



PLANNING AND ZONING COMMISSION

CITY OF CORINTH, TEXAS

3300 CORINTH PARKWAY, CORINTH, TEXAS

REGULAR SESSION

**MONDAY, FEBRUARY 25, 2019 – 7:00 P.M.**



\* \* \* \* PUBLIC NOTICE \* \* \* \*

**NOTICE OF THE CITY OF CORINTH  
PLANNING AND ZONING COMMISSION  
REGULAR SESSION  
MONDAY, FEBRUARY 25, 2019 AT 7:00 P.M.  
CITY HALL – 3300 CORINTH PARKWAY**

**AGENDA**

- I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:**
- II. PLEDGE OF ALLEGIANCE:**
- III. CONSENT AGENDA:**
  - A. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting on January 28, 2019.
- IV. DIRECTOR'S REPORT:**
  - A. Report on City Council meeting items from the preceding City Council meetings.
- V. AGENDA:**
  - A. The Planning & Zoning Commission will conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations, Subsection 4.02: Fence and Screening Regulations.
    1. Staff Presentation
    2. Public Hearing (Open and Close)
    3. Response by Staff
    4. Take Action
  - B. The Planning & Zoning Commission will conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.08: Zoning Dimensional Regulations, 2.08.04 Zoning Dimensional Regulations Chart.
    1. Staff Presentation
    2. Public Hearing (Open and Close)
    3. Response by Staff
    4. Take Action
  - C. The Planning & Zoning Commission will conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.07: Zoning Use Regulations, 2.07.07 Accessory Buildings and Uses.
    1. Staff Presentation
    2. Public Hearing (Open and Close)
    3. Response by Staff
    4. Take Action

D. The The Planning & Zoning Commission will conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.10: Zoning Procedures, 2.10.04 Zoning Text and Map Amendments and 2.10.05 Public Hearings and Notification Requirements for Zoning Related Applications.

1. Staff Presentation
2. Public Hearing (Open and Close)
3. Response by Staff
4. Take Action

**VI. ADJOURNMENT:**

**EXECUTIVE SESSION**

As authorized by Section 551.071(2) of the Texas Government Code, this meeting may be convened into closed session for the purpose of seeking confidential legal advice of the City Attorney on any Agenda Item listed herein.

As a majority of Council Members of the City of Corinth may attend the above described meeting, this notice is given in accordance with Chapter 551 of the Texas Government Code. No official action will be taken by the City Council at this meeting.

I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Corinth, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: Friday, February 22, 2019 at **12:00** p.m.



Patrick Hubbard  
Development Coordinator & Planning  
and Zoning Commission Secretary  
City of Corinth, Texas

**2/22/2019**

Date of Notice

Corinth City Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 940.498-3200, or fax 940.498-7505 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**BRAILLE IS NOT AVAILABLE**



**Planning & Development Services**  
City of Corinth, Texas

**Memorandum**

To: **The Corinth Planning and Zoning Commission**  
From: Helen-Eve Liebman, AICP, Planning and Development Director  
Meeting Date: February 25, 2019  
Re: Director's Report

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THE FOLLOWING ITEMS WERE CONSIDERED AT THE FEBRUARY 21, 2019 CITY COUNCIL MEETING:

**Millennium Planned Development Amendment:** Conducted a public hearing to consider testimony and take action upon a rezoning request for an approximately 24.197 acre tract of land to amend the PD, Planned Development District for the Millennium Mixed Use Development. The property is situated in the H. Garrison Survey, Abstract Number 507, City of Corinth, Denton County, Texas and generally located at the northeast corner of IH35 and Dobbs Road.

**Balloon Signs:** Conduct a public hearing to consider testimony and take action upon an amendment to the City's Unified Development Code, Section 4-Sign and Fence Screening Regulations, Subsection 4.01 sign regulations to amend the City's regulations on inflatable "balloon" signs.

**Tree Preservation:** Conducted a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.09: Zoning Development Regulations, 2.09.01 Landscaping Regulations, and 2.09.02 Tree Preservation.

**Adoption of 2018 Construction Codes:** Considered and acted on Amending the Corinth Code of Ordinances, Chapter 150, Adopting the 2018 International Construction Codes with Local Amendments, Standards, Certain Appendices; Including the Building Code; Residential Building Code; Fire Code; Plumbing Code; Fuel Gas Code; Mechanical Code; Energy Code; Existing Building Code; Fire Code; Property Maintenance Code and the 2017 National Electrical Code.

**Change of Speed Limit on FM 2499:** Considered and acted on an Ordinance to amend the prima facie speed limit of FM 2499, within the City of Corinth, to 45 mph.

THE FOLLOWING ITEMS ARE GENERAL ANNOUNCEMENTS:

**Focus North Texas 2019:** The Focus North Texas event was well attended and very informative. Two Planning and Zoning Commission members (Wade May and Lindsey Baker) attended the event along with four members of City Staff (Brett Cast, Patrick Hubbard, Ben Rodriguez and Helen-Eve Liebman).

**Annual Boards & Commissions Appreciation Dinner:** The Annual Boards & Commission Appreciation Dinner will be held Thursday, April 25, 2019 at Global Spheres.

**Community Service Day:** The Denton Morning Rotary Club and the Thousand Hills Church are in the planning stages of having a Community Service Day for May 18, 2019. They are soliciting projects and seeking volunteers to carry out projects on this day. Please reach out to city staff if you are interested in participating and we will provide you with more information.

On this the 28<sup>th</sup> day of January, 2019, the Planning and Zoning Commission of the City of Corinth, Texas, met in a Regular Session at Corinth City Hall, located at 3300 Corinth Parkway, Corinth, Texas. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members, to wit:

**I. CALL TO ORDER, ROLL CALL AND ANNOUNCE A QUORUM PRESENT:**

**Meeting Called to Order by Brian Rush at 7:00PM**

**Roll Call was Conducted by Brian Rush at 7:00PM**

**Members Present**

Brian Rush  
Bruce Hanson  
Wade May  
Lindsey Baker  
Robert Pace

**Members Absent**

William Davis

**II. PLEDGE OF ALLEGIANCE:**

**Pledge of Allegiance was Recited**

**III. CONSENT AGENDA:**

- A. Consider and act upon approval of minutes from the Planning and Zoning Commission Meeting on November 12, 2018.

**Lindsey Baker** stated that she would like to the minutes to be amended stating that she did not vote on the minutes in the previous meeting because she was not present at the meeting to which the minutes pertained.

**Brian Rush** noted that reflecting her as not voting would not result in the loss of a quorum.

**Motion Made** by Lindsey Baker to approve the minutes with the amendment that Lindsey Baker be show to have not voted on the previous meeting's minutes.

**Seconded** by Wade May

**5-0 All in favor:**

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, Robert Pace  
Nays: None  
Not Voting: None  
Absent: William Davis

**MOTION TO APPROVE AS AMENDED PASSES**

**IV. DIRECTOR'S REPORT:**

- A. Report on City Council meeting items from the preceding City Council meetings.

**Helen-Eve Liebman, Director of Planning and Development**, stated that the City Council had approved the 2 subdivision waivers for the Motel 6 and the Trails at Shady Rest. City Council adopted the Strategic Plan which is available on the city website and staff will provide commissioners a paper copy upon request. All lightbulbs in City Hall will be replaced with LED. Julie Fort, from the City Attorney's office will be in attendance at Planning and Zoning Commission meetings. Focus North Texas is planned for February 8<sup>th</sup> and some commissioners have RSVP'd. Any others that would like to attend should let staff know and staff can sign them up.

**V. AGENDA:**

- A. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon A rezoning request for an approximately 24.197 acre tract of land To amend the PD, Planned Development District for the Millennium Mixed Use Development. The property is situated in the H. Garrison Survey, Abstract Number 507, City of Corinth, Denton County, Texas and generally located at the northeast corner of IH35 and Dobbs Road. (Millennium PD Amendment)
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez, Planning Manager**, presented the item. He showed the site and the concept plan for the two apartment buildings constructed at the Millennium site. He explained the upcoming construction and proposals at the site. This proposal is to revise the PD in order to address the eventual alignment of Dobbs Rd, amend parking standards by not requiring the developer to park the kitchen areas of the property. Staff believe that the shared parking available at the mixed-use site as a whole can accommodate the property.

In addition, the zoning would be amended to not require the hotel to provide separate parking for the conference area believing that this parking is redundant because many of the users of the conference area are likely hotel guests and because eliminating some parking will allow for more open space along the water feature at the site. In addition to making these changes, the developer is seeking to have their universal sign plan approved along with the development regulations. This will allow the project to reach completion without needing to come before the commission in the future. Ben presented images of the sign plan.

Lastly, the developer is proposing changing the requirement that before the second structure can receive a certificate of occupancy, the developer must receive a certificate of occupancy for a minimum 15,000sq.ft. of retail space to allow the applicant to receive a certificate of occupancy upon issuance of a building permit for the 15,000sq.ft of retail. He believes that this was intended to ensure that the developer actually built the proposed commercial elements of the plan. At this time, the applicant has made substantial progress in pursuing the commercial components of the plan. This will allow the applicant to use the building during the 8-10 months of construction time.

**Wade May** sought clarification about buildings shown on the concept plan changing from standalone to shared.

**Ben Rodriguez** explained that the concept plan is subject to change on some of the finer details.

**Wade May** sought clarification on how the developer is accommodating landscaping given the reduction in landscaping following the reconfiguration of the large commercial building into smaller buildings.

**Brian Rush** asked how this agenda item related to the other items on the agenda.

**Ben Rodriguez** explained that it does not relate directly to the other items on the agenda.

**Doug Powell, G&A/McAdams**, spoke as a representative of the applicant. Explained that, as this large project has progressed, the applicant is now seeking to make some adjustments and this is the purpose of these amendments. Stated that the buildings shown in the front of the development are likely to change with the upcoming site plan. He thinks this plan reflects more realistic expectations for parking. This proposal retains the essence of the original approved planned development.

**Public Hearing Opened and Closed at 7:23PM**

**Motion Made** by Robert Pace to recommend approval as presented

**Seconded** by Lindsey Baker

**Bruce Hanson** asked what would normally be required for parking for a hotel and conference room and what size conference room that they are proposing.

**Ben Rodriguez** stated that they would need one space per room and once space per three conference room seats. They are proposing 80 seats.

**5-0 All in favor:**

Ayes:	Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, Robert Pace
Nays:	None
Not Voting:	None
Absent:	William Davis

**MOTION TO RECOMMEND APPROVAL PASSES**

- B. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.09: Zoning Development Regulations, 2.09.01 Landscaping Regulations, and 2.09.02 Tree Preservation.
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez** presented this item. He stated that staff is proposing two items related to landscaping. The first is to provide a landscape buffer between screening walls and adjacent thoroughfare. This helps to mitigate the "canyon" feel of driving down a street with only a little grass area and walls on both sides. He presented images of examples. The second component of the proposal would require that the number of trees on a lot scales with the size of the lot. The current requirements work well for smaller lots but larger lots may look bare. Applicants will be required to place at least one tree in the front. In addition, staff are proposing the allowance of crushed granite in commercial areas, particularly in parking lot areas where grass may be trampled. This helps to provide a clean looking appearance on these areas. The final part of this item is a proposed amendment to the tree mitigation standards. Current standards require mitigation on trees over six caliper inches on a per caliper inch basis. This standard can be burdensome on small lots covered with trees and the cost of tree mitigation is greater than the value of the land. Staff are allowing for a tree mitigation waiver. The code provides no consideration for the physical lack of land to place trees. The applicant would be able to apply to City Council to pay fees in lieu or to contribute to forestry in city parks. Current code requires applicants to receive quotes on tree replacement. Staff are proposing switching to a flat fee per caliper inch. Staff produced a comparison chart and placed Corinth's fee near the average. Staff is requesting approval as requested.

**Brian Rush** asked for clarification on tree survey requirements.

**Ben Rodriguez** stated that current standards require that a tree survey be made but do not specify who must complete it. Staff would like to specify that a certified arborist or landscape architect provide those tree surveys.

**Bruce Hanson** asked for clarification on where perimeter landscaping would apply within our Future Land Use Plan.

**Ben Rodriguez** spoke about the future extension of Parkridge between Lake Sharon and Church. In addition, the southern portion of Parkridge.

**Bruce Hanson** asked how the tree mitigation works currently.

**Ben Rodriguez** states that applicants are required to replace trees on site or plant trees in public parks. However, the city does not have space to accommodate additional trees. This allowance for a fee in lieu provides an option for the city and the applicant in use of the funds outside of tree replacement and provides an economic hardship component.

**Bruce Hanson** asked if we have a current method of paying fees in lieu.

**Ben Rodriguez** we do but it requires taking quotes from a nursery and the city to validate those quotes. In addition, the city is required to provide a list of approved nurseries and there is unclear how the nurseries are selected.

### **Public Hearing Opened and Closed at 7:40PM**

**Motion Made** by Wade May to recommend approval as presented

**Seconded** by Robert Pace

### **5-0 All in favor:**

Ayes:	Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, Robert Pace
Nays:	None
Not Voting:	None
Absent:	William Davis

### **MOTION TO RECOMMEND APPROVAL PASSES**

- C. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.
  - 1. Staff Presentation
  - 2. Applicant Presentation
  - 3. Public Hearing (Open and Close)
  - 4. Response by Applicant
  - 5. Response by Staff
  - 6. Take Action

**Ben Rodriguez** presented the item. This item is very similar to the previous item. While the previous item addresses landscaping, this addresses the actual fences. This would require that a home owners association is required to preserve required retaining walls, rather than individual home owners. This is a concern locally but has also been observed in other cities such as Plano where older retaining walls are breaking and it is difficult to hold anyone accountable or to provide funds to make repairs because ownership was left to individual owners. In addition, staff are requiring the inclusion of visibility triangles on rear entry garages to provide visibility for cars backing out without overly impacting rear yard sizes. Staff is also proposing the removal of chain link as an acceptable building material in industrial zoning. Finally, staff would like to move the authority to grant fence variances from the Planning and Zoning Commission to the Zoning Board of Adjustments, which would be the legally correct process.

**Wade May** asked if this is intended to be for residential primarily and if it is intended for new development or existing developments.



**Ben Rodriguez** this is intended for residential and for new developments or repairs.

**Wade May** asked how this would be enforced.

**Ben Rodriguez** stated that it would be required at the permitting stage.

**Wade May** clarified that this would require residents to give up a portion of their yard due to safety concerns and how this amendment became an issue of concern.

**Ben Rodriguez** stated that this is correct and stated that, while we do not have any alleys now, staff would like to prepare for the possibility of rear entry units in the future in order to maintain a more aesthetically pleasing front façade.

**Wade May** expressed concern about applying restrictions on the usable area of yards but acknowledged the legitimacy of the safety concern.

**Bruce Hanson** asked why chain link should be removed and where it is allowed.

**Ben Rodriguez** stated that most of the Metroplex has moved away from chain link for aesthetic purposes. He stated that a large developer could pursue this with a planned development but might be expected to provide additional landscaping. It is currently only allowed in industrial areas and most developers nowadays prefer to install decorative metal fencing over chain link.

**Brian Rush** asked if this would effectively require subdivisions to establish a home owners association.

**Ben Rodriguez** stated that this is possible and that the city has some measures in place that effectively require the creation of a home owners association such as open space requirements. He stated that the city does not want to take on the unfunded liability of maintaining retaining walls in perpetuity.

**Brian Rush** stated that he does not like the idea of requiring a home owners association. In addition, in some cases in the past home owners associations that are supposed to be formed were not formed.

#### **Public Hearing Opened and Closed at 7:57PM**

**Motion Made** by Robert Pace to recommend approval as presented

**Seconded** by Lindsey Baker

**Bruce Hanson** stated opposition to eliminating chain link in industrial areas because this type of fence is appropriate for industrial areas. Stated that the city has no alleys. He stated that if developers are required to put streets in or pay fees for streets, the same idea should apply to parks and to fences. In addition, he believes that the city currently maintains buffers between walls and streets.

**Ben Rodriguez** stated that the City only maintains public right-of-way and that many of these lots are not realistically accessible or used by the general public. In addition, the city has other requirements such as facades and driveways that the city may require but that the city does not require you to maintain.

**Bruce Hanson** stated that he cannot support this proposal in its current form.

**Wade May** stated that several elements of this proposal need to be revisited including the alley provision, fence screening and HOA requirements.

#### **1-4 Split Vote:**

Ayes: Lindsey Baker  
Nays: Brian Rush, Bruce Hanson, Wade May, Robert Pace  
Not Voting: None  
Absent: William Davis

#### **MOTION TO RECOMMEND APPROVAL FAILS**

**Motion Made** by Bruce Hanson to continue public hearing until February 25, 2019 to allow staff time to review the proposal

**Seconded** by Wade May

#### **5-0 All in favor:**

Ayes: Lindsey Baker, Brian Rush, Bruce Hanson, Wade May, Robert Pace  
Nays: None  
Not Voting: None  
Absent: William Davis

#### **MOTION TO CONTINUE PUBLIC HEARING UNTIL FEBRUARY 25, 2019 PASSES**

- D. The Planning & Zoning Commission will conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.01: Sign Regulations
1. Staff Presentation
  2. Applicant Presentation
  3. Public Hearing (Open and Close)
  4. Response by Applicant
  5. Response by Staff
  6. Take Action

**Ben Rodriguez** presented the item. We have received several requests to allow for a balloon sign. We have no allowance for these signs presently. Staff developed this proposal based on comparison cities within the Metroplex which was presented to City Council. This proposal models the City of Plano standard, which allow inflatable signs for two fourteen day periods per twelve months. These times could be used concurrently, with no more than one unit per business, could not be moving and must be ground mounted. Staff recommends approval.

**Wade May** based on the restrictions, where could a sign be placed. Also, height is restricted to twenty-five feet and cannot protrude above the roof line but this height seems higher than a single family structure.

**Ben Rodriguez** on a piece of grassy ground or in a parking space if the site is over parked. The height issue can be reassessed.

**Brian Rush** asked if the dealership was in violation with its previous sign.

**Ben Rodriguez** no because it was considered a grand re-opening and is allowed in that case.

#### **Public Hearing Opened and Closed at 8:20PM**

**Motion Made** by Bruce Hanson to Recommend Approval with the Amendment that Language be Amended to Prohibit Building on The Roof but Take out the Limitation that it Not Be Higher than the Roof Line.

**Seconded** by Wade May

**Bruce Hanson** stated that he does not necessarily have an issue with a height restriction but would rather not have a restriction on height and instead simply restrict it from being placed on a roof.

**5-0 All in favor:**

Ayes: Brian Rush, Bruce Hanson, Wade May, Lindsey Baker, Robert Pace  
Nays: None  
Not Voting: None  
Absent: William Davis

**MOTION TO RECOMMEND APPROVAL AS AMENDED PASSES**

**VI. ADJOURNMENT:**

**Meeting Adjourned by Brian Rush at 8:26PM**

**MINUTES APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.**

\_\_\_\_\_  
Brian Rush, Planning and Zoning Commission Chairman

\_\_\_\_\_  
Patrick Hubbard, Development Coordinator



## Memorandum

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: February 25, 2019  
Re: Residential subdivision screening.

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### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon a proposed amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.

### **Background Information:**

Staff is proposing amendments to the City's Screening and Fencing requirements. The changes to the City's Screening and Fencing requirements are to specify that required perimeter screening for residential developments be placed within the required landscape edge and directly adjacent to the thoroughfare and the residential lot or internal street. At the planning and Zoning Commission Meeting On January 28, 2019 the Commission continued the public hearing of the item to allow staff additional time to research ownership and maintenance responsibilities for the walls.

Following this research staff is proposing two options for developers to choose from when constructing the required masonry screening walls.

1. Place the wall in a lot owned and maintained by the home owners association "HOA".
2. Place the wall on the property line on the residential lot adjacent to the landscape buffer.  
With maintenance responsibility falling on the homeowner.

This provides flexibility for developers to choose whether or not to make these the responsibility of the HOA, if one exists on the development.

The intent of this change is to provide an area of green space between the sidewalk and masonry screening walls required for the perimeter of residential subdivisions. Staff is hopeful that this will help mitigate the "canyon effect" while driving down the road between screening walls.

Staff is also proposing the addition of a five foot by five foot "5ftx5ft" visibility triangle for back yard fences on alley served lots. The intent of this visibility triangle is to allow for additional visibility for residents backing out of their driveways into the alley.

Additionally, Staff is proposing the removal of chain link as an allowed fencing material for industrial uses as well as making minor grammatical changes.

Finally, staff is proposing amendments so that our Code will comply with state law. Currently our code states that any fence variance requests will go before the Planning and Zoning Commission for approval. However, only a City's Zoning Board of Adjustment has the legal authority to grant variances. The proposed language corrects this oversight.

**Supporting Documents:**

- Proposed amendment

**Staff Recommendation:**

Staff recommends approval as presented.

## **Subsection 4.02. - Fence and Screening Regulations**

### **4.02.01. - Purpose**

- A. General The requirements set forth in this Subsection 4.02 Fence and Screening Regulations are intended to promote safety; protect the character and stability of residential, commercial, and industrial areas; to conserve the value of land, buildings, and neighborhoods, and enhance the aesthetic and visual image of the City.
- B. Compliance The construction, modification and maintenance of fences shall comply with the requirements of the City Code of Ordinances.

### **4.02.02. - Applicability**

- A. These regulations shall be applicable to:
  - 1. All new development, and
  - 2. Any proposed building remodeling, alteration, addition, or expansion which either:
    - a. Increases the current appraised value of the existing structure (excluding the value of the land), or
    - b. Increases the overall square footage of any existing structure by thirty percent (30%) or more.

### **4.02.03. - Fence Regulation Definitions**

For the purpose of this Subsection 4.02, certain terms, words and phrases are defined as follows:

- A. Agricultural Use Land Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops; grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.
- B. Fence An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- C. Masonry Brick, stone, pre-cast concrete, poured-in-place concrete, and split-face concrete masonry unit unless otherwise prohibited by this Subsection 4.02.
- D. Nonconforming Fence Any fence lawfully existing or approved for construction prior to the date of this UDC that fails to conform to the present requirements of this Subsection 4.02.
- E. Residential A single family and/or a multi-family dwelling.
- F. Screening A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

### **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 four (4) sets of plans 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 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. Exception to Permitting Requirements Up to fifty percent (50%) 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 submitting an application and plans. This exception may only be applied once per two (2) years for the entire single family residential property.
- C. Offense A person commits an offense if the person erects or causes to be erected on his or her property a fence without a Fence Building Permit.

#### **4.02.05. - Fence Building Permit Expiration**

- A. Expiration Every Fence Building Permit issued by the Building Official under the provisions of this Subsection 4.02 shall expire if the building or work authorized by such permit is not commenced within one hundred eighty (180) calendar days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) calendar days at any time after the work is commenced.
1. Before such work can recommence, a new Fence Building Permit meeting the current regulations shall be obtained, and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.
  2. In order to renew action on a Fence Building Permit after one year, the permittee shall pay a new full permit fee.
- B. Extension Any permittee holding an unexpired Fence Building Permit may apply for an extension of the time within which work may commence.
1. The Building Official may extend the time for action by the permittee for a period not exceeding 180 calendar days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
  2. No Fence Building Permit shall be extended more than once.

#### **4.02.06. - Suspension or Revocation of a Fence Building Permit**

The Building Official may, in writing, suspend or revoke a Fence Building Permit issued under the provision of this Subsection 4.02 whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation, or any of the provisions of this Subsection 4.02.

#### **4.02.07. - Fence Variance**

Any Applicant for a Fence Building Permit whose request is denied by the Building Official for noncompliance with this Subsection 4.02, or whose permit is suspended or revoked, may (within thirty (30) business days from the date of written notification) appeal such decision via a Fence Variance to the ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments**.

- A. Authority and Public Hearing
1. The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may grant a Fence Variance from the requirements of this Section in accordance with this Section.

2. The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may grant a Fence Variance following a public hearing by an affirmative vote of a majority of the members present and voting on the matter.
- B. Fence Variance Grounds or Reasons
1. The Applicant for a Fence Variance shall file an Application that specifically describes the grounds or reasons upon which the Fence Variance request is based.
  2. The Applicant shall provide exhibits showing the proposed elevations and materials for the alternative fencing and shall be shown on the Site Plan or if no Site Plan is required then at the time of building permit application.
- C. Fees and Sign Posting for Fence Variance At the time the Fence Variance application is filed, the Applicant shall pay a fee as set forth in the City's Fee Schedule to defray the costs of handling and processing the Application.
1. This fee shall not be refundable regardless of the disposition of the Application.
  2. The Applicant shall ~~cause~~ **erect and maintain** a sign noticing the public hearing ~~to be placed and maintained~~ on the property.
  3. The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing or any other official action concerning such Fence Variance.
- D. Mailed Notice to Property Owners Notice shall be sent by United States mail, first class postage, not less than 10 calendar days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the City) whose property abuts any portion of the boundary of the property where a fence is to be erected and for which a Fence Variance has been requested.
- E. Finding of Unreasonable Hardships
1. In order to grant a Fence Variance, the ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** must find that unreasonable hardships or difficulties may result from strict enforcement of these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal.
  2. The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may approve variances to the regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations.
- F. Specific Terms and Conditions The ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** may require specific terms and conditions applicable to the approval of the Fence Variance.
- G. Time Limitations No other Fence Variance of like kind relating to the same building or proposed building, shall be considered or acted upon by the ~~Planning and Zoning Commission~~ **Zoning Board of Adjustments** for a period of six (6) months subsequent to the denial.

#### **4.02.08. - General Fence Requirements**

- A. Primary Use Exists
1. Fences, except silt or erosion-controlling types, shall not be constructed, erected, or installed on a lot unless the primary use/facility have been constructed.
  2. Temporary construction fences shall not be allowed on residentially zoned properties longer than sixty (60) calendar days after issuance of a Certificate of Occupancy.
- B. Height Maximum No fence shall exceed eight (8) feet in height measured from the finished grade of the lot or property upon which the fence is being erected, except as otherwise provided for in this Section.



C. Placement

1. Fences may be placed up to the property line except when deemed physically impractical by the property owner and the Director of Planning.
2. If a fence is offset from the property line, provisions shall be made to prevent vegetation from growing between any existing fence and the new fence.

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 or as otherwise provided), except in the case where a screening wall/fence is required.
2. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.

E. Visibility and Safety

1. Fences constructed on corner lots shall conform to the corner public open space easement (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
2. Fences along winding streets may be prohibited by the Building Official if deemed that the structure materially obstructs visibility for vehicular traffic.

F. Fence Gate All fences shall have a minimum of one gate for emergency ingress and egress.

G. Property Owner's Expense and Responsibility

1. In the event any construction or landscaping on the easement requires removal in whole or in part for service access purposes, the same shall be replaced or repaired at the sole expense of the property owner; the City or any utility or other company duly authorized to install lines or equipment within such easement, shall not be held liable for damages.
2. All Applicants shall be responsible for calling the affected utilities for line locations (i.e., "Dig Test") before constructing a fence across any easement.

H. Fences Installed within an Easement For ease of access for service purposes, any fence installed within an easement of the City shall provide a gate or panel with an opening of not less than ten feet (10') in width when opened or removed, unless waived by the Director of Public Works.

I. Drainage Easements and Floodways

1. Fences may cross drainage easements, but shall not cross nor encroach into any Floodway nor obstruct or in any way hinder the safe transfer of water through drainage easements or drainage ways.
2. The City shall have the right to remove fences that encroach into a drainage easement and any other easements in a manner that interfere with the predominant use of that easement.

J. Hazardous Fence No fence shall be erected or permitted to remain when deemed by the Building Official or his/her authorized representative to be hazardous to the health, safety, and welfare or the general public.

K. Hazardous Fences in High Density Areas

1. Residential Areas In residential areas with one or more dwellings per acre, no barbed wire, glass imbedded, spiked, electrified, or any other fence deemed hazardous to the health, safety, and welfare of the general public shall be permitted.
2. Commercial and Industrial Areas. In commercial and industrial areas, fences with barbed wire along the top portion are permitted, provided the fences exceed eight (8) feet in height.

L. Any Vertical Element of the Fence Not including fence posts, wooden or tubular metal pickets or similar elements of the fence shall extend from one inch (1") above grade to the top of the fence.

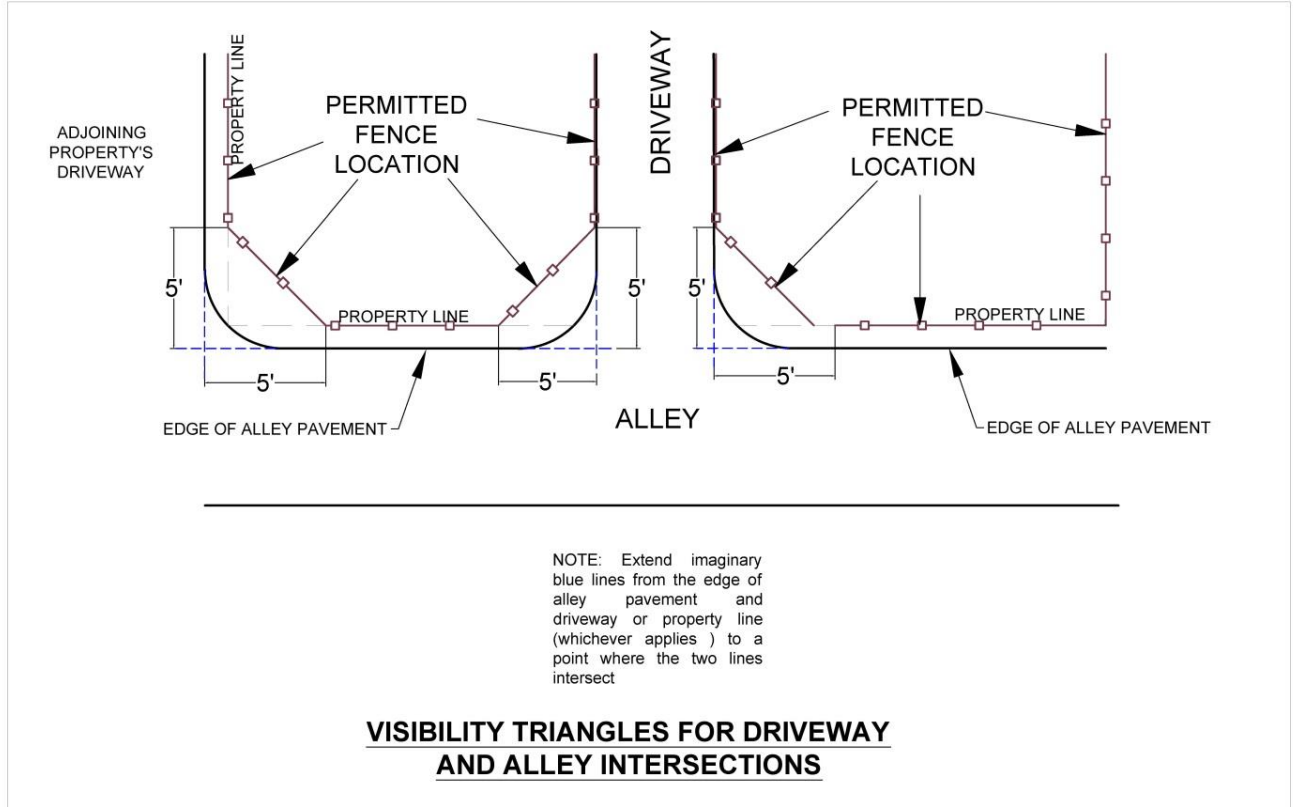
#### **4.02.09. - Agricultural Fences**

- A. Compliance and Exception Lots or parcels of land zoned Single Family having a land area of three (3) acres or more and being developed with one single family residence or single family-zoned land having an established agricultural use as defined herein shall comply with the provisions of this UDC, except for the construction of cross-fencing interior to the lot or parcel.
- B. Perimeter Fencing Materials In addition to the permitted fencing materials listed in 4.02.08. General Fence Requirements, properties described in 4.02.09. A above, may also use pipe and cable, wire fence, and sucker rod pipe for perimeter fencing needs.
- C. Interior Cross-fencing Materials In addition to the fencing materials permitted in 4.02.09. B above, properties described in 4.02.09. A above may also use the following types of fencing for interior cross-fencing needs: T-posts and electric fence meeting the minimum specifications of the Underwriters' Laboratory and installed in accordance with the National Electric Code adopted by the city and ElectroBraid™ or similar product (i.e., braided fabric and wire combination affixed to posts that are attached to a low-voltage regulator).
- D. Pre-Existent Fences In cases where there are fences on lots or parcels of land as described in 4.02.09. A above, constructed on or before May 15, 2002, and the fences do not comply with the provisions of this UDC at the time of its adoption, said fences shall be allowed to continue to exist until:
  - 1. They are deemed injurious to the health, safety and welfare of the general public;
  - 2. They are destroyed or fifty percent (50%) or more damaged; or
  - 3. The land is sold and/or further subdivided and developed.

#### **4.02.10. - Residential Fences**

- A. Fence Construction
  - 1. Fences that are erected abutting streets, parks, trails, Denton County Transit Authority (DCTA) trails, public property may be constructed of wood or simulated wood (with horizontal members facing the interior yard) or tubular metal, meeting the vertical spacing requirement for swimming pool barrier fences.
    - a. Where a tubular metal fence is in place, a wood fence may not be constructed along streets immediately behind the tubular metal fence.
  - 2. Fences that are erected abutting property used for open space or agricultural use may be constructed of wood or simulated wood (with horizontal members facing the interior yard), or tubular metal meeting the vertical spacing requirement for swimming pool barrier fences.
  - 3. All residential fences shall be constructed with the finished surface (i.e., the smooth side) facing outward from the property. The finished surface (i.e., the smooth side) may have a horizontal cap, architectural detail, or molding located at the top of the fence that extends beyond the surface plane of the fence.
- B. Front Yards In front yards, no fence shall be erected in front of the front building line except fences that do not obstruct vision.
  - 1. Fences allowed within front yards shall be constructed of tubular metal, vinyl, simulated wood or wooden rail or picket-style construction and shall be no greater than four feet (4') in height, excluding the posts.
  - 2. Properties with less than one dwelling per acre may have fences in the front yard in excess of four feet (4') provided they do not obstruct vision or hamper safety.

- C. **Corner Lots** Where a corner lot (Lot, Corner) has two front yards and a house is constructed facing one of the two front yards, the second front yard may be fenced in the same manner as any other side yard provided it complies with corner open space easements (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
- D. **Alleys** At the intersections of driveways with alley access, a visibility triangle extending to the edge of alley pavement a distance of five (5) feet and extending from the edge of driveway pavement a distance of five (5) feet and connecting the two points shall be maintained, and remain free of obstructions as detailed in figure 34 below.



**Figure 34 – Alley Visibility**

#### 4.02.11. - Screening Requirements for Residential and Nonresidential Properties

- A. Screening Height Between Nonresidential and Residential Masonry screening walls separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, but not more than eight feet (8'), unless otherwise specifically permitted or required by this Section or unless approved by the City Council following a recommendation by the Planning and Zoning Commission in the consideration of a PD, Planned Development rezoning application, Site Plan, or Specific Use Permit.
- B. Masonry Screening Walls Masonry screening wall shall be placed up to the property line except when deemed physically impractical by the property owner and the Building Official.
- C. Nonresidential Construction Abuts Residential Zoning Classification
  - 1. Nonresidential construction which abuts the boundary of any property in a residential zoning classification shall require the Developer of the nonresidential use to erect a minimum six (6) foot high masonry screening wall along the common boundary before public works improvements having been accepted for platting purpose or before the issuance of a Certificate of Occupancy zoning purposes.
  - 2. The design and construction material of the screening fence shall be as specified in this Section.
- D. Nonresidential Uses with Loading Docks
  - 1. Nonresidential uses with loading docks and delivery entrances that front a Collector Street or Arterial Street shall require the Developer to erect a minimum ten-foot (10') high masonry screening wall to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.
  - 2. If such service/loading areas are adjacent to residential uses they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.
- ~~E. Residential Construction Abuts Nonresidential Zoning Classification~~
  - ~~1. Residential construction which abuts the boundary of any property in a nonresidential zoning classification that is vacant or occupied by a nonresidential use shall require the Developer of the residential use to provide a minimum six (6) foot high screening fence along the common boundary before the issuance of a Certificate of Occupancy.~~
  - ~~2. The design and construction material of the screening fence shall be as specified in this Section.~~
- F. Residential Construction Abuts a Collector or an Arterial Street
  - 1. When residential construction abuts a Collector Street or an Arterial Street (as defined in the City's Comprehensive Plan as amended from time to time), the Developer shall erect a minimum six (6) foot high masonry screening wall ~~along the Right-of-Way line~~ before the issuance of a Certificate of Occupancy.
  - 2. ~~The design and construction material of the screening fence shall be as specified in this Section.~~
  - 3. When required by this section the masonry screening wall shall be placed within a lot owned and maintained by the Homeowners Association. If there is no Homeowners Association then the screening wall shall be placed on the property line between the lot and the required landscape buffer.
- G. Screening Walls/Fences

1. Any screening fence required by this Section shall be constructed of the following materials:
  - a. Brick, stone, or split-face concrete masonry unit; or
  - b. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit.
2. All construction materials shall be earth-tone or traditional masonry colors including white.
  - a. An unfinished haydite block wall or a wall with non-traditional masonry colors shall be prohibited.
  - b. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, stone or split-face concrete masonry unit, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
  - c. Smooth-faced concrete masonry units (e.g., haydite blocks) shall not be permitted as a construction material for a screening fence.

H. Screening Wall Design

1. All walls shall be constructed with the same materials and same masonry percentages as the main building.
2. The screening wall shall be designed and constructed to prevent any drainage or erosion problems.
3. A minimum five-foot (5') wide screening fence maintenance easement shall be provided on all lots abutting the required screening along the full length of the required screening fence, unless separated by an alley. If platting, such easement shall be shown on the Preliminary Plat and Final Plat.

**4.02.12. - Mechanical Equipment Screening Requirements for Nonresidential Properties**

A. General

1. In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from view at a height of six feet (6') while standing at the highest grade on the nearby property line(s).
2. Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
3. The location, construction, and screening of all mechanical equipment shall be shown on the design drawings.

B. Ground-Mounted Mechanical Equipment

1. Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution voltage of 25 kv (kilovolts) or smaller, shall be screened with a screening fence or living screen equal to or greater than one foot (1') above the height of the unit.
2. The screening fence shall be constructed of masonry or wooden materials.

C. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
2. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.

3. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one-foot (1') of vertical height above the maximum five (5) feet.
4. Screening for mechanical units shall apply to new building construction **and renovations exceeding 50% of the structure(s) appraised value or square footage. only.**

#### **4.02.13. - Screening of Outdoor Waste Storage for Nonresidential, Single Family Attached, and Multiple Family Residential Properties**

##### **A. General**

1. Waste storage areas (refuse containers, etc.) shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
2. The location, construction, and screening of all waste storage areas (refuse containers, etc.) shall be shown on the design drawings.

##### **B. Incidental Use Requirement and Location Standards** Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers which are used for waste disposal purposes shall:

1. Only be allowed as an incidental use, and
2. Only be allowed when located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped area. The director may allow minor incursions into a side or rear yard setback provided that it does not hinder vehicular visibility and is conducive to the flow of traffic on the site.

##### **C. Setbacks** Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be setback from all residential uses a minimum of twenty-five feet (25').

##### **D. Screening Required** **For nonresidential uses**, refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a **solid** metal gate on the fourth side that shall be constructed to a minimum height of one (1) foot above the container height, but shall not exceed eight feet (8') in height.

1. The container shall be screened by the masonry wall and a **solid** metal gate capable of screening the area and shall remain closed at all times except when filling or emptying the container.
2. The screening wall shall be similar to or extensions of the development's architectural design.

#### **4.02.14. - Fence Installation**

##### **A. Pre-Existing Fences**

1. A Developer, who is required to erect a screening fence under the provisions of this Section, shall be responsible for removing any pre-existing fences that do not meet the requirements of this Section on any properties that abut the new screening fence so as to avoid a gap between the new screening fence and the pre-existing fences.
2. The Developer shall bear the cost of removing the pre-existing fences subject to the provisions in 4.02.14. B and 4.02.14. C, below.

##### **B. Permission of the Adjacent Property Owner** Prior to removing any pre-existing fence and erecting the required screening fence in its place, the Developer shall obtain the permission of the adjacent property owner.

1. If an adjacent property owner withholds his consent, the Developer shall leave the pre-existing fence in place and erect the new screening fence alongside it on the Developer's property.
  2. Provisions shall be made to prevent vegetation from growing between the existing and new fence.
- C. Liability The Developer and his contractor shall be liable for any personal or property damage that may occur during the removal of the pre-existing fence and the construction of the new screening fence.

#### **4.02.15. - Barrier Fence Requirements for Swimming Pools, Spas, and Hot Tubs**

- A. General The provision of this Section apply to the design and construction of barriers for all new swimming pools located in the City.
- B. Definitions For the purpose of this Section 4.02.15, certain terms, words and phrases are defined as follows:
1. Above-Ground/On-Ground. See definition of Swimming Pool.
  2. Barrier. A fence, wall, building wall or a combination thereof, which completely surrounds the Swimming Pool and obstructs access to the Swimming Pool.
  3. Grade. The underlying surface such as earth or a walking surface.
  4. Hot Tub. See definition of Swimming Pool.
  5. In-Ground Pool. See definition of Swimming Pool.
  6. Portable Spa. A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord connected (not permanently electrically wired).
  7. Spa, Non-Portable. See definition of Swimming Pool.
  8. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- C. Swimming Pool Requirements An outdoor swimming pool shall be provided with a barrier which shall comply with the following:
1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool.
    - a. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool.
    - b. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure.
    - c. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
  2. Openings in the barrier shall not allow passage of a four (4) inch-diameter sphere.
  3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
    - a. An existing structure, such as a house or Accessory Building, may be used as part of the enclosure, provided said structure is no less than four feet in height.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence or shall be so constructed as to not provide a climbable surface.
  - a. Spacing between vertical members shall not exceed one and three-quarters inches ( $1\frac{3}{4}$ " in width.
  - b. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches ( $1\frac{3}{4}$ " in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches.
  - a. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-quarter inches ( $\frac{3}{4}$ " in width.
6. Maximum mesh size for chain link fences shall be a one and one-quarter inch ( $1\frac{1}{4}$ " square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarter inches ( $1\frac{3}{4}$ ").
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches ( $1\frac{3}{4}$ ").
8. Access gates shall comply with the requirements of items 4.02.15. C.1 through 4.02.15. C.7 (above) and shall be equipped to accommodate a locking device.
  - a. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
  - b. Gates other than pedestrian-access gates shall have a self-latching device.
  - c. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
    - i. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate, and
    - ii. The gate and barrier shall have no opening greater than one-half ( $\frac{1}{2}$ ) inch within eighteen (18) inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
  - a. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
  - b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened.
    - i. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
    - ii. The alarm shall automatically reset under all conditions.
    - iii. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening.
    - iv. Such deactivation shall last for not more than 15 seconds.



- v. The activation switches shall be located at least 54 inches above the threshold of the door.
  - c. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by a and b above.
- 10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
  - a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
  - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 4.02.15. C.1 through 4.02.15. C.8 (above). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.
- 11. Barriers shall be located so as to prohibit permanent structures, equipment or similar object from being used to climb the barriers.

#### **4.02.16. - Inspections**

Upon completion of work authorized under this Section, it shall be the duty of the permittee to notify the Building Official that such work is ready for final inspection.

#### **4.02.17. - Loss of Nonconforming Status**

- A. Scenarios Any nonconforming fence loses its nonconforming status and becomes an illegal fence if:
  - 1. The fence is damaged or deteriorated to such an extent that fifty percent (50%) or more of the fence must be rebuilt or repaired;
  - 2. The fence is moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities; or
  - 3. The fence has been altered in any way except for normal wear and tear, routine painting or repair, or routine pruning of plant materials.
- B. Compliance Required after Loss Should any fence lose its nonconforming status, the illegal fence shall not be reconstructed or rebuilt except in conformance with the provisions of this UDC.

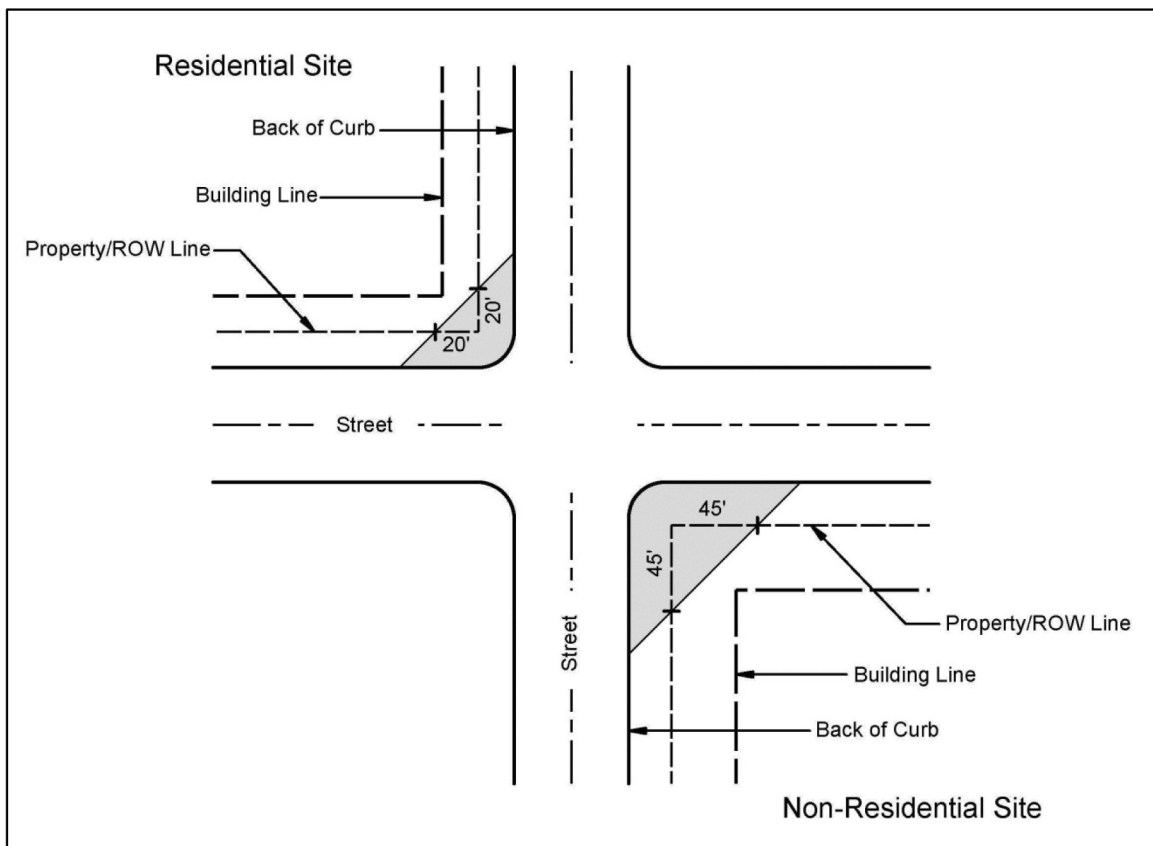
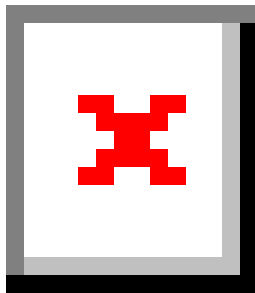
#### **4.02.18. - Maintenance of the Required Screening Fence**

- A. Maintenance Responsibility The owner of the property or Homeowners' or Property Owners' Association, if it is a commonly owned property, with the required screening fence shall be responsible for the maintenance of the screening fence sound condition.
  - 1. This provision does not relieve an abutting property owner of liability for damage caused by such owner or his employees, agents, or contractors.
  - 2. Any living screen shall be maintained for perpetuity.
- B. Required Documents The Developer of a subdivision, after constructing the required screening fence, shall create a mandatory Homeowners' or Property Owners' Association, which shall be responsible for maintaining the screening fence.
  - 1. The association's document must indicate that the screening fence is privately owned and maintained by the association, and that the City has no obligation to maintain said screening fence.

2. If the Homeowners' or Property Owners' Association fails to maintain said screening fence, the City shall have the right to perform necessary repairs or maintenance and to levy an assessment for the expense of the needed repairs or maintenance.
  3. Said assessment shall constitute a lien upon each lot against which the assessment is made.
- C. Homeowners' or Property Owners' Association Alternative Method If a subdivision contains five or fewer lots, the Developer may propose an alternative method for ensuring long-term maintenance of the screening fence.
1. The documents evidencing responsibility for maintenance of the required fence shall be reflected in the plat.
  2. The alternative method must be approved by the Planning and Zoning Commission.
- D. Vertical Alignment Requirement No fence shall be fifteen (15) degrees or more out of vertical alignment nor have any missing or damaged pickets within any eight-foot (8') section.
- E. Final Authority
1. The Building Official shall be the final authority of whether repair or maintenance is needed for any fence constructed within the City.

#### **4.02.19. - Illustration of the Corner Public Open Space Easement (i.e., Visibility Triangles)**

The following is a graphic depiction of one of the standards within Section 3.05.07. C Triangular Sight Visibility Easements, the Corner Public Open Space Easement:



**Figure 35: Corner Public Open Space Easement (i.e., Visibility Triangles)**

#### 4.02.20. - Minimum Fence and Screening Construction Standards

- A. Minimum Construction Standards The Building Official shall develop and maintain the minimum construction standards necessary for this Section within the Building Official's Fence and Screening Details.

- B. Annual Update The Building Official's Fence and Screening Details shall be updated only once a year, if necessary, by the Building Official by January 31 for that given year.
- C. Update by the City Council The City Council may at any time update or amend said standards.



## Memorandum

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: February 25, 2019  
Re: Residential lot dimensions and Setbacks

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### **Action Requested:**

The Planning & Zoning Commission will conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.08: Zoning Dimensional Regulations, 2.08.04 Zoning Dimensional Regulations Chart.

### **Background Information:**

Staff is proposing amendments to the setback requirements for residential properties. The proposed changes are to make the City's residential setbacks and lot dimensions more in line with industry standards.

Additionally, the proposal provides clarification on the mixed use residential district by providing differing setback requirements depending on the type of residential product(s) being constructed within the development.

Staff feels that the proposed standards will make it easier to develop in Corinth without the need for a Planned Development District to craft standards that fit with what the market is demanding.

### **Supporting Documents:**

- Proposed amendment

### **Staff Recommendation:**

Staff recommends approval as presented.

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' <sup>(4)</sup>	25' <sup>(4)</sup>	25' <sup>(4)</sup>	25' <sup>(4)</sup>	25' dwelling units/ <del>50</del> 25' other buildings	40'  5' Single Family Attached  25' Single Family Detached  30' Multi Family	30'	30'	30'	0' Integrated mixed use
Minimum Side Yard Setback: Interior Lot	25'	15'	7.5' 5'	7.5' 5'	0 <sup>(1)</sup>	15' Multi Family  0' <sup>(1)</sup> Single Family Attached  5' Single Family Detached	30'	30'	30'	30'  15' Multi Family  0' <sup>(1)</sup> Single Family Attached  5' Single Family Detached

Corner Lot	25'	25'	15'/25' from side entry garage	15'/25' from side entry garage	15'	15'	30'	30'	30'	30' Multi Family  15' Single Family Attached  15' Single Family Detached
Minimum Rear Yard Setback	30% of the depth, up to 100'  75'	30% of the depth, up to 30 20'	30% of the depth, up to 30' 20'	30% of the depth, up to 30' 20'	30' 20'	25'	30'	30'	30'	30' Multi Family  10' Single Family Attached  20' Single family detached
Garage Setback	25'	25'	25'	25'	3' (front entry prohibited.)	Single Family Detached 25'  Single Family Attached 3' (front entry prohibited.)				Single Family Attached (Rear loaded) 3'  Single Family Attached (Front loaded) 10'
Lot Dimensions										
Minimum Lot Area	1 acre	14,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	<del>2,200 sq. ft./8 DU/A</del> <sup>(2)</sup>	Varies See <a href="#">2.04.06.</a>	<del>3,600 sq. ft. per DU/at least</del>	<del>3,100 sq. ft. per DU/at least</del> 1.5	<del>2,750 sq. ft. per DU/at least</del> 1	1 Acre





Building Area Coverage										
Maximum Building Area (all buildings)	30%	30%	30%	30%	55% / 60% including accessory	70%	12 DU/A <sup>(2)</sup>	14 DU/A <sup>(2)</sup>	16 DU/A <sup>(2)</sup>	90%

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

<sup>(2)</sup>Dwelling Units per Acre (DUA) calculation is exclusive of all streets, alleys and sidewalks, but inclusive of open space, recreational, and service areas.

<sup>(3)</sup>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').

<sup>(4)</sup> Key lots shall have two front yards.



## **Memorandum**

To: **The Corinth Planning and Zoning Commission**  
From: Ben Rodriguez, AICP, Planning and Development Manager  
Meeting Date: February 25, 2019  
Re: Accessory Building Standards

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### **Action Requested:**

Conduct a public hearing regarding an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.07: Zoning Use Regulations, 2.07.07 Accessory Buildings and Uses.

### **Background Information:**

Staff is proposing amendments to the City's accessory building requirements. The proposed changes are to reduce the required setbacks for accessory structures. Currently, all accessory structures are required to have a 7.5 foot setback from adjoining property lines. This is often not an issue for most owners to accommodate. However, this does cause problems for some properties which have side setbacks that are less than 7.5 feet.

Staff is proposing that all accessory structures that are 100 square feet or less have a zero (0) foot setback from adjoining property lines and that structures greater than 100 square feet in size have a five (5) foot setback.

Historically, these cases have been taken to the Board of Adjustment for variances to the City's code and during staff's research we have noticed that in nearly every case a variance was approved.

Since this is a common issue that the residents in Corinth have to face staff is proposing reducing these setbacks in an effort to reduce extra hurdles for our residents to have to navigate in order to place an accessory structure on their property.

Finally, staff is proposing that accessory structures that are less than 100 square feet in size be allowed to be placed on a lot without the approval of a building permit. Accessory structures of this size are most commonly purchased as a pre-fabricated unit from places such as Lowe's or Home Depot.

### **Supporting Documents:**

- Proposed amendment

### **Staff Recommendation:**

Staff recommends approval as presented.

## 2.07.07. - Accessory Buildings and Uses

### A. Residential Accessory Buildings and Uses

1. The following regulations apply to Accessory Buildings servicing lots zoned for residential uses:

#### a. Residential Accessory Building Dimensional regulations

*Table 12: Residential Accessory Dimensional Requirements*

Table 12: Residential Accessory Dimensional Requirements				
Standard	Lots up to 13,999 S.F.	Lots 14,000 S.F. up to 21,999 S.F.	Lots 22,000 S.F. up to 43,559 S.F.	43,560 and up
Maximum Square Footage of All Accessory Buildings (Combined Area)	400 S.F.	750 S.F.	20% of the rear yard 1,200 S.F.	2,000 S.F.
Maximum Height of Accessory Buildings	15'	15'	Equal to or less than main building	Equal to or less than main building
Maximum Number of Accessory Buildings	2	2	3	3
Maximum Allowed Building Area Coverage	Main and accessory buildings shall not exceed the allowable coverage percentage of the zoning district in which they are located.			
Minimum Front Setback	25'*	25'*	25'*	25'*
Minimum Side and Rear Setback	0' If less than 100 S.F.  5' if over 100 S.F.  7.5'	0' If less than 100 S.F.  5' if over 100 S.F.  7.5'	0' If less than 100 S.F.  5' if over 100 S.F.  7.5'	0' If less than 100 S.F.  5' if over 100 S.F.  7.5'
Minimum Side Setbacks for Corner Lots	15'**	25'**	25'**	25'**
Prohibited Locations	Accessory Buildings in Easements are Prohibited.			
Barns and other Types Livestock Housing	Accessory Buildings containing livestock (e.g., chickens, hogs, horses, etc.) shall be located at least two hundred (200) feet from any existing dwelling located on an adjacent lot or tract.			
* No Accessory Building shall be placed so as to protrude in front of the main building. ** Detached Garages shall have the same setback as side entry garages.				

#### b. Residential accessory building development regulations.

- i. Accessory buildings which are less than 100 square feet in size do not require a permit.
  - ii. Accessory buildings which are greater than 100 square feet in size shall obtain a permit and inspections from the City.
- 2. The following regulations apply to Guest House/Servants' Quarters operating as Accessory Buildings or as a use attached to the main building.
  - a. A Guest House/Servants' Quarters shall not be less than six hundred (600) square feet when built over a garage, nor less than seven hundred fifty (750) square feet when free standing, and shall not contain more than one thousand (1,000) square feet of living area.
    - i. Nothing herein shall authorize the occupancy or the use of a Guest House/Servants' Quarters by anyone other than a bona fide guest or servant employed by the occupant of the main structure on such lot, estate or land.
    - ii. A Guest House/Servants' Quarters may be constructed as a part of the main building.
  - b. Any Accessory Building for human habitation shall not be occupied until the main dwelling has been completed.
  - c. Only one (1) Guest House/Servants' Quarters shall be allowed on any individual tract of land.
  - d. Guest House/Servants' Quarters shall not be leased or rented.
- 3. Accessory Building and Use Limitations within the SF-A, Single Family Residential (attached). Only the following Accessory Buildings and uses are permitted within this district:
  - a. One attached garage (Garage, Private (attached)) with one or more compartments and with front and side walls complying with the requirements of the front and side walls of the main portion of the building as to distance, etc.; or
  - b. One detached private garage (Garage, Private (detached)) with one or more compartments and located within the prescribed building lines.
- 4. Accessory Buildings and Use Limitations within the MF-1, Multi-Family Residential, MF-2, Multi-Family Residential, and MF-3, Multi-Family Residential Districts.
  - a. An Accessory Building necessary to store equipment for several dwelling units or provide a service function for several dwelling units shall not be occupied as a place of abode.
  - b. Any Accessory Building which is not a part of the main building shall be separated from the main building by a minimum of ten feet (10').
- 5. Architectural elements for Residential Accessory Buildings.
  - a. All Accessory Buildings 200 square feet and larger shall be constructed of the same exterior construction material of the main building or structure and incorporate the same architectural elements and materials as the main building.
  - b. The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building unless the accessory building is prefabricated or pre-finished.

**B. Nonresidential Accessory Buildings**

- 1. The exterior façade of all Accessory Buildings shall be constructed of the same exterior construction material of the main building or structure and, at a minimum, material meeting the requirements of Section 2.09.04. Building Façade Material Standards.
- 2. In the nonresidential districts, an Accessory Building shall not exceed the height of the main building and shall not exceed fifty percent (50%) of the floor area of the main building, and shall be used for purposes accessory and incidental to the main use.
- 3. Nonresidential Accessory Buildings may meet the definition of a Portable Building (~~Definition #246~~).
- a. All Portable Buildings shall comply with 2.07.04. Conditional Development Standards.

## ~~A.16 Portable Building Standards.~~



## **Memorandum**

To: **The Corinth Planning and Zoning Commission**  
From: Patrick Hubbard, Development Coordinator  
Meeting Date: February 25, 2019  
Re: Zoning Notifications

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### **Action Requested:**

Conduct a public hearing to consider testimony and take action upon an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.10: Zoning Procedures, 2.10.04 Zoning Text and Map Amendments and 2.10.05 Public Hearings and Notification Requirements for Zoning Related Applications.

### **Background Information:**

Planning and Development Department staff are proposing amendments to the zoning notification process for public hearings related to zoning and subdivision cases. These amendments are intended to clarify posting requirements within the ordinance, increase the efficiency of posting procedures, and improve transparency.

The following changes are proposed.

1. All signs, newspaper notices, letters, & notices on City website will be provided at least 15 days in advance of their corresponding meetings.
2. Would define specifications for notice signs as follows: "Posted signs shall be a minimum of four (4) feet wide by four (4) feet long, affixed to a post or posts.
3. Stipulating that signs shall be removed within ten (10) days of City Council action on the related case."
4. Applicants will be required to post a minimum of one sign per 1000ft of street frontage.
5. The inclusion of language stating that the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the Planning and Zoning Commission.
6. Sections have be Renumbered to account for changes.

### **Supporting Documents:**

- Proposed Ordinance
- Current Corinth Public Notice Sign Design
- Example Public Notice Sign

### **Staff Recommendation:**

Staff recommends approval as presented.

## **Subsection 2.10. - Zoning Procedures**

### **2.10.04. - Zoning Text and Map Amendments**

#### **A. Process Requirements**

1. Zoning Amendments Require City Council Approval. The City Council may, from time to time, amend, supplement or change by ordinance, the boundaries of the districts (i.e., Zoning Map Amendment (Rezoning)) or the regulations herein established (i.e., Zoning Text Amendment) as provided by the Statutes of the State of Texas.
2. Planning and Zoning Commission Recommendation Required for all Amendments. Before taking action on any proposed amendment the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report.
3. Petitions Submitted to the City Council.
  - a. Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the zoning provisions of this UDC; or
  - b. The Planning and Zoning Commission may, on its own motion or on request from the City Council, study and propose zoning changes and amendments for the City Council's consideration.

#### **B. Two Types of Zoning Amendments**

1. Zoning Map Amendment (Rezoning). A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the City's Zoning Map.
2. Zoning Text Amendment. A Zoning Text Amendment is the change of the text within Section 2 Zoning Regulations and does not include change or modification to the boundaries of any zoning districts.

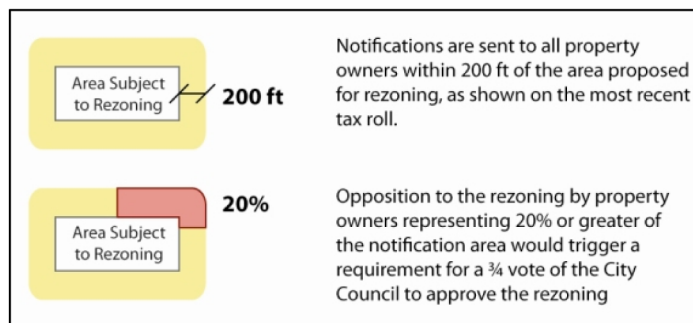
#### **C. Planning and Zoning Commission Recommendation Requires Public Hearing**

1. The Planning and Zoning Commission shall hold a public hearing on any Application for any amendment or change prior to making its recommendation and report to the City Council.
2. In the case of a Zoning Map Amendment (Rezoning):
  - a. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
  - i. Such notice shall be given not less than ~~ten (10)~~ **fifteen (15)** days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved City tax roll or County tax roll for the area affected.
  - b. **The Applicant is strongly encouraged to conduct a neighborhood meeting with the area homeowners within the vicinity of the request prior to appearing before the Planning and Zoning Commission. The Applicant shall provide written notice to the Director of Planning and Development of any scheduled neighborhood meetings at least seven (7) days prior to the P&Z commission meeting.**
  - c. Consistency between a Zoning Map Amendment (Rezoning) and the Comprehensive Plan shall be required, see Section 1.03.03. C.
  - d. For selected zoning districts, each rezoning Application shall be accompanied by a Site Plan (see Section 2.10.08. B.1.a.ii Rezoning Applications Requiring Site Plans).

#### **D. Sign Posting for a Zoning Map Amendment (Rezoning) Related to a Particular Property**

1. At least ~~ten (10)~~ **fifteen (15)** days prior to the public hearing by the Planning and Zoning Commission on a proposed amendment to the zoning text and map related to particular property, the Applicant shall cause a sign, clearly visible to passersby, to be placed and maintained on such property.
  2. **Posted signs shall be a minimum of four (4) feet wide by four (4) feet long, affixed to a post or posts.**
  3. **Posted signs shall be removed within ten (10) days of City Council action on the related case.**
  4. The sign shall state that the property is the subject of a rezoning Application.
  5. ~~The Director of Planning shall furnish the Applicant the sign, which the Applicant shall post on the property proposed to be rezoned.~~
  6. The sign shall remain continuously posted on the property until the City Council has conducted its public hearing on the matter.
  7. **A minimum of at one (1) sign shall be posted per every one-thousand (1000) feet of street frontage at the site.**
- E. Effect of Posted Sign Maintenance The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing, the adoption of any proposed zoning change, or any other official action concerning such amendment.
- F. City Council Decision and Public Hearing Required
1. A public hearing shall be held by the City Council before adopting any proposed amendment.
  2. Notice of such hearing shall be given by publication in the official publication of the City stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publications.
- G. Three-Fourths City Council Vote Required for Protested Amendments If any of the following conditions exist, then amendments shall not become effective except by a three-fourths (3/4) vote of the governing body.
1. The Planning and Zoning Commission recommended denial of zoning amendment.
  2. A protest against such proposed amendment has been filed at least three (3) calendar days before the date of the public hearings with the City Secretary by one of the following types of protesters:
    - a. Interior Protesters:
      - i. The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.
    - b. Exterior Protesters:
      - i. The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.





**Figure 16: Calculation for Exterior Protestors**

2.10.05. - Public Hearings and Notification Requirements for Zoning Related Applications

A. Applications Requiring Public Hearing for Zoning Related Applications

1. Fence Variance, see Section 2.11.03.
2. Initial Zoning of Newly Annexed Land, see Section 2.10.03. C.
3. Zoning Map Amendment (Rezoning), see Section 2.10.04. B.1.
4. Zoning Text Amendment, see Section 2.10.04. B.2.
5. Planned Development (PD) Steps for Creation and Development, see Section 2.10.09. C.
6. Specific Use Permit, see Section 2.10.10.
7. Amortization of Nonconforming Uses, see Section 2.10.11. B.
8. Appeal of a City Administrative or Interpretative Decision, see Section 2.11.01. A.1.
9. Zoning Variance, see Section 2.11.02.
10. Zoning Special Exception, see Section 2.11.03.

B. Review Bodies and the Associated Public Hearings per Zoning Application Type Public hearings shall be conducted for each review body per plan or Application type according to the following table:

<i>Table 21: Review Bodies and the Associated Public Hearings per Zoning Application Type</i>			
<i>Application Type</i>	<i>City Council</i>	<i>Planning and Zoning Commission</i>	<i>Board of Adjustment</i>
Initial Zoning of Newly Annexed Land	Hearing	Hearing	
Zoning Map Amendment (Rezoning)	Hearing	Hearing	
Zoning Text Amendment	Hearing	Hearing	
Planned Development (PD) Steps for Creation and Development	Hearing	Hearing	

Specific Use Permit	Hearing	Hearing	
Amortization of Nonconforming Uses			Hearing
Appeal of a City Administrative or Interpretative Decision			Hearing
Zoning Variance			Hearing
Zoning Special Exception			Hearing

C. Public Notice Requirements for Public Hearings for Zoning Related Applications

1. Zoning Related Applications Requiring Public Notice.

- a. Initial Zoning of Newly Annexed Land, see Section 2.10.03. C.
- b. Zoning Map Amendment (Rezoning), see Section 2.10.04. B.1.
- c. Zoning Text Amendment, see Section 2.10.04. B.2.
- d. Planned Development (PD) Steps for Creation and Development, see Section 2.10.09. C.
- e. Specific Use Permit, see Section 2.10.10.
- f. Amortization of Nonconforming Uses, see Section 2.10.11. B.
- g. Appeal of a City Administrative or Interpretative Decision, see Section 2.11.01. A.1.
- h. Zoning Variance, see Section 2.11.02.
- i. Zoning Special Exception, see Section 2.11.03.

D. Required Public Notice for Zoning Related Plans and Applications Public notices shall be required according to the following table:

<i>Table 22: Required Public Notice for Zoning Related Plans and Applications</i>			
<i>Application Type</i>	Property Posted (Sign) Notice	Published Notice	Mailed Notice
Initial Zoning of Newly Annexed Land		Required	Required
Zoning Map Amendment (Rezoning)	Required	Required	Required
Zoning Text Amendment		Required	
Planned Development (PD) Steps for Creation and	Required	Required	Required

Development			
Specific Use Permit	Required	Required	Required
Amortization of Nonconforming Uses	Required	Required	Required
Appeal of a City Administrative or Interpretative Decision		Required	Required
Zoning Variance	Required	Required	Required
Zoning Special Exception	Required	Required	Required

E. Types of Notice

1. Postings of Signs on Property. The Director of Planning shall maintain an inventory of signs to fulfill the notification requirements listed in Table 22: Required Public Notice for Zoning Related Plans.
2. "Published Notice" and "Mailed Notice" of Public Hearing for Zoning Changes Involving Real Property.
  - a. Published Notice.
    - i. Notice of the public hearing to occur before the Planning and Zoning Commission and also before the City Council shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15) calendar day prior to the date of the public hearing.
    - ii. One published notice is sufficient if the time and date of both public hearings is given.
  - b. Mailed Notice (also referred to as "Written Notice").
    - i. Written notice of the public hearing before the Planning and Zoning Commission and also before the City Council shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of Application and within two hundred feet (200) of any property affected thereby, said written notice to be sent before the ~~tenth (10<sup>th</sup>)~~ **fifteenth (15<sup>th</sup>)** calendar day prior to the date such hearing is held.
    - ii. One written notice is sufficient if the time and date of both public hearings is given.
    - iii. Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
    - iv. If written notice as required is not sent before the ~~tenth (10<sup>th</sup>)~~ **fifteenth (15<sup>th</sup>)** calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:
      - (a) Legal description of the property and the street address or approximate location within the City;

- (b) Present zoning classification of the property and the zoning sought by the Applicant. If not a rezoning, then the nature or intent of the Application shall be described;
  - (c) The date, time, and place of hearing;
  - (d) The web site that contains the zoning map and information regarding the rezoning;
  - (e) The phone number where questions may be answered; and
  - (f) Other information as may be necessary to provide adequate and timely public notice.
- 3. "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text.
  - a. For requests involving proposed changes to the text of the zoning regulations, notice of the Planning and Zoning Commission and also the City Council public hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15<sup>th</sup>) calendar day prior to the date of the public hearing.
  - b. Notice of the City Council hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15<sup>th</sup>) calendar day prior to the date of the public hearing.
  - c. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.
- 4. "Published Notice" and "Mailed Notice" of an Appeal of a City Administrative or Interpretative Decision to the Board of Adjustment.
  - a. For an Appeal of a City Administrative or Interpretative Decision, the Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice by written notice in the mail addressed to all owners of real property located within two hundred feet (200') of the property on which the appeal is made, and by publication of notice of such hearing in the City's official newspaper.
  - b. Both the written/mailed and published notice shall be given at least ~~ten (10)~~ **fifteen (15<sup>th</sup>)** days prior to the date for the hearing.
  - c. Upon the hearing, any party may appear in person or by attorney or by agent.
- 5. Dual Notification of Planning and Zoning Commission Public Hearing(s) and City Council Public Hearing(s). The City may, at its option, publish the required zoning change notifications in conformance with Chapter 211 of the Texas Local Government Code for public hearings for the Planning and Zoning Commission and the City Council at the same time; said notifications must be published fifteen (15) days prior to the Planning and Zoning Commission public hearing and fifteen (15) days prior to the City Council public hearing.
- 6. Additional Rules and Procedures Established.
  - a. The City Council may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and development proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the Applicant or its agent(s).
  - b. Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the Applicant and shall be required as part of a zoning change or development Application.

7. Special Notice. Pursuant to Texas Local Government Code Section 211.007(d), the City Council may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the City Council and the Planning and Zoning Commission.



**PUBLIC  
HEARING  
NOTICE  
ZONING MAP  
AMENDMENT  
(REZONING)  
FOR INFORMATION  
940-498-3262**

4 ft



## **PROPOSED ZONING CHANGE**

### **PUBLIC HEARING NOTICE**

**For More Information Contact the Corinth  
Planning and Development Services  
Department**

**940-498-3262**

4 ft