

ORDINANCE NO. 2023-10804

AN ORDINANCE AMENDING PART II OF THE CITY OF IRVING LAND DEVELOPMENT CODE, “UNIFIED DEVELOPMENT CODE (UDC)” TO AMEND SUBSECTION 5.1.3 “REQUIRED IMPROVEMENTS” OF SECTION 5.1 “GENERALLY” OF CHAPTER 5 “SUBDIVISION DESIGN AND IMPROVEMENTS” TO PROVIDE FOR THE COST TO REVIEW INFRASTRUCTURE PLANS; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

WHEREAS, HB 3492 was passed by the Texas Legislature in June 2023 that requires regulatory fees assessed by a municipality be proportional to the actual operating costs to review and process engineering or construction plans or inspect infrastructure improvements; and

WHEREAS, on June 10, 2023, the Governor of the State of Texas signed HB 3492 with an effective date of September 1, 2023; and

WHEREAS, on August 18, 2023, City staff briefed the City of Irving City Council on the proposed amendments, and who expressed support of the amendments thereof; and

WHEREAS, on September 5, 2023, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and made their final report; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during the public hearing, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning ordinance be amended.

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

SECTION 1: That Subsection 5.1.3 “Required Improvements” of Section 5.1 “Generally” Of Chapter 5 “Subdivision Design And Improvements” of the City of Irving Unified Development Code is amended to read as follows:

5.1.3 Required Improvements

b. Prior to the construction of the improvements listed in subsection (a) above, the person or entity constructing the improvements shall:

- 5) Provide a signed acknowledgment that prior to acceptance of the improvements by the city, the person or entity must pay any fees for reasonable tests deemed appropriate by the director of CIP, or designee, including water usage, and must pay for city’s actual cost to review submittals and designs, to process plans, and to inspect the public infrastructure improvement at an hourly rate as determined in the city’s Consolidated Fee Schedule for the estimated actual direct time of the city’s employee performing those services;

- 6) Provide a signed acknowledgment that timely notice will be given to the director of CIP, or designee, for the purposes of inspecting the work on the improvements, and that the work site will be made available for the city's inspectors as needed.

SECTION 2. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 3. Should any paragraph, sentence, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect upon adoption and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on September 14, 2023.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney