

A Summary of the Proposed **UNIFIED DEVELOPMENT CODE**



Community Development and Planning Department
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PROJECT PURPOSE

The City of Arlington has been working on a rewrite and update to the Arlington zoning ordinance and subdivision regulations. The zoning ordinance and subdivision regulations are regulatory tools that provide direction on how development or redevelopment will occur within the city. However, the current ordinances and regulations are outdated and are no longer adequate to deal with the type and scale of development that is desired in Arlington. A new code is needed that will act as an incentive to promote economic development and attract business and industry, while also promoting a high quality of life and creating a healthy community.

WHAT IS A UNIFIED DEVELOPMENT CODE

A unified development code is a document that consolidates development-related regulations such as zoning requirements, subdivision regulations, and other design and development standards.

A unified code has several advantages over maintaining separate codes. First, it avoids overlapping, conflicting, or inconsistent requirements by providing one source for all standards. Second, it is more efficient since users only need to become familiar with one set of standards, and the approval procedures are covered under one ordinance. Finally, by integrating all types of development, a unified code offers a more comprehensive approach to design and leads to more consistent treatment of different types of development.

PROCESS OVERVIEW

At the beginning of the project, a consultant team led by Clarion Associates interviewed elected officials, board and commission members, development community and neighborhood representatives, and City staff about the challenges with the current codes. The consultant team also toured Arlington with planning staff to see first-hand how code issues were translating into real-world development patterns. Finally, the consultants and staff distributed a detailed written questionnaire to key stakeholders, which resulted in valuable, additional insights.

Based in part on these interviews, a *Diagnosis of the Zoning Ordinance and Subdivision Regulations* was completed. This document provided a general overview of the current zoning ordinance and subdivision regulations as well as a proposed framework for the new code.

Given the length and complexity of the project, the new code was drafted in three installments: 1) zoning districts and land uses, 2) design and development standards, and 3) administrative review and procedures. City staff reviewed each installment in conjunction with a Zoning Advisory

Committee, which was made up of development community and neighborhood representatives.

Following presentations to and discussions about the code with the Arlington Chamber of Commerce between September and December 2012, a working group was formed for detailed review. This working group met between January and June 2013.

CONTENTS OF THIS BROCHURE

This brochure summarizes the major changes and revisions to the current regulations that are proposed in the UDC. It is helpful to first review the diagnosis report, which explains the rationale for the proposed changes and updates. A copy is available on the City's website at www.arlingtontx.gov/udc.



NOTES ON DRAFT UNIFIED DEVELOPMENT CODE

A completed draft of the proposed UDC has been prepared and is available for public review and comment on the City's website at www.arlingtontx.gov/udc. Each section of the document contains footnotes to provide additional information on various provisions.

Because the document was originally prepared and reviewed in separate sections over a number of years, this draft will contain some inconsistencies in content or cross-references that will be edited as part of the final review of the code. The draft is a work in progress, and updated sections will be posted to the website as any changes are completed.

Code writing is an iterative process that requires moving forward to prepare text and then circling back to edit and correct the document. The draft is still subject to revision, but at this point it is drafted sufficiently for the reader to understand what it will contain as it is edited into the final version.

The website also contains supplemental documents that provide more detail on portions of the draft UDC, as well as links to the current zoning ordinance and subdivision regulations.

KEY THEMES FOR IMPROVEMENT

This project represents the first comprehensive update of the Arlington land use regulations in several decades. Several major themes and goals for the project emerged from the consultant's interviews and reviews of Arlington's existing plans and development approvals. This section provides an overview of these key themes and recommended improvements, which serve as the foundation upon which the UDC is built.

Improve the Code's Organization and User-friendliness

The most commonly mentioned concern was the poor organization and format of the current regulations. Some specific problems mentioned include lack of illustrations, too few cross-references and inconsistent language between chapters.

Key recommendations:

- Consolidate the regulations into a unified code.
- Add illustrations, tables, and flowcharts.
- Use clear language and well-defined terms.

Reduce Reliance on Planned Developments

The most frequently-mentioned substantive concern was the perceived over-reliance on planned developments (PDs), which allow applicants to negotiate deviations from otherwise applicable code standards. While many acknowledge that the PD process has encouraged innovation and creativity, others have said it demonstrates the inability of the current regulations to accommodate desired projects.



Key recommendations:

- Improve the code in order to reduce the need for negotiated approvals.
- Revise the PD approval process to focus on very large or unusual projects.

Provide an Updated List of Zoning Districts

The project included a review of the zoning districts to determine whether they can be improved or streamlined in any way, such as by introducing new districts or eliminating others. The districts should accommodate a wide range of housing types, commercial and industrial businesses, institutional uses, and recreational opportunities. Two common concerns mentioned include the difficulty of developing mixed-use projects and the lack of a large-lot residential zoning district.

Key recommendations:

- Create a new generally applicable mixed-use district.
- Evaluate the residential districts and expand the range of commercial and industrial districts.
- Rein in special purpose and overlay districts.

Modernize the Land Use Classification System

A key feature of any zoning ordinance is the set of uses that are allowed within the zoning districts. The current ordinance has numerous lists of land uses, which raises the potential for inconsistencies. A more systematic organization is needed to allow readers to easily compare uses across districts.

Key recommendations:

- Develop a single master table of allowed land uses.
- Improve the use classification system.
- Distribute uses appropriately between districts.
- Introduce more use-specific standards.

Raise the Bar for Development Quality

Citizens stressed their desire for high-quality projects that will enhance the character of the community. The current code has minimal standards regarding development quality. The new code would provide objective standards that incorporate flexibility for site and building design to encourage innovation and creativity, while not making development cost prohibitive.



Key recommendations:

- Draft generally applicable site and building standards for nonresidential projects.
- Draft new multi-family residential design standards.

Streamline the Review and Approval Procedures

A major focus of the code update was 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:

- Rewrite the procedures in a consistent format.
- Incorporate recent Arlington process improvements into the code.
- Include clearer rules for public hearing and participation.
- Consider reducing the amount of discretionary review.

ARTICLE-BY-ARTICLE UPDATES AND CHANGES

This section provides a summary of the major changes and updates in each article. Existing regulations that form the basis of the draft UDC have been drawn from the City's current zoning and subdivision regulations as well as the numerous substantive amendments that have been adopted since 2005.

GENERAL PROVISIONS | ARTICLE 1

Following the recommendation of the diagnosis report, the existing general provisions have been substantially updated. While the language has been revised in almost every section of this article, the consultant specifically: 1) updated the general purpose statements to more broadly incorporate the themes of the new code, and 2) added transitional provisions that guide how existing development applications will be handled when the new Unified Development Code (UDC) is adopted.

The nomenclature of the zoning districts will change in the new UDC. A transition table showing the conversion from old to new district names is listed in Section 1.6.8.

ZONING DISTRICTS | ARTICLE 2

Per the diagnosis report, a series of targeted amendments were suggested to the lineup of zoning districts, the purpose of which was to make the districts more streamlined, easier to understand, and comprehensive in their coverage.

Each zoning district contains a purpose statement, table of dimensional standards, and graphics that either help interpret dimensional measurements or provide an illustration of development in the district. The purpose of this new organization is to help the user find basic information about the district on a single page. Specific changes include the following.

General Updates

- Regional Mixed Use and Neighborhood Mixed Use districts created as an available option for development.
- Transitional Overlay and Special Commercial Transition districts eliminated.
- New purpose statements created for all districts.
- Simplified and streamlined the Entertainment District overlay.
- Increased allowed lot coverage in several residential districts.
- Listed the Manufactured Housing district as obsolete. The district will still be mapped, but not be available to be requested as part of a zoning change.
- Converted the Village on the Green at Tierra Verde district from an overlay district to a single-family residential base district.

Residential Districts

- Updated the letter designations for all residential districts to reflect the size of the lot.
- Added a new Residential Estate district with a one-acre minimum lot size.
- Removed the Agricultural district and incorporated relevant provisions in the new Residential Estate district.
- Consolidated Duplex and Townhome districts into a new medium-density residential district (RM-12).
- Consolidated all three Multifamily districts into a single multi-family residential district (RMF-22).



Non-Residential Districts

- Added a new Limited Office district designed for transition areas next to neighborhoods.
- Updated designations for the Neighborhood Services, Community Services, and Business districts. New designations are Neighborhood Commercial, Community Commercial, and General Commercial.
- Eliminated the Local Services district to be consolidated with the Neighborhood Commercial district.
- Created new Business Park and Highway Commercial base districts for future use in the highway corridors.
- Eliminated Festival district, to be consolidated into the Community Commercial district.
- Eliminated the existing Business Park overlay district.

Overlay Districts

- Entertainment District overlay sub-districts consolidated into a single set of standards.
- Downtown Neighborhood and Lamar Collins Mixed Use overlay districts streamlined.
- Minor adjustments made to the Airport, Landmark Preservation, and Conservation District overlays.

USE REGULATIONS | ARTICLE 3

As described in the diagnosis report, the system of identifying and regulating land uses in the Arlington code required a complete revision. Key features of this new article are described below.

General Revisions

- Two new master use tables are added showing all uses for all the districts. The current zoning ordinance contains a variety of contradictory use tables.
- A new system of classifying uses was created. The new tables are organized into general use categories, within which are specific use types.
- Definitions are provided for all uses.
- A substantial consolidation and simplification of the standards that apply to individual uses, called supplementary use standards, was completed.
- Added new sections and tables addressing accessory uses and temporary uses.
- The special exception process, which had limited applicability, has been eliminated as a method to streamline development approvals.

Updates to Use Tables

The use tables are entirely new for consideration. They are based on the current use tables and recent amendments, and generally transfer the uses into this new format. Where new or substantially revised districts have been suggested, the tables rely on the suggested purpose statements for the new or revised districts to suggest appropriate uses.

Some uses have shifted from “S” (specific use permit) to “P” (permitted) to reduce the overall number of SUP applications. Some uses have also changed from permitted to requiring a specific use permit.

Notable uses proposed to shift to an SUP requirement in some districts include the following.

Use	CC	GC	HC	LI	IM
Bailbond service	SUP	SUP	SUP	P	P
Tattoo parlor or piercing studio	SUP	P		P	P
Banquet hall	SUP	SUP			
Bingo parlor	SUP	SUP			
Billiard parlor	SUP	SUP			
Game room	not permitted in any district				
Bowling alley	SUP	SUP			
Boat accessory sales, rental and service		P	SUP	P	P
Specialty paraphernalia sales	SUP	SUP		SUP	SUP
Wrecker service	SUP			P	P

Supplemental Use Standards

This section consolidates all the supplemental use standards that are located in various sections of the current code. Throughout these standards, some duplicated requirements have been removed as they are replaced by the generally applicable design and development standards in Article 5.

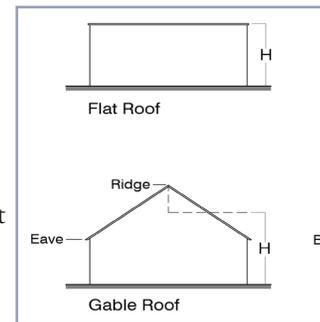
An important example of this streamlining is the replacement of the “residential adjacency” standards, which currently apply to many different uses, with a comprehensive set of general residential compatibility standards, e.g., screening and buffering.

Specific changes include the following.

- Hotel design standards have been revised to remove redundant and conflicting provisions.
- Large scale retail standards are not carried forward, as the standards were rarely used. The design standards for nonresidential development would apply instead.
- Accessory building standards have been reformatted, edited, and inserted into this section.
- Front yard carports have been converted from a special exception to a use by right, though they would be subject to the same conditions as listed in the existing regulations.
- Home based business requirements have been modified and updated to provide more flexibility in determining allowed uses. New guidelines for neighborhood compatibility are suggested.
- Standards to allow for the installation of alternative energy devices are proposed. These devices include solar, wind, and geothermal systems. There has been interest by residents in installing solar and wind devices, and modest standards are proposed for consideration.

DIMENSIONAL STANDARDS | ARTICLE 4

Many of the dimensional standards that specifically apply to a zoning district are contained in the standards for that district. Article 4 collects a number of common dimensional standards, exceptions, and rules of measurement in a single location for ease of reference. Examples include changes to setbacks in specific situations, permission for encroachments into setbacks, and limited height exceptions. This article also specifies that the setbacks for a zoning district apply regardless of any setbacks shown on a recorded plat.



DESIGN AND DEVELOPMENT STANDARDS | ARTICLE 5

The design and development standards article brings together the various regulations that address development quality, such as how the land itself is protected or modified, where development takes place on the site, how the buildings are designed, and how the use is operated. In general, these standards address landscaping, screening, buffering, parking, and building and site design.

There were several goals for this article: 1) carry forward the City's established policies, as appropriate; 2) raise the bar in some areas of project design, as discussed in the diagnosis report; and 3) create a cohesive regulatory framework.

To meet these goals, the entirety of the existing regulations and amendments were reviewed to understand what purposes the City was trying to achieve in the different regulatory areas. The most recent amendments, such as the Entertainment District, were also reviewed to ascertain the City's most recent policy directions. The draft was supplemented with proposed new standards. Finally, all provisions were reorganized, redrafted, and updated as necessary to create a complete, cohesive, and clear new set of regulations.

Applicability

In the introductory section, new general applicability standards are suggested for the entire article. These standards are based in part on those found in the Entertainment District overlay, but some requirements have been adapted for general applicability. In addition, applicability requirements were carried forward throughout this article as needed to help an applicant understand if a requirement is applicable to their project.

The change in use requirements that currently apply to the Entertainment District overlay are retained. Varying standards would apply depending on the size of an addition to a building.

Landscaping

This section consolidates the current landscaping standards. The material was organized to clarify that one or more of three types of landscaping may be required for a development project: 1) residential landscaping, 2) perimeter landscape setback, or 3) parking lot landscaping and screening.

The perimeter landscape setback that applies to nonresidential property has been updated. The current standard is 20 feet on frontage roads and 10 feet along all other roads. The setback is proposed as 10 feet, 15 feet, or 20 feet, depending on the type of roadway (arterial, collector, local). Standards for landscape material and trees are included.

Landscaping standards for internal parking areas, tree preservation, and plant quality and size are carried forward with minimal changes.



Screening, Buffering, and Fences

The residential adjacency standards have been revised and the screening and transitional buffering standards folded into this newly created section for screening, buffering, and fences. This section works in conjunction with other design standards to ensure that higher-intensity uses are designed, buffered, and screened in consideration of residential uses.

Required screening and buffering now references land use and structure categories instead of zoning districts. Overall, the buffer yards have been reduced in width from 20-40 feet to 10-30 feet. The required width depends on the land use of and development on the adjacent property.

Existing fence requirements in the residential design standards have been reorganized and edited. New standards for fences in front yards and agricultural uses have been added. In addition, general standards for fences in nonresidential and mixed-use districts are proposed.

Off-Street Parking and Loading

In this section, the various off-street parking requirements have been consolidated, reorganized, edited, and updated. As provided in the diagnosis report, these provisions have been updated in the following ways: 1) revised the shared parking provisions, 2) added new alternative parking options that the City can address administratively, and 3) updated the off-street parking standards and correlated the list to the use table. Additionally, provisions to reduce parking requirements for infill development in downtown Arlington have been included to reduce barriers to redevelopment.

Parking requirements have been generally reduced overall, but are consistent with communities of Arlington's size around the country. More flexibility has been added to address redevelopment of properties, infill development, and the calculation of spaces for manufacturing and industrial uses.

Standards related to drive-through vehicle stacking and compact car spaces are proposed. Bicycle parking was updated as provided by the Hike and Bike System Master Plan.

Single-Family Residential Design Standards

Design standards for single-family residential dwellings were adopted in September 2009. The standards also cover two-family dwellings (duplexes) and townhouses. The draft UDC generally carries forward these regulations as adopted, though some additions and modifications are recommended to clarify the intent of some standards.

Multi-Family Residential Design Standards

The draft UDC proposes new multi-family standards that provide a wide range of requirements intended to promote higher quality design, more efficient use of land, and adequate protection of surrounding development. The standards are more reflective of current market trends, and build on recent approvals of this type of development.

The proposed standards focus on site and building design, the organization and separation of buildings, and building materials.



Village on the Green at Tierra Verde

With the conversion of the VG overlay into a single-family residential district, several standards unique to the VG district are carried forward. However, the standards for residential design standards in this district were not. This was done to avoid the duplication of standards, as the VG requirements for single-family design were adopted before the general residential design standards. The general standards would apply to residential construction in this district.

Standards carried forward in the VG district include dimensional requirements for lots and subdivisions, open space, external streetscape design, and street design.

Non-Residential Design Standards

The diagnosis report completed at the beginning of the project recommends replacing the existing commercial design standards with a broader set of standards that provide more design options and flexibility.

The standards proposed for consideration in the draft UDC are intended to offer a wide range of design options, while at the same time fostering high-quality, attractive nonresidential development that balances the economic needs and aesthetic concerns in Arlington. A process for considering alternative building and site designs is included to provide even greater flexibility.



The proposed design standards would apply to new structures and expansions of existing structures for all nonresidential buildings in residential zoning districts and most non-residential districts. In the industrial districts, the standards would only apply to certain land uses and not to industrial structures, which is consistent with how the current standards apply.

Mixed-use development would be subject to the non-residential design standards and a new set of standards specific to this type of development. These standards are generally based on the existing Entertainment District overlay requirements for site layout and building design.

Overlay districts

The Entertainment District overlay consolidates the standards from the various sub-districts into a single set of standards, as most of the standards were very similar. While there are still several special standards for building design, site layout, and land uses, the overlay district primarily focuses on the public realm design standards. The Airport, Landmark Preservation, and Conservation District overlays are carried forward with minor content changes.

Transportation and Connectivity

The topic of connectivity was not addressed in detail in the diagnosis report, but the various existing ordinances include standards relating to both vehicular and pedestrian circulation. They have been consolidated into this article and updated to meet current best practices.

Common Open Space

This proposed new section builds on the City's existing open space requirements included in the Entertainment District overlay. As drafted, this section requires a set-aside of open space in a development, not a public dedication of land. This set-aside requirement is intended to serve as a mechanism to create new open space areas for recreation, social interaction, and other outdoor uses. Common open space is also an effective way to soften the effects of denser development and make such areas more livable and social. The set-aside requirement applies to private open space in townhouse, apartment, and non-residential developments.



SUBDIVISION REGULATIONS | ARTICLE 6

As described in the diagnosis report, the existing subdivision regulations will stay largely intact, but will be consolidated with the UDC. Several changes are proposed:

- Procedural requirements for subdivision plats were moved to Article 10 with all other administrative processes related to the code. Specific application submittal requirements for plats were removed and will be handled administratively.
- All subdivision definitions are moved to Article 12 with other definitions.
- Terminology and department references were updated as necessary, e.g., Zoning Administrator, City Engineer, Public Works and Transportation Department, and Community Development and Planning Department.
- Language was updated to clarify when a plat is required and what constitutes adequate public facilities.
- Duplicate provisions that are found in other codes were removed and cross-referenced as needed, such as water utilities and public works requirements.

SIGNS | ARTICLE 7

The existing sign regulations have been incorporated into the UDC with few changes. All of the various sign standards located throughout the current zoning ordinance have been formatted and consolidated into this section, including the Downtown Business, Downtown Neighborhood, and Entertainment districts. The alternate sign plan, which is in the existing Business Park overlay, is proposed to apply to property with frontage on I-20.



ENFORCEMENT AND PENALTIES | ARTICLE 8

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.

REVIEW AUTHORITIES | ARTICLE 9

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. 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.

REVIEW PROCEDURES | ARTICLE 10

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. The first section consolidates and standardizes the procedural elements that are common across all types of applications. The second section consolidates the procedures for individual zoning applications, subdivision plats, and other authorized approvals. Each application type includes a detailed process associated with the specific application.

Notable changes include the following.

- A new section on completeness determination has been added to comply with Section 245 of the Texas Local Government Code.
- The Planned Development procedure eliminates the concept brief option in favor of a one-step PD development plan process.
- The zoning site plan process presently has a limited purpose. As proposed in the draft, it would be used for reviewing change of use compliance and public realm improvements in the Entertainment District overlay; alternative equivalent compliance proposals; and administrative revisions to development plans. This uses an existing process to accomplish multiple objectives.
- The multi-family development plan carries forward an existing type of application. The applicability and approval requirements are clarified.
- An alternative equivalent compliance process is proposed to handle administrative approvals that are referenced throughout the code.

NONCONFORMITIES | ARTICLE 11

The section on nonconformities represents a proposed new approach for dealing with this subject. The focus is on three separate issues: nonconforming uses, nonconforming lots, and nonconforming structures. The existing code makes it difficult to address nonconformities, as the overlapping language makes it difficult to distinguish these issues individually. Also included are new sections for amortization of nonconforming uses and structures and illegal uses.

DEFINITIONS | ARTICLE 12

All of the definitions have been consolidated into this article along with some basic rules of interpretation. The uses identified in Article 3 are all fully defined and duplicate definitions have been removed. This section also defines terms related to subdivision regulations, signs, and other words found throughout the draft code.

FOR MORE INFORMATION

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