

City Council Work Session

03.25.25

Unified Development Code Annual Update 2025

Purpose: Update the Unified Development Code to clarify language, correct errors, omissions, or conflicts, refine definitions, and update substantive content based on precedential Council decisions and interpretations and practices of the department.



UDC Amendments

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

Omnibus updates are made to eliminate unclear language, correct errors, omissions, or conflicts, refine definitions, and update substantive content based on interpretations and practices of the department.

Recent UDC Amendments

10.16.18.....	Annual UDC Updates
06.01.19.....	Hotel Design Standards
09.24.19.....	UDC updates related to HB2439 and HB3167
06.23.20.....	UDC update related to Minimum Living Area and Parking Requirements for Multi-family, Independent Senior Living, Assisted Living, and Nursing Homes
12.17.20.....	Tree Preservation and Mitigation
06.01.21.....	Annual UDC Updates
11.09.21.....	Ballfield Lighting and Vertical Banners
06.28.22.....	Small Box Discount Stores
01.24.23.....	Tobacco, E-cigarette, CBD, and CHP Retail Stores
03.07.23.....	2022 Annual UDC Updates
05.23.23.....	Flex Hybrid Zoning District
09.05.23.....	Standards for Cottage Communities
09.26.23.....	Wall Murals
04.09.24.....	2023 Annual UDC Updates
02.25.25.....	Tree Preservation and Mitigation

Summary of Amendments

There are 24 items for consideration:

- 4 Clarifications
- 9 Corrections
- 2 Definitions (New or Modified)
- 9 Substantive Changes
- 0 Changes in Use (Primary)
- 0 Changes in Use (Accessory)

Table of Amendments

Clarification (4)	Correction (8)	New or Modified Definition (2)	Substantive Change (9)	Change in Primary Use	Change in Accessory Use
Table 3.3-1 Accessory uses subject to 3.3.6.A	3.2.3.B LI Auto service special nonconforming status deleted	5.5.3.D and E Measurement of “garage width”	3.4.5.E Limits on STRs on multi-family property		
3.3.6.A.(2) Residential accessory design standards	3.2.4.D(1)(c)(v)(3) Telecommunication towers in residential districts	12.3.3.B “Commercial kennel” grooming	4.1.6.G(1) J-swing setback reduction in VG district		
6.4.11.F Improvements under private streets in easements per DCM	4.1.6.G(4) Setback reduction for structures on double frontage lots		5.3.2.B Window mounted AC units prohibited		
6.5.1-2 Drainage maintenance agreements contemporaneously with plat	5.2.2.A Landscaping in site plan, PD or AEC in addition to current options		5.3.4 Materials and height for front yard fencing		
	6.1.5 Technical platting requirements published		5.5.3.E Garage door center post deleted		
	6.5.5 Post-development and post-construction drainage attestation		Table 10.2-1 ZBA pre-application meeting required		
	10.4.9 and 10.4.10 Joint hearing for certificate of appropriateness and demolition		10.4.11.D(2) Multiple plat extensions allowed		
	11.2.5 Auto service special nonconforming status deleted		10.4.11.D(4) Administrative approval of plats without quorum		
	10.4.5.I.3. and 10.4.5A.I.3 Expiration of Plan		10.4.22.B AECs for small lot residential dimensional standards		

Item for Consideration

<u>Supplemental Standards – Commercial Uses</u> Section 3.2.3.B Auto Sales, Equipment and Repair	Existing	The special status for nonconforming auto uses was removed in 2023. Not all of the old references in the UDC were identified and deleted at that time.
	Proposed	<p>Amend Section 3.2.3.B(1)(d) to read:</p> <p>d. In the LI district:</p> <ul style="list-style-type: none">(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.
	Rationale	Continued clean-up from changes made two years ago.

Item for Consideration

<div>Telecommunication Towers</div> <div>3.2.4.D Telecommunication Tower Standards: Location</div>	Existing	Table 3.1-1, Allowed Uses-Residential Districts, requires an SUP for telecommunication towers in all residential districts. 3.2.4.D is in conflict, as it states towers are not allowed in any residential district.																																																																																			
	Proposed	<div>Amend Subsection D(1)(c)(v)(3) to read as follows:</div> <div>(3) Except as otherwise provided in this Code, all telecommunications towers, including stealth towers, are not allowed in any residential zoning districts <u>only upon approval of a specific use permit</u> 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.</div> <div><table><tr><th colspan="11">INDUSTRIAL USES</th></tr><tr><td rowspan="2">Transportation</td><td>Airport or landing field</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td>S</td><td></td></tr><tr><td>Electric utility substation</td><td></td><td></td><td></td><td></td><td></td><td></td><td>P</td><td></td><td></td></tr><tr><td rowspan="6">Utilities</td><td>Gas well</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>3.2.4.B</td></tr><tr><td>Utility lines, towers or metering station</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td>P</td><td></td></tr><tr><td>Telecommunication Facilities Building-mounted antennae and towers</td><td>p*</td><td>p*</td><td>p*</td><td>p*</td><td>p*</td><td>p*</td><td>p*</td><td>p*</td><td>3.2.4.C</td></tr><tr><td>Telecommunication Facilities Towers ≤75 ft Stealth towers ≤100 ft</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>3.2.4.C</td></tr><tr><td>Telecommunication Facilities Towers >75 ft Stealth towers >100 ft</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>S*</td><td>3.2.4.C</td></tr></table><div>Should be 3.2.4.D</div></div>	INDUSTRIAL USES											Transportation	Airport or landing field	S	S	S	S	S	S	S	S		Electric utility substation							P			Utilities	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
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	Rationale	With this correction, the provision conforms to the permitted use chart.																																																																																			

Item for Consideration

Accessory Uses

Table 3.3-1:
Accessory Uses –
Residential Districts

Proposed

TABLE 3.3-1: Accessory Uses – Residential Districts									
	<i>P = Permitted Use</i>		<i>S = Specific Use Permit</i>			<i>* = Supplemental Standards Apply</i>			
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	<u>3.3.6.A</u>
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	<u>3.3.6.A</u>
Garage apartment						p*	p*		3.3.6.F
Garage (private)	P	P	P	P	P	P	P	P	<u>3.3.6.A</u>
Home-based business	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.H
Secondary living unit	p*	p*	p*	S*	S*	S*		p*	3.3.6.L
Swimming pool (private)	p*	p*	p*	p*	p*	p*	p*	p*	3.3.6.P

Rationale

Some applicants have challenged the *applicability* of 3.3.6.A to over-height accessory structures in Table 3.3-1 because it is not listed as a “Supplemental Standard.”

Item for Consideration

Accessory Structures

Section 3.3.6 Supplemental Accessory Use Standards

Existing	Table 3.3-3 has been administered as applying only to residential accessory structures. However, Section 3.3.6.A doesn't clearly limit its applicability to residential.																									
Proposed	<p>Amend paragraph 2 and the heading of Table 3.3.-3 to read as follows:</p> <p>2. <u>Residential</u> Building Design</p> <p>The standards for exterior materials and appearance of the <u>residential</u> accessory building are based on the size (area and height) of the structure itself and are set forth in Table 3.3.-3, below.</p> <table><tr><th colspan="5">TABLE 3.3-3: Residential Accessory Building Design Standards</th></tr><tr><th colspan="2">Floor Area/ Wall Height</th><th>Exterior walls</th><th>Roof</th><th>Foundation</th></tr><tr><td>A.</td><td colspan="4">Less than or equal to 200 square feet in floor area</td></tr><tr><td></td><td>Less than or equal to 8 feet in wall height</td><td>Any approved building material</td><td>Any approved roofing material</td><td>No requirements</td></tr><tr><td></td><td>Greater than 8 feet in</td><td>Any approved building</td><td>No metal,(standing seam metal allowed if</td><td></td></tr></table>	TABLE 3.3-3: Residential 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	Any approved building	No metal,(standing seam metal allowed if	
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	Greater than 8 feet in	Any approved building	No metal,(standing seam metal allowed if																							
Rationale	Clarifies that this section pertains only to residential accessory structures.																									

Item for Consideration

Short-Term Rentals

3.4.5.E Supplemental Temporary Use Standards: Short- Term Rentals

Existing

Multi-family zoned properties may be used for short-term rental use. There is nothing that prevents the owner from converting the entire property to STR use.

Proposed

Amend Subsection E(1) to 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.
- d. Inside the STR Zone, no more than a maximum of 25 dwelling units or 15% of the total number of dwelling units (whichever is greater) on a parcel, tract or lot used or zoned for multi-family shall be eligible for a short-term rental permit.
- e. Outside the STR Zone, no more than a maximum of 25 dwelling units or 15% of the total number of dwelling units (whichever is less) on a parcel, tract or lot used or zoned for multi-family shall be eligible for a short-term rental permit.

Rationale

The STR Zone is intended to accommodate the city’s concentration of STRs. For properties outside the STR

Item for Consideration

Dimensional Standards

4.1.6.G Minimum Setback Reductions

Existing

Article 4 includes special setback provisions for front-facing garages in all single-family districts, except The Village on the Green at Tierra Verde.

Proposed

Amend Subsection G(1) to read as follows:
1. In the RE, RS-20, RS-15, RS-7.2, RS-5, VG, 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.

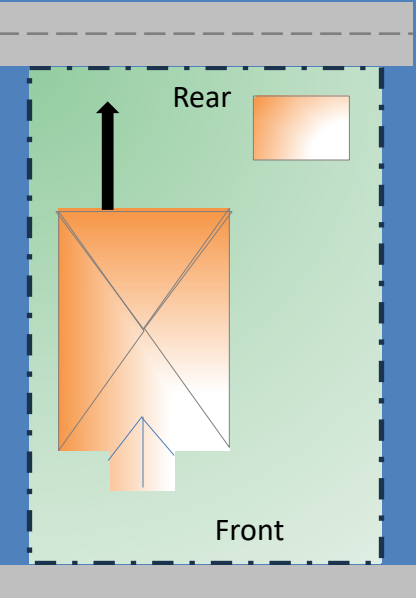
Rationale

The Village on the Green at Tierra Verde district is a low-density residential district and should have setback rules similar to RS districts.

Item for Consideration

Dimensional Standards

4.1.6.G Minimum Setback Reductions



Existing

Article 4 gives a reduction in rear setbacks for double-frontage lots, depending upon street classification. The pre-2014 code did not reduce the rear setback when the lot backed up to a major thoroughfare. The provision was incorrectly transitioned over to the UDC.

Proposed

Amend Subsection G(4) to read as follows:
4. When a single family or townhouse residence is developed on a double- frontage lot with a ~~major thoroughfare~~ minor arterial or ~~private access easement~~ local street as the rear lot line, and a fence is installed as permitted by Section 5.3.4, *Fences*, then the rear setback for the residence and accessory structures may be reduced to five feet. If the double-frontage lot backs up to a major thoroughfare, the rear setback for accessory structures may be reduced to five feet or the setback required by Section 3.3.6.A, whichever is greater.

Rationale

Corrects the rear setback reduction to pre-2014 for lots backing to major thoroughfares. Clarifies that only accessory structures are entitled to the setback reduction.

Item for Consideration

Residential Landscaping Section 5.2.2.A Two-Family, Single-Family Detached and Attached Landscaping	Existing	Section 5.2.2 applies to two-family development although it does not clearly state its applicability.
	Proposed	<p>Amend subsection 5.2.2.A to read as follows:</p> <p>A. Residential Landscaping</p> <ol style="list-style-type: none"> 1. Applicability This section shall apply to all <u>two-family</u>, single-family detached, and single-family attached residential development. <u>Development shall comply with the requirements of this subsection in addition to the landscaping requirements of the approved site plan, PD, or AEC.</u> 2. Front Yard Landscaping Requirements <ol style="list-style-type: none"> c. Design and Planting Standards <ol style="list-style-type: none"> (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 <u>and two-family</u> developments, and seven feet in single-family attached developments. At least three shrubs shall be included in this area. 3. Residential Streetscape Design <ol style="list-style-type: none"> b. Applicability This section is applicable to internal residential streets within a new development of 20 or more <u>two-family</u>, single-family detached or attached dwelling units. c. Requirements <ol style="list-style-type: none"> (i) Landscaped Buffer Zone <ol style="list-style-type: none"> (1) Street trees shall be located within the buffer area and provided at the following quantity and spacing: <ol style="list-style-type: none"> (a) <u>Two-family and</u> single-family detached:
	Rationale	Subsection 5.2.2.A.3 gives owners the option of installing vegetative cover (not just turf) or 6 shrubs and a tree. This has been judicially misconstrued to be exclusive of other site plan requirements. New language in A.1 clarifies that other standards may apply.

Item for Consideration

Window AC Units

Section 5.3.2.B Screening Standards



Existing

Window mounted air-conditioning units are currently permitted for all types of residential development. Other types of wall-mounted equipment need to blend in to the façade.

Proposed

Amend subsection 5.3.2.B(1) by adding a new paragraph (c) as follows:

B. Screening Standards

1. Single-Family and Two-Family Residential Screening

- c. For attached single-family development, window mounted air-conditioning units are prohibited.

Amend subsection 5.3.2.B(2) to read:

2. Multi-Family, Mixed-Use, Commercial, and Industrial Screening

For all developments other than single-family and two-family residential, the following mechanical equipment screening standard shall apply to the maximum extent practicable.

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 public 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 or painted to blend with the color and architectural design of the subject building. Window mounted air-conditioning units are prohibited.

Rationale

Clarifies that window AC units are prohibited with townhomes, multi-family and non-residential.

Item for Consideration

Fencing

Section 5.3.4 Single-Family and Two-Family Residential Fencing



Existing

Prior to adoption of the UDC in 2014, standards for front yard fencing provided homeowners with greater choice in fencing materials. Also, the maximum height for front yard fences was only 2 ½ feet. It was intended for these standards to be carried over into the UDC.

Proposed

Amend paragraph A(2)(g) to read:

g. Fences in Front Yard Setback

(1) Height

Height shall not exceed ~~four~~three feet above the average established grade at the front lot line and in the street front setback; provided, an ornamental metal rail fence may be built not to exceed four feet in height.

(2) Approved Materials

Such fences shall be constructed using the following materials:

(a) Vinyl or composite open picket fencing with at least 50-percent visibility; or

(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,

(d) Cast off, secondhand or other items not originally intended to be used for constructing or maintaining a fence.

d. Fences in minimum front yard.

(1) Height. Not to exceed 2 1/2 feet above the average established grade at the front lot line and in the street frontage building setback.

(2) Approved Materials.
Such fences shall provide at least 75% openness using any or a combination of the following materials:

- i. Masonry (brick, stone, reinforced concrete) or any sustainable materials with more than 30 year life expectancy.
- ii. Ornamental metal rail fencing
- iii. Composite fencing
- iv. Wood could be used but only if used with metal posts and metal caps. Chemically pre-treated wooden horizontal members shall be at least 2" X 4". Wood screws shall be used to attach vertical slats to the horizontal member and metal brackets shall be used to attach horizontal member to the metal post. The side of the fence with the exposed posts or rails shall be oriented inward to the lot installing the fence.
- v. Vinyl fencing in flat white or flat natural tone colors such as rust or tan.

(3) Prohibited Materials. Chain link fencing is prohibited.

Rationale

The amendment essentially reverts this section back to pre-UDC standards, which provides materials choice and a classic pedestrian scale for front yard fences.

Item for Consideration

Garage Width

5.5.3.D and E Building Design Standards for Two- Family and Single- Family



Existing

As unit sizes continue to get smaller, the width of the garage relative to the overall width of the unit has increased. The garage width maximum has been an issue for developers. It's been the subject of PD deviations and AECs.

Proposed

Amend subsection 5.5.3.D(2)(b) to read:

2. Front loading, front facing garages shall not constitute more than 55 percent of the total width of the dwelling. Garage width shall be measured as the sum of the width of the front facing garage opening(s).


Amend subsection 5.5.3.E(2)(b) to read:

2. Front loading, front facing garages shall not constitute more than 60 percent of the total width of the dwelling. Garage width shall be measured as the sum of the width of the front facing garage opening(s).

Rationale

This change defines how garage width is to be measured, which should provide some relief for developers without harming façade aesthetics.

Item for Consideration

<div>Garage Width</div> <div>5.5.3.E Building Design Standards for Two- Family and Single- Family</div>	Existing	Detached single-family dwellings may use one garage door for two garage spaces. Townhomes are required to have two separate doors.
	Proposed	<div>Amend subsection 5.5.3.E(2)(d) to read: d. Two-car garages shall have a separate door for each bay. Doors shall be separated by a masonry column. <u>No more than two car bays may share a common garage door.</u></div> <div></div>
	Rationale	This change assists in meeting the garage width maximum.

Item for Consideration

<u>Platting</u> Section 6.1.5 Conformity with Unified Development Code and Technical Standards	Existing	LGC Chapter 212 requires plat corrections to be tied back to local, state or federal laws and ordinances. Plat review often includes technical comments for which there is no black and white requirement.
	Proposed	Add a new paragraph 4 to read: <u>4. The technical formatting, geoprocessing, naming, and addressing standards prescribed and published by the Zoning Administrator as deemed necessary for consistency in recordkeeping, mapping and location verification, and recordation of the plat.</u>
	Rationale	This change covers several types of technical deficiencies. Tying comments back to the proposed language will satisfy the mandate of HB3167 (2019) and HB3699 (2023).

Item for Consideration

<u>Subdivisions</u> Section 6.4.11 Private Streets	Existing	The Public Works Department is in the process of proposing numerous changes to the <i>Design Criteria Manual</i> (the “DCM”). The DCM establishes standards for public and private improvements. Article 6 of the UDC on Subdivisions incorporates the DCM into the plat review and improvement design process, all of which is administered by the Planning and Development Services Department.
	Proposed	Amend Section 6.4.11.F. to read: 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. <u>Public</u> improvements <u>placed under private streets</u> to be maintained by the City shall comply with public easement requirements <u>as outlined in the <i>Design Criteria Manual</i></u> . Public drainage facilities placed under private streets shall be located
	Rationale	The amendments on this page are needed to conform the UDC to provisions and processes of the <i>Design Criteria Manual</i> .

Item for Consideration

Subdivisions

Section 6.5.1 Drainage and Stormwater Management Policies

Section 6.5.2 Drainage Features Maintenance: Natural Creeks, Open Channels, Mitigation, Best Management Practices

Existing	The Public Works Department is in the process of proposing numerous changes to the <i>Design Criteria Manual</i> (the “DCM”). The DCM establishes standards for public and private improvements. Article 6 of the UDC on Subdivisions incorporates the DCM into the plat review and improvement design process, all of which is administered by the Planning and Development Services Department.
Proposed	<p>A sampling of proposed changes to 6.5.1-2:</p> <p>Section 6.5.1.C Easements</p> <p>Permanent public drainage features such as pipes, flumes, or concrete-lined engineered channels that cross property lines, or those located in <u>a</u> street rights-of-way or <u>in a</u> 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 <u>shall be</u> maintained by the property owner. Private Drainage easements shall <u>must</u> be dedicated for all private drainage features <u>when required by the Design Criteria Manual</u>. Easements not dedicated by plat shall be dedicated by separate instrument.</p> <p>Section 6.5.2.D(2)</p> <p>Maintenance Agreement. Maintenance Agreements shall be utilized <u>when required by</u> in accordance with the <i>Design Criteria Manual</i>. When an agreement is utilized, prepared contemporaneously with <u>and referencing a plat</u>, the agreement shall <u>must</u> be executed <u>and recorded</u> prior to <u>issuance of a building permit</u> recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall <u>must</u> be executed <u>and recorded</u> prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and <u>shall</u> 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.</p>
Rationale	The amendments on this page are needed to conform the UDC to provisions and processes of the <i>Design Criteria Manual</i> .

Item for Consideration

Platting

Section 6.5.5 Post Development and Post Construction Drainage Attestation

Existing

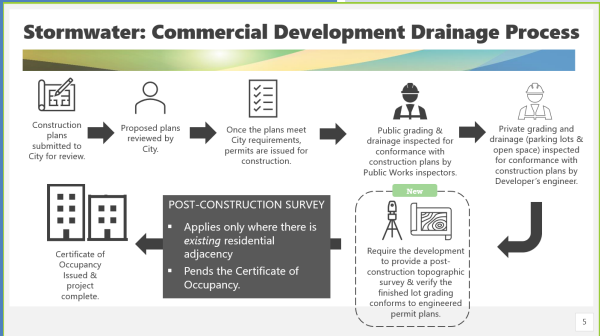
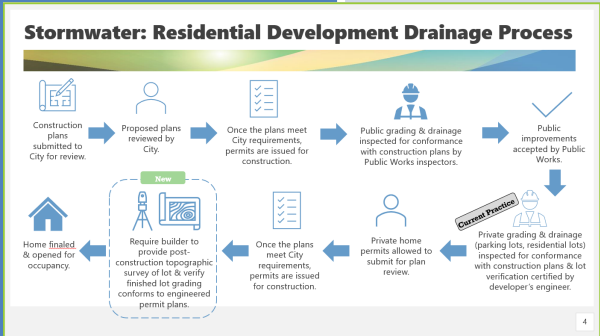
In 2020, the Council directed staff to review compliance with drainage plans once a site is prepared for development and after a site is built upon. Developers have been complying with drainage verification although the requirement has never been codified.

Proposed

Add a new Section 6.5.5 to read:

6.5.5 Post Development and Post Construction Drainage Attestation

- A. In addition to all other permits and approvals required by this Code, no parcel, tract, or lot shall be released for development or approved for occupancy, unless the parcel, tract, or lot conforms with approved drainage plans, as evidenced by the following attestations:
1. Post-Development. The developer shall attest that the entirety of the site to be built upon has been graded, improved, altered, or otherwise prepared in conformance with approved drainage plans; and
 2. Post-Construction. The builder shall attest that at the conclusion of construction, the parcel, tract, or lot remains in conformance with approved drainage plans. An attestation shall not be required for non-residential development if there is no residential adjacency. A post-construction attestation shall also be provided for the following residential accessory structures when not constructed in conjunction with the primary residence: pool or spa, building greater than 320 square feet, retaining wall, and detached garage.
- B. The attestation shall include a topographic survey and supporting documentation in a form acceptable to and approved by the Zoning Administrator.



Rationale

This new section codifies current practice since 2020, per Council directive.

Item for Consideration

Platting

10.4.11.D Schedule

Existing

HB3167 enacted in 2019, which created new platting rules, allowed applicants to request a one-time extension to the 30-day shot clock. In 2023, HB3699 amended the procedure to allow an unlimited number of requests, if agreed to by the city. Staff is now allowing multiple requests, subject to P&Z approval.

Proposed

Amend Section 10.4.11.D(2) to read:

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).

Rationale

This change aligns with LGC Chapter Section 212.009(b-2).

Item for Consideration

Platting

10.4.11.D Schedule

Existing

Chapter 212 provides that a plat is automatically approved if not acted upon within the 30-day shot-clock. A 2023 change to LGC 212.0065 allows the governing body to authorize administrative officials to approve, approve with conditions, or disapprove all classifications of plats. Sometimes the P&Z is unable to meet due to inclement weather. A procedure is needed to deal with emergency circumstances.

Proposed

Add a new paragraph 4 to read as follows:

4. In the event the Planning and Zoning Commission is unable to assemble a quorum for a meeting at which one or more plats are scheduled for consideration, the Zoning Administrator is authorized to approve, approve with conditions, or disapprove said plats.

Rationale

This change delegates authority to staff to act on plats when the Commission is unable to convene a meeting. This is necessary to make sure plats are not automatically approved by operation of law.

Item for Consideration

Pre-Application Meeting

Table 10.2-1:
Summary Table of
Review Procedures



Existing

A Pre-Application meeting is not required for a Zoning Board of Adjustment application. This can lead to unrealistic expectations regarding chances for success.

Proposed

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	10.4.5A
Specific Use Permits	✓	L	R			R-H	D-H	10.4.6
Zoning Variances and Appeals	✓	QJ	R		D-H			10.4.7

Rationale

A pre-application meeting prior to filing a Zoning of Adjustment action can ensure the applicant is fully informed and prepared to meet the requirements to challenge an administrative interpretation or receive a variance from development standards.

Item for Consideration

Expiration of Development Plans

10.4.5. Multi-Family Development Plans, Section I. 3. Expiration of Plan

Existing

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.

Proposed

Replace a, b, c, and d with the following:

A multi-family development plan expires unless progress is made towards completion of the project (See Section 10.3.10.)

Rationale

This change will align the process with the current procedure for the expiration of Development Plans in Planned Developments, as outlined in Section 10.4.3, and restore it to the pre-2014 process that was in place before the adoption of the UDC.

Item for Consideration

Expiration of Development Plans

10.4.5A. Mixed-Use Development Plans, Section I. 3. Expiration of Plan

Existing

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 multi-family 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.

Proposed

Replace a, b, c, and d with the following:

A mixed-use development plan expires unless progress is made towards completion of the project (See Section 10.3.10.)

Rationale

This change will align the process with the current procedure for the expiration of Development Plans in Planned Developments, as outlined in Section 10.4.3, and restore it to the pre-2014 process that was in place before the adoption of the UDC.

Item for Consideration

Historic Preservation

10.4.9 Landmark Preservation Certificate of Appropriateness

10.4.10 Demolition or Relocation Permits

ARLINGTON
Texas

APPLICATION
CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness is required for any property zoned within the Landmark Preservation Overlay district, where the owner wishes to construct, reconstruct, alter, change, restore, remove, or demolish any exterior feature of a building or structures located within the LPO boundaries. This complete application will be reviewed and considered by the Landmark Preservation Commission and must be approved prior to approval and issuance of any building permits for the property.

Citywide 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 720 square feet are not required to apply for a Certificate of Appropriateness, but must secure all other required permits.

Questions related to Certificates of Appropriateness should be directed to the Historic Preservation Officer by emailing hp@arlingtontexas.gov

Applicant/Owner Information

Applicant Name: _____
Applicant Address: _____
Phone #: _____ Email: _____

Property Information

Historic/Common Name of Property: _____
Property Address: _____
General Location: _____ Current Zoning: _____

Historic Property Information

1. Historic Designations (mark all that apply):

<input type="checkbox"/> Local Historic Marker	<input type="checkbox"/> National Register Historic District (non-contributing)
<input type="checkbox"/> Local Historic District	<input type="checkbox"/> National Register Historic District (contributing)
<input type="checkbox"/> Recorded Texas Historical Landmark	<input type="checkbox"/> Other: _____
<input type="checkbox"/> National Register of Historic Places	

2. Is any structure on the property identified as the work of a designer, builder, or architect whose work has influenced or contributed to the growth of the city? ☐ Yes ☐ No ☐ I don't know

3. If yes, explain: _____

Please describe the known historic significance of the structure(s) to be altered: _____

152919823 Submit completed form to the Office of Strategic Initiatives | City Hall | 101 W. Avenue G | Arlington, TX 76010
817-463-6261 www.arlingtontexas.gov Page 1 of 1

Existing

A Certificate of Appropriateness (CA) is required to demolish or remove a structure in the Landmark Preservation Overlay district. A Demolition or Relocation permit is also required. Both require public hearings, but within 30 days for the CA and 45 days for the demolition permit.

