

Ordinance No. 23-026

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 2, Zoning Districts; Article 3, Use Standards; Article 5, Design and Development Standards; Article 10, Review Procedures; and Article 12, Definitions; related to creating a new zoning district to be known as "Flex Hybrid (FH)" and establishing applicable use standards; creating a new use type to be known as "Manufacturing and Assembly, Small-Scale"; 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 5th day of April, 2023, the Planning and Zoning Commission heard and recommended amendment to the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals and general welfare of the citizens that the amendments relative to the "Unified Development Code" Chapter be approved; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Unified Development Code**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article 2, Zoning Districts, Section 2.1.2, Zoning Districts Established, Table 2.1-1: Zoning Districts Established**, by adding a new zoning district to be known as "Flex Hybrid" and abbreviated as "FH" between Downtown Business and Business Park on the list of district names in the Non-Residential and Mixed-Use district type category.

Further, that **Article 2, Zoning Districts**, is hereby amended by adding **Section 2.3.14, Flex Hybrid | FH**, which shall hereafter read as follows:

2.3.14. FLEX HYBRID | FH

A. Purpose

Flex Hybrid (FH) allows for clean business uses such as research and development, e-commerce, small-scale operations, scientific technology, and other flex spaces. This hybrid district provides space for uses that support offices, showrooms, research and development, small-scale manufacturing and assembly, e-commerce, micro-warehouses, scientific technology, data centers, and modernized small-scale production activities that do not generate smoke, noise, noxious odors, traffic, or other hazards traditionally caused by industrial uses. These developments should be located adjacent to similar uses or other retail/commercial uses. The physical development patterns shall include architectural standards that are reflective of Class A office/retail space, unifying landscape elements, and environmental stewardship. It is intended that the building interiors within this category are designed for easy conversion to support multiple combinations of the uses listed above.

B. Density

Dwelling units/acre, min./max.	N/A
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C. Lot Dimensions

Lot area, min. (s.f.)	N/A
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D. Setbacks

Street, min. (ft)	
Freeway or frontage road	20
All other streets	10
Interior, min. (ft)	
Side and/or Rear	0
Adjacent to single family (side and/or rear)	30

E. Building Standards

Building height, max. (ft)	
Within 40 feet of a residential property line	40
Other	N/A
Lot Coverage, max. (%)	N/A

F. Notes

See Article 4 for measurements and exceptions.

Figure 2.3.14: Flex Hybrid Illustration



Further, that **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended through the addition of a new use district to be known as Flex Hybrid and represented by a new column titled “FH” and inserted between BP and LI on said table.

Further, that **Section 3.1.5, Table of Allowed Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted uses “P” in the Flex Hybrid zoning district:

Art gallery or museum, Government administration and civic buildings, Philanthropic institution (other than listed), Religious assembly, Hospital, Medical or dental office or clinic, Community garden, Public park or playground, Restaurant, Restaurant, take-out and delivery only, General personal services (other than listed), Massage therapy clinic, Gun range (indoor), Lodge | fraternal organization, Recreation, indoor (other than listed), General retail store (other than listed), Firearm sales, Medical or scientific research laboratory, Microbrewery | microdistillery | winery, Flex Office or Commerce, Utility lines, towers or metering stations

Further, that **Section 3.1.5, Table of Allowed Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted uses with applicable supplemental use standards “P*” in the Flex Hybrid zoning district:

Business school, Public or private school, Trade school, University | college | seminary, Veterinary clinic, Bank or financial institution, Restaurant with drive-through, Sidewalk café, Building maintenance sales and service, Food processing, Custom and craft work, Telecommunications Facilities Building-mounted antennae and towers, Telecommunications Facilities Towers ≤ 75ft Stealth Towers ≤ 100 ft, Self-storage facility, Wholesale supply business

Further, that **Section 3.1.5, Table of Allowed Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted via Specific Use Permit with applicable supplemental use standards “S*” in the Flex Hybrid zoning district:

Gas well, Telecommunications Facilities Towers > 75 ft Stealth towers > 100 ft

Further, that **Section 3.1.5, Table of Allowed Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended to add a new use type to be known as “Manufacturing and assembly, small-scale” and shall be added within the “Manufacturing” use category. Said use type shall be permitted “P” in the FH, LI, and IM zoning districts.

Further, that **Section 3.2.4, Industrial Uses, Section A., Industrial Service, Subsection 1., Building Maintenance Sales and Service**, is hereby amended to hereafter read as follows, and the rest of Subsection 1. shall remain unchanged.

1. Building Maintenance Sales and Service

Outside storage is not allowed in the FH district. In the LI and IM districts, a maximum of 40 percent of the lot area may be used for accessory outside storage provided that:

Further, that **Section 3.2.4, Industrial Uses, Section A., Industrial Service, Subsection 3., Food Processing**, is hereby amended to hereafter read as follows:

3. Food Processing

In the CC and FH districts, no single tenant space in a building shall exceed 5,000 square feet in gross floor area.

Further, that **Section 3.2.4, Industrial Uses, Section B., Manufacturing, Subsection 1., Custom and Craft Work**, is hereby amended to hereafter read as follows:

1. Custom and Craft Work

a. In the CC, DB, and FH districts:

- (i) External dust collection systems are not permitted.
- (ii) Operation shall be conducted in fully enclosed building.

b. In the RMU district, the maximum square footage of the use shall not exceed 5,000 square feet.

Further, that **Section 3.2.4, Industrial Uses, Section E., Wholesale Distribution and Storage, Subsection 1., Self-Storage Facility**, is hereby amended to hereafter read as follows:

1. Self-Storage Facility

In the CC, GC, DB, FH, LI, and IM districts:

- a. Doors into storage units shall be screened from view of public streets and adjacent properties unless adjacent properties are zoned LI or IM.

- b. Self-storage facilities must comply with Section 5.6, *Non-Residential Design Standards*.
- c. See Section 5.8.1, *Entertainment District Overlay*, for additional requirements.

Further, that **Section 3.2.4, Industrial Uses, Section E., Wholesale Distribution and Storage, Subsection 3., Wholesale Supply Business**, is hereby amended to hereafter read as follows:

3. Wholesale Supply Business

In the CC and FH districts, no single tenant space in an existing building shall exceed 10,000 square feet.

Further, that **Section 3.3.4, Use Tables for Accessory Uses and Structures, Section B., Accessory Uses – Non-Residential and Mixed-Use Districts, Table 3.3-2: Accessory Uses – Non-Residential and Mixed-Use Districts**, is hereby amended through the addition of the Flex Hybrid (FH) zoning district to the table between Business Park (BP) and Light Industrial (LI).

Further, that **Section 3.3.4, Use Tables for Accessory Uses and Structures, Section B., Accessory Uses – Non-Residential and Mixed-Use Districts, Table 3.3-2: Accessory Uses – Non-Residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted uses “P” in the Flex Hybrid zoning district:

Caretaker’s quarters, Customary incidental use, and Transit passenger shelter.

Further, that **Section 3.3.4, Use Tables for Accessory Uses and Structures, Section B., Accessory Uses – Non-Residential and Mixed-Use Districts, Table 3.3-2: Accessory Uses – Non-Residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted uses with applicable supplemental use standards “P*” in the Flex Hybrid zoning district:

Accessory building (not listed below), Accessory use (not listed below), Alternative energy system, Electric vehicle charging station, Garage (private), Mobile Food Establishment, and Sidewalk café.

Further, that **Section 3.3.6., Supplemental Accessory Use Standards, Section G.**, is hereby amended to hereafter read as follows:

G. Garage, Private

- 1. In the LO, OC, NC, CC, GC, HC, and FH districts:

- a. The garage shall be for use by a business owner or manager, and is not intended for customers or storage; and
 - b. Vehicle storage is limited to not more than five motor vehicles.
2. In the DB, NMU, and RMU districts, the garage shall be for use by a business owner, manager, or customers, and is not intended for general public use.

Further, that **Section 3.4.3, Use Tables for Temporary Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.4-2: Temporary Uses – Non-Residential and Mixed-Use Districts**, is hereby amended through the addition of the Flex Hybrid (FH) zoning district to the table between Business Park (BP) and Light Industrial (LI).

Further, that **Section 3.4.3, Use Tables for Temporary Uses, Section B., Non-Residential and Mixed-Use Districts, Table 3.4-2: Temporary Uses – Non-Residential and Mixed-Use Districts**, is hereby amended to reflect the following use types as permitted uses with applicable supplemental use standards “P*” in the Flex Hybrid zoning district:

Construction field office, and Construction storage yard.

Further, that **Article 5, Design and Development Standards, Section 5.3.1., Residential Screening and Buffering**, is hereby amended through the addition of **Section H.**, which shall read as follows:

H. Special Screening Requirements in Certain Zoning Districts

In the FH zoning district, garage bays, service bays and/or loading areas that face a residential zoning district shall be screened to a Level 3 screening.

Further, that **Section 5.4.3, Off-Street Parking Standards, Section A., Off-Street Parking Schedule A, Table 5.4-1: Off-Street Parking Schedule A**, is hereby amended through the addition of “Manufacturing and Assembly, Small-Scale” to the list of uses immediately following High Impact Use, and the table shall indicate that the Manufacturing and Assembly, Small-Scale use shall require Schedule B parking requirements.

Further, that **Section 5.4.4, Computation of Parking and Loading Requirements, Section H., Special Parking Requirements in Certain Zoning Districts**, is hereby amended through the addition of **Subsection 4., FH District**, which shall read as follows:

4. FH District

- a. No more than one double-loaded parking aisle shall be permitted in front of an FH development facing public right-of-way.

Further, that **Section 5.6.2, Applicability, Section B., Subsection 1.**, is hereby amended to read hereafter as follows:

1. All new non-residential structures or existing non-residential structures expanded by 30 percent or more in gross square footage in all residential zoning districts and the LO, OC, NC, CC, GC, HC, BP, FH, and DB zoning districts.

Further, that **Section 5.6.4., Building Design**, is hereby amended through the addition of **Section O., Special Design Requirements in Certain Zoning Districts**, which shall read as follows:

O. Special Design Requirements in Certain Zoning Districts

In the FH district, service bays and/or loading areas shall not face a public street or be located in the front of an FH development.

Further, that **Article 10, Review Procedures, Section 10.4.2, Zoning Map Amendments (Zone Changes), Section H., Withdrawal and Reapplication, Subsection 2., Table 10.4-1: Zoning District Intensity**, is hereby amended through the addition of FH, Flex Hybrid, to the table between BP, Business Park and LI, Light Industrial.

Further, that **Article 12, Definitions, Section 12.3.4, Industrial Uses, Section B., Manufacturing**, is hereby amended through the addition of a new **Subsection 5.**, and the renumbering of previously numbered **Subsections 5 through 8**, and the new **Subsection 5** shall read as follows:

5. Manufacturing and Assembly, Small-Scale

An establishment that includes small-scale assembly and/or small-scale manufacturing provided that the use is contained wholly within the structure and does not adversely impact the neighborhood through noise, dust, debris, odor, lighting, fire safety, and/or traffic. Typical examples include metal working, woodcraft production and furniture assembly, jewelry manufacturing, package production, design and print facilities, screen printing, textile production, electronics repair, candle, and soap making. Outdoor operations, external dust collectors, and/or outdoor storage are not permitted.

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 June 1, 2023.

PRESENTED AND GIVEN FIRST READING on the 9th day of May, 2023, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 23rd day of May, 2023, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor

ATTEST:



ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY


