

ORDINANCE NO. 2025-11165

AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, "UNIFIED DEVELOPMENT CODE (UDC)" TO: AMEND CHAPTER 2 "ZONING DISTRICTS, USES, AND STANDARDS", SECTION 2.5.2 "NON-RESIDENTIAL LAND USE TABLE" TO DELETE HEAVY TRUCK TERMINAL FROM THE LIGHT INDUSTRIAL CATEGORY; AMEND CHAPTER 3 "PERFORMANCE STANDARDS FOR SELECTED USES", SECTION 3.13 "MULTIFAMILY DEVELOPMENT REGULATIONS" TO REVISE THE SECTION IN ITS ENTIRETY; AMEND SECTION 4.3 "PARKING AND LOADING" TO REVISE PARKING STANDARDS FOR COMPACT AND SHARED PARKING REGULATIONS FOR MULTIFAMILY USES; AMEND SECTION 9.3 "DEFINITIONS" TO DELETE THE DEFINITION OF "MULTIFAMILY DWELLING" AND ADD OR AMEND DEFINITIONS FOR "HEAVY INDUSTRIAL", "MIXED-USE RESIDENTIAL" "MULTIFAMILY RESIDENTIAL" AND "NOXIOUS OR OFFENSIVE"; 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, the laws of the State of Texas, including Chapter 51, Chapter 54, and Chapter 211 of the Texas Local Government Code, give the City 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, the 89th Texas Legislature approved a number of bills related to the use and development of property and the application of municipal zoning authority; and

WHEREAS, the new legislation included Senate Bill 840, which amended the Texas Local Government Code by creating Chapter 218 which requires cities to permit the construction of multifamily and mixed-use residential development in most commercial and industrial areas without the need for public hearings to consider a possible zoning classification change; and

WHEREAS, the new legislation included Senate Bill 2477, which amended the Texas Local Government Code to require cities to permit the conversion of existing structures to multifamily and mixed-use residential development in most commercial and industrial areas without the need for public hearings to consider a possible zoning classification change; and

WHEREAS, the City seeks to ensure that all development, regardless of its base zoning classification, is built to high standards for health, safety, comfort, livability, energy efficiency, and long-term durability; and

WHEREAS, the City originally adopted Ordinance No. 6845 on December 5, 1991 establishing Multifamily Development Standards which were readopted by Ordinance No. 2020-10370 on August 8, 2020 as part of the Unified Development Code consolidation; and

WHEREAS, land use standards at the time those regulations were adopted do not provide an appropriate framework for modern styles of development, therefore the City Council finds it advisable

to amend its development code in order to update regulations for all new multifamily and mixed-use developments and clarify approval processes compliant with state law; and

WHEREAS, updating multifamily and mixed-use residential standards will improve the appearance and functionality of development in both residential and nonresidential zoning districts, recognizing the importance to design in the economic success of urban areas, the need to be more efficient in the use of land, and the need to ensure the adequate protection of the surrounding area; and

WHEREAS, these standards are intended to improve the quality of life of residents of multifamily residential and mixed-use residential dwellings; promote sensitive design and planning of housing units that preserves or improves the characteristics of surrounding development; provide a distinctive architectural character in new multifamily residential and mixed-use residential developments that avoids featureless design, large building masses, and repetition of façades within a single development; and promote building design, placement, and orientation that contributes to a sense of neighborhood and community; and

WHEREAS, adopting updated multifamily and mixed-use residential performance standards demonstrates commitment to sustainable development, responsible growth, environmental stewardship, and minimizing the impact of additional development while maximizing livability, supporting the activities, health, and comfort of building occupants, and is consistent with the City's responsibility to protect the health, safety, property, and welfare of its residents; and

WHEREAS, certain parking regulations should be reconsidered to ensure that all available parking on a site is of the proper size and location to adequately serve the residents of the property; and

WHEREAS, on July 10, 2025, the City Council received a legislative update including a briefing regarding Senate Bills 840 and 2477 and the impact they will have on commercial corridors and other non-residential areas of the city, provided direction to evaluate ways to accommodate and regulate such new entitlements, and expressed a consensus of support to proceed with drafting the necessary code amendments; and

WHEREAS, on July 14, 2025, city staff briefed the Irving Planning and Zoning Commission potential amendments to the Unified Development Code; and

WHEREAS, on July 31, 2025, the City Council received a presentation of the proposed amendments and provided direction to proceed with public hearings for the draft amendments; and

WHEREAS, on August 4, 2025, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and recommended Approval; and

WHEREAS, the City Council finds that clarifying an approval process and standards for multifamily and mixed-use residential developments are regulations that are consistent with, ancillary to, not any stricter than, and in harmony with existing laws of the State of Texas, and that the regulations contained in this ordinance do not conflict with and are not preempted by State law; 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 accordance with the comprehensive plan, complies with all legal requirements, 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 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 2.5.2 “NonResidential Land Use Table” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended as follows:

Delete the entire row for “Motor Freight Terminal” under the category heading “Light Industrial”

SECTION 2. That Section 3.13 “Multifamily Development Regulations” of Chapter 3 “Performance Standards For Selected Uses” of the City of Irving Unified Development Code is amended to revise the section in its entirety to read as follows:

