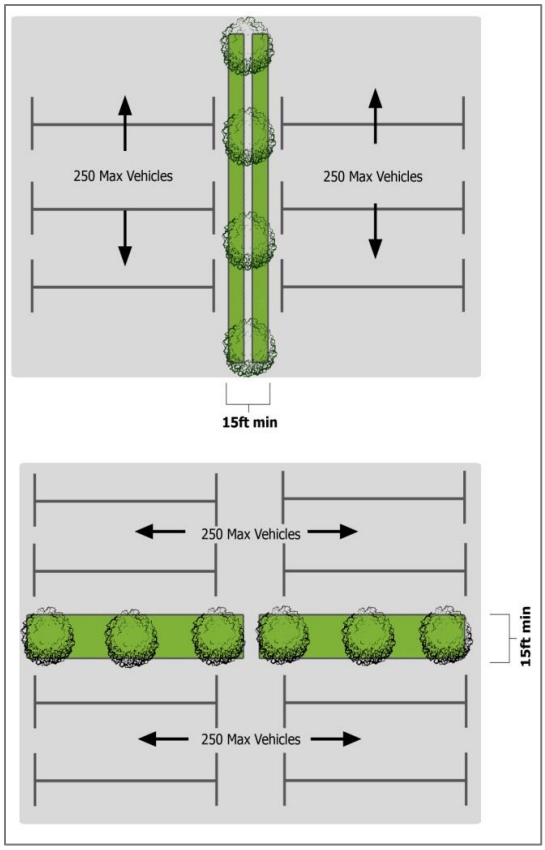


Figure 5.9 Parking area layout divided into sub-areas.

2. Parking Area Layout

Surface parking areas shall be divided into sub-areas, each accommodating no more than 250 vehicles. Each parking sub-area shall be separated by a minimum 15-foot wide landscaped feature, which shall include pedestrian walkways and shade features such as trees or arbors. This technique shall be used to

minimize the "sea of parking" between the building and the principal street and to require that the majority of off-street parking be located to the side or rear of the buildings served. Surface parking lots shall comply with the requirements in Section 5.2.2.E, *Parking Lot Landscaping and Screening*.

3. Circulation Area Design

Circulation areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area. Parking lots shall maintain safe circulation patterns and access to public streets.

D. Parking Location and Treatment for Mixed-Use Development

The following shall apply to mixed-use developments constructed in districts where this type of development is permitted.

1. All off-street parking shall be accessed through alleys or private access easements along the rear or side property lines.

2. All garages shall be located at the rear the structure and as part of the primary structure. Garages may not be visible from a public street.

3. All covered parking and garages shall be of the same building and roofing materials as the primary structure.

4. No surface parking lots shall be located between the building and any public street.

5. Surface parking may be located behind or to the side(s) of the building, not adjacent to a public street.

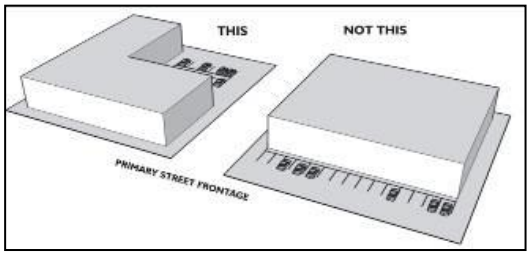


Figure 5.10 Appropriate location for surface parking.

6. Surface parking areas on the side may not exceed 25 percent of the total street frontage for that side. Parking areas shall not be located in front of a maximum setback line.

7. If permitted, head-in and/or parallel parking spaces may be counted toward the required parking (not to be construed as designated or reserved for the benefit of a specific person, entity or use) if immediately adjacent to lease, rental or owned property.

8. Any enclosed parking structure shall be designed so that the only openings at street level are for auto or pedestrian circulation. The remaining street wall of the ground floor shall include façade treatments such as projections, recesses, niches, fenestration, or changes of materials or color. Structured parking shall also be designed in compliance with Section 5.4.I, *Parking Structures*.

E. Access in the DB and DNO Districts

Where there is a useable alley, public or private, other access drives shall not be permitted. The Zoning Administrator shall determine the accessibility of an alley.

F. Lighting

1. Parking lots shall have exterior lighting in all publicly accessible areas. All parking lot lighting shall be cut off lighting fixtures and be placed on a house meter.

2. Light sources must be indirect, diffused, or covered by shielded type fixtures, and be installed to reduce glare and interference with adjacent properties or streets.

3. Parking lot lighting fixtures must be attached to buildings or mounted on metal poles. Any fixture located within 100 feet of a property zoned or used for residential purposes shall not exceed 20 feet in height.

G. Striping

For all multi-family and non-residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface.

H. Materials

1. All permanent parking areas and loading berths, whether required or provided in addition to the requirements of this section, shall have an all-weather surface, and shall be connected by an all-weather surfaced driveway to a street or alley.

2. An all-weather surface parking facility shall be constructed of asphalt or concrete. The Zoning Administrator may approve the use of a porous paving system or other pervious surface.

I. Parking Structures

The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves. Such structure shall be subject to the following:

1. Wrapping of Parking Structure

Where feasible, the ground floor of parking structures in mixed-use or non-residential districts shall be wrapped with uses from the commercial, office, institutional, public, or civic categories of Section 3.1.5, *Table of Allowed Uses*. Parking structures with ground floors that are not wrapped with active public uses on the sides facing a public street or open to public view shall not:

a. Abut street intersections or public/civic use areas,

b. Be adjacent to public squares, or

c. Occupy sites that are the terminus of a street vista.

Figure 5.11 Parking structure wrapped by space for other uses.

2. Design

a. Parking structures shall be constructed of materials of similar quality, shall be compatible in appearance with adjacent buildings, and shall contain lighting sufficient for security purposes.

b. Ground floor façades of parking structures not occupied by active uses shall be articulated using three or more of the following architectural features.

(i) Windows or window-shaped openings with decorative mesh or similar features as approved by the Zoning Administrator;

(ii) Masonry columns;

(iii) Decorative wall insets or projections;

(iv) Awnings;

(v) Changes in color or texture of materials;

(vi) Public art;

(vii) Integrated landscape planters; or

(viii) Other similar features approved by the Zoning Administrator.

3. Entry Design

Vehicle entries to off-street parking structures shall be integrated into the placement and design of adjacent buildings or oriented away from the primary street frontage. At a minimum, parking structures shall provide vehicles access from a location that minimizes conflicts with pedestrian circulation.

4. Height of Parking Structure

The height of a parking structure may not exceed the height of the principal building it is intended to serve. Where no principal building exists, the maximum height of the parking structure shall be limited to the maximum building height allowed in the zoning district in which the structure is located.

5.4.10. MINIMUM OFF-STREET LOADING STANDARDS

A. Off-street facilities shall be provided and maintained for receiving and loading of merchandise, supplies, and materials within a building or on the premises.

B. Required off-street loading facilities may be adjacent to an existing public alley or private service drive, or may consist of a berth within a structure.

C. No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility.

D. The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.

E. Off-street loading spaces shall be screened in compliance with the provisions of Section 5.3.3, *Screening of Service, Loading, and Storage Areas*.

5.4.11. BICYCLE PARKING

Bicycle parking shall be designed and located in accordance with the Arlington Hike and Bike System Master Plan, and provided as follows.

A. In the DB district, and DNO and EDO overlay districts:

1. For all non-residential and mixed-use developments, the number of bicycle parking spaces required shall be five percent of the number of required automobile parking spaces.

2. For multi-family developments, one bicycle parking space shall be provided for every 10 required automobile parking spaces.

B. In all other zoning districts:

TABLE 5.4-4: Required Bicycle Parking

Land Use	Number of Spaces
Multifamily dwelling	10% of all automobile spaces
Hotel, all types	1 per 30 rooms
Public or private school	1 per 10 students
University, college, or seminary	10% of all automobile spaces
Government administration and civic buildings	1 per 10,000 sf of building area, with a minimum of 2 spaces
Commercial and retail w/off-street parking	5% of all automobile spaces with a minimum of 2 spaces
Commercial and retail w/on-street parking	1 per 5,000 sf of building area with a minimum of 2 spaces
Industrial	5% of all automobile spaces with a minimum of 2 spaces
Parks and open space	10% of all automobile spaces

C. In all zoning districts, bicycle racks shall be located according the following.

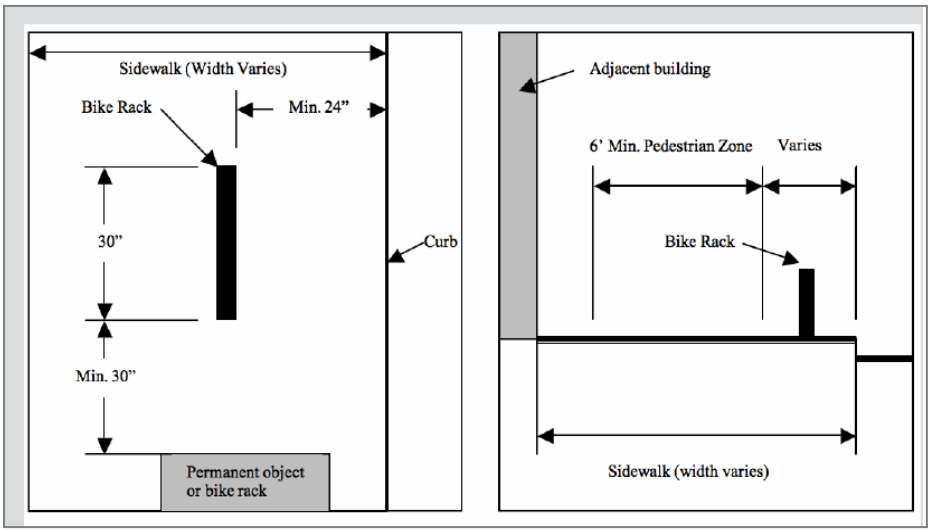


Figure 5.12 Location of bicycle racks.

5.5. RESIDENTIAL DESIGN STANDARDS

5.5.1. PURPOSE

The standards of this section are intended to:

A. Promote high-quality residential developments that are distinctive, have character, and relate and connect to established neighborhoods;

B. Provide variety and visual interest in the exterior design of residential buildings;

C. Create new sustainable neighborhoods that age gracefully and add long term value to the city;

D. Enhance the residential streetscape and diminish the prominence of garages and parking areas;

E. Protect property values; and

F. Ensure the compatibility of infill residential development with the existing character of surrounding neighborhoods.

5.5.2. GENERAL STANDARDS FOR ALL RESIDENTIAL DEVELOPMENT

A. Residential Infill Compatibility Standards

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;

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.

2. Contextual Front Building Setbacks

Notwithstanding the minimum front setback requirements required in Article 4, *Dimensional Standards*, for the zoning district in which the property is located, the applicant may use a contextual front setback when existing front setbacks on the same block are greater or less than that required by the underlying zoning. In such circumstance, the front setback for the proposed development shall be set back no further from the primary street than the furthest front façade of the principal building on either of the two abutting lots in the same base zone district, and shall be located no closer to the primary street than the closest front façade of the principal structure on either of the two abutting lots in the same base zone district.

3. Appearance

Infill development shall be constructed to be generally compatible in appearance with other existing structures on the block that comply with this

Code. This provision shall be satisfied by constructing the proposed building(s) so that at least three of the following features are substantially similar to the majority of other buildings on the same and facing block:

a. Roof material;

b. Roof overhang;

c. Exterior building material;

d. Shape, size, and alignment of windows and doors;

e. Front porches or porticos;

f. Exterior building color; or

g. Location and style of garage or carport.

4. Multi-Family Infill Adjacent to Single-Family Residential

New multi-family infill development that will be located on a block face where more than 75 percent of the existing homes are single-family shall employ one or more of the following techniques to help reduce the overall bulk and mass of individual buildings and help maintain a lower-intensity residential character along the street frontage:

a. Articulate the front façade so that the building appears from the street to be separate homes by "stepping back" the front façade a minimum of 10 feet at the traditional side yard setback that would typically be found between two single-family homes;

Figure 5.13 Multi-family units with front façade step-back

b. Organize units around a central courtyard that maintains the impression of the traditional side yard setback between units along the street frontage; or

c. Design the multi-family building so that the massing, arrangement of architectural elements, and use of exterior materials gives the appearance of a large single-family home.

B. Mix of Housing Types

1. Intent

These standards are intended to promote a more diverse community through the provision of a variety of housing types, and to encourage developments that are not dominated by a single type of home or dwelling unit.

2. Required Mix

A development of 20 units or more shall include a minimum housing mix of at least three models, with a minimum of three distinct street-facing elevations per model.

5.5.3. STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DWELLINGS

A. Purpose and Intent

The purpose of these standards is to establish requirements for sustainable residential development throughout the city, increase the value of Arlington's housing stock, and ensure that homes are attractive and of high quality. Specifically, the goals for single-family detached development are:

1. Construct new neighborhoods that age gracefully and become established over time. Utilize sustainable design principles so that residences do not deteriorate.

2. Construct residential infill or redevelopment such that it enhances the value and quality of existing neighborhoods.

3. Promote the development of attractive streetscapes, which increase curb appeal, create a 'sense of place', and enhance Arlington's image.

4. Provide flexibility for variety. The intent of these standards is to prohibit certain design elements that have a negative effect on communities, while simultaneously allowing developers a great deal of latitude to create interesting, attractive developments.

B. Applicability

1. These standards are applicable to new construction or redevelopment of single-family dwelling units in all zoning districts, except the following:

a. Planned Development districts that have specific residential design standards,

b. Landmark Preservation (LPO) Overlay District, and

c. Conservation District overlays that have specific residential design standards.

2. Communities for which a plat application has been made prior to the adoption of the residential design standards will be subject to only the building design and front yard landscaping requirements. In those communities, these standards will be applicable only for building permit applications submitted to the City after two years from the later to occur of the date the City signs the final plat, or the date the City accepts the subdivision improvements offered for public dedication, if any.

C. Building Design Standards Applicable to All Single-Family Residential

1. Intent

The building design standards are intended to create unique neighborhoods by utilizing a wide array of architectural elements and design techniques. The purpose of these requirements is not to dictate how residences are designed; rather, it is to ensure that communities possess a distinct character and are desirable places to live for many years to come. Compliance with the requirements listed below shall be reviewed with each building permit application.

2. Orientation of Main Entrance

a. The main entrance or a courtyard leading to the main entrance of each primary structure shall be located on the front façade.

b. On corner lots, the main entrance shall face one of the streets or be oriented to the corner.

3. 360-Degree Architecture

a. The primary material on the front façade of the house shall be continued on all sides of the house, and on at least 50 percent of each side.

b. Windows are required on all elevations. On public facing façades (streets or parks), windows and doors shall cover a minimum of 20 percent of the elevation.

c. Window and door openings shall be articulated on all elevations of the building through the use of:

(i) Shutters,

(ii) Enhanced flat or arched lintels and sills (projecting or recessed, or constructed of materials other than the primary building material),

(iii) Overhangs, or

(iv) Surrounds and trims.

4. Building Foundations

Foundations of exterior walls or piers exposed more than ten inches above the adjacent ground level shall be clad in the primary exterior finish material, such as brick, stone, or stucco, or stained to complement the primary exterior finish material.

5. Exterior Finish Materials

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

b. Preferred Materials: One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(i) Stone or brick laid up unit by unit and set in mortar,

(ii) Cultured stone,

(iii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(iv) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

c. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that

does not bear on the foundation, is preferred to be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber.

d. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

6. Retaining Walls

A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

D. Building Design Standards Applicable to All Detached Single-Family Residential

1. Entry Feature

Entry features shall meet the following design standards:

a. A dwelling shall include a covered front porch, stoop, recessed entry, or front courtyard at the main entrance. An entry feature designed in accordance with the style of the dwelling unit is also acceptable. For zero-lot-line developments, side courtyards with wrought iron fencing may also serve as an entry feature.

b. The minimum area of a porch, stoop landing, recessed entry, or courtyard shall be 20 square feet.

Figure 5.14 Front porch scaled appropriately.

c. The height of the main entry feature shall be scaled appropriately for the individual dwelling. On two-story homes, the roof eave of the entry feature shall not extend up to or above the highest roof eave of the structure. The roof ridge of the entry feature shall not extend up to or above the highest roof ridge of the structure.

d. In order to increase the entry's prominence, the entry shall have at least one of the following: sidelights; a glass transom; decorative detailing on the front door such as raised/recessed panels, arches, glazing, or wrought iron details; or similar features.

2. Garage Location

Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following standards.

a. Front loading, front facing garages shall not project out from the front façade of the building.

b. Front loading, front facing garages shall not constitute more than 55 percent of the total width of the dwelling.

c. All front-loading, front facing garages shall incorporate at least two different architectural elements. However, garages recessed less than seven feet from the front façade shall incorporate four different architectural elements. Architectural elements may include balconies or other decorative overhangs above doors, columns flanking doors, decorative banding or moldings, detailed door designs with larger decorative brackets, windows/openings on garage doors, arches, decorative vent covers on a gable above the garage, sconce lighting, or similar elements.

Figure 5.15 Example of J-swing garage.

d. No more than two car bays may share a common garage door.

3. Additional Architectural Design Feature for Front Elevation

Variation in front elevations shall be used to add character and interest to communities. While some common elements may be shared, aspects such as color, material, detailing, landscaping, different floor plans, and different façade treatments shall be used to differentiate homes.

4. Roof Design

Roof design shall be varied to break up the mass and perceived bulk based on the following standards:

a. A minimum roof pitch of 6:12 shall apply to gable, hip, or shed roofs. This does not apply to portions of a roof that are separate from the structure's primary roof.

b. Flat roofs shall be screened by a parapet wall, capped by a three-dimensional cornice treatment.

c. Architectural styles that incorporate eaves shall have the eaves extend from the building wall at least 12 inches as measured horizontally on all façades. The Zoning Administrator may approve a shorter distance for roofs with a pitch of 12:12 or greater.

d. The use of proportionally designed dormers on the roof is encouraged where they are appropriate to the architectural style of the home.

5. Driveway

a. The driveway length of front loading, front facing garages shall be no less than 20 feet from the front property line. In case of communities with private streets, the 20-foot distance shall be measured from the

edge of the sidewalk farthest away from the street and parallel to the street.

b. Parking 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.

E. Building Design Standards Applicable to All Attached Single-Family Residential

1. Entry Features

Entry features shall meet the following design standards.

a. A dwelling shall include a covered front porch, stoop, recessed entry, or front courtyard at main entrances. An entry feature designed in accordance with the style of the dwelling unit is also acceptable.

b. The minimum area of a porch, stoop landing, recessed entry, or courtyard shall be 20 square feet.

c. No primary entrance of a dwelling unit shall be located on the second story of a structure.

d. The height of the main entry feature shall be scaled appropriately for the individual dwelling. On two-story homes, the roof eave of the entry feature shall not extend up to or above the highest roof eave of the structure. The roof ridge of the entry feature shall not extend up to or above the highest roof ridge of the structure.

e. In order to increase its prominence, the entry shall have at least one of the following: sidelights; a glass transom; decorative detailing on the front door such as raised/recessed panels, arches, glazing, or wrought iron details; or similar features.

2. Garage Location

Garages shall be situated so that they are not the predominant design feature of the dwelling based on the following standards:

a. Front loading, front facing garages shall not project out from the front façade of the building.

b. Front loading, front facing garages shall not constitute more than 60 percent of the total width of the dwelling.

c. All front-loading, front facing garages shall incorporate at least two different architectural elements. However, if the garage is recessed less than seven feet from the front façade or flush with the front façade, it is required to incorporate enhanced driveway paving and three different architectural elements. Architectural elements may include balconies or other decorative overhangs above doors, columns flanking doors, decorative banding or moldings, multiple panel door designs or other architectural detailing with larger decorative brackets, windows/openings on garage doors, arches, decorative vent covers on a gable above the garage, sconce lighting, or similar elements.

d. Two-car garages shall have a separate door for each bay. Doors shall be separated by a masonry column.

3. Driveways

Driveways should be deep enough to provide sufficient room for vehicles to park without encroaching into the sidewalk to allow pedestrians and others to use the sidewalk.

a. The driveway length of front loading, front facing garages shall be no less than 20 feet from the front property line. In case of communities with private streets, the 20-foot distance shall be measured from the edge of the sidewalk farthest away from the street and parallel to the street.

b. Parking facilities shall not exceed 60 percent of the area between the property line and required setback on all street frontages.

4. Roof Design

Roofs and rooflines can add character and interest to a home. Details on a roof are important as they break up the mass and perceived bulk.

a. A minimum roof pitch of 4:12 applies to gable and hip roofs, unless other approved by the Zoning Administrator. This does not apply to portions of a roof that are separate from the structure's primary roof.

b. Flat roofs shall be screened by a parapet wall that is capped by a three-dimensional cornice treatment.

c. Architectural styles that incorporate eaves shall have the eaves extend from the building wall at least 12 inches, as measured horizontally, on all façades. The Zoning Administrator may approve a shorter distance for roofs with a pitch of 12:12 or greater.

d. The use of proportionally designed dormers on the roof is encouraged where they are appropriate to the architectural style of the home.

5. Anti-Monotony Standards for Townhouses

Variation in front elevations adds character and interest to communities. In order to avoid monotony, different floor plans and façade treatments should be utilized to give residences their own identity. While some common elements may be shared, aspects such as color, material, detailing, and landscaping can be used to differentiate homes. Compliance with the requirements listed below shall be reviewed as part of a required site plan before any building permit application is submitted. Townhouses shall incorporate variation to any façade of a building that faces a public road or private road by utilizing the following elements.

a. Variation in Building/Garage Placement

The façade shall satisfy at least one of the following:

(i) After at least every 30 feet of frontage, all façades shall incorporate wall offsets that have a differential in horizontal plane of at least two feet. The wall offsets may be in the form of projections or recesses. An offset is also required whenever there is a change in building material.

Figure 5.16 Variation in townhouse façades.

(ii) For at least 25 percent of the dwelling units, garages shall be oriented either to the side or to rear of the building.

b. Roof Variation

The façade shall satisfy at least one of the following:

(i) Changes in the roofline at intervals not exceeding 40 continuous feet in length, such as variations in roof pitch, overhangs, projections, exaggerated cornices, dormers, vegetated terraces, trellises, and extended eaves.

(ii) The gross floor area of upper story is smaller than the gross floor area of the lower story.

c. Architectural Design Features

The façade shall satisfy at least one of the following:

(i) Distinctive window patterns that are not repeated within groupings of up to four dwelling units.

(ii) Balconies, bays, box-outs, faux balconies, window overhangs, or secondary roof eaves with exaggerated projections and decorative supporting rafter beams.

(iii) Other architectural elements that the Zoning Administrator determines accomplish the objective of visually dividing the structure into smaller identifiable sections.

5.5.4. STANDARDS FOR MULTI-FAMILY RESIDENTIAL DWELLINGS

A. Purpose

The purpose of these standards is to improve the appearance and functionality of multi-family development, recognizing the importance of design in the economic success of urban areas, the need to be more efficient in the use of land, and the need to ensure the adequate protection of the surrounding area. These standards also are intended to:

1. Provide a distinctive architectural character in new multi-family residential developments that avoids featureless design, large building masses, and repetition of façades within a single development;

2. Promote sensitive design and planning of multi-family housing units that preserves or improves the characteristics of surrounding development;

3. Promote building design, placement, and orientation that contributes to a sense of neighborhood and community; and

4. Improve the quality of life of residents of multi-family residential dwellings.

B. Applicability

1. These standards are applicable to new construction or redevelopment of multi-family dwelling units and independent senior living facilities in all zoning districts, except the following:

a. Planned Development districts that have specific design standards,

b. Landmark Preservation (LPO) Overlay District, and

c. Conservation District overlays that have specific design standards.

2. This section is subject to the applicability standards of Section 5.1, *Applicability of this Article*.

C. Site Design and Building Organization

1. Access

a. New multi-family developments with 100 or more units shall take primary access from an arterial street and shall comply with the following standards:

(i) A minimum of one secondary point of ingress/egress into a multi-family development may be required for public safety access.

(ii) No vehicular access from a multi-family development shall be provided on a local street serving existing single-family detached development; however, secondary vehicle access for public safety vehicles may be provided onto local streets.

b. New multi-family development with fewer than 100 units may take primary access from a major collector street, if approved by the Zoning Administrator.

c. See Section 5.2.2.B.6, *Landscape at Site Entries for Multi-Family Developments* for site entry landscaping standards.

2. Building Orientation and Common Open Space

Common open space shall be provided in accordance with Section 5.10, *Common Open Space*, and this section.

a. Large open space should be the fundamental organizing element of the site. Common open space should be well defined by buildings and streets. Buildings should be oriented in such a way as to create courtyards and open space areas.

b. Large existing trees and other natural features should be integrated into the open space.

c. Common open space should be centralized and directly accessible to a majority of the surrounding units. Where possible, it should be linked to adjacent parks, paths, and open space areas.

d. The open space shall be useable areas and not riparian areas or slopes exceeding 3:1.

3. Site Amenities

In conjunction with the common open space requirements, all multifamily projects shall provide two or more site amenities listed below for the residents. For the reduction in minimum unit size, allowed in DB and DNO, the project shall provide three or more site amenities. Amenities must be centrally located for a majority of the residents and may be located within the common open space areas.

a. Swimming pool.

b. Sports courts, such as tennis, basketball, or volleyball.

c. Natural open space area with benches.

d. Jogging trails.

e. Fountains, art, or sculpture.

f. Other amenity as approved by the Zoning Administrator.

D. Building Separation For Multi-Family Development

1. Separation Required

a. In any district in which multi-family dwellings are permitted by this Code, the minimum spacing between buildings with walls that have openings for doors and windows on façades facing each other shall be as indicated in Table 5.5-1, below.

TABLE 5.5-1: Required Separation for Multi-family Development

Building Orientation	Minimum Separation (feet)
Face to Face	50
Face to End	30
Corner to Face or End	30
End to End	30

b. From building to building with walls that do not have openings, the minimum distance between buildings is 20 feet for one- and two-story buildings and 30 feet for three-story or taller buildings.

c. The minimum distance between buildings and freestanding garage buildings is 30 feet.

d. For purposes of measurement in this subsection, projections such as decks and bay windows shall not be counted.

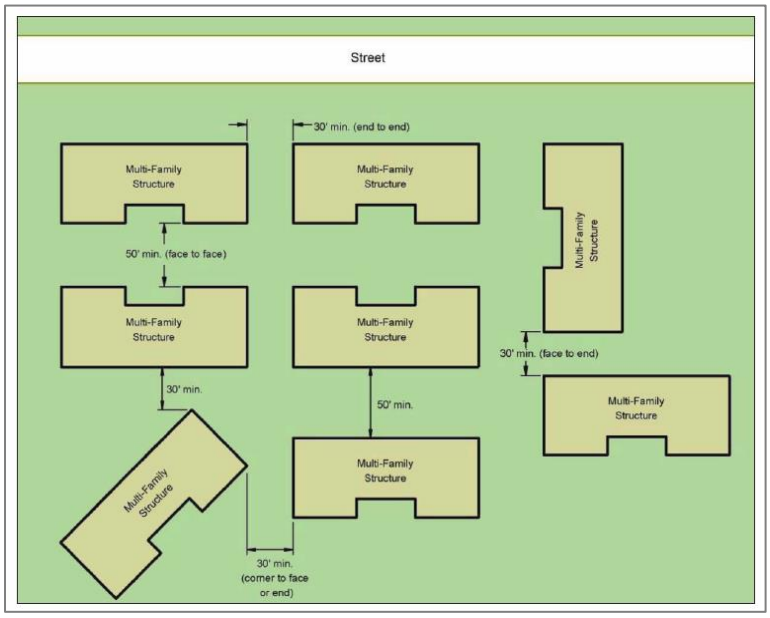


Figure 5.17 Description of separation requirements for multi-family buildings. Graphic is not intended to show a proposed layout of a multi-family development.

E. Off-Street Parking Location

a. At least half of the required number of parking spaces shall be provided in a parking structure, enclosed garage, or carport. At least 20 percent of the required number of parking spaces shall be located in an enclosed garage.

b. Parking areas or surface parking shall not be located between any building and the adjacent street, except for parking for the leasing office.

c. Garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from the street frontages.

d. Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 25 percent of each perimeter public street frontage. Driveways and associated driving areas shall be included in calculating this percentage.

e. Surface parking areas shall be configured into subgroupings of 80 or fewer spaces to the maximum extent practicable as a means of dispersing parking across the site.

f. To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street. Parking structures shall comply with applicable requirements of Section 5.4.9.I, *Parking Structures*.

g. In addition to the general requirements in Section 5.2.2.E, *Parking Lot Landscaping and Screening*, the following requirements shall apply:

(i) All surface parking shall be separated from any building by a landscaped strip of at least ten feet in width that includes a five-foot wide sidewalk, if required by the standards in Section 5.9.4, *Pedestrian Circulation*.

(ii) Double rows of parking shall be separated by a landscaped median of at least eight feet in width. The median may be curbless if wheelstops are provided in the parking spaces.

Figure 5.18 Curbless median with wheelstops

F. Building Design

1. 360-Degree Architecture

All sides of a multi-family building shall display a similar level of quality and architectural detailing as on the front elevation.

2. Building Mass and Articulation

a. Each elevation greater than 30 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 10 percent of the length of the façade, and extending at least 20 percent of the length of the façade.

b. The elevations of all multi-family buildings shall be articulated through the incorporation of at least six or more of the following:

(i) Balconies, a minimum of 25 square feet in area;

(ii) Bay or box windows;

(iii) Porches or covered entries that are proportional to the size of the building;

(iv) Dormers;

Figure 5.19 Multi-family structure with multiple design elements

(v) Awnings or canopies;

(vi) Structural offsets a minimum of four feet from the principal plane of the façade;

(vii) Accent materials such as brick, stone, or stucco with banding highlights;

(viii) Ornamental or decorative window grills and shutters;

(ix) Variation in window sizes and shapes;

(x) Vertical elements such as towers or building end-caps that demarcate building modules; or

(xi) Other features as approved by the Zoning Administrator.

Figure 5.20 Vertical building elements and modules

c. The height of any part of a multi-family building shall not exceed 40 feet if the building is located within 50 feet of a property zoned or used for single-family residential. Buildings and parts buildings located more than 50 feet away are not subject to height restrictions.

d. Multi-family buildings shall provide concentrated unit access points. Monotonous access balconies and corridors running the length of the exterior of a building are prohibited.

3. Roof Form

a. Multi-family residential buildings shall be designed to avoid any continuous roofline longer than 50 feet. Rooflines longer than 50 feet shall include at least one vertical elevation change of at least two feet.

b. The incorporation of a variety of roof forms is strongly encouraged. Upper-level residential floors may be incorporated into the roof form to reduce the apparent height and mass of buildings.

4. Vertical Articulation

a. The top floor of any building shall contain a distinctive finish, consisting of a cornice, banding, or other architectural termination.

b. For all structures three stories or more in height, the base (first 20 feet) of a building shall be distinguished from the remainder of the building by providing a minimum of three of the design elements listed above in subsection 5.5.F.2.b, above.

c. Multi-family buildings shall be designed to incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. Upper stories shall not appear heavier or demonstrate greater mass than the lower stories of the building.

Figure 5.21 Base identified by design elements.

5. Building Length

The maximum length of any multi-family building shall be 180 feet.

6. Entry Design

a. To the maximum extent practicable, the primary entrance and façade of individual buildings within a residential development shall not be oriented towards parking, but shall be oriented towards:

(i) An abutting public street, or

(ii) Common open space, such as interior courtyards, parks, or on-site natural areas, or features with a clearly defined and easily accessible pedestrian circulation system.

b. Ground-floor units with frontage along the primary street shall have an entrance that faces the street. Multi-family buildings located with multiple street frontages shall provide entrances to units along each street frontage.

(i) Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.

Figure 5.22 Exterior stairs not visible

c. Stairwells and stairways shall be integrated into the design of the building.

7. Transparency

At least 25 percent of all walls facing a public street shall contain windows or doorways.

8. Design of Multiple Buildings

a. Developments with more than one multi-family building shall incorporate a variety of distinct building designs according to the scale of the development, as follows:

(i) 2-6 buildings: two models minimum;

(ii) 7-12 buildings: three models minimum; and

(iii) 13 or more buildings: one model per four buildings or portion thereof minimum.

b. Distinct building designs, as required above, shall be easily distinguished through a minimum of two of the following:

(i) A variation in length of 30 percent or more;

(ii) A variation in the footprint of the building of 30 percent or more;

(iii) A distinct variation in color and use of materials;

(iv) A variation in the type of dwelling unit contained in the building that results in a significantly different scale and mass, i.e., apartments vs. townhomes or duplexes; or

(v) A distinct variation in building height and roof form.

9. Garages and Carports

a. All garages and carports shall be located at the rear or side of the primary structure. Garages may be integrated into the building with the units.

Figure 5.23 Garages integrated into building.

b. All carports and garages shall be designed as an integral part of the architecture of the project. Garages and carports shall be constructed with compatible architectural treatments that match the main buildings (e.g., roof pitch, gable type and orientation, roof materials). Support columns for carports shall include a compatible masonry base.

Figure 5.24 Compatible carport design

c. Any enclosed parking structure shall be designed so that the only openings at street level are for auto or pedestrian circulation. The remaining street wall of the ground floor shall be wrapped by units or include façade treatments such as projections, recesses, niches, fenestration, or changes of materials or color.

10. Defensible Space

a. Crime Prevention Through Environmental Design (CPTED) best practices, including providing defensible space, opportunities for natural surveillance, territorial reinforcement, and access control, should be incorporated into site, building, and unit design.

b. The concept of private space and control of access points should be reinforced using low fences and landscaping, as appropriate.

c. Window placement between units should balance privacy and natural surveillance.

11. Trash and Storage Areas

a. In addition to the requirements of Section 5.3.3.E *Refuse Facility Screened*, the standards in this section shall apply.

b. Trash enclosures shall be internalized and oriented away from streets and residential areas. Enclosures should be located inside parking areas or at the end of parking bays. Enclosures should not be located adjacent to primary buildings.

c. Trash enclosures should be placed in locations for tenant convenience and pickup service.

Figure 5.25 Trash enclosure with compatible architectural design

d. Enclosures shall be architecturally compatible in design to the primary buildings on site using common colors, building materials, and roof materials.

12. Mailrooms and Other Accessory Structures

a. Mailrooms or mail kiosks may be incorporated into another building or separated from all other buildings by a minimum of 20 feet.

b. All mailrooms or accessory structures shall be architecturally compatible in design to the primary buildings on site using common colors, building materials, and roof materials.

G. Building Materials

1. Exterior Wall Materials

a. A minimum of two distinct building materials from the preferred material list shall be utilized on all façades to provide architectural detail and interest.

b. For purposes of this section, preferred materials shall be defined as:

Figure 5.26 Multiple materials on façade

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

(ix) The use of wood for trim, accents, or soffits, may be permitted if approved by the Zoning Administrator.

2. Roofing Design and Materials

a. Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

b. Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

c. Other roof types shall be appropriate to the architectural style of the building.

d. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

e. Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

3. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

4. Retaining Walls

A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

5.5.5. RESIDENTIAL DESIGN STANDARDS FOR VILLAGE ON THE GREEN AT TIERRA VERDE

A. Compliance with Residential Design Standards

Residential development in the VG district shall comply with Section 5.5.3, *Standards for Single-Family and Two-Family Residential Dwellings*, except as otherwise specified in this section.

1. Garage Location

Front loading, front facing garages are prohibited in the VG district. However, a separate front facing, front loading garage for a third bay is permitted provided:

a. The dwelling has a J-swing garage that provides parking for two vehicles; and

b. The front of the separate third bay is set back at least 40 feet from the front property line and at least 20 feet from the front building façade.

B. Dimensional Standards

Development in the VG district shall meet the dimensional requirements of Table 5.5-2, *VG Minimum Contiguous Acreage and Dwelling Unit Size*, and Table 5.5-3, *VG Dimensional Standards*. The measurement of minimum contiguous acreage shall be based on the approved preliminary plat of the development.

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	10	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

TABLE 5.5-3: 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)	N/A
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 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.	

C. Open Space

1. Common open space for public congregation and recreational opportunities are required for all residential subdivisions of 10 or more lots. All residential subdivisions must provide open space and trails according to the table below:

TABLE 5.5-4: VG Open Space Requirements

Number of Units per Acre	**4.5**	**3.5**	**2.5**	**1.5**	**1.0**	**.5**
Common Open Space % Required	20	20	10	10	10	10
Contiguous Common Open Space % Required (private property)	15	15	5	5	5	5
Contiguous Common Open Space % Required (Tierra Verde Golf Club)	15	15	5	5	5	5
Trail Construction						
Trail Construction or Connection to Master Trail	Required					
If Trail Connection to Master Trail, then	5% decrease in open space					
Park Fees						
Park Fee Waiver Eligibility	NA	25%	50%	50%	100%	100%

2. Any development on land adjacent to the Tierra Verde Golf Club must provide required open space adjacent to the golf club.

a. Fencing of adjacent and/or contiguous properties shall consist of brick or wrought iron fence materials.

b. All developments adjacent and/or contiguous with public park property shall construct their portion of the trail system per Parks and Recreation Department trail standards and the Arlington Hike and Bike System Master Plan.

c. A reduction in open space requirements shall be allowed for open space contiguous to adjacent open space as designated by platting or adjacent to public property.

d. No common open space less than one-half (0.5) acre shall be counted towards open space credit.

e. Common open space shall be located behind any maximum setbacks and on private property.

f. Common open space shall be maintained by a private homeowners association or may be considered for dedication to the City.

D. Perimeter Streetscape Buffer Requirements

1. In order to maintain a rural character in the VG district, a perimeter streetscape buffer shall be required in accordance with the following table:

TABLE 5.5-5: VG Streetscape Requirements

No. Units/Acre	4.5	3.5	2.5	1.5	1.0	0.5
Perimeter Streetscape Buffer (ft) All frontage along minor and major collectors and all arterials, including right-of-way.	30*	30*	20	20	20	20
Perimeter Street Trees	Required 1 per 30 feet linear frontage					
Entry Features (landscaping and signage)	Required					

Notes: *This setback may be reduced to no less than 20 feet due to design considerations with approval from the Zoning Administrator.

2. The perimeter streetscape buffer shall be identified as open space lots on the plat. The open space lot shall be owned and maintained by a homeowners association.

3. All required screening fences shall be constructed of a combination of decorative wrought iron and masonry columns with landscaping or split rail fencing and landscaping.

4. The species of perimeter street trees is subject to approval by the Zoning Administrator.

E. Street Design

TABLE 5.5-6: VG Street Design

No. Units/ Acre	4.5	3.5	2.5	1.5	1.0	0.5
Street Design	Standard		Rural Standards May Apply			
Sidewalk Widths	Standard		Rural Standards May Apply			
Curvilinear Street Design	Required					

5.6. NON-RESIDENTIAL DESIGN STANDARDS

5.6.1. PURPOSE

The intent of this section is to establish design and development standards that foster high-quality, attractive, and sustainable non-residential development. The standards are intended to:

A. Protect and enhance the character and quality of commercial and industrial areas in Arlington;

B. Protect and enhance the long-term market value of property within Arlington;

C. Enhance the human and pedestrian scale of commercial and industrial developments and ensure compatibility between residential neighborhoods and adjacent commercial and industrial uses;

D. Mitigate negative visual impacts arising from the scale, bulk, and mass of large buildings and centers;

E. Promote building designs and construction practices that are sustainable and adaptable to multiple uses for extended building lifecycles; and

F. Balance the community's economic and aesthetic concerns.

5.6.2. APPLICABILITY

A. The general applicability standards in Section 5.1, *Applicability of this Article*, shall apply to this section.

B. These non-residential design standards shall apply to the following:

1. All new non-residential structures or existing non-residential structures expanded by 30 percent or more in gross square footage in all residential zoning districts and the LO, OC, NC, CC, GC, HC, BP, and DB zoning districts.

2. All new non-residential structures or existing structures expanded by 30 percent or more in gross square footage in the LI and IM zoning districts for land uses in the public and institutional and commercial uses categories, as described in Article 3, *Use Standards*.

3. All new non-residential structures or existing structures expanded by 30 percent or more in gross square footage for all uses in the LI and IM zoning districts located within 600 feet of the right-of-way of US 287 Highway between Interstate 20 and the southern city limits.

4. In the event of an express conflict between a building design standard in this Section 5.6 and an overlay district, the standard for the overlay district shall control, as provided in Section 2.1.5, *Relationship to Overlay Districts*.

C. Mixed-use projects shall comply with the Section 5.6 and Section 5.7, *Mixed-Use Design Standards*.

D. Alternate building and site designs may be approved by the Zoning Administrator through the procedure described in Section 10.4.22, *Alternative Equivalent Compliance*.

5.6.3. SITE DESIGN AND BUILDING ORGANIZATION

A. Purpose

Site design standards address a development's relationship to its surrounding natural features and development patterns. They also address the relationship between key elements within the site. Careful site design is critical to the success of non-residential projects, and the standards of this Section should be considered at the outset, and throughout, the design process. The standards of this Section are intended to:

1. Ensure development relates to the physical characteristics of the site;

2. Ensure building scale, orientation, and design relates to the surrounding uses and streets, and creates a cohesive visual identity and an attractive street scene;

3. Ensure site design for efficient pedestrian, bicycle, transit, and vehicular circulation patterns, and create a high-quality pedestrian environment;

4. Promote design environments built to human scale;

5. Ensure delivery, trash, and loading facilities are located so as not to impede regular vehicular and pedestrian circulation and access routes; and

6. Ensure safe and efficient access between buildings and parking areas.

B. Non-residential Contextual Front Setbacks

1. The front setback for infill development may be established as a range based on the locations of the primary structures on abutting lots in the same zone district located on the same street frontage as, and on each side of, the subject lot (i.e., two abutting lots set the range), as approved by the Zoning Administrator.

2. Development of a principal structure on the subject lot shall be set back no further from the primary street than the furthest front façade of the principle building on either of the two abutting lots, and shall be located no closer to the primary street than the closest front façade

C. Building Organization and Orientation

1. Individual Buildings

a. Development composed of one or two buildings shall be oriented so that the front façade faces the street from which the building derives its street address.

b. In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one or more windows that are transparent.

2. Multi-Building Organization

Development composed of three or more buildings shall be configured to:

a. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes; or

b. Frame the corner of an adjacent street intersection or entry point to the development; or

c. Frame and enclose on at least two sides parking areas, public spaces, or other site amenities; or

d. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings; or

e. On sites of 15 acres or more, frame and enclose a "main street" pedestrian or vehicle access corridor within the development site.

3. Entrance Orientation

The principal building entrance shall face the street providing the main access to the site. In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with sidewalks that meet the shading requirements of Section 5.6.4.J, *Providing for Shade.*

Figure 5.27 Building entry directly from a street

4. Building Entry Design

a. All buildings shall have their primary entrance directly off the street or through a recessed area, courtyard, or plaza located adjacent to the street.

b. The primary entryway shall be readily apparent as a prominent architectural component from the street, thus creating a focal point. However, non-residential buildings with multiple tenants on the ground floor or multiple primary entrances shall have all entrances treated architecturally.

Figure 5.28 Building entry through a courtyard

c. Primary building entrances are to be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.

d. All ground-floor entrances shall be covered or inset. This requirement shall not apply to loading areas.

D. Transitions in Height and Mass

Transitions between non-residential structures and residential neighborhoods shall be provided by using a combination of the following techniques:

1. Concentrating the tallest buildings at the center of the site or along primary street frontages;

2. Stepping down the height of buildings along the shared lot line or street frontage to the average height of the adjacent residential structures; or

3. Providing gradual decreases in building height and mass (other than step-down, as described above) so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.

E. Ballfield Lighting

For an exception to the maximum building height, in residential zoning districts, without residential adjacency, the Zoning Administrator may approve certain requests for alternative equivalent compliance as provided under Section 10.4.22 of this Code.

5.6.4. BUILDING DESIGN

A. Purpose

Building design directly influences the character and function of non-residential development. The standards of this Section are intended to:

1. Ensure that multi-building or phased commercial developments use compatible schemes of materials, colors, and architectural styles to ensure consistency;

2. Ensure that buildings are designed to a human scale; and

3. Encourage sustainable development by limiting the amount of resources necessary to construct and operate buildings and by designing buildings to be adaptable for multiple uses.

B. 360-Degree Architecture

All building elevations shall be architecturally finished with similar levels of materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). Blank walls void of architectural details or other variation are prohibited.

C. Building Mass

1. Horizontal Articulation

Buildings shall be designed to reduce apparent mass by dividing façades into a series of smaller components. No individual component shall have a length of more than 60 feet. Components shall be distinguished from one another through four or more of the following:

a. Variations in roof form or variations in roof height of two feet or more;

b. Changes in wall plane of 24 inches or more in width and depth;

c. Variations in the arrangement and recessing of doors and windows;

d. Recognizable changes in texture, material, or surface colors;

e. Decorative columns; or

f. Minimum ten-foot parapet return.

2. Vertical Articulation

a. Buildings greater than two stories or taller than 20 feet shall be designed to reduce apparent mass by including a clearly identifiable base, middle, and top, with horizontal elements separating these components.

b. A well-defined cornice or fascia shall be located at the top of the storefront and at the roofline.

c. The component described as the middle shall constitute a minimum of 50 percent of the total building height.

Figure 5.29 Example of horizontal articulation (left) and vertical articulation (right)

3. Other Techniques

Buildings should incorporate other techniques to divide further large building façades, including the following:

a. In large stores with internal functions (e.g., coffee shop, deli, florist), buildings should include a minor storefront with a separate entrance. Large uses (e.g., grocery stores, department stores, warehouse stores) should include multiple entrances.

b. Architectural elements including projecting volumes, windows, balconies, loggias, canopies, pediments, and moldings that break up the mass of the building are encouraged.

c. Building design should avoid oversimplified, one-dimensional façades that lack human scale.

d. Design articulation should not apply evenly across the building façade, but should be grouped for greater visual impact, employing changes in volume and plane.

e. Enhancement of long unadorned walls may be accomplished with:

(i) Light and shade design elements,

(ii) Recesses and projections,

(iii) Vertical accents or focal points,

(iv) Murals or sculptures,

(v) Masonry texture features, or

(vi) Landscaping.

D. Design Elements

1. Structures 20,000 square feet or less shall include a minimum of four of the architectural design features listed below. Structures over 20,000 square feet shall include a minimum of six of the architectural design features listed below:

a. Canopies, awnings, arcades, covered walkways, or porticos;

b. Recesses, projections, columns, pilasters projecting from the planes, offsets, reveals, or projecting ribs used to express architectural or structural bays;

c. Varied roof heights for pitched, peaked, sloped, or flat roof styles;

d. Articulated cornice line;

e. Arches;

f. Display windows, faux windows, or decorative windows;

g. Architectural details (such as tile work and molding) or accent materials integrated into the building façade;

h. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios;

i. Integrated water features; or

j. Other architectural features approved by the Zoning Administrator.

2. The dominant primary cladding material shall be used on at least 20 percent of the wall area of the side elevations of the structure.

3. All service and aesthetic attachments to buildings shall be designed to complement the buildings they serve in terms of their color and/or material. This includes such items as railings, walls, conduits, ladders, stack pipes, drain spouts, and similar items.

Figure 5.30 Examples of recesses and projections.

E. Architectural Accent Features

In addition to the design elements required by 5.6.4.D above, to add detail to a building's façade, a minimum of three of the following accent features are required:

1. Overhang eaves,
2. Banding,
3. Pilasters,
4. Articulated parapets,
5. Cornices,
6. Columns,
7. String courses,
8. Projecting windows,
9. Window sills,
10. Rustication,
11. Lintels, and
12. Porches.

Figure 5.31 Architectural accent feature examples.

F. Roof Design

1. Roofline Articulation

Variations in rooflines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

Figure 5.32 Examples of acceptable roof design.

2. Flat Roofs

Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all

sides if visible at any distance from the ground. Parapets shall be constructed of the same material as the primary façade.

3. Overhanging Eaves
Overhanging eaves shall extend at least two feet past the supporting walls.

4. Roof Pitch
Pitched roofs shall have a minimum pitch of 4:12 for all structures, unless otherwise approved by the Zoning Administrator. This requirement excludes roofs for entries and dormers.

5. Architectural Elements
Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.

6. Roof Materials
Sloped or pitched roofs constructed of asphalt shingles, synthetic shingles, standing seam metal, or tile are preferred. Flat roofs may be constructed of any industry-standard material.

G. Awnings, Canopies, Arcades, and Overhangs
Structural awnings are encouraged at the first-floor level to enhance articulation of the building.

1. The material of awnings and canopies shall complement the building.

2. Awnings shall not be internally illuminated.

3. Canopies shall not exceed 40 linear feet without a break.

4. Awnings shall not extend more than five feet over the public sidewalk, unless otherwise approved by the Zoning Administrator, up to a maximum of 10 feet, and are in keeping with the architectural style of the building.

5. Canopies shall respect the placement of street trees and lighting.

6. All large canopies that require structural columns for support shall be completely faced with an approved finish material measured from the finished grade to the canopy roof. Materials used on columns and canopies shall be complementary to the building.

Figure 5.33 Examples of building canopy and awning.

H. Unified Design

1. If a building or center has a primary architectural theme, that theme should be used around the entire building. This can include, but is not limited to, the use of tile accents, stucco designs, awnings, cornice treatments, stepped parapets, trellises or arbors with live plant material, textured materials such as stone or brick, planters, or colored panels.

2. The architectural design within a multi-building development of structures (including freestanding outparcel structures) shall be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures shall adjust their standard architectural model to be consistent with a development's architectural character.

3. All buildings in a single development, whether developed at a single time or in phases, shall share at least four architectural features in order to create continuity within the overall development. These features include, but are not limited to, the following:

a. Overhangs,

b. Canopies or porticos,

c. Recesses or projections,

d. Arcades,

e. Raised corniced parapets over the entrance,

f. Roof style and materials,

g. Arches,

h. Outdoor patios,

i. Tower elements (at strategic locations),

j. Display windows,

k. Integral planters that incorporate landscaped areas or seating areas,

l. Water features, and

m. Public art or sculptures.

Figure 5.34 Visual continuity between buildings.

I. Building Materials and Colors

1. Wall Materials

a. No single building material shall cover more than 80 percent of the front building façade.

b. Preferred materials shall be defined as:

Figure 5.35 No single material covering more than 80% of front façade

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the façade; and

(ix) Architectural glass of less than 25 percent reflectance.

Figure 5.36 Architectural materials.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection 5.6.4.I.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

Figure 5.37 Example of façade design.

2. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

3. Façade Colors

Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

J. Providing for Shade

1. All development shall provide shaded internal pedestrian walkways along at least 50 percent of all building façades adjacent to or facing streets, outdoor gathering spaces, or parking areas.

2. On sites of 15 acres or more developed or redeveloped as a single project, shaded sidewalks between structures shall constitute a minimum of 30 percent of the sidewalks within sites containing multiple buildings.

3. Buildings should be oriented to minimize direct solar exposure on the primary building façade and areas of high pedestrian activity.

K. Transparency and Glazing

1. At least 25 percent of all walls facing a public street shall contain windows or doorways.

2. Windows shall not be installed from sidewalk grade to 24 inches high, unless approved by the Zoning Administrator. Divided-light windows are encouraged.

3. Lighting that outlines and/or details a window shall be prohibited. This includes the use of light tubing, such as neon or LED, and flashing or running lights.

L. Gateways

Buildings located at entrances to a development demarcate a gateway that will create an overall identity, set the tone for the development, and mark arrival or entry.

1. Structures at major entry points of a development with three or more structures shall be organized along the street and at the intersection to create a gateway.

Figure 5.38 Appropriate gateway building.

2. Architectural attachments shall be incorporated into the façades of buildings, and be placed at major entry points, to help emphasize arrival or entry into the development. These features may include, but are not limited to:

a. Eaves,

b. Planters,

c. Mounted signs (where they do not conflict with the Federal and Texas Highway Beautification Acts),

d. Pilasters,

e. Tower elements,

f. Water features, or

g. Arcades.

M. Construction of Building Elements Spanning Public Right-of-Way

A specific use permit may be requested for an enclosed building element that spans a public right-of-way provided:

1. The structure is intended for connecting buildings to convey people or materials across a public street,

2. No structural supports are located in rights-of-way, and

3. An agreement is executed with the City prior to permitting for the use of right-of-way.

N. Retaining Walls

A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

5.7. MIXED-USE DESIGN STANDARDS

5.7.1. PURPOSE

These standards are intended to promote compact, pedestrian-friendly, and transit-supportive patterns of development in mixed-use areas of the city; to guide the organization of mixed-use development in a variety of contexts; and to minimize the visual effects of parking within mixed-use areas. These standards are supplemental to the non-residential design standards and are intended to promote distinct design and sense of place that strengthen mixed-use areas as signature developments.

5.7.2. APPLICABILITY

All mixed-use development in the NMU, RMU, DB, DNO, LCMUO, and EDO districts that is subject to Article 5 based on Section 5.1, *Applicability of this Article*, shall also comply with the non-residential development and design standards in Section 5.6, *Non-Residential Design Standards* and the standards of this section. In the event of conflict, the standards of this section shall control.

5.7.3. USES

The following standards shall apply within the mixed-use districts:

A. Mix of Uses

To provide for a balance of commercial, office, residential, and civic uses, new developments in the mixed-use districts shall include a mix of two or more distinct types of permitted uses.

B. Required Mix of Uses—Sites 50,000 Square Feet or Larger

All developments on sites that exceed 50,000 square feet of gross floor area shall include at least one use from the Commercial Uses category, as identified in Table 3.1-2, *Allowed Uses – Non-Residential and Mixed-Use Districts*.

C. Ground-Floor Uses

The incorporation of retail shops and/or restaurants is encouraged at the street level to promote a more active environment for pedestrians and to support residential and office uses located within the same building (on upper floors) or nearby. This configuration of uses is particularly encouraged along major street frontages as well as adjacent to major public spaces, where a high level of activity and visibility is desirable. If a limited portion of a structure's ground level will be devoted to retail or restaurant space, such space should be located along those façades adjacent to or most visible from primary street frontages or major pedestrian walkways.

5.7.4. SITE DESIGN AND BUILDING ORGANIZATION

A. Minimum Development Street Frontage/ Build-to-Line

A minimum of 60 percent of each development's total building street frontage along a major arterial shall be located at the minimum front setback line for that district. The remaining 40 percent may be set back farther. This percentage may be changed for infill or redevelopment where existing, measurable standards differ from this

requirement. In those locations, the new structure shall have a street face in keeping with the context of surrounding structures.

B. Architectural Setback Encroachments

Any architectural feature may encroach up to five feet from the building face into the setback area, unless otherwise approved by the Zoning Administrator, and provided such feature is compatible with the architectural style of the building. No poles or supporting columns are permitted in the street right-of-way. These features may include, but are not limited to:

1. Stairs, stoops, and porches;

2. Chimneys;

3. Awnings and overhangs, which shall provide a minimum of nine feet of clearance above grade;

4. Canopies;

5. Eaves;

6. Tower elements;

7. Pilasters;

8. Bay windows, which shall provide a minimum of 10 feet of clearance above grade and may be no more than 10 feet in width;

9. Mounted signs; or

10. Balconies, which may have roofs but are required to be open and provide a minimum of 10 feet of clearance above grade.

C. Streetfront Building Setbacks

Setback areas are intended to be occupied by sidewalks, landscaping, outdoor dining areas, street amenities, kiosks, and other similar permitted uses and structures. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and street.

D. Throughway Zone

At all times, the throughway zone shall remain clear of any obstructions.

E. Building Corner Treatments

Buildings shall be designed to reinforce a strong corner condition at street intersections in order to emphasize a “street wall,” in which block closure along the street edge is a definitive characteristic of the development. Buildings shall also be designed to accommodate required visibility triangles without compromising the corner design.

Figure 5.39 Acceptable building corner treatments.

5.7.5. BUILDING DESIGN

A. Maximum Building Length

Buildings shall not exceed 250 feet in length without an unconnected physical separation of at least 15 feet between another building. This separation shall mark the location of a small pedestrian walkway, allowing a walkable connection to residential and parking areas behind commercial and retail mixed-use frontage buildings. In areas where shorter building lengths are common, a new structure shall match the average building length of the adjacent two structures. If an adjacent lot is empty, the average shall be created based on the closest three buildings on the same street face.

1. The pedestrian walkway shall be lighted and designed to be safe and visually interesting for pedestrians.

2. The pedestrian walkway shall be designed so that it cannot be closed or locked.

3. The pedestrian walkway shall be designed to connect separate buildings or link to customer parking.

B. Building Height

To ensure a minimum level of street-wall volume consistency, all buildings shall have a minimum height of 20 feet measured above finished grade to the top of roof structure.

C. Mixed-Use Residential Entry Features

All units with frontage along the primary street shall have an entrance that faces the street. Mixed-use buildings with multiple street frontages shall provide entrances to units along each street frontage.

1. Exterior entrances from a public sidewalk or common open space are permitted for dwelling units on the ground floor. These entrances shall be raised from the finished ground-floor level of the sidewalk a minimum of two feet.

2. Dwelling units above the ground floor shall have interior unit entrances, except that exterior stairs are permitted for access to upper-floor units only if they are oriented towards a central plaza not visible from any street.

D. Transparency

1. At least 40 percent of any ground-floor wall that faces or is visible from a public street, a right-of-way, or a park shall contain display areas, windows, or doorways. Windows shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, or display areas. Blank walls are prohibited.

2. At least 20 percent of walls above 20 feet that face a public street shall contain windows.

5.7.6. DEVELOPMENT PLANS REQUIRED FOR ALL MIXED-USE DEVELOPMENT

All mixed-use development in the NMU, RMU, DB, DNO, LCMUO, and EDO districts shall require approval of a Mixed-Use Development Plan in accordance with Section 10.4.55.

5.8. OVERLAY DISTRICT DESIGN AND DEVELOPMENT STANDARDS

5.8.1. ENTERTAINMENT DISTRICT OVERLAY | EDO

A. Applicability

1. Section 5.1, *Applicability of this Article*, shall apply to the EDO overlay.

2. This section is applicable to development in the EDO overlay in addition to Section 5.6, *Non-residential Design Standards*, and Section 5.7, *Mixed-Use Design Standards*.

3. Construction of single-family, two-family, and multi-family residential dwellings in the EDO overlay shall comply with Section 5.5, *Residential Design Standards*.

4. Change in Use

In the EDO overlay district, any change in use, as determined from the Use Table in Article 3, *Use Standards*, shall comply with the following where applicable:

a. Section 5.2.2.E, *Parking Lot Landscaping and Screening*, for the entire site.

b. The following subsections of Section 5.3, S*creening, Buffering, and Fences,* for the entire site:

(i) Subsection 5.3.1, *Residential Screening and Buffering*;

(ii) Subsection 5.3.2, *Mechanical and Utility Equipment Screening*; and

(iii) Subsection 5.3.3, *Screening of Service, Loading, and Storage Areas*.

(iv) Section 5.4, *Off-Street Parking and Loading*, for the entire site, if the change triggers a recalculation of parking requirements (See Section 5.4.2.B, *Expansions and Enlargements*).

c. If the structure is either non-residential or mixed-use, compliance with Section 5.6, *Non-residential Design Standards*, or Section 5.7, *Mixed-Use Design Standards*, as applicable, but only for the following items:

(i) Façade colors for the building, and not just the tenant space;

(ii) Covered entryways for that tenant space; and

(iii) Street tree standards for the entire frontage.

5. The following are excepted from the EDO overlay :

a. Construction within a Major Sports Complex;

b. Six Flags and Hurricane Harbor, excluding the perimeter of the amusement and water parks and office properties;

c. Deleted;

d. The “Major Sports Complex” chapter of the Code of the City of Arlington.

B. Land Uses

1. Permitted Uses

Subject to the provisions of Section 3.1, *Tables of Allowed Uses*, any use permitted in the applicable underlying base zoning district may be permitted the EDO overlay district, with the following conditions:

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.

f. Mixed-use developments or buildings are permitted in the RM-12, RMF-22, and any non-residential base zoning district, subject to the following:

(i) Townhouse and multi-family residential uses are permitted by right in a mixed-use development or building.

(ii) For mixed-use developments in the RM-12 and RMF-22 districts, the permitted non-residential uses are restricted to those in the RMU district.

g. Convention Hotel

2. Prohibited Uses

Any use not explicitly allowed in Table 3.1-1, *Table of Allowed Uses – Residential Districts*; and 3.1-2, *Table of Allowed Uses – Non-Residential and Mixed-Use Districts*, is prohibited in the EDO district. In addition, the following uses are prohibited in the entire EDO district:

a. HUD Code manufactured home/mobile home

b. Halfway house

c. Correctional facility

d. Animal production

e. Crop production

f. Auto service center

g. Auto repair garage, major

h. Surface parking lots as a primary use

i. Any hotel used for extended stay (see definition of Residence Hotel-subclassification)

j. Secondhand goods store

k. Bail bond service

l. Gun range (indoor)

C. Intent of Design and Development Standards

The design and development standards in the EDO district are classified into two categories: private realm and public realm.

1. The private realm is composed of buildings, site development, and private open spaces. Standards are intended to help strengthen the overall quality and character of development in the Entertainment District.

2. The public realm contributes immeasurably to the quality of life in a community. It is where the community meets, gathers, shops, works, and recreates. It consists of those places that people have unlimited and direct access to including streets, sidewalks, walkways, parks, and public open spaces.

D. Private Realm Design and Development Standards

1. Applicability

The following standards are applicable in the private realm of the EDO district.

2. Front Building Setbacks

The following setbacks are applicable within the EDO district:

TABLE 5.8-1: EDO Front Building Setbacks

Street Type	Minimum (ft)	Maximum (ft)[1]
Major Arterial	5	9
Minor Arterial	7	9
Major or Minor Collector	5	7
City or Local Street	5	11
Mews	5	7
Interstate frontage roads	12	24
Notes:		

[1] If an existing utility easement is deeper than the maximum setback, the setback may be increased to the edge of the utility easement farthest from the front property line.

3. Minimum Development Street Frontage/Build-to-Line

a. A minimum of 60 percent of each development's total building street frontage along a major arterial shall be located at or within the range of front building setbacks.

b. This percentage may be adjusted for infill or redevelopment to accommodate site constraints. Infill or redevelopment projects shall have a street face in keeping with the context of surrounding structures.

4. Minimum Building Height

In order to ensure a minimum level of street-wall volume consistency, all buildings shall have a minimum height of 20 feet measured above finished grade to top of the roof structure. This standard does not apply to single-family or two-family residential structures.

5. Maximum Building Length

Buildings shall not exceed 250 feet in length without an unconnected physical separation of at least 15 feet in width between another building. A covered pedestrian walkway may be provided in the building separation area that creates a walkable connection to residential and parking areas behind commercial and retail mixed-use frontage buildings.

6. Exterior Illumination

a. Intent

Illumination of buildings is required to promote the safety of all pedestrians and discourage "dead spaces" within the urban environment. Exterior illumination also provides a unique architectural opportunity to highlight the unique characteristics of the Arlington Entertainment District.

b. General Standards

(i) Exterior lighting for internal roads, private streets, entrance drives, and parking areas shall be designed to provide uniform illumination with low glare, using equipment that does not detract from the building's design.

(ii) The use of lighted bollards along pedestrian routes and at building entrances is encouraged.

c. Illumination Location

(i) Appropriate illumination shall be required on all exterior building walls that face streets, walkways, and parking areas.

(ii) To create visual interest Special care shall be given to the lighting design for all façades facing public sidewalks.

(iii) Floodlighting of building façades is prohibited. Highlighting of specific portions of a building for functional, aesthetic, or security purposes is expected, and lighting shall be indirect.

(iv) Indirect wall lighting, "wall washing", overhead down lighting, or interior illumination that spills outside is encouraged.

(v) Uplighting of plants to cast shadows on wall surfaces or to highlight special landscaping is encouraged, provided light sources are concealed.

7. Fenestration

The ground floor level of each elevation of all non-residential and mixed-use buildings that face or front upon any public right-of-way, pedestrian way, parking lot, park, or residentially zoned area, shall be comprised of a minimum of 40 percent windows or doors.

8. Fences

a. Fences and gates that exceed four feet in height shall not extend beyond the front façade of the building.

b. Chain link and vinyl are prohibited materials for fencing and gates. Wood fences are prohibited except as interior privacy fences for single-family residences.

c. Fencing along sidewalks and public right-of-way shall comply with Section 5.3.4.B., *Fencing in Non-Residential and Mixed-Use Districts*.

E. Public Realm Design and Development Standards

1. Applicability

The following standards are applicable in the public realm of the EDO district.

2. Street Framework and Streetscape Design Standards

a. Intent

The intent of these standards is to create a street framework that supports a high level of connectivity, provides development flexibility over time, and encourages pedestrian activity. The key design features that are necessary to create the characteristics within the public realm include:

(i) Street patterns based on a small scale grid system of interconnected streets;

(ii) Continuity of sidewalks along each street;

(iii) Crosswalk demarcation at street intersections;

(iv) Wide sidewalks with shade trees;

(v) Parallel and head-in parking to protect pedestrians from traffic movement, except along Collins Street, upon review and approval by the Zoning Administrator; and

(vi) Narrow street cross sections and neck downs at crosswalks.

b. Roadside Design

The roadside extends from the face of the building or edge of the private property to the face of the curb, and is that portion of a street that accommodates both social and business activity. The roadside consists of the following four distinct functional zones, which shall be designed as follows:

(i) Frontage Zone

(1) The frontage zone shall contain private street furniture, signage, merchandise displays, and similar items, and may be used for sidewalk cafes.

(2) The frontage zone shall be at least two feet in width, and may be located on private property.

(ii) Throughway Zone

(1) Continuous sidewalks are required along all thoroughfares.

(2) A clear pedestrian zone with a minimum width of five feet shall be provided in residential areas and six feet shall be provided in commercial and mixed-use areas.

(iii) Furnishing Zone

(1) Items that shall be located in this zone to minimize impact on the throughway zone include: street trees, planting strips, street furniture, utility poles, sidewalk vaults, newspaper racks, cabinets, traffic signal cabinets, fire hydrants, bicycle racks, and similar items.

(2) The minimum width of this zone is five feet, but installing pedestrian bulb-outs may be used where appropriate to increase sidewalk space.

(iv) Edge Zone

(1) The edge zone is required for all streets that allow on-street parking, but is not required on local streets and mews.

(2) Accessories or landscaping shall be at least two feet wide to facilitate the door swing of a parked car and prevent conflicts with elements within the furnishing zone. Parking meters, however, may be placed in this zone.

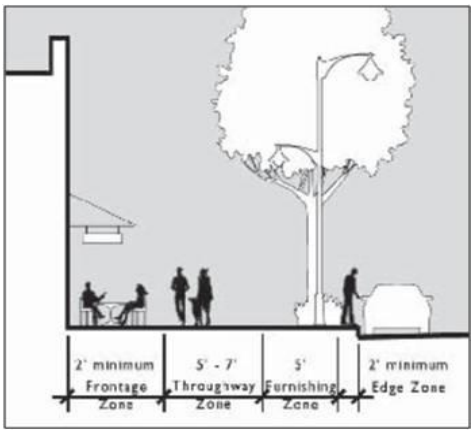


Figure 5.40 General roadside functional zones.

Figure 5.41 Illustrative uses in roadside functional zones.

c. General Requirements

(i) Owners shall be responsible for providing sidewalk design and streetscape improvement features identified in this subsection, unless such improvements are part of a public project.

(ii) If the required right-of-way dedication is less than the minimum required width of the streetscape, excluding the frontage zone, the additional area shall be provided on private property through a sidewalk easement. For example: A commercial property on a major collector requires at least a 13-foot streetscape (six-foot wide sidewalk/throughway zone, five-foot wide furnishing zone, and two-foot wide edge zone), but the right-of-way available is only 10 feet. The additional three feet shall be provided on private property through a sidewalk easement.

Figure 5.42 Example of sidewalk design.

(iii) Roadside design construction shall be complete before occupancy.

(iv) If driveways or other improvements necessitate the removal of any existing trees, the trees must be relocated to another site within the landscape setback or several trees of the same category and equaling the total caliper inches of the trees removed must be planted elsewhere within the setback area.

(v) Within 30 days, existing trees that die or are severely damaged shall be replaced by trees equaling the total caliper inches of trees removed.

(1) If the total number of caliper inches required cannot be accommodated where the existing tree was removed, then the trees may be located elsewhere within the project site.

(2) If there is not room on the project site to accommodate replacement trees, the Zoning Administrator shall work with the applicant to identify alternative amenities on site, such as street furniture, planters, or public art.

3. Street Typology

a. Arterials and Collectors

Streets and rights-of-way shall conform to the Thoroughfare Development Plan, as amended, the *Design Criteria Manual*, and the standards in this Code.

b. Mews

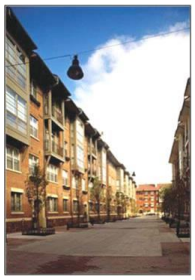


Figure 5.43 Mews.

(i) The right-of-way for a mews shall be 48 feet.

(ii) On-street parallel parking may be provided at specific locations, and may be located in between street trees.

(iii) Curbs are not required along mews.

(iv) Street trees shall be placed in planter leave-outs of five feet by five feet in size spaced on average every 35 feet. Planters shall be screened with a 12-inch tall ornamental steel fence or brick edge.

4. Intersections and Crosswalks

a. Intersections shall be compact and minimize crossing distance and crossing time. They shall also minimize exposure to traffic, encourage pedestrian travel, and increase safety.

b. If block lengths exceed 400 feet, mid-block crossings shall be required at a minimum distance of 150 feet from an intersection. The Zoning Administrator may determine that mid-block crossings are not required where there are sufficient opportunities for pedestrian movement.

Figure 5.44 Compact intersection.

5. Street Trees

Street trees are utilized to provide a sense of separation between pedestrians and vehicles, define space, soften hard edges of the built environment, provide shade to pedestrians and vehicles, and minimize the heat island effect created by large areas of paved surfaces. Street trees shall be provided as follows:

a. All street trees shall be planted at an average of 30 feet on center along all major arterials and at an average of 35 feet on center for all other types of streets.

b. All required street trees shall have a minimum caliper of four inches and be at least 10 feet in height at the time of installation.

c. Street trees shall not be located closer than 15 feet from a street lamppost.

d. Street trees may be of the same species along both sides of each street on a block.

e. Street trees shall be centered within a minimum five-foot by five-foot irrigated tree well or in at least five-foot wide tree lawn. The tree lawn shall also have a minimum five-foot wide stepping path centered between trees. Street trees shall be centered a minimum distance of four feet from the back of the curb.

f. Tree wells may be constructed either as raised tree curb pits covered with ground cover plant material or flush grate tree pits covered by ornamental tree grates or paver grates.

g. Ornamental tree guards are permitted.

Figure 5.45 Street trees centered in extended paved surface and in a tree lawn.

Figure 5.46 Ornamental tree guard and raised tree curb (left), and tree well and tree lawn landscaping (right).

6. Median Landscaping

a. The use of drought-tolerant plant materials is required for all landscaped medians.

b. Any combination of trees, shrubs, and ornamental grasses shall be used in medians. Species shall be selected from the plant list approved by the Zoning Administrator.

c. Irrigated turf shall not be permitted.

Figure 5.47 Median landscaping.

d. Trees shall be spaced a maximum of 30 to 40 feet on center.

7. Ground Cover, Shrubs, and Flowers

Plantings provide seasonal color, direct circulation, and serve as a buffer between pedestrians and automobiles. In addition, these areas help soften the street environment along the street edge.

a. Tree lawns shall be planted in the furnishing zone with sod or low groundcover not exceeding six inches in mature height.

b. In areas where high pedestrian traffic warrants additional paving, the area reserved for tree lawns may be paved with brick, flagstone, or concrete pavers between required street trees.

8. Parks and Open Spaces

a. Intent

Publicly accessible private parks and open space organize and reinforce neighborhood structure and help create an identity for the Entertainment District. These spaces offer a wide variety of passive and active recreational experiences ranging in size and type, but together they create an integrated system enhancing livability, natural appearance, and ecological values while providing gathering places and interaction opportunities for the community. Type and character of park and open space should be influenced by its surrounding uses (e.g. retail, office, high or low density residential) and prospective user groups (e.g. workers, shoppers, and children). In addition to the standards in Sections 5.10, *Common Open Space*, and 6.7, *Linear Parks*, the following standards apply in the EDO District.

b. Required Dimensions

(i) A maximum of 30 percent of area required to be devoted for public park or open space may be provided on an enclosed or sheltered ground floor level or rooftop terrace, provided the space meets all other requirements of these standards. For a mixed-use building, up to 50 percent of open space may be provided on an enclosed or sheltered ground floor level or rooftop terrace.

(ii) No space or area less than six feet wide in any direction shall be counted as public park or open space.

c. Location and Design

(i) Public parks and open spaces shall be visible and easily accessible from public areas such as building entrances and adjacent streets and sidewalks.

(ii) Active uses such as retail, cafes, restaurants, higher density residential, and office uses that provide pedestrian traffic shall be considered as appropriate uses to line public parks and open spaces. Furthermore, the building façades for these uses should define and visually enclose open space as an outdoor room.

(iii) Publicly accessible places to sit shall be provided and may be both formal and informal, including park benches, garden walls,

monumental stairs, moveable chairs, landscape elements such as boulders, fountain edges, and sculpture pieces.

(iv) All outdoor spaces shall provide:

(1) A minimum of one tree from the approved plant list for each 1,000 square feet of park/open space.

(2) A minimum of 25 linear feet of seating shall be provided for every 1,000 square feet of park/open space.

(3) One trash receptacle for each 5,000 square feet of park/open space.

(4) Public art and water features are encouraged to be incorporated into each park/ open space.

9. Public Realm Accessories

The following public realm accessories shall be provided within frontage and/or furnishing zones along all streets. Such amenities shall be provided at the same time as street trees. Accessories shall not be required along predominantly single-family residential streets and mews.

a. Lighting

(i) Lighting is intended to provide clarity of vehicular and pedestrian movement without needlessly lighting adjacent properties or developments.

(ii) Lighting shall have intensities and uniformity ratios in accordance with the most current recommended practices of the Illuminating Engineering Society of North America (IESNA).

(iii) All lighting shall be focused downward and cut-off shields shall be required where needed to prevent light from spilling onto adjoining properties or rights-of-way.

(iv) Lighting shall be controlled by a photocell or seasonally adjusted timer switch.

(v) Lighting fixtures that have been identified as non-operable shall be returned to an operable state within 72 hours.

Figure 5.48 Example of downward focused lighting.

b. Exterior Illumination

(i) Lighting may include string lighting in trees or uplighting in a tree lawn, tree grate, or planting bed.

(ii) Uplighting shall be waterproof, directional, and use fixtures that shield the light source from passing vehicles and pedestrians.

Figure 5.49 Examples of nighttime lighting and appearance.

c. Pedestrian and Vehicular Lighting

(i) Thoroughfare and pedestrian lighting shall be designed to provide uniform illumination with coordinated fixtures and cut-off luminaries selected from a single family or type of design (Kim Lighting or an approved equivalent).

(ii) All fixtures shall be selected for compatibility with the architecture and with the lighting design of adjacent parcels.

(iii) Street lighting for boulevards shall be located on medians. The mounting height of twin-fixture pole shall be 30 feet. Generally, the spacing is 150 feet to 200 feet determined by photometric study to obtain uniform distribution of light per IESNA standards. The poles shall be constructed at the center of the median unless underground utilities prevent such installation. The poles shall have the capacity to accommodate twin-arm vertical banner signs.

(iv) Pedestrian lighting for boulevards shall be located along sidewalks, and within frontage or furnishing zones. Poles shall be located at least four feet from the back of the curb and at an average interval of 90 feet. Lighting shall be centered between streets trees and placed at an average of 15 feet from street trees. The mounting height of the single fixture pole shall be 12 feet. The poles shall have the capacity to accommodate single-arm vertical banner signs that facing the sidewalk side.

(v) A combination pole with pedestrian and street lighting shall be provided on non-boulevards. They shall be located within the furnishing or frontage zone, at least four feet from the back of the curb and at an average interval of 90 feet. They shall be centered between streets trees and placed at an average of 15 feet from street trees. The mounting height of the pole shall be 20 feet, at

which level both the street light and the pedestrian light bracket will be installed. The poles shall have the capacity to accommodate single-arm vertical banner signs that face the sidewalk side.

(vi) Pedestrian lighting for park trails and pedestrian bridges shall be located close to the edge of the trail at an average interval of 90 feet. The mounting height of the pole shall be 12 feet. The poles shall have the capacity to accommodate twin-arm vertical banner signs.

Figure 5.50 Recommended lighting for streets and pedestrians.

(vii) Suspended cable lights may be used for animating and down-lighting pedestrian passages, open structures, mews, and other exterior locations. Cable lights must be suspended between building faces, poles or other types of hanging structures at a minimum height of 16 feet above the finished sidewalk grade. The specification of the fixture shall be complementary to the pedestrian lighting.

Figure 5.51 Suspended cable lighting.

d. Traffic Signal

All exposed surfaces of the signal shall be painted with black powder coat, consistent with the street and pedestrian light posts. In addition, black silhouette blades/back plate, designed per the Manual on Uniform Traffic Control Devices standards, shall be added to each signal to eliminate glare and inconsistent separation between signal and pole.

e. Vertical Banners on Light Poles

(i) Maximum square footage: 35 square feet per pole

(ii) Maximum height: 35 feet to top of banner

(iii) Maximum width: None

(iv) Distance above grade: Eight feet above curb or sidewalk

(v) Lighting: External

(vi) Spacing: None

(vii) Time limit: None

(viii) Permitted on-site: No more than two vertical banners per pole

(ix) Permitted in right-of-way: Yes; provided special conditions are met

(x) Special Conditions

(1) Torn or severely weathered vertical banners shall not be permitted.

(2) Vertical banners shall be secured at all points of attachment to the pole.

(3) No portion of a vertical banner shall be used to advertise a specific product or service. Any vertical banner located in the right-of-way may contain the name or logo of an event within the district area or a special community-sponsored event that is sponsored by community-based nonprofit entities.

(4) Vertical banners may be attached to light standards or other poles in the right-of-way with a permit from appropriate City departments, with brackets approved by the Zoning Administrator.

(5) Vertical banners, as described in this section, shall only be permitted in the right-of-way of the district area, except they may be located on both sides of a right-of-way, which acts as a boundary of that district.

10. Public Realm Street Furniture

a. Intent

Benches, trash receptacles, bike racks, and newsstands, which add character and help create functional and appealing outdoor spaces for public use, shall be required. The inclusion of well-designed and appropriately located street furniture can transform an unpleasant and poorly utilized area into an area that will attract users and promote outdoor activity. It is very important to organize street furniture so that it is clear of pedestrian movement yet easily accessible. The following are examples of acceptable standards for such equipment. Final approval of accessories shall be made by the Zoning Administrator.

b. Street Furniture Standards

(i) Location

Street furniture shall be located within the frontage zone and/or within the furnishing zone, subject to Zoning Administrator approval.

(ii) Maintenance Agreement

The Zoning Administrator may require a maintenance agreement and Easement Use Agreement for street amenities located within the right-of-way.

(iii) Benches

(1) Benches shall be located near street lamps, building entries, or bike racks, and parallel to buildings or perpendicular to buildings (where benches face each other) within the furnishing zone and/or within the frontage zone, when space allows.

(2) Benches shall be spaced at a minimum distance of 90 feet along mixed-use major thoroughfares and at a minimum distance of 180 feet along all other thoroughfares not predominantly serving single-family residential uses.

(3) Benches shall be one of the following models or an approved equivalent:

(a) Victor Stanley Model No. C-10 (with back) or Model No. C-7 (without back)

(i) Cast iron frame components painted VS Black with Philippine mahogany wood finish, or reinforced recycled plastic slats with cherry finish.

(ii) Eight feet in length with center steel armrest, or five feet in length without armrest.

(iii) Surface mounted

(b) Victor Stanley Model No. FB-324

(i) All fabricated metal components shall be steel shot blasted, etched, phosphatized, preheated, and electrostatically power coated with TGIC polyester black powder coatings.

(ii) Eight feet in length with bolt-on center fabricated armrest, or five feet in length without armrest.

(iii) Surface mounted

(iv) Trash Receptacles

(1) Trash receptacles shall be easily accessible for pedestrians and trash collection.

(2) Trash receptacles shall be firmly attached to paving to avoid vandalism.

(3) Trash receptacles shall be designed in two pieces. The inner container shall ensure easy trash pickup and removal, and an outer shell shall blend aesthetically with other streetscape elements.

(4) Trash receptacles shall be spaced at a minimum distance of 90 feet along major thoroughfare.

(5) Trash receptacles shall be a Victor Stanley Ironsides Series Model SD 35 side door with S-2 Formed Dome Lid, or an approved equivalent. Color/finish shall be VS Black, size of standard capacity, and surface mounted.

(v) Bike Racks

(1) Bike racks shall be located near building entrances or street lamps.

(2) Bike racks shall be sited in all commercial, retail areas, and all cycling destinations as near to the immediate destination as possible. The bike racks shall be in full public view and easily accessible from the cycle path, sidewalk and/or road. The siting of bicycle racks shall not impede wheelchair or pedestrian access.

(3) Bike racks shall be one of the following models or an approved equivalent:

(a) Victor Stanley Model No. BK 3. Color/finish shall be VS Black, size of three arcs, and surface mounted.

(b) Victor Stanley Model No. BK 6. Color/finish shall be VS Black, size of one arc, and surface mounted.

(vi) News Racks

(1) Newspaper racks shall be clustered together and are allowed in predominantly mixed-use, commercial, and retail areas. A maximum of one grouping shall be allowed every 600 feet or every two block lengths, whichever is less.

(2) Racks shall be painted a neutral background color.

(3) Where possible, racks shall be placed against the building façade in order to leave a clear pedestrian zone.

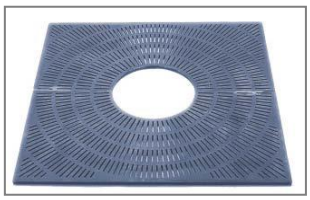
(vii) Flagpoles

(1) Flagpoles at retail or office establishments shall not exceed 20 feet in height.

(2) Exterior flags are restricted to the United States and State of Texas flags. No company advertising flags are permitted.

(3) Flags shall not exceed four feet by six feet in size.

(viii) Tree Grates and Tree Guards



(1) Along streets where intensity of use may make raised tree pits or tree lawns impractical, street trees shall be centered within irrigated tree wells constructed as flush grate tree pits covered by paver grates.

(2) Ornamental tree guards and tree fences are permitted.

(3) Tree grates shall be Urban Accessories Model No. Tree Grates KIVA or an approved equivalent. Color and finish shall be cast iron. Size shall be five feet by five feet with pre-drilled holes and vandal-proof bolts.

Tree guards shall be Urban Accessories Model No. Tree Guard OT or an approved equivalent. Color and finish shall be cast iron.

(ix) Bollards

(1) Bollards are to be used to protect trees and help define lanes where there are no curbs.

(2) Bollards shall be Urban Accessories Model No. Bollard San Francisco or an approved equivalent. Color and finish shall be Black Semi-Gloss powder coat finish. Size shall be six-, eight-, or 14-inches wide, and two- to three-feet in height.

F. History of the Entertainment District Overlay

1. The Entertainment District Overlay (EDO) was originally created by Ordinance No. 07-080 adopted November 20, 2007.

2. The EDO was revised by Ordinance No. 08-047 adopted June 17, 2008.

3. The Unified Development Code incorporated the EDO with its adoption by Ordinance No. 14-039 on June 24, 2014.

4. The Entertainment District Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.

5. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Entertainment District Overlay in accordance with Texas Government Code §3000.002(c)(6).

G. Additional Applicable Design Standards Established Prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

(i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all façades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. Building Materials for Non-Residential Developments

a. Wall Materials

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. Approved materials shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the façade; and

(ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

f. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. Prohibited Materials

The following materials are prohibited as exterior cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Galvanized steel or other bright metal,

(iii) Wood or plastic siding,

(iv) Cementitious fiberboard,

(v) Unfinished or smooth concrete block/masonry units or concrete wall,

(vi) Exposed aggregate,

(vii) Wood roof shingles, and

(viii) Reflective glass.

h. Façade Colors

Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

5.8.2. AIRPORT OVERLAY | APO

A. Controlled Area

The area within which airport land use compatibility controls may be instituted, as defined by V.T.C.A., Local Government Code, Section 241, shall be defined as the controlled area. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half statute miles from the centerline of the Arlington Municipal Airport runway and lines no farther than five statute miles from each end of the paved surface of the runway.

B. Approach Zones

1. Runway Zone

a. Runway 16

Approach zone is established beneath the approach surface at ends of Runway 16 of the airport for nonprecision instrument landings and take-offs. The inner edge of the approach zone shall have a width of 1,000 feet, which coincides with the width of the primary surface at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

b. Runway 34

Approach zone is established beneath the approach surface at the end of Runway 34 of the airport for precision instrument landings and take-offs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at the distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

2. Transition Zones

Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface indicated on the Airport Height Limitations Map dated December 6, 2002. Transition surfaces, symmetrically located on either side of runways, have variable widths and extend outward and upward at right angles to the runway centerline, with the runway centerline extended at a slope of seven to one from the sides of the primary surface and the sides of the approach surfaces.

3. Horizontal Zone

The area beneath a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway 16/34 and connecting the adjacent arcs by lines tangent to those arcs.

4. Conical Zone

The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

5. Primary Surface

The surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface for other than utility runways is 500 feet for nonprecision instrument runways having visibility minimum greater than three-fourths (¾) statute mile.

C. Airport (APO) Overlay Zones

In order to implement the intent of this Code, the APO district hereby includes four overlays within the controlled area and shown on the official zoning map as follows:

1. Airport Overlay 1 (APO-1) is that area within the controlled area and located interior to airport flight tracks and beyond the 65 DNL noise contour.

