

09/11/2023

09/12/2023

Ordinance No. 23-046

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; and Article 12, Definitions; related to creating a new housing use type to be known as "Cottage Communities" and establishing applicable use standards; 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 2nd day of August, 2023, the Planning and Zoning Commission heard and recommended amendment to the "Unified Development Code" Chapter of the Code of the City of Arlington, Texas, 1987, as amended; and

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

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

1.

That the "**Unified Development Code**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article 3, Use Standards, Section 3.1.5, Table of Allowed Uses, Subsection A., Residential Districts, Table 3.1-1: Allowed Uses – Residential Districts**, to reflect the addition of "PD=Permitted by PD Only" in the table heading.

Further, that **Section 3.1.5, Subsection A., Table 3.1-1: Allowed Uses – Residential Districts**, is hereby amended under Use Category, "Household Living", Use Type, through the addition of a new Use Type to be known as "Cottage Communities", inserted below the "HUD-Code manufactured home | Mobile home" use type. Said use type shall only be permitted via Planned Development with applicable standards "PD" in the RM-12 district.

Further, that **Article 5, Design and Development Standards**, is hereby amended through the addition of **Section 5.11, Cottage Community Design Standards**, which shall read in its entirety as follows:

5.11. COTTAGE COMMUNITY DESIGN STANDARDS

5.11.1. PURPOSE AND INTENT

Cottage Communities shall be approved only as Planned Developments in the RM-12 Zoning District. The standards set forth in this section authorize Cottage Communities as a use in a Planned Development (PD). These standards are intended to:

- A. Establish the base standards for small single-family and two-family (twin) home cottage dwellings located within a cottage community.
- B. Provide an orderly and responsive transition to and create a buffer between single-family attached and detached areas from more intensive uses such as multi-family uses, commercial uses, and/or arterial roadways.
- C. Control the development scale, provide for common areas within cottage communities, and ensure compatibility with the Residential Design Standards of the Unified Development Code.
- D. Encourage innovative site planning and variety in housing while ensuring compatibility with established neighborhoods.
- E. Provide consistent opportunities for quality, small, single family cottage communities in planned developments.

5.11.2. APPLICABILITY

Cottage Communities shall be permitted only as Planned Developments for RM-12 using the process as set out in Section 10.4.3. Planned Development.

- A. These standards are applicable to new construction or redevelopment of Cottage Communities.
- B. Any standard not addressed by this section shall be addressed under Section 5.5.3 Standards for Single-Family and Two-Family Residential Dwellings.

5.11.3. PROCEDURES

Cottage Communities can be only approved as a “PD for RM-12” zoning district as a zoning amendment to the Unified Development Code (UDC), in accordance with Section 10.4.3. Planned Developments.

5.11.4. LOT STANDARDS

- A. Lot Area: The minimum site area for a cottage housing development shall be one (1) acre.
- B. Subdivision: A Cottage Community may be developed with dwelling units on separately platted lots, a single lot, or a combination thereof.
 - 1. For a single lot with multiple cottages: The minimum pad site dedicated per dwelling unit shall be 1,750 square feet.
 - 2. For developments with each unit in individually platted lots: The minimum lot size shall be 2,250 square feet.
- C. Setbacks: The minimum setbacks for all structures (including cottages, parking structures and community buildings) in a Cottage Community are:
 - 1. Ten (10) feet (including porch) from front property line (pad site line),
 - 2. Five (5) feet from side and rear lot/pad lines.
 - 3. Ten (10) feet from any other structure.
 - 4. Twenty (20) feet from an exterior masonry fence.
- D. Distance from Common Area: Cottages shall be no more than 25 feet from the common courtyard or open space, measured from the façade of the cottage to the nearest delineation of the common courtyard or open space.
- E. Building Separation: Cottages shall be separated by a minimum distance of ten (10) feet. Where attached architectural features such as eaves, window bays, bulkheads, etc. project into the space between residences, the ten (10) foot separation shall be measured from the outside edge of these features. The minimum distance between all other structures shall be in accordance with building code requirements.



Figure 1: Cottage Community Example

- F. Emergency Access: No part of any structure in the Cottage Community (including but not limited to cottages, parking structures, and community buildings) shall be more than 150 feet, as measured by the shortest accessible clear path on the ground, from fire department vehicle access.
- G. Maximum Lot or Pad Coverage:
1. Maximum lot or pad coverage shall be 60%.
 2. Maximum lot or pad coverage calculations shall not include paving, swimming pools, decks, and uncovered patios unless otherwise indicated.



Figure 1: Cottage Community Example

5.11.5. BUILDING DESIGN STANDARDS

- A. The minimum permitted floor area of each cottage is 600 square feet (excludes area for porches/patio and garages).
- B. The maximum building height for all structures is thirty-five (35) feet (two stories).
- C. Minimum interior ceiling height of 9 ft for one story units.
- D. Mechanicals: All mechanical units shall be placed on the side or rear of the units and screened from the streets.

5.11.6. HOUSING MIX

- A. A cottage development may include two-unit (twin) attached, as well as detached, single -family cottages.
- B. Maximum of twenty (20) percent of the units can be twin units.

5.11.7. COMMON AREA MAINTENANCE

- A. Community buildings, amenities, parking areas, and common open space shall be owned and maintained commonly through:
1. A condominium association,
 2. A homeowners' association, or
 3. A property management company on site.

- B. Common improvements of common area shall include:
1. Pedestrian walkways connecting each dwelling unit to a community-wide sidewalk network,
 2. Common courtyards,
 3. Open space,
 4. Shared parking areas or garages,
 5. Landscaping,
 6. Level 2 bufferyard around the perimeter of the site that preserves existing vegetation and incorporates landscape materials, earthen berm, or a wall or fence to provide a visual buffer from adjacent development.

5.11.8. ORIENTATION OF MAIN ENTRANCE

- A. Fifty (50) percent of units shall be clustered around some kind of common courtyard.
- B. Cottages within twenty (20) feet of a street property line may have their entrances facing the street.
- C. Cottages not facing the common courtyard, or the street must have their main entrances facing a pedestrian path directly connected to the common areas.
- D. Each unit abutting a public or private street (not including alleys) shall have a façade, secondary entrance, porch, bay window or other architectural enhancement oriented to the street. (i.e., no blank wall facing street).



Figure 2: Cottage Community example. Note common open spaces and porches and semi-private open spaces oriented towards the common courtyard.

5.11.9. BUILDING FOUNDATIONS

All structures must be built on site with permanent foundations.

5.11.10. ENTRY FEATURES

Cottage units shall have covered front porches or front landings.

- A. The front porch or landing shall be oriented toward the common open space or adjacent street.
- B. Covered porches shall have at least sixty (60) square feet in area with a minimum dimension of six (6) feet.
- C. A porch may extend, but is not required to extend, the full length of the front façade.
- D. The porch may also wrap around the cottage for a maximum length of twenty (20) feet along either side of the cottage.



Figure 3: Cottage Entry Feature Example

5.11.11. ANTI-MONOTONY STANDARDS

- A. Cottage housing development structures shall provide variety and visual interest by using a combination of building elements, features, and treatments in cottages, as well as garages.
- B. Structures must include building articulation, change in materials or textures, windows, or other architectural features. No blank walls are allowed.
- C. Structure facades must meet the rule of six, no replication of elevations in groups of six (6) or more units.
- D. Dwelling units with the same combination of features and treatments shall not be located adjacent to each other.

5.11.12. COMMON COURTYARDS AND OPEN SPACE

Each cluster of cottages shall have common courtyards and interconnected open space to provide a sense of openness and community for residents.

A. Each cottage community development shall consist of common courtyard(s), with a series of interconnected open spaces.

B. Fifteen (15) percent of total gross site area is required as amenities and common open space (including the courtyards).

C. Sites larger than five (5) acres shall have a larger community open space within 1,000 feet of the units, serving the entire development.

D. To be considered as part of the minimum open space requirement, an area of common open space must have a minimum dimension of twenty (20) feet on all sides. Connections between separated open spaces not meeting this dimensional requirement, shall not contribute toward meeting the minimum open space area.

E. Parking areas and driveways do not qualify as open space.



Figure 4: Cottage Community Common Courtyard Example



Figure 5: Cottage Community Common Courtyard Example. Note sidewalks and entry orientations.

5.11.13. PRIVATE YARDS

A sense of community requires the right balance of personal privacy. A private yard is an essential component of this balance. A front yard creates a transition between public and private spaces, while a side or back yard offers increased seclusion and privacy for the resident.

A. Each residential unit shall be provided with a minimum of 200 square feet of usable private yard with no dimension less than five (5) feet. Such open space requirements may be met with a combination of front, side, and/or rear yard locations.

B. Yards that are fenced, and/or within the pad site or lot, are considered to be private yards and shall not be counted towards common open space.

5.11.14. SITE AMENITIES

- A. In conjunction with the common open space requirements, cottage community projects under three (3) acres in size shall provide two (2) or more site amenities listed below for the residents. Cottage community projects three (3) acres or more acres in size shall provide three (3) or more site amenities listed below for the residents.
1. Swimming pool.
 2. Sports courts, such as tennis, basketball, or volleyball.
 3. Natural open space area with benches.
 4. Jogging trails.
 5. Fountains, art, or sculpture.
 6. Community building or clubhouse.
 7. Other amenity as approved by the Zoning Administrator.
- B. Amenities must be centrally located for a majority of the residents and may be located within the common open space areas.
- C. Community and amenity buildings shall be clearly incidental in use and size to dwelling units.
- D. Building height for community and amenity buildings shall be no more than one story.

5.11.15. SIDEWALKS

- A. A Cottage Community development shall have sidewalks along all public streets.
- B. A system of interior walkways shall connect each cottage to each other and to the parking area, and to the sidewalks abutting any public streets bordering the Cottage Community.
- C. Walkways, sidewalks, and ramps shall be meet the Design Criteria Manual.



Figure 6: Cottage Community example of parking and sidewalk connections

5.11.16. PARKING

A. Minimum Number of Off-Street Parking Spaces

1. Units up to 700 square feet: 1 space per dwelling unit is required.
2. Units 701-1,000 square feet: 1.5 spaces per dwelling unit, rounded up to the next whole number, is required.
3. Units with more than 1,000 square feet: 2 spaces per dwelling is required.

B. Guest Parking

1. A minimum of one (1) guest parking spot for every four (4) dwelling units is required.
2. Guest parking shall be clearly designated.

C. Parking Design

1. Parking shall be separated from the common areas and public streets by landscaping and/ or architectural screening.
2. Parking areas shall be limited to no more than ten (10) contiguous spaces.

D. Lot or Pad Parking. An attached one-car garage or carport is permitted on lot or pad sites and shall be consistent in architecture, materials, and color to the principal dwelling.

1. For developments platted as a single lot:

- a. Parking dedicated to the unit shall be on that pad site or adjacent to the pad site within three units.
- b. One (1) parking spot as a garage or carport can be on that lot or pad site.



Figure 7: Cottage example attached carport

2. For developments with each unit on individually platted lots:
 - a. One (1) parking spot as a garage or carport shall be on that lot.



Figure 8: Cottage example with attached garage

E. Covered Parking

1. A detached garage serving more than one dwelling unit shall not exceed five car bays.
2. Detached garages serving more than one dwelling unit, facing another same garage, shall be separated by no less than 26 feet to provide safe access into each bay.
3. Detached multi-unit garage doors are prohibited from facing public streets rights-of-way unless screened by a Level 2 buffer yard.
4. Garage buildings shall be consistent in architecture, materials, and color to the principal dwellings.

F. Design. The design of covered parking, garages, and carports, including roof lines, shall be similar to and compatible with that of the dwelling units within the Community.

G. Any standards not specifically addressed in this section will meet UDC Section 5.4 Off-Street Parking and Loading.

5.11.17. LANDSCAPING AND TREE PRESERVATION

A. Perimeter landscaping

1. A perimeter landscape setback is required in accordance with the multi-family requirements of Section 5.2.2.B Perimeter Landscape Setback, Multi-Family and Non-Residential.
2. A six (6) foot tall masonry fence is required between the perimeter landscape setback and the cottage community development, except for areas where the cottage housing units face the street.

- B. Tree Preservation shall meet the Section 5.2.3.(B) Residential Development Tree Preservation Requirements.
- C. Any other landscaping not addressed in this section shall meet the duplex or townhouse requirements as per Section 5.2.2. (A) Residential Landscaping.

5.11.18. LOCATION STANDARDS

The cottage housing developments shall be connected to city infrastructure and located near community services to serve the residents including:

- A. Goods and Services
- B. Healthcare
- C. Schools
- D. Libraries
- E. Employment Centers
- F. Recreations Centers
- G. Parks and other amenities.

5.11.19. TRASH AND RECYCLING

- A. Trash and recycling services shall be provided on a community wide basis.
- B. Trash and recycling storage areas shall be located in common areas convenient for tenant use and pickup service.
- C. Trash and recycling storage areas shall meet the multi-family residential standards for Sections 5.5.4.F (11) Trash and Storage Areas and 5.3.3.E Refuse Facility Screened.
- D. All new cottage communities will require a recycling plan per the Multi-family Recycling Ordinance.

5.11.20. ADDITIONAL STANDARDS

- A. Secondary living units are not permitted.
- B. Cottage Community units cannot be used for short term rentals.

Further, that **Article 12, Definitions, Section 12.3.1, Residential Uses, Section A., Household Living**, is hereby amended through the addition of new **Subsections 7 through 9**, and shall read as follows:

7. **Cottage**

A generic term for a detached housing unit between 600 and 1,500 square feet. A cottage can have one or two stories and one or more walled bedrooms. A cottage is built under the traditional single-family residential IBC/IRC code requirements with a permanent foundation.

8. **Cottage Community**

A type of site development or subdivision built on either one single lot or individual lots, both built in conjunction with shared open space and other common tracts of land that are intended to serve small-scale single-family type cottage dwellings that interact together as a small community.

9. **Cottage Courtyard**

A group of four or more cottages that share a common courtyard or open space.

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 upon second publication.

PRESENTED AND GIVEN FIRST READING on the 22nd day of August, 2023, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of September, 2023, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.



JIM R. ROSS, Mayor


ATTEST:



A handwritten signature in black ink, appearing to read "Alex Busken", written over a horizontal line.

ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:
MOLLY SHORTALL, City Attorney

BY 

A handwritten signature in blue ink, appearing to read "Molly Shortall", written over a horizontal line.