

ORDINANCE NO. ORD-2022-10568

AN ORDINANCE AMENDING UNIFIED DEVELOPMENT CODE (“UDC”) SECTION 1.12.5 “ADMINISTRATIVE AMENDMENTS TO APPROVED SITE PLAN” OF THE CITY OF IRVING LAND DEVELOPMENT CODE BY AMENDING THE SECTION TO PROVIDE MEASUREABLE PARAMETERS FOR ADMINISTRATIVE AMENDMENTS; PROVIDING PARAMETERS BASED ON DEVELOPMENT TYPE; AND CREATING PARAMETERS FOR ADMINISTRATIVE AMENDMENTS FOR MULTI FAMILY CONCEPT PLANS; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the ordinance amendment and recommended approval on March 7, 2022; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined amending Unified Development Code Section 1.12.5 “Administrative Amendments to approved site plan” is in accordance with the comprehensive plan, is in the best interest of the public, and is for the purpose of promoting the health, safety, morals, and general welfare of the citizens and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 1.12.5 “Administrative Amendments to approved site plan” of the City of Irving Unified Development Code is hereby amended to read as follows.

1.12.5 Administrative Amendments.

- a) Purpose. The Director of Planning and Community Development or his/her designee may approve minor amendments to site plans previously approved by the City Council and to Multi Family Concept Plans (MFCP) approved by the Planning and Zoning Commission or City Council under this ordinance. Minor amendments are those which provide for rearrangement or reconfiguration of parking areas, landscape areas, building façade illustrations, drainage facilities, utilities, or other site improvements discovered and necessitated during the design and construction process.
- b) Application. Applications for amendments as allowed in this subsection shall be submitted to the Planning and Community Development department on forms provided along with the appropriate number of copies of the site plan as determined by the Director or designee and payment of the application fee in accordance with the most recent schedule of fees adopted by the city council.
- c) General. Any proposed amendments to an approved site plan or MFCP that do not comply with the criteria and therefore do not qualify as an administrative

amendment may only be amended through the zoning or other applicable process. To be considered for approval, any request for an administrative amendment authorized by this section must meet all of the criteria below that:

- 1) Comply with all requirements of the Unified Development Code and any other applicable ordinances of the city.
 - 2) Do not change the character of the development or intent of the City Council or Planning and Zoning Commission at the time of approval.
 - 3) Do not alter the basic relationship of the development to adjacent property including external effects such as noise, heat, light, glare, odor and vibration.
 - 4) Do not change the uses permitted.
 - 5) Do not require amendment or abandonment of any easements or rights-of-way.
 - 6) If provided in an approved site plan, 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.
 - 7) If specifically provided as a condition of site plan approval, do not decrease the amount of open space, landscape area and/or trees greater than 5%. Open space, landscape area and/or trees may be redistributed in compliance with the intent of the requirement but shall comply with the minimum required by ordinance
 - 8) Do not decrease the height or total linear distance of fencing or screening.
 - 9) Do not adversely change in traffic circulation, safety, drainage or utilities.
 - 10) Comply with any additional considerations in Section d), e) or f), as applicable.
- d) Minor Changes to Site Plans in SP, S-P-1 and S-P-2 Site Plan Districts except those based on mixed use or TOD Transit Oriented District districts. Minor amendments may be accepted to an approved site plan which comply to those general parameters listed in section c) above in addition to the below provisions that:
- 1) Do not reduce minimum yards or setbacks greater than 10% but shall be no less than that required by the base district
 - 2) Do not increase the maximum allowed density, footprint, or height greater than 5% but at no time shall exceed that permitted by the base zoning district.
 - 3) Do not decrease the amount of off-street parking and loading spaces greater than 5%, provided that the minimum parking and loading requirements are met
 - 4) For S-P-1 R-AB site plans, do not increase patron seating greater than 10%, provided that adequate parking is available for the added demand.
 - 5) For S-P-1 R-AB site plan zoning districts, allow outdoor seating not to exceed 25% of the interior square footage used for dining service (not to include waiting areas, bar area, kitchen, and back of house). No outdoor dining shall be permitted within 50 feet of a single family district and no amplified music shall be operated within 200 feet of a single family district,

both as measured at the closest edge of the patio space of the outdoor dining service.

- e) Minor Changes to S-P-1 and S-P-2 Site Plan Districts based on mixed use districts and TOD Transit Oriented District General Plans or Detail Plans. Minor amendments may be accepted to an approved site plan in the Heritage Crossing District (HCD), TOD and any future mixed-use and/or form-based districts which comply to those general parameters listed in section c) above in addition to the below provisions that:

- 1) Do not increase minimum yards or setbacks greater than 10%.
- 2) Do not decrease the maximum allowed density, footprint, or height greater than 5%.
- 3) Do not increase the amount of off-street parking and loading spaces greater than 5%, unless said parking and loading remains sufficient in number and conforms with all applicable ordinances.
- 4) For S-P-1 R-AB site plan zoning districts, allow outdoor seating not to exceed 50% of the interior square footage used for dining service (not to include waiting areas, bar area, kitchen, and back of house). No outdoor dining shall be permitted within 50 feet of a single family district and no amplified music shall be operated within 200 feet of a single family district, both as measured at the closest edge of the patio space of the outdoor dining service

- f) Minor changes to Multi Family Concept Plans. Minor amendments may be accepted to Multi Family Concept Plan standards in Section 3.13, as approved by the Planning and Zoning Commission or City Council, for minor variations from the concept plan. Such variations shall not change the character or configuration of the development, shall not vary the design standards and shall not increase the total number of units or density.

Acceptable amendments would comply with the allowances for a S-P-1 district as allowed in section d) above, as applicable, and as provided below, given that at no time shall be less than the requirements in Section 3.13 unless specifically approved as part of the concept plan. MCFP amendments shall:

- 1) Do not increase building height greater than 5%.
- 2) Do not increase or decrease building length greater than 10% and maintain compliance with fire codes.
- 3) Do not increase or decrease building separation greater than 10% and maintain compliance with fire codes.
- 4) Do not increase total number of units greater than 5%.
- 5) Do not increase or decrease dwelling unit sizes greater than 10% and comply with the minimum standards.
- 6) Do not increase or decrease 1-bedroom, 2-bedroom or 3-bedroom unit count greater than 10% and comply with the minimum standards.
- 7) Do not increase efficiency unit count greater than as approved.

- 8) Do not decrease amount of overall open space, usable open space, and/or children's play area greater than 5%.
- 9) Allow for minimal redistribution of landscape and tree plantings and landscape areas in compliance with the intent, but otherwise do not decrease greater than 5%.
- 10) Do not remove sidewalks or trails as provided by the plan unless provided elsewhere on the lot with a similar function, and length is not reduced by more than 10% of approved.
- 11) Do not change height of fences from the approved plan.
- 12) Do not decrease provided screening
- g) Appeal. 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 Board of Adjustment as provided in the Unified Development Code.

SECTION 2. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.


SECTION 3. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

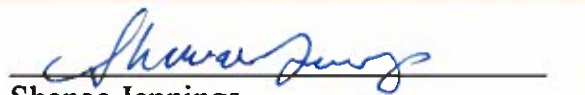
SECTION 5. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect on March 31, 2022 and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 31, 2022.



RICHARD H. STOPPER
MAYOR

ATTEST:


Shanae Jennings
City Secretary/Chief Compliance Officer



APPROVED AS TO FORM:


Kuruvilla Oommen
City Attorney