

ORDINANCE NO. 19-3-21-11

ACCESSORY BUILDING REGULATIONS AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SECTION 2.07.07, “RESIDENTIAL ACCESSORY BUILDINGS AND USES” OF SUBSECTION 2.07 “ZONING USE REGULATIONS” OF SECTION 2, “ZONING REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies size, placement, and use of accessory structures within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations for accessory structures, including without limitation, dimensional and setback requirements, and related permit requirements; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission voted to recommend approval of the proposed amendments to the City Council; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City has reviewed the proposed amendments to the regulations for accessory structures in the UDC and has determined that the incorporated amendments are appropriate to aid with streamlining the process for residents to obtain an accessory structure for their property; and

WHEREAS, the City has determined that the amendments proposed relating to public hearing notices will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the City’s accessory structure standards should be amended as set forth below;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 2.07 “Accessory Buildings and Uses”, Section 2.07.07 “Accessory Buildings and Uses”, of Section 2, “Zoning Regulations” is hereby repealed in its entirety and a new Section 2.07.07 “Accessory Buildings and Uses of Subsection 2.07 of Section 2 is hereby adopted to be and read in its entirety as follows.

“2.07.07. – Accessory Buildings and Uses

A. Residential Accessory Buildings and Uses

1. The following regulations apply to Accessory Buildings servicing lots zoned for residential uses:
 - a. Residential Accessory Building Dimensional regulations

Table 12: Residential Accessory Dimensional Requirements

<i>Standard</i>	<i>Lots up to 13,999 S.F.</i>	<i>Lots 14,000 S.F. up to 21,999 S.F.</i>	<i>Lots 22,000 S.F. up to 43,559 S.F.</i>	<i>43,560 and up</i>
Maximum Square Footage of All Accessory Buildings (Combined Area)	400 S.F.	750 S.F.	1,200 S.F.	2,000 S.F.
Maximum Height of Accessory Buildings	15'	15'	Equal to or less than main building	Equal to or less than main building
Maximum Number of Accessory Buildings	2	2	3	3
Maximum Allowed Building Area Coverage	Main and accessory buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.			
Minimum Front Setback	25'*	25'*	25'*	25'*
Minimum Side and Rear Setback	0' If less than 100 S.F. 5' if over 100 S.F.	0' If less than 100 S.F. 5' if over 100 S.F.	0' If less than 100 S.F. 5' if over 100 S.F.	0' If less than 100 S.F. 5' if over 100 S.F.
Minimum Side Setbacks for Corner Lots	15'**	25'**	25'**	25'**
Prohibited Locations	Accessory Buildings in Easements are Prohibited.			
Barns and other Types Livestock Housing	Accessory Buildings the use of which is for the purpose of containing livestock (e.g., chickens, hogs, horses, etc.) shall be located at least two hundred (200) feet from any existing dwelling located on an adjacent lot or tract.			

* No Accessory Building shall be placed so as to protrude in front of the main building.

** Detached Garages shall have the same setback as side entry garages.

- b. Residential accessory building development regulations.
 - i. Accessory buildings which are less than one hundred (100) square feet in size shall not require a permit from the City prior to construction.
 - ii. Accessory buildings which are greater than one hundred (100) square feet in size shall require a permit and inspections from the City in accordance with applicable codes.
2. The following regulations apply to Guest House/Servants' Quarters operating as Accessory Buildings or as a use attached to the main building.
 - a. A Guest House/Servants' Quarters shall not be less than six hundred (600) square feet when built over a garage, nor less than seven hundred fifty (750) square feet when free standing, and shall not contain more than one thousand (1,000) square feet of living area.
 - i. Nothing herein shall authorize the occupancy or the use of a Guest House/Servants' Quarters by anyone other than a bona fide guest or servant employed by the occupant of the main structure on such lot, estate or land.
 - ii. A Guest House/Servants' Quarters may be constructed as a part of the main building.
 - b. Any Accessory Building for human habitation shall not be occupied until the main dwelling has been completed.
 - c. Only one (1) Guest House/Servants' Quarters shall be allowed on any individual tract of land.
 - d. Guest House/Servants' Quarters shall not be leased or rented.
 3. Accessory Building and Use Limitations within the SF-A, Single Family Residential (attached). Only the following Accessory Buildings and uses shall be permitted within this district:
 - a. One attached garage (Garage, Private (attached)) with one or more compartments and with front and side walls complying with the requirements of the front and side walls of the main portion of the building as to distance, etc.; or
 - b. One detached private garage (Garage, Private (detached)) with one or more compartments and located within the prescribed building lines.
 4. Accessory Buildings and Use Limitations within the MF-1, Multi-Family Residential, MF-2, Multi-Family Residential, and MF-3, Multi-Family Residential Districts.
 - a. An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode.
 - b. Any Accessory Building which is not a part of the main building shall be separated from the main building by a minimum of ten feet (10').
 5. Architectural elements for Residential Accessory Buildings.
 - a. All Accessory Buildings 200 square feet and larger shall be constructed of the same exterior construction material of the main building or structure and incorporate the same architectural elements and materials as the main building.
 - b. The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building unless the accessory building is prefabricated or pre-finished.
- B. Nonresidential Accessory Buildings
1. The exterior façade of all Accessory Buildings shall be constructed of the same exterior construction material of the main building or structure and, at a minimum, material meeting the requirements of Section 2.09.04. Building Façade Material Standards.
 2. In the nonresidential districts, an Accessory Building shall not exceed the height of the main building and shall not exceed fifty percent (50%) of the floor area of the main building, and shall be used for purposes accessory and incidental to the main use.
 3. Nonresidential Accessory Buildings may meet the definition of a Portable Building.

- a. All Portable Buildings shall comply with 2.07.04. Conditional Development Standards."

**SECTION 4.
PENALTY**

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this Ordinance or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 5.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 7.
SEVERABILITY**

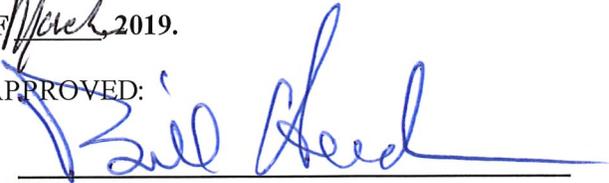
The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 8.
EFFECTIVE DATE**

This ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

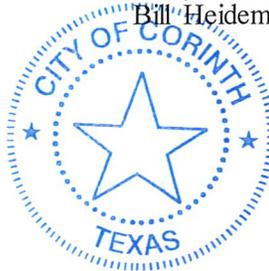
PASSED AND APPROVED THIS 21st DAY OF March, 2019.

APPROVED:



Bill Heidemann, Mayor

ATTEST:


Kimberly Pence, City Secretary

APPROVED AS TO FORM:


~~FOR~~ Andy Messer, City Attorney