

## Ordinance No. 21-065

**An ordinance amending the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article 3, Use Standards; Article 5, Design and Development Standards; Article 7, Signs Standards; and Article 12, Definitions; related to ballfield lighting and associated facilities, and clarifying regulations concerning vertical banners; providing for a fine of up to \$2,000 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date**

WHEREAS, after notice and public hearing on the 6th day of October, 2021, 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 3.2.2, Public and Institutional Uses**, to read as follows:

### **3.2.2. PUBLIC AND INSTITUTIONAL USES**

#### **A. Ballfield Lighting and associated ballfield improvements**

In residential districts:

1. The maximum height standards for ballfield lighting for public or private schools, or public parks or playgrounds are limited to the maximum building heights listed under Building Standards under each of the residential districts found in Section 2.2.2 through Section 2.2.8.
2. The Zoning Administrator is authorized to permit increased maximum heights through Section 10.4.22, Alternative Equivalent Compliance, for ballfield lighting and associated ballfield

improvements for public or private schools, or public parks or playgrounds, located in residential zoning districts; provided that:

- a. the proposed ballfield lighting and associated ballfield improvements are not adjacent to residential zoning districts or parcels containing a residential structure; or
- b. in the event that the proposed ballfield lighting and associated ballfield improvements are adjacent to residential zoning districts or parcels containing a residential structure, the proposed ballfield lighting and associated ballfield improvements are outside a 3:1 height setback measured from the property lot line of an adjacent residential property. For example, a proposed 90-foot ballfield lighting pole, press box, etc., must be no closer than 270-feet from the property lot line of the adjacent property.

Further, that **Article 5, Design and Development Standards, Section 5.6.3, Site Design and Building Organization, Subsection E, Ballfield Lighting**, is hereby amended to read as follows:

**E. Ballfield Lighting**

For an exception to the maximum building height, in residential zoning districts, the Zoning Administrator may approve certain requests for alternative equivalent compliance as provided under Section 10.4.22 of this Code.

Further, that **Article 7, Sign Standards**, is hereby amended to add a new section, **Section 7.8.18**, titled **Vertical Banners**, that shall read as follows:

**7.8.18 VERTICAL BANNERS**

- A. Vertical banners may be erected only in the following locations:
  1. Entertainment District Overlay;
  2. Downtown Business Improvement District; or
  3. By the City on-premise at public parks and recreation facilities.
- B. Vertical banners shall conform to the specifications, conditions, and manner of display enumerated in Section 5.8.1.E.9.e.
- C. The City may contract with non-profit organizations for the administration of this Section and establishment of street light banner programs to further the purposes of the Entertainment District Overlay and the Downtown Business Improvement District.

Further, that **Article 12, Definitions, Section 12.6.1, Signs, **Vertical Banner****, is hereby amended to hereafter read as follows:

**Vertical Banner**

Any sign of lightweight fabric or similar material that is mounted to a pole in a vertical fashion by a frame at two or more edges.

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.

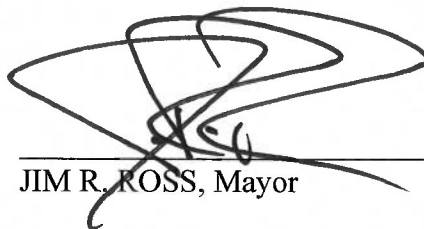
7.

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 the 1st day of December, 2021.


PRESENTED AND GIVEN FIRST READING on the 26th day of October, 2021, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 09th day of November, 2021, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
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JIM R. ROSS, Mayor

ATTEST:

  
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ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY   
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