

ORDINANCE NO. 19-12-05-44

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS, AMENDING THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE BY AMENDING SECTIONS 1.03.02, 3.04.06, 3.05.07, 3.05.11, 3.05.12, 3.05.13, 3.05.16, AND 5.02 OF THE CODE RELATED TO SUBDIVISION DEVELOPMENT AND ENGINEERING STANDARDS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, (the "City") is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

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 a Unified Development Code which specifies subdivision and engineering standards; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the Unified Development Code 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 section 1.03.02 "Pre-Application Conference" of Subsection 1.03 "Universal Submittal and Processing Procedures" of Section 1, "Provisions and Procedures" of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 1, "Provisions and Procedures" not specifically amended hereby shall remain in full force and effect without amendment:

1.03.02. - Pre-Application Conference

A. Purpose

...”

2. The Pre-Application Conference provides an opportunity for the Applicant and City Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information, as well as the City’s Storm Water Management Plan (SWMP) requirements and adherence to the iSWM Standards as locally adopted.” . . .

1.03.03. - Comprehensive Plan Adoption or Amendment”

- 2.02 That section 3.04.06 “Inspection, Maintenance, and Acceptance of Public Improvements” of Subsection 3.04 “Construction Plans & Procedures” of Section 3, “Subdivision Regulations” of the City of Corinth Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, “Subdivision Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

“3.04.06. - Inspection, Maintenance, and Acceptance of Public Improvements

...”

B. Public Works Inspection Fees

1. Fee Standards for Public and Private Infrastructure.
 - a. The Developer shall be charged an inspection fee which shall be established in the City’s Master Fee Schedule as a percentage of the total construction cost of the public and private infrastructure, storm drains, water, wastewater, grading, retaining walls, erosion control and streets in each Subdivision or development.
 - b. Inspections shall be conducted during normal business hours, 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. Friday.
2. Cost for Construction.
 - a. The Developer shall submit to the City a cost for construction of the public infrastructure to be dedicated to the City, a maintenance bond for the full amount of the cost for construction, and an inspection fee as required by subsection B(1)(a) of this Section. The Developer shall also submit to the City a cost for construction of private infrastructure, water, wastewater, storm drains, grading, retaining walls, erosion control, and streets/paving and an inspection fee as required by subsection (B)(1)(a) of this Section.
 - b. The cost of construction of both public and private infrastructure shall be reviewed and approved by the Director of Public Works. “

...

- 2.03 That section 3.05.07 “Easements and Dedications” of Subsection 3.05 “Subdivision Design Standards” of Section 3, “Subdivision Regulations” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, “Subdivision Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

“3.05.07. - Easements and Dedications

...”

D. Drainage Easements

1. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.
2. Storm drainage easements of 16 feet minimum width shall be provided for existing and proposed enclosed drainage systems.
 - a. Easements shall be centered over the systems.
 - b. Larger easements, where necessary, shall be provided as directed by the Director of Public Works.
3. Where lot-to-lot drainage occurs, a drainage easement at least 10 feet in width shall be provided along the back and down one side of the downstream property. For information regarding applicable drainage standards see 3.05.16. Drainage and Storm Water, specifically 3.05.16. C.1. Lot to Lot Drainage Standards.
4. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a fully developed one percent (1%) frequency storm.
5. Where a Subdivision is bounded by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of 10 feet on each side.
6. As required by the City, drainage easements shall be dedicated up to the full width of easement necessary to construct the ultimate drainage facility (culvert, storm water, channel, etc.) to be constructed within the easement, including provisions for access ingress and egress by crews and equipment for maintenance purposes.

E. Floodplain Easements

1. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs.
2. Floodplain easements shall be provided in accordance with the recommendation of the Director of Public Works and the Director of Planning to accommodate the one percent (1%) fully developed storm drainage flows or the flow of the flood of record, whichever is greater.
3. Floodplain easements shall encompass all areas beneath the water surface elevation of the fully developed one percent (1%) storm, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the Director of Public Works.
4. The following full statement of structures shall be placed in the dedication instrument of the Plat: Floodplain Easement Restriction: Construction within the floodplain may only occur with the written approval of the City. A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.
 - a. Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The City will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his property clean and free of debris, silt, or any substance, which would result in

unsanitary conditions. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur.

- b. The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The City shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the floodplain easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA floodplain map revision may be required.
5. On residential subdivisions with lots less than ½ acre, the land shall be subdivided such that the fully developed floodplain does not encroach into any of the residential lots but entirely contained within common area lots.

F. Retaining Wall Easements

1. If in the opinion of the Director of Public Works, the grading plans submitted with the Application for approval of a Final Plat indicate a need for the construction of one or more retaining walls, a private retaining wall easement showing the location of the retaining wall(s) and the no-build zone shall be dedicated and shown on the Preliminary Plat and the Final Plat.
2. The width of the retaining wall easement shall be 10 feet or the width of the retaining wall (including subsurface elements), whichever is greater, plus the width of the no-building zone, as established by the Applicant's structural engineer and approved by the Director of Public Works or City Engineer.
3. The retaining wall easement shall include a no-building zone extending from the retaining wall on both sides, within which any additional load from future construction would exceed the design capacity of the retaining wall.
 - a. The no-building zone width shall be a minimum of the clear height of the retaining wall.
 - b. No structure (other than the retaining wall), swimming pool, landscaping, or any other feature which adds load to the retaining wall, shall be constructed within the no-building zone.
4. A retaining wall easement shall be located entirely on one lot and shall not straddle property lines unless the wall is constructed within a retaining wall easement dedicated to the Homeowners' or Property Owners' Association in accordance with 3.05.07. F.5 (below).
5. The property owner, or the Homeowner's Association for the subdivision, as applicable, shall be responsible for maintenance of the retaining wall, and a note shall be included to this effect on the Final Plat.”

...

- 2.04 That section 3.05.11 “Retaining Wall Construction” of Subsection 3.05 “Subdivision Design Standards” of Section 3, “Subdivision Regulations” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, “Subdivision Regulations” not specifically amended hereby shall remain in full force and effect without amendment:

“3.05.11 - Retaining Wall Construction

...

C. Building Permit Required

...

2. A retaining wall shall not be constructed in excess of four feet in height unless accompanied with a signed and sealed engineering design along with site specific geotechnical analysis. The height shall be measured from the top of the wall to the bottom of the footer (below grade).

- a. Retaining walls shall have proper fall protection as defined within the Building Code as adopted by the City.
- b. Walls that are anticipated to support a fence (or screen wall) either integrally or separately shall be designed to handle the structural forces of the fence imposed onto the wall. This is irrespective of the height of the wall, one foot (1') high and up.
- c. Subdivision construction plans shall include the engineering design of walls prior to construction release.

...

- 2.05 That section 3.05.12 "Sidewalks" of Subsection 3.05 "Subdivision Design Standards" of Section 3, "Subdivision Regulations" of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, "Subdivision Regulations" not specifically amended hereby shall remain in full force and effect without amendment:

"3.05.12 – Sidewalks

...

- A. Sidewalks and Pedestrian ways are required as part of Subdivision Plat approval to help the City Achieve the following:

...

5. Sidewalks shall be constructed at a minimum width of 5' on all streets unless otherwise directed by the City Engineer.

B. Sidewalk Location and Design" ...

- 2.06 That section 3.05.13 "Streets" of Subsection 3.05 "Subdivision Design Standards" of Section 3, "Subdivision Regulations" of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, "Subdivision Regulations" not specifically amended hereby shall remain in full force and effect without amendment:

3.05.13 – Streets

...

C. Design and Construction

...

5. Street grades shall be established regarding topography, proposed land-use, and the facilities in the area surrounding the land to be subdivided.
 - a. An absolute minimum grade of five tenths percent (0.50%) is required on concrete streets; however, where it is possible, a grade of eight tenths percent (0.80%) shall be provided.
6. Street Name Markers" ...

...

- 2.07 That section 3.05.16 "Drainage and Storm Water" of Subsection 3.05 "Subdivision Design Standards" of Section 3, "Subdivision Regulations" of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 3, "Subdivision Regulations" not specifically amended hereby shall remain in full force and effect without amendment:

“3.05.16– Drainage and Storm Water

...

B. Planning and Construction

...

2. The Developer shall incur the cost of all drainage improvements connected with development of the Subdivision and acceptance of current upstream flows necessary to safely and adequately drain the Subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.
 - a. The 100-year storm must be contained within the street Right-of-Way, underground and/or the drainage easement boundaries. The underground drainage shall conform to the design manual or other ordinance requirements as adopted by the City and contain the fully developed drainage within the storm sewer system.
 - b. Any necessary off-site channel” . . .

...

H. Maintenance

1. All grassed swales should be designed and constructed with four to one (4:1) side slopes that will be gentle enough to allow for easy mowing.
2. **Mowing and maintenance” . . .**

...

2.08 That section 5.02.114 “Director of Public Works” of Subsection 5.02 “Words and Terms Defined” of Section 5, “Definitions” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 5, “Definitions” not specifically amended hereby shall remain in full force and effect without amendment:

...

“114. Director of Public Works. The person(s) so designated by the City Manager to provide oversight for and have responsibility of the City’s Public Works Department. This term shall also include any designee of the Director of Public Works (*i.e.* City Engineer).”

...

2.10 That section 5.02.150 “Flood Plain” of Subsection 5.02 “Words and Terms Defined” of Section 5, “Definitions” of the Unified Development Code of the City of Corinth, Texas is hereby amended to be and read in its entirety as follows, and all other subparagraphs and subsections of Section 5, “Definitions” not specifically amended hereby shall remain in full force and effect without amendment:

...

“150. Flood Plain. The area subject to be inundated by water from the Base Flood one percent (1%) storm event. A fully developed Flood Plain is the area subject to be inundated by water from the one percent (1%) storm event as created from the fully developed land use conditions of the watershed.”

...

SECTION 3
CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances of the City of Corinth 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 or where expressly repealed hereby. 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.

SECTION 4
SEVERABILITY

If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5
SAVINGS

In the event of a conflict between the provisions of this Ordinance and any other regulation or rule prescribed by Charter, another ordinance, resolution or other authorization of the City, the provisions of this Ordinance shall control. Notwithstanding the foregoing, all rights and remedies of the City are expressly saved as to any and all complaints, actions, claims, or lawsuits, which have been initiated or have arisen under or pursuant to such conflicting Ordinance, or portion thereof, on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the conflicting Ordinance shall remain in full force and effect.

SECTION 6
PENALTY

Any person, firm or corporation who 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 an intentional, knowing, reckless or criminally negligent violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7
PUBLICATION/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.

Ordinance No. _____
Page 8 of 8

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CORINTH, TEXAS on this the 5 day of December 2019.**

APPROVED:



Bill Heidemann, Mayor
City of Corinth, Texas

ATTEST:



Kimberly Pence, City Secretary
City of Corinth, Texas

APPROVED AS TO FORM AND LEGALITY:



Patricia A. Adams, City Attorney