2. Airport Overlay 2 (APO-2) is that area within the controlled area and between the 65 DNL and 70 DNL noise contours.

3. Airport Overlay 3 (APO-3) is that area within the controlled area and between the 70 DNL and 75 DNL noise contours.

4. Airport Overlay 4 (APO-4) is that area within the controlled area and inside the 75 DNL noise contours.

D. Height Limitations

Except as otherwise provided in this Code, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow in any zone created by this Code to a height in excess of the applicable height limitations established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

1. Approach Zones

a. Runway 16

One foot in height for each 34 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface.

b. Runway 34

One foot in height for each 50 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface; thence slopes upward one foot in height for each 40 feet along the extended runway centerline.

2. Transition Zones

Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 630 feet above mean sea level.

3. Horizontal Zone

Established at 150 feet above the airport elevation, or a height of 780 feet above mean sea level.

4. Conical Zone

Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. Excepted Height Limitations

Nothing in this Code shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to 50 feet above the surface of the land.

E. Flight Tracks

The boundaries of the Airport Overlay 1 are established in an area internal to surrounding flight tracks at the Arlington Municipal Airport and located beyond the 65 DNL noise contour. Flight tracks indicate the general areas where aircraft fly over on departures and arrivals. Flight tracks at the Arlington Municipal Airport are determined by aircraft travel from the north or south depending on prevailing winds. In no event shall the boundaries of Airport Overlay 1 extend beyond the controlled area of the Arlington Municipal Airport.

F. Noise Contours

Airport Overlays 2 through 4 shall correspond as nearly as practical to the different noise contours within the controlled area and surrounding the Arlington Municipal Airport. These noise contours are plotted in increments of 5 DNL on the official zoning maps, and said noise contours hereby establish the boundaries of these Airport noise overlay zones. In no event shall the boundaries of Airport Overlays 2 through 4 extend beyond the controlled area.

G. Split Parcels

In the event a parcel lies either within more than one airport overlay, or only a portion lies within the APO district, the provisions of the most restrictive overlay are applicable to the entire parcel of property except when:

1. It is determined by the Zoning Administrator that a structure is located within a single overlay, in which case the provisions of that single overlay shall apply to that structure; or

2. It is determined by the Zoning Administrator that a structure is located outside the APO district, in which case the provisions of the standard zoning district in which that structure is located shall apply.

H. Compatible Uses

Compatible uses within each Airport Overlay Zone are hereby established as shown in Table 5.9-1, *Compatible Land Uses*. Some land uses require the achievement of specific noise reduction levels in the design and construction of structures, consistent with the "Construction Chapter" of the Code of the City of Arlington.

TABLE 5.9-1: Compatible Land Uses

Classification	Public Assembly Safely Area	Moderate Noise Exposure	Significant Noise Exposure	Severe Noise Exposure
Airport Overlay Districts	APO-1	APO-2	APO-3	APO-4
Average Sound Level (DNL)	Less than 65	65 to 70	70 to 75	70 - above
Land Uses				
Aviation Related Uses				
Airport and Support Facilities	Y	Y	Y	Y
Flight Training	Y	Y	Y	Y
Manufacturing/Repair	Y	Y	Y	Y
Wholesale/Retail (including incidental uses)	Y	Y	Y	Y
Other Aviation-Related Uses	Y	Y	Y	Y
Residential				
Dwelling, Single Family Detached	Y	N	N	N
Dwelling, Townhouse | Duplex | Single-Family Attached	Y	N	N	N
Dwelling, Multi-family | Live-Work Dwelling	Y	25	N	N
Lodging Facilities	Y	25	N	N
Mobile Home Parks	Y	N	N	N
Public				
Educational Facilities; Hospitals	N	N	N	N
Nursing Homes | Religious Assembly	N	N	N	N
Day Care Centers*	N	N	N	N
Cultural, Entertainment, and Recreational				
Recreation and Entertainment, Outdoor	Y	Y	N	N
Recreation and Entertainment, Indoor	N	N	N	N
Outdoor Music Shells | Amphitheaters	N	N	N	N
Outdoor Sports Arenas	N	N	N	N
Major Tourist Attraction	Y	Y	N	N
Golf Courses	Y	Y	(1)	(2)
Parks	Y	Y	N	N
Commercial				
Personal Services	Y	Y	25	30
General Retail	Y	Y	25	30
Building and Landscape Materials and Lumber Sales	Y	Y	(1)	(2)
Automotive Repair	Y	Y	(1)	(2)
Manufacturing				
Manufacturing, General	Y	Y	(1)	(2)
Custom and Craft Work	Y	Y	25	30
Contract Construction Services	Y	Y	(1)	(2)
General Wholesale	Y	Y	(1)	(2)

TABLE 5.9-1: Compatible Land Uses				
Classification	**Public Assembly Safely Area**	**Moderate Noise Exposure**	**Significant Noise Exposure**	**Severe Noise Exposure**
Airport Overlay Districts	APO-1	APO-2	APO-3	APO-4
Average Sound Level (DNL)	Less than 65	65 to 70	70 to 75	70 - above
Land Uses				
Utilities	Y	Y	(1)	(2)
Agricultural Services				
Agriculture and Ranching	Y	(3)	(4)	(5)

Key to Symbols	
N (No)	Land uses and related structures are prohibited.
Y (Yes)	Land uses and related structures are permitted.
25, 30	Land uses and related structures are compatible; measures to achieve noise reduction level of 25 or 30 decibels must be incorporated into design and construction of structures as specified in the "Construction" Chapter of the Code of the City of Arlington.
(1-5)	Land uses and related structures are compatible; conditions must be satisfied consistent with the designated note (1-5) at the end of this Table
*	Day Care Centers in existence on the effective date of this section, June 28, 1995, are exempt from the provisions of this section.

Table 5.9-1 Notes:

1. Permitted when noise level reduction measures of 25 Db are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where normal noise level is low.

2. Permitted when noise level reduction measures of 30 Db are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where normal noise level is low.

3. Permitted as primary use only when noise level reduction measures of 25 Db are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where normal level is low. Associated residential buildings are permitted when noise level reduction measures of 25 Db are incorporated into the design and construction of the dwellings.

4. Permitted as primary use only when noise level reduction measures of 30 Db are incorporated into the design and construction of portions of these buildings where the public is received, office areas, noise sensitive areas, or where normal level is low. Associated residential buildings are permitted when noise level reduction measures of 30 Db are incorporated into the design and construction of the dwellings.

5. Permitted as primary use only when noise level reduction measures of 30 Db are incorporated into the design and construction of portions of these

buildings where the public is received, office areas, noise sensitive areas, or where normal level is low. Associated residential buildings are prohibited.

I. Use Restrictions

Notwithstanding any other provisions of this Code, no use may be made of land or water within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and other lighting; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; create bird strike hazards; or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

J. Nonconforming Uses

1. Regulations Not Retroactive

The regulations prescribed by this Code shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this section, or otherwise interfere with the continuance of any nonconforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this section, and is diligently prosecuted.

2. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or area is hereby required to permit the installation, operation, and maintenance hereon of such markers and lights as shall be deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City.

K. Permits

1. Future Uses

Except as specifically provided in subsection (a) and (b) below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this section shall be granted unless a variance has approved in accordance with Section 5.8.2.K.4, *Variances.*

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75

feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this section except as permitted by variance in Section 5.8.2.K.4, *Variances*.

2. Existing Uses

No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or tree to be more or become higher, or become a greater hazard to air navigation, than it was on the effective date of this section or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed

Whenever the Zoning Administrator determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances

Requests for variances to APO district regulations may be made to the Zoning Board of Adjustment in compliance with Section 10.4.7, *Zoning Variances and Appeals.*

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, in violation of the regulations prescribed in this ordinance, may apply to the Zoning Board of Adjustment for a variance from such regulations in question. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but do substantial justice, and be in accordance with the spirit of this Code.

5. Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable by the Zoning Administrator or the Zoning Board of Adjustment to effectuate the purpose of this section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to allow the Airport Manager or to install, operate, and maintain, at the expense of the City, such markings and lights as may be necessary.

L. Enforcement

It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Application for permits shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this section to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Applications for variances shall be made to the Zoning Board of Adjustment by first filing said application for variance with the Zoning Administrator who shall transmit said application to the Zoning Board of Adjustment for determination.

M. Appeals

Requests for appeals to decisions of the Zoning Administrator in the enforcement of this ordinance may be made in compliance with Section 10.4.7, *Zoning Variances and Appeals*.

5.8.3. LANDMARK PRESERVATION OVERLAY DISTRICT | LPO

A. Parking Regulations

Section 5.4.3, *Off-Street Parking Standards*, shall apply to all properties where parking is required in the LPO district. Minimum parking requirements do not apply to properties located in the LPO district when:

1. A new use locates within an existing building and does not require more than 30-percent expansion of said building; and,

2. The Zoning Administrator determines that reducing the number of parking spaces required would:

a. Be necessary to encourage or promote the purposes of the LPO district;

b. Not create an on-street parking problem; and,

c. Not constitute a threat to public safety.

B. Supplemental Regulations

Buildings, structures, sites, and areas in the LPO district shall be subject to the following regulations:

1. Certificates of Appropriateness

No person or entity shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure located in the LPO district unless application has been made to the Landmark Preservation Commission for a Certificate of Appropriateness, and such a Certificate has been granted pursuant to Section 10.4.9,

Landmark Preservation District Certificate of Appropriateness. The Certificate of Appropriateness guidelines below shall be used to determine the appropriateness of any proposed exterior changes. The term "exterior architectural feature" shall include but not be limited to the kind, color, and basic texture of all exterior building materials, and such features as windows, doors, lights, signs, and other exterior fixtures.

a. Certificate of Appropriateness Guidelines

(i) Façades

(1) Recommended

Using original material type, if available, when repairing or restoring the façade.

(2) Not Recommended

(a) Creating false façades.

(b) Painting brick that is historically unpainted.

(c) Stripping and staining wood that is historically painted.

(ii) Windows

(1) Recommended

(a) Using old windows as a guide for the replacement of entire windows. Using the same material (if available). If like material is not available, a compatible substitute material may be used (such as a window that is non-metallic in color) that is as similar as possible to the original window.

(b) Installing interior storm windows with airtight gaskets, ventilating holes, and/or removable clips to insure proper maintenance and to avoid condensation damage to historic windows.

(c) Installing exterior storm windows that do not damage or obscure the historic windows and frames.

(2) Not Recommended

(a) Changing the number, location, size, or glazing pattern of windows.

(b) Cutting new openings for windows, or installing replacement sash that does not fit the historic window opening.

(c) Changing the historic appearance of windows through the use of designs, materials, finishes, or colors which radically change the sash, depth of reveal, and muntin configuration (the cross pieces dividing the panes of glass); the reflectivity and color of the glazing; or the appearance of the frame.

(d) Stripping windows of historic material.

(e) Removing or blocking in a window or replacing a window with one that does not convey the same visual appearance.

(f) Installing new floors or lowering ceilings that cut across the glazed areas of the windows so that the exterior form and appearance of the windows are changed.

(g) Removing or radically changing windows, such that the overall historic character is diminished.

(h) Obscuring windows with historic trim with metal, solar screens, or other material.

(iii) Porches and Entrances

(1) Recommended

(a) Using large sheets of glass that are recessed behind the existing scrollwork, post and balustrades (a section of low "fencing" consisting of intermittent supporting posts and horizontal rails with balusters or crossbars in between) for porch enclosures.

(b) Using the remaining feature as a guide for replacement if the porch or entrance is destroyed or deteriorated beyond repair. It may also be restored based on historical, pictorial, and physical documentation, or on a new design that is compatible with the historic character using the same type materials if the original material type is not available.

(2) Not Recommended

(a) Enclosing the porch or entrance using wood or masonry.

(b) Altering or removing stoops or hand-rails.*

(c) Lowering the porch elevation to grade.

(d) Removing porch railings or replacing railings using a different material type.*

(e) Reconfiguring steps.*

*Unless required by the American with Disabilities Act or other applicable codes.

(iv) Building Site

(1) Recommended

(a) Retaining the historic relationship between building, landscape features, and open space, including driveways, walkways, lighting, fencing, signs, benches, plants and trees, berms, and archeological features that are important in defining the history of the site.

(b) Replacing features of the building that are not repairable with a comparable material only if the original type is no longer available.

(c) Leaving rafter tails exposed (the ends of the roof support beams).

(2) Not Recommended

(a) Replacing historic features with new features that do not convey the same appearance.

(b) Introducing site elements that are out of scale or otherwise inappropriate.

(c) Locating a parking facility directly adjacent to a historic building without physical and visual buffers where automobiles may cause damage to the building or landscape features or be intrusive to the building site.

(v) Additions

(1) Recommended

(a) Designing new additions in a manner that makes clear what is historic and what is new. Additions should be compatible but not identical to the historic structure.

(b) Locating the attached exterior addition at the rear or on an inconspicuous side of the building. The setback should be a minimum of 10 feet from the primary façade and should not be more than 50 percent of the square footage of the existing footprint and 50 percent of the existing dimension of the primary façade.

(2) Not Recommended

(a) Creating new addition designed such that it cannot be differentiated from the historic building

(b) Using the same wall plane, roofline, cornice height, materials, lap siding, or window type to make additions appear to be a part of the historic building.

(vi) Accessory Buildings

(1) Recommended

Locating the attached accessory building at the rear or on an inconspicuous side of the historic building.

(vii) Pools

(1) Recommended

Placing swimming pool or spa in the rear of the historic building so as not to be visible from the front of the building.

(2) Not Recommended

(a) Placing a swimming pool or spa on the side or front of a historic building such that the addition can be seen from the street.

(b) Displacing historic landscaping.

(viii) Wrought Iron

(1) Not Recommended

(a) Installing wrought iron security bars for doors and windows.

(b) Installing post and railing as a historical feature replacement on the historic building

(ix) Roof

(1) Recommended

Installing a roof that is comparable to the historical features of the home, provided there is not undue financial burden and the roof materials meet current safety requirements.

(x) Colors

(1) Recommended

Using colors which reflect the historic character of the structure.

(xi) Storefronts

(1) Recommended

Replacing entire storefront using the deteriorated form as a guideline and using the same material type as the historical feature if the storefront is in disrepair.

(2) Not Recommended

(a) Stripping or replacing historic materials such as wood, cast iron, terra cotta, or brick.

(b) Using substitute material for the replacement parts that do not convey the same visual appearance as the remaining parts of the storefront.

(c) Changing the number of windowpanes.

(d) Changing the number, location, size, or glazing pattern of windows.

(e) Removing or blocking in windows

(f) Installing new floors or ceilings that cut across the glazed areas of the windows.

(g) Altering the size of the storefront.

(h) Replacing the original storefront.

(xii) Signs

(1) Recommended

Ground signs as defined in Article 7, *Sign Standards*.

5.8.4. CONSERVATION DISTRICT OVERLAY | CDO

A. Applicability

The conservation district overlay may be applicable following the recommendation of the creation of a CDO district in an area plan adopted by the City Council where the subject area meets the requirements of this section.

B. Designation Criteria

To be considered for designation as a conservation district, the area must meet the following criteria:

1. The boundaries of the conservation district are within an area in which a neighborhood plan has been adopted by City Council and the plan recommends a conservation district overlay.

2. The area contains a minimum of one blockface, which includes all the lots on one side of a block.

3. At least 75 percent of the structures in the proposed district were improved at least 25 years ago and are presently improved.

4. The area possesses one or more of the following distinctive features that create a cohesive, identifiable setting, character, or association:

a. Scale, size, type of construction, or distinctive building materials;

b. Spatial relationships between buildings;

c. Lot layouts, setbacks, street layouts, alleys, or sidewalks;

d. Special natural or streetscape characteristics such as creek beds, parks, greenbelts, gardens, or street landscaping;

e. Land use patterns, including mixed or unique uses or activities; and/or

f. Contain, abut, or link historic landmarks and/or districts.

C. Review Procedure

The review procedure for the creation of a conservation district overlay is located in Section 10.4.2, *Zoning Map Amendments*.

5.8.5. DOWNTOWN NEIGHBORHOOD OVERLAY | DNO

A. Original Intent of the Downtown Neighborhood Overlay

The Downtown Neighborhood "DN" district was established to aid in the revitalization of the area surrounding Arlington's original downtown area (i.e., the Downtown Business "DB" District). The district's intent is to serve as a transition area between the Downtown Business "DB" District and the rest of the City of Arlington. For more information on the purpose of the DNO, see UDC Section 2.4.3.

B. History of the Downtown Neighborhood Overlay

1. The Downtown Neighborhood Overlay (DNO) was originally created by Ordinance No. 05-094 adopted October 11, 2005.

2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.

3. The Downtown Neighborhood Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.

4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Downtown Neighborhood Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the DNO and established prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

(i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all façades to provide architectural detail and interest.

b. For purposes of this section, **approved materials** shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. Building Materials for Non-Residential Developments

a. Wall Materials

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. Approved materials shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the façade; and

(ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

f. Awnings and Overhanging Eaves
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. Prohibited Materials
The following materials are prohibited as exterior cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Galvanized steel or other bright metal,

(iii) Wood or plastic siding,

(iv) Cementitious fiberboard,

(v) Unfinished or smooth concrete block/masonry units or concrete wall,

(vi) Exposed aggregate,

(vii) Wood roof shingles, and

(**viii)** Reflective glass.

h. Façade Colors
Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

5.8.6. LAMAR COLLINS MIXED USE OVERLAY | LCMUO

A. Original Intent of the Lamar Collins Mixed Use Overlay

The Lamar Collins Mixed Use ("LCMU") District was established to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses. The intent was to establish architectural character and to encourage pedestrian oriented activities in this location of Arlington and to encourage redevelopment in those areas deemed appropriate. For more information on the purpose of the LCMUO, see UDC Section 2.4.4.

B. History of the Lamar Collins Mixed Use Overlay

1. The Lamar Collins Mixed Use Overlay (LCMUO) was originally created by Ordinance No. 06-004 adopted January 10, 2005.

2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.

3. The Lamar Collins Mixed Use Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.

4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Lamar Collins Mixed Use Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the LCMUO and established prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

(i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all façades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. Building Materials for Non-Residential Developments

a. Wall Materials

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. **Approved materials** shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the façade; and

(ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all façades to provide architectural detail and interest.

f. **Awnings and Overhanging Eaves**
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. **Prohibited Materials**
The following materials are prohibited as exterior cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Galvanized steel or other bright metal,

(iii) Wood or plastic siding,

(iv) Cementitious fiberboard,

(v) Unfinished or smooth concrete block/masonry units or concrete wall,

(vi) Exposed aggregate,

(vii) Wood roof shingles, and

(viii) Reflective glass.

h. Façade Colors
Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

5.8.7. VILLAGE ON THE GREEN AT TIERRA VERDE | VG

A. Original Intent of the Village on the Green at Tierra Verde
The Village on the Green at Tierra Verde ("VG") District was established to provide an area which will be a financially and environmentally sustainable community memorable for its rural character, village-like atmosphere, mix of high quality housing options and complementary commercial activity. For more information on the purpose of the VG use district, see UDC Section 2.4.3.

B. History of the Village on the Green at Tierra Verde

1. The Village on the Green at Tierra Verde Overlay (VG) was originally created by Ordinance No. 06-115 adopted December 13, 2006.

2. The Unified Development Code incorporated VG as a separate residential use district with its adoption by Ordinance No. 14-039 on June 24, 2014.

3. Village on the Green at Tierra Verde is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.

4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Village on the Green (VG) use district in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the VG and established prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

(i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all façades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

5.9. TRANSPORTATION AND CONNECTIVITY

5.9.1. PURPOSE

The purpose of this section is to support the creation of a highly connected transportation system within the city in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of local service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; mitigate the traffic impacts of new development; and free up arterial capacity to better serve regional long-distance travel needs. These standards attempt to avoid the creation of large, isolated tracts without routes for through traffic or pedestrian and bicycle connections.

5.9.2. TRAFFIC IMPACT MITIGATION

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing and future uses in the area. Evaluation of system capacity shall be undertaken through a Traffic Study as identified in Section 6.4.3, *Traffic Study Requirements*.

5.9.3. STREETS AND VEHICULAR CIRCULATION

A. Street Standards

All streets shall meet the standards in Article 6, *Subdivision Regulations*, the Design *Criteria Manual*, and Standard Specifications and Engineering Details.

B. Street Connectivity

1. Purpose

Street and block patterns should include a clear hierarchy of well-connected streets that distribute traffic over multiple streets and avoids traffic congestion on principal routes. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide ample opportunities for linking adjacent neighborhoods, properties, and land uses. Local neighborhood street systems are intended to provide multiple direct connections to and between local destinations such as parks, schools, and shopping. These connections should knit separate developments together, rather than forming barriers between them.

2. Residential Streets

a. Traffic-calming techniques such as diverters, neck-downs, chicanes, speed humps, speed tables, raised crosswalks, and traffic circles are encouraged to reduce speeds and cut-through traffic.

b. Should topography or other constraints require the use of straight local streets that extend more than 600 feet without interruption, a traffic-calming device, or similar feature shall be used to slow traffic and break-up the “runway” appearance. (See Figure 5.10-A). In addition, traffic-calming devices may be required to address public safety concerns.

c. To the maximum extent practicable, streets shall be arranged to follow the natural contours of the site.

3. Vehicular Access to Public Streets and Adjacent Land

a. All development shall provide public or private street connections to all existing, adjacent public streets.

b. If there are no adjacent public streets, subdivisions and/or sites shall provide for connections along each boundary abutting adjacent vacant land for future connections spaced at intervals not to exceed 1,000 feet for arterials, 600 feet for other street types, or as otherwise approved.

c. When connections to surrounding streets are proposed or required by the City, public right-of-way or private access easement shall be dedicated and streets developed to existing paved rights-of-way. The Zoning Administrator may also require temporary turnarounds to be constructed for temporary cul-de-sacs between development phases.

4. Driveways and Access

a. Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles, as well as for those needing access to the property in its intended use.

b. All driveways and access shall be designed in conformance with the *Design Criteria Manual*.

5. Visibility at Intersections

On all lots or parcels of land on which a front setback is required, no obstruction that will obscure the view of motor vehicle drivers shall be placed within the triangular area formed by the adjoining street property lines as specified in the *Design Criteria Manual*, except that trees may be permitted within said triangular area provided that those trees are placed in the street planter strip and the limbs are pruned to at least six feet above the grade level of the adjacent street.

5.9.4. PEDESTRIAN CIRCULATION

A. Sidewalks Required

Sidewalks shall be installed on both sides of all arterials, collector streets, and local streets, including loop streets and cul-de-sacs, and within and along the frontage of all new development or redevelopment. This requirement shall not apply to local streets in districts in which the minimum lot size is one acre or greater or in steep-slope areas where sidewalks on one side of the street may be approved to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems. Construction of sidewalks shall be as specified in the *Design Criteria Manual*.

B. Multi-Family Residential Pedestrian Connections

All developments shall provide an on-site system of pedestrian walkways with a minimum width of six feet designed to provide direct access and connections to and between the following. The on-site walkways shall be maintained by the property owner.

1. The primary entrance or entrances to each building;

2. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development;

3. Any parking areas intended to serve the development;

4. Any sidewalk system along the perimeter streets adjacent to the development;

Figure 5.52 Pedestrian walkway in multi-family development.

5. Any transit stops on-site or along an adjacent street;

6. Any adjacent residential neighborhoods (planned or existing) where opportunity exists; and

7. Any adjacent or on-site public park, trail system, open space area, greenway, or other public or civic use as applicable.

C. Non-residential On-Site Pedestrian Connections

1. All commercial, mixed-use, and industrial development shall provide a network of on-site pedestrian walkways with a minimum width of six feet to and between the following areas:

a. Entrances to each commercial building on the site, including pad site buildings;

b. Public sidewalks or walkways on adjacent properties that extend to the boundaries shared with the subject development; and

c. Adjacent public transit station areas, transit stops, park and ride facilities, or other transit facilities.

Figure 5.53 Walkway in commercial parking lot.

2. On-site pedestrian walkways and crosswalks shall be identified to motorists and pedestrians using one or more of the following methods:

a. Changing paving material, patterns, or paving color, but not including the painting of the paving material;

b. Changing paving height;

c. Decorative bollards;

d. Raised median walkways with landscaped buffers; or

e. Stamped or stained concrete.

Figure 5.54 Stamped and stained concrete.

3. Pedestrian circulation routes shall be emphasized with special design features that establish them as areas where pedestrians are physically separated from the flow of vehicular traffic and/or are protected from the

weather. Techniques shall include at least one shade feature and one or more of the following:

a. Pedestrian light features;

b. Bollards;

c. Seat walls or benches;

d. Wayfinding signs;

e. Water fountains; and

f. Landscape planters.

5.9.5. BICYCLE CIRCULATION

Bicycle facilities are required, as identified in the Hike and Bike System Master Plan. Striping, marking, and signage should conform to the design guidelines included in the Plan. Right-of-way shall be dedicated in accordance with the Hike and Bike System Master Plan.

5.10. COMMON OPEN SPACE

5.10.1. PURPOSE

Common open spaces are set aside for the use and enjoyment of a development's residents, employees, or users. Common open space serves numerous purposes, including preservation of natural areas and resources, ensuring greater resident access to open areas and recreation, reducing the heat island effect, enhancing stormwater quality, and providing public health benefits.

5.10.2. APPLICABILITY

All development subject to this article shall set aside the following minimum amounts of land area as common open space that meets the standards of this section.

A. For single-family attached development with more than five units: at least 200 square feet per unit.

B. For multi-family residential buildings with a gross floor area greater than 20,000 and up to 50,000 square feet: 5 percent of total gross site area (for the reduction in minimum unit size, allowed in DB and DNO, the project shall provide 8% of the total site area as open space).

C. For multi-family residential buildings with a gross floor area greater than 50,000 square feet: 8 percent of total gross site area (for the reduction in minimum unit size, allowed in DB and DNO, the project shall provide 10% of the total site area as open space).

D. For non-residential and mixed-use buildings with a gross floor area greater than 10,000 and up to 50,000 square feet: 3 percent of total gross site area.

E. For non-residential and mixed-use buildings with a gross floor area greater than 50,000 square feet: 5 percent of total gross site area.

5.10.3. COMMON OPEN SPACE STANDARDS

A. Areas Counted as Common Open Space

The features and areas identified in Table 5.10-A shall be credited towards the common open space requirements of this section:

TABLE 5.10-A: Areas Counted As Open Space		
Area Counted as Common Open Space	**Description**	**Design and Maintenance Requirements**
NATURAL FEATURES	Includes any of the following: • Flood hazard and conveyance areas; • Water features, including wetlands, drainage channels, and lakes; • Hillsides and exposed slopes of 15% or more; and • Wildlife habitat areas for threatened and endangered species.	Where natural features exist, the developer or owner shall give priority to its preservation as common open space. Placement of a conservation easement over the protected natural feature areas is encouraged. In reviewing the proposed location of common open spaces, the Zoning Administrator shall use all applicable plans, maps, and reports to determine whether significant resources exist on a proposed site that should be protected. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.
ACTIVE RECREATIONAL AREAS	Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, and jogging trails.	In no case shall active recreation constitute more than 25% of the total common open space area within a residential or mixed-use district. Land shall be compact and contiguous unless the land is used to link to an existing or planned open space resource. The site shall be adjacent to at least one street. Landscaping shall be planned along all rights-of-way to provide a buffer to surrounding areas.
FORMAL PLANTINGS, PUBLIC ART, AND GARDENS	Formally designed and regularly maintained open areas that provide passive recreation opportunities including arranged plantings, gardens, gazebos or similar structures, sculpture, and other forms of public art.	Such features shall abut at least one direct access road, public or private, and be oriented to surrounding development. Roof gardens are also acceptable as an alternative, provided they are accessible to residents and employees of the development.
SQUARES, FORECOURTS, PLAZAS, AND PARKS	Squares, forecourts, plazas, and parks provide active and passive recreational opportunities to emphasize important places, intersections, or centers. These spaces are intended to serve an entire neighborhood or group of neighborhoods or commercial development.	Where provided, such features shall have a minimum size of 400 square feet. Such features shall abut at least one direct-access road, public or private. Surrounding buildings shall be oriented toward the square, forecourt, or park when possible and a connection shall be made to surrounding development.
REQUIRED LANDSCAPE AREAS	Required landscape areas serve as a buffer to surrounding areas. Except for landscaped areas within parking lots and areas occupied by street trees, all areas occupied by required landscaping may count as common open space, provided they meet all standards of this Section.	See general standards in Section 5.2, *Landscaping*.

TABLE 5.10-A: Areas Counted As Open Space		
Area Counted as Common Open Space	**Description**	**Design and Maintenance Requirements**
PUBLIC ACCESS EASEMENTS	Access easements, which often combine utility easements with paths or trails, are available for active recreational activities such as walking, running, and biking.	Shall include at least one improved access from a public sidewalk, street, trail, or easement that includes signage designating the access point. A trail or other amenity shall be provided in the full length of an easement to quality as common open space under this category. An access easement shall be recorded for pedestrian access.

B. Areas Not Credited

Lands within the following areas shall not be counted towards required common open space:

1. Private yards not subject to a permanent open space or conservation easement acceptable to the City;
2. Public or private streets or rights-of-way;
3. Open parking areas and driveways for dwellings or commercial uses;
4. Land covered by structures not intended solely for recreational uses;
5. Designated outdoor storage areas; and
6. Balconies.

C. General Design Standards for Common Open Space

Land set aside for required common open space shall meet the following standards, in addition to the design and maintenance requirements specified in Table 5.10-A:

1. **Location**

   Where appropriate, open space shall be located to be readily accessible and useable by residents and users of the development. To the maximum practical extent, a portion of the open space should provide focal points for the development.

2. **Configuration**

   a. The lands shall be compact and contiguous unless the land is used as a continuation of or link to an existing or planned adjacent open space resource or where specific natural or topographic features require a different configuration.

   b. Where open areas, trails, parks, or other open space resources are planned or exist adjacent to development, the open space shall, to the maximum extent practical, be located to adjoin, extend, and enlarge the presently existing trail, park, or other open area land.

3. **Orientation of Adjacent Lots and Buildings**

   Lots and buildings adjacent to required open space, not including perimeter landscape buffers, shall have at least one entrance facing the open space.

4. Provision in Multi-Phase Developments

a. Development proposed in phases shall be considered as a single development for the purposes of applying the open space set-aside standards.

b. Development shall not be phased to avoid the minimum open space set-aside standards in this subsection.

c. Common open space shall be proportionate to phasing of development and approved through a common open-space phasing plan.

5. Landscaping

The Zoning Administrator shall approve all open-space landscaping plans during commercial site plan review.

6. Alterations and Changes

Common open space areas may be altered or changed from the approved plans, subject to approval by the Zoning Administrator.

D. Use of Common Open Space Areas

1. The following minimum percentages of the required common open space shall be useable. For purposes of this requirement, useable common open space includes areas classified as active recreational areas; formal plantings, public art, and gardens; squares, forecourts, plazas, and parks; or public access easements:

a. Downtown, mixed-use districts: 60 percent

b. All other residential districts: 40 percent

2. All required common open space shall not be disturbed, developed, or improved with any structures, buildings, or parking areas, except for the limited purposes allowed below:

a. Facilities for active recreation (equipment for such uses shall be indicated on the site and/or subdivision landscape/amenity plan provided by the developer);

b. Passive recreational and educational purposes approved by the Zoning Administrator, including but not limited to, walking, biking, picnicking, fishing, preservation of natural areas and scenic resources, parks, environmental education, and wildlife habitat protection; and

c. Clearing of underbrush and debris and the provision of walks, fences, restrooms, and similar features.

E. Ownership

1. Method of Ownership

Open space areas shall be maintained as permanent open space through at least one of the following options: common ownership by a property owner's association, held in deed-restricted private ownership, or dedication to the City or to another appropriate public agency. All methods utilizing private ownership shall be in a form approved by the Zoning

Administrator, who shall review the documents to ensure perpetual maintenance, preservation, and restricted usage where applicable.

2. Ownership by Property Owner's Association

If common open space is to be deeded to a property owner's association, then the applicant shall record a declaration of covenants and restrictions that shall:

a. Govern the use of the common open space;

b. Run with the land in perpetuity; and

c. Provide for a lien on the property to secure collections of assessments levied by the association.

3. Private Ownership

If common open space is to be privately owned, then it shall have deed restrictions that:

a. Provide that the common open space shall be maintained and preserved as open space and shall not be used for yards, lawns, or buildings, except as allowed by this section;

b. Run with the land in perpetuity; and

c. Shall be designated on a plat, if applicable.

4. Maintenance of Open Space

Common open space areas shall be maintained per approved plans. In the event that open space areas are not maintained in reasonable order and condition in accordance with the approved plan, then the Zoning Administrator may enforce according to the provisions of this Code.

ARTICLE 6. SUBDIVISION REGULATIONS

6.1. GENERAL PROVISIONS

6.1.1. TITLE

This article is known as the Subdivision Regulations of the City of Arlington.

6.1.2. PURPOSES

The purposes of these regulations are:

A. To protect and provide for the public health, safety, and general welfare of the community by promoting sustainable development of the area both within the city and within its extraterritorial jurisdiction

B. To guide the future growth and development of the city in accordance with this Code, Comprehensive Plan, and its constituent elements, including the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.

C. To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

D. To ensure that public and private development are served by adequate public facilities and services with sufficient capacity for efficient transportation, water, sanitary sewer, drainage, and other public requirements and facilities, and that the development bear its fair share of the cost of providing the facilities and services.

E. To provide for the circulation of pedestrians required for the beneficial use of land and buildings and to minimize congestion throughout the city.

F. To establish policies governing traffic flow and safety on street facilities, minimize traffic congestion, improve traffic safety and flow, and ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.

G. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and documenting of platted land.

H. To minimize the pollution of streams and ponds; to provide for the adequacy of drainage facilities; to control stormwater runoff; to minimize erosion and siltation problems; to safeguard the water table; to encourage the wise use and management of natural resources; and enhance the stability and beauty of the community and the value of the land.

I. To assure that sufficient linear park land facilities are provided to meet the recreational demands resulting from new residential development and to encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.

J. To remedy the problems associated with illegally subdivided lands and/or previously platted lands, including premature subdivision, incomplete subdivision, or scattered subdivision of land.

6.1.3. APPLICABILITY

A. Applicability

1. The owner or proprietor of any tract of land who desires to subdivide land (i.e., to create a "subdivision") shall submit a plat of the subdivision to the Zoning Administrator.

2. No person shall subdivide land without making and recording a plat and complying fully with this article, and the subdivision procedures in Sections 10.4.11 to 10.4.20 of Article 10, *Review Procedures*.

3. No person shall sell or transfer ownership of any lot or parcel of land by reference to a plat of a subdivision before the plat is duly recorded with Tarrant County, unless the subdivision was created prior to the adoption of this article.

4. The following are allowed only if they conform to this Code:

a. the issuance of a development approval or certificate of occupancy for any plat, map, or plan that was created prior to subdivision approval under this Code, and

b. the issuance of a development approval or certificate of occupancy for any parcel or plat of land that was created by subdivision after the effective date of this Code, and

c. any land disturbance, including the excavation of land, or the construction of any public or private improvements.

5. A subdivision plat is not required for any of the following:

a. In accordance with Section 212.004(a) of the Texas Local Government Code, a division of land under this article does not include a division of land into parts greater than five acres where each part has access and no public improvement is being dedicated. This subsection applies only if adequate water, sewer, storm sewer, transportation facilities, and linear park facilities exist. The phrase "no public improvement is being dedicated" means that these subdivision regulations and the Comprehensive Plan do not require the dedication and/or construction of any linear park or public improvement upon any portion of the land to be divided.

b. The public acquisition by purchase of strips of land for the widening or opening of streets.

6.1.4. PLATTING REQUIREMENTS

A. Division of Property

1. Every owner of any tract of land who divides the tract into two or more parts shall cause a plat to be made, which accurately describes and locates the entire tract by metes and bounds as required in this article.

2. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

3. No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and recorded.

B. Permits for Construction Activity or Public Improvements

1. Except as provided in Section 6.1.3, *Applicability*, or for a plot or tract conveyed prior to May 29, 1952, and remaining in the same configuration, the Zoning Administrator shall not issue permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record.

2. Upon written request from the developer, the Zoning Administrator, Directors of Water Utilities and/or Public Works and Transportation may allow the construction of public improvements prior to plat recording with accepted plans and 3-way contracts.

3. In order for the request to be granted, the developer must demonstrate that an inability to record the plat within a reasonable timeframe is the result of recording requirements that do not have a substantive impact upon the development of the land.

4. If the City allows the development of public improvements prior to plat recording, the City shall not accept those improvements until a plat is filed of record.

5. No building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat.

6.1.5. GUIDING POLICIES FOR ADMINISTRATION OF THIS ARTICLE

Proposed plats or subdivisions that do not conform to the purposes listed above and the following policies and regulations shall be denied. In lieu of being denied, the City may approve the subdivision subject to the guiding policies in this section. These regulations shall be administered in accordance with the following policies.

A. Conformity with Comprehensive Plan

Plats and proposed public improvements shall conform to the City's Comprehensive Plan and its constituent elements, including, but not limited to, the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.

B. Conformity with Unified Development Code

No subdivision shall be approved unless it complies with all applicable zoning, design, and development regulations set forth in this Code, including but not limited to:

1. The requirements of the zoning district in which the property is located (See Article 2, *Zoning Districts*);

2. The requirements relevant to specific uses (See Article 3, *Use Standards*); and

3. Generally applicable development and design standards (See Article 4, *Dimensional Standards* and Article 5, *Design and Development Standards*).

C. Sites and Access for Comprehensive Plan Elements

Adequate sites and convenient access for schools, parks, playgrounds, and other community services indicated in the City's Comprehensive Plan, Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all applicable ordinances shall be provided in accordance with the intent, policies, and provisions of this Code.

D. Developer Responsibility

The developer is responsible for the accuracy of all information furnished in the design of facilities as they pertain to both the proposed development and other properties affected by the proposed development. The City's concurrence in the design does not relieve the developer of this responsibility.

E. Effect of Development on General Welfare

The nature, shape, and location of land to be platted or developed shall enable it to be used without danger to health or increased risk of fire, floods, erosion, stormwater pollution, landslides, or other menaces to the general welfare.

6.1.6. INCORPORATION OF DESIGN MANUALS

The City's *Design Criteria Manual* is hereby incorporated by reference as if fully set forth in this Code.

6.2. ADEQUATE PUBLIC FACILITIES AND DEDICATION REQUIRED

6.2.1. PROVISION OF ADEQUATE PUBLIC FACILITIES

Each subdivision shall provide adequate public facilities. Adequate public facilities shall include adequate water, sanitary sewer, drainage, parks, and transportation facilities necessary to serve the proposed development, whether or not the facilities are to be located within the property being platted or offsite.

6.2.2. CRITERIA FOR ADEQUATE PUBLIC FACILITIES

Public facilities are considered adequate if they meet the minimum level of service established in the appropriate sections of this Code and the following standards:

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)*

B. Water

All platted lots shall be connected to a public water system that provides water for health and emergency purposes. The water system shall be consistent with the Water Distribution System Model and Master Plan, *Design Criteria Manual*, and the "Water and Sewer Chapter" of the Code of the City of Arlington, as amended. (See Section 6.6, *Water and Sanitary Sewer Requirements.*)

C. Sanitary Sewer

All platted lots shall be connected to a public sanitary sewer collection and treatment system. On-site sanitary sewer treatment systems are not permitted, except for the pretreatment of industrial waste. The projected sanitary sewer discharge of a proposed development shall not exceed the capacity of the sanitary sewer system. The sanitary sewer system shall be consistent with the Wastewater System Model and Master Plan, *Design Criteria Manual*, and the "Water and Sewer Chapter" of the Code of the City of Arlington, as amended. (See Section 6.6, *Water and Sanitary Sewer Requirements.*)

D. Drainage and Stormwater Management

Drainage and stormwater facilities are adequate when (See Section 6.5, Drainage and Environmental Standards):

1. Stormwater runoff attributable to land disturbances, new development, or redevelopment complies with the minimum standards of this Code, and the *Design Criteria Manual*, and applicable federal and state standards.

2. Stormwater runoff attributable to land disturbances, new development, or redevelopment does not alter drainage patterns, concentrate flow, connect to existing stormwater infrastructure, or exceed the runoff from existing (pre-project) conditions, unless no adverse impacts will be created.

3. To the maximum extent practicable, permanent Best Management Practices (BMPs), as described in the *Design Criteria Manual*, protect and improve stormwater quality in streams, rivers, and other water bodies, in conformance with the Texas Pollutant Discharge Elimination System (TPDES) permit requirements.

E. Parks and Recreation

Parks and recreation facilities are adequate when (See Section 6.7, *Linear Parks)*:

1. Park fees are paid; and

2. Linear park dedication and participation agreements are executed for residential properties within, or adjacent to, the 100-year floodplain of the following creeks and rivers:

a. Bowman Branch

b. Fish Creek (South Branch)

c. Johnson Creek

d. Lynn Creek

e. Rush Creek

f. Sublett Creek

g. Trinity River

h. Village Creek

F. Electricity

All platted lots shall have access to a public utility that provides electricity for retail consumption.

G. Telecommunications

All platted lots shall have access to a public utility that provides telecommunications for retail consumption.

6.2.3. DEDICATION REQUIRED

A. Generally

Property necessary for the orderly development of streets, roadways, thoroughfares, utilities, parks, stormwater facilities, or other public purposes shall be dedicated to the City as required by this Code and in accordance with the Comprehensive Plan, the Thoroughfare Development Plan, the Parks Master Plan, and the Hike and Bike System Master Plan. Dedication of and acceptance by the City of the property is a condition of plat approval.

B. Proportionality Required

The dedication requirements for a specific plat shall be roughly proportional to the projected impact of the proposed development. Upon the request of the applicant, the decision-making authority shall make a determination that the required dedication is related in both nature and extent to the impact of the proposed development.

C. Underground Utilities

1. Lateral and service lines

All lateral and service lines serving residential and non-residential development shall be placed and maintained underground.

2. Feeder lines

Overhead feeder lines are not allowed unless they are located:

a. Adjacent to a public or private street where overhead lines exist;

b. Along the perimeter of a subdivision where overhead lines exist; or

c. Along the perimeter of a subdivision that has existing underground feeder lines only if the proposed development provides the entire width of the utility easement necessary to accommodate the proposed utility.

3. Utility Company Responsibility

The utility company is responsible for developing administrative policies and cost reimbursement procedures to install and extend underground service. These policies shall permit the utility company to recover the cost differential between extending and installing overhead and underground service from the developer.

D. Property Owners' Association Responsibility

1. Property Owners' Association Required

Subdivisions developed with amenities or property held in common ownership, including but not limited to private streets, amenity lots, drainage features subject to a maintenance agreement, and perimeter fencing, shall have a mandatory property owners' association that includes all property served by the amenity or property.

a. The association shall own and is responsible for the maintenance of the amenity or property.

b. The association documents must establish a reserve fund to maintain the amenity, property, or other improvements.

c. The association documents shall be filed of record prior to recording the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association.

d. A note shall be included on the final plat indicating that the property owners' association is responsible for the property or amenities.

e. The association shall not be terminated. The City shall be notified if the property owners' association fails to exist.

f. All maintenance agreements shall be a covenant running with the individual properties within the association.

g. It shall be unlawful for a Property Owners' Association required under this Article to cease to exist without the recorded written permission of the City of Arlington. If a Property Owners' Association ceases to exist and required maintenance responsibilities remain outstanding, it shall be the responsibility of the individual property owners located within the boundary of the previously existing association to satisfy the obligations of the defunct association.

2. Alternative Funding Mechanisms

If a property owners' association fails to collect reserve funds to maintain property such as private streets, access easements, privately-maintained drainage features, or pools, the City may assess property owners within the

subdivision served by the amenity or facility the costs associated with addressing matters of public safety.

E. Platting Exemptions for Single Tracts Prior to Construction

Any owner of an unplatted single tract of land shall submit for approval and have filed of record a plat of the tract prior to the commencement of construction or issuance of a building permit. However, nothing in these regulations requires a plat to be approved and recorded as a prerequisite to construction under the following conditions:

1. The tract is zoned residential in accordance with Article 2, *Zoning Districts*, and the construction is for any of the following purposes, and the addition or alteration conforms with the Unified Development Code:

a. Adding to or altering an existing lawfully conforming single-family building or structure;

b. Adding a fence on the tract; or

c. Adding an accessory building or structure to an existing lawfully conforming single-family use.

2. The tract is not zoned residential as noted above or is zoned residential but contains a permitted non-residential land use, the construction is for any of the following purposes, and the alteration conforms with the Unified Development Code:

a. Adding an accessory building to an existing lawfully conforming use on the same tract;

b. Adding a fence on the tract;

c. Remodeling or altering an existing commercial or industrial building;

d. Adding a wireless communications antenna to an existing utility transmission tower or existing telecommunications tower; or

e. Any improvement that does not create infrastructure impacts or more intensive development than the exceptions listed above.

6.3. LOTS AND BLOCKS

6.3.1. LOTS

A. Buildings to Be on a Lot

Except as otherwise permitted by this Code, every building shall be located on a lot.

B. Frontage

All lots shall front on a public or private street or private access easement and shall have a minimum frontage width as indicated in Article 2, *Zoning Districts*, and Article 4, *Dimensional Requirements*.

C. Lot Size

Platted or replatted lots must comply with the minimum lot size regulations of the zoning district in which the lot is located. See Section 10.4.17.F, *Criteria*, for specific criteria related to replats.

D. Setbacks

Lot setbacks shall be determined by the applicable zoning district and not by platted building lines.

6.3.2. BLOCKS

A. Lots to Be Contiguous within Blocks

Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac.

6.4. STREET AND RIGHT-OF-WAY REQUIREMENTS

6.4.1. BASIC POLICY

The following general requirements apply to all plats.

A. Streets and right-of-way shall conform to the Thoroughfare Development Plan, as amended, the *Design Criteria Manual*, and the standards in this Code.

B. An adequate off-site street and thoroughfare system shall be designed and constructed in order to:

1. Provide for streets of suitable location, width, or other improvements to accommodate existing traffic, traffic anticipated from the development, and traffic anticipated from other developments impacting the same roadways;

2. Afford satisfactory access to adjoining properties; and

3. Accommodate police, firefighting, sanitation, and street maintenance equipment.

C. The proposed streets of the development shall effectively relate to the present and future street system and to the development of the surrounding area in order to assure continuity of thoroughfares, coordination of intersections, the limitation of median breaks, and the promotion of livable neighborhoods.

1. The plat shall provide for appropriate continuation or termination of any existing streets, whether constructed or dedicated, which extend to the limits of the proposed subdivision.

2. Adequate provision of access to adjoining lands shall be made.

D. The developer shall design and construct adequate roadway facilities, whether on-site or off-site.

E. The developer shall be responsible for all costs associated with meeting the requirements of this article.

6.4.2. ADEQUACY OF OFFSITE ROADWAY NETWORK REQUIRED

A. Adequacy Required

Prior to plat approval, the Zoning Administrator shall determine whether the roadway network serving the development to be platted has adequate capacity to accommodate existing traffic, traffic reasonably anticipated from the development, and traffic reasonably anticipated from other developments approved or to be approved within a reasonable period. The standards for compliance with this requirement are set out in subsections B through D, below. The Zoning Administrator's determination shall be based on information provided by the developer in the plat application and supporting studies, unless the study is waived.

B. Analysis of Adequacy

1. For any property submitted for platting that meets the criteria contained in Section 6.2.3, Adequate Public Facilities and Dedication Required, the developer shall provide, at the developer's expense, a traffic study that analyzes the adequacy of the roadway network to serve the development.

2. Adequate capacity of the roadway network shall be determined as described in the *Design Criteria Manual.*

C. Determination of Adequacy

1. The roadway network shall be considered adequate if:

a. There is sufficient capacity on each existing link and intersection of the network; or

b. There is sufficient capacity on each proposed link and intersection of the network; and

c. The roadway conditions are adequate for each existing link and intersection of the network.

D. Determination of Inadequacy

In the event that the traffic study shows a result of a level of service "D", "E", or "F", as defined in the Highway Capacity Manual, or the Planning and Development Services Department determines that the off-site roadway network serving the development to be platted is not adequate, the following shall be provided:

1. Proposed solutions to the transportation issues resulting from the proposed development;

2. The degree of local congestion;

3. The availability of alternate routes to service the increased traffic; and

4. The degree to which the increased congestion is attributable to the applicant's project.

After the information is reviewed, the City may:

5. Disapprove the plat;

6. Require that development of the property be phased to coordinate the timing of building permits with the provision of adequate capacity; or

7. Require the developer, in lieu of denial or phasing of the plat, to construct off-site and/or on-site improvements to City standards or as otherwise permitted by the Zoning Administrator to provide adequate capacity for the roadway network. Construction may be required to use standards in excess of the Thoroughfare Development Plan or typical City standards.

6.4.3. TRAFFIC STUDY REQUIREMENTS

A. Traffic Study Submittal

The traffic study shall be prepared in accordance with the *Design Criteria Manual*.

B. Revisions to Traffic Study

Prior to forwarding any plat to the Commission, the traffic study shall be accepted by the City. The acceptance of the traffic study will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.

6.4.4. REQUIREMENT FOR ACCESS TO THE STREET NETWORK

A. Acquisition of Access Required

The developer shall acquire right-of-way and/or necessary easements and construct any offsite roadways and/or access ways necessary to connect the development with an adequate offsite roadway network.

B. Residential Access Limited

1. Arterial Streets

No single-family, townhouse, or duplex residential development shall have direct access to an arterial street unless no other means of access is available. In cases where access is permitted, a private access easement adjacent to the thoroughfare is required. Any lot that has direct access to an arterial street is required to provide head-out egress.

2. Major Collectors

Single-family, duplex, and townhouse residential lots may have direct driveway access to major collectors if the following development standards are complied with:

a. Additional lot dimension and setback requirements as outlined in Section 4.1, *Measurements and Exceptions*.

b. Driveway separation may be allowed only with a minimum of 240 feet separation with shared driveways.

c. Head out egress shall be provided.

C. Private Access Easements

To the maximum extent practicable, private access easements shall be required between and/or across any lots fronting on arterial and major collector streets in order to minimize the total number of access points along those streets and to

facilitate traffic flow between lots. The location and dimensions of the easement shall be in accordance with the *Design Criteria Manual*. A note shall be provided on the plat indicating the lots served by the private access easement.

D. Maintenance of Private Access Easement

Maintenance of any private access easement is the responsibility of the property owner or property owner's association, as applicable. When an easement is created by plat, a maintenance note as approved by the Zoning Administrator shall be added to the plat acknowledging maintenance responsibility. When the easement is created by separate instrument, the maintenance responsibility shall be acknowledged with the separate instrument.

E. Access Prohibition Lines

Where a subdivision will abut or contain an existing or proposed arterial, major collector, or frontage road, certain segments of the streets may not be suitable for private or public access points to maintain safe and efficient traffic movement. In these instances, access prohibition lines may be required on the plat.

F. Prohibited Turning Movements

For the benefit of traffic safety and flow on arterial and major collector streets, access points may be required in order to prohibit certain types of turning movements. The plat shall include a notation of any restricted turning movements.

G. Signalization Required

Signalization of access points on arterial or collector roadways may be required in order to provide safe and efficient traffic flow. The developer shall be responsible for any design, right-of-way acquisition, utility relocation, and construction costs required for a traffic signal installation necessitated by a development, as determined by an approved Traffic Impact Analysis or the City Traffic Engineer. If the need for the signal has not occurred at the time of platting, or if at the time of site development the City determines that construction of the facilities is not feasible, the developer shall make a payment in lieu of construction equal to the developer's share of the design, right-of-way acquisition, utility relocation, and construction costs. Payment shall be made prior to recording the plat or issuance of a building permit, whichever occurs first.

H. Adequate Access

Each single-family residential subdivision shall have at least two constructed points of public ingress and egress, except:

1. When 30 or fewer residential units are constructed with one point of street ingress and egress.

2. The Zoning Administrator may approve up to 40 units with one point of access when requested. In evaluating a request, the Zoning Administrator shall consider factors including the timing of construction of other public improvements that provide a second point of access, public safety, and convenience.

3. The City Council may grant a waiver to these regulations for more than 40 units with one point of access when unique topographic or infill circumstances exist.

I. Rear Entry Access

The City may require the developer to provide for rear entry access to lots from a private access easement to benefit traffic safety in areas of higher residential density development.

6.4.5. STREET LAYOUT REQUIREMENTS

A. Intersections

1. Intersection Offsets

a. No street intersecting an arterial or collector street shall vary from a 90-degree angle of intersection by more than 10 degrees.

b. The number of minor collector or local street offsets shall be minimized. However, when approved by the Zoning Administrator, a minimum centerline offset distance of 125 feet shall be maintained.

c. There shall be a minimum of 600 feet between intersections of arterials or collector type streets.

2. Arterial streets shall be intersected only by collector streets or other arterial streets, unless the only means of ingress and egress to a subdivision is from the arterial street. In this event, the local street intersection shall be configured in accordance with Figure 6.1. All costs associated with the construction of this flare configuration shall be borne by the developer.

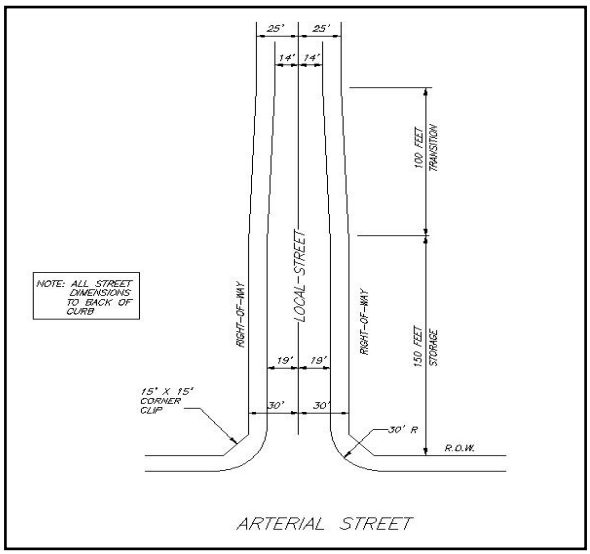


Figure 6.1 Intersections of local and arterial streets.

3. Visibility triangles, as required by the *Design Criteria Manual*, shall be provided at the intersection of all public streets. In addition, visibility easements may be required where sight distance may be limited due to

topography, roadway curvature, vegetation, or other sight hindrance. The easement shall be dedicated by plat.

B. Residential Block Length

The following standards shall be followed in the design of residential blocks.

1. Block lengths and cul-de-sacs shall be appropriate to the density and type of development as follows:

a. The maximum length of any block in a residential zone district shall be 600 feet, except as follows:

(i) In instances where it is impractical to design residential blocks at or less than 600 feet in length, mid-block pedestrian/bicyclist access shall be provided in the form of a public walkway that meets the standards of Section 6.4.6, *Other Access Ways*, and this section.

(ii) The mid-block access shall be a minimum of 30 feet in width and run the entire depth of the block and connect two streets or serve as a connection to a park, open space lot, school, trail, or recreation or amenity area for public use or for use by residents of the subdivision. The access may be provided as an open space lot or easement.

b. If utilizing rural standards, the maximum block length shall be 1000-1200 feet with a maximum of 12 lots.

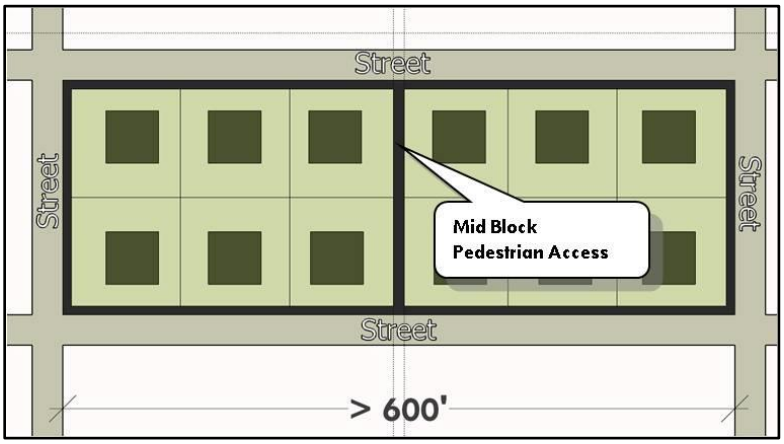


Figure 6.2 Mid block pedestrian access. Where block lengths are at or greater than 600 feet in length, mid-block pedestrian/bicyclist access is required.

2. Alternative Block Lengths

a. The Zoning Administrator may approve alternative block lengths under the following conditions:

(i) Proximity to a railway, expressway, waterway;

(ii) Topographic features, or

(iii) An infill development with no alternate access.

b. When considering a request for alternative block lengths, the Zoning Administrator shall consider the following:

(i) Alternative designs which would reduce block length;

(ii) The effect of long blocks on access, congestion, and delivery of municipal services; and

(iii) Means of mitigation, including but not limited to mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

C. Curvilinear Design Requirements

1. Curvilinear Requirements

Roadway layout may include curvilinear design. Local and minor collector streets may be designed with a minimum of 50 percent of the lots within the subdivision to have curved frontage. The roadways shall also conform to the following:

a. Fit the road to natural topography,

b. Avoid monotony of lot appearance,

c. Reduce speeds through neighborhoods, and

d. Discourage through-traffic intrusions by eliminating straight views from one block to the next.

e. Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged.

2. Alternatives to Curvilinear Requirements

In lieu of providing curvilinear streets, one or more of the traffic calming measures in Section 6.4.5.D may be incorporated into the design of the street to reduce speeds through neighborhoods and discourage through-traffic intrusions.

D. Traffic Calming Measures

Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged. However, when site conditions require this configuration, the street shall incorporate one or more of the following design elements:

1. Circuitous Through-Streets

Through-streets should be designed so that it is not apparent from either end that the street connects to major streets.

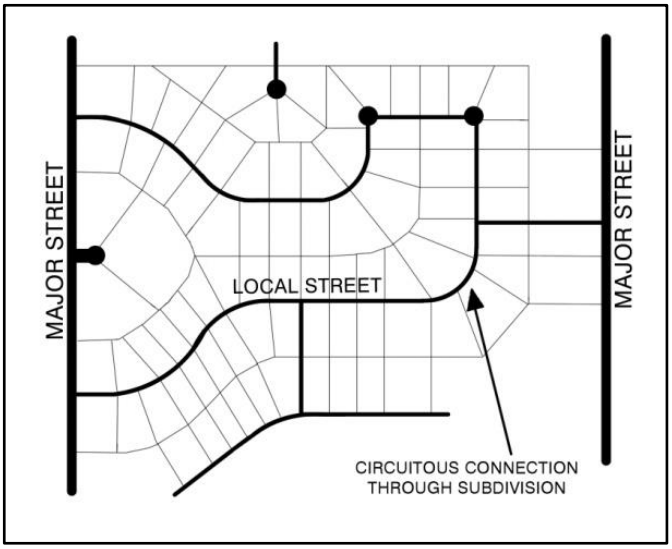


Figure 6.3 Circuitous through-streets

2. Staggering

Through-streets should be staggered to give the illusion from a distance that a street no longer continues. Staggered streets shall be offset by a minimum of 125 feet from centerline to centerline.

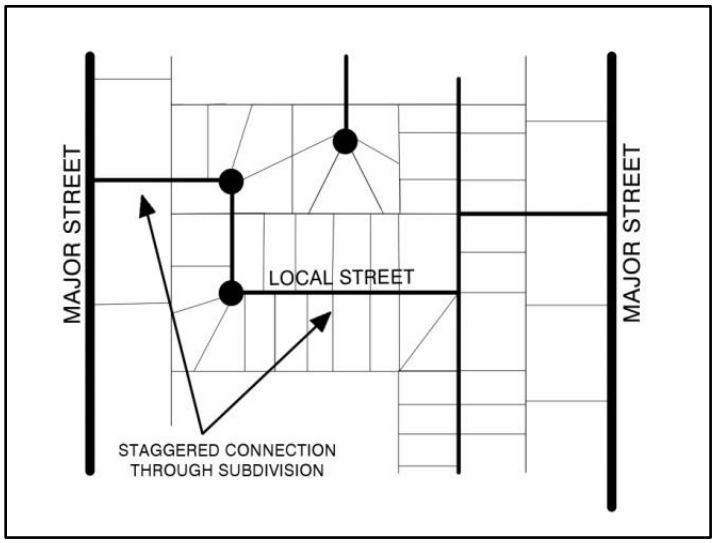


Figure 6.4 Staggered streets.

3. Traffic Circles

Raised circular islands should be placed in intersections to reduce speeds and discourage cut-through traffic. Traffic islands may be landscaped. Landscaping shall be maintained by a property owner's association and, if

located in the public rights-of-way, shall be subject to the *Forestry Landscaping Master Plan Standards Manual*.

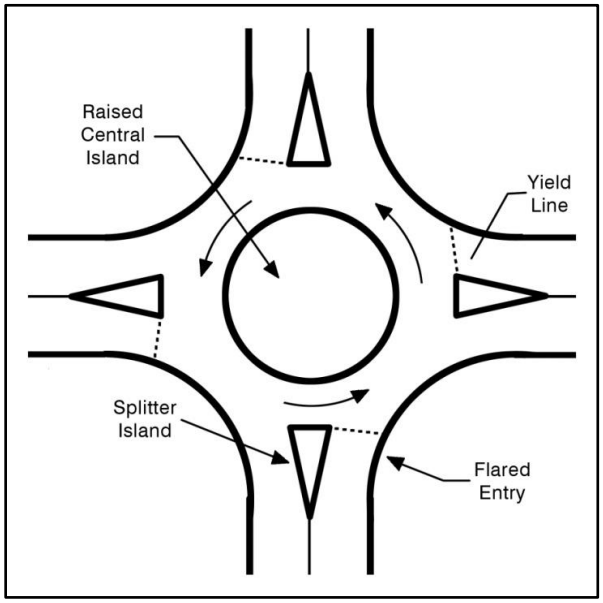


Figure 6.5 Traffic circle.

4. Loop Streets

Loop streets are encouraged in lieu of cul-de-sacs.

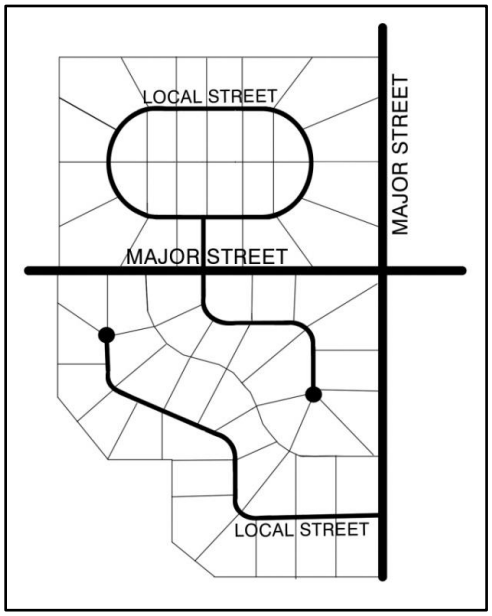


Figure 6.6 Loop streets.

5. Narrowing Islands/Chokers

Mid-block chokers should be placed between intersections to reduce speed. The street width should be narrowed or reduced for a distance while still

maintaining two-way traffic. No on-street parking will be allowed along the choker and transition areas.

Figure 6.7 Chokers on a residential street.

6. Intersection Neckdowns

Chokers or narrower street widths at the intersection are encouraged to reduce speed. The reduced street width shall be adequate to maintain two-way traffic movement.

Figure 6.8 Intersection neckdown.

7. Wide Centerline Median / Striping Narrow Lanes

Street width shall be narrowed by either striping the street centerline wider to give the illusion of a painted median or by striping an outside edge line paralleling the curb. No on-street parking will be allowed within this design.

Figure 6.9 Wide centerline median striping.

E. Dead End Streets

Dead end streets are permitted only where a future extension or connection is anticipated or planned into adjacent property. If the dead end is greater than 150 feet measured from the property line, a turnaround facility will be required. The developer shall be responsible for acquiring the right-of-way or easement and constructing the turnaround. The turnaround will be considered temporary until the street is extended or a permanent cul-de-sac is constructed. The turnaround may be constructed without curb and gutter but shall meet all other design criteria. The turnaround shall be constructed off-site, unless the developer is unable to obtain off-site right-of-way. The Zoning Administrator may approve the construction of the turnaround within the limits of the development.

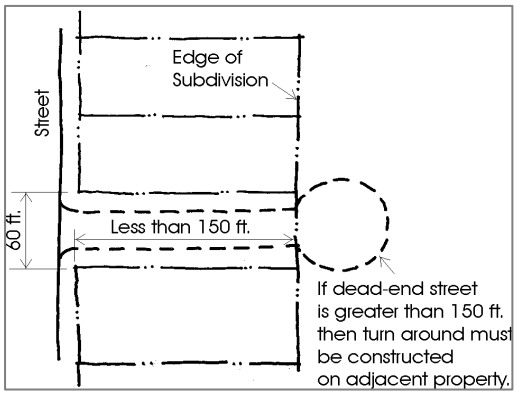


Figure 6.10 Dead end streets and cul-de-sacs.

1. Provisions shall be made for drainage at the ends of dead end streets.

2. When an existing dead end street with temporary turnaround, whether on- or off-site, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations, and restoring the affected area.

3. If the developer chooses not to extend an existing dead end street, then that developer shall provide right-of-way and construct a permanent turnaround or cul-de-sac.

F. Pedestrian Circulation

Pedestrian circulation standards are set forth in Section 5.9.4, *Pedestrian Circulation*.

G. Rights-of-Way

Rights-of-way for major arterials, minor arterials, major collectors, and minor collectors are required as showing in Table 6.4-1 and the Thoroughfare Development Plan.

TABLE 6.4-1: Required Right of Way Widths

Roadway Classification	Right-of-Way Width
Major Arterial	120 feet
Minor Arterial	90-100 feet[1]
Major Collector	70 feet
Minor Collector	60 feet

[1] 100 feet of right-of-way is required only in specific instances. See the Thoroughfare Development Plan map for details.

H. Mid-block and Intersection Requirements

Mid-block and intersection rights-of-way and geometric design for streets are required as shown in the Thoroughfare Development Plan and *Design Criteria Manual*. Additional right-of-way shall be dedicated to facilitate access ramp and/or signal construction as follows:

1. A 10-foot by 10-foot clip for local/local street intersections.

2. An 80-foot radius for arterial/arterial intersections and arterial/departure side of major collector street intersections. See *Design Criteria Manual* for layout.

3. A 15-foot by 15-foot clip for all other intersections.

I. Local Streets

1. Right-of-Way

For local streets, the right-of-way can vary depending on the standards utilized as shown in Table 6.4-2 below:

TABLE 6.4-2: Right of Way Widths and Local Streets

Pavement Width	Right-of-Way Width
28 feet (curb & gutter)	50 feet
24 feet (curb & gutter)	46 feet
22 feet (curb & gutter)	44 feet
28 feet (rural design)	60 feet plus 10 feet drainage easement on each side

2. Rural Design

A rural design for a local street includes 28 feet of pavement with no curb and gutter. This standard shall only be used in residential developments with lots greater than one acre in size.

3. Flare at Intersection

Right-of-way for all local streets shall flare to 60 feet at intersections with any arterial street.

4. Hydrant Bulb-Outs

For the 24-foot or 22-foot local standards, hydrant bulb-outs shall be designed to accommodate fire apparatus. The right-of-way for the bulb-outs shall be dedicated on the plat.

J. Cul-de-sacs

1. A cul-de-sac shall have a 50-foot right-of-way radius at the closed end. The radius of the paved area of the turnaround shall be a minimum of 39 feet.

2. To the maximum extent practicable, cul-de-sacs shall provide direct pedestrian/bicyclist access to the closest street or pedestrian/bicyclist connection, in accordance with Section 6.4.6, *Other Access Ways*.

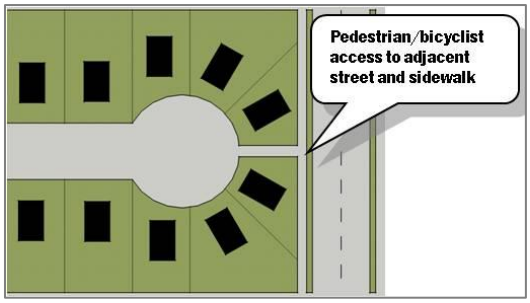


Figure 6.11 Pedestrian access at end of a cul-de-sac.

K. Private Access Easements

The minimum width of a private access easement shall be 20 feet. The easement shall be increased to 24 feet when it functions as a required fire lane. For 24-foot and 22-foot local standards, private access easements are required to provide rear access to residential lots. For this use, the private access easement width may be reduced by the Zoning Administrator.

L. Auxiliary Lanes

Additional right-of-way will be required for auxiliary lanes and shall be designed in accordance with the *Design Criteria Manual*. The developer is responsible for the design, right-of-way and easement acquisition, and the construction of the auxiliary lanes, including adjustments of utilities and sidewalks.

6.4.6. OTHER ACCESS WAYS

A. Sidewalks

1. Sidewalks Required

The developer shall install sidewalks on all public streets within and abutting the development. Sidewalks are not required for the local rural street standard where the lots are one acre or larger in area. A waiver of sidewalks may be granted by the Zoning Administrator if it is determined that construction is not feasible at time of development for engineering reasons or inappropriate due to the nature of the project.

2. Standards

Sidewalks shall be built in accordance with the *Design Criteria Manual,* the Hike and Bike System Master Plan, and Texas Accessibility Standards.

B. Walkways

The minimum width of an easement for a public walkway shall be 15 feet. Walkways are typically sidewalks constructed between lots, not adjacent to roadways. Walkways may be required to provide access to schools, parks, playgrounds, or nearby roads.

C. Bicycle Facilities

Bicycle facilities shall be designed and built in accordance with the Hike and Bike System Master Plan.

D. Easements

The developer may, at his own option, choose to provide additional private access easements for sidewalks, walkways, or bicycle facilities. Construction and maintenance of these private access easements will be the responsibility of the developer and/or subsequent owners.

E. Alleys

New public alleys are prohibited. Access that functions as an alley shall be dedicated as a private access easement.

6.4.7. DEVELOPMENT REQUIREMENTS

A. State Roadways

The developer may be required to construct curbs, gutters, and sidewalks to the City's requirements on developments abutting roadways designated as state highways, or on right-of-way or land owned by the State. The developer may petition for a determination by the Zoning Administrator that the construction is either not feasible at the time of development for engineering reasons or inappropriate due to the nature of the construction project. If it is determined the construction is not feasible or is inappropriate, funds shall be placed in escrow for the design and construction of the facilities. The escrow shall not be refundable.

B. Coordination with Planned Street Projects

Where a development will abut an existing street for which construction plans have been prepared for future improvements, the plans for the development shall be

coordinated with the construction plans. If the developer requests an alteration to the construction plans, and the City agrees to the alteration, the developer shall pay to revise the plans as necessary and escrow any increased construction costs. The escrow will not be refundable.

C. Street Appurtenances with Construction

All public street construction shall include streetlights, street signs, signals, and pavement markings. The developer will be responsible for all costs associated with the design and construction or installation of these street appurtenances. Streetlights shall also be required on all perimeter public streets along the frontage of the development. Conduit for fiber optic cables may be required at signalized intersections and along roadways identified in the City's network fiber plan. All street appurtenances shall be designed and constructed in accordance with the *Design Criteria Manual*.

6.4.8. PAYMENT REQUIREMENTS

A. Payment May be Collected for Site Required Facilities

Upon the developer's request to defer construction of required public improvements, a payment in lieu of construction may be collected for required improvements. The Director of Public Works and Transportation may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation, and construction of the improvements unless otherwise specified in this section. The Director of Public Works and Transportation must reasonably believe the deferred improvements are not immediately necessary to mitigate adverse impacts and their deferred construction does not present an increased risk to the safety and health of the community.

B. Easements Required

The developer shall provide the right-of-way/easements even if construction is determined not to be feasible and payment is accepted.

6.4.9. CONTRACT POLICIES AND PROCEDURES

Standard three-party contracts executed by the contractor, the developer, and the City are required for all public improvements. The contracts also include two-year maintenance bonds, performance bond, payment bond, insurance, and other requirements and fees as detailed in the *Design Criteria Manual*.

6.4.10. OWNERSHIP AND MAINTENANCE

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.

6.4.11. PRIVATE STREETS

A. Design and Construction Requirements

Private street widths, cross-sections, and design criteria shall comply with City standards and shall meet the minimum construction standards for public streets, including its appurtenances such as streetlights, street signs, pavement markings, and drainage improvements. If the development will be gated, it shall comply with the gated entry guidelines in the *Design Criteria Manual*.

B. Streets Excluded

Streets shown on the Thoroughfare Development Plan shall not be used, maintained, or constructed as private streets. In addition, the City may deny the creation of any other private street if, in the City's judgment, the private street would have any of the following effects:

1. Negatively affect traffic circulation on public streets;

2. Impair access to property either on-site or off-site to the subdivision;

3. Impair access to or from public facilities including schools, parks and libraries; or

4. Delay the response time of emergency vehicles.

C. Separate Lot Required

Private streets shall be constructed within a separate lot owned by the property owners' association. This lot shall conform to the City's standards for public streets and rights-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use and maintenance of the property for utilities. This right shall extend to all utility providers operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to, fire and police protection, inspection, and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

D. Cost of Private Streets

The City shall not pay for any portion of the cost of constructing or maintaining a private street and its appurtenances.

E. Inspections

Inspections of private streets shall be performed by the City at the developer's cost or by a third party in accordance with requirements outlined in the *Design Criteria Manual*.

F. Maintenance

Developments with private streets shall have a mandatory property owners' association that includes all property served by private streets to ensure maintenance of the private street. Improvements to be maintained by the City shall comply with public easement requirements. Public drainage facilities placed under private streets shall be located within a public drainage easement that includes the

entire width of the private street. A maintenance agreement shall be executed for the maintenance of the street and inlets serving the private street. Should the City need to access the drainage under the private streets, the City shall restore the pavement per the standard detail for permanent trench repair.

G. Waiver of Services

The subdivision's recorded plat, property deeds, and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services that will not be provided are: street maintenance, routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.

H. Conversion of Private Streets to Public Streets

A request to convert private streets to public streets shall be considered in accordance with Section 10.4.21, *Converting Private Streets to Public Streets*.

6.4.12. STREET NAMES

The developer shall name streets in conformance with the following:

A. Proposed street names shall be substantially different in sound and spelling from existing street names in the city and the city's extraterritorial jurisdiction.

B. If a new street is a direct or logical extension of an existing street, the existing street name shall be used.

C. All proposed street names shall be approved by the Zoning Administrator.

D. Street names shall be no more than 14 characters including spaces, but excluding the suffix.

6.4.13. ALTERNATIVE LOCAL STREET STANDARDS

Alternative street designs may be allowed in accordance with the following table with the approval of the Zoning Administrator if an adequate level of service is still provided by the proposed design. There shall be no waivers from construction specifications.

TABLE 6.4-3: Local Street Standards				
	28 ft	**Rural (one acre lots) 28 ft**	**24 ft**	**22 ft**
On-street Parking	Allowed Both Sides	None Allowed	Allowed on One Side Only	None Allowed
Alleys (Private Access Easements)	Allowed	Allowed	Required	Required
Maximum Block Length	1,000 to 1,200 ft, maximum of 12 lots, or DOT approval		600 to 800 feet with no maximum number of lots per block	
Hydrant Bulb-out	Allowed	Allowed	Required	Required
Minimum Turning Radii	20 ft	20 ft	20 ft	20 ft
Mountable Curb and Gutter (shall have Parkway)	Allowed	Bar ditches and streets without curbs allowed in lieu of curb and gutter	Required	Required
Residential Fire Sprinklers	Allowed	Allowed	Allowed	Required: Fire Department may grant a waiver if other means of access, increased turning radii, and additional hydrants are provided.
Street Lights	Required	Allowed	Required	Required
R.O.W./Access Easements	50 ft	60 ft + 10 ft on each side for drainage easement	46 ft	44 ft
Sidewalks	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.	Allowed	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.	Required: Minimum width of four feet required on both sides of street with minimum parkway width of five feet.

6.5. DRAINAGE AND ENVIRONMENTAL STANDARDS

6.5.1. DRAINAGE AND STORMWATER MANAGEMENT POLICIES

A. Adequate Facilities

Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions (such as flood heights, velocity, flow over road, etc.), the City may deny approval of the plat if plans for mitigation have not been accepted by the City. Mitigation plans shall be provided that include, but are not limited to, all necessary onsite and off-site improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the *Design Criteria Manual* and shall carry storm drainage to an adequate and acceptable outfall.

B. Developer Responsibility

The developer shall be responsible for all storm drainage flowing to, through, from, and adjacent to the property. This responsibility includes the drainage directed to that property by prior or anticipated development as well as drainage naturally flowing through the property due to topography. The developer shall pay for all costs associated with the onsite and off-site drainage features and improvements to comply with the *Design Criteria Manual*. The developer shall also pay for the dedication or acquisition of any necessary drainage easements.

C. Easements

Drainage easements shall be dedicated for public drainage features in accordance with requirements of Section 6.5.2, *Drainage Features*. Drainage easements and features shall be included as a portion of buildable (habitable structure) lots and not as a lot by itself unless specifically authorized by the Zoning Administrator or designee. If a drainage feature is approved on a separate lot, a mandatory property owner's association is required and subject to Section 6.2.3.D, *Property Owners' Association Responsibility*.

Permanent public drainage features such as pipes, flumes, or concrete-lined channels that cross property lines, or those located in street rights-of-way or public drainage easements are considered public. Drainage features that do not meet these criteria or deemed otherwise by the City may be considered private and maintained by the property owner. Private drainage easements shall be dedicated for all private drainage features. Easements not dedicated by plat shall be dedicated by separate instrument.

D. Stormwater Quality

Designs for development shall manage stormwater in a manner that protects and/or improves stormwater quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the MS4 and natural creeks. The goal is to maintain after development, to the maximum extent practicable, the

predevelopment characteristics of stormwater runoff from the development. It is the developer's responsibility to ensure that designs for the development meet the stormwater management requirements of adopted City codes.

E. Stormwater Runoff

Stormwater runoff shall be calculated anticipating a fully developed watershed. The comprehensive plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Zoning Administrator or designee reserves the right to review the determination of fully developed conditions and may require revisions.

F. Conveyance of Development Runoff

The runoff for the design frequency storm shall be collected onsite and conveyed to an adequate and acceptable outfall as defined in the *Design Criteria Manual*.

G. Positive Overflow

Positive overflow means that flow greater than the design frequency storm will be conveyed by a secondary drainage feature without flooding structures. Streets are designed to carry a specified quantity of stormwater within the right-of-way according to the street classification. At sump locations or slope limitations where the stormwater will leave the right-of-way, a positive overflow path shall be provided. A drainage easement shall be dedicated between lots at or near the low point in the street to allow for positive overflow systems. The Zoning Administrator or designee may allow alternative designs.

H. Minimum Finish Floor Elevations

The City may require the developer’s engineer to establish minimum finished floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two feet above the fully developed 100-year water surface elevation where the MFF is associated with a natural creek or open channel. When the MFF is necessitated by situations other than a natural creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the City.

The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the City requires the establishment of minimum finish floor elevations:

> *"The City of Arlington reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change. Additional lots, other than those shown, may also be subject to minimum finish floor criteria."*

I. Off-Site Drainage

1. The developer is responsible for the evaluation of the discharge leaving the proposed development and its effect on downstream structures, features, and property, including but not limited to, flooding, stream channel stability, and water quality. The developer may be required to mitigate adverse impacts.

2. When any proposed development requires off-site grading or where stormwater runoff has been collected or concentrated, the runoff from the required design frequency shall not be permitted to drain onto adjacent property except in existing creeks, channels, storm sewers, or streets unless a drainage easement is provided in accordance with the *Design Criteria Manual*.

6.5.2. DRAINAGE FEATURES

A. Stormwater Conveyance

The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The *Design Criteria Manual* contains specific criteria regarding the design of the drainage features.

1. Natural Creeks

Natural creeks shall be preserved unless it is determined by the Zoning Administrator or designee that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:

a. Report

A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. Easement

Easements shall be dedicated for all drainage features as outlined in the *Design Criteria Manual*. Additional easements may be required to provide access to the creek for maintenance.

c. Erosion Clear Zone (ECZ)

An ECZ shall apply to all development activity. No portion of any building, pavement surface, fence, wall, swimming pool, or other structure shall be located or constructed within the ECZ. The ECZ shall be shown, labeled, and described by metes and bounds on the plat or site plan when the ECZ lies outside the drainage easement. The limit of the ECZ shall be determined as described in the *Design Criteria Manual*.

d. Erosion Protection

Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.

e. Maintenance

The following shall apply to natural creeks.

(i) The City is not responsible for any maintenance or cleaning of the natural creek.

(ii) The property owner shall be responsible for maintenance and cleaning of the creek.

(iii) The property owner shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the natural creek and its associated drainage easement.

(iv) Maintenance Statement. When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat acknowledging maintenance responsibility by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the natural creek and associated easement by the property owner.

(v) Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the *Design Criteria Manual*. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the acceptance of a site plan or construction plan. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

2. Closed Systems

The closed system, when permitted, shall be connected to an adequate and acceptable outfall as described in the *Design Criteria Manual*. Alternative designs shall be approved by the Zoning Administrator or designee when it is determined that the proposed design is satisfactory and complies with the intent of the provisions of this article, and that the alternative is at least the equivalent of that prescribed by this article in quality, strength, effectiveness, durability, and safety.

a. Easement

Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*. Additional drainage easements may be required at specific locations for access to the system for maintenance.

b. Erosion Protection

Where closed systems connect to natural creeks or improved open channels, end sections and/or transitional materials are required for erosion protection.

c. Maintenance

The City will maintain only the public drainage improvements within the drainage easement. Any other improvements or maintenance, including driveways or driveway culverts, shall be the responsibility of the property owner.

3. Constructed/Modified Open Channels

A request for a constructed/modified open channel shall be evaluated by the Zoning Administrator or designee and permitted when appropriate based on-site constraints and hydraulic conditions. Constructed/modified open channels may incorporate the following: gabions, pre-cast concrete block, native stone, vegetation, bio-engineered systems, or equivalent erosion control devices. The following requirements shall be met:

a. Report

A hydrologic and hydraulic report is required to establish the 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. Easement

Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*. Additional drainage easements may be required at specific locations for access to the system for maintenance.

c. Erosion Prevention

A transition material is required when there are connections between constructed/modified open channels, natural creeks and closed systems. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non-erosive.

d. Maintenance

(i) The City will maintain only structurally improved public drainage improvements within the drainage easement.

(ii) Private improvements and channels constructed of other materials within the easement shall be maintained by the owner or property owner's association. The property owner or association shall acknowledge maintenance responsibility by means of a

maintenance statement or by an agreement approved by the City to provide for any maintenance of the open channel and its associated drainage easement.

(iii) Maintenance Statement. When an easement for a privately maintained stormwater facility is dedicated by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater facility and its associated easement.

(iv) Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the *Design Criteria Manual*. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

B. Stormwater Mitigation

1. Stormwater Storage Facilities

Stormwater storage facilities shall be designed and constructed when proposed stormwater discharge from a new land disturbance or redevelopment outfalls to a downstream system with flooding affecting public safety or insurable, habitable structures or when the downstream capacity is exceeded. The storage facility design (detention or retention) shall be in accordance with the *Design Criteria Manual*.

2. Easements

The easement shall be sized in accordance with the *Design Criteria Manual*. Additional drainage easement may be required at specific locations for access to the stormwater facility for maintenance.

3. Maintenance

a. The City will not maintain any portion of the stormwater storage facility.

b. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the Zoning Administrator to provide for any maintenance of the stormwater storage and its associated drainage easement. If the stormwater storage facility is located on a separate lot held in ownership by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, *Property Owners' Association Responsibility*.

c. When an easement is dedicated by plat for the stormwater storage, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater storage and associated easement.

d. Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the *Design Criteria Manual*. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

C. Temporary Drainage Features

Temporary drainage features, including but not limited to grade to drain features and ditches that do not cause adverse impacts to existing stormwater infrastructure or adjacent properties, may be allowed with the approval of the Zoning Administrator or designee. The temporary drainage facilities shall be permanently improved with the development of the property in which the feature is located. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the *Design Criteria Manual* and shall carry storm drainage to an adequate and acceptable outfall.

D. Permanent Best Management Practices (BMPs) for Stormwater Quality

When a permanent BMP for stormwater quality is established, the following shall apply:

1. Easements

Easements shall be dedicated in accordance with the *Design Criteria Manual*.

2. Maintenance

a. The City will not maintain any portion of the BMPs.

b. The property owner or property owner's association shall be responsible for maintenance and cleaning of the BMPs.

c. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the BMPs and associated easements. If the BMP is maintained by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, *Property Owners' Association Responsibility*.

d. When an easement is dedicated by plat for the BMPs, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the features and associated easement.

e. Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the *Design Criteria Manual*. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

6.5.3. CONTRACT POLICIES AND PROCEDURES

Standard three-party contracts executed by the contractor, the developer, and the City are required for all public drainage construction. The contracts also include two-year maintenance bonds, performance bond, payment bond, insurance, and other requirements and fees as detailed in the *Design Criteria Manual*.

6.5.4. OWNERSHIP AND MAINTENANCE

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.

6.6. WATER AND SANITARY SEWER REQUIREMENTS

6.6.1. BASIC POLICY

A. Adequate Utility Systems Required

Subdivisions within the city of Arlington shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system shall conform to the “Water and Sewer Chapter” of the Code of the City of Arlington and the *Design Criteria Manual*, as amended. All systems must be consistent with the Master Plan for Water Distribution and Basin Sanitary Sewer Evaluation Studies.

6.7. LINEAR PARKS

6.7.1. PURPOSE AND INTENT

A. Purpose

The purpose of this section is to:

1. Assure that sufficient linear park land and facilities are provided to meet the recreational demands and needs of those residents of the city that are created as a result of new residential growth and development; and

2. To encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.

B. Findings

It is the intent of these regulations to require that linear park land be provided in proportion to the needs for the park land created by new residential development in accordance with the Parks Master Plan during the plat approval process. Accordingly, the City makes the following findings:

1. Linear parks provide passive open space and recreational opportunities for city residents, such as bicycling, running, walking, and roller skating.

2. Linear parks protect natural systems, preserve remaining native tree stands and significant vegetation, and provide riparian habitat for wildlife, all of which are enjoyed by city residents.

3. Linear parks serve the purpose of providing critical flood zones for stormwater storage, erosion control, and water purification.

4. The obligation should initially be placed on the developer of the subdivision to provide linear parks proportional to the needs generated for park land by the proposed subdivision.

5. While it is the City's intent to acquire all of the 100-year floodplain contained within designated linear parks, the developer should not be required to contribute more than their fair share of land and improvements needed for linear parks; consequently, the City should acquire park land and participate in the costs of making improvements that exceed the developer's proportionate share.

6. It is reasonable to use linear park fees as a measure of the needs for linear park land and improvements generated by the subdivision and for purposes of apportioning the costs of land and improvements for linear park land between the developer and the City.

6.7.2. LINEAR PARK PLATTING REQUIREMENTS

A. Except as expressly provided otherwise in this article, whenever a development includes land within a linear park, as indicated in Exhibit "C" of the Arlington Park Development Fee Ordinance, the land shall be platted as a separate tract and shall be dedicated to the City to the extent required in this section. The plat also shall designate sufficient land immediately adjacent to the linear park for street access to the linear park. Prior to approval of any plat, or replat, the owner shall offer to dedicate, at a minimum, their proportional share of land to the City.

B. No plat application shall be accepted for review unless the requirements of this section are met. These requirements include, but are not limited to the following:

1. The configuration of the linear park land and the street access shall be shown on the plat;

2. A proposed purchase agreement shall be attached when the owner anticipates selling any part or all of the linear park land to the City; and,

3. A proposed developer participation agreement shall be attached, unless specifically waived in writing by the Director of Parks and Recreation.

4. Failure to designate linear park land or street access on the plat and execute agreements as required by this section shall be grounds for denial of the plat.

The Director of Parks and Recreation shall first determine the amount of linear park land required to satisfy the needs of the residents of the proposed subdivision, based upon the Park Improvements Plan and the Arlington Park Development Fee Ordinance. The amount of land to be dedicated by the developer shall initially be determined by dividing the amount of the maximum linear park fees due (Schedule 1) for the subdivision by the value of the linear park land (expressed as dollars per acre) established under Exhibit D of the Arlington Park Development Fee Ordinance. Separate valuations for floodway and the remainder of the land in the 100-year floodplain may be established. The Director of Parks and Recreation shall determine the location, suitability, and the boundaries of the land required to be dedicated in accordance with the site criteria contained in section 6.7.3, *Linear Park Site Criteria*.

C. To the extent that the amount of the linear park land included within the subdivision exceeds the amount of land required to be dedicated under Section 6.7.2.C, the City in its sole discretion may acquire all or part of the excess land within the linear park tract using the procedure set forth in this section, or authorize the owner to continue the plat approval process excluding the excess land or part thereof from the linear park tract.

D. Whenever the amount of linear park land within the subdivision equals or exceeds the amount required to be dedicated under Section 6.7.2.C, the dedication of the land shall be deemed to offset all linear park fees due for the subdivision under the Arlington Park Development Fee Ordinance. If the amount of linear park land to be dedicated is less than that needed to serve the subdivision, the City shall offset the value of the land against linear park fees otherwise due for the subdivision pursuant to procedures set forth in the Arlington Park Development Fee Ordinance.

E. The City may, in its sole discretion, agree to purchase the amount of linear park land within the subdivision that is equal to or exceeds the amount required to be dedicated under Section 6.7.2.C in lieu of offsetting linear park fees due for the subdivision. If the owner prefers to sell land to the City, then a proposed purchase agreement shall be submitted with the plat application.

F. Any plat to be recorded shall show the location and dimension of all land to be dedicated and/or reserved as linear park land and include the following dedication statement:

The portion labeled on the plat as "Linear Park Land" is dedicated to the public use as a linear park in fee simple title to the City of Arlington, Texas. The Linear

Park Land is to be used by the public for reasonable recreational activities consistent with the area as a residential subdivision, and may be improved and maintained by the City of Arlington, Texas as necessary to facilitate those purposes.

6.7.3. LINEAR PARK SITE CRITERIA

The suitability of land for linear park purposes shall be evaluated by the City through Section 10.4.20, *Linear Park Platting and Acquisition*, in accordance with the following criteria:

A. Linear park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the Parks Master Plan and in the Park Improvements Plan for linear park facilities.

In determining the suitability of the land for inclusion in a linear park under this section, the Director of Parks and Recreation shall take into account the relative sizes of the 100-year floodplain and the floodway within the area to be subdivided and the usability of the land to be dedicated.

B. Access to the linear park shall be available through a dedicated public street in accordance with criteria in Section 6.7.4, *Linear Park Street Access*.

C. Linear parks shall have a minimum width of 50 feet on each side of a river or creek channel, where feasible, measured from the top of the bank and excluding the channel.

D. As a general rule, the location of street access to linear parks shall be located on the outside edge of the 100-year floodplain.

E. Any proposal to dedicate only a proportionate share of land identified as linear park land in the Parks Master Plan should be located adjacent to the street access for the linear park.

6.7.4. LINEAR PARK STREET ACCESS

A. The developer shall provide access to linear park land by dedicating a minimum of 50 feet of right-of-way for a street contiguous to the linear park tract. The intent of this provision is to ensure that street access is provided, at a minimum, to 50 percent of the length of the park, on both sides of the creek, unless an alternative proposal is approved pursuant to Section 6.7.5.D. If street access is already in place along the entire length of one side of the existing or proposed linear park area, additional street access is only required for 25 percent of the length of the opposing side, unless an alternative proposal is approved pursuant to Section 6.7.5.D. Unless otherwise required by the Department of Public Works and Transportation, the street shall be designed as a single-loaded facility with a minimum paving width of 28 feet, in accordance with Section 6.4, *Street and Right-of-Way Requirements*.

B. If the City already owns linear park land adjacent to the proposed subdivision, linear park street access shall be provided adjacent to the park land in the manner set forth in this section.

C. In order to facilitate access to linear parks, the City may require perpetual unobstructed walkway or bikeway easements in accordance with the Parks Master

Plan, the Park Improvements Plan for linear park facilities, and the requirements of Section 6.4, *Street and Right-of-Way Requirements*.

D. The developer may propose an alternative design for access to the linear park tract. The alternative design may include reduction in the linear footage of street frontages, cul-de-sacs fronting on the linear park, and loop streets that provide public access fronting on the linear park. In considering the alternative subdivision design, the Director of Parks and Recreation's recommendations to the Commission or City Council shall take into account the topography and the nature of the linear park land, the extent to which adequate access already is provided to adjoining linear park land, and the extent to which the alternative subdivision design meets related standards in these regulations. In approving any alternative subdivision design, the street frontage along the linear park shall be maximized.

E. Storm drainage system criteria shall be as specified in Section 6.5, *Drainage and Environmental Standards*. Drainage improvements shall be constructed to the flowline of the main drainage feature. Outfalls shall be designed and aligned to minimize bank erosion. Storm drainage plans and locations reviewed by the Zoning Administrator shall be coordinated with the Parks and Recreation Department and shall meet all requirements of the Subdivision Regulations.

F. All public utilities shall be underground in and along linear parks and along rear lot lines of property abutting linear parks. However, the Zoning Administrator may authorize the construction of above-ground utilities in those instances where the Zoning Administrator determines:

1. The benefit of underground utilities is outweighed by the harm or damage to the soils, topography, plant materials, and natural habitat caused by the installation of underground utilities; and,

2. The installation of above-ground utilities does not create any hazards, detract from the appearance of adjacent linear park land, or otherwise conflict with the purpose and intent of the City's linear park system.

G. Water and sanitary sewer utility alignments shall be coordinated with the Parks and Recreation Department and designed to serve linear parks where necessary.

6.7.5. CITY PARTICIPATION

The City may participate in a maximum of 50 percent of the costs of linear park street access improvements and related costs for design, drainage, and inspection attributable to linear park land or linear park street access improvements within the subdivision, or may enter into an agreement to reimburse the developer for the excess costs.

A. Participation and reimbursement provisions shall be incorporated in a developer participation agreement as required in Section 6.7.6.

B. The City's participation in excess costs pursuant to this section shall be in accordance with state law and contingent on approval by City Council and availability of funds.

6.7.6. DEVELOPER PARTICIPATION AGREEMENT

The City may enter into a developer participation agreement for linear park street access improvements consistent with the following requirements, which shall be incorporated into the agreement:

A. Design and construction of roadways providing access to linear parks shall be in accordance with the City's standards and policies governing procurement of professional services.

B. All linear park improvements shall be constructed in accordance with plans and specifications approved by the Parks and Recreation Department.

Prior to construction of any improvements, the owner shall deliver to the City departments responsible for accepting, approving, or supervising the improvements a performance bond, payment bond, and maintenance bond from the contractor performing the work in the sum of 100 percent of the cost to complete the improvements. These bonds shall be executed by a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. The bonds shall be in a form acceptable to and approved by the City. In addition, if the bonds exceed the amount of $100,000, they shall be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.

C. All improvements shall be expressly warranted and the maintenance bond shall insure that construction is in compliance with plans and specifications approved by the City Departments responsible for accepting, approving, or supervising the improvements, and is free from all defects. Any defects shall be remedied and repaired within 20 days of written notice from the City that the defect exists unless additional time is granted, in writing, to remedy the defect. The City shall be indemnified from all expenses and liability incurred by the City as a direct and proximate cause of any the defects for a period of up to two years after acceptance of the improvement.

D. Before awarding construction contracts for linear park street access improvements, the total bid plus unit price bids shall be submitted to the Parks and Recreation Department or the City department(s) responsible for accepting, approving, or supervising the improvements. If, in the Zoning Administrator's sole opinion, the bid amounts exceed prices normally bid for the improvements, he may require the owner to seek additional bids.

E. All construction contracts shall be submitted to the City departments responsible for accepting, approving, or supervising the improvements for approval. Once approved by the department(s), a contract may not be amended or changed without prior written approval to the extent that the amendment or change impacts the improvement.

F. During the construction of the linear park street access improvements, the City shall have the right, but not the duty, to inspect the park improvements for compliance

with the approved plans and specifications and the developer participation agreement or three-party contract.

G. The Parks and Recreation Department may require, at its option, that title insurance be provided at the owner's cost in an amount equal to the amount paid for the land and any improvements thereon, or other evidence of good title acceptable to the City Attorney or his designee, indicating that the City will be receiving good and indefeasible fee simple title free and clear of all liens, encumbrances and restrictions.

H. If the linear park street access improvements are in compliance with the approved plans and specifications and the developer participation agreement, the Zoning Administrator shall issue a letter of acceptance that shall evidence the City's acceptance of ownership and maintenance of the public improvements and the real property associated therewith. In no event shall the City be required to accept separate improvements at different times; however, nothing shall preclude the City from doing so if, in the reasonable opinion of the Zoning Administrator, it is beneficial and feasible for the City to do so. The City shall not release any funds for payment towards improvements until the owner provides detailed documentation of the costs incurred, together with a written payment request, and the Zoning Administrator has finally accepted the improvements.

I. The City, its officers, agents, and employees shall be indemnified, defended, and held harmless from all suits, actions, or claims of any character, name, and description brought for or on account of any injuries, including death or damages, received or sustained by any person or property on account of or arising out of the construction of a park improvement or defects existing within the warranty period; or on account of or arising out of the operations of the developer, its contractor, agents, or employees or the contractor's subcontractors, agents, or employees; or on account of any negligent act or omission of the developer, its contractor, agents, or employees or the contractor's subcontractors, agents, or employees; and shall be required to pay any judgment with costs, which may be obtained against the City, its officers, agents, or employees growing out of the injury, including death or damages.

6.7.7. PROTECTION/RESTORATION OF PARK LAND

A. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall develop, improve or alter any floodway or the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Arlington Park Development Fees Ordinance unless previously authorized by the Zoning Administrator in accordance with the "Flood Damage Prevention" Chapter of the Code of the City of Arlington.

B. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision, shall dump or deposit fill material in any floodway or in the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a

proposed linear park site as specified in Exhibit "D" of the Arlington Park Development Fees Ordinance unless previously authorized by the Zoning Administrator or designee in accordance with the "Flood Damage Prevention" Chapter of the Code of the City of Arlington.

C. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision, shall remove or disturb trees or significant vegetation in any floodway or in the remainder of the land in the 100-year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Arlington Park Development Fees Ordinance unless approved pursuant to a restoration plan previously authorized and approved by the Zoning Administrator or designee, in accordance with the "Flood Damage Prevention" Chapter of the Code of the City of Arlington.

D. Prior to development of any land adjacent to any proposed or dedicated linear park site as specified in Exhibit "D" of the Arlington Park Development Fees Ordinance, appropriate fencing shall be installed along the line of adjacency with the linear park site to prevent any disturbance to the linear park site during any period of development. The minimum standard for "appropriate fencing" shall be a six-foot tall temporary chain link fence.

E. As an alternative to Paragraph D above, the Zoning Administrator may enter into an agreement allowing the owner or applicant to post a cash bond or establish an escrow fund in lieu of installing appropriate fencing along the line of adjacency with the linear park site. Prior to entering into any the agreement, the Zoning Administrator shall determine that the risk of damage to the linear park site by the development is minimal and that the amount of any cash bond or escrow fund is sufficient to repair any reasonably foreseeable damage to the linear park site.

1. The cash bond or escrow fund shall be in an amount determined by the Zoning Administrator as necessary to protect or restore the linear park site to its pre-construction condition. In no event shall the amount of the cash bond or escrow fund be less than ten percent of the total amount of the City's participation in any improvements benefiting the linear park site.

2. A letter of credit shall not be accepted to establish a cash bond or escrow fund. The applicant may, however, purchase a surety bond from a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. The bonds shall be in a form acceptable to and approved by the City. In addition, if the bonds exceed the amount of $100,000, they shall be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.

3. The required cash bond or escrow fund may also be established by an agreement to withhold the monies required for the cash bond or escrow fund from payments due under a Developer Participation Agreement. The

withholding of the escrow fund moneys shall be in addition to any amount of retainage withheld under a Developer Participation Agreement.

4. In the absence of the protective fence and the establishment of a cash bond or escrow fund hereunder, the City shall be entitled to assert a claim against and withdraw or draw down the moneys from the cash bond or escrow fund as may be necessary to:

a. Clean up debris, waste, and other materials deposited, flowing, migrating, or blowing on to the linear park property from any other source, location, or site; and/or

b. Repair any damage to and/or replace the soils, topography, plant materials, and natural habitat contained in, on, or about the linear park property.

5. Any funds collected from the cash bond or escrow fund may, in the determination of the Zoning Administrator, be held in a City account until it is deemed prudent to clean-up the property or repair and replace damaged soils, topography, plant materials, and natural habitat. While priority will be given to expending the collected funds on cleaning up the property and repairing or replacing soils, topography, plant materials, and natural habitat on, in, and about the damaged linear park property the funds may be used at other locations throughout the City.

6. In asserting a claim against and withdrawing or drawing down funds from the cash bond or escrow fund for clean-up, repairs, and replacement the City shall have no obligation or responsibility to establish the identity of the person, party, or entity responsible for damaging, injuring, littering, or contaminating the linear park property. The applicant seeking relief from the fencing requirement pursuant to this provision shall be deemed to be strictly liable for all damage or injury to and litter or contamination of the linear park property.

F. Any person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision who develops, improves, alters, or fills a proposed linear park site, including any disturbance of natural vegetation, as specified in Exhibit "D" of the Arlington Park Development Fee Ordinance without prior written approval from the Zoning Administrator shall be subject to restoration requirements, clean-up costs, and/or damages.

G. The Zoning Administrator, or an authorized representative, shall have the authority to issue a Stop Work Order or deny permits and inspections on any activity that is contrary to the provisions of this section.

6.7.8. PARK REQUIREMENT AS ADDITIONAL AND SUPPLEMENTAL REQUIREMENT

A. The park dedication requirements established by this section are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land. The requirements are intended to be consistent with and to further the policies of the City's Comprehensive Plan, the Parks Master

Plan, the Arlington Park Development Fee Ordinance, Subdivision Regulations, and all other City policies, ordinances, and resolutions by which the City seeks to promote orderly growth, protect against public harms, and preserve natural resources.

B. This section does not obligate the City to accept or reject offers of dedication or agreements for construction and dedication of improvements for linear park access. These regulations do not prohibit voluntary contributions of park land by property owners.

ARTICLE 7. SIGN STANDARDS

7.1. PURPOSE AND INTENT

7.1.1. PURPOSE

The purpose of this Article is to create a clear and uniform set of sign regulations to promote a positive city image with effective and visually pleasing signage. The goal is to strengthen the economic stability of Arlington's tax base and to avoid visual clutter, which is potentially harmful to automobile and pedestrian safety, property values, business opportunities, and community appearance.

7.1.2. OBJECTIVES

In addition to protecting the health, safety, and welfare of the community, these standards are adopted in order to:

A. Recognize that most signs, by their nature, are designed and located to be seen by the driving public, and to ensure that they are sized, located, and otherwise regulated so as to maximize traffic safety;

B. Recognize that visual clutter leads to a decline in the community's appearance, a decline in property values, and a decline in the effectiveness of the signs;

C. Enhance automobile and pedestrian safety;

D. Identify business, residential and public uses in a manner that produces aesthetic appeal to businesses and residents without creating confusion, unsightliness, or visual obscurity of adjacent business or other neighboring structures;

E. Encourage the integration of signs with the surrounding environment, including scale of development, landscaping, and building design;

F. Encourage a better aesthetic environment by enhancing the appearance of the city's major corridors;

G. Develop and adopt policies to ensure that entrances are easily identifiable and minimize urban clutter;

These objectives and strategies are to be pursued in applying the specific standards of this Article.

7.2. APPLICABILITY

7.2.1. This article applies to all advertising displays in the city. The term "advertising displays" shall mean and include any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, or reading material which shall be constructed, placed, attached, painted, erected, fastened, manufactured, or displayed in any manner whatsoever for the purpose of informing of or advertising about the nature, type, or quality of goods, services, or activities available; or to advertise the name of any firm, corporation, business, or any other enterprise, or its nature, type or quality of goods, services, or activities; or to attract to or identify any of the aforementioned or by its nature, act to draw attention to a business. Every display shall be classified and shall conform to the requirements set forth in this article.

7.2.2. Any change in use or external addition to an existing structure shall comply with this article in the following scaled approach to the extent practicable,

A. Change in Use.

Any change in use, as determined from the Table of Allowed Uses in Article 3, shall comply with Article 7, *Sign Standards*, as pertinent to that tenant space and any site signs.

New freestanding signs permitted between June 1, 2010 and June 1, 2015 shall be allowed a grace period of five years, starting from the time the sign was initially installed.

B. External Additions.

Any external additions to an existing structure as calculated based on the total area of that structure (and not total area of all structures per lot), shall comply with the following:

1. If the addition to a structure is less than 10 percent then the signage applicable to the addition must comply with Article 7, Sign Standards.

2. If the addition to a structure is more than 10 percent then the signage applicable to the addition and any site signs must comply with Article 7, Sign Standards.

7.2.3. This article shall not relate to building design, nor shall the article regulate official traffic signs, gravestones, lighting, or displays of a seasonal or traditional nature which are not commercially-oriented, scoreboards on athletic fields, or any display or construction not defined herein as a sign.

7.3. ADMINISTRATION

7.3.1. PERMIT REQUIRED

Except as provided in this Article, no person shall erect, alter, renovate, or demolish any sign or sign structure until a permit for such work has been issued by the Zoning Administrator in accordance with the requirements of all City codes. A permit is also required for any alteration to the copy face or lettering of any sign, with the exception of Section 7.3.2 D.

7.3.2. PERMIT NOT REQUIRED

The following shall be exempt from sign permitting but shall comply with other regulations contained in this Article or other law:

A. Repainting the same message;

B. Changing the message of an off-site advertising sign (Billboard);

C. Changing the digital message of an Electronic Message Center (EMC) sign;

D. Replacement of a sign face for an existing business with the same size and within the same panel for ground or pole signs;

E. A public notice or warning sign required by a federal, state or local law, regulation, or ordinance, including historical signs and markers placed by a city , county, state or national historical preservation organization and official vehicle inspection signs;

F. A sign located inside a building which is not displayed so as to be visible from outside the building or the street. Signs located within a covered shopping center building shall comply with the Construction Chapter of the Arlington Code of Ordinances. These generally include credit card decals, hours of operation signs, emergency contact information and similar signs, as determined by the Zoning Administrator;

G. A sign within or on railway property and placed or maintained in reference to the operation of such railway;

H. Underground utility warning signs and other safety signs not exceeding one square foot in area;

I. Security warning, neighborhood watch, or crime watch signs;

J. On-premise residential real estate signs, garage sale signs, and other signs as shown in the “Temporary Signs” chart in Section 7.10; and

K. Political signs; (See Section 7.10.2 for standards)

L. Sandwich Board Signs; (See Section 7.10.1 for standards)

M. Window Signs; (See Section 7.8.12 for standards)

N. Hanging Signs; (See Section 7.8.11 for standards)

O. Primary Flags; (See Section 7.6.11 for standards) A building permit for the support structure may be required.

7.3.3. PERMITS AND FEES

All signs requiring a permit shall be subject to a permit fee. The amount of the fee shall be established in the City's Fee Resolution.

A complete permit application must be submitted prior to the issuance of any permit. Incomplete permit applications will not be accepted or issued a permit. Information in the application which subsequently changes before the construction of the sign shall be updated by the applicant and approved by staff.

Signs must be constructed in accordance with the approved permit.

7.3.4. PERMIT EXPIRATION

If the work authorized by a permit issued under this Article has not commenced within 180 days after the date of issuance, the permit shall become null and void.

Any permittee holding an unexpired permit may apply in writing for an extension of the permit, if the permittee is unable to commence work for good and satisfactory reasons. The extension period shall not exceed 180 days. The permittee shall pay a fee for the extension of the unexpired permit. No permit shall be extended more than once.

7.3.5. PERMIT DENIAL

The permit shall be denied if the proposed sign does not meet the City's regulations.

7.3.6. ALTERNATIVE APPROVAL PROCESS

A. For an alternative design, an Alternative Equivalent Compliance (AEC) application may be submitted, which meets the intent of this Article. The AEC procedures are detailed in Article 10, Section 10.4.22.

B. An Alternate Sign Plan (ASP) may be approved at the discretion of the City Council upon the recommendation of the Planning and Zoning Commission. The ASP procedure is detailed in Article 10, Section 10.4.23.

7.4. PROHIBITED SIGNS

7.4.1. SIGNS IN PUBLIC RIGHT-OF-WAY

Signs are prohibited in the public right-of-way.

Exceptions. The following signs are permitted in a public right-of-way:

A. A sign posted or required by a governmental authority.

B. A sign approved by the City under a right-of-way use agreement on file with the City.

C. Signs on commercial vehicles or commercial trailers while lawfully in operation on public rights-of-way.

7.4.2. DECORATIVE FLAGS

Decorative flags and flags used as advertising displays, including but not limited to blade, feather, shark fin, solid, and teardrop flags, are prohibited.

7.4.3. ROOF SIGNS

Roof signs are prohibited.

7.4.4. PORTABLE SIGNS

Portable signs are prohibited regardless of whether they have been attached to the ground or other fixed object.

Exceptions.

A. Sandwich board signs are permitted within five feet of the entrance to a business. See Section 7.10 for standards.

B. A sign on a vehicle or trailer lawfully in operation on public rights-of-way.

7.4.5. LIGHT DISPLAYS

A. Signs with a revolving beam, beacon of light and/or search lights are prohibited.

B. Signs with a light resembling an emergency vehicle are prohibited.

C. Signs resembling a traffic control signal, whether current traffic control signal or one of an older design, are prohibited.

D. Signs with high intensity light are prohibited.

E. Flashing, scrolling/running, strobe and similar lighting are prohibited. Additionally, lighting that outlines and/or details building walls in structures that are less than three stories are also prohibited. However, building wall lighting used during the holiday season, starting October 31 through January 10 of the following year, is exempt from this restriction.

7.4.6. MOTION SIGNS

Signs which have motion are prohibited. This prohibition includes signs in which the whole sign moves or in which a portion of the sign moves.

7.4.7. REFLECTIVE SIGNS

Reflective signs are prohibited, with the exception of governmental or public safety signs.

7.5. SIGNS ADJACENT TO RESIDENTIAL ZONING DISTRICTS

7.5.1. The following standards shall apply to signs on properties that are adjacent to or across a local or minor collector street from properties zoned or used for single-family or two-family dwellings.

A. Wall signs are prohibited on the side or rear wall of the building. However, a wall sign shall be permitted if that side or rear wall is the only entrance into the business and the wall sign is not internally illuminated.

Exception.

Building service signs may be permitted on the side or rear wall of the building provided the sign lettering does not exceed four inches in height. The sign may be internally illuminated.

B. Freestanding signs shall not be internally illuminated.

Exception.

EMCs associated with institutional uses. (See Section 7.6.9 for standards)

7.6. GENERAL PROVISIONS

7.6.1. SIGNS TO MEET ALL REQUIREMENTS

A. All signs shall meet the applicable standards of this article and all City codes as amended. Compliance is required regardless of whether a permit is required.

B. The construction plans for all freestanding signs greater than eight feet in height shall be signed and sealed by a professional engineer.

7.6.2. NONCONFORMING SIGNS

For nonconforming signs refer to Article 11, *Nonconformities*.

7.6.3. SIGN PLACEMENT

A. All signs advertising the name of the business, services provided, or products sold, shall be located on the premises.

B. No sign or sign structure shall project over any property line, into or over any rights-of-way, public drainage easement, public or private utility easement, unless approved through an easement use agreement.

C. All freestanding signs shall be located a minimum of 10 feet from any overhead power line or structure.

7.6.4. SIGNS – MAINTENANCE REQUIRED; ENGINEERING REQUIREMENTS; UNSAFE SIGNS

A. All signs and all sign supports, braces, guys and anchors shall be kept in good repair. Broken or missing inserts such as lenses, cabinet features, letters, and panels must be repaired or replaced with industry standard material.

B. All signs shall be thoroughly painted to ensure weather protection, unless the sign is constructed of galvanized or non-corroding metal. All exposed metal surfaces must be degreased, primed, and painted with a finish coat as necessary. Powder coated or other finishes are recommended.

C. All exterior surfaces shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to prevent future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

D. When a business ceases to operate, any signs advertising that business on that property shall be removed within 60 days. Freestanding signs located on that site must have the sign face converted to either a blank face or a Real Estate Sign ("for sale/lease").

E. Any sign which is unsafe, in danger of falling, insecure, and in any manner poses an immediate danger to persons or property shall be immediately repaired or removed by the owner or person or firm responsible for the maintenance of the sign.

F. No sign shall be erected in such a manner that any portion of the structure, surface, or supports will interfere in any way with the free use of any fire escape, exit, standpipe or window, or obstruct any required ventilation, ventilator, door or stairway.

G. Any internally lit sign not in working order shall be turned off immediately. The internal lighting or internal structure of a sign shall not be exposed unless it is actively under repair.

7.6.5. OBSTRUCTIONS TO VIEW

A. This sub-section supersedes any conflicting section, permit, authorization or zoning requirement or entitlement, except where noted.

B. No sign shall be erected, constructed, maintained, or allowed to remain which constitutes an obstruction to the view of operators of motor vehicles on public or private streets or entering public streets from private property. Signs shall not obstruct or interfere with a clear line of sight of approaching motor vehicles.

C. No outdoor sign or display may be erected, constructed, maintained or allowed to remain that constitutes an obstruction to the view of pedestrians upon or entering a public or private street.

D. No sign or display, whether permanent or temporary, may be located within a visibility triangle required in the "Streets and Sidewalks" chapter of the Code of the City of Arlington, unless the following standards are met:

1. The sign or display shall have a vertical clearance of seven feet as measured from grade to the bottom of the sign, and such support does not exceed six inches in diameter; or

2. The sign, flag, or display shall not exceed two feet in height as measured from grade to the top of the sign.

A sign or display that meets these requirements may be prohibited if the Zoning Administrator determines that the location within the visibility triangle interferes with vehicle or pedestrian lines of sight or otherwise creates a hazard to the public.

These provisions are not intended to allow a sign to exceed height requirement located elsewhere in this Article.

7.6.6. SIGN FACE

No more than two sign faces (sides) are allowed per sign, unless otherwise allowed by this Article and the issued permit.

The two sign faces shall be placed back-to-back, unless approved by the Zoning Administrator through an Alternative Equivalent Compliance process (See Section 10.4.22) to open up no more than 90 degrees.

7.6.7. SIGN SUPPORTS

Trees, rocks, bridges, fences, towers and abandoned buildings shall not be used as sign supports, unless approved by the Zoning Administrator through the procedure described in Article 10, Section 10.4.22, *Alternative Equivalent Compliance.*

7.6.8. SIGN ILLUMINATION

Signs may be illuminated as provided by this Code and specified by approved sign criteria, if applicable, in accordance with the following regulations:

A. Externally illuminated signs may be illuminated by either ground-mounted lights or wall-mounted light bars.

B. Internally illuminated signs or EMCs shall be lighted so that at a distance of 10 feet the light intensity does not exceed 11,000 lumens.

C. Flashing or intermittent forms of illumination are prohibited.

D. Exposed neon lighting is permitted only under the following conditions:

1. Location: The use of neon lighting is allowed in the EDO as well as the area bounded by the centerlines of Division Street on the north, Mesquite Street on the east, Front Street on the south and Pecan Street on the west. This area is targeted for redevelopment and neon lighting is used to enhance the architectural character of the historical buildings.

7.6.9. ELECTRONIC MESSAGE CENTER

A. An Electronic Message Center (EMC) is a component of a freestanding sign and may not be allowed as an independent sign.

B. EMCs are only allowed on Ground Signs (See Figure 7-1).

C. EMCs are only allowed on freeways and arterials and not allowed in DB zoning district.

Exception. EMCs are allowed on ground signs for institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks that front on local or collector streets. However, messages shall only be displayed from 7 AM to 9 PM, if Section 7.5 is applicable.

Figure 7-1 Electronic Message Center Sign Types Allowed

Ground Sign

D. The maximum area for an EMC shall be 75 percent of the overall sign area, not to exceed 50 square feet.

E. The EMC must include an auto-dimming feature.

F. A maximum of one EMC shall be permitted per lot.

G. EMC signs shall obtain an annual inspection and pay the appropriate fee as shown on the fee schedule.

H. Changeable Messages are allowed as follows:

1. Message must change simultaneously on the entire sign face.

2. Messages on an EMC must continuously display the message for at least 12 seconds.

3. Scrolling, video, or animated messages are prohibited.

4. Letter height shall be based on sight distance of one inch of height per 36 feet of sight distance, providing a minimum 10-inch letter height on an arterial street and minimum 18-inch letter height on a controlled access freeway.

7.6.10. ELECTRICAL

All exposed conduit, junction boxes, and electrical transformer boxes must be concealed from public view.

Individual channel letters (with or without internal illumination) are preferred. Channel letters incorporated on a cloud background are also acceptable. Wireways are preferred over exposed raceways, and shall be as thin and narrow as possible so as to not extend in width or height beyond the area of the sign's lettering or graphics, finished to match the color and texture of the façade background, or be integrated into the overall design of the sign. Exposed raceways are discouraged and subject to administrative review.

Figure 7-2: Wall Sign Electrical Mounting

Encouraged – Individual Channel Letters

Discouraged – Exposed Raceway

Encouraged – Cloud Sign

Discouraged – Exposed Wireway

7.6.11. PRIMARY FLAGS

A. Only flags that are not advertising displays may be considered primary flags and be displayed. Primary flags shall be flags showing the official emblem of a business, corporation, or organization, and governmental flags.

B. Four primary flags may be permitted per developed lot, and each has to display a different emblem or organization. However, for unified developments, with more than one platted lot, four flags are permitted per street frontage.

C. Maximum Height: 35 feet above grade, except one flag per lot may be flown to 72 feet above grade, with a minimum clearance of eight feet measured to the bottom edge of the flag.

D. Torn or severely weathered flags shall not be permitted.

7.7. DIMENSIONAL CALCULATIONS

7.7.1. SIGN AREA

A. The sign area shall be measured by square feet.

B. The area of a sign mounted as individual letters and/or graphics against a wall, fascia, or window of a building shall be determined by the area of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the smallest perimeter of the sign message.

C. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose the outside dimensions of the background panel or surface, including sign trim or frame.

D. Sign copy mounted or painted on an illuminated surface shall be measured as the area enclosed by the smallest single rectangle that will enclose the entire illuminated surface and sign trim or frame. However, for a continuous sign band that is an integral part of the building architecture, the area shall be measured as that portion containing the graphics of the sign.

E. For spherical, free-form, sculptural and other non-planar signs, the sign area shall be the sum of the areas using only the vertical sides of the smallest hexahedron that will encompass the sign.

F. Special Conditions.

1. Pole Signs

a. The cabinet area shall determine the area of a pole sign. If the cabinet is not an actual rectangle, the rectangle will be simulated by using the two furthest points on the horizontal plane and the two furthest vertical points. Using the actual or simulated lines, the surface area will be calculated in the same manner as the area of a rectangle is calculated (multiplying length times width) to find the area. Complementary design elements or ornamentation outside of the cabinet need not be included in the calculation of the sign area.

2. Ground Sign/Multi-Tenant Ground Sign

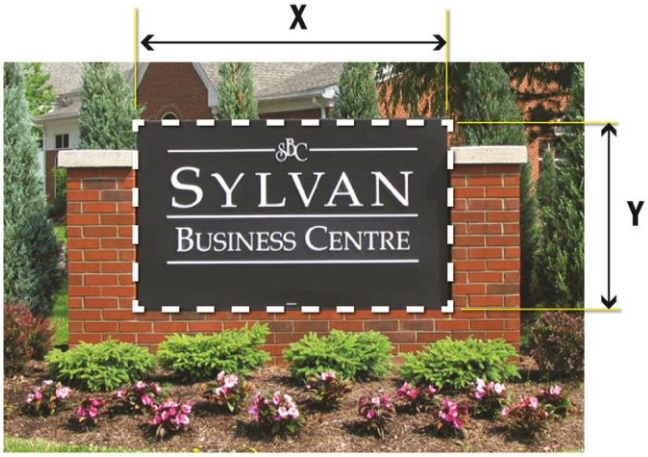
a. The sign structure, including the base, side, and top frames will not be included in the area calculation.

b. Address blocks are required. The area of the address block is not included in the calculation of the sign area.

3. Awning Signs

a. Sign copy on awnings shall be measured as the area enclosed by the smallest single rectangle that will enclose all the copy on the awning.

Figure 7-3: Ground Signs



Area = X*Y

Figure 7-4: Wall Signs (w/ Cabinet boxes)

Area = X * Y

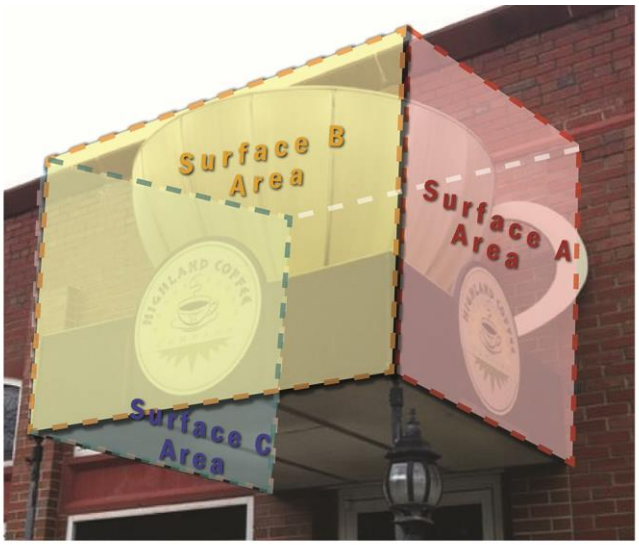
Figure 7-5: Wall Signs (with Channel Letters and logo)

Area = $(X_1*Y_1) + (X_2*Y_2)$

Figure 7-6: Pole Signs

Area = X * Y

Figure 7-7: Free form/Non Planar Signs



Total Sign Area = Surface A Area + Surface B Area + Surface C Area

7.7.2. SIGN HEIGHT

A. The height of a freestanding sign shall be measured in linear feet and be calculated from the top of the sign structure to the lowest grade level within 10 feet of the base of the sign.

B. The height of any monument base or other structure erected to support or ornament the freestanding sign shall be measured as part of the sign height.

7.7.3. SIGN WIDTH

The width of a sign shall be measured in linear feet and be calculated from the outer edge of the smallest rectangle that will enclose the sign face.

7.7.4. SETBACKS

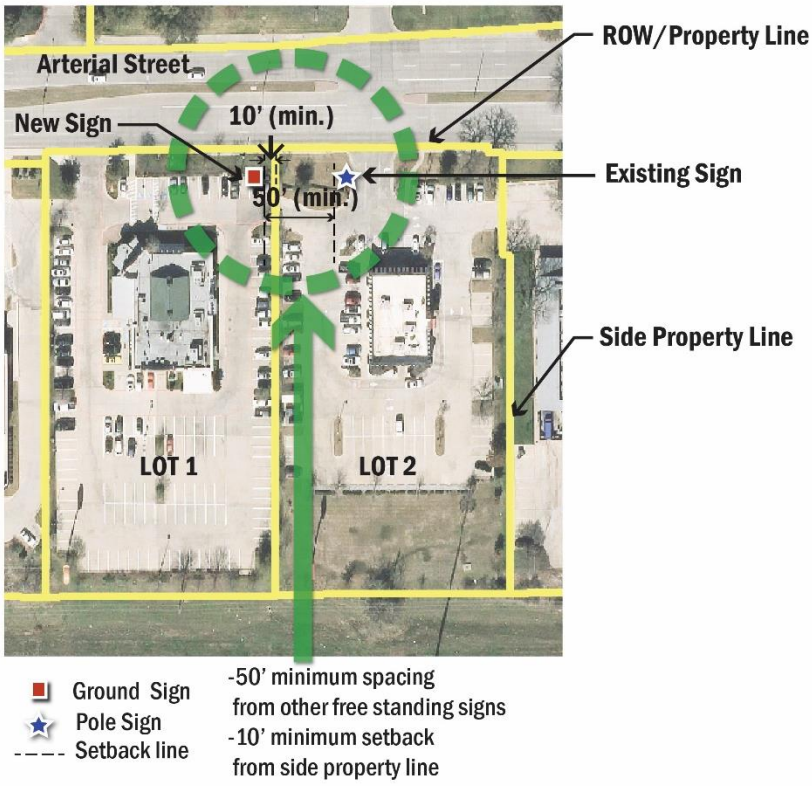
A. Setbacks shall be measured from the property lines.

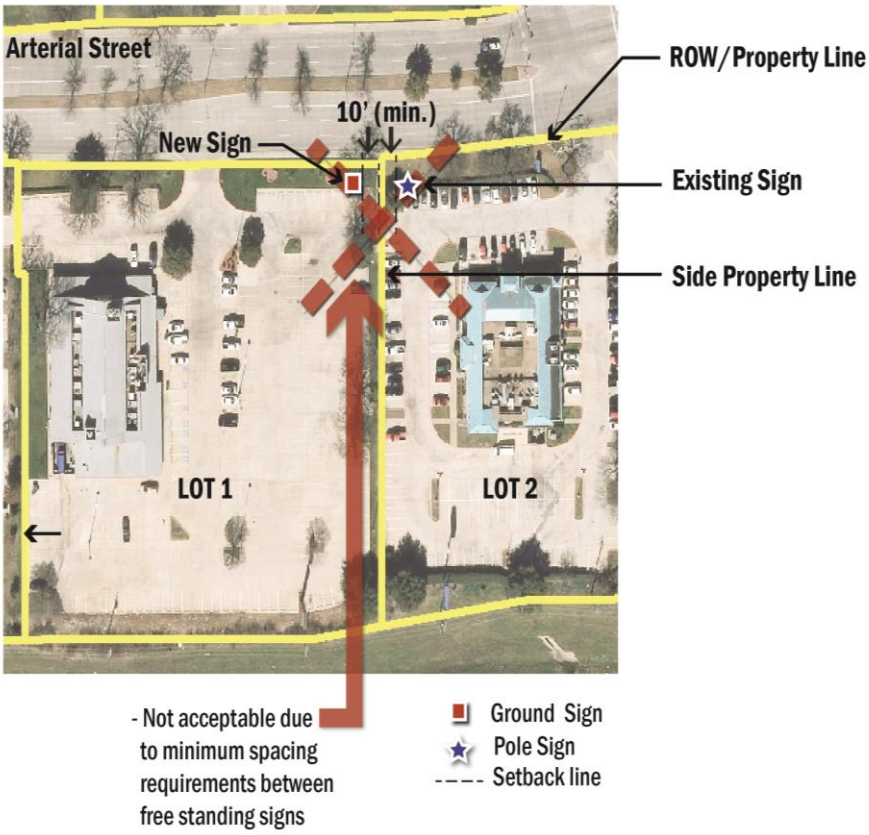
B. A minimum setback of 10 feet from all side property lines is required for all signs. (See Figure 7-8)

7.7.5. SPACING

Signs shall be separated by a minimum of 50 feet from any other freestanding sign on the same lot or an abutting lot. The required spacing is not measured from signs located on lots across a public or private street (see illustrations under Figures 7-8).

Figure 7-8: Setback and Spacing Standards for Freestanding Signs





7.8. TYPES OF SIGNS

7.8.1. POLE SIGNS

A. Description

A pole sign is a sign supported by a single pole and intended to advertise a single business entity within a single cabinet.

Figure 7.8.1-A: 1. Acceptable

Figure 7.8.1-A: 2. Not Acceptable

B. Street Type and Frontage	
I-20, I-30, SH360, US 287 Hwy	
Linear street frontage, min (ft)	100
C. Sign Dimensions - Area	
Area, max. (s.f.)	
0-299 ft linear frontage	40
300 + ft linear frontage	75
D. Sign Dimensions - Height	
Height, max (ft)	25
E. Sign Dimensions - Width	
Width, max (ft)	n/a
F. Number of Signs	
Signs per lot, max.	1
No other freestanding signs are allowed on the lot	
Exceptions. For lots with multiple street frontage see Section 7.8.1-K:4	
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign along the same side of the street , min (ft)	50
Vertical Clearance	
From grade, min. (ft)	10
If projecting over drive aisles, from grade, min (ft)	14
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Center (EMC)	
EMCs are not allowed	
J. Finishing	
Powder-coated; painted with accepted commercial standards; or with approved pole covers.	

K. Special Conditions.

1. Prohibited in the EDO District and the Interstate 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east and Bardin Road on the south.

Figure 7-9: EDO and a portion of Interstate 20 Corridor- Pole Signs Not Allowed

2. Reader Boards may be incorporated into the permitted business sign provided they do not exceed 75% of the sign area.

3. When incorporating Gasoline Price Signs, see Section 7.8.15.

Exceptions.

A lot with a pole sign shall not have any other freestanding signs, except as otherwise provided below (Figure 7-10).

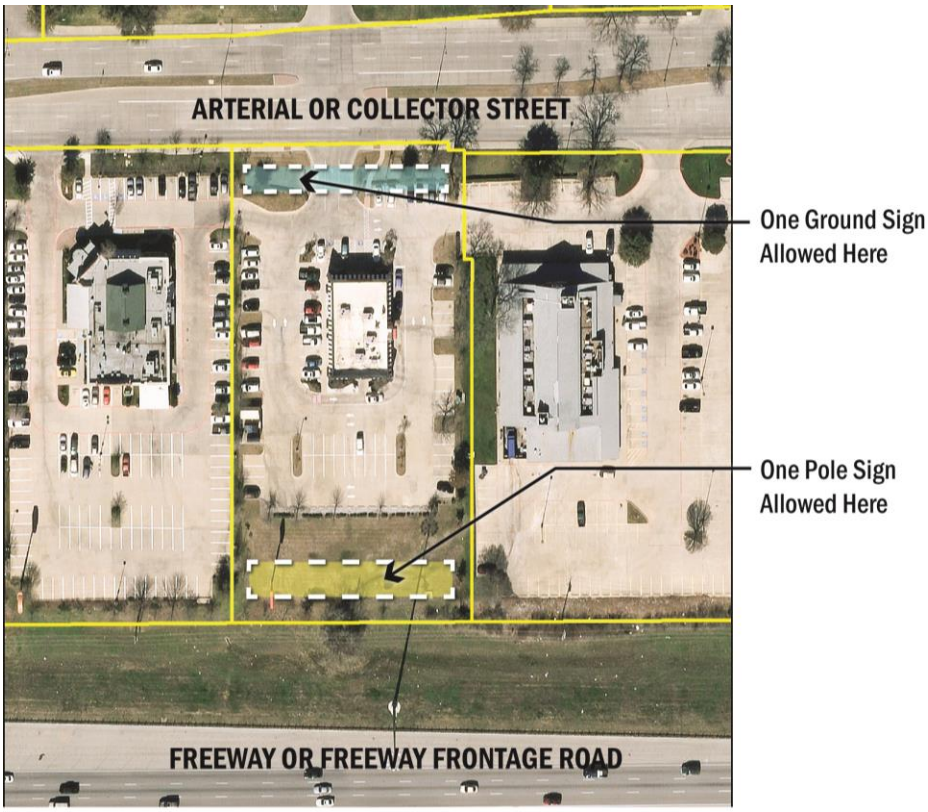
4. On double-frontage lots with one frontage along a freeway, a business may have one ground sign and one pole sign, provided the following conditions are met:

a. the ground sign conforms to the size and height to the requirements for ground signs at that location; and

b. the pole sign is located along the freeway street frontage.

5. The use of this exception shall not be permitted for side streets on corner lots.

Figure 7-10: Illustration showing exception for double frontage lots



7.8.2. GROUND SIGNS – UP TO TWO TENANTS

A. Description

Ground Signs stand directly on the ground and are independent from any building or structure. Ground signs are freestanding and have no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. An address block is required on all ground signs.

A maximum of two tenants may be included on a single sign structure. See Multi-Tenant Ground Signs for three or more tenants on a single sign structure.

Ground Signs must include the address block where the sign is situated, but the space required for the address block is not included in the sign dimension calculation.

Figure 7.8.2-A: 1. Acceptable

Figure 7.8.2-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types except local streets. * Local streets see Section 7.8.2-K for exceptions	
C. Sign Dimensions - Area	
Freeways and Arterial Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	50
300 + ft linear street frontage	100
Collector Streets – Area, max. (s.f.).	
0-299 ft linear street frontage	35
300-399 ft linear street frontage	50
400-499 ft linear street frontage	75
500 + ft linear street frontage	100
D. Sign Dimensions - Height	
Freeways	
Height, max. (ft)	20
Arterial Streets - Height, max. (ft).	
0-99 ft linear street frontage	8
100 + ft linear street frontage	12
Collector Streets	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	15
F. Number of Signs	
0-399 ft linear street frontage, max.	1
400 + ft linear street frontage, max. See conditions in section 7.8.2-K	2
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign, min (ft)	50
Vertical Clearance	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
See General Provisions Section 7.6.9	
J. Finishing	
Sign structure must complement building materials, but exceptions may be allowed to enhance contrast. See Article 10, Section 10.4.22 AEC.	

K. Special Conditions.

1. Reader Boards may be incorporated up to 75% of the sign area.

2. See Section 7.8.15 for Gasoline Price Signs.

3. One ground sign shall be permitted per lot, per street front, provided there are no pole signs on the lot. Two ground signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 150 feet.

4. The size of ground signs for lots with 400 or more feet of frontage may be increased by 10 percent for each 10 feet that the sign setback exceeds 20 feet from the front property line. In no case shall the sign area exceed 200 square feet.

5. Ground signs shall be landscaped at the base of the sign in accordance with the following:

a. The landscaped area shall extend a minimum of three feet from the sign base on all sides.

b. The minimum number of plants shall be 10 plants per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

Exception.

Ground signs on local streets shall only be allowed for institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks. The sign standards shall be based on the standards applicable to collector streets with a maximum sign area of 75 square feet.

7.8.3. MULTI-TENANT GROUND SIGNS

A. Description

Multi-Tenant Ground Signs stand directly on the ground and are independent from any building our structure. They are freestanding and have no clear space for the full width of the sign between the bottom of the sign and the surface of the ground.

Three or more tenants may be included on a single sign structure.

Multi-Tenant Ground Signs must include the address block where the sign is situated, but the space required for the address block is not included in the sign dimension calculation. Additionally, Center Identification, if incorporated, will not be counted towards the sign area calculation.

Figure 7.8.3-A:1. Acceptable

Figure 7.8.3-A:2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types EXCEPT local streets	
C. Sign Dimensions - Area	
Freeways and Arterial Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	75
300-399 ft linear street frontage	150
400 + ft linear street frontage	200
Collector Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	50
300 + ft linear street frontage	100
D. Sign Dimensions - Height	
Freeways and Arterials – max.(ft)	20
Collector – max. (ft)	15
E. Sign Dimensions - Width	
All Street Types – max. (ft)	15
F. Number of Signs	
0-399 ft linear street frontage, max.	1
400 + ft linear street frontage, max. See conditions in section 7.8.3-K	2
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign, min (ft)	50
Vertical Clearance	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Finishing	
Sign structure must complement building materials, but exceptions may be allowed to enhance contrast. See Article 10, Section 10.4.22 AEC.	

K. Special Conditions.

1. One multi-tenant ground sign shall be permitted per lot, per street front, provided there are no other freestanding signs on the lot.

2. Two multi-tenant ground signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 150 feet.

3. The tenant panels shall be designed in accordance with the following:

a. One monochromatic background color scheme and no more than two font colors. Company logos and trademarks are exempt from this requirement.

b. The minimum area of each tenant panel shall be 10 square feet, with the sign coverage on each panel to be no more than 75%.

4. All multi-tenant ground signs require an address block. If there is more than one street number, the number range and street name shall be shown.

5. In the Entertainment District Overlay all signs shall have an architectural side border of at least 10 inches in width.

6. Multi-tenant Ground signs shall be landscaped at the base of the sign in accordance with the following:

a. The landscaped area shall extend a minimum of three feet from the sign base on all sides.

b. The minimum number of plants shall be 10 per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

7. Unified, multi-tenant developments adjacent to freeways may provide signs with increased height and area if the development meets the following:

a. The minimum leasable area is 250,000 square feet; and

b. One of the following criteria is met:

(i) the lot has at least 700 linear feet of frontage along the freeway; or

(ii) the site area is at least 15 acres.

Developments meeting the above criteria shall be eligible for the following increases. Sign permits for such signs shall only be approved after a building permit for up to 150,000 square feet has been approved.

a. Center Identification may be allowed up to 40 feet in height from grade, with no maximum area limitation.

b. Tenant signage may be allowed up to 30 feet in height from grade, with a maximum area limited to 300 square feet.

c. Overall width of the sign shall be no more than 25 feet.

d. Such signs must be spaced at least 500 feet apart.

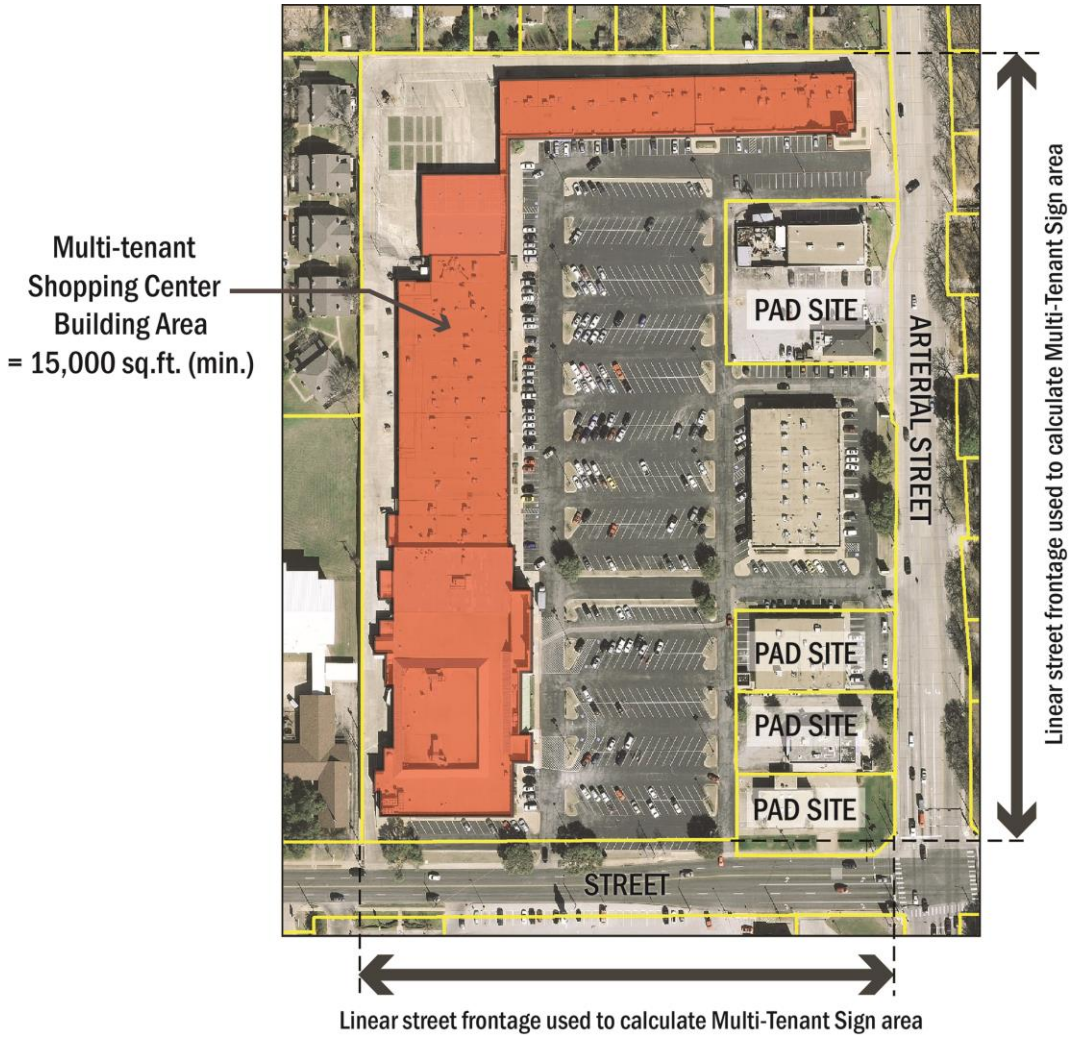
8. Existing multi-tenant retail developments, built before June 1, 2015, adjacent to freeways or arterial streets, may be entitled to increased sizes if they meet the following criteria (see Figure 7-11):

a. Shall have a minimum leasable area of 15,000 square feet;

b. The visibility of wall signs from the adjacent streets is inhibited by individually platted and developed pad sites along the street frontages.

Developments meeting the above criteria shall be eligible to include the street frontages of the front pad sites, in addition to their own lot frontages, to determine the maximum sign dimensions for the sign on the street frontage.

Figure 7-11: Measuring Linear Frontage for Multi-tenant Developments with Individually Platted and Developed Front Pad Sites



7.8.4. WALL SIGNS

A. Description

A wall sign is a sign that is attached to a wall of a building or is an integral part of a wall of a building with the exposed face of the sign in a plane parallel to the attached wall.

Signs on windows, attached to windows, or viewed through windows are covered in the Window Signs section.

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area	
Total wall area, max. (%)	20
D. Sign Dimensions - Height	
1. Not to exceed height of structure	
E. Sign Dimensions - Width	
Associated tenant space, max. (%)	75
F. Number of Signs	
1. Signs per building, max.	NA
G. Setbacks and Spacing	
1. Setbacks	NA
H. Illumination	
1. Lighting may be: internal and external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. The maximum distance between the wall and the inner edge of the sign is 18 inches. 2. The sign may not extend above, below, or beyond the parallel face of the attached wall.	

Figure 7.8.4-A: 1. Acceptable

Figure 7.8.4-A: 2: Not Acceptable

K. Special Conditions.

1. For multi-story buildings and/or multi-tenant shopping centers within the EDO district, the maximum height of a wall sign is three feet for the first and second story, and five feet for the third story or above. Standalone buildings with a single user are not impacted by this condition.

2. Cabinet signs are prohibited in the DB, DNO, EDO, LCMUO, NMU, and RMU districts.

3. Multiple wall signs shall be permitted, provided that the cumulative area of all signs does not exceed the maximum permitted area.

4. Wall signs shall be attached to the walls of the building or tenant space occupied by the business that it advertises. Wall signs may be located on an exterior wall that is not immediately abutting the tenant space or business that it advertises upon approval by the Zoning Administrator in accordance with the provisions of Article 10, Section 10.4.22.

5. No painted-on wall signs are allowed.

6. Murals may be allowed in the Downtown Business (DB) zoning district and Entertainment District Overlay (EDO) district, subject to the conditions set forth in Section 7.8.17.

7. For multi-family apartment buildings, a maximum of two wall signs shall be permitted per street front, provided that they are separated by 500 feet. Additionally, the maximum area of each wall sign shall not exceed 50 square feet.

8. Wall signs for internal lease spaces without external wall area may only be allowed if:

a. The building contains at least 50,000 square feet in leasable area; and

b. The total area of wall signs does not exceed the 20 percent of wall area.

7.8.5. PROJECTING SIGNS (BLADE)

A. Description

Projecting Signs are generally attached perpendicular to the face of the building and extending outward.

Figure 7.8.5-A: 1. Acceptable

Figure 7.8.5-A: 2. Not Acceptable

B. Street Type and Frontage

Permitted on all street types except local streets.

C. Sign Dimensions - Area

Area, max. (s.f.)	36
When used as building identification, see Additional Standards below.	

D. Sign Dimensions - Height

1. If attached to a single story building, the height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects
2. If attached to a multi-story building, the height of the top edge of the sign board shall not exceed the height of the sill or bottom of any second story window.

E. Sign Dimensions - Width

All Street Types, max. (ft)	3

F. Number of Signs

Signs per street front, max.	1

G. Setbacks and Spacing

Setbacks	NA
Vertical Clearance	
From grade min. (ft)	9
If projecting over drive aisles; from grade, min. (ft)	14

H. Illumination

Lighting may be internal only.

I. Electronic Message Centers

EMCs are not allowed

J. Additional Standards

1. The sign may project over the public right-of- way, subject to approval of an easement use agreement.
2. Support structures must be constructed of metal.
3. The depth of the sign cabinet shall not exceed six inches.
4. Signs may extend above a tenant's lease space, subject to approval from the owner of the building, but still not extending above the building roofline.
5. The maximum distance from the wall to the outer edge of the sign is four feet.
6. The maximum distance between the wall and the inner edge of the sign is 18 inches.
7. Signs must be double-sided.
8. Projecting signs serving as building identification on buildings with three or more stories in the DB, DNO, and EDO districts shall be allowed a maximum sign area of 150 square feet. Additionally, no restrictions will apply to the width or projection from the wall.

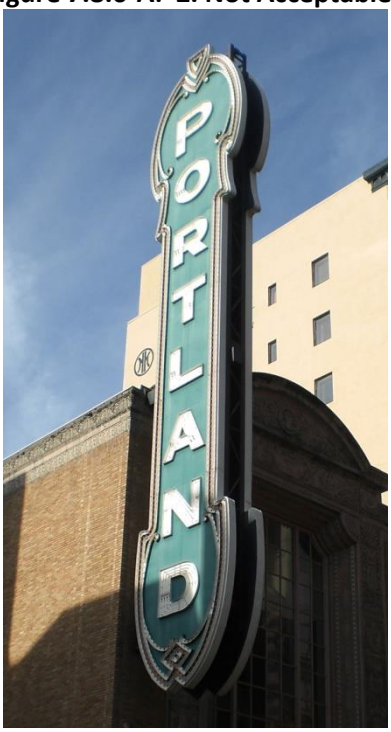
7.8.6. MARQUEE SIGNS

A. Description

Marquee signs are similar to projecting signs and include manual removable and/or changeable letters.

Figure 7.8.6-A: 1. Acceptable

Figure 7.8.6-A: 2. Not Acceptable



B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area	
Total wall area, max. (%)	20
D. Sign Dimensions - Height	
May not exceed height of building by 10 ft	
E. Sign Dimensions - Width	
Associated tenant space, max. (%)	75
F. Number of Signs	
Signs per building, max.	NA
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. Only allowed for performance and movie theaters.	
2. Running lights outlining the marquee sign may be allowed, with Zoning Administrator approval.	

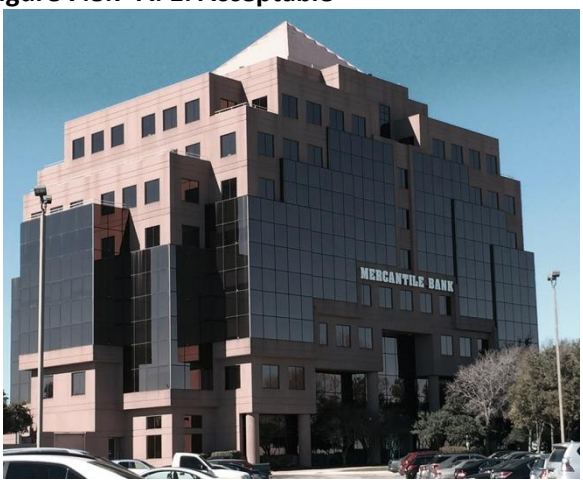
7.8.7. BUILDING IDENTIFICATION SIGNS

A. Description

A Building Identification Sign identifies the name of the building or a primary tenant of the building and is allowed on a building of three or more stories in height. A building identification sign shall only be allowed with the express written permission of the building owner or his designee.

The building identification sign should be placed on the top floor of the building or at a location consistent with the architecture of the building.

Figure 7.8.7-A: 1. Acceptable



B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
1. Total wall area, max (%)	20
The combined area of wall sign(s) and building identification sign on any single elevation shall not exceed 20 percent of the area of that elevation.	
D. Sign Dimensions - Height	
Not to exceed height of the structure	
E. Sign Dimensions - Width	
Associated building elevation, max. (%)	75
F. Number of Signs	
Per building face, max.	1
G. Setbacks and Spacing	
Spacing between signs, min. (ft)	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed.	
J. Additional Standards	
1. Applied letters shall be constructed of painted cast metal, bronze, brass, or black anodized aluminum. Applied plastic letters are not permitted. 2. A Building Identification Sign shall be limited to one name and its corresponding logo and may be placed on more than one building façade if the signs are identical. 3. A tenant with a Building Identification Sign may also have a ground floor wall sign in accordance with the requirements of this Article if the tenant has office or retail space on the ground floor of the qualifying building and the sign immediately abuts the tenant space.	

7.8.8. ENTRYWAY SIGNS

A. Description

An entryway sign identifies the entryway to a commercial development, single-family or multi-family subdivision and serves to provide an identity for the community.

Figure 7.8.8-A: 1. Acceptable

Figure 7.8.8-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Area, max. (s.f.)	50
D. Sign Dimensions - Height	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
Per entry, max.	2
G. Setbacks and Spacing	
May be placed on either or both sides of a street providing direct access to a subdivision.	
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	

J. Additional Standards

1. Permitted only for commercial developments and single-family or multi-family subdivisions.
2. Entryway signs shall be limited to development name and address.
3. Walls shall be constructed of materials specified for perimeter fencing in Article 5, Section 5.3.4, Fences.
4. For multi-family developments on lots with more than 300 feet of street frontage, two 30-square-foot entryway signs may be substituted for C-1 above, provided that the signs are separated by at least 300 feet.
5. For commercial developments, entryway signs are allowed in addition to the allowed number of freestanding signs.
6. Entryway signs shall be landscaped at the base of the sign in accordance with the following:
   a. The landscaping shall extend a minimum of three feet from the sign base.
   b. The minimum number of plants shall be 10 per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

7.8.9. AWNING SIGNS

A. Description

An awning is generally a lightweight frame structure over which a covering is attached. Awning signs are generally used as auxiliary signs.

Figure 7.8.9-A: 1. Acceptable – Primary Signs

Figure 7.8.9-A: 2. Acceptable – Auxiliary Sign

Figure 7.8.9-A: 3. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area,	
Sign Area, max. (s.f.)	16
D. Sign Dimensions - Height	
Height, max. (ft)	NA
E. Sign Dimensions - Width	
Copy on awnings shall be limited to 75 percent of the awning width.	
F. Number of Signs	
Signs per building face, max.	NA
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
None	
I. Electronic Message Centers	
EMCs are not allowed	

J. Additional Standards

1. Vertical clearance of nine feet above grade from the bottom of the awning is required.
2. Awnings must be professionally constructed. The use of vinyl as a material is not permitted.
3. Awning signs are permitted only on the first floor of the building.
4. Lettering and graphic is permitted on the front and side vertical panels only.
5. In the Downtown Business zoning district and the Downtown Neighborhood Overlay district awnings may be used as the primary business sign.
6. If functioning as the primary business sign, it shall not be in addition to a wall mounted sign.
7. As primary business sign the maximum sign area is not to exceed 20 square feet.
8. As primary business sign, one store logo or the store name may be applied on the sloped portion of the awning.
9. If functioning as an auxiliary business sign, lettering shall be located on the valance only, and the height of the lettering shall not exceed eight inches.

7.8.10. CANOPY/FASCIA SIGNS

A. Description

Canopy signs may be used as a primary or auxiliary sign. Typically, if used as a primary business sign the lettering and graphics are mounted above the front panel of the canopy. If used as an auxiliary business sign lettering and graphics are affixed to the front panel of the canopy.

Signs on the fascia will meet the same standards as Canopy Signs.

Figure 7.8.10-A: 1. Acceptable – Primary Sign (on top of canopy)

Figure 7.8.10-A: 2. Acceptable – Auxiliary Sign (on the fascia of canopy)

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area,	
Area, max. (s.f.)	35
D. Sign Dimensions - Height	
Height, max. (ft)	3
E. Sign Dimensions - Width	
Width, max. (ft)	NA
Copy on drive-through canopies shall be limited to 75 percent of the canopy width.	
F. Number of Signs	
Signs per tenant building face, max.	1
For drive-through canopies, signs per elevation, max.	1
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
Lighting may be: internal only	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	

1. Vertical clearance of nine feet above grade from the bottom of the canopy is required.
2. The area of canopy signs shall be counted towards the maximum wall sign area allowed for that elevation.
3. Individual letters or graphics may be internally illuminated, glow with a halo-illumination effect, or glow through the front faces.
4. Flashing lights, or exposed raceways, conduits, or transformers are prohibited.
5. Shall not extend above the second floor ceiling or the top of the roof, whichever is less.
6. Shall consist only of letters and/or geometric designs and not constructed as part of a sign can or cabinet. Each letter may be internally illuminated with lights other than florescent or neon.

7.8.11. HANGING SIGNS (UNDER-CANOPY)

A. Description

Hanging signs generally include graphic or icon signs which hang from an arcade roof or canopy. These signs are only to be used as pedestrian signage.

Figure 7.8.11-A: 1. Acceptable

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Per Face - Area, max. (s.f.)	6
D. Sign Dimensions - Height	
Height, max.	NA
E. Sign Dimensions - Width	
All Street Types – max. (ft)	3
F. Number of Signs	
Signs per tenant space, max.	1
G. Setbacks and Spacing	
Setbacks	NA
Spacing between signs, min. (ft)	15
Vertical Clearance	
From grade, min. (ft)	9
H. Illumination	
Not Allowed	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. Support structures must be constructed of metal. 2. Signs must be double-sided.	

7.8.12. WINDOW SIGNS

A. Description

A window sign is generally affixed to a window for the purpose of being viewed from the exterior of a building.

Figure 7.8.12-A: 1. Acceptable

Figure 7.8.12-A: 2. Not Acceptable

B. Street Type and Frontage

Permitted on all street types except local streets.

C. Sign Dimensions - Area

Area, max. (% of single window area) (See Figure 7-12)	25

D. Sign Dimensions - Height

Height, max. (ft)	NA

E. Sign Dimensions - Width

Width, max. (ft)	NA

F. Number of Signs

Only one window sign per tenant, per elevation is allowed.

G. Setbacks and Spacing

Setbacks	NA

H. Illumination

Not allowed

I. Electronic Message Centers

EMCs are not allowed

J. Additional Standards

1. Window signs should not obscure the visibility into a shop for the passerby. Every effort should be made to integrate window signs with store window displays.
2. Lighted signs, flashing signs or any other sign not applied directly to a windowpane are not permitted.
3. No fluorescent vinyl shall be used for window signs.
4. Window signs are only permitted on the first story of the building.
5. Temporary advertising placards, banners, pennants, trademarks, or other descriptive material shall not be placed on the inside of the glass. However, restaurants may display menus.
6. Business name, address, hours of operation, entrance/exit information, and emergency phone numbers may be displayed on primary entrance door.
7. Business address, closed/open signs, hours of operation, credit card logos, real estate signs and 'now hiring' signs are exempt from the maximum area limitation. Mannequins and storefront displays of merchandise sold are not considered window signs.

Figure 7-12: Window Area Calculation

7.8.13. DIRECTIONAL SIGNS

A. Description

Directional signs are generally used to aid in internal site circulation and identify points of ingress and egress.

Figure 7.8.13-A: 1. Acceptable

B. Street Type and Frontage	
Permitted on Arterial, Collector, Local Streets	
C. Sign Dimensions - Area	
Area, max. (s.f.)	8
D. Sign Dimensions - Height	
Height, max. (ft)	
Wall Signs	8
Freestanding (directional only)	4
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
No maximum.	
G. Setbacks and Spacing	
Spacing between signs, min. (ft)	20
H. Illumination	
1. Lighting may be internal	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
No more than 50 percent of the sign face may be used for an advertising logo.	

7.8.14. MENU BOARDS

A. Description

A sign displaying the restaurant menu, generally located adjacent to a drive aisle for a drive-through window.

Figure 7.8.14-A: 1. Acceptable – Drive-through

Figure 7.8.14-A: 2. Acceptable – Pedestrian-Oriented

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Area, max. (s.f.)	32
D. Sign Dimensions - Height	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
Max	NA
G. Setbacks and Spacing	
Setbacks (ft)	10
H. Illumination	
Lighting may be internal or external	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
Restaurants and cafes shall be permitted one wall-mounted display or freestanding display board per business featuring the actual menu as used at the dining table, to be contained within a shallow case, and clearly visible through a glass front. The display case shall be attached to the building wall next to the main entrance, or freestanding, as long as it does not block pedestrian movement.	

7.8.15. GASOLINE PRICE SIGNS

A. Along arterials and collector streets, gasoline prices may be incorporated into the pole or ground signs, provided the maximum area and height for the sign is not exceeded.

B. Along local streets, gasoline prices may be incorporated into the wall sign provided the maximum area for advertising gasoline prices does not exceed 20 square feet per street front.

C. The posting of gasoline prices shall not be considered to be an electronic message center.

D. Brand identification on gasoline pumps shall not be deemed as signs for the purpose of this section.

Figure 7.8.15-A: 1. Acceptable

Ground Sign with EMC and Gasoline Price

Figure 7.8.15-A: 2. Not Acceptable

7.8.16. BUILDING DIRECTORY SIGNS

A. The maximum square footage allowed shall be eight square feet.

B. Signs may only be internally illuminated.

C. One sign per entrance is allowed and the sign must be located next to the building entrance.

D. Additional requirements:

1. The sign may project out from the wall to which it is attached no more than six inches.

2. The sign shall not extend above the parapet, eave, or building façade.

Figure 7.8.16-A: 1. Acceptable

7.8.17. PAINTED WALL MURALS

A. Murals are permitted subject to conditions.

1. Murals are allowed up to 100 percent of the wall area, not exceeding a height of 40 feet above grade. However, no mural shall not be placed over openings such as windows, doors, and vents.

2. Lighting of a mural shall be external.

3. Only one mural per building is allowed.

B. Special Conditions.

1. Murals shall be painted with a weather-resistant paint.

2. No portion of the mural shall be used to advertise a specific product or service. The mural may display the name or logo of the on-site tenant, as long as it does not exceed more than 20 percent of the mural area. (This portion of the mural will need a Sign Permit.)

3. Should the mural become faded, peeled, and severely weathered in the opinion of the Zoning Administrator, the owner, or the person or firm maintaining the same, shall, upon written notice, repair or remove the mural or repaint the wall on which mural is painted within 60 days.

7.9. OFFSITE ADVERTISING SIGNS - BILLBOARDS

7.9.1. BILLBOARDS

Billboards shall be permitted as follows:

A. Districts and Streets.

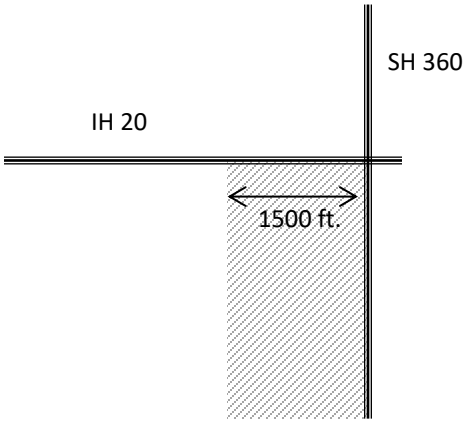
1. Billboards shall be allowed in the GC, LI, and IM zoning districts.

2. Billboards are allowed only on lots with street frontage on the following controlled access freeways: Interstate Highway 20, Interstate Highway 30, State Highway 360, and U.S. Highway 287 as described below.

3. Billboards must be located on a platted lot.

4. Billboards shall only be permitted directly adjacent to the controlled access freeways listed above. However, billboards are prohibited within one thousand five hundred (1,500) feet of State Highway 360, south of Interstate Highway 20.

Figure 7-13: Offsite Sign Setback on SH 360 south of I-20



5. Billboards are prohibited in:

a. the Entertainment District Overlay; and

b. the area of the Interstate Highway 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east and Bardin Road on the south. (See Figure 7-9)

6. Billboards shall be deemed as a primary use of the property on which they are located. Such signs shall not be located on a lot where other buildings or uses exist.

B. A sign face shall only be visible from one direction of traffic.

C. Billboards may be internally or externally illuminated.

D. Maximum Area.

The maximum allowed square footage shall be 672 square feet.

E. Maximum Height.

50 feet, not to exceed 42.5 feet above the adjacent freeway surface. Sign height above the adjacent freeway surface shall be measured from the highest point of the sign to the grade level of the centerline of the nearest travel lane, not including ramps closest to the sign at a point perpendicular to the sign location.

F. Setback and Spacing.

1. Five feet from the right-of-way line of a controlled access freeway.

2. 200 feet from any residential zoning district or property line.

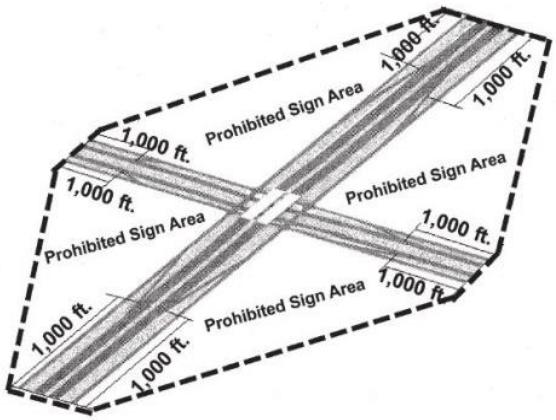
3. 1,500 feet from a park, forest, playground, or scenic area.

4. 200 foot radius from any freestanding pole sign or wall sign.

5. 1,500 feet from any billboard on the same side of a freeway.

6. 1,000 feet from an interchange, including ramps or acceleration and deceleration lanes. Such distances shall be measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from, or entrance to, the main traveled way.

Figure 7-14: Prohibited Areas Near Interchange (the area enclosed by dotted lines)



Source: Texas Department of Transportation

7. 10 feet from interior side lot lines.

8. 10 feet from the front property line.

9. 10 feet from the rear property line.

G. Number.

One billboard per platted lot with a required minimum lot size per the base zoning district.

H. Other.

1. All offsite advertising signs shall be of a monopole design, with underground utility service.

2. The right to existing nonconforming billboards may be transferred to another location, if the sign is removed due to a governmental action. If the new location does not meet the requirements, a sign variance may be sought through the Zoning Board of Adjustment.

3. Existing billboards on a controlled access freeway, which are deemed "nonconforming structures" by Article 11 of the Code due to size, lighting, or spacing, may be modified to a digital billboard if a new permit is obtained, and the action is in full compliance with all applicable provisions of this Code.

7.9.2. ADDITIONAL STANDARDS FOR DIGITAL BILLBOARDS.

A. Digital billboard shall obtain an annual inspection and pay the appropriate fee as established in the City's Fee Resolution.

B. Each message for digital billboards shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds or less;

C. A change of message must occur simultaneously on the entire sign face;

D. The sign shall not display any illumination by flashing, intermittent or moving lights;

E. The sign shall not contain or display animated or moving video;

F. The sign shall not contain any scrolling elements;

G. The sign shall not project a static image upon a stationary object;

H. The sign shall automatically adjust the intensity of its display brightness according to the natural ambient light conditions; and

I. The sign shall contain a default design mechanism that freezes the sign in one position if a malfunction occurs.

J. The sign owner shall provide contact information for a person who is available at any time, twenty four hours a day, every day of the year, including holidays and weekends. The contact person shall be available at any time to turn off the sign promptly after a malfunction occurs or reduce the intensity of the sign no later than 12 hours of a request by an official from the City or the Texas Department of Transportation. If the request is to reduce the intensity of the lighting, the intensity must be reduced to a level that is acceptable to the Texas Department of Transportation.

K. Granting Permits: The Zoning Administrator will grant a permit for a digital billboard construction or modification in the following sequential manner:

1. If the applicant satisfies the requirements of this Section, the Zoning Administrator will issue a provisional permit granting permission for the digital sign, subject to the granting of a permit by the Texas Department of Transportation, where applicable.

2. The applicant shall obtain a permit from the Texas Department of Transportation allowing the requested construction or modification, and shall present a true copy of that permit to the Zoning Administrator not later than 12 months following the issuance of the provisional permit.

3. If the applicant and the Texas Department of Transportation permit satisfy the requirements of this Section, the Zoning Administrator shall issue a sign permit for the digital billboard.

4. The provisional permit shall expire 12 months after its issuance without further action by the Zoning Administrator if no sign permit has been issued in that time.

7.10. TEMPORARY SIGNS

7.10.1. TEMPORARY SIGN STANDARDS.

Temporary signs shall not be illuminated and shall have no moving parts.

Table 7.10.1 - Temporary Sign Standards

Type	Permit Required (Y/N)	Max. Height (ft)	Max. Area (SF)	Timeframe	Standards
Residential Front Yard Signs	N	4	8	NA	
Model Home Signs	Y	8	20	Until the construction has begun on 90 percent of the lots in a subdivision	▪ One per lot
Real Estate Signs (Non-residential)	N	8	20	Until the sale or rental of property or structure, or the lease of tenant(s) spaces	▪ Freestanding Real Estate Signs are allowed for the following purposes: (a) Undeveloped properties for sale/lease of land. (b) Developed properties that do not have available space on their ground/pole sign to incorporate a 'for sale/lease' sign - They shall be spaced a minimum of 500 feet apart with maximum of two signs per street front per parcel. ▪ For sale/lease of buildings or tenant spaces, the Real Estate Signs shall be incorporated into the vacated tenant space on the freestanding sign or as a wall sign applied directly to the tenant space. - No more than one wall sign shall be allowed per street front. ▪ Not to be used to advertise rental of individual multi-family residential units.
Banner Signs	N	n/a	50	Allowed to stay for no longer than 30 consecutive days, with a 60-day separation between the events	▪ Not allowed on local streets. **Exception.** institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks ▪ One per occupied business tenant space at one time (An apartment complex is deemed to be a single business tenant). ▪ May be placed only next to a wall of the occupied tenant space it advertises. ▪ Shall be secured at all points of attachment to the building wall. (A fence or railing is not considered a building wall).

Table 7.10.1 - Temporary Sign Standards					
Type	**Permit Required (Y/N)**	**Max. Height (ft)**	**Max. Area (SF)**	**Timeframe**	**Standards**
Grand Opening Signs (Balloons & Streamers)	N	30	n/a	One period of 14 consecutive days within the first three months of issuance of Certificate of Occupancy	▪ Not allowed on local streets; ▪ Min. setback from front and side property lines = 20 feet; ▪ Streamers, balloons less than three cubic feet in volume, and one balloon larger than three cubic feet per business may be displayed. ▪ 30 feet of clearance shall be maintained from all power lines to balloons.
Development Sign	Y	25 8	200 50	**Commercial:** Until the initial certificate of occupancy is granted on the property for single tenant developments, or until multi-tenant developments are 50-percent occupied. **Residential:** Until construction is substantially complete on 90 percent of the lots within a subdivision.	▪ Offsite development signs are prohibited. ▪ Commercial: One sign per lot. For lots larger than 10 acres, one additional sign is allowed for each 10 acres. ▪ Residential: Two signs are allowed per residential subdivision, with each platted phase being considered a separate project. ▪ Setback: 10 feet from interior side lot lines.
Sandwich Board Signs	N	4	8	Only allowed during business hours	▪ Only freestanding A-frame style signs constructed of steel or plastic are permitted. ▪ Signs must be sufficiently weighted or anchored to the pavement to provide stability. ▪ Signs must be placed within five feet of the building entrance. Signs located on sidewalks must maintain a pedestrian path of at least five feet in width and not obstruct pedestrian movement or safety.
Political Signs	N	8	36	See section 7.10.2	▪ Allowed on private real property only with consent of the property owner. ▪ Political Signs do not include a billboard that contains a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

7.10.2. POLITICAL SIGNS

A. Time, place, and manner restrictions – signs on public property during voting periods.

1. Time.

In accordance with Texas Election Code §61.003, signs shall be allowed at polling sites during early voting periods or on Election Day. Signs so posted must be removed within forty-eight (48) hours after the close of the early voting period or the close of the polls on Election Day, whichever is applicable.

2. Place.

a. No signs or campaign literature are permitted on City property, except as required by Texas Election Code sections 61.003 or 85.036. This prohibition includes all locations, so long as there is no polling site at that location, including city hall, city service center, library, recreational center, public parks and aquatic centers, fire stations, police departments, and water pumping stations.

b. For so long as required by Texas Election Code sections 61.003 and 85.036, all public property upon which there is located a polling place, outside the area described in §61.003, and within the area which is allowed to have signs posted shall meet the following requirements: an area (i) that is not within the public right of way; (ii) that is not on impervious surfaces; (iii) that is not a traffic or safety hazard; (iv) that is attached to a stake not to exceed a 9 gauge diameter (American Wire Gauge standard (AXG)) driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures; (v) not to be attached to any building or structure (vi) not in a landscape bed to include flower beds and (vii) an area which meets all the requirements of City ordinances.

3. Manner.

Political signs permitted at voting locations pursuant to Election Code sections 61.003 and 85.036 shall not exceed six square feet and eight feet in height.

a. State law. In the event of any conflict between the provisions of this Section and State law, State law shall govern.

ARTICLE 8. ENFORCEMENT AND PENALTIES

8.1. PURPOSE

This article establishes procedures through which the City seeks to ensure compliance with the provisions of this Code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Code.

8.2. VIOLATIONS

Any of the following shall be a violation of this Code and shall be subject to the remedies and penalties provided for in this Code.

8.2.1. ESTABLISH USE, STRUCTURE, OR SIGN WITHOUT PERMIT OR APPROVAL

To establish or place any use, structure, or sign upon land that is subject to this Code without all of the approvals required by this Code.

8.2.2. DEVELOPMENT OR SUBDIVISION WITHOUT PERMIT OR APPROVAL

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this Code without all of the approvals required by this Code.

8.2.3. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH PERMIT

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.

8.2.4. DEVELOPMENT, SUBDIVISION, USE, OR SIGN INCONSISTENT WITH CONDITIONS OF APPROVAL

To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

8.2.5. DEVELOPMENT, SUBDIVISION, OR SIGN INCONSISTENT WITH THIS CODE

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this Code.

8.2.6. MAKING LOTS OR SETBACKS NONCONFORMING

To reduce or diminish any lot area so that the lot size, setbacks, or open spaces shall be smaller than prescribed by this Code.

8.2.7. INCREASING INTENSITY OR DENSITY OF USE

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Code.

8.2.8. REMOVING OR DEFACING REQUIRED NOTICE

To remove, deface, obscure, or otherwise interfere with any notice required by this Code.

8.2.9. FAILURE TO REMOVE SIGNS

To fail to remove any sign installed, created, erected, or maintained in violation of this Code or for which the sign permit has lapsed.

8.3. RESPONSIBLE PERSONS

Any person who violates this Code shall be subject to the remedies and penalties set forth in this article.

8.4. RESPONSIBILITY FOR ENFORCEMENT

The Zoning Administrator shall have primary responsibility for enforcing all provisions of this Code. Other officers of the City, as designated by the Zoning Administrator, shall share responsibility for enforcing provisions of this Code.

8.5. ENFORCEMENT PROCEDURES

8.5.1. REMEDIES AND ENFORCEMENT POWERS

The City shall have the following remedies and enforcement powers.

8.5.2. WITHHOLD PERMIT

A. The City may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements upon a determination that there is an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

B. The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

8.5.3. PERMITS APPROVED WITH CONDITIONS

Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.

8.5.4. REVOKE PERMITS

Any development permit or other form of authorization required under this Code may be revoked pursuant to Section 8.5.2.

8.5.5. STOP WORK

With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

8.5.6. INJUNCTIVE RELIEF

The City may seek an injunction or other equitable relief in court to stop any violation of this Code or of a permit, certificate, or other form of authorization granted hereunder.

8.5.7. ABATEMENT

The City may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

8.5.8. CIVIL ACTION AND ADMINISTRATIVE ADJUDICATION

The City may enforce the provisions of this Code through civil action through:

A. Civil action, as provided by state law; and

B. Administrative adjudication under Municipal Court Chapter, Article IX, as amended, and Texas Local Government Code Chapter 54, Subchapter C, as amended.

8.5.9. WITHHOLD PUBLIC SERVICES

The City may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.

8.5.10. OTHER REMEDIES

The City shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related Code provisions.

8.5.11. OTHER POWERS

In addition to the enforcement powers specified in this article, the City may exercise any and all enforcement powers granted by law.

8.5.12. CONTINUATION

Nothing in this Code shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

8.6. REMEDIES CUMULATIVE

The remedies and enforcement powers established in this article shall be cumulative and the City may exercise them in any order or combination at any time.

8.7. PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this Code or fail to comply with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed

statement or plan submitted and approved hereunder shall be guilty of a misdemeanor punishable under this section.

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.

A person who violates any provision of this Chapter by performing an act prohibited or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist shall be a separate offense.

If the definition of an offense under this Chapter does not prescribe a culpable mental state, then a culpable mental state is not required. Such offense shall be punishable by a fine not to exceed Five Hundred Dollars and No Cents ($500.00). Although not required, if a culpable mental state is in fact alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, such offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

If the definition of an offense under this Chapter prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense shall be punishable by a fine not to exceed Two Thousand Dollars and No Cents ($2,000.00).

ARTICLE 9. REVIEW AUTHORITIES

9.1. PURPOSE AND ORGANIZATION OF THIS ARTICLE

This chapter describes the organization and roles of review bodies under this Code.

9.2. CITY COUNCIL

9.2.1. POWERS AND DUTIES

In addition to any authority granted to the City Council by state law, City Charter, or other City ordinances, the City Council may:

A. Adopt, make modifications to, and implement the comprehensive plan and supporting studies;

B. Amend, supplement, or change the regulations established in this Code;

C. Amend, supplement, or change the zoning district boundaries;

D. Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by Article 10, *Review Procedures*;

E. Grant, deny, or impose conditions for, a Specific Use Permit consistent with the purposes stated in Section 10.4.6, *Specific Use Permits*;

F. Take final action on certain plats as set forth in Article 10, *Review Procedures*, of this Code; and

G. Appoint and remove members of the Planning and Zoning Commission, Zoning Board of Adjustment, and Landmark Preservation Commission.

9.3. PLANNING AND ZONING COMMISSION

9.3.1. POWERS AND DUTIES

In addition to any authority granted to the Planning and Zoning Commission by state law or other ordinances of the City, the Planning and Zoning Commission may:

A. Make recommendations to the City Council about adoption, modification, and implementation of the comprehensive plan and supporting studies;

B. Make recommendations to the City Council concerning amendments to this Code and the creation or modification of zoning districts;

C. Make recommendations to the City Council concerning the rezoning of land and approval of certain applications specified in this Code;

D. Perform the functions, mandated under state impact fee enabling legislation, as the City's designated Capital Improvements Program Advisory Committee;

E. Make recommendations to the City Council about adopting or amending the Comprehensive Plan, sector plans, neighborhood plans, and the Thoroughfare Development Plan;

F. Act as and carry out the duties of the Airport Zoning Commission, as authorized under Chapter 241 of the Texas Local Government Code, about matters related to airport land use compatibility zoning, establishment of zone boundaries, and regulations governing these zones for areas surrounding the Arlington Municipal Airport;

G. Gather information and make recommendations to the City Council and cooperate with the Landmark Preservation Commission and similar organizations about historic and landmark preservation in the City, specifically including, but not necessarily limited to, matters arising out of, or related to the Landmark Preservation overlay district;

H. Make recommendations to City Council about the annexation of land into the corporate limits of the city;

I. Gather information and make recommendations to the City Council and cooperate with the Park Board and similar organizations about recreation areas, the development and improvement of parks and boulevards, the extension and opening of streets and other public rights-of-way, and the general City plans and improvements;

J. Consider and report to the City Council about new public ways, lands, buildings, bridges, extensions, or street openings and their relation to the comprehensive plan;

K. Act as an advisory board to the City Council relating to public utilities, controlling and regulating traffic upon the City's public streets, and other matters relating to civic improvements that are beneficial and in the City's best interests; and

L. Conduct related business and make other recommendations on matters that are specifically requested, assigned, or required by the City Council or Zoning Administrator.

9.3.2. MEMBERSHIP, APPOINTMENT, AND TERM OF OFFICE

A. Membership

The Planning and Zoning Commission shall consist of nine members. Each member shall reside in the city of Arlington, Texas, and shall have qualifications as determined by the City Council. Because the Planning and Zoning Commission also functions as the Capital Improvements Program Advisory Committee, at least one member must represent the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. All members shall serve without pay and until their successor is duly appointed and qualified.

B. Appointment and Term of Office

The City Council shall appoint the Planning and Zoning Commission in accordance with the City of Arlington Boards and Commissions Policy Statement. Each of the nine seats for the Planning and Zoning 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.

C. Officers

The members of the Planning and Zoning Commission shall organize and elect their own officers, except the Presiding Officer who serves at the pleasure of the City Council.

D. Vacancies

The City Council shall fill any vacancies for the unexpired term. The appointment procedure for vacancies is the same as for an original appointment (see Subsection B, above).

9.3.3. MEETINGS, HEARINGS, AND PROCEDURES

A. General

1. All meetings and hearings of the Planning and Zoning Commission are subject to state laws governing open meetings.

2. All meetings and hearings of the Planning and Zoning Commission shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure described in Subsection B.1, below.

3. Any action calling for a formal vote shall take place only at a public meeting.

4. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statutes of the State of Texas.

B. Rules of Procedure

1. The Planning and Zoning Commission may adopt its own rules of procedure consistent with Texas law and City ordinances. However, when the Planning and Zoning Commission sits as the Capital Improvements Program Advisory Committee, its rules and procedures are established by the City Council.

2. The Planning and Zoning Commission shall keep a written record of all of its proceedings.

3. The Zoning Administrator shall have the duty of care, custody, and control of all records of the Planning and Zoning Commission.

C. Regular and Special Meetings

The Planning and Zoning Commission shall hold regular meetings and shall designate the time and place of the meetings. The Planning and Zoning Commission may hold special meetings as provided in its rules of procedure.

D. Voting

Approval of all matters and motions before the Planning and Zoning Commission shall require the affirmative vote of a majority of all members of the Planning and Zoning Commission present and voting, unless otherwise provided by law or the adopted rules of procedure.

E. Expenses

Whenever deemed necessary by the Planning and Zoning Commission to incur any expenses in the performance of its duties, an estimate of the proposed expenses shall be submitted to the Planning and Development Services Department who

must obtain approval from the Deputy City Manager. No debts of any kind or character shall be made or incurred by the Planning and Zoning Commission or its agents until the expenditures are specifically authorized in writing by the Deputy City Manager.

F. Quorum

Five members of the Planning and Zoning Commission constitute a quorum for the transaction of business.

9.4. ZONING BOARD OF ADJUSTMENT

9.4.1. POWERS AND DUTIES

The Zoning Board of Adjustment has the powers assigned in Texas Local Government Code §211.009 and in Section 10.4.7, *Zoning Variances and Appeals* of this Code.

9.4.2. MEMBERSHIP, APPOINTMENT, AND TERM OF OFFICE

A. Membership

The Zoning Board of Adjustment consists of nine members and four alternate members.

B. Appointment and Term of Office

The Mayor and each City Council member shall appoint a member, in accordance with the City of Arlington Boards and Commissions Policy Statement. The Mayor and City Council shall appoint alternate members to serve in the absence of one or more regular members. Each of the nine seats for the Zoning Board of Adjustment is assigned a Place number ranging from one to nine. Members are removable for cause by majority vote of the City Council upon written charges and after public hearing. The terms of office for the membership are two years, not to exceed three full terms.

C. Officers

The members of the Zoning Board of Adjustment shall organize and elect their own officers, except the Presiding Officer who serves at the pleasure of the City Council.

D. Vacancies

Vacancies shall be filled with a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause. The appointment procedure for vacancies is the same as for an original appointment (see Subsection B, above).

9.4.3. MEETINGS, HEARINGS, AND PROCEDURES

A. General

All meetings, hearings and procedures of the Board are subject to Texas Local Government Code Chapter 211, the Board's rules of procedure, and this section.

B. Rules Of Procedure

The Board may adopt rules governing its proceedings, not inconsistent with this section.

9.5. LANDMARK PRESERVATION COMMISSION

9.5.1. POWERS AND DUTIES

In addition to any authority granted to the Landmark Preservation Commission by state law or other ordinances of the City, the Landmark Preservation Commission may:

A. Thoroughly familiarize itself with buildings, structures, sites, districts, areas, places, and lands within the city that are eligible for landmark status.

B. Make recommendations to the Planning and Zoning Commission and City Council relating to whether certain buildings, structures, sites, districts, areas, places, and lands should be designated as landmarks through Landmark Preservation Overlay zoning district. Actions taken or recommendations made by the Landmark Preservation Commission that are subject to review by the Planning and Zoning Commission or the City Council are not binding on those bodies, and the reviewing body may decide a matter contrary to recommendations or actions of the Landmark Preservation Commission.

C. Oversee the creation, maintenance, and periodic updates of an Historic Resources Survey within the city of Arlington, as follows:

1. The Historic Resources Survey shall identify and catalog:

a. resources that are listed on the National Register of Historic Places;

b. Resources that are granted landmark status by the Texas Historical Commission or the City of Arlington; or

c. Resources that otherwise qualify as eligible property under criteria for inclusion on the National Register of Historic Places, designation as a Texas Historic Landmark or State Archeological Landmark, or designation under the City's Landmark Preservation Overlay zoning district.

2. The Historic Resources Survey shall include a factual verification of the significance of the structures, land, areas, and districts of historical, architectural, archeological, or cultural value.

3. The Landmark Preservation Commission shall forward the Historic Resources Survey to the City Council for its adoption.

D. Review and after public hearing either approve or deny requests for Certificates of Appropriateness and Certificates of Demolition for buildings, structures, and sites located in the Landmark Preservation Overlay zoning district.

E. Issue an annual report to the City Council about the status of landmark and historic preservation efforts in the city and any related issues.

F. Formulate plans and programs for public or private action to encourage and promote preservation of landmarks within the city Arlington.

G. Research and recommend sources of funds for preservation and restoration activities and acquisitions, including federal, state, private, and foundation sources.

H. Provide information and counseling to owners of landmarks.

I. Recommend changes in use where conditions exist under which the required preservation of a historic landmark would cause undue hardship to the property owner.

J. Recommend the removal of Landmark or Landmark Preservation Overlay designation.

K. Undertake other activities that are necessary to further the interests of historic preservation within the city and that do not conflict with the interest or laws of the City or State of Texas.

L. Review permits for the demolition or relocation of a building or structure, including issuance of a temporary stay on demolition permits as appropriate, as provided by Section 4.16 of the "Construction" Chapter of the Code of the City of Arlington.

9.5.2. MEMBERSHIP, APPOINTMENT, AND TERM OF OFFICE

A. Membership

The Landmark Preservation Commission is composed of nine members. All members shall reside in the city of Arlington, Texas, and shall have qualifications as determined by the City Council. Membership shall be apportioned according to the following fields of expertise or specialized knowledge:

1. Two members shall represent any combination of the following fields or professions:

a. Architecture;

b. Banking, finance, or economics;

c. Law;

d. Real estate; or

e. Urban planning.

2. Three members shall have historic preservation experience in restoring older homes/buildings, writing historic marker applications, or participating as members of an Arlington historical or preservation group, society, or association.

3. Four members shall be citizens at large.

If the City Council cannot timely fill a membership with a particular field of expertise or specialized knowledge identified in Subsections 1 or 2, it may appoint citizens at large to fill these positions.

B. Appointment and Term of Office

The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. Each of the nine seats for the Landmark Preservation Commission is assigned a Place number ranging from one to nine. The regular terms of office for the membership shall be two years, not to exceed three full terms.

C. Officers

The members of the Landmark Preservation Commission shall organize and elect their own officers, except the Presiding Officer who serves at the pleasure of the City Council.

D. Removal

The City Council may, by majority vote, remove any member of the Landmark Preservation Commission if it appears that their removal is in the best interests of the City, as determined by the City Council.

E. Vacancies

Vacancies occurring for any reason shall be filled by the City Council for the unexpired term. The appointment procedure for vacancies is the same as for an original appointment (see Subsection B, above).

9.5.3. MEETINGS, HEARINGS, AND PROCEDURES

A. General

All meetings and hearings of the Landmark Preservation Commission shall follow state laws governing open meetings. All meetings and hearings shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the Landmark Preservation Commission. Any action calling for a formal vote shall take place only at a public meeting. Executive sessions shall not be open to the public, and shall be conducted in accordance with the procedures that are consistent with the statutes of the State of Texas.

B. Rules of Procedure

The Landmark Preservation Commission has the power to adopt its own rules of procedure that are consistent with state law and City ordinances. The Landmark Preservation Commission shall keep a written record of all of its proceedings. The Historic Preservation Officer of the City of Arlington shall serve as Secretary for the Landmark Preservation Commission and is responsible for taking minutes of the Landmark Preservation Commission's proceedings. The Historic Preservation Officer has the duty of care, custody, and control of all records of the Landmark Preservation Commission.

C. Regular and Special Meetings

The Landmark Preservation Commission shall hold meetings regularly at least once in each month within the corporate limits of the city, and shall designate the time and place of the meetings. The Landmark Preservation Commission may hold special meetings as necessary, with all rules for regular meetings applicable. The Landmark Preservation Commission Presiding Officer or the Historic Preservation Officer may call such special meetings.

D. Voting

Approval of all matters and motions before the Landmark Preservation Commission requires the affirmative vote of a majority of all members of the Landmark Preservation Commission present and voting, unless otherwise provided by law or the adopted rules of procedure.

E. Expenses

If the Landmark Preservation Commission proposes to incur any expenses in the performance of duties assigned to it, it shall submit an estimate of the proposed expenses to the Planning and Development Services Department. Expenses must be approved by the Deputy City Manager. No debts of any kind or character shall be made or incurred by the Landmark Preservation Commission, or anyone acting for the Landmark Preservation Commission, until the expenditures are specifically authorized in writing by the Deputy City Manager.

F. Quorum

Five members of the Landmark Preservation Commission is a quorum for the transaction of business.

9.6. ZONING ADMINISTRATOR | PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

9.6.1. POWERS AND DUTIES

A. The Zoning Administrator shall maintain and have the duty of care, custody, and control of the records of the Planning and Zoning Commission and the Zoning Board of Adjustment.

B. The Zoning Administrator shall attend meetings and make recommendations on all matters pertaining to planning, zoning, and land development.

C. The Zoning Administrator shall approve minor changes to approvals or PD development plans where indicated in Article 10, *Review Procedures*.

D. The Zoning Administrator may determine whether an application substantially complies with this Code or conditions of approval, where authorized by Article 10, *Review Procedures*.

E. The Zoning Administrator shall interpret this Code and the Official Zoning Map, unless the authority to interpret a particular provision of this Code is assigned to another agency. All interpretations by the Zoning Administrator are subject to appeal to the Zoning Board of Adjustment.

F. The Zoning Administrator may approve certain requests for alternative equivalent compliance where provided in Article 10, *Review Procedures* and this Code.

G. The Zoning Administrator may approve certain categories of subdivision plats where provided in Article 10, *Review Procedures*.

H. The Zoning Administrator may approve the use of a lot for off-street parking of vehicles as provided in Article 5, *Design and Development Standards*.

9.6.2. DELEGATION

The Zoning Administrator may assign its duties to staff within its department or other departments. Any reference to the Zoning Administrator in this Code includes any designee of the Zoning Administrator.

9.7. BUILDING OFFICIAL

9.7.1. POWERS AND DUTIES

The Building Official shall grant certificates of occupancy in accordance with the Building Code, this Code, and all other applicable development regulations of the City of Arlington.

9.8. CONFLICT OF INTEREST

The "Administration" Chapter of the Code of the City of Arlington, Article 12, *Code of Ethics*, prohibits a City official from participating in a vote or decision on any zoning matter that appears before the body of which the City official is a member if the City official has a substantial interest in any real property within 200 feet of the property that is subject to the zoning request. See the *Code of Ethics* for additional ethical policies.

ARTICLE 10. REVIEW PROCEDURES

10.1. PURPOSE AND ORGANIZATION OF THIS ARTICLE

The purpose of this article is to:

10.1.1. Describe the procedures for filing and processing applications for development activity in the city of Arlington and its extraterritorial jurisdiction;

10.1.2. Provide a format that allows applicants to quickly and efficiently ascertain the various steps involved in obtaining development approval, including initiation and filing of an application, completeness review, review for compliance with substantive standards, and hearings; and

10.1.3. Describe the authority and responsibilities of the various boards, commissions, and departments that are involved in the land development process.

10.2. TABLE OF PROCEDURES

Table 10.2-1, Summary Table of Review Procedures, summarizes the common procedural steps described in Section 10.3, *General Procedures,* that are established by this article. Provisions specific to each type of land development application are found in Section10.4, *Specific Review Procedures*.

TABLE 10.2-1: Summary Table of Review Procedures
✓ = required; R = recommendation; H = public hearing required; D = decision; A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing

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
Landmark Preservation Procedures								
Overlay District Designation	✓	L	R	R-H		R-H	D-H	10.4.8
Certificate of Appropriateness	✓		R	D-H			A	10.4.9
Certificate of Demolition or Relocation	✓		R	D-H			A	10.4.10
Subdivision Procedures								
Conveyance Plats			D			A		10.4.12
Preliminary Plats	✓		R			D	A	10.4.13
Final Plats	✓		R			D		10.4.14
Minor Plats			D			A		10.4.16
Replats	✓		R			D	A	10.4.17
Amending Plats			D			A		10.4.18
Vacation of Plats			R			D	A	10.4.19
Linear Park Platting			D			A		10.4.20
Other Procedures								
Converting Private Streets to Public Streets			R				D	10.4.21
Alternative Equivalent Compliance	✓		D					10.4.22
Alternate Sign Plan	✓	L	R			R-H	D-H	10.4.23

10.3. GENERAL PROCEDURES

10.3.1. APPLICABILITY

This section describes the procedural elements common to all applications. Additional procedures that apply to specific applications are provided in Section 10.4, *Specific Review Procedures*. Generally, the procedures for all applications have five common elements:

A. Submitting a complete application, including required fee payments and appropriate information;

B. Review of the application by appropriate staff, agencies, and boards;

C. Action to approve, approve with conditions, or deny the application;

D. Appeals; and

E. A description of the actions authorized by the permit and the time period for exercising rights under the order or permit.

10.3.2. CONSISTENCY WITH STATE AND FEDERAL LAW

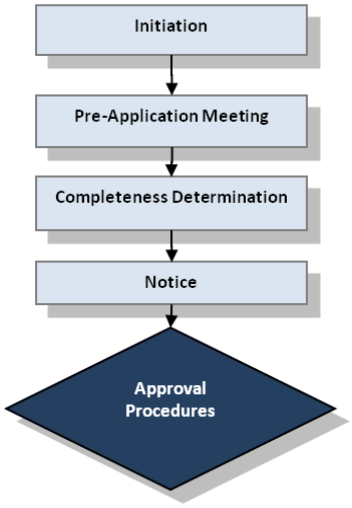
The notice, decision making authority, public hearing, and other requirements for all approvals shall comply with the Texas Local Government Code and other applicable state or federal laws, rules, or regulations. This article shall be interpreted and applied in accordance with all applicable state or federal laws, rules, and regulations. If these requirements conflict with the Local Government Code, the Local Government requirements control.

10.3.3. INITIATION

A. All applications in this article shall be submitted to the Planning and Development Services Department by the following parties, unless otherwise indicated by this article:

1. any owner of the property subject to the application, or

2. an agent, lessee, or contract purchaser specifically authorized by the owner to file the application.



B. The restrictions in Subsection A above do not apply to applications filed by the City.

C. All applications shall be accompanied by a reasonable fee as established by resolution of the City Council.

10.3.4. PRE-APPLICATION CONFERENCE

A. Purpose

The purpose of the pre-application meeting is to provide an opportunity for the applicant and the City to discuss the development proposal and to resolve potential issues before the applicant and the City incur substantial time and expense in submitting and reviewing the application.

B. Applicability

A pre-application meeting is required prior to certain types of applications, as listed in Table 10.2-1 and Section 10.4, *Specific Review Procedures*. Applications for these types of approvals shall not be accepted until after the pre-application meeting is completed.

C. Meeting Process

1. City staff shall coordinate with the applicant and facilitate the meeting, including scheduling the time and location of the meeting.

2. At the meeting, City staff may:

a. Determine the required application(s) and the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);

b. Provide the applicant with application materials and inform the applicant of submittal requirements and procedures;

c. Provide the applicant with an estimated time frame for the review process;

d. Based on a conceptual plan of the proposal (if required), generally discuss compliance with the Code's zoning, use, density, and design and development standards, and attempt to identify potentially significant issues regarding compliance;

e. Refer the applicant to other departments or agencies to discuss potential significant issues prior to application submittal; and

f. Consider or answer questions by the applicant relating to the application process, the standards established in this Code, required documents, fees, and any other inquiries relating to the application.

3. Applicants are advised that the meeting should take place prior to any substantial investment, such as a land acquisition for a proposed development, site and engineering design, or the preparation of other data.

10.3.5. COMPLETENESS DETERMINATION

A. Applicability

This section applies to any application that is subject to this article.

B. Application Materials

1. The Zoning Administrator may publish application materials for the processes established in this article. The materials shall include information that describes the application, demonstrates compliance with this Code, and addresses potential adverse effects created by the proposed development.

2. No application is complete unless all of the information required by Section 10.4, *Specific Review Procedures*, and any application materials required by the Planning and Development Services Department are included, and all required filing fees are paid. An application is not considered filed until it is complete. The Zoning Administrator may allow the applicant to submit any required information later in the review process in order to complete final action on the application.

3. The applicant shall file an application in advance of any required public hearing or public meeting where the application is considered. The Zoning Administrator may establish a schedule for filing and reviewing any application that requires action by the City Council, Planning and Zoning Commission, Zoning Board of Adjustment, Landmark Preservation Commission, Zoning Administrator, or Building Official. The schedule shall

provide adequate time for notice and/or publication consistent with the applicable state statutes and this article. Completed applications shall be filed according to any published schedule.

C. Review Procedure

1. No later than 10 business days after an application is filed, the Zoning Administrator shall determine whether the application is complete and shall transmit a written determination to the applicant. If the written determination is not made within this time period, the application is deemed complete. Failure to complete this review within the specified time does not constitute approval and does not give rise to any cause of action against the City.

2. If the application is determined not to be complete, the Zoning Administrator shall provide written notice to the applicant of the failure. The notice shall specify the necessary documents or other information and the date the application will expire if the documents or other information is not provided. The Zoning Administrator shall provide this notice no later than the 10th business day after the date the application is filed.

3. The application expires on or after the 45th day after the date the application is filed if:

a. the applicant fails to provide documents or other information required by Section 10.3.5.B above;

b. the Zoning Administrator provides the notice described in Subsection 2, above; and

c. the applicant fails to provide the specified documents or other information within the time provided in the notice.

4. If an application expires, the City will not process the application. The applicant must file a new application in order to obtain the requested approval.

5. If the application is determined to be incomplete, the applicant may appeal that decision in writing to the agency charged with authority to approve the application (the “approving agency”). The appeal is considered concurrent with action on approval or denial of the application. If the approving agency determines that the application is incomplete, it may determine that the application has expired, or it may delay final approval pending the submittal of complete information. If the approving agency determines that the application is complete, it may render a final decision on the application.

6. An applicant and the Zoning Administrator may mutually agree to an extension of any time limit provided by this section.

D. Notice Of Application Acceptance

When the Zoning Administrator determines that an application is filed in proper form and is ready to be formally accepted, it shall notify the applicant in writing. The application is then processed according to the remainder of this section, including referrals to outside agencies and scheduling for public hearing, as applicable.

E. Time Limits Triggered By Complete Application

Whenever this chapter establishes a time period for processing an application, the time period does not begin until the Zoning Administrator has reviewed the application for completeness and the applicant has corrected all deficiencies in the application.

F. Electronic Documents For Archive

Final plans or other documents that will be archived must be submitted in an electronic format specified by the Zoning Administrator as a condition to issuance of any type of permit, approval, or action related to final plans or documents. An electronic conversion may be provided for a fee in the amount set forth by City Council resolution. The Zoning Administrator shall provide a schedule indicating which documents must be provided electronically, at which point during the approval process, and other information as necessary to implement an electronic archiving program.

10.3.6. PUBLIC NOTICE

Unless otherwise specified, notice for public hearings shall be provided at least 16 days before the date of the hearing. Table 10.3-2 sets forth the specific notice requirements for each application.

A. Contents Of Notice

Notices, whether by publication or mail (written notice), shall, at a minimum:

1. Identify the application by application number or title.

2. Identify the address or location of the property subject to the application and the name of the applicant or the applicant's agent.

3. Specify the date, time, and place of the public hearing.

4. Describe the land involved by street address, or by legal description and the nearest cross street, and project area (size).

5. Describe the application or proposal.

6. Identify the location (e.g., the offices of the Planning and Development Services Department) where the public may view the application and related documents.

7. Include a statement that the public may appear at the public hearing or be heard and submit evidence and written comments with respect to the application.

8. Include a statement indicating the City will accept public comments prior to the public hearing, describing where written comments will be received, and stating that comments must be submitted prior to the close of the public hearing in order to be entered into the record.

B. Published Notice

When published notice is required, the Zoning Administrator shall prepare the content of the notice and publish the notice in an official newspaper or a newspaper

of general circulation in the city. The content and form of the published notice shall be consistent with Chapter 211, Texas Local Government Code.

C. Written (Mailed) Notice

1. Written notice is required if this Code requires a public hearing on the application.

2. When written notice is required, the Zoning Administrator shall prepare and mail the written notice.

3. Table 10.3-2 indicates when written notice is required.

4. The Zoning Administrator shall send the written notice to:

a. The owner of the property for which the approval is sought, and

b. Each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property, or 1,320 feet if the application includes a gas well, including streets, alleys, and other rights-of-way; and

c. Any other parties entitled to receive written notice by mail under state law.

5. The notice required by this subsection shall be postmarked no later than the required number of days prior to the hearing at which the item will be considered. See Table 10.3-2 for the required number of days for notice.

D. Posted (Sign) Notice

1. General

a. The applicant must provide the notice required by this subsection, unless this Code or state law requires another form of notice.

b. If a public hearing is required, the required number of signs must be posted on the property that is subject to application or appeal.

c. The City shall post the notification sign as required by this section. The Zoning Administrator may authorize the applicant to post the sign(s).

2. Number of Signs Required

a. The following number of notification signs is required, unless the tract has frontage on more than one public right-of-way. A minimum of one sign per street frontage is required.

TABLE 10.3-1: Notification Signs

Size	Number of signs
Less than 15 acres	1
15 – 25 acres	2
More than 25 acres	3

b. The Zoning Administrator may authorize a fewer number of signs if additional signs do not significantly increase visible notice due to the configuration of the tract or its physical orientation to the public right-of-way.

c. No more than three notification signs are required to be posted on the property, regardless of its size.

3. Timing

a. The required number of notification signs shall be posted on the property at least 16 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.

4. Placement Of Signs

a. The signs must be posted at a prominent location adjacent to a public street and be easily visible from the street.

b. The erection and/or the continued maintenance of any notification sign(s) does not affect subsequent action (such as holding a public hearing, submitting a recommendation concerning or adopting a proposed zoning amendment, or any other official action) unless the party objecting to the notice demonstrates that the defect was substantial and likely affected participation at the hearing.

c. The signs shall be removed within five days after final action on the case.

5. Illegal Removal Of Signs

It is unlawful to intentionally or knowingly remove a notification sign that has been posted pursuant to this section, or to in any way tamper with or conceal the sign message.

E. Other Notices

Applicants are responsible for any additional notice requirements in this Code, other City ordinances, or state law.

F. Summary Table Of Notice Requirements

The following table summarizes the required notice in this article.

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[1]
Planned Developments	✓	✓	✓	16 days
Multi-family Development Plans	✓	✓	✓	16 days
Specific Use Permits	✓	✓	✓	16 days
Variances	✓	✓		16 days
Appeals to Zoning Board of Adjustment	✓	✓		11 days
Landmark District Designation	✓	✓	✓	16 days
Landmark District Certificates of Appropriateness	✓			16 days

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)

[1] If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the city and is not included on the most recently approved municipal tax roll, the notice is given in the manner provided for zoning ordinance amendments.

G. Re-Noticing

A new notice is required if there is a substantial difference between the action described in the notice and the final action, unless the final action is a smaller change from the existing situation.

10.3.7. APPROVAL PROCEDURES

This section identifies approval and public hearing procedures for applications that are subject to this article. Procedures for specific types of applications are located in Section 10.4, *Specific Review Procedures*. All approval procedures shall comply with the Texas Local Government Code and this article. If these requirements conflict with the Local Government Code, the Local Government Code controls.

A. Submission of Information

Any person may appear at a public hearing and give testimony or submit written materials, either individually or as a representative of an organization.

B. Duties of the Zoning Administrator

The Zoning Administrator shall submit a written report to the agency with recommending or decision making authority. The Administrator's report shall include the reports and recommendations of other City departments, if applicable.

C. Postponement of Public Hearings at Applicant's Request

An applicant may request a postponement of the scheduled public hearing at least six business days prior to the scheduled public hearing. If any publication or notice is provided by the City, the applicant is responsible for any costs or fees associated with the postponement. If the request is submitted less than six days prior to the scheduled public hearing, the decision-making body may, in its discretion, either hold or continue the public hearing.

D. Continuances

The decision-making body may continue a hearing to a specified date, time, and place. The date of continuance shall be made part of the motion and publicly announced at the public hearing. The Zoning Administrator shall ensure that notice of the continuance is posted at least 72 hours before the continued public hearing date in the same manner as originally posted. Publication or property owner notification of the continued date is not required, unless required by state law or recommended by the hearing body or the Zoning Administrator.

E. Tabling a Decision

A decision-making body may close a public hearing and table the decision. The request shall appear on each subsequent agenda unless the decision is deferred to a specific date.

F. Other Rules to Govern

Other matters pertaining to the public hearing shall be governed by other provisions of these regulations applicable to the body conducting the hearing and its adopted rules of procedure.

G. Action Following Denial

If an application is denied, the applicant may appeal the decision in accordance with Section 10.3.12, or as set forth in Section 10.4, *Specific Review Procedures*.

10.3.8. CRITERIA

A. Generally

1. All applications shall comply with all applicable standards in Articles 2 through 7 of this Code, this section, and Section 10.4, *Specific Review Procedures*.

2. The decision-making body may impose conditions reasonably calculated to achieve or maintain compliance with all applicable criteria.

3. The decision-making body may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the City that enforces the conditions.

B. Default Criteria

1. Generally

Unless otherwise specified in this article, City review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below. The application may also be subject to additional review criteria specific to the type of application, as stated below. If there is a conflict between the general review criteria in this section and the specific review criteria in Section 10.4, Section 10.4 controls.

2. Prior Approvals

The proposal shall be consistent with the terms and conditions of any prior plan or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

3. Consistent with Comprehensive Plan and Other Applicable Plans

The proposal shall be consistent with the comprehensive plan and any applicable sub-area, neighborhood, sector, or district plan. The decision-making authority:

a. shall weigh competing plan goals, policies, and strategies; and

b. may approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Comprehensive Plan or other applicable plans.

4. Compliance with Use and Development Standards

a. The proposal shall comply with all applicable standards in Articles 2 through 7, unless the standard is lawfully modified, varied, or waived.

b. Compliance with these standards is applied at the level of detail required for the subject submittal.

5. Compliance with Other Applicable Regulations

The proposed development shall comply with all other City regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.

6. Consistent with Interlocal Agreements

The proposed development shall be consistent with any adopted interlocal agreements, and comply with the terms and conditions of any interlocal agreements incorporated by reference into this Code.

7. Minimizes Adverse Environmental Impacts

The proposed development shall be designed to minimize negative environmental impacts, and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.

8. Minimizes Adverse Impacts on Surrounding Property

The proposed development shall not cause significant adverse impacts on surrounding properties.

9. Minimizes Adverse Fiscal Impacts

The proposed use shall not result in significant adverse fiscal impacts on the City.

10. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

11. Provides Adequate Road Systems

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed use shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

12. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

13. Rational Phasing Plan

If the application involves phases, each phase of the development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

C. Substantial Compliance

1. The decision-making body may approve an applicable permit or plan subject to Section 10.4 if it literally complies or substantially complies with the applicable approval criteria.

2. Unless a specific permit or process establishes different criteria, a permit or plan substantially complies with the applicable approval criteria if the proposed use or development:

a. Does not exceed any dimensional or numerical criteria by more than five percent, and

b. Does not significantly:

(i) Alter the basic relationship of the proposed development to adjacent property;

(ii) Change the uses permitted;

(iii) Increase the maximum density, floor area ratio, or height;

(iv) Decrease the amount of required off street parking; or

(v) Reduce the minimum yards required at the boundary of the site.

10.3.9. WITHDRAWAL AND REAPPLICATION

A. Withdrawal of Application by Applicant

1. An applicant may withdraw an application, without prejudice, at any time before it is placed on the agenda of a public hearing or meeting.

2. The applicant shall submit in writing the withdrawal request to the Zoning Administrator.

3. After it is withdrawn, the City shall not take further action on the application.

4. To re-initiate review, the applicant shall submit a new application and fee.

5. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

B. Limitations On Reapplications

1. When an application submitted pursuant to this Code is denied, no new application for the same or substantially the same request, as determined by the Zoning Administrator, shall be submitted or accepted within one year of the date of the denial unless:

a. The Zoning Administrator determines that the resubmitted application corrects the stated objections, and

b. Resubmittal of the application complies with applicable Texas law.

2. Resubmittals are subject to all processing fees, submittal requirements, and review standards in effect at the time the resubmittal is accepted by the Zoning Administrator.

10.3.10. SCOPE OF APPROVAL

A. Expiration of Approval

1. An individual permit or approval under this article expires if no progress is made towards completion of the project within two years after it is approved or the expiration date provided in Subsection 2, whichever occurs later.

2. A project expires if no progress is made towards completion of the project by the fifth anniversary of the date that the first permit application was filed for the project.

3. For purposes of this subsection, progress towards completion of the project is as defined in Texas Local Government Code § 245.005.

B. Extensions of Approval Period

1. The Zoning Administrator may grant one extension of an approval period of up to 12 months for good cause.

2. All requests for extensions shall be submitted to the Zoning Administrator in writing at least 30 calendar days prior to the expiration of approval.

3. An extension request shall include:

a. A narrative stating the reasons for the applicant's inability to comply with the specified deadlines; and

b. A narrative describing any changes in the character of the neighborhood, the Comprehensive Plan, or this Code that have occurred since approval of the permit/plan;

c. How any changes described in Subsection B.3.b, above, affect the permit/plan; and

d. The anticipated time schedule for completing the review project and/or the specific project.

4. Additional review of the permit/plan may result in additional conditions, as applicable.

10.3.11. REVOCATION

A. Initiation

1. The Zoning Administrator shall investigate alleged violations of imposed condition or conditions.

2. Based on the results of the investigation, the Zoning Administrator shall determine whether or not to terminate or suspend (for a specific period) the permit.

3. If the Zoning Administrator determines that the permit should be terminated or suspended, the Zoning Administrator shall file a recommendation along with the reasons for the determination with:

a. The body that approved the permit, or

b. If the Zoning Administrator approved the permit, the Zoning Board of Adjustment.

4. If the Zoning Administrator recommends termination or suspension, the approving body or Zoning Board of Adjustment shall conduct a public hearing on the matter:

B. Grounds for Revocation

The following are grounds for revocation of a permit:

1. The intentional provision of materially misleading information by the applicant. The provision of information is considered “intentional” where the applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence;

2. The failure to comply with any condition of a permit or approval; or

3. The failure to comply with an applicable requirement of this Code, other ordinances, or other applicable laws, rules, or regulations.

C. Notice and Public Hearing

The Zoning Administrator shall provide notice of the hearing before the approving body or Zoning Board of Adjustment to the permit holder at least 10 working days prior to the hearing. The notice shall be in writing and delivered by personal service or certified mail to the permit holder and shall inform the permit holder of the Zoning Administrator's recommendation and the date and location of the hearing.

D. Decision and Notice

1. An order or decision to revoke or suspend the permit requires a vote of 75 percent of the members of the approving body or Zoning Board of Adjustment.

2. The order shall contain findings that address the basis for the decision by stating at a minimum:

a. The conditions that provided grounds for revocation;

b. The harm caused by the violation;

c. If the approval or permit is suspended, the length of time that the violation can be cured; and

d. If the approval or permit is terminated, the reason why the violation cannot be cured.

E. Effect and Appeals

1. A petition complaining of the Zoning Board of Adjustment's decision may be presented to a court of competent jurisdiction pursuant to Texas Local Government Code § 211.011. The petition must be presented within 10 days after the decision is filed. If no petition is timely filed, the decision becomes final on the eleventh day after it is filed.

2. If the appeal is from the decision of another approving body, the petition shall be presented to a court of competent jurisdiction as provided in Subsection 1, above, unless another provision of Texas law or the City codes applies to appeals from a decision of the approving body.

F. Right Cumulative

Revocation and suspension are in addition to, not in lieu of, other remedies and enforcement proceedings.

10.3.12. APPEALS

A. Applicability

1. Any person, taxpayer, officer, department, board, or department of the City of Arlington aggrieved by any decision subject to this article may appeal the decision.

2. This section establishes general rules for filing an appeal. Specific rules for filing an appeal are established in Section 10.4. For example, some approvals are appealable to the Zoning Board of Adjustment, while others are appealable to the City Council or Planning and Zoning Commission. Refer to Section 10.4 to determine any additional procedures for initiating and processing an appeal for an individual permit.

3. In each case, a public hearing is required in accordance with the hearing procedures set forth in Article 9, *Review Authorities*, and Section 10.3.7, *Approval Procedures*.

B. Request

1. An appeal must be filed with the board and the official from whom the appeal is taken 10 days after the decision is rendered.

2. An appeal is filed by submitting a notice of appeal that specifies the grounds for the appeal.

3. The officer from whom the appeal is taken shall transmit to the appeal authority all the papers constituting the record of the action that is appealed.

C. Staying of Proceedings

An appeal stays all proceedings of the action appealed from, unless the officer from whom the appeal is taken certifies to the appeal authority that a stay would cause

imminent peril to life or property. In this case, proceedings shall not be stayed otherwise than by a restraining order. A restraining order may be granted by the appeal authority or by a court of record. A restraining order requires an application, notice to the officer from whom the appeal is taken, and due cause shown.

D. Interpretation

In considering an appeal, the Board of Zoning Appeals or agency considering the appeal may interpret this Code or associated official maps, forms, or other documents.

10.4. SPECIFIC REVIEW PROCEDURES

10.4.1. UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

A. Applicability and Jurisdiction

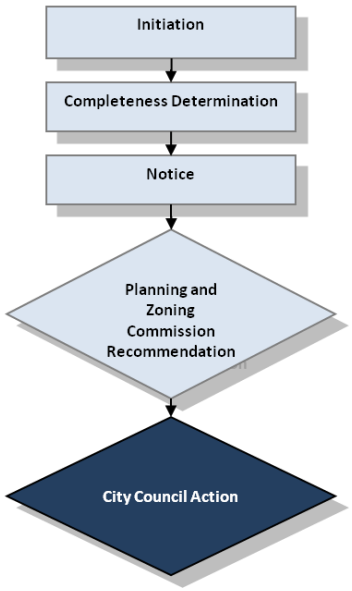
The City Council may amend this Code by ordinance.

B. Initiation

See Section 10.3.3. Any of the following parties may initiate a text amendment:

1. The City Council on its own motion, or on petition of an interested property owner, or
2. The Planning and Zoning Commission, or
3. The Zoning Administrator.

UDC Text Amendment Procedures



C. Completeness Determination

Applications must be complete as required by Section 10.3.5.

D. Notice

Published notice required pursuant to Section 10.3.6.

E. Approval Procedures

1. **Action By The Planning And Zoning Commission**
   The Planning and Zoning Commission shall hold a public hearing on any text amendment, supplement, or change. The Commission shall approve, deny, or modify the application and forward its report and recommendation to the City Council.

2. **Action By City Council**
   The City Council has final authority to adopt, modify, or deny any proposed text amendment.

F. Criteria

The Planning and Zoning Commission may recommend, and the City Council may approve a text amendment in its sole legislative discretion. The Planning and Zoning Commission and City Council may consider any or all of the following factors, along with any other relevant facts or circumstances:

1. Any of the general criteria in Section 10.3.8.
2. Whether the proposed amendment is supported by sound planning principles.
3. Whether the amendment promotes the public health, safety, or welfare.
4. Whether the amendment is appropriate for any of the following reasons:
   - **a.** A material change in circumstances.
   - **b.** The amendment would avoid a hardship to the applicant or affected property owners.

c. The amendment corrects an error or omission made when this Code was adopted or amended.

5. Whether the amendment is otherwise in the best interest of the City.

6. Any other factors required or allowed by Texas law.

10.4.2. ZONING MAP AMENDMENTS (ZONE CHANGES)

A. Applicability and Jurisdiction

The City Council may amend, supplement, or change the boundaries of any zoning district.

B. Initiation

1. Zoning Map Amendments

See Section 10.3.3. Any of the following parties may initiate a zoning map amendment:

a. City Council on its own motion, or on petition of an interested property owner,

b. Planning and Zoning Commission, or

c. Zoning Administrator.

2. Conservation District overlay

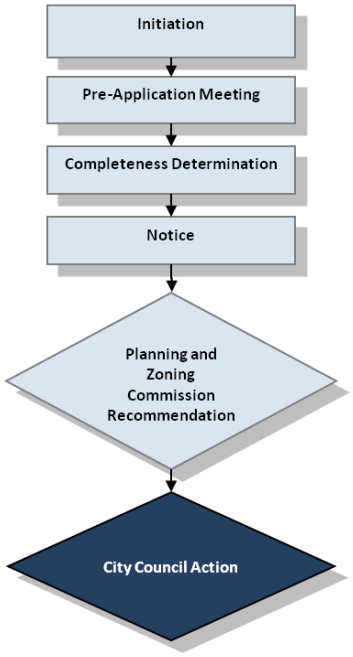
A zone change to a conservation district overlay may be initiated only through any one of the following procedures:

a. Request of property owners representing 60 percent of the land area within the proposed district;

b. Request of 60 percent of the property owners within the proposed district; or

c. Request of the Director of Planning and Community Development, pursuant to a recommendation in a neighborhood plan or other plan adopted by the City Council.

Zoning Map Amendment Procedures



C. Pre-Application Conference

A pre-application conference is encouraged, but not required.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published, written, and posted notice required pursuant to Section 10.3.6.

F. Approval Procedures

1. Action By The Planning And Zoning Commission

The Planning and Zoning Commission shall hold a public hearing on any zoning map amendment. The Commission shall approve, deny, or modify

the application and forward its report and recommendation to the City Council.

2. Action By City Council

a. The City Council has final authority to adopt or deny any proposed zoning map amendment.

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 zoning change, 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.

d. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

G. Criteria

As a legislative decision, the decision to rezone is subject to the City Council's discretion. However, a rezoning is subject to state law and factors set out in the case law. The Planning and Zoning Commission and City Council may consider any or all of the following factors, along with any other relevant facts or circumstances:

1. The Comprehensive Plan and other adopted plans,

2. The character of the surrounding neighborhood, and

3. Any other factors required or allowed by Texas law.

H. Withdrawal And Reapplication

To promote the stability and well-being of the community and offer certainty to the city's citizens regarding the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:

1. A reapplication within 12 months of the date of the application for a zoning map amendment shall not be heard for a particular parcel of property if:

a. Within 12 months prior to the date of the application a zoning map amendment or similar application was denied by the City Council or a zoning case was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property that was all or a part of the previously denied or withdrawn case;

c. The reapplication is for the same or a more intense zoning district (as defined in Subsection 2, below) than the district requested in the previous application.

2. For purposes of applying the district intensity standard in Subsection 1.c above, the zoning districts established in this Code are listed in order, from the least to most intense, in Table 10.4-1 below. A Planned Development

district is more intense than the district requested in a previous application if it requests a greater number of dwelling units or floor area, or a higher density or floor area ratio, than the previous application. Subsection 1 does not apply to zoning applications that request an overlay district.

TABLE 10.4-1: Zoning District Intensity

Abbreviation	District Name
RE	Residential Estate
RS-20	Residential Single-Family 20
VG	Village on the Green
RS-15	Residential Single-Family 15
RS-7.2	Residential Single-Family 7.2
RS-5	Residential Single-Family 5
RM-12	Residential Medium-Density 12
RMF-22	Residential Multi-Family 22
LO	Limited Office
NC	Neighborhood Commercial
OC	Office Commercial
CC	Community Commercial
DB	Downtown Business
GC	General Commercial
HC	Highway Commercial
BP	Business Park
LI	Light Industrial
NMU	Neighborhood Mixed-Use
RMU	Regional Mixed-Use
IM	Industrial Manufacturing
PD	Planned Development

3. The City Council, for good cause, may waive any limitation period for refiling in this section.

I. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

10.4.3. PLANNED DEVELOPMENTS

A. Applicability and Jurisdiction

1. A Planned Development (PD) is a type of zoning amendment, and includes maps, plans, and regulations.

2. The City Council may create, amend, or abolish PDs by ordinance.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5. A complete PD application requires the submission of a complete PD Development Plan as described in the application form provided by the Zoning Administrator.

E. Notice

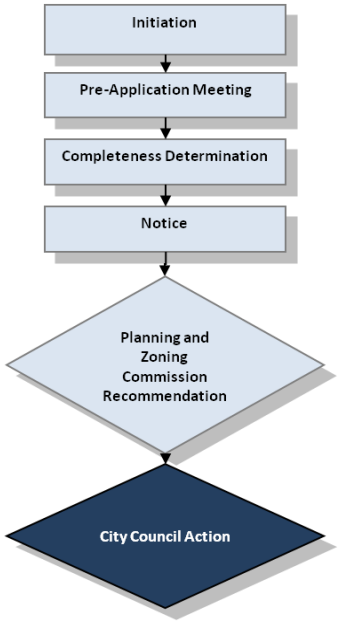
Published, written, and posted notice required pursuant to Section 10.3.6.

F. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing on any zoning map amendment related to a planned development. The Commission shall approve, deny, or modify the application and forward its report and recommendation to the City Council.

Zoning Map Amendment Procedures, Planned Developments



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.

d. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

3. Modifications to PD Development Plans Submitted After Public Notice Given

The applicant shall submit any modification to a proposed PD Development Plan submitted after notice is given to the Planning and Development Services Department for review and comment prior to its presentation to the Planning and Zoning Commission and/or City Council for approval. The modification shall not constitute a more intense development proposal than the PD Development Plan that was given public notice. If redesigns are submitted in a manner in which time is not available for adequate review by

staff, the case may be delayed and a fee for notification and re-advertising required.

4. Modifications Prior to Second Reading

Prior to approval on second reading, the required PD Development Plan shall be amended to reflect all stipulations as approved by the City Council on first reading. Upon approval, the Zoning Administrator shall furnish a copy to the Building Official and City Secretary.

G. Criteria

As a legislative decision, the decision to rezone to a Planned Development district is subject to the City Council's discretion. However, a rezoning is subject to state law and factors set out in the case law. The Planning and Zoning Commission and City Council may consider any or all of the following factors, along with any other relevant facts or circumstances:

1. The criteria set out in Section 10.4.2.G and 10.3.8.

2. The degree to which the planned development:

a. addresses a unique situation,

b. confers a substantial benefit to the City, or

c. incorporates creative site design to achieve the purposes of this Code, and represents an improvement in quality over what is possible through strict application of the otherwise applicable district or development standards. The improvements in quality may include, but are not limited to:

(i) improvements in open space provision and access;

(ii) environmental protection;

(iii) tree/vegetation preservation;

(iv) creation of multiple-use projects including residential, commercial, or recreational facilities;

(v) efficient provision of streets, roads, and other utilities and services; or

(vi) increased choice of living and housing environments.

3. The applicant's proposal is impracticable to achieve within one of the City's residential, non-residential, or mixed-use zone districts in accordance with Article 2, *Zoning Districts*, but is consistent with the criteria above.

H. Withdrawal And Reapplication

See Section 10.4.2.H.

I. Scope of Approval

1. Actions Following Approval of Planned Developments

a. A PD Development Plan is binding on the owner(s) and successors of the property shown on the plan and shall control all building permits.

b. Building permits for any partial development or construction on land contained in an approved PD Development Plan shall comply with phasing approved on the PD Development Plan.

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.

d. When common open space, common recreational areas, or common area containing other amenities to the development are approved as a part of a PD Development Plan, the areas shall be retained, owned, and maintained by the owner or owners of the units contained within the development or the owners' association to which they are members.

2. Expiration Of Plan

a. A PD Development Plan expires unless progress is made towards completion of the project (See Section 10.3.10.A, *Expiration of Approvals*).

b. The City Council may, on its own authority, establish a development or expiration schedule different from this article as a condition of approval of a PD Development Plan. The schedule may mandate that construction occurs within a shorter or longer time and/or that construction may not begin until a certain time or performance has occurred. The conditions of the approved scheduling shall be shown on the PD Development Plan.

c. Property with a preliminary development plan under a prior version of this Code that does not have a final plan is subject to the adopted design standards and the minimum standards required by this Code.

3. Expired Plans

a. When a PD Development Plan expires and a use/density/housing type is designated on the plan, and there is no separate ordinance which designates that specific use/density/housing type, then the specific use/density/housing type shown on the plan is considered part of the zoning and applies to the site.

b. An original PD Development Plan, even though expired, is considered an indivisible unit in terms of amendment to any portion and is subject to the standards of Section10.4.3.J, *Amendments to Approved Plans*.

4. Amendment Over Protest

See Section 10.4.2.I.

J. Amendments to Approved Planned Developments

1. An amended PD Development Plan is processed in the same manner as the original approval. The application for an amendment shall include all land described by the original ordinance amendment zoning the land to "PD", unless otherwise permitted in this section.

2. An amendment to a PD Development Plan requires an amendment to the entire original PD rezoning ordinance, unless the conditions in Subsection 3 below apply. If any portion of the original district is modified:

a. The modification shall be noted on the approved PD Development Plan;

b. The modification is treated as a change to the entire plan for the purposes of notification;

c. All owners within the boundary and within 200 feet of the boundary of the original district shall be given due notice of public hearing and have the right to petition against the change; and

d. The applicant shall provide the following evidence of notification of the proposed modification:

(i) A statement in writing signed by the landowner(s) that they have received notice of the proposed modification; or

(ii) Evidence of notice having been sent by certified mail and the return receipt; or

(iii) A statement acknowledged by a notary and made by the proponent or the proponent's agent that delivery of notice has been made and stating the name of the person who has received the notice. The applicant shall give this notice to all owners of property contained within the original "PD" district and to the owner's address as listed on the City's current tax roll.

3. The owner may apply for an amendment to the owned portion of an approved PD Development Plan only when:

a. The ownership constitutes a separately platted lot,

b. There is no change to internal traffic patterns,

c. There is no impact on adjacent lots in the PD Development Plan, and

d. The notification procedures in this section are complied with.

4. The application fee shall be calculated on the amended portion of the plan.

K. Substantial Compliance With PD Development Plans

1. The Zoning Administrator may approve amendments to the PD Development Plan, building permits and other permits subsequent to approval of a PD Development Plan if they substantially comply with the PD Development Plan.

2. A permit substantially complies with the PD Development Plan if it does not significantly:

a. Alter the basic relationship of the proposed uses to adjacent uses;

b. Change the uses approved;

c. Increase approved densities, height, site coverage; or floor areas,

d. Decrease on-site parking requirements;

e. Reduce minimum yards or setbacks; or

f. Change traffic patterns.

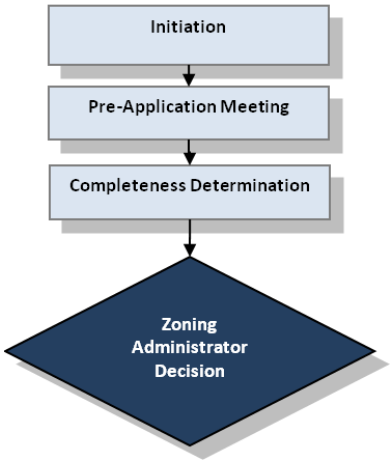
3. The Zoning Administrator will deny an amendment or permit that does not substantially comply with the approved development plan. The applicant may apply for a revision to the approved PD Development Plan in the same manner as the original.

10.4.4. ZONING SITE PLANS

A. Purpose

1. The purpose of the zoning site plan is to ensure compliance with the development and design standards of this Code prior to the issuance of required permits, and to encourage quality development that reflects the goals and objectives of the comprehensive plan.

Zoning Site Plan Procedures



B. Applicability

Zoning site plan review is required for:

1. Any change in use from one primary use classification to another in the EDO overlay district, as described in Section 5.8.1.A, *Change in Use*.

2. Any improvements in the public realm of the EDO overlay district.

3. Administrative revisions to plans approved under this section.

C. Initiation

See Section 10.3.3.

D. Pre-Application Conference

The applicant may attend a pre-application meeting in accordance with Section 10.3.4.

E. Completeness Determination

See Section 10.3.5.

F. Approval Procedures

1. Jurisdiction

The Zoning Administrator shall approve, approve with conditions, or deny a zoning site plan.

2. Approval of Zoning Site Plan

a. If the Zoning Administrator determines that the zoning site plan complies with this Code, the Zoning Administrator shall approve the zoning site plan and notify the applicant in writing.

b. If the zoning site plan requires conditions in order to comply with this Code, the Zoning Administrator shall state the conditions in the notice to the applicant. If a subdivision plat is required for the development, the Zoning Administrator may condition zoning site plan approval on plat approval.

3. Denial Of Zoning Site Plan

If the Zoning Administrator determines that the zoning site plan does not comply with this Code, the Zoning Administrator shall deny the zoning site

plan and notify the applicant in writing. The notification shall include an explanation of why the zoning site plan was denied.

G. Criteria
See Section 10.3.8.

H. Withdrawal And Reapplication
See Section 10.3.9.

I. Scope Of Approval
See Section 10.3.10.

J. Appeals
Appeals from the decision of the Zoning Administrator are to the Zoning Board of Adjustment.

10.4.5. MULTI-FAMILY DEVELOPMENT PLANS

A. Applicability and Jurisdiction

1. The multi-family development plan provides a means to develop multi-family projects and apartment complexes in a manner that is compatible with adjacent property, consistent with the character of the neighborhood, and reflects the goals and objectives of the comprehensive plan.

2. Approval of a multi-family development plan is required for:

a. New construction of a multi-family residential building in the RH-22, DB, NMU, or RMU district.

b. Amendments to 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.

3. Multi-family development plan approval occurs by ordinance.

B. Initiation
See Section 10.3.3.

C. Pre-Application Conference
The applicant may attend a pre-application meeting in accordance with Section 10.3.4.

D. Completeness Determination
See Section 10.3.5.

E. Notice
Published, written, and posted notice required. See Section 10.3.6.

F. Approval Procedures

1. Action by the Planning and Zoning Commission
The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission

shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

G. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed development:

a. Complies with the general criteria of Section 10.3.8;

b. Complements or is compatible with the surrounding uses and community facilities; and

c. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.

2. An ordinance approving a multi-family development plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location with regard to the welfare and protection of adjacent property from noise, traffic, or other undesirable conditions.

H. Withdrawal and Reapplication

In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:

1. A reapplication within 12 months of the date of the application for the same multi-family development plan will not be heard if:

a. Within 12 months prior to the date of the application a multi-family development plan or similar application was denied by the City Council or a multi-family development plan was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope Of Approval

1. Amendment To Multi-family Development Plan

The Zoning Administrator may approve building permits or other permits subsequent to approval of multi-family development plan that substantially complies with the ordinance approving the plan.

2. Effect Of Approval Or Denial

See Section 10.3.10.

3. Expiration of Plan

a. A multi-family development plan shall expire two years from the date of City Council approval unless prior to the expiration date, a building permit for a new structure is issued for the project described on the plan, and actual construction starts within 180 days of the issuance of the building permit.

b. If construction or work is suspended for a period of 180 days after work has commenced and the expiration date has passed, the development plan shall expire. However, the Planning and Zoning Commission may extend the expiration for a period of up to two years.

c. The City Council may establish an expiration date as a condition of approval of a multi-family development plan.

d. If a development plan expires, a building permit shall not be issued until a new multi-family development plan has been approved in accordance with this section.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

10.4.55 MIXED-USE DEVELOPMENT PLANS

A. Applicability and Jurisdiction

1. The mixed-use development plan provides a means to develop mixed-use developments in a manner that is compatible with adjacent property, consistent with the character of the neighborhood, and reflects the goals and objectives of the comprehensive plan.

2. Approval of a mixed-use development plan is required for:

a. New construction of a mixed-use building in the NMU, RMU, DB, DNO, LCMUO, and EDO districts.

b. Amendments to 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.

3. Mixed-use development plan approval occurs by ordinance.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

The applicant may attend a pre-application meeting in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published, written, and posted notice required. See Section 10.3.6.

F. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

G. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed development:

a. Complies with the general criteria of Section 10.3.8;

b. Complements or is compatible with the surrounding uses and community facilities; and

c. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.

2. An ordinance approving a mixed-use development plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location regarding the welfare and protection of adjacent property from noise, traffic, or other undesirable conditions.

H. Withdrawal and Reapplication

In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:

1. A reapplication within 12 months of the date of the application for the same mixed-use development plan will not be heard if:

a. Within 12 months prior to the date of the application a mixed-use development plan or similar application was denied by the City Council or a mixed-use development plan was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope of Approval

1. Amendment to Mixed-use Development Plan

The Zoning Administrator may approve building permits or other permits subsequent to approval of mixed-use development plan that substantially complies with the ordinance approving the plan.

2. Effect of Approval or Denial

See Section 10.3.10.

3. Expiration of Plan

a. A mixed-use development plan shall expire two years from the date of City Council approval unless prior to the expiration date, a building permit for a new structure is issued for the project described on the plan, and actual construction starts within 180 days of the issuance of the building permit.

b. If construction or work is suspended for a period of 180 days after work has commenced and the expiration date has passed, the development plan shall expire. However, the Planning and Zoning Commission may extend the expiration for a period of up to two years.

c. The City Council may establish an expiration date as a condition of approval of a mixed-use development plan.

d. If a development plan expires, a building permit shall not be issued until a new mixed-use development plan has been approved in accordance with this section.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

10.4.6. SPECIFIC USE PERMITS (SUP)

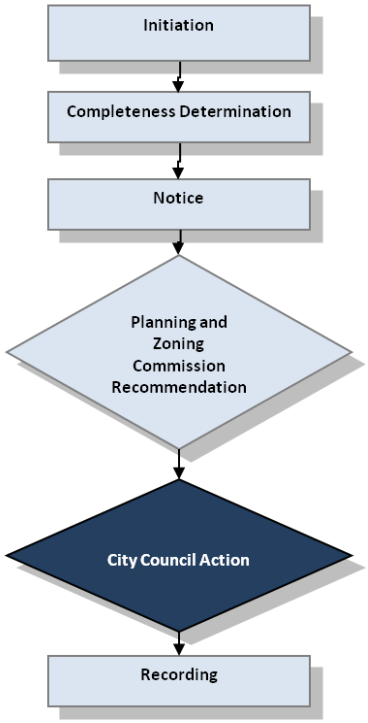
A. Applicability And Jurisdiction

1. The specific use permit (SUP) provides a means to develop certain uses in a manner that is compatible with adjacent property and consistent with the character of the neighborhood.

2. The City Council may grant, repeal, and amend Specific Use Permits (SUP's) for certain uses, but only where specified in this Code.

3. SUP approval occurs by ordinance, and is a type of zoning amendment.

Specific Use Permits Procedures



B. Initiation

See Section 10.3.3. Any of the following parties may initiate a specific use permit:

1. The City Council on its own motion, or on petition of an interested property owner, or

2. The Planning and Zoning Commission, or

3. The Zoning Administrator.

C. Completeness Determination

See Section 10.3.5.

D. Notice

1. Published, written, and posted notice required. See Section 10.3.6.

2. The applicant for a SUP for gas well drilling is required to provide all the notices necessary for the neighborhood meeting required in Section 10.4.6.J.

E. Approval Procedures

1. Action By The Planning And Zoning Commission

The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

2. Action By City Council

a. The City Council has 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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

d. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

e. The City Council shall approve a Specific Use Permit by ordinance. The ordinance may approve more than one specific use. The City Council may approve or deny all or part of the uses requested in the application.

F. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed use:

a. Complies with the general criteria of Section 10.3.8;

b. Complements or is compatible with the surrounding uses and community facilities; and

c. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.

2. An ordinance approving a specific use permit may impose development standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction of any use for which a permit is authorized. Consideration is given based on the existing conditions and location with regard to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.

G. Withdrawal and Reapplication

In order that specific use permits may promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:

1. A reapplication within 12 months of the date of the application for the same specific use permit will not be heard if:

a. Within 12 months prior to the date of the application a specific use permit or similar application was denied by the City Council or a zoning case was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case;

c. The application currently under consideration is for the same or a more intense land use as defined in Section 10.4.2 of this Code than the use requested in the previous application.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

H. Scope of Approval

1. Amendment To Specific Use Permit

The Zoning Administrator may approve building permits and other permits subsequent to approval of an SUP that substantially comply with the ordinance approving the SUP.

2. Effect of Approval or Denial

See Section 10.3.10.

3. Cancellation and Revocation through Inactivity

a. Specific Use Permits for uses other than gas well drilling shall be cancelled and revoked, and be of no effect two years after the date of approval, unless a building permit or a Certificate of Occupancy for the designated specific use has been issued within the two year period. The City Council may, in the adopting ordinance, provide an alternative expiration period.

b. Specific Use Permits for gas well drilling shall be cancelled and revoked, and be of no effect two years after the date of City Council approval, unless a gas well permit has been issued and drilling has commenced.

c. Repealed per UDC update on February 14, 2017.

I. Recording

All approved Specific Use Permits shall be referenced on the Zoning District Map as "SUP".

J. Neighborhood Meeting Required for a SUP for Gas Well Drilling

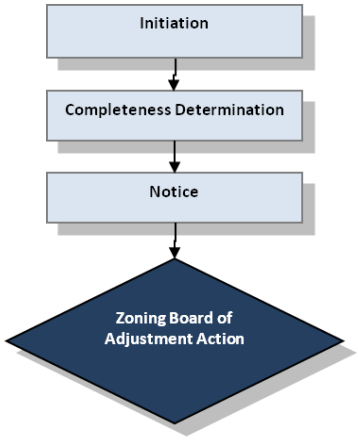
No more than thirty (30) days prior to the date of the public hearing before the Planning and Zoning Commission, an applicant for a SUP for gas well drilling must hold a public meeting with property owners, residents and neighborhood associations. The purpose of the meeting is to give residents an opportunity to review information related to the SUP for gas well drilling application and to ask questions about the project. The applicant shall be responsible for notice of the public meeting, arranging for a meeting place and conducting the meeting. Notice shall be made by depositing the same, properly addressed and postage paid, in the United States mail. Each notice shall include the date, time and place of the meeting, and must be mailed at least ten (10) days prior to the meeting to all surface owners within six hundred (600) feet of the proposed SUP boundary and to all registered neighborhood associations within one (1) mile of the proposed SUP boundary. The applicant shall provide the Zoning Administrator a copy of the notice at least five (5) business days prior to the meeting date. A summary of the meeting and a copy of the sign-in sheets for the meeting must be submitted to the Zoning Administrator within five (5) business days after the meeting.

10.4.7. ZONING VARIANCES AND APPEALS

A. Purpose

This section provides a process to gain relief from the strict application of the zoning provisions of this Code or to correct an error made by an administrative official.

Variances and Appeals Procedures



B. Applicability

1. The Zoning Board of Adjustment may grant a variance to any provision of this Code, unless the variance does not involve a zoning requirement and is assigned to another agency.

2. The Zoning Board of Adjustment may consider an appeal from any decision of an administrative official under this Code.

C. Initiation

See Section 10.3.3. See Section 10.3.12 for time limits relating to initiation of an appeal. An applicant may initiate a zoning variance at any time.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published and written notice required pursuant to Section 10.3.6.

F. Approval Procedures

1. The Zoning Board of Adjustment shall review the application and the recommendation of the Zoning Administrator and shall conduct a public hearing.

2. The public hearing shall comply with Texas Local Government Code §211.008 and any rules of procedure adopted by the Zoning Board of Adjustment.

3. After the hearing is closed, the Zoning Board of Adjustment shall approve, approve with conditions, or deny the application.

G. Criteria

The Zoning Board of Adjustment shall not approve a variance unless it finds that the criteria in Texas Local Government Code §211.009(a)(3) are met. In addition to the authority granted by §211.009, the Zoning Board of Adjustment may:

1. Authorize upon appeal in specific cases, and subject to appropriate conditions and safeguards, such variances from street frontage setback, side setback, rear setback, lot width, lot depth, or minimum setback standards, where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and so that the spirit of the code shall be observed and substantial justice done. The variance must be necessary to

permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit a person a privilege in developing a parcel of land not permitted by this Code to other parcels of land in districts with the same zoning district.

2. Initiate, on its own motion or otherwise, action to bring about the discontinuance of a nonconforming use in accordance with Article 11, *Nonconformities*.

3. Require the discontinuance of a nonconforming use under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

4. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code.

H. Withdrawal and Reapplication

1. No application for a variance is allowed on the same property less than six months from a previous ruling by the Zoning Board of Adjustment on any application unless other property in the immediate vicinity is subject to Subsection 2 below.

2. Where action is taken by the Zoning Board of Adjustment or City Council that alters the conditions on which the previous Zoning Board of Adjustment action was based, a reapplication is allowed. The Zoning Board of Adjustment may rehear the application within the six-month period. However, the change in circumstances does not compel the Zoning Board of Adjustment to approve the application. The application is considered entirely on its merits and the peculiar and specific conditions related to the property on which the application is brought.

I. Scope Of Approval

See Section 10.3.10.

J. Appeals From Zoning Board Of Adjustment

Any appeal to a Zoning Board of Adjustment decision must be made to a court of record within 10 days of the decision.

10.4.8. LANDMARK PRESERVATION OVERLAY DISTRICT DESIGNATION

A. Applicability

1. A Landmark Preservation Overlay district protects and preserves buildings, structure sites, and areas of historical or cultural importance.

2. The City Council may create, amend, and repeal Landmark Preservation Overlay districts by ordinance.

B. Initiation

See Section 10.3.3. An interested property owner may submit an application for a Landmark Preservation Overlay district.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published, written, and posted notice required. See Section 10.3.6.

F. Approval Procedures

1. Landmark Preservation Commission Review

The Landmark Preservation Commission shall hold a public hearing on any landmark preservation overlay district designation. The Landmark Preservation Commission shall recommend approval, denial, or modification of the application and forward its report to the Planning and Zoning Commission. The Landmark Preservation Commission may conduct its hearing jointly with the Planning and Zoning Commission, and submit a joint recommendation and report to the City Council.

2. Planning And Zoning Commission Review

The Planning and Zoning Commission shall hold a public hearing on any landmark preservation overlay district designation. The Commission shall recommend approval, denial, or modification of the application and forward its report to the City Council.

3. Action by City Council

The City Council has final authority to adopt, modify, deny, or remand any proposed landmark preservation overlay district designation.

G. Criteria

The Planning and Zoning Commission and the City Council shall consider one or more of the following criteria in establishing a Landmark Preservation Overlay district:

1. Existing or proposed recognition as a National Historic Landmark or Texas Historic Landmark or entry or nomination into the National Register of Historic Places;

2. Identification as the work of a designer, builder, or architect whose work has influenced or contributed to the growth of the city;

3. Embodiment of elements of architectural design, detail, materials, or craftsmanship that represents a significant architectural innovation or an outstanding example of a particular historical, architectural, or other cultural style or period;

4. Relationship to other buildings, structures, or places that are eligible for preservation as historic places;

5. Existence of distinguishing characteristics of an architectural type or specimen that exemplify the cultural, economic, social, political, ethnic, or historical heritage of the city, county, state, or nation;

6. Location as the site of a significant historical event;

7. Identification with a person or persons who significantly contributed to the culture or development of the city, county, state nation;

8. A building, structure, or place that, because of its location, has become of historic or cultural value to a neighborhood or community; and

9. The recommendation of the Landmark Preservation Commission.

10.4.9. LANDMARK PRESERVATION DISTRICT CERTIFICATE OF APPROPRIATENESS

A. Applicability And Exemptions

1. Applicability

a. The Landmark Preservation Commission may grant, modify, revoke, and suspend certificates of appropriateness in accordance with this section.

b. No person or entity shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure located in a Landmark Preservation Overlay district unless application has been made to and approved by the Landmark Preservation Commission for a certificate of appropriateness.

2. Exemptions

Ordinary repairs and maintenance that do not involve changes in architectural and historical style or value, general design, structural arrangement, type of building materials, primary color, or basic texture and accessory buildings less than 320 square feet, are exempt from this section.

B. Initiation

See Section 10.3.3. An interested property owner may submit an application for a certificate of appropriateness.

C. Pre-Application Conference

A pre-application meeting is required in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published, written, and posted notice required. See Section 10.3.6.

F. Approval Procedures

1. Within 30 days of the receipt of a completed application for a certificate of appropriateness, the Landmark Preservation Commission shall hold a public

hearing. Public notices of the hearing and the purpose thereof shall be published in a newspaper one time at least seven days prior to the date scheduled for the hearing.

2. The Landmark Preservation Commission shall forward either an approved or conditionally approved certificate of appropriateness, or its written findings for denial, to the applicant and the Zoning Administrator.

3. If the Landmark Preservation Commission takes no action within 60 days of receipt of the completed application, a certificate of appropriateness shall be deemed issued by the Landmark Preservation Commission.

G. Criteria

1. Upon review of the application the Landmark Preservation Commission shall determine whether the proposed work will adversely affect any exterior architectural feature or the future preservation, maintenance, and use of the Landmark Preservation Overlay district.

2. The Landmark Preservation Commission may attach any conditions to its approval of an application that are needed to ensure compliance with Subsection G.1, above.

H. Scope Of Approval

No change shall be made in the plans on which a Certificate of Appropriateness was issued unless:

1. The application is resubmitted to the Landmark Preservation Commission and approved in the same manner as provided above for the original application; or

2. The change is consistent with a condition to approval of the application.

10.4.10. CERTIFICATES OF DEMOLITION OR RELOCATION

A. Applicability

1. The City Council may grant, modify, revoke, and suspend certificates of demolition or relocation in accordance with this section.

2. No person or entity other than a city, county, state, or federal government fee simple owner shall demolish or relocate any building or structure located in a Landmark Preservation Overlay district, unless a Certificate of Demolition or Relocation has first been issued by the Landmark Preservation Commission or City Council, as set forth in this subsection.

B. Initiation

See Section 10.3.3. An interested property owner may submit an application for a Certificate of Demolition or Relocation.

C. Pre-Application Conference

A pre-application meeting is required in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5. The Zoning Administrator shall prescribe the application forms for a Certificate of Demolition or Relocation.

E. Notice

Public notice of such hearing setting forth the date, time, and place scheduled for Landmark Preservation Commission hearing and the purpose thereof shall be published in a newspaper one time at least seven days prior to the date scheduled for such hearing. Notice shall also be mailed to all owners of real property within a 200 feet radius of the subject property, as their ownership appears on the last approved City tax roll, at least seven days prior to the date set for the hearing.

F. Approval Procedures

1. Landmark Preservation Commission Public Hearing

a. Within 30 days of the receipt of a completed application for a Certificate of Demolition or Relocation, the Landmark Preservation Commission shall hold a public hearing.

b. If, based upon the criteria established in Subsection G, the Landmark Preservation Commission determines that the building or structure:

(i) Should not be demolished, the Landmark Preservation Commission shall forward its decision to the City Council for review and final decision; or

(ii) May be demolished, the Landmark Preservation may issue the certificate.

c. If the Landmark Preservation Commission takes no action within 60 days of the receipt of a completed application, a Certificate of Demolition or Relocation is deemed issued.

2. City Council Decision

a. The City Council shall consider a recommendation of the Landmark Preservation Commission to deny or, at the applicant's request, conditionally approve a Certificate of Demolition or Relocation at a public hearing.

b. Based on the criteria established in Subsection G, below, the City Council shall approve, approve with conditions, or deny the Certificate of Demolition or Relocation.

3. Conditions for Approval

In granting a Certificate of Demolition or Relocation, the Landmark Preservation Commission or the City Council must find that the interests of preserving historical values and the purposes and intent of this ordinance will not be adversely affected by the requested demolition or removal, or that such interests will be best served by removal or relocation to another specified location.

G. Criteria

In evaluating a request for a Certificate of Demolition or Relocation, the Landmark Preservation Commission shall consider the following:

1. The architectural, cultural, or historical significance of the building or structure;

2. The age of the building or structure;

3. The state of repair of the building or structure in question, and the reasonableness of the cost of restoration and repair;

4. Additions, alterations, changes, modifications, and updates to the exterior architectural features of the building or structure that would disqualify it from consideration for listing on the National Register of Historic Places;

5. The effect, if any, that delaying the demolition or relocation of the building or structure will have;

6. The contribution, if any, the building or structure makes to a previously designated and recognized historic district and the owner's or any predecessor owner's involvement in the formation or creation of such a district;

7. The willingness of the applicant to donate or sell the building or structure to a third party;

8. The potential usefulness or adaptive reuse of the building or structure, including economic usefulness;

9. The potential market or demand for such a building or structure in its current condition and location;

10. The purpose that would be served in preserving the building or structure; and

11. All other factors it finds necessary and appropriate to carry out the intent of this Code.

H. Maintenance And Repairs

1. Omission of Necessary Repairs

Buildings and structures located in a Landmark Preservation Overlay district shall be maintained so as to ensure the exterior and interior structural soundness and integrity of the landmark and its exterior architectural features.

2. Determination of Omission

If the Landmark Preservation Commission determines that there are reasonable grounds to believe that a building or structure or an exterior architectural feature is structurally unsound or in immediate danger of becoming structurally unsound, the Landmark Preservation Commission shall notify the owner of record and hold a public hearing to determine compliance with this section.

3. Mandated Repairs

If at the conclusion of the public hearing, the Landmark Preservation Commission finds that the building or structure or its architectural features are structurally unsound or are in immediate danger of becoming

structurally unsound, the Landmark Preservation Commission shall advise the property owner and direct repair of the property. The property owner shall satisfy the Landmark Preservation Commission within 90 days of its decision that all necessary repairs and maintenance to safeguard structural soundness and integrity have been carried out and completed.

I. Appeals

Appeals from a decision of the Landmark Preservation Commission are to the City Council.

10.4.11. PLAT REVIEW, GENERALLY

A. Applicability

1. In addition to the requirements for public hearings in Section 10.3.6 above, the following are general approval procedures for all types of plats. Specific procedures for each type of plat are set forth in Section 10.4, *Specific Review Procedures*.

2. A plat application that will alter the location, dimension, or delete right-of-way or a public or private easement must comply with the "Administration" Chapter of the Code of the City of Arlington, Article 7, *Streets, Alley and Easement Abandonment.*

B. Initiation

1. See Section 10.3.3. An application for plat approval is not considered filed until the Zoning Administrator determines that it is complete. The prescribed period for reviewing a plat does not begin until the plat application is determined to be complete.

2. Concurrent with the submission of a preliminary plat, replat, or minor plat, the applicant(s) shall submit the following:

a. A map or plan showing the location and size of water and sanitary sewer mains and fire hydrant systems that will be required to ensure adequate service and fire protection to the lots specified in the proposed plat.

b. A preliminary drainage plan showing the watershed affecting the development and how runoff from the fully-developed watershed will be conveyed to, through, and from the development.

c. A Stormwater Management Site Plan (SWMSP) for plats of residential development of 12,000 square feet or larger of gross platted area, and for all plats of non-residential development. The purpose of the SWMSP is to identify potential effects of the proposed development on stormwater quality and quantity, and to identify permanent design features or Best Management Practices to mitigate these effects. Standards are outlined in the *Design Criteria Manual*.

C. Staff Review

The Planning and Development Services Department shall examine all plats accepted for review for compliance with this Code. The plat shall be forwarded to the appropriate decision-making body for consideration. Failure of staff to make

specific comments related to application deficiencies does not relieve the property owner from compliance with this Code.

D. Schedule

1. The plat shall be scheduled for consideration within 30 days after the date it is filed. The plat is considered filed when the Zoning Administrator determines that it is complete in accordance with Section 10.3.5, *Completeness Determination*, or as set forth in Section 10.4, *Specific Review Procedures*.

2. Plats shall be approved or disapproved within the timeframe established in Chapter 212 of the Texas Local Government Code, unless the applicant requests a one-time 30-day extension in accordance with Texas Local Government Code § 212.009(b-2).

3. If the applicant requests postponement of a hearing or decision relating to plat approval, and an extension as authorized above is not available, the applicant shall withdraw and refile the application.

E. Modifications

Where the approving body finds that extraordinary hardships or practical difficulties may result from strict compliance with the subdivision regulations, or that the purposes of the regulations may be served to a greater extent by an alternative proposal, it may approve modifications of conditions to the subdivision regulations so that substantial justice may be done and the public interest secured. Such a finding shall not have the effect of nullifying the intent and purpose of the subdivision regulations.

F. Plats With Reserved Authority Comments

1. The Council reserves authority over stipulations of plat approval involving:

a. Expenditures of City funds and contractual agreements to which the City is a party,

b. Appeals to the requirement to dedicate land,

c. Requirements for the construction of adequate facilities, or the payment of escrow, and

d. Other appeals that the Zoning Administrator determines will fiscally impact the City.

2. The plat approving authority has no power to act on matters of reserved authority. The plat approving authority may, however, approve the plat subject to additional approval by the City Council on the matters of reserved authority.

3. The plat approving authority shall send a plat with appealed reserved authority comments to the City Council for action after it approves the plat.

4. The City Council shall approve or disapprove a plat with matters of reserved authority within the time period prescribed by Texas Local Government Code § 212.009.

G. Criteria

See Section 10.3.8.

H. Scope of Approval

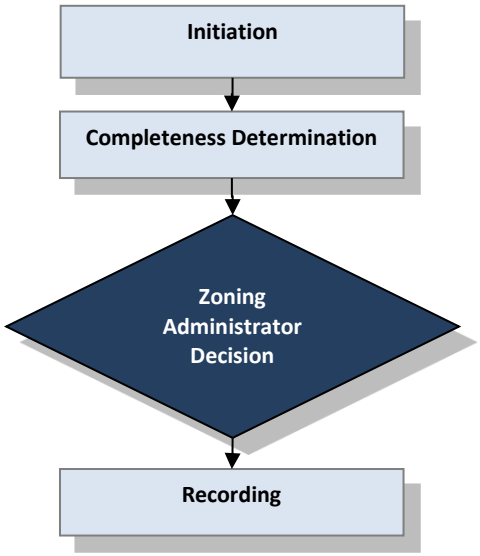
After the plat review process is completed, the plat is recorded with Tarrant County and the applicant obtains zoning approvals or building permits consistent with any conditions of plat approval.

10.4.12. CONVEYANCE PLATS

A. Applicability

A conveyance plat may be used in order to subdivide or sell land without plans for its immediate development. A conveyance plat allows the recording of a subdivision without requiring the construction or design of public improvements or collection of development fees. Easements, dedications, and reservations may be recorded on a conveyance plat.

Conveyance Plat Procedures



B. Initiation

See Section 10.3.3.

C. Completeness Determination

See Section 10.3.5.

D. Approval Procedures

1. Approval and Filing of Conveyance Plats

If the Zoning Administrator determines that the conveyance plat complies with this section, then the Zoning Administrator shall certify the plat and it shall be recorded with Tarrant County.

2. Denial of Conveyance Plats

The Zoning Administrator shall deny the conveyance plat if it does not comply with this section. The Zoning Administrator shall provide the applicant written notification and an explanation of why the plat was denied.

E. Criteria

1. The conveyance plat must include sufficient information to describe the boundaries of the proposed subdivision, any lots within the proposed subdivision, and surrounding property. This includes all of the materials required by Section 10.3.5.

2. The conveyance plat shall include the following certification: “No building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat.”

F. Recording
See Section 10.4.14.H.

G. Withdrawal And Reapplication
See Section 10.3.9.

H. Scope Of Approval
A conveyance plat expires six months after the date of application unless it is recorded with Tarrant County. The time period is not subject to extension.

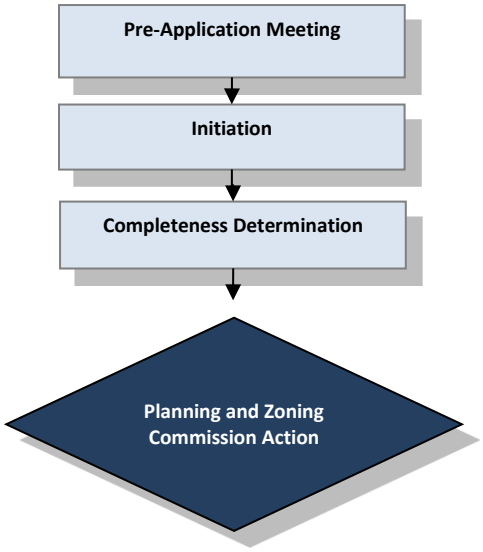
10.4.13. PRELIMINARY PLATS

A. Applicability

1. In order to file a final plat application pursuant to Section 10.4.14, a preliminary plat must be approved in accordance with this section.

2. A preliminary plat does not establish control corners or otherwise include the information required by Texas Local Government Code Section 212.004(b) and (c).

Preliminary Plat Procedures



B. Initiation
See Section 10.3.3.

C. Pre-Application Conference
Required pursuant to Section 10.3.4.

D. Completeness Determination
See Section 10.3.5. The preliminary plan must contain sufficient information to determine whether the proposed plan meets the requirements of Article 6, *Subdivision Regulations*.

E. Approval Procedures

1. Action by the Planning and Zoning Commission
The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code § 212.0091.

2. Applicant Response to Disapproval
The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.

3. Consideration of Response by Planning and Zoning Commission

The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

F. Revisions and Reapplication

If an owner proposes changes to a preliminary plat that do not substantially comply with the application that was approved by the Planning and Zoning Commission, the applicant shall prepare a revised preliminary plat. The revised preliminary plat shall be approved by the Commission before the applicant submits a final plat.

G. Recording

A preliminary plat is not recorded. The Zoning Administrator shall maintain the approved preliminary plat.

H. Withdrawal and Reapplication

See Section 10.3.9.

I. Scope of Approval

1. Final Plat

Following approval of the preliminary plat, the applicant may file an application for a final plat pursuant to Section 10.4.14. If the Planning and Zoning Commission denies the preliminary plat, no final plat shall be accepted.

2. Time Limits

See Section 10.3.10.A.

10.4.14. FINAL PLATS

A. Applicability

The following sets forth procedures for approval of final plats. In order to record a final plat pursuant to this section a preliminary plat must be approved in accordance with Section 10.4.13.

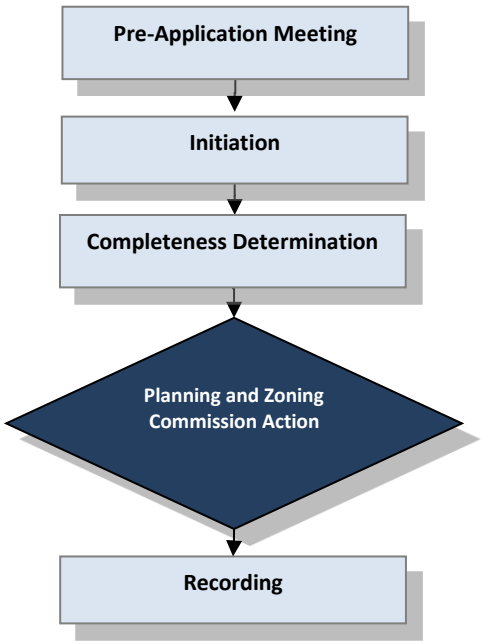
B. Initiation

See Section 10.3.3. A final plat application may only be filed if:

1. The final plat substantially conforms to the approved preliminary plat, and any and all conditions of approval. Final plats may include all or only a portion of the area of the approved preliminary plat; and

2. A preapplication conference is held in accordance with Section 10.3.4.

Final Plat Procedures



C. Completeness Determination

See Section 10.3.5. The final plat must contain sufficient information to determine whether the proposed plat meets the requirements of Article 6, *Subdivision Regulations*.

D. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

2. Applicant Response to Disapproval

The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.

3. Consideration of Response by Planning and Zoning Commission

The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

E. Withdrawal and Reapplication

See Section 10.3.9.

F. Criteria

Final plats are subject to the criteria established in Section 10.3.8. In addition, each platted lot must comply with the minimum regulations of the zoning district in which the lot is located.

G. Scope of Approval

See Section 10.3.10. After the final plat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of final plat approval.

