

Ordinance No. 19-053

An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Articles 3, 5, 6 and 10, related to exterior building material requirements, subdivision regulations, and revisions to plat approval procedures; updating the name of the department throughout the Chapter; 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 September 18, 2019, the Planning and Zoning Commission heard and recommended amendment to the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended; and

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

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

1.

That the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B, Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, so that in the row labeled Use Category: Mixed-Use, Use Type: Mixed-use development or building, in the DB, NMU and RMU zoning use district columns, a "P*" notation shall be indicated in each cell.

Further, **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection B, Non-Residential and Mixed-Use Districts, Table 3.1-2: Allowed Uses – Non-residential and Mixed-Use Districts**, is hereby amended so that in the row labeled Use Category: Auto Sales, Equipment and Repair, Use Type: Motor Vehicle Sales, Used, in the IM zoning use district column, a "P*" notation shall be indicated in the cell.

Further, **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection E, Lodging Facilities, Subsection 2, Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention), Paragraph b., General Design Standards for All Hotels, Subparagraph (iii), Building Design**, Item (3) is deleted in its entirety.

Further, **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection E, Lodging Facilities, Subsection 2, Hotels (Luxury, Upper-Upscale, Upscale, Upper-Midscale, Midscale, Economy, Independent, and Convention), Paragraph c., Additional Standards for Hotels in the EDO**, is hereby amended to add **Subparagraph (v)**, which shall read as follows:

(v) The hotel shall be a minimum of six stories in height.

Further, **Article 3, Use Standards, Section 3.2.3, Commercial Uses, Subsection K, Mixed-Use**, is hereby amended and shall read as follows:

K. Mixed-Use

Mixed-Use Development or Building

Notwithstanding any other provision, in the DB, LCMUO, DNO, NMU and RMU district, townhouse and multi-family dwelling residential uses require a Mixed Use Development Plan in a mixed-use development or building.

Further, **Article 5, Design and Development Standards, Section 5.1.3, Existing Structures, Subsection A, External Structures, Subsection 3, Addition More than 30 Percent, Paragraph a.**, is hereby amended and shall read as follows:

- a. If the addition to a structure is 30 percent or more of the size of the entire structure, then the addition shall match the character of the existing structure and the addition and site shall comply with all of the standards in this article.

Further, **Article 5, Design and Development Standards, Section 5.2.2, Landscaping Required, Subsection B, Perimeter Landscape Setback, Multi-Family and Non-Residential, Subsection 5, Landscape Planting Areas for Larger Structures**, is hereby amended and shall read as follows:

5. Landscape Planting Areas for All Structures

- a. All building facades adjacent to a right-of-way shall have at least two planting areas, a minimum of eight feet wide, between the façade and the sidewalk for the total length of the façade not including entryways and display windows.
- b. Planting areas shall enhance architectural features of the building such as entries, arcades, tower elements, and display windows.

- c. The Zoning Administrator may authorize a reduction in the landscape planting areas where unique property characteristics exist.

Further, **Article 5, Design and Development Standards, Section 5.3.1, Residential Screening and Buffering, Subsection D, Required Screening and Buffering, Subsection 5, Landscape Buffer Design Standards, Paragraph a., Planting Requirements,** is hereby amended and shall read as follows:

a. Planting Requirements

The landscape buffer shall be planted with an evergreen plant mix (see Approved Plant List). This shall include the following:

- (i) For each 300 square feet of buffer area, one tree with a three-inch caliper that is 10 feet in height at the time of installation. Trees shall be layered into two rows.
- (ii) Existing vegetation shall be maintained and counted toward the overall landscape requirement where the Zoning Administrator determines that it is healthy and contributes to the overall landscape mix.

Further, **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection C, Building Design Standards Applicable to All Single-Family Residential, Subsection 5, Exterior Finish Materials,** is hereby amended and shall read as follows:

5. Exterior Finish Materials

- a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
- b. Preferred Materials: One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.
 - (i) Stone or brick laid up unit by unit and set in mortar,
 - (ii) Cultured stone,
 - (iii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or
 - (iv) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.
- c. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, is preferred to be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS.

Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber.

- d. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

Further, **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection D, Building Design Standards Applicable to All Detached Single-Family Residential, Subsection 4, Roof Design, Paragraph e.**, is hereby deleted in its entirety.

Further, **Article 5, Design and Development Standards, Section 5.5.3, Standards for Single-Family and Two-Family Residential Dwellings, Subsection E, Building Design Standards Applicable to All Attached Single-Family Residential, Subsection 4, Roof Design**, is hereby amended and shall read as follows:

4. Roof Design

Roofs and rooflines can add character and interest to a home. Details on a roof are important as they break up the mass and perceived bulk.

- a. A minimum roof pitch of 4:12 applies to gable and hip roofs, unless other approved by the Zoning Administrator. This does not apply to portions of a roof that are separate from the structure's primary roof.
- b. Flat roofs shall be screened by a parapet wall that is capped by a three-dimensional cornice treatment.
- c. Architectural styles that incorporate eaves shall have the eaves extend from the building wall at least 12 inches, as measured horizontally, on all facades. The Zoning Administrator may approve a shorter distance for roofs with a pitch of 12:12 or greater.
- d. The use of proportionally designed dormers on the roof is encouraged where they are appropriate to the architectural style of the home.

Further, **Article 5, Design and Development Standards, Section 5.5.4, Standards for Multi-Family Residential Dwellings, Subsection G, Building Materials**, is hereby amended and shall read as follows:

G. Building Materials

1. Exterior Wall Materials

a. A minimum of two distinct building materials from the preferred material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, preferred materials shall be defined as:

(i) Stone or brick laid up unit by unit and set in mortar;

(ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

(iii) Cultured stone, cast stone, or natural stone panels;

(iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;

(v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;

(vi) Cementitious fiberboard siding, provided that:

(1) It may only be used on multi-family structures that are three stories or less in height, and

(2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;

(vii) Metal cladding; or

(viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

(ix) The use of wood for trim, accents, or soffits, may be permitted if approved by the Zoning Administrator.



Figure 5.26 Multiple materials on facade

2. Roofing Design and Materials

a. Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.

b. Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.

- c. Other roof types shall be appropriate to the architectural style of the building.
 - d. Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
 - e. Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.
3. **Awnings and Overhanging Eaves**
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.
4. **Retaining Walls**
A retaining wall that is three feet in height or taller and that is not part of an improved drainage channel shall be constructed of masonry, stained concrete, or textured concrete.

Further, **Article 5, Design and Development Standards, Section 5.6.4, Building Design, Subsection F, Roof Design**, is hereby amended and shall read as follows:

F. Roof Design

1. Roofline Articulation

Variations in rooflines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development.

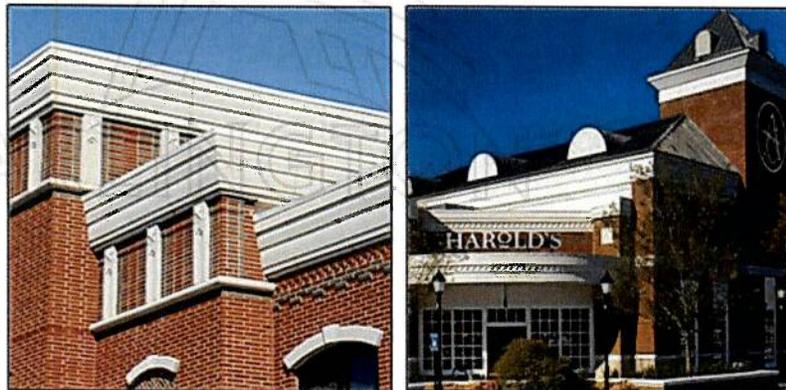


Figure 5.32 Examples of acceptable roof design.

2. Flat Roofs

Flat roofs shall include parapets that adhere to articulation requirements for the main face of the structure. The average height of the parapet shall not exceed 15 percent of the height of the supporting wall, unless rooftop equipment cannot be sufficiently screened. A three-dimensional cornice treatment is encouraged for parapets. Parapets shall look complete from all sides if visible at any distance from the ground. Parapets shall be constructed of the same material as the primary façade.

3. **Overhanging Eaves**
Overhanging eaves shall extend at least two feet past the supporting walls.
5. **Roof Pitch**
Pitched roofs shall have a minimum pitch of 4:12 for all structures, unless otherwise approved by the Zoning Administrator. This requirement excludes roofs for entries and dormers.
6. **Architectural Elements**
Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys, are encouraged.
7. **Roof Materials**
Sloped or pitched roofs constructed of asphalt shingles, synthetic shingles, standing seam metal, or tile are preferred. Flat roofs may be constructed of any industry-standard material.

Further, **Article 5, Design and Development Standards, Section 5.6.4, Building Design, Subsection I, Building Materials and Colors**, is hereby amended and shall read as follows:

I. Building Materials and Colors

1. Wall Materials

- a. No single building material shall cover more than 80 percent of the front building façade.
- b. Preferred materials shall be defined as:
 - (i) Native stone, brick, or tile laid up unit by unit and set in mortar;
 - (ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);
 - (iii) Cultured stone or cast stone;
 - (iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);
 - (v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;
 - (vi) Poured-in-place concrete wall;
 - (vii) Composite aluminum cladding such as Alucobond;

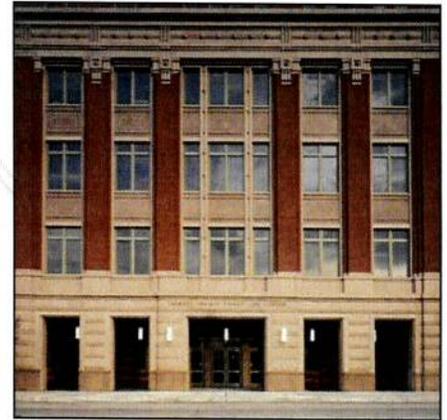


Figure 5.35 No single material covering more than 80% of front facade

- (viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and
- (ix) Architectural glass of less than 25 percent reflectance.



Figure 5.36 Architectural materials.

- c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection 5.6.4.i.
- d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.
- e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

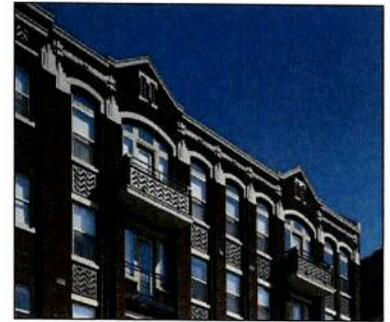


Figure 5.37 Example of facade design.

2. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

3. Façade Colors

Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5, Design and Development Standards**, is hereby amended by the addition of a new **Section 5.7.6**, which shall read as follows:

5.7.6 DEVELOPMENT PLANS REQUIRED FOR ALL MIXED-USE DEVELOPMENT

All mixed-use development in the NMU, RMU, DB, DNO, LCMUO, and EDO districts shall require approval of a Mixed-Use Development Plan in accordance with Section 10.4.55.

Further, **Article 5, Design and Development Standards, Section 5.8.1, Entertainment District Overlay, Subsection A, Applicability, Subsection 4, Change of Use, Subparagraph d.** is hereby deleted in its entirety.

Further, **Article 5, Design and Development Standards, Section 5.8.1, Entertainment District Overlay, Subsection A, Applicability, Subsection 5, Subparagraph c.** is hereby deleted in its entirety.

Further, **Article 5, Design and Development Standards, Section 5.8.1, Entertainment District Overlay,** is hereby amended by the addition of a new **Subsection F, History of the Entertainment District Overlay,** which shall read as follows:

F. History of the Entertainment District Overlay

1. The Entertainment District Overlay (EDO) was originally created by Ordinance No. 07-080 adopted November 20, 2007.
2. The EDO was revised by Ordinance No. 08-047 adopted June 17, 2008.
3. The Unified Development Code incorporated the EDO with its adoption by Ordinance No. 14-039 on June 24, 2014.
4. The Entertainment District Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
5. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Entertainment District Overlay in accordance with Texas Government Code §3000.002(c)(6).

Further, **Article 5, Design and Development Standards, Section 5.8.1, Entertainment District Overlay,** is hereby amended by the addition of a new **Subsection G, Additional Applicable Design Standards Established Prior to April 1, 2019,** which shall read as follows:

G. Additional Applicable Design Standards Established Prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**
 - a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
 - (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not

extend to the foundation, or any other exterior wall that does not bear on the foundation.

- (1) Stone or brick laid up unit by unit and set in mortar,
- (2) Cultured stone,
- (3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or
- (4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

- (1) Plain concrete block or plain concrete;
- (2) Corrugated metal;
- (3) Vinyl siding, aluminum siding, or wood siding;
- (4) Plywood, engineered or manufactured wood; or
- (5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

- (i) Stone or brick laid up unit by unit and set in mortar;
- (ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;

- (iii) Cultured stone, cast stone, or natural stone panels;
 - (iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;
 - (v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;
 - (vi) Cementitious fiberboard siding, provided that:
 - (1) It may only be used on multi-family structures that are three stories or less in height, and
 - (2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;
 - (vii) Metal cladding; or
 - (viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.
- c. **Roofing Design and Materials**
- (i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.
 - (ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.
 - (iii) Other roof types shall be appropriate to the architectural style of the building.
 - (iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
 - (v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.
- d. **Prohibited Materials**
- The following materials are prohibited as primary cladding or roofing materials:
- (i) Aluminum siding or cladding,
 - (ii) Wood or plastic siding,
 - (iii) Unfinished concrete block,
 - (iv) Wood roof shingles, or
 - (v) Corrugated metal.
- e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.
3. **Building Materials for Non-Residential Developments**
- a. **Wall Materials**
- (i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.
 - (ii) No single building material shall cover more than 80 percent of the front building façade.
 - (iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay

windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

- b. **Approved materials** shall be defined as:
 - (i) Native stone, brick, or tile laid up unit by unit and set in mortar;
 - (ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);
 - (iii) Cultured stone or cast stone;
 - (iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);
 - (v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;
 - (vi) Poured-in-place concrete wall;
 - (vii) Composite aluminum cladding such as Alucobond;
 - (viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and
 - (ix) Architectural glass of less than 25 percent reflectance.
- c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.
- d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.
- e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.
- f. **Awnings and Overhanging Eaves**
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.
- g. **Prohibited Materials**
The following materials are prohibited as exterior cladding or roofing materials:
 - (i) Aluminum siding or cladding,
 - (ii) Galvanized steel or other bright metal,
 - (iii) Wood or plastic siding,
 - (iv) Cementitious fiberboard,
 - (v) Unfinished or smooth concrete block/masonry units or concrete wall,
 - (vi) Exposed aggregate,
 - (vii) Wood roof shingles, and
 - (viii) Reflective glass.
- h. **Façade Colors**
Façade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5, Design and Development Standards**, is hereby amended by the addition of a new **Section 5.8.5, Downtown Neighborhood Overlay | DNO**, which shall read as follows:

5.8.5 DOWNTOWN NEIGHBORHOOD OVERLAY | DNO

A. Original Intent of the Downtown Neighborhood Overlay

The Downtown Neighborhood "DN" district was established to aid in the revitalization of the area surrounding Arlington's original downtown area (i.e., the Downtown Business "DB" District). The district's intent is to serve as a transition area between the Downtown Business "DB" District and the rest of the City of Arlington. For more information on the purpose of the DNO, see UDC Section 2.4.3.

