

Ordinance No. _____

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:

(2)

3.4.3 USE TABLES FOR TEMPORARY USES

A. Residential Districts

TABLE 3.4-1: Temporary Uses – Residential Districts									
<i>P = Permitted Use S = Specific Use Permit * = Supplemental Standards Apply</i>									
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													
<i>P = Permitted Use S = Specific Use Permit * = Supplemental Standards Apply</i>													
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*	3.4.5.B										
Construction storage yard	P*	P*	3.4.5.C										
Real estate sales office											P*	P*	3.4.5.D
Short term rental	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.

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 ____ day of April, 2019, by a vote of ____ ayes and ____ 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 _____