

**Planning &  
Zoning  
Commission  
Work Session**

**12.20.23**

# **Unified Development Code Annual Update 2023**

**Purpose: To make minor updates to the Unified Development Code to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department.**



# UDC Amendments

The **Unified Development Code (UDC)** has been amended and updated numerous times since its adoption in June 2014. Amendments keep the UDC relevant with changes that reflect the latest thinking and best practices on land use and development.

Omnibus updates are made to eliminate unclear language, correct errors, and update content based on interpretations and practices of the department.

# Recent UDC Amendments

10.16.18.....	Annual UDC Updates
06.01.19.....	Hotel Design Standards
09.24.19.....	UDC updates related to HB2439 and HB3167
06.23.20.....	UDC update related to Minimum Living Area and Parking Requirements for Multi-family, Independent Senior Living, Assisted Living, and Nursing Homes
12.17.20.....	Tree Preservation and Mitigation
06.01.21.....	Annual UDC Updates
11.09.21.....	Ballfield Lighting and Vertical Banners
06.28.22.....	Small Box Discount Stores
01.24.23.....	Tobacco, E-cigarette, CBD, and CHP Retail Stores
03.07.23.....	2022 Annual UDC Updates
05.23.23.....	Flex Hybrid Zoning District
09.05.23.....	Standards for Cottage Communities
09.26.23.....	Wall Murals

# Items for Consideration

## **There are 28 items for consideration:**

- Six Clarifications
- Three Corrections
- Four Definitions (New or Modified)
- Ten Additions
- Two Changes in Use (Primary)
- Three Changes in Use (Accessory)

# Item for Considerations

<h1>Maintenance</h1> <h2>Article 8: Enforcement</h2>	Existing	None
	Proposed	<p><b>Amend Section 8.2 to include:</b></p> <p><b>8.2.10 – Failing to Maintain Premises</b></p> <p>To fail to maintain, restore, replace, or otherwise keep in a state of good repair or condition the improvements, facilities, and appurtenances to property required by plat, site plan, development plan, specific use permit, variance, alternative equivalent compliance, permit, or the substantive standards of this Code.</p>
	Rationale	<p>This new section makes clear that a property owner has a continuing obligation to keep buildings, parking lots, landscaping, signage and other improvements in good repair and condition. The section is additive to other applicable enforcement provisions of the City Code.</p>

# Item for Considerations

<u>Acceptance of Conditions</u>  10.4.22 Alternate Equivalent Compliance	Existing	None
	Proposed	Add Subsection I to 10.4.22, Alternate Equivalent Compliance: <b>I. Acceptance of Conditions</b> <b>An applicant or owner of premises that constructs a building or sign or develops property and receives the benefit of an alternative equivalent compliance plan constitutes acceptance of the terms and conditions of the plan as approved by the Zoning Administrator.</b>
	Rationale	It is not uncommon for an applicant to give initial consent to an AEC to complain about the terms after they have built and taken advantage of the benefit granted in the AEC.

# Item for Considerations

<b><u>Planned Development Scope of Approval</u></b>  10.4.3 Planned Developments	<b>Existing</b>	<b>10.4.3.I.1(c):</b> Prior to a permit being issued for property with an approved PD Development Plan, the building permit shall be reviewed for compliance with the approved design standards.
	<b>Proposed</b>	Amend subsection 1(c) to read: Prior to a permit being issued for property with an approved PD Development Plan, the building permit shall be reviewed for compliance with the approved design standards. <b>Unless stipulated in the enacting ordinance or specifically annotated on the Development Plan, all dimensional standards of the base zoning district shall apply, and the Development Plan shall be modified to conform to easements, rights-of-way, and dedications necessary to provide adequate public facilities.</b>
	<b>Rationale</b>	The amendment makes clear that an approved development plan does not supersede underlying regulations unless clearly spelled out, and that the plan must adjust to standards for streets, water, sewer, and drainage infrastructure.

# Item for Considerations

<b><u>Applicant Responsibility When Postponed or Continued</u></b>  10.3.7 Approval Procedures	Existing	
	Proposed	<p>Amend subsection E of Section 10.3.7 by adding a new paragraph 2 to read:</p> <p><b>2. By motion, the decision-making body may for any reason it deems appropriate continue a public hearing indefinitely without specifying a date of continuance.</b></p> <p>Add a new subsection E to Section 10.3.7 to read:</p> <p><b>E. The applicant is responsible for notifying the Zoning Administrator in writing of a proposed date to reschedule a postponed or indefinitely continued public hearing. The Zoning Administrator may reschedule the public hearing on the applicant's proposed date or another date mutually convenient to the parties. The Zoning Administrator shall ensure that notice and publication of the rescheduled public hearing are provided as required by this Article 10 and by state law.</b></p>
	Rationale	<p>Indefinite continuance is a common practice but not expressly provided for in the UDC. The new subsection E places responsibility on the applicant to take the initiative to reschedule a postponed or indefinitely continued hearing. See companion amendments to Section 10.3.9.</p>



# Item for Considerations

## Withdrawal of Inactive Cases

### 10.3.9.A Withdrawal of Application by Applicant

Existing

None

#### Proposed

Add new paragraph 6 to Section 10.3.9.A to read:

**6. An application for which the public hearing is postponed at the applicant's request or continued indefinitely pursuant to Section 10.3.7 and not rescheduled for public hearing within one year from the date of complete submittal constitutes the applicant's withdrawal of the application.**

#### Rationale

This amendment terminates postponed cases or indefinite continuances for which the applicant has not taken the initiative to reschedule for public hearing. See the companion amendments to Section 10.3.7.

# Item for Considerations

## Two Family Residential Dwelling Standards

### Section 5.5.3 Standards for Single-Family and Two-Family Residential Dwellings

Existing	Section 5.5.3 is not consistent in referring to single family and two-family structures.
Proposed	<p><b>PROPOSED REVISION:</b></p> <p>5.5.3.A Specifically, the goals for single-family <del>detached</del> <b>and two-family</b> developments are:</p> <p>5.5.3.B.1 These standards are applicable in all zoning districts to new construction or redevelopment of single-family <b>and two-family</b> dwelling units in all zoning districts, except the following:</p> <p>a. Planned Development districts that have specific residential design standards, <b>but only to the extent such standards differ from the standards of this Section 5.5.3.</b></p> <p>5.5.3.C (caption) Building Design Standards Applicable to All Single-Family <b>and Two-Family</b> Residential</p> <p>5.5.3.E (caption) Building Design Standards Applicable to All <b>Two-Family and Attached Single-Family</b> Residential</p>
Rationale	5.5.3 applies to both single-family and two-family residential, but application is confusing due to the lack of reference at appropriate points. As to 5.5.3.A, the goals should be equally applicable to SF detached and 2F.