Proposed

Amend Sections 10.4.9.D and F and 10.4.10.D and F to read as follows:

10.4.9.D Completeness Determination

See Section 10.3.5. **If an applicant intends to remove or demolish a building or structure, the applicant shall file an application for a Demolition or Relocation permit concurrent with the application for a certificate of appropriateness.**

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; **provided, that the hearing for removal or demolition of a building or structure shall be held within 45 days of receipt of the application and in conjunction with the hearing for a Demolition or Relocation permit in Section 10.4.10.** 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.

10.4.10.D Completeness Determination

See Section 10.3.5. The Zoning Administrator shall prescribe the application forms for a Demolition or Relocation Permit. **A complete application must include an application for a certificate of appropriateness.**

F. Approval Procedures

1. Landmark Preservation Commission Public Hearing

a. Within 45 days of the receipt of a completed application for a Demolition or Relocation Permit, the Landmark Preservation Commission shall hold a public hearing. **The hearing shall be held in conjunction with the public hearing for the certificate of appropriateness as required by Section 10.4.9.**

Rationale

The correction aligns the two processes, so the two hearings are held concurrently.

Item for Consideration

Alternative Equivalent Compliance

10.4.22.B AEC Applicability



Existing

The Alternative Equivalent Compliance procedure is available only for certain sections of Article 5, *Design and Development Standards* and Article 7, *Sign Standards*. The UDC also states the AEC process “shall not be used to modify the required dimensional standard of a lot.” Together, this means even a slight deviation from an Article 2 standard, such as width, depth, or setback, cannot be administratively adjusted with an AEC. It also precludes by-right development of hard-to-build infill lots.

Proposed

Amend subsection 10.4.22.B (1) and (2) to read as follows:

1. The alternative equivalent compliance procedure shall be available only for the following sections of [Article 2, Residential Districts](#), Article 5, *Design and Development Standards* and Article 7, *Sign Standards*.
 - a. [Section 2.2, Residential Districts](#)
2. The alternative equivalent compliance procedure shall not be used to:
 - a. Modify the required dimensional standard of a lot, [except that for a residential lot smaller than one acre a dimensional standard may be modified by up to 15 percent](#);

Rationale

This change will eliminate unnecessary minor variances to the ZBA and would facilitate the development of small, hard-to-develop, infill parcels.

Item for Consideration

<u>Nonconformities</u> 11.2.5 Loss of Legal Nonconformity Status	Existing	The current section includes another orphan reference to the special nonconforming status of auto-related uses. This special status was removed in 2023.
	Proposed	Amend paragraph B(1) to read as follows: B(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.
	Rationale	This change aligns with current UDC policy.

Item for Consideration

<u>Kennel,</u> <u>Commercial</u> Section 12.3.3.B Definitions: Animal- Related Services	Existing	The current definition of “Kennels” is internally inconsistent.
	Proposed	B(1) 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.
	Rationale	Pet grooming is permitted under the General Personal Services classification.

Next Steps

- ✓ MPC discussion (02/25/2025)
- ✓ P&Z work session (03/05/2025)
- ✓ ARBOR (03/11/2025)
- ✓ Developers Round Table (03/13/2025)
- City Council work session (03/25/2025)
- P&Z Public Hearing (04/16/2025)
- City Council First Reading (05/13/2025)
- City Council Second Reading (05/27/2025)
- Staff training – Planning, Permitting, and Code Compliance (June)
- Effective July 1, 2025

Questions/Feedback

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