

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.
- g) 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.