B. History of the Downtown Neighborhood Overlay

1. The Downtown Neighborhood Overlay (DNO) was originally created by Ordinance No. 05-094 adopted October 11, 2005.
2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. The Downtown Neighborhood Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Downtown Neighborhood Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the DNO and established prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

a. Exterior finish materials shall be durable and consistent with the architectural style of the community.

- (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.

- (1) Stone or brick laid up unit by unit and set in mortar,
- (2) Cultured stone,

- (3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or
 - (4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.
 - (ii) The following materials are prohibited as exterior finish materials:
 - (1) Plain concrete block or plain concrete;
 - (2) Corrugated metal;
 - (3) Vinyl siding, aluminum siding, or wood siding;
 - (4) Plywood, engineered or manufactured wood; or
 - (5) Exterior Insulation and Finish Systems (EIFS).
- b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.
- c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. **Building Materials for Multi-Family Residential Dwellings**

a. **Exterior Wall Materials**

- (i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.
 - (ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.
- b. For purposes of this section, **approved materials** shall be defined as:
- (i) Stone or brick laid up unit by unit and set in mortar;

- (ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;
- (iii) Cultured stone, cast stone, or natural stone panels;
- (iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;
- (v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;
- (vi) Cementitious fiberboard siding, provided that:
 - (1) It may only be used on multi-family structures that are three stories or less in height, and
 - (2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;
- (vii) Metal cladding; or
- (viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

- (i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.
- (ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.
- (iii) Other roof types shall be appropriate to the architectural style of the building.
- (iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
- (v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

- (i) Aluminum siding or cladding,
- (ii) Wood or plastic siding,
- (iii) Unfinished concrete block,
- (iv) Wood roof shingles, or
- (v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. Building Materials for Non-Residential Developments

a. Wall Materials

- (i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15

- percent of each elevation may include accent materials not listed on the approved material list.
- (ii) No single building material shall cover more than 80 percent of the front building façade.
 - (iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.
- b. **Approved materials** shall be defined as:
- (i) Native stone, brick, or tile laid up unit by unit and set in mortar;
 - (ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);
 - (iii) Cultured stone or cast stone;
 - (iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);
 - (v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;
 - (vi) Poured-in-place concrete wall;
 - (vii) Composite aluminum cladding such as Alucobond;
 - (viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and
 - (ix) Architectural glass of less than 25 percent reflectance.
- c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.
- d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.
- e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.
- f. **Awnings and Overhanging Eaves**
Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.
- g. **Prohibited Materials**
The following materials are prohibited as exterior cladding or roofing materials:
- (i) Aluminum siding or cladding,
 - (ii) Galvanized steel or other bright metal,

- (iii) Wood or plastic siding,
- (iv) Cementitious fiberboard,
- (v) Unfinished or smooth concrete block/masonry units or concrete wall,
- (vi) Exposed aggregate,
- (vii) Wood roof shingles, and
- (viii) Reflective glass.

h. Façade Colors

Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5, Design and Development Standards**, is hereby amended by the addition of a new **Section 5.8.6, Lamar Collins Mixed Use Overlay | LCMUO**, which shall read as follows:

5.8.6. LAMAR COLLINS MIXED USE OVERLAY | LCMUO

A. Original Intent of the Lamar Collins Mixed Use Overlay

The Lamar Collins Mixed Use ("LCMU") District was established to provide areas in which a variety of housing types exist among neighborhood-serving commercial and institutional uses. The intent was to establish architectural character and to encourage pedestrian oriented activities in this location of Arlington and to encourage redevelopment in those areas deemed appropriate. For more information on the purpose of the LCMUO, see UDC Section 2.4.4.

B. History of the Lamar Collins Mixed Use Overlay

1. The Lamar Collins Mixed Use Overlay (LCMUO) was originally created by Ordinance No. 06-004 adopted January 10, 2005.
2. The Unified Development Code incorporated the DNO with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. The Lamar Collins Mixed Use Overlay is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Lamar Collins Mixed Use Overlay in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the LCMUO and established prior to April 1, 2019

1. **Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings**

- a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
 - (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.
 - (1) Stone or brick laid up unit by unit and set in mortar,
 - (2) Cultured stone,
 - (3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or
 - (4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.
 - (ii) The following materials are prohibited as exterior finish materials:
 - (1) Plain concrete block or plain concrete;
 - (2) Corrugated metal;
 - (3) Vinyl siding, aluminum siding, or wood siding;
 - (4) Plywood, engineered or manufactured wood; or
 - (5) Exterior Insulation and Finish Systems (EIFS).

- b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

- c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

- (i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs,

bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

- (ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

- (i) Stone or brick laid up unit by unit and set in mortar;
- (ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;
- (iii) Cultured stone, cast stone, or natural stone panels;
- (iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;
- (v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;
- (vi) Cementitious fiberboard siding, provided that:
 - (1) It may only be used on multi-family structures that are three stories or less in height, and
 - (2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;
- (vii) Metal cladding; or
- (viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. **Roofing Design and Materials**

- (i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.
- (ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.
- (iii) Other roof types shall be appropriate to the architectural style of the building.
- (iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
- (v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. **Prohibited Materials**

The following materials are prohibited as primary cladding or roofing materials:

- (i) Aluminum siding or cladding,
- (ii) Wood or plastic siding,
- (iii) Unfinished concrete block,
- (iv) Wood roof shingles, or
- (v) Corrugated metal.

e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

3. Building Materials for Non-Residential Developments

a. Wall Materials

- (i) All exterior walls, including parking structures, garages, and accessory structures shall be finished with 85 percent of an approved material. A maximum of 15 percent of each elevation may include accent materials not listed on the approved material list.
- (ii) No single building material shall cover more than 80 percent of the front building façade.
- (iii) The approved material coverage calculation shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

b. Approved materials shall be defined as:

- (i) Native stone, brick, or tile laid up unit by unit and set in mortar;
- (ii) Stucco (exterior portland cement plaster with three coats over metal lath or wire fabric lath);
- (iii) Cultured stone or cast stone;
- (iv) Architecturally finished block (i.e. burnished block, split faced concrete masonry units, or architecturally finished tiltwall);
- (v) Architecturally finished pre-cast wall that is profiled, sculptured, or provides three-dimensional interest;
- (vi) Poured-in-place concrete wall;
- (vii) Composite aluminum cladding such as Alucobond;
- (viii) Exterior Insulation and Finish System (EIFS) located at least four feet above grade and not more than 20% of the facade; and
- (ix) Architectural glass of less than 25 percent reflectance.

c. The rear façade of a building that is adjacent to an industrial use may be constructed with tiltwall concrete, concrete block, or aggregate concrete in addition to the materials permitted in this subsection.

d. Structures 20,000 square feet or less shall require a minimum of two distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

e. Structures over 20,000 square feet shall require a minimum of three distinct building materials from the approved material list be utilized on all facades to provide architectural detail and interest.

f. Awnings and Overhanging Eaves

Awnings and overhanging eaves may be constructed of industry-accepted metal, canvas, and woven vinyl.

g. Prohibited Materials

The following materials are prohibited as exterior cladding or roofing materials:

- (i) Aluminum siding or cladding,
- (ii) Galvanized steel or other bright metal,

- (iii) Wood or plastic siding,
- (iv) Cementitious fiberboard,
- (v) Unfinished or smooth concrete block/masonry units or concrete wall,
- (vi) Exposed aggregate,
- (vii) Wood roof shingles, and
- (viii) Reflective glass.

h. Façade Colors

Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of metallic colors, black, or fluorescent colors is prohibited.

Further, **Article 5, Design and Development Standards**, is hereby amended by the addition of a new **Section 5.8.7, Village on the Green at Tierra Verde | VG**, which shall read as follows:

5.8.7 VILLAGE ON THE GREEN AT TIERRA VERDE | VG

A. Original Intent of the Village on the Green at Tierra Verde

The Village on the Green at Tierra Verde ("VG") District was established to provide an area which will be a financially and environmentally sustainable community memorable for its rural character, village-like atmosphere, mix of high quality housing options and complementary commercial activity. For more information on the purpose of the VG use district, see UDC Section 2.4.3.

B. History of the Village on the Green at Tierra Verde

1. The Village on the Green at Tierra Verde Overlay (VG) was originally created by Ordinance No. 06-115 adopted December 13, 2006.
2. The Unified Development Code incorporated VG as a separate residential use district with its adoption by Ordinance No. 14-039 on June 24, 2014.
3. Village on the Green at Tierra Verde is a city-designated area with historical, cultural, or architectural importance and significance established before April 1, 2019.
4. Notwithstanding the provisions of Chapter 3000 of the Texas Government Code, the design and development standards established by ordinance for an area designated by the city before April 1, 2019, remain applicable to all buildings (both new and existing) within the Village on the Green (VG) use district in accordance with Texas Government Code §3000.002(c)(6).

C. Additional Design and Development Standards applicable to the VG and established prior to April 1, 2019

1. Exterior Finish Materials for Single-Family and Two-Family Residential Dwellings

- a. Exterior finish materials shall be durable and consistent with the architectural style of the community.
 - (i) One hundred percent of the primary residential structure shall consist of the following masonry materials. This coverage calculation does not include doors, windows, recessed entries, chimneys, dormers, window box-outs, bay windows that do not

extend to the foundation, or any other exterior wall that does not bear on the foundation.

- (1) Stone or brick laid up unit by unit and set in mortar,
- (2) Cultured stone,
- (3) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath, or
- (4) An equivalent, permanent architecturally finished material with a minimum 30-year warranty period is also acceptable.

(ii) The following materials are prohibited as exterior finish materials:

- (1) Plain concrete block or plain concrete;
- (2) Corrugated metal;
- (3) Vinyl siding, aluminum siding, or wood siding;
- (4) Plywood, engineered or manufactured wood; or
- (5) Exterior Insulation and Finish Systems (EIFS).

b. Exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation, shall be constructed of masonry materials or any other sustainable material with a minimum 30-year warranty period, such as: cementitious fiberboard, seamless steel siding, vinyl siding with a flat or low gloss embossed finish and at least 0.04-inch thick, three-coat stucco, or EIFS. Fascia may be constructed of sustainable materials with a minimum 20-year warranty period covering the product and its coating, such as: cementitious fiberboard, aluminum coil with vinyl coating, cedar wood, redwood, treated engineered wood, or treated dimensional lumber. Prohibited materials include wood (except as noted above), plywood, hardwood, and untreated engineered/manufactured wood.

c. An expression line such as a trim band or capping shall be utilized when transitioning from one material to another or to a different color in the same material vertically.

2. Building Materials for Multi-Family Residential Dwellings

a. Exterior Wall Materials

(i) All exterior walls, including those of parking structures and garages, shall be finished with 100 percent of an approved material listed below. For purposes of this subsection, the calculation of material coverage shall not include doors, windows, chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any exterior wall that does not bear on the foundation.

(ii) A minimum of two distinct building materials from the approved material list shall be utilized on all facades to provide architectural detail and interest.

b. For purposes of this section, approved materials shall be defined as:

- (i) Stone or brick laid up unit by unit and set in mortar;
- (ii) Exterior portland cement plaster (stucco) with three coats over metal lath or wire fabric lath;
- (iii) Cultured stone, cast stone, or natural stone panels;
- (iv) Architecturally finished block (i.e. burnished block or split faced concrete masonry units), only up to 4 feet above the foundation or surrounding grade;
- (v) Exterior Insulation and Finish System (EIFS), but only for trim and eaves;
- (vi) Cementitious fiberboard siding, provided that:
 - (1) It may only be used on multi-family structures that are three stories or less in height, and
 - (2) Each side of a structure may contain a maximum coverage of 50 percent cementitious fiberboard siding;
- (vii) Metal cladding; or
- (viii) Other material deemed appropriate for the architectural style, as approved by the Zoning Administrator.

c. Roofing Design and Materials

- (i) Asphalt shingles, composite or synthetic shingles, standing-seam metal, or tile roofs are allowed.
- (ii) Pitched roofs, if provided, shall have a minimum pitch of 6:12 on single-story or two-story buildings, and a minimum pitch of 4:12 on buildings three-stories or taller.
- (iii) Other roof types shall be appropriate to the architectural style of the building.
- (iv) Architectural elements that add visual interest to the roof, such as dormers and masonry chimneys are encouraged.
- (v) Flat roofs shall require parapet screening. Parapets shall be constructed of the same material as the primary façade.

d. Prohibited Materials

The following materials are prohibited as primary cladding or roofing materials:

- (i) Aluminum siding or cladding,
- (ii) Wood or plastic siding,
- (iii) Unfinished concrete block,
- (iv) Wood roof shingles, or
- (v) Corrugated metal.

- e. The use of wood is prohibited for trim, accents, or soffits, unless approved by the Zoning Administrator.

Further, **Article 6, Subdivision Regulations, Section 6.1.2, Purposes, Subsection G** is hereby amended and shall read as follows:

- G.** To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and documenting of platted land.

Further, **Article 6, Subdivision Regulations, Section 6.1.3, Applicability, Subsection A, Applicability, Subsection 4**, is hereby amended and shall read as follows:

4. The following are allowed only if they conform to this Code:
 - a. the issuance of a development approval or certificate of occupancy for any plat, map, or plan that was created prior to subdivision approval under this Code, and
 - b. the issuance of a development approval or certificate of occupancy for any parcel or plat of land that was created by subdivision after the effective date of this Code, and
 - c. any land disturbance, including the excavation of land, or the construction of any public or private improvements.

Further, **Article 6, Subdivision Regulations, Section 6.1.5, Guiding Policies for Administration of this Article, Subsection A, Conformity with Comprehensive Plan**, is hereby amended and shall read as follows:

- A. **Conformity with Comprehensive Plan**

Plats and proposed public improvements shall conform to the City's Comprehensive Plan and its constituent elements, including, but not limited to, the Thoroughfare Development Plan, Parks Master Plan, Hike and Bike System Master Plan, and all other development-related ordinances of the City.

Further, **Article 6, Subdivision Regulations, Section 6.2.2, Criteria for Adequate Public Facilities, Subsection D, Drainage and Stormwater Management**, is hereby amended and shall read as follows:

- D. **Drainage and Stormwater Management**

Drainage and stormwater facilities are adequate when (See Section 6.5, Drainage and Environmental Standards):

 1. Stormwater runoff attributable to land disturbances, new development, or redevelopment complies with the minimum standards of this Code, and the Design Criteria Manual, and applicable federal and state standards.
 2. Stormwater runoff attributable to land disturbances, new development, or redevelopment does not alter drainage patterns, concentrate flow, connect to existing stormwater infrastructure, or exceed the runoff from existing (pre-project) conditions, unless no adverse impacts will be created.
 3. To the maximum extent practicable, permanent Best Management Practices (BMPs), as described in the Design Criteria Manual, protect and improve stormwater quality in streams, rivers, and other water bodies, in conformance with the Texas Pollutant Discharge Elimination System (TPDES) permit requirements.

Further, **Article 6, Subdivision Regulations, Section 6.2.3, Dedication Required, Subsection D, Property Owners' Association Responsibility, Subsection 1, Property Owners' Association Required**, is hereby amended to add **Paragraphs f and Paragraph g** which shall read as follows:

- f. All maintenance agreements shall be a covenant running with the individual properties within the association.
- g. It shall be unlawful for a Property Owners' Association required under this Article to cease to exist without the recorded written permission of the City of Arlington. If a Property Owners' Association ceases to exist and required maintenance responsibilities remain outstanding, it shall be the responsibility of the individual property owners located within the boundary of the previously existing association to satisfy the obligations of the defunct association.

Further, **Article 6, Subdivision Regulations, Section 6.4.8, Payment Requirements, Subsection A, Payment May be Collected for Site Required Facilities**, is hereby amended and shall read as follows:

A. Payment May be Collected for Site Required Facilities

Upon the developer's request to defer construction of required public improvements, a payment in lieu of construction may be collected for required improvements. The Director of Public Works and Transportation may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation, and construction of the improvements unless otherwise specified in this section. The Director of Public Works and Transportation must reasonably believe the deferred improvements are not immediately necessary to mitigate adverse impacts and their deferred construction does not present an increased risk to the safety and health of the community.

Further, **Article 6, Subdivision Regulations, Section 6.4.11, Private Streets, Subsection A, Design and Construction Requirements**, is hereby amended and shall read as follows:

A. Design and Construction Requirements

Private street widths, cross-sections, and design criteria shall comply with City standards and shall meet the minimum construction standards for public streets, including its appurtenances such as streetlights, street signs, pavement markings, and

drainage improvements. If the development will be gated, it shall comply with the gated entry guidelines in the *Design Criteria Manual*.

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

F. Maintenance

Developments with private streets shall have a mandatory property owners' association that includes all property served by private streets to ensure maintenance of the private street. Improvements to be maintained by the City shall comply with public easement requirements. Public drainage facilities placed under private streets shall be located within a public drainage easement that includes the entire width of the private street. A maintenance agreement shall be executed for the maintenance of the street and inlets serving the private street. Should the City need to access the drainage under the private streets, the City shall restore the pavement per the standard detail for permanent trench repair.

Further, **Article 6, Subdivision Regulations, Section 6.5.1, Drainage and Stormwater Management Policies, Subsection A, Adequate Facilities**, is hereby amended and shall read as follows:

A. Adequate Facilities

Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions (such as flood heights, velocity, flow over road, etc.), the City may deny approval of the plat if plans for mitigation have not been accepted by the City. Mitigation plans shall be provided that include, but are not limited to, all necessary onsite and off-site improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the *Design Criteria Manual* and shall carry storm drainage to an adequate and acceptable outfall.

Further, **Article 6, Subdivision Regulations, Section 6.5.1, Drainage and Stormwater Management Policies, Subsection B, Developer Responsibility**, is hereby amended and shall read as follows:

B. Developer Responsibility

The developer shall be responsible for all storm drainage flowing to, through, from, and adjacent to the property. This responsibility includes the drainage directed to that property by prior or anticipated development as well as drainage naturally flowing through the property due to topography. The developer shall pay for all costs associated with the onsite and off-site drainage features and improvements to comply

with the Design Criteria Manual. The developer shall also pay for the dedication or acquisition of any necessary drainage easements.

Further, **Article 6, Subdivision Regulations, Section 6.5.1, Drainage and Stormwater Management Policies, Subsection F, Conveyance of Development Runoff**, is hereby amended and shall read as follows:

F. Conveyance of Development Runoff

The runoff for the design frequency storm shall be collected onsite and conveyed to an adequate and acceptable outfall as defined in the Design Criteria Manual.

Further, **Article 6, Subdivision Regulations, Section 6.5.2, Drainage Features**, is hereby amended and shall read as follows:

6.5.2. DRAINAGE FEATURES

A. Stormwater Conveyance

The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The Design Criteria Manual contains specific criteria regarding the design of the drainage features.

1. Natural Creeks

Natural creeks shall be preserved unless it is determined by the Zoning Administrator or designee that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:

a. Report

A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the Design Criteria Manual.

b. Easement

Easements shall be dedicated for all drainage features as outlined in the Design Criteria Manual. Additional easements may be required to provide access to the creek for maintenance.

c. Erosion Clear Zone (ECZ)

An ECZ shall apply to all development activity. No portion of any building, pavement surface, fence, wall, swimming pool, or other structure shall be located or constructed within the ECZ. The ECZ shall be shown, labeled, and described by metes and bounds on the plat or site plan when the ECZ lies outside the drainage easement. The limit of the ECZ shall be determined as described in the Design Criteria Manual.

d. Erosion Protection

Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.

e. Maintenance

The following shall apply to natural creeks:

- (i) The City is not responsible for any maintenance or cleaning of the natural creek.
- (ii) The property owner shall be responsible for maintenance and cleaning of the creek.
- (iii) The property owner shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the natural creek and its associated drainage easement.
- (iv) **Maintenance Statement.** When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat acknowledging maintenance responsibility by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the natural creek and associated easement by the property owner.
- (v) **Maintenance Agreement.** Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the acceptance of a site plan or construction plan. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

2. Closed Systems

The closed system, when permitted, shall be connected to an adequate and acceptable outfall as described in the Design Criteria Manual. Alternative designs shall be approved by the Zoning Administrator or designee when it is determined that the proposed design is satisfactory

and complies with the intent of the provisions of this article, and that the alternative is at least the equivalent of that prescribed by this article in quality, strength, effectiveness, durability, and safety.

a. Easement

Drainage easements shall be dedicated as outlined in the Design Criteria Manual. Additional drainage easements may be required at specific locations for access to the system for maintenance.

b. Erosion Protection

Where closed systems connect to natural creeks or improved open channels, end sections and/or transitional materials are required for erosion protection.

c. Maintenance

The City will maintain only the public drainage improvements within the drainage easement. Any other improvements or maintenance, including driveways or driveway culverts, shall be the responsibility of the property owner.

3. Constructed/Modified Open Channels

A request for a constructed/modified open channel shall be evaluated by the Zoning Administrator or designee and permitted when appropriate based on-site constraints and hydraulic conditions. Constructed/modified open channels may incorporate the following: gabions, pre-cast concrete block, native stone, vegetation, bio-engineered systems, or equivalent erosion control devices. The following requirements shall be met:

a. Report

A hydrologic and hydraulic report is required to establish the 100-year water surface profiles. The requirements for the report are outlined in the Design Criteria Manual.

b. Easement

Drainage easements shall be dedicated as outlined in the Design Criteria Manual. Additional drainage easements may be required at specific locations for access to the system for maintenance.

c. Erosion Prevention

A transition material is required when there are connections between constructed/modified open channels, natural creeks and closed systems. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non-erosive.

d. Maintenance

(i) The City will maintain only structurally improved public drainage improvements within the drainage easement.

- (ii) Private improvements and channels constructed of other materials within the easement shall be maintained by the owner or property owner's association. The property owner or association shall acknowledge maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the open channel and its associated drainage easement.
- (iii) Maintenance Statement. When an easement for a privately maintained stormwater facility is dedicated by plat, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater facility and its associated easement.
- (iv) Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

B. Stormwater Mitigation

1. Stormwater Storage Facilities

Stormwater storage facilities shall be designed and constructed when proposed stormwater discharge from a new land disturbance or redevelopment outfalls to a downstream system with flooding affecting public safety or insurable, habitable structures or when the downstream capacity is exceeded. The storage facility design (detention or retention) shall be in accordance with the Design Criteria Manual.

