

ORDINANCE NO. 19-12-05-46

PLANNING, ENGINEERING, & BUILDING FEE COMPILATION

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS AMENDING THE TITLE XVI “FEE SCHEDULE” OF THE CODE OF ORDINANCES OF THE CITY OF CORINTH AND AMENDING THE CITY OF CORINTH’S COMPREHENSIVE ZONING ORDINANCE, SPECIFICALLY SECTION 2 “ZONING REGULATIONS,” SUBSECTION 2.09 “ZONING DEVELOPMENT REGULATIONS,” SECTION 2.09.02(K)(3) OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH”; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; 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, currently as part of the City’s Tree Preservation ordinance codified as part of the Unified Development Code of the City (“UDC”), the City has adopted a fee that may be paid by a developer of land in lieu of planting replacement trees pursuant Section 2, “Zoning Regulations,” Subsection 2.09 “Zoning Development Regulations” of the UDC; and

WHEREAS, the City wishes to compile all fees into a unified title of the code of ordinances currently codified as Title XVI – Fee Schedule of the Code of Ordinances, including the fee in lieu of planting replacement trees currently codified in Section 2, of the UDC; and

WHEREAS, modification of Title XVI also requires a modification to Section 2, “Zoning Regulations,” Subsection 2.09 “Zoning Development Regulations” of the UDC to reference Title XVI – Fee Schedule; and

WHEREAS, the amount of the fee in lieu of planting replacement trees is not being modified, rather it is being added to the Fee Schedule; and

WHEREAS, the Planning and Zoning Commission and City Council each conducted a public hearing regarding the proposed amendment to Section 2, Subsection 2.09, of the UDC to receive public input regarding the proposed amendment to Section 2, “Zoning Regulations,” Subsection 2.09 “Zoning Development Regulations,” Section 2.09.02 (K)(3), and at such hearings provided the public an opportunity to provide input; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the Section 2, “Zoning Regulations” of the Unified Development Code and Title XVI – “Fee Schedule” of the Code of Ordinances of the City 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 hereby incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the City of Corinth, Texas Code of Ordinances, Title XVI: - “Fee Schedule” is hereby amended to add a designation of Chapter 170, entitled “Planning, Engineering and Building Fees” and to add Section 5, “Fee in Lieu of Replacement Fees” to the “Platting” subdivision of the Fee Schedule, to be and read as follows and all other provisions of Title XVI – “Fee Schedule” not expressly amended hereby shall remain in full force and effect without amendment:

“Title XVI – Fee Schedule.

Chapter 170: Planning, Engineering, and Building Fees”

...

Platting/Engineering:	
1. Subdivision Preliminary Plat	\$100.00 plus \$1.50/lot or \$5.00/acre, whichever is greater, plus 100% of engineering costs
2. Subdivision Final Plat	\$100.00 plus \$1.50/lot or \$5.00/acre, whichever is greater, plus 100% of engineering costs and county filing fees
3. Subdivision Replat	\$100.00 plus \$1.50/lot or \$5.00/acre, whichever is greater, plus 100% of engineering costs and county filing fee
4. Minor Plat	\$100.00 plus 100% of engineering costs and county filing fees
“5. Fee in Lieu of Replacement Trees	\$150 per Caliper Inch”
“6. Engineering Inspections	3% of the valuation of all public and private improvements”

...

2.02. That the City of Corinth’s Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Section 2, “Zoning Regulations,” Subsection 2.09 “Zoning Development Regulations,” Section 2.09.02 (K)(3), is hereby amended to be read in its entirety as follows with all other sections of Subsection 2.09, “Zoning Development Regulations” not specifically amended and hereby remaining in full force and effect:

“2.09.02 Tree Preservation

...

K. Approval of Alternative Compliance

...

3. The fee in lieu of replacement trees may be found in the City’s fee schedule located in Title XVI of the City’s Code of Ordinances.”

**SECTION 3.
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 4.
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 fees 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.

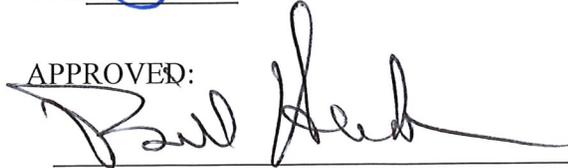
**SECTION 5.
SEVERABILITY**

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 6.
EFFECTIVE DATE**

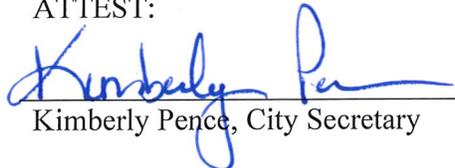
This Ordinance shall take effect upon its passage and publication as required by law. The City Secretary is directed to publish the caption of this Ordinance as required by the City Charter and state law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CORINTH, TEXAS ON THIS 5th day of December 5 2019.

APPROVED: 

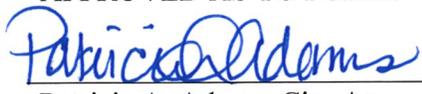
Bill Heidemann, Mayor

ATTEST:



Kimberly Pence, City Secretary

APPROVED AS TO FORM:



Patricia A. Adams, City Attorney