

Ordinance No. 25- 036

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Articles 3, 4, 5, 6, 10, 11 and 12, relative to clarifying language, correcting errors, omissions and conflicts, refining definitions, and updating content based on current interpretations and practices; 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 16th day of April, 2025, 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 amended to change the name of the use type "Boarding house | fraternity or sorority house | private dorm" to hereafter read as "Lodging house | fraternity or sorority house | private dorm".

Further, that **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 to add "Boarding Home Facility" as a new use type alphabetically in the list of use types under use category "Group Living". The table is hereby amended to reflect that boarding home facility shall be allowed as a permitted use with supplemental use standards (denoted as "P*") in all residential districts. In all districts, boarding home facility use type must comply with the supplemental use standards in Section 3.2.1.B and the table shall be amended to reflect this requirement.

Further, that **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 by changing the three references to **3.2.4.C** under supplemental use standards and across from use category “Utilities” to **3.2.4.D**.

Further, that **Article 3, Use Standards, 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 to change the name of the use type “Boarding house | fraternity or sorority house | private dorm” to hereafter read as “Lodging house | fraternity or sorority house | private dorm”.

Further, that **Article 3, Use Standards, 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 to add “Boarding Home Facility” as a new use type alphabetically in the list of use types under use category “Group Living”. The table is hereby amended to reflect that boarding home facility shall not be allowed as a permitted use in any non-residential and mixed-use districts.

Further, that **Article 3, Use Standards, 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 to add “P” for use type “Office, business or professional” under Flex Hybrid (FH) zoning district.

Further, that **Article 3, Use Standards, Section 3.2.1, Residential Uses, Subsection B., Group Living, Paragraph 1., Boarding | Fraternity or Sorority House | Private Dorm**, is hereby retitled to read “Lodging House | Fraternity or Sorority House | Private Dorm” so that the paragraph shall read as follows:

1. Lodging House | Fraternity or Sorority House | Private Dorm

In all districts, the minimum lot area shall be 6,000 square feet for the first five occupants of the building’s designated occupancy and 900 square feet for each additional residential occupant.

Further, that **Article 3, Use Standards, Section 3.2.1, Residential Uses, Subsection B., Group Living**, is hereby amended through the addition of Paragraph 4., **Boarding Home Facility**, which shall read as follows:

4. Boarding Home Facility

- a. No exterior construction features shall be permitted which would place the structure out of character with the surrounding residential neighborhood.
- b. A boarding home facility must meet all applicable permitting requirements of the Boarding Home Facility Chapter of the Arlington City Code and any applicable Texas Human Resources Code requirements.

Further, that **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection B., Auto Sales, Equipment, and Repair, Paragraph 1., Auto Service Center, Subparagraph d. (ii)** is deleted in its entirety.

Further, that **Article 3, Use Standards, Section 3.2.4, Industrial Uses, Subsection D., Utilities, Paragraph 1., Wireless Communications Facilities, Subparagraph c., Telecommunications Tower Standards, Item (v)(3)** is hereby amended to read as follows:

- (3) Except as otherwise provided in this Code, all telecommunications towers, including stealth towers, are allowed in residential zoning districts only upon approval of a specific use permit 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.

Further, that **Article 3, Use Standards, 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 by adding 3.3.6.A under supplemental use standards and applying said standards to use types “Accessory use (not listed below)”, “Community center (private)”, and “Garage (private)”.

Further, that **Article 3, Use Standards, Section 3.3.6, Supplemental Accessory Use Standards, Subsection A., Accessory Building, Paragraph 2., Building Design**, is hereby amended to read as follows:

2. Residential Building Design

The standards for exterior materials and appearance of the residential accessory building are based on the size (area and height) of the structure itself and are set forth in Table 3.3-3, below.

Further, that **Article 3, Use Standards, Section 3.3.6, Supplemental Accessory Use Standards, Subsection A., Accessory Building**, is hereby amended to revise the heading of **Table 3.3-3: Accessory Building Design Standards**, to read as **Table 3.3-3: Residential Accessory Building Design Standards**.

Further, that **Article 3, Use Standards, Section 3.4.5, Supplemental Temporary Use Standards, Subsection E., Short Term Rental, Paragraph 1.**, is hereby amended by adding **Subparagraphs d. and e.**, which read as follows:

- 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.

Further, that **Article 4, Dimensional Standards, Section 4.1.6, Setbacks, Subsection G., Minimum Setback Reductions, Paragraph 1.**, is hereby amended 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.

Further, that **Article 4, Dimensional Standards, Section 4.1.6, Setbacks, Subsection G., Minimum Setback Reductions, Paragraph 4.**, is hereby amended to read as follows:

4. When a single family or townhouse residence is developed on a double-frontage lot with a minor arterial or 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 3.3.6.A, whichever is greater.

Further, that **Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection A., Residential Landscaping, Paragraph 1., Applicability**, is hereby amended to read as follows:

1. Applicability

This section shall apply to all two-family, single-family detached and single-family attached residential development. Development shall comply with the requirements of this subsection in addition to the landscaping requirements of the approved site plan, PD, or AEC.

Further, that **Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection A., Residential Landscaping, Paragraph 2., Front Yard Landscaping Requirements, Subparagraph c., Design and Planting Standards, Item (iii)**, is hereby amended to read as follows:

- (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 and two-family developments, and seven feet in single-family attached developments. At least three shrubs shall be included in this area.

Further, that **Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection A., Residential Landscaping, Paragraph 3., Residential Streetscape Design, Subparagraph b., Applicability**, is hereby amended to read as follows:

b. Applicability

This section is applicable to internal residential streets within a new development of 20 or more two-family, single-family detached or attached family units.

Further, that **Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection A., Residential Landscaping, Paragraph 3., Residential Streetscape Design, Subparagraph c., Requirements, Item (i), Landscaped Buffer Zone, (1)(a)**, is hereby amended from “(a) Single-family detached” to “(a) Two-family and single-family detached.”

Further, that **Article 5, Design and Development Standards, Section 5.3.2, Mechanical and Utility Equipment Screening, Subsection B., Screening Standards, Paragraph 1.** is hereby amended by changing the heading from “1. Single-Family Residential Screening” to “1. Single-Family and Two-Family Residential Screening”.

Further, that **Article 5, Design and Development Standards, Section 5.3.2, Mechanical and Utility Equipment Screening, Subsection B., Screening Standards, Paragraph 1.** is hereby amended through the addition of **Subparagraph c.**, which shall read as follows:

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

Further, that **Article 5, Design and Development Standards, Section 5.3.2, Mechanical and Utility Equipment Screening, Subsection B., Screening Standards, Paragraph 2., Multi-Family, Mixed-Use, Commercial, and Industrial Screening, Subparagraph b., Wall-Mounted Mechanical Equipment,** is hereby amended to read as follows:

b. Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment 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 in multi-family and mixed-use developments.

Further, that **Article 5, Design and Development Standards, Section 5.3.4, Fences, Subsection A., Single-Family and Two-Family Residential Fencing, Paragraph 2., Residential Fencing Types, Subparagraph g., Fences in Front Yard Setback,** is hereby amended to read as follows:

g. Fences in Front Yard Setback

(1) Height

Height shall not exceed 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.
- (b) Ornamental metal rail fencing with at least 75-percent transparency.
- (c) 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) Chain link;
- (c) 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.

Further, that **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 to rename the use type “Boarding house | fraternity or sorority house | private dorm” as “Lodging house | fraternity or sorority house | private dorm”.

Further, that **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 through the addition of a new use type “Boarding Home Facility” to the table under “Group Living”. The table shall indicate that the parking requirement for both the “Community home for disabled persons” and “Boarding home facility” shall read “As required for the principal use; not to exceed 1 per bedroom”. The group living use types shall be relisted in alphabetical order.

Further, that **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection D., Building Design Standards Applicable to Two-Family and Detached Single-Family Residential, Paragraph 2., Garage Location, Subparagraph b.**, is hereby amended to read as follows:

- b. 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).

Further, that **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection E., Building Design Standards Applicable to All Two-Family and Attached Single-Family Residential, Paragraph 2., Garage Location, Subparagraph b.**, is hereby amended to read as follows:

- b. 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).

Further, that **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection E., Building Design Standards Applicable to All Two-Family and Attached Single-Family Residential, Paragraph 2., Garage Location, Subparagraph d.**, is hereby amended to read as follows:

- d. No more than two car bays may share a common garage door.

Further, that **Article 5, Design and Development Standards, Section 5.11.17, Landscaping and Tree Preservation, Subsection B.**, is hereby amended to read as follows:

- B. Tree Preservation shall comply with Section 5.2.3(E) Residential Development: Tree Preservation Requirements.

Further, that **Article 6, Subdivision Regulations, Section 6.1.5, Guiding Policies for Administration of this Article, Subsection B.**, is hereby retitled from “Conformity with Unified Development Code” to “Conformity with Unified Development Code and Technical Standards”.

Further, that **Article 6, Subdivision Regulations, Section 6.1.5, Guiding Policies for Administration of this Article, Subsection B., Conformity with Unified Development Code and Technical Standards,** is hereby amended through the addition of a new paragraph, **Paragraph 4.**, which shall read as follows:

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.

Further, that **Article 6, Subdivision Regulations, Section 6.4.11, Private Streets, Subsection F., Maintenance,** is hereby amended to read as follows:

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. Public improvements placed under private streets to be maintained by the City shall comply with easement requirements as outlined in the *Design Criteria Manual*. Public drainage facilities placed under private streets shall be located within a public drainage easement that includes the entire width of the private street. A maintenance agreement shall be executed for the maintenance of the street and inlets serving the private street. Should the City need to access the drainage under the private streets, the City shall restore the pavement per the standard detail for permanent trench repair.

Further, that **Article 6, Subdivision Regulations, Section 6.5.1, Drainage and Stormwater Management Policies, Subsection C., Easements,** is hereby amended to read as follows:

C. Easements

Drainage easements shall be dedicated for drainage features in accordance with requirements of Section 6.5.2, *Drainage Features*. Drainage easements and features shall be included as a portion of buildable (habitable structure) lots and not as a lot by itself unless specifically authorized by the Zoning Administrator or designee. If a drainage feature is approved on a separate lot, a mandatory property

owner's association is required and subject to Section 6.2.3.D, *Property Owners' Association Responsibility*.

Permanent public drainage features such as pipes, flumes, or engineered channels located in a street right-of-way or in a public drainage easement are considered public. Drainage features that do not meet these criteria or deemed otherwise by the City may be considered private and shall be maintained by the property owner. Drainage easements shall be dedicated for all private drainage features when required by the *Design Criteria Manual*. Easements not dedicated by plat shall be dedicated by separate instrument.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection A., Stormwater Conveyance, Paragraph 1., Natural Creeks, Subparagraph e., Maintenance, Item (iv)** is hereby amended to read as follows:

- (iv) Maintenance Statement. When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the Zoning Administrator must be placed on the plat acknowledging maintenance responsibility by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the natural creek and associated easement by the property owner.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection A., Stormwater Conveyance, Paragraph 1., Natural Creeks, Subparagraph e., Maintenance, Item (v)** is hereby amended to read as follows:

- (v) Maintenance Agreement. Maintenance Agreements shall be utilized when required by the Design Criteria Manual. When an agreement is required, the agreement must be executed and recorded prior to issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and shall 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.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection A., Stormwater Conveyance, Paragraph 3., Constructed/Modified Open Channels, Subparagraph d., Maintenance, Item (ii)** is hereby amended to read as follows:

- (ii) Private improvements and channels constructed of other materials within the easement shall be maintained by the owner or property owner's association. The property owner or association shall acknowledge maintenance responsibility by means of a maintenance statement and agreement approved by the City to provide for any maintenance of the open channel and its associated drainage easement.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection A., Stormwater Conveyance, Paragraph 3., Constructed/Modified Open Channels, Subparagraph d., Maintenance, Item (iii)** is hereby amended to read as follows:

- (iii) Maintenance Statement. When an easement for a privately maintained stormwater facility is dedicated by plat, a maintenance note as approved by the Zoning Administrator must be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement must be included in the dedication instrument to provide for the continuing maintenance of the stormwater facility and its associated easement.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection A., Stormwater Conveyance, Paragraph 3., Constructed/Modified Open Channels, Subparagraph d., Maintenance, Item (iv)** is hereby amended to read as follows:

- (iv) Maintenance Agreement. Maintenance Agreements shall be utilized when required by the Design Criteria Manual. When an agreement is required, the agreement must be executed and recorded prior to issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and shall 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.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection B., Stormwater Mitigation, Paragraph 3., Maintenance, Subparagraph b.,** is hereby amended to read as follows:

- b. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement and agreement approved by the City to provide for any maintenance of the stormwater storage and its associated drainage easement. If the stormwater storage facility is located on a separate lot held in ownership by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, *Property Owners' Association Responsibility*.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection B., Stormwater Mitigation, Paragraph 3., Maintenance, Subparagraph c.,** is hereby amended to read as follows:

- c. When an easement is dedicated by plat for the stormwater storage, a maintenance note as approved by the Zoning Administrator must be placed on the plat and shall be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement must be included in the dedication instrument to provide for the continuing maintenance of the stormwater storage and associated easement.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection B., Stormwater Mitigation, Paragraph 3., Maintenance, Subparagraph d.,** is hereby amended to read as follows:

- d. Maintenance Agreement. Maintenance Agreements shall be utilized when required by the *Design Criteria Manual*. When an agreement is required, the agreement

must be executed and recorded prior to issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and shall 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.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection D., Permanent Best Management Practices (BMPs) for Stormwater Quality, Paragraph 2., Maintenance, Subparagraph c.**, is hereby amended to read as follows:

- c. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement and agreement approved by the City to provide for any maintenance of the BMPs and associated easements. If the BMP is maintained by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, *Property Owners' Association Responsibility*.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection D., Permanent Best Management Practices (BMPs) for Stormwater Quality, Paragraph 2., Maintenance, Subparagraph d.**, is hereby amended to read as follows:

- d. When an easement is dedicated by plat for the BMPs, a maintenance note as approved by the Zoning Administrator must be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement must be included in the dedication instrument to provide for the continuing maintenance of the features and associated easement.

Further, that **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features, Subsection D., Permanent Best Management Practices (BMPs) for Stormwater Quality, Paragraph 2., Maintenance, Subparagraph e.**, is hereby amended to read as follows:

- e. Maintenance Agreement. Maintenance Agreements shall be utilized when required by the *Design Criteria Manual*. When an agreement is required, the agreement must be executed and recorded prior to issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and shall 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.

Further, that **Article 6, Subdivision Regulations**, is hereby amended through the addition of **Section 6.5.5, Post Development and Post Construction Drainage Attestation**, which shall read as follows:

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.

Further, that **Article 10, Review Procedures, Section 10.2, Table of Procedures, Table-10.2-1: Summary Table of Review Procedures**, is hereby amended to reflect the addition of a required Pre-Application Meeting for Zoning Variances and Appeals.

Further, that **Article 10, Review Procedures, Section 10.4.5, Multi-Family Development Plans, Subsection I., Scope of Approval, Paragraph 3., Expiration of Plan**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

3. Expiration of Plan

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

Further, that **Article 10, Review Procedures, Section 10.4.5A, Mixed-Use Development Plans, Subsection I., Scope of Approval, Paragraph 3., Expiration of Plan**, is hereby repealed and replaced in its entirety and shall hereafter read as follows:

3. Expiration of Plan

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

Further, that **Article 10, Review Procedures, Section 10.4.9, Landmark Preservation District Certification of Appropriateness, Subsection D., Completeness Determination**, is hereby amended to read as follows:

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.

Further, that **Article 10, Review Procedures, Section 10.4.9, Landmark Preservation District Certification of Appropriateness, Subsection F., Approval Procedures, Paragraph 1.**, is hereby amended to read as follows:

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 certificate 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.

Further, that **Article 10, Review Procedures, Section 10.4.10, Demolition or Relocation Permits, Subsection D., Completeness Determination**, is hereby amended to read as follows:

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.

Further, that **Article 10, Review Procedures, Section 10.4.10, Demolition or Relocation Permits, 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 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.

Further, that **Article 10, Review Procedures, Section 10.4.11, Plat Review, Generally, Subsection D., Schedule, Paragraph 2.**, is hereby amended to read as follows:

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 30-day extension in accordance with Texas Local Government Code § 212.009(b-2).

Further, that **Article 10, Review Procedures, Section 10.4.11, Plat Review, Generally, Subsection D., Schedule**, is hereby amended through the addition of **Paragraph 4.**, which shall 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.

Further, that **Article 10, Review Procedures, Section 10.4.22, Alternative Equivalent Compliance, Subsection B., Applicability**, is hereby amended to read as follows:

B. Applicability

1. The alternative equivalent compliance procedure shall be available only for the following sections of Article 2, *Zoning Districts*, Article 5, *Design and Development Standards*, and Article 7, *Sign Standards*.
 - a. Section 2.2, *Residential Districts*;
 - b. Section 5.2, *Landscaping*;
 - c. Section 5.3, *Screening, Buffering and Fences*;
 - d. Section 5.4, *Off-Street Parking and Loading*; Subsection 5.4.6, *Drive-Through Vehicle Stacking and Noise Reduction Standards*; and Subsection 5.4.9, *Parking Facility Location and Design*;
 - e. Section 5.5, *Residential Design Standards*;
 - f. Section 5.6, *Non-residential Design Standards*; and Subsection 5.6.3, *Site Design and Building Organization*, Subsection E, *Ballfield Lighting*;
 - g. Section 5.7, *Mixed-Use Design Standards*;
 - h. Section 5.8.1, *Entertainment District Overlay*; Subsection D, *Private Realm Design and Development Standards*; and Subsection E, *Public Realm Design and Development Standards*;
 - i. Section 5.9, *Transportation and Connectivity*;
 - j. Section 5.10, *Common Open Space*;
 - k. Section 7.6.7, *Sign Supports*;
 - l. Section 7.7.5, *Spacing*;
 - m. Section 7.8, *Types of Signs*; and,
 - n. Section 7.10, *Temporary Signs*.
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 50 percent;
 - b. Authorize a land use that is not permitted in the underlying zoning district;
 - c. Modify the density established for a zoning district;
 - d. Grant a variance to a requirement that is assigned to the authority of the Zoning Board of Adjustment; or,
 - e. Authorize a sign type that is not permitted in the underlying zoning district or street type.

Further, that **Article 11, Nonconformities, Section 11.2.5, Loss of Legal Nonconformity Status**, is hereby retitled to Loss of Legal Nonconforming Status.

Further, that **Article 11, Nonconformities, Section 11.2.5, Loss of Legal Nonconformity Status, Subsection B., Damage or Destruction, Paragraph 1.**, is hereby amended to read as follows:

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.

Further, that **Article 12, Definitions, Section 12.3.1, Residential Uses, Subsection B., Group Living**, is hereby amended in its entirety and shall hereafter read as follows:

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Generally, Group Living structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

1. **Assisted Living Facility**

An establishment, licensed by the State of Texas, that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment, and provides personal care services as defined by the State of Texas.

2. **Boarding Home Facility**

An establishment that: (1) furnishes, in one or more buildings, lodging to three or more elderly and/or persons with disabilities who are unrelated to the owner of the establishment by blood or marriage; and (2) provides community meals, light housework, meal preparation, transportation, grocery shopping, money management, laundry services, or assistance with self-administration of medication but does not provide personal care services to those persons. A boarding home facility must have a City-issued permit to operate in accordance with the Boarding Home Facility Chapter of the Arlington City Code.

3. **Community Home for Disabled Persons**

A community-based residential home, as defined and regulated by Chapter 123 of the Texas Human Resources Code and licensed by the State of Texas.

4. **Foster Family Home**

A child-care facility that provides care for not more than six children for 24 hours a day, as defined and regulated by Chapter 42 of the Texas Human Resources Code.

5. Foster Group Home

A child-care facility that provides care for 7 to 12 children for 24 hours a day, as defined and regulated by Chapter 42 of the Texas Human Resources Code.

6. Halfway House

A facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.

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.

8. Nursing Home

A facility or area furnishing food and shelter in single or multiple facilities to five or more persons who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. In addition, the facility provides minor treatment under the direction and supervision of a physician or provides a service which meets some need beyond the basic provision of food, shelter, and laundry. A nursing home must be licensed with the State of Texas in accordance with Chapter 242 of the Texas Health and Safety Code.

9. Lodging House | Fraternity or Sorority House | Private Dorm

A “lodging house” is a residential structure that provides lodging on a temporary basis for five or more persons, with or without meals, and does not provide for cooking in any room occupied by a paying guest. A “fraternity or sorority house” is a facility or area used as a meeting place and which maintains sleeping accommodations for its members. A “private dorm” is a facility or area owned and/or operated by an educational institution that provides group living quarters for individuals associated with the institution.

Further, that **Article 12, Definitions, Section 12.3.3, Commercial Uses, Subsection B., Animal-Related Services, Paragraph 1., Kennel, Commercial**, is hereby amended to read as follows:

1. Kennel, Commercial

A facility or area for keeping four or more dogs, cats, or other household pets, as specified in the "Animals" Chapter of the Arlington City Code; or where breeding, boarding, training, or selling 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.

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 July, 2025.

PRESENTED AND GIVEN FIRST READING on the 13th day of May, 2025, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 27th day of May, 2025, 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  _____