

ORDINANCE NO. 2012-9327

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1144 OF THE CITY OF IRVING, TEXAS, BY REPEALING SECTION 52-64b IN ITS ENTIRETY AND ADDING A NEW SECTION 52-64b TO PROVIDE FOR THE CREATION OF A STATE HIGHWAY 161 OVERLAY DISTRICT; PROVIDING A PENALTY NOT TO EXCEED \$2,000; ESTABLISHING AN EFFECTIVE DATE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR CONFLICT RESOLUTION.

WHEREAS, on December 15, 1994, the Irving City Council adopted Ordinance No. 6547 adopting the Airport/State Highway 161 Corridor Overlay District; and

WHEREAS, on February 21, 2011, the Irving City Council requested that staff review the existing Airport/State Highway 161 Corridor Overlay District; and

WHEREAS, on June 8, 2011, staff presented preliminary findings to the Irving City Council, and the Irving City Council authorized staff to proceed with preparing a new State Highway 161 Overlay District; and

WHEREAS, primary construction of State Highway 161 and the President George Bush Turnpike segments in Irving have been completed; and

WHEREAS, the City of Irving desires that the State Highway 161 corridor promotes excellence in land use and the image of Irving's built and natural environment; and

WHEREAS, an overlay district that establishes higher standards for landscaping, building design, site design, and other development requirements for property along State Highway 161 will improve the visual impression of the community; and

WHEREAS, the Planning and Zoning Commission and the City Council, in accordance with the provisions of the Charter of the City of Irving, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding this amendment to the Comprehensive Zoning Ordinance No. 1144 of the City of Irving;

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

SECTION 1. That Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, is hereby amended by repealing Section 52-64b in its entirety and adding a new Section 52-64b which shall read as follows:

Sec. 52-64b. State Highway 161 overlay district.

I. General Considerations.

(a) *Description.* The State Highway 161 overlay district is a zoning district which adds development standards, deletes certain land uses, and adds other uses to the existing base zoning district.

(b) *Purpose.* The purpose of this overlay district is to prohibit those land uses that could be detrimental to the future appearance and economic objectives for the corridor. This district is intended to increase the quality of development through design and development standards.

(c) *Boundaries.* The State Highway 161 overlay district boundaries are as follows:

Segment I:

All properties between State Highway 183 and the Irving City limit to the south

- (1) that abut the right-of-way of State Highway 161/President George Bush Turnpike;
- (2) that share a common property line with a property that abuts the right-of-way of State Highway 161/President George Bush Turnpike and have access to the right-of-way of State Highway 161/President George Bush Turnpike through a shared parking lot whether or not a formal ingress/egress, access, or parking easement exists;
- (3) that have any portion of the property within 300 feet of the right-of-way of State Highway 161/President George Bush Turnpike; and
- (4) that are completely surrounded by one or more of the above.

Property in Segment I that is within the State Highway 183 overlay district or is owned by a commuter or intercity freight railroad is excluded from the State Highway 161 overlay district.

Segment II:

All properties between State Highway 183 and DFW International Airport to the north

- (1) that are between Valley View Lane on the west and north and the right-of-way of State Highway 161/President George Bush Turnpike to the east and south;
- (2) that are east and south of the State Highway 161/President George Bush Turnpike right-of-way and abut the right-of-way or have any portion of the property within 300 feet of the right-of-way;
- (3) that are east and south of the State Highway 161/President George Bush Turnpike , north of W. Walnut Hill Lane, and west of N. Belt Line Road;
- (4) that are east and south of the State Highway 161/President George Bush Turnpike right-of-way, north of W. Rochelle Road, and west of Esters Road; and
- (5) that are completely surrounded by one or more of the above.

Property in Segment II that is within the State Highway 183 overlay district or is zoned for single family uses and fronts Alcazar Court, Almanzor Avenue, Almeria Court, Glavica Drive, Napoleon Way, Portland Street or Venice Drive is excluded from the State Highway 161 overlay district.

Segment III:

All properties between DFW International Airport and the Irving City limit to the east

- (1) that abut the right-of-way of State Highway 161/President George Bush Turnpike;
- (2) that share a common property line with a property that abuts the right-of-way of State Highway 161/President George Bush Turnpike and have access to the right-of-way of State Highway 161/President George Bush Turnpike through a shared parking lot whether or not a formal ingress/egress, access, or parking easement exists;
- (3) that have any portion of the property within 300 feet of the right-of-way of State Highway 161/President George Bush Turnpike; and
- (4) that is south of Valley View Lane and west of State Highway 161/President George Bush Turnpike, excluding property that is a portion of DFW International Airport.

The following properties, as identified on January 19, 2012, shall be included in the State Highway 161 overlay district per the owner's request:

- (1) D.W. Barnett Survey, Abstract No. 216, Page 540, Tract 1.1 (1.94 acres)
- (2) Las Colinas Office Park 1st Installment, Block A, part of Lot 2B (1.06 acres)
- (3) Las Colinas Office Park 1st Installment, Block A, part of Lot 2C (0.84 acres)
- (4) Las Colinas Office Park 1st Installment, Block A, part of Lot 2D (0.94 acres)
- (5) Lakeridge Addition, Block A, Lot 2 (3.67 acres)

Property in Segment III that is north of Interstate Highway 635 or west of Camino Lago is excluded from the State Highway 161 overlay district. Property that is south of State Highway 161 and is west of Riverside Drive and east of Las Colinas Boulevard is excluded from the State Highway 161 overlay district.

Property in Segment III that is bounded by Parkridge Boulevard, Kinwest Parkway, MacArthur Boulevard, State Highway 161, and the approximately 2.34-acre tract known at the time of the adoption of this section as Abstract 196, Page 430, Tract 2.36 is excluded from the State Highway 161 overlay district.

All land and structures within the State Highway 161 overlay district shall be used in accordance with the standards of the overlay district, except as noted in section 52-64b I(e).

environment for travelers. Such a corridor is characterized by appropriately sustainable land uses, adequate public improvements, and exceptional building design, site design, and landscaping that all meet or exceed the citywide standards.

(e) *Governing provisions.*

- (1) Property within the boundaries of DFW International Airport is specifically excluded from the provisions of this overlay district. The provisions of this overlay shall apply to all other properties, except those governed by Texas Transportation Code Section 22.074 until such time as the properties are no longer governed by such section.
- (2) Property within the State Highway 183 overlay district, as defined in section 52-64d, is specifically excluded from the provisions of the State Highway 161 overlay district.
- (3) Whenever the provisions of the State Highway 161 overlay district conflict with any other requirement in any other zoning ordinance, the more restrictive standard shall apply.

(f) *Definition.* For the purpose of this section of the zoning ordinance, the terms “State Highway 161,” “President George Bush Turnpike,” “SH 161/PGBT,” or similar terms shall all apply to the entire right-of-way of State Highway 161 and President George Bush Turnpike.

II. *Use Regulations.*

(a) *Exceptions for properties with site plan zoning or PUD zoning.*

- (1) Properties with Detailed Site Plan (S-P-1), Generalized Site Plan (S-P-2), Masonry Exception or with an approved development plan in Planned Unit Development (PUD) zoning shall comply with the requirements of their respective site plan zoning or development plan relative to any specific provisions for uses, setbacks, height, parking, landscaping, and/or signage.
- (2) Unless specifically delineated or noted on an approved site plan, development plan, or masonry exception, the standards of the State Highway 161 overlay district shall take precedence over any other less-specific standard of the site plan or development plan.

(b) *Land uses with specific approval processes.*

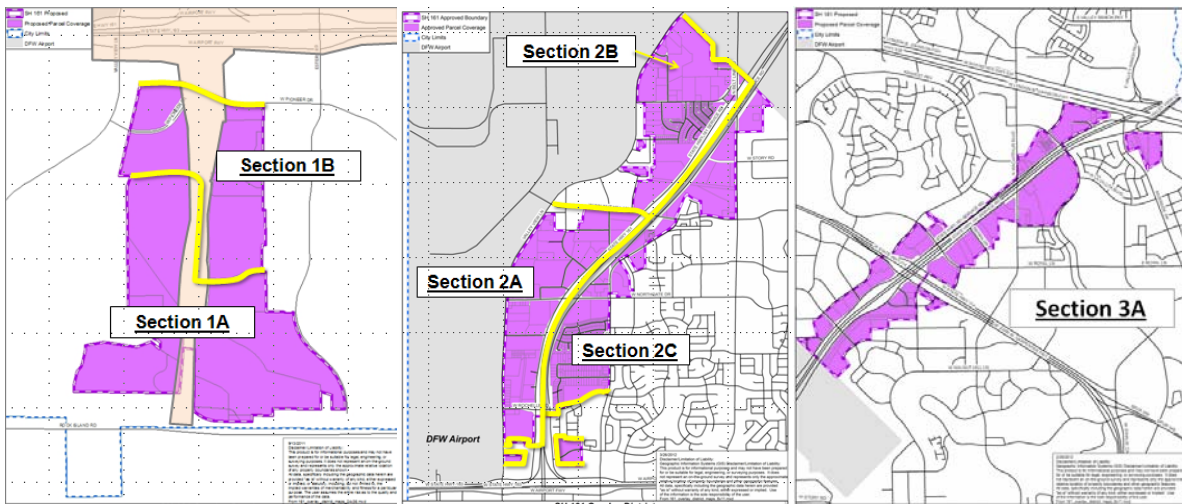
- (1) Land uses with specific requirements and approval processes established elsewhere in the zoning ordinance including, but not limited to, nondepository financial institutions, restaurants with the accessory use of the sale of alcoholic beverages, wireless telecommunications facilities, environmentally sensitive land uses, and multifamily development remain subject to the specific requirements and approval processes established for such uses elsewhere in the zoning ordinance.

- (2) Hotels shall be permitted without the requirement of an S-P-1 (Detailed Site Plan) or S-P-2 (Generalized Site Plan) in segments 2A, 2B, 2C, and 3A, as described in the Table of Permitted Uses in section 52-64b II(c), provided that the hotel meets all other development and design requirements set forth in section 52-35b. Hotels including the service of alcoholic beverages for on-premise consumption must still obtain S-P-1 (Detailed Site Plan) for R-AB (Restaurant with Alcoholic Beverage) zoning, as described in section 52-49 of the zoning ordinance.

(c) *Segments and permitted uses.* Existing development along State Highway 161 includes many types of land uses ranging from low-density single family to heavy industrial. Future development and redevelopment is expected to include a range of land uses, but not all land uses are appropriate for – or excluded from – all portions of the corridor. Accordingly, this overlay district divides the State Highway 161 corridor into distinct segments, each with its own particular list of permitted and prohibited uses, all of which are subject to the development standards listed in this section.

- (1) Uses are permitted in the various segments of the State Highway 161 overlay district in accordance with the following use chart. The uses permitted by this chart take precedence over any uses permitted or not permitted by the base zoning of any particular property, with the exception of properties zoned Detailed Site Plan (S-P-1), Generalized Site Plan (S-P-2) or with an approved development plan in Planned Unit Development (PUD) zoning. This chart still applies to uses not explicitly permitted and/or prohibited by the site plan or development plan.
- (2) If property has a residential base zoning, it must be at least three (3) acres or larger for the nonresidential uses permitted in this overlay district to be allowed.
- (3) Segments.

1A	East side of SH 161 (South city limits – Conflans Road) West side of SH 161 (South city limits – north boundary of Chilton Smith Survey, Abstract No. 1293, Page 830, Tract 6.2)
1B	East side of SH 161 (Conflans Road – Pioneer Drive) West side of SH 161 (Approx. 4,850 ft north of south city limits – SH 183 right-of way, excluding property in the SH 183 overlay district)
2A	West side of SH 161 (SH 183 right-of-way – Walnut Hill Lane, excluding property in the SH 183 Overlay District)
2B	West side of SH 161 (Walnut Hill Lane – DFW International Airport)
2C	East side of SH 161 (SH 183 right-of-way – DFW International Airport, excluding property in the SH 183 Overlay District)
3A	SH 161 (DFW International Airport – IH 635 right-of-way)



(4) Table of Permitted Uses.

Uses	Segment					
	1A	1B	2A	2B	2C	3A
Residential						
Single family detached residential (with SF base zoning)	☒	☒	☒	●	☒	○
Senior housing (assisted living, long-term care facility, continuing care facility, independent living facility)	☒	●	☒	●	☒	☒
Medium/high density residential (with MF base zoning)	☒	☒	☒	☒	☒	☒
Educational or Institutional	1A	1B	2A	2B	2C	3A
Government buildings and uses	●	●	●	●	●	●
Public or private elementary or secondary schools	☒	☒	☒	☒	☒	●
Day care or child care center	●	●	☐	☐	☐	☐
Museum	☒	☒	●	●	●	●
Religious institution	●	●	●	●	●	●
University, college, trade or vocational school, whether for-profit or non-profit	☐	☐	●	●	●	●
Medical	1A	1B	2A	2B	2C	3A
Hospital	☒	☒	☒	☒	☒	●
Medical or dental office, emergency care clinic or urgent care clinic	●	●	☐	☐	☐	☐
Medical or dental laboratory	●	●	●	●	●	●
Veterinary clinic/hospital	●	●	●	●	●	●
Office and Financial	1A	1B	2A	2B	2C	3A
Depository financial institution with or without drive-through	●	●	●	●	●	●
Nondepository financial institutions (Section 52-35e)	☒	☒	☒	☒	☒	☒
Office – Call center	●	●	●	●	●	●
Office and business services, general	●	●	●	●	●	●

Retail and Dining	1A	1B	2A	2B	2C	3A
Automobile washing facilities, manual or automatic	●	●	●	□	□	□
Building material sales (indoor)	●	●	●	●	●	●
Gasoline service station (excl. auto maintenance/repair)	●	●	●	□	□	□
Indoor retail or convenience store (w/o gasoline sales)	●	●	●	●	●	●
Restaurant: no drive-in or drive-through	●	●	●	●	●	●
Restaurant: with drive-in or drive-through	●	●	●	□	□	□

● Permitted

○ Permitted if lot is 300 feet or more from State Highway 161 right-of-way

□ Permitted if lot is 200 feet or more from residential property line

❖ Permitted if lot is 300 feet or more from State Highway 161 right-of-way and 200 feet or more from residential property line

☒ Prohibited

Any use that, in the determination of the director, is not included in any of the land use categories in this table shall be deemed to be prohibited uses and may only be approved through an approved zoning site plan or PUD development plan.

Uses	Segment					
Heavy Commercial and Services	1A	1B	2A	2B	2C	3A
Auto parts and accessories, sales and installations	□	□	●	❖	●	●
Auto maintenance or auto repair garage	□	□	●	❖	☒	☒
Car wash	●	●	○	❖	☒	☒
Dry cleaning and laundry service	●	●	●	●	●	●
General personal services	●	●	●	●	●	●
New automobile and light truck sales, rental and service; used automobile and light truck sales as an accessory use. Subject to same requirements as Sec. 52-64d(i)(4)a(v) and 52-64d(i)(4)a(vii) through 52-64d(i)(4)a(xv)	□	□	☒	☒	□	☒
Warehouse and Industrial	1A	1B	2A	2B	2C	3A
General industrial/manufacturing	●	□	○	⊛	☒	☒
Mini-warehouse (in accordance with III(j)).	●	●	○	❖	○	☒
Research and development laboratory	●	□	○	⊛	☒	☒
Warehouse	●	□	○	⊛	☒	☒
Wholesale distribution	●	□	○	⊛	☒	☒
Travel, Leisure, and Entertainment	1A	1B	2A	2B	2C	3A
Bowling alley	☒	●	●	□	□	□
Motion picture theater	☒	●	●	□	□	□
Dance, assembly, or exhibition hall, other than religious institution or as an accessory use to a hotel	❖	❖	❖	❖	❖	❖
Hotels, in accordance with Section 52-35b	☒	☒	●	□	□	□

Mixed Uses	1A	1B	2A	2B	2C	3A
Mixed use	☒	☒	☒	●	●	●
Transit Oriented Development (within 1/4 mile of rail transit station)	☒	☒	☒	●	●	●

- Permitted
- Permitted if lot is 300 feet or more from State Highway 161 right-of-way
- Permitted if lot is 200 feet or more from residential property line
- ❖ Permitted if lot is 300 feet or more from State Highway 161 right-of-way and 200 feet or more from residential property line
- ⊛ Permitted if lot is 200 feet or more north of Carbon Road right-of-way. Not permitted in this section south of Carbon Road.
- ☒ Prohibited
Any use that, in the determination of the director, is not included in any of the land use categories in this table shall be deemed to be prohibited uses and may only be approved through an approved zoning site plan or PUD development plan.

(d) *Uses existing or pending on March 22, 2012:* All structures, improvements, and uses which are in compliance with the underlying zoning regulations in effect on March 22, 2012, and which structures, improvements or uses either:

- (1) Existed on March 22, 2012; or
- (2) Which may exist in accordance with the underlying zoning district on any lot or tract for which an application for platting, replatting, or a building permit for such use was pending on March 22, 2012;

shall be deemed to be conforming uses and shall not be subject to the restrictions on rebuilding damaged structures under section 52-47 of Ordinance No. 1144, provided this conforming status will end on each individual tract when and if such use is abandoned or converted to another use and further provided that any lot or tract upon which future structures, improvements and uses which meet the description of subsection II(d)(2) of this section shall, nevertheless, meet the development standards of Section 52-64b.