2. Easements

The easement shall be sized in accordance with the Design Criteria Manual. Additional drainage easement may be required at specific locations for access to the stormwater facility for maintenance.

3. Maintenance

- a. The City will not maintain any portion of the stormwater storage facility.
 - b. The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the Zoning Administrator to provide for any maintenance of the stormwater storage and its associated drainage easement. If the stormwater storage facility is located on a separate lot held in ownership by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, Property Owners' Association Responsibility.
 - c. When an easement is dedicated by plat for the stormwater storage, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the stormwater storage and associated easement.
 - d. **Maintenance Agreement.** Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument.. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.
- C. Temporary Drainage Features**
 Temporary drainage features, including but not limited to grade to drain features and ditches that do not cause adverse impacts to existing stormwater infrastructure or adjacent properties, may be allowed with the approval of the Zoning Administrator or designee. The temporary drainage facilities shall be permanently improved with the development of the property in which the feature is located. Where a development is constructed in more than one phase, each phase shall fully comply with the stormwater requirements in the Design Criteria Manual and shall carry storm drainage to an adequate and acceptable outfall.
- D. Permanent Best Management Practices (BMPs) for Stormwater Quality**
 When a permanent BMP for stormwater quality is established, the following shall apply:
- 1. Easements**

Easements shall be dedicated in accordance with the Design Criteria Manual.

2. Maintenance

- a.** The City will not maintain any portion of the BMPs.
- b.** The property owner or property owner's association shall be responsible for maintenance and cleaning of the BMPs.
- c.** The property owner or property owner's association shall acknowledge the maintenance responsibility by means of a maintenance statement or by an agreement approved by the City to provide for any maintenance of the BMPs and associated easements. If the BMP is maintained by the property owner's association, responsibility shall be as outlined in Section 6.2.3.D, Property Owners' Association Responsibility.
- d.** When an easement is dedicated by plat for the BMPs, a maintenance note as approved by the Zoning Administrator shall be placed on the plat and be a covenant running with the land. This statement shall be signed by the property owner. If the easement is created by separate instrument, a maintenance statement shall be included in the dedication instrument to provide for the continuing maintenance of the features and associated easement.
- e.** Maintenance Agreement. Maintenance Agreements shall be utilized in accordance with the Design Criteria Manual. When an agreement is utilized, the agreement shall be executed prior to recording the plat or easement by separate instrument.. For properties that are already platted, the agreement shall be executed prior to the issuance of a building permit. The agreement shall be filed with the Tarrant County Clerk and be a covenant running with the land. Property owner will be responsible for all fees associated with filing the agreement with the Tarrant County Clerk.

Further, Article 10, Review Procedures, Section 10.2, Table of Procedures, Table 10.2-1: Summary Table of Review Procedures is hereby amended and shall read as follows:

TABLE 10.2-1: Summary Table of Review Procedures								
✓ = required; R = recommendation; H = public hearing required; D = decision;								
A = appeal; L = Legislative Hearing; QJ = Quasi-Judicial Hearing								
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
Zoning Procedures								
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
Landmark Preservation Procedures								
Overlay District Designation	✓	L	R	R-H		R-H	D-H	10.4.8
Certificate of Appropriateness	✓		R	D-H			A	10.4.9
Certificate of Demolition or Relocation	✓		R	D-H			A	10.4.10
Subdivision Procedures								
Conveyance Plats			D			A		10.4.12
Preliminary Plats	✓		R			D	A	10.4.13
Final Plats	✓		R			D		10.4.14
Minor Plats			D			A		10.4.16
Replats	✓		R			D	A	10.4.17
Amending Plats			D			A		10.4.18
Vacation of Plats			R			D	A	10.4.19
Linear Park Platting			D			A		10.4.20
Other Procedures								
Converting Private Streets to Public Streets			R				D	10.4.21
Alternative Equivalent Compliance	✓		D					10.4.22
Alternate Sign Plan	✓	L	R			R-H	D-H	10.4.23

Further, **Article 10, Review Procedures, Section 10.3.6, Public Notice, Subsection C, Written (Mailed) Notice, Subsection 4, Subparagraph b.** is amended to read as follows:

- b. Each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property, or 1,320 feet if the application includes a gas well, including streets, alleys, and other rights-of-way; and

Further, that the title only of **Article 10, Review Procedures, Section 10.3.6, Public Notice, Subsection D, Posted Notice,** is amended to read as follows:

D. Posted (Sign) Notice

Further, **Article 10, Review Procedures, Section 10.3.6, Public Notice, Subsection F, Summary Table of Notice Requirements, Table 10.3-2: Summary Table of Notice Requirements** is amended to delete the Vacation of Plats row from the table completely.

Further, **Article 10, Review Procedures,** is amended to add a new **Section 10.4.55** immediately following **Section 10.4.5**, and the same shall read as follows:

10.4.55 MIXED-USE DEVELOPMENT PLANS

A. Applicability and Jurisdiction

- 1. The mixed-use development plan provides a means to develop mixed-use developments in a manner that is compatible with adjacent property, consistent with the character of the neighborhood, and reflects the goals and objectives of the comprehensive plan.
- 2. Approval of a mixed-use development plan is required for:
 - a. New construction of a mixed-use building in the NMU, RMU, DB, DNO, LCMUO, and EDO districts.
 - b. Amendments to existing development plans that involve changes to the site related to building layout, building elevations, traffic circulation, or other changes that materially alter the site, as determined by the Zoning Administrator.
- 3. Mixed-use development plan approval occurs by ordinance.

B. Initiation

See Section 10.3.3.

C. Pre-Application Conference

The applicant may attend a pre-application meeting in accordance with Section 10.3.4.

D. Completeness Determination

See Section 10.3.5.

- E. Notice**
Published, written, and posted notice required. See Section 10.3.6.
- F. Approval Procedures**
- 1. Action by the Planning and Zoning Commission**
The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, conditionally approve, or deny the application to the City Council.
 - 2. Action by the City Council**
 - a. The City Council has final authority to adopt or deny any proposed mixed-use development plan.
 - b. If the Planning and Zoning Commission recommends denial of a mixed-use development plan, the City Council may decide whether to conduct a public hearing on the application. The City Council's decision not to conduct a public hearing constitutes denial of the application.
 - c. If the City Council conducts a public hearing, it may approve, deny, modify, or remand the application to the Planning and Zoning Commission.
- G. Criteria**
- 1.** The Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed development:
 - a. Complies with the general criteria of Section 10.3.8;
 - b. Complements or is compatible with the surrounding uses and community facilities; and
 - c. Contributes to, enhances, or promotes the welfare of the area and adjacent properties.
 - 2.** An ordinance approving a mixed-use development plan may contain standards and safeguards over and above those contained in these regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Code, establish reasonable conditions on the operation, location, arrangement, type, and manner of construction. Consideration is given based on the existing conditions and location regarding the welfare and protection of adjacent property from noise, traffic, or other undesirable conditions.
- H. Withdrawal and Reapplication**
In order to promote the stability and well-being of the community and offer certainty to the citizens of the city with respect to the use and development of property, the following requirements govern the filing of reapplications that are initiated by interested property owners:
- 1.** A reapplication within 12 months of the date of the application for the same mixed-use development plan will not be heard if:
 - a. Within 12 months prior to the date of the application a mixed-use development plan or similar application was denied by the City Council or a mixed-use development plan was withdrawn after the giving of public notice; and

- b. The application currently under consideration includes property which was all or a part of the previously denied or withdrawn case.
- 2. The City Council, for good cause involving changed conditions, may waive any limitation period for refiling contained in this section.

I. Scope of Approval

1. Amendment to Mixed-use Development Plan

The Zoning Administrator may approve building permits or other permits subsequent to approval of mixed-use development plan that substantially complies with the ordinance approving the plan.

2. Effect of Approval or Denial

See Section 10.3.10.

3. Expiration of Plan

- a. A mixed-use development plan shall expire two years from the date of City Council approval unless prior to the expiration date, a building permit for a new structure is issued for the project described on the plan, and actual construction starts within 180 days of the issuance of the building permit.
- b. If construction or work is suspended for a period of 180 days after work has commenced and the expiration date has passed, the development plan shall expire. However, the Planning and Zoning Commission may extend the expiration for a period of up to two years.
- c. The City Council may establish an expiration date as a condition of approval of a mixed-use development plan.
- d. If a development plan expires, a building permit shall not be issued until a new mixed-use development plan has been approved in accordance with this section.

J. Protest

The rules governing amendment over protest are contained in Chapter 211 of the Texas Local Government Code. The Zoning Administrator may prescribe forms for protest petitions.

Further, **Article 10, Review Procedures, Section 10.4.11, Plat Review, Generally, Subsection B, Initiation, Subsection 2**, is amended to read as follows:

- 2. Concurrent with the submission of a preliminary plat, replat, or minor plat, the applicant(s) shall submit the following:
 - a. A map or plan showing the location and size of water and sanitary sewer mains and fire hydrant systems that will be required to ensure adequate service and fire protection to the lots specified in the proposed plat.
 - b. A preliminary drainage plan showing the watershed affecting the development and how runoff from the fully-developed watershed will be conveyed to, through, and from the development.

- c. A Stormwater Management Site Plan (SWMSP) for plats of residential development of 12,000 square feet or larger of gross platted area, and for all plats of non-residential development. The purpose of the SWMSP is to identify potential effects of the proposed development on stormwater quality and quantity, and to identify permanent design features or Best Management Practices to mitigate these effects. Standards are outlined in the Design Criteria Manual.

Further, **Article 10, Review Procedures, Section 10.4.11, Plat Review, Generally, Subsection C, Staff Review**, is amended to read as follows:

C. Staff Review

The Planning and Development Services Department shall examine all plats accepted for review for compliance with this Code. The plat shall be forwarded to the appropriate decision-making body for consideration. Failure of staff to make specific comments related to application deficiencies does not relieve the property owner from compliance with this Code.

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

D. Schedule

1. The plat shall be scheduled for consideration within 30 days after the date it is filed. The plat is considered filed when the Zoning Administrator determines that it is complete in accordance with Section 10.3.5, Completeness Determination, or as set forth in Section 10.4, Specific Review Procedures.
2. Plats shall be approved or disapproved within the timeframe established in Chapter 212 of the Texas Local Government Code, unless the applicant requests a one-time 30-day extension in accordance with Texas Local Government Code § 212.009(b-2).
3. If the applicant requests postponement of a hearing or decision relating to plat approval, and an extension as authorized above is not available, the applicant shall withdraw and refile the application.

Further, **Article 10, Review Procedures, Section 10.4.13, Preliminary Plat**, is amended to read as follows:

10.4.13. PRELIMINARY PLATS

A. Applicability

1. In order to file a final plat application pursuant to Section 10.4.14, a preliminary plat must be approved in accordance with this section.
2. A preliminary plat does not establish control corners or otherwise include the information required by Texas Local Government Code Section 212.004(b) and (c).

- B. Initiation**
See Section 10.3.3.
- C. Pre-Application Conference**
Required pursuant to Section 10.3.4.
- D. Completeness Determination**
See Section 10.3.5. The preliminary plan must contain sufficient information to determine whether the proposed plan meets the requirements of Article 6, Subdivision Regulations.
- E. Approval Procedures**
- 1. Action by the Planning and Zoning Commission**
The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code § 212.0091.
 - 2. Applicant Response to Disapproval**
The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.
 - 3. Consideration of Response by Planning and Zoning Commission**
The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.
- F. Revisions and Reapplication**
If an owner proposes changes to a preliminary plat that do not substantially comply with the application that was approved by the Planning and Zoning Commission, the applicant shall prepare a revised preliminary plat. The revised preliminary plat shall be approved by the Commission before the applicant submits a final plat.
- G. Recording**
A preliminary plat is not recorded. The Zoning Administrator shall maintain the approved preliminary plat.
- H. Withdrawal and Reapplication**
See Section 10.3.9.

I. Scope of Approval

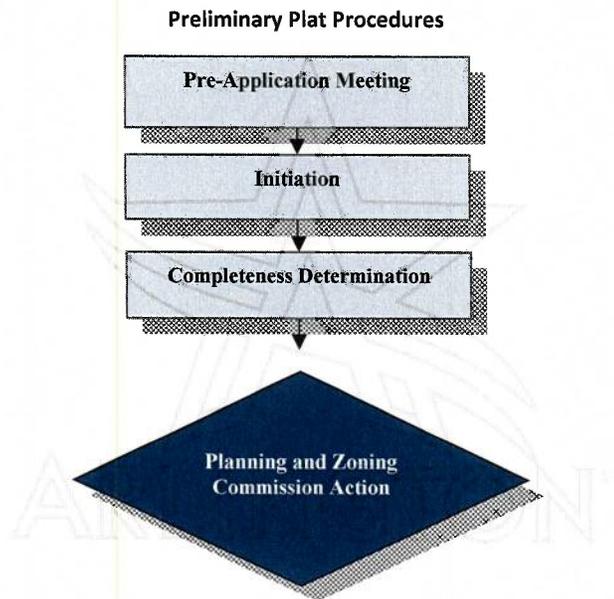
1. Final Plat

Following approval of the preliminary plat, the applicant may file an application for a final plat pursuant to Section 10.4.14. If the Planning and Zoning Commission denies the preliminary plat, no final plat shall be accepted.

2. Time Limits

See Section 10.3.10.A.

Further, **Article 10, Review Procedures, Section 10.4.13, Preliminary Plats, Preliminary Plat Procedures** flowchart is amended to read as follows:



Further, **Article 10, Review Procedures, Section 10.4.14, Final Plats**, is amended to read as follows:

10.4.14. FINAL PLATS

A. Applicability

The following sets forth procedures for approval of final plats. In order to record a final plat pursuant to this section a preliminary plat must be approved in accordance with Section 10.4.13.

B. Initiation

See Section 10.3.3. A final plat application may only be filed if:

1. The final plat substantially conforms to the approved preliminary plat, and any and all conditions of approval. Final plats may include all or only a portion of the area of the approved preliminary plat; and
2. A preapplication conference is held in accordance with Section 10.3.4.

C. Completeness Determination

See Section 10.3.5. The final plat must contain sufficient information to determine whether the proposed plat meets the requirements of Article 6, Subdivision Regulations.

D. Approval Procedures

1. Action by the Planning and Zoning Commission

The Planning and Zoning Commission shall approve, approve with conditions, or disapprove the application. If the application is approved with conditions or disapproved, the Planning and Zoning Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

2. Applicant Response to Disapproval

The applicant may submit a response to the Planning and Zoning Commission in accordance with Texas Local Government Code §212.0093. If submitted in accordance with filing calendar, the Zoning Administrator shall file said response with the Commission for consideration within 15 days.

3. Consideration of Response by Planning and Zoning Commission

The Planning and Zoning Commission shall approve or disapprove a response submitted in accordance with Texas Local Government Code §212.0093. If the response is disapproved, the Commission shall provide a written statement to the applicant in accordance with Texas Local Government Code §212.0091.

E. Withdrawal and Reapplication

See Section 10.3.9.

F. Criteria

Final plats are subject to the criteria established in Section 10.3.8. In addition, each platted lot must comply with the minimum regulations of the zoning district in which the lot is located.

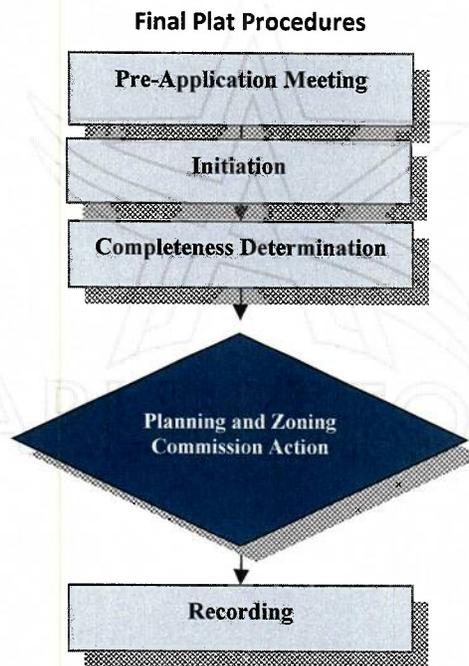
G. Scope of Approval

See Section 10.3.10. After the final plat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of final plat approval.

H. Recording

1. All plats submitted for recordation shall be sealed by a registered professional land surveyor in the state of Texas.
2. Plats shall be recorded in the Plat Records of Tarrant County by the Zoning Administrator following compliance with:
 - a. All stipulations of approval;
 - b. All necessary fiscal agreements approved by the City and fully executed by all parties; and
 - c. Payment of all applicable fees, assessments, and both current and delinquent taxes.
3. All plats to be recorded shall conform to all conditions of approval and shall be submitted to the Zoning Administrator.

Further, **Article 10, Review Procedures, Section 10.4.14, Final Plats, Final Plat Procedures** flowchart is amended to read as follows:



Further, **Article 10, Review Procedures, Section 10.4.15, Combination Plats**, is hereby repealed in its entirety and shall hereafter read as follows:

10.4.15 RESERVED

Further, **Article 10, Review Procedures, Section 10.4.16, Minor Plats, Subsection D, Approval Procedures**, is amended to read as follows:

D. Approval Procedures

1. Approval and Filing of Minor Plats

If the Zoning Administrator determines that the minor plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

2. Disapproval of Minor Plats

- a. If the Zoning Administrator determines that the minor plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the minor plat to the Planning and Zoning Commission for disapproval.
- b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.
- c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted minor plat without the need to return to the Commission.

Further, **Article 10, Review Procedures, Section 10.4.17, Replats**, is amended to read as follows:

10.4.17. REPLATS

A. Applicability

1. Replatting Without Vacating a Preceding Plat

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by the owners of the property being replatted, is approved by the Planning and Zoning Commission, and does not attempt to amend or remove any covenants or restrictions.

B. Initiation

See Section 10.3.3.

C. Completeness Determination

See Section 10.3.5.

D. Notice

Only a post approval notification is required and only if the approved replat satisfies the requirements of §212.015. See Section 10.4.17.J.

E. Approval Procedures

Replats are subject to the approval procedures established for final plats (see Section 10.4.14).

F. Criteria

A replat is subject to the same criteria that apply to approval of a final plat (see Section 10.4.14). In addition, lots must conform in width, depth, and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area.

G. Withdrawal and Reapplication

See Section 10.3.9.

H. Scope of Approval

See Section 10.3.10. After the replat is approved, the applicant may seek zoning and building permit approvals subject to this Code and any conditions of replat approval.

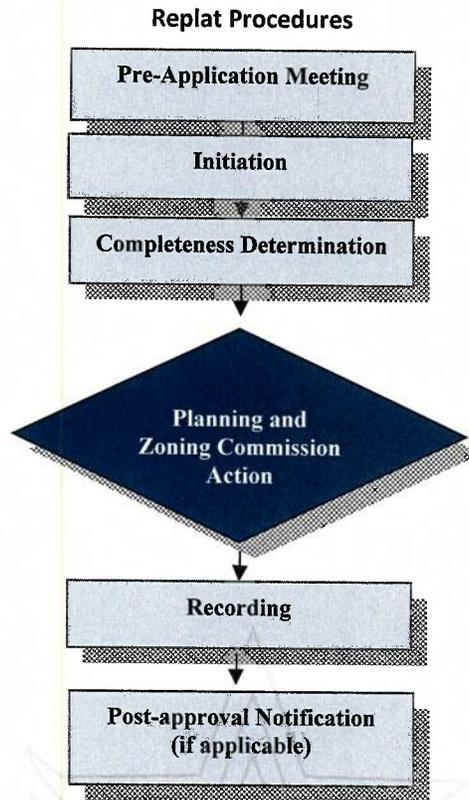
I. Recording

1. See Section 10.4.14.H.
2. The following minimum certification shall be shown on all replats: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."

J. Notification of Approval for Residential Replats

If a replat meets the definition of a residential replat under Texas Local Government Code §212.015, the Zoning Administrator shall provide written notice to each lot owner of record within 200 feet of the lots replatted not later than the 15th day after the date the replat is approved. The notice shall comply with Texas Local Government Code §212.015(g).

Further, **Article 10, Review Procedures, Section 10.4.17, Replats, Replat Procedures** flowchart is amended to read as follows:



Further, **Article 10, Review Procedures, Section 10.4.18, Amending Plats, Subsection D., Approval Procedures**, is amended to read as follows:

D. Approval Procedures

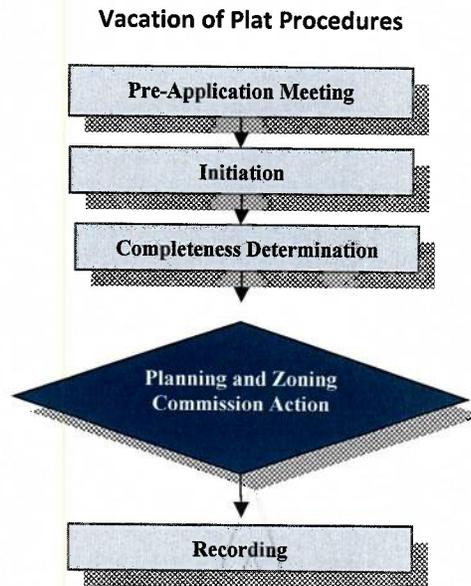
1. Approval and Filing of Amending Plats

If the Zoning Administrator determines that the amending plat complies with requirements of this Code, then the Zoning Administrator shall certify the minor plat and it shall be recorded.

2. Disapproval of Amending Plats

- a. If the Zoning Administrator determines that the amending plat does not comply with the requirements of this Code, then the Zoning Administrator shall refer the amending plat to the Planning and Zoning Commission with a recommendation of disapproval.
- b. The Zoning Administrator and the Planning and Zoning Commission shall follow the procedures outlined in Section 10.4.14.D. to comply with Texas Local Government Code §212.0091, et seq.
- c. If the applicant submits a response that satisfies all deficiencies outlined by the Commission, the Zoning Administrator retains the authority to approve the resubmitted amending plat without the need to return to the Commission.

Further, **Article 10, Review Procedures, Section 10.4.19, Vacation of Plat, Vacation of Plat Procedures** flowchart is amended to read as follows:



Further, that the **“Unified Development Code”** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended throughout its entirety by changing the name of the department of the Zoning Administrator from “Community Development and Planning” to “Planning and Development Services”.

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 November 1, 2019.

PRESENTED AND GIVEN FIRST READING on the 24th day of September, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 15th day of October, 2019, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.


W. JEFF WILLIAMS, Mayor

ATTEST:


ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
TERIS SOLIS, City Attorney

BY 

