

AN ORDINANCE AMENDING THE CITY OF IRVING UNIFIED DEVELOPMENT CODE (“UDC”) SECTION 2.4.16 “R-TH TOWNHOUSE DISTRICT REGULATIONS” TO ADD ADDITIONAL ALLOWED PRINCIPAL USES AND UPDATE THE REGULATIONS FOR DEVELOPMENT OF TOWNHOMES; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, numerous S-P Site Plan cases have been approved since 1973 that provided variances to the R-TH development standards, consistently amending required setbacks and height, indicating that the existing standards are not appropriate for the use; and

WHEREAS, townhouse development allows for an efficient use of land within the city to better meet the varied needs of the community and provide an increased variety of housing options to Irving residents; and

WHEREAS, after proper notice and public hearing the Planning and Zoning Commission considered the ordinance amendment and recommended \_\_\_\_\_ on September 6, 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 2.4.16 “R-TH Townhouse District regulations” 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 2.4.16 “R-TH Townhouse District Regulations” of the City of Irving Unified Development Code is hereby amended to read as follows.

**2.4.16 R-TH Townhouse District Regulations**

In a R-TH district, no land shall be used and no building shall be erected for or converted to any use other than as listed below:

- a) Principal uses: The following uses shall be permitted as principal uses
  1. Townhouse (TH), with a minimum of 3 attached units
  2. Single family detached, on infill lots only; to R-TH standards
  3. Duplex; built to standards of Section 2.4.10 (R-3.5) with R-TH front setback
  4. Single Family Attached Dwellings; built to standards of Section 2.4.11 (R-SFA) with R-TH front setback
  5. Triplex and Four unit apartment house; built to standards of Section 2.4.12 (R-2.5) with R-TH front setback

6. Public and nonprofit institutions of an educational, religious, or cultural type excluding corrective institutions and hospitals.
  7. Governmental buildings and uses.
  8. Public utility uses.
  9. Public and private noncommercial recreational areas and facilities such as public parks, country clubs, golf courses, excluding miniature golf courses and driving ranges.
  10. 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.
  11. 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 in a R-TH district. When any of the following 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 a principal residential structure and the front property line.
1. Private swimming pool.
  2. Cabana, pavilion, or roofed area.
  3. Meeting, party, and/or social rooms.
  4. Customary home occupation
- c) Parking regulations: Provisions for parking of automobiles shall be permitted as an accessory use to any principal permitted use as provided below.
1. A minimum of four (4) off street parking spaces shall be provided per unit for townhouse developments; two within a 20 x 20 (inside dimensions), 400 square foot garage and two in a driveway in a location required in this section. Other uses shall provide parking based on the standards of the applicable district. Townhouse developments shall not be considered single family uses for purposes of the additional parking requirements in Section 4.4.3(c)(1).
  2. If a side or rear garage is provided, no additional driveways shall be constructed 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 for townhouse development. Development of other allowed uses shall follow the regulations of the applicable district.
1. Front Setback: 10 feet; any front entry garage shall be set at 25 ft. The setback for a townhouse district next to a R-40, R-15, R-10, R-7.5 or R-6 district shall be

a minimum of 20 feet if 60% of the block is developed and the adjacent structures on either side are set back 25 feet or greater.

2. Rear Setback:
    - a. With front entry garage: 10 feet; 15 feet if adjacent to property zoned single family and any portion of the building is three or more stories. No additional parking shall be provided within the front setback.
    - b. With rear entry garage: 25 feet to public or private alley or private access easement. If adjacent to a minimum 24-foot wide private alley or private access easement, a maximum 5-foot setback measured from the garage door to the edge of the private alley or private access easement may be provided and guest parking is required per subsection (c) (2) of this section
  3. Side Setback: none, except:
    - a. When adjacent to property zoned single family: 5 feet if two story or 15 ft. if three story or for any section of the building above two stories.
    - b. Lots siding to a public or private street: 10 feet to local street, 15 feet to collector or larger street
  4. Width of lot: 22 feet if rear or side entry; 30 feet if front entry
  5. Depth of lot: 70 feet
  6. Land area per dwelling unit: 2,100 square feet
- e) *Height and area regulations:* The following maximum height and area regulations shall be observed:
1. Height of principal structure: 3 stories or 40 feet; any structure taller than 30 feet as measured at the top of parapet or eave shall front a street with no less than 31 feet of pavement
  2. Lot coverage by buildings, driveways, and parking: 80 percent
  3. Maximum distance of the width of structure within the R-TH district: 300 feet

SECTION 2: Section 2.4.2 “Residential Land Use Table” of The City of Irving Unified Development Code is amended to add the following and the table shall be adjusted accordingly.

Under the section “Residential”, add a “P” to the chart under the R-TH district for “Single family detached dwelling”, “Single family attached dwelling”, “Duplex”, “Triplex” and “Four unit apartment house” to indicate the uses are allowed in the district.

SECTION 3. 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 4. 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 5. 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 6. 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 7. That this ordinance shall take effect on \_\_\_\_\_ 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
RICHARD H. STOPFER  
MAYOR

ATTEST:

\_\_\_\_\_  
Shanae Jennings  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Kuruvilla Oommen  
City Attorney

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