

ORDINANCE NO. 2019-10285

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1144 OF THE CITY OF IRVING, TEXAS, BY AMENDING SECTION 52-24 (“C-W COMMERCIAL WAREHOUSE DISTRICT”), SECTION 52-26A (“ML-20A LIGHT INDUSTRIAL DISTRICT REGULATIONS”), SECTION 52-30 (“C-P COMMERCIAL PARK DISTRICT”), SECTION 52-75 (“DEFINITIONS”), AND BY ADDING A NEW SECTION 52-35f (“MINI-WAREHOUSE AND SELF-STORAGE FACILITIES”) TO PROVIDE FOR THE CREATION OF DEFINITIONS AND STANDARDS FOR MINI-WAREHOUSE AND SELF-STORAGE FACILITIES; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICT RESOLUTION, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Irving, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Zoning Ordinance No. 1144 of the City of Irving, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the city is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1. That subsection (a) of Section 52-24 (“C-W COMMERCIAL WAREHOUSE DISTRICT”) of Ordinance No. 1144 of the City of Irving, Texas, is hereby amended to read as follows:

- (a) *Principal uses:* The following uses shall be permitted as principal uses:
- (1) Governmental buildings and uses.
 - (2) Warehousing completely within an enclosed building.
 - (3) Public utility uses.
 - (4) Motor freight terminals.
 - (5) Outside storage, provided that such storage shall be completely encompassed by a blind fence or wall at least seven (7) feet high and provided that materials stored shall be stacked no higher than one foot below the top of the fence or wall.
 - (6) Commercial and professional offices.
 - (7) Wholesale distribution facilities completely within an enclosed building.
 - (8) Sexually oriented businesses licensed and operating in compliance with chapter 42A of the Code of Civil and Criminal Ordinances of the City of Irving, Texas.
 - (9) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
 - (10) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.
 - (11) Mini-warehouse and self-storage facilities.

SECTION 2. That subsection (a) of Section 52-26a (“ML-20A LIGHT INDUSTRIAL DISTRICT REGULATIONS”), of Ordinance No. 1144 of the City of Irving, Texas, is hereby amended to read as follows:

(a) *Principal uses:* The following uses shall be permitted as principal uses:

- (1) Any manufacturing, wholesale or storage uses except those operations such as saw and planing mills, manufacturing uses involving primary production of storage or wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.
- (2) Research, provided such uses shall be contained completely within an enclosed building and is not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise, vibration, light, radio emission, radiation or any research uses detrimental to life, health or property.
- (3) Governmental buildings and uses.
- (4) Public utility uses.
- (5) Warehousing completely within an enclosed building
- (6) Commercial and professional offices.
- (7) Wholesale distribution facilities completely within an enclosed building.
- (8) Sexually oriented businesses licensed and operating in compliance with chapter 42A of the Code of Civil and Criminal Ordinances of the City of Irving.
- (9) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
- (10) Public and private noncommercial recreational areas and facilities such as public parks, country clubs and golf courses, excluding miniature golf and driving ranges.
- (11) Mini-warehouse and self-storage facilities.

SECTION 3. That subsection (a) of Section 52-30 (“C-P COMMERCIAL PARK DISTRICT”) of Ordinance No. 1144 of the City of Irving, Texas, is hereby amended to read as follows:

(a) *Principal uses:* The following uses shall be permitted as principal uses:

- (1) Commercial and professional offices.
- (2) Research, provided such use shall be contained completely within an enclosed building and is not noxious or offensive by reason of emission of odor, dust, gas fumes, noise, vibration, light, radio emission, radiation or any research use detrimental to life, health or property.
- (3) Wholesale distribution facilities completely within an enclosed building.
- (4) Air freight forwarders.
- (5) Warehousing completely within an enclosed building.

- (6) Any manufacturing, wholesale or storage uses except those operations such as saw and planing mills, manufacturing uses involving primary production of storage or wood, metal or chemical products from raw materials, construction materials, batching yard, foundry type operation, material or auto salvage and/or wrecking operation or other industrial operations not listed, provided that such uses shall be contained within an enclosed building.
- (7) Aviation ground schools, excluding any aircraft or helicopter in-flight training.
- (8) Auto service and repair.
- (9) Nursery stocks, including landscaping, sales and supplies.
- (10) Recreational facilities that will not be affected by, or impose a hazard to, aircraft. Bowling alleys, golf courses, public parks, playgrounds and picnic areas.
- (11) Athletic fields, excluding stadiums.
- (12) Governmental buildings and uses.
- (13) Public utility uses.
- (14) Public and nonprofit institutions of an educational, religious or cultural type excluding corrective institutions and hospitals.
- (15) Mini-warehouse and self-storage facilities

SECTION 4. That Comprehensive Zoning Ordinance No. 1144 of the City of Irving, Texas, is hereby amended by adding a new Section 52-35f (“MINI-WAREHOUSE AND SELF-STORAGE FACILITIES”) which shall read as follows:

Sec. 52-35f. Mini-warehouse and self-storage facilities

(A) Applicability. This section applies to all new building permit applications, and all repair, redevelopment or expansion of existing facilities in which the repair, redevelopment or expansion exceeds 50 percent of the appraised value as determined by the Dallas Central Appraisal District or exceeds 50 percent of the total gross floor area.

(B) Facility standards.

(1) *Loading area.*

a. Buildings with individual entry to exterior units shall have the following:

- (i) A continuous loading area that is a minimum eight (8) feet in width shall be provided along any building side where there is access to individual storage units for parking and loading.
- (ii) The loading area(s) shall be in addition to and outside of any fire lane or drive aisle.

b. Buildings with interior entry to units shall provide a minimum of one (1) loading area for every seventy (70) units.

(2) *Parking.*

a. A mini-warehouse or self-storage facility shall adhere to the following parking requirements:

- (i) *Buildings with individual entry to exterior units:* 1 space per 20,000 square feet of leasable storage space

- (ii) *Buildings without individual entry to exterior units:* 1 space per 7,500 square feet of leasable storage space
 - (iii) *Office and retail accessory uses:* 1 space per 250 square feet
 - (iv) *On-site residence for manager:* 2 spaces
 - b. No fewer than seven (7) spaces shall be provided, with at least five (5) spaces located outside any gated or controlled access area. Compact car spaces are not permitted.
- (3) *Screening.*
 - a. Buildings with individual entry to exterior units
 - (i) Buildings on the perimeter of the site shall be connected by masonry fences a minimum of eight (8) feet in height, except at the entrance area where wrought iron fencing may be used. Maximum height shall be ten (10) feet.
 - (ii) 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) *Setbacks.* The front, side and rear building setback lines of the zoning district in which a mini-warehouse facility is to be built shall apply to the construction of a mini-warehouse facility; however, said setbacks shall not be less than 10 feet when the property is adjacent to any residentially-zoned or residentially-used property.
- (5) *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.
- (6) *Signage.*
 - a. All signage shall be prohibited from being placed on exterior screening walls or on the rear of a building utilized as a screening wall.
 - b. All signage shall be prohibited on roofs.
 - c. Lighted signage shall not face adjacent property zoned for or used as a residential use.
- (7) *Lighting.*
 - a. Outdoor lighting shall be shielded from adjacent property zoned for or used as a residential use, and shall not be a brightness that causes an ambient glow that extends into such property. No pole lights taller than 15 feet shall be permitted.
 - b. Indoor lighting shall be shielded from adjacent residential uses and shall not be a brightness that causes an ambient glow that extends into a residential property.
- (8) *Use of facilities.*
 - a. Mini-warehouse and self-storage units shall be used exclusively for storage purposes and not for any other use, processing, services, or activities.
 - b. Outside storage is prohibited in conjunction with this use. Overnight outdoor storage or parking of trucks, recreational vehicles, boats, watercraft, trailers, and automobiles for more than 24 hours is prohibited, except as noted herein.
 - c. 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.

- d. Vehicles, trailers and related equipment may be rented or leased on site as an accessory use to the mini-warehouse use. However, no more than three vehicles, trailers and/or related equipment that are for rent or lease may be parked, displayed or stored in front of a front building line for more than 24 hours.
- (9) *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.

SECTION 5. That subsection (a) of Section 52-75 (“DEFINITIONS”) of Ordinance No. 1144 of the City of Irving, Texas, is hereby amended by adding a new Section 52-75(a)(249.5) which shall read as follows:

(249.5) *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.

SECTION 6. Any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollars (\$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 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. 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 9. That this ordinance shall prevail over any other ordinance which is in conflict with the provisions of this ordinance

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on October 24, 2019.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings, City Secretary

APPROVED AS TO FORM:

Kuruvilla Oommen, City Attorney