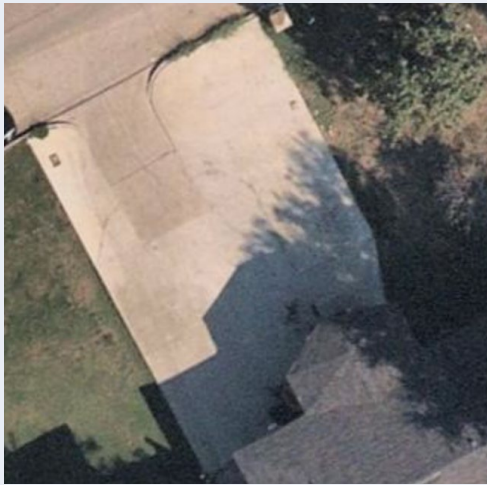
# Item for Considerations

<div>Duplex Parking Maximum</div> <div>Table 5.4-1 Off-Street Parking Schedule A</div>	Existing	The UDC allows unlimited parking for duplexes.																												
	Proposed	<table><tr><th colspan="3">TABLE 5.4-1: Off-Street Parking Schedule A</th></tr><tr><th>USE CATEGORY</th><th>USE TYPE</th><th>PARKING REQUIREMENT</th></tr><tr><td colspan="3">RESIDENTIAL USES</td></tr><tr><td rowspan="7">Household Living</td><td>Dwelling, duplex</td><td>2 per dwelling unit <b>not to exceed 1 per bedroom</b></td></tr><tr><td>Dwelling, live/work</td><td>1.5 dwelling unit (work area calculated as retail, office, or commercial use)</td></tr><tr><td>Dwelling, multi-family</td><td>1 per studio   1.5 per 1 bedroom   2.0 per 2 bedroom   2.5 per 3 bedroom   2.5 + .5 for each bedroom more than 3</td></tr><tr><td>Dwelling, single-family detached</td><td>2 per dwelling unit</td></tr><tr><td>Dwelling, townhouse</td><td>2 per dwelling unit</td></tr><tr><td>Garage apartment</td><td>1 per dwelling unit</td></tr><tr><td>HUD-Code manufactured home   Mobile home</td><td>2 per dwelling unit</td></tr><tr><td>Group Living</td><td>Assisted living facility (≤6 residents)</td><td>2.0 per dwelling unit, not to exceed 1 per bedroom</td></tr></table>		TABLE 5.4-1: Off-Street Parking Schedule A			USE CATEGORY	USE TYPE	PARKING REQUIREMENT	RESIDENTIAL USES			Household Living	Dwelling, duplex	2 per dwelling unit <b>not to exceed 1 per bedroom</b>	Dwelling, live/work	1.5 dwelling unit (work area calculated as retail, office, or commercial use)	Dwelling, multi-family	1 per studio   1.5 per 1 bedroom   2.0 per 2 bedroom   2.5 per 3 bedroom   2.5 + .5 for each bedroom more than 3	Dwelling, single-family detached	2 per dwelling unit	Dwelling, townhouse	2 per dwelling unit	Garage apartment	1 per dwelling unit	HUD-Code manufactured home   Mobile home	2 per dwelling unit	Group Living	Assisted living facility (≤6 residents)	2.0 per dwelling unit, not to exceed 1 per bedroom
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Rationale	Duplexes are residential and work well within RM-12 neighborhoods that are predominantly single-family. Too much parking makes the duplex non-contextual, i.e. out of character for the fabric of the neighborhood. The proposed maximum is still very generous given that duplexes are becoming one of the by-the-bedroom rental housing types.																													

# Item for Considerations

## Single and Two-Family Parking

Table 5.4.9.B  
Location and Design  
of Parking Spaces

Existing	None
<b>Proposed</b>	<p>Add a new paragraph c to Subsection 5.4.9.B.1 to read as follows:</p> <p><b>c. All parking in the street frontage building setback of single- and two-family dwellings shall be restricted to the driveway. Parking pads or spaces accessed from the driveway, the street, the interior of the lot, or adjoining properties are prohibited.</b></p> <p>Revise caption to read: “Parking Prohibited in Certain Locations”</p>
<b>Rationale</b>  Also see 3.3.6.H.4 {HBB}	 

# Item for Considerations

## Light Trespass on Residential Properties

### 5.3.1.H Lighting

Existing	None
<b>Proposed</b>	<b>Add</b> to Section 5.3.1 Residential Screening and Buffering: <b>H. Lighting</b> <b>1. This section shall apply to all residential and non-residential uses that abut properties used for residential purposes.</b> <b>2. Light sources must be indirect, diffused, or covered by shielded type fixtures, and be installed to reduce glare and interference with residential uses.</b>
<b>Rationale</b>	Except for parking lot lighting (5.4.9.F), there is no provision in the UDC to protect residential uses from the glare of lights installed on buildings on abutting properties.

# Item for Considerations

## Roof Mounted Mechanical Equipment Visibility

Section 5.3.2.B.2(a)  
Roof-mounted  
mechanical  
equipment

### Existing

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened

### Proposed

**The current section should be amended as follows:**

Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be of a height equal to or greater than the height of the mechanical equipment being screened **so that such equipment is not visible from a point six feet above any portion of the abutting sidewalk or above the crown of the abutting street, whichever is greater.**

### Rationale

This is needed to deal with a development situation where the pad elevation is below the elevation of the sidewalk or street. Administrative leeway is always available in circumstances where there is an extreme grade change, or the result would be a parapet too high and out of proportion to the building façade.

# Item for Considerations

<b><u>Distinct Materials</u></b>  5.3.2 Mechanical and Utility Equipment Screening	Existing	None
	Proposed	Add a new subsection D to Section 5.3.2 to read: <b>D. Materials used to construct the mechanical and utility screening required by this Section 5.3.2 shall not count towards compliance with the design requirements of Article 5 for distinct building materials on facades.</b>
	Rationale	Mechanical and equipment screening serves a utilitarian function and latitude is provided on its appearance. The purpose of the distinct façade materials requirement is to provide preferred materials in sufficient quantity to create visual interest in the structure.

# Item for Considerations

<u>Issuance of Building Permits</u>  Section 5.3.4 Single-Family Residential Fences	Existing	5.3.4.A.2 Residential Fencing Types ....Perimeter fencing is required to be completely installed by the developer for the boundary of the approved final plat in the areas as set forth below, prior to the issuance of a building permit....
	Proposed	Amend Section 5.3.4.A.2 to read as follows: <b>a.</b> Residential fencing standards are divided into two main categories: perimeter fencing and privacy fencing. <b>(1)</b> Perimeter fencing is required to be completely installed by the developer for the boundary of the approved final plat in the areas as set forth below, prior to the issuance of a building permit. <b>The Zoning Administrator may, but is not required to, authorize the issuance of building permits for up to 10 percent of the residential lots in the development prior to complete installation of perimeter fencing. No dwelling unit within the development shall be approved for occupancy until the perimeter fencing has been completely installed.</b> <b>(2)</b> Privacy fencing is an option left up to the builder or homeowner, but if built it shall follow the standards listed below.  Correct the caption for Section 5.3.4 to read: Single-Family <b>and Two-Family</b> Residential Fences
	Rationale	The amendment codifies current administrative policy, ratified by Council on August 1, 2023, to limit early building permits to 10 percent.



# Item for Considerations

## Deferral of Landscaping Installation

### Section 5.5.2.A Residential Landscaping

#### Existing

#### Section 5.2.2.A.3.e Streetscape Adjacent to Major Thoroughfares

Landscape buffer zones adjacent to major arterials, minor arterials, and major collectors shall be identified as open space lots on the plat. The landscaping and sidewalks on such lots shall be the same as required in Section 5.2.2.A.3.c, above, but it shall be maintained by the community's homeowners' association or public improvement district.

#### Proposed

Amend Section 5.2.2.A.3.e by adding a new paragraph (2):

**(2) The Zoning Administrator may, but is not required to, temporarily defer the installation of perimeter landscaping if climate conditions are not conducive to the establishment of new plants. Said landscaping shall be installed immediately when the deferral period or any extension thereof expires.**

#### Rationale

The amendment codifies the administrative practice of deferring perimeter landscaping of a development as warranted by climate conditions.

# Item for Considerations

## Screening of Metal Facades

### 5.6.4 Non-Residential Design Standards

Existing	None
<b>Proposed</b>	Add a new paragraph f to Section 5.6.4.I.1 to read: <b>Unless exempted or permitted by planned development ordinance or alternative equivalent compliance, the front façade of any building utilizing more than 20 percent metal shall be screened from view by structures or landscaping comprised of evergreen trees, layered in two rows, with a minimum three-inch caliper and 10 feet in height at the time of installation.</b>
<b>Rationale</b>	This provision is intended to shield from public view commercial building facades constructed primarily of metal. It does not limit, directly or indirectly, the use of metal for building facades when approved in the IBC for such application and as otherwise permitted by the UDC.

# Item for Considerations

<b><u>Used Auto Sales</u></b>  Section 3.2.3 (B)(1). Auto Sales, Equipment, and Repair	<b>Existing</b>	In the GC District: (ii) For existing “Motor Vehicle Sales, Used”, “Auto Service Center”, and “Car Wash” uses legally operating on January 7, 2014, and located in buildings or lease spaces, the use may be changed to another nonconforming “Motor Vehicle Sales, Used”, “Auto Service Center”, or “Car Wash” in the existing buildings or lease spaces and an SUP shall not be required and Zoning Board of Adjustment approval is not required.
	<b>Proposed</b>	<b>Remove:</b> For existing “Motor Vehicle Sales, Used”, “Auto Service Center”, and “Car Wash” uses legally operating on January 7, 2014, and located in buildings or lease spaces, the use may be changed to another nonconforming “Motor Vehicle Sales, Used”, “Auto Service Center”, or “Car Wash” in the existing buildings or lease spaces and an SUP shall not be required and Zoning Board of Adjustment approval is not required.
	<b>Rationale</b>	This deletion should have been made in conjunction with other auto use changes in the 2022 UDC updates.

# Item for Considerations

<div>Used Auto Sales in the Entertainment District Overlay</div> <div>Section 5.8.1.B.2 Prohibited Uses</div>	Existing	Used Auto Sales are allowed in the EDO-IM Zoning District.	
	Proposed	Add “Used Auto Sales” to the list of <b>Prohibited Uses</b> in the EDO that already includes “auto service centers” and “auto repair garage, major”.	
	Rationale	<div><b>Prohibited Uses</b> Any use not explicitly allowed in Table 3.1-1, <i>Table of Allowed Uses – Residential Districts</i>; and 3.1-2, <i>Table of Allowed Uses – Non-Residential and Mixed-Use Districts</i>, is prohibited in the EDO district. In addition, the following uses are prohibited in the entire EDO district:</div> <div><div><div>a. HUD Code manufactured home/mobile home</div><div>b. Halfway house</div><div>c. Correctional facility</div><div>d. Animal production</div><div>e. Crop production</div><div>f. Auto service center</div><div>g. Auto repair garage, major</div><div>h. Surface parking lots as a primary use</div><div>i. Any hotel used for extended stay (see definition of Residence Hotel-subclassification)</div></div><div><div>j. Secondhand goods store</div><div>k. Bail bond service</div><div>l. Gun range (indoor)</div></div></div>	

# Item for Considerations

<u>Permitted by PD Only Uses</u>  3.1.2 Explanation of Table Abbreviations	Existing	None
	Proposed	<b>H. Permitted by PD Only Uses.</b> “PD” in a cell indicates that the use is permitted only through the PD process. The use is allowed only if it complies with Tables 3.1-1 and 3.1-2 in accordance with the supplemental use standards in this article and the requirements of Article 5, Design and Development Standards. The use is subject to all other applicable regulations of this Code and the defined use standards requirements for the PD.
	Rationale	Insert language in explanation of Table Abbreviations to include those uses permitted by PD only (i.e., Cottage Communities).



# Item for Considerations

## Swimming Pools

Table 3.3-1:  
Accessory Uses –  
Residential Districts

Table 3.3-2  
Accessory Uses -  
Non-Residential and  
Mixed-Use Districts

Section 3.3.6  
Supplemental  
Accessory Use  
Standards

Existing	None
<b>Proposed</b>	<p><b>Add P*</b> to all districts permitting swimming pools (private) in the Accessory Uses Tables.</p> <p>Amend Supplemental Accessory Use Standards to include:  <b>3.3.6.O. Swimming Pools.</b>  Swimming Pools shall not be located between the front property line and an imaginary building line drawn from each front corner of the main building to the side property line.</p>
<b>Rationale</b>	<p>This new section makes clear that swimming pools cannot be constructed in the front yard or in front of the primary structure.</p> <div>   </div>

# Item for Considerations

<b><u>Secondary Living Units</u></b>  <b>Table 3.3-1 Accessory Uses</b>  <b>Section 3.3.6 Supplemental Accessory Use Standards</b>	<b>Existing</b>	<b>None</b>
	<b>Proposed</b>	Amend Supplemental Accessory Use Standards: 3.3.6.L. Secondary Living Units to include:  <b>3. Only one secondary living unit is allowed per lot and that secondary living unit shall count towards the maximum number of accessory buildings allowed per lot in accordance with Table 3.3-4.</b>
	<b>Rationale</b>	This new section makes clear that only <b>one</b> secondary living unit can be constructed on residential lots where they are permitted.

# Item for Considerations

## Sidewalk Cafes

Table 3.3-2  
Accessory Uses –  
Non-residential

Existing	None
<b>Proposed</b>	Add <b>P*</b> (in lieu of existing P) to all zoning districts for the Sidewalk Café accessory uses.
<b>Rationale</b>	3.3.6.M supplement use standards apply to accessory sidewalk cafes regarding the occupancy of a public sidewalk or parkway for a sidewalk café with conditions.

Use Type	LO	OC	NC	CC	GC	HC	DB	BP	LI	IM	NMU	RMU	Use Standards
Accessory building (not listed below)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.A
Accessory use (not listed below)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.A
Alternative energy system	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.B
Caretaker's quarters	P	P	P	P	P	P	P	P	P	P			3.3.6.C
Community center (private)						P					P	P	
Customarily incidental use	P	P	P	P	P	P	P	P	P	P	P	P	3.3.6.E
Electric vehicle charging station	P	P	P	P	P	P	P	P	P	P	P	P	
Garage apartment							P					P	3.3.6.F
Garage (private)	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	3.3.6.G
Home-based business								P*				P*	3.3.6.H
Mobile Food Establishment	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.N
Outside display and sales			P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	3.3.6.I
Outdoor storage				P*	P*	P*		P*	P*	P*			3.3.6.J
Recycling collection center			S*	S*					P*	P*			3.3.6.K
<b>Sidewalk cafe</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>3.3.6.M</b>
Swimming pool (private)						P					P	P	
Transit passenger shelter	P	P	P	P	P	P	P	P	P	P	P	P	



# Item for Considerations

## Hotels in the EDO

### Table 3.2-3: Demo and Rebuild

### Section 5.8.1.B.1 Entertainment District Overlay Permitted Uses

Existing	<p>“*In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).“</p> <p>In the EDO, “Upper-Upscale Hotels require approval of a Specific Use Permit.”</p> <div><p>Land Uses</p><p>1. <b>Permitted Uses</b></p><p>Subject to the provisions of Section 3.1, <i>Tables of Allowed Uses</i>, any use permitted in the applicable underlying base zoning district may be permitted the EDO overlay district, with the following conditions:</p><ul style="list-style-type: none"><li>a. Restaurants with drive-through windows require approval of a Specific Use Permit.</li><li>b. Upper-Upscale Hotels require approval of a Specific Use Permit.</li><li>c. An Upscale Hotel may be permitted only by Specific Use Permit in conjunction with a demo and rebuild as provided in Table 3.2.-3.</li><li>d. Overnight parking facilities are subject to Section 3.2.3.E.</li><li>e. Self-storage facilities require approval of a Specific Use Permit.</li></ul></div> <table><caption>TABLE 3.2-3: Demo and Rebuild</caption><tr><th>Existing Hotel Classification</th><th>Permitted Hotel Classification on Rebuild</th><th>Approval Requirement</th></tr><tr><td>Upscale</td><td>Upper-Upscale</td><td>p*</td></tr><tr><td rowspan="2">Upper-Midscale</td><td>Upscale</td><td rowspan="10">SUP*</td></tr><tr><td>Upper-Midscale</td></tr><tr><td rowspan="3">Midscale</td><td>Upscale</td></tr><tr><td>Upper-Midscale</td></tr><tr><td>Midscale</td></tr><tr><td rowspan="3">Economy Independent</td><td>Upscale</td></tr><tr><td>Upper-Midscale</td></tr><tr><td>Midscale</td></tr><tr><td colspan="3">* In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).</td></tr><tr><td colspan="3">* Rebuilds to the Economy, Midscale and Upper-Midscale classifications are prohibited in the EDO.</td></tr></table>	Existing Hotel Classification	Permitted Hotel Classification on Rebuild	Approval Requirement	Upscale	Upper-Upscale	p*	Upper-Midscale	Upscale	SUP*	Upper-Midscale	Midscale	Upscale	Upper-Midscale	Midscale	Economy Independent	Upscale	Upper-Midscale	Midscale	* In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).			* Rebuilds to the Economy, Midscale and Upper-Midscale classifications are prohibited in the EDO.		
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Upscale	Upper-Upscale	p*																							
Upper-Midscale	Upscale	SUP*																							
	Upper-Midscale																								
Midscale	Upscale																								
	Upper-Midscale																								
	Midscale																								
Economy Independent	Upscale																								
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Proposed	<p>Remove:</p> <p>"*In the EDO, Upscale rebuilds to the Upper-Upscale classification requires a Specific Use Permit (SUP).“</p> <p>“Upper-Upscale Hotels require approval of a Specific Use Permit.”</p>																								
Rationale	<p>The intent is/was to allow Upper-Upscale and Rebuilds to Upper-Upscale Hotels in the EDO as permitted uses.</p>																								

# Item for Considerations

## Fencing around stormwater drainage ponds

### Section 6.5.2 Drainage Features B. Stormwater Mitigation

Existing

**Proposed**

Add language in the UDC requiring, as necessary, a four (4) foot open fence around drainage areas/detention/retention ponds as needed for safety and security purposes.



**Rationale**

There is no UDC requirement for fencing around detention/retention storage ponds in keeping with staff practices.

# Item for Considerations

## Pre-Application Meeting

Table 10.2-1:  
Summary Table of  
Review Procedures

Existing

A Pre-Application (Pre-submittal) Meeting is only required for Planned Developments (PD).

Proposed

<b>TABLE 10.2-1: Summary Table of Review Procedures</b> <i>✓ = required; R = recommendation; H = public hearing required; D = decision;</i> <i>A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing</i>								
Procedure	Pre-Application Meeting	Legislative (L) or Quasi-Judicial (QJ) Hearing	Zoning Administrator	Landmark Preservation Commission	Zoning Board of Adjustment	Planning and Zoning Commission	City Council	Code Reference
<b>Zoning Procedures</b>								
Unified Development Code Text Amendments		L	R			R-H	D-H	10.4.1
Zoning Map Amendments		L	R			R-H	D-H	10.4.2
Planned Developments	✓	L	R			R-H	D-H	10.4.3
Zoning Site Plans			D		A			10.4.4
Multi-family Development Plans	✓	L	R			R-H	D-H	10.4.5
Mixed-use Development Plans	✓	L	R			R-H	D-H	10.4.55
Specific Use Permits	✓	L	R			R-H	D-H	10.4.6
Zoning Variances and Appeals		QJ	R		D-H			10.4.7

Rationale

Applicants can submit applications without meeting with staff first. This can lead to delays in review as staff as well as confusion with the review process. A Pre-Application meeting is provided to facilitate understanding of UDC and other City requirements, to assist in the preparation of application materials.

# Item for Considerations

## Piercing Studios

### Article 12. Definitions Section 12.3.3

#### Existing

#### 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.**

#### Proposed



#### Update:

(2) creation of an opening in the body of a person, **other than the earlobe**, for the purpose of inserting jewelry, **implants**, or other decoration.

#### Rationale

Update definition to recognize retail stores with minor piercing services (e.g., Claires) separating them out from Tattoo Studios and Piercing Studios, making definition in line with DSHS definition. DSHS requires licensing for "any business in the practice of creating an opening in a person's body, **other than the earlobe**, to insert jewelry or another decoration. **This also applies to implants.**"

# Item for Considerations


<div><div><div>Motor Vehicle Fueling Facility</div><div>Table 3.1-2: Allowed Uses - Nonresidential and Mixed-Use Districts</div><div>Section 12.3 Definitions of General Land Use Categories and Specific Use Types</div></div><div></div></div>	Existing	<div><div>Electric Vehicle Charging Station</div><div>A public or private parking space served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery in an electric vehicle. An EV charging station is an accessory use when it is provided on a lot with another main use and is permitted in all non-residential zoning districts as an accessory use.</div><div>Gasoline Sales</div><div>A facility or area for the retail sale of motor vehicle fuel dispensed from pumps. Gasoline Sales is a main use permitted in GC, CC, HC, LI &amp; IM.</div></div>
	Proposed	<div><div>Create a definition and primary use for Motor Vehicle Fueling Facility, (replacing Gasoline Sales) to include gasoline, electric, natural gas, and/or other refueling options for motor vehicles where that refueling or combination thereof is the main use with a required associated structure, i.e., a convenience store.</div><div>The permitted use districts would be the same as Gasoline Sales.</div></div> <div></div>
	Rationale	<div><div>There is not a definition and primary use for electric vehicle charging facilities; a group of EV charging stations, like a gas station with multiple fuel pumps. Gasoline Sales are not permitted without a main structure.</div></div>

# Item for Considerations

<b><u>Karaoke Lounges</u></b>  <b>Section 12.3 Definitions of General Land Use Categories and Specific Use Types</b>  <b>Section 12.3.3.I Recreation and Live Entertainment</b>	<b>Existing</b>	<b>7. Nightclub   Live Entertainment Venue</b> An establishment, facility, or room that offers or provides entertainment of any kind for remuneration, whether through fees, ticket sales, cover charges, membership, dues, or portion of funds generated in any other manner, usually collected at the time of customer entry into the establishment. Such establishments may provide accommodations for patron dancing; dispense alcoholic beverages for consumption on the premises; provide live, recorded, or televised music or comedy performances; and/or serve food as an ancillary service. This definition shall include nightclubs, lounges, and comedy clubs.
	<b>Proposed</b>	<b>Add</b> Karaoke Lounge to the inclusion of live entertainment. "This definition shall include nightclubs, lounges, <b>karaoke lounges</b> , and comedy clubs."
	<b>Rationale</b>	Questions have arisen regarding the distinction between lounges and karaoke lounges. Practice has been to classify karaoke lounges as lounges.



# Item for Considerations

<div><div>Columbariums</div><div>Section 12.3 Definitions of General Land Use Categories and Specific Use Types</div><div>Section 12.3.2.D Parks and Open Space</div></div>	Existing	<div><div>Cemetery</div><div>A facility or area used or intended to be used for the interment or burial of the dead, including graveyard, burial park, mausoleum, <b>columbarium</b>, or any other area containing one or more graves.</div><div>Religious Assembly</div><div>A facility or area for people to gather together for public worship, religious training, or other religious activities including a church, temple, mosque, synagogue, convent, monastery, or other structure, together with its accessory structures, including a parsonage or rectory.</div></div>	
	Proposed	<div><div>Add “Columbarium” to the accessory use list in the definition for Religious Assembly.</div></div>	
	Rationale	<div><div>Columbariums are not permitted except as a Cemetery. Texas Health and Safety Code allows for the establishment and use of a columbarium by an organized religious society or sect attached to the primary building or is part of the campus on which an existing principal church building.</div></div>	

# Item for Considerations

## Flex Hybrid (FH) Zoning District Uses

Table 3.1-2: Allowed  
Uses -  
Nonresidential and  
Mixed-Use Districts

Existing

Self storage is an allowed use in the Flex Hybrid (FH) zoning district.

**Proposed**

Only allow self-storage by SUP in the FH district.

**Rationale**

Consistent with the requirements for self-storage in the CC and GC zoning districts.



# SB 929

## PUBLIC HEARING NOTICE

The City of Arlington is embarking on an annual update to its Unified Development Code (UDC). These proposed changes are made to eliminate unclear language, correct errors, and update content based on interpretations, best planning practices, and practices of the department. You are receiving this card as you have been identified as being associated with a property or business that may be impacted by the proposed updates.

**The City of Arlington is holding a hearing that will determine whether you may lose the right to continue using your property for its current use.**

**Please read this notice carefully.\***

Public hearings on the proposed amendments will be on Wednesday, February 7, 2024 pm (Planning and Zoning Commission) at 5:30 pm and Tuesday, March 5, 2024 (City Council) at 6:30 pm in the City Hall Council Chamber at 101 West Abram Street, Arlington, TX 76010.

*\*Generally speaking, the proposed regulations apply to new development or redevelopment. Any existing use, structure, or property may continue to operate as-is (i.e., "grandfathered"). No uses are proposed to be closed or considered in violation as a result of the proposed regulations; however, the proposed changes may affect a use's or building's ability to expand or rebuild.*

## PUBLIC MEETING INFORMATION

City Staff are available to address any questions or concerns you may have before the Public Hearings.

## CONTACT

Planning and Development Services  
Patricia Sinel, Long Range Planning Manager  
[Patricia.Sinel@arlingtontx.gov](mailto:Patricia.Sinel@arlingtontx.gov)  
817-459-6343



101 W Abram St  
Arlington, TX 76010

*A video and FAQ explaining  
why you received this notice  
and more information  
about the Zoning Ordinance  
can be found at  
[www.xxx.gov](http://www.xxx.gov) or by scanning  
this QR code:*



# Additional Items for Consideration

- Additional items for consideration can come from input from DRT, P&Z, and City Council.
- Scope of this update is limited to correcting errors, eliminating unclear language, and clarifying wording.
- Substantive/policy related changes can be considered through future text amendments as outlined in Section 10.4.1 of the UDC.

# Next Steps

- ✓ P&Z Work Session (12/20/2023)
- ☐ City Council Work Session (01/09/2024)
- ☐ Developer Round Table (01/25/2024)
- ☐ P&Z Public Hearing (02/07/2024)
- ☐ City Council First Reading (03/05/2024)
- ☐ City Council Second Reading (03/26/2024)

# Questions/Feedback

## Planning and Development Services

Richard G. Gertson, FAICP, CNU-A  
Assistant Director  
817.459.6527  
Richard.Gertson@arlingtontx.gov

Patricia Sinel, AICP, CFM, CNU-A  
Long Range Planning Manager  
817-459-6343  
Patricia.Sinel@arlingtontx.gov

Clarification (6)	Correction (3)	New or Modified Definition (4)	Addition (9)	Change in Use (Primary) (2)	Change in Use (Accessory) (3)
PD Scope of Approval	Used Auto Sales in GC	Piercing Studios	Maintenance Enforcement	Flex Hybrid (self storage)	Swimming Pools
Withdrawal of inactive cases	Hotels in the EDO	Motor Vehicle Refueling	Acceptance of Conditions (AEC)	Used Auto Sales in the EDO	Secondary Living Units
Two Family Residential Standards	Permitted by PD Only Use Table Abbreviations	Nightclub/Live Entertainment	Applicant Responsibility for Continuations		Sidewalk cafes
Duplex Parking		Religious Assembly (Columbariums)	Single family and two-family driveway parking		
Roof mounted mechanical equipment visibility			Light trespass on Residential properties		
Distinct building materials			Building Permit Issuance without perimeter fencing		
			Landscaping installation deferral		
			Fencing around ponds		
			Metal facade screening		
			Procedures requiring a Pre-Application Meeting		