

Ordinance No. 23- 010

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 6, Subdivision Regulations; Article 7, Sign Standards; Article 9, Review Authorities; Article 10, Review Procedures; and Article 12, Definitions; related to providing clarification and consistency; 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 the 18th day of January, 2023, 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 A., Residential Districts, Table 3.1-1: Allowed Uses – Residential Districts, is hereby amended under Use Category, Recreation and Entertainment, Indoor, Use Type, "Private club, lodge or fraternal organization", to rename the use type to "Lodge | fraternal organization". Said use type shall only be permitted with approval of a specific use permit and only in the RMF-22 use district.

Further, that Section 3.1.5, Table of Allowed Uses, Subsection A., Residential Districts, Table 3.1-1: Allowed Uses – Residential Districts, is hereby amended under Use Category, Recreation and Entertainment, Indoor, Use Type, through the addition of a separate use type named "Private club". Said use type shall only be permitted with approval of a specific use permit and only in the RMF-22 use district.

Further, that 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 under Use Category, Educational Facilities, to add “3.2.2” to the Supplemental Use Standards column to each of the four use types.

Further, that 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 under Use Category, Recreation and Entertainment, Indoor, Use Type, “Private club | lodge | fraternal organization” to rename the use type to “Lodge or fraternal organization”. Said use type shall only be permitted with approval of a specific use permit in the LO use district and permitted by right in all other use districts on Table 3.1-2.

Further, that 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 under Use Category, Recreation and Entertainment, Indoor, Use Type, through the addition of a separate use type named “Private club”. Said use type shall only be permitted with approval of a specific use permit and only in the CC, GC, and LI use districts.

Further, that 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 under Use Category, Industrial Service, through the addition of a new use type named “Flex, Office or Commerce”. Said use type shall be permitted by right and only in the GC, LI, and IM use districts. Said use type shall be subject to Supplemental Use Standards in Section 3.2.4.A and the cell in the row shall be amended to reflect said section.

Further, that 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 under Use Category, Transportation-related Uses, through the addition of a new use type named “Overnight truck parking lot”. Said use type shall not be permitted in any use districts and the cells under every column shall be blank to reflect same. Said use type shall be subject to Supplemental Use Standards in Section 3.2.4.C and the cell in the row shall be amended to reflect said section.

Further, that 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 under Use Category, Utilities, through the amendment of the supplemental use standard references from 3.2.4.C to 3.2.4.D.

Further, that 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 under Use Category, Wholesale Distribution and Storage, through the amendment of the supplemental use standard references from 3.2.4.D to 3.2.4.E.

Further, that Section 3.2.2, Public and Institutional Uses, is hereby amended by the addition of Section B., Public and Private School Height Standards, which shall read as follows:

B. Public and Private School Height Standards

1. Except as provided in paragraph 2, the maximum height standards for public or private schools are limited to the maximum building heights listed under Building Standards for each of the residential districts found in Section 2.2.2 through 2.2.9.
2. In the event the height of the proposed private or public school or related improvements exceeds maximum height standards and the school or improvements are adjacent to residential zoning districts or parcels containing a residential structure, the proposed public or private school or related improvements shall maintain a minimum 3:1 height setback measured from the property lot line of an adjacent residential property with a maximum 70-foot structure height. E.g., a school with a height of 60 feet shall be no closer than 180 feet from the property lot line of the adjacent residential property.

Further, that Section 3.2.3, Commercial Uses, Section B., Auto Sales, Equipment, and Repair, Subsection 1., Auto Service Center, Paragraph c. is hereby amended by the deletion of subparagraph (ii) in its entirety.

Further, that Section 3.2.3, Commercial Uses, Section B., Auto Sales, Equipment, and Repair, Subsection 3., Car Wash, is hereby amended by the deletion of Paragraph b. in its entirety.

Further, that Section 3.2.3, Commercial Uses, Section B., Auto Sales, Equipment, and Repair, Subsection 5., Motor Vehicle Sales, Used, is hereby amended to hereafter read as follows:

5. Motor Vehicle Sales, Used

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.

Further, that Section 3.2.4, Industrial Uses, Section A., Industrial Service, is hereby amended by the addition of a new Subsection 2, Flex, Office or Commerce, and the renumbering of the remaining Subsections so that Subsection 2 shall read as follows:

2. Flex, Office or Commerce

The design and development shall meet all Section 5.6 Non-Residential Design Standards, with the following exceptions:

a. Adaptable Space

The use shall provide for "flex space" where different combinations of uses on a site may occur over time as the market changes and adjusts to new or different conditions.

b. Entrances and Facades

(i) Primary unit entrances facing public streets 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.

(ii) The front façade of the building shall have design characteristics (such as architecture and site design) similar to office developments and/or store fronts.

(iii) The building materials on the front façade are preferred to be masonry and compatible with the other commercial structures on the block.

(iv) At least 25 percent of all walls facing a public street shall contain windows or doorways.

c. Loading and Service Bays

(i) Service bays and loading areas shall not face a public street or be located in the front of the development.

(ii) Service bays and loading areas that face a residential zoning district shall be screened according to the standards for a Level 3 screening and buffering area

described in Section 5.3.1, Residential Screening and Buffering.

- d. **Parking**
No more than one double-loaded parking aisle shall be permitted in front of the development.
- e. **Setback**
A 30-foot setback from the property line is required for development located adjacent to a residential use and/or vacant property used or zoned residential or multi-family, including those in planned development zoning.
- f. **Outside Storage**
No outside storage is permitted.

Further, that Section 3.2.4, Industrial Uses, is hereby amended by the addition of a new Subsection C., Transportation-Related Uses, and the renumbering of the remaining Subsections so that Subsection C. shall read as follows:

- C. **Transportation-Related Uses**
 - 1. **Overnight Truck Parking Lots**
Overnight truck parking lots shall be prohibited in all zoning districts.

Further, that Section 3.3.4, Use Tables for Accessory Uses and Structures, Subsection A., Accessory Uses – Residential Districts, Table 3.3-1: Accessory Uses – Residential Districts, is hereby amended through the amendment of the requirement for a Secondary Living Unit in the RM-12 use district from “P*” to “S*”.

Further, that Section 3.3.4, Use Tables for Accessory Uses and Structures, Subsection B., Accessory Uses – Non-Residential and Mixed-Use Districts, Table 3.3-2: Accessory Uses – Non-Residential and Mixed-Used Districts, is hereby amended under Use Type, Electric vehicle charging station, through the addition of applicable use standards referenced in Section 3.3.6.O, and the same shall be reflected in the appropriate cell under the applicable row and column.

Further, that Section 3.3.6., Supplemental Accessory Use Standards, Subsection A., Accessory Building, Subsection 3., Setbacks and Number of Buildings, Paragraph b., Side and Rear Setback, is hereby amended through the addition of Subparagraph (iii), that shall read as follows:

(iii) For parcels within or immediately abutting residential single-family districts, the minimum interior side yard and rear yard setbacks for an accessory building with a wall height greater than 8 feet shall be increased as follows:

- (1) Two additional feet of setback for wall heights up to 10 feet.
- (2) Thereafter, two additional feet of setback for each additional one foot of wall height above 10 feet.
- (3) Wall height shall be measured from the natural grade at the abutting property line.
- (4) In no case shall the highest point of the roof of the accessory building exceed the height of the primary structure, regardless of grade.

Further, that Section 3.3.6., Supplemental Accessory Use Standards, is hereby amended through the addition of Subsection O., Electric Vehicle Charging Stations and Signage, that shall read as follows:

O. Electric Vehicle Charging Stations and Signage

1. No audio, video displays, or digital advertising signage, other than the branding of the EV charging unit, shall be permitted.
2. There shall be no reduction in handicap accessible parking spaces to accommodate installation of EV charging stations.
3. The charging station shall be capable of charging electric vehicles produced by multiple manufacturers.

Further, that Article 5, Design and Development Standards, Section 5.2.3, Tree Preservation and Replacement, Subsection A., Non-residential and Mixed-Use Development: Tree Preservation Requirements, is retitled as Non-residential, Multi-Family, and Mixed-Use Development: Tree Preservation Requirements.

Further, that Section 5.2.3., Tree Preservation and Replacement, Subsection A., Non-residential, Multi-Family, and Mixed-Use Development: Tree Preservation Requirements, Subsection 1., Purpose and Applicability, is hereby amended to read as follows:

1. Purpose and Applicability

This section provides a methodology for tree removal and replacement. The intent is to preserve certain size trees and/or require that their removal shall be mitigated through replacement. This section is applicable to all non-residential, multi-family, and mixed-use development, including non-structural improvements such as parking lots, site layouts, landscape setbacks, and buffer yards.

Further, that Section 5.2.3., Tree Preservation and Replacement, Subsection D., Non-Developmental Tree Removal and Preservation, Subsection 1., Tree Removal Permit Required, is hereby amended to read as follows:

1. Tree Removal Permit Required

Except as provided in Sections 5.2.3.A(2) and 5.2.3.B(1), a permit shall be required for the removal of trees on property not subject to tree preservation, mitigation, and replacement standards for residential or non-residential development. For trees six caliper inches or greater or post oak, blackjack oak, or Texas oak trees three caliper inches or greater, mitigation shall be made by payment into the Reforestation Fund for the total of all caliper inches removed times the fee established for Tree Replacement according to the Planning and Development Services Fee Schedule.

Further, that Section 5.6.3., Site Design and Building Organization, Subsection C., Building Organization and Orientation, Subsection 1., Individual Buildings, is hereby amended to add a Paragraph c., that shall read as follows:

- c. In cases of redevelopment where the structure is on a corner, the building may be addressed from an entrance on either street provided that addressing integrity for first responders is maintained.

Further, that Article 6, Subdivision Regulations, Section 6.3.1, Lots, is hereby amended through the addition of Subsection E., Lot Lines, that shall read as follows:

E. Lot Lines

Newly platted or replatted lot lines shall conform to existing zoning district boundaries.

Further, that Article 7, Sign Standards, Section 7.8.18, Vertical Banners, is hereby amended to read as follows:

7.8.18 VERTICAL BANNERS

- A.** Vertical banners may be erected only in the following locations:
 - 1. Entertainment District Overlay;
 - 2. Downtown Business Improvement District;
 - 3. Tax Increment Reinvestment Zone #7; or
 - 4. By the City on-premise at public parks and recreation facilities.
- B.** Vertical banners shall conform to the specifications, conditions, and manner of display enumerated in Section 5.8.1.E.9.e.
- C.** The City may contract with non-profit organizations for the administration of this Section and establishment of street light banner programs to further the purposes of the Entertainment District Overlay, the Downtown Business Improvement District, and Tax Increment Reinvestment Zone #7.

Further, that Article 9, Review Authorities, Section 9.4.2., Membership, Appointment, and Term of Office, Subsection B., Appointment and Term of Office, is hereby amended to strike the sentence "Members shall serve at the will and pleasure of the City Council." and replace said sentence with "Members may be removed for cause, as found by the City Council, on a written charge after a public hearing, as provided by Texas Local Government Code Sec. 211.008, as amended."

Further, that Article 10, Review Procedures, Section 10.2, Table of Procedures, Table 10.2-1: Summary Table of Review Procedures, is hereby amended under Landmark Preservation Procedures, to delete "✓" under rows "Overlay District Designation", "Certificate of Appropriateness" and "Certificate of Demolition or Relocation" under the "Pre-Application Meeting" column.

Further, that Section 10.4.55, Mixed-Use Development Plans, is hereby amended by renumbering said section to Section 10.4.5A, Mixed-Used Development Plans. All references in this code to Section 10.4.55 are hereby updated to Section 10.4.5A.

Further, that Section 10.4.6, Specific Use Permits (SUP), Subsection F., Criteria, is hereby amended by the addition of Paragraph 3., that shall read as follows:

3. When approving a specific use permit for a gas well drilling zone, the City Council may modify, reshape, or reposition a proposed drilling zone to create or adjust setbacks from protected land uses, establish conditions in the interest of the public welfare, and ensure compliance with this code and the Gas Drilling and Production Chapter.

Further, that Section 10.4.10, Certificates of Demolition or Relocation, Subsection F., Approval Procedures, Paragraph 1., Landmark Preservation Commission Public Hearing, Subparagraph a., is hereby amended to read as follows:

- a. Within 45 days of the receipt of a completed application for a Certificate of Demolition or Relocation, the Landmark Preservation Commission shall hold a public hearing.

Further, that Section 10.4.10, Certificates of Demolition or Relocation, is hereby amended by renaming Section 10.4.10 to read as Section 10.4.10, Demolition or Relocation Permits. All references in this code to Certificates of Demolition or Relocation are hereby updated to Demolition or Relocation Permits.

Further, that Section 10.4.13, Preliminary Plats, Subsection A., Applicability, is hereby amended by the addition of Paragraph 3., that shall read as follows:

3. A plat that includes both platted parcels and parcels not previously platted and filed of record shall be processed as a preliminary plat.

Further, that Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection H., Personal Services, Subsection 3., General Personal Services (Other Than Listed), is hereby amended to read as follows:

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, permanent cosmetics (microblading, micropigmentation, and similar personal care cosmetic services), 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.

Further, that Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection H., Personal Services, Subsection 5., Tattoo Parlor or Piercing Studio, is hereby amended to read as follows:

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. A Tattoo Parlor does not include establishments whose principal business activity is permanent cosmetics, microblading, micropigmentation, and similar personal care services.

Further, that Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection I., Recreation and Entertainment, Indoor, is hereby amended by the addition of a new Subsection 7., Lodge | Fraternal Organization, and the renumbering of the remaining Subsections so that Subsection 7. shall read as follows:

7. Lodge | Fraternal Organization

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 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 and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501, as amended.

Further, that Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection I., Recreation and Entertainment, Indoor, renumbered Subsection 9., Private Club, shall be amended to revise the title and Subsection to read as follows:

9. Private Club

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 private club that has been granted an exemption from the payment of federal income

tax as a club under 26 U.S.C. Section 501, as amended, shall be classified as a Lodge | Fraternal Organization.

Further, that Article 12, Definitions, Section 12.3.4, Industrial Uses, Subsection A., Industrial Service, is hereby amended by the addition of a new Subsection 3., Flex, Office or Commerce, and the renumbering of the remaining Subsections so that Subsection 3. shall read as follows:

3. Flex, Office or Commerce

An adaptable workspace for uses that support offices, showrooms, e-commerce, small-scale assembly, small-scale warehousing, scientific technology, data centers, and small-scaled modernized industrial activities that do not generate smoke, noise, or other hazards traditionally caused by industrial and light industrial uses. Often referred to as “flex space,” the building interiors are designed for easy conversion to support multiple combinations of compatible uses, which evolve over time as the market changes and adjusts to new or different conditions.

Further, that Article 12, Definitions, Section 12.3.4, Industrial Uses, Subsection C., Transportation-Related Uses, is hereby amended by the addition of a new Subsection 4., Overnight Truck Parking Lot, and the renumbering of the remaining Subsections so that Subsection 4. shall read as follows:

4. Overnight Truck Parking Lot

A parcel used primarily for the parking or temporary storage of trucks, tractor trailers, or dismounted trailers not in conjunction with a lawfully zoned use.

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.

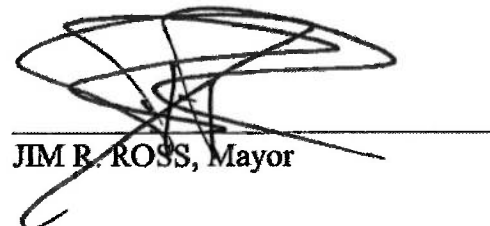
7.

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 the 1st day of April, 2023.

PRESENTED AND GIVEN FIRST READING on the 28th day of February, 2023, 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 March, 2023, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY 