

ORDINANCE NO. 2026-11220

AMENDING THE CITY OF IRVING UNIFIED DEVELOPMENT CODE (“UDC”) TO AMEND: SECTION 1.12 TO PROHIBIT CONSIDERATION OF A SPECIAL EXCEPTION THROUGH THE S-P SITE PLAN PROCESS; SECTION 1.15 “SPECIAL EXCEPTIONS” TO REORGANIZE AND ESTABLISH CRITERIA FOR THE BOARD OF ADJUSTMENT TO CONSIDER CARPORTS WITHIN A FRONT SETBACK; AMEND UDC SECTION 3.1.8 “ACCESSORY STRUCTURES” TO REVISE THE PROCESS FOR APPROVAL OF CARPORT ENCROACHMENTS; AND TO AMEND UDC SECTION 6.6 “BOARD OF ADJUSTMENT” TO CLARIFY THE POWERS OF THE BOARD; PROVIDING A PENALTY, A SAVINGS CLAUSE, CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on August 28, 2025, the City Council Planning and Development Committee received a briefing and discussed the proposed amendments; and

WHEREAS, on November 6, 2025, the City Council Planning and Development Committee discussed the proposed amendments and draft ordinance and provided direction to proceed with the adoption process; and

WHEREAS, on December 1, 2025, the Planning and Zoning Commission received a briefing and reviewed the draft amendments; and

WHEREAS, on January 5, 2026, after notice and public hearing, the Planning and Zoning Commission considered the proposed amendments and recommended approval; 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 its public hearing, the City Council has determined that the proposed changes to the Unified Development Code are in accordance with the comprehensive plan, are in the best interest of the public, and are 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;

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

SECTION 1. That Subsection 1.12.2 “Application for zoning changes” of Section 1.12 “Zoning map amendments (rezoning)” of the City of Irving Unified Development Code is hereby amended to add Subsection (f) to read as follows:

1.12 Zoning map amendments (rezoning).

1.12.2 Application for zoning changes.

f) No zoning change application for a “S-P” Site Plan Zoning District shall be accepted for a property for which a Special Exception has been denied by the Board of Adjustment.

SECTION 2. That Section 1.15 “Special Exceptions” of the City of Irving Unified Development Code is hereby amended to read as follows:

1.15 Special Exceptions

1.15.1 Purpose and Intent. Special exceptions are intended to provide flexibility for permitted uses within the regulations of the Unified Development Code while maintaining the general purposes and intent of the city. The process is designed to allow reasonable use of property that would not be possible under a strict hardship measure, provided that such use is otherwise consistent with the development standards of the district. Through the granting of a special exception, the Board of Adjustment may impose conditions and safeguards as are necessary to ensure that the development is in harmony with the general purpose and intent of the zoning district in which it is located and is compatible and does not create adverse effects on neighboring properties.

1.15.2 Application Procedure.

- a) A person may seek a special exception from the Board of Adjustment as authorized by 6.6 of this Code by filing a written request for a special exception with the Planning Department.
 - 1) The applicant shall provide the following information on forms provided by the City: the street address of the subject property, the name and address of the owner of the property, the name and address of the person making the application, if made by anyone other than the owner, together with a statement that the person making the application is authorized to act for the owner in making the application, the zoning district designation, a description of the request, and justification for the request.
 - 2) An application for a special exception shall be accompanied by a fee based on the most recently adopted fee schedule, and a site plan showing the following information, as applicable:
 - a. Date, scale, north point, name of owner, and name of person preparing the site plan.
 - b. Location of existing boundary lines and dimensions of the tract.
 - c. Location, dimensions and size of all existing or proposed buildings, structures and land improvements including accessory buildings.
 - d. Clear designation of areas reserved for off-street parking.
 - e. Location and size of points of ingress and egress to public.
 - f. Dimension from property line to centerline of existing watercourses, drainage features and floodway easement.
 - g. Location, type and height of existing and proposed fences or screening walls.

- 3) At least one of the following conditions exists:
 - a. The primary dwelling was originally built with either a one-car garage or no garage; or
 - b. There are other legally permitted or legal non-conforming carports on the block face that encroach into the front setback; or
 - c. The carport will accommodate a disabled person's ability to access, use, and enjoy the dwelling;
- 4) There is no access to the rear of the property through an improved alley;
- 5) There is not adequate width between the home and a side property line to provide vehicular access to the rear yard area that would accommodate a covered parking structure;
- 6) There is not adequate width on the side of the home behind the required front building line that would accommodate a covered parking structure; and
- 7) The size, height and location of the carport will not have a detrimental impact on adjacent properties.

1.15.6 Truck Tractor Parking In The Front Yard

- a) A person may seek a special exception to section 3.18 "Outside Storage" for the purpose of securing a special exception to allow the parking of a truck tractor in the front yard by filing a written request for a special exception with the department of building inspections and code enforcement on a form to be supplied by the city. Said special exception shall not run with the land but shall be granted to the owner, if the owner resides on the subject property and owns or leases the truck tractor, or to the tenant residing on the subject property if said tenant owns or leases the truck tractor, and shall expire at such time as the recipient of the special exception no longer resides on the subject property.
- b) The procedure for special exceptions authorizing truck tractor parking in the front yard of a residential district shall be as follows:
 - 1) In addition to the information required by Section 1.15.2 (a) the applicant shall provide the motor vehicle registration number, license number, and description of the truck tractor to be parked on the property.
 - 2) The zoning board of adjustment may grant a special exception to section 3.18.2(a)(5)(c) relative to truck tractor parking in front yards if satisfaction of each the following criteria is demonstrated by the person requesting the special exception at the hearing before the board:
 - a) The safety of the neighborhood will not be compromised by the exception;
 - b) The value of the surrounding property will not be depreciated by the exception;

- c) The aesthetics of the property on which the truck tractor is located will not be reduced by the exception;
- d) The traffic in the neighborhood will not be further congested by the exception;
- e) The exception will not increase the noise in the neighborhood;
- f) There is no reasonable alternative to parking the truck tractor in the front yard;
- g) There shall be no adverse impact on the quality of life in the neighborhood; and
- h) The use of the truck tractor is the principal livelihood of the person residing on the property.

SECTION 3. That Section 3.1 “Accessory Structures” of the City of Irving Unified Development Code is hereby amended such that Section 3.1.8 “Carports” reads as follows:

3.1.8 Carports. For purposes of this section, carport shall mean a structure used to offer limited protection to cars, recreational vehicles, travel trailers, or similar vehicles from the elements. The structure can either be free standing or attached to another building and shall be open on three (3) sides. Carports shall be used solely for the parking of not more than two (2) vehicles, and not for any other purpose including storage of any type.

- a) All Carports shall meet the following requirements:
 - 1) The carport design shall be consistent with the design of the existing dwelling, including the use of matching trim and roof materials and colors. Carports attached to the front or side of the existing dwelling shall be incorporated into the architecture of the dwelling with compatible roof pitches, surrounds for the support posts, and enclosed gables. Building permit applications for carports shall include detailed elevation drawings and other illustrations showing how the carport is consistent with the design of the existing dwelling.
 - 2) The carport, including carport roof overhang, shall be no nearer than three (3) feet from the side or rear property line;
 - 3) The carport shall not exceed 400 square feet in area; lots greater than ½ acre may have up to two 400 sq. ft. carports provided no more than one is forward of the front wall but behind the front setback.
 - 4) The entire area beneath the roof of the carport shall be paved with concrete or asphalt within at least two (2) feet of the edge of the roof;
 - 5) The driveway leading to the carport shall be paved with concrete or asphalt;

- 6) The carport may not overhang or intrude into any type of public utility or drainage easement;
 - 7) The height of the carport shall not exceed a maximum of ten (10) feet measured to the highest point of the roof of the carport. The maximum height may be increased by one (1) additional foot for each one (1) additional foot of side and rear setback to a maximum of eighteen (18) feet with a minimum side and rear setback of eleven (11) feet; and
 - 8) Carports shall have a gutter system or drainage design that drains toward the street or the nearest drainage facility. Rainwater shall not drain onto adjacent property
- b) The Zoning Board of Adjustment may grant a special exception relative to carports encroaching into a front setback pursuant to Section 1.18 (“Special Exceptions”) of this Code. No relief from any other carport development standards may be considered through the Special Exception process, and shall instead be considered through the Variance process. A request for a “S-P” site plan district made for the sole purpose of a setback encroachment is prohibited.

SECTION 4. That Section 6.6.8 “Board of Adjustment” of the City of Irving Unified Development Code is hereby amended to read as follows:

6.6.8 The board of adjustment shall have the following powers:

- a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official of the city in the enforcement of this ordinance, or in the enforcement of any applicable state law.
- b) To hear and decide special exceptions to the terms of this ordinance upon which the board is authorized to consider as specified in Section 1.15 and subject to appropriate conditions and safeguards and in harmony with its general purpose and intent.
- c) To authorize variances from the terms of this ordinance as set forth in Section 1.14 as will not be contrary to the public interest, and where, owing to special conditions, the literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

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 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 7. 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 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 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 January 14, 2026.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney