

SECTION 3: Section 3.18 “Outside Storage” of Chapter 3 “Performance Standards for Selected Uses” of the City of Irving Unified Development Code is amended to read as follows:

3.18 Outside Storage

3.18.1 General.

- a) *Building materials.* Building materials or debris associated with construction or demolition are permitted if:
 - 1) if a valid building or demolition permit is in effect and for which reasonable progress is being made or if associated with work of a nature for which no permit is required; and
 - 2) the materials or debris are stored on site for only one period of time no longer than ten (10) consecutive days within any six-month period
- b) *Trash.* Trash, garbage, or other refuse may not be stored outside on a property unless it:
 - 1) is awaiting pickup by the city or other sanitation service;
 - 2) is in a container or bag as approved by the city;
 - 3) is in an approved or customary location for city or other sanitation service pickup; and
 - 4) is 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.
- c) *Storage Prohibited.* Outside storage of the items listed below are not permitted in any district.
 - 1) Motor vehicle parts and accessories including, but not limited to, engine, transmission, electrical, suspension parts, as well as tires, wheels, hubcaps, and other motor vehicle parts
 - 2) Appliances not designed for outdoor use
 - 3) Tools, mobile or mechanical equipment not connected to the principal use, unless the applicable district allows outside storage as a primary use
 - 4) Boxes
- d) *Parking of Vehicles Generally.* No parked vehicle shall encroach into the street or alley right-of-way or driveway/public access easement. Any sidewalk in the right of way or alley including that part of the driveway that is a sidewalk must remain clear and unobstructed.
- e) *Storage of items not specifically listed.* Outside storage that is not specifically listed may be permitted, if it is found 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.

3.18.2 Outside Storage in Residential Districts

a) *Vehicle storage in Residential Districts*

- 1) Any camper top, motor or recreational vehicle (RV), boat, motor home or travel trailer may be stored on a residential property, provided the parking area:
 - a. is adequately sized and:
 1. paved with concrete or asphalt of sufficient strength to support the weight of the vehicle, boat, or trailer; or
 2. is behind the front wall of a building, adequately sized, and paved with gravel, stone, or a like material with a minimum uniform depth of two (2) inches with a containment border that minimizes the spread of the material; or
 3. is behind the front wall of the primary structure and screened on all sides by a six-foot blind fence or a building wall.
 - b. is 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. Any driveway expansion or installation providing access to a gravel storage area within a side or rear yard must be concrete or asphalt.
- 2) Any camper top, motor or recreational vehicle (RV), boat, motor home or travel trailer which is not located on an approved parking surface shall not be considered stored while it is being actively washed.
- 3) No motor vehicle may be stored on a residential lot which is:
 - a. Inoperative and lacking valid registration sticker; and
 - b. Either:
 1. Showing external damage to the body or frame; or
 2. Partially and visibly dismantled
- 4) No RV or travel trailer shall be used for residential purposes for longer than 3 consecutive days while stored on a residential lot.
- 5) Commercial vehicles. The parking of any commercial vehicle or conveyance from the following list is prohibited in a residential district:
 - a. Vehicle of three (3) axles or more;
 - b. Bus;
 - c. Truck tractor;
 - d. Commercial vehicle of rated capacity in excess of one and one-half (1½) tons according to the manufacturer's classification;
 - e. Cargo van, bobtail truck, or flatbed truck or trailer; or
 - f. Tow truck

- 6) Loading and unloading. It shall be an affirmative defense to 3.18.2(a)(5) that a person is actively using a parked commercial 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.
- b) *Vehicle repair in Residential Districts*. Residents may conduct repair of their personal vehicles on property which serves as their primary home.
 - 1) A resident of a home may make automotive repairs to their own motor vehicle that is not externally damaged or dismantled.
 - 2) Any externally damaged or dismantled vehicle may be actively under repair by the resident of the property:
 - a. for no greater than one (1) period of time no longer than three (3) consecutive days within any six-month interval; and
 - b. provided that only one (1) such vehicle may be under repair outside at a time
 - c) *Vehicle storage in Single Family Residential Districts*.
 - 1) Maximum number of vehicles. The parking of more than two (2) vehicles per bedroom on the lot or tract is prohibited.
 - 2) Parking in the side or rear yard if only permitted if the vehicle is on an improved surface and screened from view from any street, alley, public way, or adjacent private property zoned or used for residential purposes by:
 - a. a solid opaque fence or wall at least six (6) feet in height;
 - b. vegetation consisting of a solid hedgerow or evergreen shrubs, or trees and shrubs, providing full screening year round from the ground to a minimum height of six (6) feet;
 - c. any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
 - d. any other form of compatible and appropriate screening as determined by the building official.
 - d) *Accessory Items*. Outside storage of accessory items such as furniture, yard swings, waterscape, art form, barbecue grills, outdoor equipment, and children's playground equipment and toys for the use and enjoyment of a residence is allowed, provided:
 - 1) 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;
 - 2) That barbecue grills, outdoor equipment (including spa, hot tub, deck, FCC approved satellite dish antennas, animal enclosures, patio covers) remain in rear yards;

- 3) That children's playground equipment and toys and outdoor equipment, other than spa and hot tub, are in side or rear yards.
- 4) That a spa or hot tub in a side yard is screened by a minimum six-foot blind fence.

3.18.3 Outside Storage in Nonresidential Districts

- a) *Storage Allowed.* Outside storage is allowed if permitted as a principal or accessory use in the individual zoning district.
 - 1) No inventory or supplies for a business shall be stored outside in a commercial zoning district or other district where outside storage is not permitted as an accessory use.
 - 2) Inventory or supplies for a business or storage of chemicals are permitted only as allowed in the zoning district.
- b) *Merchandise for sale.* Retail storage and sales may be permitted in a zoning district which specifically allows retail sales as a principal or accessory use, if the merchandise:
 - 1) is displayed within five (5) feet of the front of the principal building or structure which is fully enclosed; however, merchandise consisting of plants and landscape materials are permitted within thirty (30) feet from the outside wall of the principal building or structure which is fully enclosed;
 - 2) is not stacked higher than six (6) feet;
 - 3) is not stacked on a trailer;
 - 4) 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];
 - 5) shall not violate any city ordinance or state law related to public health or welfare;
 - 6) is not less than fifteen (15) feet from a public right-of-way;
 - 7) is not less than three hundred (300) feet from property zoned or used for adjacent to single and two family districts as measured in a straight line from the merchandise to the property line of said single-family or duplex property, unless 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, located on the property of the retail establishment; and
 - 8) 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
 - 9) 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

c) *Vehicle Storage.* No vehicles shall be stored on any property which is not zoned for outside storage as a primary or an accessory use or associated with a repair business.

1) Except as provided in subsection (d) below, no motor vehicle may be stored which is:

a. Inoperative and lacking valid registration sticker; and

b. Either:

1. Showing external damage to the body or frame; or

2. Partially and visibly dismantled

2) It shall be unlawful to allow a motor vehicle that is inoperable and more than five (5) years old to be left unattended on public property for more than forty-eight (48) hours;

3) It shall be unlawful to allow a motor vehicle to remain illegally on public property for more than forty-eight (48) hours;

4) It shall be unlawful to allow a motor vehicle to remain on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours

d) *Vehicle Storage as part of commercial auto or truck repair.*

1) An auto body shop or other auto repair business for which a Certificate of Occupancy has been issued may store a vehicle that was actively under repair or being held for repair if the business meets the requirements of Section 3.2 “Auto Service and Repair” of the Unified Development Code.

2) Repair of large commercial vehicles, including semi trucks and trailers, construction equipment, and similar non passenger vehicles, shall be considered an industrial use and allowed only as permitted in the Nonresidential Land Use Table as found in Section 2.5.2 of this code.

3.18.4 Enforcement; Penalty.

a) It is unlawful for any person to intentionally or knowingly 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.

b) A person who violates any provision of this chapter commits an offense, and upon conviction, shall be punished by fine not to exceed two thousand dollars (\$2000.00).

c) Unless specifically provided otherwise, an offense under this chapter is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with.