3.13 Multifamily Residential and Mixed-use Residential Development Regulations

3.13.1 Applicability

- a) The regulations, standards, and criteria of this Section 3.13 are deemed to be minimum standards and shall apply to all Multifamily residential and Mixed-use residential developments within the City of Irving, including those permitted by Chapter 218 of the Texas Local Government Code.
- b) The regulations of Section 3.13 shall not apply to Multifamily residential and Mixed-use residential developments in the Heritage Crossing District (HCD)

3.13.2 Recommendations and Guidelines. In addition to broad considerations of health, safety and welfare, the following criteria provide some preferred guidelines in designing a plan for development. The relevance of these factors to any particular project depends upon the site location, site characteristics, and the size of the proposed multifamily or mixed-use residential development.

- a) Urban design.
 - 1) Enhance streets and open spaces through the orientation of buildings, walls, and other site features.
 - 2) Provide for a variety of building types and densities.
 - 3) Cluster larger and taller buildings at activity centers.
 - 4) Encourage areas of high density only where mass transit and pedestrian accommodation are integral components of area planning.
 - 5) Promote building forms that will respect and improve the integrity of open spaces and other public areas.
 - 6) For small and/or infill multifamily and mixed-use residential development, reinforce existing patterns in established neighborhoods by integrating new multifamily and mixed-use residential buildings into their surroundings, i.e., through setbacks, building separation, and compatible architecture.
- b) Access, circulation and parking.

- 1) Pedestrian connections should be provided throughout the development based on logical pedestrian desire lines and connect to adjacent pedestrian walkways, bike paths, open space systems, and community facilities and services.
 - 2) Interior pedestrian connections should be connected to public sidewalks adjacent to multifamily and mixed-use residential developments.
 - 3) Vehicular circulation throughout the development should be designed to be easily understandable in terms of its function, e.g., major access, front door, parking access, direction.
 - 4) Surface parking between buildings and streets is discouraged.
- c) Building locations and orientation.
- 1) Buildings should be arranged so as to enhance the "public realm".
 - 2) Buildings should be arranged to take advantage of topography and other natural features of the site.
 - 3) If possible, buildings should be arranged to provide views of and access to open space, public areas and natural features.
 - 4) Buildings should be arranged to respect the privacy from other units and adjacent properties.
 - 5) Buildings should be arranged to create courtyards and public spaces.
 - 6) A range of building heights should be provided to scale down the bulkiness of large buildings.
 - 7) Common facilities, i.e., clubhouse and leasing office, should be easily identifiable and accessible.
 - 8) Buildings and windows should be located to maximize the possibility of surveillance of entryways, pathways, parking lots, bike paths, recreation and laundry areas, following the recommendations of CPTED (Crime Prevention Through Environmental Design). Children's play areas should be sited to allow for clear parental monitoring.
 - 9) Landscaping should not block surveillance abilities.
- d) Form, density, and unit mix.
- 1) The bulk of a mixed-use residential building should be established through the building form, including the height, setbacks, parking, and open space requirements of the project.
 - 2) A range of unit types and building densities is encouraged within a development to provide options for different tenant needs.
 - 3) Higher densities should be located in close proximity to activity centers, community facilities and services, public spaces and pedestrian connections in

order to provide patrons and contribute to the success and growth of area businesses.

e) Open space.

- 1) Open space should be created within a development that is usable and desirable by the residents, continuous, and provides connection to a larger community open space system, if any.
- 2) The open space system should include recreational facilities and amenities to help reduce the need for public open space and recreational facilities.
- 3) If a mixed-use residential building is included as part of a mixed-use residential development, open space should include publicly accessible spaces that include features such as public art, water features and green space that are usable not only to the residents but engaging to the general public.

3.13.3 Concept Plan Required with Zoning Application.

a) Applicability.

- 1) Unless otherwise prohibited by State law, a concept plan must be approved in conjunction with a zoning application requesting multifamily or mixed-use residential developments. No building permit shall be issued for construction of multifamily or mixed-use residential buildings until such concept plan has been approved pursuant to this section.
- 2) A concept plan is intended to provide a community framework showing the context of the proposed development within the area regarding the site location, site characteristics, and size of a proposed development to assist the planning and zoning commission in making its recommendations and to assist the city council in determining whether zoning should be amended to permit multifamily and mixed-use residential dwelling units on the site. The plan shall include the locations and availability of commercial service, public and private amenities, and city facilities.

b) Concept plan approval procedure. A multifamily concept plan shall be processed through the zoning process in Section 1.12 of the UDC.

c) Concept plan contents. A concept plan required by this section shall include, at a minimum, the following elements:

- 1) A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet.
- 2) The location of public parks, trails and open space within the surrounding area to serve the development, and how the plan for this project will fit into an overall open space framework for this area.
- 3) The proximity of the development site to convenient shopping, recreation facilities, public facilities and services.
- 4) Identification of surrounding zoning districts and use and an analysis of compatibility with the uses in the area.

- 5) Identify the housing market to be served by proposed multifamily or mixed-use residential development.
- 6) A conceptual land use plan at a scale of one (1) inch equals one hundred (100) feet or such a scale as deemed appropriate by city staff for legibility, a map exhibit of the property that includes the following data:
 - a. Metes and bounds of all property lines;
 - b. Total area of property;
 - c. Scale and north arrow;
 - d. Names of boundary streets and the width of existing rights-of-way;
 - e. Existing topography with a maximum contour interval of two (2) feet, except where existing ground is on a slope of less than two (2) percent, then either one-foot contours or spot elevations shall be provided where necessary;
 - f. Preliminary building footprints, height, and number of floors of all buildings, both above and below or partially below finished grade with minimum and maximum ranges;
 - g. Access points into the multifamily or mixed-use residential development;
 - h. Pedestrian connections within the development and connections to off-site pedestrian-ways;
 - i. Indication of areas proposed for preservation of existing trees.
 - j. Location, type and size of all easements with the volume and page number where the easement is recorded with Dallas County Deed Records.
 - k. Total number of dwelling units and residential density in units per acre.
 - l. The approximate gross floor area for each type of use, including dwelling units, by type and size.
 - m. Site coverage by building, parking and drives, open space, and usable open space.
- 7) If the development is to be constructed in phases, a proposed development schedule showing the order of construction of such phases and the installation of public infrastructure improvements to serve each phase.
- 8) A note that this plan is to provide a conceptual framework for the proposed development and that the regulations of 3.13.4 shall be followed at the time of building permitting.

3.13.4 Requirements for issuance of building permit

- a) Applicability. Except where preempted by State law, any development authorizing new construction of multifamily or mixed-use residential units, conversion of a building from non-residential occupancy to multifamily or mixed-use residential occupancy, or substantial reconstruction of existing multifamily or mixed-use residential developments shall comply with the development standards outlined in this section. Any application for a building permit shall include a detailed site plan which incorporates the following

development requirements.

- b) Detailed site plan contents. The detailed site plan submitted in conjunction with the building permit plans shall contain, at a minimum, the following elements:
- 1) A vicinity map at a scale of not less than one (1) inch equals two thousand (2,000) feet which demonstrates the location of the project within the city limits.
 - 2) A detailed site plan of the development that includes the following data at a scale of 1" = 100' (one inch equals one hundred feet) or such a scale as deemed appropriate by city staff, and a font style and size to ensure that the notes and detail on the site plan are legible on an 8" x 11" page.
 - a. Metes and bounds of all property lines
 - b. Total area of property
 - c. Scale and north arrow
 - d. Names of boundary streets and the width of existing rights-of-way
 - e. Existing topography with a maximum contour interval of two (2) feet to include one-foot contours or spot elevations where necessary
 - f. Location, type and size of all easements shall be indicated along with the volume and page number where the easement is recorded with Dallas County Deed Records
 - g. Number of floors of all buildings, both above and below or partially below finished grade
 - h. The traffic circulation system including the location and width of all streets, driveways, entrances to parking areas and parking structures
 - i. The pedestrian circulation system including pedestrian connections within the development and connections to off-site pedestrian ways and bicycle paths
 - j. The off-street parking and loading areas and structures
 - k. Usable open space areas, together with proposed private recreational areas, specifying the proposed improvement of all such areas
 - 3) Final architectural elevations of typical proposed structures, including lighting system, intended signage system, and landscaping
 - 4) Information contained on a plan or statement showing the location and design of all screening measures and indicating the type and height of such screening
 - 5) When the development is to be constructed in phases, a proposed development schedule showing the order of construction of such phases
 - 6) A copy of any covenants, bylaws, restrictions, maintenance plans, and conditions, if they exist, pertaining to the use, maintenance and operation of private open space area
 - 7) A table on the site plan which provides the following information:

- a. Site coverage and area by building, parking and drives, open space, and usable open space
 - b. Total number of dwelling units
 - c. Total gross floor area for each type of use, including dwelling units by type and size
 - d. Total number of off-street parking and loading spaces within surface or structured parking as provided
- 8) Landscape plan showing trees, shrubs, ground cover, and turf areas including plant species and sizes prepared by a registered landscape architect
- 9) Final engineering grading plans.
- c) Compliance with Concept Plan (if applicable). Any detailed site plan submitted in conjunction with the building permit shall conform with the approved Concept Plan for the development; provided, however, that the director of Planning or designee may approve minor variations from the concept plan, provided such variations do not change the character or configuration of the development and do not increase the total number of units or density.
- d) Development Standards. The detailed site plan shall comply with the development standards contained in this section:
- 1) Building Height
 - a. Multifamily and Mixed-Use Residential buildings shall include a minimum of eight (8) occupied stories and shall be greater than 85 (eighty-five) feet in height. Occupied stories are those built for residential or commercial occupancy and do not include any levels of a podium parking structure.
 - b. Multifamily and mixed-use residential buildings may exceed the minimum building height required in paragraph 1) a. above if the overall height of the structure is allowed by the base zoning district.
 - c. All multifamily and mixed-use residential buildings located in the Urban Business Overlay district and the High-Intensity Mixed-Use District shall be a minimum of 120 feet high and include a minimum of eight (8) occupied stories.
 - d. As used in this section, “building height” shall mean the vertical distance from the grade plane to the average height of the highest roof surface, consistent with the definition set forth in the International Building Code.
 - 2) Dwelling unit size and mix
 - a. For multifamily and mixed-use residential developments with more than 25 units, a maximum of 50 percent (50%) of the total dwelling units may have the same number of bedrooms
 - b. For multifamily and mixed-use residential developments with more than 50 units, a minimum of 10 percent (10%) of the total dwelling units must also have at least

three bedrooms

- c. Multifamily and mixed-use residential dwelling units shall provide the following minimum average gross square feet per unit:

Type	Minimum
Efficiency	500 square feet
One-bedroom	650 square feet
Two-bedrooms	900 square feet
Three-bedrooms	1,100 square feet
More than three-bedrooms	1,100 square feet, plus 150 square feet for every bedroom exceeding three

- d. Efficiency units shall not exceed ten (10) percent of total units.

3) Adequate Public Facilities

- a. All land proposed for development, redevelopment, or use conversions in the City must be adequately served by essential public facilities and services. Property shall not be approved for development unless and until adequate public facilities necessary to serve the development exist or until provision has been made for the facilities in accordance with Chapter 53 “Adequate Public Facilities” of the Land Development Code.

4) Landscaping and Buffers

- a. *Intent.* The landscaping and tree planting requirements of this section are established in order to provide a high-quality environment that contributes to the cooling of the site, shade, and comfort. Plantings shall be installed based on the standards of this section or in alternate locations that meet the intent of the regulation with approval by the city.
- b. *Buffer to Certain Residentially Zoned properties*
 1. A minimum 25 ft. perimeter landscape buffer area shall be provided contiguous to all side and rear property lines when adjacent to an “R” Single Family including Zero-lotline, and/or Duplex, or Townhouse zoning district. The buffer area may be less than 25 feet in the situation where the required setback of the district is less than 25 feet.
 2. Minimum three inch (3”) caliper large trees dbh shall be planted within this buffer every 25 feet on center along the entirety of the property line. Two (2) medium trees may replace one (1) large tree up to a maximum of twenty-five (25) percent of the large tree requirement as determined by the City Forester. Alternate spacing may be approved by the Planning Director if unique conditions warrant.

3. No parking, driveways, loading areas, dumpsters or other paved or solid surfaces shall be installed in the buffer area.
- c. *Perimeter landscaping: to other multifamily and nonresidentially zoned land.*
 1. A minimum eight-foot-wide perimeter landscape area shall be contiguous to all side and rear property lines adjacent to other multi-family or nonresidentially zoned land and private access drives.
 2. Within the eight-foot-wide perimeter landscape area there shall be at least one (1) three-inch caliper large tree per three hundred twenty (320) square feet in the perimeter landscape area. Two (2) medium trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement.
 - d. *Perimeter landscaping: abutting streets.*
 1. A minimum twenty-five-foot-wide landscape area adjacent to abutting streets shall be maintained (except for driveways and pedestrian walkways).
 2. Within the twenty-five-foot-wide landscape area adjacent to abutting streets there shall be at least one (1) three-inch caliper large tree dbh every 40 feet on center, ideally within 10 feet of the public sidewalk. Two (2) medium trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement, or as determined by the city forester, provided that the selected tree will provide an adequate canopy and shade to the public sidewalk.
 - e. *Landscaping adjacent to buildings.*
 1. A minimum twelve-foot-wide landscape area adjacent to principal buildings shall be maintained (except for garage access riverways and pedestrian walkways).
 2. Within the twelve-foot-wide landscape area adjacent to principal buildings there shall be at least one (1) three-inch caliper large tree per four hundred eighty (480) square feet in the landscape area. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement.
 - f. *Tree planting in other areas.* There shall be at least one (1) three-inch caliper large tree per one thousand five hundred (1,500) square feet in open spaces. Two (2) ornamental trees may replace one (1) large tree up to a maximum thirty-three (33) percent of the large tree requirement. Large or medium trees of a species compatible with the location as determined by the city forester shall be planted every 40 feet on center adjacent to the street right-of-way nearest to the sidewalk where possible.
 - g. *Shrub plantings.* There shall be a minimum of fourteen (14) shrubs planted per first floor unit.
 - h. *Selected plant list.* A developer may select trees and shrubs from the list of approved trees and shrubs contained in UDC Chapter 4 Section 5 (Landscaping and Trees) or as otherwise approved by the City Forester
 - i. *Tree preservation and credit.* In areas where existing three-inch caliper or greater or protected trees have been preserved, tree credit will be given in accordance with UDC

Section 4.5.8 (Tree conservation requirements). Replacement of three-inch caliper trees shall be in accordance with Section 4.5.9 (Tree replacement) and the tree list most recently adopted by the city council and as approved by the City Forester.

- j. *Tree planting in or near easements.* If a utility easement conflicts with this section, trees should be planted in the nearest location to the easement in order to meet the intent of the section. Trees may be selected that are more compatible with the function of the utility, in cooperation with the city forester.
- k. *Heavily landscaped courtyard.* Courtyard landscaping shall include at least one (1) three-inch caliper large tree and three (3) five-foot to six-foot-high small ornamental trees per one thousand three hundred (1,300) square feet.
- l. *Irrigation.* An automatic underground sprinkling system shall be provided for all planted areas. Drip irrigation is suitable as appropriate.
- m. *Xeriscaping.* Utilization of native plants and other low water plants is encouraged. Plantings may be clustered which shall include a variety of textures and height with complimentary hardscape.
- n. *Wheel stops.* Curbs or wheel-stops shall be installed between parking and landscape areas.
- o. *Replacements.* Dead plants and trees shall be promptly removed and replaced with plants of similar size and caliper at the time of removal.

5) Open space and Recreational Amenities.

- a. *Overall Open Space.* A minimum of twenty (20) percent of the gross area of the property must be provided as open space. Open space shall be areas “open to the sky” and does not include buildings, driveways, parking areas, or other surfaces designed or intended for vehicular travel.
 - 1. All open space areas shall be covered with grass, ground cover, shrubs, flowers, hardscape construction (i.e., stamped pavers, brick, exposed aggregate, paving, etc.) or consist of recreational facilities (i.e., swimming pool, ball court, trail, etc.).
 - 2. Areas with pavers designated as only a fire lane may be included in the calculation, provided they are not a primary vehicular drive and are intended to be usable for recreation.
 - 3. Pool and deck areas on the top of the roof of a multifamily or mixed-use residential structure shall not be calculated toward Overall Open Space.
- b. *Usable/Improved Open Space.* A minimum of forty (40) percent of the required open space must be provided as usable or improved open space including required amenities.
 - 1. *Function.* Usable open space includes areas that are developed and maintained as natural or passive greenspace as well as improved areas where recreational facilities are designed, constructed and intended to be used for outdoor living, recreation or amenity for children and adults. The improved spaces should be

centrally located and connected by internal sidewalks so as to be easily accessible by all residents of the complex.

2. *Dimensions of Usable Open Space.* Usable open space should have a minimum area of nine hundred (900) square feet with a minimum dimension of thirty (30) feet in any direction; however, it is recognized that usable open space can be of a smaller minimum dimension or area provided it meets the intent of this section. Property within required front building setbacks and street frontage setbacks shall not be included in calculating usable open space. Distances between buildings that can be used by the residents as passive open space may be included provided that minimum dimensions are adhered to.
 3. *Ground cover and paving.* Passive Usable open space shall be fully accessible for passive recreational activities.
 4. *Required amenities.* Required recreational amenities within the improved open space include one swimming pool and deck area, an adequately sized and functional fenced dog park, a walking/jogging trail within or around the site, and a playground including a minimum of three (3) pieces of equipment.
 5. *Roof top facilities.* Roof top pools, decks, and other structured outdoor activity space shall count toward the required usable improved open space.
 6. *Elective amenities.* One (1) additional amenity is required and may include additional swimming pool(s), ball courts, outdoor kitchen and grill area, fire pit lounge area, or public art and fountains. Other types of amenities not listed may be considered and approved by the Director or Planning that meets the intent of this section.
- c. *Usage of Floodplain.* While floodplain and required detention/drainage areas may be developed for open space if preferred, these areas shall not be included in the calculation for Overall or Usable Open Space.
 - d. *Shade and Furnishings.* Open space shall include shaded spaces through the proper placement and planting of large canopy trees and/or shade structures especially where adjacent to recreational facilities, trails, seating areas, dog park(s), etc. One large shade tree shall be provided per each 3,000 sq. ft. of usable open space. Site furnishings including seating, waste receptacles including within the dog park, and pedestrian scaled lighting shall also be installed and maintained in these areas for use by the residents of the development.
- 6) Private Outdoor Space
- a. *Balconies.* Balconies shall be provided for each residential unit. Balconies shall be a minimum of 60 square feet and minimum 6 feet in depth. All open balconies must remain open and not be enclosed after occupancies.
 - b. *Ground Floor Units.* Ground floor units shall have a minimum of 120 square feet of outdoor patio space accessible directly from the unit. The outdoor spaces shall be encompassed by maximum four (4) foot tall, 50% open wrought iron fencing. Patios fronting on a public street shall be screened with material compatible with the project or with shrubs.

- c. Patios and balconies shall not be calculated in the minimum twenty (20) percent open space requirement

7) Parking.

- a. *Site Plan.* The detailed site plan shall identify the unit count and provided parking count and location, including any parking spaces dedicated for recreation facilities, amenities, leasing office, etc.
- b. *Parking Between Residential Building and Street.* No parking shall be allowed in the front yard nor between a residential building and a public or private street except for a limited number of spaces provided for a leasing office. If the front yard abuts a freeway or expressway, parking is allowed beyond a fifty-foot-wide buffer from the freeway or expressway. Where this occurs, parking shall be screened from the freeway or expressway per Sect c. below.
- c. *Screening of Parking Lot.* A continuous solid visual screen shall be provided between parked cars and any adjacent public or private street by a hedge of shrubbery and/or a landscaped berm with a minimum combined height of thirty-six (36) inches at the time of planting, not to exceed 48 inches for visibility. Shrubs shall be planted a maximum of thirty-six (36) inches apart.
- d. *Landscaped Parking Lot Islands.* Landscaped islands a minimum width of eight (8) square feet shall be provided between no more than every ten (10) covered or uncovered parking spaces and planted with a minimum of one (1) three-inch caliper dbh large tree or five-to six- foot-high small ornamental tree. Low impact design (LID) concepts for storm water collection and runoff should be used within these landscaped areas in conjunction the engineering of the parking lot, including the grading and plant selection that support LID.
- e. *Covered Parking.* A minimum of fifty percent (50%) of surface parking spaces shall be covered. Where provided, carports shall not be located closer to an abutting street than the closest principal use structure.
- f. *Compact Spaces.* No compact spaces shall be permitted per Sect. 4.4.3 (Off-street Parking Requirements) of the UDC.
- g. *Tandem Spaces.* Tandem parking spaces may not be located in front of a parking space under a carport. Tandem parking spaces meeting the minimum dimensional requirements for a parking space may be located in front of an attached enclosed garage and credited toward the minimum parking requirements. Such tandem spaces shall not extend into any fire lanes, drive aisles or other parking spaces.
- h. *Oversized Item Parking.* Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided and designated. These areas should be screened from adjacent streets and residences. Special vehicular parking may not be used to meet the standard parking requirements.
- i. *Bicycle Storage.* Minimum of one fully enclosed (all sides and top) and secure bicycle storage room or locker shall be provided to accommodate one (1) bicycle space per five (5) units (20%). One room shall be provided for each four (4) buildings and conveniently located for access by the residents of the buildings.

Individual living units may be designed to provide interior space for bicycle storage.

- j. *Structured Parking Screening.* If structured parking is provided, the garage should be located as to minimize the frontage of the garage onto a public or private street and not face single family residential zoned or used property. The garage façade shall be screened from public view with architectural or vegetated screening.

8) Access.

- a. *To Public Right-of-way.* Driveway locations and spacing onto the public right-of-way shall be coordinated with the Transportation department based on the most recently adopted Traffic Access Management Manual.
- b. *Internal Driveways.* Internal circulation drives shall be clearly defined either by curbs and landscaped islands, or where parking is adjacent to an interior circulation-way, the travel-way shall be articulated by the required landscape islands and tree plantings. Driveways within the development that allow two-way directional flow shall be a minimum of 24 feet or as required by the Fire Code, if serving as a fire access road.
- c. *Driveway Easements on Adjacent Lot.* A platted private access drive on an adjacent lot may be used as a secondary point of access, provided an easement is obtained and the width is adequate for the number of vehicles served.

9) Pedestrian connections.

- a. *Public Sidewalks.* Sidewalks are required adjacent to all streets and shall be coordinated with the Transportation department based on the most recently adopted Traffic Access Management Manual.
- b. *Internal Sidewalks.* Private sidewalks internal to the development a minimum of 5 feet in width shall be provided from principal use structures to the public street and transit connections, amenities, office, laundry facilities, etc. Internal pedestrian connections shall be constructed of stone, slate, exposed aggregate concrete, plain concrete, or concrete pavers, in compliance with ADA requirements.

10) Perimeter Wall, Fences and Screening.

- a. *Screening Wall to Single Family.* A minimum eight foot high solid screening masonry wall shall be constructed adjacent to any property line which abuts any “R” residential zoning district classified as Single-Family, Zero-Lot Line, Duplex, or Townhouse. The fence shall be constructed of masonry materials which are compatible with the color and texture of the nearest main building of the multifamily or mixed-use residential development. Articulation is required for walls seventy (70) feet or longer which abut fronting streets, i.e. plane change, height variation, open fence, etc.
- b. Heights:
 - 1. Perimeter wall used for security and/or sound barrier: 8 feet

2. Interior fence used for screening: 6-8 feet
 3. Other perimeter or interior fence: 4 feet
 4. Fences for individual unit spaces shall not exceed 4 feet in height and no less than 50% open
- c. *Fences Interior to the Development.* Interior fences should be limited to those only necessary for security, sound barriers, and screening purposes, and therefore encouraging open areas. Open fencing is preferred over solid fencing and landscaping is preferred for screening over fencing.
 - d. *Within Front Yard.* Solid walls or fences are not permitted in the front yard between the street and the required perimeter landscape areas. Fences in these areas shall not exceed six feet (6 ft.) in height and be constructed of wrought iron and a minimum of 50% open.
 - e. *Dumpster Screening.* Screening enclosures shall be provided for refuse and recycling dumpsters, mechanical equipment, and maintenance yards in accordance with Section 33-8.1 (Location and screening of commercial containers) of the Irving Code of Civil and Criminal Ordinances.
 - f. *Screening of Facilities.* Maintenance storage areas, air conditioning compressors, loading areas, and roof mounted equipment which rises above the roof line or parapet, trash and recycling containers, utility boxes, and maintenance facilities shall either be housed in closed buildings or otherwise screened from public view. Such screening shall be provided by a solid fence or wall.

11) Amenities.

- a. *Required Amenities.* A multifamily or mixed-use residential development shall provide laundry connections within each unit, gym/fitness center(s), club house, and business/remote work center(s).
- b. *Elective Amenities.* A minimum of two (2) additional amenities are required so as to increase the resident experience and may include a yoga room, media room, pet washing station, car wash area, bicycle repair center within a storage room, package lockers, private garages, and private storage units. Other types of amenities not listed may be considered and approved by the Director or Planning.
- c. *Recycling Center.* Developments of two hundred fifty (250) units or greater shall have a minimum area of one nine (9) feet by twenty (20) feet designated for an on-site recycling center. Recycling centers shall not encumber access to required parking spaces.

12) Signage.

- a. *Entry Signage.* A directory shall be provided at or near the entrance identifying buildings and access throughout the development.
- b. *Sign Code.* All signs including building identification signs and directional signs shall be in accordance with Chapter 7, Billboards and Signs, of the City's Land Development Code.

13) Lighting.

- a. *Lighting Plan.* A lighting plan describing exterior illumination layout and fixture selection must be approved by the building official prior to construction.
- b. *Shielded.* All outdoor lighting shall be directed and shielded as necessary so as to avoid glare and excessive light spillage on adjacent property and streets.
- c. *Concealed Sources.* Exterior building lighting shall have concealed sources of illumination and maintain lighting levels consistent with the recognized standards of the lighting industry.
- d. *Illumination.* Provide lighting with a minimum one-half ($\frac{1}{2}$) footcandle and average one (1) footcandle in all parking areas and drives. Lighting fixtures in parking areas and drives shall not exceed thirty (30) feet in height.
- e. *Fixtures.* Lighting fixtures along sidewalks and pedestrian connections are recommended and shall not exceed fifteen (15) feet in height. Lighting shall not exceed an average one-half ($\frac{1}{2}$) footcandle except as necessary for recreation facilities, i.e., for tennis courts, lighted play fields, etc.

14) Accessory structures.

- a. *Locations.* Accessory structures may be located between an adjacent street and a main building, or between a property line abutting single-family zoning and a main building. Such structures and uses shall be located within the interior of the site, screened from view by main buildings, unless adjacent to other multi-family or nonresidentially zoned land.

15) Architecture.

- a. *Exterior Veneer.* The exposed exterior wall area, exclusive of doors, windows, and covered porch, breezeways and corridors shall be a minimum of seventy-five (75) percent masonry veneer, stucco, or other similar low maintenance cementitious material as permitted by the International Building Code. The remaining twenty-five (25) percent of exterior wall area should be of an alternate color, texture or material excluding wood siding or fiber board.
- b. *Elements.* Buildings containing three (3) or more attached dwellings in a row shall incorporate one (1) or more architectural elements such as gables, chimneys, balconies, changes in wall plane, or other architectural elements.
- c. *Ground Floor Unit Entry Features.* Multifamily and mixed-use residential units with ground floor entry shall include functional exterior features such as stoops, covered porches, and enclosed front patios to engage the building to the public street and sidewalk.
- d. *Garages and Carport Treatments.* Garages and perimeter carports shall be constructed with compatible architectural treatment with other site elements, including pitched roofs, enclosed gables and roof materials which match the main buildings.

16) Roof articulation.

Roof articulation such as changes in plane or use of traditional roof forms shall be incorporated into project design. Articulation may be achieved by changes in plane and/or the use of traditional roof forms including, but not limited to, gables, hips and dormers.

3.13.5 Mixed-use Standards

- a) *Intent.* Residential Mixed-use development should be designed to provide a walkable, pedestrian-oriented environment in which building form and public spaces work together to support an engaged and active community. The area should establish a network of short, interconnected street blocks with active frontages that include wide sidewalks, street trees, porches and shade structures, pedestrian-scale lighting, and transparent windows for engagement with the pedestrian and security. Transit facilities or mobility hubs and residential options at the perimeter are connected by clear walking paths to the mixed-use core.
- b) *Required Nonresidential Uses.* In all areas zoned for mixed-use, a multifamily residential or mixed-use residential development shall contain a minimum of 35% nonresidential uses.
- c) *Commercial Ready Ground Floor.* The commercial spaces on the ground floor shall be constructed to be Commercial-Ready. The shell tenant spaces shall be initially constructed to meet commercial building codes including the utility connections necessary to accommodate a commercial business and be readily customizable for a use such as a restaurant, retail, or service operations. The first level floor to ceiling height shall be a minimum of fourteen (14) feet and each unit shall have direct front door access to the public sidewalk. Windows in commercial spaces along the sidewalk frontage shall be transparent and extend from 2 ft. to 10 ft. within the pedestrian zone. The space should meet accessibility and sanitary facility requirements as well as adequate utility connections and metering designed for the various commercial uses that could occur in the space.

3.13.6 Supplemental performance standards and bonus.

- a) If applicable, upon submittal of an S-P-1 or S-P-2 district rezoning application, or if in a PUD district submittal of a development plan application, accompanied by a consistent concept plan application an increase in density of one (1) dwelling unit per acre may be authorized for each twenty-five (25) percent of the total number of dwelling units on site which are provided with private attached enclosed garages, up to a maximum of two (2) additional dwelling units per acre; if it is determined that the density increase shall not create detrimental effects on adjacent properties or to the neighborhood in which the development is situated. The decision of whether to grant a density increase is discretionary.

3.13.7 Variance to development standards.

- a) Variances to these standards may be granted only in accordance with the provisions of the Unified Development Code (UDC).
- b) The Applicant may request a variance to any of the development standards contained herein on platted lots or parcels if the following conditions are met:
 - 1) The variance is in harmony with the general purpose and intent of these regulations.

- 2) The variance will not adversely affect the use of neighboring properties.
- 3) The variance will not be detrimental to the general health, safety and welfare of the community.

3.13.8 Filing fees. Filing fees in accordance with the most recent schedule of fees adopted by the city council shall be submitted as applicable.

3.13.9 Informational sign. If a building permit for multifamily or mixed-use residential development is approved for construction on a parcel not zoned for residential uses, a four (4) foot by eight (8) foot sign shall be posted on the site providing information to the public as provided below. The sign shall have a white background with black Arial font and be legible from a public street. The sign shall be located within fifty (50) feet of the abutting street, or as approved by the director of planning. The sign shall remain visible and unobstructed during the entirety of the construction period and be maintained so as to remain legible at all times. The informational sign may only be removed after receipt of the final Certificate of Occupancy.

NOTICE OF CONSTRUCTION *(Heading minimum 700 point)*

(Message minimum 400 point):

A (#) unit multi-family (mixed-use residential) project will be developed on this site.

The use is permitted by Chapter 218 of the Texas Local Government Code and was not authorized through the City of Irving's zoning process.

Scheduled project completion date is _____.

Contact (minimum 300 point)

For more information, please contact *(insert developer name)* at *(insert email at minimum)* or visit *(developer's website).com*

<https://irvingtx.gov/multifamily-by-right>

SECTION 3. That Section 4-4 "Parking and Loading" of Chapter 4 "Development and Performance Standards" of the City of Irving Unified Development Code to amend Subsections 4.4.3(a)(3) "Off-street parking requirements" and 4.4.6(a) "Parking location, layout, and design" to read as follows:

4.4.3 Off-street parking requirements.

In all zoning districts there shall be provided in connection with appropriate allowable uses, off-street parking space in accordance with the following requirements:

- a) Minimum off-street parking requirements. The minimum number of off-street parking spaces herein required shall be computed and provided in accordance with the following specifications:
 - 3) Ten (10) percent of the required number of parking spaces may be designated as "compact vehicles only." These spaces shall be a minimum size of eight (8) feet by sixteen (16) feet in accordance with the same maneuvering aisle space as required by

section 4.4.6(h). These spaces must be clearly marked on site with signage readable by approaching drivers. This allowance shall not apply to Multifamily Residential developments.

4.4.6 Parking location, layout, and design.

- a) The off-street parking facilities required for the uses mentioned in this ordinance and other similar uses, but not to include Multifamily Residential, shall be on the same lot or parcel of land as the structure they are intended to serve, or upon a lot or parcel of land within three hundred (300) feet of the lot or tract of land upon which the structure they are intended to serve is located.

SECTION 4. That Section 9.3 “Definitions” of Chapter 9 “Definitions” of the City of Irving Unified Development Code is amended delete the existing definition of “Multi-family dwelling” and replace with “Multifamily Residential” and add new definitions of “Hazardous condition”, “Heavy industrial use”, “Mixed-use Residential” and “Noxious or Offensive” to read as follows. All definitions shall be renumbered to retain their alphabetical order.

Hazardous condition means any physical or environmental characteristics of land, structures, their use, or any activity conducted thereon that creates or contributes to a condition which is dangerous, injurious, noxious, or otherwise objectionable, and which poses an actual or potential risk to the health, safety, or welfare of persons, property, or the environment. Hazardous conditions may include, but are not limited to, the storage or use of hazardous chemicals in such quantities or in such a manner as to require the submission of a Tier II Chemical Inventory Report pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA); or the storage of hazardous materials as defined in the International Fire Code.

Heavy industrial use means a storage, processing, or manufacturing use: (A) with processes using flammable or explosive materials; (B) with hazardous conditions; or (C) that is noxious or offensive from odors, smoke, noise, fumes, or vibrations.

Mixed-use Residential when used to describe land use or development, means the use or development, as applicable, of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development. The term includes the use or development of a condominium.

Multifamily Residential when used to describe land use or development, means the use or development, as applicable, of a site for three or more dwelling units within one or more buildings. The term includes the use or development of a residential condominium.

Noxious or Offensive means any use, activity, emission, or discharge – whether of odor, smoke, noise, fumes, or vibration – that, by reason of its intensity, frequency, duration, or character:

- (a) Is injurious or likely to be injurious to the health, safety, or general welfare of persons, animals, vegetation, or property; or
- (b) Unreasonably interferes with the use and enjoyment of surrounding or nearby properties by persons of ordinary sensitivity.

SECTION 5. 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 6. 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 7. 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 8. 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 9. 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 August 28, 2025.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney