

**ORDINANCE NO. 20-1-23-02**

**FENCE AND SCREENING PERMIT REGULATIONS AMENDMENT**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SUBSECTION 4.02 “FENCE AND SCREENING REGULATIONS”, OF SECTION 4, “SIGN AND FENCE/SCREENING 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 materials fences 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 fences, including without limitation, changes to standards and procedures for appeal; 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 and procedures for fences in the UDC and has determined that the incorporated amendments are appropriate to aid with the placement of fences on a property and ensure their continual maintenance; and

**WHEREAS**, the City has determined that the amendments proposed relating to fences 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 fence 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 4.02 “Fence and Screening Regulations” of Section 4, “Sign and Fence/Screening Regulations” section 4.02.04 “Fence Building Permit” of the UDC is hereby repealed in its entirety and a new section 4.02.04 “Fence Building Permit” of Section 4 of the UDC is hereby adopted to be and read in its entirety as follows.

**“4.02.04. - Fence Building Permit**

- A. Fence Building Permit Required. No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach one (1) sets of plans or provide a digital submittal of the proposed fence or screening wall/fence to include:
1. Building locations and area to be fenced;
  2. Dimensions and description of materials being used;
  3. Intersections of streets, roads, highways, alleys, easements, floodplains, utility lines and driveways with subject property;
  4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
  5. Site and adjacent properties zoning classifications; and
  6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- B. No fee required. Up to twenty (20) feet of fencing per year of an existing fence or screening wall/fence on a single family residential property, as measured by linear foot, may be replaced, removed, or demolished without paying a permitting fee provided that a permit is obtained from the City.
- C. Offense. A person commits an offense if the person intentionally, knowingly or recklessly erects or causes to be erected on his or her property a fence without obtaining a Fence Building Permit as required by this Section and other applicable ordinances of the City. “

2.02. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 4.02 “Fence and Screening Regulations” of Section 4, “Sign and Fence/Screening Regulations” section 4.02.08(D) “Construction Material” of the UDC is hereby repealed in its entirety and a new section 4.02.04(D) “Fence Building Permit” of Section 4 of the UDC is hereby adopted to be and read in its entirety as follows.

**4.02.08. - General Fence Requirements**

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D. Construction Material.

1. Construction material may be wood or simulated wood (excluding landscape timbers, railroad ties or latticework panels), vinyl, tubular metal (meeting the vertical spacing requirement for swimming pool barrier fences), masonry, or chain link (industrial uses only when not visible from a public right of way), except in the case where a screening wall/fence is required.
2. Decorative metal with a solid vegetative screen shall be permitted in industrial districts. Vegetation must provide a solid screen within 2 years of installation.
3. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.
4. Fence Posts must be of either metal construction or wooden construction provided that the wood posts are in compliance with ASTM 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.

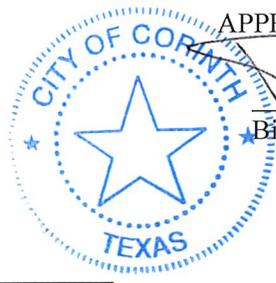
**SECTION 7.  
SEVERABILITY**

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** 23 **th DAY OF** January **2020.**



APPROVED: *[Signature]*

*[Signature]*  
Bill Heidemann, Mayor

ATTEST:

*[Signature]*  
Kimberly Pence, City Secretary

APPROVED AS TO FORM:

*[Signature]*  
Patricia Adams, City Attorney