H. Recording

1. All plats submitted for recordation shall be sealed by a registered professional land surveyor in the state of Texas.

2. Plats shall be recorded in the Plat Records of Tarrant County by the Zoning Administrator following compliance with:

a. All stipulations of approval;

b. All necessary fiscal agreements approved by the City and fully executed by all parties; and

c. Payment of all applicable fees, assessments, and both current and delinquent taxes.

3. All plats to be recorded shall conform to all conditions of approval and shall be submitted to the Zoning Administrator.

10.4.15. RESERVED

10.4.16. MINOR PLATS

A. Applicability

When a tract or parcel of land has not been previously platted and filed of record, the owner may elect to submit a minor plat whenever the tract:

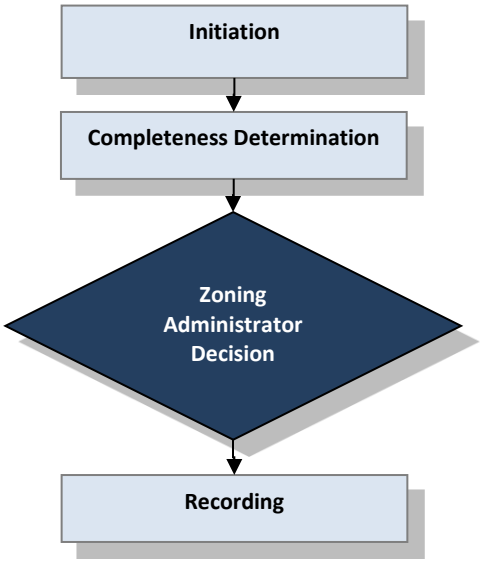
1. Is to be subdivided into four or fewer lots,

2. Fronts on an existing street,

3. Does not require the creation of any new street or the extension of municipal facilities, and

4. Does not require a public hearing for filing of record.

Minor Plat Procedures



B. Initiation

See Section 10.3.3.

C. Completeness Determination

See Section 10.3.5.

D. Approval Procedures

1. Approval and Filing of Minor Plats

If the Zoning Administrator determines that the minor plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

2. Disapproval of Minor Plats

a. If the Zoning Administrator determines that the minor plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the minor plat to the Planning and Zoning Commission for disapproval.

b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.

c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted minor plat without the need to return to the Commission.

E. Withdrawal and Reapplication

See Section 10.3.9.

F. Scope of Approval

See Section 10.3.10. After the minor plat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of minor plat approval.

G. Recording

See Section 10.4.14.H.

10.4.17. REPLATS

A. Applicability

1. Replatting Without Vacating a Preceding Plat

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by the owners of the property being replatted, is approved by the Planning and Zoning Commission, and does not attempt to amend or remove any covenants or restrictions.

B. Initiation

See Section 10.3.3.

C. Completeness Determination

See Section 10.3.5.

D. Notice

Only a post approval notification is required and only if the approved replat satisfies the requirements of §212.015. See Section 10.4.17.J.

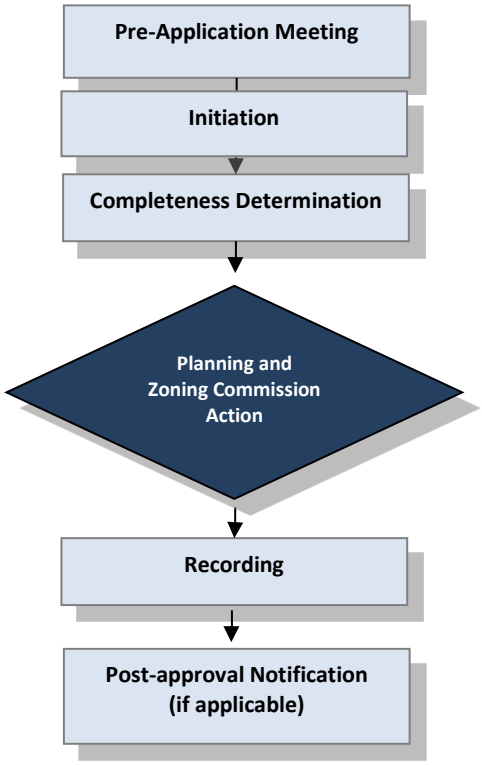
E. Approval Procedures

Replats are subject to the approval procedures established for final plats (see Section 10.4.14).

F. Criteria

A replat is subject to the same criteria that apply to approval of a final plat (see Section 10.4.14). In addition, lots must conform in width, depth, and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area.

Replat Procedures



G. Withdrawal and Reapplication

See Section 10.3.9.

H. Scope of Approval

See Section 10.3.10. After the replat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of replat approval.

I. Recording

1. See Section 10.4.14.H.

2. The following minimum certification shall be shown on all replats: "*This plat does not alter or remove existing deed restrictions or covenants, if any, on this property*."

J. Notification of Approval for Residential Replats

If a replat meets the definition of a residential replat under Texas Local Government Code §212.015, the Zoning Administrator shall provide written notice to each lot owner of record within 200 feet of the lots replatted not later than the 15th day after the date the replat is approved. The notice shall comply with Texas Local Government Code §212.015(g).

10.4.18. AMENDING PLATS

A. Applicability

The Zoning Administrator may approve an amended plat if the amended plat is signed by the owners only and is solely for one or more of the purposes prescribed in Texas Local Government Code § 212.016.

B. Initiation

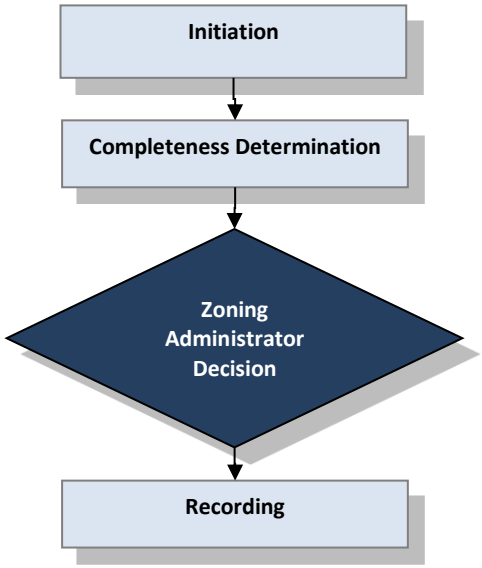
See Section 10.3.3.

C. Completeness Determination

1. See Section 10.3.5 and the requirements below.

2. The applicant shall satisfy all requirements of Section 10.4.14.D prior to submittal of an amended plat.

Amended Plat Procedures



D. Approval Procedures

1. Approval and Filing of Amended Plats

If the Zoning Administrator determines that the amending plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

2. Disapproval of Amending Plats

a. If the Zoning Administrator determines that the amending plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the amending plat to the Planning and Zoning Commission with a recommendation of disapproval.

b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.

c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted amending plat without the need to return to the Commission.

E. Withdrawal And Reapplication
See Section 10.3.9.

F. Scope of Approval
See Section 10.3.10. After the amending plat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of amending plat approval.

G. Recording

1. See Section 10.4.14.H.

2. The following certification shall be shown on all amended plats: "*This plat does not increase the number of lots in the previously recorded subdivision nor attempt to alter or remove existing deed restrictions or covenants, if any, on this property*." Amended plats shall contain a note describing the intent of the amended plat.

10.4.19. VACATION OF PLAT

A. Applicability
The procedures in this section apply to all applications for plat vacation. The vacation and abandonment of the right-of-way or easements shall be in accordance with the "Administration" Chapter of the Code of the City of Arlington, Article VII, Streets, Alley and Easement Abandonment.

B. Initiation
See Section 10.3.3 and Texas Local Government Code § 212.013.

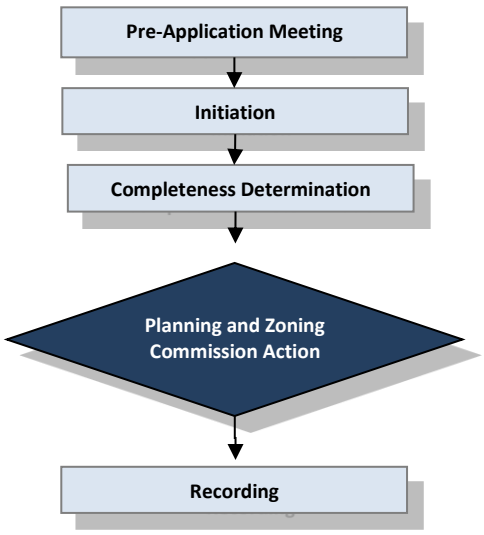
C. Pre-Application Conference
Required pursuant to Section 10.3.4.

D. Completeness Determination
See Section 10.3.5.

E. Approval and Recording Procedures
The instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. Replacement right-of-way or easement may be required to be dedicated by separate instrument as condition of approval.

F. Withdrawal and Reapplication
See Section 10.3.9.

Vacation of Plat Procedures



G. Scope of Approval

See Section 10.3.10. After the vacating instrument is approved, the applicant may seek subdivision plat, zoning, and building permit approvals subject to this Code, and any conditions of approval attached to the vacating instrument.

10.4.20. LINEAR PARK PLATTING AND ACQUISITION

A. Applicability

Two alternative procedures are available to meet the linear park requirements of Article 6, *Subdivision Regulations*. The City specifically reserves the right to acquire any additional linear parkland in excess of the proportionate share required to be dedicated.

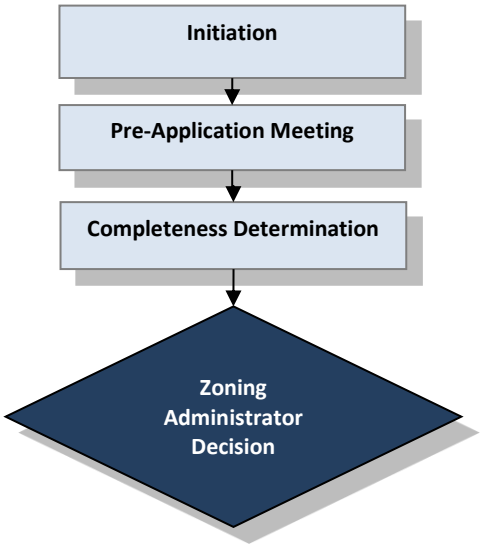
1. Alternative Procedure 1

The developer may plat as a separate lot all linear park land lying within the proposed plat, as indicated in Exhibit "D" of the Arlington Park Development Fee Ordinance (hereinafter the "Park Improvements Plan"), and propose a purchase agreement for the land, pursuant to procedures contained in Subsection B.1, below.

2. Alternative Procedure 2

The developer may offer for dedication less than all linear park land lying within the proposed plat, as indicated in the Park Improvements Plan, and seek authorization to exclude the remainder of the land from the proposed plat, pursuant to procedures contained in Subsection B.2, below.

Linear Park Platting and Acquisition Procedures



B. Initiation

See Section 10.3.3 and the following requirements:

1. Developer Participation Agreement

A developer participation agreement, as described in Section 6.7.6, shall be submitted with the plat application. The agreement shall provide for access to the linear park tract to be dedicated or purchased by the City. The design of access improvements shall be in accordance with Section 6.7.4. Any plat application involving adjacent to land identified as linear park land on the Park Improvements Plan that is submitted without a developer participation agreement shall not be accepted for review, and failure to provide the agreement shall be grounds for denial of the plat. The proposed agreement shall be made subject to the City's acquiring the land for linear park purposes.

2. Purchase Agreements

The developer shall propose a purchase agreement for linear park land lying within the proposed plat if the owner intends to sell all or part of the linear park land to the City. The proposed purchase agreement shall be submitted with the plat application, and shall include:

a. A description of the land to be acquired;

b. The proposed value of the land; and

c. Appropriate guarantees that the property to be acquired shall be retained in its natural state during the subdivision process, or that restoration or mitigation shall be made, consistent with Section 6.7.7.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Approval Procedures

1. The Zoning Administrator shall notify the applicant in writing within 10 business days of the date the completed plat application is accepted for review of whether he or she will recommend approval, modification, or denial of the proposed plat and agreements, along with a list of any deficiencies and required revisions. The agreements shall be negotiated within the time for approval of the plat, unless the developer voluntarily agrees to an extension of time for plat approval to accommodate finalizing the agreements. No final plat shall be approved until a final purchase agreement and any developer participation agreements have been approved by the City Council.

a. The purchase agreement shall provide that the price of the land shall be either the agreed price or the lesser of the appraised value or a not-to-exceed amount established by the City.

b. In the purchase agreement, the City and the developer may agree to acquisition of less than all linear park land contained within the proposed plat, or to offset linear park fees otherwise due by reducing the equivalent amount of land to be purchased under the agreement, calculated in the manner provided in Section 6.7.2.C. If the City enters into a purchase agreement for the entire linear park tract, no offsets against linear park fees pursuant to the Arlington Park Development Fee Ordinance shall be granted for the linear park land acquired.

c. If the City determines not to enter into the purchase agreement, or if the City otherwise fails to reach agreement with the developer upon the determination by the Zoning Administrator that the plat is administratively complete, or within the extended time voluntarily agreed to by the developer, the Zoning Administrator shall authorize the filing of a revised plat application to be processed in accordance with Subsection B.2 of this section.

2. If the developer proposes to dedicate or sell less than all linear park land contained within the proposed plat application, as delineated in Park Improvements Plan, he shall offer for dedication as a minimum the amount of park land calculated pursuant to 6.7.2.C, and located in accordance with the criteria in Section 6.7.3, *Linear Park Site Criteria*.

F. Appeals

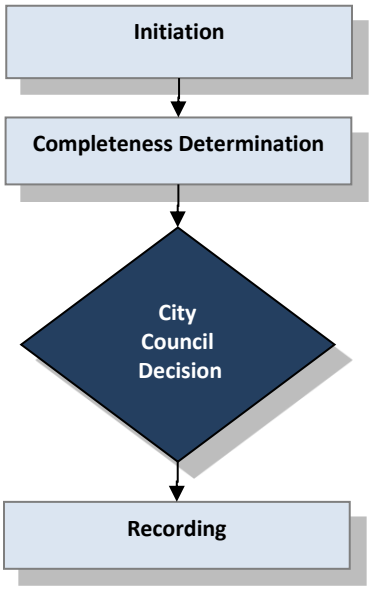
The developer may appeal the initial determination of the Zoning Administrator concerning linear park requirements to the City Council as a reserve authority appeal. If the plat application meets the linear park requirements of Section 6.7.2 and the owner has dedicated or sold to the City linear park land proportional to the needs generated for park land by the proposed subdivision the plat may be approved excluding part of the total linear park land contained in the subdivision from the plat, subject to the City's ability to acquire the excess linear park land as may be needed.

10.4.21. CONVERTING PRIVATE STREETS TO PUBLIC STREETS

A. Applicability

This section establishes procedures for the City to accept private streets as public streets and rights-of-way. The City is not obligated to accept ownership of private streets, and nothing in this section requires the City to accept ownership or maintenance responsibilities for a private street.

Street Ownership Conversion Procedures



B. Initiation

1. The property owners' association or abutting property owners with responsibility to maintain the private streets shall file an application with the Department of Public Works and Transportation to convert street ownership and an offer of dedication.

2. The property owners' association shall provide written notice to all association members. A receipt of the notarized signatures of 100 percent of the association membership or abutting property owners indicating approval shall accompany the application.

3. The application shall include the following:

a. A written evaluation sealed by a registered professional engineer in Texas, qualified in the area of soil mechanics and pavement design, of the pavement construction compared to the City of Arlington current public street standards, including an evaluation of the anticipated service life and maintenance costs of the subject street(s). The above shall be based on a sealed report of core samples of the subject street(s)

performed by a geotechnical engineering firm. At a minimum, the geotechnical report shall include pavement thickness and type, the presence, size and spacing of reinforcing steel, and the type and density of subgrade material. The geotechnical engineering firm shall submit a plan showing proposed core locations for City review prior to beginning work.

b. Written confirmation that no utility construction, both City of Arlington and all franchise utility companies, is planned in the next five years for the subject street(s).

c. Evaluation and cost estimate of the following for City review:

i. Cleaning and sealing of all construction joints using acceptable methods and materials approved by the City.

ii. The subject street(s) shall be inspected and all needed repairs noted on a map. The repairs shall include all areas that hold water and do not drain properly as well as damaged portions of the roadway or curb and gutter. A detailed cost estimate of the identified repairs shall also be submitted.

iii. Cost to provide a construction maintenance bond or other surety acceptable to the City of Arlington for a two year period of time should the City agree to accept the street(s) as public.

iv. Map showing all easements and rights-of-way necessary to be dedicated by separate instrument to convert the subject street(s) to public facilities. A cost estimate for the costs associated with hiring a surveyor to prepare the necessary metes and bounds descriptions shall also be submitted.

v. The streetlight system shall be evaluated and any repairs or upgrades to meet current City standards shall be listed along with a cost estimate of the work required.

vi. Map showing any existing gates on the subject street(s) along with a cost estimate for the removal of the gates shall be submitted. Any street repairs needed due to removal of gate apparatus shall be included in the cost estimate.

vii. Cost estimate to replace street marker blades and any additional signage necessary.

C. Completeness Determination

See Section 10.3.5.

D. Approval Procedures

1. Once a completed application is submitted and reviewed, the application will be submitted to the City Council for consideration. The City Council may consider the application at a regular meeting or conduct a public hearing.

2. The City Council may, at its discretion, approve, conditionally approve, or deny the application. Conditions of approval may include obligations

relating to items noted above or any other matter within the City Council's legislative discretion.

3. Upon conditional approval, the applicant must:

a. Hire a prequalified contractor to make all repairs and maintenance noted in the evaluation. The applicant, contractor, and City shall enter into a three-way contract to cover all work to be performed. All work will be inspected by the City. A two year maintenance bond will also be required for the repair work.

b. Hire a contractor or pay the City the cost for any streetlight work needed, as well as the cost for street marker blade and sign replacement.

c. Hire a contractor and obtain necessary building permits for demolition of any gates, guard houses, or any other improvements that must be removed.

d. Submit a metes and bounds description of the right-of-way to be dedicated to the City or submit a replat of the affected properties.

e. Submit an Easement Use Agreement for any privately maintained improvements that are allowed to remain in the dedicated right-of-way.

f. Address any other matter required by the City Council.

E. Withdrawal And Reapplication

See Section 10.3.9.

F. Criteria

As a legislative decision, the decision to grant the petition is subject to the City Council's discretion.

G. Scope of Approval

See Section 10.3.10. If the City Council approves the application, the City will accept dedication and maintenance responsibility for the streets, from the property owners association, appurtenant property owners, or other legal entities upon completion of the items listed above.

H. Recording

Upon final approval of the application, the right(s)-of-way shall be dedicated to the public either through replatting of the affected properties with the right-of-way shown as public or through execution of a separate instrument. Either option will be filed of record with the Tarrant County Clerk. However, the replatting option will provide a more transparent transaction for future title searches on affected properties.

10.4.22. ALTERNATIVE EQUIVALENTCOMPLIANCE

A. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. An alternative equivalent compliance approach is designed to provide

flexibility in order to respond to unique site conditions or abutting or surrounding uses, and must not result in reductions in the amount or quality of the particular standard. This procedure is not intended as a substitute for a variance or administrative modification, or as a vehicle for relief from or waiver of the standards in this Code.

B. Applicability

1. The alternative equivalent compliance procedure shall be available only for the following sections of Article 5, *Design and Development Standards* and Article 7, *Sign Standards.*

a. Section 5.2, *Landscaping;*

b. Section 5.3, *Screening, Buffering and Fences;*

c. Section 5.4, *Off-Street Parking and Loading*: Subsection 5.4.6, *Drive-Through Vehicle Stacking and Noise Reduction Standards;* and Subsection 5.4.9, *Parking Facility Location and Design;*

d. Section 5.5, *Residential Design Standards;*

e. Section 5.6, *Non-residential Design Standards*; and Subsection 5.6.3, *Site Design and Building Organization,* Subsection E, *Ballfield Lighting*;

f. Section 5.7, *Mixed-Use Design Standards;*

g. Section 5.8.1, *Entertainment District Overlay*: Subsection D, *Private Realm Design and Development Standards*; and Subsection E, *Public Realm Design and Development Standards*;

h. Section 5.9, *Transportation and Connectivity;,*

i. Section 5.10, *Common Open Space;*

j. Section 7.6.7, *Sign Supports;*

k. Section 7.7.5, *Spacing;*

l. Section 7.8, *Types of Signs;* and,

m. Section 7.10, *Temporary Signs.*

2. The alternative equivalent compliance procedure shall not be used to:

a. Modify the required dimensional standard of a lot;

b. Authorize a land use that is not permitted in the underlying zoning district;

c. Modify the density established for a zoning district;

d. Grant a variance to a requirement that is assigned to the authority of the Zoning Board of Adjustment; or,

e. Authorize a sign type that is not permitted in the underlying zoning district or street type.

C. Pre-Application Conference

An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Approval Procedures

1. Action by the Zoning Administrator

The Zoning Administrator shall review the request with the criteria in 5.4.22.F and approve, approve with conditions, or deny the request for alternative equivalent compliance.

2. Action by the Planning and Zoning Commission and City Council

If the Zoning Administrator disapproves a request for alternative equivalent compliance, the applicant may apply for a zoning map amendment, planned development, or alternate sign plan as outlined in Sections 10.4.2, 10.4.3, and 10.4.23

F. Criteria

To grant a request for alternative equivalent compliance, the Zoning Administrator shall find that the following criteria are 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; and

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*.

G. Scope of Approval

1. Alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

2. Written approval does not authorize any development activity, but rather authorizes the applicant to prepare a commercial site plan, building permit, or sign permit application that incorporates the approved alternative equivalent compliance, and authorizes the decision-making body to review

the commercial site plan or building permit application for compliance with the approved alternative.

H. Expiration

1. An approved alternative equivalent compliance plan shall expire if one year passes following its approval and no building or sign permit that implements the plan has been issued.

One one-year extension may be issued by the Zoning Administrator provided that a written request has been received prior to the expiration of the plan, and the Zoning Administrator determines that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties, have occurred.

10.4.23. ALTERNATE SIGN PLAN

A. Purpose and Applicability

1. The purpose of an alternate sign plan is to allow properties to deviate from the sign standards if a qualifying property has an alternate plan that is clearly superior to what could be accomplished under the general standards.

2. An alternate sign plan applies only to property that has 500 feet or more of continuous frontage on a freeway or arterial street.

3. The alternate sign plan shall not be used to authorize a sign type specifically prohibited in Section 7.4, Prohibited Signs.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5. A complete application requires the submission of a complete alternate sign plan as described in the application form provided by the Zoning Administrator.

E. Notice

Published, written, and posted notice required pursuant to Section 10.3.6.

F. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

2. Action by City Council

a. The City Council has final authority to adopt or deny any proposed alternative sign plan.

b. If the Planning and Zoning Commission recommends denial of an alternative sign 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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

G. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed application:

a. provides a complete plan for signs that would be clearly superior to what would be allowed without the plan;

b. is justified based on project scale and unified nature of the sign package. Due consideration shall be given to a harmonious relationship of signs to buildings within the development as well as to buildings adjacent to the development, in terms of scale, color, materials, shape and design, and illumination; and

c. indicates how the signs on the property are integrated into a unified development concept with the topography, building design, other signs, landscaping, traffic circulation, and other development features of the property and nearby property.

2. An ordinance approving an alternate sign plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location in regard to the welfare and protection of adjacent property from noise, light, or other undesirable conditions.

H. Withdrawal and Reapplication

In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications:

1. A reapplication within 12 months of the date of the application for the same alternate sign plan will not be heard if:

a. Within 12 months prior to the date of the application an alternate sign plan was denied by the City Council or an alternate sign plan was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope of Approval

1. Actions Following Approval

The Zoning Administrator may approve building permits or other permits subsequent to the approval of an alternate sign plan that substantially comply with the ordinance approving the plan.

2. Expiration of Plan

See Section 10.3.10.

3. Amendments to Approved Plan

An amendment to an alternate sign plan is processed in the same manner as the original approval. However, minor amendments that meet the intent of the approved Alternate Sign Plan; and do not increase the overall sign structure or sign face area and do not add digital messaging; may be approved by the Zoning Administrator.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

ARTICLE 11. NONCONFORMITIES

11.1. PURPOSE AND GENERAL PROVISIONS

11.1.1. PURPOSE

This chapter governs uses, structures, lots, and other situations that came into existence legally prior to the effective date of this Code or the effective date of future amendments to this Code, but do not comply with or conform to one or more requirements of this Code. All such situations are collectively referred to as "nonconformities".

11.1.2. GENERAL POLICY

While nonconformities may continue, the provisions of this article are designed to curtail substantial investment in nonconformities in order to bring about their eventual improvement or elimination in order to preserve the integrity of this Code and the character of the city. Any nonconforming use, structure, lot, or site condition that becomes nonconforming as a result of any subsequent rezoning or amendment to this text of this Code may be continued or maintained only in accordance with the terms of this article. This article is also intended to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and set forth requirements.

11.1.3. CONTINUATION PERMITTED

Any nonconformity that legally exists on July 10, 2014, or that becomes nonconforming upon the adoption of any amendments to this Code, may be continued in accordance with the provisions of this article.

11.1.4. DETERMINATION OF NONCONFORMITY STATUS

In all cases, the burden of establishing that any nonconformity is a legal nonconformity shall be solely upon the owner of such nonconformity.

11.1.5. REPAIRS AND MAINTENANCE

Incidental repairs and normal maintenance of nonconformities shall be permitted, unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Code. Structures may be structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

11.1.6. TENANCY AND OWNERSHIP

The status of a nonconformity is not affected by changes of tenancy, ownership, or management.

11.1.7. EXCEPTION DUE TO VARIANCE OR MODIFICATION

This article shall not apply to any development standard or feature that is the subject of a variance or modification granted by the Zoning Board of Adjustment. Where a variance or modification has been granted for a development standard that does not otherwise conform to the requirements of this Code, that development standard shall be deemed conforming.

11.1.8. ENFORCEMENT OF REQUIREMENTS

The City may withhold necessary permits, inspections, or other approvals to ensure compliance with this article.

11.1.9. NONCONFORMITY DUE TO CITY ACTION

A use, lot, or structure conforming to City ordinance shall not be considered nonconforming in the event the City reduces the size of the lot on which the structure is located by widening an abutting street or through the exercise, or potential exercise, of the City's eminent domain power. Any status claimed under this subsection must be the result of City action only and not otherwise result in a situation that jeopardizes the public health, safety, or welfare. Further, the City's action must make it impossible or highly impracticable for the structure to be brought into conformity with this Code. The right to rebuild or add-on shall not be given to properties described in this subsection. This subsection is intended to provide conforming status for the use, lot, or structure immediately after such City action, only with regard to the following requirements:

A. the amount of square footage removed from the structure's minimum required lot area by the City action;

B. the number of linear feet removed from the structure's minimum required lot depth or width by the City's action;

C. the number of linear feet removed from the structure's minimum required front setback, side setback, or rear setback by the City's action;

D. the number of then existing properly marked parking spaces removed from the structure's minimum required off-street parking by the City's action;

E. the increased percentage of lot coverage directly attributable to the City's action; and,

F. the landscaping requirement.

11.2. NONCONFORMING USES

11.2.1. GENERAL

Any use of land that was legally in existence and nonconforming on the effective date of this Code and has been in regular and continuous use, but which does not conform to the use regulations prescribed by this Code, shall be deemed a nonconforming use.

11.2.2. REGISTRATION OF NONCONFORMING USES

The operator, owner, or occupant of any nonconforming uses of land or buildings shall, within 12 months after the date on which the same became nonconforming, register such nonconforming use by obtaining a certificate of occupancy from the Building Official. The certificate of occupancy (nonconforming) shall be considered as evidence of the legal existence of a nonconforming use, as contrasted to an illegal use or violation of this Code. The Building Official shall maintain a register of all certificates of occupancy issued for nonconforming uses.

11.2.3. CHANGE OF USE

A. A nonconforming use may only be changed to a conforming use allowed in the zoning district in which it is located.

B. Once a nonconforming use is converted to a conforming use, it shall not be changed back to a nonconforming use.

C. A nonconforming use shall not be changed to another nonconforming use.

11.2.4. ENLARGEMENT OR EXTENSION OF NONCONFORMING USE

There shall be no increase in the floor area or the land area devoted to a nonconforming use or other enlargement or extension of a nonconforming use beyond the scope and area of its operation at the time the regulation that made the use nonconforming was adopted.

11.2.5. LOSS OF LEGAL NONCONFORMITY STATUS

A. Abandonment

If a nonconforming use is discontinued or ceases for any reason for a period of more than 180 calendar days, the use shall be considered abandoned. Once abandoned, the legal nonconforming status shall be lost, the right to operate the nonconforming use shall cease, and re-establishment of the nonconforming use shall be prohibited. Any subsequent use of the property shall comply with the regulations of the zoning district in which it is located.

If a nonconforming use is discontinued or ceases, but is re-established within 180 calendar days, then the nonconforming use may continue, provided the nature and degree of the nonconformity will not be changed or increased from that which existed before the nonconforming use was abandoned.

B. Damage or Destruction

1. If the structure in which a nonconforming use is housed, operated, or maintained is destroyed by any means to the extent of more than 50 percent of its fair market value, the use may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located. This shall not be applicable to “auto service center”, “car wash”, and “motor vehicle sales, used” in the GC district.

2. If the structure in which a nonconforming use housed, operated, or maintained is partially destroyed, where the damage does not exceed 50 percent of its fair market value, the nonconforming use may be allowed to continue and the structure may be rebuilt but not enlarged upon approval of a building permit.

C. Action by the Zoning Board of Adjustment

The right to maintain or operate a nonconforming use may be terminated by the Zoning Board of Adjustment in accordance with the provisions of this Code.

11.3. NONCONFORMING LOTS

11.3.1. NONCONFORMING LOTS OF RECORD

No use or structure shall be established on a lot of record that does not conform to the lot area, lot width, or lot depth requirements established in this Code for the zoning district in which it is located, except as otherwise provided for in this section.

11.3.2. SINGLE FAMILY RESIDENTIAL LOTS

A. Lot Size

If a lot of record created by a subdivision plat has less width or area than the minimum requirements of the district in which the lot is located, the standard for width or area shall not prohibit the erection of a detached single-family dwelling or an accessory structure provided that:

1. The lot is at least 50 feet in width and 5,000 square feet in area; or

2. The lot width and area do not vary more than 10 percent from the minimum requirements of the district in which the lot is located.

B. Setbacks

Single-family dwellings with setbacks made nonconforming by the adoption of this Code are exempt from the requirements of this section if the following findings can be made:

1. The proposed addition or alteration will either meet current setback requirements or will not encroach any further into the required setback than the existing structure; and

2. If the proposed alteration or addition is located on the side of the existing dwelling, and there is a minimum distance of 10 feet between the side of the existing structure and the nearest dwelling on the adjoining property.

Single family residential parcels with setbacks made nonconforming by the installation of roadways or other easements/property line adjustments created or enacted by a governmental entity are also exempt from the requirements of this section, and shall not be required to address the finding above.

11.3.3. ADJACENT LOTS IN SINGLE OWNERSHIP

If two or more adjacent and vacant nonconforming lots are in single ownership at any time, and such lots individually have less width or area than the minimum requirements of the district in which such lots are located, then such lots shall be considered in combination and treated as a single lot or several lots that meet the minimum requirements of this Code for the district in which they are located. Any construction, replacement, or enlargement of a dwelling or building shall require a combination or replatting of all necessary lots in order to achieve compliance with the provisions of this Code.

11.4. NONCONFORMING STRUCTURES

11.4.1. GENERAL

A nonconforming structure is a building or structure the size, dimension, design, or location of which was lawful prior to the adoption, revision, or amendment of this Code, but which fails to conform to the requirements of the development regulations applicable to the property by reasons of such adoption, revision, or amendment.

11.4.2. CONTINUATION OF USE

Except where prohibited by this article, a nonconforming structure may be used for any use allowed in the underlying zoning district, including a legal nonconforming use.

11.4.3. MAINTENANCE AND MINOR REPAIR

The maintenance or minor repair of a nonconforming structure is permitted, provided that the maintenance or minor repair does not extend or expand the nonconforming structure. For the purposes of this subsection, "maintenance and minor repair" means:

A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;

B. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses; and

C. Repairs that are required to remedy unsafe conditions that cause a threat to public safety.

11.4.4. ENLARGEMENT AND EXPANSION

A nonconforming structure in which only permitted uses are operated may be enlarged or expanded if the enlargement or expansion can be made in compliance with all of the provisions of this Code established for structures in the district in which the nonconforming structure is located. Such enlargement or expansion shall also be subject to all other applicable City ordinances.

11.4.5. LOSS OF NONCONFORMING STATUS; DAMAGE OR DESTRUCTION

A. Continuation of Nonconforming Structure

The use of a nonconforming structure may be continued subsequent to the effective date of this Code, provided that such continuance is in accordance with the provisions of this article and all other applicable codes of the City necessary to ensure adequate protection and safety of adjacent property and the users and occupants of such nonconforming structure. However, the right to continue a nonconforming structure shall cease and such use contained therein shall conform to the provisions of this Code under any of the following circumstances:

1. If a nonconforming structure is destroyed by any means to the extent of more than 50 percent of its fair market value, it may not be re-established except in compliance with all regulations applicable to the zoning district in which it is located. This provision shall not apply to single-family dwelling units in residential zoning districts, which may be reconstructed with

substantially the same floor area, provided there is no increase in any other nonconformity.

2. If the nonconforming structure is partially destroyed, where the damage does not exceed 50 percent of its fair market value, the nonconforming structure may be rebuilt but not enlarged upon approval of a building permit.

B. Action by the Zoning Board of Adjustment

The right to maintain or operate a nonconforming structure may be terminated by the Board of Adjustment in accordance with the provisions of this Code.

11.5. NONCONFORMING SIGNS

11.5.1. GENERAL

Any sign that was legally in existence on the effective date of this Code and has been in regular and continuous use, but which does not conform to the provisions of Article 7, shall be deemed a nonconforming sign and is subject to the provisions of this Section.

Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of Article 7, shall be deemed a separate nonconforming use of land, and its use shall be subject to the provisions of this Section.

11.5.2. MAINTENANCE, MINOR REPAIR, DESTRUCTION

The requirements of this section shall not be interpreted to require a sign to be removed, relocated, or reconstructed. However, any nonconforming on-premise sign which is altered, removed, or relocated shall be brought into conformance with Article 7, except as allowed below:

A. Changing the face, sign cabinet, frame, pole cover, or similar nonstructural elements is exempt from this requirement. No sign shall be altered to produce a sign with an overall height or size that is larger or taller than the existing nonconforming sign.

B. The changing of the primary structural elements under this exemption is not permitted. For the purpose of this section, a primary structural element is a column, pole, beam, or footing designed to withstand wind loads and other applicable structure loads.

C. A nonconforming sign shall be removed if the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. A sign or substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

11.5.3. DEMOLITION AND VACANCY

A. An on-premise sign structure is accessory to the primary building and a demolition permit for a primary building shall require the removal of all sign structures. However, when there is an active Commercial Site Plan or Building Permit application in review at the time of demolition, conforming sign structures may be allowed to remain.

B. A nonconforming on-premise sign or sign structure must be removed within 30 days after the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.

C. If the premises containing the nonconforming sign or sign structure is leased, the on-premise sign or sign structure must be removed within 30 days after the second anniversary of the date the most recent tenant ceases to operate on the premises.

11.6. AMORTIZATION OF NONCONFORMING USES OR STRUCTURES

11.6.1. INITIATION OF PROCEEDINGS

The Zoning Administrator, the Zoning Board of Adjustment, or the City Council may request the Zoning Board of Adjustment initiate proceedings to amortize a nonconforming land use or structure. All actions to amortize a nonconforming use of land or structure shall be taken with due regard for the investment of the persons affected when considered in the light of the public welfare, the character of the area surrounding the designated nonconforming use, and the conservation and preservation of property.

11.6.2. CONSIDERATION BY ZONING BOARD OF ADJUSTMENT

A. The Zoning Board of Adjustment may require the termination of nonconforming uses of land or structure under a plan whereby the value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Code.

B. **Criteria For Determining Amortization Period.**
Before the Zoning Board of Adjustment may determine an amortization period, it must consider the following factors:

1. The owner's capital investment in the structures on the property at the time the use became nonconforming.

2. The amount of the investment realized to date and the amount remaining, if any, to be recovered during the amortization period.

3. The life expectancy of the investment.

C. If the Board of Adjustment establishes a termination date for a nonconforming use, the use must cease operations on that date and the owner may not operate it after that date unless it becomes a conforming use.

11.7. ILLEGAL USES

11.7.1. IMMEDIATE TERMINATION OF ILLEGAL USES

A. The violation of any of the provisions of one or more of the following categories or ordinances or requirements shall cause the immediate termination of the right to operate such nonconforming use:

1. Constructing, maintaining, or operating a use conducted in, or associated with, a building or structure erected without a permit from the City;

2. Operating a use or occupying a building or structure without a valid Certificate of Occupancy from the City;

3. Operating a use in violation of a valid Certificate of Occupancy;

4. Unlawful expansion of a nonconforming use or nonconforming structure;

5. Unlawful outside display or storage in required parking spaces;

6. Violation of any provision of a federal or state statute with respect to a nonconforming use;

7. Violation of any provision of an ordinance of the City with respect to a nonconforming use.

B. It is the clear intent of this subsection that nonconforming uses that operate unlawfully shall be considered illegal uses. Illegal uses shall not be considered nonconforming regardless of remedial measures taken to resurrect nonconforming status.

C. For purposes of this subsection, the term "violation" shall mean a final finding by a court of record that an ordinance has been violated.

ARTICLE 12. DEFINITIONS

12.1. GENERAL RULES OF INTERPRETATION

Unless the context clearly indicates otherwise, the following rules shall apply in interpreting the terms and provisions of this article.

12.1.1. MEANINGS AND INTENT

All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in Section 1.4, *Purpose and Intent*, and the specific purpose statements set forth throughout this Code. When, in any specific section of this Code, a different meaning is given for a term defined for general purposes in this article, the specific section's meaning and application of the term shall control.

12.1.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

12.1.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

12.1.4. COMPUTATION OF TIME

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.

12.1.5. REFERENCES TO OTHER REGULATIONS/PUBLICATIONS

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

12.1.6. DELEGATION OF AUTHORITY

Any act authorized by this Code to be carried out by a specific official of the City may be carried out by a designee of such official.

12.1.7. TECHNICAL AND NON-TECHNICAL TERMS

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

12.1.8. PUBLIC OFFICIALS AND AGENCIES

All public officials, bodies, and agencies to which references are made are those of the City of Arlington unless otherwise indicated.

12.1.9. MANDATORY AND DISCRETIONARY TERMS

The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words “may” and “should” are permissive in nature.

12.1.10. SYNOMOUS TERMS

Unless otherwise specified:

A. The word “building” includes the word “structure” and the word “structure” includes the word “building”;

B. The word “lot” includes the words “building site,” “parcel”, “plot,” or “tract”; and

C. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” “occupied for,” and shall apply exclusively to physically existing uses.

12.1.11. CONJUNCTIONS

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

A. “And” indicates that all connected items, conditions, provisions, or events apply; and

B. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

12.1.12. TENSES, PLURALS, AND GENDER

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

12.1.13. UNDEFINED TERMS

For words not defined in this article, refer to Webster's Dictionary.

12.2. INTERPRETATIONS

The Zoning Administrator has final authority to determine the interpretation or usage of terms used in this Code. Any person may request an interpretation of any term by submitting a written request to the Zoning Administrator, who shall respond in writing within 30 days. When interpreting and applying the provisions of this Code, such provisions shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, and general welfare. Nothing in this Code

shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law.

12.3. DEFINITIONS OF GENERAL LAND USE CATEGORIES AND SPECIFIC USE TYPES

This section defines the general use categories and specific use types listed in the tables of allowed uses in Section 3.1, the tables of allowed accessory uses in Section 3.3, and the tables of allowed temporary uses in Section 3.4.

12.3.1. RESIDENTIAL USES

A. Household Living

This use category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the "Lodging Facilities" category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

1. Dwelling, Duplex

A detached house on a single lot designed for and occupied exclusively as the residence of not more than two families, each living as an independent housekeeping unit.

2. Dwelling, Live/Work

A structure or portion of a structure: (1) that combines a commercial or manufacturing activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

3. Dwelling, Multi-Family

A dwelling or group of dwellings on one lot containing separate living units for three or more families, but which may have joint services or facilities.

4. Dwelling, Single-Family Detached

A detached dwelling having accommodations for and occupied by only one family, and that is not attached to any other dwelling by any means, and is surrounding by open space or yards. This definition does not include mobile homes or manufactured homes.

5. Dwelling, Townhouse

A building that has two or more single-family dwelling units erected in a row as a single building on adjoining lots, each unit being separated from the adjoining unit(s) by a fire wall along the dividing lot line, and each such

building being separated from any other building by space on all sides. Each individual townhouse unit has individual front and rear access to the outside. Townhouse units are typically surrounded by common areas owned and maintained by a property owners association.

6. HUD-Code Manufactured Home | Mobile Home

A structure defined by and subject to the requirements of the Texas Manufactured Housing Standards Act, as amended, as defined by the "Construction" Chapter of the Code of the City of Arlington. This definition includes the terms "manufactured home" and "manufactured housing."

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

1. Assisted Living Facility

An establishment, licensed by the State of Texas, that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas.

2. Boarding House | Fraternity or Sorority House | Private Dorm

A "boarding house" is a residential structure that provides lodging on a temporary basis for five or more persons, with or without meals, and does not provide for cooking in any room occupied by a paying guest. A "fraternity or sorority house" is a facility or area used for a meeting place and which maintains sleeping accommodations for its members. A "private dorm" is a facility or area owned and/or operated by an educational institution that provides group living quarters for individuals associated with the institution.

3. Community Home for Disabled Persons

A community-based residential home as defined and regulated by Chapter 123, Human Resources Code, of the Texas state statutes.

4. Foster Family Home

A child-care facility that provides care for not more than six children for 24 hours a day, as defined and regulated by Chapter 42, Human Resources Code, of the Texas state statutes.

5. Foster Group Home
A child-care facility that provides care for 7 to 12 children for 24 hours a day, as defined and regulated by Chapter 42, Human Resources Code, of the Texas state statutes.

6. Halfway House
A facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.

7. Independent Senior Living Facility
A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

8. Nursing Home
A facility or area furnishing food and shelter in single or multiple facilities to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. In addition, the facility provides minor treatment under the direction and supervision of a physician, or provides a service which meets some need beyond the basic provision of food, shelter, and laundry.

12.3.2. PUBLIC, INSTITUTIONAL, AND CIVIC USES

A. Community And Cultural Facilities
Buildings, structures, or facilities owned, operated, or occupied by a governmental entity or nonprofit organization to provide a service to the public. Specific use types include:

1. Art Gallery or Museum
A facility or area that is open to the public and is intended for the acquisition, preservation, study, and exhibition of works of artistic, historical, cultural, or scientific value.

2. Correctional Facility
A facility for the judicially-required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, for example, prison, jail, or probation facility. This term does not include a juvenile detention facility.

3. Domestic Violence Shelter

A residential facility that receives and houses persons who are victims of domestic violence, including dependents of the victim, to provide temporary boarding, lodging, counseling, and day care. The facility shall meet all certification requirements of the State of Texas.

4. Emergency Shelter

A facility or area providing temporary housing and ancillary services for one or more individuals who are otherwise homeless. For purposes of this definition, a "domestic violence shelter" is not considered an emergency shelter.

5. Government Administration and Civic Buildings

An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, libraries, museums, police and fire stations, or motor vehicle licensing and registration services. This use does not include utilities as defined elsewhere in this Code.

6. Mortuary | Crematory | Funeral Chapel

A "mortuary" is facility in which dead bodies are prepared for burial. A "crematory" is a structure containing a retort used or intended to be used for the cremation of human remains. A "funeral chapel" is a facility in which funeral services are conducted, and may contain a mortuary and/or crematory.

7. Philanthropic Institution (other than listed)

Any organization operating under a nonprofit charter, the activities of which are devoted exclusively to charitable, benevolent, patriotic, employment-related, or educational purposes not currently listed elsewhere in this Code.

8. 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. This use does not include home meetings or other religious activities conducted in a privately occupied residence. Accessory uses may include meeting rooms and childcare provided for persons while they are attending assembly functions. Schools and other child care services are not accessory uses and shall require approval as separate principal uses.

B. Educational Facilities

Public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, that provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and

sport facilities, auditoriums, and before- or after-school day care. Specific use types include:

1. Business School
A facility or area for instruction and training in secretarial and related office skills, cosmetology, commercial art, computer software, cooking, and similar training.

2. Public or Private School
An educational institution, attendance at which satisfies the compulsory education laws of the State of Texas. A facility or area for pre-kindergartens, kindergartens, elementary, or secondary education supported by a public, church, or parish organization. This definition may include after-school and summer programs which coincide with the age brackets for public and private schools as provided in this Code.

3. Trade School
A facility or area for instruction and training in trades or crafts such as auto repair, welding, bricklaying, machinery operation, or other similar trades or crafts. For purposes of this definition, this use differs from business school in that large equipment and outdoor activities are generally associated with trade schools.

4. University | College | Seminary
An academic institution of higher learning beyond the level of secondary school. A seminary is an institution for the training of candidates for the priesthood, ministry, or rabbinate.

C. Health Care Facilities
Health Care Facilities are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

1. Hospital
A facility or area for providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

2. Hospital, Psychiatric
A facility or area for providing health services primarily for in-patient medical care for alcoholic, narcotic, or psychopathic patients and including related facilities such as laboratories, out-patient departments, training facilities,

central services facilities, and staff offices that are an integral part of the facilities.

3. Medical or Dental Office or Clinic

An establishment primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other health practitioners, medical and dental laboratories, outpatient care, and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

D. Park and Open Space

Park and open space uses focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include:

1. 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.

2. Community Garden

A facility for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

3. Public Park or Playground

A facility or area for recreational, cultural, or aesthetic use owned or operated by a public agency and available to the general public. This definition may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, pavilions, wooded areas, and water courses.

12.3.3. COMMERCIAL USES

A. Agriculture

The use of land for purposes including farming, dairying, pasturage, horticulture, animal and poultry husbandry, and the necessary accessory uses for treating or storing of farm products and parking of equipment. Specific use types include:

1. Animal Production

A facility or area for raising animals (including fish and birds) and the development of animal products, such as meat, fur, or eggs, on a commercial basis. Typical uses include beef, horse, or sheep ranching; piggeries; poultry; dairy; and fish farming. This use does not include raising animals to sell as pets.

2. Crop Production
An area for raising or harvesting agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.

B. Animal-Related Services
The boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. Kennel, Commercial
A facility or area for keeping four or more dogs, cats, or other household pets, as specified in the "Animals" chapter of the Code of the City of Arlington; or where grooming, breeding, boarding, training, or selling of animals is conducted as a business. This definition does not include a veterinary clinic (as defined in this Code), a pet store, or an animal grooming shop.

2. Stables, Commercial
A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

3. Veterinary Clinic
A facility for the diagnosis, treatment, or hospitalization of animals. The incidental boarding or breeding of animals is included in this definition.

C. Auto Sales, Equipment, and Repair
This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair, storage, and offices. Specific use types include:

1. Auto Service Center
A facility or area for the servicing and minor repair of motor vehicles within enclosed service bays or stalls. Typical services include the retail sale and dispensing of lubricating oils, tires, filters, and other limited repair and maintenance work including the replacement of new or reconditioned parts in motorized vehicles of 10,000 pounds or less gross vehicle weight. This definition includes quick-lube shops and tire shops, but does not include any operation included in the definition of "Auto Repair Garage, Major."

2. Auto Repair Garage, Major
A facility or area for one or more of the following activities:

a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over 10,000 pounds gross vehicle weight.

b. Collision services, including body, frame, or fender straightening or repair.

c. Overall painting of vehicles or painting of vehicles in a paint shop or paint booth.

d. Dismantling of motorized vehicles in an enclosed structure.

3. Car Wash

A facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be:

a. A single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or

b. A tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

4. Gasoline Sales

A facility or area for the retail sale of motor vehicle fuel dispensed from pumps.

5. Motor Vehicle Rental

A facility for the rental of new or used motor vehicles. Motor vehicles kept on the lot for rental purposes are not considered to be outside storage.

6. Motor Vehicle Sales, New

A motor vehicle retail establishment operated by a franchised dealer. A "franchised dealer" means a person who holds a franchised motor vehicle dealer's license issued under the Texas Transportation Code, and is engaged in the business of buying, selling, or exchanging new motor vehicles and servicing or repairing motor vehicles under a manufacturer's warranty at an established and permanent place of business under a franchise in effect with a manufacturer or distributor. For purposes of this definition, motor vehicles are not considered outside storage. Accessory uses may include the sale of used motor vehicles, auto service, and auto repair activities, as defined elsewhere in this Code.

7. Motor Vehicle Sales, Used

An establishment operated by a nonfranchised or independent dealer, and is engaged in the business of selling used motor vehicles. A "used motor vehicle" is a vehicle that has been sold to a retail customer for purposes other than resale.

8. Commercial Parking Garage

As a principal use, a structure for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

D. Financial Services

This category includes a range of uses related to retail banking and financial services to individuals and businesses. Specific use types include:

1. Bank or Financial Institution

An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking.

This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses. Additionally, it excludes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code that also offer services as credit access businesses under Chapter 393 of the Texas Finance Code.

2. Alternative Financial Institution

A payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code.

If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a 'credit service organization' and/or a 'credit access business' under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

a. Payday advance/loan business - An establishment that makes or arranges small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. A payday advance/loan business also includes any business that arranges or assists in arranging extensions of consumer credit that is a registered credit services organization and/or a licensed credit access business.

b. Motor Vehicle title loan business - An establishment that makes or arranges small, short-term consumer loans that leverage the equity value of a car or other vehicles as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. A car title loan business also includes any

business that arranges or assists in arranging extensions of consumer credit secured by a car or vehicle title that is a registered credit services organization and/or a licensed credit access business.

This excludes state or federally chartered banks, savings and loan associations or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral. The term does not include a 'retail installment transaction' under Chapter 348 of the Texas Finance Code or another loan made to finance the purchase of a motor vehicle.

c. **Credit Access Business** – has the same meaning as defined in Chapter 393 of the Texas Finance Code.

E. Food and Beverage Services

Businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

1. Bar

An establishment, licensed by the State for the sale of alcoholic beverages, that derives more than 75 percent of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption.

a. For purposes of this Code, any establishment that sells or serves alcoholic beverages in quantities that exceed 75 percent of the establishment's gross revenue shall be defined as a "bar."

b. For purposes of this definition, "gross revenue" shall be calculated using the normal selling price of all items of food and alcoholic beverages served in the establishment and shall reflect the price normally charged for such items in the particular establishment for which the gross revenue figure is calculated, whether such items is actually sold at normal selling price, below normal entrance fee, or other consideration paid. Reduced prices charged during promotions, happy hours, and other occasions when drinks are sold at reduced prices or served at no charge, shall not be considered "normal selling price" for calculation of gross revenue.

2. Catering Service

A food establishment without on-site banquet facilities that provides, prepares, and/or serves food at off-site locations for groups, where all food and service expenses are paid by the group and not for individual sale.

3. Restaurant

A food establishment that is open to the public, where food and beverages are prepared, served, and consumed primarily within the principal building. Accessory uses may include an outdoor dining area or sidewalk café. The use

may or may not have a drive-through facility, depending upon the zoning district requirements.

4. Restaurant, take-out and delivery only

A food establishment that is open to the public, where food and beverages are prepared primarily for carry-out by the consumer or delivery by the establishment and not for consumption on the premises. This classification may include ice cream shops, pizza delivery, specialty food and beverage shops, or baked goods shops. This classification does not include mobile food establishments.

5. Sidewalk Cafe

Any outdoor eating and/or drinking area located on a public sidewalk or parkway and containing removable tables, chairs, planters, or related appurtenances.

F. Lodging Facilities

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include:

1. Bed and Breakfast Inn

A house, or portion thereof, used by the record owner of the property and who is also a resident of the property, and where short-term lodging rooms and meals are provided.

2. Hotel, Luxury

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as “luxury” by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

3. Hotel, Upper-Upscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as “upper-upscale” by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

4. Hotel, Upscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as “upscale” by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

5. Hotel, Upper-midscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands

that are rated based on their average daily rate as "upper-midscale" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

6. Hotel, Midscale
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "midscale" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

7. Hotel, Economy
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "economy" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

8. Hotel, Independent
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is not associated with hotel brands that are rated by STR, Inc., in the most recently published chain scale ratings for hotels in North America.

9. Hotel, Convention
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is closely located to and associated by agreement with the City of Arlington Convention Center.

10. Residence Hotel (Subclassification of Hotel)
Any hotel that offers more than five percent of its rental units for stays extending 30 consecutive days or more, or a multi-dwelling unit extended-stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term (30 days or more) occupancy. Accessory uses include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this Code. After June 1, 2019, a **Residence Hotel** is a subclassification of the other Hotel classifications found under Lodging Facilities.

11. Overnight Parking Facility
An area within a major sports complex for locating, establishing, or maintaining sites available for overnight parking of motor vehicles, recreational vehicles, pickup coaches, and travel trailers of the general public, which may be used as temporary living quarters by persons attending one or more events at a major sports complex.

12. Trailer Camp | RV Park

An area for locating, establishing, or maintaining one or more sites for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a temporary basis by campers, vacationers, and travelers.

G. Office, Business and Professional

A facility that provides executive, management, administrative, or professional services not specifically listed elsewhere in this Code, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

1. Telemarketing Call Center

An office primarily engaged in the making and receiving large numbers of telephone calls for purposes such as customer support, information inquiries, and/or product sales and services. The sale of goods or services to the public does not take place on the premises, and products are not stored at or on the premises.

H. Personal Services

Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

1. Bail Bond Service

An establishment that solicits, negotiates, and executes bonds or other security to guarantee the appearance in court of a person accused of a crime.

2. Day Care Center

A facility or area licensed, certified, or registered by the State to provide daytime care, training, education, custody, treatment, or supervision to more than six children, adults, or elderly in a family setting for less than twenty-four hours a day, whether for compensation or not. This definition shall not include kindergartens, pre-kindergartens, and schools listed elsewhere in this Code.

3. General Personal Services (Other Than Listed)

An establishment, whether for compensation or not, that provides care, advice, aid, maintenance, repair, treatment, or assistance, not including the practice of a profession and the wholesale or retail sale of goods. Typical examples include barber/beauty shop, spa/salon, shoe repair, tailor, laundry or dry cleaning services, handcrafted or instructional arts studio, photography studio, safe deposit boxes, travel bureau, house cleaning

services, weight reduction centers, florist (excluding greenhouses), or pet grooming shop. Boarding is not an incidental use to pet shops or pet grooming shops.

4. Massage Therapy Clinic

Any building, room, place, or establishment other than where regularly licensed non-medical or non-surgical manipulative exercises or devices are practiced upon the human body manually or otherwise by a licensed massage therapist, physician, surgeon, dentist, occupational or physical therapist, chiropractor, or osteopath, with or without the use of therapeutic, electrical, mechanical, or bathing devices.

5. 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.

I. Recreation and Entertainment, Indoor

Uses that provide recreation or entertainment activities within an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Banquet Hall

An establishment that is leased on a temporary basis before the day of the event by individuals or groups who reserve the facility to accommodate private functions, including, but not limited to, banquets, weddings, anniversaries, receptions, business and organizational meetings, and other similar functions, to which the general public is not admitted and for which no admission charge is imposed. Such establishments may include kitchen facilities for the preparation of food or catering of food and areas for dancing, dining, and other entertainment activities that customarily occur in association with banquets, weddings, or receptions.

2. Bingo Parlor

A facility open to the public and used primarily for the conduct of bingo games.

3. Billiard Parlor

A business establishment maintaining 3 or more pool or billiards tables on the premises for use by its customers, and such that the playing of pool or billiards is the primary use of the establishment.

4. Bowling Alley

An indoor facility that devotes more than 50 percent of its gross floor area to bowling lanes, equipment, and playing area.

5. Game Room

A building, facility, or other place that contains one or more mechanical or electronic machines or equipment that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine; or a combination of cards is arrived at and valued in a traditional hierarchy or points assigned for purposes of poker or blackjack.

6. Gun Range (Indoor)

A structure specially designed for the safe discharge and use of handguns, rifles, or other firearms for the purpose of sport-shooting or military/law enforcement training.

7. Nightclub

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.

"Nightclub" 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.

8. Private Club | Lodge | Fraternal Organization

A "private club" is private quarters for a private organization, a principal purpose of which is the preparation and service of food and/or drink for members and their guests only. A "lodge or fraternal organization" is a facility or area for a special purpose organization or for the sharing of sports, arts, literature, politics, or other similar interests, but not primarily for profit or to render a service that is customarily carried on as a business, excluding churches, synagogues, or other houses of worship or religious assembly.

9. Recreation, Indoor (Other Than Listed)

A facility or area for sport, entertainment, games of skill, or recreation to the general public for a fee where the activity takes place within an enclosed structure. Examples include but are not limited to, gymnasium or indoor

arena; basketball, handball, and tennis courts; hockey rinks; swimming pools; physical fitness centers; and amusement devices.

For the purpose of this definition, "amusement devices" mean the following:

a. Any mechanical or electronic machines or equipment that, upon the insertion of a coin, slug, token, plat, disc, card, or upon the payment of any consideration, may be operated by the public generally for use as games of skill for interactive amusement, whether or not registering a score.

b. Amusement devices shall include, but not be limited to, video games, computer games, pinball machines, foosball machines, billiard or pool tables, arcade games, and similar activities.

c. Amusement devices shall not include games of chance; gambling-like device versions of bingo, keno, blackjack, lottery, roulette, video poker, eight-liners or similar electronic, electromechanical, or mechanical games, or facsimiles thereof; children's rides; or jukeboxes or similar electronic or mechanical music machines that do not involve games of skill for interactive amusement.

10. Skating Rink

A facility open to the public and used primarily for the conduct of ice or roller skating.

11. Teen Club

An establishment providing live entertainment or dancing as a substantial part of the business in which teenagers regularly gather, whether admission is by a set admission charge, the donation of money, or no charge. Teen club does not include places operated by government entities, schools, or religious institutions.

12. Theatre, Indoor

A structure that is open to the public and is used for dramatic, operatic, musical, motion picture, or other performance or entertainment-related activities, where admission is charged per performance or event, and where there is no audience participation other than as spectators. Such establishments may include incidental services such as food and beverage sales and other concessions.

13. Wedding Chapel

An establishment that primarily provides the facilities and services for weddings on a commercial basis. This definition does not include religious institutions and similar congregations where weddings are an ancillary use.

J. Recreation and Entertainment, Outdoor

Uses that provide recreation or entertainment activities outside of an enclosed environment. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Country Club

A facility or area laid out for recreational, athletic, and social purposes, with limited membership, and the use of which is primarily restricted to members and their guests. A golf course may be included as an additional principal use. Accessory uses may include retail sales, a club house, and other recreational facilities.

2. Golf Course

A tract of land laid out with a course having nine or more holes for the playing of golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

3. Gun Club, Skeet, or Target Range (Outdoor)

A facility or area for the sport of shooting at targets to test accuracy in rifle, pistol, or archery practice, owned or operated by a corporation, association, or persons, and conducted outside of an enclosed structure.

4. Major Tourist Attraction

A site of 12 acres or more with a minimum of 1,000 feet of frontage on an interstate highway or frontage road, devoted to a single use as an amusement theme attraction, park, or stadium which promotes the tourism interests of the City. This definition also includes a municipally-owned convention center or a major sports complex with no acreage or freeway frontage requirement.

5. Recreation, General Outdoor (Other Than Listed)

A commercial establishment, open to the general public, that contains outdoor amusement rides and facilities, such as miniature golf courses, basketball or tennis courts, baseball or soccer fields, go-cart race tracks, playgrounds, and/or outdoor motion picture theaters. Such establishments may include structures and buildings where there are various amusement devices, facilities for shows and entertainment, rides, and/or booths for the conduct of games, sale of merchandise, and/or sale of food and beverages.

6. Marina

A facility or area for storing, servicing, fueling, berthing, and security and launching of private pleasure craft, and may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

K. Retail (Sales)

Retail sales firms are involved in the sale, lease, or rent of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

1. Boat and Accessory Sales, Rental and Service

A marine retail sales and service use in which boats and accessories are rented, sold, or serviced.

2. Building and Landscaping Materials and Lumber Sales

A facility for the retail sale of home, lawn, and garden supplies, and construction materials such as brick, lumber, and other similar materials.

3. Farmer's Market

The retail sale of farm products by individual vendors within a building permanently enclosed by walls and a roof for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise is not included in this definition.

4. General Retail Store (Other Than Listed)

A facility or area for the retail sale of general merchandise or food to the public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel; equipment for hobbies or sports; gifts; flowers and household plants; dry goods; groceries, convenience, and specialty foods; toys; furniture; books and stationery; pets; drugs; hardware; and similar consumer goods. This use does not include uses in this article specifically listed.

5. Firearm Sales

A retail store used for the sale, vending, dealing, exchange, or transfer, of firearms, with or without the sale of ammunition and/or firearm accessories.

6. Nursery ,Garden Shop, or Plant Sales

A facility or area for the growing, display, or sale of plant stock, seeds, or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping. Examples include but are not limited to nurseries, flower raising, orchards, or vineyards.

7. Open-Air Vending

The sale of any merchandise or goods from an outdoor location upon privately-owned property not within any permanent building or structure designed for the sale of such goods. The term "open air vending" shall specifically include the sale of merchandise or goods from "stands," "kiosks," "stalls," "vehicles," "tents", and all other sales not within a permanent structure. The term "sale" is herein defined as the actual transfer of goods or

merchandise. The term open-air vending, however, shall not include activities included in the "Door-to-Door Selling" Chapter of the Code of the City of Arlington.

8. Package Liquor Store
An establishment licensed by the State for the retail sale of liquor, malt, and vinous liquors for off-premise consumption.

9. Pawn Shop
A building or premise (other than a bank, savings and loan, or mortgage banking company) used for the business of lending money on the security of pledged goods, or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

10. Second-Hand Goods Store
Establishment for the sale of any goods, materials, or other articles of merchandise that are not new. This definition includes items that have been used or worn previously by another, consignment stores, antique malls, and "cash for gold" businesses.

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, or other smoking accessories. This definition shall include head shops. This definition shall not include massage therapy clinics, acupuncture clinics, retail tobacco shops, or cigar or cigarette shops.

12. Swimming Pool, Spa, and Accessory Sales and Service
A facility or area for the sales, general repair, and maintenance of swimming pools or spas and accessories, including but not limited to outdoor furniture, mechanical equipment, and chemicals.

L. Sexually Oriented Business
A sexually oriented business shall be as defined in the "Sexually Oriented Business" chapter of the Code of the City of Arlington.

12.3.4. INDUSTRIAL USES

A. Industrial Service
Industrial service firms are engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and similar uses perform services off-site. Few customers come to the site. Accessory activities may include sales, offices, parking, and storage. Specific use types include, but are not limited to:

1. Building Maintenance Sales and Service

A facility or area for contracting services such as building repair and maintenance; the installation of plumbing, electrical, air conditioning, and heating equipment; janitorial services; and exterminating services. The retail sale of supplies is permitted as an accessory use.

2. Cleaners, Commercial

A facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services, and other similar accounts, as well as rug and dry cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.

3. Food Processing

A facility or area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods is excluded from this definition.

4. Heavy Machinery Rental, Sales, and Service

A facility or area for the display, sale, and rental of tools, heavy machinery, dump trucks, or commercial and heavy equipment not used in offices, such as used in building construction, farming, restaurant, or manufacturing. Sales may either be retail or wholesale, and are generally made to businesses rather than to individual households.

5. Medical or Scientific Research Laboratory

A facility or area for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prostheses.

6. Microbrewery | Microdistillery | Winery

A microbrewery is a small-scale brewing facility designed for the production of malt liquors such as beer and ale, using grains such as oats, hops, rice, wheat, and barley, designed and managed to brew no more than 75,000 barrels of beer per year. A microdistillery is a small-scale facility designed for the manufacture, bottling, labeling, packaging, and sale of distilled spirits and other liquors. A winery is a facility designed for the manufacture, bottling, labeling, packaging, and sale of wine containing not more than 24 percent alcohol by volume.

7. Wrecker Service

A facility or area in which two or more tow trucks are employed in the hauling of motorized vehicles, and for the storage of vehicles that have been towed,

repossessed, or otherwise in the care and custody of the operator of the lot, but not disassembled or junked.

B. Manufacturing

Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Custom industry is included, such as establishments primarily engaged in the on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific use types include:

1. Asphalt or Concrete Batch Plant

A facility or area, which is not temporary in nature, for mixing concrete or asphalt.

2. Custom and Craft Work

A facility or area in which finished, personal, or household items that are either made to order or that involve considerable handwork are produced. Examples include but are not limited to textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting, and other work or wood products on an individualized single item basis. Cabinetmaking and cabinet assembly shops are not included in this definition. The use of mechanized assembly line production is excluded from this definition.

3. Gas Well

Any well drilled, to be drilled, or used for the intended or actual production of natural gas or other hydrocarbons.

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. Rendering of animal fats, slaughtering or processing of animals, and industrial manufacturing processes using the following raw materials: bones, garbage, offal, and dead animals.

f. Refining of raw materials, such as, but not limited to chemicals, rubber, wood, or wood pulp, into other products.

5. Manufacturing, Light

A facility or area for producing goods without the use of chemical processing of materials. Light manufacturing activities include but are not limited to the following activities:

a. Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinetmaking, or the assembly of clocks, electrical appliances, or medical equipment.

b. Production of items made from materials derived from plants or animals, including but not limited to leather, pre-milled wood, rubber, paper, wool, or cork, or from textiles or plastics.

c. Electrical component manufacturing.

d. Reproduction, cutting, printing, or binding of written materials, drawings, or newspapers on a bulk basis using lithography, offset printing, blue printing, and other similar methods.

e. Machine or welding shop where material is processed by machining, cutting, grinding, welding, or similar processes.

f. Spray painting or motor vehicle conversion.

6. Manufacturing, Heavy

A facility or area for generally mass producing goods usually for sale to wholesalers or other industrial or manufacturing uses. A heavy manufacturing use is one which employs the following or similar types of processes:

a. The milling of grain as retail sales and service.

b. Producing animal food and tanning animal hides.

c. Production of large durable goods such as but not limited to motorcycles, cars, manufactured homes, or airplanes.

d. Canning or bottling of food or beverages for human consumption using a mechanized assembly line.

e. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents, and other chemical products; and use of a foundry for metals.

f. Production of items made from stone, clay, metal, or concrete.

g. Tire recapping or retreading.

7. Salvage Yard (Indoor)

An indoor facility for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term "scrap or discarded materials" includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes indoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production.

8. Salvage Yard (Outdoor)

An outdoor or partially outdoor facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this Code. The term "scrap or discarded materials" includes but is not limited to metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes outdoor or partially outdoor facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return such products to a condition in which they may again be used for production. This use includes an automotive wrecking yard, automobile graveyard, junk yard, and recycling business, as each is defined below:

a. The terms "automotive wrecking yard" and "automotive graveyard" shall mean any lot or tract of land upon which three or more discarded, abandoned, junked, wrecked, dismantled, worn out, or ruined motor vehicles (including automobiles, trucks, tractor trailers, trailers), cranes, machinery or equipment parts, and/or recreational vehicles are either:

(i) Kept, stored, bought, sold, recycled, or otherwise placed; or

(ii) Disassembled, dismantled, stripped, scrapped, recycled, or otherwise cut up.

b. The term "junk yard" means any lot or tract of land upon which junk is kept, stored, bought, sold, recycled, or otherwise placed.

c. The term "junk" means copper, brass, iron, steel, rope, rags, batteries, paper, rubber, tires, pipe, plastic, debris, trash, rubbish, waste, metal,

and ferrous or nonferrous materials which are old, scrapped, discarded, secondhand, or otherwise used.

C. Transportation-Related Uses

Physical facilities involved in the movement of people or goods, which may include highways, flight-related facilities, rail transit lines, and other similar facilities.

1. Airport

Arlington Municipal Airport.

2. Airport or Landing Field

A facility or area for the landing and taking off of fixed or rotary wing aircraft.

a. Landing Area

The surface area of the airport used for the landing, take-off, or taxiing of aircraft.

3. Heliport

An area designed to be used for the landing or takeoff of helicopters, including operating facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

4. Railroad Yard, Shop, or Roadhouse

A facility or area for the maintenance, repair, or storage of bus, rail, or other transit vehicles.

5. Transit Passenger Terminal

A facility for the loading and discharging of train or bus passengers.

D. Utilities

The use of land for lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and facilities for the generation of electricity.

1. Electric Generating Plant

A facility or area that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources, or nuclear fission franchised by the State.

2. Electric Utility Substation

A facility for transforming electricity for distribution to individual customers.

3. Radio or TV Station or Studio

A building or portion of a building used as a place for radio or television broadcasting.

4. Utility Lines, Towers or Metering Station

Local utilities such as electrical power, telephone, gas, water, and sewer drainage lines; air pollution monitoring stations; in-line facilities such as gas regulating stations and water wells or pumping stations; sewage pumping stations; telephone exchange, switching and transmitting equipment; and electrical transmission lines operated by a municipality or a franchised utility company.

5. Utility Installation Other Than Listed

A facility or area for a utility installation not specifically listed in this Code.

6. Wireless Communication Facilities

a. Antenna

Any structure or device used to collect, receive, transmit, or radiate electromagnetic waves. Antennae may be mounted on towers or on buildings, and may be concealed or unconcealed.

b. Antenna Array

An arrangement of antennae and their supporting structures.

c. Antenna, Dish

An antenna that is parabolic or bowl-shaped and that receives and/or transmits signals in a specific directional pattern.

d. Antenna, Panel

An antenna which receives and/or transmits signals in a directional pattern.

e. Antenna, Stealth

An antenna that is effectively camouflaged or concealed from view.

f. Antenna, Telecommunications

An antenna used to provide a telecommunications service. This excludes lightning rods, private mobile radio systems, amateur radio antennas less than 50 feet (15 meters) in height, and whip antennas less than four inches (10 centimeters) in diameter and less than 10 feet (three meters) in height.

g. Antenna, Whip

An omni-directional dipole antenna of cylindrical shape that is no more than six inches (15 centimeters) in diameter.

h. Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennae that transmit information (audio, video, data) in the form of electromagnetic signals to one or more receivers without the use of a physical connection between the transmitting and receiving source. The term includes but is not limited to

lattice towers, guyed towers, and monopole towers. The term does not include a clock tower, bell tower, steeple, light pole, power pole, water tower, or similar structure that incidentally supports antennae. Towers may be freestanding or building-mounted, and may be concealed or unconcealed. An auxiliary structure housing electronic communications equipment is permitted as part of this use.

i. Tower, Stealth

A clock tower, church steeple, bell tower, utility pole, light standard, flagpole, or similar structure, designed to support and camouflage or conceal the presence of telecommunications antennae. This definition includes a monopole tower with antennae concealed inside the tower.

E. Wholesale Distribution and Storage

Firms engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

1. Cold Storage Plant

A facility or area where refrigerated or frozen materials are processed, sold, packaged, or kept in protective storage, such as food, furs, or other products.

2. Contractors Plant, Shop and/or Storage Yard

A facility or area for the storage and maintenance of contractor's supplies and operational equipment. An office is considered an accessory use.

3. Distribution Center | Warehouse

A building or area for storage, wholesale, and/or distribution of manufactured products, supplies, and equipment. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions defined as High Impact Uses.

4. Self-Storage Facility

A facility or area where enclosed storage space, divided into separate compartments no larger than 500 square feet in size, is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment at another location. Related activities, such as retail sale of packing and moving materials and the rental of moving equipment, including vans and trucks, are allowed as incidental uses.

5. Wholesale Supply Business

A wholesale, storage, and distribution use, not generally open to the public, in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct

consumption, including the storage of goods for sale. Wholesalers that do not have auxiliary storage as a part of the use shall be considered offices.

12.3.5. ACCESSORY USES AND STRUCTURES

A. Accessory Buildings or Use

A structure or use that:

1. Is clearly incidental to and customarily found in connection with a principal building or use and is located on the same lot as the principal building or use served;

2. Is subordinate to and serves a principal building or a principal use and is subordinate in area, extent, or purpose to the principal building or principal use served;

3. Contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or use served; and

4. When a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be deemed a part of the principal building.

B. Alternative Energy System

a. Solar Energy System

A ground- or building-mounted solar collection system consisting of solar photovoltaic cells, panels, or arrays and related equipment that relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation, and that supplies electrical power independently of an electrical production and distribution network.

b. Small Wind Energy System

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100kW and is primarily intended for on-site production and consumption of utility power.

c. Geoexchange System

A system comprised of a central pump that transfers heat to or from the ground by passing fluid through underground coils in the ground or in body of surface water for the purpose of preconditioning air used in building heating or cooling.

d. Geothermal Direct Heat System

A system that removes steam or dry heat from underground geothermal sources for building heating or industrial use.

C. Caretakers Quarters (Accessory)

A dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.

D. Carport

A roofed structure with two or more open sides used for vehicle shelter and parking. A carport may either be free standing or attached to the primary building.

E. Community Center, Private (Accessory)

A facility or area that is an integral part of a residential project or planned development and that is used by the residents of the project or development for a place of meeting, recreation, or social activity, but not primarily to render a service that is customarily carried on as a business. Such facilities include but are not limited to swimming pools, saunas, hot tubs, game courts, playgrounds, community clubhouse, cabana, pavilion or roofed areas, leasing office, laundry facilities, and other similar uses. This use need not be located on the same lot as the property it serves.

F. Customary Incidental Use

A use of a building or premises, which use customarily or traditionally serves the principal use.

G. Electric Vehicle Charging Station

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.

H. Garage Apartment (Accessory)

A dwelling unit designed or constructed as part of a private garage.

I. Garage, Private (Accessory)

An enclosed structure, either attached or detached, that is accessory to the principal structure and designed for the parking and storage of vehicles by the occupants of the building, and with no facilities for mechanical service or repair of a commercial or public nature.

J. Home-Based Business

A business or occupation, undertaken by a resident of the property that is customarily conducted in a residential dwelling unit and that is clearly incidental and secondary to the use of the dwelling.

K. Outside Display And Sales (Accessory)

The outside placement of merchandise for sale, rental, or lease for a continuous period less than twenty-four hours.

L. Outdoor Storage (Accessory)

Area (including maneuvering area) used for the long term (more than twenty-four hours) retention of materials, machinery, equipment, and/or commodities, including raw, semi-finished, and finished materials, whether such materials, machinery, equipment, or commodities are to be bought, sold, repaired, stored, incinerated, or discarded. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage.

M. Recycling Collection Center

An enclosed trailer used for the collection and temporary storage of empty beverage containers, aluminum, glass, plastic, paper, clothing, or similar materials for recycling purposes. This definition includes automated can banks that crush cans as they are deposited. This definition does not include donation boxes for clothing, toys, household goods, and similar items.

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, eating, 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 shall not be rented or leased. A mobile home or HUD-Code manufactured home shall not be considered an accessory secondary living unit.

O. Sidewalk Café

Any outdoor eating and/or drinking area located on a public sidewalk or parkway and containing removable tables, chairs, planters, or related appurtenances.

P. Swimming Pool, Private (Accessory)

A swimming pool constructed for the exclusive use of the residents of a single-family or duplex dwelling.

Q. Transit Passenger Shelter

A facility, area, or structure that provides protection from the weather to people waiting to board a publicly-owned or franchised transit vehicle.

R. Mobile Food Establishment

A mobile food establishment, commonly referred to as a "food truck", is a vehicle-mounted food service operation designed to be readily movable. A mobile food establishment shall be capable of immediate mobility by use of a licensed motor vehicle. This definition shall include the term "mobile food unit" under state law, including the Texas Food Establishment Rules, or its successor statute.

12.3.6. TEMPORARY USES

A. Carnival, Circus, or Amusement Ride

A facility or area for a temporary traveling show or exhibition that has no permanent structure or installation, including but not limited to a carnival, circus, or riding device(s) operated for profit.

B. Construction Field Office
A facility or area used as a temporary field construction office.

C. Construction Storage Yard
A facility or area for the temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct.

D. Real Estate Sales Office
A facility or area used as a temporary office to sell real estate within a specified area or subdivision.

E. Short-term Rental
A residential premise, or portion thereof, used for lodging accommodations for occupants for a period of less than thirty (30) consecutive days. The definition of Short-term Rental does not include a Bed and Breakfast as defined in the Unified Development Code.

12.4. ACRONYMS USED IN THIS CODE

[RESERVED]

12.5. DEFINTIONS RELATED TO SUBDIVISION REGULATIONS

12.5.1. SUBDIVISION REGULATIONS

Access
Ingress and egress between the site and a paved public street, private street, or approved access easement.

Adequate Public Facilities
The minimum level of service required for transportation, utilities, drainage, park, and other City services to serve the proposed development, taking into account surrounding development.

Cul-de-sac
A street with an approved turnaround having only one common entry and exit.

Dedication
The designation by the developer of land set aside for public purposes.

Easement
The granting of one or more property rights by the owner to a person, government agency, or public utility for a specific purpose.

Escrow
Money placed in the possession of the City to accomplish a purpose set out in this Code, including funds for any public improvements necessitated by the development that cannot reasonably be constructed at the time of development.

Feeder Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service to a general area and not to a specified end user.

Filed of Record
Plats and other legal instruments that are filed in the Plat Records or Deed Records of Tarrant County, Texas.

Floodplain or Flood-Prone Area
Any land area susceptible to being inundated by water from any source.

Floodway
The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Lateral Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line to two or more sites or end users of the utility service.

Municipal Separate Storm Sewer System (MS4)
The system of conveyances owned and operated by the City and designed or used for collecting or conveying stormwater.

Natural Creek
An existing drainage feature in its natural undisturbed state that has not been graded, filled, modified, cleared, or created by equipment. Natural creek also includes areas that have been naturalized or restored to mimic an undisturbed state.

Off-site
All areas that lie outside the boundary of the development proposed by the plat.

On-site
All areas that lie within the boundaries of a development, including areas proposed to be dedicated to the public by the plat.

Plat
The plan or map for the development to be filed for record in the Plat Records or Deed Records of Tarrant County, Texas.

Plat, Amended
A plat correcting errors or making minor changes to the original recorded plat, as permitted in the Texas Local Government Code.

Plat, Combination
A plat for 30 or fewer lots that combines both a preliminary plat and a final plat.

Plat, Conveyance
A plat utilized to subdivide land and to provide for the recording of the plat for the purpose of conveying the property to another owner or selling the property or interests therein, but without developing the property.

Plat, Final
The instrument that becomes the official, accurate permanent record of the division of land.

Plat, Minor
A subdivision resulting in four or fewer lots and that does not require the creation of any new public street or the extension of municipal facilities.

Plat, Preliminary
A preliminary plan or map indicating the proposed arrangements of streets, lots, easements, public facilities, and other spaces in the development.

Plat Vacation
A plat that returns platted property to the condition of the property prior to the filing of the latest plat filed of record.

Pollution
The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water in the state that renders the water harmful, detrimental, or injurious to humans, animals, life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Private Access Easement
An easement across private property that provides access to one or more lots.

Public Facilities
Transportation, utility, drainage, park, and other City services required to serve a development.

Public Improvements
Facilities such as streets, streetlights, street signs, signals, pavement markings, sidewalks, water lines, sewer lines, storm drain systems, parks, or other similar facilities constructed within public right-of-way, public easements, or City properties for use by the public.

Replat
A revision of existing platted lots, or existing platted lots in combination with existing tracts, for the purpose of creating a new lot configuration.

Reserved Authority
Stipulations of plat approval reserved to the City Council concerning:

1. expenditures of City funds,
2. contractual agreements to which the City is a party,

3. appeals to the requirement for dedication of land,
4. requirements for the construction of adequate facilities, or
5. the payment of escrow.

Service Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line or lateral line to an end user.

Stormwater Management Site Plan
A plan that addresses the long-term effect of development on stormwater quantity or quality and satisfies the requirement for post-construction water quality maintenance in an EPA or TCEQ stormwater discharge general permit.

Stormwater Pollution Prevention Plan
A plan required by an EPA or TCEQ stormwater discharge general permit for the implementation of best management practices to reduce pollutants in stormwater discharges associated with construction.

Street, Perimeter
Any street that abuts a development and may be partially contained within the development.

Subdivision
The division of a tract of land or lot into smaller parcels for the purpose of selling, conveying, transferring, leasing, or developing the property.

Thoroughfare Development Plan
An element of the City's Comprehensive Plan that identifies the City's future street system and roadway network and including policies and standards.

12.6. DEFINITIONS RELATED TO SIGNS

12.6.1. SIGNS

Advertising Sign, Off Premise - Billboard
A sign which is a primary use of land (not accessory use) and which directs attention to a business, product, activity, or service which is not conducted, sold, offered, or located on the premises where the sign is located.

Alternate Sign Plan
A unified graphics package, which deviates from the sign regulations, but supports a general development theme for the entire development.

Auxiliary Business Sign
A commercial sign used in conjunction with a Primary Business Sign to aid in business identification and clearly subordinate to the Primary Business Sign.

Awning
An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

Balloon
An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

Banner
A sign that is painted or displayed upon cloth, flexible plastic, or other similar material. For the purpose of this Code, a flexible sign face of approved materials, installed according to the manufacturer's requirements, and placed inside the sign cabinet shall not be deemed to be a banner.

Building Service Sign
A sign serving to identify building access and exit points to aid emergency personnel and emergency exit.

Business/Tenant
A single incorporated use of a premise for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Canopy
A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration and is structurally independent or supported by attachment to a building.

Controlled Access Freeway
A TXDOT divided highway with frontage roads or full control of access. The following roadways within the city of Arlington are considered controlled access freeways: Interstate Highway 20, Interstate Highway 30, US Highway 287, and State Highway 360.

Center Identification
A sign that displays the name of the commercial retail center and does not list the name of any tenant.

Development Sign
A sign, located on the property with a new development that advertises or identifies any or all of the following: developer, architect, agent, contractor, lending institution, and project name.

Digital billboard
An off-premise advertising sign displaying digital static images that changes message or copy by programmable electronic processes.

Directional Sign
A sign that directs traffic.

Directory Sign
A sign identifying the names of the tenants and the number of the building, suite, or room in which they are located.

Electronic Message Center
A sign advertising a general business located on the same premises (including a product, service, or company offering goods or services on the premises) through electronically controlled intermittent light pulses or other technology.

Entryway Sign
A permanent sign identifying a subdivision or development project by name located at the entrance(s).

Flag
A display on cloth or other flexible material generally attached on only one side.

Flashing
An operation that creates changes in light illumination, intensity, color or copy, or intermittent light impulses more frequently than once every 12 seconds. Digital billboards and electronic message centers are not considered flashing signs.

Gasoline Price Sign
A sign with changeable copy letters and numerals or an electronic display without movement affixed to a gasoline pump canopy or its supports and intended to have a change of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale.

Grand Opening Sign (Balloons and Streamers)
For the purpose of temporary signs, grand openings shall be deemed any one consecutive 14-day period selected by an owner within the first three months of the granting of the initial certificate of occupancy.

Ground Sign
A sign supported by one monolithic structure, set upon the ground, and not part of a building.

High Intensity Lighting
Light output that exceeds 11,000 lumens when measured at 10 feet from the source.

Interchange
A crossing of a state or federal highway with another state or federal highway or city street with or without access ramps to one or more highways, and including any acceleration or deceleration lanes.

The following locations within the City of Arlington are considered interchanges, and all billboard sign permit applications submitted after June 1, 2014, shall adhere to it:

- State Highway 360
  - East Mayfield Road @ SH360
  - East Arkansas Lane @ SH360
  - East Pioneer Parkway@ SH360
  - East Park Row Drive @ SH360
  - East Abram Street @ SH360
  - East Division Street @ SH360
  - Brown Boulevard @ SH360
- Interstate Highway 30
  - North Great Southwest Parkway @ I-30
  - North Cooper Street @ I-30
  - North Davis Drive @ I-30
  - North Fielder Road @ I-30
  - Northwest Green Oaks Boulevard @ I-30
- US Highway 287
  - Interstate 20 @ US287
  - Little Road @ US287
  - West Sublett Road @ US287
  - Eden Road @ US287
  - Russel Curry Road @ US287
  - Turner Warnell Road @ US287
- Interstate Highway 20
  - South Bowen Road @ I-20
  - Park Springs Boulevard @ I-20
  - Kelly Elliott Road @ I-20
  - Southwest Green Oaks Boulevard @ I-20
  - Little Road @ I-20
  - Bowman Springs Road @ I-20

Intersection
A crossing or meeting of two public roadways.

Lighting
Designed to give forth any artificial light or to reflect light from one or more artificial sources.

Menu Board
A sign displaying the menu along a drive-up window/wall of a fast food restaurant.

Model Home Sign
A sign identifying a single-family residence owned by the builder as being displayed for public view.

Motion
The mechanical movement or rotation of a sign or portion thereof, or the giving of the perception of motion, other than a digital billboard or electronic message center.

Multi-tenant Ground Sign
A ground sign with provisions for separate sign copy for three or more separate tenants located within the same development.

Pole Sign
A sign supported by a single pole.

Portable
Movable from one location to another, not attached to a fixed structure and not having supports embedded in the ground. The term "portable sign" shall specifically include an outdoor advertising display located in or on a vehicle, except where:

1. Such vehicle is on display as inventory for sale as part of a vehicle sales or rental lot and does not advertise the sale of other vehicles; or
2. Such sign merely identifies the vehicle as belonging to such business by displaying the name, address, and/or telephone number of such business and/or identifies the type of product or service offered by such business; and
3. The primary use of such vehicle is for the daily transportation of products or the delivery of services in connection with such business; and
4. Such vehicle is currently licensed and inspected in the State of Texas and is in operable condition; however, if such vehicle remains parked for longer than 72 hours in the same parking space, it shall be deemed a portable sign.

Primary Business Sign
A commercial sign used as the primary means to identify a business.

Reader Board
A changeable copy sign with strips attached to the face of the sign to hold removable displays, letters, and numerals for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

Real Estate Sign
A sign which advertises a parcel of land or a structure for rent, lease, or sale.

Reflective
A sign having copy or background made of reflective surfaces made to shimmer.

Roof Signs
A sign attached to a building that projects above or over the roof of a building.

Setback
That distance measured perpendicularly from the property line to the closest point of the sign structure.

Spacing
A measurement along a straight line that is the shortest distance between two signs.

Vertical Banner
Any sign of lightweight fabric or similar material that is mounted to a pole in a vertical fashion by a frame at one or more edges.

Wall Sign
A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plan parallel to and not extending more than 18 inches from said wall.

12.7. OTHER TERMS DEFINED

12.7.1. OTHER TERMS DEFINED

Adult
Any person 18 years of age or older.

Airport Elevation
The established elevation of the highest point on the usable landing area measured in feet from mean sea level.

Airport Hazard
Any structure or tree or use of land that obstructs the air space required for the flights of aircraft or that obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off, or flight at an airport, or at any installation or facility relating to flight, and tracking and/or data acquisition of the flight craft; or that is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport Hazard Area
Any area of land or water upon which an airport hazard might be established if not prevented as provided in this Code.

Airport Reference Point
The point established as the approximate geographic center of the airport land area and so designated.

Approach Surface
A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Subsection 5.8.2 *Airport Overlay* of this Code. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Architecturally Finished
A finish characterized by a uniform appearance pertaining to materials, features, characteristics, or details most often specified for exposed surfaces used to build or ornament a structure.

Articulation
Off-sets, projections, recessed walls, windows, doors, and similar features that provide variation to a building facade and its roof line.

Awning
A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk, or door.

Balcony
A platform that projects from the wall of a building and is surrounded by a railing or balustrade.

Banding
Narrow inlay of a color or grain which contrasts with the surface it decorates. Also refers to other long narrow ornamentation, such as painting or carving.

Bedroom
A habitable room that is used primarily for sleeping in any dwelling unit.

Berm
A mound of soil, either natural or man-made, used to screen and visually separate, in part or entirely, one area, site, or property from the view of another area.

Block
A tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, airport boundaries, bulkheads, or shore lines where no bulkheads have been established, or corporate boundary lines of the city.

Block Face
A side of a block between two streets in which lots face an abutting street.

Build
To erect, construct, convert, enlarge, reconstruct, restore, or alter a building, structure, or infrastructure.

Building
Any structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind. The term includes swimming pools.

Building, Detached
A building surrounded by yards or open space on its own building lot, or buildings in a building group that are physically detached one from the other.

Building Line
A line established, in general, parallel to the front property line, over which no part of a building shall project, except as otherwise provided in this Code.

Building Massing
The aggregate size of a building; or the total height, width, and depth of all its parts.

Building Official
The officer or other designated authority charged with the administration and enforcement of City codes related to construction, building, plumbing, electrical, or mechanical work.

Building, Principal
A non-accessory building in which a principal use of the lot on which it is located is conducted. All residential uses, except bona fide servants' quarters, shall be deemed principal uses.

Caliper
For newly installed trees and landscaping, the caliper is the diameter of the trunk measured six inches above ground level. For existing trees, the caliper is the diameter of the trunk, measured at breast height, which is typically four and one-half feet above the ground.

Canopy
A roof-like cover, including an awning, which projects from the wall of a building over a door, entrance, or window.

Certificate of Occupancy
A certificate issued by the Building Official prior to using or occupying a non-residential or multi-family structure or building.

Change in Use
Changing permitted uses between land use categories in the use tables in Article 3, *Use Standards*.

Comprehensive Plan
The plan adopted by the City Council as the official policy to guide development of the city and its extraterritorial jurisdiction. The Comprehensive Plan includes all applicable sub-area, neighborhood, sector, or district plans; and other supporting elements, studies, and documents as may be adopted by the City Council.

Cladding
The exterior building finish.

Co-location
A single telecommunications tower and/or site used by more than one telecommunications service provider.

Column
An architectural support of definite proportions, usually cylindrical in shape, with shaft, capital, and sometimes a base. A column may be free-standing or attached to a wall.

Conical Surface
A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20-to-one for a horizontal distance of 4,000 feet.

Controlled Access Freeway
The following freeways within the city: Interstate Highway 20, Interstate Highway 30, US Highway 287, and State Highway 360.

Controlled Area
The area within which Airport Land Use Regulations may be instituted. The controlled area is located outside the Airport boundaries and within an area measured no farther than one and one-half statute miles from the centerline of the Arlington Municipal Airport runway, and lines no farther than five statute miles from each end of the paved surface of the runway.

Cornice
The uppermost horizontal molded projection or other uppermost horizontal element located at the top of a building or portion of a building.

Court
An open, unoccupied space of at least 20 feet in depth bounded on more than one side by the walls of a building or buildings and used as a primary means of access to all or any part of said buildings.

Courtyard
A landscaped open space in the center of a block with no street frontage, and that is inwardly oriented and large enough to allow for pubic activities and sunlight during midday.

Curvilinear
Streets that deviate from straight alignment and change direction without sharp corners or bend.

Development or to Develop
"Development" shall mean:

1. The construction of one or more new buildings or structures on one or more building lots;
2. The existence of a building on a building lot;
3. The use of open land for a new use;
4. Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials; or,
5. "To develop" shall mean to create a development.

Director
Person designated as having the official title of "Director of Planning and Development Services" of the City of Arlington, Texas.

Display
The exhibition of goods, wares, or merchandise for retail sale, rental, or lease for a period of time not in excess of one business day.

District
A zoning district; a section of the city for which the regulations governing the area, height, and use of buildings and land are uniform.

Divided-light Window
A window with several panes of glass within a window and divided by mullions.

DNL (Day-Night Sound Level)
The twenty-four hour average sound level in proximity to the Arlington Municipal Airport averaged over a span of one year. DNL may be referred to Ldn (Yearly Day-Night Sound Level). The terms "DNL" and "Ldn" may be used interchangeably in this Code.

Dwelling
A building or a portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple family dwellings, but not including hotels or motels.

Dwellings, Attached
A dwelling which is joined to another dwelling at one or more sides by a partial wall or walls.

Dwelling, Detached
A dwelling which is entirely surrounded by open space on its building lot.

Dwelling Unit
One or more rooms arranged, designed, or used as separate living quarters for an individual family, including cooking and sanitary facilities, in a residential building or a residential portion of a building.

Enclosed Addition
An expansion of an existing single-family structure that is enclosed on all four sides by a wall. A substantial part of its wall is a part of the wall of the principal building or is attached to the principal building in a substantial manner, as by a roof. An attached garage, a patio enclosure, or a sunroom are considered an enclosed addition.

Enhanced Pavement
Any decorative pavement material intended for pedestrian or vehicular use. Examples of enhanced pavement include brick, concrete, stone pavers, exposed aggregate concrete, and stamped and stained concrete.

Entryway
The doorway into a building along with the architectural treatments that accompany it.

Exterior Insulation and Finish System (EIFS)
A multi-layered exterior wall system typically consisting of insulation board that is secured to the exterior wall surface with a specially formulated adhesive and/or mechanical attachment; a durable, water-resistant base coat, which is applied on top of the insulation and reinforced with fiber glass mesh for added strength; and a durable finish coat which is both colorfast and crack-resistant.

Facade
Any face of a building that encloses or covers usable space. Multiple buildings on the same lot will each be deemed to have separate facades. A roof is not a facade or part of a facade.

Family
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. The term expressly excludes residents of an assisted living facility, boarding house, fraternity or sorority house, private dorm, halfway house, or nursing home, as defined by this Code.

Fence or Wall
A masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does include retaining walls.

Fenestration
Window treatment in a building or building facade. Also, a general term used to denote the pattern or arrangement of openings, i.e., windows and doors, in a facade.

Front Porch, Covered
An unenclosed space with a permanent roof supported by columns generally located at the front entry of a building.

Garage, J-swing
A private garage protruding from the front of a residential dwelling that is detailed to have the appearance of the main living space when viewed from the front of the building and allows automobile access through the side internal to the lot.

Grade
The average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure.

Gross Floor Area (GFA)
When applied to a building, the area in square feet measured by taking outside dimensions of the building at each floor, excluding however, the floor area of basements or attics when not occupied or used.

Ground Cover
Plants and turfs that normally reach a height of less than two feet upon maturity, installed in such a manner so as to form a continuous cover over the ground.

Hazard to Air Navigation
An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height, Building
For the purpose of determining the height limits in all zones set forth in the Airport Overlay and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface
A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Human Scale
The proportional relationship of a particular building structure or streetscape element to the human form and function. Human scale relates the size and/or height of a structure to the height and mass of a pedestrian traveling along the sidewalk or street adjacent to that structure or element.

Institutional
Nonprofit organizations such as public schools, religious institutions, and government facilities.

Irrigation System
A method of providing the proper amount of water for the particular type of plant material used.

Landscape Architect
A person licensed to practice landscape architecture pursuant to the laws of the State of Texas.

Landscape Area
An area which is covered by grass, ground cover, or other natural plant materials, including screening.

Landscape Setback
A setback adjacent to a public street in which landscaping is required as measured from the street right-of-way line for local streets, or as measured from the right-of-way as required on the adopted Thoroughfare Development Plan for collector or arterial streets.

Landscaping
Living plant material, including but not limited to grass, trees, shrubs, berms, water forms, and planters.

Ldn (Yearly Day-Night Average Sound Level)
The twenty-four hour average sound level in proximity to the Arlington Municipal Airport averaged over a span of one year. Ldn can also be referred to as "DNL" or Day-Night Sound Level. The terms "Ldn" and "DNL" may be used interchangeably in this Code.

Loft
A residential unit designed with high ceilings, open plans, and large windows located above street level commercial space.

Lot
A platted parcel of land intended to be separately owned or developed, and that is recorded in the property records of Tarrant County, Texas.

Lot, Adjoining or Adjacent
Any lot, parcel, or piece of land that shares with the lot under consideration a common lot line, alley, or any point of tangency.

Lot, Amenity
Any lot or parcel created to develop a neighborhood amenity such as open space, landscape or entry features, drainage ways, or recreational areas, and is not required to meet minimum lot area or dimension requirements.

Lot Area
That area of a horizontal plane bounded by the front, side, and rear lot lines, including any portion of an easement which may exist within such property lines, and exclusive of approved access easements or rights-of-way for public street, private street, alley, or rail purposes.

Lot, Contiguous
Two lots which have one boundary or part thereof which is common to both lots.

Lot, Corner
A lot situated at the intersection of two or more streets.

Lot Depth
The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage or Lot, Through
A lot having frontage on two parallel public streets, private streets, or approved access easements.

Lot, Interior
A lot other than a corner lot.

Lot Line, Front
That boundary of a lot that abuts a public street, private street, or approved access easement. On corner lots, the front lot line shall be the shorter line abutting a public street, private street, or approved access easement.

Lot Line, Interior
A lot line which is common to two lots.

Lot Line, Rear
That boundary of lot that is opposite the front lot line and that is most nearly parallel with the front lot line.

Lot Line, Side
That boundary that is not a front or rear lot line.

Lot of Record
An area of land designated as a lot on a plat of a subdivision recorded in the Plat Records of Tarrant County, Texas, pursuant to statute, with the County Clerk of Tarrant County, Texas.

Lot, Private Street
A lot created that comprises the area contained in an approved access easement or private street and is not required to meet minimum lot area or dimension requirements.

Lot, Reverse Corner
A corner lot that has a front lot line perpendicular to an adjoining lot's front lot line.

Lot Width
The horizontal distance between side lot lines measured at the required front setback line.

Main Facility
With respect to a major sports complex, a facility designed to seat at least 40,000 spectators for professional or amateur sporting events.

Major Sports Complex
A sports and entertainment complex that includes a multi-functional stadium, coliseum, or other community and entertainment event venue for use by one or more professional or amateur sports teams with a main facility designed to seat at least 40,000 spectators, along with areas adjacent to such main facility that are legally possessed by either (i) the City or (ii) the person or entity holding or owning (whether directly or indirectly), from time to time, the legal possessory right or interest to use or occupy such main facility. A Major Sports Complex may, at the option of the holder of the possessory right thereof, include on the main facility or any area adjacent thereto any athletic training or practice facility, store, restaurant, hotel, food preparation facility, concession, office, museum, park, entertainment use, heliport, automobile parking facility (whether structured or surface), area transportation facility, road, street, or other related improvement. For the purposes hereof: (i) the phrase "indirectly" shall include any entity that is an intermediary, affiliate, parent, subsidiary, or successor in interest to any person or entity holding a possessory right to such main facility; and (ii) an area adjacent to a main facility that is used for any of the purposes set out above shall be entitled to the applicable benefits of Article 7, *Sign Standards,* if such area (x) is legally possessed by the person or entity holding or owning, from time to time, the legal possessory right or interest to use or occupy such main facility or (y) is legally possessed by one or more intermediaries, affiliates, parents, or subsidiaries of such person or entity holding the possessory right to such main facility, or any successor owner or holder of such possessory right to such main facility or adjacent property; provided, however, such successor in interest must hold (i.e., own or lease) the portion of the main facility or adjacent property so used, provided, further, that no signage rights granted under Article 7, *Sign Standards,* hereof may be severed from the rights held by the holder of the possessory rights to a main facility and/or such adjacent area to any third party not holding such possessory rights. Signage permitted under the applicable provision of Article 7, *Sign Standards,* hereof may remain as permitted notwithstanding any future conveyance of such possessory interest of the land affected thereby.

Manufactured Home Park
A unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Code, and designed to accommodate manufactured homes for a permanent duration.

Manufactured Home Subdivision
A unified development of manufactured home sites on lots platted for such purpose, where said lots may be sold to the owners of manufactured homes situated thereon, meeting the area and setback requirements of this Code, and designed to accommodate manufactured homes on a permanent basis.

Marquee or Canopy
A roof-like structure of a permanent nature which projects from the wall of a building.

Massing
Three dimensional bulk of a structure: height, width, and depth.

Meandering
Taking a sinuous course with curves in alternate directions.

Mews
A narrow street with paving that is less than 22 feet in width.

Mixed-Use Development or Building
The development of a tract of land, building, or structure in a compact urban form with a residential use and a non-residential use as permitted by the applicable zoning district from the land use categories listed in Article 3, *Use Standards*, except for land uses in the Parks and Open Space, Sexually Oriented Business, and Utilities use categories. The layout of a mixed-use development may be vertical or horizontal in design.

Motor Vehicles
Any vehicle propelled by mechanical power, such as a car, van, pickup or truck, recreational vehicle, or a boat. For purposes of this Code, this definition shall include campers and recreational trailers that are not self-propelled, but shall exclude equipment such as construction equipment, forklifts, farm implements, and neighborhood electric vehicles.

Neighborhood Electric Vehicle
A four-wheeled vehicle, other than a truck, whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface. The following information is for general reference only, and is not part of this definition. Neighborhood electric vehicles are subject to safety standards contained in 49 C.F.R. Section 571.500, as amended. Neighborhood electric vehicles are further restricted to operation only on streets or highways for which the posted speed limit is 35 miles per hour or less, as required by Texas Transportation Code Chapter 551, Subchapter D; however, a neighborhood electric vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per house.

Nonconforming Lot
A lot that does not conform to the lot area, width, or depth requirements of the zoning district in which it is located, and as further defined in Article 11, *Nonconformities*.

Nonconforming Structure
Any existing structure that was erected according to all applicable City ordinances at the time, but which does not now comply with all the regulations applicable to the district in which the structure is located, and as further defined in Article 11, *Nonconformities*.

Nonconforming Use
Generally, the use of an existing property or structure after the effective date of this Code, which does not comply with the use regulations applicable to the district in which the property is located, and as further defined in Article 11, *Nonconformities*.

Nonprecision Instrument Runway
A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

Owner
Each and every person or entity who is a record owner of a fee simple interest or an undivided fee simple interest in a parcel of land. If such parcel is subject to a condominium or other multi-ownership regime, the owners' association representing such multi-ownership regime, and not individual unit owners, shall be deemed the owner thereof.

Parapet
That portion of the wall which extends above the roof line.

Parking Lot
Paved surfaces used for the storage of vehicles for limited periods of time, including but not limited to: truck parking; motor vehicle display, loading, or storage areas; and/or boat sales.

Parkway
The area of right-of-way between the curb and the property line normally owned by the City and consisting of a variable width.

Permeable Pavement
A paving material that permits water penetration to a soil depth of 18 inches or more.

Person
An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

Playground
An outdoor area associated with a religious assembly, school, or park designed for unorganized recreational play. Playgrounds may consist of open space or informal play areas containing equipment such as swings, jungle gyms, seesaws, merry-go-rounds, backstops, goals, and similar equipment. Areas designed specifically for organized athletic events or containing buildings, bleachers, paved surfaces, field lights, or outdoor speakers, are not included within the definition of playground.

Plaza
A predominantly hard-surfaced space that is a portion of a block with a minimum of one side open to the street, and is located to provide maximum sunlight during the day. Building edges should contain continuous public uses at grade to animate and support the open space. Unlike intimate scale urban gardens, a plaza may contain a primary entrance to an adjacent building.

Portico
A roofed entrance porch, often supported by columns or pillars.

Precision Instrument Runway
A runway having an existing instrument approach utilizing a precision instrument approach system. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Entrance
The entrance to a building that most pedestrians are expected to use and which serves as the principal architectural entrance. Generally, each building has one primary entrance.

Primary Surface
A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that which is prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface for other than utility runways is 500 feet for nonprecision instrument runways having visibility minimums greater than three-fourths statute mile.

Public Utility
The City of Arlington and any corporation or authority franchised by the City of Arlington to provide water, sewer, refuse collection, natural gas, electricity, telecommunication, or similar services on a community-wide basis.

Recreational Area
An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

Relative
A person related by blood, marriage, or adoption.

Right-of-way
A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under control of a public agency.

Runway
A defined area prepared for landing and take-off of aircraft along its length.

Salvage
Any discarded, abandoned, junked, wrecked, dismantled, worn out, or ruined motor vehicles (including automobiles, trucks, tractor trailers, and buses), motor vehicle parts, boats, travel trailers, trailers, cranes, machinery or equipment, machinery or equipment parts, recreational vehicles, and/or any junk.

Secondary Living Unit
A second single-family residential living unit located on the same lot as the primary living unit. The secondary living unit is only for use by domestic persons and their family or by a relative. This unit may either be attached or detached from the primary unit, but shall not be rented or leased.

Service Bay
A part of a building or structure used for providing maintenance, installation, or service to a single vehicle.

Screening Fence or Screening Device
A barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and design.

Screening Shrub
Shrubs which provide a dense, evergreen, opaque visual barrier.

Secondary Use
A collateral use of land or buildings, which is customarily done or performed in conjunction with a permitted principal use, but not constituting a majority of either the employment, area, or revenues of the combined uses.

Security Fence
A barrier provided for security purposes, which may be composed of various building materials including but not limited to decorative steel and masonry materials.

Setback
An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, unless specifically otherwise permitted in this Code.

Setback, Interior Rear
A yard extending across the rear of a lot between the side lot lines and/or street frontage setback and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, or unenclosed porches.

Setback, Interior Side
A yard extending along the side lot line that is not adjacent to a street, from the street frontage setback to the rear setback, being the minimum horizontal distance between any building or projections thereof and the side lot line.

Setback, Street Frontage Building
A yard extending along street frontages and being the minimum horizontal distance between the street right-of-way line or private drive and main building or any projections thereof other than steps and unenclosed porches.

Shared Parking
One or more parking facilities shared by multiple users.

Sidewalk
A paved walkway along the side of a street.

Significant Stand
A clustering of at least three trees, of two and one-half inches of caliper or greater in size and trunks spaced at no greater than 10 foot intervals, or as determined by the Zoning Administrator to assist in the preservation of a stand of greater area. Trees identified as being in a significant stand shall have existed

in that location for a period of at least one year and shall not have been considered as newly planted trees.

Sill
The horizontal member forming the bottom of a window or exterior door frame.

Stables, Private
A facility or area for keeping horses for the private use of the property owner.

Steeple
A tall ornamental structure; a tower, composed of a series of stories of diminishing size, and topped by a small pyramid, spire, or cupola.

Stoop
A small porch, platform, or staircase leading to the entrance of a building.

Story
That portion of a building, other than a basement, included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling above the floor of such story. This includes any mezzanine or loft which may comprise only a portion of a full floor plate.

STR Zone
A geographically contiguous area, extending approximately one mile from Arlington's entertainment hub, that is bounded on the north by E. Lamar Blvd., on the west by Center Street, on the south by E. Abram Street, and on the east by southbound State Highway 360 frontage road.

Street
A public way for vehicular traffic.

Street Frontage
The length of property along a street.

Streetscape
The area between the building and edge of the vehicular or parking lanes. The principal streetscape components are curbs, sidewalks, street trees, tree planters, bicycle racks, litter containers, benches, and street lights. Treatments may also include a range of provisions such as paving materials; street, pedestrian, and wayfinding signs; parking meters; utility boxes; public art; water features; bollards; informational signage; and other elements.

Street Tree
Trees planted within the streetscape.

Structural Addition
Any new construction that includes the construction of a new foundation and increases the overall square footage of the structure or serves to increase the overall height of the structure. Structural addition shall

not be interpreted to include renovations, remodeling, replacement, or similar construction resulting from routine maintenance or cosmetic alterations to a structure or reconstruction of such structure in the case of casualty loss.

Structure
An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, poles, water towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Telecommunications
The transmission, between or among points specified by the user, of audio and/or visual information of the user's choosing, without change in the form or content of the information as sent and received.

Telecommunications Service
The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

Temporary Special Events Banner
A sign which is painted or displayed upon cloth, flexible plastic, or other similar material which is used to announce a convention or a special event held at a major tourist attraction, on a limited basis.

Tower, Height
The distance measured from grade to the highest point of any and all components of the structure, including antennae, hazard lighting, and other appurtenances, if any.

Transitional Surfaces
These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

Travel Trailer
A portable vehicular structure built on a chassis, designed to be used as a temporary dwelling and to be towed behind a motor vehicle, being either of a gross weight of not more than 4,500 pounds or an overall length of not more than 30 feet.

Tree
A perennial woody plant, single or multiple trunk, with few if any branches on its lower part, which at maturity will obtain a minimum six inch caliper. Trees may be canopy or shade trees.

Tree, Multi-trunk
A tree from a common root stock if there is a visible connection between the trunks above the ground. The caliper of a multi-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Tree, Ornamental
A perennial woody plant generally of 25 feet or less at maturity that may branch to the ground and has significant seasonal color, texture, or other ornamental characteristics

Tree, Protected
Any existing tree of at least six caliper inches.

Tree Replacement
A nonprotected tree which is planted or preserved to mitigate the loss of a protected tree. The tree shall otherwise meet or exceed the definition of a "tree" listed above.

Use
When applied to land or buildings, the purpose or activity for which such land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance
An adjustment in the application of the specific regulations of this Code to a particular piece of property, which, because of special circumstances uniquely applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Wainscoting
Decorative paneling covering the lower three to four feet of an interior wall, usually made of wood in a plain design, or may be painted or varnished.

Xeriscape
A concept to conserve water through creative landscaping and use of native plants. The main principles of xeriscape are:

1. reduction of turf area;
2. use of drought-tolerant and native or adapted plant materials;
3. grouping of plants with similar water requirements; and
4. an irrigation system designed to meet plant needs.

Zoning Administrator
The Director of Planning and Development Services of the City, or the person otherwise duly designated to administer the provisions of this Code.

Zoning District Map
The map or maps, either physical or electronic, incorporated into this Code as a part hereof by reference thereto.

Ordinance No. 14-039

An ordinance amending in their entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through their replacement by the adoption of a new "Unified Development Code" Chapter consisting of Article 1 entitled "General Provisions"; Article 2 entitled "Zoning Districts"; Article 3 entitled "Use Regulations"; Article 4 entitled "Dimensional Standards"; Article 5 entitled "Design and Development Standards"; Article 6 entitled "Subdivision Regulations"; Article 7 entitled "Signs"; Article 8 entitled "Enforcement and Penalties"; Article 9 entitled "Review Authorities"; Article 10 entitled "Review Procedures"; Article 11 entitled "Nonconformities"; and Article 12 entitled "Definitions"; 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; preservation of former violations; publication and becoming effective ten days after first publication.

WHEREAS, a code that combines zoning regulations, subdivision regulations, and development standards in one unified development code is desirable; and

WHEREAS, the Unified Development Code was drafted through collaboration of staff and consultants as well as public input to meet the goals and objectives of the Comprehensive Plan; and

WHEREAS, public input and comments on the Unified Development Code were provided through a public outreach program including surveys, numerous community meetings, and a dedicated website utilized to review and recommend revisions to the Unified Development Code; and

WHEREAS, the City of Arlington, Texas, desires to replace in their entirety the "Zoning" Chapter and "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987, through the adoption of a new "Unified Development Code" Chapter; and

WHEREAS, on November 20, 2013, a public hearing was held before the Planning and Zoning Commission at which the public was given the opportunity to give testimony and present written evidence; and

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard and recommended approval of the Unified Development Code on November 20, 2013; and

WHEREAS, on June 10, 2014, a public hearing was held before the City Council at which the public was given the opportunity to give testimony and present written evidence; 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 Unified Development Code Chapter be approved. NOW THEREFORE

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

1.

That the City of Arlington Code of Ordinances is hereby amended to include the adoption of the "Unified Development Code" a copy of which is attached hereto as Exhibit A and incorporated by reference for all purposes, and which hereby replaces in their entirety the "Zoning" Chapter and the "Subdivision Regulations" Chapter of the Code of the City of Arlington, Texas, 1987.

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 and No/100 Dollars ($2000) 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 subject to civil penalty not to exceed $2,000 and/or enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and these remedies shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington, state, or federal law.

7.

The replacement of the "Zoning" Chapter and the "Subdivision Regulations" Chapter shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of such Chapters occurring before the effective date of this Ordinance.

8.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, 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.

9.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 10th day of June, 2014, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 24 day of June, 2014, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY Mark Reinwand

03/10/15
03/11/15

Ordinance No. 15-009

An Ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 1, General Provisions regarding the zoning district transitions effective date; Article 2, Zoning Districts regarding the Residential Single-Family-15, Downtown Business, Downtown Neighborhood Overlay, Lamar Collins Mixed-Use Overlay, and Entertainment District Overlay districts; Article 3 Use Standards regarding "mixed-use development or building", "commercial parking garage", "recreation, indoor (other than listed)", "public or private school", "dwelling, live/work", "accessory building (not listed below)", and "recycling collection center" land uses; Article 5, Design and Development Standards regarding perimeter streetscape standards, garage standards for single-family and two-family residential dwellings, special parking requirements in the NMU, RMU, DB, DNO, LCMUO, and EDO districts, retaining walls for residential and non-residential development, residential design standards and dimensional standards for the Village on the Green at Tierra Verde zoning district, mixed-use developments in the Entertainment District Overlay, and applicability and site design standards for mixed-use development; Article 6, Subdivision Regulations, regarding standards for cul-de-sacs; and Article 12, Definitions regarding "commercial parking garage", "mixed-use development or building", "recycling collection center", "hotel, boutique", "lateral line", "feeder line", and "service line"; 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 becoming effective ten days after first publication

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 1,** General Provisions, **Section 1.6.8**, Transition to New Zone Districts, Table 1.6-1 Zoning District Transitions, by the **deletion** of "[insert effective date]" and the **addition** of "July 10, 2014."

Further, **Article 2,** Zoning Districts, **Section 2.2**, Residential Districts, **Subsection 2.2.4**, Residential Single-Family-15 | RS-15, **Subsection D.** Setbacks, is amended so that said section shall be and read as follows:

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	10
The setback on one side may be reduced to 5 feet provided the other side setback is 15 feet.	
Rear	10
Non-residential adjacent to single family (side and/or rear)	20

Further, **Article 2,** Zoning Districts, **Section 2.3**, Non-Residential and Mixed-Use Districts, **Subsection 2.3.8**, Downtown Business | DB, **Subsection D.** Setbacks, is amended so that said section shall be and read as follows:

D. Setbacks	
Street frontages (ft)	
Minimum	0
Interior, min, (ft)	
Side and/or rear	0
Adjacent to single family (side and/or rear)	20

Further, **Article 2**, Zoning Districts, **Section 2.4**, Overlay Districts, **Subsection 2.4.3**, Downtown Neighborhood Overlay | DNO, **Subsection D.** Setbacks, is amended so that said section shall be and read as follows:

D. Setbacks	
Street frontages (ft)	
Minimum	0
Any portion of the building taller than 50 feet requires an additional 10-foot setback.	
Street rear, min. (ft)	
Public street	10
Private access easement or alley	5
Interior, min. (ft)	
Side and/or rear	0
Adjacent to single family (side and/or rear)	20

Further, **Article 2**, Zoning Districts, **Section 2.4**, Overlay Districts,, **Subsection 2.4.4**, Lamar Collins Mixed-Use Overlay | LCMUO, **Subsection D.** Setbacks, is amended so that said section shall be and read as follows:

D. Setbacks	
Street frontages (ft)	
Minimum	0
Interior, min. (ft)	
Side and/or rear	5
Adjacent to single family (side and/or rear)	20

Further, **Article 2**, Zoning Districts, **Section 2.4**, Overlay Districts, **Subsection 2.4.5**, Entertainment District Overlay | EDO is amended so that said section shall be and read as follows:

2.4.5 ENTERTAINMENT DISTRICT OVERLAY | EDO

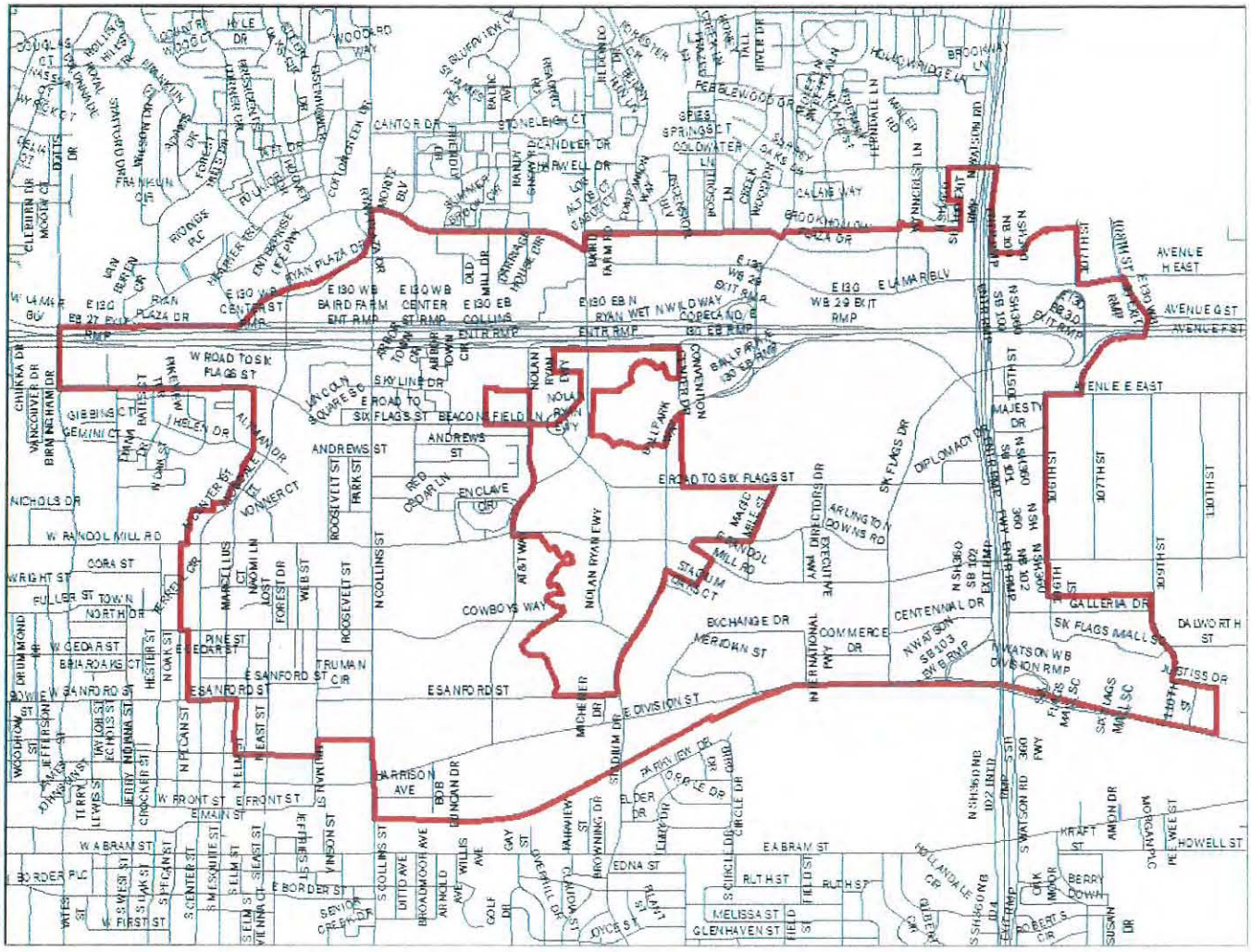
A. Purpose

The Entertainment District Overlay is intended to create an identifiable and exciting character for the 2,800-acre entertainment area in central Arlington. New development and redevelopment in the EDO district is guided by development standards intended to promote a unifying identity for the Entertainment District as a whole through a complementary mix of land uses and physical design. Accordingly, the development standards are intended to allow enough flexibility for creative building solutions, while being prescriptive in areas necessary to establish consistency.

Figure 2.4.5-A Entertainment District Overlay Illustration

B. Density	
Max. dwelling units per acre with one use in a structure. Applicable to districts where residential uses are permitted.	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, width, and depth: refer to base zoning district.	
Gross living area per dwelling unit, min. (s.f.)	
MF efficiency	600
MF 1 bedroom	800
MF 2 bedroom	950
D. Setbacks	
Street frontages (ft)	
See Section 5.8.1.D, *Private Realm Design and Development Standards*	
Interior, min. (ft)	
Refer to base zoning district.	
E. Building Standards	
Building height	
Minimum (ft)	20
Maximum	
Adjacent to single family	3 stories
Fronting all other streets	N/A
Lot Coverage, max. (%)	90
F. Notes	
See Article 4 for measurements and exceptions and Section 5.8.1 for design and development standards.	

Figure 2.4.5-B Entertainment District Overlay Boundary



Further, **Article 3,** Use Standards, **Section 3.1**, Tables of Allowed Uses, **Subsection 3.1.5**, Table of Allowed Uses, **Subsection B.**, Non-Residential and Mixed-Use Districts, is amended by **adding** "Mixed-use development or building" as a use category, and **modifying** the "Public or private school", "Parking garage", and "Recreation, indoor (other than listed)" use types in "Table 3.1-2: Allowed Uses – Non-Residential and Mixed-Use Districts" to be and read as follows:

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**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
PUBLIC AND INSTITUTIONAL USES														
Educational Facilities	Public or private school	P	P	P	P	P	P	P	P	S	S	P	P	
COMMERCIAL USES														
Auto Sales, Equipment, and Repair	Commercial parking garage							S				S	S	
Recreation and Entertain-ment, Indoor	Recreation, indoor (other than listed)				P*	P	P	P*	P	P	P		P*	3.2.3.G
Mixed-Use	Mixed-use development or building							P*				P	P	3.2.3.K

Further, **Article 3**, Use Standards, **Section 3.2**, Supplemental Use Standards, **Subsection 3.2.1**, Residential Uses, **Subsection A.**, Household Living, **Subsection 1.**, Dwelling, Live/Work is hereby amended to be and read as follows:

1. **Dwelling, Live/Work**
   a. A single-story live/work unit is permitted. However, in a two-story live/work unit, the residential living portion is not permitted on the first floor.
   b. In a mixed-use development or building, a live/work dwelling is considered a non-residential use.

Further, **Article 3**, Use Standards, **Section 3.2**, Supplemental Use Standards, **Subsection 3.2.3**, Commercial Uses, is hereby amended by the **addition** of Subsection K, Mixed-Use, to be and read as follows:

K. Mixed-Use

1. Mixed-Use Development or Building

In the DB district, townhouse and multi-family dwelling residential uses are permitted by right in a mixed-use development or building.

Further, **Article 3,** Use Standards, **Section 3.3**, Accessory Uses and Structures, **Subsection 3.3.4.**, Use Tables for Accessory Uses and Structures, **Subsection B.**, Accessory Uses – Non-Residential and Mixed-Use Districts, is amended by **modifying** the "Accessory building (not listed below)" use type in "Table 3.3-2: Accessory Uses – Non-Residential and Mixed-Use Districts" to be and read as follows:

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

Further, **Article 3**, Use Standards, **Section 3.3,** Accessory Uses and Structures, **Subsection 3.3.6,** Supplemental Accessory Use Standards, **Subsection A.**, Accessory Building, is hereby amended so that said section shall be and read as follows:

A. Accessory Building

1. Uses

a. In all residential districts, permitted accessory buildings include garages, storage sheds, gazebos, cabanas, storm shelters, and similar structures. An accessory building may be used for hobbies insofar as such activities are an accessory use only and are not offensive by reason of odor, noise, or manner of operation. Accessory buildings cannot be used for commercial or business purposes.

b. In all non-residential and mixed-use districts, accessory buildings are permitted only for uses listed in the Public and Institutional Uses category, as identified in Table 3.1-2, *Allowed Uses – Non-Residential and Mixed-Use Districts.*

2. Building Design

The standards for exterior materials and appearance of the accessory building are based on the size (area and height) of the structure itself and are set forth in Table 3.3-3, below.

TABLE 3.3-3: Accessory Building Design Standards				
	Floor area/Wall height	**Exterior walls**	**Roof**	**Foundation**
A.	Less than or equal to 200 square feet in floor area			
	Less than or equal to 8 feet in wall height	Any approved building material	Any approved roofing material	No requirements
	Greater than 8 feet in wall height	Any approved building material, except for metal	No metal (standing seam metal allowed if present on primary structure) Any other approved roofing material	No requirements
B.	More than 200 square feet but less than 550 square feet in floor area			
	All wall heights	Any approved building material, except for metal	No metal (standing seam metal allowed if present on primary structure) Any other approved roofing material Roof pitch shall be compatible with the roof pitch of the primary residence	As required by the Construction Chapter of the Arlington Code of Ordinances
C.	550 square feet or larger in floor area			
	All wall heights	As required by Section 5.5.3.C.5, *Exterior Finish Materials*	No metal (standing seam metal allowed if present on primary structure) Any other approved roofing material Roof pitch shall be compatible with the roof pitch of the primary residence	As required by the Construction Chapter of the Arlington Code of Ordinances
		The exterior appearance of an accessory structure shall be architecturally compatible with the primary residence, including but not limited to coordination of architectural style, exterior building materials and colors, roof form and pitch, and window style and placement.		

3. **Setbacks and Number of Buildings**

   a. **Front setbacks**

   Enclosed accessory buildings, such as a storage building or storm shelter, 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.

   b. **Side and Rear Setback**

   An accessory building shall be located a minimum of five feet from side and rear property lines, except as provided below.

   (i) A minimum setback of 15 feet is required from the side property line adjacent to a street on a corner or reverse corner lot. The setback may be reduced to ten feet when a side

screening fence is installed per Section 5.3.4, *Single-Family Residential Fencing*.

(ii) A minimum setback of 20 feet is required from the rear property line adjacent to an arterial or collector street identified on the Thoroughfare Development Plan. The setback may be reduced to five feet if the accessory structure is no taller than eight feet in wall height and is 200 square feet in area or smaller.

c. **Number of Accessory Buildings**

The maximum number of accessory buildings allowed per lot shall be in accordance with Table 3.3-4.

TABLE 3.3-4: Number of Accessory Buildings

Lot Size	Less than 1 acre	1 acre and larger
Number of Buildings, max.	3 buildings	5 buildings

Further, **Article 3**, Use Standards, **Section 3.3.**, Accessory Uses and Structures, Subsection **3.3.6,** Supplemental Accessory Use Standards, **Subsection K.**, Recycling Collection Center, is hereby amended so that said subsection shall be and read as follows:

K. Recycling Collection Center

1. In the CC and GC districts, can banks existing on June 28, 1995, are exempt from these requirements, but remain under any conditions approved with the original Special Exception.
2. In the LI and IM districts:
   a. A recycling collection center located on a parking lot may not occupy required off-street parking spaces, and it must be located so as to not impede free traffic flow.
   b. The owner of the property and the owner and operator of the recycling collection center shall:
      (i) remove products stored at the recycling collection center at least once a week;
      (ii) keep the recycling collection center in proper repair and maintain a neat and clean exterior appearance; and
      (iii) keep the building site clean and in a neat appearance, and dispose of material and other litter from the building site where the recycling collection center is located.
   c. In the CC and GC districts:
      (i) A recycling collection center may only be located in an enclosed trailer less than 50 feet in length situated on a parking lot.
      (ii) A recycling collection center may only be placed on a parking lot of a site containing a building of 50,000 square feet or more of floor area. Not more than one recycling collection center is permitted on a lot.

(iii) A recycling collection center located on a parking lot may not occupy required off-street parking spaces, and it must be located so as not to impede free traffic flow.

(iv) Receipt of and payment for material at a recycling collection center may take place at a point no more than 20 feet from the opening of the enclosed trailer where the products are stored.

(v) The owner of the property and the owner and operator of the recycling collection center shall:

(1) remove products stored at the recycling collection center at least once a week;

(2) keep the recycling collection center in proper repair and maintain a neat and clean exterior appearance; and

(3) keep the building site clean and in a neat appearance, and dispose of material and other litter from the building site where the recycling collection center is located.

Further, **Article 5**, Design and Development Standards, **Section 5.1**, Applicability of this Article, **Subsection 5.1.3**, Existing Structures, **Subsection A.**, External Additions, **Subsection 2.**, Addition Between 10 and 30 Percent, **Subsection a.** is amended so that said subsection shall be and read as follows:

a. Section 5.2.2.E, *Parking Lot Landscaping and Screening*, for the entire site.

Further, **Article 5**, Design and Development Standards, **Section 5.2**, Landscaping, **Subsection 5.2.3**, Tree Preservation and Replacement, **Subsection A.** Non-residential and Mixed-use Development: Tree Preservation Requirements, **Subsection 6.**, Determining Tree Points Earned, **Table 5.2-2**, Example of Tree Point System, is amended so that said table shall be and read as follows:

TABLE 5.2-2: Example of Tree Point System			
Protected Trees Removed			
Canopy Trees		Understory Trees	
1@	8"	None removed	
1@	12"		
1@	9"		
1@	31"		
60" Canopy tree points		0' Understory tree points	
Trees Preserved and Planted			
Canopy Trees	Tree Points	Bonus Points Native Species	Bonus Points Significant Stand
Post Oak 14"	14	7	0
Post Oak 8"	8	4	4
Post Oak 7"	7	3.5	3.5
Post Oak 4"	4	2	2
Post Oak 6"	6	3	3
Live Oak 3"	3	1.5	0
Live Oak 3"	3	1.5	0
Chinese Pistache	3	0	0
Total	**48**	**22.5**	**12.5**
Total Positive Tree Points			**83**
Total Negative Tree Points			**<60>**
Overall Positive Tree Points, No Mitigation Needed			**23**

Further, **Article 5**, Design and Development Standards, **Section 5.4**, Off-Street Parking and Loading, **Subsection 5.4.4**, Computation of Parking and Loading Requirements, **Subsection H.**, Special Parking Requirements in Certain Zoning Districts, is hereby amended to be and read as follows:

H. Special Parking Requirements in Certain Zoning Districts

1. NMU and RMU Districts

a. In the mixed-use districts, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

b. The total number of required parking spaces in a mixed-use district may be reduced by the Zoning Administrator if the applicant prepares a parking evaluation that demonstrates a reduction is appropriate based on the expected parking needs of the development, availability of mass transit, and similar factors. The parking evaluation shall be prepared in a form and manner prescribed by the Zoning Administrator.

c. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and

street. However, the Zoning Administrator may approve an off-street area for passenger drop-off or pick-up activity.

2. **DB, DNO, and LCMUO Districts**
   a. For non-residential or mixed-use development within the DB district boundaries, the off-street parking requirements of Table 5.4-1, *Off-Street Parking Schedule A,* shall be reduced to one-third the amount required in other zone districts.
   b. For non-residential or mixed-use development within the DNO or LCMUO district boundaries, the off-street parking requirements of Table 5.4-1, *Off-Street Parking Schedule A,* shall be reduced to one-half the amount required in other zone districts.
   c. Where there is on-street parking immediately in front of any lot or parcel in the DB, DNO, or LCMUO districts, the off-street parking requirement under subsections a. or b. above may be reduced by one space for each on-street space located adjacent to the lot and between the side lot lines of the lot.
   d. All surface parking lots shall be located behind and/or on the sides of buildings. Side parking shall be limited to 25 percent of the width of the street frontage. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and street. However, the Zoning Administrator may approve an off-street area for passenger drop-off or pick-up activity.

3. **EDO Overlay District**
   a. Uses in the EDO overlay district are not permitted to exceed the parking requirement established in Table 5.4-1, *Off-Street Parking Schedule A*, unless approved by the Zoning Administrator.
   b. Parking lots or parking structures shall not be located or constructed within the front building setback area. However, properties fronting on Interstate 30 along Ryan Plaza Drive, East Copeland Road, or Wet 'n Wild Way; or fronting on SH 360 along Watson Road, may have one row of parking within the setback, if approved by the Zoning Administrator.

Further, **Article 5**, Design and Development Standards, **Section 5.4**, Off-Street Parking and Loading, **Subsection 5.4.9**, Parking Facility Location and Design, **Subsection B.**, Location and Design of Parking Spaces, **Subsection 2.**, Tandem Parking is hereby amended to be and read as follows:

2. **Garage Standards for Single-Family and Two-Family Residential Dwellings**
   a. An enclosed two-car garage is required for all single-family detached, townhouse, and duplex dwellings. The garage must be a minimum of 390 square feet in area.
   b. A garage is not required for dwellings constructed prior to January 31, 1984.
   c. A garage may not be converted to living space unless another two-car garage is constructed on the same lot. However, garage

conversions are permitted for dwelling constructed prior to January 31, 1984, provided that a driveway of at least 20 feet in length, as measured from the front property line, is constructed to accommodate the same number of vehicles as the garage.

d. Tandem parking is permitted only for residential townhouses with a single-car garage, provided that the driveway accessing the garage has a minimum length of 20 feet as measured from the front property line.

Further, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 5.5.3**, Standards for Single-Family and Two-Family Residential Dwellings, **Subsection C.**, Building Design Applicable to All Single Family Residential, is amended by the addition of **Subsection 6.**, so that Subsection 6. shall be and read as follows:

6. Retaining Walls

A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

Further, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 5.5.4**, Standards for Multi-Family Residential Dwellings, **Subsection E.** Off-Street Parking Location, **Subsection g.** is hereby amended to be and read as follows:

g. In addition to the general requirements in Section 5.2.2.E, *Parking Lot Landscaping and Screening*, the following requirements shall apply:

(i) All surface parking shall be separated from any building by a landscaped strip of at least ten feet in width that includes a five-foot wide sidewalk, if required by the standards in Section 5.9.4, *Pedestrian Circulation*.

(ii) Double rows of parking shall be separated by a landscaped median of at least eight feet in width. The median may be curbless if wheelstops are provided in the parking spaces.

Figure 5.18 Curbless median with wheelstops

Further, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 5.5.4**, Standards for Multi-Family Residential Dwellings, **Subsection G.**, Building Materials, is amended by the addition of the following:

5. **Retaining Walls**
A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

Further, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 5.5.5**, Residential Design Standards for Village on the Green at Tierra Verde, **Subsection A.**, Compliance with Residential Design Standards, **Subsection 1.**, Garage Location, is amended to be and read as follows:

1. **Garage Location**
Front loading, front facing garages are prohibited in the VG district. However, a separate front facing, front loading garage for a third bay is permitted provided:
   a. The dwelling has a J-swing garage that provides parking for two vehicles; and
   b. The front of the separate third bay is set back at least 40 feet from the front property line and at least 20 feet from the front building façade.

Further, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 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 amended to be and 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	10	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, **Article 5**, Design and Development Standards, **Section 5.5**, Residential Design Standards, **Subsection 5.5.5**, Residential Design Standards for Village on the Green at Tierra Verde, **Subsection B.**, Dimensional Standards, **Table 5.5-3**, VG Dimensional Standards, is amended to be and read as follows:

TABLE 5.5-3: 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)	N/A
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 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, **Article 5**, Design and Development Standards, **Section 5.6**, Non-Residential Design Standards, **Subsection 5.6.4**, Building Design, **Subsection K.**, Transparency and Glazing, is amended by the addition of the following:

3. Lighting that outlines and/or details a window shall be prohibited. This includes the use of light tubing, such as neon or LED, and flashing or running lights.

Further, **Article 5**, Design and Development Standards, **Section 5.6**, Non-Residential Design Standards, **Subsection 5.6.4**, Building Design, is amended by the addition of the following:

N. Retaining Walls

A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

Further, **Article 5**, Design and Development Standards, **Section 5.7**, Mixed-Use Design Standards, **Subsection 5.7.2**, Applicability, is amended to be and read as follows:

5.7.2. APPLICABILITY

All mixed-use development in the NMU, RMU, DB, DNO, LCMUO, and EDO districts that is subject to Article 5 based on Section 5.1, *Applicability of this Article*, shall also comply with the non-residential development and design standards in Section 5.6, *Non-Residential Design Standards* and the standards of this section. In the event of conflict, the standards of this section shall control.

Further, **Article 5**, Design and Development Standards, **Section 5.7**, Mixed-Use Design Standards, **Subsection 5.7.4**, Site Design and Building Organization, **Subsection C.**, Streetfront Building Setbacks, is amended to be and read as follows:

C. Streetfront Building Setbacks

Setback areas are intended to be occupied by sidewalks, landscaping, outdoor dining areas, street amenities, kiosks, and other similar permitted uses and structures. Surface parking lots, off-street parking spaces, and associated driving aisles shall not be permitted between the building and street.

Further, **Article 5**, Design and Development Standards, **Section 5.8**, Overlay District Design and Development Standards, **Subsection 5.8.1**, Entertainment District Overlay | EDO, **Subsection A.** Applicability, **Subsection 4.**, Change in Use, **Subsection a.** is amended to read as follows:

a. Section 5.2.2.E, *Parking Lot Landscaping and Screening*, for the entire site.

Further, **Article 5**, Design and Development Standards, **Section 5.8**, Overlay District Design and Development Standards, **Subsection 5.8.1**, Entertainment District Overlay | EDO, **Subsection B**, Land Uses, **Subsection 1.**, Permitted Uses, is amended by the addition of **Subsection e.** to read as follows:

e. Mixed-use developments or buildings are permitted in the RM-12, RMF-22, and any non-residential base zoning district, subject to the following:

(i) Townhouse and multi-family residential uses are permitted by right in a mixed-use development or building.
(ii) For mixed-use development in the RM-12 and RMF-22 districts, the permitted non-residential uses are restricted to those in the RMU district.

Further, **Article 6**, Subdivision Regulations, **Section 6.4**, Street and Right-of-Way Requirements, **Subsection 6.4.5**, Street Layout Requirements, **Subsection J.1.** is amended to be and read as follows:

1. A cul-de-sac shall have a 50-foot right-of-way radius at the closed end. The radius of the paved area of the turnaround shall be a minimum of 39 feet.

Further, **Article 12**, Definitions, **Section 12.3**, Definitions of General Land Use Categories and Specific Use Types, **Subsection 12.3.3.**, Commercial Uses, **Subsection C.**, Auto Sales, Equipment, and Repair, **Subsection 8.**, Parking Garage, is amended by the **modification** of the definition of "Parking garage" so that said definition shall be and read as follows:

8. Commercial parking garage
As a principal use, a structure for parking that is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles, and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

Further, **Article 12**, Definitions, **Section 12.3**, Definitions of General Land Use Categories and Specific Use Types, **Subsection 12.3.3.**, Commercial Uses, **Subsection F.**, Lodging Facilities, **Subsection 2.**, Hotel, Boutique, is amended by the **modification** of the definition of "Hotel, Boutique" so that said definition shall be and read as follows:

2. Hotel, Boutique
A building providing transient lodging accommodations for compensation, usually containing fewer than 200 rooms, and that is not classified as a full service hotel, limited service hotel, or residence hotel. Boutique hotels typically have distinctive and contemporary design and décor; promote a luxurious or avant-garde atmosphere; are concentrated in the Luxury, Upper Upscale, and Upscale chain and class categories; and demonstrate a Four Diamond or higher AAA rating.

Further, **Article 12**, Definitions, **Section 12.3**, Definitions of General Land Use Categories and Specific Use Types, **Subsection 12.3.5.**, Accessory Uses and Structures, **Subsection M.**, Recycling Collection Center, is amended by the **modification** of the definition of "Recycling Collection Center" so that said definition shall be and read as follows:

M. Recycling collection center
An enclosed trailer used for the collection and temporary storage of empty beverage containers, aluminum, glass, plastic, paper, clothing, or similar materials for recycling purposes. This definition includes automated can banks that crush cans as they are deposited. This definition does not include donation boxes for clothing, toys, household goods, and similar items.

Further, **Article 12**, Definitions, **Section 12.5**, Definitions Related to Subdivision Regulations, **Subsection 12.5.1.**, Subdivision Regulations, is amended by the **addition** of the definitions of "Feeder line", "Lateral line", and "Service line", so that said definitions shall be and read as follows:

Feeder Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service to a general area and not to a specified end user.

Lateral Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line to two or more sites or end users of the utility service.

Service Line
Any line, wire, or cable that distributes, transmits, or delivers a utility service from a feeder line or lateral line to an end user.

Further, **Article 12**, Definitions, **Section 12.7**, Other Terms Defined, **Subsection 12.7.1.**, Other Terms Defined, is amended by the **modification** of the definition of "Mixed-use Development" so that said definition shall be and read as follows:

Mixed-use Development or Building
The development of a tract of land, building, or structure in a compact urban form with a residential use and a non-residential use as permitted by the applicable zoning district from the land use categories listed in Article 3, *Use Standards*, except for land uses in the Parks and Open Space, Sexually Oriented Business, and Utilities use categories. The layout of a mixed-use development may be vertical or horizontal in design.

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 and No/100 Dollars ($2000) 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, 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.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **24th** day of **February, 2015**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **3rd** day of **March, 2015**, by a vote of **9 ayes** and **0 nays** at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 15-018

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 5, Design and Development Standards; Article 7, Sign Standards; Article 10, Review Procedures; Article 11, Nonconformities; and Article 12, Definitions, relative to incorporating an update to commercial sign regulations; providing for a fine of up to $2,000 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and becoming effective ten days after first publication

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard and recommended amendment of the "Unified Development Code" Chapter on February 18, 2015; 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 5,** Design and Development Standards**, Section 5.8.1,** Entertainment District Overlay | EDO**, Subsection E(9),** Public Realm Accessories, is hereby amended by the to addition of subsection (e), so that said subsection shall be and read as follows:

e. Vertical Banners on Light Poles

(i) Maximum square footage: 35 square feet per pole

(ii) Maximum height: 35 feet to top of banner

(iii) Maximum width: None

(iv) Distance above grade: Eight feet above curb or sidewalk

(v) Lighting: External

(vi) Spacing: None

(vii) Time limit: None

(viii) Permitted on-site: No more than two vertical banners per pole

(ix) Permitted in right-of-way: Yes; provided special conditions are met

(x) Special Conditions

(1) Torn or severely weathered vertical banners shall not be permitted.

(2) Vertical banners shall be secured at all points of attachment to the pole.

(3) No portion of a vertical banner shall be used to advertise a specific product or service. Any vertical banner located in the right-of-way may contain the name or logo of an event within the district area or a special community-sponsored event that is sponsored by community-based nonprofit entities.

(4) Vertical banners may be attached to light standards or other poles in the right-of-way with a permit from appropriate City departments, with brackets approved by the Zoning Administrator.

(5) Vertical banners, as described in this section, shall only be permitted in the right-of-way of the district area, except they may be located on both sides of a right-of-way, which acts as a boundary of that district.

2.

Further, **Article 7** Sign Standards**,** is hereby amended so that hereafter said section shall be and read as follows:

7.1. PURPOSE AND INTENT

7.1.1. PURPOSE

The purpose of this Article is to create a clear and uniform set of sign regulations to promote a positive city image with effective and visually pleasing signage. The goal is to strengthen the economic stability of Arlington's tax base and to avoid visual clutter, which is potentially harmful to automobile and pedestrian safety, property values, business opportunities, and community appearance.

7.1.2. OBJECTIVES

In addition to protecting the health, safety, and welfare of the community, these standards are adopted in order to:

A. Recognize that most signs, by their nature, are designed and located to be seen by the driving public, and to ensure that they are sized, located, and otherwise regulated so as to maximize traffic safety;

B. Recognize that visual clutter leads to a decline in the community's appearance, a decline in property values, and a decline in the effectiveness of the signs;

C. Enhance automobile and pedestrian safety;

D. Identify business, residential and public uses in a manner that produces aesthetic appeal to businesses and residents without creating confusion, unsightliness, or visual obscurity of adjacent business or other neighboring structures;

E. Encourage the integration of signs with the surrounding environment, including scale of development, landscaping, and building design;

F. Encourage a better aesthetic environment by enhancing the appearance of the city's major corridors;

G. Develop and adopt policies to ensure that entrances are easily identifiable and minimize urban clutter;

These objectives and strategies are to be pursued in applying the specific standards of this Article.

7.2. APPLICABILITY

7.2.1. This article applies to all advertising displays in the city. The term "advertising displays" shall mean and include any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, or reading material which shall be constructed, placed, attached, painted, erected, fastened, manufactured, or displayed in any manner whatsoever for the purpose of informing of or advertising about the nature, type, or quality of goods, services, or activities available; or to advertise the name of any firm, corporation, business, or any other enterprise, or its nature, type or quality of goods, services, or activities; or to attract to or identify any of the aforementioned or by its nature, act to draw attention to a business. Every display shall be classified and shall conform to the requirements set forth in this article.

7.2.2. Any change in use or external addition to an existing structure shall comply with this article in the following scaled approach to the extent practicable,

A. Change in Use.

Any change in use, as determined from the Table of Allowed Uses in Article 3, shall comply with Article 7, *Sign Standards*, as pertinent to that tenant space and any site signs.

New freestanding signs permitted between June 1, 2010 and June 1, 2015 shall be allowed a grace period of five years, starting from the time the sign was initially installed.

B. External Additions.

Any external additions to an existing structure as calculated based on the total area of that structure (and not total area of all structures per lot), shall comply with the following:

1. If the addition to a structure is less than 10 percent then the signage applicable to the addition must comply with Article 7, *Sign Standards*.

2. If the addition to a structure is more than 10 percent then the signage applicable to the addition and any site signs must comply with Article 7, *Sign Standards.*

7.2.3. This article shall not relate to building design, nor shall the article regulate official traffic signs, gravestones, lighting, or displays of a seasonal or traditional nature which are not commercially-oriented, scoreboards on athletic fields, or any display or construction not defined herein as a sign.

7.3. ADMINISTRATION

7.3.1. PERMIT REQUIRED

Except as provided in this Article, no person shall erect, alter, renovate, or demolish any sign or sign structure until a permit for such work has been issued by the Zoning Administrator in accordance with the requirements of all City codes. A permit is also required for any alteration to the copy face or lettering of any sign, with the exception of Section 7.3.2 D.

7.3.2. PERMIT NOT REQUIRED

The following shall be exempt from sign permitting but shall comply with other regulations contained in this Article or other law:

A. Repainting the same message;

B. Changing the message of an off-site advertising sign (Billboard);

C. Changing the digital message of an Electronic Message Center (EMC) sign;

D. Replacement of a sign face for an existing business with the same size and within the same panel for ground or pole signs;

E. A public notice or warning sign required by a federal, state or local law, regulation, or ordinance, including historical signs and markers placed by a city , county, state or national historical preservation organization and official vehicle inspection signs;

F. A sign located inside a building which is not displayed so as to be visible from outside the building or the street. Signs located within a covered shopping center building shall comply with the Construction Chapter of the Arlington Code of Ordinances. These generally include credit card decals, hours of operation signs, emergency contact information and similar signs, as determined by the Zoning Administrator;

G. A sign within or on railway property and placed or maintained in reference to the operation of such railway;

H. Underground utility warning signs and other safety signs not exceeding one square foot in area;

I. Security warning, neighborhood watch, or crime watch signs;

J. On-premise residential real estate signs, garage sale signs, and other signs as shown in the "Temporary Signs" chart in Section 7.10; and

K. Political signs; (See Section 7.10.2 for standards)

L. Sandwich Board Signs; (See Section 7.10.1 for standards)

M. Window Signs; (See Section 7.8.12 for standards)

N. Hanging Signs; (See Section 7.8.11 for standards)

O. Primary Flags; (See Section 7.6.11 for standards) A building permit for the support structure may be required.

7.3.3. PERMITS AND FEES

All signs requiring a permit shall be subject to a permit fee. The amount of the fee shall be established in the City's Fee Resolution.

A complete permit application must be submitted prior to the issuance of any permit. Incomplete permit applications will not be accepted or issued a permit. Information in the application which subsequently changes before the construction of the sign shall be updated by the applicant and approved by staff.

Signs must be constructed in accordance with the approved permit.

7.3.4. PERMIT EXPIRATION

If the work authorized by a permit issued under this Article has not commenced within 180 days after the date of issuance, the permit shall become null and void.

Any permittee holding an unexpired permit may apply in writing for an extension of the permit, if the permittee is unable to commence work for good and satisfactory reasons. The extension period shall not exceed 180 days. The permittee shall pay a fee for the extension of the unexpired permit. No permit shall be extended more than once.

7.3.5. PERMIT DENIAL

The permit shall be denied if the proposed sign does not meet the City's regulations.

7.3.6. ALTERNATIVE APPROVAL PROCESS

A. For an alternative design, an Alternative Equivalent Compliance (AEC) application may be submitted, which meets the intent of this Article. The AEC procedures are detailed in Article 10, Section 10.4.22.

B. An Alternate Sign Plan (ASP) may be approved at the discretion of the City Council upon the recommendation of the Planning and Zoning Commission. The ASP procedure is detailed in Article 10, Section 10.4.23.

7.4. PROHIBITED SIGNS

7.4.1. SIGNS IN PUBLIC RIGHT-OF-WAY

Signs are prohibited in the public right-of-way.

Exceptions. The following signs are permitted in a public right-of-way:

A. A sign posted or required by a governmental authority.

B. A sign approved by the City under a right-of-way use agreement on file with the City.

C. Signs on commercial vehicles or commercial trailers while lawfully in operation on public rights-of-way.

7.4.2. DECORATIVE FLAGS

Decorative flags and flags used as advertising displays, including but not limited to blade, feather, shark fin, solid, and teardrop flags, are prohibited.

7.4.3. ROOF SIGNS

Roof signs are prohibited.

7.4.4. PORTABLE SIGNS

Portable signs are prohibited regardless of whether they have been attached to the ground or other fixed object.

Exceptions.

A. Sandwich board signs are permitted within five feet of the entrance to a business. See Section 7.10 for standards.

B. A sign on a vehicle or trailer lawfully in operation on public rights-of-way.

7.4.5. LIGHT DISPLAYS

A. Signs with a revolving beam, beacon of light and/or search lights are prohibited.

B. Signs with a light resembling an emergency vehicle are prohibited.

C. Signs resembling a traffic control signal, whether current traffic control signal or one of an older design, are prohibited.

D. Signs with high intensity light are prohibited.

E. Flashing, scrolling/running, strobe and similar lighting are prohibited. Additionally, lighting that outlines and/or details building walls in structures that are less than three stories are also prohibited. However, building wall lighting used during the holiday season, starting October 31 through January 10 of the following year, is exempt from this restriction.

7.4.6. MOTION SIGNS

Signs which have motion are prohibited. This prohibition includes signs in which the whole sign moves or in which a portion of the sign moves.

7.4.7. REFLECTIVE SIGNS

Reflective signs are prohibited, with the exception of governmental or public safety signs.

7.5. SIGNS ADJACENT TO RESIDENTIAL ZONING DISTRICTS

7.5.1. The following standards shall apply to signs on properties that are adjacent to or across a local or minor collector street from properties zoned or used for single-family or two-family dwellings.

A. Wall signs are prohibited on the side or rear wall of the building. However, a wall sign shall be permitted if that side or rear wall is the only entrance into the business and the wall sign is not internally illuminated.

Exception.

Building service signs may be permitted on the side or rear wall of the building provided the sign lettering does not exceed four inches in height. The sign may be internally illuminated.

B. Freestanding signs shall not be internally illuminated.

Exception.

EMCs associated with institutional uses. (See Section 7.6.9 for standards)

7.6. GENERAL PROVISIONS

7.6.1. SIGNS TO MEET ALL REQUIREMENTS

A. All signs shall meet the applicable standards of this article and all City codes as amended. Compliance is required regardless of whether a permit is required.

B. The construction plans for all freestanding signs greater than eight feet in height shall be signed and sealed by a professional engineer.

7.6.2. NONCONFORMING SIGNS

For nonconforming signs refer to Article 11, *Nonconformities*.

7.6.3. SIGN PLACEMENT

A. All signs advertising the name of the business, services provided, or products sold, shall be located on the premises.

B. No sign or sign structure shall project over any property line, into or over any rights-of-way, public drainage easement, public or private utility easement, unless approved through an easement use agreement.

C. All freestanding signs shall be located a minimum of 10 feet from any overhead power line or structure.

7.6.4. SIGNS – MAINTENANCE REQUIRED; ENGINEERING REQUIREMENTS; UNSAFE SIGNS

A. All signs and all sign supports, braces, guys and anchors shall be kept in good repair. Broken or missing inserts such as lenses, cabinet features, letters, and panels must be repaired or replaced with industry standard material.

B. All signs shall be thoroughly painted to ensure weather protection, unless the sign is constructed of galvanized or non-corroding metal. All exposed metal surfaces must be degreased, primed, and painted with a finish coat as necessary. Powder coated or other finishes are recommended.

C. All exterior surfaces shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to prevent future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

D. When a business ceases to operate, any signs advertising that business on that property shall be removed within 60 days. Freestanding signs located on that site must have the sign face converted to either a blank face or a Real Estate Sign ("for sale/lease").

E. Any sign which is unsafe, in danger of falling, insecure, and in any manner poses an immediate danger to persons or property shall be immediately repaired or removed by the owner or person or firm responsible for the maintenance of the sign.

F. No sign shall be erected in such a manner that any portion of the structure, surface, or supports will interfere in any way with the free use of any fire escape, exit, standpipe or window, or obstruct any required ventilation, ventilator, door or stairway.

G. Any internally lit sign not in working order shall be turned off immediately. The internal lighting or internal structure of a sign shall not be exposed unless it is actively under repair.

7.6.5. OBSTRUCTIONS TO VIEW

A. This sub-section supersedes any conflicting section, permit, authorization or zoning requirement or entitlement, except where noted.

B. No sign shall be erected, constructed, maintained, or allowed to remain which constitutes an obstruction to the view of operators of motor vehicles on public or private streets or entering public streets from private property. Signs shall not obstruct or interfere with a clear line of sight of approaching motor vehicles.

C. No outdoor sign or display may be erected, constructed, maintained or allowed to remain that constitutes an obstruction to the view of pedestrians upon or entering a public or private street.

D. No sign or display, whether permanent or temporary, may be located within a visibility triangle required in the "Streets and Sidewalks" chapter of the Code of the City of Arlington, unless the following standards are met:

1. The sign or display shall have a vertical clearance of seven feet as measured from grade to the bottom of the sign, and such support does not exceed six inches in diameter; or

2. The sign, flag, or display shall not exceed two feet in height as measured from grade to the top of the sign.

A sign or display that meets these requirements may be prohibited if the Zoning Administrator determines that the location within the visibility triangle interferes with vehicle or pedestrian lines of sight or otherwise creates a hazard to the public.

These provisions are not intended to allow a sign to exceed height requirement located elsewhere in this Article.

7.6.6. SIGN FACE

No more than two sign faces (sides) are allowed per sign, unless otherwise allowed by this Article and the issued permit.

The two sign faces shall be placed back-to-back, unless approved by the Zoning Administrator through an Alternative Equivalent Compliance process (See Section 10.4.22) to open up no more than 90 degrees.

7.6.7. SIGN SUPPORTS

Trees, rocks, bridges, fences, towers and abandoned buildings shall not be used as sign supports, unless approved by the Zoning Administrator through the procedure described in Article 10, Section 10.4.22, *Alternative Equivalent Compliance.*

7.6.8. SIGN ILLUMINATION

Signs may be illuminated as provided by this Code and specified by approved sign criteria, if applicable, in accordance with the following regulations:

A. Externally illuminated signs may be illuminated by either ground-mounted lights or wall-mounted light bars.

B. Internally illuminated signs or EMCs shall be lighted so that at a distance of 10 feet the light intensity does not exceed 11,000 lumens.

C. Flashing or intermittent forms of illumination are prohibited.

D. Exposed neon lighting is permitted only under the following conditions:

1. Location: The use of neon lighting is allowed in the EDO as well as the area bounded by the centerlines of Division Street on the north, Mesquite Street on the east, Front Street on the south and Pecan Street on the west. This area is targeted for redevelopment and neon lighting is used to enhance the architectural character of the historical buildings.

7.6.9. ELECTRONIC MESSAGE CENTER

A. An Electronic Message Center (EMC) is a component of a freestanding sign and may not be allowed as an independent sign.

B. EMCs are only allowed on Ground Signs (See Figure 7-1)

C. EMCs are only allowed on freeways and arterials and not allowed in DB zoning district.

Exception. EMCs are allowed on ground signs for institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks that front on local or collector streets. However, messages shall only be displayed from 7 AM to 9 PM, if Section 7.5 is applicable.

Figure 7-1 Electronic Message Center Sign Types Allowed

Ground Sign

D. The maximum area for an EMC shall be 75 percent of the overall sign area, not to exceed 50 square feet.

E. The EMC must include an auto-dimming feature.

F. A maximum of one EMC shall be permitted per lot.

G. EMC signs shall obtain an annual inspection and pay the appropriate fee as shown on the fee schedule.

H. Changeable Messages are allowed as follows:

1. Message must change simultaneously on the entire sign face.

2. Messages on an EMC must continuously display the message for at least 12 seconds.

3. Scrolling, video, or animated messages are prohibited.

4. Letter height shall be based on sight distance of one inch of height per 36 feet of sight distance, providing a minimum 10-inch letter height on an arterial street and minimum 18-inch letter height on a controlled access freeway.

7.6.10. ELECTRICAL

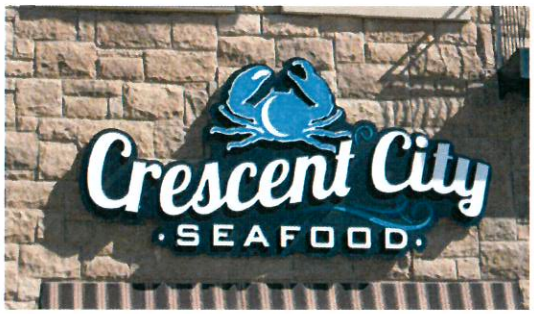
All exposed conduit, junction boxes, and electrical transformer boxes must be concealed from public view.

Individual channel letters (with or without internal illumination) are preferred. Channel letters incorporated on a cloud background are also acceptable. Wireways are preferred over exposed raceways, and shall be as thin and narrow as possible so as to not extend in width or height beyond the area of the sign's lettering or graphics, finished to match the color and texture of the façade background, or be integrated into the overall design of the sign. Exposed raceways are discouraged and subject to administrative review.

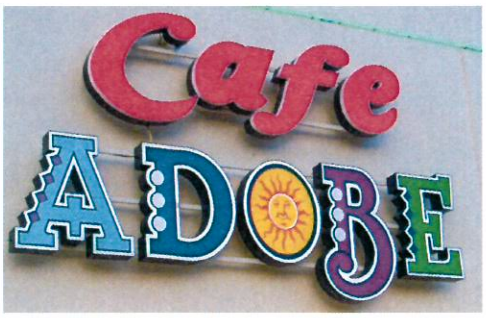
Figure 7-2: Wall Sign Electrical Mounting

Encouraged – Individual Channel Letters

Discouraged – Exposed Raceway



Encouraged – Cloud Sign



Discouraged – Exposed Wireway

7.6.11. PRIMARY FLAGS

A. Only flags that are not advertising displays may be considered primary flags and be displayed. Primary flags shall be flags showing the official emblem of a business, corporation, or organization, and governmental flags.

B. Four primary flags may be permitted per developed lot, and each has to display a different emblem or organization. However, for unified developments, with more than one platted lot, four flags are permitted per street frontage.

C. Maximum Height: 35 feet above grade, except one flag per lot may be flown to 72 feet above grade, with a minimum clearance of eight feet measured to the bottom edge of the flag.

D. Torn or severely weathered flags shall not be permitted.

7.7. DIMENSIONAL CALCULATIONS

7.7.1. SIGN AREA

A. The sign area shall be measured by square feet.

B. The area of a sign mounted as individual letters and/or graphics against a wall, fascia, or window of a building shall be determined by the area of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the smallest perimeter of the sign message.

C. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as the area enclosed by the smallest single rectangle that will enclose the outside dimensions of the background panel or surface, including sign trim or frame.

D. Sign copy mounted or painted on an illuminated surface shall be measured as the area enclosed by the smallest single rectangle that will enclose the entire illuminated surface and sign trim or frame. However, for a continuous sign band that is an integral part of the building architecture, the area shall be measured as that portion containing the graphics of the sign.

E. For spherical, free-form, sculptural and other non-planar signs, the sign area shall be the sum of the areas using only the vertical sides of the smallest hexahedron that will encompass the sign.

F. **Special Conditions.**

1. Pole Signs

a. The cabinet area shall determine the area of a pole sign. If the cabinet is not an actual rectangle, the rectangle will be simulated by using the two furthest points on the horizontal plane and the two furthest vertical points. Using the actual or simulated lines, the surface area will be calculated in the same manner as the area of a rectangle is calculated (multiplying length times width) to find the area. Complementary design elements or ornamentation outside of the cabinet need not be included in the calculation of the sign area.

2. Ground Sign/Multi-Tenant Ground Sign

a. The sign structure, including the base, side, and top frames will not be included in the area calculation.

b. Address blocks are required. The area of the address block is not included in the calculation of the sign area

3. Awning Signs

a. Sign copy on awnings shall be measured as the area enclosed by the smallest single rectangle that will enclose all the copy on the awning.

Figure 7-3: Ground Signs

Area = X*Y

Figure 7-4: Wall Signs (w/ Cabinet boxes)

Area = X * Y

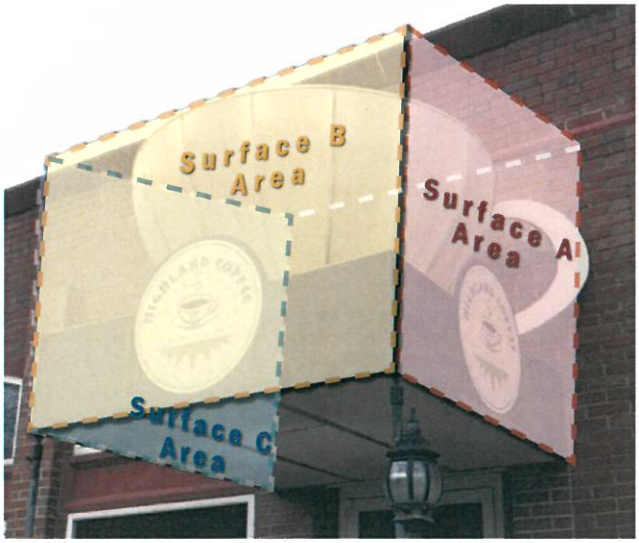
Figure 7-5: Wall Signs (with Channel Letters and logo)

Area = $(X_1 * Y_1) + (X_2 * Y_2)$

Figure 7-6: Pole Signs

Area = X * Y

Figure 7-7: Free form/Non Planar Signs



Total Sign Area = Surface A Area + Surface B Area + Surface C Area

7.7.2. SIGN HEIGHT

A. The height of a freestanding sign shall be measured in linear feet and be calculated from the top of the sign structure to the lowest grade level within 10 feet of the base of the sign.

B. The height of any monument base or other structure erected to support or ornament the freestanding sign shall be measured as part of the sign height

7.7.3. SIGN WIDTH

The width of a sign shall be measured in linear feet and be calculated from the outer edge of the smallest rectangle that will enclose the sign face.

7.7.4. SETBACKS

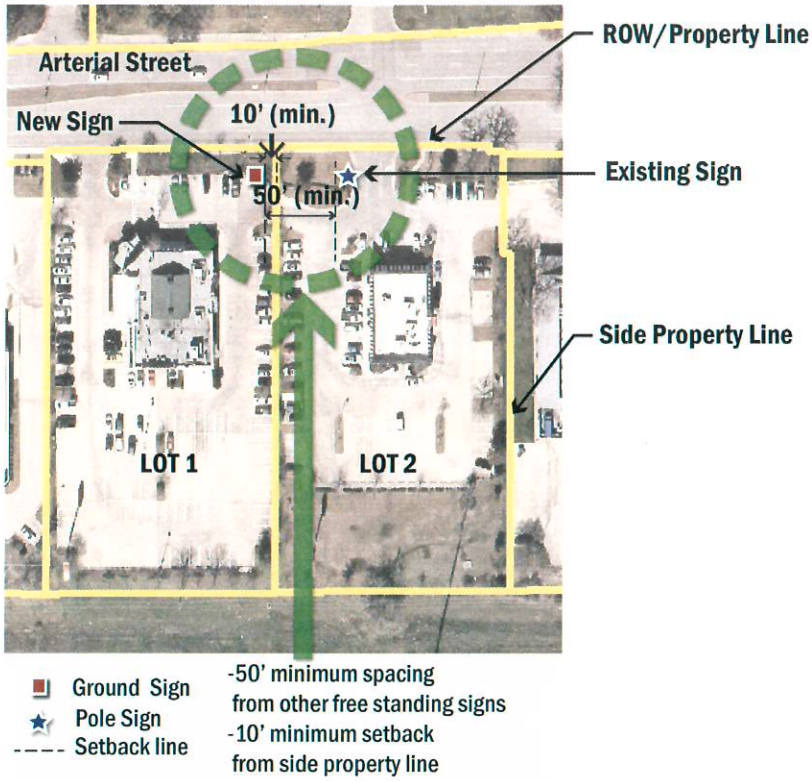
A. Setbacks shall be measured from the property lines.

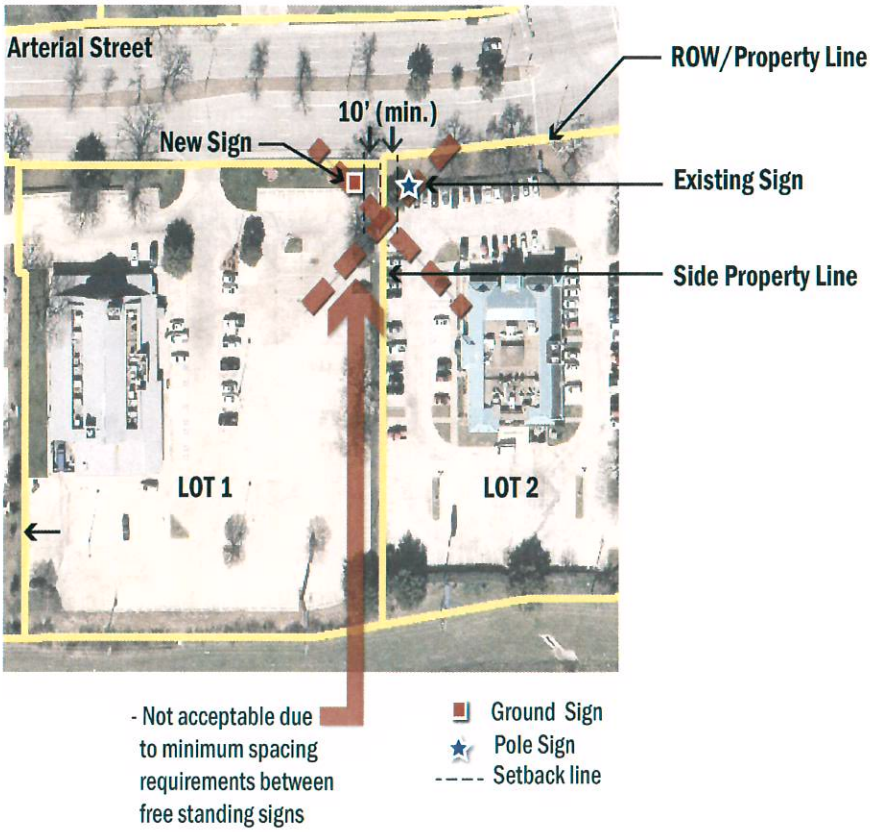
B. A minimum setback of 10 feet from all side property lines is required for all signs. (See Figure 7-8)

7.7.5. SPACING

Signs shall be separated by a minimum of 50 feet from any other freestanding sign on the same lot or an abutting lot. The required spacing is not measured from signs located on lots across a public or private street (see illustrations under Figures 7-8).

Figure 7-8: Setback and Spacing Standards for Freestanding Signs





7.8. TYPES OF SIGNS

7.8.1. POLE SIGNS

A. Description

A pole sign is a sign supported by a single pole and intended to advertise a single business entity within a single cabinet.

Figure 7.8.1-A: 1. Acceptable

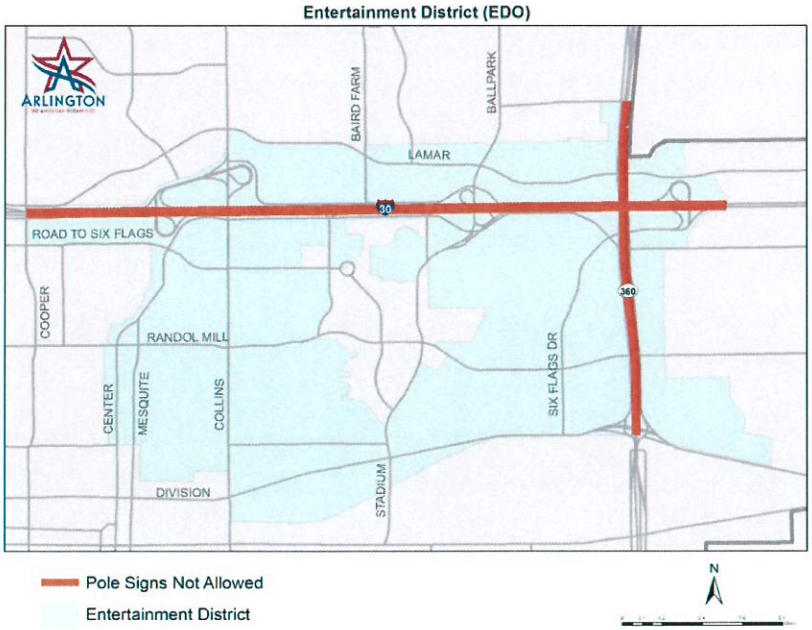
Figure 7.8.1-A: 2. Not Acceptable

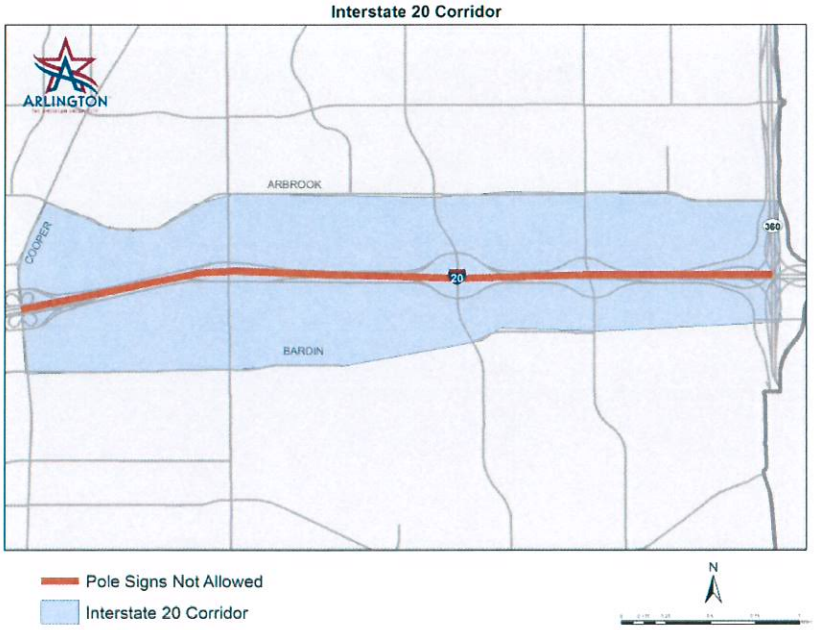
B. Street Type and Frontage	
I-20, I-30, SH360, US 287 Hwy	
Linear street frontage, min (ft)	100
C. Sign Dimensions - Area	
Area, max. (s.f.)	
0-299 ft linear frontage	40
300 + ft linear frontage	75
D. Sign Dimensions - Height	
Height, max (ft)	25
E. Sign Dimensions - Width	
Width, max (ft)	n/a
F. Number of Signs	
Signs per lot, max.	1
No other freestanding signs are allowed on the lot	
Exceptions. For lots with multiple street frontage see Section 7.8.1-K:4	
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign along the same side of the street , min (ft)	50
Vertical Clearance	
From grade, min. (ft)	10
If projecting over drive aisles, from grade, min (ft)	14
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Center (EMC)	
EMCs are not allowed	
J. Finishing	
Powder-coated; painted with accepted commercial standards; or with approved pole covers	

K. Special Conditions.

1. Prohibited in the EDO District and the Interstate 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east and Bardin Road on the south.

Figure 7-9: EDO and a portion of Interstate 20 Corridor- Pole Signs Not Allowed





2. Reader Boards may be incorporated into the permitted business sign provided they do not exceed 75% of the sign area.

3. When incorporating Gasoline Price Signs, see Section 7.8.15

Exceptions.

A lot with a pole sign shall not have any other freestanding signs, except as otherwise provided below (Figure 7-10).

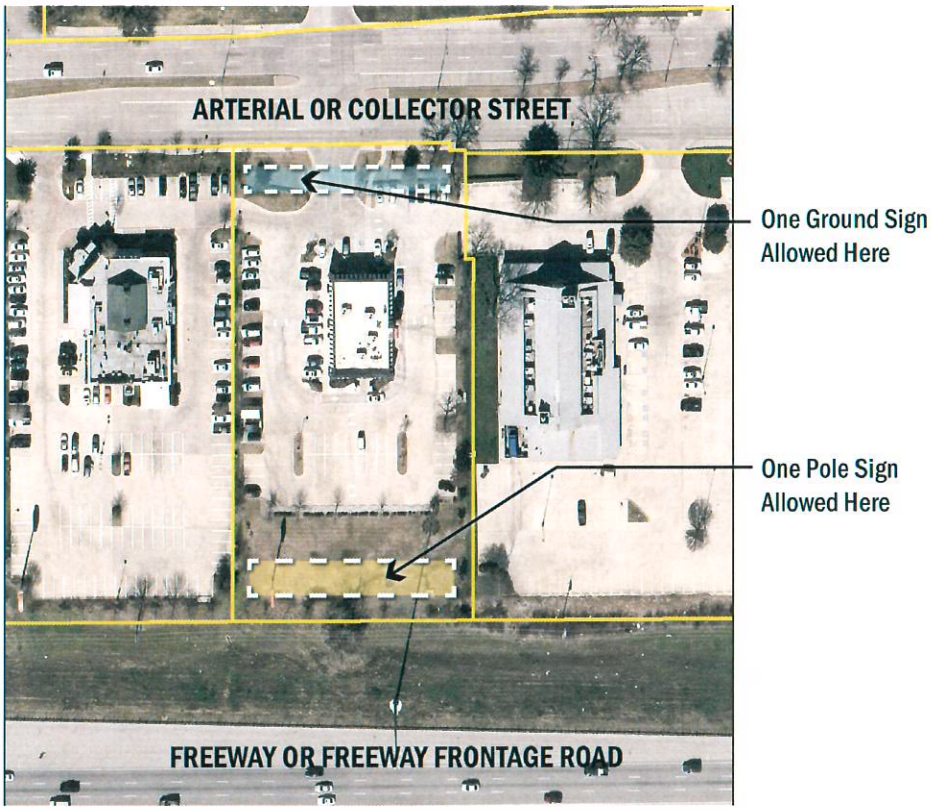
4. On double-frontage lots with one frontage along a freeway, a business may have one ground sign and one pole sign, provided the following conditions are met:

a. the ground sign conforms to the size and height to the requirements for ground signs at that location; and

b. the pole sign is located along the freeway street frontage.

5. The use of this exception shall not be permitted for side streets on corner lots.

Figure 7-10: Illustration showing exception for double frontage lots



7.8.2. GROUND SIGNS – UP TO TWO TENANTS

A. Description

Ground Signs stand directly on the ground and are independent from any building or structure. Ground signs are freestanding and have no clear space for the full width of the sign between the bottom of the sign and the surface of the ground. An address block is required on all ground signs.

A maximum of two tenants may be included on a single sign structure. See Multi-Tenant Ground Signs for three or more tenants on a single sign structure

Ground Signs must include the address block where the sign is situated, but the space required for the address block is not included in the sign dimension calculation.

Figure 7.8.2-A: 1. Acceptable

Figure 7.8.2-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types except local streets. * Local streets see Section 7.8.2-K for exceptions	
C. Sign Dimensions - Area	
Freeways and Arterial Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	50
300 + ft linear street frontage	100
Collector Streets – Area, max. (s.f.).	
0-299 ft linear street frontage	35
300-399 ft linear street frontage	50
400-499 ft linear street frontage	75
500 + ft linear street frontage	100
D. Sign Dimensions - Height	
Freeways	
Height, max. (ft)	20
Arterial Streets - Height, max. (ft).	
0-99 ft linear street frontage	8
100 + ft linear street frontage	12
Collector Streets	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	15
F. Number of Signs	
0-399 ft linear street frontage, max.	1
400 + ft linear street frontage, max. See conditions in section 7.8.2-K	2
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign, min (ft)	50
Vertical Clearance	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
See General Provisions Section 7.6.9	
J. Finishing	
Sign structure must complement building materials, but exceptions may be allowed to enhance contrast. See Article 10, Section 10.4.22 AEC	

K. Special Conditions.

1. Reader Boards may be incorporated up to 75% of the sign area.
2. See Section 7.8.15 for Gasoline Price Signs
3. One ground sign shall be permitted per lot, per street front, provided there are no pole signs on the lot. Two ground signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 150 feet.
4. The size of ground signs for lots with 400 or more feet of frontage may be increased by 10 percent for each 10 feet that the sign setback exceeds 20 feet from the front property line. In no case shall the sign area exceed 200 square feet.
5. Ground signs shall be landscaped at the base of the sign in accordance with the following:
   a. The landscaped area shall extend a minimum of three feet from the sign base on all sides.
   b. The minimum number of plants shall be 10 plants per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

Exception.

Ground signs on local streets shall only be allowed for institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks. The sign standards shall be based on the standards applicable to collector streets with a maximum sign area of 75 square feet.

7.8.3. MULTI-TENANT GROUND SIGNS

A. Description

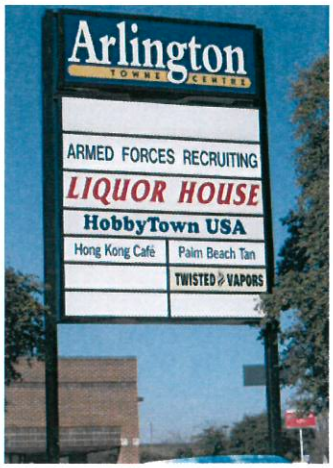
Multi-Tenant Ground Signs stand directly on the ground and are independent from any building our structure. They are freestanding and have no clear space for the full width of the sign between the bottom of the sign and the surface of the ground.

Three or more tenants may be included on a single sign structure.

Multi-Tenant Ground Signs must include the address block where the sign is situated, but the space required for the address block is not included in the sign dimension calculation. Additionally, Center Identification, if incorporated, will not be counted towards the sign area calculation.

Figure 7.8.3-A:1. Acceptable

Figure 7.8.3-A:2. Not Acceptable



B. Street Type and Frontage	
Permitted on all street types EXCEPT local streets	
C. Sign Dimensions - Area	
Freeways and Arterial Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	75
300-399 ft linear street frontage	150
400 + ft linear street frontage	200
Collector Streets – Area, max. (s.f.)	
0-299 ft linear street frontage	50
300 + ft linear street frontage	100
D. Sign Dimensions - Height	
Freeways and Arterials – max.(ft)	20
Collector – max. (ft)	15
E. Sign Dimensions - Width	
All Street Types – max. (ft)	15
F. Number of Signs	
0-399 ft linear street frontage, max.	1
400 + ft linear street frontage, max. See conditions in section 7.8.3-K	2
G. Setbacks and Spacing	
Setbacks	
Interior property lines, min (ft)	10
Spacing	
Nearest freestanding sign, min (ft)	50
Vertical Clearance	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Finishing	
Sign structure must complement building materials, but exceptions may be allowed to enhance contrast. See Article 10, Section 10.4.22 AEC	

K. Special Conditions.

1. One multi-tenant ground sign shall be permitted per lot, per street front, provided there are no other freestanding signs on the lot.

2. Two multi-tenant ground signs may be permitted along a single street frontage of 400 or more linear feet. The total area of both signs shall not exceed the maximum sign area permitted if a single sign were erected. The minimum separation between signs shall be at least 150 feet.

3. The tenant panels shall be designed in accordance with the following:

   a. One monochromatic background color scheme and no more than two font colors. Company logos and trademarks are exempt from this requirement.

   b. The minimum area of each tenant panel shall be 10 square feet, with the sign coverage on each panel to be no more than 75%.

4. All multi-tenant ground signs require an address block. If there is more than one street number, the number range and street name shall be shown.

5. In the Entertainment District Overlay all signs shall have an architectural side border of at least 10 inches in width.

6. Multi-tenant Ground signs shall be landscaped at the base of the sign in accordance with the following:

   a. The landscaped area shall extend a minimum of three feet from the sign base on all sides.

   b. The minimum number of plants shall be 10 per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

7. Unified, multi-tenant developments adjacent to freeways may provide signs with increased height and area if the development meets the following:

   a. The minimum leasable area is 250,000 square feet; and

   b. One of the following criteria is met:

      (i) the lot has at least 700 linear feet of frontage along the freeway; or

      (ii) the site area is at least 15 acres.

   Developments meeting the above criteria shall be eligible for the following increases. Sign permits for such signs shall only be approved after a building permit for up to 150,000 square feet has been approved.

   a. Center Identification may be allowed up to 40 feet in height from grade, with no maximum area limitation.

   b. Tenant signage may be allowed up to 30 feet in height from grade, with a maximum area limited to 300 square feet.

   c. Overall width of the sign shall be no more than 25 feet.

d. Such signs must be spaced at least 500 feet apart.

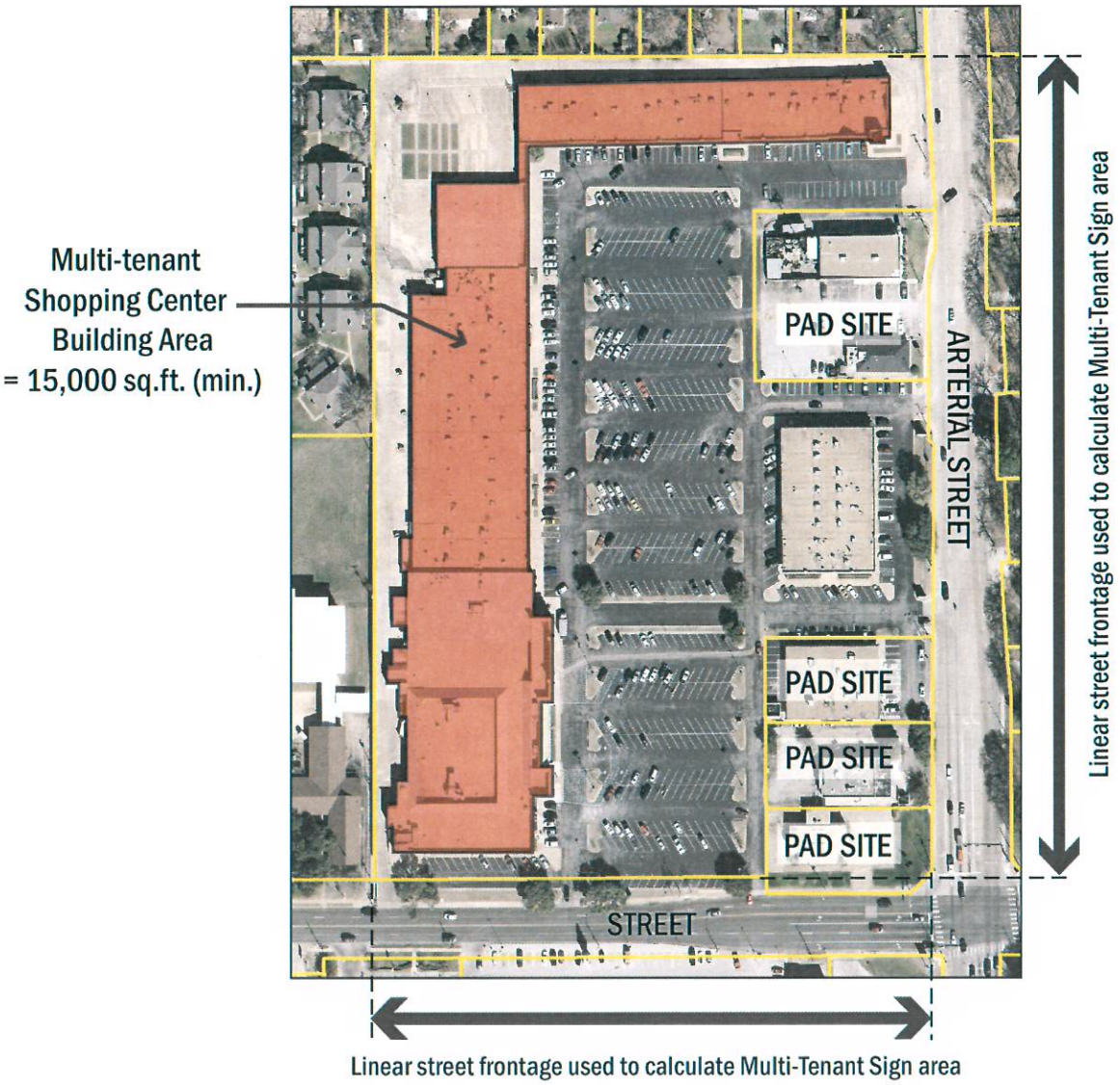
8. Existing multi-tenant retail developments, built before June 1, 2015, adjacent to freeways or arterial streets, may be entitled to increased sizes if they meet the following criteria (see Figure 7-11):

a. Shall have a minimum leasable area of 15,000 square feet;

b. The visibility of wall signs from the adjacent streets is inhibited by individually platted and developed pad sites along the street frontages.

Developments meeting the above criteria shall be eligible to include the street frontages of the front pad sites, in addition to their own lot frontages, to determine the maximum sign dimensions for the sign on the street frontage.

Figure 7-11: Measuring Linear Frontage for Multi-tenant Developments with Individually Platted and Developed Front Pad Sites



7.8.4. WALL SIGNS

A. Description

A wall sign is a sign that is attached to a wall of a building or is an integral part of a wall of a building with the exposed face of the sign in a plane parallel to the attached wall.

Signs on windows, attached to windows, or viewed through windows are covered in the Window Signs section.

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area	
Total wall area, max. (%)	20
D. Sign Dimensions - Height	
1. Not to exceed height of structure	
E. Sign Dimensions - Width	
Associated tenant space, max. (%)	75
F. Number of Signs	
1. Signs per building, max.	NA
G. Setbacks and Spacing	
1. Setbacks	NA
H. Illumination	
1. Lighting may be: internal and external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. The maximum distance between the wall and the inner edge of the sign is 18 inches.	
2. The sign may not extend above, below, or beyond the parallel face of the attached wall.	

Figure 7.8.4-A: 1. Acceptable

Figure 7.8.4-A: 2: Not Acceptable

K. Special Conditions.

1. For multi-story buildings and/or multi-tenant shopping centers within the EDO district, the maximum height of a wall sign is three feet for the first and second story, and five feet for the third story or above. Standalone buildings with a single user are not impacted by this condition.

2. Cabinet signs are prohibited in in the DB, DNO, EDO, LCMUO, NMU, and RMU districts.

3. Multiple wall signs shall be permitted, provided that the cumulative area of all signs does not exceed the maximum permitted area.

4. Wall signs shall be attached to the walls of the building or tenant space occupied by the business that it advertises. Wall signs may be located on an exterior wall that is not immediately abutting the tenant space or business that it advertises upon approval by the Zoning Administrator in accordance with the provisions of Article 10, Section 10.4.22.

5. No painted-on wall signs are allowed.

6. Murals may be allowed in the Downtown Business (DB) zoning district and Entertainment District Overlay (EDO) district, subject to the conditions set forth in Section 7.8.17.

7. For multi-family apartment buildings, a maximum of two wall signs shall be permitted per street front, provided that they are separated by 500 feet. Additionally, the maximum area of each wall sign shall not exceed 50 square feet

8. Wall signs for internal lease spaces without external wall area may only be allowed if:

   a. The building contains at least 50,000 square feet in leasable area; and

   b. The total area of wall signs does not exceed the 20 percent of wall area.

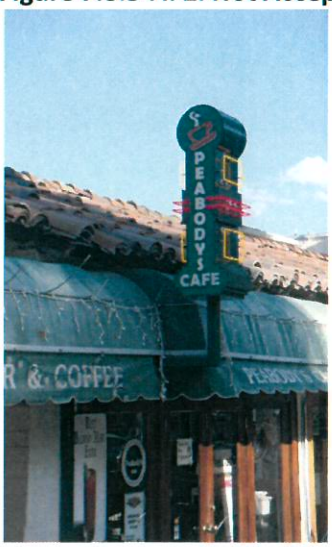
7.8.5. PROJECTING SIGNS (BLADE)

A. Description

Projecting Signs are generally attached perpendicular to the face of the building and extending outward.

Figure 7.8.5-A: 1. Acceptable

Figure 7.8.5-A: 2. Not Acceptable



B. Street Type and Frontage

Permitted on all street types except local streets.

C. Sign Dimensions - Area

Area, max. (s.f.)	36
When used as building identification, see Additional Standards below.	

D. Sign Dimensions - Height

1. If attached to a single story building, the height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects
2. If attached to a multi-story building, the height of the top edge of the sign board shall not exceed the height of the sill or bottom of any second story window.

E. Sign Dimensions - Width

All Street Types, max. (ft)	3

F. Number of Signs

Signs per street front, max.	1

G. Setbacks and Spacing

Setbacks	NA
Vertical Clearance	
From grade min. (ft)	9
If projecting over drive aisles; from grade, min. (ft)	14

H. Illumination

Lighting may be internal only.

I. Electronic Message Centers

EMCs are not allowed

J. Additional Standards

1. The sign may project over the public right-of- way, subject to approval of an easement use agreement.
2. Support structures must be constructed of metal.
3. The depth of the sign cabinet shall not exceed six inches.
4. Signs may extend above a tenant's lease space, subject to approval from the owner of the building, but still not extending above the building roofline.
5. The maximum distance from the wall to the outer edge of the sign is four feet.
6. The maximum distance between the wall and the inner edge of the sign is 18 inches.
7. Signs must be double-sided.
8. Projecting signs serving as building identification on buildings with three or more stories in the DB, DNO, and EDO districts shall be allowed a maximum sign area of 150 square feet. Additionally, no restrictions will apply to the width or projection from the wall.

7.8.6. MARQUEE SIGNS

A. Description

Marquee signs are similar to projecting signs and include manual removable and/or changeable letters.

Figure 7.8.6-A: 1. Acceptable

Figure 7.8.6-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area	
Total wall area, max. (%)	20
D. Sign Dimensions - Height	
May not exceed height of building by 10 ft	
E. Sign Dimensions - Width	
Associated tenant space, max. (%)	75
F. Number of Signs	
Signs per building, max.	NA
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. Only allowed for performance and movie theaters.	
2. Running lights outlining the marquee sign may be allowed, with Zoning Administrator approval.	

7.8.7. BUILDING IDENTIFICATION SIGNS

A. Description

A Building Identification Sign identifies the name of the building or a primary tenant of the building and is allowed on a building of three or more stories in height. A building identification sign shall only be allowed with the express written permission of the building owner or his designee.

The building identification sign should be placed on the top floor of the building or at a location consistent with the architecture of the building.

Figure 7.8.7-A: 1. Acceptable

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
1. Total wall area, max (%)	20
The combined area of wall sign(s) and building identification sign on any single elevation shall not exceed 20 percent of the area of that elevation.	
D. Sign Dimensions - Height	
Not to exceed height of the structure	
E. Sign Dimensions - Width	
Associated building elevation, max. (%)	75
F. Number of Signs	
Per building face, max.	1
G. Setbacks and Spacing	
Spacing between signs, min. (ft)	NA
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed.	
J. Additional Standards	
1. Applied letters shall be constructed of painted cast metal, bronze, brass, or black anodized aluminum. Applied plastic letters are not permitted.	
2. A Building Identification Sign shall be limited to one name and its corresponding logo and may be placed on more than one building façade if the signs are identical.	
3. A tenant with a Building Identification Sign may also have a ground floor wall sign in accordance with the requirements of this Article if the tenant has office or retail space on the ground floor of the qualifying building and the sign immediately abuts the tenant space.	

7.8.8. ENTRYWAY SIGNS

A. Description

An entryway sign identifies the entryway to a commercial development, single-family or multi-family subdivision and serves to provide an identity for the community.

Figure 7.8.8-A: 1. Acceptable

Figure 7.8.8-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Area, max. (s.f.)	50
D. Sign Dimensions - Height	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
Per entry, max.	2
G. Setbacks and Spacing	
May be placed on either or both sides of a street providing direct access to a subdivision.	
H. Illumination	
Lighting may be internal or external.	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	

1. Permitted only for commercial developments and single-family or multi-family subdivisions.
2. Entryway signs shall be limited to development name and address.
3. Walls shall be constructed of materials specified for perimeter fencing in Article 5, Section 5.3.4, Fences.
4. For multi-family developments on lots with more than 300 feet of street frontage, two 30-square-foot entryway signs may be substituted for C-1 above, provided that the signs are separated by at least 300 feet.
5. For commercial developments, entryway signs are allowed in addition to the allowed number of freestanding signs.
6. Entryway signs shall be landscaped at the base of the sign in accordance with the following:
   a. The landscaping shall extend a minimum of three feet from the sign base.
   b. The minimum number of plants shall be 10 per 50 square feet of the landscaped area. All plants, ornamental grasses, groundcovers, and vines shall be species identified on the plant list approved by the Zoning Administrator.

7.8.9. AWNING SIGNS

A. Description

An awning is generally a lightweight frame structure over which a covering is attached. Awning signs are generally used as auxiliary signs.

Figure 7.8.9-A: 1. Acceptable – Primary Signs

Figure 7.8.9-A: 2. Acceptable – Auxiliary Sign

Figure 7.8.9-A: 3. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area,	
Sign Area, max. (s.f.)	16
D. Sign Dimensions - Height	
Height, max. (ft)	NA
E. Sign Dimensions - Width	
Copy on awnings shall be limited to 75 percent of the awning width.	
F. Number of Signs	
Signs per building face, max.	NA
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
None	
I. Electronic Message Centers	
EMCs are not allowed	

J. Additional Standards

1. Vertical clearance of nine feet above grade from the bottom of the awning is required.
2. Awnings must be professionally constructed. The use of vinyl as a material is not permitted.
3. Awning signs are permitted only on the first floor of the building.
4. Lettering and graphic is permitted on the front and side vertical panels only.
5. In the Downtown Business zoning district and the Downtown Neighborhood Overlay district awnings may be used as the primary business sign.
6. If functioning as the primary business sign, it shall not be in addition to a wall mounted sign
7. As primary business sign the maximum sign area is not to exceed 20 square feet.
8. As primary business sign, one store logo or the store name may be applied on the sloped portion of the awning.
9. If functioning as an auxiliary business sign, lettering shall be located on the valance only, and the height of the lettering shall not exceed eight inches.

7.8.10. CANOPY/FASCIA SIGNS

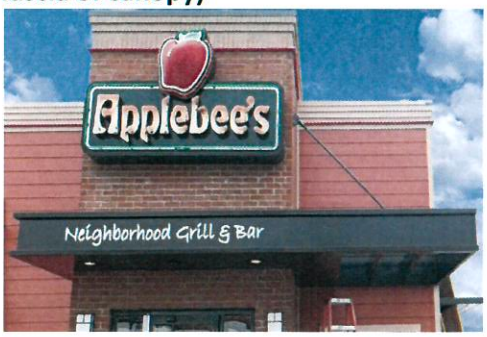
A. Description

Canopy signs may be used as a primary or auxiliary sign. Typically, if used as a primary business sign the lettering and graphics are mounted above the front panel of the canopy. If used as an auxiliary business sign lettering and graphics are affixed to the front panel of the canopy.

Signs on the fascia will meet the same standards as Canopy Signs

Figure 7.8.10-A: 1. Acceptable – Primary Sign (on top of canopy)

Figure 7.8.10-A: 2. Acceptable – Auxiliary Sign (on the fascia of canopy)



B. Street Type and Frontage	
Permitted on all street types.	
C. Sign Dimensions - Area,	
Area, max. (s.f.)	35
D. Sign Dimensions - Height	
Height, max. (ft)	3
E. Sign Dimensions - Width	
Width, max. (ft)	NA
Copy on drive-through canopies shall be limited to 75 percent of the canopy width.	
F. Number of Signs	
Signs per tenant building face, max.	1
For drive-through canopies, signs per elevation, max.	1
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
Lighting may be: internal only	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	

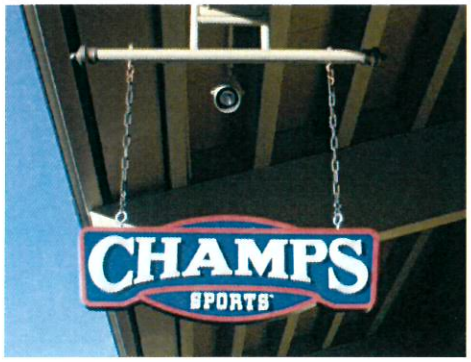
1. Vertical clearance of nine feet above grade from the bottom of the canopy is required.
2. The area of canopy signs shall be counted towards the maximum wall sign area allowed for that elevation.
3. Individual letters or graphics may be internally illuminated, glow with a halo-illumination effect, or glow through the front faces.
4. Flashing lights, or exposed raceways, conduits, or transformers are prohibited.
5. Shall not extend above the second floor ceiling or the top of the roof, whichever is less.
6. Shall consist only of letters and/or geometric designs and not constructed as part of a sign can or cabinet. Each letter may be internally illuminated with lights other than florescent or neon.

7.8.11. HANGING SIGNS (UNDER-CANOPY)

A. Description

Hanging signs generally include graphic or icon signs which hang from an arcade roof or canopy. These signs are only to be used as pedestrian signage.

Figure 7.8.11-A: 1. Acceptable



B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Per Face - Area, max. (s.f.)	6
D. Sign Dimensions - Height	
Height, max.	NA
E. Sign Dimensions - Width	
All Street Types – max. (ft)	3
F. Number of Signs	
Signs per tenant space, max.	1
G. Setbacks and Spacing	
Setbacks	NA
Spacing between signs, min. (ft)	15
Vertical Clearance	
From grade, min. (ft)	9
H. Illumination	
Not Allowed	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
1. Support structures must be constructed of metal. 2. Signs must be double-sided.	

7.8.12. WINDOW SIGNS

A. Description

A window sign is generally affixed to a window for the purpose of being viewed from the exterior of a building.

Figure 7.8.12-A: 1. Acceptable

Figure 7.8.12-A: 2. Not Acceptable

B. Street Type and Frontage	
Permitted on all street types except local streets.	
C. Sign Dimensions - Area	
Area, max. (% of single window area) (See Figure 7-12)	25
D. Sign Dimensions - Height	
Height, max. (ft)	NA
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
Only one window sign per tenant, per elevation is allowed.	
G. Setbacks and Spacing	
Setbacks	NA
H. Illumination	
Not allowed	
I. Electronic Message Centers	
EMCs are not allowed	

J. Additional Standards

1. Window signs should not obscure the visibility into a shop for the passerby. Every effort should be made to integrate window signs with store window displays.
2. Lighted signs, flashing signs or any other sign not applied directly to a windowpane are not permitted.
3. No fluorescent vinyl shall be used for window signs.
4. Window signs are only permitted on the first story of the building.
5. Temporary advertising placards, banners, pennants, trademarks, or other descriptive material shall not be placed on the inside of the glass. However, restaurants may display menus.
6. Business name, address, hours of operation, entrance/exit information, and emergency phone numbers may be displayed on primary entrance door.
7. Business address, closed/open signs, hours of operation, credit card logos, real estate signs and 'now hiring' signs are exempt from the maximum area limitation. Mannequins and storefront displays of merchandise sold are not considered window signs.

Figure 7-12: Window Area Calculation

7.8.13. DIRECTIONAL SIGNS

A. Description

Directional signs are generally used to aid in internal site circulation and identify points of ingress and egress.

Figure 7.8.13-A: 1. Acceptable

B. Street Type and Frontage	
Permitted on Arterial, Collector, Local Streets	
C. Sign Dimensions - Area	
Area, max. (s.f.)	8
D. Sign Dimensions - Height	
Height, max. (ft)	
Wall Signs	8
Freestanding (directional only)	4
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
No maximum.	
G. Setbacks and Spacing	
Spacing between signs, min. (ft)	20
H. Illumination	
1. Lighting may be internal	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
No more than 50 percent of the sign face may be used for an advertising logo.	

7.8.14. MENU BOARDS

A. Description

A sign displaying the restaurant menu, generally located adjacent to a drive aisle for a drive-through window.

Figure 7.8.14-A: 1. Acceptable – Drive-through

Figure 7.8.14-A: 2. Acceptable – Pedestrian-Oriented

B. Street Type and Frontage	
Permitted on all street types	
C. Sign Dimensions - Area	
Area, max. (s.f.)	32
D. Sign Dimensions - Height	
Height, max. (ft)	8
E. Sign Dimensions - Width	
Width, max. (ft)	NA
F. Number of Signs	
Max	NA
G. Setbacks and Spacing	
Setbacks (ft)	10
H. Illumination	
Lighting may be internal or external	
I. Electronic Message Centers	
EMCs are not allowed	
J. Additional Standards	
Restaurants and cafes shall be permitted one wall-mounted display or freestanding display board per business featuring the actual menu as used at the dining table, to be contained within a shallow case, and clearly visible through a glass front. The display case shall be attached to the building wall next to the main entrance, or freestanding, as long as it does not block pedestrian movement.	

7.8.15. GASOLINE PRICE SIGNS

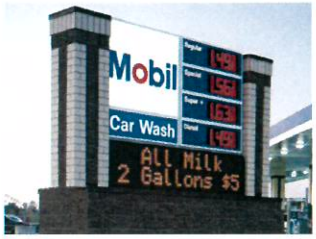
A. Along arterials and collector streets, gasoline prices may be incorporated into the pole or ground signs, provided the maximum area and height for the sign is not exceeded.

B. Along local streets, gasoline prices may be incorporated into the wall sign provided the maximum area for advertising gasoline prices does not exceed 20 square feet per street front.

C. The posting of gasoline prices shall not be considered to be an electronic message center.

D. Brand identification on gasoline pumps shall not be deemed as signs for the purpose of this section.

Figure 7.8.15-A: 1. Acceptable



Ground Sign with EMC and Gasoline Price

Figure 7.8.15-A: 2. Not Acceptable

7.8.16. BUILDING DIRECTORY SIGNS

A. The maximum square footage allowed shall be eight square feet.

B. Signs may only be internally illuminated.

C. One sign per entrance is allowed and the sign must be located next to the building entrance.

D. Additional requirements:

1. The sign may project out from the wall to which it is attached no more than six inches.

2. The sign shall not extend above the parapet, eave, or building façade.

Figure 7.8.16-A: 1. Acceptable

7.8.17. PAINTED WALL MURALS

A. Murals are permitted subject to conditions.

1. Murals are allowed up to 100 percent of the wall area, not exceeding a height of 40 feet above grade. However, no mural shall not be placed over openings such as windows, doors, and vents.

2. Lighting of a mural shall be external.

3. Only one mural per building is allowed.

B. Special Conditions.

1. Murals shall be painted with a weather-resistant paint.

2. No portion of the mural shall be used to advertise a specific product or service. The mural may display the name or logo of the on-site tenant, as long as it does not exceed more than 20 percent of the mural area. (This portion of the mural will need a Sign Permit.)

3. Should the mural become faded, peeled, and severely weathered in the opinion of the Zoning Administrator, the owner, or the person or firm maintaining the same, shall, upon written notice, repair or remove the mural or repaint the wall on which mural is painted within 60 days.

7.9. OFFSITE ADVERTISING SIGNS - BILLBOARDS

7.9.1. BILLBOARDS

Billboards shall be permitted as follows:

A. Districts and Streets.

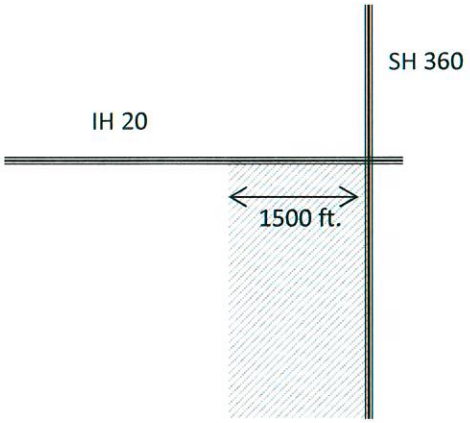
1. Billboards shall be allowed in the GC, LI, and IM zoning districts.

2. Billboards are allowed only on lots with street frontage on the following controlled access freeways: Interstate Highway 20, Interstate Highway30, State Highway 360, and U.S. Highway 287 as described below.

3. Billboards must be located on a platted lot.

4. Billboards shall only be permitted directly adjacent to the controlled access freeways listed above. However, billboards are prohibited within one thousand five hundred (1,500) feet of State Highway 360, south of Interstate Highway 20.

Figure 7-13: Offsite Sign Setback on SH 360 south of I-20



5. Billboards are prohibited in:

a. the Entertainment District Overlay; and

b. the area of the Interstate Highway 20 corridor bounded by Cooper Street on the west, Arbrook Boulevard on the north, State Highway 360 on the east and Bardin Road on the south. (See Figure 7-9)

6. Billboards shall be deemed as a primary use of the property on which they are located. Such signs shall not be located on a lot where other buildings or uses exist.

B. A sign face shall only be visible from one direction of traffic.

C. Billboards may be internally or externally illuminated.

D. **Maximum Area.**

The maximum allowed square footage shall be 672 square feet.

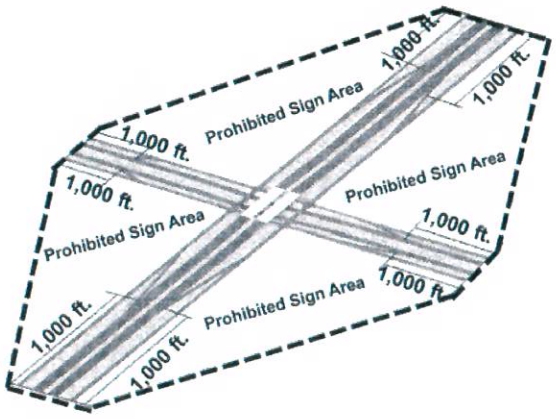
E. **Maximum Height.**

50 feet, not to exceed 42.5 feet above the adjacent freeway surface. Sign height above the adjacent freeway surface shall be measured from the highest point of the sign to the grade level of the centerline of the nearest travel lane, not including ramps closest to the sign at a point perpendicular to the sign location.

F. **Setback and Spacing.**

1. Five feet from the right-of-way line of a controlled access freeway.
2. 200 feet from any residential zoning district or property line.
3. 1,500 feet from a park, forest, playground, or scenic area.
4. 200 foot radius from any freestanding pole sign or wall sign.
5. 1,500 feet from any billboard on the same side of a freeway.
6. 1,000 feet from an interchange, including ramps or acceleration and deceleration lanes. Such distances shall be measured along the highway from the nearest point of beginning or ending of pavement widening at the exit from, or entrance to, the main traveled way.

Figure 7-14: Prohibited Areas Near Interchange (the area enclosed by dotted lines)



Source: Texas Department of Transportation

7. 10 feet from interior side lot lines.

8. 10 feet from the front property line.

9. 10 feet from the rear property line.

G. Number.

One billboard per platted lot with a required minimum lot size per the base zoning district.

H. Other.

1. All offsite advertising signs shall be of a monopole design, with underground utility service.

2. The right to existing nonconforming billboards may be transferred to another location, if the sign is removed due to a governmental action. If the new location does not meet the requirements, a sign variance may be sought through the Zoning Board of Adjustment.

3. Existing billboards on a controlled access freeway, which are deemed "nonconforming structures" by Article 11 of the Code due to size, lighting, or spacing, may be modified to a digital billboard if a new permit is obtained, and the action is in full compliance with all applicable provisions of this Code.

7.9.2. ADDITIONAL STANDARDS FOR DIGITAL BILLBOARDS.

A. Digital billboard shall obtain an annual inspection and pay the appropriate fee as established in the City's Fee Resolution.

B. Each message for digital billboards shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds or less;

C. A change of message must occur simultaneously on the entire sign face;

D. The sign shall not display any illumination by flashing, intermittent or moving lights;

E. The sign shall not contain or display animated or moving video;

F. The sign shall not contain any scrolling elements;

G. The sign shall not project a static image upon a stationary object;

H. The sign shall automatically adjust the intensity of its display brightness according to the natural ambient light conditions; and

I. The sign shall contain a default design mechanism that freezes the sign in one position if a malfunction occurs.

J. The sign owner shall provide contact information for a person who is available at any time, twenty four hours a day, every day of the year, including holidays and weekends. The contact person shall be available at any time to turn off the sign promptly after a malfunction occurs or reduce the intensity of the sign no later than

12 hours of a request by an official from the City or the Texas Department of Transportation. If the request is to reduce the intensity of the lighting, the intensity must be reduced to a level that is acceptable to the Texas Department of Transportation.

K. Granting Permits: The Zoning Administrator will grant a permit for a digital billboard construction or modification in the following sequential manner:

1. If the applicant satisfies the requirements of this Section, the Zoning Administrator will issue a provisional permit granting permission for the digital sign, subject to the granting of a permit by the Texas Department of Transportation, where applicable.

2. The applicant shall obtain a permit from the Texas Department of Transportation allowing the requested construction or modification, and shall present a true copy of that permit to the Zoning Administrator not later than 12 months following the issuance of the provisional permit.

3. If the applicant and the Texas Department of Transportation permit satisfy the requirements of this Section, the Zoning Administrator shall issue a sign permit for the digital billboard.

4. The provisional permit shall expire 12 months after its issuance without further action by the Zoning Administrator if no sign permit has been issued in that time.

7.10. TEMPORARY SIGNS

7.10.1. TEMPORARY SIGN STANDARDS.

Temporary signs shall not be illuminated and shall have no moving parts.

Table 7.10.1 - Temporary Sign Standards

Type	Permit Required (Y/N)	Max. Height (ft)	Max. Area (SF)	Timeframe	Standards
Residential Front Yard Signs	N	4	8	NA	
Model Home Signs	Y	8	20	Until the construction has begun on 90 percent of the lots in a subdivision	▪ One per lot
Real Estate Signs (Non-residential)	N	8	20	Until the sale or rental of property or structure, or the lease of tenant(s) spaces	▪ Freestanding Real Estate Signs are allowed for the following purposes: (a) Undeveloped properties for sale/lease of land. (b) Developed properties that do not have available space on their ground/pole sign to incorporate a 'for sale/lease' sign - They shall be spaced a minimum of 500 feet apart with maximum of two signs per street front per parcel. ▪ For sale/lease of buildings or tenant spaces, the Real Estate Signs shall be incorporated into the vacated tenant space on the freestanding sign or as a wall sign applied directly to the tenant space. - No more than one wall sign shall be allowed per street front. ▪ Not to be used to advertise rental of individual multi-family residential units.
Banner Signs	N	n/a	50	Allowed to stay for no longer than 30 consecutive days, with a 60-day separation between the events	▪ Not allowed on local streets. **Exception.** institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks ▪ One per occupied business tenant space at one time (An apartment complex is deemed to be a single business tenant). ▪ May be placed only next to a wall of the occupied tenant space it advertises. ▪ Shall be secured at all points of attachment to the building wall. (A fence or railing is not considered a building wall).

Table 7.10.1 - Temporary Sign Standards					
Type	**Permit Required (Y/N)**	**Max. Height (ft)**	**Max. Area (SF)**	**Timeframe**	**Standards**
Grand Opening Signs (Balloons & Streamers)	N	30	n/a	One period of 14 consecutive days within the first three months of issuance of Certificate of Occupancy	▪ Not allowed on local streets; ▪ Min. setback from front and side property lines = 20 feet; ▪ Streamers, balloons less than three cubic feet in volume, and one balloon larger than three cubic feet per business may be displayed. ▪ 30 feet of clearance shall be maintained from all power lines to balloons.
Development Sign	Y	25 8	200 50	**Commercial:** Until the initial certificate of occupancy is granted on the property for single tenant developments, or until multi-tenant developments are 50-percent occupied. **Residential:** Until construction is substantially complete on 90 percent of the lots within a subdivision.	▪ Offsite development signs are prohibited. ▪ Commercial: One sign per lot. For lots larger than 10 acres, one additional sign is allowed for each 10 acres. ▪ Residential: Two signs are allowed per residential subdivision, with each platted phase being considered a separate project. ▪ Setback: 10 feet from interior side lot lines.
Sandwich Board Signs	N	4	8	Only allowed during business hours	▪ Only freestanding A-frame style signs constructed of steel or plastic are permitted. ▪ Signs must be sufficiently weighted or anchored to the pavement to provide stability. ▪ Signs must be placed within five feet of the building entrance. Signs located on sidewalks must maintain a pedestrian path of at least five feet in width and not obstruct pedestrian movement or safety.
Political Signs	N	8	36	See section 7.10.2	▪ Allowed on private real property only with consent of the property owner. ▪ Political Signs do not include a billboard that contains a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

7.10.2. POLITICAL SIGNS

A. Time, place, and manner restrictions – signs on public property during voting periods.

1. Time.

In accordance with Texas Election Code §61.003, signs shall be allowed at polling sites during early voting periods or on Election Day. Signs so posted must be removed within forty-eight (48) hours after the close of the early voting period or the close of the polls on Election Day, whichever is applicable.

2. Place.

a. No signs or campaign literature are permitted on City property, except as required by Texas Election Code sections 61.003 or 85.036. This prohibition includes all locations, so long as there is no polling site at that location, including city hall, city service center, library, recreational center, public parks and aquatic centers, fire stations, police departments, and water pumping stations.

b. For so long as required by Texas Election Code sections 61.003 and 85.036, all public property upon which there is located a polling place, outside the area described in §61.003, and within the area which is allowed to have signs posted shall meet the following requirements: an area (i) that is not within the public right of way; (ii) that is not on impervious surfaces; (iii) that is not a traffic or safety hazard; (iv) that is attached to a stake not to exceed a 9 gauge diameter (American Wire Gauge standard (AXG)) driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures; (v) not to be attached to any building or structure (vi) not in a landscape bed to include flower beds and (vii) an area which meets all the requirements of City ordinances.

3. Manner.

Political signs permitted at voting locations pursuant to Election Code sections 61.003 and 85.036 shall not exceed six square feet and eight feet in height.

a. State law. In the event of any conflict between the provisions of this Section and State law, State law shall govern.

3.

Further, **Article 10,** Review Procedures**, Section 10.2,**Table of Procedures**, Table 10.2-1,** Summary Table of Review Procedures is hereby amended so that hereafter said section shall be and read as follows:

TABLE 10.2-1: Summary Table of Review Procedures

✓ = required; R = recommendation; H = public hearing required; D = decision; A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing

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	10.5.5
Specific Use Permits		L	R			R-H	D-H	10.4.6
Zoning Variances and Appeals		QJ	R		D-H			10.4.7
Landmark Preservation Procedures								
Overlay District Designation	✓	L	R	R-H		R-H	D-H	10.4.8
Certificate of Appropriateness	✓		R	D-H			A	10.4.9
Certificate of Demolition or Relocation	✓		R	D-H			A	10.4.10
Subdivision Procedures								
Conveyance Plats			D			A		10.4.12
Preliminary Plats	✓		R			D	A	10.4.13
Final Plats			D			A		10.4.14
Combination Plats			R			D	A	10.4.15
Minor Plats			D			A		10.4.16
Replats			R			D-H	A	10.4.17
Amending Plats			D			A		10.4.18
Vacation of Plats		QJ	R			D-H	A	10.4.19
Linear Park Platting			D			A		10.4.20
Other Procedures								
Converting Private Streets to Public Streets			R				D	10.4.21
Alternative Equivalent Compliance	✓		D			R-H	D-H	10.4.22
Alternate Sign Plan	✓	L	R			R-H	D-H	10.4.23

4.

Further, **Article 10,** Review Procedures**, Section 10.4,** Specific Review Procedures**, Subsection 10.4.22,** Alternative Equivalent Compliance is hereby amended so that hereafter said section shall be and read as follows:

10.4.22 ALTERNATIVE EQUIVALENT COMPLIANCE

A. Purpose

Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. An alternative equivalent compliance approach is designed to provide flexibility in order to respond to unique site conditions or abutting or surrounding uses, and must not result in reductions in the amount or quality of the particular standard. This procedure is not intended as a substitute for a variance or administrative modification, or as a vehicle for relief from or waiver of the standards in this Code.

B. Applicability

1. The alternative equivalent compliance procedure shall be available only for the following sections of Article 5, *Design and Development Standards* and Article 7, *Sign Standards.*

a. Section 5.2, *Landscaping;*

b. Section 5.3, *Screening, Buffering and Fences;*

c. Section 5.4, *Off-Street Parking and Loading*: Subsection 5.4.6, *Drive-Through Vehicle Stacking and Noise Reduction Standards;* and Subsection 5.4.9, *Parking Facility Location and Design;*

d. Section 5.5, *Residential Design Standards;*

e. Section 5.6, *Non-residential Design Standards;*

f. Section 5.7, *Mixed-Use Design Standards;*

g. Section 5.8.1, *Entertainment District Overlay*: Subsection C, *Private Realm Design Standards*; and Subsection D, *Public Realm Design Standards;*

h. Section 5.9, *Transportation and Connectivity;,*

i. Section5.10, *Common Open Space;*

j. Section 7.6.7 *Sign Supports;*

k. Section 7.7.5, *Spacing;*

l. Section 7.8, *Types of Signs;* and,

m. Section 7.10, *Temporary Signs.*

2. The alternative equivalent compliance procedure shall not be used to:

a. Modify the required dimensional standard of a lot;

b. Authorize a land use that is not permitted in the underlying zoning district;

c. Modify the density established for a zoning district;

d. Grant a variance to a requirement that is assigned to the authority of the Zoning Board of Adjustment; or,

e. Authorize a sign type that is not permitted in the underlying zoning district or street type.

C. Pre-Application Conference

An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference in accordance with Section

D. Completeness Determination

See Section

E. Approval Procedures

1. Action by the Zoning Administrator

The Zoning Administrator shall review the request with the criteria in 5.4.22.F and approve, approve with conditions, or deny the request for alternative equivalent compliance.

2. Action by the Planning and Zoning Commission and City Council

If the Zoning Administrator disapproves a request for alternative equivalent compliance, the applicant may apply for a zoning map amendment, planned development, or alternate sign plan as outlined in Sections 10.4.2, 10.4.3, and 10.4.23

F. Criteria

To grant a request for alternative equivalent compliance, the Zoning Administrator shall find that the following criteria are 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; and

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*.

G. Scope of Approval

1. Alternative equivalent compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

2. Written approval does not authorize any development activity, but rather authorizes the applicant to prepare a commercial site plan, building permit, or sign permit application that incorporates the approved alternative equivalent compliance, and authorizes the decision-making body to review the commercial site plan or building permit application for compliance with the approved alternative.

H. Expiration

1. An approved alternative equivalent compliance plan shall expire if one year passes following its approval and no building or sign permit that implements the plan has been issued.

One one-year extension may be issued by the Zoning Administrator provided that a written request has been received prior to the expiration of the plan, and the Zoning Administrator determines that no major changes in the City's development standards, or changes in the development pattern of the surrounding properties, have occurred.

5.

Further, **Article 10,** Review Procedures**, Section 10.4,** Specific Review Procedures**,** is hereby amended to add Section 10.4.23, which shall be and read as follows:

10.4.23. ALTERNATE SIGN PLAN

A. Purpose and Applicability

1. The purpose of an alternate sign plan is to allow properties to deviate from the sign standards if a qualifying property has an alternate plan that is clearly superior to what could be accomplished under the general standards.

2. An alternate sign plan applies only to property that has 500 feet or more of continuous frontage on a freeway or arterial street.

3. The alternate sign plan shall not be used to authorize a sign type specifically prohibited in Section 7.4, Prohibited Signs.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5. A complete application requires the submission of a complete alternate sign plan as described in the application form provided by the Zoning Administrator.

E. Notice

Published, written, and posted notice required pursuant to Section 10.3.6.

F. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

2. Action by City Council

a. The City Council shall hold a public hearing and approve, approve with conditions, deny, or remand the application.

b. The City Council shall approve an alternate sign plan by ordinance.

G. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed application:

a. provides a complete plan for signs that would be clearly superior to what would be allowed without the plan;

b. is justified based on project scale and unified nature of the sign package. Due consideration shall be given to a harmonious relationship of signs to buildings within the development as well as to buildings adjacent to the development, in terms of scale, color, materials, shape and design, and illumination; and

c. indicates how the signs on the property are integrated into a unified development concept with the topography, building design, other signs, landscaping, traffic circulation, and other development features of the property and nearby property.

2. An ordinance approving an alternate sign plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location in regard to the welfare and protection of adjacent property from noise, light, or other undesirable conditions.

H. Withdrawal and Reapplication

In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications:

1. A reapplication within 12 months of the date of the application for the same alternate sign plan will not be heard if:

a. Within 12 months prior to the date of the application an alternate sign plan was denied by the City Council or an alternate sign plan was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope of Approval

1. Actions Following Approval

The Zoning Administrator may approve building permits or other permits subsequent to the approval of an alternate sign plan that substantially comply with the ordinance approving the plan.

2. Expiration of Plan

See Section 10.3.10.

3. Amendments to Approved Plan

An amendment to an alternate sign plan is processed in the same manner as the original approval. However, minor amendments that meet the intent of the approved Alternate Sign Plan; and do not increase the overall sign structure or sign face area and do not add digital messaging; may be approved by the Zoning Administrator.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

6.

Further, **Article 11,** Nonconformities, is amended by **adding Section 11.5** Nonconforming Signs, to be and read as follows and the **renumbering** of the remaining subsections:

11.5. NONCONFORMING SIGNS

11.5.1 GENERAL

Any sign that was legally in existence on the effective date of this Code and has been in regular and continuous use, but which does not conform to the provisions of Article 7, shall be deemed a nonconforming sign and is subject to the provisions of this Section.

Any sign used in conjunction with a nonconforming use of land or buildings, if such sign is not in accordance with the provisions of Article 7, shall be deemed a separate nonconforming use of land, and its use shall be subject to the provisions of this Section.

11.5.2. MAINTENANCE, MINOR REPAIR, DESTRUCTION

The requirements of this section shall not be interpreted to require a sign to be removed, relocated, or reconstructed. However, any nonconforming on-premise sign which is altered, removed, or relocated shall be brought into conformance with Article 7, except as allowed below:

A. Changing the face, sign cabinet, frame, pole cover, or similar nonstructural elements is exempt from this requirement. No sign shall be altered to produce a sign with an overall height or size that is larger or taller than the existing nonconforming sign.

B. The changing of the primary structural elements under this exemption is not permitted. For the purpose of this section, a primary structural element is a column, pole, beam, or footing designed to withstand wind loads and other applicable structure loads.

C. A nonconforming sign shall be removed if the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. A sign or substantial part of it is considered to have been destroyed if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

11.5.3. DEMOLITION AND VACANCY

A. An on-premise sign structure is accessory to the primary building and a demolition permit for a primary building shall require the removal of all sign structures. However, when there is an active Commercial Site Plan or Building Permit application in review at the time of demolition, conforming sign structures may be allowed to remain.

B. A nonconforming on-premise sign or sign structure must be removed within 30 days after the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.

C. If the premises containing the nonconforming sign or sign structure is leased, the on-premise sign or sign structure must be removed within 30 days after the second anniversary of the date the most recent tenant ceases to operate on the premises.

7.

Further, **Article 12,** Definitions**, Section 12.6,** Definitions Related to Signs**,** is hereby amended so that hereafter said section shall be and read as follows:

12.6 DEFINITIONS RELATED TO SIGNS

12.6.1 SIGNS

Advertising Sign, Off Premise - Billboard
A sign which is a primary use of land (not accessory use) and which directs attention to a business, product, activity, or service which is not conducted, sold, offered, or located on the premises where the sign is located.

Alternate Sign Plan
A unified graphics package, which deviates from the sign regulations, but supports a general development theme for the entire development.

Auxiliary Business Sign
A commercial sign used in conjunction with a Primary Business Sign to aid in business identification and clearly subordinate to the Primary Business Sign.

Awning
An architectural projection that provides weather protection, identity, or decoration and is wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

Balloon
An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

Banner
A sign that is painted or displayed upon cloth, flexible plastic, or other similar material. For the purpose of this Code, a flexible sign face of approved materials, installed according to the manufacturer's requirements, and placed inside the sign cabinet shall not be deemed to be a banner.

Building Service Sign
A sign serving to identify building access and exit points to aid emergency personnel and emergency exit.

Business/Tenant
A single incorporated use of a premise for which a certificate of occupancy has been issued, which is separated from another business by demising walls and has a separate entrance.

Canopy
A permanent structure or architectural projection of rigid construction over which a covering is attached that provides weather protection, identity, or decoration and is structurally independent or supported by attachment to a building.

Controlled Access Freeway
A TXDOT divided highway with frontage roads or full control of access. The following roadways within the city of Arlington are considered controlled access freeways: Interstate Highway 20, Interstate Highway 30, US Highway 287, and State Highway 360.

Center Identification
A sign that displays the name of the commercial retail center and does not list the name of any tenant.

Development Sign
A sign, located on the property with a new development that advertises or identifies any or all of the following: developer, architect, agent, contractor, lending institution, and project name.

Digital billboard
An off-premise advertising sign displaying digital static images that changes message or copy by programmable electronic processes.

Directional Sign
A sign that directs traffic.

Directory Sign
A sign identifying the names of the tenants and the number of the building, suite, or room in which they are located.

Electronic Message Center
A sign advertising a general business located on the same premises (including a product, service, or company offering goods or services on the premises) through electronically controlled intermittent light pulses or other technology.

Entryway Sign
A permanent sign identifying a subdivision or development project by name located at the entrance(s).

Flag
A display on cloth or other flexible material generally attached on only one side.

Flashing
An operation that creates changes in light illumination, intensity, color or copy, or intermittent light impulses more frequently than once every 12 seconds. Digital billboards and electronic message centers are not considered flashing signs.

Gasoline Price Sign
A sign with changeable copy letters and numerals or an electronic display without movement affixed to a gasoline pump canopy or its supports and intended to have a change

of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale.

Grand Opening Sign (Balloons and Streamers)
For the purpose of temporary signs, grand openings shall be deemed any one consecutive 14-day period selected by an owner within the first three months of the granting of the initial certificate of occupancy.

Ground Sign
A sign supported by one monolithic structure, set upon the ground, and not part of a building.

High Intensity Lighting
Light output that exceeds 11,000 lumens when measured at 10 feet from the source.

Interchange
A crossing of a state or federal highway with another state or federal highway or city street with or without access ramps to one or more highways, and including any acceleration or deceleration lanes.

The following locations within the City of Arlington are considered interchanges, and all billboard sign permit applications submitted after June 1, 2014, shall adhere to it:

- State Highway 360
  - East Mayfield Road @ SH360
  - East Arkansas Land @ SH360
  - East Pioneer Parkway@ SH360
  - East Park Row Drive @ SH360
  - East Abram Street @ SH360
  - East Division Street @ SH360
  - Brown Boulevard @ SH360
- Interstate Highway 30
  - North Great Southwest Parkway @ I-30
  - North Cooper Street @ I-30
  - North Davis Drive @ I-30
  - North Fielder Road @ I-30
  - Northwest Green Oaks boulevard @ I-30
- US Highway 287
  - Interstate 20 @ US287
  - Little Road @ US287
  - West Sublet Road @ US287
  - Eden Road @ US287
  - Russel Curry Road @ US287
  - Turner Warnell Road @ US287

- Interstate Highway 20
  - South Bowen Road @ I-20
  - Park Springs Boulevard @ I-20
  - Kelly Elliott Road @ I-20
  - Southwest Green Oaks Boulevard @ I-20
  - Little Road @ I-20
  - Bowman Springs Road @ I-20

Intersection
A crossing or meeting of two public roadways.

Lighting
Designed to give forth any artificial light or to reflect light from one or more artificial sources.

Menu Board
A sign displaying the menu along a drive-up window/wall of a fast food restaurant.

Model Home Sign
A sign identifying a single-family residence owned by the builder as being displayed for public view.

Motion
The mechanical movement or rotation of a sign or portion thereof, or the giving of the perception of motion, other than a digital billboard or electronic message center.

Multi-tenant Ground Sign
A ground sign with provisions for separate sign copy for three or more separate tenants located within the same development.

Pole Sign
A sign supported by a single pole.

Portable
Movable from one location to another, not attached to a fixed structure and not having supports embedded in the ground. The term "portable sign" shall specifically include an outdoor advertising display located in or on a vehicle, except where:

1. Such vehicle is on display as inventory for sale as part of a vehicle sales or rental lot and does not advertise the sale of other vehicles; or
2. Such sign merely identifies the vehicle as belonging to such business by displaying the name, address, and/or telephone number of such business and/or identifies the type of product or service offered by such business; and
3. The primary use of such vehicle is for the daily transportation of products or the delivery of services in connection with such business; and

4. Such vehicle is currently licensed and inspected in the State of Texas and is in operable condition; however, if such vehicle remains parked for longer than 72 hours in the same parking space, it shall be deemed a portable sign.

Primary Business Sign
A commercial sign used as the primary means to identify a business.

Reader Board
A changeable copy sign with strips attached to the face of the sign to hold removable displays, letters, and numerals for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

Real Estate Sign
A sign which advertises a parcel of land or a structure for rent, lease, or sale.

Reflective
A sign having copy or background made of reflective surfaces made to shimmer.

Roof Signs
A sign attached to a building that projects above or over the roof of a building.

Setback
That distance measured perpendicularly from the property line to the closest point of the sign structure.

Spacing
A measurement along a straight line that is the shortest distance between two signs.

Vertical Banner
Any sign of lightweight fabric or similar material that is mounted to a pole in a vertical fashion by a frame at one or more edges.

Wall Sign
A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plan parallel to and not extending more than 18 inches from said wall.

8.

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.

9.

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.

10.

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.

11.

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.

12.

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.

13.

The caption and penalty 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.

14.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 12th day of May, 2015, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of May,

2015, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

02/14/2016
02/17/2016

Ordinance No. 16-008

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 3, Use Standards; Article 5, Design and Development Standards; Article 12, Definitions; relative to incorporating land use regulations for a new commercial use type, Alternative Financial Institutions; removing Outside Storage as a primary use and amending supplemental accessory use standards for said use; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on January 6, 2016, 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, Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B, Non-Residential and Mixed-Use Districts, is hereby amended by the addition of "Alternative Financial Institution" as a use type under use category "Financial Services" in Table 3.1-2. The amended use category "Financial Services" rows are hereby amended to read as follows:

Financial Services	Bank or Financial Institution		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.C
	Alternative Financial Institution		S*	S*	S*	S*	S*	S*		S*	S*			3.2.3.C

2.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection C, Financial Services, is hereby amended to read as follows:

C. Financial Services

1. All uses with drive-in or drive-through facilities shall comply with the vehicle stacking requirements in Section 5.4.6, *Drive Through Vehicle Stacking and Noise Reduction Standards*.

2. Alternative Financial Institution

a. No alternative financial institution shall be located within 1,000 feet, measured from property line to property line, of any other alternative financial institution.

b. No alternative financial institution shall be located within 200 feet, measured from property line to property line, of a lot zoned or used for residential purposes.

c. No alternative financial institution shall be located within 500 feet of I-20, I-30, US 287, and SH 360.

d. An alternative financial institution may only be a main use that requires a specific use permit and a certificate of occupancy. An alternative financial establishment may not be an accessory use within the meaning of Section 3.3.1.

e. In the EDO and DNO districts, "Alternative Financial Institution" uses are prohibited.

3.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 5, Design and Development Standards, Section 5.8.1, Entertainment District Overlay | EDO, Subsection B(2), Prohibited Uses, is hereby amended to add the following to the list of prohibited uses:

p. Alternative Financial Institution

4.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection D, Financial Services, is hereby amended to read as follows:

D. Financial Services

This category includes a range of uses related to retail banking and financial services to individuals and businesses. Specific use types include:

1. Bank or Financial Institution

An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. Accessory uses may include automatic teller machines, drive through service, offices, and parking.

This excludes bail bonds, pawnshops, payday advance/loan businesses, and motor vehicle title loan businesses. Additionally, it excludes regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code that also offer services as credit access businesses under Chapter 393 of the Texas Finance Code.

2. Alternative Financial Institution

A payday advance/loan business or a motor vehicle title loan business. An alternative financial institution does not include state or federally chartered banks, community development financial institutions, savings and loans, credit unions, or regulated lenders licensed in accordance with Chapter 342 of the Texas Finance Code.

If a regulated lender licensed in accordance with Chapter 342 of the Texas Finance Code also offers services as a 'credit service organization' and/or a 'credit access business' under Chapter 393 of the Texas Finance Code, that business is an alternative financial establishment.

a. Payday advance/loan business - An establishment that makes or arranges small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. A payday advance/loan business also includes any business that arranges or assists in arranging extensions of consumer credit that is a registered credit services organization and/or a licensed credit access business.

b. **Motor Vehicle title loan business** - An establishment that makes or arranges small, short-term consumer loans that leverage the equity value of a car or other vehicles as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. A car title loan business also includes any business that arranges or assists in arranging extensions of consumer credit secured by a car or vehicle title that is a registered credit services organization and/or a licensed credit access business.

   This excludes state or federally chartered banks, savings and loan associations or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral. The term does not include a 'retail installment transaction' under Chapter 348 of the Texas Finance Code or another loan made to finance the purchase of a motor vehicle.

c. **Credit Access Business** – has the same meaning as defined in Chapter 393 of the Texas Finance Code.

5.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B, Non-Residential and Mixed-Use Districts, is hereby amended by the **deletion** of "Outside Storage" as a use type under use category "Wholesale Distribution and Storage" in Table 3.1-2.

6.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 3, Use Standards, Section 3.2.4, Industrial Uses, Subsection D(2), Outside Storage, is hereby deleted in its entirety and shall hereafter read:

2. Deleted with UDC update on February 24, 2016.

7.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 3, Use Standards, Section 3.3.6, Supplemental Accessory Use Standards, Subsection J, Outside Storage, is hereby amended to read as follows:

J. Outside Storage

1. In the BP, CC, GC, and HC districts:

a. The use is not permitted within street frontage building setback or any transitional buffer yard required by this Code.

b. Outside storage areas not screened by an intervening building shall be screened from view of any public street right-of-way by a screening device at least eight feet in height. In addition, outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM. Said screening device shall not be constructed from corrugated metal or chain link fencing material.

c. No materials stored shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.

d. Outside storage is limited to no more than 5% of the lot area containing the main use.

2. In the LI and IM districts:

a. The use is not permitted within street frontage building setback or any transitional buffer yard required by this Code.

b. Outside storage areas not screened by an intervening building shall be screened from view of any public street right-of-way by a screening device at least eight feet in height. In addition, outside storage areas must be screened from view of any adjoining property by a screening device at least eight feet in height, except along adjacent property lines zoned LI or IM. Said screening device shall not be constructed from corrugated metal or chain link fencing material.

c. No materials stored shall be stacked above the top of the screening device. Items extending beyond the top of the screening device are permitted provided they are not stacked.

d. Along major thoroughfares, a minimum fence setback of 50 feet shall apply.

e. Along all other streets, a minimum fence setback of 25 feet shall apply.

f. The screening standards included herein shall not apply to sites within core industrial areas, as determined by the Zoning Administrator.

g. In the LI district, outside storage is limited to no more than 40% of the lot area containing the main use.

h. In the IM district, outside storage is limited to no more than 75% of the lot area containing the main use, unless the lot is located in an ED or DN overlay, in which case outside storage is capped at 40% of the lot area containing the main use.

8.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 12, Definitions, Section 12.3.4, Industrial Uses, Subsection E(5), Outside Storage, is hereby deleted in its entirety and the remaining subsection is hereby renumbered.

9.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, Article 12, Definitions, Section 12.3.5, Accessory Uses and Structures, Subsection L, Outside Storage (Accessory), is hereby amended to read as follows:

L. Outdoor Storage (Accessory)

Area (including maneuvering area) used for the long term (more than twenty-four hours) retention of materials, machinery, equipment, and/or commodities, including raw, semi-finished, and finished materials, whether such materials, machinery, equipment, or commodities are to be bought, sold, repaired, stored, incinerated, or discarded. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage.

10.

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.

11.

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.

12.

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.

13.

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.

14.

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.

15.

The caption and penalty 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.

16.

This ordinance shall become effective ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 26th day of January, 2016, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 9th day of February, 2016, 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:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

02/22/2017
02/24/2017

Ordinance No. 17-004

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 3, Use Standards, Section 3.3.4, Use Tables for Accessory Uses and Structures, Subsection (B), Accessory Uses – Non-Residential and Mixed Use Districts, relative to the addition of the Mobile Food Establishment to the permitted list of accessory use types; through the amendment of Section 3.3.6, Supplemental Accessory Use Standards, relative to the addition of Subsection (N), providing for supplemental accessory use standards for mobile food establishments; through the amendment of Article 10, Review Procedures, Section 10.4.6, Specific Use Permits (SUP), Subsection (H), Scope of Approval, relative to the repeal of five-year anniversary reviews of Specific Use Permits for gas well drilling; through the amendment of Article 12, Definitions, Section 12.3.5, Accessory Uses and Structures, relative to the addition of a definition of mobile food establishment; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on January 4, 2016, 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, **Article 3**, Use Standards, **Section 3.3.4**, Use Tables for Accessory Uses and Structures, **Subsection (B)**, Accessory Uses - Non-Residential and Mixed-Use Districts, is hereby amended by the addition of "Mobile Food Establishment" as a use type in Table 3.3-2. Said Table shall be and read as follows:

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	

Further, **Article 3**, Use Standards, **Section 3.3.6**, Supplemental Accessory Use Standards, is hereby amended by the addition of **Subsection (N)** so that said **Subsection 3.3.6(N)** shall be and read as follows:

N. Mobile food establishment

A mobile food establishment shall only be permitted in the following use districts:

1. Downtown Business (DB); and
2. Any non-residential or mixed-use zoning use district located within the Downtown Neighborhood Overlay (DNO).

Provided, that the accessory use shall only exist concurrently with a certificate of occupancy permitted in said zoning use districts with an underlying land use for one of the following:

1. Restaurant;
2. Bar;
3. Microbrewery, microdistillery, or winery; and
4. Theatre.

If the underlying land use ceases to operate for any reason, the certificate of occupancy for a mobile food establishment operating in connection with the property shall expire automatically without any formal action required by the City.

Further, that **Article 10**, Review Procedures, **Section 10.4.6**, Specific Use Permits (SUP), **Subsection (H)**, Scope of Approval, shall be amended so that **Subsection (H)**, shall be and read as follows:

H. **Scope of Approval**

1. Amendment To Specific Use Permit
The Zoning Administrator may approve building permits and other permits subsequent to approval of an SUP that substantially comply with the ordinance approving the SUP.

2. Effect of Approval or Denial
See Section 10.3.10.

3. Cancellation and Revocation through Inactivity

a. Specific Use Permits for uses other than gas well drilling shall be cancelled and revoked, and be of no effect two years after the date of approval, unless a building permit or a Certificate of Occupancy for the designated specific use has been issued within the two year period. The City Council may, in the adopting ordinance, provide an alternative expiration period.

b. Specific Use Permits for gas well drilling shall be cancelled and revoked, and be of no effect two years after the date of City

Council approval, unless a gas well permit has been issued and drilling has commenced.

c. Repealed per UDC update on {insert date of second reading}.

Further, that **Article 12**, Definitions, **Subsection 12.3.5**, Accessory Uses and Structures, shall be amended by the addition of **Subsection (R)**, so that said **Subsection 12.3.5(R)** shall be and read as follows:

R. Mobile Food Establishment

A mobile food establishment, commonly referred to as a "food truck", is a vehicle-mounted food service operation designed to be readily movable. A mobile food establishment shall be capable of immediate mobility by use of a licensed motor vehicle. This definition shall include the term "mobile food unit" under state law, including the Texas Food Establishment Rules, or its successor statute.

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 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 ten days after first publication.

PRESENTED AND GIVEN FIRST READING on the 24th day of January, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of February, 2017, 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:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 17-057

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 5, Design and Development Standards, Section 5.3.4, Fences, relative to the standards, maintenance, repair, and replacement of fences; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on August 2, 2017, 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, **Article 5**, Design and Development Standards, **Section 5.3.4**, Fences, is hereby amended by deleting and replacing **Section 5.3.4** in its entirety. The new **Section 5.3.4** shall be and read as follows:

5.3.4. FENCES

A. Single-Family Residential Fencing

1. Applicability

a. These standards are applicable in all zoning districts, except the following:

(1) Planned Development districts that have specific fence design standards,

(2) Entertainment District (EDO) overlay district,

(3) Village on the Green at Tierra Verde (VG) district,

(4) Downtown (DB) district, and

(5) Conservation District (CDO) overlay districts that have specific fence design standards.

b. Section 5.3.4.A.2, *Residential Fencing Types*, is applicable to replacement and new residential fences as further described in that section.

c. Compliance with the requirements listed below shall be reviewed with each fence permit application.

d. For the purposes of this section, the term "fence" is used to mean "a structure serving as an enclosure, a barrier, or a boundary."

2. Residential Fencing Types

Residential fencing standards are divided into two main categories: perimeter fencing and privacy fencing. 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. Privacy fencing is an option left up to the builder or homeowner, but if built it shall follow the standards listed below.

a. Adjacent to Major Thoroughfares and in Level 3 Screening and Buffering Areas

In the interest of public safety and privacy, the following standards shall apply for all perimeter fencing on lots where the rear and/or side yards are adjacent to a freeway, major arterial, minor arterial, or major collector as identified on the Thoroughfare Development Plan, or where Level 3 screening and buffering is required:

(1) Height

Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence. In order to create variation in the design of the fence, at certain locations for no more than 10 percent of the total linear length of the fence, the height may be increased to 10 feet with approval from the Zoning Administrator.

(2) Approved Materials

100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any other sustainable material with more than 30-year life expectancy to give a long lasting, aesthetically pleasing appearance. Materials should preferably have a low maintenance factor and be complemented with landscaping, where appropriate. Ornamental metal rail fencing may be used to provide at least 50 percent transparency for the portions of the subdivision abutting an internal park/open space or to emphasize the landscaping at the entrance.

(3) Prohibited Materials

Chain link, vinyl, and wood fencing are prohibited.

(4) Design

Adjacent to major thoroughfares, the fence should be curved or angled at corner locations to accommodate appropriate visibility and add variety. Wall sections greater than 50 feet in length should incorporate at least one of the following design features that are proportionate to the fence length:

(a) A minimum one foot change in fence plane and height for at least ten feet, after at least every 20 feet;

(b) A minimum 18-inch raised planter at least eight feet long, after at least every 35 feet;

(c) Use of columns at 35-foot intervals; or

(d) Any other feature, approved by the Zoning Administrator that provides adequate relief from the monotony of a continuous fence.

(5) Construction Standard

It is intended that all fences erected pursuant to this section be constructed in such a manner to last 30 years with minimal maintenance required during said period. As such, all fences required by this section shall conform to the following minimum standards:

(a) The Zoning Administrator shall approve plans and specifications for fences and foundations. Such plans and specifications are to be submitted at the

same time as construction plans for other subdivision infrastructure improvements are required.

(b) Fences shall be located on or within the private property and outside of the public right-of-way. Fences may be in an offset configuration as long as there is no encroachment into the right of way.

(c) The material, color, and design of fences shall be uniform within an approved preliminary plat, unless otherwise approved by the Zoning Administrator.

(d) All fences shall be placed at least nine feet from any existing or proposed City water line. Where necessary for compliance, the developer shall be required to provide up to an additional nine feet of right-of-way.

(e) It shall be the responsibility of any person, firm, corporation or other entity who shall own or occupy any lot or lots on which a fence was constructed pursuant to the terms of this section to adequately maintain the fence and to prevent it from becoming dilapidated or unsightly, unless otherwise specified as the responsibility of a mandatory homeowners association or public improvement district.

b. Adjacent to Minor Collector and Local Streets and in Level 2 Screening and Buffering Areas

The following standards shall apply for all perimeter fencing on lots where the rear and/or side yards are adjacent to a minor collector or a local street or in areas where Level 2 screening and buffering is required:

(1) Height

Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Materials

(a) 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any sustainable material with more than a 30-year life expectancy;

(b) Ornamental metal rail fencing may also be used in combination with any of the masonry materials listed above;

(c) Composite fencing or vinyl fencing in a natural tone flat color such as rust or tan; and,

(d) Cedar or redwood is permitted, but only if used with metal posts, metal brackets, and metal caps. Wood posts are prohibited. The side of the fence with the exposed posts or rails shall be oriented away from view from the adjacent public street.

(3) Prohibited Materials
Chain link fencing is prohibited.

c. Level 1 Screening and Buffering Areas
The following standards shall apply in areas where Level 1 screening and buffering is required:

(1) Height
Six feet minimum and eight feet maximum, measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Materials

(a) 100 percent masonry (brick, stone, architecturally finished reinforced concrete), or any sustainable material with more than a 30-year life expectancy;

(b) Composite fencing or vinyl fencing in a natural tone flat color such as rust or tan; and

(c) Double-sided wood stockade fence with metal posts, metal brackets, and metal caps. A continuous six-inch tall by eight-inch wide concrete mowing edge shall be provided.

(3) Prohibited Materials
Chain link fencing is prohibited.

d. Privacy Fences on Single-Family Residentially Zoned Lots

(1) Applicability
This section applies to replacement of residential fences or construction of new fences. A fence permit is required

when more than 50 percent of the length of the fence along a property line is being replaced.

(2) Height

Height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

(3) Approved Materials

(a) Masonry (brick, stone, reinforced cement concrete) or any other sustainable material with more than a 30-year life expectancy;

(b) Ornamental metal rail fencing;

(c) Cedar and redwood;

(d) Composite fencing;

(e) Vinyl fencing in flat white or flat natural tone colors such as rust or tan; and,

(f) Other wooden picket fences, only if constructed with metal posts, metal brackets, and metal caps. Chemically pre-treated wooden horizontal members shall be at least 2" X 4".

(4) Prohibited Materials

(a) Chain link;

(b) Sheet, roll, or corrugated metal; and,

(c) Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.

(5) Chain Link Reconstruction Materials

An existing chain link fence may be replaced with a new chain link fence or be replaced with an approved material. If the existing fence is not chain link, the fence may be repaired with the existing material or an approved material.

(6) Orientation of Fence

When any stockade fence or other screening device, whether required or not, is located on a lot adjacent to a

public street, said fence or screening device shall orient the side with exposed posts or rails away from view from the adjacent public street.

(7) Location of Fence

Privacy fences may be located along the property line with the following exceptions:

(a) In the interest of public safety and considering the visibility triangles, no fence may be taller than two feet when located on the side property lines of a corner lot or a reverse corner lot.

(b) Any fence that is more than two feet high shall be set back at least five feet from the side property line of a corner lot. In the case of a reverse corner lot, any fence that is more than two feet high shall be set back at least 7.5 feet from the side property line.

e. Adjacent to Parkland or an Internal Designated Open Space

The following standard shall apply for all privacy fences where the rear and/or side yards share a common property line with a dedicated private open space or parkland as identified on the Parks Master Plan.

(1) Height

Height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

(2) Approved Material

(a) Ornamental metal rail fencing with columns (brick or stone) or ornamental metal posts shall be used to provide at least 50 percent transparency. Vinyl fencing in a natural tone flat color such as rust or tan may also be used and shall provide the same percentage of transparency as ornamental metal rail fencing for lots adjacent to internal open spaces only.

(b) In the interest of privacy, homeowners may choose to plant vines or shrubs along the fence on their property.

(3) Prohibited Materials

(a) Chain link;

(b) Wood;

(c) Sheet, roll or corrugated metal; and

(d) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

f. Fences in Front Yard Setback

(1) Height
Height shall not exceed four feet above the average established grade at the front lot line and in the street front setback.

(2) Approved Materials
Such fences shall be constructed using the following materials:

(a) Ornamental metal rail fencing with at least 75-percent transparency.

(b) Masonry columns may be used, provided they are constructed of brick, stone, reinforced concrete, or any sustainable materials with more than a 30-year life expectancy.

(3) Prohibited Materials

(a) Cedar, redwood, or other wood products;

(b) Composite or vinyl fencing;

(c) Chain link;

(d) Sheet, roll or corrugated metal; and,

(e) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

g. Special Provisions for Fences for Townhouses, Large Lots, and Agricultural Uses

Special provisions to increase the height of a fence located in the minimum front yard are allowed for a townhouse development as well as lots one acre in size or larger if the following requirements are met.

(1) Townhouse Block with Rear-Loaded Garages

Ornamental metal rail fences up to four feet in height shall be allowed along the front lot line. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six inches. Such fences shall provide at least 75 percent transparency.

(2) Townhouse Block with Front-Loaded Garages

Ornamental metal rail fences up to four feet in height shall be allowed beginning at a point of at least eight feet from the front lot line, in order to maintain visibility at drive approaches. The metal rail fence shall be used in combination with masonry columns, which shall not exceed the height of the fence by more than six inches. Such fences shall provide at least 75 percent transparency.

(3) Lots One Acre in Size or Larger

The minimum front yard fence requirements may be modified in compliance with this subsection.

(a) Height

The height shall not exceed eight feet measured from the highest adjacent grade within ten feet of the fence.

(b) Approved Materials

Wrought iron, ornamental steel or any permanent, architecturally equivalent material. Masonry may be used in combination with these materials, provided that no more than 25 percent of the fence, measured in linear feet, is solid.

(c) Location

The fence shall not be located within setbacks that may be required for traffic safety purposes, as determined by the Zoning Administrator.

(4) Agricultural Uses

Fences constructed on lots with permitted agricultural uses may be constructed in compliance with this subsection, subject to approval by the Zoning Administrator.

(a) Height

The height shall not exceed six feet measured from the highest adjacent grade within ten feet of the fence.

(b) Approved Materials

(i) Post and rail construction;

(ii) Pipe and cable construction;

(iii) Rail pipe; or

(iv) Woven wire.

(c) Prohibited Materials

(i) Barbed wire; or

(ii) Electric fencing.

B. Fencing in Non-Residential and Mixed-Use Districts

1. Other than required screening fences, fencing in non-residential and mixed-use zoning districts, or for commercial uses located in residential or industrial districts, shall conform to the following minimum standards:

a. The height shall not exceed eight feet as measured from the highest adjacent grade within ten feet of the fence.

b. Fences and gates that exceed four feet in height shall not extend beyond the front facade of the building.

c. Chain link; vinyl; and sheet, roll or corrugated metal are prohibited materials for fencing and gates. The Zoning Administrator may approve the use of chain link for playground areas associated with day care centers or public or institutional uses.

2. Other than required screening fences, fencing for industrial uses located in the LI and IM districts shall conform to the following minimum standards:

a. The height shall not exceed twelve feet as measured from the highest adjacent grade within ten feet of the fence.

b. Fences and gates that exceed four feet in height shall not extend beyond the front facade of the building, unless approved by the Zoning Administrator.

c. Chain link or vinyl fencing are permitted materials for security fencing.

d. Sheet, roll or corrugated metal; or cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence are prohibited materials for fencing and gates.

3. Electric fences shall conform to the following minimum standards:

a. Electric fences are permitted only in the IM zoning district, except that electric fences are prohibited in EDO and DNO overlay districts.

b. An electric fence shall not extend beyond the front façade of the building.

c. The height of an electric fence shall not exceed 12 feet at its highest point measured at existing grade.

d. Electric fences shall not be installed within five feet of a door to the building, or within 30 feet of a property line zoned or used for residential purposes.

e. Electric fences shall be clearly marked with warning signs. The warning signs shall be placed not more than 50 feet apart around the entire perimeter of the fence and be visible from both sides of the fence.

f. Electric fences shall use an interrupted or pulsating current not exceed 7,000 volts. The use of an uninterrupted current is prohibited. The fence may only be charged over a system derived from a system powered by a direct current battery and shall not be connected to an alternating current electrical system. Devices shall be listed by a nationally-recognized testing laboratory.

g. A Knox security system or other approved access device shall be installed for emergency access by the police or fire departments. All electric fences shall be registered with the police department through an alarm permit.

h. All electric fences shall comply with all applicable building, construction, and electrical codes adopted by the City.

4. Fencing along public right-of-way may be used to delineate sidewalk seating areas for cafes and restaurants and shall conform to the following minimum standards:

a. Maintain primacy of the public right-of-way for pedestrian and vehicular movement.

b. Ensure a compatible relationship with adjacent streetscape elements and building architecture.

c. Maintain barrier-free access for persons with disabilities.

d. Maintain a safe, secure, and comfortable environment for pedestrians.

e. The design, materials, and colors used should be compatible with the streetscape.

f. Perimeter fences should not obstruct the line of sight for pedestrians and drivers.

C. General Fence Maintenance

1. All screening fences constructed as required by this Code, previous ordinances, or other approvals must be perpetually maintained, repaired, or replaced by the owner of use of the more intensively zoned property. For purpose of this section, owner of the property for which the fence permit was issued is presumed to be the owner of the fence.

2. All fences shall be maintained in accordance with the requirements of the Nuisance Chapter, the Construction Chapter, and any other provisions of the City of Arlington Code of Ordinances regulating fences.

3. Repair and Replacement of Fences.

a. For fences where 50 percent or more of one length of fence along a property line requires repair or replacement with new fencing materials, a fence permit must be obtained in accordance with the Construction Chapter.

b. For fences where less than 50 percent of one length of fence along a property line requires repair or replacement with new fencing materials, the repair or replacement:

(1) shall not change the scope, location or dimensions of the fence; and

(2) shall be made using the same material as originally used to construct the fence, or material with comparable composition, color, size, shape, and quality as the remaining fencing material.

c. Repair and replacement of fences must comply with all applicable provisions of this Code.

4. Notwithstanding any other provision, the use of materials not specifically manufactured for the construction of fences is strictly prohibited. These include, but are not limited to, plywood, corrugated steel panels, or fiberglass panels.

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 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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the 5th day of September, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 26th day of September, 2017, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 18-014

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, Section 2.3.8, Downtown Business | DB, Subsection (F), Notes; Section 2.4.3, Downtown Neighborhood Overlay | DNO, Subsection (F), Notes; through the amendment of 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; Section 3.2, Supplemental Use Standards, Subsection 3.2.3, Commercial Uses, Subsection (K)(1), Mixed-Use Development or Building; relative to requiring a Specific Use Permit for "Mixed-use development or building" in the Downtown Business (DB) and Downtown Neighborhood Overlay (DNO) districts; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on February 21, 2018, 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 by the amendment of **Article 2**, Zoning Districts, **Section 2.3.8**, Downtown Business | DB, **Subsection (F)**, Notes, by adding the following note at the end of said subsection:

See Section 3.2.3.K for more information on mixed-use requirements.

Further, **Article 2**, **Section 2.4.3**, Downtown Neighborhood Overlay | DNO, **Subsection (F)**, Notes, is hereby amended by adding the following note at the end of said subsection:

See Section 3.2.3.K for more information on mixed-use requirements.

Further, **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 by **deleting** "P*" for the "Mixed-use development or building" Use Type under the column labeled "DB" and replacing said "P*" with "S*", thereby having the effect of requiring a Specific Use Permit for "Mixed-use development or building" uses in the Downtown Business (DB) use district.

Further, **Article 3**, **Section 3.2,** Supplemental Use Standards, **Section 3.2.3**, Commercial Uses, **Subsection (K)**, Mixed-Use, **Paragraph 1**, Mixed-Use Development or Building, is hereby amended in its entirety and shall read as follows:

1. **Mixed-Use Development or Building**
   Notwithstanding any other provision, in the DB and DNO district, townhouse and multi-family dwelling residential uses require a Specific Use Permit in a mixed-use development or building.

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 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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the 6th day of March, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 20th day of March, 2018, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

W. JEFF WILLIAMS, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY

Ordinance No. 18-037

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 5, Design and Development Standards, Section 5.3.1, Residential Screening and Buffering, Subsection (D), Required Screening and Buffering, relative to requiring a minimum building setback from residential development to a gas well; through the amendment of Article 10, Use Standards, Section 10.4.6, Specific Use Permits (SUP); relative to requiring an applicant for a Specific Use Permit for gas well drilling conduct a neighborhood meeting prior to consideration of such a permit; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on May 16, 2018, 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 by the amendment of **Article 5**, Design and Development Standards, **Section 5.3.1**, Residential Screening and Buffering, **Subsection (D)**, Required Screening and Buffering, **Table 5.3-1: Residential Screening and Buffering** is hereby amended and shall hereafter read as follows:

TABLE 5.3-2: Description of Buffer and Screening Requirements * = Additional Requirement ONLY for proposed residential structures		
	Landscape Buffer Width	**Screening Device**
Level 0	None	Not required
Level 1	10 feet	Required. See Section 5.3.4.A.2.c
Level 2	15 feet	Required. See Section 5.3.4.A.2.b
Level 3	30 feet*	Required. See Section 5.3.4.A.2.a

***For proposed residential use (or mixed-use developments with residential use) adjacent to existing gas well sites:**

- The residential structure shall have a minimum building setback of 300 feet from the nearest gas well drill zone or wellhead.
- The building setback is measured in a straight line from the nearest edge of the drill zone or gas wellhead.

EXCEPTION: This requirement does not apply to existing residentially-zoned properties (as currently zoned) or lots platted for residential uses prior to *(effective date of ordinance)*.

The above exception does NOT apply to properties that changed zoning classifications after the above date. (For example, if a property was previously zoned RE and was changed to RS-7.2 after the above specified date, the 300-foot building setback standard would apply.

Further, **Article 10**, Review Procedures, **Section 10.4.6,** Specific Use Permits (SUP), **Subsection (D)**, Notice, is hereby amended in its entirety and shall read as follows:

D. Notice

1. Published, written, and posted notice required. See Section 10.3.6.
2. The applicant for a SUP for gas well drilling is required to provide all the notices necessary for the neighborhood meeting required in Section 10.4.6.J.

Further, **Article 10**, Review Procedures, **Section 10.4.6,** Specific Use Permits (SUP), is hereby amended to add **Subsection (J)**, Neighborhood Meeting Required for a SUP for Gas Well Drilling, which shall read as follows:

J. Neighborhood Meeting Required for a SUP for Gas Well Drilling

No more than thirty (30) days prior to the date of the public hearing before the Planning and Zoning Commission, an applicant for a SUP for gas well drilling must

hold a public meeting with property owners, residents and neighborhood associations. The purpose of the meeting is to give residents an opportunity to review information related to the SUP for gas well drilling application and to ask questions about the project. The applicant shall be responsible for notice of the public meeting, arranging for a meeting place and conducting the meeting. Notice shall be made by depositing the same, properly addressed and postage paid, in the United States mail. Each notice shall include the date, time and place of the meeting, and must be mailed at least ten (10) days prior to the meeting to all surface owners within six hundred (600) feet of the proposed SUP boundary and to all registered neighborhood associations within one (1) mile of the proposed SUP boundary. The applicant shall provide the Zoning Administrator a copy of the notice at least five (5) business days prior to the meeting date. A summary of the meeting and a copy of the sign-in sheets for the meeting must be submitted to the Zoning Administrator within five (5) business days after the meeting.

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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the 19th day of June, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of July, 2018, by a vote of 8 ayes and 0 nays at a special 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

Ordinance No. 18-062

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, Section 2.2.7, Residential Medium Density | RM-12, relative to adding lot dimension and coverage requirements for single family uses; through the amendment of Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection (B), Perimeter Landscape Setback, Multi-Family and Non-Residential, relative to expressly prohibiting the parking of motor vehicles within the perimeter landscape setback; through the amendment of Article 10, Review Procedures, Section 10.4, Specific Review Procedures; relative to various changes intended to provide consistent review procedures from Planning and Zoning Commission denials; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on July 11, 2018, 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 by the amendment of **Article 2**, Zoning Districts, **Section 2.2.7,** Residential Medium Density | RM-12, **Subsection (C),** Lot Dimensions, and shall hereafter read as follows:

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

Further, **Article 2**, Zoning Districts, **Section 2.2.7,** Residential Medium Density | RM-12, **Subsection (E),** Building Standards, is hereby amended in its entirety and shall read as follows:

E. Building Standards	
Building height, max.	40
Lot coverage, max. (%)	
Duplex	60
Townhouse	75
Single Family	60
Non-residential	60
See Article 4 for measurements and exceptions.	

Further, **Article 5**, Design and Development Standards, **Section 5.2.2,** Landscaping Required, **Subsection (B),** Perimeter Landscape Setback, Multi-Family and Non-Residential, **Paragraph 2** is hereby amended in its entirety and shall read as follows:

2. Uses and Structures Prohibited in Landscape Setback

Buildings and paving, except for sidewalks and driveways, are prohibited in the perimeter landscape setback. Parking within a perimeter landscape setback is expressly prohibited.

Further, **Article 10**, Review Procedures, **Section 10.4.3,** Planned Developments, **Subsection (F)**, Approval Procedures, **Paragraph 2**, is hereby amended in its entirety and shall 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.

d. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

Further, **Article 10**, Review Procedures, **Section 10.4.5,** Multi-Family Development Plans, **Subsection (F)**, Approval Procedures, **Paragraph 2**, is hereby amended in its entirety and shall read as follows:

2. Action by 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.

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, **Article 10**, Review Procedures, **Section 10.4.6,** Specific Use Permits (SUP), **Subsection (E)**, Approval Procedures, **Paragraph 2**, is hereby amended in its entirety and shall read as follows:

2. Action by City Council

a. The City Council has 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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

d. The granting of a Specific Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.

e. The City Council shall approve a Specific Use Permit by ordinance. The ordinance may approve more than one specific use. The City Council may approve or deny all or part of the uses requested in the application.

Further, **Article 10**, Review Procedures, **Section 10.4.7,** Zoning Variances and Appeals, **Subsection (E)**, Notice, is hereby amended in its entirety and shall read as follows:

E. Notice

Published and written notice required pursuant to Section 10.3.6.

Further, **Article 10**, Review Procedures, **Section 10.4.22,** Alternative Equivalent Compliance, **Subsection (C)**, Pre-Application Conference, is hereby amended in its entirety and shall read as follows:

C. Pre-Application Conference

An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference in accordance with Section 10.3.4.

Further, **Article 10**, Review Procedures, **Section 10.4.22,** Alternative Equivalent Compliance, **Subsection (D)**, Completeness Determination, is hereby amended in its entirety and shall read as follows:

D. Completeness Determination

See Section 10.3.5.

Further, **Article 10**, Review Procedures, **Section 10.4.23,** Alternative Sign Plan, **Subsection (F)**, Approval Procedures, **Paragraph 2**, is hereby amended in its entirety and shall read as follows:

2. Action by City Council

a. The City Council has final authority to adopt or deny any proposed alternative sign plan.

b. If the Planning and Zoning Commission recommends denial of an alternative sign 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.

c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the 18th day of September, 2018, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 16th day of October, 2018, by a vote of 9 ayes and 0 nays at a special 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

Ordinance No. 19-014

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 3, Use Standards, Section 3.4, Temporary Uses and Structures, Section 3.4.3, Use Tables for Temporary Uses, relative to allowing short-term rental units as a temporary use in certain residential, non-residential, and mixed-use districts, establishing a short-term rental zone for said use in single-family zoned use districts, and requiring a short-term rental permit issued in accordance with the "Short-term Rental" Chapter of the Arlington City Code, to be adopted concurrently with this ordinance; through the amendment of Section 3.4.5, Supplemental Temporary Use Standards, relative to providing supplemental temporary use standards for short-term rentals; through the amendment of Article 12, Definitions, Section 12.3.6, Temporary Uses, relative to providing a definition for short-term rental; through the amendment of Section 12.7.1, Other Terms Defined, relative to providing a definition for STR Zone; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, on October 16, 2018, the City Council directed the Planning and Development Services Department to research the nature and extent of short-term rentals (STRs) in the City of Arlington, obtain public input, and develop fair and balanced regulatory options, which provide opportunities for conducting STRs and protecting residential neighborhoods where STRs may be a disruptive land use;

WHEREAS, in open work session the City staff presented STR data and the results of preference surveys reflecting a desire of citizens and homeowners to maintain the integrity of single-family areas while allowing STRs within certain areas of the city;

WHEREAS, data show that within the census tract surrounded by the city's entertainment district as much as 13.5 percent of the single-family homes are currently used as STRs, which is by far the highest ratio of STRs to single-family homes within the city, and that two adjacent census tracts have the second and third highest ratios, both of which include portions of the entertainment district;

WHEREAS, based upon such data, the City Council finds that the City of Arlington's entertainment and sports venues are the principal draw for much of the city's STR market and that both the venues and the STRs operating near to the venues derive a mutual economic benefit from locating within proximity to each other;

WHEREAS, further, the City Council finds that it is reasonable and proper to foster this mutual beneficial relationship by permitting short-term rentals to co-locate in single-family neighborhoods within walking distance of the major sports and entertainment venues, and that walkable co-location may serve a secondary purpose of incrementally reducing vehicular congestion during sporting events;

WHEREAS, data also show that medium and higher density residential locations across the city include thousands of parcels with single-family dwelling units, and accordingly, the City Council finds that such locations are less disrupted by the presence of STRs due to current density, and therefore, provide adequate opportunities for STRs to operate outside the city's low-density residential neighborhoods;

WHEREAS, after notice and public hearing on March 20, 2019, 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 by the amendment of **Article 3**, Use Standards, **Section 3.4.3**, Use Tables for Temporary Uses, in its entirety and the same shall hereafter read as follows:

3.4.3 USE TABLES FOR TEMPORARY USES

A. Residential Districts

TABLE 3.4-1: Temporary Uses – Residential Districts
P = Permitted Use *S = Specific Use Permit* ** = Supplemental Standards Apply*

Use Type	RE	RS 20	RS 15	RS 7.2	RS 5	RM 12	RM F 22	VG	Use Standards
Construction field office	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.B
Construction storage yard	P*	P*	P*	P*	P*	P*	P*		3.4.5.C
Real estate sales office	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.D
Short term rental	P*	P*	P*	P*	P*	P*	P*		3.4.5.E

B. Non-Residential and Mixed-Use Districts

TABLE 3.4-2: Temporary 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
Carnival, circus or amusement ride				P*	P*	S*	S*	S*	P*	P*	S*	S*	3.4.5.A
Construction field office	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.B
Construction storage yard	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.C
Real estate sales office											P*	P*	3.4.5.D
Short term rental	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.4.5.E

Further, **Article 3**, Use Standards, **Section 3.4.5**, Supplemental Temporary Use Standards, is hereby amended to add **Subsection (E)** thereto, which shall read as follows:

E. Short Term Rental

1. In all zoning districts:

   a. It shall be unlawful to operate a short-term rental without a valid short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter of the City Code of Arlington, 1987, as amended.

   b. If a short-term rental permit is denied or revoked in accordance with the above-reference chapter, the provisions of Section 3.4 herein do not grant or imply any vested right to any landowner or operator of a short-term rental property.

c. A HUD-Code Manufactured Home or Mobile Home as defined in the Unified Development Code shall not be eligible for a short-term rental permit.

2. In the RE, RS-20, RS-15, RS-7.2 and RS-5 zoning districts (STR Zone only):

a. A residential structure, or its accessory secondary living unit, located within the Short-Term Rental Zone ("STR Zone") is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

b. The STR Zone is a geographically contiguous area, extending approximately one mile from Arlington's entertainment hub, that is bounded on the north by E. Lamar Blvd., on the west by Center Street, on the south by E. Abram Street, and on the east by southbound State Highway 360 frontage road. Short-term rentals located in single family residential use districts outside the STR Zone are not allowed.

3. In the RM-12 and RMF-22 zoning districts (city-wide):
A residential structure, or its accessory secondary living unit, is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

4. In all non-residential and mixed-use districts (city-wide):
An existing residential structure, or its accessory secondary living unit, as of August 1, 2019, is eligible for a short-term rental permit issued by the Administrator, or designee, in accordance with the "Short-term Rental" Chapter.

Further, **Article 12**, Definitions, **Section 12.3.6,** Temporary Uses, is hereby amended to add **Subsection (E)**, Short-term rental, which shall read as follows:

E. Short-term Rental

A residential premise, or portion thereof, used for lodging accommodations for occupants for a period of less than thirty (30) consecutive days. The definition of Short-term Rental does not include a Bed and Breakfast as defined in the Unified Development Code.

Further, **Article 12**, Definitions, **Section 12.7.1,** Other Terms Defined, is hereby amended to add a definition for STR Zone to the alphabetical listing of definitions found therein, and the same shall read as follows:

STR Zone
A geographically contiguous area, extending approximately one mile from Arlington's entertainment hub, that is bounded on the north by E. Lamar Blvd., on the west by Center Street, on the south by E. Abram Street, and on the east by southbound State Highway 360 frontage road.

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.

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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 August 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 9th day of April, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 23rd day of April, 2019, by a vote of 6 ayes and 3 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

Ordinance No. 19-025

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, relative to determining hotel use types and allowed zoning use districts; through the amendment of Section 3.2.3, Supplemental Use Standards, relative to revising supplemental use standards for all hotel types; through the amendment of Article 5, Design and Development Standards, Sections 5.4.3 and 5.4.11, relative to the revision of required off-street parking and bicycle parking and through the amendment of Section 5.8.1, Entertainment District Overlay, relative to allowed and prohibited hotel uses in the Entertainment District Overlay, through the amendment of Article 12, Definitions, Section 12.3.3, Commercial Uses, relative to providing revised definitions for all hotel use types; providing for a fine of up to $2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

WHEREAS, after notice and public hearing on April 17, 2019, 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 by the amendment of **Article 3,** Use

Standards, **Section 3.1.2**, Explanation of Table Abbreviations, by adding a new **Subsection (G)**, which shall hereafter read as follows:

G. Rebuilding of Legally Nonconforming and Conforming Lodging Facilities

"R" in a cell indicates that, in the respective zoning district, the use is allowed only if it complies with Table 3.2-3 in accordance with the supplemental use standards in this article and the requirements of Article 5, *Design and Development Standards*.

Further, **Article 3**, Use Standards, **Section 3.1.5**, Table of Allowed Uses, **Subsection (B), Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, shall be amended so that the Use Types currently listed under Use Category, Lodging Facilities, are hereby deleted and replaced with the following Use Types listed below and the same shall be incorporated into Table 3.1-2 in the order shown herein:

TABLE 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts

*P = Permitted Use S = Specific Use Permit R = Rebuild Only * = Supplemental Use Standards Apply*

		Non-residential and Mixed-Use												
Use Category	**Use Type**	**LO**	**OC**	**NC**	**CC**	**GC**	**HC**	**DB**	**BP**	**LI**	**IM**	**NMU**	**RMU**	**Supplemental Use Standards**
COMMERCIAL USES														
Lodging Facilities	Bed and breakfast inn		S*	S*				P*				P*	P*	3.2.3.E
	Hotel, luxury		P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E
	Hotel, upper upscale				P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E
	Hotel, upscale				S*	S*	S*	S*	S*	S*	S*	S*	S*	3.2.3.E
	Hotel, upper midscale				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, midscale				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, economy				R*	R*	R*	R*	R*	R*	R*	R*	R*	3.2.3.E
	Hotel, independent													3.2.3.E
	Hotel, convention		P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	3.2.3.E
	Overnight parking facility													3.2.3.E
	Trailer camp | RV park									P*				3.2.3.E

Further, **Article 3**, Use Standards, **Section 3.2.3**, Supplemental Use Standards, **Subsection (E)**, Lodging Facilities, is hereby repealed and replaced in its entirety with the following which shall hereafter read as follows:

E. Lodging Facilities

1. Bed and Breakfast Inn

a. In all districts:

(i) In the DB, NMU, and RMU districts, the number of guest rooms is limited to 12. In all other districts, the number of guest rooms is limited to six.

(ii) Cooking facilities in guest rooms are not allowed.
(iii)Individual guest occupancy is limited to no more than one month in any three-month period.

2. **Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention)**

a. **Chain Scale Rating**
After June 1, 2019, all new and existing hotels, except **Convention Hotels**, shall be classified as one of the following use types based on a hotel's chain scale rating. In order to be classified as a **Luxury Hotel**, an **Upper-Upscale Hotel**, an **Upscale Hotel**, an **Upper-Midscale Hotel**, a **Midscale Hotel**, or an **Economy Hotel**, a hotel must be associated with a hotel brand rated at the corresponding scale level in the most recent listing of chain scale ratings published by STR, Inc. A **Residence Hotel** is a subclassification of a hotel classified by chain scale rating.

(i) If STR, Inc., ceases to publish chain scale ratings for hotels, another rating entity may be used by the Zoning Administrator. The "Average Daily Rate" shall be used when assessing the chain scale of hotels.

(ii) A franchise agreement or similar contract from a hotel brand must be provided to the Zoning Administrator prior to the issuance of any building permit associate with the hotel project. All approved building permits shall be conditioned to require the applicant to provide notice to the City within thirty (30) days of any contractual change between the applicant/owner and the hotel brand.

(iii) A certificate of occupancy may only be approved for a hotel that is associated with a hotel brand rated with the appropriate chain scale rating above.

(iv) Any existing hotel other than **Convention Hotels** not classified in the most recent listing of chain scale ratings published by STR, Inc., shall be classified as an **Independent Hotel**.

(v) Except as provided in this subsection 2, no certificate of occupancy shall be approved for a hotel that is not classified by a chain scale rating.

b. **General Design Standards for All Hotels**
The general design standards of this subsection 2.b. shall apply to all hotels.

(i) **Entry Features**

(1) Special care shall be taken to enhance the site entry by providing front yard paving and landscaping that interfaces with the streetscape and sidewalk condition.

(2) All public entrances shall incorporate arcades, roofs, alcoves, porticos, and awnings that protect pedestrians from the sun and weather. This requirement shall not apply to loading areas.

(3) Primary building entrances are to be defined and treated as a signature element of the building and articulated with architectural elements such as pediments, columns, porticos, and overhangs.

(4) A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk, with an area for temporary parking of at least two vehicles underneath the covered area for guests checking in and out.

(5) All hotels shall provide at least one additional design element such as, but not limited to, a water feature, sculpture, or public art at the building entrance. Any such design element shall be designed in proportion to the primary building entrance.

(ii) **Site Design**

(1) All landscaping shall be provided in accordance with Section 5.2, *Landscaping*.

(2) All outside equipment such as air conditioners, pool equipment, satellite dishes, etc., shall be screened from view by a masonry screening wall and landscaping. Individual portable window-mounted air conditioning units are prohibited.

(3) Hotels shall conform to Crime Prevention Through Environmental Design (CPTED) principles and provide good visibility in all public areas, open space areas, and driveway entrances from public streets, driveway intersections, and parking lots. Lighting, for example, shall be used to create safe and secure public areas while illuminating only those areas for which lighting is designed, and shall be designed to reduce glare and not affect adjacent uses.

(4) Parking Lot Lighting. Parking lots shall have exterior lighting in all publicly accessible areas without needlessly lighting adjacent properties or developments. All lighting shall be controlled by a photocell or seasonally-adjusted timer switch. Lighting fixtures that have been identified as non-operable shall be repaired to an operable state within 72 hours.

(5) In order to reduce urban storm water runoff, the City encourages the following strategies to promote the use of pervious surface parking construction (interlocking grass pavers) for all surface parking lots:

(a) Additional parking spots over the required number may be surfaced with pervious material.

(b) In addition, all surface parking lots may have all center rows (face-to-face parking rows) surfaced with a permeable material between the wheel stops or the curb, a minimum width of six feet. Center rows shall be landscaped to serve as bio-retention areas. Curbs for permeable center row medians shall not be required in order to allow sheet flow from impervious areas. If curbs are not provided, a wheel stop shall be required for each space.

(iii)**Building Design**

(1) Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways individually equipped with some form of security-controlled access system.

(2) The hotel shall install and maintain, in proper operating order, surveillance cameras in each

interior hallway and lobby/lounge area, in the parking lots, and at each exterior door. The cameras shall be placed to provide visibility to the front and rear exteriors of the building. Monitors shall be provided for security and other hotel personnel so that on-site activities are viewable at all times. Surveillance cameras shall be in operation 24 hours a day and records of images recorded shall be kept a minimum of 30 days.

(3) All hotels must be constructed exclusively from concrete, structural steel and light-gauge metal framing materials regardless of the height of the structure.

c. **Additional Standards for Hotels in the EDO**
In addition to all other standards enumerated in subsection 2.b., the minimum standards of this subsection 2.c. shall apply to **Luxury, Upper-Upscale, Upscale** (when permitted as a demo and rebuild) and **Convention Hotels** in the Entertainment District Overlay (EDO).

(i) Only **Luxury Hotels, Upper-Upscale, Upscale** (when permitted as a demo and rebuild) and **Convention Hotels** are allowed in the EDO.

(ii) The lobby shall have a minimum ceiling height of sixteen (16) feet.

(iii) The lobby shall have a minimum area of 4,000 square feet, or 10 square feet per guest room, whichever is greater. This area excludes the bar, restaurant, and corridors accessing the elevators.

(iv) The hotel shall include a restaurant with a full-service kitchen and an adjacent or separate full bar. The restaurant and bar shall be open to the public.

d. **Status of existing hotels and projects in progress**
An existing hotel that is illegally nonconforming prior to June 1, 2019 shall continue to be illegally nonconforming after said date. An existing hotel that is legally nonconforming prior to June 1, 2019 shall continue to be legally nonconforming. An existing hotel that is conforming prior to June 1, 2019, shall continue to be conforming.

A hotel project in progress that was approved by Specific Use Permit or Planned Development (with Development Plan) on or after January 1, 2014, or that is holding a valid building permit as of June 1, 2019, shall be considered conforming upon issuance of the certificate of occupancy. Said projects shall comply with previous approved requirements and may elect to be classified under the now obsolete hotel classifications of full-service, limited service, or boutique hotel. Legally nonconforming and conforming hotels may be demolished and rebuilt in accordance with this subsection 2.d.

If at any time a new hotel or an existing hotel with a conforming chain scale rating is shifted to a lower nonconforming chain scale rating within the same brand, the hotel shall continue to be conforming; provided, that any hotel with a chain scale rating on or after June 1, 2019, which becomes unrated due to a loss of brand affiliation, shall be re-classified as a legally nonconforming **Independent Hotel.**

(i) Legally nonconforming and conforming hotels classified as **Upscale, Upper-Midscale, Midscale, Economy,** or **Independent** may be demolished and redeveloped; provided, that the existing and proposed hotel development complies with the upgrading requirements of Table 3.2-3, below.

TABLE 3.2-3: Demo and Rebuild

Existing Hotel Classification	Permitted Hotel Classification on Rebuild	Approval Requirement
Upscale	Upper-Upscale	P*
	Upscale	SUP+
Upper-Midscale	Upscale	
	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.

(ii) If a legally nonconforming hotel is demolished as part of a redevelopment project and the new hotel is not issued a building permit within one year after the date of the demolition permit, or if no progress is made toward completion of the project within two years after the date of issuance of the building permit, the right to redevelop the property as a hotel in accordance with Table 3.2-3 shall automatically expire. For good cause shown, the Administrator may grant a one-time extension not to exceed ninety (90) days to the time periods of this subsection 2.d.(ii).

e. **Independent Hotels**
An **Independent Hotel** shall be permitted only with the approval of a Planned Development (PD). An **Independent Hotel**, having been duly approved as a PD and constructed in accordance with the covenants and conditions of said PD, the standards of this Unified Development Code, and all applicable building, development and construction codes of the City, shall be granted a certificate of occupancy.

f. **Residence Hotels**
It shall be unlawful for a hotel to operate as a **Residence Hotel** without the endorsement of the building official made on the certificate of occupancy.

Further, Article 5, Design and Development Standards, Section **5.4.3**, Off-Street Parking Standards, **Subsection (A),** Off-Street Parking Schedule A, is hereby amended that the Use Types currently listed under Use Category, Lodging Facilities, are hereby deleted and replaced with the following Use Types listed below and the same shall be incorporated into Table 5.4-1 in the order shown herein:

TABLE 5.4-1: Off-Street Parking Schedule A

USE CATEGORY	USE TYPE	PARKING REQUIREMENT
Lodging Facilities	Bed & breakfast inn	1 per guest room, in addition to those required for principal residence
	Hotel, all types	1 per guest room or residence unit up to 100 units, then 0.75 per unit over 100. 50% of spaces may be counted to satisfy parking requirements of accessory uses
	Overnight parking facility	Schedule C

Further, **Article 5**, Design and Development Standards, **Section 5.4.11,** Bicycle Parking, **Subsection (B)**, Table 5.4-4: Required Bicycle Parking, is hereby repealed and replaced in its entirety and the same shall read hereafter as follows:

TABLE 5.4-4: Required Bicycle Parking	
Land Use	**Number of Spaces**
Multifamily dwelling	10% of all automobile spaces
Hotel, all types	1 per 30 rooms
Public or private school	1 per 10 students
University, college, or seminary	10% of all automobile spaces
Government administration and civic buildings	1 per 10,000 sf of building area, with a minimum of 2 spaces
Commercial and retail w/off-street parking	5% of all automobile spaces with a minimum of 2 spaces
Commercial and retail w/on-street parking	1 per 5,000 sf of building area with a minimum of 2 spaces
Industrial	5% of all automobile spaces with a minimum of 2 spaces
Parks and open space	10% of all automobile spaces

Further, **Article 5**, Design and Development Standards, **Section 5.8.1**, Entertainment District Overlay, **Subsection (B)**, Land Uses, is hereby repealed and replaced in its entirety with the same shall read hereafter as follows:

B. Land Uses

1. Permitted Uses

Subject to the provisions of Section 3.1, *Tables of Allowed Uses*, any use permitted in the applicable underlying base zoning district may be permitted the EDO overlay district, with the following conditions:

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.

f. Mixed-use developments or buildings are permitted in the RM-12, RMF-22, and any non-residential base zoning district, subject to the following:

(i) Townhouse and multi-family residential uses are permitted by right in a mixed-use development or building.

(ii) For mixed-use developments in the RM-12 and RMF-22 districts, the permitted non-residential uses are restricted to those in the RMU district.

g. Convention Hotel

2. Prohibited Uses

Any use not explicitly allowed in Table 3.1-1, *Table of Allowed Uses – Residential Districts*; and 3.1-2, *Table of Allowed Uses – Non-Residential and Mixed-Use Districts*, is prohibited in the EDO district. In addition, the following uses are prohibited in the entire EDO district:

a. HUD Code manufactured home/mobile home

b. Halfway house

c. Correctional facility

d. Animal production

e. Crop production

f. Auto service center

g. Auto repair garage, major

h. Surface parking lots as a primary use

i. Any hotel used for extended stay (see definition of Residence Hotel-subclassification)

j. Secondhand goods store

k. Bail bond service

l. Gun range (indoor)

Further, **Article 12**, Definitions, **Section 12.3.3,** Commercial Uses, **Subsection (F)**, Lodging Facilities, are hereby repealed and replaced in its entirety and the same shall hereafter read as follows:

F. Lodging Facilities

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period. Specific use types include:

1. Bed and Breakfast Inn

A house, or portion thereof, used by the record owner of the property and who is also a resident of the property, and where short-term lodging rooms and meals are provided.

2. Hotel, Luxury

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "luxury" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

3. Hotel, Upper-Upscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "upper-upscale" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

4. Hotel, Upscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "upscale" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

5. Hotel, Upper-midscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "upper-midscale" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

6. Hotel, Midscale

A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "midscale" by STR, Inc., in its most

recently published chain scale ratings for hotels in North America.

7. **Hotel, Economy**
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is associated with hotel brands that are rated based on their average daily rate as "economy" by STR, Inc., in its most recently published chain scale ratings for hotels in North America.

8. **Hotel, Independent**
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is not associated with hotel brands that are rated by STR, Inc., in the most recently published chain scale ratings for hotels in North America.

9. **Hotel, Convention**
A building or group of buildings providing transient lodging accommodations to the general public for compensation, which is closely located to and associated by agreement with the City of Arlington Convention Center.

10. **Residence Hotel (Subclassification of Hotel)**
Any hotel that offers more than five percent of its rental units for stays extending 30 consecutive days or more, or a multi-dwelling unit extended-stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term (30 days or more) occupancy. Accessory uses include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this Code. After June 1, 2019, a **Residence Hotel** is a subclassification of the other Hotel classifications found under Lodging Facilities.

11. **Overnight Parking Facility**
An area within a major sports complex for locating, establishing, or maintaining sites available for overnight parking of motor vehicles, recreational vehicles, pickup coaches, and travel trailers of the general public, which may be used as temporary living quarters by persons attending one or more events at a major sports complex.

12. Trailer Camp | RV Park

An area for locating, establishing, or maintaining one or more sites for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The area is intended for use on a temporary basis by campers, vacationers, and travelers.

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 June 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 23rd day of April, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 7th day of May, 2019, 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

Ordinance No. 19-034

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Articles 2, 3 and 5 related to clarifying maximum height requirements for lighting for public and private schools, and for public parks and playgrounds; and through the amendment of Article 10, related to adding maximum height requirements for lighting to the list of restrictions eligible for alternative equivalent compliance under Section 10.4.22; 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 June 5, 2019, 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 2.2.2,** Residential Estate|RE, **Subsection E**, Building Standards, so that said subsection shall be and read as follows:

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, **Article 2**, Zoning Districts, **Section 2.2.3,** Residential Single-Family-20|RS-20, **Subsection E**, Building Standards, is hereby amended so that said subsection shall be and read as follows:

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, **Article 2**, Zoning Districts, **Section 2.2.4,** Residential Single-Family-15|RS-15, **Subsection E,** Building Standards, is hereby amended so that said subsection shall be and read as follows:

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, **Article 2**, Zoning Districts, **Section 2.2.5,** Residential Single-Family-7.2|RS-7.2, **Subsection E,** Building Standards, is hereby amended so that said subsection shall be and read as follows:

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, **Article 2**, Zoning Districts, **Section 2.2.6,** Residential Single-Family-5|RS-5, **Subsection E,** Building Standards, is hereby amended so that said subsection shall be and read as follows:

E. Building Standards	
Building height, max.	40
For ballfield lighting see Sec. 3.2.2	
Lot coverage, max. (%)	
Single family	60
Non-residential	60
See Article 4 for measurements and exceptions.	

Further, **Article 2**, Zoning Districts, **Section 2.2.7,** Residential Medium Density|RM-12, **Subsection E,** Building Standards, is hereby amended so that said subsection shall be and read as follows:

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, **Article 2**, Zoning Districts, **Section 2.2.8,** Residential Multi-Family-22|RMF-22, **Subsection E,** Building Standards, is hereby amended so that said subsection shall be and read as follows:

E. Building Standards	
Building height: see Sec. 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, **Article 3**, Use Standards, **Section 3.1.5,** Table of Allowed Uses, **Subsection A,** Residential Districts, **Table 3.1-1: Allowed Uses-Residential Districts**, under use type, "Public or private school," each residential district is hereby amended to replace the "**P**" in each block with "**P***", and the empty block in the Supplemental Use Standards column shall be amended to read "**3.2.2**".

Further, **Article 3**, Use Standards, **Section 3.1.5,** Table of Allowed Uses, **Subsection A,** Residential Districts, **Table 3.1-1: Allowed Uses-Residential Districts**, under use type, "Public park or playground," each residential district is hereby amended to replace the "**P**" in each block with "**P***", and the empty block in the Supplemental Use Standards column shall be amended to read "**3.2.2**".

Further, **Article 3**, Use Standards, **Section 3.2.2,** Public and Institutional Uses, is hereby amended so that said section shall be and read as follows:

3.2.2 PUBLIC AND INSTITUTIONAL USES

A. Ballfield Lighting

In residential districts:

1. The maximum height standards for ballfield lighting for public or private schools, or public parks or playgrounds are limited to the maximum building heights listed under Building Standards under each of the residential districts found in Section 2.2.2 through Section 2.2.8.

2. The Zoning Administrator is authorized to permit increased maximum heights through Section 10.4.22, Alternative Equivalent Compliance, for ballfield lighting for public or private schools, or public parks or playgrounds, located in residential zoning districts that are not adjacent to residential zoning districts or parcels containing a residential structure.

Further, **Article 5**, Design and Development Standards, **Section 5.6.3,** Site Design and Building Organization, is hereby amended with the addition of the following **Subsection E.**, Ballfield Lighting, which shall be and read as follows:

E. Ballfield Lighting

For an exception to the maximum building height, in residential zoning districts, without residential adjacency, the Zoning Administrator may approve certain requests for alternative equivalent compliance as provided under Section 10.4.22 of this Code.

Further, **Article 10**, Review Procedures, **Section 10.4.22,** Alternative Equivalent Compliance, **Subsection B.**, Applicability, is hereby amended so that said section shall be replaced in its entirety and read as follows:

B. Applicability

1. The alternative equivalent compliance procedure shall be available only for the following sections of Article 5, Design and Development Standards and Article 7, Sign Standards.

a. Section 5.2, *Landscaping*;

b. Section 5.3, *Screening, Buffering and Fences*;

c. Section 5.4, *Off-Street Parking and Loading*: Subsection 5.4.6, *Drive-Through Vehicle Stacking and Noise Reduction Standards*; and Subsection 5.4.9, *Parking Facility Location and Design*;

d. Section 5.5, *Residential Design Standards*;

e. Section 5.6, *Non-residential Design Standards*; and Subsection 5.6.3, *Site Design and Building Organization,* Subsection E, *Ballfield Lighting*;

f. Section 5.7, *Mixed-Use Design Standards*;

g. Section 5.8.1, *Entertainment District Overlay*: Subsection D, *Private Realm Design and Development Standards*; and Subsection E, *Public Realm Design and Development Standards*;

h. Section 5.9, *Transportation and Connectivity*;

i. Section 5.10, *Common Open Space*;

j. Section 7.6.7, *Sign Supports*;

k. Section 7.7.5, *Spacing*;

l. Section 7.8, *Types of Signs*; and,

m. Section 7.10, *Temporary Signs*.

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.

This ordinance shall become effective after second publication.

PRESENTED AND GIVEN FIRST READING on the 11th day of June, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 25th day of June, 2019, by a vote of 7 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

10/18/19
10/23/19

Ordinance No. 19-053

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Articles 3, 5, 6 and 10, related to exterior building material requirements, subdivision regulations, and revisions to plat approval procedures; updating the name of the department throughout the Chapter; 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 September 18, 2019, 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 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**, so that in the row labeled Use Category: Mixed-Use, Use Type: Mixed-use development or building, in the DB, NMU and RMU zoning use district columns, a "P*" notation shall be indicated in each cell.

Further, **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 so that in the row labeled Use Category: Auto Sales, Equipment and Repair, Use Type: Motor Vehicle Sales, Used, in the IM zoning use district column, a "P*" notation shall be indicated in the cell.

Further, **Article 3**, Use Standards, **Section 3.2.3,** Commercial Uses, **Subsection E**, Lodging Facilities, **Subsection 2**, Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention), **Paragraph b.**, General Design Standards for All Hotels, **Subparagraph (iii)**, Building Design, Item (3) is deleted in its entirety.

Further, **Article 3**, Use Standards, **Section 3.2.3,** Commercial Uses, **Subsection E**, Lodging Facilities, **Subsection 2**, Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention), **Paragraph c.,** Additional Standards for Hotels in the EDO, is hereby amended to add **Subparagraph (v)**, which shall read as follows:

(v) The hotel shall be a minimum of six stories in height.

Further, **Article 3**, Use Standards, **Section 3.2.3,** Commercial Uses, **Subsection K**, Mixed-Use, is hereby amended and shall read as follows:

K. Mixed-Use

Mixed-Use Development or Building

Notwithstanding any other provision, in the DB, LCMUO, DNO, NMU and RMU district, townhouse and multi-family dwelling residential uses require a Mixed Use Development Plan in a mixed-use development or building.

Further, **Article 5**, Design and Development Standards, **Section 5.1.3,** Existing Structures, **Subsection A**, External Structures, **Subsection 3**, Addition More than 30 Percent, **Paragraph a.**, is hereby amended and shall read as follows:

a. If the addition to a structure is 30 percent or more of the size of the entire structure, then the addition shall match the character of the existing structure and the addition and site shall comply with all of the standards in this article.

Further, **Article 5**, Design and Development Standards, **Section 5.2.2,** Landscaping Required, **Subsection B**, Perimeter Landscape Setback, Multi-Family and Non-Residential, **Subsection 5,** Landscape Planting Areas for Larger Structures, is hereby amended and shall read as follows:

5. Landscape Planting Areas for All Structures

a. All building facades adjacent to a right-of-way shall have at least two planting areas, a minimum of eight feet wide, between the façade and the sidewalk for the total length of the façade not including entryways and display windows.

b. Planting areas shall enhance architectural features of the building such as entries, arcades, tower elements, and display windows.

c. The Zoning Administrator may authorize a reduction in the landscape planting areas where unique property characteristics exist.

Further, **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, **Paragraph a.**, Planting Requirements, is hereby amended and shall read as follows:

a. Planting Requirements

The landscape buffer shall be planted with an evergreen plant mix (see Approved Plant List). This shall include the following:

(i) For each 300 square feet of buffer area, one tree with a three-inch caliper that is 10 feet in height at the time of installation. Trees shall be layered into two rows.

(ii) Existing vegetation shall be maintained and counted toward the overall landscape requirement where the Zoning Administrator determines that it is healthy and contributes to the overall landscape mix.

Further, **Article 5**, Design and Development Standards, **Section 5.5.3,** Standards for Single-Family and Two-Family Residential Dwellings, **Subsection C**, Building Design Standards Applicable to All Single-Family Residential, **Subsection 5,** Exterior Finish Materials, is hereby amended and shall read as follows:

5. Exterior Finish Materials

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

b. Preferred Materials: One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(i) Stone or brick laid up unit by unit and set in mortar,

(ii) Cultured stone,

(iii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(iv) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

c. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, is preferred to be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS.

Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber.

d. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

Further, **Article 5**, Design and Development Standards, **Section 5.5.3,** Standards for Single-Family and Two-Family Residential Dwellings, **Subsection D**, Building Design Standards Applicable to All Detached Single-Family Residential, **Subsection 4,** Roof Design, **Paragraph e.,** is hereby deleted in its entirety.

Further, **Article 5**, Design and Development Standards, **Section 5.5.3,** Standards for Single-Family and Two-Family Residential Dwellings, **Subsection E**, Building Design Standards Applicable to All Attached Single-Family Residential, **Subsection 4,** Roof Design, is hereby amended and shall read as follows:

4. Roof Design

Roofs and rooflines can add character and interest to a home. Details on a roof are important as they break up the mass and perceived bulk.

a. A minimum roof pitch of 4:12 applies to gable and hip roofs, unless other approved by the Zoning Administrator. This does not apply to portions of a roof that are separate from the structure's primary roof.

b. Flat roofs shall be screened by a parapet wall that is capped by a three-dimensional cornice treatment.

c. Architectural styles that incorporate eaves shall have the eaves extend from the building wall at least 12 inches, as measured horizontally, on all facades. The Zoning Administrator may approve a shorter distance for roofs with a pitch of 12:12 or greater.

d. The use of proportionally designed dormers on the roof is encouraged where they are appropriate to the architectural style of the home.

Further, **Article 5**, Design and Development Standards, **Section 5.5.4,** Standards for Multi-Family Residential Dwellings, **Subsection G**, Building Materials, is hereby amended and shall read as follows:

G. Building Materials

1. Exterior Wall Materials

a. A minimum of two distinct building materials from the preferred material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, preferred materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

Figure 5.26 Multiple materials on facade

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

(ix) The use of wood for trim, accents, or soffits, may be permitted if approved by the Zoning Administrator.

2. Roofing Design and Materials

a. Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

b. Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

c. Other roof types shall be appropriate to the architectural style of the building.

d. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

e. Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

3. **Awnings and Overhanging Eaves**
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

4. **Retaining Walls**
A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

Further, **Article 5**, Design and Development Standards, **Section 5.6.4,** Building Design, **Subsection F**, Roof Design, is hereby amended and shall read as follows:

F. **Roof Design**

1. **Roofline Articulation**
Variations in rooflines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

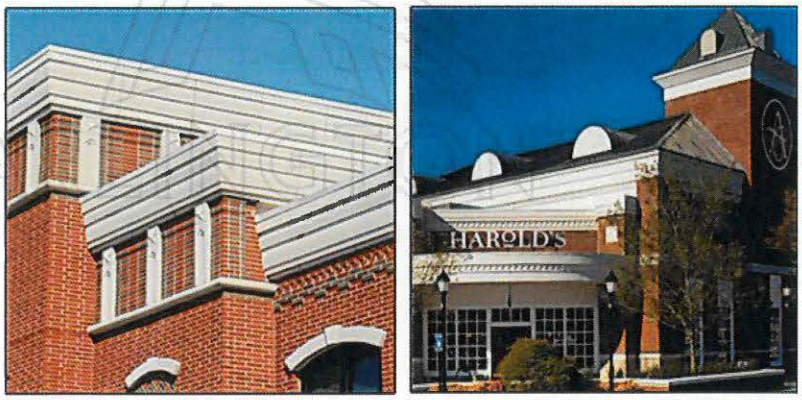


Figure 5.32 Examples of acceptable roof design.

2. **Flat Roofs**
Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground. Parapets shall be constructed of the same material as the primary façade.

3. **Overhanging Eaves**
Overhanging eaves shall extend at least two feet past the supporting walls.

5. **Roof Pitch**
Pitched roofs shall have a minimum pitch of 4:12 for all structures, unless otherwise approved by the Zoning Administrator. This requirement excludes roofs for entries and dormers.

6. **Architectural Elements**
Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.

7. **Roof Materials**
Sloped or pitched roofs constructed of asphalt shingles, synthetic shingles, standing seam metal, or tile are preferred. Flat roofs may be constructed of any industry-standard material.

Further, **Article 5**, Design and Development Standards, **Section 5.6.4,** Building Design, **Subsection I**, Building Materials and Colors, is hereby amended and shall read as follows:

I. **Building Materials and Colors**

1. **Wall Materials**

a. No single building material shall cover more than 80 percent of the front building façade.

b. Preferred materials shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

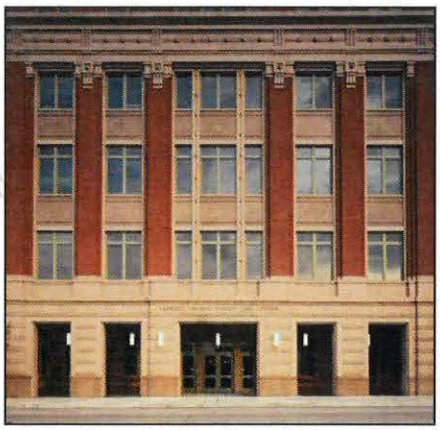


Figure 5.35 No single material covering more than 80% of front facade

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and

(ix) Architectural glass of less than 25 percent reflectance.

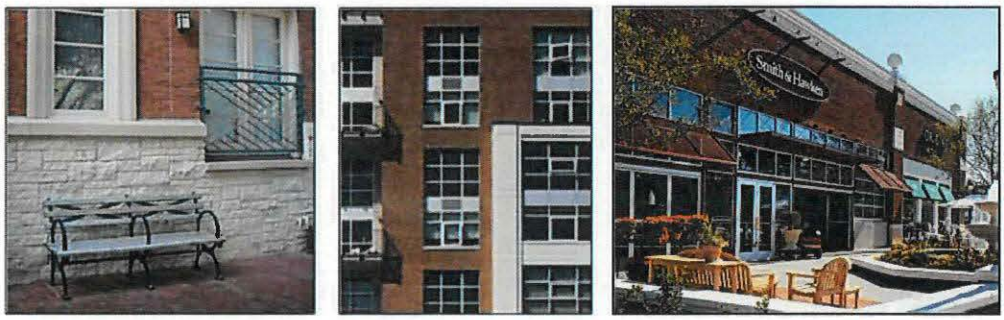


Figure 5.36 Architectural materials.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection 5.6.4.I.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

Figure 5.37 Example of facade design.

2. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

3. Façade Colors

Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5**, Design and Development Standards, is hereby amended by the addition of a new **Section 5.7.6.** which shall read as follows:

5.7.6 DEVELOPMENT PLANS REQUIRED FOR ALL MIXED-USE DEVELOPMENT

All mixed-use development in the NMU, RMU, DB, DNO, LCMUO, and EDO districts shall require approval of a Mixed-Use Development Plan in accordance with Section 10.4.55.

Further, **Article 5**, Design and Development Standards, **Section 5.8.1,** Entertainment District Overlay, **Subsection A**, Applicability, **Subsection 4**, Change of Use, **Subparagraph d.** is hereby deleted in its entirety.

Further, **Article 5**, Design and Development Standards, **Section 5.8.1,** Entertainment District Overlay, **Subsection A**, Applicability, **Subsection 5**, **Subparagraph c.** is hereby deleted in its entirety.

Further, **Article 5**, Design and Development Standards, **Section 5.8.1,** Entertainment District Overlay, is hereby amended by the addition of a new **Subsection F**, History of the Entertainment District Overlay, which shall read as follows:

F. History of the Entertainment District Overlay

1. The Entertainment District Overlay (EDO) was originally created by Ordinance No. 07-080 adopted November 20, 2007.
2. The EDO was revised by Ordinance No. 08-047 adopted June 17, 2008.
3. The Unified Development Code incorporated the EDO with its adoption by Ordinance No. 14-039 on June 24, 2014.
4. The Entertainment District Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
5. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Entertainment District Overlay in accordance with Texas Government Code §3000.002(c)(6).

Further, **Article 5**, Design and Development Standards, **Section 5.8.1,** Entertainment District Overlay, is hereby amended by the addition of a new **Subsection G**, Additional Applicable Design Standards Established Prior to April 1, 2019, which shall read as follows:

G. Additional Applicable Design Standards Established Prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**
   a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
      (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not

extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. **Roofing Design and Materials**

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. **Prohibited Materials**

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. **Building Materials for Non-Residential Developments**

a. **Wall Materials**

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay

windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. **Approved materials** shall be defined as:
   - **(i)** Native stone, brick, or tile laid up unit by unit and set in mortar;
   - **(ii)** Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);
   - **(iii)** Cultured stone or cast stone;
   - **(iv)** Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);
   - **(v)** Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;
   - **(vi)** Poured-in-place concrete wall;
   - **(vii)** Composite aluminum cladding such as Alucobond;
   - **(viii)** Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and
   - **(ix)** Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

f. **Awnings and Overhanging Eaves**

   Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. **Prohibited Materials**

   The following materials are prohibited as exterior cladding or roofing materials:
   - **(i)** Aluminum siding or cladding,
   - **(ii)** Galvanized steel or other bright metal,
   - **(iii)** Wood or plastic siding,
   - **(iv)** Cementitious fiberboard,
   - **(v)** Unfinished or smooth concrete block/masonry units or concrete wall,
   - **(vi)** Exposed aggregate,
   - **(vii)** Wood roof shingles, and
   - **(viii)** Reflective glass.

h. **Façade Colors**

   Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5**, Design and Development Standards, is hereby amended by the addition of a new **Section 5.8.5,** Downtown Neighborhood Overlay | DNO, which shall read as follows:

5.8.5 DOWNTOWN NEIGHBORHOOD OVERLAY | DNO

A. Original Intent of the Downtown Neighborhood Overlay

The Downtown Neighborhood "DN" district was established to aid in the revitalization of the area surrounding Arlington's original downtown area (i.e., the Downtown Business "DB" District). The district's intent is to serve as a transition area between the Downtown Business "DB" District and the rest of the City of Arlington. For more information on the purpose of the DNO, see UDC Section 2.4.3.

B. History of the Downtown Neighborhood Overlay

1. The Downtown Neighborhood Overlay (DNO) was originally created by Ordinance No. 05-094 adopted October 11, 2005.
2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. The Downtown Neighborhood Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Downtown Neighborhood Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the DNO and established prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**
   - **a.** Exterior finish materials shall be durable and consistent with the architectural style of the community.
     - **(i)** One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

       (1) Stone or brick laid up unit by unit and set in mortar,

       (2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, **approved materials** shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. **Roofing Design and Materials**

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. **Prohibited Materials**

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. **Building Materials for Non-Residential Developments**

a. **Wall Materials**

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15

percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. **Approved materials** shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and

(ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

f. **Awnings and Overhanging Eaves**

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. **Prohibited Materials**

The following materials are prohibited as exterior cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Galvanized steel or other bright metal,

(iii) Wood or plastic siding,
(iv) Cementitious fiberboard,
(v) Unfinished or smooth concrete block/masonry units or concrete wall,
(vi) Exposed aggregate,
(vii) Wood roof shingles, and
(viii) Reflective glass.

h. **Façade Colors**

Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5**, Design and Development Standards, is hereby amended by the addition of a new **Section 5.8.6,** Lamar Collins Mixed Use Overlay | LCMUO, which shall read as follows:

5.8.6. LAMAR COLLINS MIXED USE OVERLAY | LCMUO

A. Original Intent of the Lamar Collins Mixed Use Overlay

The Lamar Collins Mixed Use ("LCMU") District was established to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses. The intent was to establish architectural character and to encourage pedestrian oriented activities in this location of Arlington and to encourage redevelopment in those areas deemed appropriate. For more information on the purpose of the LCMUO, see UDC Section 2.4.4.

B. History of the Lamar Collins Mixed Use Overlay

1. The Lamar Collins Mixed Use Overlay (LCMUO) was originally created by Ordinance No. 06-004 adopted January 10, 2005.
2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. The Lamar Collins Mixed Use Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Lamar Collins Mixed Use Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the LCMUO and established prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

(i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs,

bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. **Roofing Design and Materials**

(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

(iii) Other roof types shall be appropriate to the architectural style of the building.

(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.

(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. **Prohibited Materials**

The following materials are prohibited as primary cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Wood or plastic siding,

(iii) Unfinished concrete block,

(iv) Wood roof shingles, or

(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. **Building Materials for Non-Residential Developments**

a. **Wall Materials**

(i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.

(ii) No single building material shall cover more than 80 percent of the front building façade.

(iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. **Approved materials** shall be defined as:

(i) Native stone, brick, or tile laid up unit by unit and set in mortar;

(ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);

(iii) Cultured stone or cast stone;

(iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);

(v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;

(vi) Poured-in-place concrete wall;

(vii) Composite aluminum cladding such as Alucobond;

(viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and

(ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

f. **Awnings and Overhanging Eaves**

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. **Prohibited Materials**

The following materials are prohibited as exterior cladding or roofing materials:

(i) Aluminum siding or cladding,

(ii) Galvanized steel or other bright metal,

(iii) Wood or plastic siding,
(iv) Cementitious fiberboard,
(v) Unfinished or smooth concrete block/masonry units or concrete wall,
(vi) Exposed aggregate,
(vii) Wood roof shingles, and
(viii) Reflective glass.

h. **Façade Colors**
Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5**, Design and Development Standards, is hereby amended by the addition of a new **Section 5.8.7,** Village on the Green at Tierra Verde | VG, which shall read as follows:

5.8.7 VILLAGE ON THE GREEN AT TIERRA VERDE | VG

A. Original Intent of the Village on the Green at Tierra Verde

The Village on the Green at Tierra Verde ("VG") District was established to provide an area which will be a financially and environmentally sustainable community memorable for its rural character, village-like atmosphere, mix of high quality housing options and complementary commercial activity. For more information on the purpose of the VG use district, see UDC Section 2.4.3.

B. History of the Village on the Green at Tierra Verde

1. The Village on the Green at Tierra Verde Overlay (VG) was originally created by Ordinance No. 06-115 adopted December 13, 2006.
2. The Unified Development Code incorporated VG as a separate residential use district with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. Village on the Green at Tierra Verde is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Village on the Green (VG) use district in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the VG and established prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**
   a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
      (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not

extend to the foundation, or any other exterior wall that does not bear on the foundation.

(1) Stone or brick laid up unit by unit and set in mortar,

(2) Cultured stone,

(3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or

(4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

(1) Plain concrete block or plain concrete;

(2) Corrugated metal;

(3) Vinyl siding, aluminum siding, or wood siding;

(4) Plywood, engineered or manufactured wood; or

(5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;
(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;
(iii) Cultured stone, cast stone, or natural stone panels;
(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;
(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;
(vi) Cementitious fiberboard siding, provided that:
  (1) It may only be used on multi-family structures that are three stories or less in height, and
  (2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;
(vii) Metal cladding; or
(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. **Roofing Design and Materials**
(i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.
(ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.
(iii) Other roof types shall be appropriate to the architectural style of the building.
(iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
(v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. **Prohibited Materials**
The following materials are prohibited as primary cladding or roofing materials:
(i) Aluminum siding or cladding,
(ii) Wood or plastic siding,
(iii) Unfinished concrete block,
(iv) Wood roof shingles, or
(v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

Further, **Article 6**, Subdivision Regulations, **Section 6.1.2,** Purposes, **Subsection G** is hereby amended and shall read as follows:

G. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and documenting of platted land.

Further, **Article 6**, Subdivision Regulations, **Section 6.1.3,** Applicability, **Subsection A,** Applicability, **Subsection 4,** is hereby amended and shall read as follows:

4. The following are allowed only if they conform to this Code:

- **a.** the issuance of a development approval or certificate of occupancy for any plat, map, or plan that was created prior to subdivision approval under this Code, and
- **b.** the issuance of a development approval or certificate of occupancy for any parcel or plat of land that was created by subdivision after the effective date of this Code, and
- **c.** any land disturbance, including the excavation of land, or the construction of any public or private improvements.

Further, **Article 6**, Subdivision Regulations, **Section 6.1.5,** Guiding Policies for Administration of this Article, **Subsection A,** Conformity with Comprehensive Plan, is hereby amended and shall read as follows:

A. Conformity with Comprehensive Plan

Plats and proposed public improvements shall conform to the City's Comprehensive Plan and its constituent elements, including, but not limited to, the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.

Further, **Article 6**, Subdivision Regulations, **Section 6.2.2,** Criteria for Adequate Public Facilities, **Subsection D,** Drainage and Stormwater Management, is hereby amended and shall read as follows:

D. Drainage and Stormwater Management

Drainage and stormwater facilities are adequate when (See Section 6.5, Drainage and Environmental Standards):

1. Stormwater runoff attributable to land disturbances, new development, or redevelopment complies with the minimum standards of this Code, and the Design Criteria Manual, and applicable federal and state standards.
2. Stormwater runoff attributable to land disturbances, new development, or redevelopment does not alter drainage patterns, concentrate flow, connect to existing stormwater infrastructure, or exceed the runoff from existing (pre-project) conditions, unless no adverse impacts will be created.
3. To the maximum extent practicable, permanent Best Management Practices (BMPs), as described in the Design Criteria Manual, protect and improve stormwater quality in streams, rivers, and other water bodies, in conformance with the Texas Pollutant Discharge Elimination System (TPDES) permit requirements.

Further, **Article 6**, Subdivision Regulations, **Section 6.2.3,** Dedication Required, **Subsection D,** Property Owners' Association Responsibility, **Subsection 1**, Property Owners' Association Required, is hereby amended to add **Paragraphs f** and **Paragraph g** which shall read as follows:

f. All maintenance agreements shall be a covenant running with the individual properties within the association.

g. It shall be unlawful for a Property Owners' Association required under this Article to cease to exist without the recorded written permission of the City of Arlington. If a Property Owners' Association ceases to exist and required maintenance responsibilities remain outstanding, it shall be the responsibility of the individual property owners located within the boundary of the previously existing association to satisfy the obligations of the defunct association.

Further, **Article 6**, Subdivision Regulations, **Section 6.4.8,** Payment Requirements, **Subsection A,** Payment May be Collected for Site Required Facilities, is hereby amended and shall read as follows:

A. Payment May be Collected for Site Required Facilities

Upon the developer's request to defer construction of required public improvements, a payment in lieu of construction may be collected for required improvements. The Director of Public Works and Transportation may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation, and construction of the improvements unless otherwise specified in this section. The Director of Public Works and Transportation must reasonably believe the deferred improvements are not immediately necessary to mitigate adverse impacts and their deferred construction does not present an increased risk to the safety and health of the community.

Further, **Article 6**, Subdivision Regulations, **Section 6.4.11,** Private Streets, **Subsection A,** Design and Construction Requirements, is hereby amended and shall read as follows:

A. Design and Construction Requirements

Private street widths, cross-sections, and design criteria shall comply with City standards and shall meet the minimum construction standards for public streets, including its appurtenances such as streetlights, street signs, pavement markings, and

drainage improvements. If the development will be gated, it shall comply with the gated entry guidelines in the *Design Criteria Manual*.

Further, **Article 6**, Subdivision Regulations, **Section 6.4.11,** Private Streets, **Subsection F,** Maintenance, is hereby amended and shall read as follows:

F. Maintenance

Developments with private streets shall have a mandatory property owners' association that includes all property served by private streets to ensure maintenance of the private street. Improvements to be maintained by the City shall comply with public easement requirements. Public drainage facilities placed under private streets shall be located within a public drainage easement that includes the entire width of the private street. A maintenance agreement shall be executed for the maintenance of the street and inlets serving the private street. Should the City need to access the drainage under the private streets, the City shall restore the pavement per the standard detail for permanent trench repair.

Further, **Article 6**, Subdivision Regulations, **Section 6.5.1,** Drainage and Stormwater Management Policies, **Subsection A,** Adequate Facilities, is hereby amended and shall read as follows:

A. Adequate Facilities

Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions (such as flood heights, velocity, flow over road, etc.), the City may deny approval of the plat if plans for mitigation have not been accepted by the City. Mitigation plans shall be provided that include, but are not limited to, all necessary onsite and off-site improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the Design Criteria Manual and shall carry storm drainage to an adequate and acceptable outfall.

Further, **Article 6**, Subdivision Regulations, **Section 6.5.1,** Drainage and Stormwater Management Policies, **Subsection B,** Developer Responsibility, is hereby amended and shall read as follows:

B. Developer Responsibility

The developer shall be responsible for all storm drainage flowing to, through, from, and adjacent to the property. This responsibility includes the drainage directed to that property by prior or anticipated development as well as drainage naturally flowing through the property due to topography. The developer shall pay for all costs associated with the onsite and off-site drainage features and improvements to comply

with the Design Criteria Manual. The developer shall also pay for the dedication or acquisition of any necessary drainage easements.

Further, **Article 6**, Subdivision Regulations, **Section 6.5.1,** Drainage and Stormwater Management Policies, **Subsection F,** Conveyance of Development Runoff, is hereby amended and shall read as follows:

F. Conveyance of Development Runoff

The runoff for the design frequency storm shall be collected onsite and conveyed to an adequate and acceptable outfall as defined in the Design Criteria Manual.

Further, **Article 6**, Subdivision Regulations, **Section 6.5.2,** Drainage Features, is hereby amended and shall read as follows:

6.5.2. DRAINAGE FEATURES

A. Stormwater Conveyance

The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The Design Criteria Manual contains specific criteria regarding the design of the drainage features.

1. Natural Creeks

Natural creeks shall be preserved unless it is determined by the Zoning Administrator or designee that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:

a. Report

A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the Design Criteria Manual.

b. Easement

Easements shall be dedicated for all drainage features as outlined in the Design Criteria Manual. Additional easements may be required to provide access to the creek for maintenance.

c. Erosion Clear Zone (ECZ)

An ECZ shall apply to all development activity. No portion of any building, pavement surface, fence, wall, swimming pool, or other structure shall be located or constructed within the ECZ. The ECZ shall be shown, labeled, and described by metes and bounds on the plat or site plan when the ECZ lies outside the drainage easement. The limit of the ECZ shall be determined as described in the Design Criteria Manual.

d. **Erosion Protection**

Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.

e. **Maintenance**

The following shall apply to natural creeks:

(i) The City is not responsible for any maintenance or cleaning of the natural creek.

(ii) The property owner shall be responsible for maintenance and cleaning of the creek.

(iii) The property owner shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the natural creek and its associated drainage easement.

(iv) Maintenance Statement. When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat acknowledging maintenance responsibility by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the natural creek and associated easement by the property owner.

(v) Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the acceptance of a site plan or construction plan. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

2. **Closed Systems**

The closed system, when permitted, shall be connected to an adequate and acceptable outfall as described in the Design Criteria Manual. Alternative designs shall be approved by the Zoning Administrator or designee when it is determined that the proposed design is satisfactory

and complies with the intent of the provisions of this article, and that the alternative is at least the equivalent of that prescribed by this article in quality, strength, effectiveness, durability, and safety.

a. **Easement**
Drainage easements shall be dedicated as outlined in the Design Criteria Manual. Additional drainage easements may be required at specific locations for access to the system for maintenance.

b. **Erosion Protection**
Where closed systems connect to natural creeks or improved open channels, end sections and/or transitional materials are required for erosion protection.

c. **Maintenance**
The City will maintain only the public drainage improvements within the drainage easement. Any other improvements or maintenance, including driveways or driveway culverts, shall be the responsibility of the property owner.

3. **Constructed/Modified Open Channels**
A request for a constructed/modified open channel shall be evaluated by the Zoning Administrator or designee and permitted when appropriate based on-site constraints and hydraulic conditions. Constructed/modified open channels may incorporate the following: gabions, pre-cast concrete block, native stone, vegetation, bio-engineered systems, or equivalent erosion control devices. The following requirements shall be met:

a. **Report**
A hydrologic and hydraulic report is required to establish the 100-year water surface profiles. The requirements for the report are outlined in the Design Criteria Manual.

b. **Easement**
Drainage easements shall be dedicated as outlined in the Design Criteria Manual. Additional drainage easements may be required at specific locations for access to the system for maintenance.

c. **Erosion Prevention**
A transition material is required when there are connections between constructed/modified open channels, natural creeks and closed systems. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non-erosive.

d. **Maintenance**

(i) The City will maintain only structurally improved public drainage improvements within the drainage easement.

(ii) Private improvements and channels constructed of other materials within the easement shall be maintained by the owner or property owner's association. The property owner or association shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the open channel and its associated drainage easement.

(iii) Maintenance Statement. When an easement for a privately maintained stormwater facility is dedicated by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater facility and its associated easement.

(iv) Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

B. Stormwater Mitigation

1. Stormwater Storage Facilities

Stormwater storage facilities shall be designed and constructed when proposed stormwater discharge from a new land disturbance or redevelopment outfalls to a downstream system with flooding affecting public safety or insurable, habitable structures or when the downstream capacity is exceeded. The storage facility design (detention or retention) shall be in accordance with the Design Criteria Manual.

2. Easements

The easement shall be sized in accordance with the Design Criteria Manual. Additional drainage easement may be required at specific locations for access to the stormwater facility for maintenance.

3. Maintenance

a. The City will not maintain any portion of the stormwater storage facility.

b. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the Zoning Administrator to provide for any maintenance of the stormwater storage and its associated drainage easement. If the stormwater storage facility is located on a separate lot held in ownership by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, Property Owners' Association Responsibility.

c. When an easement is dedicated by plat for the stormwater storage, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater storage and associated easement.

d. Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument.. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

C. Temporary Drainage Features

Temporary drainage features, including but not limited to grade to drain features and ditches that do not cause adverse impacts to existing stormwater infrastructure or adjacent properties, may be allowed with the approval of the Zoning Administrator or designee. The temporary drainage facilities shall be permanently improved with the development of the property in which the feature is located. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the Design Criteria Manual and shall carry storm drainage to an adequate and acceptable outfall.

D. Permanent Best Management Practices (BMPs) for Stormwater Quality

When a permanent BMP for stormwater quality is established, the following shall apply:

1. Easements

Easements shall be dedicated in accordance with the Design Criteria Manual.

2. **Maintenance**

a. The City will not maintain any portion of the BMPs.

b. The property owner or property owner's association shall be responsible for maintenance and cleaning of the BMPs.

c. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the BMPs and associated easements. If the BMP is maintained by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, Property Owners' Association Responsibility.

d. When an easement is dedicated by plat for the BMPs, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the features and associated easement.

e. Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument.. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

Further, **Article 10**, Review Procedures, **Section 10.2,** Table of Procedures, **Table 10.2-1: Summary Table of Review Procedures** is hereby amended and shall read as follows:

TABLE 10.2-1: Summary Table of Review Procedures

✓ = required; R = recommendation; H = public hearing required; D = decision;

A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing

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
Landmark Preservation Procedures								
Overlay District Designation	✓	L	R	R-H		R-H	D-H	10.4.8
Certificate of Appropriateness	✓		R	D-H			A	10.4.9
Certificate of Demolition or Relocation	✓		R	D-H			A	10.4.10
Subdivision Procedures								
Conveyance Plats			D			A		10.4.12
Preliminary Plats	✓		R			D	A	10.4.13
Final Plats	✓		R			D		10.4.14
Minor Plats			D			A		10.4.16
Replats	✓		R			D	A	10.4.17
Amending Plats			D			A		10.4.18
Vacation of Plats			R			D	A	10.4.19
Linear Park Platting			D			A		10.4.20
Other Procedures								
Converting Private Streets to Public Streets			R				D	10.4.21
Alternative Equivalent Compliance	✓		D					10.4.22
Alternate Sign Plan	✓	L	R			R-H	D-H	10.4.23

Further, **Article 10**, Review Procedures, **Section 10.3.6,** Public Notice, **Subsection C**, Written (Mailed) Notice, **Subsection 4, Subparagraph b.** is amended to read as follows:

b. Each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property, or 1,320 feet if the application includes a gas well, including streets, alleys, and other rights-of-way; and

Further, that the title only of **Article 10**, Review Procedures, **Section 10.3.6,** Public Notice, **Subsection D**, Posted Notice, is amended to read as follows:

D. Posted (Sign) Notice

Further, **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 amended to delete the Vacation of Plats row from the table completely.

Further, **Article 10**, Review Procedures, is amended to add a new **Section 10.4.55** immediately following **Section 10.4.5**, and the same shall read as follows:

10.4.55 MIXED-USE DEVELOPMENT PLANS

A. Applicability and Jurisdiction

1. The mixed-use development plan provides a means to develop mixed-use developments in a manner that is compatible with adjacent property, consistent with the character of the neighborhood, and reflects the goals and objectives of the comprehensive plan.
2. Approval of a mixed-use development plan is required for:
   a. New construction of a mixed-use building in the NMU, RMU, DB, DNO, LCMUO, and EDO districts.
   b. Amendments to 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.
3. Mixed-use development plan approval occurs by ordinance.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

The applicant may attend a pre-application meeting in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

E. Notice

Published, written, and posted notice required. See Section 10.3.6.

F. Approval Procedures

1. **Action by the Planning and Zoning Commission**

   The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.

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.

   c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.

G. Criteria

1. The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed development:

   a. Complies with the general criteria of Section 10.3.8;

   b. Complements or is compatible with the surrounding uses and community facilities; and

   c. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.

2. An ordinance approving a mixed-use development plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location regarding the welfare and protection of adjacent property from noise, traffic, or other undesirable conditions.

H. Withdrawal and Reapplication

In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:

1. A reapplication within 12 months of the date of the application for the same mixed-use development plan will not be heard if:

   a. Within 12 months prior to the date of the application a mixed-use development plan or similar application was denied by the City Council or a mixed-use development plan was withdrawn after the giving of public notice; and

b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.

2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope of Approval

1. Amendment to Mixed-use Development Plan

The Zoning Administrator may approve building permits or other permits subsequent to approval of mixed-use development plan that substantially complies with the ordinance approving the plan.

2. Effect of Approval or Denial

See Section 10.3.10.

3. Expiration of Plan

a. A mixed-use development plan shall expire two years from the date of City Council approval unless prior to the expiration date, a building permit for a new structure is issued for the project described on the plan, and actual construction starts within 180 days of the issuance of the building permit.

b. If construction or work is suspended for a period of 180 days after work has commenced and the expiration date has passed, the development plan shall expire. However, the Planning and Zoning Commission may extend the expiration for a period of up to two years.

c. The City Council may establish an expiration date as a condition of approval of a mixed-use development plan.

d. If a development plan expires, a building permit shall not be issued until a new mixed-use development plan has been approved in accordance with this section.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

Further, **Article 10**, Review Procedures, **Section 10.4.11,** Plat Review, Generally, **Subsection B**, Initiation, **Subsection 2,** is amended to read as follows:

2. Concurrent with the submission of a preliminary plat, replat, or minor plat, the applicant(s) shall submit the following:

a. A map or plan showing the location and size of water and sanitary sewer mains and fire hydrant systems that will be required to ensure adequate service and fire protection to the lots specified in the proposed plat.

b. A preliminary drainage plan showing the watershed affecting the development and how runoff from the fully-developed watershed will be conveyed to, through, and from the development.

c. A Stormwater Management Site Plan (SWMSP) for plats of residential development of 12,000 square feet or larger of gross platted area, and for all plats of non-residential development. The purpose of the SWMSP is to identify potential effects of the proposed development on stormwater quality and quantity, and to identify permanent design features or Best Management Practices to mitigate these effects. Standards are outlined in the Design Criteria Manual.

Further, **Article 10**, Review Procedures, **Section 10.4.11,** Plat Review, Generally, **Subsection C**, Staff Review, is amended to read as follows:

C. Staff Review

The Planning and Development Services Department shall examine all plats accepted for review for compliance with this Code. The plat shall be forwarded to the appropriate decision-making body for consideration. Failure of staff to make specific comments related to application deficiencies does not relieve the property owner from compliance with this Code.

Further, **Article 10**, Review Procedures, **Section 10.4.11,** Plat Review, Generally, **Subsection D**, Schedule, is amended to read as follows:

D. Schedule

1. The plat shall be scheduled for consideration within 30 days after the date it is filed. The plat is considered filed when the Zoning Administrator determines that it is complete in accordance with Section 10.3.5, Completeness Determination, or as set forth in Section 10.4, Specific Review Procedures.
2. Plats shall be approved or disapproved within the timeframe established in Chapter 212 of the Texas Local Government Code, unless the applicant requests a one-time 30-day extension in accordance with Texas Local Government Code § 212.009(b-2).
3. If the applicant requests postponement of a hearing or decision relating to plat approval, and an extension as authorized above is not available, the applicant shall withdraw and refile the application.

Further, **Article 10**, Review Procedures, **Section 10.4.13,** Preliminary Plat, is amended to read as follows:

10.4.13. PRELIMINARY PLATS

A. Applicability

1. In order to file a final plat application pursuant to Section 10.4.14, a preliminary plat must be approved in accordance with this section.
2. A preliminary plat does not establish control corners or otherwise include the information required by Texas Local Government Code Section 212.004(b) and (c).

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

Required pursuant to Section 10.3.4.

D. Completeness Determination

See Section 10.3.5. The preliminary plan must contain sufficient information to determine whether the proposed plan meets the requirements of Article 6, Subdivision Regulations.

E. Approval Procedures

1. **Action by the Planning and Zoning Commission**

   The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code § 212.0091.

2. **Applicant Response to Disapproval**

   The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.

3. **Consideration of Response by Planning and Zoning Commission**

   The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

F. Revisions and Reapplication

If an owner proposes changes to a preliminary plat that do not substantially comply with the application that was approved by the Planning and Zoning Commission, the applicant shall prepare a revised preliminary plat. The revised preliminary plat shall be approved by the Commission before the applicant submits a final plat.

G. Recording

A preliminary plat is not recorded. The Zoning Administrator shall maintain the approved preliminary plat.

H. Withdrawal and Reapplication

See Section 10.3.9.

I. **Scope of Approval**

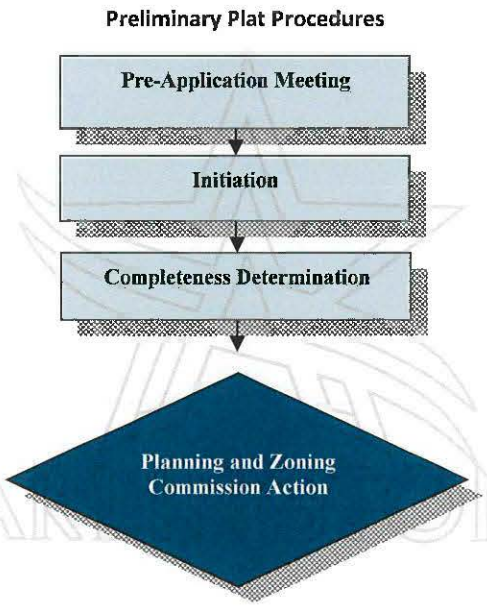
1. **Final Plat**

   Following approval of the preliminary plat, the applicant may file an application for a final plat pursuant to Section 10.4.14. If the Planning and Zoning Commission denies the preliminary plat, no final plat shall be accepted.

2. **Time Limits**

   See Section 10.3.10.A.

Further, **Article 10**, Review Procedures, **Section 10.4.13,** Preliminary Plats, **Preliminary Plat Procedures** flowchart is amended to read as follows:



Further, **Article 10**, Review Procedures, **Section 10.4.14,** Final Plats, is amended to read as follows:

10.4.14. FINAL PLATS

A. **Applicability**

The following sets forth procedures for approval of final plats. In order to record a final plat pursuant to this section a preliminary plat must be approved in accordance with Section 10.4.13.

B. **Initiation**

See Section 10.3.3. A final plat application may only be filed if:

1. The final plat substantially conforms to the approved preliminary plat, and any and all conditions of approval. Final plats may include all or only a portion of the area of the approved preliminary plat; and
2. A preapplication conference is held in accordance with Section 10.3.4.

C. Completeness Determination

See Section 10.3.5. The final plat must contain sufficient information to determine whether the proposed plat meets the requirements of Article 6, Subdivision Regulations.

D. Approval Procedures

1. **Action by the Planning and Zoning Commission**
   The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.
2. **Applicant Response to Disapproval**
   The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.
3. **Consideration of Response by Planning and Zoning Commission**
   The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

E. Withdrawal and Reapplication

See Section 10.3.9.

F. Criteria

Final plats are subject to the criteria established in Section 10.3.8. In addition, each platted lot must comply with the minimum regulations of the zoning district in which the lot is located.

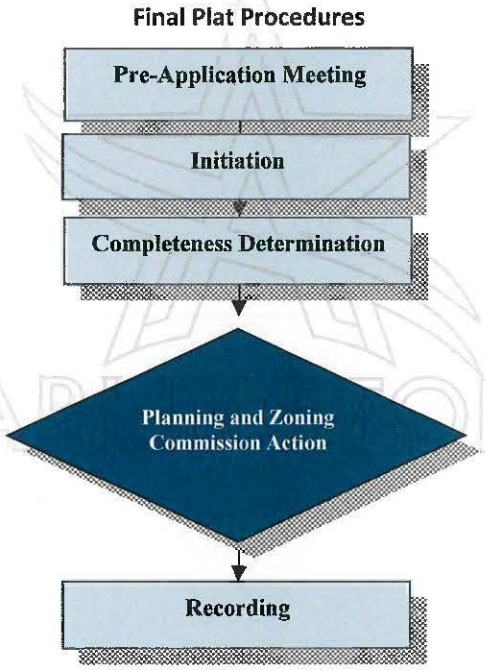
G. Scope of Approval

See Section 10.3.10. After the final plat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of final plat approval.

H. Recording

1. All plats submitted for recordation shall be sealed by a registered professional land surveyor in the state of Texas.
2. Plats shall be recorded in the Plat Records of Tarrant County by the Zoning Administrator following compliance with:
   a. All stipulations of approval;
   b. All necessary fiscal agreements approved by the City and fully executed by all parties; and
   c. Payment of all applicable fees, assessments, and both current and delinquent taxes.
3. All plats to be recorded shall conform to all conditions of approval and shall be submitted to the Zoning Administrator.

Further, **Article 10**, Review Procedures, **Section 10.4.14,** Final Plats, **Final Plat Procedures** flowchart is amended to read as follows:



Further, **Article 10**, Review Procedures, **Section 10.4.15,** Combination Plats, is hereby repealed in its entirety and shall hereafter read as follows:

10.4.15 RESERVED

Further, **Article 10**, Review Procedures, **Section 10.4.16,** Minor Plats, **Subsection D,** Approval Procedures, is amended to read as follows:

D. Approval Procedures

1. Approval and Filing of Minor Plats

If the Zoning Administrator determines that the minor plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

2. Disapproval of Minor Plats

a. If the Zoning Administrator determines that the minor plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the minor plat to the Planning and Zoning Commission for disapproval.

b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.

c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted minor plat without the need to return to the Commission.

Further, **Article 10**, Review Procedures, **Section 10.4.17,** Replats, is amended to read as follows:

10.4.17. REPLATS

A. Applicability

1. Replatting Without Vacating a Preceding Plat

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by the owners of the property being replatted, is approved by the Planning and Zoning Commission, and does not attempt to amend or remove any covenants or restrictions.

B. Initiation

See Section 10.3.3.

C. Completeness Determination

See Section 10.3.5.

D. Notice

Only a post approval notification is required and only if the approved replat satisfies the requirements of §212.015. See Section 10.4.17.J.

E. Approval Procedures

Replats are subject to the approval procedures established for final plats (see Section 10.4.14).

F. Criteria

A replat is subject to the same criteria that apply to approval of a final plat (see Section 10.4.14). In addition, lots must conform in width, depth, and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area.

G. Withdrawal and Reapplication

See Section 10.3.9.

H. Scope of Approval

See Section 10.3.10. After the replat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of replat approval.

I. Recording

1. See Section 10.4.14.H.
2. The following minimum certification shall be shown on all replats: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."

J. Notification of Approval for Residential Replats

If a replat meets the definition of a residential replat under Texas Local Government Code §212.015, the Zoning Administrator shall provide written notice to each lot owner of record within 200 feet of the lots replatted not later than the 15th day after the date the replat is approved. The notice shall comply with Texas Local Government Code §212.015(g).

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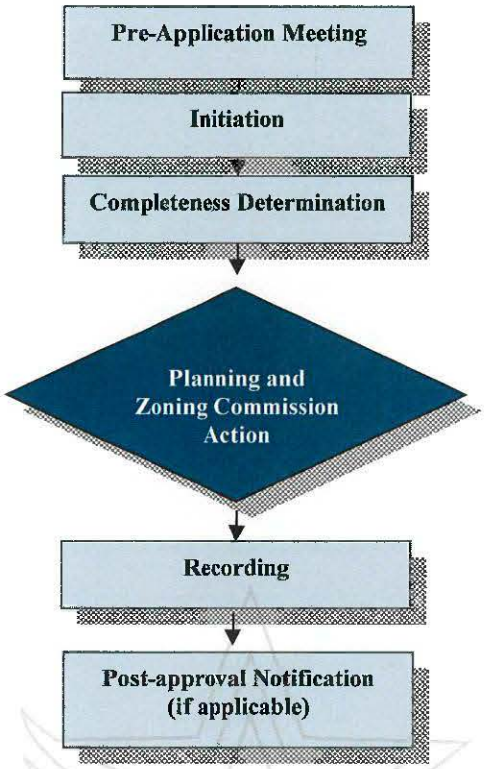
Further, **Article 10**, Review Procedures, **Section 10.4.17,** Replats, **Replat Procedures** flowchart is amended to read as follows:

Replat Procedures



Further, **Article 10**, Review Procedures, **Section 10.4.18,** Amending Plats, **Subsection D.,** Approval Procedures, is amended to read as follows:

D. Approval Procedures

1. Approval and Filing of Amending Plats

If the Zoning Administrator determines that the amending plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

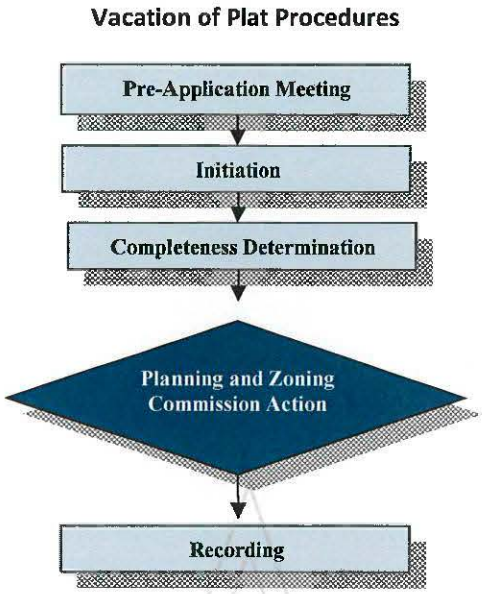
2. Disapproval of Amending Plats

a. If the Zoning Administrator determines that the amending plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the amending plat to the Planning and Zoning Commission with a recommendation of disapproval.

b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.

c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted amending plat without the need to return to the Commission.

Further, **Article 10**, Review Procedures, **Section 10.4.19,** Vacation of Plat, **Vacation of Plat Procedures** flowchart is amended to read as follows:



Further, that the **"Unified Development Code"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended throughout its entirety by changing the name of the department of the Zoning Administrator from "Community Development and Planning" to "Planning and Development Services".

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 November 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 24th day of September, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th day of October, 2019, by a vote of 9 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_____

Ordinance No. 20-_030_

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Articles 2, 5, and 12, related to minimum gross living area requirements for multi-family dwelling units, modifying the minimum off-street parking requirements for various group living use types, and revising the definition of Independent Senior Living Facility; 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 May 6, 2020, 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 2.2.8,** Residential Multi-Family-22 | RMF-22, **Subsection C**, Lot Dimensions, **Subsection 2**, Gross Living Area, Min (s. f.), so that the rows and columns listed therein shall hereafter read as follows:

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

Further, **Article 2**, Zoning Districts, **Section 2.3.8,** Downtown Business | DB, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

C. Lot Dimensions	
1. Lot area, min. (s.f.)	N/A
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
*Efficiency and 1-bedroom units will be permitted with gross living areas up to 10% smaller than the minimums stated above; provided that the smaller units do not exceed more than 20% of each unit type, and the project provides additional open space and amenities as described in Section 5.5.4.C.3 and Section 5.10.2.	

Further, **Article 2**, Zoning Districts, **Section 2.3.12,** Neighborhood Mixed-Use | NMU, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

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

Further, **Article 2**, Zoning Districts, **Section 2.3.13,** Regional Mixed-Use | RMU, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

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

Further, **Article 2**, Zoning Districts, **Section 2.4.3,** Downtown Neighborhood Overlay | DNO, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

C. Lot Dimensions	
Lot area, width and depth: refer to base zoning district	
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
*Efficiency and 1-bedroom units will be permitted with gross living areas up to 10% smaller than the minimums stated above; provided that the smaller units do not exceed more than 20% of each unit type, and the project provides additional open space and amenities as described in Section 5.5.4.C.3 and Section 5.10.2.	

Further, **Article 2**, Zoning Districts, **Section 2.4.4,** Lamar-Collins Mixed-Use Overlay | LCMUO, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

C. Lot Dimensions	
Lot area, width and depth: refer to base zoning district	
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

Further, **Article 2**, Zoning Districts, **Section 2.4.5,** Entertainment District Overlay | EDO, **Subsection C**, Lot Dimensions, is hereby amended so that the rows and columns listed therein shall hereafter read as follows:

C. Lot Dimensions	
Lot area, width and depth: refer to base zoning district	
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

Further, **Article 5**, Design and Development Standards, **Section 5.4.3,** Off-Street Parking Standards, **Subsection A**, Off-Street Parking Schedule A, **Table 5.4-1: Off-Street Parking Schedule A**, is hereby amended so that in the row labeled Use Category: Group Living, Use Type: Independent Senior Living Facility, under Parking Requirement, the current wording "1 per dwelling unit plus 1 per 100 sq ft of common area" shall be replaced and shall hereafter read as "1.3 per dwelling unit".

Further, **Article 5**, Design and Development Standards, **Section 5.4.3,** Off-Street Parking Standards, **Subsection A**, Off-Street Parking Schedule A, **Table 5.4-1: Off-Street Parking Schedule A**, is hereby amended so that in the row labeled Use Category: Group Living, Use Type: Assisted Living Facility (≤6 residents), under Parking Requirement, the current wording "1 per bed plus 1 per 100 sq ft of common area" shall be replaced and shall hereafter read as "2.0 per dwelling unit, not to exceed 1 per bedroom."

Further, **Article 5**, Design and Development Standards, **Section 5.4.3,** Off-Street Parking Standards, **Subsection A**, Off-Street Parking Schedule A, **Table 5.4-1: Off-Street Parking Schedule A**, is hereby amended so that in the row labeled Use Category: Group Living, Use Type: Assisted Living Facility (≥7 residents), under Parking Requirement, the current wording "1 per bed plus 1 per 100 sq ft of common area" shall be replaced and shall hereafter read as "1.0 per dwelling unit".

Further, **Article 5**, Design and Development Standards, **Section 5.4.3,** Off-Street Parking Standards, **Subsection A**, Off-Street Parking Schedule A, **Table 5.4-1: Off-Street Parking Schedule A**, is hereby amended so that in the row labeled Use Category: Group Living, Use Type: Nursing home, under Parking Requirement, the current wording "1 per 2 beds plus 1 per 100 sq ft of common area" shall be replaced and shall hereafter read as "1.0 per 4 beds".

Further, **Article 5**, Design and Development Standards, **Section 5.5.4,** Standards for Multi-Family Residential Dwellings, **Subsection C**, Site Design and Building Organization, **Subsection 3**, Site Amenities, is hereby amended so that the same shall hereafter read as follows:

3. Site Amenities

In conjunction with the common open space requirements, all multifamily projects shall provide two or more site amenities listed below for the residents. For the reduction in minimum unit size, allowed in DB and DNO, the project shall provide three or more site amenities. Amenities must be centrally located for a majority of the residents and may be located within the common open space areas.

a. Swimming pool.

b. Sports courts, such as tennis, basketball, or volleyball.

c. Natural open space area with benches.

d. Jogging trails.

e. Fountains, art, or sculpture.

f. Other amenity as approved by the Zoning Administrator.

Further, **Article 5**, Design and Development Standards, **Section 5.4.9,** Parking Facility Location and Design, **Subsection B**, Location and Design of Parking Spaces, is hereby amended by the addition of a **Subsection 5**, which shall read as follows:

5. Parking Calculations for Multi-Family Residential and Independent Senior Living

Both garage parking and tandem parking space (clear minimum 18 feet in length) behind the garage may be included in the parking calculation for multi-family and independent senior living developments.

Further, **Article 5**, Design and Development Standards, **Section 5.10.2,** Applicability, **Subsection B,** is hereby amended so that the same shall hereafter read as follows:

B. For multi-family residential buildings with a gross floor area greater than 20,000 and up to 50,000 square feet: 5 percent of total gross site area (for the reduction in minimum unit size, allowed in DB and DNO, the project shall provide 8% of the total site area as open space).

Further, **Article 5**, Design and Development Standards, **Section 5.10.2,** Applicability, **Subsection C**, is hereby amended so that the same shall hereafter read as follows:

C. For multi-family residential buildings with a gross floor area greater than 50,000 square feet: 8 percent of total gross site area (for the reduction in minimum unit size, allowed in DB and DNO, the project shall provide 10% of the total site area as open space).

Further, **Article 12**, Definitions, **Section 12.3.1,** Residential Uses, **Subsection B**, Group Living, **Subsection 7**, Independent Senior Living Facility, shall hereafter read as follows:

7. Independent Senior Living Facility

A facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

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.

This ordinance shall become effective on July 1, 2020.

PRESENTED AND GIVEN FIRST READING on the 9th day of June 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 23rd day of June 2020, by a vote of 9 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