

ORDINANCE NO. 2025-11166

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 2.3.2 “URBAN BUSINESS OVERLAY” OF SECTION 2.3 “OVERLAY DISTRICTS” AND SECTION 2.6.5 “TRANSIT-ORIENTED DEVELOPMENT (TOD) OF SECTION 2.6 “MIXED-USE DISTRICTS” TO REMOVE THE MINIMUM REQUIRED DENSITY AND CLARIFY APPLICABILITY; RENAME AND REVISE SECTION 5.1.3 “REQUIRED IMPROVEMENTS” TO “ADEQUATE PUBLIC FACILITIES” AND DELETE SECTION 5-6 “STORMWATER MANAGEMENT AND DRAINAGE” OF CHAPTER 5 “SUBDIVISION DESIGN AND IMPROVEMENTS” IN ITS ENTIRETY AND REPLACE WITH “RESERVED”; 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, 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, it is necessary to make specific amendments to the City of Irving Unified Development Code to ensure compliance with state law and regulatory consistency for all developments; and

WHEREAS, the City desires to clarify the applicability of the Stormwater Management and Drainage requirements to all development by removing and repealing Part II, Unified Development Code

Chapter 5, Section 5.6 and replacing it with the new Part I “Development Standards and Building Codes” Chapter 51; and

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

WHEREAS, on August 18, 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 the proposed amendments 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 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 2.3.2 “Urban Business Overlay” of Section 2.3 “Overlay Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended such that Sections 2.3.2(f), 2.3.2(m), and 2.3.2(n) read as follows:

2.3.2 Urban Business Overlay.

f) Reserved.

m) Applicability: All requirements established in the codes and ordinances of the City of Irving, including the development standards in Section 3.13 of the Unified Development Code, shall apply to the property, except as contradicted by state or federal law. Provided, however, that all existing multi-family developments within this overlay district on December 15, 1994 shall be considered conforming uses.

1) Exceptions for properties with site plan zoning. Properties with Detailed Site Plan (S-P-1), Generalized Site Plan (S-P-2), or Transit Oriented District (TOD) zoning shall comply with the requirements of their respective site plans relative to any specific provisions for uses, setbacks, height, parking, landscaping, and/or signage. Unless otherwise specifically delineated on an approved site plan, the standards in Section 3.13 of the Unified Development Code shall take precedence over any other less specific standard of the site plan.

n) Multifamily development regulations: Prior to issuance of a building permit for multifamily residential or mixed-use residential construction, the requirements of Section 3.13 must be met. In the event of any conflict with the requirements of the Urban Business Overlay district and the regulations in Section 3.13, the more stringent or restrictive requirement shall control.

SECTION 2: That Section 2.6.5 “Transit-Oriented Development (TOD)” of Section 2.6 “Mixed-Use Districts” of Chapter 2 “Zoning districts, uses, and standards” of the City of Irving Unified Development Code is amended such that 2.6.5(d)(8) and 2.6.5(e)(1) read as follows:

2.6.5 Transit-Oriented Development (TOD).

d) Criteria for designation as a transit oriented development

- 8) Taller structures should be located nearest the transit station to provide the most convenience to and use of the transit options.

e) Building design guidelines

- 1) Residential development shall be designed as part of an area that includes a mix of commercial uses, accessible through a pedestrian oriented environment achieved by orienting buildings to the street frontage, access to public spaces, and include street trees and lighting to provide a safe, comfortable environment.

SECTION 3: That Chapter 5 “Subdivision Design and Improvements” of the City of Irving Unified Development Code is amended to rename Section 5.1.3 “Required improvements” to “Adequate Public Facilities” and revise to read as follows:

- 5.1.3. Adequate Public Facilities. All land proposed for development, redevelopment, or use conversions in the City must be adequately served by essential public facilities and services. No construction or development plans will be approved unless and until adequate public facilities necessary to serve the development exist or until provision has been made for the facilities per Chapter 53 “Adequate Public Facilities” of the Land Development Code.

SECTION 4: That Chapter 5 “Subdivision Design and Improvements” of the City of Irving Unified Development Code is amended to delete Chapter 5-6 “Stormwater Management And Drainage” in its entirety and replace with “Reserved”.

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