III. *Development Standards.*

(a) *Single family residential masonry requirements.* The provisions in this section shall apply to newly-constructed homes on property that has a final plat approved by the City of Irving after the effective date of this section.

- (1) All exterior walls of principal buildings shall be 95 percent masonry.
- (2) Masonry coverage calculation does not include architectural accents, chimneys, doors, windows, window box-outs, or bay windows that do not extend to the foundation.
- (3) Masonry material shall consist of any combination of materials listed below. For the purpose of this section the following definitions shall apply:

- a. *Stone material.* Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all-weather stone. Cut stone and dimensioned stone techniques are acceptable.
 - b. *Brick material.* Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or underfired clay, sand, or shale brick are not allowed.
 - c. Stucco and cementitious fiberboard or “Hardi-board” shall be considered as a masonry product for the purposes of this subsection. “Stucco” shall be exterior Portland cement plaster with three (3) coats over metal lath or wire fabric lath.
 - d. Exterior Insulation and Finish System (EIFS), vinyl and wood siding shall not be considered as a masonry product for the purposes of this subsection.
- (4) Exterior Insulation and Finish System (EIFS), vinyl and wood siding may be used as architectural accent material when placed more than four (4) feet above grade.
- (b) *Nonresidential uses.*
- (1) All nonresidential buildings shall comply with the material and architectural detail requirements of the commercial design standards established in Sections 52-35c and 52-35d of the zoning ordinance, except that facades facing State Highway 161 shall provide vertical articulation of 18 percent of the wall’s height as opposed to the standard 15 percent.
 - (2) Outside storage. Outside storage of any kind, other than display of automobiles or similar vehicles for sale or lease, temporary storage of shopping carts in cart corrals constructed per Section 52-64d(e)(4)g, or as allowed by section 52-56(c)(9), is not allowed between any principal use building and the right-of-way of any street.
- (c) *Accessory buildings.* Unless modified by a site plan or development plan, all accessory buildings shall comply with the following requirements:
- (1) Any detached accessory building in a residentially-zoned (“R”) district shall meet the requirements of section 52-40 of the zoning ordinance, except that any accessory building over 250 square feet and visible from a street shall be constructed of at least 75 percent masonry materials to match or be complementary in color to the principal building. This requirement does not apply to greenhouses or in-ground swimming pools.
 - (2) Accessory buildings in multifamily districts shall comply with the requirements set forth in the approved multifamily concept plan, or section 52-59 multifamily development standards.
 - (3) Accessory buildings in all other districts shall be constructed with an approved masonry material as described in Section 52-35c of the zoning ordinance, with the exception of the following:
 - a. Dumpster or other screening enclosures.
 - b. Any structure equal to or less than 120 square feet.

- c. Any structure equal to or less than 6 feet in height, or being equal to or less than 1 foot below the top of a screening fence that completely screens the accessory building from any adjacent property or any public or private right-of-way.
- (4) Carports on commercial or multifamily properties not visible from a street right-of-way need not meet the masonry requirements.
- (5) Accessory buildings in nonresidential and multifamily districts are prohibited within the parking lot area, or between a principal use building and the right-of-way of State Highway 161/President George Bush Turnpike.
- (d) *Landscaping.* Unless modified by this overlay district or by a site plan, development plan, or multifamily concept plan, all landscaping shall comply with section 52-35a of the zoning ordinance.
- (e) *Screening of parking.*
 - (1) All parking areas visible from a public or private right-of-way shall be screened from the right-of-way by a row of shrubs, a berm, or a masonry wall a minimum of 3 feet tall.
 - (2) The shrubs, berm, or wall may be located anywhere within the landscaping buffer, but shall not create a visibility obstruction at intersections or driveways. Shrubs shall be planted in a planting bed and be a minimum of 18 inches tall at time of planting, and shall be planted no more than 3 feet apart. The area within the planting bed separating the shrubs shall be planted with native grasses from the list in subsection 52-64b III(e)(3), below. Berms shall be covered with grass or ground cover. Masonry walls shall be of the same materials and colors as the main building on the property.
 - (3) Approved native grasses:
 - *Miscanthus, many varieties * Weeping Love Grass
 - * Indian Feather Grass * Gulf Muhly
 - * Any other native grass approved by the director.
- (f) *Driveways and sidewalks within landscape buffers.*
 - (1) Landscape buffers may be crossed by perpendicular or angled entry or exit driveways that comply with the City of Irving Access Policy, but may not be utilized for on-site circulation of fire lanes.
 - (2) Landscape buffers may include a sidewalk not less than 6 feet or more than 8 feet in width.
 - (3) If a sidewalk is placed within the required landscape buffer, the sidewalk shall be incorporated into the landscaping plan by including such features as enhanced pavers, bricks, scored concrete or stamped asphalt, a meandering path, benches, or other elements that enhance the pedestrian experience but without compromising safety or accessibility requirements.
- (g) *Parking lot trees.*
 - (1) All parking lots shall be landscaped with a minimum of 1 tree for every 10 parking spaces.

- (2) Trees may be evenly spaced or they may be clustered, provided that:
 - a. A minimum of 50 percent of the total required trees shall be within the interior of the parking lot, and not distributed around the perimeter of the parking lot.
 - b. Each tree shall be planted in an area no smaller than 5 feet by 5 feet.
- (h) *Maintenance of adjacent rights-of-way.*
 - (1) Areas of public rights-of-way between a property line and the back of curb of the frontage road or travel lane of an adjacent street shall be maintained by the adjacent property owner, including mowing and irrigation of grass, removal of trash and litter, and maintenance of landscaping, unless otherwise prohibited by the Texas Department of Transportation, the North Texas Tollway Association, or the City of Irving.
 - (2) If the right-of-way area exceeds 50 feet in depth, the adjacent property owner shall be required to maintain only the 50 feet of right-of-way immediately adjacent to the property owner's property line.
 - (3) This section only applies to commercial and multifamily properties, or vacant properties zoned for commercial or multifamily uses.
- (i) *Irrigation and maintenance of landscaping.*
 - (1) All landscaping on the premises and within the adjacent right-of-way shall be irrigated by an automatic irrigation system installed in accordance with all applicable Texas Department of Transportation and North Texas Tollway Association policies, and/or City of Irving ordinances.
 - (2) All main lines, zone control valves, controllers, backflow valves, and wiring shall be installed outside the public right-of-way.
 - (3) Any water lines, shut off valves, or sprinkler heads installed in the right-of-way shall comply with the standards of the Texas Department of Transportation and the North Texas Tollway Association.

- (4) All landscaping shall be maintained in a healthy condition at all times. Dead or damaged landscaping shall be replaced immediately. The director may approve a delay in replacing dead or damaged landscaping not exceeding 180 days due to seasonal or other considerations that would justify a postponement. Additional postponement may be granted by the director in drought or other declared water emergency conditions.
- (j) *Mini-warehouse and self storage facilities.*
- (1) *Loading area.* A continuous loading area, minimum eight (8) feet in width, shall be provided along any building side where there is access to storage units for parking and loading in addition to and outside of any fire lane.
- (2) *Parking.* A mini-warehouse or self storage facility shall maintain 1 space per 20,000 square feet of leasable storage space with direct access for individual units to the outside, 1 space per 7,500 square feet of leasable storage space without direct access for individual units to the outside, 1 space per 250 square feet for office and retail uses, and 2 spaces for on-site resident manager, if applicable. However, no fewer than seven (7) spaces shall be provided, with at least five (5) spaces located outside any gated or controlled access area.
- (3) *Screening.* Projects shall be designed with solid exterior masonry walls with no openings, so that access doors to the storage units are not visible from any public right-of-way or from any adjacent property.
- a. Buildings on the perimeter of the site shall be connected by masonry walls a minimum of eight (8) feet in height, designed to match the building exterior, except at the entrance area where wrought iron fencing may be used. Maximum height shall be ten (10) feet, except where the rear of a building is being utilized as the required screening.
- b. The rear of the building(s) may be utilized as the required screening wall if a landscape buffer with one (1) tree every 25 linear feet is provided between the building and the property line.
- c. Barbed wire, razor wire, electric fences, and all other types of security fencing shall be prohibited from being placed on a screening wall, between a screening wall and a property line, or inside a screening wall when visible from the exterior of the property.
- (4) *Exterior construction.* The building exterior shall be 100 percent masonry as defined in section 52-35c (b)(1)(c) and shall utilize a minimum of two (2) distinct building materials from the approved masonry list. Building sides visible to any property line or to any street right-of-way shall include secondary masonry materials that comprise at least 10 percent of the building façade, and shall meet the building articulation requirements in section 52-64b III(b)(1).
- (5) *Setbacks.* A minimum 10 foot building setback shall be required adjacent to any residentially-zoned property. All other district setback lines shall apply.
- (6) *Height.* Maximum height of buildings within 30 feet of a residential structure shall be 11 feet, measured from the foundation to the peak of the roof. Maximum height in all other areas shall be 25 feet.

- (7) *Signage.* All signage shall be prohibited from being placed on exterior screening walls or on the rear of a building utilized as a screening wall. Additionally, signage shall be prohibited on all roofs.
- (8) *Mechanical equipment.* No roof-mounted equipment shall be permitted.
- (9) *Color and glare.* Roofs, doors, and walls shall be painted with a non-reflective, muted shade of earth-tone colors, such as red, blue, brown, green, or white. Bright colors and neon colors are prohibited.
- (10) *Use of facilities.* Mini-warehouse and self-storage units shall be used exclusively for storage purposes and not for any other use, processing, services, or activities. Outside storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles is prohibited.
- (11) *Retail and leasing operations.* Retail space may be provided as an accessory use to the mini-warehouse use. Retail shall be limited to items directly related to the shipping, packaging, storage and transport of items to and from the mini-warehouse facility, and for the leasing of individual storage units. The rental and leasing of any vehicle is prohibited, including trucks, cars, vans, trailers, flatbeds, or any other motorized vehicle or wheeled attachment to a motorized vehicle.
- (12) *On-site residence.* One (1) residential unit is permitted for an on-site manager and may contain no more than 750 square feet of living space.

IV. *Parking and Loading Requirements.*

(a) *Required parking.* Parking for the uses allowed by this overlay shall be provided in accordance with Section 52-36 of the zoning ordinance with the following exceptions:

- (1) *Assisted living facility or long-term care facility:* 1 space per two dwelling units. No maximum number of parking spaces.
- (2) *Call centers:* Parking for call centers: 1 space per 75 square feet of space in the call center areas, and 1 space per 300 square feet for all other office uses.
- (3) *Continuing care facility:* Parking requirements shall be based upon the proportionate individual parking requirements of the independent living facility, assisted living facility, and/or long-term care facility within the continuing care facility. No maximum number of parking spaces.
- (4) *Dance, assembly halls, exhibition halls and motion picture theater:* 1 space per 100 square feet.
- (5) *Day care or child care center:* 1 space per 300 square feet. No maximum number of parking spaces.
- (6) *Depository financial institution:* 1 space per 300 square feet. Additionally, each drive-through lane shall have at least two (2) stacking spaces for each lane, measured from the point of service, and at least one (1) additional stacking space for each lane. Two lanes may combine their additional stacking space into a single feeder lane, provided that the same total number

of stacking spaces is included. Each stacking space shall be 20 feet long, may not be in a fire lane, and may not block any parking or loading space.

- (7) *Hospital, emergency care clinic, or urgent care clinic*: 1 space per 200 square feet. No maximum number of parking spaces.
- (8) *Independent living facility*: 1 space per dwelling unit. No maximum number of parking spaces.
- (9) *Industrial/manufacturing*: 1 space per 600 square feet.
- (10) *Medical or dental office*: 1 space per 250 square feet.
- (11) *Mini-warehouse and self-storage*: see section 52-64b III(j).
- (12) *Offices and business services, excluding call centers and medical offices*: 1 space per 300 square feet.
- (13) *Religious institution*: 1 space per 175 square feet of primary assembly space.
- (14) *Restaurants with alcoholic beverage service*: 1 space per 2.5 seats.
- (15) *Restaurant with drive-through*: 1 space per 125 square feet. Additionally, each drive-through lane shall have at least three (3) stacking spaces for each lane, measured from the initial point of service, and at least two (2) additional stacking spaces for each lane. Two lanes may combine their additional stacking space into a single feeder lane, provided that the same total number of stacking spaces is included. Each stacking space shall be 20 feet long, may not be in a fire lane, and may not block any parking or loading space.
- (16) *Restaurants without drive-through*: 1 space per 125 square feet.
- (17) *Retail uses, general*: 1 space per 250 square feet.
- (18) *Warehouse/Distribution*: 1 space per 2,000 square feet for the first 100,000 square feet; 1 space per 5,000 square feet above 100,000 square feet.

(b) *Maximum parking*. Unless otherwise specified, surplus parking may be provided but may not exceed the minimum number required by this section by more than 20 percent. The following are excluded from calculation of the maximum parking requirement, but shall be counted toward the minimum requirements:

- (1) Accessible parking;
- (2) Bus, vanpool, and carpool parking;
- (3) Dedicated motorcycle or motor scooter parking;
- (4) Structured parking, underground parking, or parking within, above, or beneath the building(s) it serves.

- (5) Exceptions to the maximum parking requirements may be allowed in situations that meet all of the following criteria as determined by the director:
- a. The proposed development has unique or unusual characteristics such as high sales volume per floor area, low parking turnover, or overlapping shift work which creates a parking demand that exceeds the maximum ratio, and which typically do not apply to comparable uses;
 - b. The parking demand cannot be accommodated by shared parking with nearby uses, or by increasing the supply of spaces that are exempt from the maximum ratio;
 - c. The requirement is the minimum necessary variation from the standards; and
 - d. If located in a mixed use district, the uses in the proposed development and the site design are highly supportive of the mixed use concept and support high levels of existing or planned pedestrian activity.
- (c) *Parking lot design requirements.*
- (1) Retail, restaurant, office, and entertainment uses shall provide designated bicycle parking areas within 50 feet of the building entrance with a minimum of 1 bicycle parking space for each 50 vehicle parking spaces, up to a maximum of 10 bicycle parking spaces.
 - (2) Retail, restaurant, office, and entertainment uses shall provide dedicated parking spaces for motorcycle and motor scooter parking at a minimum ratio of 1 space per 50 automobile parking spaces. Such spaces shall be striped and be a minimum of 4.5 feet wide and 12 feet deep, and be perpendicular to the access drive (see figure XX).
 - (3) If the required minimum parking on a lot, or the required minimum parking on a combination of lots functioning as a single development, exceeds 500 spaces, a minimum of 25 percent of the spaces must be in a parking structure, underground parking, or parking within, above, or below the building it serves.
 - (4) *Parking location.* No more than 25 percent of the required parking for a use may be located between the façade of a building and the State Highway 161/PGBT, State Highway 114, and Interstate Highway 635 right-of-way. The additional 75 percent may be located beside or behind the façade facing the State Highway 161/PGBT, State Highway 114, and Interstate Highway 635 right-of-way.

(5) *Internal walkways.*

- a. All parking lots that contain more than 100 automobile parking spaces shall include internal pedestrian walkways a minimum of 5 feet wide from the public sidewalk to the main entrance of the principal use of the property, and shall comply with all applicable requirements of the Texas Accessibility Standards for width, slope, texture, level differences, and ramps. Pedestrian walkways shall be provided for every 3 driving aisles of at a distance of not more than 180-foot intervals, whichever is less.
- b. Pedestrian walkways shall also be provided to connect points of origin such as outlying parking spaces and bus stops with destinations such as building entrances. All such walkways shall be constructed of conventional sidewalk materials, enhanced pavers, stamped concrete or asphalt, bricks or scored concrete, shall be clearly marked, and shall comply with all applicable requirements of the Texas Accessibility Standards for width, slope, texture, level differences, and ramps.

(6) *Walkways crossing driveways.* Where internal pedestrian walkways cross driveways, such walkways shall be distinguished from driving surfaces through the use of design features such as contrasting colors, enhanced pavers, stamped concrete or asphalt, bricks, scored concrete, and alternate colors. Painted or adhesive markings shall not be permitted. Crossings shall comply with all applicable requirements of the Texas Accessibility Standards.

(7) *Shopping carts.* Cart corrals shall be provided by all establishments using shopping carts. Cart corrals shall be uncovered and shall not occupy required parking spaces, but shall be placed in designed locations within the parking lot or adjacent to the building, and surrounded by landscaping with trees. When an establishment is closed, shopping carts are to be stored either within the building or screened with a wall that is integral to the architectural design of the building.

(8) *Paving standards.*

- a. Parking lots, vehicle display lots, internal driveways, vehicle circulation areas, and any property used for parking or storage of vehicles, trucks, trailers, or motorized equipment of any kind shall be paved with a minimum of 5 inches of 3000 psi concrete with #3 rebar on 18 inch centers both ways.
- b. Parking lots, driveways and internal circulation shall be maintained free of potholes, with a smooth surface free of rubble, and cracks sealed.
- c. All parking areas shall be clearly striped.

(d) *Building services.*

- (1) The location of above ground utility facilities should be identified early in the design process. Utility facilities shall be located where they do not conflict with featured views, outdoor dining areas, and/or site circulation. Facilities should be accessible for maintenance and service requirements.
- (2) Loading areas, docks, truck parking, overhead doors, outdoor storage, utility meters, HVAC equipment, trash collection, and other building service functions and areas shall be incorporated into the overall design of the building and the landscaping so that the visual and

acoustic impacts of these functions are contained and out of view from adjacent properties and streets. These functions and areas shall not be on any façade facing State Highway 161/PGBT, State Highway 114, Interstate Highway 635, or any other public street frontage.

- (3) Solid waste collection areas and ground mounted mechanical equipment shall be screened from view from State Highway 161/PGBT, State Highway 114, Interstate Highway 635, any other street, and any adjacent residentially-zoned property.
- (4) Roof mounted mechanical equipment, including solar panels, shall be screened from view in accordance with Chapter 15 of the Irving Land Development Code.

V. *Screening and Fencing Requirements.*

(a) *Solid waste collection and loading areas.* Screening materials shall be the same as, or of equal quality to, the materials used for the principal building. Dumpsters shall be located in accordance with Chapter 33 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.

(b) *All other screening and fencing.* All other screening and fencing requirements shall comply with Chapter 15 of The Code of Civil and Criminal Ordinances of the City of Irving, Texas.

VI. *Lighting Regulations.*

(a) *Concealment and shielding.* Light sources shall be concealed or shielded with luminaries containing skirts, shielding or cut-offs with a cutoff angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion of adjacent property. The angle shall be measured using a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.

(b) *Style.* The style of light standards and fixtures shall be consistent with the overall theme and design of the State Highway 161 overlay district. Architectural styles consistent with on-site buildings may be approved by the director. “Cobra head” fixtures, galvanized metal poles, and arm lengths greater than 4 feet are prohibited.

(c) *Glare prohibited.* Lighting shall not cast glare onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles.

(d) *Maximum spillover.* In no case shall exterior lighting add more than one footcandle to illumination levels at any point off-site.

(e) *Highlighting.* Lights may be used to highlight trees and similar features within public and private plazas, courtyards, walkways, and other similar outdoor areas at night to create excitement and a festive ambiance.

(f) *Uplighting.* Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.

(g) *Architectural lighting.* Architectural lighting may be used to articulate the particular building design or to create effects of shadow, relief, and outline that add visual interest and highlight aspects of the building. Lighting of cornices, uplighting, and other effects may be used. For upward-directed

architectural, landscape, or decorative lighting, direct light emissions shall not be visible above the roof line.

(h) *Building-mounted fixtures.* Building-mounted fixtures shall be attached to walls, and the top fixture shall not be lower than 10 feet or higher than 18 feet above finished grade, except entry/exit lighting positioned above the entry/exit.

(i) *After-hours reduction.* All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off after normal business hours.

(j) *Flickering and flashing lights.* No flickering or flashing lights shall be permitted except for temporary decorative seasonal lighting.

(k) *Color.* White light meeting a minimum color standard of 2800 Kelvin shall be used at all times for parking and loading areas. The use of low-sodium vapor or high-pressure sodium vapor lighting is prohibited.

VII. *Underground Utilities Required.* All new construction to be built in the State Highway 161 overlay district shall have underground utilities from the building to the property line. To the extent possible, all new utilities extended from off-site to serve the development must also be underground or within an easement along the rear of the property to reduce the amount of overhead utilities along State Highway 161/PGBT, State Highway 114, and Interstate Highway 635.

VIII. *Sign Regulations.* All signs shall comply with Chapter 7 of the Irving Land Development Code.

IX. *Applicability.*

(a) *New construction.* The standards established by section 52-64b shall apply to all newly constructed structures and all new development within the boundaries of the State Highway 161 overlay district.

(b) *Expansion or repair of existing single family structures.*

- (1) Single family residential structures existing at the time of the adoption of this section may be repaired, remodeled, rehabilitated, or otherwise improved under the zoning provisions to which the structure was originally subject.
- (2) Accessory structures associated with an existing single family lot existing at the time of the adoption of this section being repaired, remodeled, rehabilitated, improved, or expanded shall bring the entire accessory structure into conformance with the provisions of section 52-64b III(c)(1) herein if the value of the repairs, remodeling, rehabilitation, improvements, or

expansion constitute at least 50 percent additional floor area or at least 50 percent of the current value of the structure as established by the most current certified value established by the Dallas Central Appraisal District. For the purpose of determining whether improvements to existing structures shall require compliance with this section, the increase in floor area and/or value shall be aggregated over a three-year period.

(c) *Multifamily structures.*

- (1) Any multifamily residential structure existing at the time of the adoption of this section shall be deemed to be a legal, conforming land use provided that it is in conformance with the zoning ordinance requirements in place at the time the initial building permit was issued.
- (2) Such structures may be repaired, remodeled, rehabilitated, or otherwise improved under the zoning provisions to which the structure was originally subject, provided that if any repair, remodel, rehabilitation, or improvements exceed 50 percent of the square footage of a building's exterior, exclusive of doors and windows, the following materials shall be prohibited:
 - a. Wood
 - b. Vinyl
 - c. EIFS or similar product

The aforementioned materials may be used as trim or for architectural detail, provided that they collectively comprise no more than 5 percent of the siding on any given building elevation (exclusive of doors and windows), and that EIFS is not used below 4 feet above grade.

(d) *Expansion or repair of existing nonresidential structures.*

- (1) If an existing nonresidential structure is expanded by 30 percent or more of its first floor area, or if one or more additional floors are added, or if it is being repaired, remodeled, rehabilitated, or otherwise improved to the point that the value of the repairs, remodeling, rehabilitation, or improvements constitute at least 30 percent of the current value of the structure as established by the most current certified value established by the Dallas Central Appraisal District, the entire structure and the entire property on which it stands shall be brought into compliance with the standards established in this section 52-64b.
- (2) For the purpose of determining whether repairs, remodeling, rehabilitation, or improvements to existing structures and properties shall require compliance with this section, the increase in floor area and/or value shall be aggregated over a three-year period.
- (3) Any improvements to the landscaping that brings the property closer to compliance with the provisions of this section shall not be included in the value calculation described in section 52-64b IX(d)(2).

X. *Definitions.* For the purposes of this section 52-64b, all definitions shall be per section 52-75 unless otherwise stated, with the following exceptions which shall be defined as follows:

(a) *Assisted living facility:* A building or buildings, other than a single-family dwelling, designed and staffed to provide housing for residents who require some type of support for daily living, such as assistance for bathing, dressing, medication, meal preparation, or other functions. In addition to housing, this type of facility may also provide convenience services, such as meals, housekeeping, transportation, and community facilities, such as central dining rooms and activity rooms.

(b) *Call centers:* Any use in which sales, customer service, or customer support is provided by or conducted by employees or contracted workers primarily by remote communication, including internet, telephone, or other electronic communication methods.

(c) *Continuing care facility:* A development providing housing/accommodations and services along the continuum of an elderly person's needs, including independent living, assisted living, and/or long-term care facilities.

(d) *Depository financial institution:* An establishment licensed or chartered by the state or the United States as a bank, savings and loan, or credit union for the custody, loan, exchange, or issue of money, the extension of credit, and/or facilitating the transmission of funds.

(e) *Emergency care clinic or urgent care clinic:* An institution providing primary health services and medical care to persons, primarily as outpatients on a “walk-in” basis without prior appointments. Such persons may be suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions.

(f) *Reserved.*

(g) *Gasoline service station:* Establishments where gasoline or diesel fuel, electric vehicle charging stations, oil, grease, or motor vehicle accessories are sold, supplied, or dispensed to the retail motor vehicle trade. Within the overlay district, “gasoline service station” does not include the principal uses of automobile washing facilities, minor automobile maintenance and repair, or convenience store uses unless such uses are allowed as a principal use in the corridor segment indicated in the use chart for this overlay district.

(h) *General industrial services:* Establishments such as manufacturing (as defined herein), construction materials storage, contractor yards or services, welding shops, machine shops, electric motor repair, and truck and heavy equipment servicing and repair. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in section 52-64b.

(i) *General personal services:* Establishments that provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer that have been treated or processed at that location or another location such as, but not limited to, day care centers, dry cleaning and laundry services, pharmacy, shoe repair, beauty or barber shops, licensed massage therapy, tanning salons, mortuary or funeral home, tattoo parlor or piercing studio, and nail salon.

(j) *Hospital*: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities as licensed by the State of Texas.

(k) *Independent living facility*: A development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

(l) *Long-term care facility*: A development providing in-patient health care, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

(m) *Medical or dental office*: A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured out-patients who do not remain overnight, and who generally do not treat patient emergencies or “walk-in” patients.

(n) *Mini-warehouse or self-storage facility*: A building or group of buildings containing one or more compartmentalized storage units for rent or lease, the use of which is restricted solely to the inside storage of customer’s goods or wares. The conduct of sales, business or any other activity within the individual storage units other than storage shall be prohibited. The mini-warehouse or self-storage facility shall conform to the provisions in section 52-64b III(j).

(o) *Manufacturing*: The mechanical or chemical transformation of materials or substances into new products, or the assembly of component parts of manufactured products, or the blending of materials such as lubricating oils, plastic resins, or beverages. This definition excludes the following: environmentally sensitive land uses (as defined in section 52-58); any use that violates the performance standards in section 52-35; rendering plants, slaughterhouses, or the manufacturing of beef, fish, poultry, or other animals for food or feed products; tanneries; saw and planing mills; primary production or storage of wood, metal or chemical products from raw materials; batching yard; foundry-type operations; material recycling or salvaging; auto salvage; towing and/or wreckage operations; or any other manufacturing or assembly use determined by the director to pose a risk to the public’s health, safety or welfare. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in section 52-64b.

(p) *Mixed use*: Any combination of office, retail and dining, entertainment, and residential uses in a unified development, provided that at least two of the aforementioned uses are included in the initial phase of construction, and that the minimum floor area of a use is not less than 20 percent of any given phase, and not less than 10 percent of the unified development. A “unified development” may be on a single lot or on multiple lots deemed by the director as being part of the same overall master development plan.

(q) *Indoor retail and convenience store*: Retail stores and uses completely within an enclosed building. No structure shall be erected, converted, or constructed to allow for the interior passage of motor vehicles for the retail sale or delivery of foods or beverages. Outside storage shall conform to the requirements of the underlying base zoning district, except where otherwise noted in section 52-64b.

(r) *Transit-oriented development*: Any development that is constructed in accordance with section 52-32g.

SECTION 2. That the State Highway 161 Overlay District is hereby established for the property described in subsections 52-64b I(c) and 52-64b I(e) of Section 52-64b State Highway 161 Overlay District, and the City Planner is hereby directed to revise the Official Zoning Maps of the City of Irving, Texas, attached to Ordinance No. 1144 to show this overlay district.

SECTION 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day during which any violation is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine in an amount not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00).

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication as provided by law.

SECTION 5. 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 6. That this ordinance shall prevail over any other ordinance which is in conflict with the provisions of this ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on March 22, 2012.

BETH VAN DUYNE
MAYOR

ATTEST:

Shanae Jennings
Acting City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney