ORDINANCE NO. 20-06-04-17

TOWER RIDGE PLANNED DEVELOPMENT DISTRICT #56

AN ORDINANCE OF THE CITY OF CORINTH, TEXAS, AMENDING THE CITY'S COMPREHENSIVE PLAN, SPECIFICALLY THE COMPREHENSIVE ZONING ORDINANCE AND THE "OFFICIAL ZONING DISTRICT MAP OF THE CITY OF CORINTH, TEXAS," EACH BEING A PART OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF CORINTH, BY AMENDING THE ZONING CLASSIFICATION FOR THE PROPERTY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN, FROM SF-4, SINGLE FAMILY RESIDENTIAL TO PD-PLANNED DEVELOPMENT ZONING DISTRICT WITH A BASE ZONING DESIGNATION OF SF-4, SINGLE FAMILY RESIDENTIAL ON AN APPROXIMATE 3.691 ACRE TRACT OF LAND SITUATED IN THE E. MARSH SURVEY, ABSTRACT NO. 833 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS, AND IDENTIFIED AS TOWER RIDGE DEVELOPMENT DISTRICT NO. 56 ("PD-56); PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN (EXHIBIT "B"); APPROVING PLANNED DEVELOPMENT LAND USE REGULATIONS (EXHIBIT "C"); PROVIDING FOR A PENALTY NOT TO EXCEED $2,000 A DAY FOR EACH VIOLATION OF THE ORDINANCE AND A SEPARATE OFFENSE SHALL OCCUR ON EACH DAY THAT A VIOLATION OCCURS ON CONTINUES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas, adopted Ordinance No. 13-05-02-08, which established a Unified Development Code of the City, including the Comprehensive Zoning Ordinance and the "Official Zoning District Map of the City of Corinth, Texas," (the "Zoning Map"), in accordance with the City's Comprehensive Plan; and

WHEREAS, the Property, described in Exhibit "A", is zoned as PD-Planned Development zoning district, more specifically identified as Tower Ridge Planned Development District No. 56 ("PD-56"), with a base zoning designation of SF-4, Single Family Residential under the City's Unified Development Code and as designated on the Zoning Map; and

WHEREAS, an authorized person having a proprietary interest in the Property has requested an Amendment to the Comprehensive Zoning Ordinance and the Zoning Map to change the zoning classification of the Property; and

WHEREAS, the City Council and the Planning and Zoning Commission of the City of Corinth gave the requisite notices by publication and otherwise and afforded a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council has determined that the Property has unique characteristics and that zoning through a planned development district is the most appropriate mechanism for zoning the Property, thus an amendment to the Comprehensive Zoning Ordinance and the Zoning Map of the City's Unified Development Code, in accordance with the Land Use Regulations set forth in Exhibit "C", should be approved; and

WHEREAS, the City Council considered the following factors in making a determination as to whether the requested change should be granted or denied: safety of the motoring public and pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and damages; noise producing elements and glare of the vehicular and stationary lights and effect of such lights on established character of neighborhoods; location, and types of signs and relation of signs to traffic control and adjacent property; street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood; adequacy of parking as determined by requirements of this ordinance for off-street parking facilities; location of ingress and egress points for parking and off-street loading spaces, and protection of public health by surfacing on all parking areas to control dust; effect on the promotion of health and the general welfare; effect on light and air; effect on the over-crowding of the land; effect on the concentration of population, and effect on transportation, water, sewerage, schools, parks and other public facilities; and

WHEREAS, the City Council further considered among other things the character of the proposed district and its peculiar suitability for particular use requested and the view to conserve the value of the buildings, and encourage the most appropriate use of the land throughout this City; and

WHEREAS, the City Council finds that the requested Amendment to the Comprehensive Zoning Ordinance and Zoning Map to effect the change in zoning for the Property promotes the health and the general welfare, provides the Property with adequate light and air, prevents over-crowding of land, avoids undue population concentration, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; as well as the general health, safety and welfare of the community;

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
LEGAL PROPERTY DESCRIPTION; AMENDMENT

That Ordinance No. 13-05-02-08, adopting the Unified Development Code of the City of Corinth, ("UDC"), including the Comprehensive Zoning Ordinance that establishes zoning districts in accordance with the City's Comprehensive Plan and the Zoning Map of the City of Corinth, is hereby amended to change the zoning classification on an approximate 3.691 acre tract of land situated in the E. Marsh Survey, Abstract No. 833 in the City of Corinth, Denton County, Texas, legally described in **"Exhibit A"**, attached hereto and incorporated herein (the "Property"), from SF-4, Single Family Residential to a PD-Planned Development zoning district with a base zoning designation of SF-4, Single Family Residential and identified as Tower Ridge Planned Development District No. 56 ("PD-56"), and the Zoning Map of the City is also hereby amended to reflect the new zoning classification for the Property.

SECTION 3.
PLANNED DEVELOPMENT CONCEPT PLAN

The Planned Development Concept Plan for the Property as set forth in **"Exhibit B"**, a copy of which is attached hereto and incorporated herein, is hereby approved.

SECTION 4.
LAND USE REGULATIONS

A. The Zoning and Land Use Regulations set forth in **"Exhibit C"** attached hereto and made a part hereof for all purposes are hereby adopted and shall be adhered to in their entirety for the purposes of this PD-Planned Development zoning district with a base zoning designation SF-4, Single Family Residential. In the event of conflict between the provisions of "Exhibit C" and provisions of any other City zoning regulations, including without limitation the regulations governing the SF-4, Single Family Residential zoning district, the provisions of "Exhibit C" shall control.

B. That the zoning regulations and district herein established have been adopted in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

C. The Planned Development Concept Plan (Exhibit "B") and the Land Use Regulations (Exhibit "C") shall control the use and development of the Property in accordance with the

provisions of this Ordinance, and all building permits and development requests shall be in accordance with applicable City ordinances, the PD Concept Plan and adopted Land Use Regulations. The PD Concept Plan and Land Use Regulations shall remain in effect as set forth herein unless amended by the City Council.

If a change to the Concept Plan, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development and shall be subject to the Unified Development Code's conditions for approval.

SECTION 5.
PENALTY FOR VIOLATIONS

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 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.
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 8.
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 for the Property 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 9.
EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CORINTH THIS _____ DAY OF JUNE 2020.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Lana Wylie, Interim City Secretary

CITY OF CORINTH
TEXAS

APPROVED AS TO FORM:

Patricia Adams, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a tract situated in the E. Marsh Survey, Abstract No. 833, City of Corinth, Denton County, Texas, being part of the tract described to David Reed and Karla A. Dorman, recorded in Volume 1116, Page 333, Deed Records, Denton County, Texas, the subject tract being more particularly described as follows:

BEGINNING at a 1/2 inch rebar with cap stamped "G&A" found at the southeast corner of the herein described tract, same being the southwest corner of the tract described in the deed to the City of Corinth, recorded in Document Number 2008-90911, Deed Records, Denton County, Texas;

THENCE with the perimeter and to the corners of said Dorman tract, the following calls:

1. NORTH 89 degrees 49 minutes 26 seconds WEST, a distance of 298.15 feet to an aluminum disc with illegible markings found;
2. NORTH 01 degrees 07 minutes 11 seconds WEST, a distance of 527.01 feet to the northwest corner of said Dorman tract, from which a fence post found bears NORTH 01 degree EAST, 1.62 feet;
3. SOUTH 89 degrees 45 minutes 32 seconds EAST, a distance of 309.50 feet to a 1/2 inch rebar with cap stamped "G&A" found at the northwest corner of said City of Corinth tract;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 22 minutes 04 seconds EAST, a distance of 339.43 feet to a 1/2 inch rebar with cap stamped "G&A" found;

THENCE with the west line of said City of Corinth tract, SOUTH 00 degrees 59 minutes 47 seconds WEST, a distance of 187.13 feet, returning to the **POINT OF BEGINNING** and enclosing 3.691 acres (160,780 square feet) of land, more or less.

EXHIBIT "B"
CONCEPT PLAN

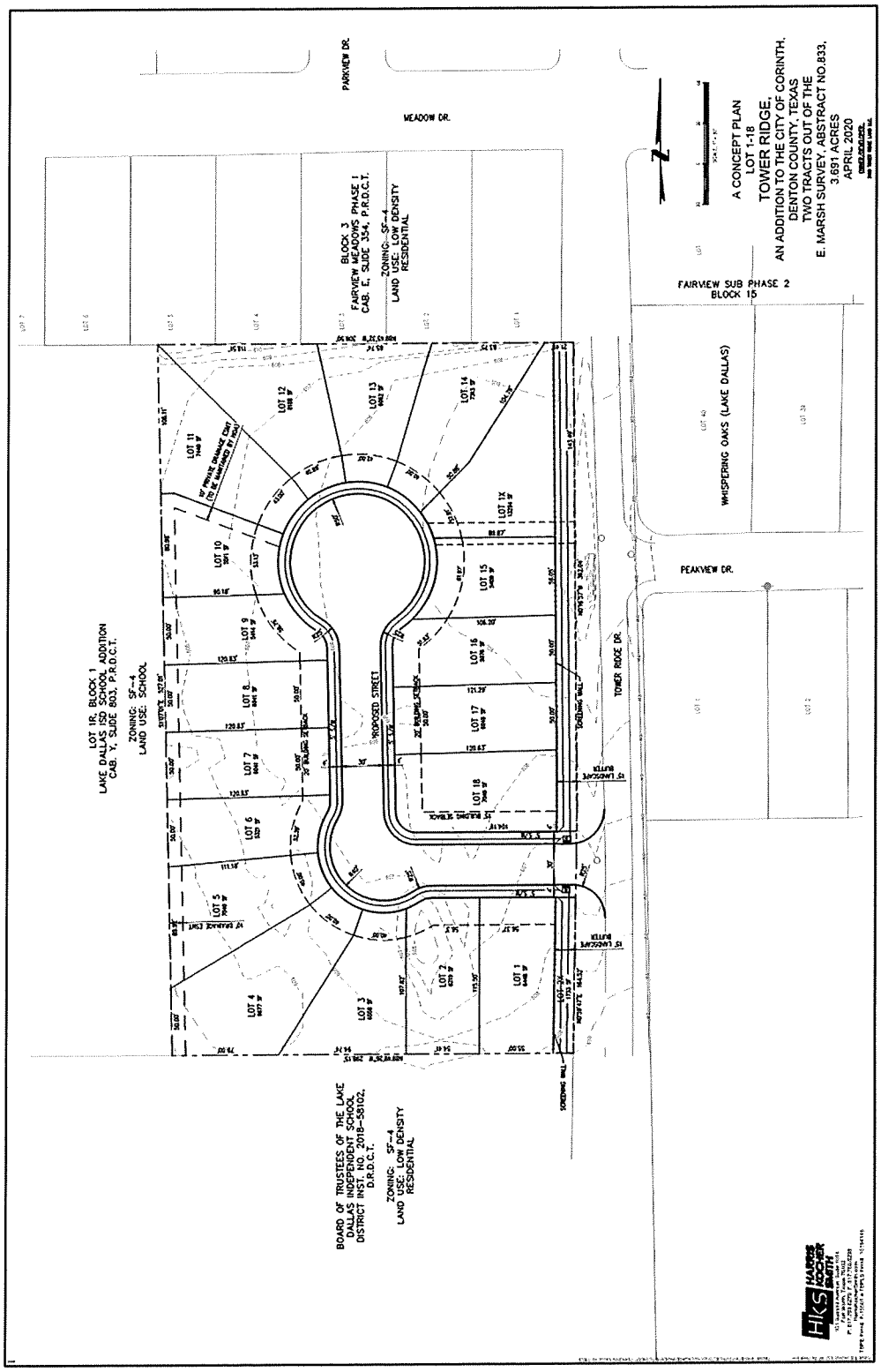

EXHIBIT "C"
LAND USE
REGULATIONS

SECTION 1: REGULATIONS

A. **Base District:** The current SF-4, Single Family Residential District regulations of the Corinth Unified Development Code, as amended, shall apply except as modified herein.

SECTION 2: LOT REGULATIONS:

Lot Regulations:

- Minimum Front Yard Setback – 20'
- Garage Setback – 20'
- Minimum Lot Area – 5,000 sf
- Minimum Lot Width – 50' minimum (40' along front building line for cul-de-sac and eyebrow lots)
- Minimum Lot Depth – 100 feet (85 feet for cul-de-sac and eyebrow lots)
- Maximum Building Area (all buildings) – 45%

SECTION 3: BUILDING MATERTIAL STANDARDS:

Building Material Standards: The combined percentage of exterior facades on each residential structure shall not be less than 95% fired brick and fired brick veneer, natural and manufactured stone, granite, and marble, and shall include fiber cement siding that is not a stucco material or like a stucco material, not to exceed 70% for the combined percentage of exterior facades as defined by the American Society for Testing and Materials (ASTM) Standards.