

Ordinance No. 24- 018

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, through the amendment of Section 3.2.3, Commercial Uses, relative to allowing Upscale Hotels by Planned Development in the Entertainment District Overlay and Upper-Midscale Hotels by Specific Use Permit in the Airport Overlay; 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 17, 2024, 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 3.2.3., Commercial Uses, Subsection E., Lodging Facilities, Subsection 2., Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent and Convention), Subsection c., Additional Standards for Hotels in the EDO**, so that said Subsection c. shall read as follows:

**c. Additional Standards for Hotels in the EDO**

- (i.) 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 or as part of a PD in accordance with Subsection (ii) herein)

and **Convention Hotels** in the Entertainment District Overlay (EDO).

- (1) Only **Luxury Hotels, Upper-Upscale, Upscale** (when permitted as a demo and rebuild or as part of a PD in accordance with Subsection (ii) herein) and **Convention Hotels** are allowed in the EDO.
- (2) The lobby shall have a minimum ceiling height of sixteen (16) feet.
- (3) 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.
- (4) 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.
- (5) The hotel shall be a minimum of six stories in height.
- (ii) In addition to the other standards enumerated in this section of the UDC, **Upscale Hotels** shall be permitted in the EDO, only as part of a PD, provided the hotel has additional amenities and/or features, which shall meet the following standards:
  - (1) That same PD project site also includes an **Upper-Upscale** or **Luxury Hotel**.
  - (2) That the **Upscale Hotel** building permit is only issued after the **Upper-Upscale** or **Luxury Hotel** building is under construction or constructed.
  - (3) That any **Upscale Hotel** construction as part of this section shall be a minimum of five stories in height and constructed of steel/metal frame or concrete construction.
  - (4) That the lobby size (exclusive of bar/restaurant/corridors) shall be a minimum of 2,000 square feet or 15 square feet per room, whichever is larger.
  - (5) That a full-service kitchen is not required if there are full-service restaurants on the project site. However, a small kitchen for breakfast, in addition to a small bar and/or lounge, is required.
  - (6) That at least 50% of the guest rooms in this **Upscale Hotel** shall be suites and each suite shall have a kitchenette with a full-sized refrigerator, dishwasher, microwave, cooktop, and sink.
  - (7) That the average room size shall be 350 square feet or larger.
  - (8) That all hotels shall continue to meet all other required standards for hotels in the EDO.

Further, that **Section 3.2.3.**, Commercial Uses, **Subsection E.**, Lodging Facilities, Subsection 2., Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent and Convention) is hereby amended with the addition of **Subsection d.**, Additional Standards for Hotels in the APO, and the relettering of the remaining subsections, so that Subsection d. shall read as follows:

**d. Additional Standards for Hotels in the APO**

In addition to all other standards enumerated in this section of the UDC, **Upper-Midscale Hotels** shall be permitted in the APO only with the approval of a Specific Use Permit (SUP) provided the hotel has additional amenities or features, which must include:

- (i) All rooms shall be suites, and each shall have a defined living area separate from the bedroom with kitchenette type facilities (refrigerator, dishwasher, microwave, cooking facilities, and sink);
- (ii) In-room workspaces shall be provided in each suite;
- (iii) On-site meeting rooms and business centers shall be provided on-site; and
- (iv) Swimming pools and fitness centers shall be provided on-site.

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 May 1, 2024.

PRESENTED AND GIVEN FIRST READING on the 26th day of March, 2024, 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 April, 2024, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
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JIM R. ROSS, Mayor

ATTEST:

  
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ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
MOLLY SHORTALL, City Attorney

BY   
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