Chapter 1: General Provisions and Procedures

1.1 Title. This ordinance shall be known and may be cited and referred to as the “Comprehensive Zoning Ordinance of the City of Irving, Texas.”

1.2 Reserved

1.3 Reserved

1.4 Applicability and Jurisdiction. Nothing herein shall be construed as repealing any existing ordinance of the City of Irving regulating nuisances or permitted uses which are now prohibited by other ordinances of the City of Irving.

1.4.1 Applied to All Lands.

a) Ordinance No. 1144 of the City of Irving, passed November 5, 1964, as amended, and all zoning districts, regulations, protective permits and zoning classifications heretofore established under said ordinance as indicated upon the official zoning map of the City of Irving on file and of record in the office of the city secretary of the City of Irving, shall remain in full force and effect until amended or changed to conform to the districts, regulations and zoning classifications under the terms and provisions of this ordinance.

b) Any request for a zoning change coming before the City Council after the effective date of this ordinance, if granted by the City Council, shall be granted in conformity with the terms and provisions of this ordinance.

1.4.2 Compliance Required.

a) No land shall be used for, and no building shall be erected for or converted to any use other than as provided in the regulations prescribed for the district in which it is located, except as hereinafter provided.

b) No existing building and no building hereafter erected or structurally altered shall be occupied, used, or changed in use, until a certificate of occupancy and compliance shall have been issued by the building inspector, stating that the building and proposed use of the building or land complies with all of the health laws, building code ordinances, ordinances relating to electrical and plumbing installations, and with the provisions of this ordinance. Certificate of occupancy and compliance shall be applied to coincide with the application for a building permit and shall be issued within ten (10) days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this ordinance and the laws and ordinances above mentioned. A record of all certificates shall be kept on file in...
the office of the building inspector and copies shall be furnished on request to persons having a proprietary or tenancy interest in the building or land affected.

c) The use of a building already erected at the time of passage of this ordinance shall not be changed from one class of use to another, unless and until a certificate of occupancy and compliance under the provisions of this ordinance shall have been obtained from the building inspector.

d) It shall be unlawful for any public utility, including the City of Irving, or any person within their employment to connect any water, gas or electrical service to any building or property unless a certificate of occupancy and compliance has been issued by the building inspector of the City of Irving.

e) Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been issued on the effective date of this ordinance, and which entire building shall be completed within one year from the date of the passage of this ordinance.

f) No person shall create a subdivision or divide a tract of land into two (2) or more parts for the purpose of laying out any subdivision of any tract of land without complying with the provisions of this ordinance.

g) All plats and subdivisions of any land shall conform to the rules and regulations set forth in this ordinance and other applicable ordinances of the city.

h) No tract of land owned by one person, partnership, corporation, joint venture, trust or other entity, or owned under the undivided ownership of more than one entity shall be subdivided so that less than five (5) acres of the tract remains outside of a plat.

1.5 General Purpose. The zoning regulations as herein established and the districts as herein established have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the city. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The zoning regulations have been made with reasonable consideration, among other things, for the character of the district and its special suitability for the particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

1.6 Reserved

1.7 Reserved

1.8 Enforcement
1.8.1 **Penalty.** A violation of any of the provisions of this Ordinance shall be a Class C Misdemeanor and any person failing to comply shall be fined, upon conviction, not less than one dollar ($1.00) nor more than $500 except that:

a) Any person who intentionally or knowingly violates or permits the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may be fined, upon conviction, not more than $2,000; and

b) Any person who intentionally or knowingly violates or permits the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may be fined, upon conviction, not more than $4,000.

1.8.2 Each day any violation of any provision of this chapter continues shall constitute a separate offense.

1.8.3 **Injunctive Proceedings.** In addition to any other remedy provided by law, the city attorney is authorized to petition the appropriate court for civil penalties and/or for injunctive relief available under state law for a violation of the requirements under this ordinance.

1.9 **Catchlines.** The catchlines of the several sections of this ordinance immediately following each section number or subsection letter or number, are intended as mere catchwords to indicate the contents of the section or subsection, and shall not be deemed or taken to be titles of such sections nor as any part of the section nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

1.10 **Severability.** It is hereby declared to be the intention of the City Council of the City of Irving that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

1.11 **Reserved**

1.12 **Zoning Map Amendments (Rezoning)**

1.12.1 **Changes and Amendments.**

a) The City Council of the City of Irving may from time to time amend, supplement, or change by ordinance, the boundaries of the use district the use designation of any property, or the regulations herein established as herein provided.

1) Before taking any action on any proposed amendment, supplement or change in the district boundaries herein established, or a change in the use
designations of any property, the City Council shall submit the same to the Planning and Zoning Commission for its recommendations and report.

2) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change in the district boundaries herein established or the use designation of any property as provided by this ordinance and the laws of the State of Texas.

b) In determining whether a change to the boundaries of a use district or the use designation of any property is appropriate, the Planning and Zoning Commission in making its recommendation and the City Council in acting upon any petition to effect such change or to designate the use for such property shall first determine that the proposed change in boundaries or use designation is consistent with the adopted comprehensive plan for the City of Irving and no amendment shall be approved that is inconsistent with the comprehensive plan. In determining consistency, the following rules shall apply:

1) A proposed change or use designation is inconsistent with the comprehensive plan if the uses authorized by the proposed change in boundaries or use designation conflict with the uses designated for the category or categories of land uses depicted on the future land use map for the property. Such change may be approved only if the future land use map is amended to render the proposed uses consistent with the categories designated on the map.

2) In determining whether the uses authorized by the proposed change in boundaries or use designation conflict with the future land use map, the city shall consider both the description of the land use categories affixed to the map and the descriptions and policies in the text of the adopted comprehensive plan relating to such categories.

3) In the event that a definitive interpretation of consistency cannot be determined from the plan, the proposed change in boundaries or use designation may be approved if it is not inconsistent with the future land use map and the text of the plan relating to location of uses authorized by such change.

1.12.2 Application for Zoning Changes

a) Any person, firm, or corporation requesting a change in zoning of any property from one district classification to another district classification under this ordinance shall make an application in writing to the Department of Planning and Community Development of the City of Irving requesting a change in zoning, which application shall contain the following information:
1) Legal description of the land on which a zoning change is requested together with the local street address.

2) Name and address of the owner of the property.

3) Name and address of the person making the application, if made by anyone other than the owner, together with a statement that the person making the application is authorized to act for the owner in making the application.

4) District use under which the property is regulated at the time of making the application and the district use requested by the applicant.

5) Any other information concerning the property as may be requested by the Department of Planning and Community Development of the City of Irving or the Planning and Zoning Commission.

b) Upon the filing of an application for a change in zoning with the Department of Planning and Community Development of the City of Irving, the applicant shall pay to the City of Irving a nonrefundable application fee in accordance with the most recent schedule of fees adopted by the City Council to help defray the cost of processing, publication and mailing of notices required by this ordinance and applicable state laws.

c) In the event that the Planning and Zoning Commission recommends that a zoning change request not be granted, the case will be forwarded to the City Council for public hearing.

d) All applications for zoning changes where the Planning and Zoning Commission has recommended the change in zoning requested or has recommended a different change in zoning shall be automatically processed and forwarded to the City Council for a public hearing and determination of the zoning change request.

e) No zoning change request on any property which has been denied by the City Council shall be again considered either by the Planning and Zoning Commission or the City Council before the expiration of six (6) months from the date of the final action of the City Council, except that a request for a "S-P" site plan district use may be made at any time provided that no request for site plan district has been made on the same property within six (6) months prior to the date of the application.

1.12.3 Notice

a) Any person, firm or corporation requesting a change in zoning from one district classification to another district classification under this ordinance shall erect and maintain a sign or signs, provided by the community development department, upon the property for which a change in zoning has been requested, which sign or signs shall be located as follows:
1) One sign for the first three hundred (300) feet of each street frontage and one sign for each additional three hundred (300) feet of street frontage, shall be located within thirty (30) feet of the abutting street, or as determined by the director of community development department or his designated representative.

2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.

3) On the subject property at least ten (10) days prior to the hearing of such zoning request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant after a recommendation for denial by the Planning and Zoning Commission shall constitute a withdrawal of his request.

4) So as not to create a hazard to traffic on the public rights-of-way abutting the property.

b) The signs, provided by the department of community development, shall be of a size, type and message content as determined by the director of the department of community development but shall advise that rezoning is requested and shall list the telephone number of the department of community development for more information.

c) Upon making an application for a zoning change, the applicant shall receive a sign as required by this section. After the zoning change is approved in final form by the City Council, denied by the City Council, withdrawn, or not appealed from a Planning and Zoning Commission denial, the applicant shall remove the sign from the area of the request within ten (10) days of such event. Failure to so remove shall be unlawful.

d) Removal of Signs

1) It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a rezoning has been requested.

2) It shall be an affirmative defense to prosecution under (d)(1) of this subsection if, prior to the acts outlined in (d)(1), the underlying zoning case has been finally approved or denied by the City Council or if such case has been withdrawn by the applicant or if such case is recommended for denial by the Planning and Zoning Commission and the applicant does not appeal said denial to the City Council.

e) In the event the applicant shall fail to erect and maintain signs in accordance with subsection (a) above, then the public hearing(s) before either the Planning and Zoning
Commission or the City Council, shall be postponed to a date in the future which would allow time for compliance.

f) The owner or applicant erecting the sign required by this section shall not be required to obtain a permit under the city sign ordinance.

g) The owner or applicant shall promptly replace any sign required by this ordinance which becomes lost, stolen or vandalized. The Planning and Zoning Commission and the City Council shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

1.12.4 Reserved

1.12.5 Administrative Amendments to approved site plan.

a) The director of community development or his/her designee may approve minor amendments to site plans approved by the City Council under sections 2.7.3 (SP1 Detailed Site Plan), 2.7.4 (SP2 Generalized Site Plan), and 3.3 (SP1 for RAB) of this ordinance.

b) Minor amendments are those which provide for rearrangement or reconfiguration of elevations, parking areas, landscape areas, drainage facilities, utilities, or other site improvements and which:

1) Comply with all requirements of the comprehensive zoning ordinance and any other applicable ordinances of the city.

2) Do not conflict with the comprehensive plan.

3) Do not change the character of the development.

4) Do not change the intent of the City Council or Planning and Zoning Commission.

5) Do not alter the basic relationship of the development to adjacent property.

6) Do not change the uses permitted.

7) Do not require amendment or abandonment of any easements or rights-of-way.

8) Do not reduce minimum yards or setbacks.

9) Do not increase the maximum allowed density, floor area, or height.

10) Do not increase the size of or change the locations, lighting, or orientation of originally approved signs unless said changes comply with all current City of Irving sign regulations.
11) Do not decrease the amount of off-street parking and loading spaces, unless said parking and loading remains sufficient in number and conforms with all applicable ordinances.

12) Do not decrease the amount of landscaping and conform with all applicable ordinances.

13) Do not decrease the height or total linear distance of fencing or screening.

c) Applications for amendments to approved site plans shall be submitted to the planning and inspection department on forms provided along with the appropriate number of copies of the site plan as determined by the director of planning and development and payment of the application fee in accordance with the most recent schedule of fees adopted by the City Council.

d) The director of planning and inspection or his/her designee shall not be required to approve a request, but may choose to deny a request that he or she determines to be other than a "minor amendment." If an applicant disagrees with any part of a decision rendered by the director or his/her designee, said decision may be appealed to the City Council or Planning and Zoning Commission (whichever approved the original plan) through the normal site plan process and payment of the appropriate application fee, a credit against which shall be given for the fee already paid.

1.13 Platting

1.13.1 Preliminary Plat

a) Any person proposing to subdivide or plat land may file a preliminary plat of such proposed subdivision for consideration of the Planning and Zoning Commission.

b) One copy of a preliminary plat shall be filed with the department of community development of the city, and, if the preliminary plat conforms with the subdivision requirements of Chapter 5 (Subdivision Design and Improvements) and other applicable ordinances, the Department of Planning and Community Development shall require the filing of additional copies of such plat as required by the city, and upon the payment of the required fees shall submit the preliminary plat to the Planning and Zoning Commission for consideration.

c) Each preliminary plat shall be drawn on one or more sheets each measuring twenty-four (24) inches by thirty-six (36) inches drawn to a scale no smaller than one hundred (100) feet to one inch, or if submitted electronically, the image shall scale accurately, and shall show the following information:

1) The date, scale and north point, a plan showing the location of the tract, the title or name of the proposed subdivision and the name of the owner, engineer and surveyor.
2) The existing boundary lines, zoning district lines and acreage of the land to be subdivided or platted, and the property lines, zoning district lines and the names of owners of adjacent properties.

3) The locations of the centerlines of existing watercourses, railroads and other similar drainage and transportation features.

4) The location, right-of-way width, and pavement width of existing streets, alleys, easements, lots and public areas on or adjoining any part of the land to be subdivided or platted.

5) The locations, sizes and flow lines of all existing drainage structures on the land to be subdivided or platted and on adjoining tracts, and the number of acres draining into or through the proposed subdivision or plat.

6) The locations and sizes of existing sanitary sewers, storm sewers and open drainage ditches, water mains, culverts and other underground structures within the land to be subdivided or platted and on land immediately abutting such land.

7) The names, locations, widths and dimensions of proposed streets, alleys, easements, drainage facilities, parks and other public spaces, lot lines and building lines.

8) Topographical information, with contours at an interval of one foot, referred to city datum with reference to benchmarks where available, which contours shall fall within one-third of a contour interval of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals and when approved by the city engineer.

9) The distance and bearing of one (1) of the corners of the boundary of the proposed subdivision or plat to the nearest intersection of existing streets or roads or to an original corner of the original survey of which it is a part or to a corner of an approved, recorded subdivision or plat or by equivalent means.

d) The Planning and Zoning Commission shall take action upon a preliminary plat within thirty (30) days from the date it is filed with the Department of Planning and Community Development in accordance with Chapter 212 of the Texas Local Government Code.

e) The approval of a preliminary plat of a subdivision shall not constitute final approval or acceptance of a subdivision or plat.

f) When the Planning and Zoning Commission is satisfied that the proposed preliminary plat meets the requirements of Chapter 5 (Subdivision Design and Improvements), and other applicable ordinances of the city, it shall enter an order approving the
preliminary plat, and evidence of such approval shall be by certificate on the required copies of the preliminary plat signed by the chairman of the Planning and Zoning Commission and attested to by the director of community development. At the election of the city, a preliminary plat approved by the Planning and Zoning Commission may be declared void if a final plat of such subdivision or a part thereof is not submitted to the Planning and Zoning Commission within one (1) year from the date of approval of the preliminary plat.

g) One copy of the approved preliminary plat shall be filed with the department of community development, and one copy shall be returned to the subdivider.

1.13.2 Final plat and preliminary/final plat

a) Any person proposing to subdivide or plat land may file a final plat of such proposed subdivision for consideration by the Planning and Zoning Commission following approval by the Planning and Zoning Commission of the preliminary plat.

b) Any person proposing to subdivide or plat land may file a preliminary/final plat of such proposed subdivision for consideration of the Planning and Zoning Commission without the necessity of filing a preliminary plat, provided that all information required by this section shall be submitted with such preliminary/final plat to the Department of Planning and Community Development.

1) Except for subsection (a) all requirements and provisions for the final plat shall also apply to the preliminary/final plat.

c) When construction is required, engineering plans showing details of streets, sidewalks, alleys, culverts, bridges, storm sewers, drainage channels, water mains, sanitary sewers and other engineering details of the proposed development shall be submitted with the final plat.

1) Such plans shall be prepared under the direction of a professional engineer registered in the State of Texas and shall conform to the design standards established by the City of Irving. The final plat will not be recommended for approval to the Planning and Zoning Commission until detailed engineering plans have been approved by the city engineer.

2) If construction has not commenced within two (2) years following approval of the engineering plans, resubmittal of plans may be required by the city engineer to ensure current standards and engineering requirements are met. The city engineer shall not accept the improvements for purposes of certificates of occupancy or utility connection where construction has not commenced within two (2) years following approval of the engineering plans unless the improvements meet city standards current at the time of submission of the new plans.
d) Where an applicant proposes to include within a preliminary, preliminary/final or final plat property which includes part but not all of a previously platted lot, thus creating a partial lot replat, the applicant shall provide a title history of the previously platted lot, prepared by a title company, title service company or a lawyer, which includes a drawing of the previously platted lot with ownership lines as well as a copy of each deed going back from the present time to the time the lot was last within a single ownership. The city shall not accept for filing any preliminary, preliminary/final, or final plat which plats only a part of a previously platted lot unless the title history accompanies the request, except as provided below. If the applicant is the one who divided the ownership of the previously platted lot, or is responsible therefor, his present plat shall be denied unless he amends to bring in the entirety of the previously platted lot, except as provided below.

1) This subsection (d), regarding partial lot replats, shall not apply if the applicant can show that the subdivision of property without platting that created the partial lot occurred prior to January 1, 1980, and that he does not own the remainder of the original platted lot.

2) This subsection (d), regarding partial lot replats, shall not apply if the applicant can show that the entirety of the remainder of the original platted lot has already been replatted so that no partial lot will remain after the applicant's plat is approved.

e) Copies of a final plat of a proposed subdivision shall be filed with the department of Planning and Community Development as required by the city, and the required fee shall accompany the final plat. If there has not been a preliminary plat which includes the area encompassed by the final plat which has been approved by the Planning and Zoning Commission, additional fees as required by the city shall accompany the final plat.

f) Upon the payment of the required fees, the Planning and Community Development shall check and verify the information shown on the final plat or preliminary/final plat, prepare a report to the Planning and Zoning Commission setting forth his findings.

g) The subdivider shall file, with the final plat, a certificate showing that all city taxes have been paid on the tract to be subdivided and that no delinquent city taxes exist against the property. The city may deny acceptance of the plat for filing until delinquent city taxes are paid.

h) Each final plat shall be drawn in ink at a scale of one inch equals one hundred (100) feet or greater on one or more sheets measuring twenty-four (24) inches by thirty-six (36) inches and shall show the following information:
1) Date, subdivision title, scale and north point.

2) The boundary lines of the area to be subdivided, and the correct legal description of the property being subdivided and one corner of the boundary of the subdivision shall be tied by distance and bearing to the nearest intersection of existing streets or road or to an original survey of which it is a part or to a corner of an approved, recorded plat or by equivalent means.

3) The lines and names of all proposed streets or other ways or easements, including a statement of the purpose for which such easements are dedicated, and also the lines and names of other open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision.

4) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line, building line and zoning district line whether curved or straight, and including the true north point. This shall include the radius, central angle and tangent distance for the property lines of curved streets and curved property lines. Linear dimensions shall be given to the nearest one and one-hundredths (1/100) of a foot and all bearings and angles shall be shown to the nearest minute. Deflection angles, radii, tangents, central angles of curves and the chords and arcs of curves shall be shown and all bearings shall be true bearings.

5) The location of all permanent monuments and control points, and suitable primary control points to which all dimensions, bearings and similar data shall be referred.

6) A statement signed and acknowledged by the owner dedicating all streets, alleys, easements, parks and other open spaces to public use, or when the subdivider has made provision for perpetual maintenance thereof to the inhabitants of the subdivision or plat.

7) A certificate bearing the signature and seal of the surveyor who made the survey certifying that he has accurately surveyed such subdivision and attesting to the accuracy of the survey and the correct location of all monuments shown, and that the lots, blocks, streets, avenues, alleys and public ways and grounds are accurately staked and marked.

8) As a condition precedent to filing with the department of Planning and Community Development every final plat shall be duly acknowledged by the owners of the land, or by a duly authorized agent of said owners, in the manner required for the acknowledgement of deeds. If the plat is acknowledged by a person other than the owner of the land, the agent shall
attach an affidavit of the owner, duly acknowledged, which reflects that the agent or person acknowledging the plat has been so authorized. Ratification by lien holders will also be required where such plat contains dedications.

i) Each preliminary/final plat shall provide all information required for a final plat as described in subsection (h) and all information required for a preliminary plat as described in section 1.13.1(c). The applicant shall have the option of providing the information required by section 1.13.1(c)(6) and (c)(8) on a separate drawing from the preliminary/final plat.

j) The Planning and Zoning Commission shall approve, approve with conditions, or disapprove a final or preliminary/final plat within the thirty (30) days from the date it is filed with the Department of Planning and Community Development in accordance with Chapter 212 of the Texas Local Government Code.

k) Any final or preliminary/final plat shall be approved if it complies with the provisions of Chapter 5 (Subdivision Design and Improvements) and other applicable ordinances and the uses proposed for the property being subdivided are not inconsistent with the zoning regulations and other applicable ordinances of the city.

l) Any final or preliminary/final plat not acted upon by formal order of the Planning and Zoning Commission within thirty (30) days from the date it is accepted for filing with the department of community development shall be deemed to be approved in accordance with Chapter 212 of the Texas Local Government Code.

m) Upon the approval of a final or preliminary/final plat by the Planning and Zoning Commission it shall enter an order approving the final or preliminary/final plat, and evidence of such approval shall be by certificate on the final plat signed by the chairman of Planning and Zoning Commission and attested to by the director of community development.

n) Whether a plat is approved, approved with conditions, or disapproved, the required fee per lot shall not be refunded.

o) Upon the approval of a final plat, one (1) good quality sepia mylar, minimum three (3) millimeter thickness, of the final plat shall be filed with the department of community development of the city.

p) After a final plat has been finally approved the director of Planning and Community Development or his/ her designee shall be authorized to file for record such plat with the recorder of deeds of the county.

q) Any unauthorized alteration to the filed plat following final approval by the city shall render the plat void.

1.13.3 Reserved
1.13.4 **Waivers**

a) Where literal enforcement of a provision of Chapter 5 (Subdivision Design and Improvements) will render subdivision of a tract of land impractical, or will result in the confiscation of property, the City Council shall have authority to grant a variance from such provision, after receiving the recommendation of the Planning and Zoning Commission.

b) When it is proposed to develop a mass-housing project or similar neighborhood unit, the City Council may vary the specific requirements of Chapter 5 if the building development is planned with adequate provisions for light and air, vehicular and pedestrian circulation and recreational facilities, equal to or better than the detailed requirements of Chapter 5, after receiving the recommendation of the Planning and Zoning Commission.

1.13.5 **Amending and Minor Plats**

a) In accordance with Local Government Code Section 212.0065 of the Land Use Regulations of the State of Texas, the City of Irving delegates to the director of community development the ability to approve:

1) Amending plats described by Section 212.016 of the Local Government Code; or

2) Minor plats involving four (4) or fewer lots fronting an existing street and not requiring the creation of any new street or the extension of municipal facilities.

b) The director of community development may, for any reason, elect to present the plat to the Planning and Zoning Commission, in which case the plat will be processed in the same manner as all other final plats.

c) The director of community development shall not disapprove the plat, and shall be required to refer any plat which he or she refuses to approve to the Planning and Zoning Commission within the time period specified in Section 212.009 of the Local Government Code.

1.13.6 **Reserved**

1.13.7 **Reserved**

1.13.8 **Reserved**

1.13.9 **Plat Application Fees.** Upon submitting an application for any type of plat consideration with the Department of Planning and Community Development of the City of Irving, the applicant shall pay the City of Irving a non-refundable application fee in accordance with the most recent schedule of fees adopted by the City Council to help defray the cost of
reviewing, processing, and, if necessary, publication and mailing of notices required by this chapter and applicable state laws.

1.14 Reserved

1.15 Special Exceptions

1.15.1 A person may seek a special exception to section 3.18.1(e)(3) “Outside Storage” for the purpose of securing a special exception to allow the parking of a truck tractor in the front yard by filing a written request for a special exception with the department of building inspections and code enforcement on a form to be supplied by the city. Said special exception shall not run with the land but shall be granted to the owner, if the owner resides on the subject property and owns or leases the truck tractor, or to the tenant residing on the subject property if said tenant owns or leases the truck tractor, and shall expire at such time as the recipient of the special exception no longer resides on the subject property.

1.15.2 The procedure for special exceptions authorizing truck tractor parking in the front yard of a residential district shall be as follows:

a) The applicant shall complete a form which includes the street address, the name and address of the owner of the property, the name and address of the person making the application, if made by anyone other than the owner, together with a statement that the person making the application is authorized to act for the owner in making the application, the zoning district designation, and the motor vehicle registration number and license number.

b) The applicant shall erect and maintain a sign or signs provided by the community development department, upon the property for which a special exception has been requested which sign requirement shall be governed by section 1.12.3 “Notice” except the sign or signs shall announce a special exception has been requested to allow a truck tractor to be parked on residentially zone land.

c) Before the tenth day before the hearing date, written notice of each public hearing before the zoning board of adjustment for a special exception authorizing truck tractor parking on a residentially zoned or used lot shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which a special exception is requested.

1.15.3 The zoning board of adjustment may grant a special exception to section 3.18.1(e)(3) and section 3.18.2 relative to truck tractor parking in front yards if satisfaction of each the following criteria is demonstrated by the person requesting the special exception at the hearing before the board:

a) The safety of the neighborhood will not be compromised by the exception;
b) The value of the surrounding property will not be depreciated by the exception;

c) The aesthetics of the property on which the truck tractor is located will not be reduced by the exception;

d) The traffic in the neighborhood will not be further congested by the exception;

e) The exception will not increase the noise in the neighborhood;

f) There is no reasonable alternative to parking the truck tractor in the front yard;

g) There shall be no adverse impact on the quality of life in the neighborhood; and

h) The use of the truck tractor is the principal livelihood of the person residing on the property.

1.16 Reserved

1.17 Changes and Amendments to Unified Development Code

1.17.1 The City Council of the City of Irving may from time to time, amend, supplement or change by ordinance the regulations, standards, or requirements of this ordinance for each district or use regulations of property within a district or, use regulations of property within a district as herein provided.

a) Before taking any action on any proposed amendment, supplement or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendations and report.

b) A public hearing shall be held by the City Council before adopting any proposed amendment, supplement or change, as provided by this ordinance and the laws of the State of Texas.

c) A public hearing shall be held by the Planning and Zoning Commission on any proposed amendment, supplement or change in the regulations, standards or requirements of this ordinance. Notice of such public hearing shall be given by publication at least one time in a newspaper of general circulation in the City of Irving, of the time and place of such hearing, at least ten (10) days prior to the date of such hearing.

1.17.2 Amendments to the definitions in this ordinance, or additional definitions to be added to Chapter 9, may be made by the City Council of the City of Irving after receiving the recommendations and report of the Planning and Zoning Commission on such amendments or additions, and after a public hearing before the City Council, as provided by law. Public hearings before the Planning and Zoning Commission on any proposed amendment or addition to the definitions shall be held by the Planning and Zoning Commission after notice of such hearing shall have been given by publication at least one
time in a newspaper of general circulation in the City of Irving, of the time and place of such hearing, at least ten (10) days prior to the date of such hearings.

1.18 Special fence project plan

1.18.1 In any zoning district, the owner of a tract of land may file a special fence project plan request in order to ask for a modification of any zoning requirements as may apply to a fence or for a variance to the requirements of the city's fence ordinance.

1.18.2 An application for special fence project plan shall be filed with the department of Planning and Community Development. The application shall include a scaled drawing of the lot, or, if unplatted, the tract which will contain:

a) Dimensions and property line of the lot or tract;

b) The location, dimensions, type and height of the fence;

c) Date, scale, north point, name of property owner and name of person preparing the special fence project plan;

d) Location, type and size of all easements shall be indicated on the special fence project plan; the volume and page number where the easement is recorded with Dallas County Deed Records shall also be indicated on the special fence project plan.

e) A list of variances requested from the fence ordinance.

f) The application shall also include such other information as the city staff may require, including but not limited to:
   1) Location and size of points of ingress and egress to public or private streets;
   2) Location and size of existing and proposed streets and alleys which are abutting;
   3) Topographic information if this property is not platted and the proposed fence is within fifteen (15) feet of a public or private street or alley; and
   4) Such number of copies of this plan as the Director of Community Development or designee may require shall accompany the application.

1.18.3 The department of Planning and Community Development shall mail notice of the requested special fence project plan to all property owners as shown by the latest tax roll within two hundred (200) feet of the lot or tract, if unplatted, on which the fence is proposed, at least ten (10) days prior to the hearing on the request.

1.18.4 Procedures.

a) A request for a special fence project plan shall be heard by the Planning and Zoning Commission at one of their regular meetings. The Planning and Zoning Commission shall make a recommendation to the City Council, and such recommendation may
include any modifications or conditions as they deem necessary to protect the public health, safety and welfare.

b) Upon recommendation of the Planning and Zoning Commission, the special fence project plan shall be automatically forwarded to the City Council. The request for a special fence project plan shall be heard by the City Council at one of their regular meetings. The City Council may approve the special fence project plan with any modifications or conditions as they deem necessary to protect the public health, safety and welfare.

1.18.5 The City Council shall not have the power in a special fence project plan to approve or require:

a) An encroachment of a fence into a public right-of-way.

b) A restriction on the use of the property as allowed by the underlying zoning district.

1.18.6 Approval of a special fence project plan shall not obviate the need for a fence permit.

1.18.7 A filing fee in accordance with the most recent schedule of fees adopted by the City Council shall accompany each request for a special fence project plan.

1.19 Temporary uses and structures

1.19.1 General requirements for all temporary uses and structures

a) A temporary use shall not be permitted nearer than one hundred (100) feet to a developed lot in a residential district.

b) A permit for the temporary use of any property for the above listed uses shall be secured from the department of building inspections and code enforcement prior to such use.

c) Use of a parcel of property for any of the above listed uses at any time on any day shall constitute a day's use. Use of a parcel of property for any of the above listed uses for more than the maximum number of days for which a permit may be issued along with any allowed renewal period during any three hundred sixty-five-day period shall constitute a permanent use subject to the district regulations of the zoning district in which such parcel of property is located.

d) An applicant for a temporary use permit shall submit written evidence to the department of building inspections and code enforcement that the owner of the subject property authorizes the use proposed.

1.19.2 Uses Not to exceed 30 days. The following uses, which are classified as temporary uses, may be permitted by the department of inspections in any district, subject to the restrictions set out in this section and in compliance with all other ordinances of the city, not to exceed a period of thirty (30) days, unless a greater time period is set out below.
a) Carnivals.
b) Circus.
c) Fairgrounds.
d) Concrete mixing or batching plant uses temporarily by contractors during the construction of public improvements or buildings, and in such cases, the period of time for which the use is granted may be for a period of time provided in the contract for completion of such public improvement or building, provided that such use shall not be permitted nearer than two hundred fifty (250) feet to a developed lot in a residential district.
e) Temporary portable wireless telecommunications facilities, commonly known as a "cellsite on wheels" or a "C.O.W." if needed to provide service to special or seasonal events that are likely to cause a substantial but temporary increase in wireless telecommunications traffic.
f) Snow cone or shaved ice stands or trailers or firewood sales for up to one hundred eighty (180) days.
g) Christmas tree or pumpkin sales, for up to forty-five (45) days.
h) Outside sales of merchandise in an unenclosed or partially enclosed area located on the same property with and accessory to a retail establishment under the following conditions:

1) Not to exceed thirty (30) days two (2) times a year.
2) The merchandise will be limited to items normally inventoried, displayed, and sold in the principal use retail establishment.
3) The merchandise will not be located in a fire lane, exit discharge, or accessible route of travel as defined by the city fire and building codes.
4) The merchandise will be located in not more than five (5) percent of the required parking or in any of the wheelchair accessible parking spaces.
5) The merchandise will not be located within fifteen (15) feet of a public right-of-way or in any sight easement.

1.19.3 Uses for greater than 30 days. Upon application being made therefore, the City Council may, by special permit, approve the use of any property for the foregoing temporary uses or any other temporary use not to exceed one hundred eighty (180) days, under such conditions and restrictions as the City Council shall determine.

Chapter 2: Zoning districts, uses, and standards
2.1 General Provisions

2.1.1 Reserved

2.1.2 Reserved

2.1.3 **Zoning Districts Established.** The City of Irving is hereby divided into thirty-five (35) base districts and three (3) overlay districts. The use, height and area regulations are uniform in each district. These districts shall be known as:

- R-40 Single-family Residential
- R-15 Single-family Residential
- R-10 Single-family Residential
- R-7.5 Single-family Residential
- R-6 Single-family Residential
- R-ZLa Zero lot line Residential
- R-3.5 Two-family Residential
- R-SFA Single-family Attached Residential
- R-2.5 Four-family Residential
- R-TH Townhouse Residential
- R-MF-1 Multi-family Residential
- R-MF-2 Multi-family Residential
- R-MF-O Multi-family Residential Overlay
- R-MH Manufactured home Residential
- R-XF Extra family Residential
- P-O Professional office
- C-O Commercial office
- C-N Neighborhood commercial
- C-C Community commercial
- C-OU-1 Commercial outdoor
- C-OU-2 Commercial outdoor
- C-OU-3 Commercial outdoor
- C-W Commercial warehouse
FWY Freeway
ML-20 Light industrial
ML-20a Light industrial
ML-40 Light industrial
ML-120 Light industrial
C-P Commercial Park
PUD Planned Unit Development
TOD Transit-Oriented Development
HCD Heritage Crossing District
AG Agricultural district
S-P-1 Site plan-1 (detailed) district
S-P-2 Site plan-2 (generalized) district
Urban Business Overlay
State Highway 161 Overlay
State Highway 183 Overlay

2.1.4 Repealed Zoning Districts

a) The repeal of any zoning district under this ordinance shall have prospective application only. On the date of repeal, any particular tract of land which was currently zoned to the district which is repealed, shall continue to be subject to the regulations of the district as if such regulations had not been repealed until such land is rezoned to another zoning district.

b) After repeal of a zoning district, no applications for a zoning change to that district shall be accepted.

c) All land in the City of Irving which has previously been zoned into a district which was subsequently repealed, and which land has not been rezoned out of the repealed district, shall be considered zoned under the regulations of the repealed district and it shall be unlawful for the owner or proprietor of such land to violate the regulations of the zoning district applicable to such land.

d) This section shall not be effective within the current or future boundaries of Dallas/Fort Worth International Airport.

2.2 Zoning Map
2.2.1 **General Provisions.** The boundaries of the districts herein established and as hereafter defined and shall be established by the city council of the City of Irving, shall be indicated upon the zoning maps of the City of Irving, Texas, described in section 2.2.2 hereof, which shall be on file in the office of the city secretary of the City of Irving.

2.2.2 **Zoning Map and zoning district designations and changes**

a) Each zoning district hereafter designated, created or changed, each zoning change, and each change in the use designation or classification of any property by the city council of the City of Irving shall be shown and designated on the official zoning maps of the City of Irving, Texas, and shall on their face bear the title "Official Zoning Map, City of Irving, Texas."

b) The maps delineating the boundaries of the various zoning districts together with all matters and things shown on such maps are adopted and approved, incorporated herein and made a part thereof and collectively shall constitute the official zoning maps of the City of Irving. These maps are on file electronically and such zoning maps and all notations, references and other information shown on such zoning maps are as much a part of this ordinance as if the matters and information set forth by such maps were all fully described herein. The original of such official zoning maps of the city shall be kept on file and of record in the office of the city secretary of the City of Irving, showing all zoning designations and changes made by the city council of the city.

c) Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning maps of the City of Irving attached hereto and made a part of this ordinance or as the same shall hereafter be amended by the city council, the following rules shall apply:

1) The district boundaries or streets, alleys, and property lines unless otherwise shown, and where the districts designated on the zoning map of the City of Irving are bounded approximately by streets, alleys, or property lines, the streets, alleys, or property lines shall be construed to be the boundary of the district.

2) Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the district designation on the zoning map of the City of Irving are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the zoning maps of the City of Irving.
3) In unsubdivided property, the district boundary lines shall be determined by use of the scale appearing on the zoning map of the City of Irving.

4) Where the description of the property is contained in an ordinance, the metes and bounds description of the property in the ordinance shall control over the zoning map.

2.2.3 Reserved

2.2.4 Reserved

2.2.5 Annexed Territory

a) All territory annexed to the City of Irving after the date of passage of this ordinance shall be automatically classified for R-40 single-family district purposes until permanently zoned by the governing body of the City of Irving. The city planning and zoning commission shall, as soon as practicable, after annexation of any territory to the City of Irving, institute proceedings on its own motion to give the newly annexed territory a permanent zoning and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

b) In an area classified for R-40 single-family district purposes, no permit for the construction of a building other than a single-family dwelling or accessory building permitted in an R-40 single-family district, shall be issued by the building inspector until such permit has been specifically authorized by the city council. Permits for the construction of buildings for uses not permitted in an R-40 single-family district in newly annexed territory prior to permanent zoning may be authorized by the city council under the following conditions:

1) An application for any use not permitted in an R-40 single-family district shall be made to the building inspector showing the use contemplated together with a plat showing the size of lot or tract of land being used and the location of, and the size of and type of buildings to be constructed. The application shall be referred by the building inspector to the city planning and zoning commission for consideration and its recommendations to the city council, after giving due consideration to the type of permanent zoning to be applied to the area in which the property is located. The recommendation of the planning and zoning commission filed with the city council shall be advisory only, and the city council may grant or deny the application as the facts may justify.

2.2.6 Zoning designation of vacated streets and alleys. Whenever any street, alley or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacated street, alley or public way and all areas included in the vacated street,
alley or public way shall then and thenceforth be subject to all regulations of the extended district.

2.3 Overlay Districts

2.3.1 Reserved

2.3.2 Urban Business Overlay

a) Description: The urban business overlay zoning district is an overlay district that permits high density multi-family and related uses in addition to those uses allowed in the base zoning district.

b) Purpose: The purpose of this overlay district is to permit high density multi-family developments with accessory commercial and retail uses in area designed for higher urban intensities.

c) Boundary: The overlay district boundaries are:

Beginning at the intersection of the centerline of the Burlington Northern Railroad and the easterly city limits of the City of Irving;

Thence, South and West along the centerline of the Burlington Northern Railroad to the centerline of State Highway 114;

Thence, North and West along the centerline of State Highway 114 to the intersection with the southern bank of Cottonwood Branch;

Thence, North and East along the southern bank of Cottonwood Branch to the southern bank of Hackberry Creek;

Thence, Easterly along the southern bank of Hackberry Creek to the intersection with the East city limit;

Thence, Southerly along the eastern city limit to the Point of Beginning.

d) Permitted uses: Multi-family uses and related accessory uses, including but not limited to minor retail sales, offices, motion picture theaters and those uses listed in section 2.5.5(b)(5), the C-O Commercial Office District, provided the total combined square footage for these related accessory uses does not exceed twenty (20) percent of the total floor area of the building.

e) Parking requirements: Parking requirements are as follows:

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>1 space/unit</td>
</tr>
<tr>
<td>1 bedroom:</td>
<td>1 space/unit</td>
</tr>
<tr>
<td>2 bedroom:</td>
<td>2 spaces/unit</td>
</tr>
<tr>
<td>More than 2 bedrooms</td>
<td>2 spaces/unit plus .5 spaces for each additional bedroom</td>
</tr>
</tbody>
</table>
The following accessory uses to a multi-family development shall be required to provide parking in accordance with the following ratios:

<table>
<thead>
<tr>
<th>Use</th>
<th>Parking Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurants and private clubs:</td>
<td>1 space/150 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail stores, shops and services:</td>
<td>1 space/250 square feet of floor area</td>
</tr>
<tr>
<td>Business service, business and professional office:</td>
<td>1 space/333 square feet of floor area</td>
</tr>
</tbody>
</table>

Parking along private streets and drives shall be considered in the calculation of the parking required. All other accessory uses listed in section 2.5.5(b)(5) shall provide the number of parking spaces required by this ordinance.

1) Parking stalls shall provide a minimum width of eight (8) feet six (6) inches.
2) Landscape provisions for structural parking areas serving multi-family uses do not apply in this overlay district.
3) Driveways allowing two way directional traffic flow shall be a minimum of twenty (20) feet.

f) Density: All projects shall have a minimum density of forty (40) units per acre with the total number of multi-family residential units in the overlay district not to exceed four thousand (4,000) new units over and above that number existing or permitted on August 12, 1997 (910 units).

g) Maximum height: One hundred twenty (120) feet.

h) Building size, setbacks and separation:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public street setback:</td>
<td>Minimum 25 feet, regardless of stories</td>
</tr>
<tr>
<td>Side or rear setback:</td>
<td>None required</td>
</tr>
<tr>
<td>Setback from adjacent lot</td>
<td>None required</td>
</tr>
<tr>
<td>Building length</td>
<td>No maximum</td>
</tr>
<tr>
<td>Minimum separation between buildings</td>
<td>No minimum required</td>
</tr>
</tbody>
</table>

i) Coverage: Maximum ninety (90) percent of the site.

j) Pedestrian access: A pedestrian access plan shall be required to be submitted with the multi-family concept plan. The plan shall show connections to public sidewalks, nonresidential areas, recreation facilities (public or private), and community facilities. Tracts adjacent to water features shall provide or accommodate public access.
k) Landscape requirements:
   1) Sidewalks shall be a minimum of five (5) feet in width.
   2) The minimum eight-foot wide perimeter landscape area contiguous to all interior property lines and access drive shall not be required.
   3) Landscape area adjacent to principal buildings shall not be required.
   4) Landscape island breaks between every ten (10) spaces in all parking garage motor courts and piazzas shall not be required.

l) Open space requirements: Minimum open space shall be ten (10) percent of the site. "Usable open space" required in section 3.13.2(d)(7) shall be provided; however, pedestrian courtyards within the public street setback may be counted toward the "usable open space" requirements. The owner may elect to reduce the usable open space requirements by providing the following amenities:
   1) Pedestrian courtyard with a fountain, sculpture, and/or decorative benches—two (2) percent reduction;
   2) Enhanced pedestrian walkways, and vehicular pavement—one (1) percent reduction;
   3) Decorative lighting adjacent to the pedestrian walkways and vehicular pavement—one (1) percent reduction.

   A usable open space strip with a minimum depth of twenty (20) feet shall be provided adjacent to all water features. Private use of this area, such as outdoor restaurant seating, shall be allowed provided through pedestrian access with unobstructed views of the water feature is maintained.

m) Applicability: All requirements established in the codes and ordinances of the City of Irving shall apply to the property, except as expressly amended herein. Provided, however, that all existing multi-family developments within this overlay district on December 15, 1994 shall be considered conforming uses.

n) Multi-family development regulations: Prior to issuance of a building permit for multi-family construction, the requirements of section 3.13 must be met except as expressly varied in this section. For purposes of section 3.13, the project will be deemed to have met the forty (40) units per acre figure of the bonus density performance standards. All concept plans in the urban business overlay district may be approved or denied on the basis of criteria established in section 3.13.1(c). Where landscape plans are submitted and approved as part of a concept plan, there shall not be a need for a specific plan prior to issuance of building permits. Variances to the development standards may be requested within the urban business overlay district on tracts larger than two (2) acres without the necessity of filing an S-P-1, S-P-2 or PUD zoning case for the tract.

o) Amenities: Minimum area for on-site recycling not required where alternative methods for recycling are employed.
p) Dwelling unit size: Minimum average square footage required for efficiency units shall be four hundred fifty (450) square feet, provided efficiencies account for no more than seven and five-tenths (7.5) percent of the total units on the site.

q) Patios and balconies: Patios and balconies shall be a minimum twenty-one (21) square feet in area with a minimum narrow dimension of three (3) feet, provided, however, that areas adjacent to exterior doors and windows not containing seating areas and containing a narrow dimension of less than twelve (12) inches shall not be considered patios or balconies.

2.3.3 State Highway 161 Overlay

a) General Considerations

1) Description. The State Highway 161 overlay district is a zoning district which adds development standards, deletes certain land uses, and adds other uses to the existing base zoning district.

2) Purpose. The purpose of this overlay district is to prohibit those land uses that could be detrimental to the future appearance and economic objectives for the corridor. This district is intended to increase the quality of development through design and development standards.

3) Boundaries. The State Highway 161 overlay district boundaries are as follows:

Segment I:

All properties between State Highway 183 and the Irving City limit to the south

(1) That abut the right-of-way of State Highway 161/President George Bush Turnpike;

(2) That share a common property line with a property that abuts the right-of-way of State Highway 161/President George Bush Turnpike and have access to the right-of-way of State Highway 161/President George Bush Turnpike through a shared parking lot whether or not a formal ingress/egress, access, or parking easement exists;

(3) That have any portion of the property within 300 feet of the right-of-way of State Highway 161/President George Bush Turnpike; and

(4) That are completely surrounded by one or more of the above.
Property in Segment I that is within the State Highway 183 overlay district or is owned by a commuter or intercity freight railroad is excluded from the State Highway 161 overlay district.

**Segment II:**

All properties between State Highway 183 and DFW International Airport to the north

1. That are between Valley View Lane on the west and north and the right-of-way of State Highway 161/President George Bush Turnpike to the east and south;

2. That are east and south of the State Highway 161/President George Bush Turnpike right-of-way and abut the right-of-way or have any portion of the property within 300 feet of the right-of-way;

3. That are east and south of the State Highway 161/President George Bush Turnpike, north of W. Walnut Hill Lane, and west of N. Belt Line Road;

4. That are east and south of the State Highway 161/President George Bush Turnpike right-of-way, north of W. Rochelle Road, and west of Esters Road; and

5. That are completely surrounded by one or more of the above.

Property in Segment II that is within the State Highway 183 overlay district or is zoned for single family uses and fronts Alcazar Court, Almanzor Avenue, Almeria Court, Glavica Drive, Napoleon Way, Portland Street or Venice Drive is excluded from the State Highway 161 overlay district. Property in Segment II that is north of or adjacent to Walnut Hill Lane and is owned by DFW International Airport is excluded from the State Highway 161 overlay district.

**Segment III:**

All properties between DFW International Airport and the Irving City limit to the east

1. That abut the right-of-way of State Highway 161/President George Bush Turnpike;

2. That share a common property line with a property that abuts the right-of-way of State Highway 161/President George Bush
Turnpike and have access to the right-of-way of State Highway 161/President George Bush Turnpike through a shared parking lot whether or not a formal ingress/egress, access, or parking easement exists;

(3) That have any portion of the property within 300 feet of the right-of-way of State Highway 161/President George Bush Turnpike; and

(4) That is south of Valley View Lane and west of State Highway 161/President George Bush Turnpike, excluding property that is a portion of DFW International Airport.

The following properties, as identified on January 19, 2012, shall be included in the State Highway 161 overlay district per the owner's request:

(1) D.W. Barnett Survey, Abstract No. 216, Page 540, Tract 1.1 (1.94 acres)

(2) Las Colinas Office Park 1st Installment, Block A, Part of Lot 2B (1.06 acres)

(3) Las Colinas Office Park 1st Installment, Block A, part of Lot 2C (0.84 acres)

(4) Las Colinas Office Park 1st Installment, Block A, part of Lot 2D (0.94 acres)

(5) Lakeridge Addition, Block A, Lot 2 (3.67 acres)

Property in Segment III that is north of Interstate Highway 635 or west of Camino Lago is excluded from the State Highway 161 overlay district. Property that is south of State Highway 161 and is west of Riverside Drive and east of Las Colinas Boulevard is excluded from the State Highway 161 overlay district.

Property in Segment III that is bounded by Parkridge Boulevard, Kinwest Parkway, MacArthur Boulevard, State Highway 161, and the approximately 2.34-acre tract known on March 22, 2012 as Abstract 196, Page 430, Tract 2.36 is excluded from the State Highway 161 overlay district.

All land and structures within the State Highway 161 overlay district shall be used in accordance with the standards of the overlay district, except as noted in this section 2.3.3(a)(5), Governing Provisions.
4) Vision and general design principles. Irving will be the model for safe and beautiful neighborhoods, a vibrant economy, and exceptional recreational, cultural, and educational opportunities. The completion of SH 161/PGBT/SH 190 from Grand Prairie to Garland, and the continued expansion to I-20 and through the eastern portion of Dallas County, creates a unique opportunity to achieve this vision by creating a corridor in Irving that is a source of retail, entertainment, dining, employment, and residential opportunities while remaining a pleasant environment for travelers. Such a corridor is characterized by appropriately sustainable land uses, adequate public improvements, and exceptional building design, site design, and landscaping that all meet or exceed the citywide standards.

5) Governing provisions.
a. Property within the boundaries of DFW International Airport is specifically excluded from the provisions of this overlay district. The provisions of this overlay shall apply to all other properties, except those governed by V.T.C.A., Transportation Code § 22.074 until such time as the properties are no longer governed by such section.

b. Property within the State Highway 183 overlay district, as defined in section 2.3.4, is specifically excluded from the provisions of the State Highway 161 overlay district.

c. Whenever the provisions of the State Highway 161 overlay district conflict with any other requirement in any other zoning ordinance, the more restrictive standard shall apply.

6) Definition. For the purpose of this section of the zoning ordinance, the terms "State Highway 161," "President George Bush Turnpike," "SH 161/PGBT," or similar terms shall all apply to the entire right-of-way of State Highway 161 and President George Bush Turnpike.

b) Use Regulations

1) Exceptions for properties with site plan zoning or PUD zoning.

a. Properties with Detailed Site Plan (S-P-1), Generalized Site Plan (S-P-2), Masonry Exception or with an approved development plan in Planned Unit Development (PUD) zoning shall comply with the requirements of their respective site plan zoning or development plan relative to any specific provisions for uses, setbacks, height, parking, landscaping, and/or signage.

b. Unless specifically delineated or noted on an approved site plan, development plan, or masonry exception, the standards of the State Highway 161 overlay district shall take precedence over any other less-specific standard of the site plan or development plan.

2) Land uses with specific approval processes.

a. Land uses with specific requirements and approval processes established elsewhere in this ordinance including, but not limited to, nondepository financial institutions, restaurants with the accessory use of the sale of alcoholic beverages, wireless telecommunications facilities, environmentally sensitive land uses, and multifamily development remain subject to the specific requirements and approval processes established for such uses elsewhere in this ordinance.
b. Hotels shall be permitted without the requirement of an S-P-1 (Detailed Site Plan) or S-P-2 (Generalized Site Plan) in segments 2A, 2B, 2C, and 3A, as described in the Table of Permitted Uses in section 2.3.3(b)(3), provided that the hotel meets all other development and design requirements set forth in section 3.10. Hotels including the service of alcoholic beverages for on-premise consumption must still obtain S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Alcoholic Beverage) zoning, as described in section 3.3 of this ordinance.

3) Segments and permitted uses. Existing development along State Highway 161 includes many types of land uses ranging from low-density single family to heavy industrial. Future development and redevelopment is expected to include a range of land uses, but not all land uses are appropriate for — or excluded from — all portions of the corridor. Accordingly, this overlay district divides the State Highway 161 corridor into distinct segments, each with its own particular list of permitted and prohibited uses, all of which are subject to the development standards listed in this section.

a. Uses are permitted in the various segments of the State Highway 161 overlay district in accordance with the following use chart. The uses permitted by this chart take precedence over any uses permitted or not permitted by the base zoning of any particular property, with the exception of properties zoned Detailed Site Plan (S-P-1), Generalized Site Plan (S-P-2) or with an approved development plan in Planned Unit Development (PUD) zoning. This chart still applies to uses not explicitly permitted and/or prohibited by the site plan or development plan.

b. If property has a residential base zoning, it must be at least three (3) acres or larger for the nonresidential uses permitted in this overlay district to be allowed.

c. Segments.

<table>
<thead>
<tr>
<th>Segment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1A</td>
<td>East side of SH 161 (South city limits — Conflans Road) West side of SH 161 (South city limits — north boundary of Chilton Smith Survey, Abstract No. 1293, Page 830, Tract 6.2)</td>
</tr>
<tr>
<td>1B</td>
<td>East side of SH 161 (Conflans Road — Pioneer Drive) West side of SH 161 (Approx. 4,850 ft north of south city limits — SH 183 right-of-way, excluding property in the SH 183 overlay district)</td>
</tr>
<tr>
<td>2A</td>
<td>West side of SH 161 (SH 183 right-of-way — Walnut Hill Lane, excluding property in the SH 183 Overlay District)</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>2B</td>
<td>West side of SH 161 (Walnut Hill Lane — DFW International Airport)</td>
</tr>
<tr>
<td>2C</td>
<td>East side of SH 161 (SH 183 right-of-way — DFW International Airport, excluding property in the SH 183 Overlay District)</td>
</tr>
<tr>
<td>3A</td>
<td>SH 161 (DFW International Airport — IH 635 right-of-way)</td>
</tr>
</tbody>
</table>

d. Table of Permitted Uses.
<table>
<thead>
<tr>
<th>Uses</th>
<th>Segment</th>
<th>1A</th>
<th>1B</th>
<th>2A</th>
<th>2B</th>
<th>2C</th>
<th>3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Single family detached residential (with SF base zoning)</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Senior housing (assisted living, long-term care facility,</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>continuing care facility, independent living facility)</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Medium/high density residential (with MF base zoning)</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Educational or Institutional</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Government buildings and uses</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Public or private elementary or secondary schools</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Day care or child care center</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Museum</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Religious institution</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>University, college, trade or vocational school, whether for-profit</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>or non-profit</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Medical</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Hospital</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Medical or dental office, emergency care clinic or urgent care</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>clinic</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Medical or dental laboratory</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Veterinary clinic/hospital</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Office and Financial</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Depository financial institution with or without drive-through</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Nondepository financial institutions (Section 52-35e)</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Office – Call center</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Office and business services, general</td>
<td></td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
</tr>
<tr>
<td>Retail and Dining</td>
<td>1A</td>
<td>1B</td>
<td>2A</td>
<td>2B</td>
<td>2C</td>
<td>3A</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td></td>
</tr>
<tr>
<td>Automobile washing facilities, manual or automatic</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Building material sales (indoor)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Gasoline service station (excl. auto maintenance/repair)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Indoor retail or convenience store (w/o gasoline sales)</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Restaurant: no drive-in or drive-through</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td></td>
</tr>
<tr>
<td>Restaurant: with drive-in or drive-through</td>
<td>●</td>
<td>●</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

- ● Permitted
- ○ Permitted if lot is 300 feet or more from State Highway 161 right-of-way
- ☐ Permitted if lot is 200 feet or more from residential property line
- □ Permitted if lot is 300 feet or more from State Highway 161 right-of-way and 200 feet or more from residential property line
- × Prohibited

Any use that, in the determination of the director, is not included in any of the land use categories in this table shall be deemed to be prohibited uses and may only be approved through an approved zoning site plan or PUD development plan.

<table>
<thead>
<tr>
<th>Uses</th>
<th>Segment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Heavy Commercial and Services</strong></td>
<td>1A</td>
</tr>
<tr>
<td>Auto parts and accessories, sales and installations</td>
<td>☐</td>
</tr>
<tr>
<td>Auto maintenance or auto repair garage</td>
<td>☐</td>
</tr>
<tr>
<td>Car wash</td>
<td>●</td>
</tr>
<tr>
<td>Dry cleaning and laundry service</td>
<td>●</td>
</tr>
<tr>
<td>General personal services</td>
<td>●</td>
</tr>
<tr>
<td>New automobile and light truck sales, rental and service; used automobile and light truck sales as an accessory use. Subject to same requirements as Sec. 52-64d(i)(4)a(v) and 52-64d(i)(4)a(vii) through 52-64d(i)(4)a(xv)</td>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Warehouse and Industrial</th>
<th>1A</th>
<th>1B</th>
<th>2A</th>
<th>2B</th>
<th>2C</th>
<th>3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>General industrial/manufacturing</td>
<td>●</td>
<td>☐</td>
<td>○</td>
<td>☒</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Mini-warehouse (in accordance with III(j)).</td>
<td>●</td>
<td>●</td>
<td>○</td>
<td>☒</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Research and development laboratory</td>
<td>●</td>
<td>☐</td>
<td>○</td>
<td>☒</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Warehouse</td>
<td>●</td>
<td>☐</td>
<td>○</td>
<td>☒</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Wholesale distribution</td>
<td>●</td>
<td>☐</td>
<td>○</td>
<td>☒</td>
<td>×</td>
<td>×</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Travel, Leisure, and Entertainment</th>
<th>1A</th>
<th>1B</th>
<th>2A</th>
<th>2B</th>
<th>2C</th>
<th>3A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bowling alley</td>
<td>×</td>
<td>●</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Motion picture theater</td>
<td>×</td>
<td>●</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Dance, assembly, or exhibition hall, other than religious institution or as an accessory use to a hotel</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
<td>×</td>
</tr>
<tr>
<td>Hotels, in accordance with Section 52-35b</td>
<td>×</td>
<td>×</td>
<td>●</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
36

4) Uses existing or pending on March 22, 2012: All structures, improvements, and uses which are in compliance with the underlying zoning regulations in effect on March 22, 2012, and which structures, improvements or uses either:

a. Existed on March 22, 2012; or

b. Which may exist in accordance with the underlying zoning district on any lot or tract for which an application for platting, replatting, or a building permit for such use was pending on March 22, 2012;

shall be deemed to be conforming uses and shall not be subject to the restrictions on rebuilding damaged structures under Chapter 7, Nonconformities, provided this conforming status will end on each individual tract when and if such use is abandoned or converted to another use and further provided that any lot or tract upon which future structures, improvements and uses which meet the description of this subsection 4 shall, nevertheless, meet the development standards of this Section 2.3.3.

c) Development Standards.

1) Single-family residential masonry requirements. The provisions in this section shall apply to newly-constructed homes on property that has a final plat approved by the City of Irving after March 22, 2012.

a. All exterior walls of principal buildings shall be ninety-five (95) percent masonry.
b. Masonry coverage calculation does not include architectural accents, chimneys, doors, windows, window box-outs, or bay windows that do not extend to the foundation.

c. Masonry material shall consist of any combination of materials listed below. For the purpose of this section the following definitions shall apply:

1. Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable.

2. Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.

3. Stucco and cementitious fiberboard or "Hardi-board" shall be considered as a masonry product for the purposes of this subsection. "Stucco" shall be exterior Portland cement plaster with three (3) coats over metal lath or wire fabric lath.

4. Exterior Insulation and Finish System (EIFS), vinyl and wood siding shall not be considered as a masonry product for the purposes of this subsection.

d. Exterior Insulation and Finish System (EIFS), vinyl and wood siding may be used as architectural accent material when placed more than four (4) feet above grade.

2) Nonresidential uses.

a. All nonresidential buildings shall comply with the material and architectural detail requirements of the commercial design standards established in Sections 3.5 and 3.6 of this ordinance, except that facades facing State Highway 161 shall provide vertical articulation of 18 percent of the wall's height as opposed to the standard 15 percent.

b. Outside storage. Outside storage of any kind, other than display of automobiles or similar vehicles for sale or lease, temporary storage of shopping carts in cart corrals constructed per section 2.3.4(e)(4)(g), or
as allowed by section 3.18.3(i), is not allowed between any principal use building and the right-of-way of any street.

3) Accessory buildings. Unless modified by a site plan or development plan, all accessory buildings shall comply with the following requirements:

a. Any detached accessory building in a residentially-zoned ("R") district shall meet the requirements of section 3.1 of this ordinance, except that any accessory building over 250 square feet and visible from a street shall be constructed of at least 75 percent masonry materials to match or be complementary in color to the principal building. This requirement does not apply to greenhouses or in-ground swimming pools.

b. Accessory buildings in multifamily districts shall comply with the requirements set forth in the approved multifamily concept plan, or section 3.13 (Multifamily Development Standards).

c. Accessory buildings in all other districts shall be constructed with an approved masonry material as described in Section 3.4 (Commercial Design Standards) of this ordinance, with the exception of the following:

1. Dumpster or other screening enclosures.
2. Any structure equal to or less than one hundred twenty (120) square feet.
3. Any structure equal to or less than six (6) feet in height, or being equal to or less than one (1) foot below the top of a screening fence that completely screens the accessory building from any adjacent property or any public or private right-of-way.

d. Carports on commercial or multifamily properties not visible from a street right-of-way need not meet the masonry requirements.

e. Accessory buildings in nonresidential and multifamily districts are prohibited within the parking lot area, or between a principal use building and the right-of-way of State Highway 161/President George Bush Turnpike.

4) Landscaping. Unless modified by this overlay district or by a site plan, development plan, or multifamily concept plan, all landscaping shall comply with section 4.5 (Landscaping and Trees) of this ordinance.

5) Screening of parking.
a. All parking areas visible from a public or private right-of-way shall be screened from the right-of-way by a row of shrubs, a berm, or a masonry wall a minimum of three (3) feet tall.

b. The shrubs, berm, or wall may be located anywhere within the landscaping buffer, but shall not create a visibility obstruction at intersections or driveways. Shrubs shall be planted in a planting bed and be a minimum of eighteen (18) inches tall at time of planting, and shall be planted no more than three (3) feet apart. The area within the planting bed separating the shrubs shall be planted with native grasses from the list in subsection 2.3.3(c)(5)(c), below. Berms shall be covered with grass or ground cover. Masonry walls shall be of the same materials and colors as the main building on the property.

c. Approved native grasses include:

<table>
<thead>
<tr>
<th>*Miscanthus, many varieties</th>
<th>*Weeping Love Grass;</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Indian Feather Grass</td>
<td>*Gulf Muhly</td>
</tr>
</tbody>
</table>

| *Any other native grass approved by the director. |

6) Driveways and sidewalks within landscape buffers.

   a. Landscape buffers may be crossed by perpendicular or angled entry or exit driveways that comply with the City of Irving Access Policy, but may not be utilized for on-site circulation of fire lanes.

   b. Landscape buffers may include a sidewalk not less than six (6) feet or more than eight (8) feet in width.

   c. If a sidewalk is placed within the required landscape buffer, the sidewalk shall be incorporated into the landscaping plan by including such features as enhanced pavers, bricks, scored concrete or stamped asphalt, a meandering path, benches, or other elements that enhance the pedestrian experience but without compromising safety or accessibility requirements.

7) Parking lot trees.

   a. All parking lots shall be landscaped with a minimum of one (1) tree for every ten (10) parking spaces.

   b. Trees may be evenly spaced or they may be clustered, provided that:
1. A minimum of fifty (50) percent of the total required trees shall be within the interior of the parking lot, and not distributed around the perimeter of the parking lot.

2. Each tree shall be planted in an area no smaller than five (5) feet by five (5) feet.

8) Maintenance of adjacent rights-of-way.
   a. Areas of public rights-of-way between a property line and the back of curb of the frontage road or travel lane of an adjacent street shall be maintained by the adjacent property owner, including mowing and irrigation of grass, removal of trash and litter, and maintenance of landscaping, unless otherwise prohibited by the Texas Department of Transportation, the North Texas Tollway Association, or the City of Irving.
   b. If the right-of-way area exceeds fifty (50) feet in depth, the adjacent property owner shall be required to maintain only the fifty (50) feet of right-of-way immediately adjacent to the property owner's property line.
   c. This section only applies to commercial and multifamily properties, or vacant properties zoned for commercial or multifamily uses.

9) Irrigation and maintenance of landscaping.
   a. All landscaping on the premises and within the adjacent right-of-way shall be irrigated by an automatic irrigation system installed in accordance with all applicable Texas Department of Transportation and North Texas Tollway Association policies, and/or City of Irving ordinances.
   b. All main lines, zone control valves, controllers, backflow valves, and wiring shall be installed outside the public right-of-way.
   c. Any water lines, shut off valves, or sprinkler heads installed in the right-of-way shall comply with the standards of the Texas Department of Transportation and the North Texas Tollway Association.
   d. All landscaping shall be maintained in a healthy condition at all times. Dead or damaged landscaping shall be replaced immediately. The director may approve a delay in replacing dead or damaged landscaping not exceeding one hundred eighty (180) days due to seasonal or other considerations that would justify a postponement. Additional
postponement may be granted by the director in drought or other declared water emergency conditions.

10) Mini-warehouse and self storage facilities.

a. Loading area. A continuous loading area, minimum eight (8) feet in width, shall be provided along any building side where there is access to storage units for parking and loading in addition to and outside of any fire lane.

b. Parking. A mini-warehouse or self storage facility shall maintain one (1) space per twenty thousand (20,000) square feet of leasable storage space with direct access for individual units to the outside, one (1) space per seven thousand five hundred (7,500) square feet of leasable storage space without direct access for individual units to the outside, one (1) space per two hundred fifty (250) square feet for office and retail uses, and two (2) spaces for on-site resident manager, if applicable. However, no fewer than seven (7) spaces shall be provided, with at least five (5) spaces located outside any gated or controlled access area.

c. Screening. Projects shall be designed with solid exterior masonry walls with no openings, so that access doors to the storage units are not visible from any public right-of-way or from any adjacent property.

1. Buildings on the perimeter of the site shall be connected by masonry walls a minimum of eight (8) feet in height, designed to match the building exterior, except at the entrance area where wrought iron fencing may be used. Maximum height shall be ten (10) feet, except where the rear of a building is being utilized as the required screening.

2. The rear of the building(s) may be utilized as the required screening wall if a landscape buffer with one (1) tree every twenty-five (25) linear feet is provided between the building and the property line.

3. Barbed wire, razor wire, electric fences, and all other types of security fencing shall be prohibited from being placed on a screening wall, between a screening wall and a property line, or inside a screening wall when visible from the exterior of the property.

d. Exterior construction. The building exterior shall be one hundred (100) percent masonry as defined in section 3.4.2(a)(3) (Building materials
Design Standards) and shall utilize a minimum of two (2) distinct building materials from the approved masonry list. Building sides visible to any property line or to any street right-of-way shall include secondary masonry materials that comprise at least ten (10) percent of the building facade, and shall meet the building articulation requirements in section 2.3.3(c)(2).

e. Setbacks. A minimum ten-foot building setback shall be required adjacent to any residentially-zoned property. All other district setback lines shall apply.

f. Height. Maximum height of buildings within thirty (30) feet of a residential structure shall be eleven (11) feet, measured from the foundation to the peak of the roof. Maximum height in all other areas shall be twenty-five (25) feet.

g. Signage. All signage shall be prohibited from being placed on exterior screening walls or on the rear of a building utilized as a screening wall. Additionally, signage shall be prohibited on all roofs.

h. Mechanical equipment. No roof-mounted equipment shall be permitted.

i. Color and glare. Roofs, doors, and walls shall be painted with a non-reflective, muted shade of earth-tone colors, such as red, blue, brown, green, or white. Bright colors and neon colors are prohibited.

j. Use of facilities. Mini-warehouse and self-storage units shall be used exclusively for storage purposes and not for any other use, processing, services, or activities. Outside storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles is prohibited.

k. Retail and leasing operations. Retail space may be provided as an accessory use to the mini-warehouse use. Retail shall be limited to items directly related to the shipping, packaging, storage and transport of items to and from the mini-warehouse facility, and for the leasing of individual storage units. The rental and leasing of any vehicle is prohibited, including trucks, cars, vans, trailers, flatbeds, or any other motorized vehicle or wheeled attachment to a motorized vehicle.

l. On-site residence. One (1) residential unit is permitted for an on-site manager and may contain no more than seven hundred fifty (750) square feet of living space.

d) Parking and Loading Requirements.
1) Required parking. Parking for the uses allowed by this overlay shall be provided in accordance with section 4.4.3 Off Street parking requirements with the following exceptions:

   a. Assisted living facility or long-term care facility: One (1) space per two (2) dwelling units. No maximum number of parking spaces.

   b. Call centers: Parking for call centers: One (1) space per seventy-five (75) square feet of space in the call center areas, and one (1) space per three hundred (300) square feet for all other office uses.

   c. Continuing care facility: Parking requirements shall be based upon the proportionate individual parking requirements of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility. No maximum number of parking spaces.

   d. Dance, assembly halls, exhibition halls and motion picture theater: One (1) space per one hundred (100) square feet.

   e. Day care or child care center: One (1) space per three hundred (300) square feet. No maximum number of parking spaces.

   f. Depository financial institution: One (1) space per three hundred (300) square feet. Additionally, each drive-through lane shall have at least two (2) stacking spaces for each lane, measured from the point of service, and at least one (1) additional stacking space for each lane. Two (2) lanes may combine their additional stacking space into a single feeder lane, provided that the same total number of stacking spaces is included. Each stacking space shall be twenty (20) feet long, may not be in a fire lane, and may not block any parking or loading space.

   g. Hospital, emergency care clinic, or urgent care clinic: One (1) space per two hundred (200) square feet. No maximum number of parking spaces.

   h. Independent living facility: One (1) space per dwelling unit. No maximum number of parking spaces.

   i. Industrial/manufacturing: One (1) space per six hundred (600) square feet.

   j. Medical or dental office: One (1) space per two hundred fifty (250) square feet.

   k. Mini-warehouse and self-storage: See section 2.3.3(c)(10).
l. Offices and business services, excluding call centers and medical offices: One (1) space per three hundred (300) square feet.

m. Religious institution: One (1) space per one hundred seventy-five (175) square feet of primary assembly space.

n. Restaurants with alcoholic beverage service: One (1) space per two and one-half (2.5) seats.

o. Restaurant with drive-through: One (1) space per one hundred twenty-five (125) square feet. Additionally, each drive-through lane shall have at least three (3) stacking spaces for each lane, measured from the initial point of service, and at least two (2) additional stacking spaces for each lane. Two (2) lanes may combine their additional stacking space into a single feeder lane, provided that the same total number of stacking spaces is included. Each stacking space shall be twenty (20) feet long, may not be in a fire lane, and may not block any parking or loading space.

p. Restaurants without drive-through: One (1) space per one hundred twenty-five (125) square feet.

q. Retail uses, general: One (1) space per two hundred fifty (250) square feet.

r. Warehouse/Distribution: One (1) space per two thousand (2,000) square feet for the first one hundred thousand (100,000) square feet; one (1) space per five thousand (5,000) square feet above one hundred thousand (100,000) square feet.

2) Maximum parking. Unless otherwise specified, surplus parking may be provided but may not exceed the minimum number required by this section by more than twenty (20) percent. The following are excluded from calculation of the maximum parking requirement, but shall be counted toward the minimum requirements:

a. Accessible parking;

b. Bus, vanpool, and carpool parking;

c. Dedicated motorcycle or motor scooter parking;

d. Structured parking, underground parking, or parking within, above, or beneath the building(s) it serves.
e. Exceptions to the maximum parking requirements may be allowed in situations that meet all of the following criteria as determined by the director:

1. The proposed development has unique or unusual characteristics such as high sales volume per floor area, low parking turnover, or overlapping shift work which creates a parking demand that exceeds the maximum ratio, and which typically do not apply to comparable uses;

2. The parking demand cannot be accommodated by shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;

3. The requirement is the minimum necessary variation from the standards; and

4. If located in a mixed use district, the uses in the proposed development and the site design are highly supportive of the mixed use concept and support high levels of existing or planned pedestrian activity.

3) Parking lot design requirements.

a. Retail, restaurant, office, and entertainment uses shall provide designated bicycle parking areas within fifty (50) feet of the building entrance with a minimum of one (1) bicycle parking space for each fifty (50) vehicle parking spaces, up to a maximum of ten (10) bicycle parking spaces.

b. Retail, restaurant, office, and entertainment uses shall provide dedicated parking spaces for motorcycle and motor scooter parking at a minimum ratio of one (1) space per fifty (50) automobile parking spaces. Such spaces shall be striped and be a minimum of four and one-half (4.5) feet wide and twelve (12) feet deep, and be perpendicular to the access drive.

c. If the required minimum parking on a lot, or the required minimum parking on a combination of lots functioning as a single development, exceeds five hundred (500) spaces, a minimum of twenty-five (25) percent of the spaces must be in a parking structure, underground parking, or parking within, above, or below the building it serves.

d. Parking location. No more than twenty-five (25) percent of the required parking for a use may be located between the facade of a building and the State Highway 161/PGBT, State Highway 114, and Interstate
Highway 635 right-of-way. The additional seventy-five (75) percent may be located beside or behind the facade facing the State Highway 161/PGBT, State Highway 114, and Interstate Highway 635 right-of-way.

e. Internal walkways.

1. All parking lots that contain more than one hundred (100) automobile parking spaces shall include internal pedestrian walkways a minimum of five (5) feet wide from the public sidewalk to the main entrance of the principal use of the property, and shall comply with all applicable requirements of the Texas Accessibility Standards for width, slope, texture, level differences, and ramps. Pedestrian walkways shall be provided for every three (3) driving aisles or at a distance of not more than one hundred eighty (180) foot intervals, whichever is less.

2. Pedestrian walkways shall also be provided to connect points of origin such as outlying parking spaces and bus stops with destinations such as building entrances. All such walkways shall be constructed of conventional sidewalk materials, enhanced pavers, stamped concrete or asphalt, bricks or scored concrete, shall be clearly marked, and shall comply with all applicable requirements of the Texas Accessibility Standards for width, slope, texture, level differences, and ramps.

f. Walkways crossing driveways. Where internal pedestrian walkways cross driveways, such walkways shall be distinguished from driving surfaces through the use of design features such as contrasting colors, enhanced pavers, stamped concrete or asphalt, bricks, scored concrete, and alternate colors. Painted or adhesive markings shall not be permitted. Crossings shall comply with all applicable requirements of the Texas Accessibility Standards.

g. Shopping carts. Cart corrals shall be provided by all establishments using shopping carts. Cart corrals shall be uncovered and shall not occupy required parking spaces, but shall be placed in designed locations within the parking lot or adjacent to the building, and surrounded by landscaping with trees. When an establishment is closed, shopping carts are to be stored either within the building or screened with a wall that is integral to the architectural design of the building.

h. Paving standards.
1. Parking lots, vehicle display lots, internal driveways, vehicle circulation areas, and any property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be paved with a minimum of five (5) inches of three thousand (3,000) psi concrete with #3 rebar on eighteen-inch centers both ways.

2. Parking lots, driveways and internal circulation shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed.

3. All parking areas shall be clearly striped.

4) Building services.

a. The location of above ground utility facilities should be identified early in the design process. Utility facilities shall be located where they do not conflict with featured views, outdoor dining areas, and/or site circulation. Facilities should be accessible for maintenance and service requirements.

b. Loading areas, docks, truck parking, overhead doors, outdoor storage, utility meters, HVAC equipment, trash collection, and other building service functions and areas shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and streets. These functions and areas shall not be on any facade facing State Highway 161/PGBT, State Highway 114, Interstate Highway 635, or any other public street frontage.

c. Solid waste collection areas and ground mounted mechanical equipment shall be screened from view from State Highway 161/PGBT, State Highway 114, Interstate Highway 635, any other street, and any adjacent residentially-zoned property.

d. Roof mounted mechanical equipment, including solar panels, shall be screened from view in accordance with applicable construction codes as adopted by the City of Irving.

e) Screening and Fencing Requirements.

1) Solid waste collection and loading areas. Screening materials shall be the same as, or of equal quality to, the materials used for the principal building. Dumpsters shall be located in accordance with Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.
2) All other screening and fencing. All other screening and fencing requirements shall comply with Chapter 15 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.

f) Lighting Regulations.

1) Concealment and shielding. Light sources shall be concealed or shielded with luminaries containing skirts, shielding or cut-offs with a cutoff angle not exceeding ninety (90) degrees to minimize the potential for glare and unnecessary diffusion of adjacent property. The angle shall be measured using a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.

2) Style. The style of light standards and fixtures shall be consistent with the overall theme and design of the State Highway 161 overlay district. Architectural styles consistent with on-site buildings may be approved by the director. "Cobra head" fixtures, galvanized metal poles, and arm lengths greater than four (4) feet are prohibited.

3) Glare prohibited. Lighting shall not cast glare onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles.

4) Maximum spillover. In no case shall exterior lighting add more than one (1) footcandle to illumination levels at any point off-site.

5) Highlighting. Lights may be used to highlight trees and similar features within public and private plazas, courtyards, walkways, and other similar outdoor areas at night to create excitement and a festive ambiance.

6) Uplighting. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

7) Architectural lighting. Architectural lighting may be used to articulate the particular building design or to create effects of shadow, relief, and outline that add visual interest and highlight aspects of the building. Lighting of cornices, uplighting, and other effects may be used. For upward-directed architectural, landscape, or decorative lighting, direct light emissions shall not be visible above the roof line.

8) Building-mounted fixtures. Building-mounted fixtures shall be attached to walls, and the top fixture shall not be lower than ten (10) feet or higher than eighteen (18) feet above finished grade, except entry/exit lighting positioned above the entry/exit.
9) After-hours reduction. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off after normal business hours.

10) Flickering and flashing lights. No flickering or flashing lights shall be permitted except for temporary decorative seasonal lighting.

11) Color. White light meeting a minimum color standard of 2800 Kelvin shall be used at all times for parking and loading areas. The use of low-sodium vapor or high-pressure sodium vapor lighting is prohibited.

g) Underground Utilities Required. All new construction to be built in the State Highway 161 overlay district shall have underground utilities from the building to the property line. To the extent possible, all new utilities extended from off-site to serve the development must also be underground or within an easement along the rear of the property to reduce the amount of overhead utilities along State Highway 161/PGBT, State Highway 114, and Interstate Highway 635.

h) Sign Regulations. All signs shall comply with Chapter 7 of the Irving Land Development Code.

i) Applicability.

1) New construction. The standards established by this section 2.3.3 shall apply to all newly constructed structures and all new development within the boundaries of the State Highway 161 overlay district.

2) Expansion or repair of existing single family structures.

   a. Single-family residential structures existing on March 22, 2012 may be repaired, remodeled, rehabilitated, or otherwise improved under the zoning provisions to which the structure was originally subject.

   b. Accessory structures associated with an existing single-family lot existing on March 22, 2012 being repaired, remodeled, rehabilitated, improved, or expanded shall bring the entire accessory structure into conformance with the provisions of section 2.3.3(c)(3)(a) herein if the value of the repairs, remodeling, rehabilitation, improvements, or expansion constitute at least fifty (50) percent additional floor area or at least fifty (50) percent of the current value of the structure as established by the most current certified value established by the Dallas Central Appraisal District. For the purpose of determining whether improvements to existing structures shall require compliance with this section, the increase in floor area and/or value shall be aggregated over a three-year period.
3) Multifamily structures.
   a. Any multifamily residential structure existing on March 22, 2012 shall
      be deemed to be a legal, conforming land use provided that it is in
      conformance with the zoning ordinance requirements in place at the
      time the initial building permit was issued.
   b. Such structures may be repaired, remodeled, rehabilitated, or otherwise
      improved under the zoning provisions to which the structure was
      originally subject, provided that if any repair, remodel, rehabilitation,
      or improvements exceed fifty (50) percent of the square footage of a
      building's exterior, exclusive of doors and windows, the following
      materials shall be prohibited:
         1. Wood
         2. Vinyl
         3. EIFS or similar product
   c. The aforementioned materials may be used as trim or for architectural
      detail, provided that they collectively comprise no more than five (5)
      percent of the siding on any given building elevation (exclusive of
      doors and windows), and that EIFS is not used below four (4) feet
      above grade.

4) Expansion or repair of existing nonresidential structures.
   a. If an existing nonresidential structure is expanded by thirty (30) percent
      or more of its first floor area, or if one (1) or more additional floors are
      added, or if it is being repaired, remodeled, rehabilitated, or otherwise
      improved to the point that the value of the repairs, remodeling,
      rehabilitation, or improvements constitute at least thirty (30) percent of
      the current value of the structure as established by the most current
      certified value established by the Dallas Central Appraisal District, the
      entire structure and the entire property on which it stands shall be
      brought into compliance with the standards established in this section
      2.3.3.
   b. For the purpose of determining whether repairs, remodeling,
      rehabilitation, or improvements to existing structures and properties
      shall require compliance with this section, the increase in floor area
      and/or value shall be aggregated over a three-year period.
c. Any improvements to the landscaping that brings the property closer to compliance with the provisions of this section shall not be included in the value calculation described in section 2.3.3(i)(4)(b).

j) Definitions. For the purposes of this section 2.3.3, all definitions shall be per Chapter 9 of this ordinance unless otherwise stated, with the following exceptions which shall be defined as follows:

1) Assisted living facility: A building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

2) Call centers: Any use in which sales, customer service, or customer support is provided by or conducted by employees or contracted workers primarily by remote communication, including internet, telephone, or other electronic communication methods.

3) Continuing care facility: A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.

4) Depository financial institution: An establishment licensed or chartered by the state or the United States as a bank, savings and loan, or credit union for the custody, loan, exchange, or issue of money, the extension of credit, and/or facilitating the transmission of funds.

5) Emergency care clinic or urgent care clinic: An institution providing primary health services and medical care to persons, primarily as outpatients on a "walk-in" basis without prior appointments. Such persons may be suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions.

6) Gasoline service station: Establishments where gasoline or diesel fuel, electric vehicle charging stations, oil, grease, or motor vehicle accessories are sold, supplied, or dispensed to the retail motor vehicle trade. Within the overlay district, "gasoline service station" does not include the principal uses of automobile washing facilities, minor automobile maintenance and repair, or convenience store uses unless such uses are allowed as a principal use in the corridor segment indicated in the use chart for this overlay district.
7) General industrial services: Establishments such as manufacturing (as defined herein), construction materials storage, contractor yards or services, welding shops, machine shops, electric motor repair, and truck and heavy equipment servicing and repair. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in this section 2.3.3.

8) General personal services: Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer that have been treated or processed at that location or another location such as, but not limited to, day care centers, dry cleaning and laundry services, pharmacy, shoe repair, beauty or barber shops, licensed massage therapy, tanning salons, mortuary or funeral home, tattoo parlor or piercing studio, and nail salon.

9) Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities as licensed by the State of Texas.

10) Independent living facility: A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

11) Long-term care facility: A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

12) Medical or dental office: A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured out-patients who do not remain overnight, and who generally do not treat patient emergencies or "walk-in" patients.

13) Mini-warehouse or self-storage facility: A building or group of buildings containing one or more compartmentalized storage units for rent or lease, the use of which is restricted solely to the inside storage of customer's goods or wares. The conduct of sales, business or any other activity within the individual storage units other than storage shall be prohibited. The mini-warehouse or self-storage facility shall conform to the provisions in section 2.3.3(c)(10).
14) Manufacturing: The mechanical or chemical transformation of materials or substances into new products, or the assembly of component parts of manufactured products, or the blending of materials such as lubricating oils, plastic resins, or beverages. This definition excludes the following: environmentally sensitive land uses (as defined in section 3.6); any use that violates the performance standards in section 4.9; rendering plants, slaughterhouses, or the manufacturing of beef, fish, poultry, or other animals for food or feed products; tanneries; saw and planing mills; primary production or storage of wood, metal or chemical products from raw materials; batching yard; foundry-type operations; material recycling or salvaging; auto salvage; towing and/or wreckage operations; or any other manufacturing or assembly use determined by the director to pose a risk to the public's health, safety or welfare. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in this section 2.3.3.

15) Mixed use: Any combination of office, retail and dining, entertainment, and residential uses in a unified development, provided that at least two (2) of the aforementioned uses are included in the initial phase of construction, and that the minimum floor area of a use is not less than twenty (20) percent of any given phase, and not less than ten (10) percent of the unified development. A "unified development" may be on a single lot or on multiple lots deemed by the director as being part of the same overall master development plan.

16) Indoor retail and convenience store: Retail stores and uses completely within an enclosed building. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods or beverages. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in this section 2.3.3.

17) Transit-oriented development: Any development that is constructed in accordance with 2.6.5.

2.3.4 State Highway 183 Overlay

a) Description. The State Highway 183 overlay district is a zoning district that regulates land uses and development standards within the State Highway 183 corridor.
b) Purpose. The purpose of the State Highway 183 overlay district is to guide new development and redevelopment along the State Highway 183 corridor by designating permitted uses and establishing enhanced standards for the design, appearance, and placement of buildings and other site improvements, landscaping, signs, utilities, lighting, fences, and screening.

c) Boundaries. The State Highway 183 overlay district applies to all properties with nonresidential zoning (1) that abut the right-of-way of State Highway 183 from the Irving city limit on the east to the Irving city limit on the west; (2) that share a common property line with a property that abuts the right-of-way of State Highway 183 and have access to the right-of-way of State Highway 183 through a shared parking lot whether or not a formal ingress/egress, access, or parking easement exists, excluding properties that front on Belt Line Road and are north of Grande Bulevar; (3) any portion of which are within three hundred (300) feet of the right-of-way of State Highway 183; (4) that are northeast of State Highway 114 and between the north right-of-way line of Spur 482 and the east side of Loop 12; and (5) that are on the west side of Loop 12 north of State Highway 183 with frontage on Loop 12, State Highway 114, and Tom Braniff Drive as shown on the map included as Exhibit A of this section. Properties within the boundaries of Dallas/Fort Worth International Airport are not included within the State Highway 183 overlay district. All land and structures within the State Highway 183 overlay district shall be used in accordance with the standards of the overlay district.

d) Vision and general design principles. Irving will be the model for safe and beautiful neighborhoods, a vibrant economy, and exceptional recreational, cultural, and educational opportunities. The reconstruction of State Highway 183 creates a unique opportunity to achieve that vision by creating a transportation corridor that is not only a pleasant environment for travelers but also serves as a source of retail, entertainment, dining, and employment opportunities for residents and visitors. Such an environment is characterized by enhanced landscaping, public improvements, building and site design, and sustainability.

Design standards are included in this overlay to provide property owners and developers with a clear set of design parameters that will instruct site planning, architecture, landscaping, streetscapes, signage, and other
elements to create a consistent character of excellence throughout the State Highway 183 corridor. Whenever the provisions of the State Highway 183 overlay district conflict with any other requirement in any other zoning ordinance, the more restrictive standard shall apply.

The State Highway 183 overlay district encourages the incorporation of equine and southwestern thematic elements into public spaces and public art, landscaping, signage, lighting, fences and walls, and other site improvements. While such elements are not required, developers are strongly encouraged to incorporate such design elements into all new development to maintain a consistent theme throughout the corridor.

Development should be designed to provide as attractive a streetscape along the State Highway 183 frontage as possible. Parking lots and other paved areas should be de-emphasized in favor of landscaping and attractive building facades.

Paved areas should not be the predominant feature of a development. While parking is to be sufficient to meet the minimum demand of the use it serves, excess parking is strongly discouraged.

When parking areas are between the State Highway 183 right-of-way and a building, such parking areas are to be heavily landscaped with a combination of grass, ground cover, berms, trees, shrubs, or other native and drought-tolerant vegetation.

Parking lots with one hundred (100) or more parking spaces should be divided into segments by wide landscaped walkways that provide safe pedestrian connections between parking areas and buildings. These landscaped walkways serve to create visual relief from paved expanses, minimize storm water run-off, and reduce the heat build-up of paved areas.

Site design should promote efficient vehicle circulation patterns with shared driveways, parking areas, and access easements.

Development and redevelopment should be sustainable, and incorporate such features as energy-efficient buildings, multi-modal transit connections, reduced amounts of paving and other impervious cover, storm water detention/retention, landscaping that includes low-water-demand native and adapted plants that are both drought and heat tolerant, and permeable paving.

e) Required standards for new development.

   1) Applicability.
a. New construction. The standards established by this subsection 2.3.4(e) shall apply to all newly constructed nonresidential structures and all new nonresidential development within the boundaries of the State Highway 183 overlay district.

b. Expansion of existing structures. If an existing nonresidential structure is expanded by thirty (30) percent or more of its first floor area, or if one or more additional floors are added, or if it is being repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least thirty (30) percent of the current value of the structure as established by the most current value established by the Dallas Central Appraisal District, the entire structure and the entire property on which it stands shall be brought into compliance with the standards established by this subsection 2.3.4(e). For the purpose of determining whether improvements to existing structures and properties shall require compliance with this section, the increase in floor area and/or value shall be aggregated over a three-year period.

2) Landscaping.

a. Landscaped buffer. A thirty-foot-wide landscaping buffer shall be required along any property line adjacent to the right-of-way of State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161, and a fifteen-foot-wide landscaping buffer shall be required along any property line adjacent to any other thoroughfare.

b. Landscaping materials. The landscaping buffers shall include a combination of landscaping elements including grass, ground cover, shrubs, flowers, seasonal plantings, and trees. All landscaping materials shall be from the list of approved trees and shrubs adopted by the city council pursuant to section 4.5 (Landscaping and Trees) of this ordinance, and be a native or adapted, heat and drought-tolerant species with a low water demand. Trees and shrubs shall be of the sizes
required by section 4.5. Landscape designs with low water demand are encouraged. Landscape designs and hardscape elements including plazas, planters, benches, fountains, art, boulders, tables, and similar features may be permitted as part of an overall landscaping plan subject to approval by the director if the hardscape elements are consistent with the overall design of the development, do not conflict with visibility requirements or easements, and do not create any potential safety hazard.

c. Trees required in landscaped buffers. Within the thirty-foot-wide landscaping buffer along the State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161 frontage, one (1) tree shall be planted for each thirty (30) feet of linear frontage of the landscaped buffer. Within the fifteen-foot-wide landscaping buffer along frontages other than State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161, one (1) tree shall be planted for each forty (40) feet of linear frontage. Trees should be staggered, clustered, and otherwise arranged in landscaped areas in order to enhance the visibility of the buildings rather than being spaced evenly across the frontage of the property.
d. Screening of parking. The thirty-foot and fifteen-foot-wide landscaping buffers shall also include a row of shrubs, a berm, or a masonry wall a minimum of three (3) feet tall to screen parking and driveways within the development. The shrubs, berm, or wall may be located anywhere within the landscaping buffer, but shall not create a visibility obstruction at intersections or driveways. Shrubs shall be planted in a planting bed and be a minimum of eighteen (18) inches tall at time of planting, and shall be planted no more than three (3) feet apart. The area within the planting bed separating the shrubs shall be planted with native grasses from the list in subsection 2.3.4(k)(1)(e) below. Berms shall be covered with grass or ground cover. Masonry walls shall be of the same materials and colors as the main building on the property. See subsection 2.3.4(i)(4)(a) for specific provisions for automobile sales lots.
e. Driveways and sidewalks within landscaped buffers. The landscaped buffers may be crossed by perpendicular or angled entry or exit driveways that comply with the City of Irving Access Policy, but may not be utilized for on-site circulation or fire lanes. The landscaped buffers may include a sidewalk not less than six (6) feet or more than eight (8) feet in width. If a sidewalk is placed within the required landscaped buffer, the sidewalk shall be incorporated into the landscaping plan by including such features as enhanced pavers, bricks, scored concrete or stamped asphalt, a meandering path, benches, or other elements that enhance the pedestrian experience but without compromising safety or accessibility requirements.

f. Parking lot trees. All parking lots shall be landscaped with a minimum of one (1) tree for every ten (10) parking spaces. Trees may be evenly
spaced throughout parking lots with less than one hundred (100) parking spaces. In parking lots with one hundred (100) or more parking spaces, trees should be clustered in landscaped island areas, along major drives, or otherwise distributed within the parking area rather than being evenly spaced. However, a minimum of fifty (50) percent of the total required trees shall be within the interior of the parking lot, and not distributed around the perimeter of the parking lot. Each tree shall be planted in an area no smaller than five (5) feet by five (5) feet. See subsection 2.3.4(i)(4)(a) for specific provisions for automobile sales lots.

g. Parking garage landscaping. Parking garages, if provided, shall provide a ten-foot-deep landscape buffer around the entire base of the parking garage. Trees shall be planted thirty (30) feet on-center within the landscape buffer. Parking garages attached to a building shall provide the landscaped buffer only on those exterior sides not adjacent to the attached building.

h. Maintenance of adjacent rights-of-way. Areas of public rights-of-way between a property line and the back of curb of the frontage road or travel lane of an adjacent street shall be maintained by the adjacent property owner, including mowing and irrigation of grass, removal of trash and litter, and maintenance of landscaping, unless prohibited by the Texas Department of Transportation or the City of Irving. If the
right-of-way area exceeds fifty (50) feet in depth, the adjacent property owner shall be required to maintain only the fifty (50) feet of right-of-way immediately adjacent to the property owner's property line.

i. Irrigation system required. All landscaping on the premises and within the adjacent right-of-way shall be irrigated by an automatic irrigation system installed in accordance with all applicable Texas Department of Transportation policies and City of Irving ordinances. All main lines, zone control valves, controllers, backflow valves, and wiring shall be installed outside of the public right-of-way. Any water lines, shut off valves, or sprinkler heads installed in the right-of-way shall comply with the standards of the Texas Department of Transportation.

j. Maintenance required. All landscaping shall be maintained in a healthy condition at all times. Dead or damaged landscaping shall be replaced immediately. The director may approve a delay in replacing dead or damaged landscaping not exceeding one hundred eighty (180) days due to seasonal or other considerations that would justify a postponement. Additional postponement may be granted by the director in drought or other declared water emergency conditions.
3) Building materials and design. All nonresidential buildings shall comply with the material and architectural details requirements of the commercial design standards established in sections 3.4 and 3.5 of this ordinance except that facades facing State Highway 183 shall provide vertical articulation of eighteen (18) percent of the wall's height as opposed to the standard fifteen (15) percent.

![Articulation Standard Example](image)

4) Site design.

a. Minimize paving. Development shall be designed to minimize the amount of paving and parking between buildings and the State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161 frontage.

b. Parking location. No more than twenty-five (25) percent of the required parking for a use may be located between the facade of a building and the State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161 right-of-way. The additional seventy-five (75) percent may be located beside or behind the facade facing the State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161 right-of-way.
c. Internal walkways. All parking lots that contain more than one hundred (100) parking spaces shall include internal pedestrian walkways a minimum of five (5) feet wide from the public sidewalk to the main entrance of the principal use of the property, and shall comply with all applicable requirements of the Texas Accessibility Standards for width, slope, texture, level differences, and ramps. Pedestrian walkways shall be provided for every three (3) driving aisles or at a distance of not more than one hundred-eighty-foot intervals, whichever is less.

Pedestrian walkways shall also be provided to connect points of origin such as outlying parking spaces and bus stops with destinations such as building entrances. All such walkways shall be constructed of conventional sidewalk materials, enhanced pavers, stamped concrete or asphalt, bricks, or scored concrete, shall be clearly marked, and shall comply with all applicable requirements of the Texas Accessibility Standards.

d. Walkways crossing driveways. Where internal pedestrian walkways cross driveways, such walkways shall be distinguished from driving surfaces through the use of design features such as contrasting colors, enhanced pavers, stamped concrete or asphalt, bricks, scored concrete, and alternate colors. Such crossings shall comply with all applicable requirements of the Texas Accessibility Standards.
e. Accessory buildings and uses. Accessory buildings and uses are not permitted within the parking lot area, or between a principal use building and the right-of-way of State Highway 183, Loop 12, State Highway 114, Spur 482, State Highway 161, or any other street right-of-way.

f. Outside storage. Outside storage of any kind, other than outside display of automobiles or similar vehicles for sale or lease, temporary storage of shopping carts in cart corrals per subsection (e)(4)g. below, or as allowed by subsection 3.18.3(i) not allowed between any principal use building and the right-of-way of State Highway 183, Loop 12, State Highway 114, Spur 482, State Highway 161, or any other street right-of-way.

g. Shopping carts. Cart corrals shall be provided by all establishments using shopping carts. Cart corrals shall be uncovered and shall not occupy required parking spaces, but shall be placed in designed locations within the parking lot or adjacent to the building, and surrounded by landscaping with trees. When an establishment is closed, shopping carts are to be stored either within the building or screened with a wall that is integral to the architectural design of the building.

h. Building services.
   1. The location of above ground utility facilities should be identified early in the design process. Utility facilities shall be located where they do not conflict with featured views, outdoor dining areas, and/or site circulation. Facilities should be accessible for maintenance and service requirements.
2. Loading areas and docks, truck parking, overhead doors, outdoor storage, utility meters, HVAC equipment, trash collection, and other building service functions and areas shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public streets. These functions and areas shall not be on any facade facing State Highway 183, Loop 12, State Highway 114, Spur 482, State Highway 161, or any other public street frontage.

3. Solid waste collection areas and ground mounted mechanical equipment shall be screened from view from State Highway 183 Loop 12, State Highway 114, Spur 482, State Highway 161, any other street, and any adjacent residentially zoned property.

4. Screening materials for solid waste collection and loading areas shall be the same as, or of equal quality to, the materials used for the principal building. Dumpsters shall be located in accordance with chapter 33 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.
5. Roof mounted mechanical equipment, including solar panels, shall be screened from view in accordance with chapter 15 of the Irving Land Development Code.

5) Underground utilities. All new construction to be built in the State Highway 183 overlay district shall have underground utilities from the building to the property line. To the extent possible, all new utilities extended from off-site to serve the development must also be underground or within an easement along the rear of the property to reduce the amount of overhead utilities along State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161.

6) Parking requirements.
   a. Required parking. Parking for the uses allowed by this overlay shall be provided in accordance with section 4.4.3 of this ordinance with the following exceptions:
      1. Retail uses: 1/250 square feet
      2. Office and financial institution uses: 1/300 square feet
      3. Restaurants: 1/100 square feet
      4. Compact parking spaces are prohibited.
      5. Surplus parking spaces may be provided but may not exceed the minimum number required by this section by more than twenty (20) percent. For purposes of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirements:
         i. Accessible parking;
         ii. Bus, vanpool, and carpool parking;
iii. Structured parking, underground parking, or parking within, above, or beneath the building(s) it serves;
iv. Dedicated motorcycle or motor scooter parking spaces; and
v. For purposes of calculating parking requirements, fleet vehicle parking spaces shall not count toward either the minimum or maximum parking requirements.

6. Exceptions to the maximum parking requirements may be allowed in situations that meet all of the following criteria as determined by the director:
   i. The proposed development has unique or unusual characteristics such as high sales volume per floor area, low parking turnover, or overlapping shift work which creates a parking demand that exceeds the maximum ratio, and which typically do not apply to comparable uses; and
   ii. The parking demand cannot be accommodated by shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio; and
   iii. The request is the minimum necessary variation from the standards; and
   iv. If located in a mixed use district, the uses in the proposed development and the site design are highly supportive of the mixed use concept and support high levels of existing or planned pedestrian activity.

7. Retail, restaurant, office, and entertainment uses shall provide designated bicycle parking areas within fifty (50) feet of the building entrance with a minimum of one (1) bicycle parking space for each fifty (50) vehicle parking spaces up to a maximum of ten (10) spaces.

8. Retail, restaurant, office, and entertainment uses are encouraged to provide dedicated parking spaces for motorcycle and motor scooter parking at a ratio of one (1) space per one hundred (100) automobile parking spaces.

b. Paving standards. Parking lots, automobile display lots, internal driveways, vehicle circulation areas, and any property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be paved with a minimum of five (5) inches of three thousand (3,000) pounds per square inch concrete with #3 rebar on eighteen-inch centers both ways. Parking lots, driveways, and internal circulation areas shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed. Permeable paving meeting the
applicable standards of the city may be installed in low traffic volume areas or areas that are not used for fire lanes or loading and unloading.

c. striping required. all required parking shall be clearly striped.

7) screening/fencing regulations. all screening fences required by this overlay district or any other provision of the zoning ordinance shall be a minimum of seven (7) feet in height, and constructed of masonry materials in accordance with chapter 15 of the Irving Land Development Code. The director may approve alternate materials that match or are consistent with either the building on the same property or the noise walls constructed in conjunction with State Highway 183.

8) sign regulations. all signs shall comply with chapter 7 of the Irving Land Development Code.

9) lighting regulations. exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following standards:

a. concealment and shielding. Light sources shall be concealed or shielded with luminaries containing shielding, skirts, or cut-offs with a cutoff angle not exceeding ninety (90) degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. For purposes of this requirement, the angle shall be measured using a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.

b. lighting to be minimized. Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without
glare. Floodlights shall not be utilized to light any portion of a building facade after normal business hours. For purposes of this section, if the seating area of a restaurant is closed but a drive-through remains open, the business shall be considered to be closed and any floodlights shall be turned off.

c. Style. The style of light standards and fixtures shall be consistent with the overall theme and design of the State Highway 183 overlay district. Architectural styles consistent with on-site buildings may be approved by the director. "Cobra head" fixtures, galvanized metal poles, and arm lengths greater than four (4) feet are prohibited.

d. Glare prohibited. Lighting shall not cast glare onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles.

e. Maximum spillover. In no case shall exterior lighting add more than one (1) footcandle to illumination levels at any point off-site.

f. Highlighting. Lights may be used to highlight trees and similar features within public and private plazas, courtyards, walkways, and other
similar outdoor areas at night to create excitement and a festive ambiance.

g. Uplighting. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

h. Architectural lighting. Architectural lighting may be used to articulate the particular building design or to create effects of shadow, relief, and outline that add visual interest and highlight aspects of the building. Lighting of cornices, up lighting, and other effects may be used. For upward-directed architectural, landscape, or decorative lighting, direct light emissions shall not be visible above the roof line.

i. Building-mounted fixtures. Building-mounted light fixtures shall be attached to walls, and the top fixture shall not be lower than ten (10) feet or higher than eighteen (18) feet above finished grade, except entry/exit lighting positioned above the entry/exit.

j. After-hours reduction. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off after normal business hours.

k. Flickering and flashing lights. No flickering or flashing lights shall be permitted except for temporary decorative seasonal lighting.
1. Color. White light meeting a minimum color standard of 2800 kelvin shall be used at all times. The use of low-sodium vapor or high-pressure sodium vapor lighting is prohibited.

m. Security lighting. Any exterior lighting device (luminaire) designed for security lighting shall be protected by weather- and vandal-resistant covering, be a managed light source, and directed down to minimize glare and intrusiveness.

n. Uniformity of illumination. Parking lot, driveways, and pedestrian circulation route lighting shall provide a uniform level of light throughout the entire parking area. Fixtures shall be arranged in order to provide uniform illumination throughout the parking lot of a 3:1 uniformity ratio of average illumination to minimum illumination.

o. Height of fixtures. Freestanding light fixtures shall not exceed twenty (20) feet in height within fifty (50) feet of any residential zoning district, twenty-five (25) feet in height within fifty (50) to one hundred fifty (150) feet of any residential zoning district, and thirty-five (35) feet in all other locations. For the purposes of this requirement, height shall be measured from the top of a light fixture to the adjacent grade at the base of the support for that light fixture.

p. Height of bases. Concrete light fixture bases shall be no taller than eighteen (18) inches.

q. Canopy lighting. Light fixtures mounted under canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded to eliminate glare on the adjacent property or right-of-way.

10) Access standards. All development subject to this section shall comply with the City of Irving Access Policy.

f) Residential adjacency/protection. All new development and redevelopment under this section that abuts or is adjacent to any residential use (other than residential use within a mixed use or transit oriented development, or a residential use accessory to a nonresidential use) shall provide for the protection of the adjacent residential uses by complying with the following regulations.

1) Setback from adjacent residential for buildings up to twenty (20) feet high: 30 feet
2) Setback from adjacent residential for buildings over twenty (20) feet high: 30 feet plus 3 feet for each additional 1 foot in height with a maximum of 60 feet

3) Parking setback from adjacent residential: Minimum rear or side setback for parking spaces: 20 feet

4) Landscaped buffer. A landscaped buffer with a minimum width of twenty (20) feet shall be provided adjacent to all property lines that abut residentially zoned property. The landscaped buffer shall be planted with trees from the approved tree list at a spacing of a maximum of thirty (30) feet.
5) Screening fence. A seven-foot-tall minimum masonry screening fence constructed of masonry materials in accordance with chapter 15 of the Irving Land Development Code or as approved by the director shall be provided along the property line(s) or within twenty (20) feet of the property line(s) abutting residentially zoned property unless the residential property is required to provide a screening fence per the approved zoning of the residential property.

6) Lighting. Lighting shall not encroach into the residential property. Light fixtures shall be designed to include a light cut-off feature that blocks glare and prevents light encroachment into the residential property.

7) Outside speakers. Outside speakers shall not be located closer than one hundred (100) feet to a residential property line and shall not be utilized between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays. Outside speakers related to restaurant and retail drive-through facilities shall not be located closer than fifty (50) feet to a residential property line, and may not be utilized between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and 10:00 p.m. and 10:00 a.m. on weekends and holidays if less than one hundred (100) feet away from a residential property line.

8) Loading areas. Loading areas within one hundred (100) feet of a residential property line may not be used between the hours of 10:00 p.m. and 7:00 a.m.
9) Trash containers. Trash containers within one hundred (100) feet of a residential property line may not be serviced between the hours of 10:00 p.m. and 7:00 a.m.

g) Vacant properties.

1) Maintenance required. All vacant properties shall be mowed, kept clear of brush, and otherwise maintained by the owner in addition to any adjacent right-of-way area between the property line and the back of curb.

2) Exception. Properties that are adjacent to right-of-way with a minimum depth of fifty (50) feet between the back of curb and the property line shall not be required to maintain the portion of right-of-way that is beyond fifty (50) feet of the property line.

3) Overgrown properties. Vacant properties shall not be allowed to become overgrown (vegetative cover exceeding ten (10) inches in height). Nothing within this section shall be construed to require the removal of any existing trees unless the trees pose a safety hazard due to their location or condition.

4) Trash and litter prohibited. Vacant properties and any adjacent right-of-way shall remain free of refuse, garbage, trash, litter, and debris.

5) Definition. For purposes of this section, "vacant properties" shall be defined as any tract or lot that is not part of any public right-of-way and that does not have a habitable building or structure constructed on it.

h) Required standards for existing developed properties not undergoing expansion/redevelopment.
1) Applicability. The standards established by this subsection (h) shall apply to all existing nonresidential structures and development within the boundaries of the State Highway 183 overlay district not covered in subsection 2.3.4(e).

2) Landscaping.

   a. Landscaped buffer. A fifteen-foot-wide landscaping buffer shall be required along any property line adjacent to the right-of-way of State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161, and a ten-foot-wide landscaping buffer shall be required along any property line adjacent to any other thoroughfare.

   b. Landscaping materials. The landscaping buffer shall include a combination of landscaping elements including grass, ground cover, shrubs, flowers, seasonal plantings, and trees. All landscaping materials shall be from the list of approved trees and shrubs adopted by the city council in accordance with section 4.5 (Landscaping and Trees), and be a native or adapted, heat and drought-tolerant species with a low water demand. Trees and shrubs shall be of the sizes required by section 4.5. Landscape designs with low water demand are encouraged. Landscape designs and hardscape elements including plazas, planters, benches, fountains, art, boulders, tables, and similar features may be permitted as part of an overall landscaping plan subject to approval by the director.

   c. Trees required within landscaped buffer. Within the fifteen-foot and ten-foot-wide landscaping buffers, one (1) tree shall be planted for each forty (40) feet of linear frontage of the landscaped buffer. Trees should be staggered, clustered, and otherwise arranged in landscaped areas rather than spaced evenly across the frontage of the property in order to enhance the visibility of the buildings.

   d. Screening of parking. The fifteen-foot and ten-foot-wide landscaping buffers shall also include a row of shrubs, a berm, or a masonry wall a minimum of three (3) feet tall to screen parking and driveways within the development. The shrubs, berm, or wall may be located anywhere within the landscaping buffer, but shall not create a visibility obstruction at intersections or driveways. Shrubs shall be planted in a planting bed and be a minimum of eighteen (18) inches tall at time of planting, and shall be planted no more than three (3) feet apart. The area within the planting bed separating the shrubs shall be planted with native grasses from the list in subsection 2.3.4(k)(1)e. below. Berms shall be covered with grass or ground cover. Masonry walls shall be of the same materials and colors as the main building on the property. See subsection 2.3.4(i)(4)a. for specific provisions for automobile sales lots.
e. Driveways and sidewalks within landscaped buffers. The landscaped buffers may be crossed by perpendicular or angled entry or exit driveways that comply with the City of Irving Access Policy, but may not be utilized for on-site circulation or fire lanes. The landscaped buffers may include a sidewalk not less than six (6) feet or more than eight (8) feet in width. If a sidewalk is placed within the required landscaped buffer, the sidewalk shall be incorporated into the landscaping plan by including such features as enhanced pavers, bricks, scored concrete or stamped asphalt, a meandering path, benches, or other elements that enhance the pedestrian experience but without compromising safety or accessibility requirements.

f. Parking lot trees. All parking lots shall be landscaped with a minimum of one (1) tree for every thirty (30) parking spaces. Trees may be evenly spaced throughout the parking lot, or clustered in landscaped island areas, along major drives and fire lanes, or otherwise distributed within the parking area. However, a minimum of fifty (50) percent of the total required trees shall be within the interior of the parking lot, and not distributed around the perimeter of the parking lot. Each tree shall be planted in an area no smaller than five (5) feet by five (5) feet. See subsection 2.3.4(i)(4)a. for specific provisions for automobile sales lots.

g. Maintenance of adjacent rights-of-way. Areas of public rights-of-way between a property line and the back of curb of the frontage road or travel lane of an adjacent street shall be maintained by the adjacent property owner, including mowing and irrigation of grass, removal of trash and litter, and maintenance of the landscaping unless prohibited by the Texas Department of Transportation or the City of Irving. If the right-of-way area exceeds fifty (50) feet in depth, the adjacent property owner shall be required to maintain only the fifty (50) feet of right-of-way immediately adjacent to the property owner's property line.

h. Irrigation system required. All landscaping on the premises and within the right-of-way shall be irrigated by an automatic irrigation system installed in accordance with all applicable ordinances and policies. All main lines, zone control valves, controllers, backflow valves, and wiring shall be installed outside of the public right-of-way. Any water lines, shut off valves, or sprinkler heads installed in the right-of-way shall comply with the standards of the Texas Department of Transportation.

i. Maintenance required. All landscaping shall be maintained in a healthy condition at all times. Dead or damaged landscaping shall be replaced
immediately. The director may approve a delay in replacing dead or
damaged landscaping not exceeding one hundred eighty (180) days due
to seasonal or other considerations that would justify a postponement.
Additional postponement may be granted by the director in drought or
other declared water emergency conditions.

j. Alternate landscaping plan. The director may approve alternate
landscaping plans that meet the spirit and intent of this overlay. Criteria
for approving an alternate landscaping plan include, but are not limited
to, (1) the landscaping plan provides the required number of trees or
total landscaped area, but not in the locations required by this overlay;
(2) the landscaping plan maximizes the amount of landscaping while
keeping the required number of parking spaces within twenty (20)
percent of the minimum number of spaces required by this overlay; (3)
compliance with the landscaping requirements would create a parking
shortage greater than twenty (20) percent of the minimum requirement;
or (4) restrictions exist that are beyond the control of the property
owner (such as transit-related easements or cross-access easements
existing as of February 3, 2011) that prevent installation of landscaping
in the required location. Nothing in this section shall be construed to
require the demolition of a building to create the landscape buffer. The
director is not required to approve an alternate landscaping plan, but
may for any reason chose to disapprove it. Appeals to the director's
disapproval shall be processed in the same manner as for a variance to
section 4.5 (Landscaping and Trees).

k. Deadline for installation. All landscaping required by this subsection
shall be installed no later than three (3) years after completion of
frontage road construction work along the particular property's
frontage, or upon issuance of a new certificate of occupancy, whichever
occurs first. Should a new certificate of occupancy be issued prior to
completion of frontage road construction work along the property's
frontage, the planting of trees and other landscaping along the frontage
may be deferred until three (3) years after completion of the frontage
road construction, however, the landscaped area shall be planted with
grass or ground cover, and maintained and irrigated in accordance with
subsections g., h., and i. above. For properties included in the State
Highway 183 overlay that do not front directly onto State Highway 183
but are within three hundred (300) feet of the right-of-way of State
Highway 183, the landscaping required by this subsection shall be
installed no later than three (3) years after completion of the portion of
the frontage road nearest the particular property. For properties
included in the State Highway 183 overlay that front only Loop 12, State Highway 114, Spur 482, or State Highway 161, landscaping will be required at the time of initial development or redevelopment that constitutes at least fifty-one (51) percent of the current value of the property as established by the latest approved city tax roll prepared by the Dallas Central Appraisal District.

3) Underground utilities. All new utilities extended to an existing building must be installed underground from the building to the property line. To the extent possible, all new utilities extended from off-site to serve the development must also be underground or within an easement along the rear of the property to reduce the amount of overhead utilities along State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161.

4) Parking requirements.
   a. Required parking. Parking for the uses allowed by this overlay shall be provided in accordance with section 4.4.3 with the following exceptions:
      1. Retail uses: 1/250 square feet
      2. Office and financial institution uses: 1/300 square feet
      3. Restaurants: 1/100 square feet
      4. Compact parking spaces are prohibited.
      5. Surplus parking spaces may be provided but may not exceed the minimum number required by this section by more than twenty (20) percent. For purposes of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement, but shall count toward the minimum requirements:
         i. Accessible parking;
         ii. Bus, vanpool, and carpool parking;
         iii. Structured parking, underground parking, or parking within, above, or beneath the building(s) it serves; and
         iv. Dedicated motorcycle or motor scooter parking spaces.
         v. For purposes of calculating parking requirements, fleet vehicle parking spaces shall not count toward either the minimum or maximum parking requirements.
      6. Exceptions to the maximum parking requirements may be allowed in situations that meet all of the following criteria as determined by the director:
         i. The proposed development has unique or unusual characteristics such as high sales volume per floor area, low parking turnover, or overlapping shift work which creates a
parking demand that exceeds the maximum ratio, and which typically do not apply to comparable uses; and

ii. The parking demand cannot be accommodated by shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio; and

iii. The request is the minimum necessary variation from the standards; and

iv. If located in a mixed use district, the uses in the proposed development and the site design are highly supportive of the mixed use concept and support high levels of existing or planned pedestrian activity.

7. Retail, restaurant, office, and entertainment uses shall provide designated bicycle parking areas within fifty (50) feet of the building entrance with a minimum of one (1) bicycle parking space for each fifty (50) vehicle parking spaces up to a maximum of ten (10) spaces.

8. Retail, restaurant, office, and entertainment uses are encouraged to provide dedicated parking spaces for motorcycle and motor scooter parking at a ratio of one (1) space per one hundred (100) automobile parking spaces.

b. Paving standards. Parking lots, automobile display lots, internal driveways, vehicle circulation areas, and any property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed. Permeable paving meeting the applicable standards of the city may be installed in low traffic volume areas or areas that are not used for fire lanes or loading and unloading. If an existing parking lot is upgraded to the degree that fifty-one (51) percent or more of the base of the parking lot is being replaced, then any overhead utilities on the property shall be relocated underground concurrently with the upgraded paving.

c. Striping required. All required parking shall be clearly striped.

i) Permitted uses and area requirements.

1) Exceptions for properties with site plan zoning. Properties with Detailed Site Plan (S-P-1) or Generalized Site Plan (S-P-2) zoning shall comply with the requirements of their respective site plan zoning relative to any specific provisions for uses, setbacks, height, parking, landscaping, and/or signage. Unless otherwise specifically delineated on an approved site plan, the standards of the State Highway 183 overlay district shall take precedence over any other less specific standard of the site plan.
2) Land uses with specific approval processes. Land uses with specific requirements and approval processes established elsewhere in this ordinance such as, but not limited to, hotels, nondepository financial institutions, restaurants with the accessory use of the sale of alcoholic beverages, wireless telecommunications facilities, environmentally sensitive land uses, and multifamily development remain subject to the specific requirements and approval processes established for such uses elsewhere in this ordinance.

3) Segments. Existing development along State Highway 183 includes many types of land uses ranging from low-density single family to heavy industrial. Future development and redevelopment is expected to include a range of land uses, but in a different pattern. For this reason, this overlay district divides the State Highway 183 corridor into distinct segments, each with its own particular list of permitted uses, all of which are subject to the development standards listed in the previous subsections.

Uses are permitted in the various segments of the State Highway 183 overlay district in accordance with the following use chart. The uses permitted by the use chart take precedence over any uses permitted or not permitted by the base zoning of any particular property with the exception of properties zoned Detailed Site Plan (S-P-1) or Generalized Site Plan (S-P-2) (see subsection (i)(1) above).

<table>
<thead>
<tr>
<th>SEGMENTS</th>
<th>SH 183 (western city limits - Esters Road)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>SH 183 (Esters Road - Belt Line Road)</td>
</tr>
<tr>
<td>B</td>
<td>North side SH 183 (Belt Line Road - Story Road)</td>
</tr>
<tr>
<td>C</td>
<td>South side SH 183 (Belt Line Road - Story Road)</td>
</tr>
<tr>
<td>D</td>
<td>North side SH 183 (Story Road - O'Connor Road)</td>
</tr>
<tr>
<td>E</td>
<td>South side SH 183 (Story Road - O'Connor Road)</td>
</tr>
<tr>
<td>F</td>
<td>North side SH 183 (O'Connor Road - BNSF Railroad)</td>
</tr>
<tr>
<td>G</td>
<td>South side SH 183 (O'Connor Road - BNSF Railroad)</td>
</tr>
<tr>
<td>H</td>
<td>North side SH 183 (BNSF Railroad - Loop 12)</td>
</tr>
<tr>
<td>J</td>
<td>South side SH 183 (BNSF Railroad - Loop 12)</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>K</td>
<td>North side SH 183 (Loop 12 - eastern city limits); and north side of Spur 482, north of SH 114, east of Loop 12</td>
</tr>
<tr>
<td>L</td>
<td>South side SH 183 (Loop 12 - eastern city limits)</td>
</tr>
<tr>
<td>M</td>
<td>North side of Texas Plaza, north of SH 114 and west of Loop 12</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Uses</th>
<th>Segment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space and Parks</td>
<td>A B C D E F G H I J K L M</td>
</tr>
<tr>
<td>Enhanced landscaping</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Gateway features</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Open space</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Trail system linkage</td>
<td>• • •</td>
</tr>
<tr>
<td>Residential</td>
<td>A B C D E F G H I J K L M</td>
</tr>
<tr>
<td>Medium/high density residential (18+ du/a)</td>
<td>• • • • • • • • • • •</td>
</tr>
<tr>
<td>Educational or Institutional</td>
<td>A B C D E F G H I J K L M</td>
</tr>
<tr>
<td>Government buildings and uses</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Museum</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Religious assembly</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Trade or vocational school</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>University or college</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Medical</td>
<td>A B C D E F G H I J K L M</td>
</tr>
<tr>
<td>Hospital</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Medical or dental clinic</td>
<td>• • • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Uses</td>
<td>Segment</td>
</tr>
<tr>
<td>------------------------------------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Medical or dental laboratory</td>
<td>• • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Veterinary clinic/hospital</td>
<td>• • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Office and Financial</td>
<td>A B C D E F G H I J K L M</td>
</tr>
<tr>
<td>Depository financial institution with or without drive-through</td>
<td>• • • • • • • • • • • • •</td>
</tr>
<tr>
<td>Office, general</td>
<td>• • • • • • • • • • • • •</td>
</tr>
</tbody>
</table>

**SEGMENTS**

<table>
<thead>
<tr>
<th>Segment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>SH 183 (western city limits - Esters Road)</td>
</tr>
<tr>
<td>B</td>
<td>SH 183 (Esters Road - Belt Line Road)</td>
</tr>
<tr>
<td>C</td>
<td>North side SH 183 (Belt Line Road - Story Road)</td>
</tr>
<tr>
<td>D</td>
<td>South side SH 183 (Belt Line Road - Story Road)</td>
</tr>
<tr>
<td>E</td>
<td>North side SH 183 (Story Road - O'Connor Road)</td>
</tr>
<tr>
<td>F</td>
<td>South side SH 183 (Story Road - O'Connor Road)</td>
</tr>
<tr>
<td>G</td>
<td>North side SH 183 (O'Connor Road - BNSF Railroad)</td>
</tr>
<tr>
<td>H</td>
<td>South side SH 183 (O'Connor Road - BNSF Railroad)</td>
</tr>
<tr>
<td>I</td>
<td>North side SH 183 (BNSF Railroad - Loop 12)</td>
</tr>
<tr>
<td>J</td>
<td>South side SH 183 (BNSF Railroad - Loop 12)</td>
</tr>
<tr>
<td>K</td>
<td>North side SH 183 (Loop 12 - eastern city limits); and north side of Spur 482, north of SH 114, east of Loop 12</td>
</tr>
<tr>
<td>L</td>
<td>South side SH 183 (Loop 12 - eastern city limits)</td>
</tr>
<tr>
<td>M</td>
<td>North side of Texas Plaza, north of SH 114 and west of Loop 12</td>
</tr>
<tr>
<td>Retail and Dining</td>
<td>A</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---</td>
</tr>
<tr>
<td>Building material sales (indoor)</td>
<td></td>
</tr>
<tr>
<td>Convenience store</td>
<td></td>
</tr>
<tr>
<td>Drive-in restaurant</td>
<td></td>
</tr>
<tr>
<td>Furniture and appliance sales</td>
<td></td>
</tr>
<tr>
<td>Gasoline service station</td>
<td></td>
</tr>
<tr>
<td>Grocery store</td>
<td></td>
</tr>
<tr>
<td>Restaurant, with or without drive-through</td>
<td></td>
</tr>
<tr>
<td>Retail sales</td>
<td></td>
</tr>
<tr>
<td>Retail store, general</td>
<td></td>
</tr>
<tr>
<td>Heavy Commercial and Services</td>
<td>A</td>
</tr>
<tr>
<td>Auto parts and accessories, sales and Installations</td>
<td></td>
</tr>
<tr>
<td>Auto repair garage</td>
<td></td>
</tr>
<tr>
<td>Car wash</td>
<td></td>
</tr>
<tr>
<td>Dry cleaning and laundry service</td>
<td></td>
</tr>
<tr>
<td>General personal services</td>
<td></td>
</tr>
<tr>
<td>New automobile and light truck sales, rental and service; conditional used automobile sales; used automobile and trucks as an accessory use - see Sec. i(4)a*</td>
<td></td>
</tr>
<tr>
<td>Trade services</td>
<td></td>
</tr>
</tbody>
</table>

**SEGMENTS**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>SH 183 (western city limits - Esters Road)</td>
</tr>
<tr>
<td>B</td>
<td>SH 183 (Esters Road - Belt Line Road)</td>
</tr>
<tr>
<td>Uses</td>
<td>Segment</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Warehouse and Industrial</td>
<td>A</td>
</tr>
<tr>
<td>General industrial services</td>
<td></td>
</tr>
<tr>
<td>Light assembly/fabrication</td>
<td></td>
</tr>
<tr>
<td>Light manufacturing</td>
<td></td>
</tr>
<tr>
<td>Mini storage</td>
<td></td>
</tr>
<tr>
<td>Research and development laboratory</td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
</tr>
<tr>
<td>Welding shop</td>
<td></td>
</tr>
<tr>
<td>Wholesale distribution</td>
<td></td>
</tr>
</tbody>
</table>
4) Use-specific standards.
   a. Automobile sales lots.
      1. Properties developed and operating as a franchised new automobile sales lot on February 3, 2011, as noted on the map included with this section and labeled Exhibit B are hereby approved for such use and may continue to be used for franchised new automobile sales. Properties developed and operating as a corporate owned used automobile sales lot on February 3, 2011, that have (1) a minimum of five (5) acres of land, (2) a sales and service building of a minimum of twenty thousand (20,000) square feet with four (4) service bays that provide repairs and make-ready services for automobiles being sold, and (3) a display area of a minimum of one hundred (100) automobiles as noted on the map included with this section and labeled Exhibit B are also hereby approved for such use and may continue to be used for used automobile sales.
      2. Notwithstanding any provisions of subsection 2.3.4(i)(1) above, the sale of used automobiles as a principal use with no accessory use relationship with a franchised new automobile sales business along State Highway 183 and that does not comply with the standards of subsection 2.3.4(i)(4)(a)(i) above is not allowed in the State Highway 183 overlay district. Properties developed and operating as a used automobile sales lot on February 3, 2011, as noted on the map included with this section and labeled Exhibit C shall be considered nonconforming uses.
3. Should the use of a property for the sale of automobiles be discontinued or abandoned for a period of twenty-four (24) consecutive months, then such use may not be resumed, and all future use of the property shall be in accordance with the Use Chart in subsection 3) above. Properties formerly used for an automobile sales lot that are closed or inactive as of February 3, 2011, shall be subject to this section. Any of the following conditions, events, or conduct shall constitute the discontinuance or abandonment of the auto sales use regardless of the intent of the owner:

   i. The use changes to a use other than automobile sales;
   ii. The closure or cessation of the use for a period of twenty-four (24) consecutive months;
   iii. Water service or other public utility service is discontinued for a period of twenty-four (24) consecutive months with the exception of water service to an irrigation-only meter; or
   iv. Failure of the owner to initiate repairs or reconstruction within a period of twenty-four (24) months in the event the automobile sales use suffers damage or destruction from fire, storm, flood, or other disaster.

4. Properties developed and operating as an automobile sales lot on February 3, 2011, as noted on the map included with this section and labeled Exhibit B shall be required to comply with the following design standards in subsections 5-15. All improvements required by these subsections shall be completed no later than three (3) years after completion of frontage road construction work along the particular property's frontage, or upon issuance of a new certificate of occupancy, whichever occurs first. Should a new certificate of occupancy be issued prior to completion of frontage road construction work along the property's frontage, the planting of trees and other landscaping along the frontage may be deferred until three (3) years after completion of the frontage road construction.

5. Automobile sales lots shall have a minimum area of three (3) acres. Dealerships with multiple lots or tracts shall aggregate through platting the separate lots or tracts into one (1) in order to provide proper access and circulation.

6. In addition to the landscaping required by subsection 2.3.4(h)(2) above and subject to the same deadline for installation, automobile
sales display areas visible from a public street right-of-way shall be landscaped with a minimum of one (1) four-inch caliper tree per each thirty (30) display spaces.

7. All vehicles displayed outdoors must be displayed on the ground, and not artificially elevated by ramps, cranes, lifts, hills, slopes, or any other artificial means. Parking vehicles for display in the right-of-way, landscape buffer area, or required parking setback is prohibited.

8. Canopies, awnings, or other structures built to cover vehicles displayed for sale shall comply with the required setbacks from property lines, and be consistent with the design and colors of the principal buildings on the property. Such structures shall be designed to include architectural details and enhancements, and shall not resemble flat-roof carports. Such structures need not comply with the building material requirements of subsection 2.3.4(e)(3).

9. Newly constructed automobile display lots, internal driveways, vehicle circulation areas, and any property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be striped and paved with a minimum of five (5) inches of three thousand (3,000) p.s.i. concrete with #3 rebar on eighteen-inch centers both ways. New and existing parking lots, driveways, and internal circulation areas shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed. Permeable paving meeting the applicable standards of the city may be installed in low traffic volume areas or areas that are not used for fire lanes or loading and unloading.

10. Service activities shall be clearly incidental to the vehicle sales operation.

11. Vehicle service activities shall occur within a completely enclosed building.

12. Vehicles which have visible body damage shall be stored completely within an enclosed building, or within an area
completely enclosed by a masonry fence a minimum of seven (7) feet tall. Any outside storage of such vehicles inside a masonry fence shall not be located less than one hundred (100) feet from the State Highway 183 right-of-way.

13. Vehicle loading and unloading activities may take place only within the property (no maneuvering in the right-of-way), and may not occur between the hours of 10:00 p.m. and 7:00 a.m. if the property abuts residential zoning.

14. Banners, streamers, pennants, inflatable signs, characters and materials, and other non-permanent signs are prohibited.

15. Newly erected flagpoles shall not exceed fifty (50) feet in height. Flag poles existing as of February 3, 2011, that exceed fifty (50) feet in height may remain.

b. Big box retail.

1. Stand alone retail buildings with a floor area of fifty thousand (50,000) square feet or more shall be designed such that the front facade has a minimum of three (3) distinct sections to appear as if to accommodate at least three (3) separate occupants.

2. The building shall have clearly defined, highly visible customer entrances with a minimum of three (3) of the following features: canopies, porticos, overhangs, recesses/projections, raised corniced parapets over the doors, peaked roof forms, outdoor patios, display windows, arcades, arches, wing walls, and integral planters.

3. Covered waiting areas shall be provided adjacent to all public entrances extending a minimum of ten (10) feet on both sides of the doors. Benches or other seating facilities shall be provided in the waiting areas.
4. All sides of the building shall comply with the articulation standards of subsection 2.3.4(e)(3) above.

5. A seven and one-half-foot deep landscaped buffer shall be provided along the base of the wall of the building except for entrances and loading areas. The landscaped buffer shall include grass or ground cover and a combination of trees, shrubs, seasonal plants, and/or other landscaping elements.

6. A variation in roof lines shall be provided to provide visual interest and reduce the massive scale of large buildings. Roof features shall incorporate a minimum of two (2) of the following features: parapets screening flat roofs and rooftop equipment, overhanging eaves, sloped roofs, three or more roof planes, or repeating patterns of changes in color, texture and material modules.

7. Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity, metallic, or fluorescent colors is prohibited.
8. Building trim and accent areas may feature brighter colors, including primary colors, however, neon, argon, or similar type tubing is not allowed.

c. Transit oriented development.
   1. Transit oriented development shall be a permitted use on those properties for which such use is indicated as allowed in the use charts in subsection 2.3.4 (i).
   2. Transit oriented development shall comply with the design standards established in section 2.6.5 of this ordinance.
   3. Approval of transit oriented development projects shall be in accordance with all the requirements of subsection 2.6.5 (i) with the exception that no zoning change application is required.

d. Mixed use development.
   1. Mixed use development shall be a permitted use on those properties for which such use in indicated as allowed in the use charts in subsection 2.3.4 (i).
   2. The mixed use category is established to encourage and facilitate the development of large-scale, distinctive regional centers containing a concentrated mix of land uses in the same structure or in close proximity. Such centers should include major economic generators with a regional market draw such as regional retail centers, major employers, restaurants, theaters, hotels, and relatively dense office development. The center should contain a broad mix of complementary uses including high-density residential, civic and public facilities, parks, and open space. Development should facilitate and encourage pedestrian travel between residential and nonresidential uses. Transit facilities and pedestrian-friendly elements are important components of mixed use centers.
   3. Mixed use development should have a minimum area of twelve (12) acres. Residential development should provide a minimum density of eighteen (18) dwelling units per acre.
4. New mixed use development shall establish a regular pattern of blocks that encourages pedestrian circulation without unduly limiting vehicular traffic. Connectivity to adjacent neighborhoods is to be provided with access to surrounding residential neighborhoods limited to the lower density and residential component of the mixed use development. The site should be designed to limit the amount of commercial traffic coming to and going from the development through residential neighborhoods, while encouraging pedestrian access from adjacent neighborhoods.

5. Streetscape design shall include public sidewalks within pedestrian access easements a minimum of sixteen (16) feet wide and a maximum of eighteen (18) feet wide on all sides of all streets (excluding any frontage on State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161). The sidewalk area shall incorporate both a street tree/furniture area a minimum of six (6) feet in width adjacent to the curb of the street and a clear area between the street tree/furniture area and the face of the buildings. Street trees shall be planted along all internal streets in the mixed use development (excluding any frontage on State Highway 183, Loop 12, State Highway 114, Spur 482, or State Highway 161) within the street tree/furniture area at an average spacing of twenty (20) to thirty (30) feet on center. The street tree/furniture area may also be used for the placement of seating, street lights, planters, waste receptacles, bicycle racks, utility structures, and similar elements. Outdoor seating for restaurants is allowed within the clear zone area as long as a minimum six-foot-wide unobstructed walkway is maintained.

6. A minimum of seventy-five (75) percent of a building's facade facing a public street shall be brought up to the edge of the clear zone.

7. Crosswalks across streets and driveways shall be constructed of pavers and shall be installed over a concrete sub-base and comply with the minimum design standards of the city. The city shall be
responsible for maintenance of pavers in public streets only. Adjacent property owners shall be responsible for maintenance of pavers in private streets and driveways.

8. Sidewalks along the streets shall include accent areas of pavers comprising a minimum of thirty (30) percent of the paved walkway surface. All sidewalk paving shall be installed over a sub-grade approved by the city and shall be maintained by the adjacent property owner.

9. Ground-floor facades that face public streets or other public areas (outdoor gathering spaces, parks or open space, parking areas) shall incorporate pedestrian-oriented design features into no less than sixty (60) percent of their horizontal length. Pedestrian-oriented design features may include arcades, display windows, entryways, awnings, shaded sidewalks, or other similar features approved by the director.

10. Commercial uses such as retail, restaurant, personal services, and small offices shall be located at the street level of a mixed use development, with support residential and larger office uses located on the upper floors within the same building or in other buildings nearby.

11. Parking structures shall be wrapped by retail, office, or residential uses along at least sixty (60) percent of the ground-floor frontage on all public and private streets.

12. Residential uses incorporated within a mixed use district shall be visually and/or physically integrated with nonresidential uses by
being (a) vertically located above street-level commercial uses or (b) horizontally integrated into the site by being located between the highest density uses within the center and the adjacent neighborhood, and by including pedestrian connections that include a clear pedestrian circulation system that minimizes conflict between pedestrian and vehicular movements and encourages pedestrian activity between residential and nonresidential uses.

13. Parking areas shall be limited to structure or below-grade with the exception of on-street parking and minimal surface parking areas to support retail uses and stand-alone restaurants. On-street parking shall not be designated per individual businesses or occupancies, but may count toward the minimum parking requirements for the entire structure along the adjacent frontage. Parallel parking, head-in parking along streets, and/or minimal surface parking is permitted subject to approval through the site plan approval process.

14. All mixed use developments shall dedicate a minimum of two (2) percent of the net site area to one (1) of the following types of outdoor gathering spaces or pedestrian amenities that shall be located so as to be readily accessible and usable by residents and visitors to the development: (a) a landscaped private common open space for use of residents, employees, and visitors to the development, or (b) a playground, patio, or plaza with outdoor seating area with a minimum area of four hundred (400) square feet. Where significant natural or scenic resources exist on a site, the developer shall give priority to their preservation as an outdoor gathering area. Private yards, public or private streets or rights-of-way, and parking areas and driveways shall not be counted toward this requirement.

15. Approval of mixed use developments shall be in accordance with the same requirements as for a transit oriented development as
provided in subsection 2.6.4 (i) with the exception that no zoning change application is required.

e. Area regulations. The following minimums and maximums shall be required for any development within the State Highway 183 overlay district except for transit oriented development or mixed use development:

1. Minimum front yard setback: 30 feet from any street right-of-way.
2. Minimum rear and side yard setback:
   - 10 feet abutting non-residential use or zoning
   - 30 feet for buildings up to 20 feet high abutting residential use or zoning
   - 30 feet plus 3 feet for each additional 1 foot in height above 20 feet for buildings over 20 feet high abutting residential use or zoning
3. Minimum parking setback:
   - 30 feet from State Highway 183
   - 15 feet from any other street right-of-way
   - 20 feet from residential use or zoning
4. Minimum separation between buildings: 0 feet
5. Lot width: 80 feet
6. Lot depth: 100 feet
7. Maximum height: 150 feet
8. Maximum impervious lot coverage: 80 percent

j) Nonconforming uses. Uses and structures that are rendered nonconforming by this section 2.3.4 shall be governed by the provisions of Chapter 7 "Nonconformities".

k) Design guidelines for public rights-of-way and property. The freeway rights-of-way belong to the public and should provide a visually pleasing experience. Public rights-of-way and other publicly owned properties should provide the same level of high quality design, materials, sustainability, and maintenance as that required of private property.
Public rights-of-way should be landscaped and maintained in an attractive, sustainable manner. Lighting should be installed and maintained according to the theme and nature of its location. Traffic control cabinets, utility cabinets, switchgear, and similar installations should be screened with landscaping, berms, and/or walls. Utilities should be installed underground. Noise walls, bridge abutments, and roadway slopes should be enhanced with landscaping, graphics, and other elements. In accordance with Irving City Council Resolution Nos. 11-18-99-537, 1-10-02-017, and 10-30-03-391, the following minimum standards should be incorporated into the design and construction of improvements within the State Highway 183 right-of-way.

1) Landscaping standards.
   a. Selection of materials. The installation and continuous maintenance of landscaping is extremely important. Landscape materials in areas that are completely surrounded by public right-of-way and not able to be maintained by an owner of an adjacent tractor lot should be chosen for their heat and drought tolerance and overall hardiness. The planning and implementation of all improvements should include long-term maintenance costs with respect to plantings, structures, surface treatments, and other material along the highway.

   b. Visual appeal. Landscaping and treatment of unpaved portions of right-of-way contribute both aesthetically and functionally to the overall character of the State Highway 183 corridor and shall establish a higher level of visual appeal than traditional treatments in the past.
c. Grasses. Native grasses shall be required in all unpaved portions of right-of-way that do not abut private property for ease of maintenance. Allowable species are listed in subsection (k)(1)e. below.

d. Trees. If the area between the curb of the State Highway 183 frontage road and the property line is more than ten (10) feet deep, then native or adapted, heat and drought tolerant trees selected from the list in subsection (k)(1)e. below shall be planted within the right-of-way a minimum of ten (10) feet from the back of curb. Trees shall be planted at a ratio of one (1) tree per each sixty (60) feet of frontage, and should be staggered, clustered, and otherwise arranged in landscaped areas rather than spaced evenly across the frontage of the property.

e. Recommended species. Trees, shrubs, and grasses within unpaved areas that are completely surrounded by right-of-way shall be selected from the following species:

<table>
<thead>
<tr>
<th>Trees</th>
<th>Ornamental Trees</th>
<th>Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>* Ash, Texas</td>
<td>* Oak, Chinquapin</td>
<td>* Crepe Myrtle, dwarf</td>
</tr>
<tr>
<td>* Cypress, Bald</td>
<td>* Oak, Live &quot;High Rise&quot;</td>
<td>* Nandina, (many varieties)</td>
</tr>
<tr>
<td>* Elm, Cedar</td>
<td>* Oak, Texas Red</td>
<td></td>
</tr>
<tr>
<td>* Maple, Shantung</td>
<td>* Pine, Mondel</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
f. Civic art. Civic art should be incorporated into any permanent features that complement the environment in which it is placed.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>* Hawthorne, Indian (many varieties)</td>
<td>* Rose, Knockout</td>
</tr>
<tr>
<td>* Holly, Dwarf Burford</td>
<td>* Sage, Texas</td>
</tr>
<tr>
<td><strong>Grasses</strong></td>
<td></td>
</tr>
<tr>
<td>* Miscanthus, many varieties</td>
<td>* Weeping Love Grass</td>
</tr>
<tr>
<td>* Indian Feather Grass</td>
<td>* Gulf Muhly</td>
</tr>
</tbody>
</table>

2) Interchanges.

a. Interchange design. Interchanges at major intersections become landmarks that signify transitions from one segment of the corridor or neighborhood to the next, and create opportunities to identify those areas through planting, public art, or other features. Interchanges should be designed to reflect the adjacent land use or community, and serve as dividers between distinct land uses.

b. Interchange elements. Interchanges shall incorporate sustainable landscaping, architectural, and art elements to clearly identify the location as an Irving destination.
3) Retaining walls. The visual impact of retaining walls shall be softened by the use of graphics, murals, varying patterns of masonry and mortar, stamped concrete, native stone materials, landscaping, and other visual enhancements.

4) Sound walls. Sound walls shall be designed to complement the surrounding development in the particular portion of the corridor in which they are placed. Artwork, graphics, murals, and other visual enhancements shall be included in accordance with the theme of the area. Enhancements shall include both sides of the wall, not just the State Highway 183 side, and should incorporate areas of open space, landscaping, sidewalks, and other amenities.

5) Signage. The location, frequency, and graphics of signage of the highway corridor are limited by state, federal, and safety standards. However, graphics should be arranged to produce a coordinated and coherent system by having consistent visual continuity in the layout of the graphics and sign supports, incorporating concrete columns with architectural enhancements with steel trusses that completely span main lanes, ensuring even alignment of signs on structures, and following a uniform design.
I) Administration.

1) To encourage creative and unique design, "alternative equivalent compliance" allows development to occur in a manner that meets the intent of this section 2.3.4, yet through an alternative design that does not strictly adhere to the standards of this section 2.3.4. This is not a general waiver of regulations. Rather, this section authorizes a site-specific plan that is equal to or better than the strict application of the standards.

   The director may approve alternative equivalent compliance with these design standards in specific instances if the applicant demonstrates that the proposed alternative:
   a. Achieves the intent of the subject standard to the same or better degree than the subject standard;
   b. Advances the goals and policies of the State Highway 183 overlay to the same or better degree than the subject standards;
   c. Results in benefits to the community that are equivalent to or exceed the benefits associated with the subject standard;
   d. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements;
   e. Is compatible with surrounding development;
   f. Complies with all other requirements of the approved zoning of the property;
   g. Is an enhancement beyond the minimum design standards;
   h. Incorporates architectural design and creativity; and
   i. Provides other enhancements such as landscaping, signs, screening, paving, and tree preservation beyond the minimum standards.

2) Modifications to these standards may also be requested through the S-P-1 or S-P-2 zoning process. Requests for S-P-1 or S-P-2 zoning shall be processed the same as any other zoning request.

3) Building permit applications for projects that comply with the approved zoning and the design standards established by this section 2.3.4 may be
issued by the director without the need for any other public hearing or site plan approval.

4) Photos, drawings, and other illustrations included in this section 2.3.4 are for informational purposes only and are intended to provide examples of the types of standards envisioned by these regulations. Such illustrations are not all-encompassing, and should there be a conflict between a photo or illustration and the text of this section 2.3.4, the text shall control.

m) Definitions. For purposes of this section 2.3.4, all definitions shall be per Chapter 9 (Definitions) with the following exceptions which shall be defined as follows:

1) Entertainment uses: Establishments that provide food, drink, and entertainment to persons on the premises, including such uses as public and private park and recreation area, golf course and country club, driving range, miniature golf, dance and assembly hall, amusement park, commercial amusement, concert venue, and meeting/conference center.

2) Gateway features: Enhanced landscaping, signage, public art, architectural treatments, sculpture, and similar public or private improvements which serve to mark the entrance areas to Irving along State Highway 183, Loop 12, State Highway 114, Spur 482, and State Highway 161.

3) General industrial services: Establishments such as construction materials storage, welding shops, machine shops, electric motor repair, and truck and heavy equipment servicing and repair.

4) General personal services: Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer that have been treated or processed at that location or other locations such as, but not limited to, day care centers, dry cleaning and laundry services, pharmacy, shoe repair, beauty or barber shops, massage therapy, tanning salons, mortuary or funeral home, tattoo parlor or piercing studio, and nail salon.

5) Mini-storage: A building or group of buildings containing one (1) or more compartmentalized storage units for rent or lease, the use of which is restricted solely to the inside storage of customer's goods or wares. The conduct of sales, business, or any other activity within the individual storage units other than storage shall not be allowed. The business may also include on-site dwelling accommodations for the manager or for security.

6) Retail sales, or retail store, general: shall refer to retail stores and uses completely within an enclosed building. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.

7) Trade services: establishments for contractor businesses such as, but not limited to, plumbing, electrical, heating and air conditioning, painting,
construction, welding, irrigation, security systems, swimming pools, and similar contractual services.
2.4 Residential Districts

2.4.1 Reserved

2.4.2 Reserved
2.4.4 Single-family Residential 40 (R-40).

In a R-40 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Single-family detached dwellings.
   2) Public and nonprofit institutions of an educational, religious or cultural type, excluding corrective institutions and hospitals.
   3) Governmental buildings and uses.
   4) Public utility uses required to service the district.
   5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
   6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
   7) Farms, truck gardens, orchards, or nurseries for the growing for sale of plants, shrubs, trees and their produce, provided that no retail or wholesale business sales office is operated on the premises.
   8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.
   9) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.

b) Accessory uses: The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwelling:
   1) Private garage.
   2) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
3) Private swimming pool. 

When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than eighty (80) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 50 feet
2) Depth of rear yard: 50 feet
3) Width of side yard: 20 feet
4) Width of lot: 150 feet
5) Depth of lot: 150 feet
6) Land area per dwelling unit: 40,000 square feet
7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2½ stories or 30 feet
2) Lot coverage by principal buildings: 20 percent of total lot area

2.4.5 Single-family Residential 15 (R-15).

In an R-15 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Public and nonprofit institutions of an educational, religious or cultural type, excluding corrective institutions and hospitals.
3) Governmental buildings and uses.
4) Public utility uses required to service the district.
5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.

7) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

8) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.

b) Accessory uses: The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwelling:

1) Private garage.

2) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.

3) Private swimming pool.

When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said uses shall be located not less than seventy (70) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 40 feet

2) Depth of rear yard: 25 feet

3) Width of side yard: 10 feet

4) Width of lot: 100 feet

5) Depth of lot: 100 feet

6) Land area per dwelling unit: 15,000 square feet

7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.
e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2½ stories or 30 feet
2) Lot coverage by principal buildings: 30 percent of total lot area

2.4.6 Single-family Residential 10 (R-10).

In a R-10 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Public and nonprofit institutions of an educational, religious or cultural type, excluding corrective institutions and hospitals.
3) Governmental buildings and uses.
4) Public utility uses required to service the district.
5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
7) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.
8) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.

b) Accessory uses: The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings:

1) Private garage.
2) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
3) **Private swimming pool.**

When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than fifty (50) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) **Area regulations:** The following minimum requirements shall be required:

1) Depth of front yard: 30 feet
2) Depth of rear yard: 25 feet
3) Width of side yard: 8 feet
4) Width of lot: 75 feet
5) Depth of lot: 100 feet
6) Land area per dwelling unit: 10,000 square feet
7) Only one single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) **Height and area regulations:** The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2½ stories or 30 feet
2) Lot coverage by principal building: 35 percent of total lot area

2.4.7 **Single-family Residential 7.5 (R-7.5).**

In a R-7.5 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
3) Governmental buildings and uses.
4) Public utility uses required to service the district.
5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.

7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling, shall be employed or work in or at such home occupation.

8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings.

1) Private garage.

2) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.

3) Private swimming pool.

When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than fifty (50) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 25 feet

2) Depth of rear yard: 20 feet

3) Width of side yard: 5 feet

4) Width of lot: 60 feet

5) Depth of lot: 100 feet

6) Land area per dwelling unit: 7,500 square feet

7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.
e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2 stories or 25 feet
2) Lot coverage by principal building: 40 percent of total lot area

2.4.8 Single-family Residential 6 (R-6).

In a R-6 single-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Public and non-profit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
3) Governmental buildings and uses.
4) Public utility uses required to service the district.
5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwellings, shall be employed or work in or at such home occupation.
8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses to a single-family detached dwelling provided that none shall be a source of income to the owner or user of the principal single-family dwellings.

1) Private garage.
2) Guest and servant’s quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.
3) Private swimming pool.

4) When any of the foregoing permitted accessory uses are detached from the principal single-family dwelling, said use shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:
   1) Depth of front yard: 25 feet
   2) Depth of rear yard: 20 feet
   3) Width of side yard: 5 feet
   4) Width of lot: 50 feet
   5) Depth of lot: 100 feet
   6) Land area per dwelling unit: 6,000 square feet
   7) Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of principal structure: 2 stories or 25 feet
   2) Lot coverage by principal building: 40 percent of total lot area

2.4.9 Single-family Residential ZLa (R-ZLa).

In an R-ZLa zero lot line residential district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Single-family detached dwellings.
   2) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
   3) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
4) Government buildings and uses.

5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

6) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.

7) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses:

1) Private garage.

2) Private swimming pool.

3) Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance.

4) Public utility uses.

When any private garage, guest quarters or public utility use is attached or detached from the principal single-family dwelling, said use shall be located not less than twenty-five (25) feet from the front property line for lots fronting a minor or secondary street or thirty-five (35) feet for lots fronting a major street; not less than fifteen (15) feet from any street right-of-way.

A swimming pool shall not be located within fifteen (15) feet from any street right-of-way and shall be fenced in accordance with other ordinances of the city.

Whenever garage or carport is entered directly from an alley or rear (side) private driveway, a fence may be permitted within the front setback no closer than ten (10) feet to the street right-of-way. Said fence shall be of masonry or materials similar to those utilized on the principal single-family structure and shall not exceed six (6) feet in height.

Within the ten-foot side setback area, but not within the front setback area, may be placed any of the following: spa, swimming pool, deck, barbecue grill or fountain provided that said uses and any other structure or uses are not more than three (3) feet in height when
located within the five-foot access easement but at a height no
closer than four (4) feet to any overhanging eave on adjacent
property. A spa, swimming pool, deck or fountain may be closer
than ten (10) feet to detached structures.

c) Parking regulations: Off-street parking shall be provided in accordance with the
provisions of this ordinance and other applicable ordinances of the city.

   No parking of recreational vehicles, motor homes or towed trailers shall be
   permitted within the required front setback area.

d) Area regulations: The following shall be minimum requirements for any principal use
structure:
   1) Depth of front building setback: 15 feet
   2) Depth of rear setback: 10 feet for one story, 15 feet for two story
   3) Width of side setback: 8 inches on one side, 10 feet on opposite side
   4) Width of lot: 40 feet (see special conditions)
   5) Depth of lot: 90 feet
   6) Distance between detached structures: 10 feet
   7) Land area per dwelling unit: 4,000 square feet
   8) No dwelling shall be closer than ten (10) feet, eight (8) inches between the
      face of exterior walls of neighboring dwelling units in an "R-ZLa") district,
      and no closer than five (5) feet to the boundary of any other zoning district or
      classification.

e) Height and area regulations: The following maximum height and area regulations
shall be observed:
   1) Height of structure, principal and accessory: 2½ stories or 30 feet
   2) Lot coverage by buildings, driveways, and parking: 60 percent

f) Special conditions:
   1) All subdivision plats filed shall have established front, side and rear yard
      setback lines on each lot in accordance with 2.4.9(d) above. An access
      easement of five feet shall be provided and so indicated on the subdivision
      plat to allow the adjacent owner access to the eight-inch side yard on each lot.
   2) On all lots less than 47 feet in width, access to the garage or carport must be
      from the rear. Corner lots may be accessed from the side property line.

2.4.10 Two-family Residential 3.5 (R-3.5)
In a R-3.5 two family district no land shall be used and no buildings shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Single-family detached dwellings.
2) Duplexes.
3) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.
4) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
5) Governmental buildings and uses.
6) Public utility uses.
7) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.
8) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses:

1) Private garage.
2) Swimming pool.

When any of the foregoing permitted accessory uses are detached from a principal dwelling, said uses shall be located not less than forty-five (45) feet from the front line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Provisions for the parking of automobiles shall be permitted as an accessory use to any principal permitted use provided that such shall not be located on a required front yard. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 30 feet
2) Depth of rear yard: 25 feet
3) Width of side yard: 6 feet
4) Width of lot: 60 feet
5) Depth of lot: 100 feet
6) Land area per dwelling unit: 3,500 square feet
7) Distance between detached buildings: 12 feet
8) Only one single-family detached dwelling or duplex shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed.
   1) Height of principal structure: 2½ stories or 30 feet
   2) Lot coverage by buildings: 40 percent of total lot area

2.4.11 Attached Residential (R-SFA)

In a single-family attached district, no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Single-family attached dwellings.
   2) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   3) Government buildings and uses.
   4) Public utility uses.
   5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
   6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.
   7) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.
   8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses:
1) Private garage.
2) Swimming pool.
3) Customary home occupation, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation.

When any of the foregoing permitted accessory uses are detached from a principal dwelling, said uses shall be located not less than forty-five (45) feet from the front line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Provisions for the parking of automobiles shall be permitted as an accessory use to any principal permitted use provided that such shall not be located on a required front yard. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be provided:

1) Depth of front yard: 30 feet
2) Depth of rear yard: 25 feet
3) Width of side yard:
   a. Where single-family dwellings attach on adjacent property zoned "R-SFA": none
   b. Side yard other than where single-family dwellings attach: 6 feet
4) Width of lot: 30 feet
5) Depth of lot: 100 feet
6) Land area per dwelling unit: 3,500 square feet
7) Distance between detached buildings: 12 feet
8) Only one single-family attached dwelling shall be permitted on each lot or lot of record as the case may be and shall only attach to one other single-family attached dwelling.
9) Each single-family attached dwelling shall meet the minimum standards of the building code for buildings adjacent to property lines currently in effect at the time the property is zoned "R-SFA."
10) A single-family attached dwelling unit shall not be built next to a side yard line without the corresponding single-family attached dwelling being built on the adjacent lot concurrently.
e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of principal structure: 2½ stories or 30 feet
   2) Lot coverage by building: 40 percent of total lot area

f) All subdivision plats filed shall have established only a single side of each lot which may have single-family dwellings attached.

2.4.12 Four-family Residential (R-2.5)

In a R-2.5 four-family district no land shall be used and no buildings shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Single-family detached dwelling.
   2) Duplexes.
   3) Triplexes.
   4) Four-unit apartment houses.
   5) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   6) Governmental buildings and uses.
   7) Public utility uses.
   8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.
   9) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses to dwellings:
   1) Private garage.
   2) Swimming pool.

   When any of the foregoing permitted accessory uses are detached from a principal dwelling, said use shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way.

c) Parking regulations: Provisions for the parking of automobiles shall be permitted as an accessory use to any principal permitted use provided that such shall not be located
on a required front yard. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:
   1) Depth of front yard: 30 feet
   2) Depth of rear yard: 25 feet
   3) Width of side yard: 6 feet
   4) Width of lot: 75 feet
   5) Depth of lot: 80 feet
   6) Land area per dwelling unit: 2,500 square feet
   7) Distance between detached buildings: 12 feet
   8) Only one single-family detached dwelling, duplex, triplex or four-unit apartment house shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of principal structure: 2½ stories or 30 feet
   2) Lot coverage by buildings: 30 percent of total lot area

2.4.13 Multi-family Residential 1 (R-MF-1)

In an R-MF-1 multi-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Multi-family dwellings.
   2) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   3) Governmental buildings and uses.
   4) Public utility uses.
   5) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses provided that such shall be located not less than twenty (20) feet from any street right-of-way. Refer to section 3.1 Accessory Structures.
   1) Private garage.
2) Swimming pool, no nearer than seventy-five (75) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6.

3) Laundry room for use of tenants.

4) Cafe or restaurants for the sole convenience of the occupants of a multi-family dwelling apartment house or the members of a private club and their guests, provided that such accessory use shall not be open to the general public or advertised in any manner.

5) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district used for a single-family dwelling.

6) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used for a single-family dwelling.

7) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

8) Private clubs, excepting those chief activities of which are services customarily carried on as a business and those in which alcoholic beverages are served or consumed.

c) Parking regulations: Off-street parking for multi-family dwellings shall be provided in accordance with the requirements of section 3.13.2(d)(3) of this ordinance.

This required parking shall comply with the provisions of this ordinance and other ordinances of the city. No on-site parking shall be located within a required front yard area.

d) Area regulations: The following minimum regulations shall be required:

1) Depth of front setback: See section 3.13.2(d)(5)(c).

2) Depth of rear setback: See section 3.13.2(d)(5)(d).


4) Width of lot: minimum 100 feet.

5) Depth of lot: minimum 100 feet.

6) Maximum density: 18 units per acre.

7) Minimum separations between buildings: See section 3.13.2(d)(5)(e)

e) Height and area regulations: The following maximum height and area regulations shall be observed:
1) Height of structure: Refer to section 8.5 Height, section 3.13.2(d)(5)(b), and section 2.3.2(g).

2) Lot coverage by buildings: 50 percent

3) Lot coverage by buildings, driveways, and parking spaces: 70 percent

2.4.14 Multi-family Residential 2 (R-MF-2)

In an R-MF-2 multi-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Multi-family dwellings.

2) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.

3) Governmental buildings and uses.

4) Public utility uses.

5) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses provided that such shall be located not less than twenty (20) feet from any street right-of-way.

1) Private garage.

2) Swimming pool, no nearer than seventy-five (75) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6.

3) Laundry room for use of tenants.

4) Cafe or restaurants for the sole convenience of the occupants of a multi-family dwelling apartment house or the members of a private club and their guests, provided that such accessory use shall not be open to the general public or advertised in any manner.

5) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 used as a single-family dwelling.

6) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 used as a single-family dwelling.
7) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking for multi-family dwellings shall be provided in accordance with the requirements of section 3.13.2(d)(3) of this ordinance.

This required parking shall comply with the provisions of this ordinance and other ordinances of the city. No on-site parking shall be located within a required front yard area.

d) Area regulations: The following minimum regulations shall be required:

1) Depth of front setback: See section 3.13.2(d)(5)(c)
2) Depth of rear setback: See section 3.13.2(d)(5)(d)
3) Width of side setback: See section 3.13.2(d)(5)(d)
4) Width of lot: Minimum 80 feet
5) Depth of lot: Minimum 80 feet
6) Maximum density: 18 units per acre
7) Minimum separations between buildings: See section 3.13.2(d)(5)(e)

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of structure: Refer to section 8.5 Height, section 3.13.2(d)(5)(b), and section 2.3.2(g).
2) Lot coverage by buildings: 50 percent
3) Lot coverage by buildings, driveways and parking spaces: 70 percent

2.4.15 Multi-family Residential O (R-MF-O)

a) Applicability. The R-MF-O city-wide overlay district shall apply to any property within the corporate limits of the city which is zoned R-MF-1 or R-MF-2 and which currently is undeveloped as of the effective date of the district.

b) Uses. In the R-MF-O city-wide overlay district, no land shall be used and no building shall be erected for or converted to any use other than:

1) Principal uses. The following uses shall be permitted as principal uses:

   a. Any use permitted in the R-MF-1 district, subject to any restrictions on processing of applications for multifamily dwellings;
b. Any use permitted in the R-MF-2 district, subject to any restrictions on processing of applications for multifamily dwellings;

c. Single-family detached dwellings;

d. Public and nonprofit institutions of an educational, religious, cultural type excluding corrective institutions and hospitals;

e. Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision; and

f. Customary home occupation within a single-family dwelling, provided that no person other than a member of the family of the owner or user of the principal single-family dwellings, shall be employed or work in or at such home occupation.

2) Accessory uses. The following uses shall be permitted as accessory uses in the R-MF-O city-wide overlay district:

a. Any accessory use permitted in the R-MF-1 district, subject to any restrictions therein described;

b. Any accessory use permitted in the R-MF-2 district, subject to any restrictions therein described;

c. Any of the following accessory uses established in conjunction with and limited to a single-family detached dwelling; further provided that none shall be a source of income to the owner or user of the principal single-family dwelling and any accessory use which is detached from the principal single-family detached dwelling shall be located not less than forty-five (45) feet from the front lot line nor less than twenty (20) feet from any street right-of-way:

1. Private garage;

2. Guest and servant's quarters may be permitted as an accessory use to a residential dwelling upon such accessory use being approved as an S-P-1 site plan district under section 2.7.3 of this ordinance; and

3. Private swimming pool.
3) Parking regulations. Off-street parking shall be provided in the following manner:
   a. For uses authorized in the R-MF-1 district, off-street parking shall be provided in accordance with the regulations of such district;
   b. For uses authorized in the R-MF-2 district, off-street parking shall be provided in accordance with the regulations of such district; and
   c. For all other uses, off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

4) Area regulations. The following minimum requirements shall be required:
   a. For uses authorized in the R-MF-1 district, area regulations shall be required in accordance with the regulations of such district;
   b. For uses authorized in the R-MF-2 district, area regulations shall be required in accordance with the regulations of such district;
   c. For all other uses, the following minimum requirements shall apply:
      1. Depth of front yard: 25 feet
      2. Depth of rear yard: 20 feet
      3. Width of side yard: 5 feet
      4. Width of lot: 50 feet
      5. Depth of lot: 100 feet
      6. Land area per dwelling unit: 6,000 square feet
      7. Only one (1) single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

5) Height and area regulations. The following minimum height and area regulations shall be observed:
   a. For uses authorized in the R-MF-1 district, height and area regulations of such district;
   b. For uses authorized in the R-MF-2 district, height and area regulations shall be required in accordance with the regulations of such district; and
   c. For all other uses, the following minimum requirements shall apply:
      1. Height of principal structure: 2 stories or 25 feet;
      2. Lot coverage by principal building: 40 percent of total lot area.
2.4.16 **Townhouse Residential (R-TH).**

In an R-TH district, no land shall be used and no building shall be erected for or converted to any use other than

a) **Principal uses:** The following uses shall be permitted as principal uses:

1) Townhouse.

2) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.

3) Governmental buildings and uses.

4) Public utility uses.

5) Public and private noncommercial recreational areas and facilities such as public parks, country clubs, golf courses, excluding miniature golf courses and driving ranges.

6) Temporary buildings when they are to be used only for construction purposes or as a field office within a subdivision approved by the city for the sale of the real estate of that subdivision only. Such temporary construction buildings shall be removed immediately upon completion or abandonment of construction and such field office shall be removed immediately upon occupancy of ninety-five (95) percent of the lots in the subdivision.

7) Customary home occupation, provided that no person, other than a member of the family of the owner or user of the principal single-family dwelling, shall be employed or work in or at such home occupation.

8) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) **Accessory uses:** The following uses shall be permitted as accessory uses to a single-family dwelling provided that none shall be a source of income to the owner or user of the principal family dwelling.

1) Private swimming pool.

2) Cabana, pavilion or roofed area.

3) Meeting, party and/or social rooms.

4) When any of the foregoing permitted accessory uses are attached or detached from the principal family dwelling, said use shall not be located in the area between the face of the principal structure and the front property line.
5) Private garages on lots having a minimum width of less than thirty (30) feet must be entered from the side or rear. Said lots shall not have driveways on or within the front building setbacks.

c) Parking regulations: Provisions for parking of automobiles shall be permitted as an accessory use to any principal permitted use provided that private garages on lots having a minimum width of less than thirty (30) feet must be entered from the side or rear. Said lots shall not have driveways on or within the front building setback. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front setback: 25 feet
2) Depth of rear setback: 25 feet
3) Width of side setback: none, except:
   a. Lots siding to a dedicated public street: 15 feet
   b. When adjacent to property zoned in any other district than R-TH: 6 feet
4) Width of lot: 22 feet
5) Depth of lot: 80 feet
6) Land area per dwelling unit: 2,420 square feet
7) Minimum distance between:
   a. Residential structure and detached accessory buildings: 12 feet
   b. Two (2) principal structures: 12 feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 30 feet
2) Lot coverage by buildings, driveways, and parking: 70 percent
3) Maximum distance of the width of structure within the R-TH district: 300 feet

2.4.17 Manufactured Home Residential (R-MH)

In an R-MH manufactured home district no land shall be used and no building shall be erected or converted to any use other than

a) Principal uses: The following uses are permitted as principal uses for tracts of land not less than ten (10) acres in area:

1) Manufactured home community.
2) Mobile home in a manufactured home community.
3) HUD-code manufactured home in a manufactured home community.
4) Recreational vehicle in a manufactured home community.
5) Public and non-profit institutions of an educational, religious or cultural type, excluding corrective institutions and hospitals.
6) Public utility uses required to service the district.
7) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.
8) Customary home occupation, provided that no person other than a member of the family of the owner or occupant of the mobile home or HUD-code manufactured home shall be employed or work in or at such home occupation.
9) Garage sales if conducted pursuant and in conformity with all applicable laws.

b) Accessory uses: The following uses shall be permitted as accessory uses within a manufactured home community:
1) Manufactured home community lease space rental office.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for a single-family residence within an R-40, R-15, R-10, R-7.5, R-6, or R-ZLa district.
3) Laundry room for the use of residents of the manufactured home community.
4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, R-6 or R-ZLa district.
5) Toilet and shower facilities.
6) Community or recreation building.

c) Parking regulations: Off street parking shall be provided in accordance with the provisions of this section and other applicable ordinances of the city.

d) Area regulations: The following minimum standards shall be required:
1) Depth of front setback: 30 feet
2) Depth of rear setback: 15 feet
3) Width of side yard: 15 feet
4) Maximum number of single-family manufactured homes per acre: 9

e) Height regulations: The following height regulations shall be observed:
1) Principal structure: 2 stories or 18 feet
2) Accessory structure: 1 story or 15 feet, if situated within 100 feet of any zoning district lines or street right-of-way, otherwise 1 story or 17 feet.

f) Special conditions: There shall be provided within the manufactured home community, outside of unit plots, a separate open recreation and public service area, at a ratio of five hundred (500) square feet for each of the first twenty (20) units, and two hundred fifty (250) square feet per unit for all additional units.

    Outdoor swimming pool or pools may be included in satisfying this requirement, but area in front, side and rear yards may not be so utilized.

2.4.18 Extra Family Residential (R-XF)

    In a R-XF extra-family district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal use: The following uses shall be permitted as principal uses:
   1) Single-family detached dwelling.
   2) Rooming house.
   3) Boarding house.
   4) Nursing home.
   5) Hospital.
   6) Old person's home.
   7) Sorority and fraternity house.
   8) Boarding school.
   9) Public and nonprofit institutions of an educational, religious or cultural type, excluding corrective institutions.
   10) Governmental buildings and uses.
   11) Public utility use.
   12) Customary home occupations provided that no person other than a member of the family of the owner or user of the principal building shall be employed or work in or at such home occupation.
   13) Garage sales if conducted pursuant and in conformity with all other applicable ordinances of the City of Irving.

b) Accessory uses: The following uses shall be permitted as accessory uses:
   1) Private garage.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within a R-40, R-15, R-10, R-7.5, or R-6 district.

3) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in a R-40, R-15, R-10, R-7.5, or R-6 district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

4) One unlighted sign no larger than two (2) square feet in area pertaining to a principal use.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front setback: 25 feet
2) Depth of rear setback: 25 feet
3) Width of side yard: 6 feet
4) Width of lot: 60 feet
5) Depth of lot: 100 feet
6) Only one single-family detached dwelling shall be permitted on each lot or lot of record as the case may be.

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: 2½ stories or 30 feet
2) Height of accessory structure: 2 stories or 25 feet
3) Lot coverage by buildings: 40 percent

2.5 Non-Residential Districts

2.5.1 Reserved

2.5.2 Reserved

2.5.3 Reserved

2.5.4 Professional Office (P-O)

In a P-O professional office district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
1) Administrative, executive and editorial offices for business, professional or industrial organizations.
2) Financial offices such as banks, savings and loan associations, mortgage bankers and insurance offices.
3) Governmental buildings and uses.
4) Prescription pharmacy.
5) Medical and dental clinics.
6) Medical and dental laboratories, but not including the manufacture of pharmaceutical or other products for general sale or distribution.
7) Professional offices for the conduct of the following professional and semi-professional occupations: accountant, architect, attorney, dentist, engineer, insurance agent, real estate agent, personal or family counselor, chiropractor, physical therapist, physician, public secretary, surgeon; or any other office or profession which is of the same general character as the foregoing, but excluding animal grooming salons, dog kennels, funeral homes, veterinarian and veterinary hospitals.
8) Public institutions and nonprofit institutions of an educational, religious or cultural type, but excluding corrective institutions and hospitals.
9) Public utility uses.
10) Schools and studios for art, dancing, drama, music, photography, interior decorating or reducing.
11) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses, provided that such use shall be located not less than twenty (20) feet from any street right-of-way.

1) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
2) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
3) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.
c) Parking regulations:
    1) Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.
    2) That a minimum of eight (8) parking spaces be provided for each development up to one thousand (1,000) square feet of floor space and that one additional space be provided for each additional three hundred (300) square feet or portion thereof.

d) Area regulations: The following minimum requirements shall be required:
    1) Depth of front yard: 30 feet
    2) Depth of rear yard: 25 feet
    3) Width of side yard: 10 feet
    4) Width of lot: 60 feet
    5) Depth of lot: 100 feet
    6) Distance between detached buildings: 12 feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:
    1) Height of principal structure: 35 feet maximum
    2) Height of accessory use structure: 35 feet maximum
    3) Lot coverage by buildings: 40 percent
    4) Lot coverage by buildings, driveways, and parking spaces: 70 percent

2.5.5 Commercial Office (C-O)

In a C-O district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
    1) Any use permitted in a P-O professional office district subject to the regulations of this district.
    2) Day nurseries and kindergartens.
    3) Nursing homes.
    4) Hospitals.
    5) Professional and business services and offices completely within an enclosed building, excluding hotel/motel operations.
b) Accessory uses: The following uses shall be permitted as accessory uses provided that such use shall be located not less than twenty (20) feet from any street right-of-way.
1) Swimming pool.
2) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6.
3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
4) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.
5) Minor retail sales such as cafe, restaurant, or cafeteria completely within an enclosed building, private (nonalcoholic) clubs, not to exceed ten percent of square footage of principal structure. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages. Also, day nurseries kindergartens, dog kennels, interior use only (no outside runs, pens, or cages), veterinarian offices (except no dogs or animals shall be kept overnight), hospitals, barbers, beauty shops, cosmetologist, hairdresser, and florist, excluding greenhouses.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city, provided that such not be located on a required front yard.

d) Area regulations: The following minimum requirements shall be required:
1) Depth of front yard: 25 feet
2) Depth of rear yard: 15 feet
3) Width of side yard: 10 feet
4) Width of lot: 75 feet
5) Depth of lot: 80 feet
6) Distance between detached buildings: 12 feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:
1) Height of principal structures: One-half the shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, and R-6 district, used as a single-family residence.
2) Height of accessory structure: Same as principal structure
3) Lot coverage by building: 40 percent
4) Lot coverage by buildings, driveways and parking spaces: 80 percent

2.5.6 Neighborhood Commercial (C-N)

In a C-N neighborhood commercial district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Any use permitted in a P-O professional office district subject to the regulations of this district.
   2) Cafe, restaurant or cafeteria completely within an enclosed building.
   3) Day nursery and kindergarten.
   4) Food and dairy markets in enclosable buildings. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.
   5) Gasoline service station.
   6) Nursery or greenhouse completely within an enclosed building.
   7) Private club.
   8) Professional and business services and offices completely within an enclosed building, excluding hotel/motel operations.
   9) Retail stores and uses completely within an enclosed building. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.
   10) Veterinarian clinic or hospital, completely within an enclosed building.
   11) Barber, beauty shop, cosmetologist and hairdresser.

b) Accessory uses: The following uses shall be permitted as accessory uses provided that such use shall be located not less than twenty (20) feet from any street right-of-way.
   1) Swimming pool.
   2) (2) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
   3) (3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
4) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required: fence or wall at least six (6) feet high.
   1) Depth of front yard: 25 feet
   2) Depth of rear yard: 6 feet
   3) Width of side yard: 6 feet
   4) Width of lot: 75 feet
   5) Depth of lot: 80 feet
   6) Distance between detached buildings: 12 feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of principal structure: 2½ stories or 30 feet
   2) Height of accessory structure: 1 story or 15 feet
   3) Lot coverage by building: 40 percent
   4) Lot coverage by buildings, driveways and parking spaces: 90 percent

2.5.7 Community Commercial (C-C)

In a C-C community commercial district no land shall be used and no building shall be erected or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Any use permitted in a P-O professional office district or C-N neighborhood commercial district subject to the regulations of this district.
   2) Ambulance service.
   3) Hospital.
   4) Automobile repair garage.
   5) Mortuary and funeral home.
   6) Motion picture theater within an enclosed building.
   7) Office building.
8) Public storage garages.
9) Taxi dispatch office.
10) Wholesale office and business completely within an enclosed building, but excluding warehouse storage.
11) Any commercial business or service not included in any of the foregoing districts, excluding hotel/motel operations, provided that such uses shall be completely enclosed within an enclosed building and are not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration, and provided that no warehousing or manufacturing or treatment of products or equipment shall be permitted, except such as is clearly incidental to the conduct of a permitted use.

b) Accessory uses: The following uses shall be permitted as accessory uses:

1) Private garage.
2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
3) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
4) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of the front yard: none
2) Depth of rear yard: none, where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.
3) Width of side yard: none, where no windows or other openings for light face the side yard or side lot line. In all other cases, one of the following,
whichever is least: 5 feet plus the building height at that point; or one-half the length of the side of the building at that point.

4) Width of lot: 80 feet
5) Depth of lot: 80 feet
6) Distance between detached buildings: 10 feet, where no windows or other openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the two (2) building heights at those points which establish the distance between; or one-half the smallest building side forming space between.

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of structure: one-half shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.
2) Lot coverage by buildings: 50 percent
3) Lot coverage by buildings, driveways and parking spaces: 100 percent

2.5.8 Commercial Outdoor 1 (C-OU-1)

In a C-OU-1 commercial outdoor district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Auction sale, new or used goods.
2) Brick, marble, tile, concrete block manufacturing or sale.
3) Lumber yard.
4) Plumbing supply.
5) Pipe storage, metal or concrete to include culverts, similar material.
6) Public or private storage garages, yards or lots.
7) Salvage good sales.
8) Storage of sand, gravel, rock or earth.
9) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
10) Government buildings and uses.
11) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses:
   1) Private garage.
   2) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district used as a family dwelling.
   3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
   4) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area requirements: The following minimum dimensions shall be required:
   1) Depth of front setback: 25 feet
   2) Depth of rear setback: 6 feet
   3) Width of side setback: 6 feet
   4) Width of lot: 50 feet
   5) Depth of lot: 50 feet
   6) Distance between detached buildings: 12 feet
   7) No outside storage or display shall be permitted within the required front setback area.

e) Height and area requirements: The following maximum height and area requirements shall be observed:
   1) Height of principal structure: 30 feet
   2) Height of accessory structure: 15 feet

2.5.9 Commercial Outdoor 2 (C-OU-2)

In a C-OU-2 commercial outdoor district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
1) Ambulance service.
2) Automobile washing business; automatic, coin-operated or moving line wash.
3) Automotive repair garage.
4) Automotive parts and accessories, sales and installations.
5) Automotive sales and service, new or used cars and trucks.
   a. All vehicles must be in an operating condition and all open display or storage areas must be surfaced and developed in accordance with all applicable ordinances of the city.
6) Commercial amusements such as golf driving ranges, miniature golf, archery, go-carts, etc.
7) Drive-in restaurants.
8) Drive-in motion picture theatre.
9) Gasoline service station.
10) Taxi dispatch yard.
11) Truck or trailer rental.
12) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
13) Government buildings and uses.
14) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses:
1) Private garage.
2) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.
3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.
4) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any R district shall be separated from said lot by a blind fence or wall at least six (6) feet high.
c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.
d) Area requirements: The following minimum dimensions shall be required:
   1) Depth of front setback: 25 feet
   2) Depth of rear setback: 6 feet
   3) Width of side setback: 6 feet
   4) Width of lot: 50 feet
   5) Depth of lot: 50 feet
   6) Distance between detached buildings: 12 feet
   7) No outside storage or display shall be permitted within the required front setback area.

e) Height and area requirements: The following maximum height and area requirements shall be observed:
   1) Height of principal structure: 30 feet
   2) Height of accessory structure: 15 feet

2.5.10 Commercial Outdoor 3 (C-OU-3)

   In a C-OU-3 commercial outdoor district no land shall be used and no building shall be erected for or converted to any other use than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Business services and merchandise displayed in an unenclosed or incompletely enclosed area.
   2) Boat and marine sales and service.
   3) Camper sales and camper trailer sales and service, lease and rental.
   4) Furniture or appliances, used.
   5) Food and dairy markets in fully enclosable buildings. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.
   6) Mobile home or HUD-code manufactured home sales, storage or repair, lease and rental.
   7) Mortuary and funeral homes.
   8) Nursery or greenhouses.
9) Retail stores. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.

10) Swimming pool sales or display.

11) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.

12) Government buildings and uses.

13) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses:

1) Private garage.

2) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.

3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.

4) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provision of this ordinance and other applicable ordinances of the city.

d) Area requirements: The following minimum dimensions shall be required:

1) Depth of front setback: 25 feet

2) Depth of rear setback: 6 feet

3) Width of side setback: 6 feet

4) Width of lot: 50 feet

5) Depth of lot: 50 feet

6) Distance between detached buildings: 12 feet

7) No outside storage or display shall be permitted within the required front setback area.

e) Height and area requirements: The following maximum height and area requirements shall be observed:
1) Height of principal structure: 30 feet
2) Height of accessory structure: 15 feet

2.5.11 Commercial Warehouse (C-W)

In a C-W commercial warehouse district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Governmental buildings and uses.
   2) Warehousing completely within an enclosed building.
   3) Public utility uses.
   4) Motor freight terminals.
   5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.
   6) Commercial and professional offices.
   7) Wholesale distribution facilities completely within an enclosed building.
   8) Sexually oriented businesses licensed and operating in compliance with chapter 46 of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.
   9) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
   10) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses:
   1) Office space used in connection with a principal use.
   2) Employee facilities, including employee cafeteria.
   3) Provisions for the parking of automobiles.
   4) Mechanical equipment.
   5) Retail sales, if incidental to the primary wholesale use. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.
6) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area requirements: The following minimum requirements shall be required:
   1) Depth of front yard: 20 feet
   2) Depth of rear yard: 6 feet
   3) Width of side yard: 6 feet
   4) Width of lot: 50 feet
   5) Depth of lot: 100 feet
   6) Distance between detached buildings: 12 feet

e) Height and area requirements: The following maximum height and area requirements shall be observed:
   1) Height of principal structure: 2 stories or 30 feet
   2) Height of accessory structure: 1 story or 20 feet

2.5.12 Freeway (FWY)

In a FWY freeway district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:
   1) Cafe, restaurant and cafeteria, including drive-in restaurant.
   2) Experimental testing laboratories.
   3) Experimental laboratories.
   4) Gasoline service station.
   5) Governmental building and uses.
   6) Hospital.
   7) Manufacturing, assembly or packaging of products from previous prepared materials, such as cloth, plastic, paper, leather, precious or semiprecious metals or stones.
   8) Manufacture of electric and electronic instruments and devices, such as televisions, radio and phonograph equipment.
9) Manufacture of food products, pharmaceuticals and the like, except that such uses shall not include production of fish, or meat products, sauerkraut, vinegar or the like, or the rendering or refining of fats and oils.

10) Office building.

11) Private clubs.

12) Professional and business offices.

13) Public and private schools.

14) Public institutions and nonprofit institutions of an educational, religious or cultural type, but excluding correctional institutions.

15) Warehousing completely within an enclosed building.

16) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf courses and driving ranges.

Manufacturing as used in this section shall not be held to include such operations as saw and planing mills, manufacturing uses involving primary production or storage of wood, metal or chemical products from raw materials, construction material, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operation not listed.

b) Accessory uses: The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any street right-of-way, except as noted in subsection (5) below.

1) Private garage.

2) Swimming pool no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.

3) Garbage storage no nearer than thirty (30) feet to a developed lot in an R-40, R-15, R-10, R-7.5, or R-6 district used as a single-family dwelling.

4) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for single-family residence within an R-40, R-15, R-10, R-7.5, or R-6 district.

5) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in any "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high. Automobile parking may be placed within the fifty-foot front yard setback and no nearer than
thirty (30) feet to any street right-of-way if the parking area is screened from the adjacent right-of-way in accordance with 4.5 Landscaping and Trees.

6) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:
   1) Depth of front yard: 50 feet
   2) Depth of rear yard: none where no windows or other openings for light face the rear yard or rear lot line. In all other cases, one of the following, whichever is least: 5 feet plus the building height at that point; or one-half the sideage of the building at that point.
   3) Width of side yard: a minimum side yard of ten (10) feet or ten (10) percent of the width of the lot, whichever is greater, but in no case more than twenty-five (25) feet.
   4) Width of lot: 80 feet
   5) Depth of lot: 80 feet
   6) Distance between detached buildings: 10 feet where no windows or openings for light face upon the space between buildings. In all other cases, one of the following, whichever is least: 10 feet plus the sum of the building heights at those points which establish the distance between; or one-half the smallest building side forming space between but in either event, no less than forty (40) feet.

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of structures: one-half the shortest distance between the structure and the nearest developed lot in an R-40, R-15, R-10, R-7.5, R-6 or A district used as a single-family residence.
   2) Lot coverage by buildings: 50 percent
   3) Lot coverage by buildings, driveways and parking spaces: 100 percent

2.5.13 Light Industrial 20 (ML-20)
In an ML-20 light industrial district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Any manufacturing, research, wholesale or storage uses except those operations such as saw and planing mills, manufacturing uses involving primary production or storage of wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.

2) Railway passenger and freight stations.

3) Governmental buildings and uses.

4) Public utility uses.

5) Motor freight terminals.

6) Trucking terminals.

7) Automotive repair garages.

8) Food and dairy markets in fully enclosable buildings. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.

9) Gasoline service stations.

10) Any use permitted in a C-W commercial warehouse district.

b) Accessory uses. The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any street right-of-way.

1) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for residence within an "R" district.

2) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

3) Garbage storage no nearer than thirty (30) feet to a developed lot in an "R" district used for dwelling purposes.

4) Employee facilities, including employee cafeteria.

5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials
stored shall be stacked no higher than one (1) foot below the top of the fence or wall.

6) Railroad yard, provided that such yards shall be completely encompassed, except for points of ingress/egress, by a blind fence or wall at least six (6) feet high.

c) Parking regulations. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 30 feet
2) Depth of rear yard: 30 feet
3) Width of side yard: 15 feet
4) Width of lot: 80 feet
5) Depth of lot: 150 feet
6) Distance between detached buildings: 30 feet
7) Lot area: 20,000 square feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or three (3) stories or fifty (50) feet, whichever is least.

2) Height of accessory structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or one story, or thirty (30) feet, whichever is least.

2.5.14 Light Industrial 20a (ML-20a)

In an ML-20a light industrial district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Any manufacturing, wholesale or storage uses except those operations such as saw and planing mills, manufacturing uses involving primary production of storage or wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.
2) Research, provided such uses shall be contained completely within an enclosed building and is not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise, vibration, light, radio emission, radiation or any research uses detrimental to life, health or property.

3) Governmental buildings and uses.

4) Public utility uses.

5) Warehousing completely within an enclosed building.

6) Commercial and professional offices.

7) Wholesale distribution facilities completely within an enclosed building.

8) Sexually oriented businesses licensed and operating in compliance with chapter 46 of the Code of Civil and Criminal Ordinances of the City of Irving.

9) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.

10) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.

b) Accessory uses: The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any street right-of-way:

1) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for residence within an "R" district.

2) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

3) Garbage storage no nearer than thirty (30) feet from a lot zoned for any residential use or developed lot occupied by a residence designed for occupancy by one or more families, provided that garbage storage within sixty (60) feet of such a lot shall be enclosed by a blind fence or wall, and the contents of which shall be stacked no higher than one foot below the top of the fence or wall.

4) Employee facilities, including employee cafeteria.

5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.
6) Retail sales of goods manufactured on the premises. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 30 feet
2) Depth of rear yard: 10 feet
3) Width of side yard: 10 feet
4) Width of lot: 80 feet
5) Depth of lot: 150 feet
6) Distance between detached buildings: 20 feet
7) Lot area: 20,000 square feet

e) Height and area regulations: The following maximum heights and area regulations shall be observed:

1) Height of principal structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or three (3) stories or fifty (50) feet, whichever is least.

2) Height of accessory structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes or one (1) story, or thirty (30) feet, whichever is least.

2.5.15 Light Industrial 40 (ML-40)

In an ML-40 light industrial district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Any manufacturing, research, wholesale or storage uses except operations such as saw and planing mills, manufacturing uses involving primary production or storage of wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operations or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.

2) Railway passenger and freight stations.
3) Motor freight terminals.

4) Public utility uses.

5) Trucking terminals.

6) Food and dairy markets in fully enclosable buildings. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.

7) Governmental buildings and uses.

8) Gasoline service stations.

9) Automotive repair garages.

10) Any use permitted in a C-W commercial warehouse district.

b) Accessory uses: The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any right-of-way.

1) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for residence within an "R" district.

2) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

3) Garbage storage no nearer than thirty (30) feet to a developed lot in an "R" district used for dwelling purposes.

4) Employee facilities, including employee cafeteria.

5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one (1) foot below the top of the fence or wall.

6) Railroad yards, provided that such yards shall be completely encompassed, except for points of ingress and egress by a blind fence or wall at least six (6) feet high.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations: The following minimum requirements shall be required:

1) Depth of front yard: 30 feet

2) Depth of rear yard: 30 feet

3) Width of side yard: 15 feet
4) Width of lot: 100 feet
5) Depth of lot: 200 feet
6) Distance between detached buildings: 30 feet
7) Lot area: 40,000 square feet
e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or three (3) stories or fifty (50) feet, whichever is least
2) Height of accessory structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes or one (1) story or thirty (30) feet, whichever is least.

2.5.16 Light Industrial 120 (ML-120)

In an ML-120 light industrial district no land shall be used and no building shall be erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Any manufacturing, research, wholesale or storage uses except operations such as saw and planing mills, manufacturing uses involving primary production or storage of wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operations or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.
2) Railway passenger and freight stations.
3) Motor freight terminals.
4) Public utility uses.
5) Trucking terminals.
6) Food and dairy markets in fully enclosable buildings. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sales or delivery of foods or beverages.
7) Governmental buildings and uses.
8) Gasoline service stations.
9) Automotive repair garages.
10) Any use permitted in a C-W commercial warehouse district.

b) Accessory uses. The following uses shall be permitted as accessory uses elsewhere than within a front yard and no nearer than thirty (30) feet to any street right-of-way.

1) Mechanical equipment no nearer than one hundred twenty (120) feet to any principal building used for residence within an "R" district.

2) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

3) Garbage storage no nearer than thirty (30) feet to a developed lot in an "R" district used for dwelling purposes.

4) Employee facilities, including employee cafeterias.

5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.

6) Railroad yards, provided that such yards shall be completely encompassed, except for points of ingress and egress, by a blind fence or wall at least six (6) feet high.

c) Parking regulations. Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) Area regulations. The following minimum requirements shall be required:

1) Depth of front yard: 30 feet

2) Depth of rear yard: 30 feet

3) Width of side yard: 15 feet

4) Width of lot: 200 feet

5) Depth of lot: 300 feet

6) Distance between detached buildings: 30 feet

7) Lot area: 120,000 square feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:

1) Height of principal structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or three (3) stories, or fifty (50) feet, whichever is least.
2) Height of accessory structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or one (1) story, or thirty (30) feet, whichever is least.

2.5.17 Commercial Park (C-P) In a C-P commercial park district, no land shall be used and no building erected for or converted to any use other than:

a) Principal uses: The following uses shall be permitted as principal uses:

1) Commercial and professional offices.

2) Research, provided such use shall be contained completely within an enclosed building and is not noxious or offensive by reason of emission of odor, dust, gas fumes, noise, vibration, light, radio emission, radiation or any research use detrimental to life, health or property.

3) Wholesale distribution facilities completely within an enclosed building.

4) Air freight forwarders.

5) Warehousing completely within an enclosed building.

6) Any manufacturing, wholesale or storage uses except those operations such as saw and planing mills, manufacturing uses involving primary production of storage or wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.

7) Aviation ground schools, excluding any aircraft or helicopter in-flight training.

8) Auto service and repair.

9) Nursery stocks, including landscaping, sales and supplies.

10) Recreational facilities that will not be affected by, or impose a hazard to, aircraft. Bowling alleys, golf courses, public parks, playgrounds and picnic areas.

11) Athletic fields, excluding stadiums.

12) Governmental buildings and uses.

13) Public utility uses.

14) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
b) Accessory uses: The following uses shall be permitted as accessory uses elsewhere than within a front building setback and no nearer than thirty (30) feet to any street right-of-way.

   1) Mechanical equipment no nearer than one hundred (120) feet to any principal building being used for residence within an "R" district.

   2) Provisions for the parking of automobiles provided that such provisions within sixty (60) feet of a developed lot in an "R" district shall be separated from said lot by a blind fence or wall at least six (6) feet high.

   3) Garbage storage no nearer than thirty (30) feet to a developed lot in an "R" district used for dwelling purposes.

   4) Employee facilities, including employee cafeteria.

   5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.

   6) Railroad yards, provided that such yards shall be completely encompassed, except for points of ingress and egress, by a blind fence or wall at least six (6) feet high.

   7) Retail sales if incidental to the principal use.

c) Parking regulations: Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city, providing their locations are such that communications and navigation equipment or aircraft operating under instrument flight rules (IFR) will not be distorted by reflection from parked vehicles.

d) Area regulations: The following minimum requirements shall be required:

   1) Depth of front yard: 30 feet

   2) Depth of rear yard: 10 feet

   3) Width of side yard: 10 feet

   4) Width of lot: 80 feet

   5) Depth of lot: 150 feet

   6) Distance between detached buildings: 20 feet

   7) Lot area: 20,000 square feet

e) Height and area regulations: The following maximum heights and area regulations shall be observed:
1) Height of principal structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes, or three (3) stories or fifty (50) feet, whichever is least.

2) Height of accessory structure: one-half the shortest distance between the structure and the nearest developed lot in an "R" district used for dwelling purposes or one story, or thirty (30) feet, whichever is least.

3) No structure may be erected to a height in excess of that permitted by the airport zoning ordinance which may exist at the time and whose regulations apply to the area in which the structure is being erected.

4) Lot coverage by buildings, driveways and parking spaces: 70 percent

2.6 Mixed-Use Districts

2.6.1 Reserved

2.6.2 Reserved

2.6.3 Reserved

2.6.4 Planned Unit Development (PUD)

a) Purposes: The purpose of a Planned Unit Development ("PUD") is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial uses, service centers, shopping centers, residential developments of multiple or mixed housing, including multi-family dwellings, single-family dwellings, townhouses or any appropriate combination of uses which may be planned, developed or operated as integral land use units whether by single owner or by a combination of owners. This zoning district shall be permitted for tracts of land not less than thirty (30) acres in area.

b) Procedure: The stages or procedure for a Planned Unit Development shall be as follows:

1) The application for PUD zoning (Subsection c below).

2) The submission of a development plan (Subsection d below).

c) Zoning of PUD districts:

1) Submission of application: Any person or corporation or group of persons having a proprietary interest in any property of thirty (30) acres or more may file an application for PUD zoning.

2) Data to accompany application: The application for PUD zoning shall include the following:
a. Metes and bounds description of the overall tract with topographic information necessary to project the natural terrain and environmental character of the site.

b. A written description of the existing and allowable land use surrounding the proposed PUD district.

c. A written description of planning assumptions and projections relating the PUD to the overall community growth and planning goals.

d. A plan indicating location of major and secondary thoroughfares, as proposed within the City Master Thoroughfare Plan.

e. A categorical listing of the total acreage for each land use related to current zoning district designations or the specific purpose. The designated usage will not be assumed to establish the area requirements as established within the zoning district. All setbacks, height, and coverage will be determined by the approved final development plan.

f. Indication by acreage or percentage of total development, all major areas planned for public or private common open space.

g. All applications with gross land area of one hundred (100) acres or less shall submit a graphic plan of proposed land use. Applications with gross land area of more than one hundred (100) acres shall have the option of filing either a graphic plan or a perimeter plan indicating land use to a depth of three hundred (300) feet around the exterior of the total site.

h. A written indication of the maximum number of residential dwelling units to be constructed within the total PUD district.

3) Staff review and recommendations: The technical staff shall, as soon as practical, issue a written report thereon to the planning and zoning commission, a copy of which shall be furnished to the applicant.

4) Planning and zoning commission hearing: The planning and zoning commission shall hold an advertised public hearing on any application for PUD zoning district prior to making its recommendation and shall report their recommendation to the city council in accordance with standard procedures for a change of zoning.

5) PUD Open space policy: All open space shall be provided at a minimum ratio of .01 acre for each residential unit. For single-family or townhouse land use, the open space may be calculated including front setback areas. Private ownership of these areas is permitted, subject to the following conditions:
a. All private park areas shall have grounds and equipment maintained in an attractive manner comparable with the neighborhood.

b. Private park areas must be committed to permanent open space by deed restrictions.

d) Development plan:

1) Submission of development plan: After the granting of PUD zoning, and as the applicant desires to develop the PUD district, or any portion thereof, he shall submit a development plan to the department of community development. If the applicant so desires, separate development plans may be submitted at separate times for portions or sub-areas of the PUD.

2) Contents: The development plan shall contain the following information:

   a. A description of the area or sub-area included in the development plan by dimensions and bearings on a scaled drawing thereof, or accurate survey with topography grades of not more than five (5) feet.

   b. A general description of the surrounding area.

   c. Provisions for public or private streets, alleys, storm sewers, sanitary sewers, setbacks and utility easements. Adequate provisions shall be made for maintenance of municipal utilities on private property. All easements must be reflected on the development plan indicating the following information: location, type and size, along with the volume and page number where the easement is recorded with Dallas County Deed Records.

   d. Percentage or acreage of projected land uses either for the total area or sub-area consistent with the detailed land use as established in the zoning ordinance and referencing a specific zoning district and all relevant area requirements, including any variances requested for the use proposed.

   e. Designation and location of open space for total site or sub-area.

   f. Maximum number and type of residential dwelling units to be constructed in said area or sub-area.

   g. Anticipated development schedule.

   h. Protective and restrictive covenants, homeowners association charters, if any.

   i. Development plans must meet the following criteria to be approved:
1. The acreage of a designated land use must neither exceed the maximum acreage projected for such use in the application for PUD, nor be such that all the projected minimum acreages for all uses cannot be met.

2. Single-family detached uses will be allowed to exceed the projected maximum acreage in the application regardless of whether such use was allowed at all. Where single-family detached uses exceed the maximum acreage, such acreage shall be charged against any other usages, regardless of whether the minimum acreage requirements can be met, save and except that the minimum requirements for open space must be met.

3. Development plans for multi-family uses within the PUD districts shall be accepted and processed only in those PUD districts where such use is designated in a multi-family overlay district consistent with the future land use plan map of the comprehensive plan. The acreage and number of dwelling units shall be charged against the respective category for such use but shall not exceed the maximums set forth in the PUD zoning and further, that the minimum acreage requirement for multi-family uses need not be met.

j. Applicant may elect to classify the development plan as a preliminary or final subdivision plat installment, provided all requirements of the subdivision ordinance are met.

k. Upon the filing of an application for a development plan with the department of Planning and Community Development of the City of Irving, the applicant shall pay to the City of Irving a nonrefundable application fee in accordance with the most recent schedule of fees adopted by the city council to help defray the cost of the processing required by this ordinance.

3) Staff review: Upon submission of a development plan for a PUD or a sub-area thereof, the technical staff shall confer and consult with the applicant and may make recommendations to the landowner for amplification, deletion or modification thereof. After a full opportunity for consultation between applicant and the technical staff, the development plan shall be submitted to the planning and zoning commission for final action and approval.

4) Public notification of development plans: All development plans shall be advertised in the same manner as the standard procedure for a change in zoning before the planning and zoning commission. Such advertisement shall
include, but not be limited to, notification of property owners within two hundred (200) feet of the development plan area no less than ten (10) days prior to the planning and zoning commission public hearing, and posting of the development plan area with signage in accordance with the timing and locational requirements of section 1.11.3 (Notice). A petition of opposition signed by the owners of property within two hundred (200) feet of the development plan area shall not mandate a three-quarter (¾) vote of the planning and zoning commission to approve the development plan.

e) Appeals: In the event that the applicant or an owner or owners of twenty (20) percent of the land within the two hundred (200) feet notification area objects to any action of the planning and zoning commission in connection with a development plan, he/she may file with the zoning administrator a written objection to such action within ten (10) days of the planning and zoning commission action. An applicant or landowner who files such written objection shall have the right to present such objection to the city council. Public notice for an appeal shall be the same for the city council hearing as for the planning and zoning commission hearing. At such meeting, the city council shall review the decision of the planning and zoning commission and the objection filed, and take such action as it may deem appropriate.

f) Amendment to PUD zoning: If the owner/applicant of a tract or lot within an area zoned PUD desires to change the conditions, perimeter tract designations or any other provision of the PUD, the owner/applicant may submit a request to amend the PUD regulations relative to the tract or lot. In order to protect the integrity of a PUD, changes to PUD zoning shall require additional procedural steps to ensure that all potentially affected parties are notified. The following steps are required in order to amend the PUD regulations relative to a particular property within a PUD.

1) Regardless of the land area of the tract or lot, the applicant shall submit a development plan which incorporates all the elements required by subsection 2.6.4(d) (Development Plan) of this ordinance, and a conceptual plan showing the proposed development's land uses, the approximate acreage of each land use, preliminary street and alley layout, and open space. The applicant shall also submit a detailed written description of the proposed land uses and development regulations, including other appropriate exhibits applicable to the proposed development, which may include, but not be limited to, specific land uses, lot area, setbacks and dimensional controls, lot coverage, density or floor area ratio, height restrictions, landscaping, screening, fencing and walls, building materials and colors, architectural style, open space, street and alley standards, provisions for utilities, signage, public use areas and amenities, other thematic elements, and proposed deed restrictions. Staff may request any or all of the above information, or any other information it deems necessary to
assist in analyzing the request and preparing its report to the planning and zoning commission and city council.

2) For all such applications, the applicant shall also submit a written narrative which cites the specific provisions of the PUD zoning with which the proposed development plan does not comply, and how the proposed development plan will be more appropriate or compatible, or yield a higher public benefit relative to development allowed under the existing PUD requirements.

3) Staff will process and provide public notice of the request in accordance with the standard development plan application review process, except that (1) notification of the public hearings to consider the request shall be mailed to all property owners within four hundred (400) feet of the request property and all property owner associations of which the city is aware within the PUD, and (2) at least one (1) sign shall be posted at all entrances to the PUD within five hundred (500) feet of the request property, or as directed by the community development director or designee. In order to ensure compliance with (2) above, the applicant shall provide as part of the application a vicinity map showing all entrances into the PUD within five hundred (500) feet of the request property.

4) Since the proposed development plan constitutes a change in the zoning conditions of the property, the request shall be forwarded from the planning and zoning commission to the city council for final consideration. The requirements for a three-fourth (¾) affirmative vote for approval shall apply the same as for any other zoning request should twenty (20) percent or more of the property within two hundred (200) feet of the request site be represented by written opposition.

5) New development within the boundaries of such development plan must be in compliance with all requirements and standards of the approved development plan.

6) The application fee for an amendment to a PUD zoning shall be the same as for a detailed site plan (S-P-1) application for the same area.

g) Disposition of previously approved project plans:

1) Project plans that were required and approved prior to July 21, 2005 shall remain in effect only in regard to the following specific provisions:

   a. If an approved project plan includes a specific requirement for landscaping, building materials, fencing or screening, parking, additional setback, hours of operation, lighting or any other site-
specific development requirement that was established as part of the public hearing process before the planning and zoning commission and/or city council, and that exceeds the minimum standards of the approved development plan, such specific requirements shall remain in effect for the existing development and any change to the existing development. Any proposed changes to those specific requirements that exceed the minimum standards of the approved development plan that were established by the project plan are subject to the submittal and approval of a new development plan for the property covered by the previous project plan.

b. If an approved project plan does not include a specific requirement for landscaping, building materials, fencing or screening, parking, additional setback, hours of operation, lighting or any other site-specific development requirement that was established as part of the public hearing process before the planning and zoning commission and/or city council, then any future development of that property including changes to the existing development need comply only with the standards established by the approved development plan. No project plan or revised/amended project plan shall be required prior to issuance of building permits for new development on such properties.

2.6.5 Transit-Oriented Development (TOD)

a) Applicability: The transit oriented development district may be approved for any property within the corporate limits of the city any portion of which is generally within one-half (½) mile of any existing or proposed light rail transit line station or commuter rail transit line station. In addition, the planning and zoning commission and city council may consider on an individual basis any property within one-half (½) mile of an existing or proposed area personal transit (APT) system line station for inclusion into a transit oriented development. This district shall provide for the use of transit oriented development in accordance with the following guidelines.

b) Purpose: The purposes of the transit oriented development district are to (1) provide guidelines for the development of property near rail transit line stations to maximize the transit opportunities and use of those facilities, and (2) provide an expedited approval process for developments that comply with these guidelines.

c) Definition: For purposes of this section, transit oriented development shall be a development project that includes the following elements:

1) Moderate to higher density residential uses,
Located within a one-half (½) mile of an existing or proposed rail transit line station location,

Includes a mix of uses such as residential, retail, restaurant, office, hotel, entertainment, and open space,

Designed to encourage pedestrian activities, and

Shaped by transit relative to the mix and location of uses, building orientation, parking facilities, and density.

d) Criteria for designation as a transit oriented development: The following criteria shall be used to determine whether a proposed development is considered to be transit oriented and thus eligible to receive transit oriented development district zoning:

1) The focus is on the overall development and the relationship to transit opportunities, not on the design of the individual components.

2) The transit station is shown to be a portal to the surrounding region, not just to the immediate area of the station. Connectivity to the surrounding area should be provided to attract others who can utilize both the transit service as well as the surrounding retail and office facilities. The streetscape going to and from the transit station is a key component.

3) The transit station should be a primary focus of the development with everything else radiating out from it, rather than pushed to the side.

4) There should be a master development plan of all the contiguous property owned by any one entity that shows both residential and nonresidential development with appropriate phasing. The master development plan should also show how the proposed transit oriented development relates and connects to adjacent properties to allow for continuation of streets, open spaces, pedestrian connections, utilities, and other features at the common property lines.

5) Every building does not need to be mixed use - single use is acceptable as long as the overall development includes mixed uses within short walking distances.

6) Buildings nearest the transit station and along the pedestrian access ways should have minimal setbacks and wide sidewalks which can accommodate outside dining, street vendors, public art, and sitting areas. Farther away from the transit station, traditional setbacks can be transitioned in.

7) The highest densities should be closest to the transit station, with densities gradually decreasing with more distance from the station.
8) Minimum density should be at least sixty (60) dwelling units per acre nearest the transit station.

9) Open space, civic areas, and public amenities must be included in recognition of the higher densities which create the need for the open space. These can also serve as destination points within the development for residents.

10) Access and circulation for pedestrians as well as vehicles is provided throughout the development. The pedestrian environment should be attractive and comfortable with buildings framing public spaces, safe lighting, street trees, and awnings, canopies or other types of shade producing features.

11) Pedestrian connections and easy access to the transit station must be included and should not be overlooked when focusing on the buildings and other details.

12) Pedestrian access also includes bicycles, skaters, and small scooters. Walking and riding trails parallel to the rail should be provided whenever possible.

13) Not all pedestrian routes have to be parallel to streets - short cuts through open space or between buildings are acceptable.

14) Pedestrian underpasses and/or overpasses should be provided underneath or over all major thoroughfares to eliminate the roadway barrier separating the transit station from a nearby area such as an employment center, university, retail area, civic area, residential neighborhood, or other attraction.

15) Vehicle facilities must not dominate the pedestrian facilities.

16) Open surface parking lots are strongly discouraged. Head-in or parallel parking along internal driveways is acceptable.

17) Ground floor level garage parking within a multistory building must be behind storefronts or ground floor level residential units, and not directly adjacent to the sidewalk.

18) Bicycle parking facilities are required.

e) Building design guidelines: Transit oriented residential development shall include the following requirements:

1) Residential development shall have a minimum density of sixty (60) dwelling units per acre or be within a building a minimum of five (5) stories tall if adjacent to the transit station. The density may be decreased with distance from the station as long as the overall density of the portion of the entire development within one-half (½) mile of the transit station is at least forty (40) dwelling units per acre.
2) Residential occupancies may be allowed on the first floor of a building if retail, office, or other nonresidential uses are existing or proposed on the immediately adjacent property, or across the street.

3) All buildings shall comply with the following building design and material guidelines:

   a. Building massing and height: Restrictions on minimum building height are intended to assure a minimum level of urbanity and building intensity within a transit oriented development. Buildings should be designed to allow relatively simple modifications to accommodate changing uses and occupancies over time without having to be demolished or rebuilt. The following restrictions shall apply:

      1. Minimum building height (predominantly residential buildings): Forty-five (45) feet above finished sidewalk grade to mid-line of roof structure or top of parapet (pertains to seventy (70) percent of each property).

      2. Minimum building height (predominantly non-residential buildings): Five (5) stories, or sixty-five (65) feet above finished sidewalk grade to mid-line of roof structure or top of parapet (pertains to seventy (70) percent of each property).

      3. Minimum building height (civic/public/cultural buildings, exclusive of transit uses): Thirty-five (35) feet above finished sidewalk grade to mid-line of roof structure or top of parapet (pertains to seventy (70) percent of each property).

      4. Parking garage massing: Parking garages are excluded from minimum height restrictions but are encouraged to be enclosed by the development they serve, out of public view.

      5. Building corner treatments: Buildings shall reinforce a strong corner condition at street intersections. Angled corner clips (or other building conditions which do not form a protruding corner) are not permitted at street intersections, but may occur up to twice within the same block (between street intersections). Buildings shall be designed in accordance with City of Irving required traffic visibility triangles without compromising the corner design.

      6. Maximum building length: Buildings shall not exceed four hundred (400) feet in length unless separated by a building break twenty-four (24) feet minimum in length with any connector being a minimum of twenty-four (24) feet behind the front facade.
7. Building articulation: Building facades are encouraged to have massing changes and architectural articulation that provide visual interest and texture along the street corridor. This articulation should not be applied evenly across the building facade, but rather gathered together to create a hierarchical design impact. There shall not be more than forty-five (45) linear feet of unarticulated, blank wall facing any street or public improvement.

8. Minimum residential windowsill height: The sill of windows within ground floor residential units are encouraged to be a minimum of fifty-four (54) inches above finished sidewalk grade. Bedroom windows are also encouraged to meet this exterior sill height as long as building code requirements are met.

b. Material and color requirements: The material and color requirements described herein are intended to provide a uniform character and complimentary material relationship between buildings and promote the perception of strength and permanence of each building, while maintaining appropriate variety for design flexibility.

1. Primary cladding materials: The primary cladding material on exterior facades (excluding private courtyards) shall be masonry including brick, finished concrete, stone (natural and manmade), and cementitious stucco. Concrete masonry unit products are permitted within the first two (2) floors only, but must have an architectural finish surface such as split-faced, rusticated, etc.

2. Dominant primary cladding material: No one (1) primary cladding material may comprise more than eighty (80) percent of a building's facade. Cementitious stucco may not comprise more than fifty (50) percent of a building's facade that faces a public street.

3. Primary cladding material combination: No more than two (2) primary cladding materials (excluding glass windows) may be used on a building facade, with one material being dominant. Additional materials (classified as secondary cladding materials) may be used on a special architectural feature such as a tower, corner element, primary entrance articulation, etc., with a maximum of one (1) special feature per building facade. The following materials are prohibited for use as secondary cladding:
   i. Architectural foam detailing.
ii. EIFS.

iii. Natural or simulated wood siding (concrete "hardy board" or its equivalent may be used on the fourth floor and above).

iv. Exposed aluminum siding.

v. Plastic and vinyl siding.

vi. Wood roof shingles.

4. Windows and glass: Glass may not comprise more than sixty (60) percent of a building facade. Reflective, mirrored, and spandrel glass are not permitted.

5. Total allowable exterior material combination: No more than five (5) exterior building materials (excluding roof material, but including primary and secondary cladding, and glass) may be used on any building.

6. Material transition around corners: The dominant primary cladding material shall extend around the corner to a building massing break located not less than ten (10) feet from the building corner and then extending back a minimum of two (2) feet from the terminating face.

7. Accent features: The following accent features add detail and are encouraged in the design of building facades:

   i. Overhangs/eaves.
   
   ii. Pilasters.
   
   iii. Cornices.
   
   iv. String courses.
   
   v. Window sills.
   
   vi. Lintels.
   
   vii. Rustication.

8. Attachments: Railings and walls attached to buildings shall complement primary building design, materials, and colors.

9. Accent colors: Accent colors shall be selected to complement the dominant building color, and may be applied to window mullions, cornices, and other architectural elements.
c. Building programming: The following building programming requirements have been designed to create buildings that are pedestrian-oriented, take advantage of mixed-use opportunities, and engage their streetscape environment.

1. Sidewalk entries: Sidewalk entries to buildings shall occur at a maximum of every three (3) ground level units or seventy-five (75) feet for retail/commercial frontages. ADA requirements shall be met by internal ramping.

2. Sidewalk entry hierarchy: Entrances into residential buildings are encouraged to follow a hierarchy of sizes and functions as follows:
   
   i. Carriage way — A centrally located twelve-foot wide entrance at sidewalk level for visual and direct access to a private courtyard.
   
   ii. Secondary entry — A six-foot wide entrance with ornamental entrance gate and defined by a stoop with low cheek walls and planters at the sidewalk. Mailboxes, bike racks, and trash receptacles should be grouped around these secondary entries.
   
   iii. Other entries — Home office and retail storefront entries which are either at grade or stooped shall be sized to accommodate specific requirements of the individual space.

3. Balconies: Balconies may be used in all types of development. Painted architectural metal railings are encouraged.

4. Retail/commercial requirement: All residential developments are encouraged to provide ground floor area for retail/commercial uses. Although these spaces may currently be used for residential units/office use, they should be designed for easy conversion to retail/commercial uses and furthermore be constructed to commercial standards. Where provided, ground floor area for nonresidential uses shall be constructed to nonresidential construction standards to a depth of a minimum of thirty (30) feet. Leasing offices, fitness centers, and related accessory uses in residential developments may count toward meeting this requirement. The retail/commercial feature may be excluded if retail/commercial uses exist or are being developed either across the street from the residential building or on the property immediately adjacent to the residential building.
d. Exterior illumination: Exterior illumination discourages "dead spaces" within an urban environment. Because transit oriented development is pedestrian-oriented, illumination of buildings is encouraged to promote the safety and visual experience of all pedestrians while providing an architectural opportunity to highlight the transit oriented development area as inherently unique. Accent illumination is encouraged across all exterior building walls and for all walkways.

e. Parking areas: The purpose of parking area requirements is to ensure that the parking areas themselves are not the dominant feature of the transit oriented development. These requirements severely restrict on-site surface parking (other than incidental parking in association with residential development leasing offices, or head-in or parallel spaces to support retail uses) and encourage physical consistency throughout the transit oriented development, including the appearance of parking garages.

1. Allowable parking: Parking areas shall be limited to structure or below grade with the exception of on-street parking and minimal surface parking areas to support retail uses or stand alone restaurants. On-street parking shall not be designated per individual business or occupancy but may count toward the minimum parking requirements for the entire structure along the adjacent frontage. Parallel parking, head-in parking along streets, and/or minimal surface parking is permitted subject to approval through the site plan or development plan process.

2. Parking supply: Parking areas shall be sufficient to meet all parking needs for employees, company vehicles, customers, and visitors. Nonresidential uses within one thousand (1,000) feet of the transit station may have the parking requirements reduced by twenty (20) percent from the city's standard requirements. Nonresidential uses between one thousand (1,000) feet and two thousand (2,000) feet of the transit station may have the parking requirements reduced by ten (10) percent from the city's standard requirements. These reductions do not apply toward the minimum handicapped-accessible parking requirements.

3. Shared parking: Shared parking is allowed as approved by the city to reduce the overall parking demand in the entire district and to capitalize on off-peak parking opportunities.
4. Improved pedestrian access shall be provided between structured parking facilities and public streets.

5. Bicycle parking facilities shall be located within fifty (50) feet of the entrance to the building they are intended to serve, shall be securely anchored, and shall hold bicycles securely with adequate support to prevent bicycles from falling over.

6. Facade requirements: The following requirements shall apply to parking garages:
   
i. The narrow facade of the garage is encouraged to be the exposed side.
   
   ii. The exposed facade(s) of the parking garage shall have an architecturally finished surface that is compatible with surrounding development.
   
   iii. Street-fronting openings in parking structures shall not exceed fifty-five (55) percent of the facade area. They shall be similar in appearance to adjacent development and placed in a manner that effectively screens all parked vehicles.

f. Driveways: Like parking garages, driveways are not intended to dominate the streetscape of a transit oriented development. These requirements are intended to promote pedestrian-oriented design that minimizes conflict with vehicular uses. Curb cuts shall be limited to no more than one (1) per two hundred (200) feet of development street frontage. Requests for additional curb cuts beyond this amount will be reviewed and determined based on demonstrated need and safety considerations.

g. Material and delivery loading areas: Material and delivery service areas, while necessary, are to be screened as completely as possible from the adjacent streets. Placement: The placement of loading or service areas shall be subject to approval as part of the site plan or development plan.

h. Signage: The purpose of signage is to ensure that tenants, residents, and visitors can quickly and easily make their way to, through, and from the transit oriented development. Signage should be designed appropriately to contribute to the overall identity and way-finding system. At a minimum, all signage is to meet the requirements of the city sign ordinance with the following two (2) exceptions:
1. Special event banners: Banners may be mounted to a vertical support, attached to a building or parking deck, or across the street. Banners which are mounted to a vertical support may be integrated onto street and pedestrian light poles. Banners may display artwork or a message that pertains to the district or a special event.

2. A-frame or "sandwich" signs: The sign shall be sufficiently weighted or anchored. A-frame signs may be placed within the public right-of-way during business hours, but must be removed whenever the business is closed.

i. Fencing: To promote the street-oriented, pedestrian-friendly atmosphere of the transit oriented development, fencing needs to be regulated so as not to create barriers which interfere with the desired pedestrian street and promenade experience.

1. Fencing scope: Fencing shall not screen the entire development. Non-permanent fencing (e.g., around outdoor dining/seating areas) may encroach into the front building setback.

2. Maximum length: Except for pool safety fencing, the maximum length for a fence section shall be fifty (50) feet with a minimum twenty-foot break between sections.

3. Materials: All fencing shall be wrought iron or steel, of compatible design with the adjacent architecture. Chain link fencing is not an allowed material.


5. Exceptions: In areas where guardrails are required by code, they shall meet those requirements while maintaining a compatible appearance to adjacent architectural and fencing components of the development.

j. Screening: The purpose for screening is to mitigate visual impact into areas which exist entirely for functional purposes and not intended to be used or seen by the public. These standards are intended to ensure that these areas do not detract from the visual quality of the surrounding environment.

1. Mandatory screened elements: The following items shall be screened:

   i. Off-street loading spaces.
ii. Service areas.

iii. Garbage storage/material recycling areas.

iv. Roof mechanical equipment, antennae, satellite receivers, etc. (from the public right-of-way and neighboring properties).

2. Garbage collection and material recycling areas: Garbage collection and material recycling areas must be incorporated into the building envelope or screened by a masonry wall at least six-feet in height, or one (1) foot higher than the tallest container it screens, whichever is higher, and shall be accessed through a decorative metal gate that screens the opening. It is encouraged that a continuous dense base planting of indigenous evergreen material that is a minimum of three (3) feet in height at the time of installation be placed in front of all screening walls to soften the vertical impact of the wall.

3. On-site loading/service areas: Other on-site loading and service areas shall be screened by masonry walls at least six (6) feet in height as described above, or by a continuous dense indigenous evergreen planting that is a minimum of six (6) feet in height at the time of installation.

4. Complementary design: All screening shall be complementary in appearance to adjacent building landscaping design approaches.

k. Streetscape and site landscaping: A transit oriented development streetscape is highly urban in character with a density of pedestrian traffic. Therefore, plantings of shade trees, ornamental trees, shrubs, evergreen groundcovers, vines, and seasonal color set in paved surfaces are appropriate for front yard development. Plantings will promote entrance demarcation and pedestrian interest. Flexibility in design will be allowed as long as the intent of these guidelines is not violated. All developments within the transit oriented development district must comply with the landscaping requirements listed below and in so doing, are exempt from all other city landscape requirements currently in effect.

1. Responsibility: Property owners are responsible for providing landscaping and streetscape materials along all public and private streets (including on-street parallel parking islands), in addition to other on-site areas.
2. Front yards: Building entry zones and other special public or semi-public spaces are urban in character with a higher density of pedestrian traffic. Plantings of evergreen groundcovers and shrubs that provide vertical contrast to the sidewalk plane are preferred over grass or sod. In cases where home/office or retail is located on the ground level, a higher intensity of paving is allowable and plantings may be placed in pots or containers.

3. Public access easement: In order to allow continuous public flow across sidewalks throughout the transit oriented development, a series of public access easements shall be maintained along an area within twelve (12) feet from the back of curb of all streets. Non-fixed outdoor dining areas including tables, chairs, umbrellas, A-frame signs, etc., may encroach into these easements as long as a minimum six (6) foot wide continuous unobstructed pathway is maintained.

4. Street trees: Street trees shall conform to the following standards and be spaced between twenty-five (25) feet and thirty-five (35) feet on-center. Private streets are exempted from the below requirements but are strongly encouraged to provide similar treatment along their entire length.
   i. Major streets.
      (a) Primary street trees — Drake Elm, Live Oak, Shumard Red Oak, Lacebark Elm
      (b) Accent street trees — Cedar Elm, Little Gem Magnolia, Texas Ash
      (c) Preferred hedge — Foster Holly
   ii. Minor streets.
      (a) Primary street trees — Live Oak, Lacebark Elm, Shumard Red Oak
      (b) Accent street trees — Cedar Elm, Little Gem Magnolia, Texas Ash
      (c) Preferred hedge - Foster Holly

l. Paving: Paving is intended to highlight or accentuate special areas along the ground plane while at the same time complementing the design of adjacent building and streetscape elements.
1. Crosswalks: All crosswalks shall be pavers or stamped concrete. Pavers shall be installed over a concrete sub-base, and meet the minimum design rating for heavy vehicular traffic loads. All crosswalk paving must be approved by the public works department. Property owners are responsible for the cost of crosswalks across private streets only.

2. Sidewalk paving: Sidewalk paving along the transit oriented development primary streets and secondary streets shall include accents areas of pavers or stamped concrete comprising a minimum of thirty (30) percent of the paved walkway surface. All sidewalk paving must be installed over a subgrade approved by the public works department and shall be maintained by the adjacent property owner.

m. Utilities: Transformers, switchgear, and related utility service equipment shall not be located above ground in the pedestrian access easements referenced in subsection 2.6.5(e)(3)(k)(3) above. Building service panels are to be located on the inside of all buildings.

n. Noise attenuation: Buildings located near a commuter rail line station are encouraged to include noise attenuation construction techniques.

4) Transit oriented residential units of any type shall not be restricted as to their numbers of individual units by the zoning ordinance, any zoning district, other overlay district, or other city ordinance.

f) Area requirements: Area requirements such as, but not limited to, minimum lot dimensions, density, building setbacks, height, lot coverage, and building separation and landscaping shall be determined on an individual basis as part of the approval of either a site plan zoning case or in the case of property with planned unit development (PUD) zoning, a development plan.

g) Open space: A transit oriented development must include improved open space for pedestrian comfort, residents' recreational needs, and to serve as a destination point within the development. Provisions for such open space must be provided as part of any site plan or development plan application proposing either residential or nonresidential development or both. Methods for providing open space may include, but are not limited to, providing it on the applicant's property or on an adjacent tract (with the owners' consent), or the applicant may provide financial support to another property owner within one-half mile of the transit station for the open space to be developed on the other property, or payment into an open space fund maintained by the city for open space construction and/or maintenance within the transit oriented development or the surrounding area, or any other manner acceptable to the city
council. In any event, the application for transit oriented development district zoning must include specific provisions for how much open space is being provided, where it is being provided, and what improvements within the open space are being provided.

h) Rail line right-of-way dedication: In recognition of the fact that the densities and other provisions for transit oriented development are a direct result and a direct benefit of the construction of a rail line through or near the property proposed for such development, the owner of any property requesting approval of a transit oriented development shall be required to dedicate all required right-of-way for the rail line through the applicant's property unless the required right-of-way has already been dedicated. Without such dedication, the densities and other allowances permitted by the above guidelines will not be authorized by the city. This is in addition to all other street, alley, and/or easement dedications required by the subdivision ordinance.

i) Approval process: Any property owner wishing to develop under the transit oriented development district shall submit an application for a zoning change to the transit oriented development district or, in the case of property zoned planned unit development (PUD), approval of a development plan for transit oriented development district uses.

1) Along with the zoning change application or development plan application, the applicant must also submit a transit oriented development plan which shall show the proposed development in context with the transit station and the connectivity to other property both within and beyond the proposed transit oriented development. The plan shall indicate the proposed uses, area requirements, building elevations and materials, open space, pedestrian facilities, landscaping, etc. A narrative and other appropriate exhibits shall be provided which explain how all the criteria for designation as a transit oriented development listed in subsection (d) above have been addressed.

2) The transit oriented development plan required by subsection (i)(1) above for development of a parcel of less than five (5) acres shall include all the elements required for approval of a detailed site plan (S-P-1) zoning case as described in section 2.7.3(b) of this ordinance, plus elevation drawings of all proposed buildings and detailed information regarding provisions for open space. If any portion of the property included within a transit oriented development plan of less than five (5) acres includes multifamily uses, the transit oriented development plan shall also include the total number of dwelling units, the number of one (1), two (2) and/or other bedroom units and the resulting amount of parking required and provided, the density in units per acre, and the total gross floor area for each type of use. The transit oriented development plan shall also include a proposed utility layout showing proposed easements, the placement of transformers, switchgears, pedestals,
light poles and other utility infrastructure and how these relate to the pedestrian environment and the streetscape. The transit oriented development site plan required by section (i)(1) above for development of a parcel of five (5) acres or more may include all the elements required for approval of a detailed site plan (S-P-1) zoning case as described in section 2.7.3(b) of this ordinance, plus elevation drawings of all proposed buildings and detailed information regarding provisions for open space, or, as a minimum, all the elements required for approval of a generalized site plan (S-P-2) zoning case as described in section 2.7.4(b) of this ordinance, plus a concept plan of the proposed development and detailed information regarding provisions for open space. However, prior to issuance of a building permit, each proposed building within an originally approved area of five (5) acres or more without a detailed transit oriented development plan as required for a parcel of less than five (5) acres must first be approved by the planning and zoning commission and city council through the submittal of another transit oriented development plan which includes all the elements required for approval of a parcel of less than five (5) acres as described above. Since the zoning of transit oriented development district is already in place on the subject property, there shall be no requirement for notification of adjacent property owners for such transit oriented development plan.

3) In order to ensure the complete coordination of each proposed development and the full provision of services, the following issues shall be addressed and submitted to the public works department for approval as part of the transit oriented development plan: (a) proposed banners and/or features intended to support banners in or over the right-of-way; (b) street lighting and illumination, purchase of fixtures and long-term maintenance of fixtures; (c) sight distance data at all street and driveway intersections; (d) design standards for sidewalk and street paving accent areas and long-term maintenance of them; and (e) coordination of immediate and future utilities. The specific intent of this additional requirement is to anticipate and resolve any conflicting requirements and to ensure the ongoing health and safety of the public.

4) As part of the building permit review and issuance process, the director of planning and development or his/her designee may approve minor variations to an approved transit oriented development plan, provided that such variations do not: (a) change the character or configuration of the development; (b) change the intent of the planning and zoning commission and city council; (c) alter the basic relationship of the development to adjacent property; (d) change the uses permitted; or (e) grant any additional variances.
or exceptions to this or any other city ordinance not previously approved by the city council. The director of planning and development or his/her designee shall not be required to approve a request for a minor variation, but may choose to deny a request that he/she determines to be other than a minor variation. If an applicant disagrees with the determination of the director of planning and development regarding a minor variation, the applicant may appeal the decision to the planning and zoning commission and city council by submitting a revised transit oriented development plan. The revised transit oriented development plan shall first be presented to the planning and zoning commission for a recommendation, and then forwarded to the city council for a final determination. Since the zoning of transit oriented development district is already in place, there shall be no requirement for notification of adjacent property owners for a revised transit oriented development plan.

5) Multifamily developments that comply with the guidelines of the transit oriented development district shall be considered to have satisfied the requirements for a community framework plan as required in section 3.13.1 Multifamily Development Regulations.

2.6.6 Heritage Crossing District (HCD)

a) Introduction. This section provides the regulatory tools for new development and redevelopment consistent with the community vision for the Heritage Crossing area.

1) Purpose and intent. The purpose of the Heritage Crossing District is to implement the vision previously outlined in the adopted Downtown Development and Heritage Crossing Redevelopment districts. It facilitates pedestrian oriented, mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services. The Heritage Crossing District supports economic development, a sustainable tax base, and job creation/retention by:

   a. Providing a streamlined and simplified city approval process;

   b. Establishing adjacency predictability in the built environment;

   c. Offering flexibility to changing market conditions;

   d. Reducing risk to private investment/development;

   e. Synchronizing private investment/development with public capital investment policies; and

   f. Calibrating zoning regulations with a vision for redevelopment within the Heritage Crossing District.

2) Goals. The goals of the Heritage Crossing District are to
a. Promote a more functional and attractive community through the use of recognized urban design principles; and

b. Allow property owners flexibility in land use, while prescribing a higher level of detail in building design and form.

3) Relationship the Irving Comprehensive Plan. The Heritage Crossing District seeks to implement the recommendations of the 2016 Irving Comprehensive Plan relative to Heritage Crossing, including: "Continue to enhance Irving's existing signature centers including: Heritage District." The Heritage Crossing District specifically implements the following recommendations:

a. Make downtown more visible to visitors and residents through entranceways, wayfinding signage and public art;

b. Capitalize on the location of the TRE station;

c. Create pedestrian connections throughout the Heritage District;

d. Ensure development throughout the Heritage District is compatible with existing design and supports the neighborhood as a whole;

e. Design retail space as a focal point of activity, offering interesting shops, quality restaurants, and essential services in attractive buildings and settings;

f. Ensure new office developments fit into the style and character already established by the community and neighborhood; and

g. Develop well-designed multifamily projects and outdoor spaces that contribute to a visually pleasing environment that supports Irving's local character and promotes social interaction and pride among its residents.

b) Components of this section.

1) The Regulating Plan. The Heritage Crossing District regulating plan ("Regulating Plan") (Attachment 1 included with this section) is hereby adopted as the official zoning map for the Plan Area. Within any area subject to the approved Regulating Plan, this Heritage Crossing District becomes the exclusive and mandatory regulation unless modified by SP-1, SP-2 or any other more specific plan. It shall establish the following development standards for all properties within the Plan Area:

a. Establishment of Character Zones. The Plan Area is divided into different "character zones". Each character zone is intended to create a distinct urban form based on the illustrative vision for different sections
within the Plan Area. Each character zone shall establish use and building form standards including standards for building height, width, location, functional design, and parking. The Regulating Plan classifies all lots within the Plan Area into one of the following three (3) character zones:

1. Transit Mixed-Use (TMU) - The Transit Mixed-Use Zone creates opportunities for local small scale, in-line retail and restaurant, and medium-scale urban residential (apartments, townhouses, multi-unit homes, live-work) development. This zone takes advantage of the proximity to the Trinity Railway Express by creating shared parking opportunities and focusing on urban residential, without mandating ground floor retail.

2. Corridor Mixed-Use (CMU) - The Corridor Mixed-Use Zone creates a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as "context sensitive streets" supporting multimodal traffic, linking other regional destinations, and promoting economic development. The Corridor Mixed-Use area will serve as the primary neighborhood for commercial activity in the local community.

3. Neighborhood Mixed-Use (NMU) - The Neighborhood Mixed-Use Zone is intended to provide for a range of small scale residential uses (single family, low-density apartments, live-work, townhomes, multi-unit homes, etc.) in low intensity development at key locations. It also provides for a mix of home occupation, low-impact office and neighborhood services within the zone.

b. Building frontage standards. Buildings along Main Street, Irving Boulevard, and 2nd Street within the Corridor Mixed-Use Zone and west of Britain Street shall be designed to balance pedestrian-oriented building design standards while accommodating service, utility, and parking functions. Specific development applications apply within the Corridor Mixed-Use Zone requirements.

2) Development standards. The Heritage Crossing District text portion of this section 2.6.6 enumerates the development standards with text and graphics for character zones, frontage, building form, landscape and building design.

c) Administration.

1) Applicability.
a. The uses and buildings on all properties within the Heritage Crossing District shall conform exclusively to this section 2.6.6 unless otherwise specifically referenced herein.

b. Where in conflict, numerical metrics shall take precedence over graphic metrics.

2) Development review process.

a. Administrative modifications to the Heritage Crossing District. The director or the director's designee may approve administrative modifications to standards in this section per the criteria set in Table 1 below. A site plan shall be required for administrative review of proposed modifications.

Table 1. Administrative Modifications Table

<table>
<thead>
<tr>
<th>Code Standard</th>
<th>Extent of Administrative Modification Permitted</th>
<th>Criteria</th>
</tr>
</thead>
</table>
| 1. Build to zones/setbacks        | No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.        | Changes to the build-to-zones and setbacks may only occur when they are caused by one or more of the following:
   i. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in the Plan Area; or
   ii. Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or
   iii. Need to accommodate overhead or underground utilities and/or easements; or
   iv. Need to preserve existing heritage trees on the property, per h) 1) Heritage Tree Preservation of this Section. This modification is not mandatory for tree preservation, but for the allowance for preservation; or
   v. Need to provide public amenities along the
sidewalk (outdoor dining/seating, larger sidewalk, or other similar public amenities).

| 2. Required Parking Spaces | Reduction in the number of required parking spaces | Reduction in the number of parking spaces shall be based on one or more of the following:
   i. A shared parking plan for parking within 300 feet of the subject property; or
   ii. A parking study for the uses proposed on the site; or
   iii. A combination of the above. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Other</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| 1. Any other numerical standard in this section | A modification up to 10% (increase or decrease) | i. A modification of a numerical standard is needed to accommodate existing conditions.  
   ii. The proposed development still meets the intent of the section. |
| 2. Phased Developments    | Deferment of building frontage standards         | i. Phased developments may defer building frontage requirements as long as they meet the build-to-zone and parking setback requirements. |

3) Nonconforming uses. Nonconforming uses shall meet the standards in Chapter 7, Nonconformities of this ordinance.
4) Nonconforming structures and sites. For the purposes of this section, a "nonconforming structure or site" means a structure or site that does not meet the current standards addressed in this section. A nonconforming structure or site may be altered or enlarged, provided that such alteration or enlargement neither creates any new nonconformity nor increases the degree of the existing nonconformity of all or any part of such structure or site. 2.6.6(i) provides examples of acceptable additions to nonconforming structures in the Heritage Crossing District.

d) Definitions. Many terms used in this section are defined in Chapter 9 of this ordinance. Definitions are only included in this section if not defined in the Irving Land Development Code, or if the definition for this section differs from the Irving Land Development Code. In case of a conflict between the definitions under this section and Chapter 9, the definitions in this section shall supersede.

1) Administrative modification shall mean a requested modification to Heritage Crossing District standards that complies with the administrative modifications provisions of section 2.6.6(c)(2) - Administration. The director shall have the authority to administratively approve a request for an administrative modification in conformance with subsection (c)(2).

2) Arcade shall mean a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space. Any habitable arcade space within the public right-of-way shall require legal permission from the city prior to construction.

Images of arcade buildings

3) Bed and breakfast shall mean a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping
accommodations in not more than eight (8) rooms for transient guests for compensation.

4) Build-to Zone (or "BTZ") shall mean the area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area.

Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

5) Building form and site development standards shall mean the standards established for each character zone including but not limited to building placement, building height, parking, service access, and other functional design standards.

6) Building façade line shall mean the location of the vertical plane of a building nearest a street frontage.

Section View - Gallery Building

Section View - Arcade Building
Building façade line illustrations

7) Building frontage shall mean the percentage of a building's façade line that is required to be located within the Build-To Zone as a proportion of the lot's width along the fronting public street. Required driveways, stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.
8) Building step-back shall mean the setting back of the building façade line away from the street at a specific floor or height.
9) Character Zone shall mean an area within the Heritage Crossing District that is intended to preserve and/or create an urban form that is distinct from other areas within the plan area. Character zones are identified in the regulating plan.

10) Commercial use or mixed use building shall mean a building in which at least the ground floor of the building is built to commercial-ready standards and any of the floors are occupied by non-residential or residential uses.

11) Commercial ready shall mean a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-ceiling height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Standards for commercial-ready frontage are in this section 2.6.6(g)(3). Prior to the issuance of a certificate of occupancy for a retail/commercial use in a commercial-ready space, the space must comply with all building and construction codes for commercial uses. The intent of commercial-ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.
12) Complete street shall mean a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

13) Director shall be the Planning and Community Development director or the director's designee.

14) Encroachments shall mean any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

15) Façade area shall mean the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.

16) Gallery shall mean a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is unenclosed (non-conditioned) space and may be two (2) or more stories tall. Any habitable gallery space within the public right-of-way shall require legal permission from the city prior to construction.

Images of Galleries

17) Heritage Crossing District shall mean the zoning designation intended to implement the vision outlined in the previous Downtown Development and Heritage Crossing Redevelopment districts. It facilitates pedestrian oriented,
mixed-use, urban infill redevelopment, providing shopping, employment, housing, and business and personal services.

18) Heritage crossing regulating plan shall mean the regulating plan shall be reflected on the official zoning map of the city and in Attachment 1 of this section. The regulating plan graphically depicts development standards including character zones, street designations, and special requirement(s) applicable to properties within the Heritage Crossing District.

19) Heritage tree shall mean any Post Oak tree(s), Blackjack Oak tree(s), or any tree(s) that is 24"-caliper or greater.

20) Live-work unit shall mean a dwelling unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level. The "live" component may be located on the street level (behind the work component) or any other level of the building. Live-work Unit is distinguished from a home occupation otherwise defined by the Irving Land Development Code, as amended, in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises, and customers may be served on site.

21) Multi-unit home shall mean a multi-unit residential building (two (2) to four (4) units) that is designed to appear as a large single-family home from the exterior, but functions as a multi-unit building on the interior. Multi-unit homes have one main front door for the building, but may also have side and rear entries. Parking (as defined in this section) is accessed from an alley or a driveway leading to the rear of the lot. Parking may not face a public right-of-way.
22) Numerical standard shall mean any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of the Heritage Crossing District.

23) Parking setback line shall mean the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the character zone). Surface parking may be located anywhere behind the parking setback line on the property.

![Illustration of a parking setback line](image)

24) Primary entrance shall mean the main entrance located along the front of a building facing a street or sidewalk that provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private-controlled access into the building from a sidewalk, parking or service area.

25) Public space shall mean publicly-accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc.

26) Residential use building shall mean a building that is built to accommodate only residential uses on all floors of the building such as a detached single-family home, attached single-family home (i.e. townhome), two- or three-family home (i.e. duplex, triplex), multiple family (four (4) or more), apartment building (under single ownership or under multiple owners within a condominium regime).
27) Service-related uses shall mean parking access, garbage/trash collection, utility meters and equipment, loading/unloading areas, and similar uses which support the principal use on a lot.

28) Street screen shall mean a freestanding wall, living fence, or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

e) Schedule of permitted uses.

1) Applicability. Due to the emphasis on urban form over land uses in the Heritage Crossing District, general use categories have been identified by character zone (Table 2).

<table>
<thead>
<tr>
<th>Table 2. Heritage Crossing District Land Use Table</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Character Zones</strong></td>
</tr>
<tr>
<td>Uses</td>
</tr>
<tr>
<td>Transit Mixed-Use (TMU)</td>
</tr>
<tr>
<td>Additional Criteria</td>
</tr>
</tbody>
</table>

a. Residential Uses

1. Duplex | — | P | P |

2. Multi-family residential (greater than 8 units) | P/AC | P/AC | — |

   Ground Floors along Main Street and Irving Boulevard shall be built to Commercial Ready Standards.

3. Multi-unit home (2 to 4 units) | — | P/AC | P/AC |

i. Building shall be designed to appear as one home with one front door.

ii. Additional doors may be used on the side and rear to meet required access.

iii. Parking shall be located in the rear of the lot and shall be

4. Multi-unit residential (5 to 8 units) | P/AC | P/AC | — |
accessed from an alley or by a driveway leading to the rear.

| 5. Single-family residential (Detached) | — | P/AC | P | Allowed adjacent to 6th Street or South of 6th Street and South of 2nd Street. |
| 6. Townhouse | P/AC | P | P | Used for transition from existing single-family detached areas. |

b. Commercial uses

| 1. Admin and business offices | P | P | P |
| 2. Art gallery | P | P | P |
| 3. Art workshop | P | P | P |
| 4. Bed & breakfast | — | P | P |
| 5. Business or trade school | P | P | — |
| 6. Commercial off-street parking | P/AC | P/AC | — | New surface parking lots shall be permitted as an interim use of property if they are the primary use of property and part of a phased development. |
| 7. Construction sales and services | — | P | — |
| 8. Financial services/depository | P | P | — |
| 10. Funeral services | P/AC | P/AC | P/AC | i. Pick-up and drop-off lanes, storage of vehicles, service areas, and drive through facilities shall NOT have direct frontage along Main Street, Irving Boulevard or 2nd Street. ii. All such areas along other |
streets shall be screened with a required street screen (see subsection (h)(2) of this section for landscape screening standards).

<table>
<thead>
<tr>
<th>11. General retail sales</th>
<th>P</th>
<th>P</th>
<th>—</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Grocery store</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>13. Hotel/motel</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>14. Commercial amusement - Indoor</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>15. Commercial amusement - Outdoor</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>16. Laundromat/dry cleaning</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>17. Medical offices - greater than 3,000 SF (including wellness clinics)</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>18. Medical offices — 3,000 SF or less (including wellness clinics)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>19. Pawn shop services</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>20. Printing and publishing</td>
<td>P</td>
<td>P</td>
<td>—</td>
</tr>
<tr>
<td>21. Professional office</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>22. Restaurant</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>23. Vehicle rentals</td>
<td>—</td>
<td>P/AC (east of Britain only)</td>
<td>—</td>
</tr>
<tr>
<td>24. Vehicle repair services</td>
<td>—</td>
<td>P/AC (east of</td>
<td>—</td>
</tr>
</tbody>
</table>

i. Drive through lanes, service bays, and/or gas station canopies shall meet the design standards in section (g), Building Design Standards of this code.
| 25. Vehicle sales | — | Britain only | ii. Outdoor storage of vehicles or other products sold shall NOT have direct frontage along pedestrian frontages. Outdoor storage of vehicles and/or other products sold shall be screened with a required street screen along General Streets (see subsection (h)(2) of this section for standards). |
| 26. Vehicle washing (of any type) | — | P/AC (east of Britain only) | — |
| 27. Veterinary services | P | P | — |
| 28. Any use with a drive through window or drive up service (including banks and financial institutions; pharmacy; dry cleaning and pressing shop; funeral homes and mortuaries; retail store; restaurant) | P/AC | P/AC | — |
| c. Civic uses | | | |
| 1. Assisted living | P | P | — |
| 2. Club or lodge | P | P | P |
| 3. College or University facilities | P | P | P |
| 4. Communication service facilities | P | P | P |
| 5. Counseling services | P | P | P |
| 6. Day care services | P/AC | P/AC | P/AC |
| Drive through, driveway, stacking, loading and parking plan subject to site plan approval. |
| 7. Governmental uses | P | P | P |
| 8. Hospital services | P | P | — |
| 9. Local utility service | P/AC | P/AC | P/AC |
| 10. Maintenance & service facilities | P/AC (east of Britain only) | — | i. Outdoor storage of fleet vehicles, service areas, utility boxes and equipment shall NOT be permitted located along Main Street, Irving Boulevard or 2nd Street. ii. All such areas along other streets shall be screened with a required street screen (at least as high as the equipment being screened) (see subsection (g) of this section for standards). |
| 11. Major utility facilities | P/AC (east of Britain only) | — |
| 12. Museum, art gallery and related cultural services | P | P | P |
| 13. Park & recreation services | P | P | P |
| 14. Postal facilities | P | P | P |
| 15. Private education/charter school | P/AC | P/AC | P/AC | Drop off and loading study required in site plan process |
| 16. Public education | P/AC | P/AC | P/AC | Drop off and loading study required in site plan process |
| 17. Community garden | P | P | P |
| 18. Railroad facilities | P | — | — |
| 19. Religious assembly | P | P | P |
| 20. Telecommunication tower | P/AC | P/AC | P/AC | Subject to Sec. 3.9 and located on top of a building or architectural component only |
| 21. Transportation terminal | P | P | — |
d. Industrial Uses

| 1. Manufacturing | P | P (east of Britain only) | — |
| 2. Warehousing | P | P (east of Britain only) | — |

e. Other uses

| 1. Sexually-oriented businesses | — | — | — |
| 2. Non-depository financial institutions | — | — | — |

f) Building form and site development standards.

1) All parcels within the Heritage Crossing District are assigned to one (1) of three (3) character zones:
   a. Transit Mixed-Use (TMU)
   b. Corridor Mixed-Use (CMU)
   c. Neighborhood Mixed-Use (NMU)

2) In addition to standards that apply to all character zones, building form and site development standards applicable to each character zone are described below in subsections (f)(10), (f)(11), and (f)(12).

3) The images and graphics in the first subsection of each character zone standards are provided for illustrative purposes only. Refer to the standards in the following subsections for the specific building form and site development standards.

4) The graphics used to illustrate the building form and development standards in each character zone are not intended to indicate exact conditions within each character zone. Rather, illustrations are conceptual and standards are to be applied based on the specific frontage types designated along the subject property or site. For example, a specific site may not have frontages along all streets as indicated in the illustrations and only the standards applicable to designated building frontages on the property should be used. In addition, the
illustrations may depict other site elements to establish context and only the standards regulated by the specific subsection shall apply. For example, the building placement graphics may depict sidewalks for context purposes only and the graphic should only be used to establish standards for building placement on the site. Building form graphics in this section are NOT TO SCALE.

5) Parking and service access.

a. Location of parking (both structured and surface) shall be per the character zone specific building form standards found in subsections (f)(10), (f)(11), and (f)(12).

b. Minimum required off-street parking spaces shall be provided per Table 3.

<table>
<thead>
<tr>
<th>Character Zone</th>
<th>TMU</th>
<th>CMU</th>
<th>NMU</th>
<th>Additional Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Min. Off-Street Vehicular Parking Requirement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Non-Residential uses and ground floor Commercial-Ready spaces</td>
<td>1 space per 500 sq.ft. of building area</td>
<td>1 space per 300 sq.ft. of building area</td>
<td>1 space per 350 sq.ft. of building area</td>
<td>1. Off-site parking may be provided per sec. 4.4.3. 2. Landscaping within surface parking lots shall meet standards in the Irving Land Development Code. 3. A shared parking plan or alternative parking plan may be approved by the director as an administrative modification. 4. On-street parking located along the subject block on any public street adjacent to the property may be counted towards the required off street parking. 5. No off-street parking required for retail, restaurant, or office uses on Main Street between Rock Island and Third Street.</td>
</tr>
<tr>
<td>Multi-Unit Residential (5 to 8 units) and Multi-Family Residential (greater than 8 units)</td>
<td>1 space per dwelling unit</td>
<td>1 spaces per dwelling unit</td>
<td>1.5 spaces per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>Lodging</td>
<td>0.5 space per lodging room</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-Family Residential, Townhouse, Multi-Unit Home (2 to 4 units)</td>
<td>2 space per dwelling unit</td>
<td>2 space per dwelling unit</td>
<td>2 spaces per dwelling unit</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td><strong>Min. Bicycle Parking Requirement (in Addition to Vehicular Parking)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>All uses</strong></td>
<td>1 space required for every 10 provided automobile spaces (Minimum of two)</td>
<td>1 space required for every 10 provided automobile spaces (Minimum of two)</td>
<td>not required</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Location of bicycle parking: For retail and commercial ready buildings, 25% of all provided bicycle parking shall be located within 50 feet of a primary building entrance. Location shall be accessible from a public sidewalk.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

c. Driveway and service access.

1. Along Main Street, Irving Boulevard and 2nd Street: driveway spacing shall be limited to one (1) driveway per each block face or per two hundred (200) feet of block face for blocks greater than 400 feet in length, including any existing alleys.

2. Shared driveways, joint use easements or joint access easements shall be required for adjoining properties when driveway and service access is off of Main Street, Irving Boulevard or 2nd Street.

3. Service and loading/unloading areas shall be screened per standards in subsection (g)(4).

4. Front-loaded garages on residential lots less than forty (40) feet wide shall not be allowed. Townhomes shall utilize garages with access from alleys.

5. The director may administratively grant exceptions to the provisions of this section in cases where the director determines meeting the provisions of this section are impractical or represent an unreasonable hardship.

6) Street screen requirements. Any lot frontage along Main Street, Irving Boulevard and 2nd Street with surface parking shall be defined by a Street
Screen. This required Street Screen shall be located at the street edge of the
Build-to Zone. Refer to the subsection (h) landscape standards in this section
for other specifications.

7) Measuring heights.

a. Chimneys, vents, elevators, stair enclosures, cupolas, domes, steeples,
screened HVAC equipment, other mechanical enclosures, tanks, solar
energy systems, and similar elements are exempt from the height limit.
Mechanical and utility equipment shall be set back from the façade line
in order to minimize visibility from the street.

b. Internal building height shall be measured from finished floor to the
bottom of the structural members of the ceiling.

c. Floor-to-floor heights shall not apply to parking structures,
government, educational, or religious buildings.

8) Encroachments and overhangs.

a. Encroachments into public right-of-way by canopies, awnings,
temporary barriers or patio dining shall require legal permission of the
city and shall meet the following criteria.

1. Maximum of fifty (50) percent of the depth of the sidewalk or ten
   (10) feet (whichever is less).

2. Minimum vertical clearance from the finished sidewalk shall be
eight (8) feet.

3. In no case shall an encroachment be located over an on-street
   parking or travel lane.

4. Outdoor dining may also be placed on the sidewalk as long as
   ADA required clear space is maintained.

b. Overhangs within required setbacks: Canopies, awnings, galleries, and
   balconies may be within any required setback areas per standards
   established in each character zone as long as the vertical clearance is a
   minimum of eight (8) feet from the finished sidewalk elevation.

9) Phased developments. Due to the infill nature of development within the
Heritage Crossing District, certain building form and site development
standards may be deferred for phased development projects meeting the
following criteria:

a. Submission of a site plan that illustrates how development and any
   related private improvements will be phased over time. Each phase of
the site plan shall independently comply with all applicable standards of the Heritage Crossing District unless an administrative modification is granted.

b. Required private landscaping and open space amenities must also be phased with the building.

10) Corridor Mixed-Use Zone (CMU).

a. Illustrations and intent. The Corridor Mixed-Use Zone creates a vibrant, mixed-use area that leverages Irving Boulevard/Second Street as "context sensitive streets" supporting multimodal traffic, linking other regional destinations and promoting economic development. The Corridor Mixed-Use area will serve as the primary neighborhood commercial activity area for the local community.

(b) Building Placement

(i) Build-to Zones (BTZ) and Setbacks
(Distance from property line to edge of the zone)

| 1. Front: Along Main Street, Irving Boulevard and 2nd Street | 0 foot min. setback - 25 foot max. setback | A |
| 2. Front: Along all other streets | 0 foot min. setback - 30 foot max. setback 75 foot max ;eo;setback if parking is in front | B |
### (c) Building Height

#### (i) Principal Building Standards

<table>
<thead>
<tr>
<th>1. Building maximum</th>
<th>• 3 stories or 45 feet (whichever is less)</th>
</tr>
</thead>
</table>
| 2. First floor height | • 12 foot min. for all buildings along Main Street, Irving Boulevard and 2nd Street  
• 10 foot min. for all other streets |
| 3. Upper floor(s) height | • 9 foot min. |

#### (ii) Accessory Building Standards

1. Accessory buildings shall meet the standards for principal building standards in the Corridor Mixed-Use Zone.

### (d) Parking & Service Access

#### (i) Surface Parking Setbacks (with new buildings)

<table>
<thead>
<tr>
<th>1. Main Street, Irving Blvd. and 2nd Street</th>
<th>• Shall be located behind the principal building along that street frontage.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• 3 feet behind the building façade line along that street.</td>
</tr>
</tbody>
</table>
11) Transit Mixed-Use Zone (TMU).

a. Illustrations and intent. The Transit Mixed-Use Zone creates opportunities for local small scale, in-line retail and restaurant, and medium scale urban residential (apartments, townhouses, multi-unit homes, live-work) development. It also takes advantage of the proximity to the Trinity Railroad Express Station by creating shared parking opportunities and focusing on urban residential, without mandating ground floor retail.
(i) Build-to-Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)

<table>
<thead>
<tr>
<th>Area</th>
<th>Setback Details</th>
<th>Letter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Front</td>
<td>5 foot min. setback - 30 foot max. setback 75 foot max setback if parking is in front</td>
<td>A</td>
</tr>
<tr>
<td>2. Side</td>
<td>0 foot min, no max. setback</td>
<td>B</td>
</tr>
<tr>
<td>3. Rear</td>
<td>0 foot min.; no max. setback</td>
<td>C</td>
</tr>
</tbody>
</table>

(c) Building Height

(i) Principal Building Standards

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Letter</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Building maximum</td>
<td>6 stories or 75 feet (whichever is less)</td>
<td>A</td>
</tr>
</tbody>
</table>
| 2. First floor height | 12 foot min. for all buildings facing a public space.  
  10 foot min. for all other frontages. | B      |
| 3. Upper floor(s) height | 9 foot min. | C      |

(ii) Accessory Building Standards

1. Accessory buildings shall meet the standards for principal building standards in the Transit Mixed-Use Zone.
(d) Parking & Service Access

(i) Surface Parking Setbacks

<table>
<thead>
<tr>
<th>Location</th>
<th>Requirement</th>
<th>Diagram</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street</td>
<td>Shall be located behind the principal building along that street frontage.; or</td>
<td><img src="image" alt="Diagram" /></td>
</tr>
<tr>
<td></td>
<td>Min. 3 feet behind the building façade line along that street</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>See subsection (h) for screening requirements.</td>
<td>B</td>
</tr>
<tr>
<td>Side</td>
<td>0 foot min.</td>
<td>C</td>
</tr>
<tr>
<td>Rear</td>
<td>0 foot min from property line or alley edge</td>
<td>D</td>
</tr>
</tbody>
</table>

(ii) Structured Parking or Below Grade Parking Setbacks

<table>
<thead>
<tr>
<th>Location</th>
<th>Requirement</th>
<th>Diagram</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary façade</td>
<td>Shall be located behind the principal building along that street frontage; or</td>
<td><img src="image" alt="Diagram" /></td>
</tr>
<tr>
<td></td>
<td>Ground floor: min. of 30 feet from the property line</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>Upper floors: may be built up to the building façade line</td>
<td></td>
</tr>
</tbody>
</table>
2. Secondary Façade

- May be built up to the building façade line; or
- If no building is located along the street frontage; then the structured parking shall meet the minimum setback standards along that facade.

| 3. Side | 0 foot min | F |
| 4. Rear | 0 foot min at property line or alley edge | G |

(iii) Partially Below Grade Parking

1. May be built up to the building façade line along all streets

12) Neighborhood Mixed-Use Zone (NMU).

a. Illustrations and intent. The Neighborhood Mixed-Use Zone is intended to provide for a range of small scale residential uses (single family, low-density apartments, live-work, townhomes, multi-unit homes, etc.) in low intensity development at key locations. It also provides for a mix of home occupation, low-impact office and neighborhood services within the zone.

(b) Building Placement
### (i) Build-to Zones (BTZs) and Setbacks

<table>
<thead>
<tr>
<th>Zone</th>
<th>Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Front</strong></td>
<td>10 foot min. setback; no max. setback</td>
</tr>
<tr>
<td><strong>2. Side</strong></td>
<td>5 foot min. setback; no max. setback</td>
</tr>
<tr>
<td>Adjacent to Single-Family detached residentially zoned lot</td>
<td>A</td>
</tr>
<tr>
<td><strong>3. Rear</strong></td>
<td>5 foot min. setback; no max. setback</td>
</tr>
<tr>
<td>Adjacent to Single-Family detached residentially zoned lot</td>
<td>B</td>
</tr>
</tbody>
</table>

### (c) Building Height

#### (i) Principal Building Standards

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Maximum</th>
<th>Minimum</th>
<th>Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Building maximum</strong></td>
<td>3 stories or 45 feet (whichever is less)</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td><strong>2. First floor height</strong></td>
<td>10 foot min. for all frontages</td>
<td>B</td>
<td></td>
</tr>
<tr>
<td><strong>3. Upper floor(s) height</strong></td>
<td>9 foot min.</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>

#### (ii) Accessory Building Standards

(a) Shall be regulated per city standards for accessory buildings
(d) Parking & Service Access

(i) Residential Parking Setbacks

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All Frontages</td>
<td>■ Shall be located behind the principal building along that street frontage; or</td>
</tr>
<tr>
<td></td>
<td>■ Min. 3 feet behind the building façade line along that frontage; 22 foot</td>
</tr>
<tr>
<td></td>
<td>minimum from the property line</td>
</tr>
<tr>
<td>2. Side / Rear</td>
<td>■ 5 foot max; no parking permitted on driveway, or</td>
</tr>
<tr>
<td></td>
<td>■ 22 foot min; parking permitted on driveway</td>
</tr>
</tbody>
</table>

**Building design standards.**

1) **Building Orientation and Entrances for Commercial Use, Mixed-use and multi-Family Buildings.**

a. Buildings shall be oriented towards Main Street, Irving Boulevard and 2nd Street, where the lot has frontage along those streets. If a building has no frontage along these streets, then it shall front a street or civic space.

b. Primary entrances to buildings shall be located on the street along which the building is oriented. At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. All
primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.

c. Primary Entrance Design: Primary building entrances along pedestrian frontage shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street:

1. Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings; or

2. Integral planters or wing walls that incorporate landscape or seating elements; or

3. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; or

4. A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

Figure showing required building orientation and location of primary entrances

Examples of Primary Entrance Designs

2) Façade Composition.

1. Facades greater than 60 feet in length along Main Street, Irving Boulevard and 2nd Street (West of Britain) shall meet the following façade articulation standards.
   
   i. Include facade modulation such that a portion of the facade steps back or extends forward with a depth of at least 24 inches; and
   
   ii. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 60 feet.

Images showing examples of appropriate building articulation

2. Façade Transparency Requirements.

   i. All facades shall meet the minimum requirement for façade transparency (percentage of doors and windows) as established in Table 4 below. Ground floor windows and doors along Main Street, Irving Boulevard, 2nd Street facades shall have a rated visible transmittance (VT) of 0.6 or higher.

<table>
<thead>
<tr>
<th>Use and Floor</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial Use or Mixed Use Buildings</strong></td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td>40% (min.)</td>
</tr>
<tr>
<td>Upper Floor(s)</td>
<td>20% (min)</td>
</tr>
<tr>
<td><strong>Residential Use Buildings</strong></td>
<td></td>
</tr>
<tr>
<td>Ground Floor</td>
<td>20% (min)</td>
</tr>
</tbody>
</table>

Table 4. Required minimum window requirement by use
Upper Floor(s) | 15% (min.)
--- | ---

*Images showing appropriate transparency required along pedestrian frontages*


1. At least one of the following shall be added along single-family residential use building facades to add pedestrian interest along the street:
   i. Porches;
   ii. Stoops;
   iii. Eaves; or
   iv. Balconies.

2. Windows and doors. All building facades of single-family residential use buildings shall meet the transparency requirements established in Table 4.

*Residential buildings with porches, fencing, balconies, and stoops to add interest along the street.*

3) Commercial-ready Standards for Commercial Use, Mixed-use and Multi-family Use Buildings.
a. Ground floors of all buildings within Corridor Mixed-Use Zone along Main Street, Irving Boulevard and 2nd Street shall be built to commercial-ready standards. Such ground floor space shall be constructed to accommodate, at a minimum, commercial uses. In addition, the following standards shall apply:

1. An entrance that opens directly onto the sidewalk according to subsection (g)(1);
2. A height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the ceiling;
3. Minimum leasable width of 20 feet wide;
4. A front facade that meets the window glazing requirements; and
5. Off-street surface parking shall be prohibited between the sidewalk and the building along Main Street, Irving Boulevard and 2nd Street (west of Britain).

Illustration showing application of Commercial Ready Frontage Requirements

4) Design of Automobile Related Building and Site Elements.

a. Where permitted under subsection (e), Schedule of permitted uses, drive-through lanes, auto-service bays, and gas station canopies for commercial uses shall not be located with frontage along Main Street, Irving Boulevard and 2nd Street (west of Britain). Drive-through lanes may be permitted along all other streets or alleys. Drive-through lanes,
auto-service bays, and gas station canopies shall be hidden behind a 3 feet high street screen along all streets.

b. No more than 60% of a lot's frontage along a street may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along alleys.

c. Any automobile-related retail sales or service use of a site or property shall have a primary building entrance along its frontage.

d. Drive through access may be from a street only if the lot has no access to any alley frontage.
e. All off-street truck loading and unloading areas shall be screened using a street screen that is at least as tall as service equipment. The street screen shall be made up of (i) a living screen or (iii) a combination living and primary building material screen.

5) Design of Parking Structures.

a. The amount of street frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the street edge(s).

b. Where above ground structured parking is located at the perimeter of a building with street frontage, it shall be screened in such a way that cars on all parking levels are appropriately screened from view. Architectural screens shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any street.
c. Garage parking in a multi-story building shall be behind storefronts or residential units facing any street frontage in order to substantially inhibit and shield views of the garage from adjacent streets.

d. Ground floor façade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all streets.

e. When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.

f. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.
h) Landscape Standards.

1) Heritage Tree Preservation.

a. Preservation of existing trees that are twenty-four (24) inch caliper or larger is a high priority and is considered essential in both new development and redevelopment. Developers will be provided a 1.5 to one (1) credit toward the landscaping requirement for new development for preservation of such trees; i.e. keeping one (1) twenty-four (24) inch caliper tree counts towards planting thirty-six (36) inches of new trees. Post Oak and Blackjack Oak trees are considered relic trees worthy of additional protection. Developers will be provided a two (2) to one (1) credit toward the landscaping requirement for new development for preservation of Post Oak and Blackjack Oak trees of at least six (6) inch caliper.

b. Prior to development or redevelopment of any property, the developer shall prepare and submit to the city a detailed tree survey of the property indicating the location, size, and species of all existing trees six (6) inch caliper or larger measured twelve (12) inches above grade. The developer shall also provide a site plan showing the proposed development overlaying the tree survey indicating which trees are proposed to be removed and which trees will be preserved, along with a table indicating the number of trees and caliper inches proposed to be removed and proposed to be preserved.

c. Where practical and reasonable, existing trees shall be preserved. Where it is not practical or reasonable, a tree may be removed if it is in the footprint of a new building or the driveway or parking area of the
new building. Trees outside those areas shall be preserved, and if
damaged during construction, or if they die within two (2) years of
construction, shall be replaced in addition to the required landscaping
on the site, with an equal number of caliper inches at the same location
if practical or other locations within the Heritage Crossing area. If a
developer attempts to preserve a tree within five (5) feet of the
building, driveway or parking area, or within an easement or within
five (5) feet of an easement, no credit will be given, but mitigation will
not be required if the tree fails to survive.

d. An existing tree that is approved for removal shall not be removed from
the property until a building permit has been issued, and development
of the site is imminent as evidenced by executed construction-related
contracts or other documents acceptable to the director. If a protected
tree is removed contrary to the provisions of this subsection (h), the
owner of the property from which the tree was removed shall make a
payment into a special city account to be known as the Heritage
Crossing District Tree Fund. The amount of the payment required is
calculated by using the formula for appraising the value of a tree, as
derived by the most recent edition of the Guide for Establishing Values
of Trees and Other Plants published by the Council of Tree and
Landscape Appraisers, unless another publication is designated by the
Director. If more than one (1) tree is removed, the values of the trees
are added when calculating the payment required. The required
payment diminishes equally within each inch replaced through the
following alternative approach: the owner of the property from which a
tree was removed may mitigate the loss of the tree by the planting of an
equal number of caliper inches of new trees with a minimum caliper of
six (6) inches each at a location approved by the director within the
boundaries of the Heritage Crossing District.

2) Screening Standards.

a. Street Screen Requirements. Any frontage along Main Street, Irving
Boulevard and 2nd Street (west of Britain) with surface parking at the
Build-to Zone shall have a street screen that has a minimum height of
three (3) feet and a maximum height of four (4) feet. Furthermore,
along all streets (except alleys), service areas shall be screened in such
a manner that the service area shall not be visible to a person standing
on the property line on the far side of the adjoining street. Required
street screens shall be of one of the following:

1. The same building material as the principal structure on the lot; or
2. A vegetative screen composed of shrubs planted to be opaque at maturity; or
3. A combination of the two.

b. The required street screen shall be located at the minimum setback line along the corresponding frontage.

c. Street screens cannot block any required sight triangles along a cross street or driveway.

d. Street screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.

e. All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street. The screening material used shall be the same as the primary exterior building material used.
i) Changes to Nonconforming Structures.

1) The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing nonconforming structures and sites within the Heritage Crossing District.

a. Allowable additions. The following illustrations show potential allowable additions to nonconforming structures and sites. Additions shall meet the build-to-zone standards of the character zone they are located in.
b. Non-allowable additions. The following illustrations show potential non-allowable additions to nonconforming structures and sites since the additions do not comply with the build-to zone standards of the character zone.
2.7 Special Districts
2.7.1 **Reserved**

2.7.2 **Agricultural (AG)**

In an AG agricultural district no land shall be used and no building shall be erected for or converted to any use other than:

a) **Principal uses:** The following uses shall be permitted as principal uses:
   1) Government buildings and uses.
   2) Agriculture, including any customary agricultural building and structure, and such uses as livestock ranges, animal husbandry, field crops, tree crops, nurseries and greenhouses.
   3) Public utility uses.
   4) Public parks and recreation areas.
   5) Private noncommercial recreation areas, uses and facilities, including shooting clubs and facilities.
   6) Poultry farms, kennels, riding stables and dairies.
   7) Outdoor theatres, golf driving ranges, commercial swimming pools, and other similar commercial recreation facilities.
   8) Commercial mines, quarries, and gravel pits under such regulations as shall be provided by other ordinances of the city from time to time.
   9) Private airports and landing strips, provided that the flight line for one mile on each end of the runway shall not be above an R district.
   10) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.

b) **Accessory uses:** The following uses shall be permitted as accessory uses.
   1) Private garage.
   2) Roadside stand not exceeding four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises.
   3) Swimming pools.

c) **Parking regulations:** Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

d) **Area regulations:** The following minimum requirements shall be observed:
   1) Depth of front yard: 50 feet
   2) Depth of rear yard: 50 feet
3) Width of side yard: 50 feet
4) Width of lot: 200 feet
5) Depth of lot: 200 feet
6) Distance between detached buildings: 30 feet
7) Lot area: 150,000 square feet

e) Height and area regulations: The following maximum height and area regulations shall be observed:
   1) Height of principal structure: one story or 30 feet
   2) Height of accessory structure: one story or 15 feet

2.7.3 **S-P-1 Site Plan (Detailed)**

The S-P-1 site plan district is utilized to develop difficult size and shaped land areas; to promote new planning concepts; to develop multiple land usage; and to establish compatible land use within a more restrictive neighborhood. No minimum land area is required for the S-P-1 district. No land shall be used and no building shall be erected for or converted to any use other than the specific use or uses authorized by an ordinance of the City of Irving granting a zoning change to S-P-1 district under the terms and provisions of this section and in accordance with the following procedures:

a) An S-P-1 site plan district shall be granted by the city council only upon the written request of the owner or his representative and a recommendation of planning and zoning commission. No variances to other city ordinances, codes or regulations will be permitted, unless the ordinance, code or regulation being varied specifically sets forth a process to seek a variance through the site plan rezoning process. The S-P-1 will allow variances to regulations of this ordinance only.

b) An application for an S-P-1 site plan district shall be filed with the city department of community development for technical evaluation and processing for recommendation to the city planning and zoning commission and shall be accompanied by a site plan (the number of copies of the site plan to be determined by the Director of Planning and Inspection or designee), showing the requested use or uses and the intended development of all the property on which a change in zoning is requested, showing the following information:

   1) Date, scale, north point, name of owner, and name of person preparing the site plan.
   2) Location of existing boundary lines and dimensions of the tract.
   3) Location, dimensions and size of all proposed buildings, structures and land improvements.
4) Designate proposed specific land use for all building areas.

5) Clear designation of areas reserved for off-street parking and for off-street loading; type of surface material to meet minimum standards of the City of Irving; the ratio of parking spaces to square feet of floor space or number of spaces provided for each dwelling unit.

6) Location and size of points of ingress and egress to public.

7) Dimension from property line to centerline of existing watercourses, drainage features and floodway easement.

8) Location and size of existing and proposed streets and alleys with location of all street intersections adjacent to the area of request indicated by dimension and bearing from a corner of the property being rezoned.

9) Location, type and height of existing and proposed fences or screening walls.

10) Landscaping plan shall be required where such treatment is essential to proper arrangement of development. Requirement of a landscape plan will be determined when the site plan is reviewed by the city staff, at which time the details of the plan will be determined. The planning commission or city council may require the landscaping plan.

11) Location and type of fences, signs, lighting, luminaries, and exterior auditory speakers will be indicated on site plan when they are at variance to city standards.

12) Area map indicating the neighborhood in which the property is located.

13) Location, type and size of all easements shall be indicated on the site plan, along with the volume and page number where the easement is recorded with Dallas County Deed Records.

14) Each applicant applying for an S-P-1 district use shall submit the number of copies of the site plan as required by the Director of Community Development or designee, including any electronic digital copies, for submission to the planning and zoning commission and the city council for their review.

c) The city planning and zoning commission shall hold a public hearing as required by this ordinance and state law; make its report and recommendation to the city council and shall recommend such conditions and restrictions as necessary to secure and protect the public health, safety, morals, and general welfare.

d) In granting or denying an application for an S-P-1 zoning district, the city council shall take into consideration the following factors:
1) Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.

2) Safety from fire hazards, and measures of fire control.

3) Protection of adjacent property from flood or water damage.

4) Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.

5) Location, lighting, and type of signs; and relation of signs to traffic control and adverse effect on adjacent properties.

6) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.

7) Adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities; location on ingress/egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.

8) Such other measures as will secure and protect public health, safety, morals, and general welfare.

e) Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

f) All improvements to the land and all buildings and construction on the land shall be in accordance with the site plan approved by the city council.

g) On the Official Zoning Map an S-P-1 site plan zoning district shall be the designation S-P-1 followed by the ordinance number in parenthesis, rezoning the property to a site plan 1 zoning district.

h) Any use not prohibited by this ordinance or other ordinances of the city may be authorized in an S-P-1 district. The city council may impose any condition or restriction upon the use of the property rezoned, as may be necessary to secure and protect the public health, safety, morals and general welfare and to protect adjoining property and the value thereof. Such conditions and restrictions shall not be construed as conditions precedent to the granting of the site plan 1 (S-P-1) zoning district use, but shall be construed as conditions precedent to the granting of a building permit and/or certificate of occupancy.

i) Applicants for site plan (S-P-1) zoning must present the site plan and the required number of copies, with revisions as requested by the city staff, within six (6) months
from the date of filing of the case or the case will be administratively closed. No refund of the filing fee will be made.

2.7.4 **S-P-2 Site Plan (Generalized)**

The S-P-2 site plan district is utilized to permit flexibility of area regulations while restricting usages. A single basic land use district shall be designated, which district's principal use, accessory use, parking, height and area regulations shall apply except as specifically varied and identified on the site plan. The land area for S-P-2 zoning district shall not be less than two (2) acres in size unless the basic land use requested is only for R-40, R-15, R-10, R-7.5, R-6, R-ZLa, R-SFA, R-3.5 or R-2.5 uses, in which case the two-acre minimum size shall not apply. No land use be used and no building shall be erected for or converted to any use other than the general uses authorized by an ordinance of the City of Irving granting a zoning change to S-P-2 zoning district under the terms and provisions of this section. No variances to any other city ordinance, code or regulation will be permitted within this district. All requests will be processed in accordance with the following procedures:

a) An S-P-2 zoning district shall be granted by the city council only upon the written request of the owner or his representative and recommendation of the planning and zoning commission.

b) An application for S-P-2 zoning shall be filed with the city department of community development for technical evaluation and processing for recommendation to the city planning and zoning commission and shall be accompanied by the number of copies of the site plan as required by the director of community development or designee. The site plan shall indicate the requested use or uses and the most restrictive zoning district first permitting the use or uses which shall serve to establish the area requirements for development and show the following information:

1) Date, scale, north point, name of owner, and name of person preparing the site plan.

2) Location of existing boundary lines and dimensions of the tract.

3) Indicate minimum building setback dimensions adjacent to all property lines.

4) Designate proposed general land use for all building areas.

5) Location and size of points of ingress and egress to public streets may be shown on site plan, or the planning and zoning commission may recommend such points be shown and the city council may require location and size of points of ingress and egress to public streets be shown on site plan; however, if specific location and size of points of ingress and egress to public streets are not required to be shown on site plan, the location and size of points of ingress and egress to public streets shall not violate any ordinance or regulation
adopted by the city council to regulate the location and size of points of ingress and egress to public streets.

6) Centerline of existing watercourses, drainage features and floodway easements.

7) Location and size of existing and proposed streets and alleys with location of all street intersections adjacent to the area of request indicated by dimension and bearing from a corner of the property being rezoned.

8) Area map indicating the neighborhood in which the property is located.

9) Screening and landscaping plan shall be required where such treatment is essential to the proper arrangement of the development. Such plan, when required, should include screening walls, ornamental planting, lawns and gardens, playgrounds and wooded areas that are to be retained.

10) Location, type and size of all easements shall be indicated on the site plan, along with the volume and page number where the easement is recorded with Dallas County Deed Records.

11) Each applicant applying for a site plan district use shall submit the number of copies of the site plan as required by the Director of Community Development or designee, including any electronic digital copies, for submission to the planning and zoning commission.

c) The city planning and zoning commission shall hold a public hearing as required by this ordinance and state law and make its report and recommendation to the city council and shall recommend such conditions and restrictions as necessary to secure and protect the public health, safety, morals, and general welfare.

d) In granting or denying an application for an S-P-2 zoning district, the city council shall take into consideration the following factors:

1) Safety of motoring public and of pedestrians using the facility and the area immediately surrounding the site.

2) Safety from fire hazards, and measures of fire control.

3) Protection of adjacent property from flood or water damage.

4) Noise producing elements; and glare of vehicular and stationary lights and effect of such lights on established character of the neighborhood.

5) Street size and adequacy of pavement width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood.
6) Adequacy of parking, as determined by requirements of this ordinance for off-street parking facilities; location of ingress/egress points for parking and off-street loading spaces; and protection of public health by surfacing on all parking areas to control dust.

7) Such other measures as will secure and protect public health, safety, morals, and general welfare.

e) Off-street parking shall be provided in accordance with the provisions of this ordinance and other applicable ordinances of the city.

f) All improvements to the land and all buildings and construction on the land shall be in accordance with the site plan approved by the city council.

g) On the official zoning map, a site plan 2 district shall bear the designation "S-P-2" followed by the ordinance number in parenthesis rezoning the property to S-P-2 zoning district.

h) Any use, not prohibited by this ordinance or other ordinances of the city, may be authorized in an S-P-2 zoning district, and the city council may impose any condition or restriction upon the use of the property rezoned as may be necessary to secure and protect the public health, safety, morals, and general welfare and to protect adjoining property and the value thereof, including the dedication of street right-of-way for the adequate flow of traffic. Such conditions and restrictions shall not be construed as conditions precedent to the granting of the S-P-2 zoning district use, but shall be construed as conditions precedent to the granting of a certificate of occupancy.

Chapter 3: Performance Standards for Selected Uses

3.1 Accessory Structures

3.1.1 Rear yard coverage. An accessory building not exceeding one (1) story in height may occupy not more than sixty (60) percent of a minimum required rear yard. An accessory building exceeding one (1) story in height may not occupy more than forty (40) percent of a minimum required rear yard.

3.1.2 Attachment to main building. An accessory building attached to the main building shall be made structurally a part of and have a common wall with the main building and shall comply in all respects with the requirements of this ordinance applicable to the main building.

3.1.3 Distance from other structures. Unless attached to the main building, an accessory building in an "R" district shall be located on or behind the required front building line at least ten (10) feet from any dwelling building existing or under construction on the same lot or any adjacent lot, except swimming pools, which may be located nearer than ten (10) feet from any dwelling building existing as long as the excavation of the swimming pool does not in any way harm or endanger any existing building.
3.1.4 **Setbacks.** No accessory building in an "R" district shall be located nearer than five (5) feet to any rear or side lot line. In the case of a corner lot, no accessory building shall be located within any side yard required on the street side. A garage or patio cover, attached to or detached from the main building, may be located not nearer that five (5) feet to any rear or side lot line. Any detached accessory building in an "R" district with an area of two thousand (2,000) square feet or more, as provided for in this section, shall be located a minimum of twenty (20) feet from any rear or side lot line; all other requirements of this section (for example, relating to maximum height and setbacks) shall apply to any detached accessory building in an "R" district with an area of two thousand (2,000) square feet or more.

3.1.5 **Detached garage.** A detached garage in an "R" district may not exceed a maximum of seven hundred (700) square feet and one (1) story in height. A detached garage may not be constructed with a metal exterior.

3.1.6 **Maximum footprint.**
   a) The footprint of any detached accessory building in an "R" district other than a detached garage shall not exceed a maximum of twenty-five (25) percent of the footprint of the main building or two hundred fifty (250) square feet, whichever is greater.
   b) In-ground swimming pools, hot tubs, spas, swimming pool equipment enclosures, retaining walls, decks, and flatwork associated with a swimming pool, hot tub, or spa shall not be counted toward the maximum area allowed.
   c) Subsection (a) shall not apply to lots or tracts of one-half (½) acre or larger.

3.1.7 **Maximum number.**
   a) Not more than two (2) detached accessory buildings other than a detached garage may be placed on a lot or tract in an "R" district.
   b) The combined footprint of all such accessory buildings shall not exceed a maximum of twenty-five (25) percent of the footprint of the main building or two hundred fifty (250) square feet, whichever is greater.
   c) Detached accessory buildings with no dimension greater that six (6) feet shall not count toward the maximum number of buildings allowed, but shall count toward the maximum area allowed.
   d) In-ground swimming pools, hot tubs, spas, swimming pool equipment enclosures, retaining walls, decks, and flatwork associated with a swimming pool, hot tub, or spa shall not be counted toward the maximum area allowed.
   e) Subsections (a) and (b) shall not apply to lots or tracts of one-half (½) acre or larger.

3.1.8 **Height.** The height of any detached accessory building other than a detached garage in an "R" district may not exceed a maximum of ten (10) feet to the highest point of the roof with a minimum side and rear yard setback of five (5) feet. The maximum height may be increased by one (1) additional foot for each one (1) additional foot of side and rear
setback to no more than twenty (20) feet with a minimum side and rear setback of fifteen (15) feet.

3.1.9 Building materials. Any detached accessory building of one hundred fifty (150) square feet or larger in an "R" district shall be constructed with commonly-used residential building materials that constitute a finished, weather-proof exterior in accordance with the building code including, but not limited to, masonry, veneer, stucco, durable all-weather stone, and wood, vinyl or cementitious siding, but specifically excluding any type or metal exterior. A greenhouse in an "R" district may be constructed of glass or other transparent or translucent glazing material in accordance with the building code.

3.1.10 No separate utilities. Any detached accessory building in an "R" district shall not have a utility meter of any type separate from the main building.

3.1.11 No dwelling use. Any detached accessory building in an "R" district shall not be used for dwelling accommodations or business use.

3.1.12 Carports. Carports on properties zoned R-40, R-15, R-10, R-7.5, R-6, R-ZLa, R-3.5, R-SFA, R-2.5, R-XF, or any site plan zoning or development plan for R-40, R-15, R-10, R-7.5, R-6, R-ZLa, R-3.5, R-SFA, R-2.5, or R-XF uses shall meet the following requirements. For purposes of this section, carport shall mean a structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to another building, and typically, but not necessarily, does not permit a vehicle to pass through it. A carport most commonly has no walls, but may be attached to the wall of an adjacent dwelling.

a) Carports that do not encroach into required front, rear, and side yard setbacks shall meet the following requirements:

1) The carport design shall be consistent with the design of the existing dwelling, including the use of matching trim and roof materials and colors. Carports attached to the front or side of the existing dwelling shall be incorporated into the architecture of the dwelling with compatible roof pitches, surrounds for the support posts, and enclosed gables. Building permit applications for carports shall include detailed elevation drawings and other illustrations showing how the carport is consistent with the design of the existing dwelling.

2) The carport, including carport roof overhang, shall be no nearer than three (3) feet from the side or rear property line;

3) A detached carport may be located nearer than ten (10) feet to any dwelling building;

4) The carport shall be used solely for the parking of not more than two (2) vehicles, and not for any other purpose including storage of any type;

5) The entire area beneath the roof of the carport shall be paved with concrete or asphalt within at least two (2) feet of the edge of the roof;

6) The driveway leading to the carport shall be paved with concrete or asphalt;
7) The carport may not overhang or intrude into any type of public utility or drainage easement;

8) The height of the lowest eave line of the carport shall not exceed ten (10) feet or be higher than the lowest eave of the residence, whichever is lower, provided that the carport eave shall not be lower than seven (7) feet.

9) Carports shall have a gutter system or drainage design that drains toward the street or the nearest drainage facility. Rainwater shall not drain onto adjacent property.

b) Carports that are proposed to be constructed to encroach into any required front, side or rear building setback, or that would require an exception to the design requirements set forth in subsection (a), may be permitted upon such carport being approved as an S-P-2 (generalized) site plan district under section 2.7.4 of this ordinance. In addition to the requirements of section 2.7.4, the site plan shall include detailed elevation drawings of the proposed carport including building materials, roofing materials, support materials, and illustrations showing how the carport will be consistent with the design of the existing dwelling.

c) Carports that are constructed after October 16, 2008, without a building permit or zoning approval, if applicable, shall be required to be demolished prior to applying for a zoning change to authorize the carport. If a property owner does not wish to demolish a carport constructed without zoning authorization, the property owner may request a waiver of the demolition requirement and approval to retain the carport through the generalized site plan (S-P-2) zoning process along with an additional fee of one hundred dollars ($100.00) in addition to the required zoning application fee.

3.1.13 Accessory in manufactured home community. In a manufactured home community, an accessory building shall be located at least five (5) feet from any mobile home or HUD-code manufactured home, provided, however, that an accessory building may be located within eight (8) inches of the mobile home or HUD-code manufactured home which it serves. It shall be an affirmative defense to prosecution under this subsection that both the accessory structure and the mobile home or HUD-code manufactured home were in place on October 26, 2000, and have not been moved since that date.

3.1.14 Building permit validity. A building permit issued for an accessory building allowed pursuant to this section shall be valid for a period of three (3) months from the date of issuance. The building official shall be authorized to extend this initial three-month period for one (1) additional three-month period after a determination that the property complies with all city ordinances.

3.2 Auto Service and Repair

3.2.1 Entrance. No automobile repair shop or gasoline filling station shall have an entrance or exit for vehicles within 200 feet along the same side of a street as any school, public playground, church, hospital, public library, or institution for dependents or for children,
except where such property is in another block or on another street which the lot in question does not abut.

3.2.2 Uses fronting public street. No grease rack or lift, oil draining pit, or any other visible appliance for such purposes used in or in conjunction with a gasoline filling or service station, other than filling caps, shall be located within 12 feet of any street right-of-way line or within 25 feet of any street lot line or within 25 feet of any "R" district, except where such appliance or pit is within a building.

3.3 Alcoholic beverages; Sale, Serving, or Storage. Notwithstanding any other provision of this ordinance, the storage, possession, sale, serving, or consumption of any alcoholic beverages, when permitted by the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

3.3.1 Definitions. For the purpose of this ordinance the following words and phrases shall have the meanings ascribed to them as follows:

a) *Alcoholic beverage* means alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

b) *Restaurant with attendant accessory use of the sale of alcoholic beverages for on-premises consumption.* The zoning designation for this use shall be S-P-1 (R-AB). The terms "restaurant with attendant accessory use of the sale of alcoholic beverages for on-premises consumption" and zoning designation "S-P-1 (R-AB)" shall mean a restaurant or eating establishment zoned S-P-1 (R-AB) whose gross sales in Irving from food on an annual basis represents at least fifty (50) percent of its total sales of food and alcoholic beverages. This defined restaurant use shall be an authorized and permitted use as a principal use or as an accessory use, upon approval of S-P-1 (R-AB) zoning designation for all properties zoned under this section. Drive-in restaurants are specifically excluded from the definitions of a restaurant with attendant accessory use of the sale of alcoholic beverages.

c) *Commence construction* shall mean the setting of building foundation piers and beams.

d) *Drive-in restaurant* shall mean a public eating place which has facilities for serving food and beverages to customers in their motor vehicles on the premises.

e) *Food* shall mean nutriment for human consumption in solid form and beverages which have no alcohol content but the meaning of food shall not include any beverages having any alcoholic content, alcoholic beverage mixes, or other ingredients used for the preparation of alcoholic beverages.

f) *Mixed beverage* means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.
g) The term person shall include association, trustee, receiver, organization, corporations, firms, partnerships, and natural persons.

h) For this section 3.3, hotel means the premises of an establishment:
   1) Where in consideration of payment, travelers are furnished food and lodging; and
   2) In which are located at least ten (10) adequately furnished, completely separate rooms with adequate facilities so comfortably disposed that persons usually apply for and receive overnight accommodations in the establishment, either in the course of usual and regular travel or as a residence; and
   3) Which operates a regular dining room constantly frequented by customers each day.

i) Residential purposes shall mean land actually being used to provide single- or multi-family homes for natural persons.

j) Private school means a private school, including a parochial school, that:
   1) Offers a course of instruction for students in one (1) or more grades from kindergarten through grade 12; and
   2) Has more than one hundred (100) students enrolled and attending courses at a single location.

k) Eating establishment shall include, but not be limited to, a restaurant, cafeteria, convention center, hotel, entertainment center or a Public Entertainment Facility as defined in Section 108.73, Texas Alcoholic Beverage Code, wherein alcoholic beverages are sold by a single mixed beverage permit holder and the total sales of alcoholic beverages on the premises holding the S-P-1 (R-AB) designation do not exceed 50 percent of the total sales of food and mixed beverages on the permitted premises.

l) Special regulation area shall mean land located in the urban business overlay district.

m) Mixed beverage permit means a mixed beverage permit as defined by Chapter 28 of the Texas Alcoholic Beverage Code and includes derivative permits, such as a wine and beer retailer's permit, that allow on-premise sale of alcoholic beverages based on provisions of the Texas Alcoholic Beverage Code relative to areas in which voters approved the legal sale of beer and wine for off-premise consumption only and the legal sale of mixed beverages.

3.3.2 Sale of Alcoholic Beverages for On Premise Consumption
a) RAB Zoning Required. The storage, possession, sale, serving, or consumption of any alcoholic beverages to be sold or served by the holder of a mixed beverage permit or the holder of a private club permit issued by the State of Texas, in bottles or any other container direct to the customer or person for consumption on the premises of the holder of a mixed beverage permit or in a private club, shall be permitted only in a restaurant as defined in 3.3.1(b) above in a S-P-1 site plan district under section 2.7.3 of this ordinance after the applicant has made a written request for a change in zoning.
under said section 2.7.3 of this ordinance to permit such use but the city council shall not zone any drive-in restaurant for the storage, possession, sale, serving, or consuming of any alcoholic beverage.

b) Application

1) All persons applying for a zoning designation of S-P-1 (R-AB) pursuant to this section 3.3 of this ordinance shall sign an application that includes all material required to be submitted by this ordinance, that acknowledges receipt of a copy of this section 3.3, as amended, and includes an agreement to abide by all provisions of the city's zoning ordinance and all other applicable city ordinances.

2) A nonrefundable filing fee according to the latest fee schedule approved by the City Council shall accompany each application for S-P-1 (R-AB) zoning under section 3.3.

3) Failure to submit all plans, data and information required to accompany a zoning application by this section 3.3, within three (3) months of filing of the case shall result in a presumption that the case has been withdrawn and the city staff may close the file and process same no further.

c) The site plan to be submitted pursuant to said section 2.7.3 shall satisfy all of the requirements of section 2.7.3 and the following additional requirements:

1) Interior design plan including general location of all waiting areas, restaurant seating areas reflecting the approximate number of seats, kitchen, storage, serving, and other activity areas within the restaurant.

2) The specifically delineated area to be zoned for restaurant S-P-1 (R-AB) and all areas necessary to provide adequate and necessary ingress-egress and parking. Only within the area specifically delineated (R-AB) may alcoholic beverages be sold for consumption on premises. Provided, however, the holder of a mixed beverage permit operating an accessory use within a hotel that includes the zoning designation of S-P-1 (R-AB) may deliver mixed beverages, including wine and beer, to individual rooms of the hotel pursuant to section 28.01(b) of the Alcoholic Beverage Code of the State of Texas.

3) An artist's rendering, photographs, elevation drawings or sketches, or other illustrations for the proposed restaurant which show proposed exterior features.

4) Narrative description of the planned activities in the restaurant which includes projected breakdown of revenues between food sales and sales of alcoholic beverages and any use of the restaurant premises for dancing, gaming devices, and/or electronic amusement games.

d) All persons applying for and receiving approval of S-P-1 (R-AB) zoning under this ordinance shall commence construction as evidenced by receipt of a building permit for the restaurant in accordance with the approved site plan within twelve (12)
3.3.3 Reporting Gross Sales. The person operating a restaurant with a zoning designation of S-P-1 (R-AB) shall on a semi-annual basis, no later than on the tenth day of the month following each six (6) month period, file with the city secretary an affidavit on an officially approved form provided by the city secretary that reflects gross sales for the preceding six (6) months and gross sales for the preceding twelve-month period, or since the restaurant began its operation, whichever is shorter, breaking down the sales between the sale of food and the sale of alcoholic beverages.

a) For purposes of breaking down the sales between food and alcoholic beverages, sales taxes, alcoholic beverage taxes and any other applicable taxes or fees shall not be included in the calculations.

b) The person operating a restaurant with a zoning designation of S-P-1 (R-AB) shall on a semi-annual basis file with the city secretary a copy of the filings supplied to the State of Texas for sales tax and mixed beverage (alcoholic beverages) tax purposes. The city reserves the right to request persons operating a restaurant with a zoning district designation of S-P-1 (R-AB) to submit an annual audit of the gross sales broken down between food sales and mixed beverages sales at the person's expense. All filings including all sales and beverage tax filings shall remain confidential.

c) The person operating a restaurant with a zoning designation of S-P-1 (R-AB) shall permit the city treasurer to view the books, records, and receipts relative to sale of food and alcoholic beverages at any time after four (4) hours' notice. The city attorney, city manager, city council, city treasurer, mayor or city secretary may examine said records. Said records may be introduced in court for the purpose of showing the person operating a restaurant with a zoning designation of S-P-1 (R-AB) is in violation of this ordinance.

d) Special Regulation Area. In a restaurant with attendant accessory use of the sale of alcoholic beverages for on-premises consumption which is located in a special regulation area and zoned S-P-1 (R-AB), the gross sales in Irving from alcoholic beverages on an annual basis may be 70 percent or less of its total sales of food and alcoholic beverages.

e) Public Entertainment Facility (PEF)

1) Premises which include restaurants with attendant accessory uses of the sale of alcoholic beverages for on-premises consumption shall be PEF premises if they meet all of the following:
   a. Are located in the urban business overlay district,
   b. Comprise a single, undivided tract of at least fifteen acres,
   c. Contain a public entertainment facility ("PEF"), as defined by Section 108.73, Texas Alcoholic Beverage Code, and
d. Are zoned S-P-1 (R-AB)

2) On a PEF premises, the combined gross sales in Irving from alcoholic beverages for the entire PEF premises on an annual basis may be 70 percent or less of the combined total sales of food and alcoholic beverages for the entire PEF premises. For the purposes of subsection 3.3.3, an owner or operator of a PEF premises shall report a combined total of all food and alcoholic beverage sales for all of the establishments contained within the PEF premises and a breakdown for each establishment within the PEF premises, whether or not there are more than one mixed beverage or private club permit holders.

3) The owner or operator of a proposed PEF premises applying for S-P-1 (R-AB) zoning to allow restaurants with attendant accessory uses of alcoholic beverages for on-premises consumption shall comply with all the requirements of subsection 3.3.2(c), except for subsection 3.3.2(c)(1) and shall comply with all applicable requirements of section 2.7.3.

3.3.4 Certificate of Occupancy

a) A certificate of occupancy shall be issued by the city's building inspection department at such time as an applicant complies initially with this section 3.3, all zoning ordinances, and all other applicable city ordinances.

b) A certificate of occupancy issued hereunder is valid only as to the recipient. No certificate of occupancy issued hereunder may be assigned or transferred. No person shall operate a restaurant zoned S-P-1 (R-AB) without a valid certificate of occupancy. Upon a change in ownership of the subject restaurant the new owner or person operating such a restaurant shall within ten (10) days of the change in ownership apply for a new certificate of occupancy using the same application form as required for a new zoning change, except that the application shall reflect that the property is currently zoned S-P-1 (R-AB).

c) The city council, after due notice and hearing, may cancel a certificate of occupancy of any party operating a restaurant zoned S-P-1 (R-AB) under this section 3.3 for failure to comply with any of the terms of this ordinance and all other applicable ordinances, after receipt of written notice of noncompliance and failure to rectify any such deficiencies within thirty (30) days of receipt of such written notice. In addition to canceling the certificate of occupancy, the city attorney may inform the Texas Alcoholic Beverage Commission that the location no longer is in compliance with the City of Irving ordinances as previously certified to by the city secretary and request that the Texas Alcoholic Beverage Commission take whatever action is available under the Texas Alcoholic Beverage Code.

3.3.5 Distance Measurement from Religious Facility, School Property, or Hospital

a) No S-P-1 (R-AB) site plan district for on-premises sale, serving, and consumption of alcoholic beverages either on the premises of the holder of a mixed beverage permit or on the premises of the holder of a private club permit shall be granted by the city
council within three hundred (300) feet of any church, public school, or public hospital.

1) The measurement of the distance between the place of business where alcoholic beverages are to be sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are to be sold and the public or private school shall be:

   a. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

   b. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

b) No S-P-1 (R-AB) site plan district for on-premises sale, serving, and consumption of alcoholic beverages either on the premises of the holder of a mixed beverage permit or on the premises of the holder of a private club permit shall be granted by the city council within three hundred (300) feet of any property zoned or classified R-40, R-15, R-10, R-7.5, R-6, R-3.5, R-2.5, R-MF, R-MF-1, R-MF-2, R-MF-3, R-TH, R-MH, R-ZL, R-PH, and R-XF and any property actually used for residential purposes irrespective of its zoning category. The measurements of the distance shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections.

c) The sale of alcoholic beverages within three hundred (300) feet of a church, public or private school, or public hospital is hereby prohibited.

   1) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door and in a direct line across intersections.

   2) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:

      a. In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or

      b. If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a
direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.

3) The regulations contained in section 3.3.5(b) shall not apply when the proposed application for a S-P-1 (R-AB) site plan district is located on property subject to an "urban business overlay district," a "transit mall overlay district," or property zoned "transit oriented development district"; provided said proposed S-P-1 (R-AB) site plan district meets the three hundred (300) foot distance requirement from any property zoned or classified R-40, R-15, R-10, R-7.5, R-6, R-3.5, R-2.5, R-TH, R-MH, R-ZL, R-PH, or R-XF. The regulations contained in subsection 3.3.5(b), however, shall apply when the proposed application for a S-P-1 (R-AB) site plan district is located on property within an area subject to an "urban business overlay district," a "transit mall overlay district," or property zoned "transit oriented development district"; and is also located within three hundred (300) feet of a property zoned R-MF, R-MF-1, R-MF-2, or R-MF-3 which is located on property outside of an area subject to an "urban business overlay district," a "transit mall overlay district," or property zoned "transit oriented development district."

d) The city council may grant a variance to the regulations contained in subsections (a), (b), and (c) above if it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes a waste or inefficient use of land or other resources, creates an undue hardship on an applicant, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council determines is in the best interest of the community after consideration of the health, safety, and welfare of the public and the equities of the situation. Applications for zoning changes under this subsection will be processed the same as any other zoning change except that notice of the public hearing before the planning and zoning commission to consider the zoning change shall be mailed to all property owners within five hundred (500) feet of the property upon which the zoning change is being requested, according to the latest approved city tax roll.

3.4 Commercial Design Standards

3.4.1 Applicability

a) The commercial design standards shall apply to all newly constructed structures in districts zoned for non-residential uses and non-residential development in a residential zoning district, excluding structures in the State Highway 161 Corridor Overlay District, the Transit Oriented Development District, and Accessory structures one hundred (100) square feet or less that are not visible from a street, park, or residential area are exempt from the commercial design standards.
b) If existing structures are expanded by thirty (30) percent or more of their building area, as defined by the Building Code, or are being repaired, remodeled, rehabilitated or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least fifty-one (51) percent of the current value of the structure as established by the most current value established by the Appraisal District, the entire structure shall be brought into compliance with these commercial design standards. If existing metal buildings that do not face a public street and that are used for industrial uses such as manufacturing, warehousing, wholesale distribution, and motor freight or trucking terminals in a C-OU, C-OU-1, C-OU-3, FWY, ML-20, ML-20a, ML-40, ML-120, CP, M-FW, IP-AR, MH or site plan district or development plan for C-OU, C-OU-1, C-OU-3, FWY, ML-20, ML-20a, ML-40, ML-120, CP, M-FW, IP-AR, MH district uses, or other district that permits industrial uses are expanded by fifty (50) percent or more of their building area, as defined by the Building Code, or are repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least fifty-one (51) percent of the current value of the structure as established by the most current value established by the Appraisal District, the entire structure shall be brought into compliance with these commercial design standards.

c) Any building or structure lawfully constructed and in existence on October 16, 2008, but which does not conform to this ordinance shall be deemed a nonconforming building or structure and the regulations Chapter 7, Nonconformities, will apply.

d) If there is any conflict between this section 3.5 and an adopted S-P-1, S-P-2, or Development Plan in a PUD district, the more specific standard shall apply.

e) Modifications of design standards outlined in this section may be accomplished through:

1) The director may approve minor variations from these design standards in specific instances as long as they meet the spirit and intent of the commercial design standards. Criteria for approval of minor variations include, but are not limited to:
   a. compatibility with surrounding development
   b. compliance with all other requirements of the approved zoning of the property
   c. that the variation is an enhancement beyond the minimum design standards
   d. architectural design and creativity, and
   e. the provision of other site enhancements such as landscaping, signs, screening, and paving beyond these minimum standards.

2) S-P-1 or S-P-2 zoning or a Development Plan in a PUD district.

3.4.2 Design standards.
a) Building materials.
   1) All exterior walls, including parking structures, garages, and accessory structures shall be eighty (80) percent masonry.
   2) Masonry coverage calculation does not include doors, windows, window box-outs, or bay windows that do not extend to the foundation.
   3) Masonry shall be defined as:
      a. Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone and dimensioned stone techniques are acceptable.
      b. Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.
      c. Concrete masonry units. Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications; ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face or other similar architectural finish as approved by the city. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.
      d. Concrete panel construction. Concrete finish or precast panel (tilt wall) construction shall be painted, fluted, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.
      e. Stucco (exterior Portland cement plaster with three (3) coats over metal lath or wire fabric lath);
      f. Cementitious fiberboard;
      g. Architectural glass block (less than twenty-five (25) percent reflectance).
   4) Structures twenty thousand (20,000) square feet or less shall require a minimum of two (2) distinct building materials from the approved masonry list be utilized on all facades to provide architectural detail and interest.
5) Structures over twenty thousand (20,000) square feet shall require a minimum of three (3) distinct building materials from the approved masonry list be utilized on all facades to provide architectural detail and interest.

6) Secondary materials must cover a minimum of ten (10) percent of the building facade on all sides.

7) Architectural accent materials not exceeding twenty (20) percent of the exterior walls, may include metal and wood. Metal accents may include profiled panels, deep-ribbed panels and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards. Synthetic stucco, also known as Exterior Insulation and Finish System (EIFS), may be used as architectural accent material when placed more than four (4) feet above grade.

b) Roofing materials. Architectural textured twenty-five (25) year minimum warranty asphalt or synthetic shingles, standing seam metal, or tile roofs are allowed for sloping roofs. Roof materials for flat roofs shall provide the equivalent level of protection as determined by the inspections director.

c) Prohibited materials. The following materials are prohibited:
   1) Aluminum siding or cladding.
   2) Corrugated, metal, plastic, or fiberglass panels.
   3) Galvanized, aluminum coated, zinc aluminum coated or unpainted exterior metal except as permitted as architectural accent material.
   4) Wood siding or plastic siding.
   5) Synthetic stucco, Exterior Insulation and Finish System (EIFS), placed less than four (4) feet above grade.
   6) Unfinished concrete block.
   7) Exposed aggregate.
   8) Wood roof shingles.
   9) Reflective glass.

d) Entry features. Primary building entrances are to be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.

e) Building articulation. All facades of a building which are adjacent to and face a public street, public park, or residential district shall comply with the following standards:
   1) Horizontal articulation - No building facade shall extend for a distance greater than three (3) times the mean elevation of the wall's height without having an offset of fifteen (15) percent or more of the wall's height. This offset shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane. (Figure 1)
   2) Vertical articulation - No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a
minimum of fifteen (15) percent of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane. (Figures 1 and 2)

Figure 1

Figure 2
f) Architectural design features.

1) Facade treatment. All non-residential buildings shall be architecturally finished on all four (4) sides with the same materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). [See section 3.5.3(h), Exception for non-street facing rear facades.]

2) Roof design.
   a. Pitch roofs, if provided, shall have a minimum pitch of 4/12.
   b. Architectural elements that add visual interest to the roof, such as dormers, and masonry chimneys, are encouraged.
   c. Flat roof shall require parapet screening which adheres to vertical articulation requirements for the main face of the structure.
   d. Parapet shall require cornice detailing.
   e. Roof mounted utility and mechanical equipment including, but not limited to, fans, vents, air conditioning units, cooling towers, and satellite dishes, shall be screened so as not to be visible at ground level from the adjacent properties and/or public streets.

3) Design elements. Structures twenty thousand (20,000) square feet or less shall include a minimum of four (4) of the architectural design features listed below. Structures over twenty thousand (20,000) square feet must include a minimum of six (6) of the architectural design features listed below:
   a. Canopies, awnings, arcades, covered walkways, or porticos.
   b. Recesses, projections, columns, pilasters projecting from the planes, offsets, reveals, or projecting ribs used to express architectural or structural bays.
   c. Varied roof heights for pitched, peaked, sloped, or flat roof styles.
   d. Articulated cornice line.
   e. Arches.
   f. Display windows, faux windows, or decorative windows.
   g. Architectural details (such as tile work and molding) or accent materials integrated into the building facade.
   h. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios.
   i. Integrated water features.
   j. Other architectural features approved by the director.

4) Mechanical equipment. All ground and wall mounted mechanical and utility equipment including, but not limited to, air conditioning units, generators, and transformers shall be visually screened by a solid masonry screening wall at a minimum height of the highest element of the equipment, so as to provide visual screening of such equipment from adjacent properties and public streets. The exterior of the screening wall, if independent of the building
facade, shall be finished in a color similar to the building facade, or trim, whichever is more effective in minimizing the visibility of the equipment and providing screening from public streets and/or adjacent properties. Installation of evergreen landscaping material, as approved by the director, may be substituted in lieu of the screening wall, under circumstances where the topography, zoning, and use of such landscape will provide an equivalent screen.

5) Bay doors, overhead doors, and loading docks. Bay doors, overhead doors, and loading docks shall not face an arterial street.

g) Exception for non-street facing rear facades. The rear facade of a building which is not adjacent to or does not face a public street, public park, or residential district shall not be required to comply with the following:

1) The articulation standards, outlined in section 3.4.2(e), Building articulation.

2) Materials and detailing, as outlined in section 3.4.2(f), Architectural design features; however, it shall require a minimum of two (2) distinct building materials from the approved masonry list.

3.5 Convenience Store Design Standards

3.5.1 Definitions.

a) For purposes of this section, convenience store means any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than ten thousand (10,000) square feet of retail floor space. Convenience store does not include any business where there is no retail floor space accessible to the public.

b) For purposes of this section, convenience goods means basic food, beverage, tobacco products, household and/or pharmaceutical items.

3.5.2 Applicability.

a) The following convenience store design standards shall apply to all newly constructed convenience stores, and any existing building that is proposed to be converted or changed in use to a convenience store from any other use other than a convenience store.

b) If an existing convenience store is expanded by thirty (30) percent or more of its building area as defined by the Building Code, or is being repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least twenty-five (25) percent of the current value of the structure as established by the most current value established by the Appraisal District, the entire structure shall be brought into compliance with these convenience store design standards.

c) If an existing building used for any use other than a convenience store is to be converted to a convenience store use, the entire structure shall be brought into compliance with these convenience store standards and shall also be brought into
conformance with all current landscaping, screening, parking, loading, building and other construction codes and accessibility requirements prior to the issuance of a certificate of occupancy for a convenience store use.

d) If an existing convenience store is expanded by thirty (30) percent or more of its building area as defined by the Building Code, or being repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least twenty-five (25) percent of the current value of the structure as established by the most current value established by the Appraisal District, or if an existing building used for any use other than a convenience store is to be converted to a convenience store use, any pole sign(s) adjacent to any street or thoroughfare other than State Highway Loop 12, State Highway 183, State Highway 114, State Highway 161, Interstate 635, State Highway Spur 482, or State Highway Spur 348 shall be removed prior to the issuance of a certificate of occupancy for the expanded or new convenience store use.

e) If there is any conflict between this section 3.5 and an adopted S-P-1, S-P-2, or Development Plan in a PUD district, the more restrictive standard shall apply.

f) Modifications of design standards outlined in this section may be accomplished through either an S-P-1 (Detailed Site Plan) or a Development Plan in a PUD district.

3.5.3 Design standards.

a) Building materials.

1) All exterior walls, including parking structures, garages, and accessory structures shall be eighty (80) percent masonry.

2) Masonry coverage calculation does not include doors, windows, window box-outs, or bay windows that do not extend to the foundation.

3) Masonry shall be defined as:

   a. Stone material. Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all weather stone. Cut stone, manufactured stone and dimensioned stone techniques and manufactured stone are acceptable.

   b. Brick material. Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.

   c. Concrete masonry units. Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard
Specification for Solid Load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Nonload Bearing Units. Concrete masonry units shall have an indented, hammered, split face, or other similar architectural finish as approved by the city. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

d. Concrete panel construction. Concrete finish or precast panel (tilt wall) construction shall be painted, fluted, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.

e. Stucco (exterior Portland cement plaster with three (3) coats over metal lath or wire fabric lath);

f. Cementitious fiberboard;

g. Architectural glass block (less than twenty-five (25) percent reflectance).

4) All structures shall require a minimum of two (2) distinct building materials from the approved masonry list be utilized on all facades to provide architectural detail and interest.

5) Secondary materials must cover a minimum of ten (10) percent of the building facade on all sides.

6) Architectural accent materials not exceeding twenty (20) percent of the exterior walls, may include metal and wood. Metal accents may include profiled panels, deep-ribbed panels, and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards. Synthetic stucco, also known as Exterior Insulation and Finish System (EIFS), may be used as architectural accent material when placed more than four (4) feet above grade.

b) Roofing materials. Architectural textured twenty-five (25) year minimum warranty asphalt or synthetic shingles, standing seam metal, or tile roofs are allowed for sloping roofs. Roof materials for flat roofs shall provide the equivalent level of protection as determined by the inspections director.

c) Prohibited materials. The following materials are prohibited:

1) Aluminum siding or cladding.

2) Corrugated, metal, plastic, or fiberglass panels.

3) Galvanized, aluminum coated, zinc aluminum coated or unpainted exterior metal except as permitted as architectural accent material.

4) Wood siding or plastic siding.

5) Synthetic stucco, Exterior Insulation and Finish System (EIFS), placed less than four (4) feet above grade.

6) Unfinished concrete block.
7) Exposed aggregate.
8) Wood roof shingles.
9) Reflective glass.

d) **Entry features.** Primary building entrances are to be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.

e) **Building articulation.** All facades of a building which are adjacent to and face a public street, public park, or residential district shall comply with the following standards:

1) Horizontal articulation - No building facade shall extend for a distance greater than three (3) times the mean elevation of the wall's height without having an offset of fifteen (15) percent or more of the wall's height. This offset shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane. (Figure 1)

2) Vertical articulation - No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of fifteen (15) percent of the wall's height. This height change shall continue for a minimum distance equal to at least twenty-five (25) percent of the maximum length of either adjacent plane. (Figures 1 and 2)

Figure 1

![Figure 1](image1.png)

Figure 2

![Figure 2](image2.png)
f) **Architectural design features.**

1) Facade treatment. All convenience stores shall be architecturally finished on all four (4) sides with the same materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). [See section 3.5.3(h), Exception for non-street facing rear facades.]

2) Roof design.
   a. Pitch roofs, if provided, shall have a minimum pitch of 4/12.
   b. Architectural elements that add visual interest to the roof, such as dormers, and masonry chimneys, are encouraged.
   c. Flat roof shall require parapet screening which adheres to vertical articulation requirements for the main face of the structure.
   d. Parapet shall require cornice detailing.
   e. Roof mounted utility and mechanical equipment including, but not limited to, fans, vents, air conditioning units, cooling towers, and satellite dishes, shall be screened so as not to be visible at ground level from the adjacent properties and/or public streets.

3) Design elements. All structures shall include a minimum of four (4) of the architectural design features listed below.
   a. Canopies, awnings, arcades, covered walkways, or porticos.
b. Recesses, projections, columns, pilasters projecting from the planes, offsets, reveals, or projecting ribs used to express architectural or structural bays.

c. Varied roof heights for pitched, peaked, sloped, or flat roof styles.

d. Articulated cornice line.

e. Arches.

f. Display windows, faux windows, or decorative windows.

g. Architectural details (such as tile work and molding) or accent materials integrated into the building façade.

h. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios.

i. Integrated water features.

j. Other architectural features approved by the director.

4) Mechanical equipment. All ground and wall mounted mechanical and utility equipment including, but not limited to, air conditioning units, generators, and transformers shall be visually screened by a solid masonry screening wall at a minimum height of the highest element of the equipment, so as to provide visual screening of such equipment from adjacent properties and public streets. The exterior of the screening wall, if independent of the building façade, shall be finished in a color similar to the building façade, or trim, whichever is more effective in minimizing the visibility of the equipment and providing screening from public streets and/or adjacent properties. Installation of evergreen landscaping material, as approved by the director, may be substituted in lieu of the screening wall, under circumstances where the topography, zoning, and use of such landscape will provide an equivalent screen.

5) Bay doors, overhead doors, and loading docks. Bay doors, overhead doors, and loading docks shall not face an arterial street.

g) Parking. Any newly constructed convenience store of two thousand (2,000) square feet or less, or any existing building used for any use other than a convenience store that is proposed to be converted to a convenience store of two thousand (2,000) square feet or less shall provide a minimum of eight (8) parking spaces for the first one thousand (1,000) square feet of floor area plus one (1) additional parking space for each two hundred (200) square feet of floor area. Such parking shall comply with all requirements of section 4.4.3 and section 4.4.6, and shall be screened in accordance with all applicable landscaping ordinances of the City of Irving.

h) Exception for non-street facing rear façades. The rear facade of a building which is not adjacent to or does not face a public street, public park, or residential district shall not be required to comply with the following:

1) The articulation standards, outlined in section 3.5.3(e), Building articulation.
2) Materials and detailing, as outlined in section 3.5.3(f), Architectural design features; however, it shall require a minimum of two (2) distinct building materials from the approved masonry list.

3.6 Environmentally Sensitive Land Use

3.6.1 Generally. The following uses or activities shall be considered environmentally sensitive land uses which have the potential to cause substantial environmental impacts beyond the boundaries of the property on which the activity or use is conducted:

a) Refuse disposal services, including but not limited to landfills, incinerators, and other locations which receive garbage and refuse generated off-site for storage, treatment or disposal.

b) The manufacture, storage or handling of more than one hundred pounds of radioactive material or radioactive waste at one time.

c) The generation, handling or storage of hazardous waste as defined in Chapter 361 of the Texas Health and Safety Code.

d) Aviation facilities such as airports and heliports.

e) Sewage and waste water treatment facilities.

f) Heavy industries, including but not limited to, saw and planing mills, manufacturing uses involving primary production or storage of wood, metal or chemical products from raw materials, construction materials, permanent batching yards foundry-type operations, material or auto salvage and/or wrecking operations.

g) Petrochemical facilities such as terminals, refineries or tank farms, any of which have more than a one thousand (1,000) barrel storage capacity.

h) Railroad switching yards.

i) Jet engine or other engine testing facilities.

3.6.2 Altering, creating, establishing, etc., environmentally sensitive land uses or activities.

a) Notwithstanding any other provisions of this ordinance, it shall be unlawful to alter, create, establish, extend, expand, suffer, maintain or permit an environmentally sensitive land use or activity on any property within the City of Irving.

b) It shall be an affirmative defense to a prosecution under subsection 3.6.2(a) relating to suffering, allowing or permitting an environmentally sensitive land use, if such use was a permitted use and was commenced prior to January 4, 1990. This section shall not provide an affirmative defense to any person who alters, extends or expands an environmentally sensitive land use that was in existence on January 4, 1990.

c) It shall be an affirmative defense to a prosecution under subsection 3.6.2(a) if the ordinance establishing the particular "S-P-1" or "S-P-2" zoning district specifically authorized the particular environmentally sensitive land use or activity and was enacted within five (5) years prior to the date upon which such land use or activity is commenced.

3.6.3 Extension of existing land use. An applicant who has begun construction on an environmentally sensitive land use within five (5) years of the enactment of an ordinance
establishing the particular "S-P-1" or "S-P-2" zoning district and authorizing the particular environmentally sensitive land use may request that the city council extend the time in which the environmentally sensitive land use must commence. A request for an extension must be accompanied by a timetable for remaining construction activities. In no case may the proposed land use or activity commence later than eight (8) years after the enactment of the ordinance establishing the particular "S-P-1" or "S-P-2" zoning district.

3.6.4 **Site Plan zoning required.** Any zoning change application to authorize an environmentally sensitive land use or activity must meet all of the requirements of either section 2.7.3 or section 2.7.4. The Planning and Zoning Commission may recommend and the City Council may require any additional degree of specificity deemed appropriate in regard to building, facility or other improvement location in either the "S-P-1" or "S-P-2" districts.

3.6.5 **Additional information required in site plan zoning.** The following additional information shall be submitted with the application for the zoning changes to authorize an environmentally sensitive land use or activity.

a) All final environmental assessments and environmental impact statements for the proposed use or activity if either or both are required pursuant to state or federal law, including, but not limited to, the National Environmental Policy Act (as amended);

b) Copies of all studies or analyses upon which have been based projections relied upon by the applicant of the need or demand for the proposed use or activity, together with copies of all studies or analyses upon which the applicant has relied in selecting the proposed use or activity over alternatives thereto;

c) A description of the present use, assessed value, and actual land value of land which will be used or adversely impacted by the proposed use or activity and each alternative thereto considered by the applicant, together with a description of the expected future use of all such land, including all long-term plans and master plans for the future use or development affecting such land;

d) A description of the applicant’s ability to obtain needed easements (including, but not limited to, those necessary for drainage, waste disposal, utilities, and avigation) for the proposed use or activity and for each alternative thereto considered by the applicant;

e) A description of the feasibility and costs of any necessary removals of or modifications to residential, commercial and public structures in connection with the proposed use or activity and with each alternative thereto considered by the applicant;

f) A description of all special construction requirements for the proposed use or activity and for each alternative thereto considered by the applicant, including descriptions of special geologic features and availability of special materials needed for construction;

g) If the proposed use or activity will result in increased noise levels, a description of the noise levels in the City of Irving or in contiguous cities expected to be generated by
or in conjunction with the proposed use or activity upon commencement of operations and during each fifth year thereafter over the projected life of such use or activity, including (i) maps showing projected fifty-five (55), sixty (60), sixty-five (65), seventy (70) and seventy-five (75) Ldn noise contours and (ii) hourly data showing the projected geographical distribution and duration of any single noise events in excess of sixty-five (65), seventy-five (75), eighty-five (85) and ninety-five (95) db;

h) Copies of all studies undertaken or considered by any local, state or federal agency in connection with the proposed use or activity and each alternative thereto considered by the applicant;

i) Such other material, documents, testimony or information as may be requested by the city council, the planning and zoning commission or the director of community development to assist them in determining whether all appropriate standards have been met.

3.6.6 Waiver of requirements of this section.

a) The city council may, after a public hearing, waive any part or all of the application requirements imposed by subsection 3.6.4 upon petition by the applicant stating and showing that:

1) Full compliance with the application requirements of this section would be unreasonably burdensome; and

2) The proposed use or activity will not have a substantial impact on the surrounding area.

b) A waiver may be granted only if the city council determines that the information submitted is sufficient to determine that the proposed use or activity will comply fully with all applicable ordinances and master plans and that the proposed use or activity will not have a substantial impact on the surrounding area.

3.6.7 Governmental immunity.

a) Upon petition of the applicant, the city council may officially recognize that the applicant is immune from compliance with this ordinance for a proposed use or activity (i) if such immunity specifically is required to be granted by any applicable state or federal statute, or (ii) in the absence of such a statute, upon consideration and balancing of all relevant factors, including, but not limited to:

1) The impact of zoning compliance on the proposed use or activity;

2) The impact of the proposed use or activity on the community;

3) Whether a more prudent and feasible alternative location exists for the proposed use or activity; and

4) The need of the applicant and the region of the use or activity at the proposed location.

b) Immunity may be granted pursuant to subsection 3.6.7(a) only after notice has been given and public hearings have been held.
3.6.8 Factors to be considered. In granting or denying an application for an environmentally sensitive land use, the city council shall take into consideration the following factors in addition to the factors otherwise considered in connection with an "S-P-1" or "S-P-2" request:

a) Disruption to existing neighborhoods from the proposed use or activity and the extent to which the proposed use or activity will complement in the least intrusive manner the needs of the city, region and the state.

b) Benefits of the proposed use or activity weighed against the loss of or damage to any homes, businesses, natural resources, agricultural lands, historic or cultural landmarks or sites, wildlife habitats, parks or natural, scenic or historic features of significance.

c) Benefits of the proposed use or activity weighted against the personal and economic costs of disruption to the lives, businesses and property of individuals affected by the proposed use.

d) Alternative sites for meeting the projected need or demand for the proposed use or activity which may be less costly or less intrusive to existing communities, and the adequacy of means undertaken to minimize adverse impacts of the proposed use.

e) The extent to which the proposed use or activity is consistent with prior plans, master plans, and projections of the applicant, if any, upon which the City of Irving has based planning or zoning decisions or, if the proposed use or activity is inconsistent with prior plans or projections of the applicant, the extent to which such inconsistencies are outweighed by the benefits to the community from the proposed use.

3.6.9 This section shall not be effective as to land within the current or future boundaries of Dallas/Fort Worth International Airport.

3.7 Halfway Houses

3.7.1 Site Plan zoning required. Notwithstanding any other provision of this ordinance, no halfway house shall be permitted except in a site plan zoning district pursuant to section 2.7.3 approved by the City Council of the City of Irving after the recommendation of the zoning commission.

3.7.2 Minimum requirements. In granting a site plan zoning district for a halfway house, the city council shall impose such restrictions, requirements, and safeguards as are necessary to protect adjoining property; however, in no event shall a site plan be granted for a halfway house for the residence, rehabilitation and/or training of persons on probation, parole or pre-released inmates from correctional institutions or other persons found guilty of criminal offenses unless same meets the following minimum requirements:

a) Be located at least one thousand (1,000) feet from the property line of a premises or lot zoned for residential purposes or used for residence, school or hospital purposes. Said measurements to be in a straight line from the nearest wall of the structure proposed to be used for halfway house purposes to nearest property line of the lot or
tract zoned for residential purposes or used for residential, school or hospital purposes.

b) Halfway house must be located no closer than three (3) miles from the nearest existing halfway house.

3.7.3 Maximum residents/users. No halfway house shall have as residents or other users of the facility more than one hundred (100) persons, excluding facility staff.

3.7.4 Proximity to alcohol sales. No halfway house shall be located nearer than one thousand (1,000) feet to any premises zoned for service of alcoholic beverages pursuant to a permit issued by the Texas Alcoholic Beverage Commission. The measurement of the one thousand (1,000) feet is to be in a straight line from the nearest wall of the structure proposed to be used for halfway house purposes to the nearest property line of the lot or tract wholly or partially zoned for service of alcoholic beverages pursuant to a permit issued by the Texas Alcoholic Beverage Commission.

3.7.5 Variance. The city council, in a request for rezoning, for good cause shown may but is not required to grant a variance to the subsection 3.7.2(a) restriction which prohibits granting a site plan zoning district for a halfway house within one thousand (1,000) feet of the property line of a premises or lot zoned for residential purposes if the premises or lot zoned for residential purposes is:

a) Not used for residential purposes and by reason of noncompliance with applicable zoning regulations and/or applicable subdivision regulation is of such size, condition, location or shape that it cannot reasonably be developed for residential purposes; or

b) Not used for residential purposes and is not zoned "R-40", "R-15", "R-10", "R-7.5", "R-6", "R-ZLa", "R-3.5", "R-SFA", "R-2.5", "R-TH", "R-MF-1", "R-MF-2", "R-MH", "R-XF", Site Plan or Planned Unit Developments for any of the foregoing "R" district uses.

3.8 Reserved
3.9 Reserved

3.10 Hotel Development Standards

3.10.1 Applicability. The standards and criteria contained within this section are deemed to be minimum standards, and shall apply to all new hotel and/or motel construction, and renovation or reconstruction of existing hotels and/or motels the value of which renovation or reconstruction exceeds fifty (50) percent of the current improvement value as shown on the most current City of Irving tax roll. For purposes of determining applicability, any structure or improvement:

a) Which existed prior to August 5, 1999; or for which an application for building permit had been submitted to the City of Irving prior to August 5, 1999; or for which a Site Plan One (S-P-1) or Site Plan Two (S-P-2) zoning had been approved for construction of a new hotel or motel prior to August 5, 1999, shall be exempt from the following standards, and need only comply with the development standards in effect prior to August 5, 1999; or
b) Which was permitted after August 5, 1999, but before February 1, 2007; or for which an application for building permit had been submitted to the City of Irving after August 5, 1999, but before February 1, 2007; or for which a Site Plan One (S-P-1) or Site Plan Two (S-P-2) zoning had been approved for construction of a new hotel or motel after August 5, 1999, but before February 1, 2007, shall be exempt from the following standards, and need only comply with the development standards in effect under Ordinance No. 7516.

3.10.2 Minimum standards

a) Building materials.

1) All new construction must have an exterior facade of a minimum of eighty (80) percent glass, brick, masonry, stone, stucco, EIFS, or other cementitious type material on each facade. The remaining twenty (20) percent may be of any other building code acceptable material of a contrasting color, texture, or design.

2) All roof material for pitched roof designs shall be either architectural textured twenty-five-year minimum warranty composition shingles, standing seam metal, or tile. All roof materials for flat roof designs shall provide the equivalent level of protection in the opinion of the inspections director or designee. No wood shingle roofs are permitted.

b) Site design.

1) Landscaping shall be provided in accordance with all City of Irving landscape ordinances, as applicable.

2) All outside equipment such as air conditioners, pool equipment, satellite dishes over thirty-six (36) inches high, etc., shall be screened from view from any adjacent street by a solid fence or dense shrubbery/landscaping.

3) Any parking designated for trucks, recreational vehicles and other large vehicles shall be placed in a location which is not adjacent to either any street or to any residentially zoned property.

4) A solid masonry screening fence with a minimum height of seven (7) feet, and a heavily landscaped area with a minimum depth of ten (10) feet, inside the fence shall be provided adjacent to any property line abutting residentially zoned or used land.

5) Parking shall be provided in accordance with the following standards:
   a. One (1) space per guest room up to two hundred fifty (250) rooms; 0.75 space per room for each above two hundred fifty (250), plus one (1) space per each five (5) restaurant or lounge area seats, plus one (1) space for each one hundred twenty-five (125) square feet of meeting/conference room area.
b. One and one-tenths (1.1) spaces per guest room which contains kitchenette facilities, plus the above ratio of spaces for restaurant and meeting room areas.

c. One and five-tenths (1.5) spaces per guest room which contains kitchen facilities, plus the above ratio of spaces for restaurant and meeting room areas.

d. For purposes of this section, "kitchenette facilities" shall mean a food preparation facility within a hotel or motel in which:
   1. A cook-top may be provided limited to no more than two (2) burners;
   2. A conventional oven is not allowed, but a microwave oven is allowed;
   3. A full-size refrigerator is not allowed, but a small, under-counter type refrigerator is allowed; and
   4. The facilities are not separated from the sleeping facilities, but are in the same room.

   The presence of a sink, microwave oven and/or refrigerator without any cook-top units or conventional ovens shall not constitute a kitchenette.

e. For purposes of this section, "kitchen facilities" shall mean any combination of food preparation facilities which do not constitute a kitchenette, provided that the presence of a sink, microwave oven, and/or a refrigerator without any cook-top units or conventional oven shall not constitute a kitchen.

6) All signs, fences, lighting, and luminaries shall comply with all other City of Irving ordinances.

c) Building design.

1) Building articulation shall be included on all facades.

2) A porte-cochere or other covered area shall be provided immediately adjacent to the building entrance nearest the registration desk with an area for temporary parking of at least two (2) vehicles underneath the covered area for guests checking in or out.

3) All units shall be accessed from an interior hallway, except for first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access.

4) Exterior balconies shall not be allowed within two hundred (200) feet of any residentially zoned property unless they are located in an interior courtyard or are physically separated or screened from the residentially zoned property by another building or portion of a building.

d) Interior design.
1) Each guest room shall have a minimum area of three hundred (300) square feet including sleeping area, bathroom, and closet space.

2) Each guest room shall be fully furnished with a minimum of a bed, clothes dresser, chair, table, bath or shower, sink, toilet, telephone, and television.

3) A lounge or waiting area with a minimum area of five hundred (500) square feet or five (5) square feet per guest room, whichever is greater, shall be provided. Atriums or other open areas may be counted as waiting area if seating is provided.

4) A lobby area (not counting the work area for hotel or motel employees) which is designed as part of the check-in/out area for guests with a minimum size of five (5) square feet per guest room shall be provided. The lobby and lounge/waiting areas may be designed as a single space but in such case the area shall be a minimum of five hundred (500) square feet plus five (5) square feet per guest room, but shall not be required to exceed one thousand five hundred (1,500) square feet. The lobby check-in/out area (registration desk) shall be open and unobstructed. The size of the registration counter shall be a minimum of ten (10) feet in length. In lieu of one (1) registration counter, an applicant may provide two (2) or more kiosk registration areas within the lobby area.

5) All hotels or motels shall provide meeting or conference rooms with a combined minimum area of five thousand (5,000) square feet. Individual guest rooms cannot be counted as meeting rooms.

6) All hotels or motels shall provide at least one (1) of the following amenities:
   a. Swimming pool with a minimum surface area of one thousand (1,000) square feet; or
   b. Other recreational facilities with a minimum combined area of one thousand (1,000) square feet such as, but not limited to, exercise rooms equipped with at least three (3) types of exercise equipment, tennis or racquetball courts, spas, or game areas.

7) All hotels or motels shall provide a minimum of two hundred (200) sleeping rooms.

8) All hotels and motels shall provide a full-service restaurant with full kitchen, cooking and service staff on the premise and be open to the general public for breakfast and dinner (minimum) daily.

e) Guest services.
   1) Daily housekeeping service shall be available to every guest room at no extra charge.
   2) Staffing shall be available twenty-four (24) hours per day to provide check-in/out services, custodial or maintenance response, or other guest services.

f) Zoning approvals.
1) Hotels and motels are allowed only by Site Plan zoning approval, either Site Plan One (S-P-1) Detailed Site Plan or Site Plan Two (S-P-2) Generalized Site Plan, as applicable. As part of any application for a zoning change to authorize a hotel or motel use, the city staff, planning and zoning commission and/or city council may request an independent third-party market need study for the particular product segment being proposed.

2) Modifications to the above minimum standards may be requested through the Site Plan zoning process. As part of any such request for modifications to the standards, the city staff, planning and zoning commission and/or city council may request any or all of the following information to assist the staff, commission, and council in determining whether the modifications should be approved:
   a. Product data to include projected daily rate, occupancy, average length of stay (for the brand proposed), and revenue per available room.
   b. Competitive set data to identify brands in the proposed development's competitive set, and projected daily rate, occupancy, average length of stay, and revenue per available room for the competitive set.
   c. Current hotel market segment assessment by an independent third party to determine the market success, financial success, and consumer demand for the proposed development.
   d. Any feasibility studies that may have been completed pertaining to the proposed development.

3) The city council reserves the right to approve any request for a hotel development or redevelopment not in keeping with all the requirements set forth herein when in its judgment the proposed project will be of such high quality, innovative design, and/or architectural significance so as to complement surrounding development, satisfy an important market demand, or substantially contribute to the physical, social and/or economic well being of the community and surrounding region.

3.11 **Industrialized Housing**

3.11.1 **Zoning district allowed.** In any single-family or two-family (duplex) zoned district, including S-P-1 and S-P-2 site plans providing for single or two-family use and development plans for single-family or two-family use within a PUD, the owner of a tract of land may file an application to allow the installation, construction or location of industrialized housing in such single-family or two-family zoning district in accordance with § 1202.253 Texas Occupations Code, as amended.

3.11.2 **Permits required.** Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

3.11.3 **Definition.** "Industrialized housing" means industrialized housing as defined by §1202.002 of the Texas Occupations Code, as amended.
3.11.4 Project Plan requirements. An application (on a form provided by the director of community development or his designee) for placement of industrialized housing as provided in 3.11.1 above, shall be filed with the department of community development. The application form shall request the information (e.g., pictures of homes within five hundred (500) feet, percentage of masonry on such homes, proof of value of existing and proposed improvements, etc.) necessary to determine if the proposed industrialized housing project plan is in conformance with the following regulations:

a) Industrialized housing must have a value equal to or greater than the median taxable value of each single-family dwelling located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll of the appraisal district. For purposes of this subparagraph the "value" of the industrialized housing means the taxable value of the industrialized housing and the lot after installation of the industrialized housing.

b) Industrialized housing must have exterior siding, roofing, roof pitch, foundation fascia and fenestration compatible with the single-family dwellings located within five hundred (500) feet of the lot on which the industrialized housing is proposed to be located. "Compatible" as used in this subparagraph means similar in application color, materials, pattern, quality, shape, size, slope, and other characteristics, but does not necessarily mean identical. The burden is on the property owner or applicant to supply proof of compatibility.

c) Industrialized housing must comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision regulations, landscaping, square footage and any other regulations applicable to single-family dwellings.

d) Industrialized housing must be securely fixed to a permanent foundation.

e) Industrialized housing may not be constructed in a historic overlay district unless the industrialized housing conforms to the preservation criteria of the historic overlay district.

f) Industrialized housing may not be installed, constructed or located within a subdivision unless it complies with deed restrictions applicable to such subdivision.

3.11.5 Notice to adjacent property owners. The applicant shall mail at its expense notice of the requested industrialized housing project by certified mail, (return receipt requested to "Community Development Department") in accordance with criteria set by the director of community development to all property owners as shown by the latest tax roll within five hundred (500) feet of the lot or tract, if unplatted, on which the industrialized housing is proposed, at least ten (10) days prior to the scheduled hearing date of the request before the planning and zoning commission.

3.11.6 Hearing. The application and project plan for industrialized housing shall be heard by the planning and zoning commission at one of their regular meetings. The planning and zoning commission shall have the power to finally approve or deny the industrialized housing project plan. The planning and zoning commission may add, modify or delete
such conditions and restrictions on the granting of the industrialized housing project plan as they may deem in the interest of the public health, safety and welfare.

3.11.7 **Project Plan compliance with zoning district.** The planning and zoning commission shall not have the power in an industrialized housing project plan to remove a restriction on the use of the property as required by the underlying zoning district.

3.11.8 **Effective date.** Any action of the planning and zoning commission on an application shall not become final until the time allotted for an appeal to the city council as provided for below has expired. No building permit for the installation, construction or location of industrialized housing shall be issued until the action or decision of the planning and zoning commission or city council, whichever is applicable, has become final.

3.11.9 **Appeal.** In the event that any applicant and/or owner(s) of at least twenty (20) percent of either:

a) The area of the lots or land covered by the proposed industrialized housing project; or

b) The area of the lots or land immediately adjoining the area covered by the proposed industrialized housing project and extending two hundred (200) feet from that area, protest or object to the action of the planning and zoning commission in regard to a request for approval of an industrialized housing project plan, such protestant may file with the director of the department of community development an appeal within ten (10) days of the commission's action. The city council shall hear and decide any appeals after the same notification procedures as outlined in 3.11.5 [if the appeal is pursued by the applicant, the cost of such notification is borne by the applicant], and may also make any amendments, modifications, or deletions to the conditions or requirements of said industrialized housing project plan.

3.11.10 **Filing fee.** A filing fee in an amount equal to the fee charged for filing a S-P-2 site plan zoning case before the planning and zoning commission shall accompany each request for an industrialized housing project plan.

3.12 **Reserved**

3.13 **Multifamily Development Regulations**

3.13.1 **Community framework review.**

a) **Applicability.**

1) The purpose of community framework review is to assist the planning and zoning commission in making its recommendations and to assist the city council in determining whether zoning should be amended to permit multifamily dwelling units on the site.

2) Every application for a change or amendment to a zoning district, other than a revision to a PUD district that does not increase allowable multifamily acreage, which authorizes new construction of multifamily dwelling units or reconstruction of existing multifamily developments that will result in an increase in the number of dwelling units shall be accompanied by a community framework application prepared in conformity with this section.
3) Any rezoning application for an S-P-1 district authorizing new construction of multifamily dwelling units shall, in addition, be accompanied by a concept plan pursuant to subsection 3.13.2.

4) Whenever a PUD development plan required by section 2.6.4(d) of these regulations is submitted in order to authorize new construction of multifamily dwelling uses, the development plan shall incorporate the contents for a community framework plan.

5) Any rezoning request for a density greater than twenty-five (25) dwelling units per acre shall be filed in accordance with section 2.7.3 (S-P-1 district) or section 2.7.4 (S-P-2 district) and shall be accompanied by a concept plan application.

6) All requests for development of multifamily dwelling units on land currently zoned for multifamily uses but either vacant or developed with other uses, and not indicated for multifamily development on the future land use plan map of the comprehensive plan, shall comply with all the requirements for a community framework review as described in this section, prior to proceeding with the required concept plan review and approval process set forth in the same section.

b) **Submittal requirements.** The applicant shall submit a community framework application in sufficient detail to inform the city about the intended use of the property for multifamily dwelling units. The extent of the information shall depend upon the size and scope of the project. The following information should be submitted unless specifically waived by the director of community development:

   1) A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.

   2) A metes and bounds or lot and block description of the subject property.

   3) Identification of the zoning and uses of all contiguous property and of uses immediately adjacent to abutting public rights-of-way.

   4) The total number and type of dwelling units proposed and gross residential density.

   5) At a scale of one (1) inch equals one hundred (100) feet or such scale as deemed appropriate by city staff:

      a. The general location of planned land uses within the site and existing land uses within five hundred (500) feet surrounding the site.

      b. The general location of existing and proposed open space and recreation areas, including the nature of existing and proposed recreational facilities, parks, schools, and other public or community uses.

      c. The general location, character, and capacity of existing and proposed major roads, public transportation, recreation easements, pedestrian
connections, public utility and storm drainage systems, and 100-year floodplain.

d. The location of existing or planned support facilities serving the development, i.e., community commercial, convenience retail, etc.

6) Traffic impact analysis with three hundred twenty (320) units or more.

7) A statement setting forth:
   a. The proposed development schedule.
   b. An analysis of proposed improvements to public facilities, roadways and public utilities that will be required to serve the multifamily development.
   c. The location and capacity of schools to serve the anticipated population.

8) Any additional information deemed reasonably necessary by the director of community development.

e) Review criteria. In addition to broad considerations of health, safety and welfare, the following criteria are for use by the planning and zoning commission and city council in evaluating a request for rezoning, or development plan application, to permit the construction of multifamily dwelling units. The relevance of these factors in determining whether a zoning change should be granted depends upon the site location, site characteristics, and size of the proposed multifamily development. The commission may recommend and the council may impose such conditions as are necessary to ensure that the rezoning of the property for multifamily dwelling units is appropriate, including submittal and approval of a concept plan pursuant to 3.13.2. Any conditions imposed must be satisfied prior to issuance of a building permit or final certificate of occupancy for any multifamily dwelling.

1) Street framework.
   a. Street system to serve the project is consistent with the city's master street plan and adequate to accommodate traffic generated by proposed densities.
   b. Circulation and access to multifamily developments is discouraged through incompatible use areas, such as industrial uses.

2) Open space.
   a. Create open spaces in residential areas which gives neighborhoods an image, a means of orientation, and a "sense of place."
   b. Respond appropriately to the natural boundaries of land use and neighborhood districts, i.e., promote public connections between compatible districts and create buffers between incompatible districts.
   c. Establish public open space connections which can connect into city and regional open space corridors.
d. Identify how the community and neighborhood park needs, as established by city standards, can be met and how the plan for this project will fit into an overall open space framework for this area.

3) Pedestrian connections. Encourage safe and pleasant pedestrian connections within multifamily developments. Plan for pedestrian connections to open spaces, parks, convenience shopping, recreation facilities, and community facilities.

4) Community facilities and services. Identify availability of community facilities and services in relation to the need for services such as schools, parks, convenience retail, and recreation facilities based on city standards and the following general evaluation criteria:

<table>
<thead>
<tr>
<th>Estimated Multi-Family Units</th>
<th>Population</th>
<th>Retail/Restaurant</th>
<th>Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>250</td>
<td>475</td>
<td>5,300</td>
<td>¼—½ miles</td>
</tr>
<tr>
<td>1,000</td>
<td>1,900</td>
<td>21,400</td>
<td>1—2 miles</td>
</tr>
<tr>
<td>5,000</td>
<td>9,500</td>
<td>106,900</td>
<td>3—6 miles</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recreation Facilities Needed</th>
<th>Number of Facilities/Population</th>
<th>Service Radius</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tennis</td>
<td>1/2,000</td>
<td>¼—½ miles</td>
</tr>
<tr>
<td>Soccer Field</td>
<td>1/10,000</td>
<td>1—2 miles</td>
</tr>
<tr>
<td>Softball Field</td>
<td>1/5,000</td>
<td>¼—½ miles</td>
</tr>
<tr>
<td>Multiple Recreation Court</td>
<td>1/10,000</td>
<td>1—2 miles</td>
</tr>
<tr>
<td>Public Golf Course (18-hole)</td>
<td>1/50,000</td>
<td>N/A</td>
</tr>
<tr>
<td>Recreation Center</td>
<td>1/40,000</td>
<td>N/A</td>
</tr>
</tbody>
</table>

5) Compatibility/locational criteria:
   a. The tract is not adjacent to manufacturing uses, industrial uses or warehouse uses.
   b. The tract is not adjacent to undeveloped tracts with manufacturing, industrial or warehouse zoning.
   c. The site is not adjacent to single-family uses with no natural barriers or buffers to separate the two (2) uses by a minimum distance of one hundred (100) feet.
d. The site is not adjacent to single-family zoning with no natural barriers or buffers to separate the two (2) uses by a minimum distance of one hundred (100) feet.

e. The tract is not located in an area subject to noise impacts of sixty-five (65) Ldn or greater.

f. The tract is not less than ten (10) acres in size, and there are no opportunities to develop the property as a second phase of an adjacent existing multi-family complex.

6) Need for additional multifamily dwellings. Identify particular housing market served by proposed multifamily development.

7) Utilities and drainage analysis.
   a. Water and wastewater treatment, storage, collection and distribution facilities are adequate to serve proposed densities for the project.
   b. Drainage facilities, including off-site receiving facilities, are adequate to serve the project.

3.13.2 Concept plan review.
   a) Applicability.
      1) A concept plan must be approved for any development project authorizing new construction of multifamily dwelling units or reconstruction of existing multifamily developments that will result in an increase in the number of dwelling units, except for site plans for an S-P-1 district approved prior to December 11, 2008, and no building permit shall be issued for new construction of multifamily dwellings until such concept plan has been approved pursuant to this section.

      2) An applicant for a zoning amendment authorizing new construction of multifamily dwelling units may substitute a concept plan for the community framework application required by 3.13.1, provided that the concept plan meets all submittal requirements and addresses relevant criteria and standards required for community framework review.

      3) Any concept plan application requesting a density greater than that established by the underlying zoning shall require the accompanying submittal of an S-P-1 or S-P-2 district rezoning application, or, if in a PUD district, a development plan application.

   b) Concept plan approval procedure.
      1) An application for concept plan approval shall be submitted to the director of community development, together with a specified number of copies of the concept plan and the filing fee.

      2) The concept plan shall be distributed to appropriate departments for review and comment. Upon completion of such administrative review, the concept plan shall be submitted to the planning and zoning commission.
3) The planning and zoning commission shall conduct a public hearing to consider the concept plan. The commission shall approve, conditionally approve, or disapprove the concept plan. The commission may impose such conditions on the concept plan as it determines to be necessary to meet the intent of this section and secure the health, safety, and welfare of the community.

4) Any applicant dissatisfied with the decision of the planning and zoning commission may, within ten (10) days of such decision, appeal to the city council for its review. If not appealed, the decision of the planning and zoning commission shall be final.

5) The city council may affirm, reverse or modify the decision of the planning commission, and may impose such conditions as are necessary to meet the intent of this section and to secure the health, safety, and welfare of the community.

6) Once the concept plan has been approved, and there is cause for an amendment of the same, such amendment shall be processed in the same manner as the original submission.

c) Concept plan contents. A concept plan required by this section shall include, at a minimum, the following elements:

1) A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.

2) At a scale of one (1) inch equals one hundred (100) feet or such a scale as deemed appropriate by city staff, a map exhibit of the property that includes the following data:
   a. Metes and bounds of all property lines;
   b. Total area of property;
   c. Scale and north arrow;
   d. Names of boundary streets and the width of existing rights-of-way;
   e. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, then either one-foot contours or spot elevations shall be provided where necessary;
   f. Land uses or zoning of adjacent areas.

3) A conceptual land use plan at a scale of one (1) inch equals fifty (50) feet or such scale as deemed appropriate by city staff, showing:
   a. Preliminary building footprints, height, and number of floors of all buildings, both above and below or partially below finished grade;
   b. The traffic circulation system and the pedestrian circulation system;
   c. The off-street parking and loading areas and structures;
d. Proposed open space and usable open space areas, together with proposed private recreational areas;
e. Access points into the multifamily development;
f. Pedestrian connections within the development and connections to off-site pedestrian-ways;
g. Indication of areas proposed for preservation of existing trees.
h. Location, type and size of all easements shall be indicated on the concept plan; along with the volume and page number where the easement is recorded with Dallas County Deed Records.

4) When the development is to be constructed in phases, a proposed development schedule showing the order of construction of such phases and the installation of public infrastructure improvements to serve each phase.

5) Site coverage by building, parking and drives, open space, and usable open space.

6) Total number of dwelling units and residential density in units per acre.

7) Total gross floor area for each type of use, including dwelling units, by type and size.

8) Total number of off-street parking and loading spaces.

9) Amount of density applied for under the bonus provisions of 3.13.4, and the calculations supporting the specific development provisions giving rise to such bonus application.

10) Conceptual grading plans.

11) Preliminary architectural sketches.

d) Development standards. The following development standards shall apply to new multifamily construction and reconstruction of multifamily developments that will result in an increase in the number of dwelling units. Variances to these standards may be granted only in accordance with the provisions of this section. (Additional development standards which are not applicable at the concept plan review phase but must be incorporated into the project design are contained in section 3.13.3(d) and will be reviewed as part of the building permit application.)

1) Generally. The concept plan shall include any conditions imposed by an approved community framework plan.

2) Access.
   a. Driveways shall not be located within thirty (30) feet of street intersections.
   b. Wherever possible, drives on divided thoroughfares should be located at median openings providing left turn access to and from the site. Drive locations shall be coordinated with the transportation department.
c. Driveways allowing two-way directional flow shall be a minimum of twenty-four (24) feet. Less than twenty-four (24) feet may be considered if fire lane access is not required.
d. A private access drive on an adjacent lot may be used provided an easement is obtained and the width is adequate for the number of vehicles served.

3) Parking.
   a. Parking space requirements:

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>1.0 space/unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>1.5 spaces/unit</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>2.0 spaces/unit</td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td>2.5 spaces/unit</td>
</tr>
<tr>
<td>More than 3 Bedrooms</td>
<td>2.5 spaces/unit plus 0.5 spaces for every bedroom exceeding 3</td>
</tr>
</tbody>
</table>

   Applicant may request a parking reduction which may be granted by the planning and zoning commission based upon review of the concept plan specifics, i.e., size of units, type of project, shared parking opportunities, etc. In no case shall parking requirements be less than the following:

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>1.0 space/unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>1.5 spaces/unit</td>
</tr>
<tr>
<td>2 Bedrooms</td>
<td>1.8 spaces/unit</td>
</tr>
<tr>
<td>3 Bedrooms</td>
<td>2.5 spaces/unit</td>
</tr>
<tr>
<td>More than 3 Bedrooms</td>
<td>2.5 spaces/unit plus 0.5 spaces for every bedroom exceeding 3</td>
</tr>
</tbody>
</table>

   Any request for reduction in parking requirements pursuant to this section shall be described.

b. No parking shall be allowed in the front yard. If the front yard abuts a freeway or expressway, parking is allowed beyond a fifty-foot-wide buffer from the freeway or expressway. Where this occurs, parking shall be screened from the freeway or expressway.
c. There shall be a maximum of ten (10) covered or uncovered parking spaces between landscaped islands having a minimum width of eight (8) feet.

d. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and designated. These areas should be screened from adjacent streets and residences. Special vehicular parking may not be used to meet the standard parking requirements.

e. If provided, carports shall not be located closer to an abutting street than the closest principal use structure.

f. Parking shall not be constructed more than one (1) parking bay in width unless a minimum eight-foot wide strip of landscaping is provided between bays. If carports or garages are provided in the middle rows of two (2) bays of parking, the landscape strip shall not be required.

g. Tandem parking spaces may not be located in front of a parking space under a carport. Tandem parking spaces meeting the minimum dimensional requirements for a parking space may be located in front of an attached enclosed garage, and credited toward the minimum parking requirements. Such tandem spaces shall not extend into any fire lanes, drive aisles or other parking spaces.

4) Pedestrian circulation. Sidewalks shall be provided from principal use structures to the office, laundry facilities, and amenities.

5) Building size, height, setbacks and separation.
   a. Buildings shall not exceed two hundred (200) feet in length.
   b. Maximum height of structures:
      1. Adjacent to a property line which abuts single-family zoned land: Three (3) feet from the nearest property line of a single-family zoned property for each one (1) foot of multi-family building height, or two (2) stories (twenty-four (24) feet), whichever is less.
      2. All others outside urban center: Three (3) stories (thirty-six (36) feet) (A basement parking area or garage may be provided below the average grade line and built into the side of a slope within the interior of a multi-family development, but not adjacent to a lot line. Any such basement shall be counted as a story.)
      3. Within urban center: As approved through the concept plan.
   c. Minimum building setbacks from street rights-of-way:
<table>
<thead>
<tr>
<th>Freeway or Expressway:</th>
<th>100 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first 50 feet from the freeway or expressway shall not be used for parking or included in calculating usable open space.</td>
<td></td>
</tr>
</tbody>
</table>

| Limited access roads                      | Reduction to no less than 50 feet may be considered if a study is prepared by a qualified acoustician verifying that noise levels at the building face and usable open spaces do not exceed 67 Leq based on barriers, screening, etc. proposed. |

| Streets with 80 feet or greater right-of-way per master street plan | 35 feet, plus five feet for each story above 2 |
| Streets with less than 80 feet of right-of-way per master street plan | 25 feet, plus five feet for each story above 2 |
| Private access drive                              | 15 feet plus five feet for each story above the first floor |

A private access drive is defined as an internal roadway without parking, which provides access to a group of buildings or dwelling units.

d. Minimum side and rear yard setbacks:

| a. Adjacent to other multi-family or nonresidentially zoned land | 20 feet for 1- and 2-story, 25 feet for 3-story |
| b. Adjacent to single-family zoned land | 75 feet or three feet from the nearest property line of a single-family zoned property for each 1 foot of multi-family building height; whichever is greater |

No accessory buildings or uses, including swimming pools, improved recreational/open spaces, storage buildings, dumpsters, etc., may be located between an adjacent street and a main building, or between a property line abutting single-family zoning and a main building. Such structures and uses shall be located within the interior of the site, screened from view by main buildings, unless adjacent to other multi-family or nonresidentially zoned land.

e. Minimum separations between buildings:
Face to face at an angle | 50 feet at the centerline of the two buildings but no distance less than 40 feet unless a heavily landscaped courtyard is provided
---|---
Face to end | 30 feet
Corner to corner | 15 feet
End to end | 30 feet
Corner to face | 20 feet

6) Dwelling unit size and mix.
   a. Multifamily dwelling units shall have the following minimum average gross square feet size per development:

<table>
<thead>
<tr>
<th>Efficiency</th>
<th>500 square feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Efficiency</td>
<td>500 square feet</td>
</tr>
<tr>
<td>One-bedroom</td>
<td>650 square feet</td>
</tr>
<tr>
<td>Two-bedrooms</td>
<td>900 square feet</td>
</tr>
<tr>
<td>Three-bedrooms</td>
<td>1,100 square feet</td>
</tr>
<tr>
<td>More than three-bedrooms</td>
<td>1,100 square feet, plus 150 square feet for every bedroom exceeding three</td>
</tr>
</tbody>
</table>

   b. Efficiency units shall not total more than ten (10) percent of total units

7) Open space.
   a. A minimum of thirty (30) percent of the gross area of the site must be provided as open space. Open space shall not be deemed to include buildings, driveways, parking areas, or other surfaces designed or intended for vehicular travel. All open space areas shall be covered with grass, ground cover, shrubs, flowers, hardscape construction (i.e., pavers, exposed aggregate, paving, etc.) or consist of recreational facilities (i.e., swimming pool, tennis court, jogging trail, etc.).
   b. Usable open space within the site shall be provided in an amount not less than twenty-five (25) percent of total net floor area. Usable open space is defined as an open area or recreational facility which is
designed and intended to be used for outdoor living and/or recreation, resource protection and/or amenity. Generally, usable open space should have a minimum dimension of thirty (30) feet in any direction and minimum area of nine hundred (900) square feet; however, it is recognized that usable open space can be of a smaller minimum dimension or area provided it meets the definition of this section. Required front building setbacks and street frontage setbacks shall not be included in calculating usable open space. Distances between buildings can be considered as usable open space provided that minimum dimensions are adhered to. Twenty-five (25) percent of this usable open space area shall be designed and allocated for children and youth-oriented recreational facilities and improvements. Such recreational facilities and improvements may include, but not be limited to, such improvements as swings or other playground equipment, basketball courts, and sidewalks suitable for bicycles, tricycles and running. All such recreational facilities and open space for children and youth shall be specifically indicated and labeled on the multi-family concept plan and building permit plans. Approval of the concept plan or building permit plans by the City of Irving shall have no bearing on each applicant's individual responsibility for compliance with all applicable federal and state laws. All applicants are encouraged to consider recommendations of the United States Consumer Products Safety Commission and the American Society for Testing and Materials when designing recreational facilities for children and youth.

c. Instead of setting aside at least twenty-five (25) percent of the usable open space for children and youth as provided in subsection b. above, an applicant may elect to install all of the following four (4) minimum standards to satisfy the open and recreational space requirement for children and youth:

1. Basketball court for youth (also accessible by adults). The minimum size shall be the area of a half circle with a twenty-foot radius (six hundred twenty-six (626) square feet). Such basketball court may be concrete, or it may have a special surface.

2. Swings or playground equipment for children ages two (2) to five (5). The minimum area shall be thirty-two (32) feet by thirty-two (32) feet (one thousand twenty-four (1,024) square feet). Such area may be covered by sand, a rubber safety surface, or other material acceptable under applicable federal
and state law. The equipment shall consist of a minimum of two (2) swings, or may consist of any other playground equipment acceptable under law which accommodates two (2) or more children ages two (2) to five (5).

3. Swings and playground equipment for children ages five (5) to twelve (12). The minimum area shall be thirty-two (32) feet by thirty-two (32) feet (one thousand twenty-four (1,024) square feet). Such area may be covered by sand, a rubber safety surface, or other material acceptable under applicable federal and state law. The equipment shall consist of a minimum of two (2) swings, or may consist of any other playground equipment acceptable under law which accommodates two (2) or more children ages five (5) to twelve (12).

4. Sidewalk loops where children and youth may ride bicycles or tricycles or run. Sidewalks shall be expressly made available to children and youth for running, bicycles or tricycles, and shall be designed to keep children in safe areas away from the street. Such sidewalks may be concrete, asphalt or other suitable surface, and shall be at least six (6) feet wide. Such sidewalks shall provide a loop of at least one-tenth (1/10) mile in length and shall not run across driveways or parking lots.

All such minimum standards shall be specifically indicated and labeled on the multi-family concept plan and building permit plans. Approval of the concept plan or building permit plans by the City of Irving shall have no bearing on each applicant's individual responsibility for compliance with all applicable federal and state laws. All applicants are encouraged to consider recommendations of the United States Consumer Products Safety Commission and the American Society for Testing and Materials when designing facilities to comply with such minimum standards.

8) Landscaping.
   a. A minimum eight-foot-wide perimeter landscape area shall be contiguous to all side and rear property lines adjacent to other multi-family or nonresidentially zoned land and private access drives.
   b. A minimum ten-foot-wide perimeter landscape area shall be contiguous to all side and rear property lines adjacent to single-family zoned land. An additional five (5) feet shall be added to the ten-foot wide landscape area for each additional story beyond one of buildings adjacent to such property lines.
c. A minimum twenty-five-foot-wide landscape area adjacent to abutting streets shall be maintained (except for driveways and pedestrian walkways).

d. A minimum twelve-foot-wide landscape area adjacent to principle buildings shall be maintained (except for garage access riverways and pedestrian walkways).

e. Sight easement clips shall be in accordance with the codes and ordinances of the City of Irving, Texas.

9) Amenities. Developments of two hundred fifty (250) units or greater shall have a minimum area of nine (9) feet by twenty (20) feet designated for an on-site recycling center for newspaper, glass, and at least one (1) other recyclable material.

10) Accessory structures. Accessory structures and buildings, including, but not limited to, garages, carports, mail kiosks, offices, recreation buildings and swimming pools may be located on the property as approved by the concept plan.

e) Review criteria. In addition to broad considerations of health, safety and welfare, the following criteria are for use by the planning and zoning commission in evaluating a concept plan application. The relevance of these factors to any particular project depends upon the site location, site characteristics, and the size of the proposed multifamily development.

1) Urban design.

a. Enhance streets and open spaces through the orientation of buildings, walls, and other site features.

b. Provide for a variety of building types and densities.

c. Cluster larger and taller buildings at activity centers.

d. Encourage areas of high density only where mass transit and pedestrian accommodation are integral components of area planning.

e. Promote building forms that will respect and improve the integrity of open spaces and other public areas.

f. For small and/or infill multifamily development, reinforce existing patterns in established neighborhoods by integrating new multifamily buildings into their surroundings, i.e., through setbacks, building separation, and compatible architecture.

2) Access, circulation and parking.

a. Pedestrian connections should be provided throughout the development based on logical pedestrian desire lines and connect to adjacent pedestrian walkways, bike paths, open space systems, and community facilities and services.
b. Interior pedestrian connections should be connected to public sidewalks adjacent to multifamily developments.

c. Vehicular circulation throughout the development should be designed to be easily understandable in terms of its function, e.g., major access, front door, parking access, direction.

d. If possible, linear drives adjacent to parking shall be limited to two hundred fifty (250) feet at which point they should be offset a minimum of forty-two (42) feet or angled a minimum thirty (30) degrees. Where drives exceed two hundred fifty (250) linear feet, vertical or horizontal curves are recommended to create a visual cut-off.

e. Surface parking between buildings and streets is discouraged.

3) Building locations and orientation.

a. Buildings should be arranged so as to enhance the "street scene."

b. Buildings should be arranged to take advantage of topography and other natural features of the site.

c. If possible, buildings should be arranged to provide views of and access to open space and natural features.

d. Buildings should be arranged to respect the privacy from other units and adjacent properties.

e. Buildings should be arranged to create courtyards.

f. A range of building heights should be provided to scale down the bulkiness of large buildings.

g. Common facilities, i.e., clubhouse and leasing office, should be easily identifiable and accessible.

h. Buildings and windows should be located to maximize the possibility of surveillance of entryways, pathways, parking lots, bike paths, recreation and laundry areas. Children's play areas should be sited to allow for clear parental monitoring.

i. Landscaping should not block surveillance abilities

4) Density and unit mix.

a. The maximum density shall be eighteen (18) units per acre, subject to the supplemental performance standards and bonus provisions of section 3.13.4.

b. A range of unit types and building densities is encouraged within a development.

c. Higher densities should be located in close proximity to activity centers, community facilities and services, and pedestrian connections.

5) Open space.

270
a. Open space should be created that is usable, continuous, and provides access to a larger community open space system, if any.

b. The open space system should include recreational facilities and amenities to help reduce the need for public open space and recreational facilities.

6) Amenities. Developments of two hundred fifty (250) units or greater are encouraged to have one (1) or more compaction dumpsters servicing the refuse disposal needs of the project.

3.13.3 Additional development standards for issuance of building permit.

a) Applicability. Any development authorizing new construction of multifamily dwelling units or reconstruction of existing multifamily developments that will result in an increase in the number of units must comply with the additional development standards as outlined in this section. At the time application is made for a building permit, the applicant shall provide as part of the plans for building permit a detailed site plan which incorporates all of the following development requirements in addition to those indicated on the approved concept plan, including any conditions stipulated by the planning and zoning commission.

b) Detailed site plan for building permit contents. The detailed site plan submitted in conjunction with the building permit plans shall contain, at a minimum, the following elements:

1) A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.

2) Map exhibit of the property that includes the following data:
   a. Metes and bounds of all property lines.
   b. Total area of property.
   c. Scale and north arrow.
   d. Names of boundary streets and the width of existing rights-of-way.
   e. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent then either one-foot contours or spot elevations shall be provided where necessary.

3) A final detailed land use plan at a scale of one (1) inch equals twenty (20) feet or such scale as deemed appropriate by city staff, showing:
   a. Final building footprints, height and number of floors of all buildings, both above and below or partially below finished grade.
   b. The traffic circulation system and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, and bicycle paths.
   c. The off-street parking and loading areas and structures.
d. Usable open space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas.
e. Location, type and size of all easements shall be indicated along with the volume and page number where the easement is recorded with Dallas County Deed Records.

4) Final architectural elevations of typical proposed structures, including lighting system, premise identification and name signage system, and landscaping.

5) Information contained on a plan or statement showing the location and design of all screening measures and indicating the type and height of such screening.

6) When the development is to be constructed in phases, a proposed development schedule showing the order of construction of such phases.

7) A copy of any covenants, bylaws, restrictions, maintenance plans, and conditions, if they exist, pertaining to the use, maintenance and operation of private open space area.

8) A final statement in tabular form which sets forth the following data:
   a. Site coverage by building, parking and drives, open space, and usable open space.
   b. Total number of dwelling units. Residential density in units per acre.
   c. Total gross floor area for each type of use, including dwelling units by type and size.
   d. Total area in usable open space.
   e. Total number of off-street parking and loading spaces.

9) Landscape plan showing trees, shrubs, ground cover, and turf areas including plant species and sizes prepared by a registered landscape architect.

10) Final engineering grading plans.

c) Compliance with conditions and concept plan. The detailed site plan submitted in conjunction with the building permit plans shall conform with any conditions imposed in conjunction with approval of a rezoning application as established during the community framework review. The detailed site plan also shall conform with the approved concept plan, provided, however, that the director of community development or designee may approve minor variations from the concept plan, provided such variations do not change the character or configuration of the development, vary the design standards contained in section 3.13.2(d), and do not increase the total number of units or density.

d) Development standards. The additional information required in the detailed site plan submitted in conjunction with the building permit plans is not required to be shown at the concept plan phase, but shall be incorporated into the project design. The detailed site plan shall comply with the development standards contained in section 3.13.2(d) and shall, in addition, provide for the following:
   1) Architecture.
a. The exposed exterior wall area, exclusive of doors, windows, and covered porch, breezeways and corridors shall be a minimum of seventy-five (75) percent masonry veneer, stucco, or other similar low maintenance cementious material. Allowed masonry shall be fifty (50) year minimum warranty:
   1. Hard fired (kiln fired) stacked in place, mortared joints, face or building brick with a minimum nominal depth of three (3) inches;
   2. Stone material consisting of granite, sandstone, slate, limestone, marble or other hand and durable all weather stone; or
   3. Split faced, fluted, sandblasted, glazed or textured concrete masonry units; or
   4. Approved stucco or other similar cementious material, excluding dryvit and exterior insulation finish system (EIFS).
   The remaining twenty-five (25) percent of exterior wall area shall be of an alternate color, texture or material excluding wood siding or fiber board.

b. Buildings containing three (3) or more attached dwellings in a row shall incorporate one (1) or more architectural elements such as gables, chimneys, balconies, changes in wall plane, or other architectural elements.

c. Patios and balconies shall be a minimum of fifty (50) square feet in area with a minimum narrow dimension of five (5) feet. All open balconies must remain open and not be enclosed after occupancies. Patios and balconies shall not be calculated in the minimum thirty (30) percent open space requirement.

d. Patios fronting on a public street shall be screened with material compatible with the architectural character of the project or with shrubs.

e. Family rooms or other similar rooms which may be used as bedrooms without structural changes shall be considered as bedrooms.

2) Roof articulation.

a. Roof articulation such as changes in plane or use of traditional roof forms shall be incorporated into project design. Articulation may be achieved by changes in plane of no less than two (2) feet six (6) inches and/or the use of traditional roof forms including, but not limited to, gables, hips and dormers.

b. Roof slopes shall have a minimum 4:12 pitch.

c. Roof material shall be architectural textured twenty-five-year minimum warranty shingles or tile. Wood shingles are not allowed.
3) Landscaping.
   a. Within the eight-foot-wide perimeter landscape area there shall be at least one (1) three-inch caliper large tree per three hundred twenty (320) square feet in the perimeter landscape area. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement. Where perimeter areas are wider than the minimum eight (8) feet, the excess area shall adhere to landscape requirements as described in paragraph e. below.
   b. Within the ten-foot wide (or larger) perimeter landscape area adjacent to single-family zoned land, there shall be at least one (1) three-inch caliper large tree per two hundred forty (240) square feet in the perimeter landscape area. Two (2) ornamental trees may replace one (1) large tree up to a maximum of twenty-five (25) percent of the large tree requirement.
   c. Within the twenty-five-foot-wide landscape area adjacent to abutting streets there shall be at least one (1) three-inch caliper large tree per seven hundred fifty (750) square feet in the landscape area. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement. Where landscape areas are wider than the minimum twenty-five (25) feet, the excess area shall adhere to landscape requirements as described in paragraph e. below.
   d. Within the twelve-foot-wide landscape area adjacent to principle buildings there shall be at least one (1) three-inch caliper large tree per four hundred eighty (480) square feet in the landscape area. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement. Where landscape areas are wider than the minimum twelve (12) feet, the excess area shall adhere to landscape requirements as described in paragraph e. below.
   e. There shall be at least one (1) three-inch caliper large tree per one thousand five hundred (1,500) square feet in open spaces other than those noted above. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement.
   f. There shall be curbs or wheel-stops between parking and landscape areas.
   g. There shall be a minimum of fourteen (14) shrubs per first floor unit on the project grounds. The planting pit for shrubs shall be at least
twice the width and twice the depth of the root ball and filled with topsoil and organic material.

h. In areas where existing three-inch caliper or greater trees have been preserved, tree credit will be given in accordance with section 4.5.8 of this ordinance. Replacement of three-inch caliper trees shall be in accordance with section 4.5.9 and the tree list most recently adopted by the city council.

i. Dead plants shall be promptly removed and replaced with plants of similar size and caliper.

j. An automatic underground sprinkling system shall be provided for all planted areas.

k. Selected plant list. The developer may select trees and shrubs from the list of approved trees and shrubs contained in subsection 4.15.5.

l. Heavily landscaped courtyard. For the purpose of meeting the criteria of a heavily landscaped courtyard the landscaping shall include at least one (1) three-inch caliper large tree and three (3) five-foot to six-foot-high small ornamental trees per one thousand three hundred (1,300) square feet.

4) Parking.

a. The detailed site plan shall specify parking spaces for recreation facilities, amenities, leasing office, etc.

b. Designated short term parking shall be provided next to mail box kiosks or enclosures in addition to minimum required parking.

c. There shall be continuous solid visual screening of parked cars from any adjacent street by a hedge of shrubbery and/or a landscaped berm with a minimum combined height of thirty-six (36) inches at the time of planting, with shrubs planted a maximum of thirty-six (36) inches apart.

d. There shall be a maximum of ten (10) covered or uncovered parking spaces between landscaped islands having a minimum width of eight (8) feet and planted with a minimum of one (1) three-inch caliper large tree or five- to six-foot-high small ornamental tree.

e. Garages and perimeter carports shall be constructed with compatible architectural treatment with other site elements, including pitched roofs, enclosed gables and roof materials which match the main buildings.

f. Parking shall not be constructed more than one (1) parking bay in width unless a minimum eight-foot strip of landscaping is provided between bays. The landscape strip is to be planted with three-inch caliper trees at a maximum separation of thirty (30) feet on center.
Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement. If carports or garages are provided in the middle of two (2) bays of parking, the landscape strip shall not be required.

5) Driveways and interior circulation. Internal circulation drives shall be clearly defined either by curbs and landscaped islands, or where parking is adjacent to an interior circulation-way, the travel-way shall be articulated by the required landscape islands and tree plantings between parking.

6) Pedestrian connections.
   a. Sidewalks are required adjacent to all streets.
   b. Sidewalks shall be a minimum of forty-eight (48) inches wide.
   c. Sidewalks shall be provided from principal use structures to the office, laundry facilities, and amenities.
   d. Sidewalks shall be set off of public street curbs.
   e. Pedestrian connections shall be constructed of stone, slate, exposed aggregate concrete, plain concrete, or concrete pavers. Jogging trails may be constructed of approved synthetic material.

7) Amenities and screening.
   a. Mailbox enclosures shall be located in a central, easily accessible location in such a way as not to disrupt circulation of the project.
   b. Storage areas, air conditioning compressors, loading areas, roof objects (roofmounted equipment which rises above the roof line), trash containers, satellite dishes, utility boxes, and maintenance facilities shall either be housed in closed buildings or otherwise screened from public view. Such screening would normally include landscaping or permanent fences of solid materials.
   c. Any and all lines and/or wires for communication or for transmission of sound or current, not within a building, shall be constructed or placed and maintained underground.

8) Fences and walls.
   a. A minimum seven-foot high solid screening fence shall be placed adjacent to any property line which abuts single-family zoned land. The fence shall be constructed of masonry materials which are compatible with the color and texture of the nearest main building of the multifamily development.
   b. All fencing and walls will be constructed to be compatible with the principal structure and will be designed with a foundation system as recommended by a soils engineering firm.
   c. Maximum height of fences:
      1. Perimeter fence used for security and/or sound barrier: 8 feet
2. Perimeter or interior fence used for screening: 8 feet
3. Other perimeter or interior fence: 4 feet
4. Fences should be limited to those only necessary for security, sound barrier, and screening purposes, therefore encouraging open areas. Open fencing is preferred over solid fencing and landscaping is preferred for screening over fencing.
   d. Articulation is required for walls seventy (70) feet or longer which abut fronting streets, i.e. plane change, height variation, open fence, etc.
   e. Solid walls or fences are not permitted between abutting streets and the required perimeter landscape areas.

9) Signage.
   a. A directory shall be provided at or near the entrance identifying buildings and access throughout the development.
   b. Building identification signs and directional signs shall be in accordance with the city premise identification ordinance.
   c. All signs shall be in accordance with the city sign ordinance.

10) Lighting.
   a. All outdoor lighting shall be directed so as to avoid glare and excessive light spillage on adjacent property and fronting streets.
   b. Exterior building lighting shall have concealed sources of illumination and maintain lighting levels consistent with the recognized standards of the lighting industry.
   c. A lighting plan describing exterior illumination layout and fixture selection must be approved prior to construction.
   d. An exterior light source shall have sharp cutoff.
   e. Provide lighting with a minimum one-half footcandle and average one (1) footcandle in all parking areas and drives. Lighting fixtures in parking areas and drives shall not exceed thirty (30) feet in height.
   f. Lighting fixtures along pedestrian connections and recreation areas shall not exceed fifteen (15) feet in height nor shall lighting exceed an average one-half footcandle except as necessary for recreation facilities, i.e., for tennis courts, lighted play fields, etc.
   g. Premise identification signs shall be located in an area so they are sufficiently lit so as to be readable.

11) Accessory structures. Accessory structures and buildings, including, but not limited to, garages, carports, mail kiosks, offices, recreation buildings and swimming pools may be located on the property as approved by the detailed site plan.

3.13.4 Supplemental performance standards and bonus.
a) Upon submittal of an S-P-1 or S-P-2 district rezoning application, or if in a PUD district submittal of a development plan application, accompanied by a consistent concept plan application, an increase in density of one (1) dwelling unit per acre may be authorized for each twenty-five (25) percent of the total number of dwelling units on site which are provided with private attached enclosed garages, up to a maximum of two (2) additional dwelling units per acre; if it is determined that the density increase shall not create detrimental effects on adjacent properties or to the neighborhood in which the development is situated. The decision of whether to grant a density increase is discretionary.

3.13.5 Variance to development standards.

a) Upon request of the applicant and in conjunction with a concept plan application, the planning and zoning commission may grant a variance to any of the development standards contained herein on platted lots or parcels of two (2) acres or less. No variances to the requirements of the underlying zoning district or to density standards may be granted.

b) The commission may grant a variance if the applicant demonstrates that the following conditions are met:
   1) The variance is in harmony with the general purpose and intent of these regulations.
   2) The variance will not adversely affect the use of neighboring properties.
   3) The variance will not be detrimental to the general health, safety and welfare of the community.

c) Variances to development standards on individually platted lots or parcels greater than two (2) acres may be granted only in conjunction with an S-P-1 or S-P-2 rezoning application, or if in a PUD district a development plan application, and shall be accompanied by a concept plan application.

3.13.6 Applicability. This section shall only apply to aggregations of five (5) or more dwelling units on a single lot or parcel.

3.13.7 Lapse of concept plan approval.

a) If all or a portion of the proposed development has not been submitted for building permit within two (2) years following approval of the concept plan, the concept plan shall lapse unless the property owner requests an extension prior to the expiration of the applicable period. The request for extension shall be reviewed in the same manner as for approval of the concept plan.

b) If the concept plan consists of more than a single use, the property owner must make substantial progress in obtaining building permits for the remainder of the uses authorized by the concept plan. The director of community development may initiate review of the development in order to determine whether significant progress is being made. In the event that the director of community development determines that significant progress is not being made, the director shall refer the matter to the
planning and zoning commission. Following notice and a public hearing, the commission may terminate the concept plan, or may attach additional conditions to the extension of the plan. The planning commission's determination may be appealed within ten (10) days of the decision to the city council.

3.13.8 Filing fee. A nonrefundable filing fee in accordance with the most recent schedule of fees adopted by the city council shall accompany each application for concept plan under this section.

3.14 Nondepository Financial Institutions


a) Nondepository financial institution. Any check cashing business, payday advance/loan business, or car title loan business, as defined in this section. This definition excludes:

1) A state or federally chartered bank, savings and loan association or credit union, or a pawnshop;
2) Any business that grants or brokers "tax refund advance" loans or other such loans whose value is based on the value of a federal income tax refund due to the consumer; and
3) A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least seventy-five (75) percent of the total gross revenue generated on site.

b) Check cashing business. An establishment, entity, or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Section 393 of the Texas Finance Code that provides one (1) or more of the following:

1) An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
2) An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
3) The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

c) Payday advance/loan business.

1) An establishment, entity, or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Section 393 of the Texas Finance Code that engages in any of the following activities:
   a. Acts or operates as a loan broker between consumers and lending companies;
   b. Issues a "letter of credit" or similar document on behalf of a consumer to a lender;
   c. Collects any or all of the following fees:
      1. A referral fee for referring a consumer to lending company;
2. An application fee for filling out the CSO documents; or
3. Interest on the funds distributed to the consumer, or payments based on the amount of money distributed to the consumer; or
d. Requires the consumer to provide the CSO or lending company with a postdated check or authorization to make an electronic debit against an existing financial account.

d) Car title loan business.
   1) An establishment, entity, or person registered with the Texas Secretary of State as a Credit Services Organization (CSO) under Section 393 of the Texas Finance Code that engages in any of the following activities:
      a. Acts or operates as a loan broker between consumers and lending companies;
      b. Issues a "letter of credit" or similar document on behalf of a consumer to a lender;
      c. Collects any or all of the following fees:
         1. A referral fee for referring a consumer to lending company;
         2. An application fee for filling out the CSO documents; or
         3. Interest on the funds distributed to the consumer, or payments based on the amount of money distributed to the consumer.
   2) The CSO or lending company uses a consumer's vehicle title as collateral for a loan.

3.14.2 Applicability. The following regulations shall apply to all new establishments seeking to obtain a certificate of occupancy as a nondepository financial institution, including new buildings or in any existing building or portion of a building.
   a) No new nondepository financial institution may be located within one thousand (1,000) feet of another nondepository financial institution, measured in a direct line from property line to property line.
   b) No new nondepository financial institution may be located in a building that is closer than five hundred (500) feet from the rights-of-way of State Highway 183, State Highway 114, State Highway 161/President George Bush Turnpike, Interstate Highway 635, Loop 12, Spur 348, Spur 482, or State Highway 356 (Irving Boulevard).
   c) No new nondepository financial institution may be located on a property whose lot line is less than two hundred (200) feet from any single-family residential property line that is zoned for single-family, duplex, or townhouse uses.
   d) Parking requirements for nondepository financial institutions.
      1) All nondepository financial institutions located within a freestanding building with no other commercial tenant shall provide a minimum of twenty-five (25) parking spaces or one (1) parking space for every one hundred (100) square feet, whichever is greater. All parking shall be located on site.
Notwithstanding other provisions set forth in this ordinance, all required spaces must be on site, and shall not be provided through a shared parking agreement, shared parking easement, or on any other off-site location through any method or agreement.

2) All other nondepository financial institutions that are not subject to the preceding provision shall provide one (1) parking space for every one hundred (100) square feet of gross floor space.

e) If there is any conflict between this section 3.14 and an adopted S-P-1, S-P-2, or development plan in a PUD district, the more specific standard shall apply.

f) Modifications of the requirements outlined in this section may be accomplished through either an S-P-I (detailed site plan) or a development plan in a PUD district.

3.14.3 Existing nondepository financial institutions.

a) It is the declared purpose of this section that in time all nondepository financial institutions shall come to conform to the provisions of this section.

b) A nondepository financial institution that does not conform to these standards and that existed lawfully on the date the use commenced shall be deemed a nonconforming use. A nonconforming use may be continued, so long as it does not increase its level of nonconformity.

c) If a nondepository financial institution ceases operations at a particular location for at least thirty (30) consecutive days, or a certificate of occupancy for a different type of use is issued for the same location, a new certificate of occupancy shall not be issued for a new nondepository financial institution at that location without first complying with all the requirements of this section 3.14.

d) With the exception of subsection 3.14.4(c) above, existing nondepository financial institutions as of April 23, 2009, that do not comply with the requirements of subsection 3.14.2 shall be governed by the provisions of Chapter 7, Nonconformities.

3.15 Railroad Rights-of-Way and Tracks

3.15.1 Railroad rights-of-way and tracks shall be permitted within any zoning district established and created by this ordinance except that passenger stations, railroad yards, switching tracks and loading facilities shall be located only in a district authorized and permitted by this ordinance.

3.16 Self Storage- Mini Warehouses

3.16.1 Applicability. This section applies to all new building permit applications, and all repair, redevelopment or expansion of existing facilities in which the repair, redevelopment or expansion exceeds fifty (50) percent of the appraised value as determined by the Dallas Central Appraisal District or exceeds fifty (50) percent of the total gross floor area.

3.16.2 Facility standards

a) Loading area.

1) Buildings with individual entry to exterior units shall have the following:
a. A continuous loading area that is a minimum eight (8) feet in width shall be provided along any building side where there is access to individual storage units for parking and loading.
b. The loading area(s) shall be in addition to and outside of any fire lane or drive aisle.

2) Buildings with interior entry to units shall provide a minimum of one (1) loading area for every seventy (70) units.

b) Parking.
1) A mini-warehouse or self-storage facility shall adhere to the following parking requirements:
   a. Buildings with individual entry to exterior units: 1 space per 20,000 square feet of leasable storage space.
   b. Buildings without individual entry to exterior units: 1 space per 7,500 square feet of leasable storage space.
   c. Office and retail accessory uses: 1 space per 250 square feet.
   d. On-site residence for manager: 2 spaces.

2) No fewer than seven (7) spaces shall be provided, with at least five (5) spaces located outside any gated or controlled access area. Compact car spaces are not permitted.

c) Screening.
1) Buildings with individual entry to exterior units.
   a. Buildings on the perimeter of the site shall be connected by masonry fences a minimum of eight (8) feet in height, except at the entrance area where wrought iron fencing may be used. Maximum height shall be ten (10) feet.
   b. The rear of the building(s) may be utilized as the required screening wall if a landscape buffer with one (1) tree every twenty-five (25) linear feet is provided between the building and the property line.

2) Barbed wire, razor wire, electric fences, and all other types of security fencing shall be prohibited from being placed on a screening wall, between a screening wall and a property line, or inside a screening wall when visible from the exterior of the property.

d) Setbacks. The front, side and rear building setback lines of the zoning district in which a mini-warehouse facility is to be built shall apply to the construction of a mini-warehouse facility; however, said setbacks shall not be less than ten (10) feet when the property is adjacent to any residentially-zoned or residentially-used property.

e) Height. Maximum height of buildings within thirty (30) feet of a residential structure shall be eleven (11) feet, measured from the foundation to the peak of the roof. Maximum height in all other areas shall be twenty-five (25) feet.
f) Signage.
   1) All signage shall be prohibited from being placed on exterior screening walls or on the rear of a building utilized as a screening wall.
   2) All signage shall be prohibited on roofs.
   3) Lighted signage shall not face adjacent property zoned for or used as a residential use.

g) Lighting.
   1) Outdoor lighting shall be shielded from adjacent property zoned for or used as a residential use, and shall not be a brightness that causes an ambient glow that extends into such property. No pole lights taller than fifteen (15) feet shall be permitted.
   2) Indoor lighting shall be shielded from adjacent residential uses and shall not be a brightness that causes an ambient glow that extends into a residential property.

h) Use of facilities.
   1) Mini-warehouse and self-storage units shall be used exclusively for storage purposes and not for any other use, processing, services, or activities.
   2) Outside storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles for more than twenty-four (24) hours is prohibited, except as noted herein.
   3) Retail space may be provided as an accessory use to the mini-warehouse use. Retail shall be limited to items directly related to the shipping, packaging, storage and transport of items to and from the mini-warehouse facility, and for the leasing of individual storage units.
   4) Vehicles, trailers and related equipment may be rented or leased on site as an accessory use to the mini-warehouse use. However, no more than three (3) vehicles, trailers and/or related equipment that are for rent or lease may be parked, displayed or stored in front of a front building line for more than twenty-four (24) hours.

i) On-site residence. One (1) residential unit is permitted for an on-site manager and may contain no more than seven hundred fifty (750) square feet of living space.

3.17 Sexually Oriented Businesses
3.17.1 Notwithstanding any other provision of this ordinance, a sexually oriented business as defined in either V.T.C.A., Local Government Code Chapter 243 or chapter 46 of the Code of Civil and Criminal Ordinances of the City of Irving, shall be an allowable use only in the following districts: C-W, ML-20, ML-20a, ML-40, ML-120, and in an S-P-1 or S-P-2 district which specifies C-W, ML-20, ML-20a, ML-40, ML-120 or sexually oriented businesses as principal uses.

3.18 Outside Storage
3.18.1 Outside storage shall include, but is not limited to, the following items stored other than in an enclosed building:

a) Merchandise for sale;
b) Building materials;
c) Trash, garbage, or other refuse;
d) Inventory or supplies for a business;
e) In a district zoned and used for residential purposes as a principal use, the parking of any commercial vehicle or conveyance from the following list:
   1) Vehicle of three (3) axles or more;
   2) Bus;
   3) Truck tractor;
   4) Commercial vehicle of rated capacity in excess of one and one-half (1½) tons according to the manufacturer's classification;
   5) Cargo van or bobtail truck with a cargo space of more than seven hundred twenty (720) cubic feet calculated by multiplying the outside length by the outside width by the outside height of the cargo space;
   6) Cargo van, bobtail, or flatbed truck more than twenty (20) feet in overall length, more than eight (8) feet in width, and more than ten (10) feet in height measured from the surface under the vehicle to the highest part of the vehicle excluding antennas; and
   7) Tow truck.
f) Any camper top, motor vehicle, boat, or trailer parked on a surface which does not consist of an area larger than the vehicle, boat, or trailer paved with concrete or asphalt of sufficient strength to support the weight of the vehicle, boat, or trailer or with gravel, stone, or a like material at a minimum uniform depth of two (2) inches with a containment border that minimizes the spread of the material. The parking surface must be continuously connected to a street, alley, or driveway by a similarly improved surface at least nine (9) feet wide or by two (2) fourteen-inch wide parallel ribbons of similarly improved surface. It is an affirmative defense to this subsection that the vehicle, boat, or trailer was being actively washed during the entire time of such parking. It is an affirmative defense to this subsection that the vehicle, boat, or trailer was screened on all sides by a six-foot blind fence or a building wall.
g) In a district zoned and used for not more than one (1) residential unit per lot or tract as a principal use, the parking of six (6) or more motor vehicles on the lot or tract on two (2) days within a seven-day period, provided that it is an affirmative defense to this subparagraph that:
   1) The number of vehicles parked on the lot or tract did not exceed by more than two (2) the number of licensed drivers who lawfully and concurrently reside on the lot or tract; and
2) The owner or tenant produces a current, valid title, bill of sale, or lease agreement showing the motor vehicle to be in the lawful possession of a resident of the premises on the date of the alleged offense.

h) Any vehicle from the following list:
   1) Any motor vehicle that is inoperable, more than five (5) years old, and left unattended on public property for more than forty-eight (48) hours;
   2) Any motor vehicle that has remained illegally on public property for more than forty-eight (48) hours;
   3) Any motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours;
   4) Any motor vehicle left unattended on the right-of-way of a county, state, or federal highway for more than forty-eight (48) hours;
   5) Any vehicle which is:
      a. Inoperative;
      b. On the same lot or tract on two (2) consecutive days; and
      c. Either:
         1. Showing external damage to the body or frame; or
         2. Partially and visibly dismantled.
   i) Motor vehicle parts and accessories including, but not limited to, engine, transmission, electrical, suspension parts, as well as tires, hubcaps, and other motor vehicle parts;
   j) Chemicals;
   k) Furniture, yard swings, waterscape, art form, barbecue grills, outdoor equipment, and children's playground equipment and toys;
   l) Appliances not designed for outdoor use;
   m) Tools, mobile or mechanical equipment not connected to the principal use;
   n) Boxes.

3.18.2 It is unlawful for any person to suffer, allow, permit, conduct, or maintain any outside storage on any lot or tract within the City of Irving. Each day during which outside storage occurs is a separate offense.

3.18.3 The following are affirmative defenses to prosecution under 3.18.2:
   a) That the outside storage is a principal use specifically allowed in the zoning district, provided, however, that this affirmative defense is not available against charges of outside storage of a type enumerated in subsection 3.18.1(c).
   b) That the outside storage is an accessory use specifically allowed in the zoning district, provided, however, that this affirmative defense is not available against charges of outside storage of a type enumerated in subsection 3.18.1(c).
   c) That the tract or lot is actively covered by a current valid building or demolition permit, and the outside storage is associated with the construction or demolition.
d) That a valid demolition permit exists for the property.

e) That the outside storage is of a type enumerated in subsection 3.18.1(k), and that the furniture (including landscape structures-gazebos and arbors), yard swings, waterscape and art forms are designed and made for outside use, are in good condition, and are not deteriorated. Barbecue grills, outdoor equipment (spa, hot tub, deck, FCC approved satellite dish antennas, animal enclosures, patio covers), and children's playground equipment and toys may be allowed in rear yards; however, children's playground equipment and toys and outdoor equipment, other than spa and hot tub, may also be allowed in side yards. A spa or hot tub is allowed in a side yard that is screened by a minimum six-foot blind fence.

f) That the outside storage is of a type not specifically enumerated in 3.18.1, and that the outside storage is:
   1) No greater than reasonably necessary to the lawful use of the property;
   2) Of an object or type that is of a minor nature; and
   3) Of a type which is traditionally or commonly associated with the principal use of the property.

f) That the outside storage is of a type specifically enumerated in 3.18.1(c), and that:
   1) It was awaiting pickup by the city or other sanitation service;
   2) It was in a container or bag as approved by the city;
   3) It was in an approved or customary location for city or other sanitation service pickup; and
   4) Unless in an approved dumpster or unless the trash consists of only lawn and/or landscape clippings, it was placed outside no longer than twenty-four (24) hours before the scheduled pickup.

h) That the outside storage is of a type designated in subsection 3.18.1(h), and any externally damaged or dismantled vehicle that was actively under repair for only one (1) period of time no longer than three (3) consecutive days within any six-month interval, provided that only one (1) such vehicle may be under repair outside at one (1) time, provided the affirmative defense provided by this subsection (h) is available only during such time as the vehicle is under repair provided that it is an affirmative defense to this subsection that a resident of a home located on a single-family lot is making automotive repairs to a motor vehicle that is not externally damaged or dismantled and such vehicle belongs to a resident of the home located on the same single-family lot and the resident residing on such single-family lot is in lawful possession of such vehicle and produces a current, valid title, bill of sale, or lease agreement showing such vehicle being repaired is owned by such resident.

i) That the outside storage is of a type designated in 3.18.1(a), and:
   1) That the merchandise is for sale in a zoning district which specifically allows retail sales as a principal or accessory use; and
2) That the merchandise is displayed within five (5) feet of the front of the principal building or structure which is fully enclosed; is not stacked higher than six (6) feet; is not stacked on a trailer; and the items displayed shall not pose any threat to public health or welfare [e.g., tires, receptacles, or containers that can harbor mosquitoes, rodents, vermin, or disease-carrying pests]; and shall not violate any city ordinance or state law related to public health or welfare; and

3) However, merchandise consisting of plants and landscape materials may not be more than thirty (30) feet from the outside wall of the principal building or structure which is fully enclosed; and

4) That the merchandise is not located within fifteen (15) feet of a public right-of-way; and

5) That the merchandise is not located within three hundred (300) feet of property zoned or used for single-family detached dwellings or for duplexes as measured in a straight line from the merchandise to the property line of said single-family or duplex property, unless such merchandise is screened from view of said residential property by six (6) feet or taller screening devices consisting of buildings, blind fences, berms, or a combination of the same, such screening to be located on the property of the retail establishment; and

6) That the merchandise is not located within required landscaped areas, required parking areas, required walkways, fire lanes, fire access ways, exit ways or accessible routes of travel as defined by the city building code, and is located upon a totally paved surface consisting of concrete or asphalt. The requirement of location on a totally paved surface shall not apply when all the merchandise outside is contained within an area no larger than one hundred (100) square feet.

j) That the outside storage is of a type enumerated in subsection 3.18.1(e), and that the vehicle is a motor home.

k) That the outside storage is of a type listed in subsection 3.18.1(e), and that a person is actively using the vehicle to load, unload, move, or deliver furniture or other household goods to or from the residence at which it is parked for no more than seventy-two (72) consecutive hours.

l) Any vehicle described in subsection 3.18.1(e) that is not parked in the front yard; and it is screened from view from any street, alley, public way, or adjacent private property zoned or used for residential purposes by a solid opaque fence or wall at least six (6) feet in height; or vegetation consisting of a solid hedgerow or evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six (6) feet or; any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height, or any other form of compatible and appropriate screening as determined by the building official.
m) That the outside storage is of a type described in subsection 3.18.1(b), and building materials stored on site are actively used in a construction project for which a valid permit is in effect and for which reasonable progress is being made or the building materials are associated with work of a nature for which no permit is required, and the materials are stored on site for only one period of time no longer than ten (10) consecutive days within any six-month period or a construction scope and schedule is approved by the department of inspections to allow storage of materials associated with:

1) Work for which a permit is required, but reasonable progress is not being made;
2) Work for which a permit is not required and a time period of more than ten (10) days is needed to complete the work; or
3) A future project planned by a homeowner on a property for which the homeowner has a homestead exemption and for which an approved storage plan and storage inspection schedule is included in the scope and schedule.

3.19 Wireless Telecommunications facilities
3.19.1 Regulations and requirements. Notwithstanding any other provision of this ordinance, telecommunications antennas, when such are permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

a) For the purpose of this section the following words and phrases shall have the meanings ascribed to them as follows:

1) The term "telecommunications tower" means a structure more than ten (10) feet tall, built primarily to support one (1) or more telecommunications antennas.
2) The term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.
3) The term "telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
4) The term "antenna" means any structure or device used to collect or radiate electromagnetic waves, including both directional antennas, such as panels, and dishes, and omnidirectional antennas, such as whips, but not including satellite earth stations.
5) The term "telecommunications antenna" means an antenna used to provide a telecommunications service.
6) The term "antenna array" means a structure attached to a telecommunications tower that supports a telecommunications antenna.
7) The term "whip antenna" means an omni-directional dipole antenna of cylindrical shape which is no more than six (6) inches in diameter.

8) The term "non-whip antenna" means an antenna which is not a whip antenna, such as dish antennas, panel antennas, etc.

9) The term "EIA-222" means Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".

b) Telecommunications towers.

1) Telecommunications towers shall be permitted only in an S-P-1 site plan district under section 2.7.3 of this ordinance after the applicant has made a written request for a change in zoning under said section 2.7.3 of this ordinance to permit such use.

2) The site plan to be submitted pursuant to said section 2.7.3 shall satisfy all of the requirements of section 2.7.3 and the following additional requirements:
   a. Tower height, including antenna array, may not exceed one hundred twenty (120) feet.
   b. Telecommunications towers must be a minimum of two hundred (200) feet or three (3) to one (1) distance to height ratio, whichever is greater, from structures used for residential purposes.
   c. New telecommunications towers must be a minimum distance of five thousand (5,000) feet from another telecommunications tower.
   d. All guys and guy anchors are located within the buildable area of the lot and not within the front, rear, or sideyard setbacks and no closer than five (5) feet to any property line.
   e. The base of the tower is enclosed by security fencing.
   f. Equipment buildings must be similar in color and character to the main or adjoining building or structure or blend with the landscaping and other surroundings immediately adjacent to it and be screened by a chain link or wrought iron fence with evergreen hedge, a blind fence, or a masonry wall.
   g. The tower is erected and operated in compliance with current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.
   h. A telecommunications tower must be:
      1. Used by three (3) or more wireless communications providers; or
      2. Designed and built so as to be capable of use by three (3) or more wireless communications providers including providers such as cellular or PCS providers using antenna arrays of nine (9) to twelve (12) antennas each within fifteen (15) vertical feet of each other with no more than three (3) degrees of twist and sway.
at the top elevation and the owner of the tower and the property on which it is located must certify to the city that the antenna is available for use by another wireless telecommunications provider on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If the property on which the tower is proposed to be located is to be leased, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the zoning application.

i. All towers will be of a tapering monopole construction, except that another type tower shall only be allowed upon a showing that it would cause less visual impact on surrounding property than a similar monopole structure.

j. No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.

k. The need for the requested site and the nature of any existing sites shall be documented and the manner in which the rezoning will promote the City of Irving's telecommunications policies shall be demonstrated.

l. Telecommunications towers should be constructed to minimize potential safety hazards. Telecommunications towers shall be constructed so as to meet or exceed the most recent EIA-222 standards and prior to issuance of a building permit the building official shall be provided with an engineer's certification that the tower's design meets or exceeds those standards. Guyed towers shall be located in such a manner that if the structure should fall along its longest dimension, it will remain within property boundaries and avoid habitable structures, public streets, utility lines and other telecommunications towers.

m. Telecommunications towers and equipment buildings shall be located to minimize their number, height and obtrusiveness to minimize visual impacts on the surrounding area and in accordance with the following policies:

   1. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.
2. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public way. Analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.

3. Site telecommunication facilities to minimize being visually solitary or prominent when viewed from residential areas and the public way. The facility should be obscured by vegetation, treecover, topographic features, and buildings or other structures to the maximum extent feasible.

4. Place telecommunication facilities to ensure that historically significant landscapes are protected. The views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.

5. The commission may recommend a variance and the council may grant a variance to a requirement for telecommunications towers when it is determined that such a variance better accomplishes the policies set out in this subsection than would a strict application of the requirement. Such variance shall be no greater than necessary to accomplish those policies.

n. No signals or lights or illumination shall be permitted on a monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, or the city.

o. If any additions, changes, or modifications are to be made to the monopole, the director of building inspections shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the City of Irving.

p. Telecommunication towers which have not been used for a period of one year shall be removed from a site. The last telecommunication service provider to use a tower shall notify the director of building inspections or designee within thirty (30) days that use of a tower has been discontinued.

q. Back haul providers shall be identified and have all necessary approvals to operate as such, including holding necessary franchises, permits and certificates and the method of providing back haul, wired or wireless, shall be identified.
r. The applicant shall fully and accurately complete a questionnaire supplied by community development designed to gather information to assist in making a decision regarding the rezoning application. In order to assist the staff, the commission and the council in evaluating visual impact the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.

s. The tower complies with all ordinances of the city not in conflict with this section.

3) In addition to the usual application fee for a request for a change in zoning under said section 2.7.3, the applicant shall reimburse the city for the actual cost to the city for the services of an engineer should one be required to review the application and provide engineering expertise, up to a maximum of five thousand dollars ($5,000.00).

c) Antennas mounted on existing structures.

1) Antennas mounted on buildings.

a. Roof-mounted telecommunications antennas are allowed on non-residential buildings in all zoning districts without further zoning proceedings, including those located in a PUD district or an SP, S-P-1, or S-P-2 site plan district, provided a non-whip antenna does not exceed the height of the building by more than ten (10) feet and is screened from view from any adjacent public roadway and provided a whip antenna does not exceed the height of the building by more than fifteen (15) feet and is located no closer than fifteen (15) feet to the perimeter of the building. Prior to installation of a roof-mounted antenna the department of building inspections shall be provided with an engineer's certification that the roof will support the proposed antenna and associated roof-mounted equipment. Roof-mounted antennas and associated equipment may be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so that they are not visible from an adjacent public roadway.

b. Building-mounted telecommunications antennas of the nonwhip type are allowed on nonresidential buildings in all zoning districts without further zoning proceedings, including those located in a PUD district or an SP, S-P-1, or S-P-2 site plan district, provided the antenna is mounted flush with the exterior of the building so that it projects no more than thirty (30) inches from the surface of the building to which
it is attached; and the antenna's appearance is such as to blend with the surrounding surface of the building.

c. Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials or blends with the landscaping and other surroundings immediately adjacent to the separate building housing the equipment. Associated equipment for roof-mounted antennas may be located on the roof of the building if it is screened from view from any adjacent public roadway.

2) Telecommunications antennas are allowed without further zoning on existing utility and telecommunications towers and sign structures exceeding fifty (50) feet in height, including those located in a PUD district or SP, SP-1, or S-P-2 site plan district, provided that the antenna does not exceed the height of the structure by more than ten (10) feet if a non-whip type or fifteen (15) feet if a whip type. Existing utility and telecommunications towers and sign structures may be rebuilt if necessary to support the load of the new antenna without further zoning if the rebuilt tower or structure is substantially similar in appearance to the existing tower or structure it replaces.

3) Telecommunications antennas located on existing structures are not subject to the five-thousand-foot separation requirement.

4) When an application for a building permit to locate a telecommunications antenna on an existing building or other structure is made the department of building inspections shall be provided with color photo simulations showing the site of the existing structure with a photo-realistic representation of the proposed antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest residential property and from adjacent roadways. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed antenna.

3.19.2 Approval and Permit required. Telecommunications antennas shall not be constructed or used within the City of Irving without all approvals and permits first having been secured.

3.19.3 Master Antenna Plan required. Within thirty (30) days of the enactment of this ordinance and during each January thereafter providers of personal wireless services, as that term is defined by federal law, operating in the City of Irving shall provide the city with their respective master antenna plan, including detailed maps, showing the precise locations and characteristics of all telecommunications antennas and towers serving any portion of the city and indicating coverage areas for current and future telecommunications antennas and towers and shall provide the city with any updates to the above documents. Updating documents shall be provided to the city within three (3) months of their creation.
3.19.4 **Affirmative Defense.** It shall be an affirmative defense to prosecution for a violation of a provision of this section that compliance with the provision would prohibit or have the effect of prohibiting the provision of personal wireless services as defined by federal law. In addition, any entity that desires to erect or utilize telecommunication facilities that would be prohibited by the ordinances or regulations of the city dealing with zoning and land use may apply for such use under this section and section 2.7.3 and the council shall, upon a showing that strict application of the regulation would prohibit or have the effect of prohibiting personal wireless service as defined by federal law, vary the subject regulation, consistent with the spirit and intent of this section, to the extent necessary to prevent the prohibition.

**Chapter 4: Development and Performance Standards**

4.1 **Reserved**

4.2 **Reserved**

4.3 **Reserved**

4.4 **Parking and Loading**

4.4.1 **Reserved**

4.4.2 **Reserved**

4.4.3 **Off-Street Parking Requirements.** In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street parking space in accordance with the following requirements:

a) **Minimum off-street parking requirements:** The minimum number of off-street parking spaces herein required shall be computed and provided in accordance with the following specifications:

1) The number of spaces required shall serve residents, customers, patrons, visitors, and employees.

2) Each parking space shall have adequate drives and room for ingress and egress to each parking space with a minimum size of eight (8) feet by twenty-two (22) feet for each parallel parking space and nine (9) feet by eighteen (18) feet for each angular head-in parking space, and shall be designed in accordance with minimum standards as defined in section 4.4.6(h).

3) Ten (10) percent of the required number of parking spaces may be designated as "compact vehicles only." These spaces shall be a minimum size of eight (8) feet by sixteen (16) feet in accordance with the same maneuvering aisle space as required by section 4.4.6(h). These spaces must be clearly marked on site with signing so designated as to be readable by approaching drivers.

b) **Unclassified use:** Where the proposed land use cannot be classified within the uses herein specified, the city council shall determine the specified use most closely
related to the proposed use and the minimum requirements for the specified use so determined shall apply to the proposed use.

c) Number of parking spaces required: The minimum number of off-street parking spaces required shall be as follows:

1) Dwellings:
   a. Single-family homes constructed on or after April 5, 2018 - Two (2) car garage with a minimum of four hundred (400) square feet as measured from the interior walls, and a minimum garage depth of twenty (20) feet measured perpendicularly from the interior walls to the wall supporting the garage door, plus two (2) additional off-street parking spaces.
   b. Single-family homes constructed on or after October 16, 2008—Two (2) car garage with a minimum of four hundred (400) square feet, plus two (2) additional off-street parking spaces.
   c. Single-family homes constructed before October 16, 2008, duplex, triplex, and manufactured home communities—Two (2) for each dwelling unit.

2) Transient accommodations: clubs, lodging and boarding houses, dormitories—1 for each guest room, plus parking spaces for other uses on the property as required by this ordinance.

3) Heavy machinery sales and services—1.5 for each employee.

4) Automobile sales and service garages—1 for each 400 square feet of floor area.

5) Banks—1 for each 200 square feet of floor area.

6) Business service, business and professional office—A minimum of eight (8) parking spaces be provided for each development up to one thousand (1,000) square feet of floor space and one additional space be provided for each additional three hundred (300) square feet or portion thereof.

7) Furniture and appliance stores—1 for each or each 300 square feet of floor area.

8) Restaurants and private clubs—1 for each 2.5 seats.

9) Retail stores, shops and service, including clothing, grocery, drug stores and personal services—1 for each 200 square feet of floor area.

10) Dance, assembly and exhibition halls without fixed seats—1 for each 100 square feet used for assembly or dancing.

11) Live theaters (with or without a movie screen), auditoriums, churches, assembly halls, sports arenas—1 for each 3.5 seats.

12) Baseball parks, stadiums, amusement parks—1 for each 6 seats.

13) Colleges, universities—1 for each 3 students and staff.

14) Schools:
a. Elementary—1 for each 30 students and staff.
b. Junior High—1 for each 30 students and staff.
c. Senior High—1 for each 5 students and staff.

15) Governmental office buildings, libraries, museums—1 for each 200 square feet of floor area.

16) Hospitals—1 for each bed.

17) Medical and dental clinics—5 for each doctor or dentist.

18) Funeral homes, mortuaries—1 for each 50 square feet of floor area.

19) Manufacturing plants, research laboratories—1 for each 600 square feet of floor area.

20) Distribution, warehousing, and storage—1 for each 1,000 square feet of floor area.

21) Terminal facilities, truck terminals, and other similar personal and/or material facilities—1 for each 200 square feet of floor area when no warehousing facilities are provided; 1 for each 700 square feet when warehousing facilities are provided.

22) Bus depots—1 for each 100 square feet of floor area.

23) Lumber yards—1 for each 150 square feet of sales floor area, plus 1 for each warehouse employee.

24) Hotels, motels:
   a. 1 space per room for the first 250 rooms and .75 space per room for each room over 250, plus 1 space per 5 restaurant/lounge area seats, plus 1 space per 125 square feet of meeting/conference areas.
   b. 1.1 spaces for each guest room which contains kitchenette facilities, plus parking for restaurant and meeting areas per ratio stated in this paragraph number 24.
   c. 2 spaces for each guest room provided with kitchen facilities plus parking for restaurant and meeting areas per the ratio stated in this paragraph number 24.

25) Motion picture theaters (which do not include live performances):
   a. 1 space for every 3.5 seats for single-screen theaters.
   b. 1 space for every 5 seats for motion picture theaters with two (2) or more screens.
   d) Exceptions: Groups of uses requiring vehicle parking space may join in establishing group parking areas with capacity aggregating that required for each particular use. Where it can be established before the building inspector that parking for two (2) specific uses occurs at alternating periods, the parking space requirements of the use requiring the greater number of spaces may be applied to both uses in a combined parking area. Example: Church and professional building.
e) Parking spaces shall be marked and designated for the exclusive use of handicapped persons in accordance with the following schedule:

<table>
<thead>
<tr>
<th>On-site Parking Spaces Required</th>
<th>Number of Parking Spaces to be Designated Handicapped</th>
</tr>
</thead>
<tbody>
<tr>
<td>0—25</td>
<td>No spaces required</td>
</tr>
<tr>
<td>26—50</td>
<td>One space required</td>
</tr>
<tr>
<td>51—100</td>
<td>Two (2) spaces required</td>
</tr>
<tr>
<td>101—150</td>
<td>Three (3) spaces required</td>
</tr>
</tbody>
</table>

One additional space required for each additional one hundred (100) or any portion thereof. Each space shall be a minimum size of thirteen (13) feet by eighteen (18) feet and shall be designed in accordance with minimum standards as defined in section 4.4.6(h). These parking spaces must be clearly marked on-site with signing so designated as to be readable by approaching driver.

4.4.4 Reserved
4.4.5 Reserved
4.4.6 Parking Location, Layout, and Design

a) The off-street parking facilities required for the uses mentioned in this ordinance, and other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, or upon a lot or parcel of land within three hundred (300) feet of the lot or tract of land upon which the structure they are intended to serve is located.

b) Parking lots, automobile display lots, internal driveways, vehicle circulation areas, and any non-residentially zoned property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be paved with a minimum of five (5) inches of three thousand (3,000) pounds per square inch concrete with #3 rebar on eighteen-inch center both ways, or an equivalent standard of asphalt. Parking lots, driveways, and internal circulation areas shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed. Permeable paving meeting the applicable standards of the city may be installed in low traffic volume areas or areas that are not used for fire lanes or loading or unloading. All required parking shall be clearly striped.

c) Entrances and/or exits on a major thoroughfare shall not be located less than thirty (30) feet from the nearest point of intersection of two (2) street right-of-way lines. The width of opening on entrances and/or exits shall not be less than twelve (12) feet
nor more than forty (40) feet depending on the amount of lot frontage where such opening is to be located. Not more than two (2) driveway approaches shall be permitted on any parcel of property with a frontage on a major thoroughfare with a lot width of one hundred fifty (150) feet or less. Additional openings for parcels of property having a frontage of one hundred fifty (150) feet or less may be permitted after proof of necessity and convenience to the public has been established by evidence submitted to the director of traffic and transportation. Between any two (2) adjacent entrances and/or exits serving the same parking facility, there shall not be less than twenty (20) feet.

d) No loading space shall be located closer than fifty (50) feet to any other lot in any "R" district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall not less than eight (8) feet in height.

e) Lighting facilities, if provided shall be so arranged as to be reflected away from residentially zoned or used property. They shall provide illumination within the parking facility not to exceed one (1.0) foot candle at ground level, and shall distribute not more than two-tenths of one (0.2) foot candle of light upon any adjacent residential building.

f) The parking area shall be used for passenger vehicles only, and in no case shall be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials, or supplies.

g) The off-street loading facilities required for the uses mentioned in this ordinance and other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve, or on a lot or parcel of land abutting the structure they are intended to serve.

h) On-site parking required by this ordinance shall be designed to provide safety and comfort for the operator and general public, and the following minimum standards shall be observed.
i) No parking lot for 25 or more motor vehicles shall have an entrance or exit for vehicles within 200 feet along the same side of a street as any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.
4.4.7 Parking Garages
   a) No public storage garage for 25 or more motor vehicles or parking garage shall have an entrance or exit for vehicles within 200 feet along the same side of a street as any school, public playground, church, hospital, public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

4.4.8 Off-street loading requirements.
   a) In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street loading facilities in accordance with the following requirements.
   b) Minimum off-street loading requirements. The minimum number of off-street loading spaces herein required shall be computed and provided in accordance with the following classifications:
      1) Any department store, industrial plant, manufacturing establishment, retail establishment, storage warehouse, or wholesale establishment, which has an aggregate gross floor area of ten thousand (10,000) square feet or more, arranged, intended or designed for such use shall be provided with off-street truck loading or unloading berths at least twelve (12) feet wide, fourteen (14) feet high and thirty-five (35) feet long in accordance with the following table:

<table>
<thead>
<tr>
<th>Square Feet of Aggregate Gross Floor Area:</th>
<th>Required Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 to 40,000</td>
<td>1</td>
</tr>
<tr>
<td>40,001 to 100,000</td>
<td>2</td>
</tr>
<tr>
<td>100,001 to 160,000</td>
<td>3</td>
</tr>
<tr>
<td>160,001 to 240,000</td>
<td>4</td>
</tr>
<tr>
<td>240,001 to 320,000</td>
<td>5</td>
</tr>
<tr>
<td>320,001 to 400,000</td>
<td>6</td>
</tr>
<tr>
<td>400,001 to 490,000</td>
<td>7</td>
</tr>
<tr>
<td>For each additional 90,000 over 490,000</td>
<td>1 additional</td>
</tr>
</tbody>
</table>

2) Any auditorium, convention hall, exhibition hall, hotel, restaurant, sports arena, arranged, intended or designed for such use shall be provided with off-street truck loading or unloading berths at least twelve (12) feet wide, fourteen
(14) feet high and thirty-five (35) feet long in accordance with the following table:

<table>
<thead>
<tr>
<th>Square Feet of Aggregate Gross Floor Area:</th>
<th>Required Number of Berths</th>
</tr>
</thead>
<tbody>
<tr>
<td>150,000 or less</td>
<td>1</td>
</tr>
<tr>
<td>150,001 to 400,000</td>
<td>2</td>
</tr>
<tr>
<td>400,001 to 660,000</td>
<td>3</td>
</tr>
<tr>
<td>660,001 to 970,000</td>
<td>4</td>
</tr>
<tr>
<td>970,001 to 1,300,000</td>
<td>5</td>
</tr>
<tr>
<td>1,300,001 to 1,630,000</td>
<td>6</td>
</tr>
<tr>
<td>1,630,001 to 1,960,000</td>
<td>7</td>
</tr>
<tr>
<td>1,960,001 to 2,300,000</td>
<td>8</td>
</tr>
</tbody>
</table>

For each additional 350,000 over 2,300,000 1 additional

3) Any bus depot, truck terminal, or other similar personal and/or material terminal facility shall be provided with off-street loading berths at least twelve (12) feet wide, fourteen (14) feet high, and thirty-five (35) feet long in accordance with the following: One loading berth for each bus, truck, or transit vehicle normally operating from such terminal during peak operation periods.

4.4.9 Residential Driveways

a) Residential driveways serving property used for single-family and duplex uses shall be constructed of concrete, asphalt, bricks, or pavers per city standards for such materials. It is an affirmative defense to this subsection that the driveway existed on December 8, 2011. Driveways existing at that time may be extended but the materials used for the surface of such extension must be of the same or better material and standard as the original construction of such driveways, except a driveway constructed of concrete or asphalt may transition into compacted gravel per city standards when the existing driveway has extended twenty-five (25) or more feet from the front property line of the lot or tract.

b) Driveways and on-site parking serving property used for single-family and duplex uses shall be constructed in accordance with this subsection. These guidelines provide recommendations concerning the design, construction, and placement of driveways
and on-site parking berths in order to ensure a high quality visual impression of the community's neighborhoods.

c) Approved Designs

1) Standard drive (single or two-car garage).
   a. The required width is between twelve (12) feet and twenty-four (24) feet.
   b. The drive approach shall be the same width as the driveway to a minimum distance of ten (10) feet from the street side property line.

2) Standard drive—three-car (or more) garage.
   a. The required width shall not exceed the maximum needed to serve the garage.
   b. The drive approach shall be the same width as the driveway to a minimum distance of ten (10) feet from the street side property line.
3) Three-car garage flared driveway alternative design

4) Swing-in driveway.
5) Winding drive.

6) Circular driveway.
4.4.10 **Single Family Garage Conversions.** No permit shall be issued for the purpose of converting a residential attached garage into habitable living space unless all of the following requirements are met:

a) **Materials.** Exterior materials for the garage conversion must match the materials, colors, and design of the rest of the facade of the house on which the conversion takes place.

b) **Wood siding prohibited.** Homes with wood siding must use a material that has a wood appearance (such as vinyl or cementitious fiberboard); however, wood may not be used as a siding material for the garage conversion.

c) **Driveways.** Driveways and curb approaches shall be a minimum of sixteen (16) feet wide and a maximum of twenty-five (25) feet wide. If the existing driveway does not meet this requirement, or is not paved per the requirements of subsection 4.4.9, the driveway must be completely paved all the way from the street to the face of the garage.

d) **Entryways.** Entry into an attached converted garage must be available through the house. Entry into the converted garage from the exterior shall be prohibited.

e) **No separate unit.** A garage conversion shall not create an independent dwelling unit.

f) **Applicability.** The requirements of this subsection 4.4.10 shall apply to front entry, side entry, and rear entry attached garages, and shall apply only to garage conversions permitted after October 22, 2009.

g) **Permits required.** The property owner or the owner's designee shall obtain all required city permits and comply with all relevant building codes, fire codes, and energy efficiency standards.

### 4.5 Landscaping and Trees

4.5.1 **General Landscaping Requirements and Standards**

a) **Purpose.** The purpose of this ordinance is to protect the urban forest, ensure the preservation of existing trees and maintain a pleasant visual environment throughout the City of Irving by promoting and protecting the health, safety, and welfare of the
public. The city council further declares that this article is adopted for the following specific purposes:

1) To enhance the beautification of the city.
2) Protect and increase the value of residential and commercial properties within the city.
3) To encourage the protection of healthy quality trees.
4) Maintain and enhance a positive image, which will encourage further development in the city.
5) To recognize and conserve the urban forest as part of the city's green infrastructure.

b) Landscaping and tree manual. A landscape and tree manual may be maintained by the city as a technical guide for conserving, protecting, maintaining, and establishing the landscape and urban forest for the city.

4.5.2 Landscaping Required

a) Soil and planting area requirements.

1) No artificial or synthetic plant material. No artificial or synthetic plant materials may be used to satisfy the requirements of this ordinance.

2) Soil and planting area requirements. In general, planting areas dedicated to the growth of roots may include open space areas, covered soil areas, root paths, and drainage.

   a. Planting area requirements. Planting area requirements shall meet the following requirements:

      1. For each small tree installation, a minimum of twenty-four (24) inches of soil depth and twenty-five (25) square feet of open soil area (total of fifty (50) cubic feet).

      2. For each medium and large tree installation, a minimum of thirty-six (36) inches of soil depth and two hundred (200) square feet of open soil area (total of six hundred (600) cubic feet).

      3. Trees may share open soil area.

      4. Large trees and medium trees must be planted a minimum of four (4) feet from pavement.

      5. The planting area must have native soil, prepared soil, or structural soil, and may include permeable pavement, sidewalks support systems, and soil cells.

      6. If ten (10) or more new or replacement trees are required, no one species of tree may constitute more than thirty (30) percent of the total number of new and replacement trees.

b. Waivers. The director may waive the minimum open soil and planting area requirements in the preceding section if a landscape architect certifies that:
1. The proposed alternative soil depth and dimensions are sufficient to support the healthy and vigorous growth of the plant material affected;
2. The depth to impermeable subsurface prohibits minimum soil depth requirements; or
3. That the proposed structural soil or suspended pavement system are sufficient to support healthy and vigorous growth of the plant material.

b) *Distance from overhead electric distribution lines.* Large and medium trees shall be planted a minimum of thirty (30) feet from the closest point of an overhead electric distribution line.

c) *Visibility at intersections.*

1) Vision at all intersections of streets trees, alleys, and driveways that intersect at or near right angles shall be maintained in accordance with the adopted criteria of the traffic and transportation department. All trees and landscaping shall also comply with any sight easement restrictions established on the property.
2) Horizontal visibility shall be maintained to streets which do not intersect at right angles and non-tangent streets sections. In such cases, the traffic and transportation department shall have the authority to modify the adopted criteria in accordance with accepted engineering principles to provide a safe pedestrian and traffic environment.

d) *Minimum landscaping standards.* The following minimum landscaping standards shall apply to all property within the corporate limits of the City of Irving which is zoned for any nonresidential use. Additionally, any nonresidential use such as, but not limited to, religious institutions, schools, government buildings and uses, and public utility uses within a residential zoning district shall also be subject to the following standards.

1) Any other property-specific zoning ordinance, Overlay District zoning, Site Plan District zoning, or Planned Unit Development (PUD) Development Plan which specifically addresses landscaping shall be exempt from the following standards for new landscaping.
2) All property subject to this subsection 4.5.2(d) shall provide the following minimum landscaping at the time of its development; however nothing in this section shall prevent the planning and zoning commission from recommending or the city council from requiring additional landscaping as part of any zoning case where the nature and character of surrounding property dictate a need in order to protect such property and to provide protection for the general health, safety, and welfare of the community in general:
a. *Materials required.* Landscaping shall consist of a combination of two (2) or more of the following types of planting materials including, but not limited to, grass, trees, shrubs, ground cover, and/or other forms of plant material. All trees and shrubs shall be from the city-maintained list of approved trees and shrubs. Grass, ground cover, and other landscaping materials are encouraged to be of a type or species that is native to the area and has a low to moderate water requirement. In no case shall manmade landscape plant material be substituted for the required landscape vegetation. Landscaping within the right-of-way shall not be counted toward satisfying any of the criteria in this subsection.

b. *Interior parkway requirements.* A landscaped interior parkway area shall be provided adjacent to all streets. The interior parkway shall provide an average depth of ten (10) feet, with a minimum depth of five (5) feet at any given point. For purposes of determining whether an average of ten (10) feet has been provided, the applicant shall provide a calculation showing the total landscaped area with less than ten (10) feet of depth, and the total landscaped area with more than ten (10) feet of depth. If the area of the landscaped area with more than ten (10) feet of depth is equal to or exceeds the area of the landscaped area with less than ten (10) feet of depth, then the average requirement has been satisfied.

1. One (1) large or medium tree shall be provided for each four hundred (400) square feet, or portion thereof, of area within the interior parkway. Trees shall be distributed throughout the interior parkway, and not clustered in only one (1) area. Trees may be evenly spaced within the interior parkway, however, it is preferred that they be arranged in a design that provides variation in setback such as staggering, variable amounts of separation between trees, clustering in focused landscaped areas, and other patterns to provide visual interest.

2. The interior parkway may be crossed by perpendicular or angled entry or exit driveways, but may not be utilized for on-site circulation, driveways, or fire lanes.

3. The interior parkway may include a sidewalk not exceeding five (5) feet in width if placement of the sidewalk within the right-of-way is not feasible, as determined by the director. If a sidewalk is placed within the required interior parkway, the depth of the required interior parkway shall be increased by the same amount as the width of the sidewalk; i.e., placing a four (4) feet wide
sidewalk within the interior parkway will require an average fourteen (14) feet deep interior parkway along that portion of the street frontage. A sidewalk greater than five (5) feet in width may be provided as part of the development of a public or private park if the sidewalk is part of an improved bicycle, jogging, or other recreational trail, or if it provides direct access to a park facility for mobility impaired patrons.

4. The area of driveways or sidewalks shall not be excluded from the calculation of the total area of the interior parkway for purposes of determining the number of trees required in the interior parkway.

5. Trees required within the interior parkway shall comply with the requirements of section 4.5.2(c) (Visibility at Intersections).

c. Front yard landscaping requirements. In addition to the ten-foot deep average interior parkway, landscaping shall also be provided in the required front, rear, and side yard areas adjacent to any street in the following percentages based on the underlying zoning district:

1. All residential zoning districts being developed with a nonresidential use: Forty (40) percent.
3. SP-1 and SP-2 districts: As determined by the site plan.
4. PUD zoning districts: As determined by the development plan.
5. All other nonresidential zoning districts: Fifty (50) percent.

d. Credit for interior parkway landscaping. The landscaped area within the ten (10) foot deep average interior parkway may be credited toward meeting the minimum front and side yard landscaping requirements.

e. Tree requirement for front and side yard areas. In addition to the trees required in the interior parkway, trees shall also be provided within the required front and side yard areas adjacent to any street at a ratio of one (1) tree for each one thousand two hundred (1,200) square feet, or portion thereof, of required front and side yard areas outside the interior parkway. At least fifty (50) percent of the trees shall be medium or large trees.

f. Parking lots adjacent to a street. In addition to the other requirements listed herein, surface parking lots adjacent to any street shall contain the following:

<table>
<thead>
<tr>
<th>Parking Spaces</th>
<th>Trees</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Tree Planting Requirement</td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>&lt; 11 spaces</td>
<td>1 Tree</td>
<td></td>
</tr>
<tr>
<td>11-100 spaces</td>
<td>1 Tree/20 spaces Within and/or around the perimeter of the parking lot; at least 25% within the interior of the parking lot</td>
<td></td>
</tr>
<tr>
<td>&gt;100 spaces</td>
<td>1 Tree/15 spaces Within and/or around the perimeter of the parking lot; at least 25% within the interior of the parking lot</td>
<td></td>
</tr>
</tbody>
</table>

1. Trees may be of any type in the Tree List Trees; however; all trees must be a minimum four (4) inch caliper at time of planting.
2. Trees shall be planted and maintained in accordance with section 4.5.2(a) of this ordinance.
3. Trees may be evenly spaced throughout the parking lot, or clustered in landscaped island areas, along major drives and fire lanes, or otherwise distributed within the parking area.
4. For purposes of this section, "adjacent to any street" shall mean any parking lot which is placed between any main building on the site and any abutting street regardless of the setback of the parking lot from the street.

   g. **Conflict with utilities.** When the location of a local utility prohibits planting large trees, two (2) small trees may be planted for each large tree.

   h. **Parking lots not adjacent to a street.** In addition to the other requirements listed herein, surface parking lots not adjacent to any street or street easement shall contain the following:

   1. Surface parking lots not adjacent to a street shall be landscaped with one (1) tree per each seventy-five (75) parking spaces. Trees shall be distributed throughout the parking lot.

   2. Additional trees shall also be provided along any lot line adjacent to the parking lot at a spacing of one (1) tree per each sixty (60) linear feet of distance along the adjacent lot line. For purposes of this section, "adjacent to the parking lot" shall refer to any lot line which is less than one hundred (100) feet from the nearest point of the parking lot, and for which there are no buildings, structures, or other site improvements other than signs, fencing, landscaping, or open space between the parking spaces and the lot line.
Surface parking lot not adjacent to Street | 1 Tree per 75 parking spaces
Lot line less than 100' from parking lot | 1 Tree per 60 linear feet

i. **Screening of parking spaces adjacent to a street.** Surface parking spaces adjacent to any street shall be required to be screened from the street by a minimum two and one-half (2½) feet tall hedge of evergreen shrubs at time of planting, spaced no greater than three (3) feet on center, or a minimum two and one-half (2½) foot tall grass berm, or a combination of the two. Such landscaping or berms shall not conflict with any sight easements or sections 8.4.5 through 8.4.8 (related to yards/ setbacks). Parking spaces shall be so designed and shrubs shall be planted such to preclude vehicle overhang onto the shrubs or their planting area. For purposes of this section, "adjacent to any street" shall refer to parking spaces which are less than one hundred (100) feet from the nearest street right-of-way or street, and for which there are no buildings, structures, fences, or other site improvements other than landscaping, signs, or open space between the parking spaces and the street right-of-way or street.

j. **Partial lot development.** The requirements of this subsection 4.5.2(d) are required only for that portion of a site which is being developed, not necessarily the entire site. When the total lot/parcel/tract is not being developed, then the portion of the site that is subject to these landscape requirements shall be determined by the building official based on the portion of the site that is being developed or improved.

k. **Landscape area protection.** All required or proposed landscape areas shall be protected from vehicular traffic through the use of six-inch monolithic concrete curbs, adequately anchored wheel stops, or other permanent barriers. Landscape areas within parking lots should be designed to allow some run-off to flow into the landscape area to help reduce the total amount of run-off.

e) **Landscaping plan.** All landscaping and open space required by this ordinance shall be drawn to scale on a landscaping plan and submitted to the building official for approval at the time of application for a building permit. The landscaping plan shall include the following:
   1) A depiction of the interior parkway and the required front and side yard setbacks;
   2) Show in detail the precise location of each landscape element, the description of each landscape element, the height, size, and species of each
preserved or proposed tree or shrub, and the height and size of any proposed planter or seasonal color area;

3) All proposed buildings and structures;

4) All proposed parking areas;

5) All areas to remain pervious;

6) All proposed landscape area protection features;

7) All proposed screening elements.

8) A table which calculates the area of landscaping required and proposed in each portion of the site, the number of trees required and proposed in each portion of the site, the number and calipers of all preserved trees and any tree credits claimed, the percentage of the front and side yard area remaining pervious, and the condition of the tree (if any trees are claimed to be diseased or dead); and

9) Notes indicating the proposed method of irrigation.

4.5.3 Administrative Amendments. The director may approve in writing minor variations from the specific requirements of this section in specific instances as long as they meet the spirit and intent of the landscaping requirements. Criteria for approval of minor variations include, but are not limited to:

a) Whether the minimum number of trees required or more are provided in the proposed variation, although not necessarily in the exact locations specified by the requirements;

b) Whether the proposed variation is an enhancement beyond the minimum requirements;

c) Whether the property has unusual site constraints that make strict compliance unreasonable or impractical, and the proposed landscaping maximizes the landscaping possibilities for the site;

d) Whether the variation will allow the preservation of existing trees which might otherwise be removed; and

e) Whether the variation is necessary to avoid planting large trees that could conflict with local utilities.

4.5.4 Property Zoned for Residential Uses The following minimum landscaping standards shall apply to all land within the corporate limits of the City of Irving which is zoned for any residential use, and not regulated by section 3.13 "Multifamily development regulations" or any other property-specific zoning ordinance, Site Plan District zoning, Zoning Overlay District, or PUD Development Plan which specifically addresses landscaping.

a) Front and side yard areas adjacent to any street on property subject to this subsection 4.5.4 shall be maintained with grass, ground cover, other natural vegetation, or a variety of rock, stone, gravel, artificial turf, and other unpaved materials in a Xeriscape landscape plan.
b) Impervious surfaces may not cover front and side yard areas adjacent to any street, except for sidewalks and similar flatwork required for landscaping and other permitted uses in front yards, and to the extent that the impervious surface is necessary to provide the minimum area needed for a driveway or circular drive constructed in accordance with all other city ordinances and subject to all necessary permits, or to comply with a site plan approved by the city council. It is an affirmative defense to this subsection that the impervious surface existed on August 3, 2006.

c) Nothing in this subsection 4.5.4 shall prevent the planning and zoning commission from recommending or the city council from requiring additional landscaping as part of any zoning case where the nature and character of surrounding or adjacent property dictate a need in order to protect such property and to provide protection for the general health, safety, and welfare of the community in general.

4.5.5 Maintenance Standards. All new landscaping required by this section 4.5 (Landscaping and Trees) for nonresidential development shall be maintained as follows:

a) Irrigation. All new required landscaping shall be provided with either a fully automatic or manual underground irrigation system, a hose attachment or hose bib within fifty (50) feet of all landscaped areas, or the installation of a quick coupler system with a valve one hundred (100) feet on center.

b) Maintenance and replacement. All required landscaping shall be kept in a healthy, growing state. Any dead plants shall be promptly removed and replaced with plants of similar species which meet the requirements of this ordinance for new trees or plants.

c) Temporary landscaping. If a developer cannot establish permanent turf on a site due to seasonal considerations, the developer shall be required to stabilize the landscape areas to prevent erosion by planting temporary grass or turf (such as rye, fescue, etc.) until permanent turf is installed. No final letter of compliance or certificate of occupancy shall be issued for a development until either the permanent, required landscaping or temporary landscaping acceptable to the planning and inspections department has been installed. Temporary landscaping shall be replaced by permanent landscaping within one hundred eighty (180) days.

d) Tree topping prohibited. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree, shall be prohibited. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this ordinance at the determination of the director.

4.5.6 Landscaping in the Right of Way and Easements

a) Landscaping in the right-of-way. A property owner may elect to landscape the right-of-way adjacent to the property; if the landscaping requirements established by TxDOT and/or the City of Irving are followed. Landscape plans for right-of-way shall require approval of either or both agencies before implementation, and may be denied.
for any reason. Landscaping in the right-of-way shall not count toward any landscaping required in this ordinance.

b) *City/franchise for existing rights-of-way and public easements.* With the exception of franchise utilities, all construction and maintenance activity within public rights-of-way or easements shall be subject to the requirements for tree protection and replacement specified in this ordinance.

1) **Pruning.** The owners of all trees adjacent to public rights-of-way shall be required to maintain a minimum clearance of fourteen (14) feet above the traveled pavement or curb of a street. Said owners shall also remove all dead, diseased or dangerous trees, or broken or decayed limbs, which shall constitute a danger to public safety. The city shall have right to prune trees overhanging within the public right-of-way which interfere with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign or as necessary to preserve the public safety.

2) **Stump removals.** All stumps of trees in the public right-of-way shall be removed below the surface of the ground so the top of the stump shall not project above the surface of the ground.

4.5.7 **Expansion or improvement of existing development through redevelopment.** If an existing building is being expanded or enlarged such that the expansion or enlargement constitutes at least fifty-one (51) percent of the total footprint of the building, or, in the instance of multiple buildings on a site, at least fifty-one (51) percent of the total footprint of all buildings on the site, or if the expansion or enlargement exceeds fifty-one (51) percent of the appraised value of all improvements as established by the Dallas Central Appraisal District on the most recent certified tax roll, then the landscaping standards established by this ordinance shall also apply to the entire site. If the parking area for an existing building is being expanded by at least forty (40) percent of the existing number of spaces, the landscaping standards established by this ordinance shall also apply to the entire site.

4.5.8 **Tree Conservation Requirements.**
a) Applicability. This section applies to all property in the city except for:
   1) Any occupied residential property as defined herein;
   2) Any commercial property as defined herein that is two (2) acres or less in size;
   3) Lots in a zoning district or overlay district with tree preservation or tree conservation regulations that specifically vary from those in this article.

b) Tree protection. No person shall intentionally damage, remove, or otherwise cause or allow harm to any protected tree prior to issuance of a tree removal permit. Such damage, removal or harm shall include, but not be limited to:
   1) The cutting down of a tree;
   2) A compaction of soil above the root system of a tree;
   3) A change in the natural grade or drainage above the root system of a tree;
   4) An injury to a tree from a wound, fire, or other causes which results in or permits infections or pest infestations;
   5) An application of herbicidal or other lethal chemicals; and
   6) Placement of non-permeable pavement over the root system of a tree.

c) Tree removal permit required. A tree removal permit shall be obtained from the building official before any person, directly or indirectly, shall cut, remove or destroy any protected tree(s) situated on property regulated by this ordinance, except as specified herein.
   1) New development/construction. In the event, it becomes necessary to remove a tree for development or construction, a tree removal permit shall be required. A permit may be issued after Final Plat approval by planning and zoning commission and/or city council.
      a. All areas within the public rights-of-way, utility easements or drainage easements, as shown on an approved final plat, and areas designated as cut/fill on the related drainage plan approved by the city engineer, shall be subject to the requirements of this ordinance.
      b. Municipal/public property. Property owned by the City of Irving, State of Texas, a political subdivision of the State of Texas, or any public school, pubic school district, or nonprofit charter school shall be subject to requirements of this ordinance.
   2) Tree removal permit application. Applications for tree removal permits shall be submitted to the building official on forms provided by the City of Irving.
      a. No fee shall be charged for a tree removal permit application.
      b. Such applications shall be in a form prescribed by the building official and may be required to provide:
         1. The name, address and telephone number of the owner of the property involved;
2. The name, address, and telephone number of the person applying for the permit;
3. The address or other location of the trees proposed to be removed, if a tree survey is not provided;
4. A detailed description of the trees proposed to be removed;
5. A written justification for the proposed removal;
6. If ten (10) or more trees are to be removed, a tree survey of the property drawn to scale showing:
   i. The location of the tree or trees proposed to be removed;
   ii. All other trees six (6) inches in DBH or larger on the site;
   iii. Other physical features of or proposed improvements to the site; and
   iv. The location of all adjacent rights-of-way or easements.
c. Submission of a tree removal permit application to the city shall authorize the director to conduct field inspections of the site as necessary to meet the provisions of this article.
d. After reviewing the tree removal permit application and accompanying documents, the building official will approve as submitted, approve with conditions, or disapprove the applications.

3) Exemptions. The following exemptions to this subsection are hereby established:
   a. Ground cover, grass, shrubs, trees smaller than six (6) inches in DBH of any species, and other natural vegetation may be mowed, trimmed, removed, or otherwise maintained at any time without the need for any City of Irving permit.
   b. During the period of any emergency, such as tornado, storm, flood, or other act of God, the requirements of this section may be waived as may be deemed necessary by the city council.
   c. Utility companies franchised by the City of Irving may remove trees which endanger public health, safety, and welfare by interfering with utility service, except that where trees are on properties developed for single-family uses, disposal of such trees shall be at the option of the property owner.
   d. All plant or tree nurseries shall be exempt from the terms of this section only in relation to those trees planted and growing on the premises of such nurseries which are so planted and growing for the sale or intended sale to the general public in the ordinary course of business.
   e. Any tree which has fallen over as a result of storm, accident, or any other non-deliberate circumstances.
f. Any tree that endangers the public health, safety, or welfare and immediate removal is required due to structural integrity concerns or poses an imminent or immediate threat to persons or property.

4) Permit expiration. Permits for tree removal shall become void one hundred eighty (180) days after the issue date on the permit.

d) Tree protection during construction. Trees which are to be preserved on a site during construction shall be protected during the construction period as follows:

1) The developer shall clearly mark all trees to be preserved.

2) The developer shall erect a barrier two-thirds (2/3) of the distance from the center of the trunk to the edge of the dripline.

3) The developer shall not allow the storage of equipment, materials, or debris or fill to be placed within the canopy of any tree to be preserved.

4) The developer shall not allow the cleaning of equipment or material under the canopy of any tree or group of trees to be preserved.

5) The developer shall not allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or group of trees to be preserved. The developer shall not allow any liquid waste to drain under the canopy of any trees to be preserved.

6) The developer shall not attach any wires, ropes, lights, or any other such attachment other than those of a protective nature to any tree to be preserved.

7) Bark protection requirements: Where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with approved padding material and 2" x 4" lumber encircled with wire or any other method approved by the building official. The intent is to protect the bark of the tree against incidental contact or damage by large construction equipment.

8) Boring requirements: Boring of utilities shall be required in those circumstances where it is not possible to trench around the critical root zone of the protected tree. When required, the length of the bore shall be the width of the critical root zone at a minimum depth approved on site by the building official.

9) The building official shall require written certification that all tree protection procedures have been properly followed prior to and during construction from a certified arborist, a degreed urban forester or a landscape architect.

4.5.9 Tree replacement

a) In the event that it is necessary to remove a protected tree(s) as allowed in this ordinance, the applicant shall be required to replace the tree(s) being removed with healthy trees or pay a mitigation fee as explained hereafter. Any replacement tree
shall be a minimum of four (4) inch caliper. In the event a protected tree needs mitigation, the total mitigation shall be calculated from the DBH tree.

1) Trees shall be classified for replacement and mitigation purposes as follows:
   a. Historic Trees: 3.0:1
   b. Specimen Trees: 1.5:1
   c. Class 1: 1.0:1
   d. Class 2: 0.7:1
   e. Class 3: 0.4:1

2) New trees required in order to satisfy the landscaping provisions of this ordinance shall be counted towards the total mitigation DBH.

3) Once each tree on the site is classified, site mitigation shall be calculated as follows:
   a. The calculated DBH of each tree shall be the DBH of the tree multiplied by the appropriate classification ratio as described above. The total calculated DBH shall be the sum of all these trees.
   b. A credit of fifty (50) percent shall be given to the total calculated DBH. The preliminary mitigation DBH is fifty (50) percent of the total calculated DBH.
   c. Tree preservation credit.
      1. A three (3) inch credit against mitigation for each one (1) inch calculated DBH shall be authorized for the preservation of any tree that is a minimum of six (6) inch DBH and is listed as a historic tree, specimen tree, or Class 1 tree.
      2. A one and a half (1.5) inch credit against mitigation for each one (1) inch calculated DBH shall be authorized for the preservation of any tree that is a minimum of six (6) inch DBH and is listed as a Class 2 or 3 tree.
   d. Total mitigation DBH shall be reduced by the tree preservation credit and the classified caliper inches of new trees required to satisfy landscaping requirements, as shown below:

   Preliminary mitigation DBH (fifty (50) percent of the total calculated DBH).
   - Tree Preservation Credit (see above).
   - New Trees per Landscaping Requirements (Calculated Caliper inches).
   = Total Mitigation DBH.

4) A replacement tree must be a tree from the tree list, or be approved by the director.

5) In order to ensure biodiversity and protect against tree diseases, if ten (10) or more new and/or replacement trees are planted, no one (1) species of tree
may constitute more than thirty (30) percent of the total number of new and replacement trees.

6) If a certified arborist, degreed urban forester, or landscape architect certifies that a tree indicated on the tree survey is diseased or dead, and the building official confirms such certification of condition, then no tree replacement or mitigation is required.

7) If the building official approves the planting of replacement trees more than thirty (30) days after the removal of protected trees, the developer shall provide the building official with an affidavit that all replacement trees will be planted within six (6) months. Developers shall plant all the replacement trees identified on the mitigation plan. Documentation of the date of replacement trees on the mitigation plan shall be provided to the building official upon their request. Additionally:
   a. The building official has the authority to reject any trees not meeting these standards.
   b. Two (2) 6-month extensions may be approved by the building official due to limitations that would make planting of trees impractical. Two (2) additional 6-month extensions may be approved by the building official if the development is being developed in a phased manner.
   c. The property owner shall be required to maintain the replacement trees in good condition for a minimum of two (2) years. If a replacement tree dies or is damaged within the initial two-year period, the property owner shall replace it with a tree approved by the building official.

b) Alternative methods of compliance with tree replacement requirements. In order to satisfy the total mitigation DBH, the developer may utilize any combination of alternative methods of compliance listed below. These alternative methods may also be used in combination with or in lieu of tree replacement, so long as the total mitigation DBH is satisfied by one (1) or all methods.

1) Tree donation. The developer may donate the replacement tree(s) to the city's park and recreation department, with the approval of the director of parks and recreation.

2) Off-site tree replacement. In order to plant the replacement trees on another property in the city, the responsible property must obtain the written approval of the following:
   a. The property owner where the replacement trees will be planted and the responsible party, to transfer responsibility for the replacement tree under this article to the receiving party.
   b. A site plan indicating the address of the property where the replacement tree will be planted, and a site plan indicating the location of the replacement tree.
c. The agreement may be structured to allow a non-profit association dedicated to tree advocacy or conservation of land to plant, manage, and monitor replacement tree.

3) Conservation easement. The developer may request to grant a conservation easement by plat to the city that includes protected trees with a combined diameter equal to or exceeding the diameter for which mitigation is being requested.
   a. Detailed baseline document prepared by a certified arborist, degreed urban forester, or landscape architect describing the properties physical and biological condition, the general age of any tree stands, locations of easements and construction, and the conservation values protected by the easement shall be required.
   b. The city may decline the request for a conservation easement for any reason.

4) Transplanted trees. Established and healthy protected trees on a tree removal property may be transplanted within the city. The transplanting process must conform to operational and safety standards stated in ANSI A300, as amended, and with ISA Best Management Practices for tree planting, as amended.
   a. A protected tree that meets the requirements of this section is not considered removed, or seriously injured, if the transplanted tree is planted and maintained in a healthy growing condition.
   b. Building official approval is required before beginning the transplantation for credit as a landscape tree, or for tree replacement.
   c. The following information is required to obtain the building official's approval in this section:
      1. An initial assessment report must be provided to the building official by a certified arborist, degreed urban forester, or landscape architect describing the transplanting practice from beginning to end, including post planting care practices.
      2. A tree survey or landscape plan prepared by a certified arborist, degreed urban forester, or landscape architect which identifies the original and final location of the protected tree.
      3. Company names, contact information, and credentials of contractor preforming work.
      4. Other information required by the building official.
      5. The building official may require a certified arborist, degreed urban forester, or landscape architect to provide written certification that all tree transplant procedures have been properly followed.
d. Credit for transplanted trees.

<table>
<thead>
<tr>
<th>HEALTHY PROTECTED TREES</th>
<th>TRANSPLANTED TREE CREDIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 6 inches in DBH</td>
<td>1 inch credit per 1 inch DBH</td>
</tr>
<tr>
<td>6 to 12 inches in DBH</td>
<td>2 inch credit per 1 inch DBH</td>
</tr>
<tr>
<td>12 to 24 inches in DBH</td>
<td>3 inch credit per 1 inch DBH</td>
</tr>
<tr>
<td>24 inches or more DBH</td>
<td>5 inch credit per 1 inch DBH</td>
</tr>
</tbody>
</table>

5) Payment in lieu of replacement
   a. For protected trees, mitigation will be made in the amount of one hundred ninety-five dollars ($195.00) per one (1) inch DBH. This amount is calculated by the using the formula for appraising the value of a tree from the most recent edition of the Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers, and represents the average cost per inch of purchasing a tree and keeping it alive for one (1) year.
   b. Subsequent removal (except for the exemptions noted in section 4.5.8(c)(3), damage, or critical alteration of any tree used for credit as identified above shall require mitigation replacement in accordance with this ordinance.
   c. If any preserved and/or replacement tree(s) dies within two (2) years of initial planting or issuance of certificate of occupancy and is brought to the attention of the city, the current property owner shall be subject to the same replacement fee as for a preserved tree.

4.5.10 Ordinance Enforcement
   a) Developer's agreement. No developer's agreement with the city shall be approved that does not require that all construction activities shall meet the requirements of the tree preservation ordinance. This term is incorporated by reference into any developer's agreement with the city executed on or after April 1, 2018.
   b) Building permit. No building permit shall be issued unless the applicant signs an application or permit request which states that all construction activities shall meet the requirements of the tree preservation ordinance and guidelines.
   c) Acceptance of improvements. No acceptance of public improvements shall be authorized until all fines for violation of this ordinance have been paid to the city or otherwise disposed of through the Municipal Court. No acceptance of public improvements shall be authorized until all replacement trees have been planted, or
appropriate payments have been made to the Tree Mitigation Fund; however, the acceptance of public improvements may be authorized before all trees have been replaced upon approval of the director.

d) **Certificate of occupancy.** No certificate of occupancy shall be issued until all fines for violations of this ordinance have been paid to the city or otherwise disposed of through the Municipal Court. No certificate of occupancy shall be issued until all replacement trees have been planted or appropriate payments have been made to the Tree Mitigation Fund; however, that a certificate of occupancy may be granted before all trees have been replaced upon approval of the director.

4.5.11 **Appeals.** Appeals to the requirements established by this ordinance shall be to the planning and zoning commission through the submittal of an application to the department of planning and community development on forms provided by the City of Irving. The application shall include a detailed alternative landscape proposal and justification for the need for the alternative plan. Public notice of appeals shall be provided in the same manner as for zoning cases. A nonrefundable filing fee in accordance with the most recent schedule of fees adopted by the city council shall be required at the time of application. If an appeal to the requirements of this ordinance is denied by the planning and zoning commission, the applicant may file an appeal of that decision to the Irving City Council within ten (10) business days of the denial. The appeal must be received within ten (10) business days and the department of planning and community development shall put the appeal on the next available regularly scheduled agenda after proper notice is sent. Public notice of the appeal to city council shall be provided in the same manner as for the appeal to the planning and zoning commission.

4.5.12 **Use of Funds.** Expenditures from the tree fund shall be used solely for the purpose of purchasing and installing trees and associated irrigation on public rights-of-way, public park land or any other city-owned property, maintenance of the trees; and for administering the tree fund.

4.5.13 **Violations.**

a) In addition to any criminal penalty for violation of this Code, the city council may authorize the city attorney to petition the appropriate court for civil penalties and/or injunctive relief under state law for violation of the requirements under this chapter or other applicable law.

b) The unlawful injury, destruction or removal of each protected tree shall be considered a separate incident, and each incident subjects the violator to the penalty set forth herein per tree.

c) Violations and assessments. Violations of this ordinance and non-payment of fines levied will be attached to property involved through standard legal methods. Any person, firm, corporation, agent, city, state, or federal organization or employee thereof who violates a procedural requirement or who fails to comply with conditions established with a permit issued by the director pursuant to this ordinance shall be
guilty of a misdemeanor and upon conviction shall be fined five hundred dollars ($500.00) per violation. Each procedural violation or failure to comply each day shall be considered a separate incident, and each incident subjects the violator to the penalty set forth herein.

4.5.14 **Savings Clause.** It is hereby declared to be the intention of the city council of the City of Irving that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

4.5.15 **Miscellaneous Requirements and Illustrations**

a) **Implementation date.** Any zoning cases and/or landscape variance requests submitted prior to April 1, 2018 shall be vested in the prior ordinance, unless the applicant chooses for this ordinance to be effective to their project.

b) **Builder/contractor requirements (New Construction Only).** A builder or contractor who has purchased land or lots for construction with intent to sell is subject to all requirements specified herein.

c) **Illustrations.** Photos, drawings, and other illustrations included in this section 4.5 are for informational purposes only and are intended to provide examples of the types of standards envisioned by these regulations. Such illustrations are not all-encompassing, and should there be a conflict between a photo or an illustration and the text of this section 4.5, the text shall control.
Corner Lot – Two Street Frontages

Corner Lot – Three Street Frontages

Through Lot with One Street Frontage
10-ft Average Width of Interior Parkway (with 5-ft minimum)

Screening of Parking Adjacent to Street

Image source: County of San Diego (CA) Parking Design Manual
### TREE CLASSIFICATIONS

<table>
<thead>
<tr>
<th>Unprotected Tree</th>
<th>Historic Tree</th>
<th>Specimen Tree (24&quot;+)</th>
<th>Class 1 Tree</th>
<th>Class 2 Tree</th>
<th>Class 3 Tree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other Tree listed on the Texas A&amp;M invasive plant list, as amended</td>
<td>Any Tree designated as such by the City Council</td>
<td>Any Class 2 or Class 3 Tree located in a Primary Natural Area</td>
<td>A Tree that is not otherwise classified</td>
<td></td>
<td>Arizona Ash</td>
</tr>
<tr>
<td>Callery Pear</td>
<td>Post Oak (12&quot;)+</td>
<td></td>
<td></td>
<td></td>
<td>Black Willow</td>
</tr>
<tr>
<td>Chinaberry</td>
<td>American Elm</td>
<td></td>
<td></td>
<td></td>
<td>Honey Locust</td>
</tr>
<tr>
<td>Chinese Tallow</td>
<td>Cedar Elm</td>
<td></td>
<td></td>
<td></td>
<td>Mimosa</td>
</tr>
<tr>
<td>Cottonwood</td>
<td>Eastern Red Cedar</td>
<td></td>
<td></td>
<td></td>
<td>Mulberry</td>
</tr>
<tr>
<td>Hackberry</td>
<td>Osage Orange</td>
<td></td>
<td></td>
<td></td>
<td>Sweetgum</td>
</tr>
<tr>
<td>Ilex (except Yaupon Holly and Possumhaw Holly)</td>
<td>Oaks (other)</td>
<td></td>
<td></td>
<td></td>
<td>Ornamentals</td>
</tr>
<tr>
<td>Mesquite</td>
<td>Pecan</td>
<td></td>
<td></td>
<td></td>
<td>Pine</td>
</tr>
<tr>
<td>Palm</td>
<td>Walnut</td>
<td></td>
<td></td>
<td></td>
<td>Siberian Elm</td>
</tr>
<tr>
<td>Sugarberry</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Silver Maple</td>
</tr>
<tr>
<td>Tree-of-heaven (Ailanthus)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**4.5.16 Definitions.**

a) For the purposes of this chapter the definitions below means the following:

1) *ANSI A300.* The American National Standard for Tree Care Operations, including all parts, as amended.

2) *Area of lot.* The net area of the lot and shall not include portions of streets and alleys.

3) *Building official.* The city manager designee to this position or his or her designated representative.

4) *Caliper.* Nursery trees are measured by their caliper. The caliper of a tree is measured by the thickness of the trunk at a uniform measuring point at twelve (12) inches above the ground, so a two (2) inch caliper tree means that the trunk is two (2) inches across. Caliper is different than DBH and is
used when you buy the tree and the other measures its diameter at maturity. Caliper will be used when determining the size of newly planted trees. All trees on approved landscape plans will use a caliper measurement.

5) **Certified arborist.** An arborist certified by the International Society of Arboriculture.

6) **Commercial property.** For the purposes of this section 4.5, "Commercial" shall mean any multifamily, religious, educational, or other nonresidential use.

7) **Corner lot.** A lot situated at the junction of two (2) or more streets.

8) **Critically alter, critical alteration.** Uprooting or severing the main trunk of a tree, or any act which causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree; a change in the natural grade above the root system of a tree, storage of materials, or the compaction of soil above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system or a tree; or trenching within the primary root zone. Additionally, a tree may be considered critically altered if more than twenty-five (25) percent of the primary root zone is altered or disturbed at natural grade, or more than twenty-five (25) percent of the canopy is removed.

9) **Critical Root Zone (CRZ).** The area of undisturbed natural soil around a tree defined by a circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. If CRZ is compromised by site conditions, such as but not limited to, roads, sidewalks, existing buildings, utility easements, etc., the CRZ will be determined by the director.

10) **Cut/Fill.** Areas where the natural ground level has been excavated (cut) or raised (fill).

11) **Diameter at breast height (DBH).** DBH is measured four and one-half (4.5) feet from natural ground level and is used to measure trees at maturity. As trees mature they develop large swelling at the base called the trunk flare. This extends quite a way up the trunk in a large tree. Arborists use DBH (diameter at breast height, or four and one-half (4.5) feet above the ground) to get above the trunk flare and determine a more accurate measurement of the size of the trunk. DBH should be used when measuring any tree that naturally occurs or has been planted. All trees on approved tree surveys will be measured at DBH.

12) **Director.** The person or persons designated by the city manager to administer this ordinance, or the persons' designee.
13) **Drip line.** A circular line, which follows the outermost portion of the canopy and extending to the ground.

14) **Front yard.** An open, unoccupied space on a lot or tract facing a street and extending across the front of a lot or tract between the side property lines.

15) **Interior parkway.** The greenbelt area from the front or side property lines adjacent to a dedicated thoroughfare, public street or private street easement extending into the lot or tract.

16) **Landscape architect.** A landscape architect licensed as such by the State of Texas.

17) **Landscape area.** Any area which is pervious and capable of supporting living organic ornamental or native plant material. Concrete or asphalt parking shall not be considered as landscape area.

18) **Lot depth.** The mean horizontal distance between the front and rear lot lines.

19) **Occupied residential property.** A single-family, two-family, triplex, or townhouse property in a residential district is considered to be occupied unless any of the following occur:
   a. An application has been made with the planning and community development department for a subdivision plat for three (3) or more residential lots;
   b. An application has been made with the planning and community development department for a zoning change or development plan to allow:
      1. Three (3) or more single family residential lots;
      2. Multifamily or transit oriented development districts or uses; or
      3. A nonresidential district or nonresidential use;
   c. An application for a demolition permit for a single family or duplex structure has been made to the inspections department;
   d. No residential structure exists on the property.

20) **Primary natural area.** An ecologically sensitive area within and including fifty (50) feet of a 100-year floodplain, or twenty-five (25) feet of a designated wetland.

21) **Redevelop.** The act of removing or demolishing more than fifty-one (51) percent of the existing improvements on a property for the purpose of constructing new improvements, or more than fifty-one (51) percent of the appraised market value of all improvements on a property as determined by the Dallas Central Appraisal District on the most recent certified tax roll.

22) **Required yard.** The front, side, and rear yard areas as required under this ordinance and the zoning district requirements applicable to a specific lot or tract. The required yard varies among zoning districts.
23) **Residential.** For the purposes of this section 4.5, "Residential" shall mean any single family, two-family, three-family or four-family housing structure where the residents are primarily permanent in nature.

24) **Street.** Any public street, private street, or approved private street easement.

25) **Tree:**
   a. A woody single or multi-trunk stem, when at maturity will obtain a minimum four (4) inch trunk when measured four (4) feet from the base grade; or
   b. A tree listed in the "Trees of North Texas" by Robert Vines.

26) **Tree, Class 1.** Any Class 2 or Class 3 Trees located in a Primary Natural Area.

27) **Tree, Class 2.** A tree that is not otherwise classified.

28) **Tree, Class 3.** Arizona Ash, Black Willow, Honey Locust, Mimosa, Mulberry, Sweetgum, Ornamentals, Pine, Siberian Elm, and Silver Maple.

29) **Tree, Historic.** Any tree planted and related to the history of the community, or having historical value, as designated by city council.

30) **Tree list.** A list of trees adopted by the city council that are appropriate for new landscaping which shall identify small, medium, and large trees.

31) **Tree, Protected.** A tree of any species that has a minimum diameter of six (6) inches that is not classified as unprotected. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to one-half (1.5) diameter of each additional trunk.

32) **Tree, Large.** A tree listed on the city maintained tree list as approved by city council as a large tree.

33) **Tree, Medium.** A tree listed on the city maintained tree list as approved by city council as a medium tree.

34) **Tree, Small.** A tree listed on the city maintained tree list as approved by city council as a small tree.

35) **Tree, Specimen.** Means a healthy tree whose age, size, unique type, or natural character are of special importance to the city, and meets the following species and size requirements:
   a. Post oaks with a minimum diameter of twelve (12) inches, or
   b. Trees of the following species having a minimum diameter of twenty-four (24) inches: American Elm, Cedar Elm, Eastern Red Cedar, Osage Orange, all other oak, pecan, and walnut species.

36) **Tree, Street.** Trees on land lying between property lines planted at recommended intervals with consideration of the visibility triangle on either side of all streets, avenues, rights-of-way or entrances to the city.
37) **Tree survey.** A survey that takes measurements and data on the types of trees on a property. Data includes where on the property the trees are located, the size of trees, age of trees, and general health of the trees.

38) **Tree topping.** The practice of removing whole tops of trees or large branches and/or trunks from the tops of trees, leaving stubs or lateral branches that are too small to assume the role of a terminal leader.

39) **Undeveloped land.** Any lot or tract of land lacking improvements.

40) **Unprotected tree** means the following:
   a. Callery Pear (all cultivars);
   b. Chinaberry;
   c. Mesquite;
   d. Chinese Tallow;
   e. Cottonwood;
   f. Hackberry & Sugarberry Species;
   g. Ilex Species (except for Yaupon Holly and Possumhaw Holly);
   h. Palm (all plants in Palmae);
   i. Tree-of-heaven or Ailanthus; or
   j. Any other tree listed on the Texas A&M invasive plant list, as amended.

41) **Xeriscape.** A type of landscaping for residential applications that conserves water and protects the environment by using site appropriate plants (such as native or others adapted to the immediate area), an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches (which may include the use of solid waste compost) and proper maintenance.

### 4.6 Screening

4.6.1 **Generally**

a) Any new nonresidential development, or major renovation of an existing nonresidential development (major renovation being defined as renovation which exceed fifty (50) percent of the current improvement value as shown on the most current City of Irving tax roll) which is adjacent to any residentially zoned land (except land zoned R-40, land within the Downtown Development District or the Urban Business Overlay District, or any other special district which includes mixed uses and/or more specific screening requirements), must provide a minimum seven (7) foot tall blind fence along the common property line.

b) The planning and zoning commission may recommend and the city council may request screening or fencing requirements on any zoning case in addition to or in lieu of screening or fencing requirements set out specifically in each use district when the nature and character of surrounding or adjacent property dictate a need to require
such screening devices in order to protect such property and to further provide protection for the general health, welfare and morals of the community in general.

c) The planning and zoning commission's recommendations and the city council's requirements under this section shall contain the following:
   1) Specific location of fence;
   2) Height of fence;
   3) Type of construction;
   4) Location of openings, if any;
   5) Whether the fencing or screening requirement is in additional to or in lieu of the fencing or screening requirement in the applied for use district.

d) All fences or screening devices required to be constructed under this section must be maintained by owner and failure to maintain same will constitute a violation of this section.

e) The planning and zoning commission may recommend, and the city council may require that a landscape plan be provided on any zoning case where the nature and character of surrounding or adjacent property dictate a need in order to protect such property and to provide protection for the general health, safety and morals of the community in general.

4.7 Reserved

4.8 Reserved

4.9 Nuisances

4.9.1 Performance Standards

a) In any district no land shall be used in any manner other than in compliance with the performance standards herein set forth:
   1) Fire and explosion hazards. All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of state and local laws and regulations shall also apply.
   2) Radioactivity or electric disturbance. No activities shall be permitted which emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance. All applicable state and federal regulations shall be complied with.
   3) Noise. At the points of measurement specified in subsection (b), the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several

### TABLE 1.

<table>
<thead>
<tr>
<th>Frequency ranges containing Standard Octave Bands in cycles per second</th>
<th>Octave Band sound Pressure Level in decibels re 0.0002 dyne/cm²</th>
</tr>
</thead>
<tbody>
<tr>
<td>20—300</td>
<td>60</td>
</tr>
<tr>
<td>300—2400</td>
<td>40</td>
</tr>
<tr>
<td>above 2400</td>
<td>30</td>
</tr>
</tbody>
</table>

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in Table 2 shall be applied to the octave band levels given in Table 1.

### TABLE 2.

<table>
<thead>
<tr>
<th>Type or location of operation or character of noise</th>
<th>Correction in decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Daytime operation only</td>
<td>5</td>
</tr>
<tr>
<td>2. Noise source operates less than:</td>
<td></td>
</tr>
<tr>
<td>(a) 20% of any one-hour period</td>
<td>5</td>
</tr>
<tr>
<td>(b) 5% of any one-hour period</td>
<td>10</td>
</tr>
<tr>
<td>3. Noise of impulsive character (hammering, etc.)</td>
<td>-5</td>
</tr>
<tr>
<td>4. Noise of periodic character (hum, screech, etc.)</td>
<td>-5</td>
</tr>
<tr>
<td>5. Property is located in one of the following zoning districts and is not within 500 feet of any R district:</td>
<td></td>
</tr>
</tbody>
</table>
(a) C-C, C-OU, C-W or M-FW district .............................................................. 5

1 Apply one of these corrections only

2 A district designated for future residential development in the plan.

4) Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in subsection (b).

5) Glare. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in subsection (b). This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.

6) Liquid or solid wastes. No discharge at any point into any public sewer, private sewer disposal system, or stream, or into the ground, except in accord with standards approved by the State Department of Health or standards equivalent to those approved by such department for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements.

b) In order to determine if actual violations are involved, certain measurements are necessary for the enforcement of performance standards herein set forth pertaining to noise, vibration and glare. These measurements are as follows:

1) Twenty-five (25) feet from the source of origin at the closest lot line in any district.

c) Qualified expert consultants may be employed for analysis if, in the opinion of the building inspector, the proposed uses may cause dangerous or objectionable emissions. These reports shall be presented in due process and without delay with a copy for the applicant.

d) Within thirty (30) days of receipt of application or in case of a required expert consultant report, within a reasonable and mutually agreed upon period, the application shall be reviewed by the city council, after which the building permit shall be issued, refused, or granted subject to modification of plans.

e) In case of alleged violations of performance standards, the building inspector shall investigate and report to the city council on any deviations from the performance standards. The city council shall analyze the report with the help of qualified experts, and after public hearing shall determine whether or not a violation is established otherwise by the city.

Chapter 5: Subdivision Design and Improvements

5.1 Generally
5.1.1 Reserved
5.1.2 Reserved
5.1.3 Required Improvements

a. All streets, curbs, gutters, sidewalks, bridges, culverts, enclosed storm sewers, open drainage ditches and drainage structures, water and sanitary sewer lines, and other public improvements and utilities (collectively referred to in this section as "improvements") necessary for the health, safety, and welfare of the city are required to be installed or constructed within a subdivision or plat, and shall be installed and constructed in accordance with the city's standards and specifications currently in effect at the time the plat is filed. Specifications for improvements shall be as reasonably determined by the director of the Capital Improvement Program ("CIP") department or designee.

b. Prior to the construction of the improvements listed in subsection (a) above, the person or entity constructing the improvements shall:
   1) Give at least five (5) work days' notice to the director of the Capital Improvement Program ("CIP") department or designee prior to the start date of construction;
   2) Confirm that the plans to be followed are those which have been approved by the director of CIP, or designee, or that any changes thereto are approved in writing by the director of CIP, or designee;
   3) Provide to the director of CIP, or designee, the performance, maintenance, and payment bonds for the improvements in the same amounts as if the city were engaging a contractor to do the work. The city shall be a named beneficiary on these bonds;
   4) Provide to the director of CIP, or designee, any soil tests deemed appropriate by the director of CIP, or designee;
   5) Provide a signed acknowledgment that prior to acceptance of the improvements by the city, the person or entity will pay any fees for reasonable tests deemed appropriate by the director of CIP, or designee;
   6) Provide a signed acknowledgment that timely notice will be given to the director of CIP, or designee, for the purposes of inspecting the work on the improvements, and that the work site will be made available for the city's inspectors as needed; and
   7) Pay inspection fees in the amount of five and one half (5.5) percent of the value of the improvements inspected.

c. Outside City. All streets, curbs, gutters, sidewalks, bridges, culverts, enclosed storm sewers, open drainage ditches and drainage structures and other public improvements required to be installed or constructed within a subdivision or plat outside the city but within five (5) miles of the corporate limits of the city shall be installed and constructed in accordance with the standards and specifications therefor adopted by
the city or the commissioner's court of the county, whichever may have jurisdiction over the specific matter.

5.1.4 **Connection to Public Utilities**

a. In a situation where a plat is required, until said plat has been approved and the applicant or owner has constructed the streets, curbs, gutters, paving, sidewalks, utilities and drainage facilities therein, in the manner provided in this chapter and other applicable ordinances of the city, and said facilities have been accepted by the city engineer, it shall be unlawful for any official of the city to serve or connect any public utilities owned, controlled or distributed by the city to any land, or any part thereof, covered by a plat, or to the owners or purchasers of the land, or any part thereof.

b. Until all the streets, utility and drainage facilities are constructed, in the manner provided in this chapter and other applicable ordinances of the city, and have been accepted by the city engineer, building permits shall be withheld, except when the following conditions are met:

1) Approved road access is within one hundred fifty (150) feet of the property boundary; and

2) An existing approved fire hydrant is located within three hundred (300) feet of the proposed building.

c. Foundation permits may be issued for lots prior to completion of street, utility, and drainage facilities, provided that approved road access is available to the subject lots.

d. **Undergrounding Utilities**

1) Generally. Utility service placed within developments for which subdivision plats were approved by the city after March 3, 2011, shall conform to the requirements of this section.

2) **Definitions**

   a) Utility service shall mean electrical and communication distribution and service, such as electrical, telephone, internet, and television service or similar service, in which lines, cables, or wires are used for distribution or delivery of the utility service to the end user of such service. Utility service shall not include an electric transmission system or electric feeder lines.

   b) Electric transmission system shall mean all conductors, circuit breakers, switches, and related facilities and appurtenances of the electric transmission system rated to deliver 69 kV or above.

   c) Electric feeder lines shall mean all electrical lines that emanate from substations to distribute power throughout an area and not to an end user of electric service.

3) Residential, commercial, and industrial. Utility service for residential subdivision, multi-family, commercial, and industrial developments shall be
installed and maintained underground in compliance with applicable utility service regulations.

4) Auxiliary equipment; street and site lighting equipment. In those areas in which utility service is required by this section to be placed underground, the following equipment shall be pad-mounted on grade or placed underground:
   a) Auxiliary equipment for such utility service, such as transformers, connection enclosures, switching devices, and amplifiers; and
   b) Street and site lighting equipment, except for the poles to which the lights are affixed.

5) Cost. The cost of installing utility service underground shall be the responsibility of the property owner or the developer who is seeking utility service for their property. The provisions of this section shall not be construed to require the city or the utility company to bear the additional cost of placing utility service underground.

6) Temporary service. Temporary utility service to construction sites may be provided by overhead means, provided that when underground utility service to the entire subdivision is completed, such overhead electrical lines and facilities will be promptly removed.

5.2 **Names and Numbering**

5.2.1 **Reserved**

5.2.2 **Subdivision Name.** New plats shall be named so as to prevent conflict with identical or similar names of plats previously approved by the city. All plat names shall be subject to review by the city.

5.2.3 **Lot and Block Numbering.** New plats shall be named so as to prevent conflict with identical or similar names of plats previously approved by the city. All plat names shall be subject to review by the city.

5.3 **Block Design**

5.3.1 **Generally**

a. Residential plats shall be designed to create desirable neighborhoods with peace, quiet, safety and beauty wherein high residential values may be maintained over a long period of time.

b. Commercial or industrial plats shall be designed to create safe, accessible and useful business and manufacturing districts which present a minimum of disturbance and annoyance to residential properties and to the traffic flow on major streets and highways. Plat design should place emphasis upon utility and spaciousness, allowing for automobile parking and for the movement of heavy vehicles, and the retention of natural features, and the inclusion of landscaping.

c. Every plat including within its boundaries property within an area of special flood hazard under Land Development Code Chapter 47 (Flood Damage Prevention) shall
be designed in accordance with the standards established in said ordinance and shall include on the face of the plat any base flood elevation established thereunder and any floodway or other easements necessary thereunder.

d. The city manager, within the purview of such authority as established by city charter and ordinances of the City of Irving, may adopt, issuance or approve rules and regulations concerning technical procedures, requirements, and standards as deemed necessary to carry out the provisions of this chapter.

e. All subdivisions shall conform to the master plans and design criteria of the city.

f. Each lot within a subdivision shall abut upon a dedicated public street.

5.3.2 Block Length

a. Block lengths shall be determined primarily by the requirements of adequate vehicular and pedestrian circulation into, out and through such new subdivision.

b. Residential blocks shall not be longer than sixteen hundred (1,600) feet or shorter than six hundred (600) feet measured along the centerline of the block between cross streets, except blocks that front a street or rear upon a major street, freeway, expressway, railroad, creek, river, public school site or park. A variance from the requirement of block length may be granted in cases of unusual topography or shape of the plat boundary.

5.3.3 Block Width. Block widths shall be such as to allow for two (2) tiers of lots back to back, except where abutting a street to which access to the lot is prohibited, or where prevented by topographical conditions or size of the property.

5.3.4 Lot Lines

a. In general, the side lot lines shall be approximately at right angles to straight street lines or radial to curved street lines. Lots with double frontage shall be avoided except where lots rear upon a major street, freeway or expressway, or except where, in the opinion of the city engineer, a variation of this rule will provide a better street and lot layout.

b. Front building lines conforming with the zoning regulations of the city or with any land use plan for the metropolitan area adopted by the city council or other building lines as required by the department of community development shall be shown on all lots.

5.3.5 Single Family Residential Lot Size Compatibility. No lot shall have an area, lot depth, or lot width less than that required by the zoning regulations of the city except as provided below.

a. This subsection (a) applies to any property in the city zoned for any type of single-family use.

1) Transition requirement: Whenever a tract of land or lot zoned for any type of single family use is proposed to be subdivided into tracts or lots that are less than eighty (80) percent of the area of adjacent developed tracts or
lots, transition lots are required to be included as a buffer area between existing developed tracts or lots and the proposed tracts or lots.

a) Transitioning is only required of properties adjacent to or across a street right of way from existing residential development.
   1. "Existing residential development" in this section shall mean an unplatted tract of land established by a deed of record and/or a platted lot as of September 3, 2009, that is zoned for single family uses.
   2. Minimum lot size in the transition area shall be based on the average of the sizes of the existing developed tracts or lots on either side of or across the right of way from the subject property.
   3. Tracts or lots to be included in calculating the average lot size shall be those directly across the right of way from the subject property, and the three (3) tracts or lots on either or both sides of the subject property. (See Exhibits A and B below)
   4. Tracts or lots zoned AG (Agriculture) or R-40 (Single Family) are not to be included in calculating the average.
   5. Lots proposed within the initial two hundred fifty (250) feet of the subject property are required to be transition lots that shall be no less than eighty (80) percent of the lot width and lot area of the average of the lots in the area described in subsection (a)(3) above. Lots beyond two hundred fifty (250) feet of the perimeter of the proposed plat or replat may comply with the minimum area requirements as established in the zoning of the property being platted or replatted.

b) Lots that comply with all of the minimum area requirements of the R-40 single family zoning district shall be exempt from the transition lot requirements.

2) The provisions of this subsection (a) take precedence over any other provisions of the city zoning or subdivision regulations relative to lot sizes and platting.

3) Property zoned S-P-1, S-P-2, or Planned Unit Development with an approved development plan as of September 3, 2009, and property that undergoes rezoning after September 3, 2009, shall be exempt from the transitional lot requirements, and all lots within those areas may be platted in accordance with the approved zoning.
b. All corner lots shall be at least seventy-five (75) feet wide, except corner lots adjacent to a segment of a side street upon which no property fronts; such segment is defined as that portion of a street between one (1) street intersection and the next intersection. Property zoned S-P-1, S-P-2, or Planned Unit Development with an approved development plan may be platted with corner lots laid out in accordance with the provisions of the approved site plan or development plan.

5.4 Streets and Right of Way
5.4.1 Reserved
5.4.2 Dedication and Maintenance
   a. It shall be unlawful for any officer or employee of the city to maintain the streets in any subdivision, and the city shall not accept or maintain such streets, until such streets have been surfaced, curbed and guttered, and the required utilities and drainage facilities have been installed in accordance with the standards and specifications of the city prescribed in this chapter and other applicable ordinances of the city, and such improvements have been accepted by the city, with such acceptance evidenced by written certificate of the city engineer.
   b. Disapproval of a plat shall be deemed a refusal by the city to accept the offered dedication shown thereon.
   c. Under the constitution and laws of the State of Texas and the provisions of this ordinance, the zoning power of the city is hereby exercised for the purpose of promoting the health, safety, morals and general welfare of the general public under a comprehensive plan designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public improvements, and the city council finds that transportation, water, sewerage, drainage and public utility facilities are not adequate to lessen congestion in the streets, to secure safety from fire
and panic, to prevent insanitary conditions, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, drainage, sewerage and other public requirements in the area zoned herein should any portion of said area be developed for residential or professional or commercial or industrial or agricultural or amusement or airport purposes and uses or a combination of any of said purposes and uses and the city shall regulate the use of all of the property rezoned herein in order to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to promote the health and general welfare of the general public, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision of transportation, water, drainage, sewerage and other public requirements and in so regulating the use of said property does hereby require that prior to the issuance of a building permit and certificate of occupancy that the primary means of access shall have a minimum right-of-way width along the entire frontage of the property in accordance with the master street plan of the City of Irving; and further, if property should be a corner lot, said property shall have access to both streets having a minimum right-of-way width prior to issuance of a building permit and certificate of occupancy in accordance with the master street plan of the City of Irving (corner lots shall be considered to front on each street for purposes of determining minimum right-of-way). Before the issuance of a building permit and certificate of occupancy, the owner shall cause to exist right-of-way for drainage, sewerage, water and utility as the director of public works shall determine to be reasonable and necessary to facilitate adequate provision for water, sewerage, drainage and utilities.

d. Nothing in the above provisions shall be interpreted as requiring the dedication of property.

e. In order to secure safety from fire, panic and other dangers and to facilitate the adequate provision of transportation, water, sewerage, drainage, public utilities and prevent insanitary conditions, prior to the issuance of a building permit, the department of public works shall determine whether or not the owner of land zoned herein must file a plat showing existing and proposed watercourses, drainage, drainage ditches, widths and dimensions of proposed street or streets, alleys, easements, drainage facilities, lot lines, building setback lines, topographical information with contours at an interval of one foot referred to city data with reference to bench marks where available, which contours shall fall within one-third of a contour interval of their true location although contour intervals of five (5) feet may be allowed if the terrain is steep enough to warrant these intervals as well as other information reasonably required by the department of public works to determine the safety and effect of the proposed development and construction on the citizens of
the City of Irving. No building permit shall be issued until the department of public works has either approved said plat or determined a plat is not required.

f. Notwithstanding any provisions above, a property shall not be required to be platted or replatted as a result of right-of-way acquisition by a governmental agency, as defined in Unified Development Code section 7.9, which would not otherwise be required to plat or replat.

5.4.3 **Street Names**

a. New streets, whether public or private, shall be named so as to provide continuity of names with existing streets.

b. New streets, whether public or private, shall be named so as to not conflict with identical or similar names of existing streets, whether public or private in other parts of the city.

c. Names of all public or private streets are subject to approval by the city.

5.4.4 **Connectivity**. Streets of new subdivisions or plats shall be in line with existing streets in adjoining property to provide for the continuation of existing streets insofar as they may be deemed necessary for public use, except where the master plan, topography, requirements of traffic circulation or other consideration make it desirable to depart from such alignment.

5.4.5 **Street Width and Cross-Section Design**

a. Street right-of-way widths and roadway cross-section design shall be in conformity with the requirements of the Comprehensive Plan Master Thoroughfare Plan as adopted by the city council.

1) The minimum right-of-way width requirements may be achieved by any combination of right-of-way and sidewalk and/or street easement when a written recommendation of approval is provided to the planning and zoning commission by the director of public works and engineering, or his designee, and the director of traffic and transportation, or his designee.

2) The planning and zoning commission may grant exceptions to either or both right-of-way width and/or roadway cross-section design requirements of the Comprehensive Plan Master Thoroughfare Plan as part of approval of a preliminary/final or final plat with the written approval of both the director of traffic and transportation, or his designee, and the director of public works and engineering, or his designee. Criteria to be considered in granting an exception include, but are not limited to:

a) The plat dedicates right-of-way and/or easements for its share of the street frontage, but the remainder of the street frontage does not comply with the Comprehensive Plan Master Thoroughfare Plan;

b) The adjacent street is existing and functioning at an acceptable level of service;
c) The owner of the property being platted does not own the remainder of the property fronting the street frontage which does not comply with the Comprehensive Plan Master Thoroughfare Plan;

d) The adjacent street is scheduled to be improved by the city, county or other public agency with bonds or other governmental funds;

e) The plat is for an infill type of development within an otherwise developed area.

b. Subdivisions need not follow a gridiron pattern. Courts, dead-end streets or other arrangements may be provided if proper access is given to all lots from a public or private dedicated street or court. All dead-end streets shall terminate in a cul-de-sac having a minimum radius of fifty (50) feet for automobile turn around.

c. Reserve strips controlling access to public streets shall be prohibited except where such control is definitely placed under the jurisdiction of the city.

d. When land proposed to be subdivided or platted is partially or totally bounded on one or more sides by a street having a width less than that specified in this section, such land shall be laid out so as to provide the specified street widths. One-half of the additional right-of-way required shall be provided by the owner of the property on each side of the existing street.

e. A half street along adjoining property which has not been subdivided may be shown on the preliminary plat of an entire subdivision, but no lots abutting upon such half street shall be included in the final plat of such subdivision as approved.

f. Visibility requirements as specified by the city shall be required.

5.4.6 Alleys. Alleys where provided shall be at least fifteen (15) feet wide and shall have pavement at least nine (9) feet wide.

5.4.7 Relation to Adjoining Property Owners. Streets and alley arrangement shall be such as to not cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

5.4.8 Sidewalks

a. Regardless of whether the property has been previously platted, the building permit applicant will be responsible for the installation of sidewalks.

b. Sidewalks shall be constructed across the entire width of each lot upon which a new house or building is to be constructed in the city on the inside lots, and in front of and along each street abutting the lot upon which a new house or building is to be constructed in the city.

c. Such required construction of sidewalks shall be conditions precedent to the issuance of a certificate of occupancy or final building inspection. Such requirement shall also apply to substantial improvement of any house or building where the value of the improvements exceeds fifty-one (51) percent of the current value. The city shall withhold utilities from the house or building involved until such sidewalks have been constructed. Sidewalks shall be placed on a grade and at a location determined and
approved by the department of public works of the city and shall meet the specifications as set forth by such department.

d. When the owner or developer of a subdivision or lot installs a wall or fence between the development and an adjoining street, then such construction is considered to be improvements to lot and the installation of sidewalks are required with this wall or fence.

e. When sidewalks have been previously installed, the building permit applicant will be responsible for all repairs and damage regardless of whether such damage was associated with the construction of the building. No certificates of occupancy will be issued and no final building inspection will be approved until such time as repairs have been made.

f. When a building permit is issued adjacent to a street that does not have a curb and gutter, the requirement for the installation of a sidewalk may be waived by the city engineer where the installation conflicts with the right-of-way or drainage features.

g. Sidewalks shall be placed on a grade and a location determined and approved by the department of public works.

h. *Request by individual property owner to construct.* Any individual property owner may request permission of the city to place a sidewalk in front or along the side of his home or place of business, and after the request has been so made, the city shall furnish to the property owner, if it is possible to do so on an individual basis as regards all the facts pertaining to the street or part of the street in question, the location and specifications which the city will require as regards the installation of the sidewalk without charge to the property owner. If, as above stated, it is possible for the city to determine the location and specifications for the sidewalk, the property owner may install the sidewalk at his own expense.

i. Wherever possible, no trees shall be destroyed in order to effect the installation of any sidewalks in the city, but that the installation of the same shall be placed in such a manner as to go around the locations where trees exist.

5.4.9 *Street Lights.* The subdivider shall be required to make provision for installation of street lights in accordance with the city's standards, including the furnishing of easements as necessary.

5.4.10 *Private Streets*

a. *Definition.* A private street is the principal access easement between a public street and a platted lot which does not abut a public street. Such private street is not dedicated to the public and is not publicly maintained. The term "private street" shall include both the pavement and the easement area for such private street, but shall not include alleys whether publicly or privately maintained.

b. *Required.* If the city council shall allow a subdivision of land into lots which do not abut public streets, such subdivision shall provide access for each such lot to and from a public street by means of a private street shown on the plat.
c. **Specifications.** The specifications for private streets, including construction standards, widths, all geometric standards, grades and alignments, shall be the same as required for public streets. The width of the easement required for private streets shall be the same as required for the right-of-way of a public street of a similar projected carrying capacity.

d. **Construction.** Prior to recommendation of approval of the final plat by the department of public works, the subdivider shall provide construction plans of the proposed private streets which meet the same standards required for public streets. In addition, the construction of the private streets shall be inspected by the city and inspection fees shall be paid to the city just as if said private streets were public streets.

e. **Utility connection.** Utilities to any part of the subdivision shall not be connected unless and until the requirements of section 5.1.4(a-c) of this chapter are met, and the city engineer has issued a certification of compliance of proper construction of the private streets.

f. **Lot areas.** The area included within private street easements shall not be counted toward the minimum lot size requirements of the zoning ordinance.

g. **Setbacks and frontage.** All private street easements shall be treated as public street rights-of-way for purposes of determining the building setback required from such private street easements, as well as determining lot frontage.

h. **Access and maintenance.** Private streets shall be labeled as such on the plat, and such plat shall provide access easements over the private streets to the owners and residents served by said private streets. In addition, such plat shall provide access easements over the private streets to governmental service vehicles including, but not limited to law enforcement, fire, ambulance, sanitation, building inspection and health. The plat shall provide for perpetual maintenance of the private street by restrictive covenants which may not be altered without the approval of the city. The maintenance of private streets shall not be the responsibility of the City of Irving.

i. **Hold harmless.** On the plat shall be language whereby the owners of lots served by private streets agree to release, indemnify, defend and hold harmless any governmental entity for damages to the private street occasioned by the reasonable use of the private street by the governmental entity, and for damages arising from the condition of said private street.

j. **Restricted entry.**

1) It shall be unlawful for the owner or resident of any lot, which does not abut a public street, to fail to provide at all times, at the entrance from the public street to the principal access easement serving said lot either:

   a) A sign stating "Private Street," said sign being at least one square foot in size, with letters three (3) inches high on a contrasting background, said sign being placed and maintained in good repair so as to be easily visible from the public street, provided that only one sign need be
placed at the public street regardless of the number of lots served by the access easement, or

b) A gate or a guard or both. Any gate so provided shall be a break-away model which shall not damage any emergency vehicle driving through said gate to respond to a call in the subdivision, or said gate shall meet the requirements of city ordinances regulating security gates.

2) The maintenance of private street signs shall not be the responsibility of the City of Irving.

3) The provisions of this subsection (j) shall apply to all private streets or other principal access easements for lots not abutting public streets, already in existence or to be built in the future.

5.5 **Easements**

5.5.1 **Reserved**

5.5.2 **Utilities**

a. Except where alleys are provided, easements for public utilities shall be provided and dedicated to the public on each side of all rear lot lines and side lot lines where necessary for public use.

b. All easements shall have a total width of not less than ten (10) feet, and where two (2) lots have a common lot line, except where warranted by unusual conditions, one-half of the required width of an easement shall be upon each lot.

c. Easements of greater width may be required along or across lots where necessary for the extension of main sanitary sewers or other utilities or where both water and sanitary sewer lines are located in the same easement.

d. Easements for public utilities as required by the city shall be provided for and dedicated in the front of lots adjacent to street rights-of-way.

5.5.3 **Drainage.** Easements for drainage purposes shall be provided and dedicated to the public in all subdivisions and plats of adequate width and size to prevent flooding of the lots and for the ultimate drainage area. The city may withhold approval of the final plat until such easements are obtained and dedicated.

5.5.4 **Avigation.** The planning and zoning commission or the city council may require the execution of an avigation easement or release as a condition precedent to approval of a subdivision plat, zoning case, building permit or certificate of occupancy.

5.6 **Stormwater Management and Drainage**

5.6.1 **Purpose.** The city finds that the proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare, and protect water resources. These purposes are accomplished by:

a. Protecting the integrity of the local and regional watersheds and preserving the health of water resources;
b. Requiring that new development and redevelopment maintain a designated discharge rate after the development of property in order to prevent increased flooding, erosion, nonpoint source pollution, and to maintain the integrity of stream channels and riparian habitats;

c. Establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

d. Establishing design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

e. Minimizing the expenditure of public funding and resources for drainage related projects;

f. Minimizing the damage caused by drainage to public and private facilities and utilities; including, but not limited to, water, sanitary sewer, electrical, telephone, cable, gas lines, streets, sidewalks, and bridges;

g. Making information available to potential buyers and existing property owners concerning areas of special flood hazard;

h. Promoting a stable tax base and preserving land values;

i. Preserving the natural beauty and aesthetics of the city;

j. Encouraging the use of nonstructural stormwater management and better site design practices to preserve greenspace and other conservation areas; and

k. Providing for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure continued functionality, maintenance, and protection for the public health, safety, and welfare.

5.6.2 Generally

a. All stormwater management improvements shall be installed by the owner.

b. All storm sewer systems shall be installed in accordance with the plans and specifications approved by the city engineer.

c. If improvements are dedicated to the city, the city council will render a final decision as to the size and type of the improvements.

d. For improvements that are dedicated to the city, no additional fill shall be placed above the system and no structural alterations shall be made to the system after the improvements are accepted for dedication by the city.

e. Where drainage originates upstream and passes through a subdivision or lot, the owner shall be responsible for all drainage improvements within said subdivision or lot required to handle off-site drainage.

f. The owner shall be responsible for all drainage improvements of whatever size required to adequately handle drainage originating within a subdivision or lot.

5.6.3 Design Criteria
Storm drainage improvements shall be designed for the following storm events as shown in table 5-A:

<table>
<thead>
<tr>
<th>Drainage Area</th>
<th>Design Storm Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 100 acres</td>
<td>25-year frequency design</td>
</tr>
<tr>
<td>100 acres to 640 acres</td>
<td>50-year frequency design</td>
</tr>
<tr>
<td>Over 640 acres</td>
<td>100-year frequency design</td>
</tr>
</tbody>
</table>

Computations to determine whether the lots, land, or subdivision will be flooded by rainfall and the sizes of drainage facilities adequate to prevent flooding shall be based upon the standards and specifications in NCTCOG-iSWM.

Enclosed storm sewers, open drainage ditches, bridges, and culverts of a permanent design, adequate to carry off rainfall, shall be installed by the owner throughout the entire length of the drainage area within the subdivision in accordance with plans and specifications approved by the city engineer.

Drainage channels shall consist of natural banks and slopes where possible. Reinforced concrete pipe or concrete lining is permitted only where the city engineer or city council finds that this treatment is needed to maintain sufficient land area to accommodate development on an infill site that is designated in the comprehensive plan adopted by the City of Irving, as amended, or where a channel or grass lined channel cannot withstand the runoff velocities created from offsite drainage.

Fully developed watershed conditions shall be used for determining runoff for the conveyance storm and the flood mitigation storm.

The owner shall show that the 100-year fully developed design storm event is contained within the right-of-way, drainage easements, and road low points.

Drainage from residential areas, such as roof tops, must be allowed to flow overland before joining the storm sewer system.

Seepage into basements or sub-surface structures that is pumped to ground level, seepage from springs, and runoff from roof drains on non-residential buildings that would flow onto or across driveways, sidewalks, or other areas commonly crossed by pedestrians must not create hazards or nuisances to pedestrians. If hazards or nuisances are, or would be created, the basement and rooftop drains shall be tied directly to the nearest storm sewer, provided that pumped lines from basements have backflow preventers and the water is uncontaminated.

All storm sewer systems must be installed in accordance with the plans and specifications approved by the city engineer. After acceptance of the drainage system
by the city engineer, no additional fill shall be placed above the system nor shall structural alterations be made to the system without the prior written approval of the city engineer.

### Table 5-8 Options for Design Focus Area

<table>
<thead>
<tr>
<th>Design Focus Area</th>
<th>Required Downstream Assessment</th>
<th>Design Options</th>
</tr>
</thead>
</table>
| Water Quality Protection  | No                            | **Option 1:** Use integrated site design practices for conserving natural features, reducing impervious cover, and using natural drainage systems.  
**Option 2:** Treat the Water Quality Protection Volume (WQv) by reducing total suspended solids from the development site for runoff resulting from rainfalls of up to 1.5 inches (85\(^{th}\) percentile storm).  
**Option 3:** Assist in implementing off-site community stormwater pollution prevention programs/activities as designated in an approved stormwater master plan or Texas Pollutant Discharge Elimination System (TPDES) Stormwater permit. |
| Streambank Protection     | Yes                           | **Option 1:** Reinforce/stabilize downstream conditions.  
**Option 2:** Install stormwater controls to maintain or improve existing downstream conditions.  
**Option 3:** Provide on-site controlled release of the 1-year, 24 hour storm event over a period of 24 hours (Streambank Protection Volume, SPv) |
| Flood Mitigation and Conveyance | Yes                        | **Flood Mitigation**  
**Option 1:** Provide adequate downstream conveyance systems.  
**Option 2:** Install Stormwater controls on-site to maintain or improve existing downstream conditions.  
Option 3: In lieu of a downstream assessment, maintain existing on site runoff conditions.  
**Conveyance:** Minimize localized site flooding of streets, sidewalks, and properties by a combination of onsite stormwater controls and conveyance systems. |

5.6.4 **On-site Drainage.** The owner is responsible for all drainage improvements (regardless of size) required to adequately handle drainage originating within the owner's subdivision or lot.
5.6.5 **Off-site Drainage.** Where drainage originates upstream and passes through a subdivision or lot, the owner shall be responsible for all drainage improvements within the subdivision or lot that are required to handle off-site drainage.

5.6.6 **Open Channels**

a. Open channels, including all natural or structural channels, swales, and ditches shall be designed for the flood mitigation storm event.

b. Open channels shall be designed with multiple stages. A low flow channel section shall contain the streambank protection flows and a high flow section shall contain the conveyance and flood mitigation storms to improve stability and better mimic natural channel dimensions.

c. Trapezoidal open channels shall have a minimum channel bottom width of eight (8) feet.

d. Open channels with bottom widths greater than eight (8) feet shall be designed with a minimum bottom cross slope of twelve (12) to one (1) or with compound cross sections.

e. Open channel side slopes shall be stable throughout the entire length and the side slope shall depend on the channel material. Open channel side slopes and roadside ditches with a side slope steeper than 3:1 shall require detailed geotechnical and slope stability analysis to justify slopes steeper than 3:1. Any slope that is less than 3:1 must be approved by the city engineer.

f. For vegetative open channels, flow velocities within the channel shall not exceed the maximum permissible velocities given in Tables 5-C and 5-D of this chapter.

g. If relocation of a stream channel is unavoidable, the cross-sectional shape, meander, pattern, roughness, sediment transport, and slope must conform to the existing conditions insofar as practicable. Energy dissipation is necessary when existing conditions cannot be duplicated.

h. Streambank stabilization shall be provided, when appropriate, as a result of any stream disturbance, such as encroachment, and shall include both upstream and downstream banks as well as the local site.

i. HEC-RAS, or similarly capable software approved by the city engineer, shall be used to confirm the water surface profiles in open channels.

j. The final design of artificial open channels shall be consistent with the velocity limitations for the selected channel lining. Maximum velocity values for selected lining categories are presented in Table 5-C of this chapter. Seeding and mulch shall only be used when the design value does not exceed the allowable value for bare soil. Table 5-D of this chapter shall be used for velocity limitations of vegetative linings. Vegetative lining calculations and stone riprap procedures must comply with Section 3.2 of the NCTCOG-iSWM Hydraulics Technical Manual.

k. For gabions, design velocities may range from ten (10) fps for 6-inch mattresses up to fifteen (15) fps for 1-foot mattresses. Velocities of twenty (20) fps are allowable for
basket installations if indicated by the manufacturer. The design of stable rock riprap lining shall be determined on a case by case basis depending on the intersection of the velocity (local boundary shear) and the size and gradation of the riprap material. Unless otherwise approved by the city engineer, all acceptable riprap velocity limits shall comply with section 3.2.7 of the NCTCOG-iSWM Hydraulics Technical Manual.

Table 5-C - Roughness Coefficients (Manning's n) and Allowable Velocities for Natural Channels

<table>
<thead>
<tr>
<th>Channel Description</th>
<th>Manning's n</th>
<th>Max. Permissible Channel Velocity (ft/s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINOR NATURAL STREAMS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fairly regular section</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Some grass and weeds, little, or no brush</td>
<td>0.030</td>
<td>3 to 6</td>
</tr>
<tr>
<td>2. Dense growth of weeds, depth of flow materially greater than weed height</td>
<td>0.035</td>
<td>3 to 6</td>
</tr>
<tr>
<td>3. Some weeds, light brush on banks</td>
<td>0.035</td>
<td>3 to 6</td>
</tr>
<tr>
<td>4. Some weeds, heavy brush on banks</td>
<td>0.050</td>
<td>3 to 6</td>
</tr>
<tr>
<td>5. Some weeds, dense willows on banks</td>
<td>0.060</td>
<td>3 to 6</td>
</tr>
<tr>
<td>For trees within channels with branches submerged at high stage, increase above values by</td>
<td>0.010</td>
<td></td>
</tr>
<tr>
<td>Irregular section with pools, slight channel meander, increase above values by</td>
<td>0.010</td>
<td></td>
</tr>
<tr>
<td>Floodplain - Pasture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Short grass</td>
<td>0.030</td>
<td>3 to 6</td>
</tr>
<tr>
<td>2. Tall grass</td>
<td>0.035</td>
<td>3 to 6</td>
</tr>
<tr>
<td>Floodplain - Cultivated Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. No crop</td>
<td>0.030</td>
<td>3 to 6</td>
</tr>
<tr>
<td>Vegetation Type</td>
<td>Maximum Velocity (ft/s)</td>
<td>Slope Range (%)</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>2. Mature row crops</td>
<td>0.035</td>
<td>3 to 6</td>
</tr>
<tr>
<td>3. Mature field crops</td>
<td>0.040</td>
<td>3 to 6</td>
</tr>
<tr>
<td>Floodplain - Uncleared</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Heavy weeds scattered brush</td>
<td>0.050</td>
<td>3 to 6</td>
</tr>
<tr>
<td>2. Wooded</td>
<td>0.120</td>
<td>3 to 6</td>
</tr>
<tr>
<td>MAJOR NATURAL STREAMS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Range from 0.028 to 0.060</td>
<td></td>
<td>3 to 6</td>
</tr>
<tr>
<td>UNLINED VEGETATED CHANNELS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clays (Bermuda Grass)</td>
<td>0.035</td>
<td>5 to 6</td>
</tr>
<tr>
<td>Sandy and Silty Soils (Bermuda Grass)</td>
<td>0.035</td>
<td>3 to 5</td>
</tr>
<tr>
<td>UNLINED NON-VEGETATED CHANNELS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sandy Soils</td>
<td>0.030</td>
<td>1.5 to 2.5</td>
</tr>
<tr>
<td>Silts</td>
<td>0.030</td>
<td>0.7 to 1.5</td>
</tr>
<tr>
<td>Sandy Silts</td>
<td>0.030</td>
<td>2.5 to 3.0</td>
</tr>
<tr>
<td>Clays (Bermuda Grass)</td>
<td>0.030</td>
<td>3.0 to 5.0</td>
</tr>
<tr>
<td>Coarse Gravels</td>
<td>0.030</td>
<td>5.0 to 6.0</td>
</tr>
<tr>
<td>Shale</td>
<td>0.030</td>
<td>6.0 to 10.0</td>
</tr>
<tr>
<td>Rock</td>
<td>0.025</td>
<td>15</td>
</tr>
</tbody>
</table>

Table 5-D - Maximum Velocities for Vegetative Channel Linings
<table>
<thead>
<tr>
<th>Grass Mixture</th>
<th>0-5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bermudagrass</td>
<td>0-5</td>
<td>6</td>
</tr>
<tr>
<td>Bahia</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Tall fescue grass mixtures</td>
<td>0-10</td>
<td>4</td>
</tr>
<tr>
<td>Kentucky bluegrass</td>
<td>0-5</td>
<td>6</td>
</tr>
<tr>
<td>Buffalo Grass</td>
<td>5-10</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>&gt;10</td>
<td>4</td>
</tr>
<tr>
<td>Grass Mixture</td>
<td>0-5</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>5-10</td>
<td>3</td>
</tr>
<tr>
<td>Sericea lespedeza, Weeping lovegrass, Alfalfa</td>
<td>0-5</td>
<td>3</td>
</tr>
<tr>
<td>Annuals</td>
<td>0-5</td>
<td>3</td>
</tr>
<tr>
<td>Sod</td>
<td>0-5</td>
<td>4</td>
</tr>
<tr>
<td>Lapped Sod</td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

1 Do not use on slopes steeper than 10% except for side-slope in combination channel.

2 Use velocities exceeding 5 ft/s only where good stands can be made.

3 Mixtures of Tall Fescue, Bahia, and/or Bermuda.

4 Do not use on slopes steeper than 5% except for side-slope in combination channel.

5 Annuals - used on mild slopes or as temporary protection until permanent covers are established.

5.6.7 Streets and Stormwater Inlets

a. Design frequency.
   1) Streets and roadway gutters: conveyance storm event.
   2) Inlets on-grade: conveyance storm event.
   3) Parking lots: conveyance storm event.
   4) Storm drain pipe systems: conveyance storm event.
   5) Low points: flood mitigation storm event.
   6) Street ROW: flood mitigation storm event.
   7) Drainage and floodplain easements: flood mitigation storm event.

b. Design criteria.
1) *Streets and ROW.* Depth in the street shall not exceed top of curb or maximum flow spread limits for the conveyance storm. The flood mitigation storm shall be contained on-site or within dedicated right-of-way and easements.

2) *Parking lots.* Parking lots shall be designed for the conveyance storm not to exceed top of curb with maximum ponding at low points of one (1) foot. The flood mitigation storm shall be contained on-site or within dedicated easements.

3) *Flow spread limits.* Inlets shall be spaced so that the spread of flow in the street for the conveyance storm shall not exceed the guidelines listed in Table 5-E, as measured from the gutter or face of the curb:

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Allowable Encroachment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collectors, Arterial, and Thoroughfares (greater than 2-lanes)</td>
<td>- 8 feet or one travel lane, both sides for a divided roadway</td>
</tr>
<tr>
<td>Residential Streets</td>
<td>- curb depth or maximum 6 inches at gutter</td>
</tr>
</tbody>
</table>

4) Storm drain pipe.
   a) For ordinary conditions, storm drain pipes shall be sized on the assumption that they will flow full or practically full under the design discharge, but will not be placed under pressure head. The manning equation is recommended for capacity calculations.
   
   b) The maximum hydraulic gradient shall not produce a velocity that exceeds fifteen (15) feet per second (fps). Velocities for storm drainage design must comply with Table 5-F, unless otherwise approved by the city engineer. Storm drains shall be designed to have a minimum mean velocity flowing full at two and a half (2.5) fps.

<table>
<thead>
<tr>
<th>Description</th>
<th>Maximum Desirable Velocity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culverts (All types)</td>
<td>15 fps</td>
</tr>
<tr>
<td>Storm Drains (Inlet laterals)</td>
<td>No Limit</td>
</tr>
<tr>
<td>Storm Drains (Collectors)</td>
<td>15 fps</td>
</tr>
<tr>
<td>Storm Drains (Mains)</td>
<td>12 fps</td>
</tr>
</tbody>
</table>
c) The minimum desirable physical slope elevation exceeds one (1) foot below ground elevation for the design flow, the top of the pipe, or the gutter flow line, whichever is lowest, adjustments are needed in the system to reduce the elevation of the hydraulic grade line.

d) Access manholes are required at intermediate points along straight runs of closed conduits in accordance with the maximum spacing criteria shown in Table 5-G.

<table>
<thead>
<tr>
<th>Pipe Size (inches)</th>
<th>Spacing (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 and smaller</td>
<td>330 to 650 (MAY)</td>
</tr>
<tr>
<td>48 and larger</td>
<td>650 to 1150 (MAY)</td>
</tr>
</tbody>
</table>

e) Pipe hydraulic grade line (HGL) shall be below the throat of inlets.

5) Manholes.
   a) The owner shall provide a manhole at all locations where the diameter of the trunk line pipe changes or where the cross-sectional dimensions of the trunk line box changes.
   b) The owner shall provide a manhole at all locations where the spacing between two (2) or more laterals intersecting the trunk line is equal to or less than ten (10) feet.

5.6.8 Hydrologic methods

a. The following methods may be used to support hydrologic site analysis for the design methods and procedures included in NCTCOG-iSWM:
   1) Rational Method.
   2) SCS Unit Hydrograph Method.
   3) Snyder’s Unit Hydrograph Method.
   4) TxDOT Regression Equations.
   5) USGS Regression Equations.
   6) iSWM Water Quality Protection Volume Calculation.
   7) Water Balance Calculations.

b. Table 5-H lists the hydraulic methods and circumstances for their use in various analysis and design applications. Table 5-H provides some limitations on the use of several methods. The rational method is acceptable for small, highly impervious drainage areas, such as parking lots and roadways draining into inlets and gutters.
The U.S. Geological Survey (USGS) and Texas Department of Transportation (TxDOT) regression equations are acceptable for drainage areas with characteristics within the ranges given for the equations shown in Table 5-H. These equations should not be used when there are significant storage areas within the drainage basin or where other drainage characteristics indicate general regression equations are not appropriate.

<table>
<thead>
<tr>
<th>Method</th>
<th>Size Limitations</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rational</td>
<td>0-100 acres</td>
<td>Method can be used for estimating peak flows and the design of small site or subdivision storm sewer systems</td>
</tr>
<tr>
<td>Modified Rational</td>
<td>0-200 acres</td>
<td>Method can be used for estimating runoff volumes for storage design</td>
</tr>
<tr>
<td>Unit Hydrograph (SCS)</td>
<td>Any Size</td>
<td>Method can be used for estimating peak flows and hydrographs for all design applications</td>
</tr>
<tr>
<td>Unit Hydrograph (Snyder’s)</td>
<td>1 acre and larger</td>
<td>Method can be used for estimating peak flows and hydrographs for all design applications</td>
</tr>
<tr>
<td>TxDOT Regression Equations</td>
<td>10 to 100 mi²</td>
<td>Method can be used for estimating peak flows and hydrographs for rural design applications</td>
</tr>
<tr>
<td>USGS Regression Equations</td>
<td>3-40 mi²</td>
<td>Method can be used for estimating peak flows and hydrographs for urban design applications</td>
</tr>
<tr>
<td>ISWM Water Quality Protection Volume Calculation</td>
<td>Limits set for each Structural Control</td>
<td>Method can be used for calculating the Water Quality Protection Volume (WQv)</td>
</tr>
</tbody>
</table>

5.6.9 **Streambank protection.** Streambank protection is the second design focus area as shown in Table 5-B. There are three options by which an owner may provide adequate streambank protection downstream of a proposed development. The first step is to perform the required downstream assessment as described in section 5.6.10. If it is determined that the proposed project does not exceed acceptable downstream velocities or the downstream conditions are improved to adequately handle the increased velocity, then no additional streambank protection is required. If on-site or downstream improvements are required for streambank protection, easements or right-of-entry agreements will need to be obtained by the owner. If the downstream assessment shows
that the velocities are within acceptable limits as provided by this division, then no streambank protection is required.

a. **Option 1: Reinforce/Stabilize Downstream Conditions.** If the increased velocities are greater than the allowable velocity of the downstream receiving system, then the owner must reinforce/stabilize the downstream conveyance system. The proposed modifications must be designed so that the downstream system is protected from post-development velocities. The owner must provide supporting calculations and/or documentation that the downstream velocities do not exceed the allowable range once the downstream modifications are installed. Allowable bank protection methods include riprap, gabions, and bio-engineered methods. Sections 3.2 and 4.0 of the NCTCOG-iSWM Hydraulics Technical Manual provide guidance for designing stone riprap for open channels, culvert, culvert outfall protection, riprap aprons for erosion protection at outfalls, and riprap basins for energy dissipation.

b. **Option 2: Install stormwater controls to maintain existing downstream conditions.** The owner must use on-site controls to keep downstream post-development discharges at or below allowable velocity limits. The owner must provide supporting calculations and/or documentation that the on-site controls will be designed such that downstream velocities for the three storm events (streambank protection, conveyance, and flood mitigation) are within an allowable range once the controls are installed.

c. **Option 3: Control the release of the 1-yr, twenty-four (24) hour storm event.** Twenty-four hours of extended detention shall be provided for on-site, post-developed runoff generated by the 1-year, 24-hour rainfall event to protect downstream channels. The required volume for extended detention is referred to as the Streambank Protection Volume (denoted SPv). The reduction in the frequency and duration of bankfull flows through the controlled release provided by extended detention of the SPv will reduce the bank scour rate and severity.

5.6.10 **Acceptable downstream conditions**

a. As part of the development, the downstream impacts of developments must be carefully evaluated for the two (2) design focus areas of streambank protection and flood mitigation, as provided in Table 35.29B. The purpose of the downstream assessment is to protect downstream properties from increased flooding and downstream channels from increased erosion potential due to upstream development. The importance of the downstream assessment is particularly evident for larger sites or developments that have the potential to dramatically impact downstream areas. The cumulative effect of smaller sites, however, can be just as dramatic and, as such, the NCTCOG-iSWM design focus area requirements must be followed for both small sites and large sites.

b. The downstream assessment shall extend from the outfall of a proposed development to a point downstream where the discharge from a proposed development no longer has a significant impact, in terms of flooding increase or allowable velocities, on the
receiving stream or storm drainage system. The city shall be consulted to obtain records and maps related to the National Flood Insurance Program and availability of flood insurance studies and flood insurance rate maps (FIRMs) which will be helpful in this assessment. The downstream assessment shall be a part of the preliminary and final plans, and must include all of the following information and analyses:

1) Hydrologic analysis of the pre- and post-development on-site conditions;
2) Drainage path that defines extent of the analysis;
3) Capacity analysis of all existing constraints points along the drainage path, such as existing floodplain developments, underground storm drainage systems culverts, bridges, tributary confluences, or channels;
4) Off-site undeveloped areas considered as "full build-out" for both the pre-and post-development analyses;
5) Evaluation of peak discharges and velocities for three (3) 24-hour storm events, streambank protection storm; conveyance storm; and flood mitigation storm; and
6) Separate analysis for each major outfall from the proposed development.

c. Once the analysis is complete, the owner must provide the city engineer with answers to the following four (4) questions at each determined junction downstream. These questions shall be answered for each of the three (3) storm events. The answers to these questions and if they negatively impact property or the public safety and welfare as determined by the city engineer will determine the necessity, type, and size of non-structural and structural controls to be placed on-site or downstream of the proposed development.

1) Are the post-development discharges greater than the pre-development discharges?
2) Are the post-development velocities greater than the pre-development velocities?
3) Are the post-development velocities greater than the velocities allowed for the receiving system?
4) What are the post-development flood heights compared to the predevelopment flood heights?

5.6.11 Drainage channel adjacent to subdivision or lot. In an area where a subdivision or lot is adjacent to a drainage channel, responsibility for drainage originating on-site and off-site, shall be identical to the requirements of sections 5.6.4 and 5.6.5.

5.6.12 Channel edge wall. All channels shall include an edge wall section within the channel sideslope. The purpose of the edge wall section is to help control the potential for future erosion. This edge wall section may be located at the top bank (or) the edge of the 100-year floodplain. The edge wall section shall meet the following minimum requirements:

a. A vertical height of two (2) feet above the grade of the channel sideslope at the wall location;
b. A vertical depth of two (2) feet below the grade of the channel sideslope at the wall location;
c. The edge wall section must include aesthetic features. Plain concrete walls are not acceptable. Concrete walls with textured and stained face treatments, aesthetically textured walls, or similar features are permissible; and
d. The edge wall section shall include the use of erosion protection material at the toe of the wall for a minimum distance of five (5) feet.

5.6.13 Easements & maintenance

a. Easements for drainage purposes shall be provided and dedicated to the public in all subdivisions and plats as provided by city ordinance, including this section 5.6 and section 5.5.3.
b. The owner shall provide a public easement area or privately maintained easement area and a required maintenance easement, which shall be dedicated to the City of Irving as a permanent drainage area and open space corridor in accordance with the following:

1) **Dedications of easement areas required for drainage and floodplain areas.** Drainage and floodplain areas for all open channels, creeks, and flumes shall be dedicated to the City of Irving. Dedicated areas shall encompass all areas having a ground elevation below the higher of one (1) foot above the base flood elevation, at or above the water surface elevation associated with the design flood, or the top of the high bank or channel edge. Residential lots shall not extend into easement and floodplain areas. No fences, buildings, or other structures which could impede flow shall be placed within these dedicated areas. In all cases, the dedicated area shall also include at least a 15-foot wide maintenance strip along both sides of the channel or, if the city engineer so allows, at least a 20-foot wide maintenance strip along one (1) side of the channel. Streets, alleys, bike paths, paved trails, and other pedestrian walkways, alongside the channel may serve as all or part of the maintenance easement. Drainage easements for flumes shall be located with sufficient width to permit future maintenance accessibility, and in no case shall be less than 15 feet wide.

2) **Maintenance access.** Maintenance access areas will be provided along channel improvements as provided in this ordinance. The improvements will also include maintenance access ramps in the channel improvements when the side slopes are steeper than 4 to 1. The location and number of the maintenance access ramps will be established by the city engineer. Each reach of improvement must have facilities to allow access for maintenance equipment.

3) **Maintenance of drainage and floodplain improvements and facilities in drainage and floodplain areas.** All drainage and floodplain areas shall be
dedicated to the City of Irving. The maintenance responsibility of the
dedicated area shall be determined as follows:

a) Drainage and floodplain improvements constructed by the City of
Irving shall be the maintenance responsibility of the city.

b) Public easement areas - Public easement areas shall be dedicated in fee
simple to the City of Irving and shall be the city's maintenance
responsibility. Public easement areas shall include the following:
   1. Drainage and floodplain improvements constructed in relation
to single-family residential developments (including duplexes),
except for improvements under section 5.6.14.
   2. Drainage and floodplain improvements constructed in relation
to land uses, other than single-family residential, shall be
dedicated as public easement areas, unless otherwise directed
by the city engineer, and the owner enters into a maintenance
agreement with the city.

c) Privately maintained easement areas - Drainage and floodplain
improvements constructed in conjunction with land use improvements
by a private development. Properties adjacent to the improvements or
a property owners association shall be defined by plat or separate
instrument filed with the Dallas County Deed Records and the City of
Irving City Secretary's Office as being responsible for the maintenance
and repairs to said improvements.

c. The city engineer may require drainage and floodplain improvements to be dedicated
as privately maintained easement areas, regardless of land use type, for the any of the
following conditions:
   1) For channel and floodplain areas left in a natural state;
   2) For channel and floodplain improvements that utilize a channel sideslope
that is steeper than 4:1; or
   3) For channel and floodplain improvements projects that utilize bio-
engineering improvements as stabilization measures.

d. Any area dedicated as a privately maintained easement must meet all of the following
requirements:
   1) Drainage and floodplain improvements dedicated as privately maintained
easement areas shall be the maintenance responsibility of the owner.
   2) In situations where the city engineer allows or requires the drainage or
floodplain area to be dedicated as a privately maintained easement area, the
owner shall enter into a perpetual maintenance agreement with the city. The
perpetual maintenance shall be assured by either a private entity, trust fund,
or other mechanism as approved by the city council.
3) In areas where the perpetual maintenance is assured by either a private entity, trust fund, or other mechanism, the city shall not be responsible for maintenance of the drainage improvements. If such improvements deteriorate in condition, the city engineer shall notify the private entity, trust fund, other mechanism, owner, or responsible maintenance entity of required corrections and/or maintenance to bring the drainage or floodplain area up to the standards as originally approved by the city and accordance with the original improvement design. If such maintenance is not accomplished within thirty (30) days after receipt of written notice by the city, the city or its contractors may perform the necessary work and attach a lien on the property for the reasonable costs incurred by the city or its contractors to perform the work.

5.6.14 Lakes and dams

a. In the event that an owner desires to modify an existing pond or lake or desires to impound stormwater by filling or constructing an above-ground dam, thereby creating a lake, pond, lagoon, or basin as part of the planned development of that property, the criteria listed below shall be met before city approval of the impoundment can be given. Ponds or lakes created by excavation of a channel area without erecting a dam above natural ground elevation or instream, low water check dams are also subject to the criteria listed below, with the exception of spillway capacity requirements. The city engineer has the final authority to determine the design criteria for a proposed dam, check dam, or excavated lake. The requirements of the State of Texas must also be met for the construction of dams, lakes, and other impoundments.

b. The design criteria for a dam is dependent on the size and hazard classification of the dam. The size and hazard classification will be based on Chapter 12 of the Texas Water Code and will be determined by the city engineer based on information furnished by the owner. The following criteria will be used to classify a dam:

1) Size. The classification for size is based on the height of the dam and storage capacity, whichever gives the larger size category. Height is defined as the distance between the top of the dam (minus the freeboard) and the existing streambed at the downstream toe. Storage is defined as the maximum water volume impounded at the top of the dam (minus the freeboard). The following categories in table 5-I must be used:

<table>
<thead>
<tr>
<th>Category</th>
<th>Storage (Acre-feet)</th>
<th>Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor</td>
<td>&lt;100</td>
<td>&lt;10</td>
</tr>
<tr>
<td>Small</td>
<td>≥100 and &lt;1,000</td>
<td>≥10 and &lt;40</td>
</tr>
</tbody>
</table>

Table 5-I - Impoundment
2) **Hazard potential.** The hazard potential for a dam is based on the potential for loss of human life and property damage downstream from a dam in the event of failure. The following categories in table 5-J must be used:

<table>
<thead>
<tr>
<th>Category</th>
<th>Loss of Life</th>
<th>Economic Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>None expected (no permanent structures for human habitation)</td>
<td>Minimal (undeveloped to occasional structures or agriculture)</td>
</tr>
<tr>
<td>Significant</td>
<td>Possible, but not expected (No urban developments and no more than a small number of inhabitable structures)</td>
<td>Appreciable ( notable agriculture, industry, or commercial development)</td>
</tr>
<tr>
<td>High</td>
<td>Expected (urban development or large number of inhabitable structures)</td>
<td>Excessive (extensive public, industrial, or agricultural development)</td>
</tr>
</tbody>
</table>

3) **Spillway design flood.** The classification of a dam based on the above criteria will be used to determine the Spillway Design Flood (SDF). The total capacity of a dam structure, including principal and emergency spillways, shall be adequate to pass the SDF without exceeding the top dam elevation at a minimum. The SDFs required for various dam classifications are shown in table 5-K.

<table>
<thead>
<tr>
<th>Hazard</th>
<th>Size</th>
<th>SDF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>Minor</td>
<td>100 - year</td>
</tr>
<tr>
<td></td>
<td>Small</td>
<td>1/4 PMF</td>
</tr>
<tr>
<td></td>
<td>Intermediate</td>
<td>1/4 PMF to 1/2 PMF</td>
</tr>
<tr>
<td></td>
<td>Large</td>
<td>PMF</td>
</tr>
</tbody>
</table>
### Significant

<table>
<thead>
<tr>
<th>Minor</th>
<th>1/4 PMF to 1/2 PMF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small</td>
<td>1/2 PMF TO PMF</td>
</tr>
<tr>
<td>Intermediate</td>
<td>PMF</td>
</tr>
</tbody>
</table>

### High

<table>
<thead>
<tr>
<th>Small</th>
<th>PMF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate</td>
<td>PMF</td>
</tr>
<tr>
<td>Large</td>
<td>PMF</td>
</tr>
</tbody>
</table>

c. In all cases, the minimum principal spillway design capacity is the 100-year design flood. In certain cases, a dam breach analysis may be required to determine the proper classification of the structure. For all structures requiring a spillway design flood equal to the PMF, a dam breach analysis is required to determine the downstream consequences of a failure. All dams designed for a SDF of 1/2 PMF or less shall be constructed with a minimum freeboard of two feet above the SDF elevation.

1) **Additional design requirements.**
   a) An engineering plan for such construction, accompanied by complete drainage design information and sealed by a registered professional engineer, shall be submitted to the city engineer.
   b) The spillway and any emergency overflow areas shall be located so that flood waters will not inundate any buildings, roadways, or other structures.
   c) All Federal, State, and local laws and regulations pertaining to impoundment of surface water must be followed, including the design construction and safety of the impounding structure. Copies of any Federal, State, and local governmental or agency permits issued for the proposed impoundments shall be submitted to the city engineer.
   d) Any existing structure, which is included in the project area shall be improved to comply with the applicable Federal, State, and local governmental safety requirements for structures.
   e) Before removing, enlarging, or altering any existing lake, the Owner will furnish a study of the effects of the alteration upon flooding conditions both upstream and downstream. The study shall be prepared by a registered professional engineer and submitted to the city for
approval prior to making the proposed alteration. Compensatory storage shall be provided in a manner such that equal or comparable flood retention capacity is maintained.

f) Any improvements to existing dams or lakes or construction of new impoundments shall be made at the expense of the owner, prior to acceptance of the adjacent street, utilities, and drainage improvements under the City's Subdivision Ordinance, as amended.

2) **Maintenance and Liability Criteria.**

   a) The owner shall agree to retain private ownership of the lake, pond, lagoon, or basin constructed and to assume full responsibility for the protection of the general public from any health or safety hazards related to the lake, pond, lagoon, or basin constructed. A private drainage easement shall be dedicated to the City for the improvement and shall meet the requirements of this ordinance.

   b) The owner shall agree to assume full responsibility for the maintenance of the lake, pond, lagoon, or basin constructed. The owner shall keep the city engineer advised of the current person responsible for this maintenance.

5.6.15 **Levees.** The requirements established in this section for levee improvements apply to new levee systems. The requirements do not apply to existing levee systems or modifications to existing levee systems. In the event that an owner desires to build new levees to protect an area from flooding, applicable FEMA and State of Texas guidelines and the all of the following criteria shall apply:

   a. Levees shall be designed to have a minimum of four (4) feet of freeboard above the standard project flood for the fully developed watershed flows.

   b. Levees shall be designed according to the Corps of Engineers design criteria whether or not they are federally authorized levees.

   c. Levee systems shall be designed with interior drainage systems to prevent flooding from local runoff contained within the system for the 100-year design flood.

   d. Levee systems shall have written operation procedures that address gate closure conditions and an emergency warning plan. A copy of these procedures shall be furnished to the city engineer.

   e. Automated gate closure systems shall have power from two (2) independent sources and shall be capable of being operated manually.

   f. Ring levees protecting individual structures proposed for construction after October 26, 2017 shall not be permitted.

   g. All new levee systems shall have permanent positive closures to the required design elevation. Temporary closures involving sandbagging or other procedures requiring manual operations shall not be permitted.
h. Provisions shall be made for ensuring the permanent maintenance of levees either by a flood control district or similar governmental organization or by the existing property owner and all future owners, heirs, or assigns.

i. Additional plan requirements include water surface profiles for the design flood and SPF; top of levee profile, definition of interior drainage facilities, including pump station and ponding areas; location of gravity outlets, gatewells and closure structures; and elevation-duration data on the receiving system.

5.6.16 Culverts, bridges, flumes, and detention structures

a. Culverts shall be designed for the flood mitigation storm or in accordance with TxDOT requirements, whichever is more stringent. Considerations when designing culverts include: roadway type, tailwater or depth of flow, structures, and property subject to flooding, emergency access, and road replacement costs. The flood mitigation storm shall be routed through all culverts to ensure structures are not flooded and damage does not occur to the highway or adjacent property for this design event.

1) Velocity limitations.
   a) The maximum velocity shall be consistent with channel stability requirements at the culvert outlet.
   b) The maximum allowable velocity for corrugated metal pipe (CMP) is fifteen (15) feet per second. The use of corrugated metal pipe is not allowed in public right-of-way or easements unless approved by the city engineer. There is no specified maximum allowable velocity for reinforced concrete pipe, but outlet protection shall be provided where discharge velocities will cause erosion conditions.
   c) To ensure self-cleaning during partial depth flow, a minimum velocity of two and a half (2.5) feet per second is required for the streambank protection storm when the culvert is flowing partially full.

2) Length and slope.
   a) The maximum slope using concrete pipe is ten (10) percent and for CMP is fourteen (14) percent before pipe-restraining methods must be taken.
   b) Maximum vertical distance from throat of intake to flowline in a drainage structure is ten (10) feet.
   c) Drops greater than four (4) feet will require additional structural design.

3) Headwater limitations.
   a) The allowable headwater is the depth of water that can be ponded at the upstream end of the culvert during the design flood, which will be limited by one (1) of the following constraints or conditions:
      1. Headwater must not damage upstream property.
2. Culvert headwater plus twelve (12) inches of freeboard shall not exceed top of curb or pavement for low point of road over culvert, whichever is lower.

3. Ponding depth will be no longer than the elevation where flow diverts around the culvert.

4. Elevations will be established to delineate floodplain zoning.

   b) The headwater shall be checked for the flood mitigation storm elevation to ensure compliance with floodplain management criteria and the culvert shall be sized to maintain flood-free conditions on major thoroughfares with 12-inch freeboard at the low-point of the road.

   c) Either the headwater shall be set to produce acceptable velocities or stabilizing/energy dissipation shall be provided where these velocities are exceeded.

   d) In general, the constraint that gives the lowest allowable headwater elevation shall establish the criteria for the hydraulic calculations.

4) Tailwater considerations.

   a) If the culvert outlet is operating with a free outfall, the critical depth and equivalent hydraulic grade line shall be determined.

   b) For culverts that discharge to an open channel, the stage-discharge curve for the channel must be determined in accordance with the methods provided by Section 2.1.4 of the NCTCOG-iSWM Hydraulics Technical Manual.

   c) If an upstream culvert outlet is located near a downstream culvert inlet, the headwater elevation of the downstream culvert will establish the design tailwater depth for the upstream culvert.

   d) If the culvert discharges to a lake, pond, or other major water body, the expected high water elevation of the particular water body will establish the culvert tailwater.

5) Other criteria.

   a) In designing debris control structures, the most current edition of the U.S. Department of Transportation Federal Highway Administration Hydraulic Engineering Circular No. 9 entitled "Debris Control Structures" or other approved reference is required to be used.

   b) If storage is being assumed or will occur upstream of the culvert, then Section 2.0 of the NCTCOG-iSWM Hydraulics Technical Manual regarding storage routing shall be used in the culvert design.

   c) Reinforced concrete pipe (RCP), pre-cast and cast in place concrete boxes are recommended for use (1) under a roadway; (2) when pipe slopes are less than one (1) percent; or (3) for all flowing streams.
d) Culvert skews shall not exceed forty-five (45) degrees as measured from a line perpendicular to the roadway centerline without approval from the city engineer.

e) The minimum allowable pipe diameter shall be eighteen (18) inches for laterals and twenty-four (24) inches for the storm sewer main line.

f) Erosion, sediment control, and velocity dissipation shall be designed in accordance with Section 4.0 of the NCTCOG-iSWM Hydraulics Technical Manual.

b. Bridges are cross drainage facilities with a span of twenty (20) feet or larger.

1) Design frequency.

a) Flood mitigation storm for all bridges.

2) Design criteria.

a) A freeboard of two feet shall be maintained between the computed design water surface and the low chord of all bridges.

b) The contraction and expansion of water through the bridge opening creates hydraulic losses. These losses are accounted for through the use of loss coefficients. Table 5-L gives recommended values for the Contraction (Kc) and Expansion (Ke) Coefficients.

<table>
<thead>
<tr>
<th>Transition Type</th>
<th>Contraction (Kc)</th>
<th>Expansion (Ke)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No losses computed</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gradual transition</td>
<td>0.1</td>
<td>0.3</td>
</tr>
<tr>
<td>Typical bridge</td>
<td>0.3</td>
<td>0.5</td>
</tr>
<tr>
<td>Severe transition</td>
<td>0.6</td>
<td>0.8</td>
</tr>
</tbody>
</table>

c. The use of flumes is not recommended for widespread use. Flumes shall not be permitted when the purpose of a permanent flume is to carry runoff down the sides of earthen channels, unless approved by the city engineer. A flume may be used to direct overflow runoff along property lines until the runoff can be intercepted by streets or conduit flows. Flumes crossing sidewalks shall be covered or bridged such as to minimize danger to pedestrians.

d. Detention structures shall be designed for each of the three (3) storm events (streambank protection, conveyance, and flood mitigation) for the critical storm duration that results in the maximum (or near maximum) peak flow in accordance with the following design criteria:
1) Dry detention basins shall be sized to temporarily store the volume of runoff required to provide flood protection up to the flood mitigation storm, if required by the city engineer.

2) Extended detention dry basins shall be sized to provide extended detention of the streambank protection volume over twenty-four (24) hours and may also provide additional storage volume for normal detention (peak flow reduction) of the flood mitigation storm event.

3) Routing calculation must be used to demonstrate that the storage volume and outlet structure configuration are adequate. Procedures on the design of detention storage shall be followed in accordance with Section 2.0 of the NCTCOG-iSWM Hydraulics Technical Manual.

4) Detention Basins shall be designed with an eight (8) foot side maintenance access.

5) No earthen (grassed) embankment slopes shall exceed 4:1.

6) A freeboard of one (1) foot will be required for all detention ponds.

7) A calculation summary shall be provided on construction plans. For detailed calculations of unit hydrograph studies, a separate report shall be provided to the city engineer for review and referenced on the construction plans. Stage-storage-discharge values shall be tabulated and flow calculations for discharge structures shall be shown on the construction plans.

8) An emergency spillway shall be provided at the flood mitigation maximum storage elevation with sufficient capacity to convey the flood mitigation storm assuming blockage of the outlet works with six (6) inches freeboard. Spillway requirements must also meet all appropriate state and Federal criteria.

9) A landscape plan shall be provided for all detention ponds.

10) All detention basins shall be stabilized against significant erosion and include a maintenance plan.

11) Design calculations will be provided for all spillways and outlet structures.

12) Maintenance agreements shall be included for all detention structures.

13) Storage may be subject to the requirements of the Texas Dam Safety Program (see NCTCOG-iSWM Program Guidance: Dam Safety and Water Rights; see also Texas Water Code Ch. 12 and 30 TAC 299, as amended) based on the volume, dam height, and level of hazard.

14) Earthen embankments six (6) feet in height or greater shall be designed per the Texas Commission on Environmental Quality guidelines for dam safety (see NCTCOG iSWM Program Guidance: Dam Safety and Water Rights; see also Texas Water Code Ch. 12 and 30 TAC 299, as amended).
15) Vegetated slopes shall be less than twenty (20) feet in height and no steeper than 4:1 (horizontal to vertical). Rip-rap-protected slopes shall be no steeper than 2:1. Geotechnical slope stability analysis is recommended for slopes greater than ten (10) feet in height.

16) Areas above normal high water elevations of the detention facility should be sloped toward the basin to allow drainage and to prevent standing water. Finish grading shall be installed and maintained to avoid creation of upland surface depressions that may retain runoff. The bottom area of storage facilities should be graded toward the outlet to prevent standing water conditions. A low flow or pilot channel across the facility bottom from the inlet to the outlet (often constructed with riprap) is recommended to convey low flows and prevent standing water conditions.

17) Extended detention (ED) orifice sizing is required in design applications that provide extended detention for downstream streambank protection of the ED portion of the water quality protection volume. The release rate for both the WQv and SPv shall discharge the ED volume in a period of twenty-four (24) hours or longer. In both cases, an extended detention orifice or reverse slope pipe must be used for the outlet. For a structural control facility providing both WQv extended detention and SPv control (wet ED pond, micropool ED pond, and shallow ED wetland), there will be a need to design two (2) outlet orifices must be designed - one (1) for the water quality control outlet and one (1) for the streambank protection drawdown.

5.6.17 Erosion and sedimentation control. The owner shall comply with the requirements of Article X, Chapter 41, of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, and shall submit an erosion control plan for approval by the city engineer prior to any earth disturbing activities. The owner shall control erosion during and associated with the installation of subdivision improvements.

5.6.18 Operations & maintenance.

a. An operations and maintenance plan shall be provided with the development submittal. The operations and maintenance plan must clearly identify the person(s) responsible for operation and maintenance of temporary and permanent stormwater controls and drainage facilities to ensure proper and continuous function. The operations and maintenance plan shall include, but is not limited to, the following:

1) Identifying the person(s) responsible for all tasks in the plan;
2) Inspections and maintenance requirements;
3) Maintenance of permanent stormwater controls and drainage facilities during construction;
4) Cleaning and repair of permanent stormwater controls and drainage facilities before transfer of ownership;
5) Frequency of inspections for the life of any private permanent structures;
6) Funding source for long-term maintenance of private structures;
7) Description of maintenance tasks and frequency of maintenance of private structures;
8) Property access and safety issues;
9) Necessary maintenance easements;
10) Copies of maintenance agreements;
11) Requirements for testing and disposal of sediments; and
12) Life span of structures and replacement as needed.

5.6.19 Definitions

a. The definitions in this section shall apply to section 5.6 of the Uniform Development Code, as amended:

1) Allowable headwater. Maximum depth of flow at the upstream face, measured from the invert, minus the required freeboard.
2) Conduit. Any closed drainage system designed for conveying water.
3) Conveyance. 25-year, 24-hour storm event.
4) Culvert. A culvert (or box culvert) is a component of an open drainage system that conveys flow under roads, driveways, and other improvements that cross the drainage system.
5) Design flood. A flood having a one (1) percent chance of being equaled or exceeded in any given year based upon fully developed watershed conditions.
6) Detention basin. A dry or wet basin or depression constructed for the purpose of temporarily storing stormwater runoff and discharging water over time at a reduced rate.
7) Developer. A person, partnership, corporation, or any other legal entity engaged in development, and not excluded by exemption under state or federal law or this division.
8) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, construction of buildings, structures, or other improvements, mining, dredging, filling, grading, paving, excavation, drilling operations, grading, or clearing.
9) Discharge. Rate of stormwater for flood waters flowing in a river, creek, channel, storm sewer system, conduit, culvert, or other stormwater conveyance system.
10) Dry detention. An excavated area installed on, or adjacent to, tributaries of rivers, streams, lakes or bays to protect against flooding and, in some cases, downstream erosion by storing water for a limited period of time.
11) Erosion. The wearing away of the land surface by water, wind, ice, or other geological agents, including such processes as gravitational creep.
12) Extended detention (ED). A facility constructed through filling and/or excavation that provides temporary storage of stormwater runoff and includes an outlet structure that detains and attenuates runoff inflows and promotes the settlement of pollutants.

13) Facility. Any building, structure, installation, process, or activity from which there is or may be a discharge of pollutant.


15) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or rapid accumulation or runoff of surface waters from any source.

16) Floodplain. Any land area susceptible to being inundated by water from any source.

17) Flood mitigation. 100-year, 24-hour storm event.

18) Flume. Any open conduit on a prepared grade, trestle, or bridge.

19) Freeboard. The vertical distance between the design flood elevation and the top of an open channel, dam, levee, or detention basin to allow for wave action, floating debris, or any other condition or emergency without overflowing the structure.

20) Hydraulic gradient or hydraulic grade line (HGL). A line representing the pressure head available at any given point within the drainage system.

21) Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

22) Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

23) Manning equation or manning formula. The uniform flow equation used to relate velocity, hydraulic radius, and energy gradient slope.

24) Natural drainage. The dispersal of surface waters through ground absorption and by drainage channels formed by the existing surface topography or formed by man-made changes in the surface topography existing on October 26, 2017.

25) NCTCOG-iSWM. The North Central Texas Council of Governments Integrated Stormwater Management design criteria and technical manuals, as amended.

26) Open channel. A channel in which water flows with a free surface.
27) Owner or property owner. The person who owns all or part of a facility or property, including any person controlling the facility or property or acting on behalf of the owner; including, but not limited to, the owner's agents, assigns, developers, and contractors. Owner or property owner does not include the City of Irving.

28) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities, unless otherwise exempted by law or this ordinance.

29) Privately maintained easement area. A floodplain or flood-prone area that is not dedicated to the City of Irving as an easement.

30) Probable maximum flood (PMF). The flood magnitude that may be expected from the most critical combination meteorological and hydrologic conditions that are reasonably possible for a given watershed.

31) Rational method. The means of relating runoff with the area being drained and the intensity of the storm rainfall.

32) Registered professional engineer. A person who has been duly licensed and registered by the State Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

33) Sediment. The soil particles deposited through the process of sedimentation as a product of erosion. These soil particles settle out of runoff at variable rates based on the size of the particle and soil type.

34) Site. The land or water area where any drainage or floodplain improvements, facility, or activity is physically located or conducted, including adjacent land used in connection with the drainage or floodplain improvements, facility, or activity.

35) Streambank protection. 1-year, 24-hour storm event.

36) Stormwater. Stormwater runoff, snow melt runoff, surface runoff, and surface drainage.

37) Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

38) Watershed. The area drained by a stream or drainage system.

39) Water quality. Criteria based on a volume of one and a half (1.5) inches of rainfall, not a storm frequency.

5.7 Development Handbook

5.7.1 The development handbook of the City of Irving provides a guide to the land development policies and procedures of the city, and is a supplement to the subdivision
ordinance. The city manager may amend the development handbook as required to carry out the intent of the subdivision ordinance.

Chapter 6: Administration

6.1 Reserved
6.2 Reserved
6.3 Reserved
6.4 Reserved
6.5 Planning and Zoning Commission

6.5.1 There is hereby created and established a planning and zoning commission for the City of Irving consisting of nine (9) members each to be appointed by a majority of the city council.

6.5.2 Each member of the planning and zoning commission shall be appointed by the city council and occupy a place on the planning and zoning commission, such places being numbered 1, 2, 3, 4, 5, 6, 7, 8 and 9 respectively.

6.5.3 Each member of the planning and zoning commission shall be a resident citizen of the City of Irving at the time of his appointment. A member of the planning and zoning commission ceasing to reside in the city during his term of office shall immediately forfeit his office.

6.5.4 Each member of the planning and zoning commission shall be appointed for and serve for a term of two (2) years. The terms of office of place 1, 2, 3 and 4 shall expire on the date of the first city council meeting in November of even years, and the terms of office of place 5, 6, 7, 8, and 9 shall expire on the date of the first city council meeting in November of odd years, Upon the expiration of the terms of office as herein provided each member of the planning and zoning commission shall be appointed and serve for a term of two (2) years, and until their successors are appointed and qualified.

6.5.5 Any member of the planning and zoning commission may be removed from office for any cause deemed by the city council to be sufficient for removal of said member. If a vacancy should exist in the planning and zoning commission membership due to removal from office, resignation, death, refusal or inability to serve, the city council shall appoint a new member to fill the vacancy for the unexpired term.

6.5.6 The planning and zoning commission of the City of Irving shall have the following powers:

a) To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under this ordinance, the Charter of the City of Irving or the laws of the State of Texas to the city council of the City of Irving, and to recommend approval or denial of zoning changes and regulations under this ordinance, the Charter of the City of Irving, or the
laws of the State of Texas.

b) To hear, recommend, or determine any matter relating to zoning, planning or subdivision control as may be specified or required under this ordinance, the Charter of the City of Irving, or the laws of the State of Texas.

c) To exercise such duties and powers as may be now or hereafter conferred by this ordinance, the Charter of the City of Irving, or applicable laws of the State of Texas.

d) When acting and exercising powers under this ordinance, the planning and zoning commission may be referred to as the "zoning commission." When approving subdivision plats as required by other ordinances of the City of Irving, the Charter of the City of Irving, or applicable state law, the planning and zoning commission may be referred to as the "planning commission."

6.5.7 The planning and zoning commission shall select one of its members to be the chairman, an acting chairman to act in the absence of the chairman, and a secretary.

6.5.8 All meetings of the planning and zoning commission shall be in accordance with the Texas Open Meetings Act or its successor statute, as amended. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record. The city planner or director of the department of planning of the City of Irving shall be the custodian and possessor of the records and minutes of the planning and zoning commission.

6.5.9 A majority of the planning and zoning commission shall constitute a quorum to do business, and the affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the planning and zoning commission.

6.5.10 The city council of the City of Irving may hold any public hearing under this ordinance or applicable state law required to be held by the city council jointly with any public hearing required to be held by the zoning commission, but the city council shall not take any action until it has received the final report of the zoning commission.

6.5.11 Meetings of the planning and zoning commission may be held as often as necessary to conduct the business coming before the board at the call of the chairman and at such other times as the board may determine.

6.6 Board of Adjustment

6.6.1 There is hereby created a board of adjustment which shall consist of five (5) regular members, each to be appointed by a majority of the city council for a term of two (2) years.
6.6.2 In addition to the five (5) regular members of the board of adjustment, three (3) alternate members of the board of adjustment, who shall serve in the absence of one or more regular members when requested to do so by the mayor or city manager, shall be appointed by a majority of the city council, so that all cases heard by the board of adjustment will always be heard by a minimum of four (4) members.

6.6.3 Regular members and alternate members of the board of adjustment shall serve for a term of two (2) years and until their successors are appointed and qualified. Regular and alternate members of the board of adjustment may be removed from office for cause by the city council upon written charges and after a public hearing.

6.6.4 The board of adjustment shall select from among its regular members a chairman, an acting chairman to act in the absence of the chairman, and a secretary.

6.6.5 The board of adjustment may adopt rules to govern its proceedings and conduct of the business before the board. Any rule or rules shall be adopted by a resolution by the board entered upon the minutes of the board and a copy thereof shall be filed with the city secretary of the City of Irving.

6.6.6 Meetings of this board shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman or, in his absence, the acting chairman, shall administer oaths and compel attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be a public record.

6.6.7 Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Irving, affected by any decision of the building inspector or other administrative officer of the City of Irving. Such appeal must be filed not later than the 20th day after the date of the decision of the building inspector or other administrative officer has been rendered, by filing with the officer from whom the appeal is taken with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall immediately transmit to the board all the paper constituting the record from which the appeal was taken.

a) A filing fee in accordance with the most recent schedule of fees adopted by the city council to help pay a part of the cost of legal publications, accumulating engineering data, and other administrative costs shall accompany each notice of appeal filed with the board of adjustments.

b) An appeal shall stay all proceedings in furtherance of the action appealed
from, unless the office from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

c) The board of adjustment shall fix a reasonable time for the hearing of an appeal, give notice thereof, as well as due notice to the parties in interest. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed. Upon the hearing any party may appear in person, by agent or by attorney.

6.6.8 The board of adjustment shall have the following powers:

a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official of the city in the enforcement of this ordinance, or in the enforcement of any applicable state law.

b) To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.

c) To authorize upon appeal in special cases, such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, the literal enforcement of the provisions of this ordinance will result in unnecessary hardship, so that the spirit of this ordinance shall be observed and substantial justice done.

d) To permit in any district such modification of the requirements of the district regulations as the board may deem necessary to secure an appropriate development of a lot where adjoining such lot on two (2) or more sides there are lots occupied by buildings which do not conform to the regulations of the district.

e) To authorize upon appeal in appropriate cases and subject to appropriate conditions and safeguards special exceptions to the terms of this ordinance in harmony with its general purpose and intent.

f) To authorize upon appeal, in appropriate cases and subject to appropriate conditions and safeguards, a special exception in regard to section 3.18.1(e)(3) to allow the parking of a truck tractor in the front yard in accordance with Chapter 1.15 of this Unified Development Code.

6.6.9 In exercising its powers, the board of adjustment may, in conformity with the provisions of this ordinance and the provisions of Chapter 211 of the Texas Local Government Code, as amended or as hereafter amended, reverse or affirm,
 wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

a) The concurring vote of four (4) members of the board shall be necessary to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant or any matter upon which it is required to pass under the ordinance, or to effect any variation in the ordinance.

b) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the City of Irving, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the board of adjustment.

6.6.10 No appeal to the board of adjustment shall be allowed on the same piece of property or on the same or similar question prior to the expiration of one year from the date of a ruling of the board of adjustment on any appeal to such body unless other property in the same zoning area shall have, within such one-year period, been altered or changed by a ruling of the board of adjustment, in which case such change of circumstances shall permit the allowance of an appeal.

Chapter 7: Nonconformities

7.1 Nonconforming Uses and Structures

7.1.1 Any use of property existing on October 3, 1996 that does not conform to the regulations prescribed in this ordinance shall be deemed a nonconforming use.

7.2 Discontinuation or Abandonment

7.2.1 The lawful use of land existing on October 3, 1996, although such does not conform to the provisions of this ordinance, may be continued as a nonconforming use under the terms and provisions of this ordinance, but if such nonconforming use is discontinued, any future use of said land and premises shall be in conformity with the provisions of this ordinance.

7.3 Continuation of Use

7.3.1 The lawful use of a building on October 3, 1996 may be continued, although such does not conform to the provisions of this ordinance, and such use may be extended throughout the entire building provided that no structural alteration, except those required by city ordinance or state law, are made therein. If no structural alterations are made, nonconforming use of the same or more restricted classification may be continued, provided, however, that in the event a nonconforming use of a building is once changed
to a higher or more restricted classification, it shall not later revert to the former lower or less restricted classification.

7.3.2 Whenever the use of any building or land has become nonconforming by virtue of a change of the use district, such use may be continued and shall be discontinued in accordance with provisions governing original nonconforming uses.

7.3.3 Whenever the use of any building used for single-family dwelling purposes or other residential purposes has become nonconforming by virtue of a change of the use district under this ordinance, such use may be continued and such building used as a single-family dwelling or other residential purposes.

7.3.4 Whenever any single-family dwelling building is converted to a commercial or business use as a result of rezoning under this ordinance and such commercial or business use is discontinued, such building may be reoccupied as a single-family dwelling.

7.4 Alteration of Nonconforming Single Family Structure

7.4.1 An existing legal nonconforming single-family structure used for single-family residential purposes which is nonconforming due to its location within a non-single-family zoning district may be improved, expanded or enlarged by an amount no more than fifty (50) percent of the original enclosed, habitable area of the structure, or no more than five hundred (500) square feet, whichever is greater, provided that the improvement, expansion or enlargement does not violate the setback or other area requirements of section 2.4.8. R-6 single-family zoning district of this ordinance. Residential accessory structures allowed by section 2.4.8. R-6 single-family zoning district may also be constructed on the same lot or tract as the existing single-family structure, provided that the additional construction complies with all requirements of section 2.4.8. R-6 single-family zoning districts and all other ordinances and regulations of the city.

7.4.2 An existing legal nonconforming single-family structure used for single-family residential purposes which is nonconforming due to an encroachment by an enclosed, habitable portion of the single-family structure across a required setback line may be improved, expanded or enlarged provided that the improvement, expansion or enlargement is for additional enclosed, habitable area and does not encroach further into the required setback area than does the existing structure.

7.5 Destruction of Nonconforming Use

7.5.1 If a building occupied by a nonconforming use is destroyed by fire, explosion, or other casualty, or act of God, or public enemy, it may not be constructed or rebuilt except to conform with the provisions of this ordinance; however, nothing in this ordinance shall be taken to prevent restoration of a building destroyed to the extent of not more than fifty-one (51) percent of its reasonable market value at the time of destruction, nor the continued occupancy or use of such building or part thereof, which existed at the time of such partial destruction.

7.6 Discontinuation and Elimination of Nonconforming Uses
7.6.1 Notwithstanding any other provisions of this ordinance, it is the declared purpose of this ordinance that nonconforming uses be eliminated and be required to conform to the regulations prescribed in this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and character of the area surrounding the designated nonconforming use and the conservation and preservation of property. Nonconforming uses shall be discontinued in the following manner:

a) Any nonconforming use not conducted within a building shall be discontinued within two (2) years from October 3, 1996.

b) Any nonconforming use conducted partly within a building and partly without a building shall be discontinued within five (5) years from October 3, 1996.

c) Any nonconforming use conducted wholly within a building shall be discontinued within ten (10) years from October 3, 1996.

7.7 Nonconforming Carports

7.7.1 Any carport constructed prior to September 9, 1992, upon premises zoned or used for single-family detached residential uses and which did not meet the applicable zoning setback requirements of the district in which such carport was located on that date, shall be considered a nonconforming residential use for purposes of this section, provided that this nonconforming use status shall only be an affirmative defense to prosecutions for violations of zoning setback requirements where the owner can show by a preponderance of the evidence that the carport is not a hazard to traffic on a street or highway abutting the lot or tract upon which the carport is located. Any carport constructed after September 9, 1992, shall meet all the requirements of section 3.1 Accessory Structures.

7.7.2 A use set forth in section 3.18 Outside Storage shall not be classified as a nonconforming use and shall not be authorized to continue as a nonconforming use.

7.8 Manufactured home placement

7.8.1 In the case of a mobile home community which is non-conforming to the requirements of this Ordinance.

a) Any mobile home or HUD-code manufactured home which is non-conforming to the front, side and/or rear setbacks may continue in place without regard to those setbacks so long as the mobile or manufactured home is not moved. This non-conforming status shall not affect any duty of the owner to comply with the requirements of International Building Codes as adopted by the City of Irving, including local amendments thereto, and any other applicable ordinance of the city.

b) After June 1, 1999, whenever a mobile home or HUD-code manufactured home is moved to another plot or removed from a manufactured home community and such home was located closer to front, rear or side property lines than allowed under the zoning ordinance, another mobile or manufactured home may be placed in the same location, and may observe the same setbacks as the home which last left the location.
7.8.2 Any mobile home used or occupied for single-family residential purposes may be replaced by a HUD-code manufactured home. Should the mobile home being replaced by a HUD-code manufactured home be located outside of an approved manufactured home community, the replacement HUD-code manufactured home shall comply with all setback and area requirements of the zoning district covering the property on which the home is located, except that it shall in no case have a front setback of less than twenty-five (25) feet, a side setback of less than five (5) feet, and a rear setback of less than twenty (20) feet.

7.9 Right-of-way acquisition by a governmental agency

7.9.1 Definitions
a) Governmental agency. United States of America, State of Texas, County of Dallas, City of Irving, or any other governmental agency having jurisdiction in the City of Irving with the ability to exercise eminent domain powers.

b) Right-of-way acquisition. The securing of right-of-way through negotiation, purchase, bargain, trade, donation, condemnation or other means, but not including the dedication of right-of-way through the platting or zoning processes.

c) Curative measures. Those actions, corrections, repairs and/or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering Damages to the Remainder.

d) Damages to the remainder. The diminution or reduction in value of the remainder property suffered as a result of the acquisition of a portion of a property for a public purpose.

7.9.2 In the event right-of-way acquisition by a governmental agency causes a property or its improvements to be in violation of city zoning ordinances, said property shall be exempt from said provisions to the extent said violation is caused by the right-of-way acquisition, subject to the following:

a) Property which undergoes a zoning change initiated by the property owner subsequent to right-of-way acquisition shall no longer be subject to this exemption and shall instead have a nonconforming status to the extent that any nonconformance with city ordinances resulted from a right-of-way acquisition by a governmental agency prior to the rezoning and shall therefore be treated as a nonconforming use pursuant to the provisions of this chapter rather than exempt as provided above. However, a zoning change initiated by the city shall not cause a property to lose the exemption provided by this section for properties affected by right-of-way acquisitions.

b) Nothing provided in this provision shall be construed to permit any obstruction which may create a traffic safety hazard or any other safety hazard.

c) Improvements required by SP, S-P-1, or S-P-2 zoning cases and located in the area acquired for right-of-way shall no longer apply subsequent to the acquisition, except that required fencing originally located on the acquired property in the area of
acquisition shall be relocated to the remainder of the tract as close as practicable inside the new property line.

d) Compensation provided; exemption inapplicable.
   1) If a governmental agency provides compensation to a property owner for the demolition of improvements or for other curative measures which renders the property or its improvements to be in violation of city zoning ordinances, then the property shall not be eligible for exemptions under this section.
   2) The building official is authorized to provide notice to any affected property owner, lienholder, or certificate of occupancy holder, listing the items of noncompliance for which no exemption is being provided under this section.
   3) The building official is authorized to file an affidavit in the Dallas County Deed Records noting such noncompliance, that the property has been compensated for said noncompliance, and that a certificate of occupancy shall not be issued until such noncompliance is cured.
   4) Once the property and its improvements are brought into full compliance with all applicable ordinances of the city, the building official will be authorized to file an affidavit in the Dallas County Deed Records noting such compliance.

e) The building official is authorized to revoke a certificate of occupancy for any building or structure for which compensation has been paid to be demolished as part of a right-of-way acquisition by a governmental agency.

f) A certificate of occupancy shall not be issued for any building or structure for which compensation has been paid to be demolished or for other curative measures until such time that the property and its improvements either come into full compliance with all applicable ordinances of the city or the curative measures, for which the compensation was paid, have been completed.

**Chapter 8: Measurements**

8.1 Reserved

8.2 Reserved

8.3 Reserved

8.4 Yards/ Setbacks

8.4.1 **Corner Lots.** On corner lots, the side yard on the street side shall be the same as requirement for the front, except on corner lots adjacent to a segment of a side street upon which no property fronts, said segment being defined as that portion of a street between one street intersection and the next, the minimum side yard shall be twenty (20) feet or the same as the depth of front building setback, whichever is less. This regulation shall not be so interpreted as to reduce the buildable width of a corner lot of record at the time of passage of this ordinance to less than twenty (20) feet.

8.4.2 **Established Front Yard.** If thirty (30) percent or more of the frontage on one side of a street between two (2) intersecting streets is improved with buildings that have observed
an average front yard line with a variation in depth of not more than six (6) feet, then the average front yard so established shall be observed; but this regulation shall not be interpreted to require a front yard of more than one and one-half (1½) times the depth of front yard otherwise required.

8.4.3 Required Yards

a) Setbacks when dwellings above stores and shops. The side, front and rear yard requirements for dwellings shall be waived where dwellings are erected above stores and shops.

b) Greater Setbacks. The planning and zoning commission may recommend and the city council of the City of Irving may require a minimum front yard, rear yard or side yard greater than that required as a minimum setback by the specific use categories when the safety of the traveling public and the general health, welfare and morals of the community require greater setback depth.

8.4.4 Residential Yards

a) Residential Garage Doors

1) In any residential zoning district, the door or entry to a garage shall not be located closer than twenty-five (25) feet as measured along the centerline of the approaching driveway, to any lot line, public right-of-way or any private common access easement.

2) It shall be unlawful for the owner or tenant of property to intentionally, knowingly or recklessly permit any vehicle, trailer or other conveyance to be parked in whole or in part upon the property in such a manner as to obstruct a common access easement, or public or private alley.

b) Building over Residential lot lines. When the owner of two (2) or more platted lots which side yards abut each other and front yards front upon the same street wishes to construct a principal use structure across the interior side yard lot lines, he shall make application with the department of building inspections for a building permit and in the application he shall state which lots are involved, provide information which shows any easement, drainage swell, or other natural or manmade obstruction on or along the side yard lot line which is to be covered by the structure and no building permit shall be issued until the impediment has been removed.

1) When the owner has shown no impediments exist as to construction of a principal use structure or accessory use structure over an interior side yard lot line, the side yard setback requirement in all "R-40," "R-15," "R-10," "R-7.5," and "R-6," zoning districts and any other zoning district of single-family detached dwelling shall be waived and a building permit may be issued for construction of a principal use structure over an interior lot line.

2) In no event shall the exterior side yard setback requirement be violated.
3) No more than one principal structure plus those accessory uses set forth in the above residential zoning districts shall ever be constructed upon two (2) or more lots which have been combined pursuant to this section.

4) Should any excess portion of a combined lot be conveyed to another owner, no structure shall be constructed thereon nor shall it be added to another lot for any zoning or building permit purpose until such time as it has been replatted to combine it with another lot or lots as permitted by Local Government Code Chapter 212, as amended.

8.4.5 Projections into Required Yards. Certain architectural features, fences, walls, and hedges may project into or be located in required yards as follows:

a) Cornices, eaves, and sills not more than two (2) feet into any required yard.

b) Balconies, bay windows, and chimneys not more than three (3) feet into front yards, or two (2) feet into side and rear yards.

c) Patios and open porches may be located in side yards and rear yards provided that they are not closer than three (3) feet to any adjacent property line. In the case of a corner lot, patios or porches shall be subject to the regular street side yard requirements of the district.

d) An open fire escape not more than three and one-half (3½) feet into rear yards, provided that such structure does not obstruct ventilation or light.

8.4.6 Corner Line of Sight

a) No object, or combination of objects, including but not limited to any structure, fence, wall, screen hedge, tree, bush, shrub, billboard or mound of earth, terrace, bank or barrier shall be erected, placed, planted or maintained on any corner lot in such a manner as to create a traffic hazard by obstructing the view of the drivers of motor vehicles using the streets adjacent thereto.

1) The natural existing terrain which cannot be removed by reasonable landscaping techniques including retaining walls constructed below or at the same grade line of said natural existing terrain shall be excluded from the objects otherwise prohibited by this subsection (a).

2) An object, or combination of objects, erected, placed, planted or maintained on a corner lot or parkway adjacent thereto so as to interfere with the visual line of sight at an elevation between two and one-half (2½) feet above the top of the adjacent roadway curb and eight (8) feet above the top of the adjacent street curb, or if there is no curb then from the average street grade, within a triangular area formed by the intersection of the adjacent street right-of-way lines, the right-of-way lines and a point on each such right-of-way line thirty-five (35) feet from the intersection, shall be prima facie evidence that said object, or combination of objects, so erected, placed, planted or maintained is an obstruction constituting a traffic hazard.
3) The triangular area of visibility as provided herein is further described and depicted by the drawing below.

4) Any object or combination of objects, placed, planted or maintained in violation of this subsection (a), shall be removed upon written notice by certified mail from the building inspector of the City of Irving, or his representative, to the owner, agent or occupant of the premises where such obstruction has been erected, placed, planted or maintained. Failure of the owner, agent or occupant to remove such an obstruction within ten (10) days after receipt of such notice shall constitute a violation of the zoning ordinance.

8.4.7 Mechanical Equipment in side or rear yard abutting single family. No mechanical equipment designed or manufactured for permanent installation in one place, either outside of a building or projecting through an opening in a building, driven by a motor or motors of five (5) horsepower or more installed in an R-MF-1, R-MF-2, R-MF-3, P-O, C-O, C-N, C-C, C-OU-1, C-OU-2, C-OU-3, C-W, FWY, M-FW or in any industrial district under this ordinance shall be permitted in the required side yard or rear yard abutting a lot used for a single-family resident within an R-40, R-15, R-10, R-7.5, or R-6.

8.4.8 Above ground utility structures. Subject to the requirements of 8.4.6 above and the requirements of other ordinances of the City of Irving, including but not limited to Chapter 34A (Right-of-Way Management), as amended, of the Code of Civil and Criminal Ordinances of the City of Irving, Texas, state or federal law, no person shall place, permit, construct, or allow an above ground utility structure installed after November 7, 2002, in a front, side and/or rear yard setback adjacent to a public or private street, including a public utility easement and adjacent right-of-way, that does not comply with the requirements in this subsection. These requirements do not apply to alley rights-
of-way or public utility easements adjacent to an alley. In addition, no person shall upgrade or enlarge an existing above ground utility structure in a front, side and/or rear yard setback adjacent to a public or private street in such a way that causes the height or volume of the structure to increase without compliance with the requirements of this subsection. All existing above ground utility structures regardless of the date of their installation are also subject to the graffiti mitigation and maintenance requirements of subsection (g) below.

a) For purposes of this section, the following words and phrases shall have the meanings ascribed to them as follows. Unless listed below, all other terms shall be as defined in Unified Development Code Chapter 9, or Chapter 34A Right-of-Way Management of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.

1) Above ground utility structure means any structure, cabinet, electric meter or any other appurtenance other than a pole or device attached to and completely supported by a pole which is owned or used by a utility company, and which extends higher than the surrounding grade. Above ground utility structures are accessory uses allowed in all zoning districts, and may be placed on property zoned planned unit development (PUD), site plan one (S-P-1), site plan two (S-P-2) or other special district without the need to obtain approval of a development plan, project plan or site plan, or an amended development plan, project plan or site plan prior to installation.

2) Usable interior floor space means open area inside an above ground utility structure, and which is unoccupied by electronic equipment or controls, and into which a person may physically enter via a door or other opening to the outside.

b) No person shall place or install an above ground utility structure within the city limits of Irving until the director of public works or designee has determined that the location does not unduly interfere with other utility installations or result in overcrowding of utility facilities, and such person has been issued a permit for such installation from the director or designee.

c) No person shall place or install an above ground utility structure exceeding three (3) feet in height within the visibility triangle area adjacent to any street, alley or driveway intersection, as such area is defined in section 4.5 of this ordinance.

d) Above ground utility structures with usable interior floor space exceeding one hundred twenty (120) square feet above grade shall be considered buildings and shall comply with all requirements of the City of Irving Building Code, including receipt of a building permit from the director of inspections or designee prior to installation in addition to a permit from the director of public works or designee.

e) New above ground utility structures may be placed, permitted or maintained in public rights-of-way, public utility easements and/or private utility easements only if located as approved by a permit issued by the director of public works or designee in
accordance with the following requirements. All new above ground utility structures allowed under this section shall be located as close as practical to the common lot line between lots or parcels. In the case of a corner lot, above ground utility structures shall be placed along the side street as close as practical to the rear property line (as defined by the location of the front door of the structure) to minimize the visual impact on the front yard and the side yard of the property adjacent to the side street.

<table>
<thead>
<tr>
<th>Maximum Dimensions of Above Ground Utility Structure</th>
<th>Where and How Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceeding 11 cubic feet in volume</td>
<td>Any public right-of-way or public utility easement or private utility easement without screening.</td>
</tr>
<tr>
<td>Not exceeding 45 cubic feet in volume with no dimension greater than six feet</td>
<td>Public or private utility easement adjacent to the public right-of-way in the front, side or rear yard area of a property without screening.* If public easements are not available, right-of-way may be used.</td>
</tr>
<tr>
<td>Not exceeding 360 cubic feet in volume or more than 78 inches in height</td>
<td>Public or private utility easement in the front, side or rear yard area of a property no closer than ten (10) feet from the edge of the curb of the street in a residential area screened or as unobtrusive as possible.*</td>
</tr>
<tr>
<td>Exceeding 360 cubic feet in volume or more than 78 inches in height</td>
<td>Must comply with the building setback regulations for the property as required by the underlying zoning of the property, or a minimum of fifteen (15) feet from the right-of-way line, whichever is greater, and screened on all sides except for the sides containing openings for access to the utility structure.**</td>
</tr>
</tbody>
</table>

*Structures meeting these criteria may not be placed, permitted, or maintained in any public right-of-way or public utility easement in the front yard area (as defined by the location of the front door of the structure) of any property that is already developed with any single-family, duplex, triplex or fourplex uses at the time the above ground utility structure is placed, unless written notification has first been provided to the owner of the property on which the structure is proposed to be placed. Written notification shall be provided to the owner of the property on forms approved by the city, and shall clearly identify the proposed location of the structure, dimensions and appearance of the structure, and the names and telephone numbers of the utility company representatives and City of Irving representatives authorized to discuss the proposed structure with the owner. Proof of notification shall be provided to the director of public works or designee at the time the application for permit is submitted to the city. A private easement, signed by the current owner of the property on which the above ground
utility structure is proposed to be placed, shall also satisfy the requirement for proof of notification. Every reasonable effort shall be made to recognize and address the concerns of the property owner, subject to the service demands of the utility company, and the ultimate authority of the city to approve the permit.

**Structures meeting this criteria may not be located on property developed with any single-family, duplex, triplex or fourplex uses unless written approval from the owner of the property on which the structure is proposed to be placed has been provided to the director of public works or designee. A private utility easement shall satisfy the requirement for written permission. If the structure meets the criteria of section 8.4.8(d) above, a building permit from the City of Irving Inspections Department must also be obtained.

f) The utility company shall pursue, to the extent practical and economically reasonable, the placement of new above ground utility structures exceeding twenty-seven (27) cubic feet in volume and any structure that is greater than eleven (11) cubic feet and more than three (3) feet in height in the rear yard area (as defined by the location of the front door of the structure) of any property that is already developed with any single-family, duplex, triplex or fourplex use.

g) To the extent reasonably possible, the exterior surfaces of all above ground utility structures shall be maintained by the owner of the above ground utility structure free of graffiti and other defacements such as posters, stickers, decals, and signs, except for those placed on the utility structure by the utility company. The exterior finish of an above ground utility structure shall be maintained free of rust or peeling paint, or other significant visible deterioration. An above ground utility structure and its supporting foundation or pad shall be maintained in such a way as to prevent or eliminate leaning and soil erosion underneath. If a facility leans excessively, it shall be corrected to be as close as possible to vertical. Any open space between the bottom of a foundation or pad and the ground underneath shall be filled with either additional soil or concrete to maintain continuous contact with the ground. Structures shall be maintained in a secure, enclosed and safe condition with all doors and other openings into the structure closed at all times except when the structure is being serviced.

h) Unless granted an exception by the director of public works, or designee, and the director of community development, or designee, in accordance with paragraph (n) of this subsection, no more than two (2) above ground utility structures larger than forty-five (45) cubic feet in volume which are owned, operated or maintained by any one utility company may be installed in the required front, side or rear yard setback area per the underlying zoning along the same side of any city block one thousand (1,000) feet in length or less. City blocks longer than one thousand (1,000) feet in length may have one (1) additional above ground utility structure larger than forty-five (45) cubic feet owned, operated or maintained by the same utility company for each two hundred fifty (250) feet of linear distance or portion thereof between
intersections. Any number of additional above ground utility structures larger than forty-five (45) cubic feet owned, operated or maintained by any one (1) utility company may be installed along the same side of a city block if the additional structures are installed in compliance with the required zoning setback of the particular property on which the above ground utility structure is installed.

i) Bollards placed to protect above ground or below ground utility structures shall have shrubs planted between the bollards at a ratio of one (1) shrub per each three (3) feet or portion thereof between bollards. Shrubs shall be a minimum of three (3) feet in height at the time of planting.

j) Screening will consist of berms, evergreen landscaping, or, only if approved in writing by the director of community development and the director of public works or their designees, a masonry wall or other type of low-maintenance, solid fence not exceeding six (6) feet in height which matches as closely as possible the color and materials of the nearest adjacent building, or any combination of approved berms, landscaping, or walls. No separate fence permit will be required for any screening wall approved by the director of community development and the director of public works or their designees under this section. A mechanical device or light used to indicate failure of the equipment in the structure may be visible from the roadway, if no other method of failure alert is available. Screening shall be placed so that it allows adequate space for openings for access to the above ground utility structure, and so that it does not interfere with sight easements or create other traffic-related visibility obstructions, or conflict with national safety standards.

k) All shrubs must be a minimum of three (3) feet tall at the time of planting.

Recommended shrubs for screening purposes include:

1) Glossy Abelia (Abelia grandiflora var. Edward Goucher, Sherwood and other varieties)
2) Nandina (nandina domestica var. Compacta)
3) Holly (Ilex comuta var. Dwarf Burford, Carissa, Needlepoint, Dwarf Chinese, Berries Jubilee)
4) Dwarf Yaupon Holly (Ilex vomitoria 'nana')
5) Indian Hawthorne (Rhaphiolepsis indica var. Bellerina, Jack Evans, Clara, Pinkie, etc.)
6) Dwarf Pampas Grass (Cortaderia selloana)
7) Agarita (Mahonia trifoliata)
8) Texas Sage (Leucophyllum frutescens var. Green Cloud, Silverado, etc.)
9) Cleyera (Ternstroemia gymnanthera)
10) Dwarf Wax Myrtle (Myrica pusilla)

l) The utility company proposing the above ground utility structure or the owner of the property on which the above ground utility structure is proposed to be placed may propose a xeriscape design, subject to approval of the city arborist.
m) Height of above ground utility structures is measured from the lowest grade at any point eighteen (18) inches or less from the side of the structure that faces the roadway to the highest point of the structure, excluding any pad or foundation not exceeding six (6) inches in height on which the utility structure rests.

n) Appeals from the requirements of this subsection 8.4.8 shall be to the directors of public works and community development, or their designees who shall have the authority to grant exceptions to the requirements of this section when circumstances warrant such an exception. Factors to be considered as part of an appeal include, but are not limited to:

1) Satisfactory demonstration that the applicant has exhausted all reasonable alternatives to complying with the requirements of this section;
2) That denial of the above ground utility structures permit application will result in the inability of the utility company to provide service to customers;
3) That there are existing improvements on the property such as parking spaces, driveways, fire lanes, buildings, other utility structures or facilities, or signs which make compliance with the requirements unreasonable;
4) That the new structure is necessary due to a city or other governmental entity's project requiring the relocation of existing utility facilities;
5) That the applicant's proposed use of public property would not inconvenience the public in the use of the road, street or other public property; or
6) That the application of the ordinance would be more than what is reasonably necessary for the health, safety and welfare of the public.

o) Requests for exceptions from the requirements of this subsection 8.4.8 shall be processed as expeditiously as possible, and shall be either approved or denied no later than ten (10) days from the date the appeal is submitted to the director of public works or designee in writing, which appeal shall include written justification for the request. Appeals to the decision of the directors of public works and community development shall be to the Zoning Board of Adjustments for a special exception, in accordance with the above criteria, and shall be filed in writing with the community development department within fifteen (15) days from the date of the decision being appealed.

**8.5 Height**

8.5.1 Height limitations stipulated elsewhere in this ordinance shall be modified as follows:

a) Chimneys, water towers, penthouses, scenery lofts, sugar refineries, monuments, cupolas, domes, spires, standpipes, false mansards, parapet walls, drive-in theater screens, similar structures and necessary mechanical appurtenances may be erected as to their height in accordance with existing or hereafter adopted ordinance of the city.

b) On through lots with double frontage one hundred fifty (150) feet or less in depth, the height of a building may be measured from the curb level on either street. On through lots, more than one hundred fifty (150) feet in depth, the height regulation and basis
of height measurement for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street. The remainder of the lot shall comply with height regulation based on the street with the lower elevation.

Chapter 9: Definitions

9.1 Reserved
9.2 Reserved
9.3 Definitions The following words, when used in this ordinance, shall have the meanings respectively ascribed to them in this section, unless such construction would be inconsistent with the manifest intent of the city council or where the context of this ordinance clearly indicates otherwise.

1. “A” district shall mean any land, either zoned A or classified A pursuant to Ordinance No. 209.

2. Accessory building or accessory structure shall mean a subordinate building or structure, attached to or detached from the main building, and customarily incidental to the principal building.

3. Accessory use shall mean a use subordinate to and incidental to the principal use.

4. Airport shall mean a landing facility for aircraft containing a minimum of sixty (60) acres and approved by the United States Federal Aviation Agency.

5. Alcoholic beverage shall mean alcohol or any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

6. Alley shall mean a public way, public space or thoroughfare which affords only secondary means of access to property abutting thereon.

7. Amusement park shall mean a lot, tract or parcel of land or any improvement thereon, either temporary or permanent, used in whole or in part for the operation and maintenance of any game of skill or chance, any circus, carnival, any riding device or devices, stationary or movable, or any combination thereof, or any animal, any of which is operated for a profit.

8. Apartment shall mean a room or suite or rooms arranged, designed or occupied as a residence by a single-family, individual or group of individuals.

9. Apartment house shall mean any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three (3) or more apartments or which is occupied as the home or residence of three (3) or more families living independently of each other and maintaining separate cooking facilities.

10. Area of lot shall mean the net area of the lot and shall not include portions of streets and alleys.

11. Attached shall mean having physical connection above the top of the floor line of the first floor.
12. **Automotive repair garage.** A garage or portion thereof in which automotive repair and maintenance takes place, but excluding the outdoor storage of automotive parts or inoperative automobiles.

13. **Basement** shall mean that portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

14. **Bedroom** shall mean a room in an apartment other than a kitchen, dining room, living room, bathroom or closet. This item shall include extra dining rooms, living rooms, and all dens, studies, game rooms, sun rooms or similar extra rooms.

15. **Beverage.** See mixed beverage.

16. **Blind fence or screening fence or wall** shall mean a fence or wall through which a person is unable to see standing six (6) feet from such fence or wall at ground level.

17. **Block** shall mean an area within the city enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two (2) streets which intersect said street on said side.

18. **Boarding house or rooming house** shall mean a building, other than a hotel, where lodging and meals are served for compensation.

19. **Boarding school** shall mean a place of instruction and training where four (4) or more pupils are housed overnight and given the majority of their meals on the premises.

20. **Breezeway** shall mean a covered passage one story in height connecting a main structure and an accessory building.

21. **Building** shall mean any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

22. **Building line** shall mean:
   a) A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.
   b) A line beyond which buildings shall be set back from the lot line.

23. **Bus** means a motor vehicle designed or used to transport more than twelve (12) persons on the public highway.

24. **Business service** shall mean a commercial use, other than retail sales and professional services, devoted to:
   a) The fabrication, processing, assembly, cleaning, or repair of articles of goods, wares, merchandise, foods, liquids or plants, but excluding the manufacturing of such articles and automobile repair garages.
   b) The instruction, training or physical treatment of animals but excluding animal shelters or places where animals are kept on the premises overnight.
   c) The providing of temporary abodes for transient persons, such as a hotel or motel.
   d) The providing of food, drink or entertainment to persons.
25. *Carnival* shall mean a temporary traveling show or exhibition usually housed in tents and which has no permanent structure or installation.

26. *Cellar* shall mean that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

27. *Church* shall mean the place of worship and religious training of recognized religions, including the on-site housing of ministers and families, priests, rabbis and nuns.

28. *Circus* shall mean a temporary traveling show or exhibition usually housed in tents and which has no permanent structure or installation.

29. *City:* The City of Irving, Texas.

30. *City engineer, city traffic engineer, director of community development:* The aforementioned staff member of the city or their designee.

31. *Clinic* shall mean an institution or facilities for examining, consulting with and treating patients, including offices, laboratories and out-patient facilities, but not including hospital beds and rooms for acute or chronic care.

32. *Club* shall mean an association or persons for promotion of some common object, such as literature, science or good-fellowship, and jointly supported by its members and carries the privilege of exclusive use of a club building and premises.

33. *Commence construction* shall mean the setting of building foundation piers and beams.

34. *Commercial* shall mean any business, other than a customary home occupation or manufacturing business, which involves the exchange of goods or services for the remuneration of a person occupying the premises upon which the transaction or part thereof takes place.

35. *Commercial amusement* shall mean an amusement enterprise offering entertainment or games of skill to the general public for a fee or charge.

36. *Compact vehicle* shall mean any automotive vehicle of less than one thousand (1,000) pounds gross weight and having a maximum wheel width of six (6) feet and a maximum wheel length of fourteen (14) feet.

37. *Convalescent home* shall mean any structure other than a hospital, used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

38. *Corner lot* shall mean a lot situated at the junction of two (2) or more streets.

39. *Country club* shall mean an area of twenty (20) acres or more containing a golf course and a club house available only to the membership of the country club and their guests, including facilities for dining and entertainment, swimming, tennis and similar recreational facilities and services.

40. *Customary agriculture building* shall mean a structure for storing or housing the usual products and animals raised or maintained on a farm, such as a barn, poultry house, stable, machinery shed or granary.
41. *Customary home occupation* shall mean an occupation customarily carried on in the home by a member of the occupant's family without structural alteration in the building or any of its rooms and without the installation of machinery other than that customary to normal household operation or additional equipment, provided that no person other than a member of the family of the owner or user of the principal single-family dwelling shall be employed or work in or at such home occupation. A customary home occupation shall not include the physical or medical treatment of persons or animals, professional services, business services, barber shops, beauty shops, dance studios, carpenter shops, electrical shops, plumber shops, radio shops, auto repairing or painting, furniture repairing or sign painting.

42. *Day nursery* shall mean a place where children are left for care between the hours of 6:00 a.m. and 12:00 midnight.

43. *Depth of front yard* shall mean the minimum distance from the front lot line to the front line of a building.

44. *Depth of lot* shall be defined as the mean horizontal distance between the front and rear lot lines.

45. *Depth of rear yard* shall be defined as the mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line.

46. *Detached* shall mean having no physical connection above the top of the floor line of the first floor with any other building or structure.

47. *District* shall mean a section of the City of Irving for which the regulations governing the area, height and use of buildings are uniform.

48. *Drive-in restaurants* shall mean a public eating place which has facilities for serving food and beverages to customers in their motor vehicles for consumption on the premises.

49. *Duplex* shall mean a detached building having separate accommodations for two (2) single-family dwellings or occupied by two (2) families.

50. *Dwelling* shall mean an enclosed building or portion thereof having accommodations for only one family or occupied by one family.

51. *Dwelling accommodations* shall mean any of the following improvements within an accessory building in an "R" district:
   a) a kitchen, being defined as an area that includes a dishwasher, oven, stove, or range, excluding a non-built-in microwave oven;
   b) indoor bathtub or shower facilities, excluding exterior shower facilities associated with a swimming pool;
   c) built-in heating, ventilation, or air conditioning system, excluding window air conditioning units and portable space heaters;
   d) natural gas service;
   e) more than two (2) rooms in the building, however a separately enclosed area with only a toilet and sink will not be counted as a room; or
f) a closet in any room.

52. Enclosed building shall mean a structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than one hundred twenty (120) square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than one hundred twenty (120) square feet in area normally open to the air.

53. Family shall mean one (1) or more persons who are related to the head of the household by blood, marriage, or adoption and no more than three (3) unrelated persons living together as a single housekeeping unit and occupying a single dwelling with single kitchen facilities on a non-profit, cost-sharing basis. Foster children shall be considered to be related members of the family.

54. Farm, ranch, garden, orchard shall mean an area of five (5) acres or more which is used for the growing of usual farm products, vegetables, fruits, trees and grain and their storage as well as the raising of usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms, with the necessary accessory uses for treating and storing the produce, but not including the commercial feeding offal or garbage to swine or other animals.

55. Final plat: A plat that has been submitted and approved in preliminary form and has conformed to all provisions of the city ordinances.

56. First floor shall mean a floor and the space above it between the floor and the next floor or the ceiling or roof, the height of said space being no more than fifty (50) below grade and the top of the floor being higher than six (6) feet above grade. All floors above the first floor shall be numbered in ascending sequence, starting with the second floor.

57. Food shall mean nutriment for human consumption in solid form and beverages which have no alcohol content but the meaning of food shall not include any beverages having any alcoholic content, alcoholic beverage mixes or other ingredients used for the preparation of alcoholic beverages.

58. Four-unit apartment house shall mean a detached building containing four (4) single-family attached dwellings.

59. Fraternity house shall mean a building used for a meeting place for a men's organization in which maintains sleeping accommodations for its members only or for a portion thereof.

60. Front yard shall mean an open, unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

61. Garage, front entry shall mean a structure or portion thereof for the accessory use of storing or parking of private motor vehicles owned by the occupant of the premises, located in front of or beside the living area, the access thereto is from the front property line.
62. *Garage, rear entry* shall mean a structure or portion thereof for the accessory use of storing or parking of private motor vehicles owned by the occupant of the premises, with access or door facing the side or rear property line, said structure shall be located partially or totally behind any portion of the living area.

63. *Garage, public storage or public storage garage* shall mean a building or portion thereof, not a private garage, constructed or used for the storage or parking of passenger motor vehicles and trucks of less than one-ton capacity only, where the rental of space is on an hourly, weekly or monthly basis.

64. *Garage sale* shall mean the sale or offering for sale of more than one article of tangible personal property at retail or wholesale on property which is located in zoning districts R-40, R-15, R-10, R-7.5, R-6, R-PH, R-ZL, R-3.5, R-2.5, R-MF-1, R-MF-2, R-MF-3, R-TH, R-MH or R-XF of this ordinance.

65. *Gasoline service station* shall mean a place or establishment where gasoline or diesel fuel, oil, grease, or motor vehicle accessories are sold, supplied, or dispensed to the retail motor vehicle trade, or the minor repair of motor vehicles is performed, or the washing of motor vehicles without mechanized automobile washing equipment is performed. A drive-through automobile wash facility is allowed as an accessory use to a gasoline service station provided that (a) the principal use of the property includes the retail sale of gasoline or other motor vehicle fuels, (b) the automobile wash use is completely within an enclosed building as defined by section 9.3 and (c) the automobile wash is not located adjacent to or within one hundred (100) feet of any property zoned for single-family detached use. A gasoline service station does not include the retail sale of products other than gasoline or other motor vehicle fuels or motor vehicle accessories. The retail sale of convenience goods is permitted from a gasoline service station only if the zoning district also includes retail sales of food and beverages.

66. *Grade* shall mean:
   a) For buildings having walls adjoining one (1) street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.
   b) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street.
   c) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building.

67. *Graphic plan* shall mean a map indicating the proposed areas of common land usage by generalized sketch.

68. *Guest quarters*. Guest quarters shall mean a secondary structure on a lot containing dwelling accommodations for the temporary occupancy by guests and not for rent or permanent occupancy, and such building not having separate utility meter.

69. *Halfway house* shall mean a facility for the housing, rehabilitation and/or training of more than two (2) persons, all of whom are not related one to the others within the
first degree of consanguinity or affinity, who are on probation or parole or are pre-
released inmates from correctional institutions or other persons found guilty of
criminal offenses; or for the housing, rehabilitation, training, counseling or treatment
of more than two (2) persons, all of whom are not related one to the others within the
first degree of consanguinity or affinity, for alcohol, chemical or drug abuse and/or
dependencies. "Halfway house" shall not include a hospital licensed by the State of
Texas or a state licensed physician's office which office does not have facilities for
patients to stay overnight.

70. *Half story* shall mean a story under a gable, hip or gambrel roof, the wall plates of
which on at least two (2) exterior walls are not more than two (2) feet above the floor
of such story.

71. *Handicapped* shall mean a person who has lost, or lost the use of, both legs or is so
severely disabled as to be unable to ambulate without the aid of a wheelchair or other
mechanical device.

72. *Height* shall mean when referring to the height of a building or portion thereof, the
measurement from the average established grade at the street lot line, or from the
average natural ground level if higher, or if no street grade has been established, to
the highest point of the roof’s surface if a flat surface, to the deck line of mansard
roofs; and to the mean height level between eaves and ridge for hip and gable roofs.
In measuring the height of buildings, the following structures shall be excluded:
chimneys, cooling towers, elevator bulkheads, radio towers, ornamental cupolas,
domes or spires and parapet walls not exceeding four (4) feet in height.

73. *Home occupation*. See customary home occupation.

74. *Hospital* shall mean an institution or place where sick or injured in-patients are given
medical or surgical care, at either public or private expense, but excluding institutions
where persons suffering from permanent types of illness, injury, deformity or
deficiency or age are given care and treatment on a prolonged or permanent basis.

75. *Hotel or motel* shall mean a building or buildings designed and occupied as a
temporary abiding place of individuals who are lodged with or without meals, in
which the rooms are usually rented singly for hire in which may be provided meal
preparation facilities.

76. *Hotel* as defined for section 3.3 of this ordinance shall mean the premises of an
establishment where:
   a) In consideration of payment, travelers are furnished food and lodging; and
   b) In which are located at least ten (10) adequately furnished, completely
      separate rooms with adequate facilities so comfortably disposed that persons
      usually apply for and receive overnight accommodations in the establishment,
      either in the course of usual and regular travel or as a residence; and
   c) Which operates a regular dining room constantly frequented by customers
each day.
77. **HUD-code manufactured home** means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and air conditioning systems. The term does not include a recreational vehicle as the term is defined by 24 C.F.R Section 3282.8(g).

78. **Kindergarten** shall mean school for children of pre-school age, in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

79. **Kitchen** shall mean food preparation facilities. The kitchen in any individual dwelling unit or hotel or motel room shall mean any combination of food preparation facilities which do not constitute a kitchenette, provided that the presence of a sink, microwave oven, and/or a refrigerator without any cook-top units or conventional ovens shall not be enough to constitute a kitchen.

80. **Kitchenette** shall mean a food-preparation facility within a hotel or motel in which:
   a) a cook-top may be provided limited to no more than two burners;
   b) a conventional oven is lacking, although a microwave oven may be provided;
   c) any refrigerator is of the small, under-counter variety; and
   d) the kitchenette facilities are not separated from the sleeping facilities but are in the same room.

   *The presence of a sink, microwave oven and/or a refrigerator without any cook-top units or conventional ovens shall not be enough to constitute a kitchenette.

81. **Landing strip** shall mean a landing facility for aircraft containing a minimum of sixty (60) acres and approved by the United States Federal Aviation Agency.

82. **Lot** shall mean:
   a) a tract of land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place.
   b) A tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

83. **Lot coverage** shall mean the total area of a lot upon which is placed a building, buildings, or other structures.

84. **Lot of record**, a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Dallas County, Texas, or a parcel of land, the deed
of which was recorded in the office of the county clerk of Dallas County, Texas, prior to November 5, 1964.

85. **Major street**: A street as designated on the master street plan which is more or less continuous across the city, and intended to carry high volumes of traffic.

86. **Manufactured home community** means any lot, tract, or parcel of land used in whole or in part for the parking of two (2) or more mobile homes, HUD-code manufactured homes, or any combination of the two for use as a temporary or a permanent dwelling or sleeping place for one (1) or more persons with or without compensation, and where such amenities as parking facilities and utilities are provided for the tenants of the mobile homes and/or HUD-code manufactured homes.

87. **Manufacturing plant**, an establishment devoted to the fabrication, processing, assembling, cleaning or repair of articles, foods, liquids, and/or plants in a space of fifteen thousand (15,000) square feet or greater, if in an enclosed building or in a space of twenty-five thousand (25,000) square feet or greater, if in an unenclosed or incompletely enclosed space.

88. **Master plan**: A comprehensive plan of the city adopted by the city council.

89. **Mechanical equipment**. Any machinery designed or manufactured for permanent installation in one place, either outside of a building or inside of a mechanical equipment building or room, driven by a motor or motors of more than five (5) horsepower or more.

90. **Minor street**: A street which is intended for low volume neighborhood traffic which is not necessarily continuous through several residential districts.

91. **Mixed beverage** means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.

92. **Mobile home** means a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and air conditioning systems. The term does not include a recreational vehicle as the term is defined by 24 C.F.R Section 3282.8(g).

93. **Mobile home park**. See manufactured home community.

94. **Motorhome** means a motor vehicle in which there are living, sleeping and cooking facilities.

95. **Motor freight terminal**. An establishment which charges for the transportation of goods by motor truck from one city to another, designed for storing and handling of
goods so transported or to be transported, and for the parking, storing and maintenance of motor trucks engaged in such transportation.

96. **Motor vehicle** means any motor driven or propelled vehicle.

97. Multi-family dwelling, a building or buildings containing or aggregating three (3) or more single-family dwellings.

98. **New car showroom**, an establishment of a dealer of new automobiles, authorized by the manufacturer of the automobiles.

99. **Noncommercial**, pertaining to an enterprise which provided goods and/or services only to its own members, stockholders or shareholders and their guests, and which returns all profits from the operation, if any, to the members, stockholders or shareholders, in accordance with their share of investment.

100. **Nonconforming use**, a building, structure or use of land lawfully constructed and occupied and which does not conform to the current use regulations or development standards of the district in which it is situated.

101. **Nursing home**, an institution where persons suffering from generally permanent types of illness, injury, deformity, deficiency of age, are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas or the City of Irving.

102. **Office**, a place where the transaction of business exclusive of retail sale and transfer of goods, manufacturing, and storage of commodities.

103. **Off-street parking**, hard all-weather surface areas upon which automobiles may be parked and which area has access to a public street.

104. **Old persons home**, an institution where those persons suffering from generally permanent or prolonged types of illness or deficiency resulting from old age, are given care and treatment on a prolonged or permanent basis, and which is licensed by the State of Texas or the City of Irving.

105. **Open space** shall be all land designated for the recreational enjoyment and/or natural beauty of the area.

106. **Outdoor advertising sign**, a signboard advertising a service commodity, goods, wares, merchandise or opinion not sold or offered to the public at the site upon which the signboard is located.

107. **Outside storage**, the storage of commodities, goods and/or refuse outside of an enclosed building.

108. **Perimeter plan**, a map indicating the proposed areas of common land usage on a tract of land three hundred (300) feet in depth adjacent to and within the total perimeter of the district.

109. **Person** shall include association, trustee, receiver, organization, corporations, firms, partnerships and natural persons.

110. **Plan**: A detailed and systematic graphic representation of overall design concepts and objectives.
111. **Planning and zoning commission**: The planning and zoning commission of the city.

112. **Plat**: The map, drawings or chart on which is presented a subdivider's plan of a tract, which he submits for approval.

113. **Preliminary plat**: A plat that is submitted to the planning and zoning commission for its review of the concept and performance of the subdivision as related to the provisions of the city ordinances.

114. **Preliminary/final plat**: A plat of land for which no preliminary plat has been filed and which contains or is accompanied by all information required by this ordinance.

115. **Premises**: A piece of land or real estate owned, rented, leased, used or occupied distinct from those adjacent, by virtue of different ownership, rental, lease, usage or occupancy.

116. **Principal structure**: A building or structure, the use of which is a principal use.

117. **Principal use**: A use which, in comparison with another use occurring on the same property, has the greatest effective producing power.

118. **Private**: Excluding those who have not been invited.

119. **Private club**: A social organization to which membership is by invitation only, and its meeting place in which only members and their guests are permitted, but excluding private clubs in which alcoholic beverages are stored, possessed or consumed.

120. **Professional service**: Work performed by a member of a profession licensed as a profession by the State of Texas.

121. **Public**: Promotion of a public cause or service, including utilities having a franchise from the City of Irving, but excluding other profit-making organizations.

122. **"R" district**: Shall include all districts which allow residential use as a principal use, including, but not limited to, the following: R-40, R-15, R-10, R-7.5, R-6, R-ZL, R-PH, R-SFA, R-3.5, R-2.5, R-MF-1, R-MF-2, R-TH, R-MH, R-XF, an S-P-2 district for any of the foregoing uses, and both a development plan of a PUD district or an S-P-1 district which allows residential uses as the sole principal use.

123. **Railroad yards**: A place for the storage of railway cars, boxcars and engines.

124. **Railway freight station**: An establishment which charges for the transport of goods, by railway from one city to another, designed for storing and handling of goods so transported or to be so transported, but excluding the outside storage of railway cars, boxcars and engines.

125. **Rear yard**: A space unoccupied by a principal structure extending for the full width of the lot between a principal structure and the rear lot line.

126. **Recreational vehicle**: Means a vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

127. **Religious institution**: Shall be held to include a church as defined herein.
128. *Residential* shall mean land actually being used to provide single- or multi-family homes for natural persons.
129. *Retail store*, a place where goods, wares, merchandise and commodities are sold and transferred directly to the purchaser or consumer in small quantities such as by the single yard, pound, gallon, single articles as opposed to wholesale trade.
130. *Rooming house*, an establishment which provides upon a rental basis, either permanently or for a prolonged period of time, abiding places for single people in single rooms, but which does not provide temporary abode for transient persons.
131. *Salvage yard*, the outside storage of refuse and the recovery of usable portions of same.
132. *Secondary street*: A street as designated on the master street plan which is intended as a distributor street between major streets and minor streets.
133. *Servants quarters*, an accessory dwelling located on a lot with a main residence structure and used as living quarters for persons employed on the premises only, and not for rent or use as a separate domicile of other than persons employed on the premises, and with no separate utility meters.
134. *Side yard*, an open unoccupied space on the same lot with a building, situated between the building and the side line of the lot, and extending through from the street or from the front yard to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.
135. *Single-family attached dwelling*, a portion of an enclosed building having accommodations for and occupied by only one family, attached to like units, which units may be sold individually provided that the entire building meets all lot area, front yard, side yard, rear yard, height and other zoning requirements. Single-family attached dwellings do not include any type of mobile home or HUD-code manufactured home.
136. *Single-family detached dwelling*, an enclosed building having accommodations for and occupied by one family, which building must of itself meet all the lot area, front yard, side yard, rear yard, height and other zoning requirements. Single-family detached dwellings do not include any type of mobile home or HUD-code manufactured home.
137. *Sorority house*, a meeting place for a women's organization, which maintains sleeping accommodations for its members or a portion thereof, but its members only.
138. *Stable*, an accessory building for quartering, not to exceed four (4) horses on a farm or lot when set back from adjacent property lines a minimum distance of one hundred (100) feet.
139. *Story*, that portion of a building between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above.
140. *Street*, any public thoroughfare dedicated to the public and not designated as an alley.
141. **Street right-of-way**, a street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

142. **Street width**: The shortest horizontal distance between the lines which delineate the right-of-way of a street.

143. **Structural alterations**, any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

144. **Subdivider**: Any person, firm, corporation, partnership or other legal entity who causes land, directly or indirectly, to be divided into a subdivision, or who plats said land.

145. **Subdivisions**: The division of any lot, tract or parcel of land within the city, or within five (5) miles thereof and not within or under the jurisdiction of a subdivision ordinance of another municipal corporation, into two (2) or more lots or sites for the purpose of sale or of building development or resubdivision of land or lots. Division of land into tracts or parcels of five (5) or more acres shall not be included in this definition of subdivision if such division does not include any new streets or access easements.

146. **Townhouse**, a single-family attached dwelling on a separately platted lot which is joined to another dwelling unit on one or more sides by a party wall or abutting walls and occupied by not more than one family.

147. **Triplex**, a detached building containing three (3) single-family dwellings attached.

148. **Warehousing**, storage in an enclosed building five thousand (5,000) square feet in area or larger, of articles, foods, liquids and/or plants including all necessary office and/or sales space, but not including motor terminal facilities or railway freight station facilities.

149. **Width of lot**, the distance between the side property lines measured either:
   a) at the minimum front building line required by the zoning of the lot; or
   b) tangent to the minimum front building line required by the zoning of the lot if said line is curved; or
   c) perpendicular to a line bisecting the angle between two (2) sidelines at the minimum front building line required by the zoning of the lot, whichever is least. At no time, however, shall the distance between the two (2) points at which the side property lines intersect the front property line be less than twenty (20) feet as measured in a straight line, unless a fire lane is required, in which case the distance shall not be less than the width of a fire lane.

150. **Width of side yard**, the least distance between a side wall of a building and the side line of the lot.