

ORDINANCE NO. 2025-11093

AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, “UNIFIED DEVELOPMENT CODE (UDC)”, CHAPTER 2 “ZONING DISTRICTS, USES, AND STANDARDS”, SECTION 2.6 “MIXED-USE DISTRICTS”; TO CREATE SECTION 2.6.7 “HIGH INTENSITY - MIXED-USE DISTRICT”; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Irving, Texas (the "City") is a home-rule municipality possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution; and

WHEREAS, pursuant to the laws of the State of Texas, including Chapter 51 and Chapter 211 of the Texas Local Government Code, the City Council has the authority to adopt an ordinance that, among other things, is for the good government, peace, order, public health, safety, morals, or general welfare of Irving; and

WHEREAS, Article III, Section 27 of the Charter of the City of Irving vests additional power in the City Council to zone property located within the corporate limits of the City of Irving; and

WHEREAS, on December 10, 2015, the Irving City Council approved Zoning Case ZC15-0082 granting Planned Unit Development zoning to approximately 716 acres of land and specifically creating Planned Unit Development No. 6 (“PUD 6”) in order to provide for the redevelopment of the area; and

WHEREAS, PUD 6 was created to ensure future development on this catalyst site will be designed and completed to make full use of the area, create an asset for the city, facilitate development, and ensure each site is suitable to adjacent uses; and

WHEREAS, original planning projections and land uses appropriate for the area continue to evolve as tracts are developed and new opportunities are envisioned; and

WHEREAS, on January 16, 2025, the City’s Planning and Development Committee received information concerning a potential new development opportunity for the property known as Tract A, Sectors 1 and 2, in PUD 6; and

WHEREAS, land use standards and designations originally contemplated by PUD 6 do not provide a framework for any such development; and

WHEREAS, in furtherance of the PUD’s goals to facilitate development and provide regulatory certainty to all property owners, both at the time of adoption and in the future, the need for new zoning designations and regulations has grown; and

WHEREAS, on February 27, 2025, the Irving City Council reviewed a draft of proposed

amendments to create a new unique district and establish specific uses and other zoning regulations for certain undeveloped areas currently within PUD 6 and expressed a consensus of support to proceed with public hearings; and

WHEREAS, on March 4, 2025, the Irving Planning and Zoning Commission reviewed a draft of the proposed amendments and provided additional feedback; and

WHEREAS, on March 17, 2025, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and made its final report; 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 that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended.

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

SECTION 1: That Section 2.6 “Mixed-Use Districts” of Chapter 2 “Zoning Districts, Uses, and Standards” of the City of Irving Unified Development Code is amended to create Section 2.6.7 “High Intensity - Mixed-Use” to read as follows:

2.6.7 High Intensity - Mixed-Use District (HI-MU)

a) Purpose and Intent. It is the purpose of the High Intensity- Mixed-Use District (“HI-MU” or “District”) to create an identifiable multi-use area that encourages development containing a concentrated mix of land uses in the same structure or in close proximity. The goal is to create an exciting, engaging, and successful environment that maximizes the value and location of property within the Planned Unit Development (PUD 6) zoning district.

The HI-MU District should include major economic generators with a regional or greater market draw such as high-end retail centers, major employers, restaurants, entertainment, hotels, and dense office development. The HI-MU District could also include a broad mix of complementary uses that encourage leisure and tourism activities, such as entertainment offerings, accommodations, high-density residential, civic and public facilities, parks, and open space.

The HI-MU District should be developed to the highest standards in a pedestrian-oriented form that creates quality public places with a safe and efficient sidewalk and street system. The standards of the HI-MU District should provide predictable and consistent administrative procedures that encourage high-quality, sustainable development, flexibility for creative design, and regulatory clarity for current and future property owners and businesses.

b) Permitted Uses. The following uses shall be permitted within the HI-MU District:

1. Amusement, indoor

2. Arena
3. Auto rental, if autos are stored within a building or parking garage
4. Business Service
5. Civic/government uses, including emergency services
6. Convention center
7. Food truck park
8. Gasoline sales and/or electric vehicle charging station
9. Heliport/air taxi pad
10. Hotel
11. Hotel with condominiums
12. Multifamily rental units/condominiums
13. Museum and cultural facilities
14. Office
15. Personal service such as a hair salon or spa
16. Professional service
17. Public and open space
18. Recreation, indoor (includes but is not limited to athletic training facility, athletic/rec club, and health club)
19. Restaurant and Restaurant with the Attendant Accessory Use of the Sale of Alcoholic Beverages for on-premises consumption
20. Retail
21. Theater/Concert Hall
22. Transportation facilities, including rail, bus, taxi, and rideshare
23. Parking structures, mass transit depots/stations
24. Utility structures and facilities

c) Prohibited Uses. The following uses shall be prohibited within the HI-MU District:

1. Auto sales and service not fully enclosed within a building
2. Businesses with drive through lanes
3. Data center as a principal use
4. Drilling or mining facilities or operations of any type
5. Flea market
6. Outside storage as a primary use
7. Sexually Oriented Business
8. Truck, commercial or commercial equipment and vehicle storage as a primary use
9. Truck, commercial or commercial equipment and vehicle repair
10. Warehousing

d) Temporary Uses. Uses temporary in nature that are not expressly permitted or expressly prohibited within the HI-MU District may be requested and considered by the City Council in accordance with Unified Development Code Section 1.19, with any approval not to extend beyond 6 months.

