ORDINANCE NO. 19-04-18-13

RESIDENTIAL SETBACK AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE ("UDC"), BY AMENDING SECTION 2.08.04, "RESIDENTIAL DIMENSIONAL REGULATIONS CHART" OF SUBSECTION 2.08 "ZONING DIMENSIONAL 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 lot types, yard setbacks, and lot sizes on properties 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 and procedures for building setback requirements and lot dimensions for residential lots within the City as provided within the UDC; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission considered the proposal to amend the Zoning Ordinance to amend the building setback requirements and lot dimensions for residential lots within the City; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City Council has reviewed the proposed amendments to the regulations for residential setbacks and lot dimensions as recommended for approval by the Planning and Zoning Commission and has determined that the incorporated amendments to the UDC are appropriate to aid with providing additional building areas for residential developments; and

WHEREAS, the City Council 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 setback and lot dimension requirements for residential properties 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, Section 2.08.04 "Residential Dimensional Regulations Chart", of Subsection 2.08 "Zoning Dimensional Regulations", of Section 2, "Zoning Regulations" is hereby repealed in its entirety and a new Section 2.08.04 "Residential Dimensional Regulations Chart" of Subsection 2.08 of Section 2, is hereby adopted to be read in its entirety as follows with all other sections of Subsection 2.08, "Zoning Dimensional Regulations" not specifically amended hereby remaining in full force and effect:

"2.08.04. - Residential Dimensional Regulations Chart

Regulation	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	MX-R, Mixed Use Residential
Open Space (Yard) Dimensions										
Minimum Front Yard Setback	25'(4)	25'(4)	25'(4)	25'(4)	25' dwelling units/50' other buildings	10'	30'	30'	30'	0'
Minimum Side Yard Setback: Interior Lot	25'	15'	7.5'	5'	0' (1)	0' (1)	30'	30'	30'	30'
Corner Lot	25'	25'	15'	15'	15'	15'	30'	30'	30'	0'
Minimum Rear Yard Setback	75'	20'	20'	20'	20'	25'	30'	30'	30'	30'
Garage Setback	25'	25'	25'	25'	3'- front entry prohibited.	Single Family Detached 25' Single Family Attached 3'- front entry prohibited				

Lot Dimensions										
Minimum Lot Area	1 acre	14,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	1,250 sq. ft.	Varies See 2.04.06.	40,000 sqft.	25,000 sqft.	1 acre	1 Acre
Maximum Density					10 DU/A		12 DU/A	14 DU/A	16 DU/A	60 DU/A
Minimum Lot Width:	200' at building line	100' at building line	80' at building line	70' at building line	22'	Varies See 2.04.06.	200'	150'	150'	200'
Minimum Lot Depth	150'	110'	100'	100'	90'	Varies See 2.04.06.	200'	150'	100'	200'
Floor Area										
Minimum Floor Area	2,500 sq. ft.	2,000 sq. ft.	1,700 sq. ft.	1,500 sq. ft.	1,050 sq. ft.	None	1,050 sq. ft. per DU	950 sq. ft. per DU	850 sq. ft. per DU	850 sq. ft. per DU
Structure Height										
Maximum Height (3)(feet/stories)	35'/2½ (50' with Additional Setback) (3)	35'/2½ (50' with Additional Setback) (3)	35'/2½ (50' with Additional Setback) (3)	35'/2½ (50' with Additional Setback) (3)	35'/2 (50' with Additional Setback) (3)	35'/2 (50' with Additional Setback) (3)	35'/2 (50' with Additional Setback) (3)	35'/2 (50' with Additional Setback) (3)	45'/ 3(50' with Additional Setback) (3)	75'/5

Building Area Coverage										
Maximum Building Area (all buildings)	30%	30%	30%	30%	55% / 60% including accessory	70%	40%	45%	50%	90%

(1) No side yard is required providing a firewall is installed in accordance with the City Building Code, except that no contiguo us attached structure shall exceed one hundred eighty (180) feet in length and the minimum separation between noncontiguous, adjacent structures shall be thirty (30) feet.

(2) Dwelling Units per Acre (DU/A) calculation is exclusive of all streets, alleys and sidewalks, but inclusive of open space, recreational, and service area s.

(3) The dwelling or other main building or portions of building other than Accessory Buildings may be erected higher than thirty-five feet (35') provided that any portion of the building above said thirty-five feet (35') height limit is set back from all required yard setback lines a distance of two feet (2') for each one (1) foot in height above said thirty-five feet (35') limit. No building shall have a height of more than fifty feet (50').

(4) Key lots shall have two front yards."

SECTION 3.
PENALTY

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance, the Unified Development Code, 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, the Unified Development Code, 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 4.
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 5.
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 6.
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 while 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 7.
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 as required by the City Charter and state law.

PASSED AND APPROVED THIS 18 DAY OF April, 2019.

APPROVED:

Bill Heidemann, Mayor

CITY OF CORINTH TEXAS

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Melissa H. Crawford for

Andy Messer, City Attorney