



Arlington Unified Development Code

Planning and Zoning Commission Work Session October 16, 2013

INTRODUCTION

The Planning and Zoning Commission is in the process of reviewing a consolidated version of the proposed unified development code. The Commission has started a series of work sessions about the draft code to enable detailed review and discussion of the draft document. This handout is intended to assist the Commission in focusing their review on the most significant issues within the draft document, and to provide information and questions on the specific topics of discussion at the work sessions.

DISCUSSION TOPICS

The topics for discussion at the October 16, 2013, work session focus on the administrative processes and standards of the draft code. Specifically, the discussion covers Article 8, *Enforcement and Penalties*, Article 9, *Review Authorities*, and Article 10, *Review Procedures*. Staff will provide a full presentation at the meeting.

The information in this handout provides some background information on this topic, highlights portions of the draft code that have notable changes over the current code, and introduces new sections and concepts that are proposed for inclusion in the new code.

ARTICLE 8: ENFORCEMENT AND PENALTIES

Article 8 establishes all the procedures available to the City to ensure compliance with the standards in the code and obtain corrections for violations. It also sets forth the remedies and penalties that apply to violations.

The contents of this article provide more detail than is included in the current zoning ordinance. Specific violation types, enforcement procedures, and penalties for violation are noted, which are all consistent with enforcement powers granted by state law.

ARTICLE 9: REVIEW AUTHORITIES

Article 9 describes the organization and roles of all review bodies associated with the draft code. The contents are similar to the existing provisions in the current zoning ordinance, which are found in Article III. Specifically, this article details the powers, duties, and roles of the following as they relate to the functions outlined in the code: City Council, Planning and Zoning Commission, Zoning Board of Adjustment, Landmark Preservation Commission, Zoning Administrator, and Building Official.

It is important to note that the Zoning Administrator role is not limited to a single person. In most cases, the administrator of the code will be the Director of Community Development and Planning. However, the administrator may assign certain enforcement provisions to other staff members as appropriate, even if the staff is from another department. For example, control over stormwater management would be assigned to technical staff in the Public Works and Transportation Department.

ARTICLE 10: REVIEW PROCEDURES

1. GENERAL INFORMATION

A major focus of the code update is improving the efficiency of the land use approval procedures. The new procedures strike a better balance between the need for careful analysis and public review of applications and the need for regulatory efficiency. Unduly cumbersome policies can discourage the type of development that the City wants to see happen.

Key recommendations from the Diagnosis report include: 1) rewrite the procedures in a consistent format; 2) incorporate recent Arlington process improvements into the code; 3) include clearer rules for public hearing and participation; and 4) consider reducing the amount of discretionary review.

All of the development review and approval procedures currently used by the City are collected in Article 10, including the subdivision approval procedures. This article is organized into two main sections. In the first section, all information that is common across a number of procedures (e.g., notice, hearing, appeals) has been consolidated and standardized. In the second section, the individual procedures have been edited for clarity and illustrated with a simple flow-chart graphics so code users can quickly identify the necessary steps to development approval.

2. GENERAL PROCEDURES (SECTION 10.3)

This section describes the procedural elements that are common to all types of applications. A separate section contains procedures that apply to specific applications such as zoning cases and plats. Applications can be initiated by a property owner or by an agent authorized by the owner. Some types of applications may be initiated by the City.

A new section on completeness determination has been added to comply with Section 245 of the Texas Local Government Code. In general, this process requires the Zoning Administrator to determine whether the application is complete, and if not complete, to notify the applicant in writing within 10 days of what documents or information are missing and required. This section also specifies that incomplete applications expire after 45 days of submittal.

3. NOTICE REQUIREMENTS (SECTION 10.3.6)

This section includes a description of the three types of public notices that may apply to an application. It also includes the required minimum contents of the notice. These requirements are based on Chapters 211 and 212 of the Texas Local Government Code. The three types are:

- a. **Published Notice:** This type of notice is published in the newspaper and applies to all zoning applications, Zoning Board of Adjustment applications, and some plats.
- b. **Written (Mailed) Notice:** This type of notice is also known as “property owner notification” and applies to all zoning applications, Zoning Board of Adjustment applications, and some plats.
- c. **Posted Notice:** This type of notice refers to the posting of signs on the property. The requirements have been simplified from the existing zoning ordinance, and provide better guidance on the needed number of signs and their placement.

4. DECISION-MAKING CRITERIA (SECTION 10.3.8)

This is a new recommended section intended to provide the decision-making body with general criteria by which to review an application or proposal. The criteria offer a baseline to determine if the application is consistent or compliant with the comprehensive plan, other adopted plans, and the use and development standards contained in City regulations.

5. OTHER PROCEDURES (SECTIONS 10.3.9 – 10.3.12)

Several other procedures are outlined in this section, and include a mix of suggested requirements and existing procedures. New sections are included that provide processes and guidelines for the withdrawal of an application and limits on reapplications. Additional language is recommended to address the timeframe that an approval remains valid, or in other words, to address when an approval expires.

A new process is suggested to deal with the revocation of an approval or permit. This is an enforcement tool to address the failure to comply with conditions of approval or other code requirements. The decision to revoke an approval or permit requires a hearing and action by the approving body or by the Zoning Board of Adjustment.

Existing procedures that are carried forward that deal with appeals of decisions made by the Zoning Administrator or other public official as it relates to the code. In most cases, appeals are addressed by the Zoning Board of Adjustment.

6. SPECIFIC REVIEW PROCEDURES (SECTION 10.4)

This section provides procedures for the review and approval of each specific type of application related to the draft code. It consolidates the procedures for all zoning applications, subdivision plats, and other authorized approvals into a single section. Each type of application includes a detailed process associated with the specific application. Notable highlights of this section include:

- a. **Planned Developments:** Several modifications are proposed for the planned development process, as recommended by the Diagnosis report. The “concept brief” option is proposed to be eliminated in favor of one-step “PD development plan” process. New criteria are suggested for the review of a planned development application. Clear language is provided to address the scope of a PD approval, when a PD development plan expires, and how a PD

can be amended. Guidelines and procedures are also included for administrative approvals of changes to a PD development plan.

- b. ***Zoning Site Plans:*** This section codifies an existing type of application and outlines its applicability and approval. Generally, a zoning site plan would be used for determining compliance with change of use standards or public realm improvements in the Entertainment District overlay, or for approving alternative equivalent compliance proposals (see below).
- c. ***Multi-family Development Plans:*** This section carries forward an existing type of application and simplifies its applicability and approval requirements. This type of plan would be used for reviewing proposed multi-family developments in the RH-22, DB, or RMU zoning districts. All multi-family development plans would require approval by the Planning and Zoning Commission and City Council.
- d. ***Subdivision Plats:*** All subdivision plat applications are included in this section. The procedures from the existing subdivision regulations were moved to this section, with some clarifications and edits to the text. One change of note regarding replats is the elimination of the requirement to submit a revised preliminary plat if the replat involves five or more lots.
- e. ***Converting Private Streets to Public Streets:*** This new section establishes procedures for the City to accept private streets as public streets and rights-of-way.
- f. ***Alternative Equivalent Compliance:*** This is a proposed new administrative procedure designed to provide property owner or developer flexibility in design in order to address unique site conditions or creative building design. It builds upon current processes in the zoning ordinance related to building and site design in the Entertainment District overlay and building design related to single-family dwellings. This type of application is applicable to a limited number of standards in Article 5: landscaping, screening, buffering, building design, open space, and some parking and transportation items. Proposals may be approved by the Zoning Administrator, with appeals considered by the Planning and Zoning Commission. This section also sets out criteria for reviewing proposals, the scope of approval, and the expiration of plans.