- e) Additional Unidentified Uses. The City Council may authorize any additional uses that are not expressly permitted or expressly prohibited within the HI-MU District through a Conditional Use Permit in accordance with the process outlined in Section 2.3.5 of the Unified Development Code, regardless of whether such use is identified in the City’s Land Use Table.

- f) Alcohol Sales. Alcohol Sales shall be permitted within the HI-MU District consistent with Chapter 3.3 “Alcoholic Beverages: Sale, Serving, or Storage” of the Irving Unified Development Code.

- g) Definitions.
 - 1. *Arena* means an indoor climate-controlled facility designed with at least 15,000 seats for spectators for entertainment or sporting purposes. An Arena may also include accessory uses directly related to the operations of the facility including an outdoor plaza, athletic training or practice facility, retail, restaurant, hotel, food preparation facility, concession, office, museum, park, entertainment use, heliport, or automobile parking facility.

- h) Development Standards.
 - 1. Approval of Development Standards Required as Prerequisite.
 - a. The Irving City Council intends to amend this section to establish additional Development Standards for the entire HI-MU District prior to the submission of any Regulating Plan application. No application for a Regulating Plan will be accepted or considered without prior adoption by the City Council of the Development Standards contemplated by this subsection.
 - b. Development Standards shall be based on the concepts and best practices of form-based development codes and shall be consistent with the Purpose and Intent of the HI-MU District.

 - 2. Adopted Development Standards shall provide regulations for the development of property, buildings, public and private streets and sidewalks, and civic and public spaces; and shall include but are not limited to standards for:
 - a. Connectivity
 - b. Street widths/sections based on purpose of the street: such as entry/collector, side street, residential
 - c. Parkways: sidewalks, street trees, street furniture, landscaping
 - d. Pedestrian zone – fenestration/window transparency
 - e. Lighting: pedestrian scale, security
 - f. Building heights
 - g. Parking amount and calculation, location and frontage, and screening to publicly visible areas
 - h. Structured parking street frontage
 - i. Hotel development standards
 - j. Public plazas, open spaces and amenities

- k. Special Sign Regulations
- l. Other lower density / compact residential
- m. Massing

i) Administration/Process.

1. Regulating Plan.

- a. Application Required. Prior to the submission of any subdivision, platting or building permit application required by the City for development of the property, a Regulating Plan, delineating the intended pattern, layout, and overall expectations for the development, shall be submitted to the City for review and shall be approved by the City Council. Due to the infill nature of development within the High Intensity- Mixed-Use District and the need to retain the comprehensive review and consideration of the development, each Regulating Plan must include all previously approved Regulating Plans and must show all other areas within the zoning district that are not part of the Regulating Plan application or a previously approved Regulating Plan as “future development area”.
- b. Fees. A non-refundable filing fee in accordance with the latest Consolidated Fee Schedule adopted by the Irving City Council shall accompany each application for a Regulating Plan.
- c. Contents. A Regulating Plan shall include:
 - 1) Layout of the street grid showing connections to existing access points and streets, specifically including primary points of ingress and egress on the site.
 - 2) Street sections including right-of-way widths appropriate for the planned intensity of the adjacent block and buildings.
 - 3) Location of buildings, use typology, massing with planned FAR, number of hotel guest rooms, and number of residential units.
 - 4) Location and identification of permitted land uses and estimated square feet for each use.
 - 5) Parking study, including quantity of parking needed and locations of parking to be provided, either surface or within parking structures.
 - 6) Location of civic uses including police substations and fire stations required to serve the area.
 - 7) Location of public spaces and public amenities, including parks, trail system through the development, and the connections to a trail system as applicable.
 - 8) Proposed access to utilities including locations of necessary easements and drainage structures.
 - 9) Connections to the light rail station.
 - 10) Phase lines, if known.

- 11) The following information as applicable to the servicing of the entire property in the zoning district:
 - i. Public and private roadways including arterials and collectors and connections to adjacent roadways and highways;
 - ii. Alignments for major water and wastewater lines;
 - iii. Alignments for storm water drainage facilities; and
 - iv. Public spaces or plazas, parks and open space, if known
- 12) Other information required or deemed necessary by the City to review and evaluate the application.

d. Review.

- 1) As part of the review of the Regulating Plan, the City shall consider desirability of the proposed uses, streets, lot and building configuration, compliance with the adopted Development Standards, and consistency with the overall Purpose and Intent of the HI-MU District.
- 2) To assist in the review of the Regulating Plan, the City may require the submission of other documents and studies deemed necessary to evaluate the application which may include but are not limited to: traffic studies demonstrating the adequacy of the proposed street layout, rights-of-way, and connections to existing streets; and utility studies that demonstrate the adequacy of water, sewer, and drainage systems to serve the proposed development.

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 upon adoption 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 20, 2025.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney