

Ordinance No. 20-_____

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.

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.

(7)

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 _____ ayes and _____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ATTEST:

W. JEFF WILLIAMS, Mayor

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY _____