



PLANNING AND ZONING COMMISSION

CITY OF CORINTH, TEXAS

3300 CORINTH PARKWAY, CORINTH, TEXAS

SPECIAL SESSION MEETING

MONDAY, SEPTEMBER 11, 2017 – 7:00 P.M.

City of Corinth ♦ 3300 Corinth Parkway ♦ Corinth, Texas 76208
940-498-3260 ♦ 940-498-3266 Fax ♦ www.cityofcorinth.com
Bill Heidemann, Mayor



***** PUBLIC NOTICE *****

**NOTICE OF THE CITY OF CORINTH
PLANNING AND ZONING COMMISSION SPECIAL SESSION
MONDAY, SEPTEMBER 11, 2017 AT 7:00 P.M.
CITY HALL – 3300 CORINTH PARKWAY**

CALL TO ORDER, INVOCATION

BUSINESS AGENDA ITEM

1. Consider and act on Minutes from the July 24, 2017 Planning and Zoning Commission Regular Session.

PUBLIC HEARING

TO HEAR PUBLIC OPINION REGARDING THE FINAL REPLAT OF AMHERST ADDITION BLOCK 6, LOTS 1-17, 18X; BLOCK 7, LOTS 1-11; BLOCK 8, LOTS 1-17, 18X; BLOCK 9, LOTS 1-6, 14.8722 ACRES BEING A REPLAT OF PART OF FORESTWOOD I, SITUATED IN THE BROOK BEALL SURVEY, COUNTY ABSTRACT 58 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located on the west side of Parkridge Drive north of Meadowview Drive and South of Warwick Drive.

BUSINESS

2. Consider and act on a Final Replat of Amherst Addition Block 6, Lots 1-17, 18X; Block 7, Lots 1-11; Block 8, Lots 1-17, 18X; Block 9, Lots 1-6, 14.8722 acres being a replat of part of Forestwood I, situated in the Brook Beall Survey, County Abstract 58 in the City of Corinth, Denton County, Texas.

PUBLIC HEARING

TO HEAR PUBLIC OPINION REGARDING AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE (UDC) ORDINANCE NO. 13-05-02-08, AS AMENDED, SECTION 2.10.08 SITE PLANS.

BUSINESS

3. Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.10.08 Site Plans.
4. Consider and act on an ordinance amending the Subdivision Regulations being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 3.04.05 E Security for Completion of Improvements.

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.

ADJOURN REGULAR SESSION

Posted this 8th day of September, 2017, before 5:00 p.m. on the bulletin board at Corinth City Hall.

Barbara Cubbage
Planning and Development Manager
City of Corinth, Texas.

Corinth City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 940.498-3200 or FAX 940.498-7505 for more information.

BRILLE IS NOT AVAILABLE

BUSINESS AGENDA ITEM #1

Planning and Zoning Commission Special Session *September 11, 2017*

BUSINESS AGENDA ITEM

1. Consider and act on Minutes from the July 24, 2017 Planning and Zoning Commission Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Consider and act on Minutes from the July 24, 2017 Planning and Zoning Commission Regular Session.

FINANCIAL SUMMARY

Source of funding:

RECOMMENDATION

ATTACHMENTS / SUPPORTING DOCUMENTS

Copy of the minutes.

Submitted By: Nathan Abato, Planning and Development Department

Finance Review: NA

Legal Review: NA

**STATE OF TEXAS
COUNTY OF DENTON
CITY OF CORINTH**

On this the 24th day of July, 2017, 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:

Members Present

Bruce Hanson
Brian Rush
Marc Powell
Breien Velde
Chuck Mills
Dwayne Zinn

Members Absent

CALL TO ORDER

The Regular Session of the Planning and Zoning Commission of the City of Corinth, Texas, was called to order by Brian Rush at 7:01 p.m. Chuck Mills delivered the invocation.

CONSENT AGENDA ITEM:

1. Consider and act on Minutes from the June 26, 2017 Planning and Zoning Commission Regular Session.

MOTION made by Mr. Hanson to approve the consent agenda.

MOTION SECONDED by Mr. Zinn

5-0 All in favor:

Ayes:	Marc Powell, Brian Rush, Bruce Hanson, Breien Velde, Dwayne Zinn
Noes:	None
Absent:	None
Present but Not Voting:	Chuck Mills

MOTION TO APPROVE CARRIES

2. Consider and act on the site plan for Taco Bell on property zoned C-2, Commercial and legally described as Kensington Square Shopping Center Addition, Lot 7A, Block A, having a physical address of 4471 FM 2181 in the City of Corinth, Denton County, Texas.

Ms. Barbara Cabbage presented the agenda item to the commission. She said Taco Bell first applied for a building permit in Corinth in 1997 and the City's requirements were a lot less than what they are now. They have since gone through a couple of identity changes—Pizza Hut and KFC—both have come and gone. The zoning for the site is Commercial 2 which is appropriate for a restaurant with a drive-thru, and the land use is Retail and is appropriate for the use. Ms. Cabbage said their new proposal meets the City's ordinances. They submitted a letter seeking Alternative Compliance for the use of Nichiha as a masonry product. She mentioned staff will be proposing to add Nichiha as an approved class two masonry product in the future. The other product they are proposing to use is metal which will oxidize. She said the only concern she has is when the rust will run down off of the metal and onto the ground.

Ms. Cabbage went over the site plan and indicated it is not changing much from the original layout. She said they are adding additional landscaping to meet the current ordinance. The lighting complies with the current ordinance, and the infrastructure and fire lane are not changing.

Mr. Mike Stansberry, general counsel for Taco Bell, gave a brief presentation of the site plan request. He said they are planning on scraping the existing the building and to rebuild to run a single operation—no KFC or Pizza Hut.

Mr. Dwayne Zinn asked Mr. Stansberry if the metal on the awnings will be galvanized or aluminized. Mr. Stansberry answered yes.

Mr. Breien Velde asked how they will prevent the rust from staining the surrounding surfaces. Mr. Stansberry said he will have to look at the sidewalk to see if there is room for a planter box to catch the rust water. Mr. Velde also asked if the staining would cause slick surfaces. Mr. Stansberry said he has not experiences any safety hazard related to the staining.

Mr. Charles Mills asked how old the design is. Mr. Stansberry said the first one was used in November of 2015 and said they have had runoff from the oxidization but no safety hazards. He said he would like to design something to go under the panel to catch the rust water.

MOTION made by Mr. Zinn to recommend approval of the site plan and alternative compliance.

MOTION SECONDED by Mr. Powell.

Ms. Cubbage said the approval of the alternative compliance should be within the same approval of the site plan. Mr. Zinn said he thought that is what he said. Mr. Rush asked Mr. Zinn to restate the motion.

MOTION RESTATED by Mr. Zinn, to recommend approval of the site plan with alternative compliance.

MOTION SECONDED by Mr. Powell.

Mr. Bruce Hanson said he does not have a problem with the metal panels but he would not like the rust runoff that will occur in the future, and is recommending amending the motion subject to the applicant being able to demonstrate some form of catchment for the runoff to prevent staining.

MOTION AMENDED by Mr. Hanson to recommend approval of the site plan and alternative compliance, subject to the applicant demonstrating a form of catchment to prevent rust runoff staining the surrounding area.

MOTION SECONDED by Mr. Velde.

Mr. Dwayne Zinn said he did not include the amendment in his original motion because there is not a requirement to catch runoff from a downspout that will rust over time, and that he feels there is not much that can be done to ultimately prevent the rust runoff.

3-2 vote:

Ayes:	Marc Powell, Bruce Hanson, Breien Velde
Noes:	Brian Rush, Dwayne Zinn
Absent:	None
Present but Not Voting:	Chuck Mills

MOTION TO AMEND THE MOTION CARRIES

5-0 All in favor:

Ayes:	Marc Powell, Brian Rush, Bruce Hanson, Breien Velde, Dwayne Zinn
Noes:	None
Absent:	None
Present but Not Voting:	Chuck Mills

MOTION TO RECOMMEND APPROVAL CARRIES

ADJOURN

Meeting adjourned at 7:30 p.m.

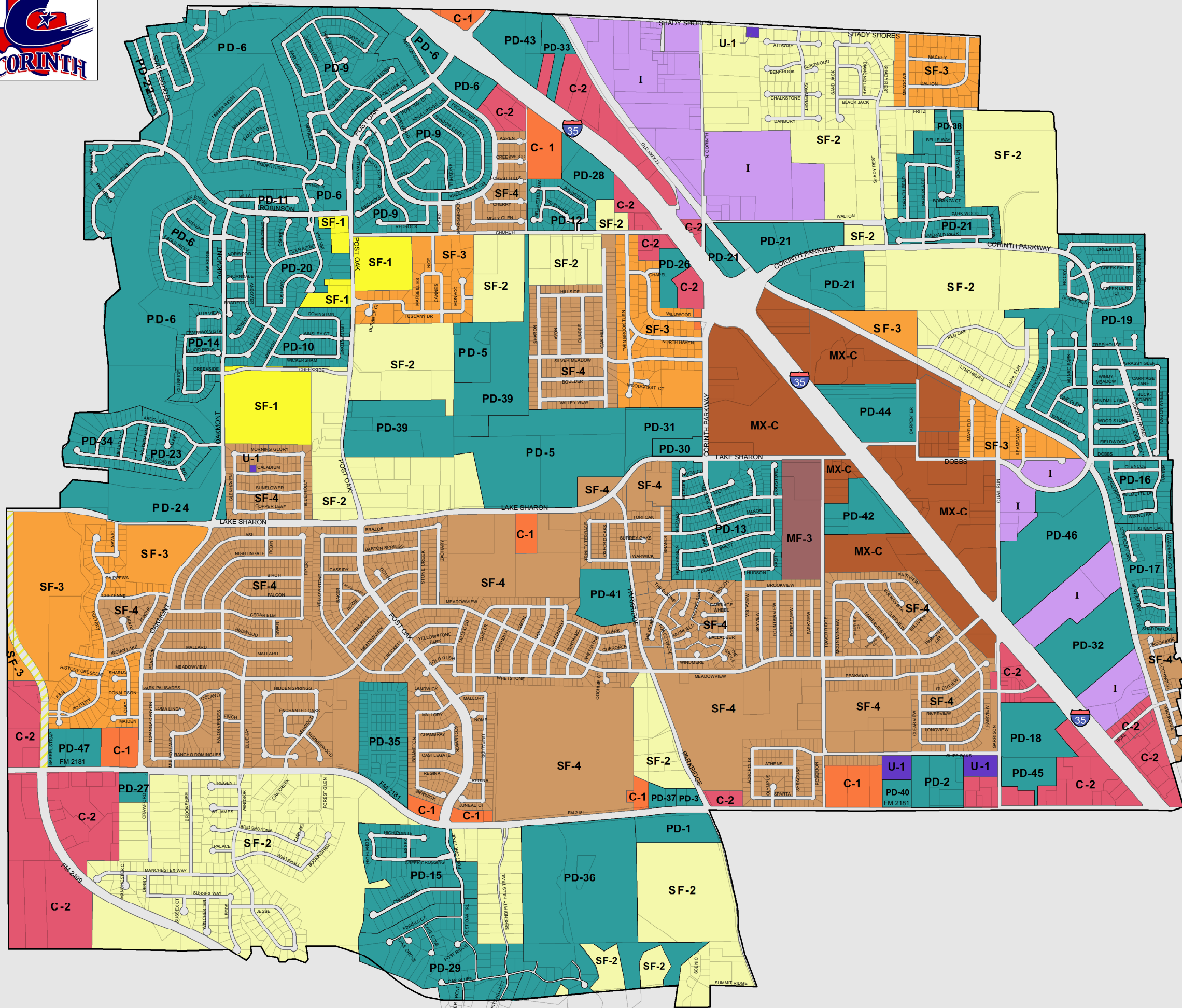
MINUTES APPROVED THIS _____ DAY OF _____, 2017.

Brian Rush, Planning and Zoning Commission Chairman

Nathan Abato, Planning and Zoning Commission Secretary


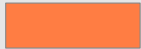


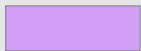

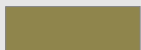





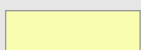


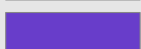


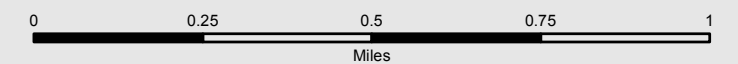
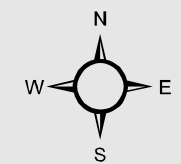
City of Corinth Zoning Map



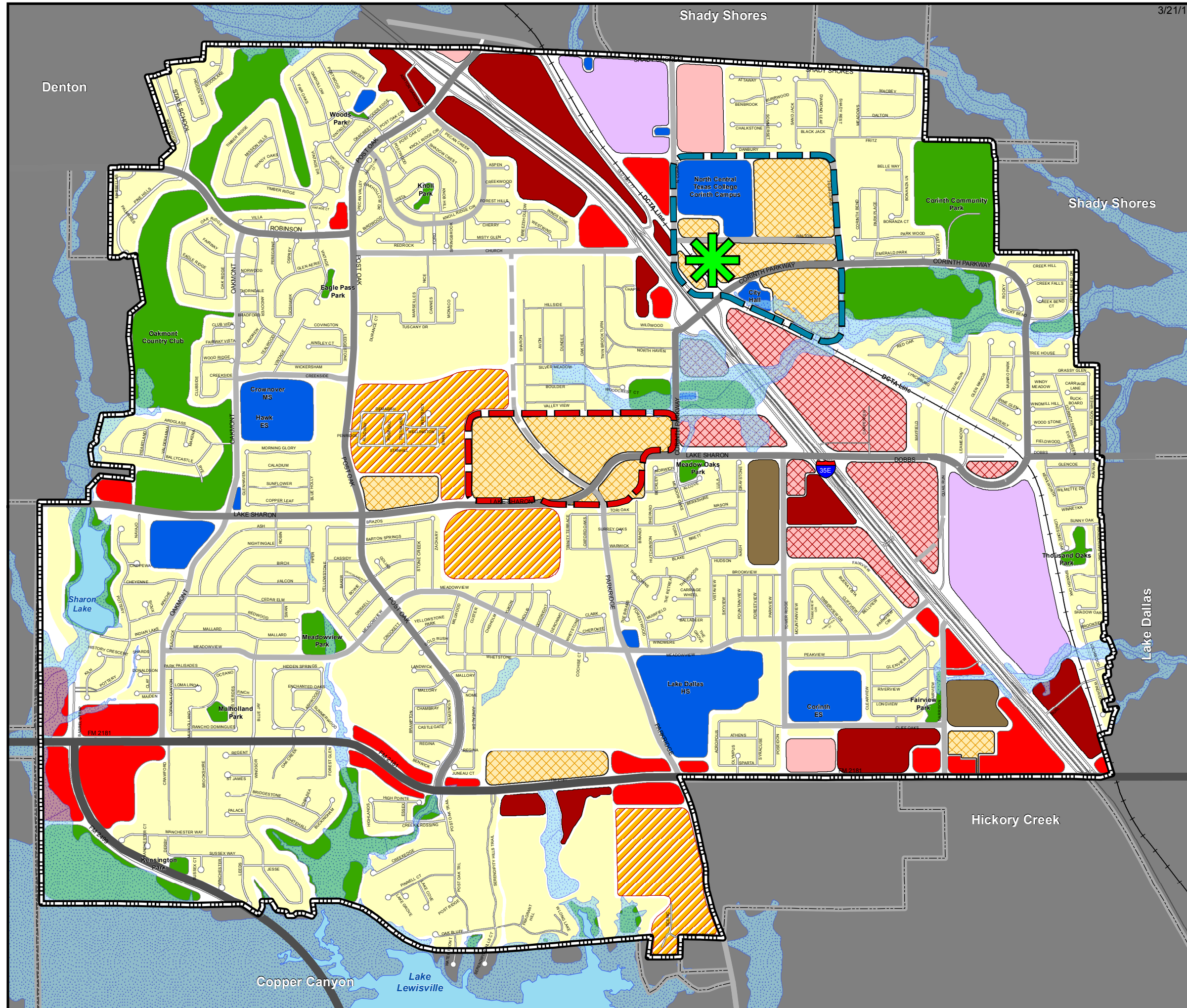
Legend

Zoning Districts

-  Future FM 2499
-  C-1 Commercial
-  C-2 Commercial
-  C-3 Commercial
-  I Industrial
-  MF-1 Multi-Family Residential
-  MF-2 Multi-Family Residential
-  MF-3 Multi-Family Residential
-  MHD Modular Home District
-  MX-C Mixed Use Commercial
-  PD Planned Development
-  SF-1 Single Family Residential
-  SF-2 Single Family Residential
-  SF-3 Single Family Residential
-  SF-4 Single Family Residential
-  U-1 Utility



Future Land Use Plan



Future Land Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Residential
- Mixed Use with Residential
- Parks and Open Space
- Public/Semi-Public
- Mixed Use Non-Residential
- Office/Business Park
- Retail
- Commercial
- Industrial

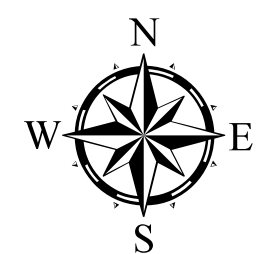
- Multi-Modal Transit Center
- Transit Oriented Development
- Corinth City Center

Road Types

- Major Arterial
- Minor Arterial
- Collector
- Corinth City Limits
- FEMA 100 Year Floodplain

Plate 4-1

Note:
A Comprehensive Plan shall not constitute zoning district regulations or establish zoning district boundaries.



PUBLIC HEARING / BUSINESS ITEM #2

Planning and Zoning Commission Special Session

September 11, 2017

AGENDA ITEM

PUBLIC HEARING

TO HEAR PUBLIC OPINION REGARDING THE FINAL REPLAT OF AMHERST ADDITION BLOCK 6, LOTS 1-17, 18X; BLOCK 7, LOTS 1-11; BLOCK 8, LOTS 1-17, 18X; BLOCK 9, LOTS 1-6, 14.8722 ACRES BEING A REPLAT OF PART OF FORESTWOOD I, SITUATED IN THE BROOK BEALL SURVEY, COUNTY ABSTRACT 58 IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS. This property is located on the west side of Parkridge Drive north of Meadowview Drive and South of Warwick Drive.

BUSINESS

2. Consider and act on a Final Replat of Amherst Addition Block 6, Lots 1-17, 18X; Block 7, Lots 1-11; Block 8, Lots 1-17, 18X; Block 9, Lots 1-6, 14.8722 acres being a replat of part of Forestwood I, situated in the Brook Beall Survey, County Abstract 58 in the City of Corinth, Denton County, Texas.

APPROVAL PROCESS

Public hearings will be held during the Planning and Zoning Commission meeting. The Planning and Zoning Commission will take final action on the replat.

NOTIFICATION TO PUBLIC

Prior to the Planning and Zoning Commission meeting; notice published in the Denton Record Chronicle, the City's official newspaper.

AGENDA ITEM DESCRIPTION

The Amherst Addition Planned Development Ordinance was presented to the Planning and Zoning Commission in February 2016. City Council approved the zoning change request in March 2016. The single family residential subdivision is made up of 51 residential lots, 1 open space lot and 1 dedicated Public Park. The 51 lots will be a minimum 7500 sf and the minimum dwelling size allowed per the ordinance is 2000 sf.

At this time, the applicant Jim Dewey with JDJR Engineers and Consultants, Inc has worked with the City of Corinth Development Review Committee meeting the requirements of the Subdivision Regulations. The replat is necessary because a final plat was filed in the 1970's as a phase of Forestwood Addition.

ZONING

Zoning on this site is PD SF-4.

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

The Comprehensive Plan Future Land Use Map designates this property as Low Density Residential.

FINANCIAL SUMMARY

Source of Funding: No funding is required.

STAFF RECOMMENDATION

The plat appears to meet the minimum requirements. Staff recommends approval of the Final Replat of Amherst Addition Block 6, Lots 1-17, 18X; Block 7, Lots 1-11; Block 8, Lots 1-17, 18X; Block 9, Lots 1-6.

TTACHMENTS / SUPPORTING DOCUMENTS

Final Plat (replat)

Submitted By: Barbara Cabbage, Planning and Development Manager
Department: Planning and Development

Finance Review: Yes NA

Legal Review: Yes NA

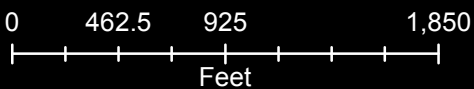
Director Review and Approval:

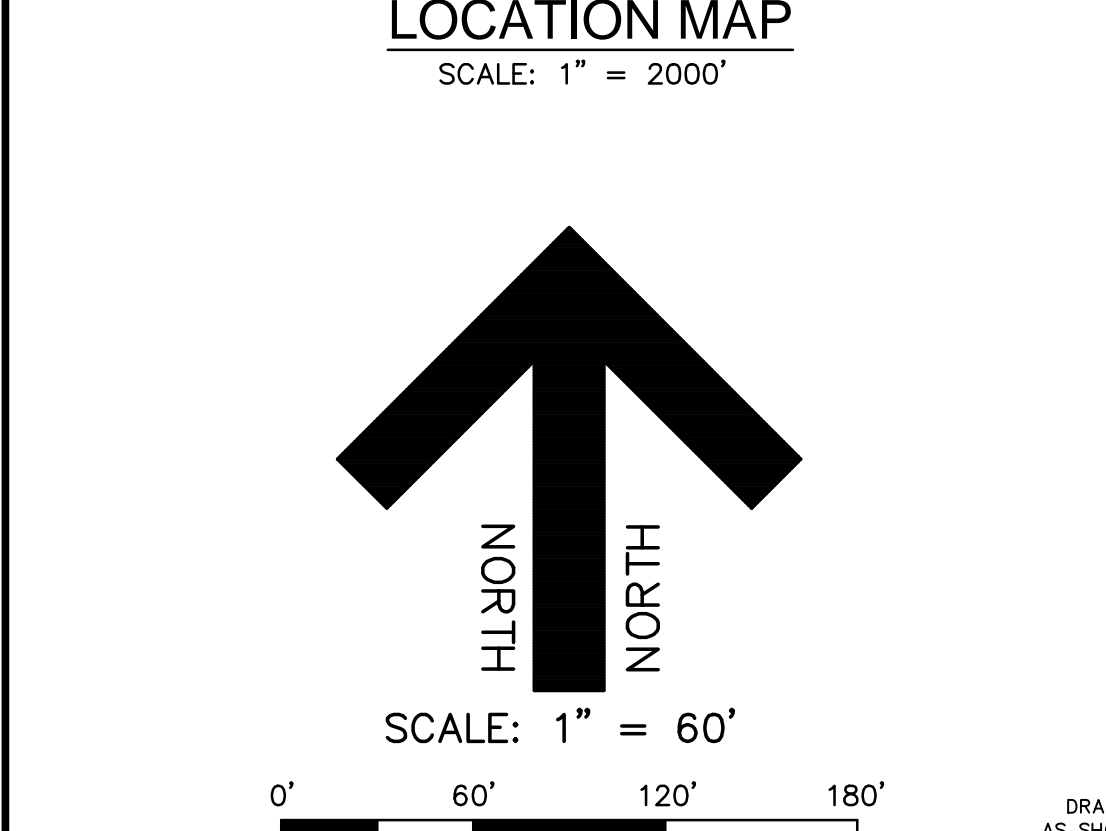
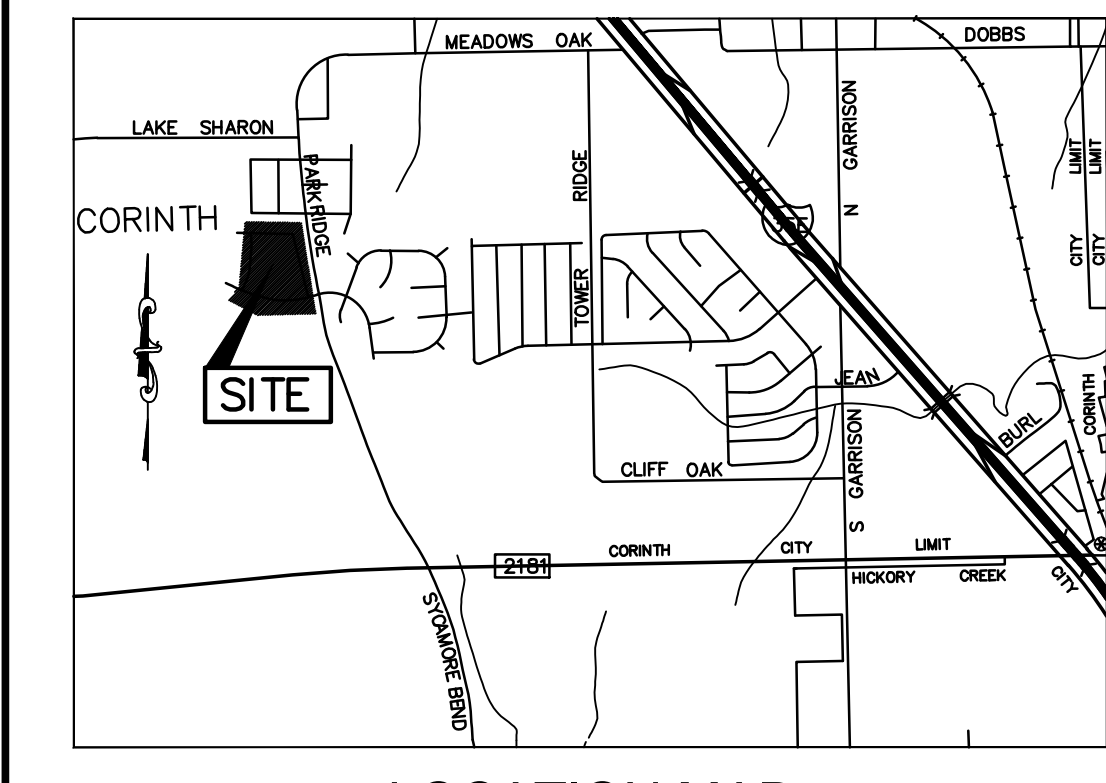
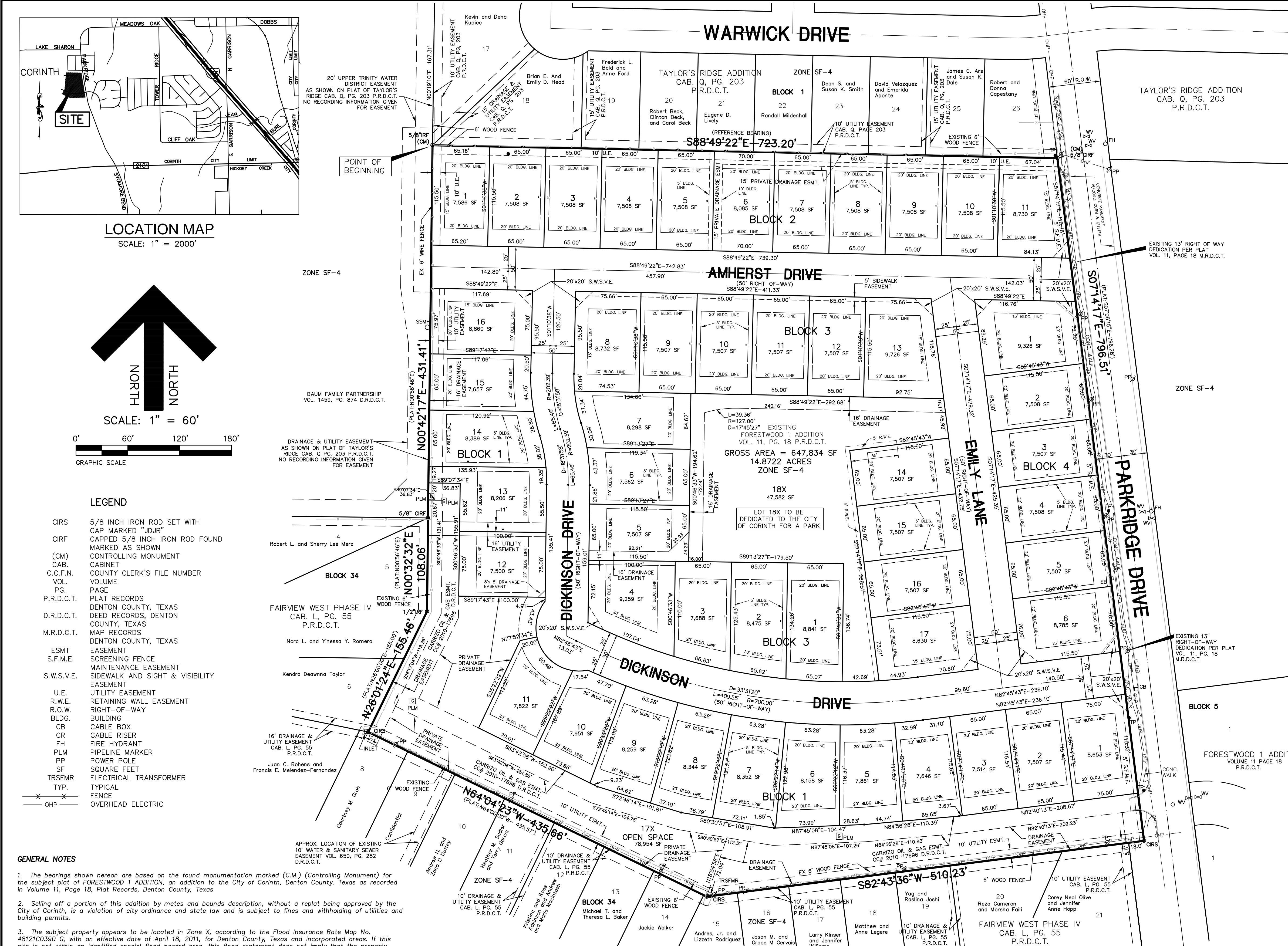


CITY OF CORINTH

AMHERST ADDITION

Final Replat





- LEGEND**
- CIRS 5/8 INCH IRON ROD SET WITH CAP MARKED "JDJR"
 - CIRF CAPPED 5/8 INCH IRON ROD FOUND MARKED AS SHOWN
 - (CM) CONTROLLING MONUMENT
 - CAB. CABINET
 - C.C.F.N. COUNTY CLERK'S FILE NUMBER
 - VOL. VOLUME
 - P.G. PAGE
 - P.R.D.C.T. PLAT RECORDS DENTON COUNTY, TEXAS
 - D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS
 - M.R.D.C.T. MAP RECORDS DENTON COUNTY, TEXAS
 - ESMT EASEMENT
 - S.F.M.E. SCREENING FENCE MAINTENANCE EASEMENT
 - S.W.S.V.E. SIDEWALK AND SIGHT & VISIBILITY EASEMENT
 - U.E. UTILITY EASEMENT
 - R.W.E. RETAINING WALL EASEMENT
 - R.O.W. RIGHT-OF-WAY
 - BLDG. BUILDING
 - CB CABLE BOX
 - CR CABLE RISER
 - FH FIRE HYDRANT
 - PLM PIPELINE MARKER
 - PP POWER POLE
 - SF SQUARE FEET
 - TRSFMR ELECTRICAL TRANSFORMER
 - TYP. TYPICAL
 - X FENCE
 - OHP OVERHEAD ELECTRIC

- GENERAL NOTES**
- The bearings shown hereon are based on the found monumentation marked (C.M.) (Controlling Monument) for the subject plat of FORESTWOOD 1 ADDITION, an addition to the City of Corinth, Denton County, Texas as recorded in Volume 11, Page 18, Plat Records, Denton County, Texas.
 - Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of Corinth, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
 - The subject property appears to be located in Zone X, according to the Flood Insurance Rate Map No. 4912C0390 G, with an effective date of April 18, 2011, for Denton County, Texas and incorporated areas. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. This flood statement shall not create liability on the part of the surveyor.
 - The purpose for this replat is to subdivide the current lot into 50 residential lots and 1 open space lot for development, and to dedicate street right-of-way and easements to the development.
 - GPS Coordinates are rectified to NAD 83 State Plane Coordinate system North Central Texas Zone 4202 (feet).
 - Lot 17X, Block 1 is a common area lot and shall be owned and maintained by the Home Owners Association. No habitable structures shall be constructed on this lot.
 - Existing FORESTWOOD 1 ADDITION shall be vacated by this plat. All previous right-of-ways and easements abandoned by this plat.
 - To comply with the park and trail dedication for residentially zoned property, Lot 18X, Block 3 is proposed to be dedicated to the City of Corinth as a public park. The city will be responsible for maintenance of the park. Improvements within the park will include the public trail in conformance to the master plan, a minimum of 6 benches located within the park on concrete pads, and two separate swing sets for varying age groups.
 - A homeowners' or property owners' association shall be established that has the responsibility for maintenance of the screening wall along Parkridge Road and maintenance of the common areas.
 - Subject and all surrounding property (except for Baum Family Partnership property) is shown as Low Density Residential on the Future and Use Plan. The Baum tract is shown to be Medium Density Residential.
 - No driveway access to Parkridge Drive will be allowed to any lot within this subdivision.
 - A minimum 6' wide pedestrian trail shall be installed by the developer. The 6' wide horseshoe trail shall be located along the south back of curb of Amherst Drive adjacent to Lot 16, Block 1, along the south R.O.W. line of Amherst Drive partially within the 5' sidewalk easement across Lots 8-13, Block 3, along the west back of curb of Emily Lane adjacent to Lot 13, Block 3, through the park (Lot 18X, Block 3) and along the north back of curb of Dickinson Drive adjacent to Lot 17, Block 3 and Lot 6, Block 4.

CERTIFICATE OF COMPLETION AND AUTHORIZATION TO FILE

APPROVED _____ Date _____ 2017

Chairman, Planning and Zoning Commission
City of Corinth, Texas

The undersigned, the City Secretary and the City of Corinth, Texas, hereby certifies that the foregoing Final Plat of the Amherst Addition to the City of Corinth was submitted to the Planning and Zoning Commission on the _____ day of _____, 2016 and the Commission, by formal action, then and there accepted the fee simple dedication of streets, thoroughfares, alleys, and parks to the public use forever and dedication of easements for trails, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations as shown and set forth in and upon said plat, that the public works and infrastructure improvements have been completed in accordance with the construction plans, have been tested and have been accepted by the City, that the Final Plat is now acceptable for filing with Denton County and said Commission further authorized the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 2017

City Secretary
City of Corinth, Texas

CONSTRUCTION AND MAINTENANCE STATEMENT

Developer will design, construct, operate, use and maintain the following:

- Private water storage facility (detention and retention ponds) and associated private drainage easements.
- Private access easements and associated easements.
- Private storm water drainage systems and associated private easements.
- Storm water treatment facility or identified best management practices for storm water quality and associated easements.

(Collectively hereinafter referred to as "improvements") the City of Corinth is not responsible for the design, construction, operation, maintenance, or use of the improvements developed and constructed by developer or its predecessors or successors. The developer's maintenance responsibility includes, but is not limited to, construction and maintenance in accordance with approved designed slope, grade, contour, and volume, including any structures, frequent mowing and routine maintenance, removal of debris, and repair of erosion, no facilities will be allowed within the improvements areas without the advance written permission of the Director of Public Works. Developer will indemnify, defend, and hold harmless the City of Corinth, its officers, employees, and agents from any direct or indirect loss, damage, liability, or expense and attorney's fees for any and all damages, accidents, casualties, occurrences, or claims which arise out of or result from the design, construction, operation, maintenance, condition or use of the improvements, including any non-performance of the foregoing. Developer will require any successor in interest of all or part of the property, including any property owners Association, to accept full responsibility and liability for the improvements. The covenants shall include the full obligation and responsibility of maintaining and operating said improvements. If the property is further subdivided, developer shall impose these covenants upon all lots abutting, adjacent or served by the improvements. All of the above obligations shall be covenants running with the land. Access to the improvements is granted to the city for any purpose related to the exercise of governmental services or functions, including but not limited to, fire and police protection, inspection and code enforcement.

DEVELOPER/OWNER SIGNATURE

By: _____

Its: _____

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF DENTON §

WE, the undersigned, owner of the land shown on this plat within the area described by metes and bounds as follows:

BEING a tract of land situated in the BROOK BEALL SURVEY, Abstract No. 58, in the City of Corinth, Denton County, Texas, and being Lots 1 thru 16, in Block 6; Lots 1 thru 22, in Block 7; Lots 1 thru 6, in Block 8, of FORESTWOOD 1, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Volume 11, Page 18, of the Map Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at 5/8 inch iron rod found for corner at the northwest corner of said Lot 16 in Block 6 of FORESTWOOD 1 ADDITION, same being the southwest corner of TAYLOR'S RIDGE ADDITION, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet Q, Page 203, of the Map Records of Denton County, Texas, and same also being in the east line of a tract of land as described in deed to Baum Family Partnership recorded in Volume 1459, Page 874, of the Deed Records of Denton County, Texas.

THENCE South 88 degrees 49 minutes 22 seconds East, along the south line of said TAYLOR'S RIDGE ADDITION, a distance of 723.20 feet to a 5/8 inch capped iron rod found for corner at the Southeast corner of Lot 26 in Block 1 of said TAYLOR'S RIDGE ADDITION;

THENCE South 07 degrees 14 minutes 17 seconds East, along the east line of said 13 foot right of way dedication, a distance of 796.51 feet to a 5/8 inch yellow capped iron rod stamped "JDJR" set for corner;

THENCE South 82 degrees 43 minutes 36 seconds West, passing at 18.00 feet, the northeast corner of Lot 21 in Block 34, of FAIRVIEW WEST PHASE IV, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet L, Page 55, of the Map Records of Denton County, Texas, and continuing along the north line of said Block 34, for a total distance of 510.23 feet to 5/8 inch yellow capped iron rod stamped "JDJR" set for corner;

THENCE North 64 degrees 04 minutes 23 seconds West, along the said north line of Block 34, a distance of 435.66 feet to a 5/8 inch yellow capped iron rod stamped "JDJR" set for corner;

THENCE North 26 degrees 01 minutes 24 seconds East, along the east line of said Block 34, a distance of 155.46 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 32 minutes 32 seconds East, along the said east line of Block 34, a distance of 108.06 feet to a 5/8 inch capped iron rod found for corner at the east corner of Lot 5 in said Block 34, same also being the southeast corner of said Baum Family Partnership tract;

THENCE North 00 degrees 42 minutes 17 seconds East, along the said east line of Baum Family Partnership tract, a distance of 431.41 feet to the Point of Beginning, and containing a computed area of 14.8722 Acres or 647,833.99 square feet of land, more or less and designated herein as Amherst Subdivision to the City of Corinth, Texas, and whose name is subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed and in the capacity therein stated.

Owner: HARLAN PROPERTIES, INC.

By: SURESH SHRIDHARANI Date _____ 2017

STATE OF TEXAS §
COUNTY OF DALLAS §

Before me, the undersigned in and for Dallas County, Texas, on this day personally appeared Suresh Shridharani, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he is authorized to execute the foregoing instrument for the purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE the _____ day of _____, 2017.

Notary in and for the State of Texas

Printed Name _____ Expiration Date _____

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF DENTON §

I, the undersigned, a Registered Professional Surveyor in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

Registered Professional Surveyor
Geary Bailey - RPLS 4573

Date _____

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE the _____ day of _____, 2017.

Notary Public in and for the State of Texas

Printed Name _____ Expiration Date _____

CERTIFICATE OF FINAL PLAT APPROVAL

APPROVED _____ Date _____ 2017

Chairman, Planning and Zoning Commission
City of Corinth, Texas

The undersigned the City Secretary of the City of Corinth, Texas, hereby certifies that the foregoing Final Plat of the Amherst Addition to the City of Corinth was submitted to the Planning and Zoning Commission on the _____ day of _____, 2016 and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans and said Commission further authorizes the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 2017.

City Secretary
City of Corinth, Texas

REPLAT AMHERST ADDITION

BLOCK 1, LOTS 1-16, 17X; BLOCK 2, LOTS, 1-11; BLOCK 3, LOTS 1-17, 18X; BLOCK 4, LOTS 1-6 BEING A REPLAT OF PART OF FORESTWOOD 1, LOCATED IN THE BROOK BEALL SURVEY, A-58 AN ADDITION TO THE CITY OF CORINTH, DENTON COUNTY, TEXAS

14.8722 ACRES
50 RESIDENTIAL LOTS, 1 OPEN SPACE AND 1 DEDICATED PUBLIC PARK
AUGUST 2017

PREPARED BY:
JDJR ENGINEERS AND CONSULTANTS, INC.
TBPLS Firm No. 100356-00
ENGINEERS • LAND PLANNERS • SURVEYORS
2500 Texas Drive Suite 100 Irving, Texas 75062
Tel 972-252-5357 Fax 972-252-8958 EMAIL: jdjr@jdjreng.com

OWNER:
HARLAN PROPERTIES, INC
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
ATTN: SURESH SHRIDHARANI
email: sureshs@oal.com

DATE: 8-8-17 DRAWN BY: BJC JDJR PROJECT NO. 1119-4-15
SCALE: 1" = 60' CHECKED BY: GB © COPYRIGHT 2016

ORDINANCE NO. 16-03-03-05

AMHERST PLANNED DEVELOPMENT DISTRICT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE UNIFIED DEVELOPMENT CODE, BY AMENDING THE ZONING CLASSIFICATION FROM SF-4 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT SINGLE FAMILY-4 (PD SF-4) ON 14.8722 ACRES OF LAND LEGALLY DESCRIBED AS A TRACT OF LAND SITUATED IN THE BROOK BEALL SURVEY, ABSTRACT NO. 58, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS, PROVIDING FOR A DESIGN STATEMENT; PROVIDING A LEGAL PROPERTY DESCRIPTION; APPROVING A PLANNED DEVELOPMENT CONCEPT PLAN; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION AND A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas has adopted Ordinance 13-05-02-08, which adopts a Unified Development Code, which includes the Comprehensive Zoning Ordinance and which, in accordance with the City's Comprehensive Plan, establishes zoning districts and adopts a Zoning Map; and

WHEREAS, the hereinafter described property is zoned as SF-4 Single Family Residential Classification under the City's Unified Development Code and an authorized person having a proprietary interest in the property has requested a change in the zoning classification of said property; and

WHEREAS, the Planning and Zoning Commission of the City of Corinth and the City Council of the City of Corinth, having given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Corinth City Council is of the opinion that said change in zoning should be made; and

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

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

WHEREAS, the City Council finds that the change in zoning promotes the health and the general welfare, provides adequate light and air, prevents the over-crowding of land, avoids undue concentration of population, and facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and the general health, safety and welfare of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION I - LEGAL PROPERTY DESCRIPTION; AMENDMENT

That in accordance with the Unified Development Code, the Zoning Map of the City of Corinth is hereby amended by amending the zoning map of the City of Corinth, Texas on 14.8722 acres of land described in "Exhibit A" attached, from SF-4 Single Family Residential District to Planned Development Single Family-4 (PD SF-4) District.

SECTION II – PLANNED DEVELOPMENT MASTER PLAN

The Concept Plan Exhibit and Concept Design Map Statement documents approved and described as "Exhibit B" attached hereto and made a part hereof are approved.

SECTION III – LAND USE REGULATIONS

- A. The Zoning and Land Use Regulations set forth in "Exhibit C" attached hereto and made a part hereof for all purposes shall be adhered to in their entirety for the purposes of this Planned Development Single Family District.
- B. That the zoning regulations and districts as herein established have been made in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, morals and the general welfare of the community. They have been designed, with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future; to lessen congestion in the streets; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, drainage and surface water, parks and other commercial needs and development of the community. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community
- C. If, after two years from the date of approval of the Planned Development Master Plan, no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire. If the Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within the Unified Development Code, Planned Development Application and Review. An extension of the two year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the Director of Planning determines development progress is occurring.
- D. The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council. The property owner shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the mayor and acknowledgement by the City Secretary. The Planned Development Master Plan, including the signed map shall be made a part of the permanent file and maintained by the City Secretary.

E. If a change to the Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION IV – PENALTY FOR VIOLATIONS

Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00); and each and every day that these provisions are violated shall constitute a separate and distinct offense.

SECTION V – SEVERABILITY CLAUSE

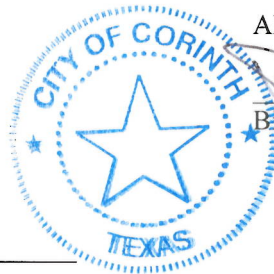
If any section, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION VI – EFFECTIVE DATE

This ordinance shall become effective after approval and publication as provided by law.

PASSED AND APPROVED THIS 3rd DAY OF MARCH, 2016.

APPROVED:



Bill Heidemann

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Debra A. Drayovitch

Debra A. Drayovitch, City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION
14.8722 ACRE RESIDENTIAL TRACT

BEING a tract of land situated in the BROOK BEALL SURVEY, Abstract No. 58, in the City of Corinth, Denton County, Texas, and being Lots 1 thru 16, in Block 6; Lots 1 thru 22, in Block 7; Lots 1 thru 6, in Block 8, the dedicated street right of way for Russet Lane, Downtree Way, The Glade, and Parkridge Road, and the alley dedication of FORESTWOOD 1, an addition to the City of Corinth, Denton County, Texas according to the plat thereof recorded in Volume 11, Page 18, of the Map Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at 5/8 inch iron rod found for corner at the northwest corner of said Lot 16 in Block 6 of FORESTWOOD 1 ADDITION, same being the southwest corner of TAYLOR'S RIDGE ADDITION, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet Q, Page 203, of the Map Records of Denton County, Texas, and same also being in the east line of a tract of land as described in deed to Baum Family Partnership recorded in Volume 1459, Page 874, of the Deed Records of Denton County, Texas.

THENCE South 88 degrees 49 minutes 22 seconds East, along the south line of said TAYLOR'S RIDGE ADDITION, a distance of 723.24 feet to a 5/8 inch capped iron rod found for corner at the Southeast corner of Lot 26 in Block 1 of said TAYLOR'S RIDGE ADDITION in the existing west line of Parkridge Drive, and continuing for a total distance of 736.34 feet to an "X" cut set in concrete, same being the northeast corner of a 13 foot right of way dedication as per plat of said FORESTWOOD 1 ADDITION;

THENCE South 07 degrees 14 minutes 17 seconds East, along the east line of said 13 foot right of way dedication, a distance of 794.58 feet to a 5/8 inch yellow capped iron rod stamped "JDJR" set for corner, same being the southeast corner of said dedication;

THENCE South 82 degrees 43 minutes 36 seconds West, passing at 31.00 feet, the northeast corner of Lot 21 in Block 34, of FAIRVIEW WEST PHASE IV, an addition to the City of Corinth, Denton County, Texas, according to the plat recorded in Cabinet L, Page 55, of the Map Records of Denton County, Texas, and continuing along the north line of said Block 34, for a total distance of 523.23 feet to 5/8 inch yellow capped iron rod stamped "JDJR" set for corner;

THENCE North 64 degrees 04 minutes 23 seconds West, along the said north line of Block 34, a distance of 435.66 feet to a 5/8 inch yellow capped iron rod stamped "JDJR" set for corner;

THENCE North 26 degrees 01 minutes 24 seconds East, along the east line of said Block 34, a distance of 155.46 feet to a 1/2 inch iron rod found for corner;

THENCE North 00 degrees 32 minutes 32 seconds East, along the said east line of Block 34, a distance of 108.06 feet to a 5/8 inch capped iron rod found for corner at the east corner of Lot 5 in said Block 34, same also being the southeast corner of said Baum Family Partnership tract;

THENCE North 00 degrees 42 minutes 17 seconds East, along the said east line of Baum Family Partnership tract, a distance of 431.41 feet to the Point of Beginning, and containing a computed area of 14.8722 Acres or 647,833.99 square feet of land, more or less.

EXHIBIT "B"
AMHERST PD CONCEPT PLAN
PD DESIGN STATEMENT

AMHERST is a planned development residential subdivision on 14.8722 acres previously known as Forestwood 1 Addition. The development includes usable open spaces, amenity opportunities, and pedestrian connectivity as illustrated in Exhibit C, the PD Design Concept Map. There are 51 residential lots, a 1.53 open space lot and a 1.09 acre lot to be dedicated to the City of Corinth as a public park. Below is a summary of the number of lots and density:

Gross Area	Number of residential lots	Density
14.8722 acres	51 lots	3.43 dwelling units per acre

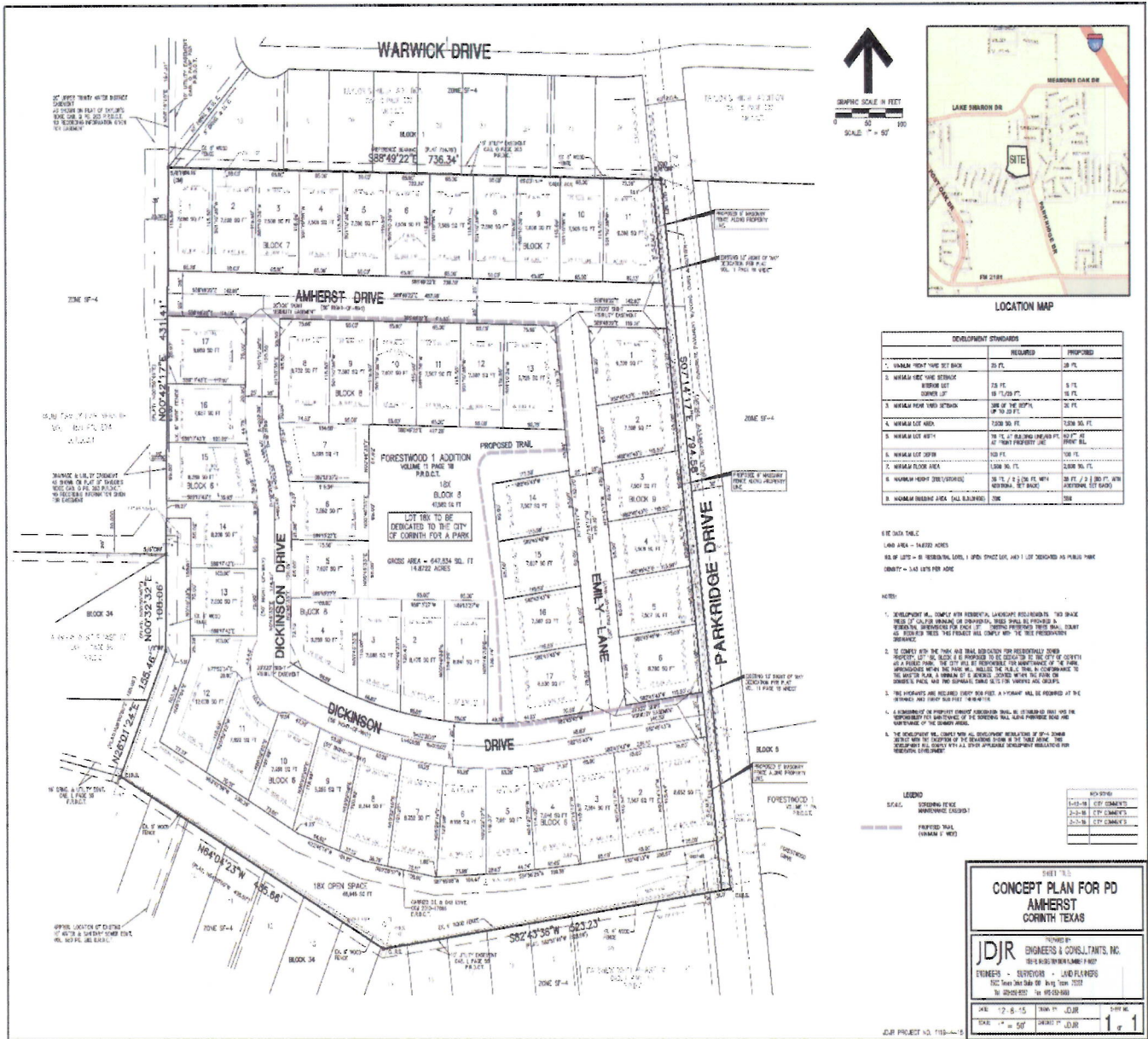
The amount of open space including the HOA open space lot and the public park is 17.67 percent. Both open spaces will be usable areas designed to enhance the quality of life for the residents.

The intent of the Planned Development is not to increase density over the base zoning district, but to establish development regulations that create a more modern and successful development.

The living area of the homes will range from a minimum of 2,000 sq. ft. to 4,000 sq. ft. The homes will include custom designs for this development with many varying floor plans. All of the homes will be built using the finest quality materials, including energy efficient materials. The homes will include up-to-date technologies for life safety, HVAC, and electrical systems.

The prosed development will be constructed in one single phase.

PD DESIGN MAP
 PD CONCEPT PLAN



DEVELOPMENT STANDARDS		
	REQUIRED	PROPOSED
1. MAXIMUM HEIGHT SET BACK	20 FT.	20 FT.
2. MINIMUM SIDE YARD SETBACK	5 FT.	5 FT.
3. MINIMUM FRONT YARD SETBACK	5 FT.	5 FT.
4. MINIMUM LOT WIDTH	30 FT.	30 FT.
5. MINIMUM LOT DEPTH	75 FT.	75 FT.
6. MINIMUM LOT AREA	1,500 SQ. FT.	1,500 SQ. FT.
7. MINIMUM FRONT SETBACK	5 FT.	5 FT.
8. MINIMUM SIDE SETBACK	5 FT.	5 FT.
9. MINIMUM REAR SETBACK	5 FT.	5 FT.

SEE DED. TABLE
 100' AREA - 14,000 SQ. FT.
 100' OF LOTS - 10' MINIMUM SETBACK FROM STREET AND 10' SETBACK FROM ADJACENT LOTS
 DENSITY - 140 LOTS PER ACRE

- NOTES:
- DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE DEVELOPMENT REGULATIONS FOR THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT.
 - THE DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE DEVELOPMENT REGULATIONS FOR THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT.
 - THE DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE DEVELOPMENT REGULATIONS FOR THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT.
 - THE DEVELOPMENT SHALL COMPLY WITH ALL APPLICABLE DEVELOPMENT REGULATIONS FOR THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT. THE CITY WILL BE RESPONSIBLE FOR MAINTENANCE OF THE TRAIL THROUGHOUT THE DISTRICT.

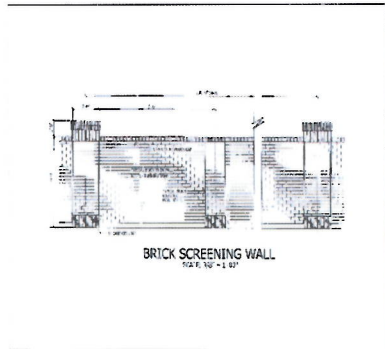
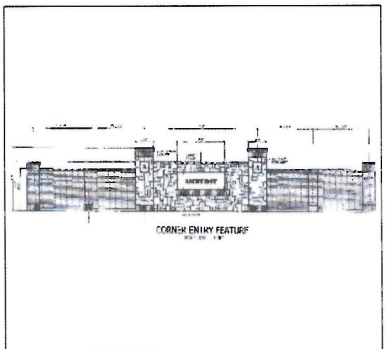
LEGEND
 SCALE: 1" = 50'
 PROPOSED TRAIL (DASHED LINE)

CONCEPT PLAN FOR PD
 AMHERST
 CORINTH TEXAS

PREPARED BY
JDR ENGINEERS & CONSULTANTS, INC.
 ENGINEERS - SURVEYORS - LAND PLANNERS
 1000 W. 15th Street, Suite 100
 Corinth, TX 75040

DATE: 12-8-15
 SCALE: 1" = 50'

NO.	BLOCK	AREA (SQ. FT.)
1	B	8,743
2	B	1,107
3	B	1,144
4	C	7,144
5	C	1,881
6	E	6.58
7	B	6,185
8	E	6,311
9	B	6,319
10	B	7,883
11	B	7,883
12	B	7,883
13	B	7,883
14	B	6,319
15	B	6,429
16	B	7,187
17	B	6,861
18	DEV. PHASE	60,046
19	F	7,106
20	F	7,106
21	F	7,106
22	F	7,106
23	F	7,106
24	F	7,106
25	F	7,106
26	F	7,106
27	F	7,106
28	F	7,106
29	F	7,106
30	F	7,106
31	F	7,106
32	F	7,106
33	F	7,106
34	F	7,106
35	F	7,106
36	F	7,106
37	F	7,106
38	F	7,106
39	F	7,106
40	F	7,106
41	F	7,106
42	F	7,106
43	F	7,106
44	F	7,106
45	F	7,106
46	F	7,106
47	F	7,106
48	F	7,106
49	F	7,106
50	F	7,106
51	F	7,106
52	F	7,106
53	F	7,106
54	F	7,106
55	F	7,106
56	F	7,106
57	F	7,106
58	F	7,106
59	F	7,106
60	F	7,106
61	F	7,106
62	F	7,106
63	F	7,106
64	F	7,106
65	F	7,106
66	F	7,106
67	F	7,106
68	F	7,106
69	F	7,106
70	F	7,106
71	F	7,106
72	F	7,106
73	F	7,106
74	F	7,106
75	F	7,106
76	F	7,106
77	F	7,106
78	F	7,106
79	F	7,106
80	F	7,106
81	F	7,106
82	F	7,106
83	F	7,106
84	F	7,106
85	F	7,106
86	F	7,106
87	F	7,106
88	F	7,106
89	F	7,106
90	F	7,106
91	F	7,106
92	F	7,106
93	F	7,106
94	F	7,106
95	F	7,106
96	F	7,106
97	F	7,106
98	F	7,106
99	F	7,106
100	F	7,106



SCREENING WALL DETAIL
 NOT TO SCALE

PROJECT
**CONCEPT PLAN FOR PD
 AMHERST
 COWORTH TEXAS**

JDJR ENGINEERS & CONSULTANTS, INC.
 2000 WEST 10TH STREET, SUITE 100
 FORT WORTH, TEXAS 76102
 TEL: 817.339.1111 FAX: 817.339.1112
 WWW.JDJR.COM

DATE: 10-1-15 DRAWN BY: JLD
 SCALE: 1" = 50' SHEET NO.: 2.2

EXHIBIT "C"
LAND USE REGULATIONS

SECTION 1: REGULATIONS

A. Purpose

The regulations set forth in this Exhibit provide development standards for Single Family Residential designations within this Amherst Planned Development District. The Planned Development (PD) District is identified by metes and bounds on Exhibit "A" and is depicted on Exhibit B. Every use not authorized herein is expressly prohibited in this Planned Development (PD) District.

B. Base Districts

The "SF-4" Single Family Residential District, regulations of the Corinth Unified Development Code, Ordinance No. 13-05-02-08 shall apply except as modified herein.

SECTION 2: USES

A. Single Family Residential

In the Planned Development (PD) District for Single Family Residential Uses, no building, or land shall be used and no building shall be hereafter erected, reconstructed, enlarged, or converted unless otherwise provided in the Single Family-4 (SF-4) District regulations of the Unified Development Code.

B. Open Space

Lot 18X, Block 6 (approx. 1.53 acres) shall be dedicated for the use of the homeowners within this development. This Open Space lot will be owned and maintained by the Homeowner's Association (HOA).

C. Park Land Dedication

1. Lot 18X, Block 8 (approx. 1.09 acres) shall be dedicated to the City of Corinth for a public park. This park land dedication was approved in concept by the City Council on December 17, 2015. The park shall be dedicated in compliance with the UDC requirements and then owned and maintained by the City of Corinth.
2. The developer shall install 6 park benches on concrete pads and two swing sets, one for toddlers and one for older children.

3. A minimum 6' wide pedestrian trail sidewalk shall be installed through the development from Parkridge Drive to the west boundary of the development at the location of the street extension. This hardscape trail shall go through the park.

SECTION 3: AREA REGULATIONS FOR SITE PLAN "AREA A" – Planned Development Single Family Residential (PD SF-4) District

A. Purpose

This district is intended to provide for development of single family dwelling units on lots of not less than 7,500 square feet.

B. Permitted Uses and Use Regulations

The Permitted Uses in the SF-4, Single Family Residential District, as listed in Subsection 2.07 of the Unified Development Code.

C. Dimensional Regulations

The Dimensional Regulations described in Section 2.04.04 of the Unified Development Code, Ordinance No. 13-05-02-08, for Single Family-4 (SF-4) District shall apply to the 1400development of the property, except as follows:

Minimum Front Yard Setback	20 feet
Minimum Side Yard Setback Interior Lot Corner Lot	5 feet 15 feet
Minimum Rear Yard Setback	20 feet
Minimum Lot Width	60 feet at building line
Minimum Floor Area	2,000 sq. ft.
Maximum Building Coverage	55 percent

D. Development Standards

The Development Standards for this PD are the development standards for SF-4 Single Family Residential, Section 2.04.04 of the City's Unified Development Code except as otherwise stated herein:

1. UDC 2.07.07 **Accessory Buildings and Uses** shall apply.
2. UDC 2.09.01 **Landscape Regulations** shall apply.
3. UDC 2.09.02 **Tree Preservation Regulations** shall apply.

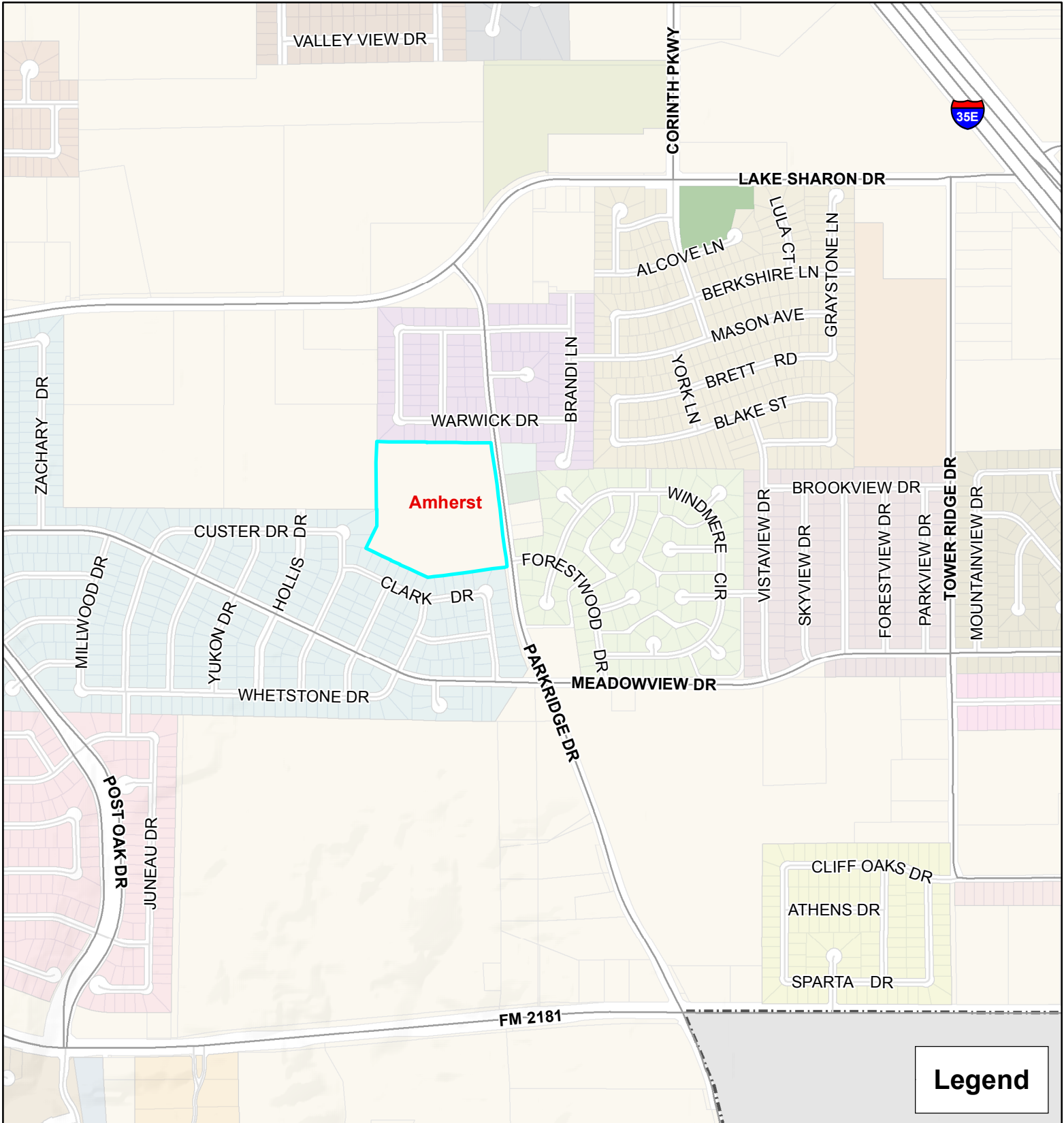
4. UDC 2.09.03 **Vehicle Parking Regulations** shall apply except:
 - a. Side entry garages may face a side property line for interior lots only.
5. UDC 2.09.04 **Building Façade Material Standards** shall apply except:
 - a. The exterior facades of a main residential building or structure shall be constructed of one hundred (100) percent Class 1: Residential Masonry Construction with no more than 85% of one product.
6. UDC 2.09.05 **Residential Adjacency Standards** shall apply.
7. UDC 2.09.07 **Lighting and Glare Regulations** shall apply.
8. UDC 4.02 **Fence and Screening Regulations** shall apply, including the following:
 - a. The masonry screening wall shall be located within an easement to the HOA, entry features/signs at both street intersections and must be owned and maintained by a property owner's association, such as an HOA, with provisions for maintenance and documents which evidence such provision which are recorded in the County Deed Records.
9. Garages
 - a. Each home shall have at least a two car enclosed garage, 20'x20' minimum.
 - b. Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, approved private street, or approved private access easement.
10. Driveways
 - a. Residential lots shall have concrete driveways.
 - b. Driveways shall be designed and maintained to prevent all-weather surface materials from being deposited on public streets and rights-of-way by storm water runoff.



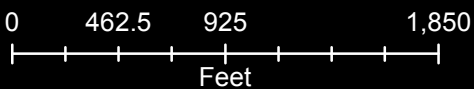
CITY OF CORINTH

AMHERST ADDITION

Final Replat



Legend



PUBLIC HEARING / BUSINESS ITEM #3

Planning and Zoning Commission Special Session

September 11, 2017

AGENDA ITEM

PUBLIC HEARING: To hear public opinion regarding amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.10.08 Site Plans.

3. BUSINESS: Consider and act on an ordinance amending the Comprehensive Zoning Ordinance being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 2.10.08 Site Plans.

APPROVAL PROCESS

A zoning text amendment does not include change or modify the boundaries of any zoning districts. The Planning and Zoning Commission after a Public Hearing will recommend to City Council for consideration. City Council through a Public Hearing will consider the item for action. Notification of the hearing will be placed in the City's official newspaper prior to City Council.

PUBLIC NOTIFICATION

Notification by newspaper is required with the zoning text amendment process.

AGENDA ITEM DESCRIPTION

The Unified Development Code was adopted by City Council in May 2013 after a yearlong review period. Since then, staff has kept an ongoing list of proposed updates that need to be addressed. These updates will help improve the predictability and flexibility of the City's development process. Staff held a workshop with City Council on July 20 regarding the proposed amendments and was requested to move forward with the adoption of the UDC amendments.

Site Plan Process: The following amendment will allow for speed and predictability of the site plan process. Currently it can take up to two months just to get through the process of P&Z and City Council. With the proposed changes, staff will have the approval authority with waiver and appeal authority going to P&Z and City Council.

ZONING

N/A

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

N/A

FINANCIAL SUMMARY

Source of Funding: No funding is required.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment.

ATTACHMENTS / SUPPORTING DOCUMENTS

Ordinance

Submitted By: Fred Gibbs, Planning and Development Director
Department: Planning and Development

Finance Review: Yes NA X Legal Review: Yes NA X

Director Review and Approval:

ORDINANCE NO. 17-09-21-___

AN ORDINANCE AMENDING SECTION 2.10.08 OF THE CORINTH UNIFIED DEVELOPMENT CODE TO AMEND APPROVAL REQUIREMENTS FOR SITE PLANS; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code which provides that a site plan be required as part of the development process; and

WHEREAS, it is the intent of the Corinth City Council to amend the Unified Development Code by amending the site plan process to enhance the development process; and **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.

That Section 2, Zoning Regulations, Subsection 2.10, Zoning Procedures, Paragraph 2.10.08, Site Plans, of the Corinth Unified Development Code is hereby amended by modifying the approval of Site Plans related to building permits by amendment to Subparagraphs 2.10.08(B)(1)(b)(i), 2.10.08(C)(2)(b)-(c), 2.10.08(G)(1)(d)(i), 2.10.08(H)(3)(c)-(d), 2.10.08(I), and 2.10.08(J)(1) so that they shall hereafter be and read as follows:

“2.10.08 Site Plans

...

B. Applicability

1. Processing and Timing: Two Different Types of Site Plans Exist

...

b. Site Plans Related to Building Permits or any On-Site Construction/Development.

i. Requirement. No building permit shall be issued for any applicable development or any on-site construction/development activity shall occur unless a Site Plan is first:

(a) Reviewed by the Development Review Committee; and

(b) Approved by the Director of Planning

...

C. Approval and Process

...

2. Site Plans Related to Building Permits or any On-Site Construction/Development. The approval of a Site Plan (SP) related to a building permit or construction/development Application requires the following:

- a. Review by the Development Review Committee
- b. Approval by the Director of Planning

...

G. Site Plan

1. Site Plan Application Procedure and Requirements

...

d. Site Plan Standards of Approval

i. Director of Planning Approval and City Council Approval.

The Director of Planning using the review and approval process outlined in Section 2.10.08.C1 and 2.10.08.C2, may approve, conditionally approve, refer to City Council for approval, or deny a Site Plan based upon the criteria listed below. If the Director of Planning denies approval of the Site Plan, the applicant may appeal the determination to the City Council following the appeal procedure for Substantially Conforming Site Plan appeals.

Site Plans Requiring City Council Approval: Upon referral from the Director of Planning or the applicant's appeal of the denial of the Site Plan, City Council using the review and approval process outlined in Section 2.10.08. C1 and 2.10.08. C2, may approve, conditionally approve, or deny a Site Plan based upon the criteria listed below.

...

H. Site Plan Amendments As changes are proposed to an approved Site Plan (SP), an Applicant shall comply with the following review and approval processes.

...

3. Revised Site Plan (SP)

...

c. The revised plan requires approval by the Director of Planning.

d. The revised Site Plan shall expire two (2) years from the date of approval.

...

I. Revocation of Site Plan Approval The Director of Planning or City Council, when applicable, may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit. If the Director of Planning revokes approval of the Site Plan, the applicant may appeal the determination to the City Council following the appeal procedure for Substantially Conforming Site Plan appeals.

J. Additional Development and Redevelopment

1. Additional Development, Site Modifications, or Redevelopment. Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal of a revised Site Plan and the approval of the Director of Planning under the regulations, requirements and procedures then in effect.”

SECTION 2.

That all ordinances of the City in direct conflict with the provisions of this Ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect, to the extent provided by law.

SECTION 3.

Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

SECTION 4.

The City Secretary of the City of Corinth is directed to publish the caption, publication clause and effective date of this Ordinance to the extent required by law.

SECTION 5.

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing the fire safety or public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publications as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2017.

The Honorable Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Mack Reinwand, City Attorney

2.10.08. Site Plans

A. Purpose

The purpose of the Site Plan process is to establish a procedure for coordinating and verifying improvements to properties. Through Site Plan review, zoning standards and other applicable municipal standards or ordinances that may apply to specific site development can be uniformly implemented by the City for townhome, multi-family, and nonresidential development. This process is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, open space, landscaping, and natural features.

B. Applicability

1. Processing and Timing: Two Different Types of Site Plans Exist

a. Site Plans Related to Rezoning Applications

i. Requirement

No [Zoning Map Amendment \(Rezoning\)](#) Application shall be approved for any applicable zoning district unless a [Site Plan](#) is approved at the time of rezoning Application.

ii. Rezoning Applications Requiring Site Plans

In order to approve a [Zoning Map Amendment \(Rezoning\)](#) Application, a Site Plan shall be submitted as a part of rezoning Application for the following zoning districts.

- (a) MX-D, Mixed Density Residential Zoning District
- (b) MF-1, Multi-Family Residential Zoning District
- (c) MF-2, Multi-Family Residential Zoning District
- (d) MF-3, Multi-Family Residential Zoning District
- (e) MX-R, Mixed Use Residential
- (f) MX-C, Mixed Use Commercial
- (g) Specific Use Permit (SUP)

b. Site Plans Related to Building Permits or any On-Site Construction/Development

i. Requirement

No building permit shall be issued for any applicable developments or any on-site construction/development activity shall occur unless a [Site Plan](#) is first approved by the City.

ii. Nonresidential Development Requiring Site Plans

- (a) All nonresidential development within the City's corporate limits, except as provided in [2.10.08. D Site Plan Exempted Development](#), below, require an approved Site Plan.
- (b) Parking lot development, reconstruction, or reconfiguration of more than twenty (20) spaces requires an approved Site Plan.

iii. Residential Development Requiring Site Plans

- (a) All residential development within the [MX-D, Mixed Density Residential](#) zoning district requires an approved Site Plan.
- (b) Residential development having more than two dwelling units, including attached single family housing, townhomes, and condominiums requires an approved Site Plan.



2. Public Hearings

A public hearing on a Site Plan is not required unless a site plan is prepared in conjunction with a rezoning Application.

3. Effect

No certificate of occupancy shall be issued unless all construction and development conform to the Site Plan as approved by the City.

C. Approval and Process

1. Site Plans Related to Rezoning Applications

The approval of a Site Plan (SP) related to a rezoning Application requires the following:

- a. Review by the [Development Review Committee](#),
- b. A recommended action by [Planning and Zoning Commission](#) for the Council's consideration, and
- c. Approval by the [City Council](#).

2. Site Plans Related to Building Permits or any On-Site Construction/Development

The approval of a Site Plan (SP) related to a building permit or construction/development Application requires the following:

- a. Review by the [Development Review Committee](#),
- b. A recommended action by [Planning and Zoning Commission](#) for the Council's consideration, and
- c. Approval by the [City Council](#).

3. Site Plan Process Overview

The purpose of the Site Plan process is to:

- a. Ensure compliance with adopted City development regulations and other applicable regulations that apply to the property for which the City has enforcement responsibility;
- b. Promote safe, efficient and harmonious use of land through application of City-adopted design standards and guidelines;
- c. Promote the vision established by the Comprehensive Plan;
- d. Ensure adequate public facilities to serve development;
- e. Coordinate and document the design of public and private improvements to be constructed;
- f. Prevent or mitigate adverse development impacts, including overcrowding and congestion;
- g. Aid evaluation and coordination of land subdivision, including the granting of easements, Right-of-Way, development agreements and provision of surety;
- h. Identify and address environmental concerns (floodplain, drainage, trees, topography, etc.); and
- i. Promote the public health, safety and welfare.

D. Site Plan Exempted Development

The following types of development are exempted from the requirements of this [2.10.08. Site Plans](#):

- a. Agricultural buildings; and
- b. A [Temporary Building for New Construction](#) as permitted by [2.07.03. Use Chart](#).

E. Submission of Site Plan Applications

1. Coordinating Official

Applications for approval of plans required by this Section [2.10.08. Site Plans](#) must be submitted to the Director of Planning.

2. Calendar of Official Processing Dates

A calendar of official processing dates for items requiring [DRC](#) review, [Planning and Zoning Commission](#) recommendation, and [City Council](#) approval pursuant to this Section [2.10.08. Site Plans](#) shall be published by the City thirty (30) calendar days prior to the beginning of each calendar year.

3. Late Application Processing Date

All Applications required by this Section [2.10.08. Site Plans](#) filed on a date other than an official processing date shall be processed according to the schedule established by the subsequent official processing date appearing on the calendar after the filing date and after the date of receipt of the Application.

4. Other Regulations for Applications

Applications are also governed by [Subsection 2.02 Zoning Submittal and Processing Procedures](#).

F. Fees, Forms and Procedures

1. Schedule of Fees

The fees relating to the Site Plan approval process shall be established by the [Fee Schedule](#).

2. Delinquent Taxes

No Site Plan shall be approved for properties with delinquent City taxes.

3. Procedures, Forms and Standards

The Director of Planning shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an Application for a Site Plan.

G. Site Plan

1. Site Plan Application Procedure and Requirements

a. Site Plan Pre-Application

- i. Before preparing a [Site Plan](#), the [Applicant](#) may meet with the [Director of Planning](#) to allow the Applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by Applicant.
- ii. No Application for a permit may be submitted to or accepted for filing with the Director of Planning during the meeting.

b. Site Plan General Application

The property owner or authorized agent shall file an Application for the approval of a Site Plan. This Application shall include the information listed on the Site Plan [Application Form](#) and Checklist, which shall be created and maintained by the Director of Planning.



c. Site Plan Additional Requirements

The following plans shall be submitted with a [Site Plan Application](#) and approval is necessary prior to final authorization for development:

- i. Final Plat or Replat,
- ii. Engineering plans or Construction Plans,
- iii. Traffic Impact Analysis ([3.05.04. D](#)), if applicable,
- iv. Tree Preservation Plan, if applicable,
- v. Traffic Circulation Study, if required,
- vi. Landscape plans,
- vii. Flood Study, if required, or
- viii. Other approvals as required by ordinance or resolution.

d. Site Plan Standards of Approval

- i. City Council Approval

The [City Council](#), using the review and approval process outlined in Section [2.10.08. C.1](#) and [2.10.08. C.2](#), may approve, conditionally approve, table or deny a Site Plan based upon the criteria listed below.

- ii. Approval Criteria

- (a) Conformance with the Comprehensive Plan and adopted design guidelines.
- (b) Compliance with the UDC Zoning Regulations and other applicable regulations and previously approved, valid plans for the property.
- (c) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely arranged.
- (d) The width, grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- (e) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and to complement the design and location of buildings and be integrated into the overall site design.
- (f) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (g) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (h) Protection and conservation of water courses and areas subject to flooding.
- (i) The adequacy of streets, water, drainage, wastewater, storm water facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- (j) The design of adjacent public street improvements and Right-of-Way including existing or proposed deceleration lanes, median openings and left turn bays, location of driveways, drive aisles, cross access between internal developments, and access to properties adjacent to the subject site.
- (k) The City shall not take action on a Site Plan for property where City taxes are delinquent.

- e. Site Plan Effect
 - i. Approval of a [Site Plan](#) is the City's authorization to apply for approval of building permits and to receive approval of engineering plans.
 - ii. During the time the Site Plan remains valid, the City shall not apply any additional requirements concerning building placement, streets, drives, parking, landscaping or screening.
 - iii. Site Plan approval is separate and distinct from other permits and approvals as may be required by the City and other regulatory agencies.
 - iv. Approval of a Site Plan shall not affect other applicable regulations concerning development and land use.
 - v. Except where authorized by ordinance, a Site Plan may not be used to approve a variance to development regulations.
 - vi. Where an approved plan conflicts with an adopted regulation and no [Zoning Variance](#) or [Zoning Special Exception](#) is expressly approved, the regulation shall apply.
- f. Site Plan Lapse
 - i. Two (2) Year Effective Period
 - (a) The approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the Application with the Director of Planning. At the end of this time, the Site Plan shall expire unless the Applicant demonstrates to the Director of Planning that progress has been made towards completion of the project for which the Site Plan was approved.
 - (b) Submission and receipt of approval of engineering plans and building permits prior to expiration of the Site Plan shall be evidence of progress towards completion.
 - (c) However, if engineering plans and permits have been approved only for a portion of the property or if the progress towards completion is only for a portion of the property and/or improvements, the Site Plan for the remaining property and/or improvements shall expire.
 - ii. Expired Site Plans
 - (a) For all expired Site Plans, the Applicant shall be required to submit a new Site Plan subject to the then existing regulations (see [2.10.08. G.1 Site Plan Application Procedure and Requirements](#)).
 - (b) Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.
 - (c) Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with [2.10.08. J Additional Development and Redevelopment](#) and shall be considered a new project subject to the then existing ordinances, laws and regulations of the City.



H. Site Plan Amendments

As changes are proposed to an approved Site Plan (SP), an Applicant shall comply with the following review and approval processes.

1. Updates During Construction Plan Reviews
 - a. Updates made to a Site Plan based on modifications made during construction plan review shall be incorporated into the approved Site Plan.
 - b. The Applicant shall submit [Record Drawings](#) prior to final acceptance for approval by the Director of Planning.
2. Substantially Conforming Site Plan (SCSP)
 - a. This plan shall include, but is not limited to, corrections of distances and dimensions, adjustments of building configuration and placement, increase in building area not to exceed 1,000 square feet, changes to utility locations, modifications to the number or size of meters, and the addition or removal of twenty (20) or fewer parking spaces, and the addition of cellular antenna ground-mounted equipment where the use has been approved.
 - b. The [SCSP](#) shall be reviewed and approved or denied by the [Director of Planning](#).
 - c. An [Applicant](#) may appeal the denial of an [SCSP](#) to the [City Council](#) in accordance to the following.
 - i. Appeal of a Substantially Conforming Site Plan Decision made by the Director of Planning
 - (a) The Applicant or four (4) members of City Council may appeal the decision regarding a SCSP by submitting a written notice of appeal to the Director of Planning.
 - (i) The Applicant must submit said written notice of appeal no later than thirty (30) business days from the date of such decision by the Director of Planning.
 - (ii) The City Council shall consider and act on whether it will appeal the Director of Planning's decision no later than thirty (30) business days from the date of such decision or at the City Council's first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Director of Planning's decision, whichever is later.
 - (iii) Written notice of the City Council's vote to appeal shall be submitted to the Director of Planning within seven (7) calendar days of the City Council's vote.
 - (b) The City Council shall consider the appeal at a public meeting no later than forty-five (45) calendar days after the date on which the notice of appeal is submitted to the Director of Planning.
 - (c) The City Council may affirm, modify, or reverse the Site Plan decision made by the Director of Planning.
 - d. The expiration shall be the same date of the originally approved Site Plan. In cases where a Site Plan has already expired, the [SCSP](#) shall expire six (6) months from the date of approval during which time all permits shall be issued for construction.
 - e. Any construction plans and building plans associated with the project that have been submitted or approved shall be updated accordingly with the approval.
 - f. Depending on the changes proposed, other approvals may be required, such as Landscape Plans, platting, etc.
3. Revised Site Plan (SP)

- a. This revised Site Plan shall include, but is not limited to, realignments of drive aisles and fire lanes, increase in building area of 1,000 square feet or more, increase of building height, decrease in the proximity to an adjacent (off-site) residential use, and the addition or removal of more than 20 parking spaces.
- b. The revised Site Plan shall be considered a new project and shall be evaluated under the regulations in effect at the time the Application is submitted.
- c. The revised plan requires approval by the [City Council](#).
- d. The revised Site Plan shall expire two (2) years from the date of [City Council](#) approval.
- e. Construction Plans and building plans associated with the project that have been submitted or approved shall be updated accordingly with the approval. The construction of the modified improvements shall not occur until after the approval of a revised Site Plan.
- f. Depending on the changes proposed, other approvals may be required, such as but not limited to Landscape Plans and plats.

I. Revocation of Site Plan Approval

The City Council may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

J. Additional Development and Redevelopment

1. Additional Development, Site Modifications, or Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal of a revised Site Plan and the approval of the City Council under the regulations, requirements and procedures then in effect.

2. Minor Expansions and Redevelopment

Minor expansions and redevelopment may be approved by the Director of Planning under the terms of [2.10.08. H Site Plan Amendments](#).

K. Design Standards and Specifications

The following design standards and specifications, as they exist or may be amended, are required in addition to the design standards and specification set forth in this UDC:

1. Zoning Regulations;
2. Subdivision Regulations;
3. Fire Code;
4. Engineering Standards;
5. Any design standards and specifications approved by the City Council following the enactment of this provision; and
6. Building Code.

PUBLIC HEARING / BUSINESS ITEM #4

Planning and Zoning Commission Special Session

September 11, 2017

AGENDA ITEM

4. BUSINESS: Consider and act on an ordinance amending the Subdivision Regulations being a part of the Unified Development Code (UDC) Ordinance No. 13-05-02-08, as amended, Section 3.04.05 E Security for Completion of Improvements.

APPROVAL PROCESS

Amendments to the Subdivision Regulations of the Unified Development Code, are considered by the Planning and Zoning Commission and a recommendation is made to City Council. City Council will consider the item for final action.

PUBLIC NOTIFICATION

Legal notification is not required for text amendments to the Subdivision Regulations. Consideration is held in open meetings before both the Planning and Zoning Commission and for final approval through City Council.

AGENDA ITEM DESCRIPTION

The Unified Development Code was adopted by City Council in May 2013 after a yearlong review period. Since then, staff has kept an ongoing list of proposed updates that need to be addressed. These updates will help improve the predictability and flexibility of the City's development process. Staff held a workshop with City Council on July 20 regarding the proposed amendments and was requested to move forward with the adoption of the UDC amendments.

Letter of Credit: Currently the UDC only accepts letters of credit from banks in Dallas or Denton Counties. This requirement has caused some delay when moving projects forward. Staff is proposing to allow the letter of credit to be from any bank nationwide, allowing to have a venue in North Texas region just in case we should litigate for any reason. With this change staffs experience is most banks are in the DFW metro area. This change will also allow more speed and predictability in the development process.

ZONING

N/A

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION

N/A

FINANCIAL SUMMARY

Source of Funding: No funding is required.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendment.

ATTACHMENTS / SUPPORTING DOCUMENTS

Ordinance

Submitted By: Fred Gibbs, Planning and Development Director
Department: Planning and Development

Finance Review: Yes NA X Legal Review: Yes NA X

Director Review and Approval:

ORDINANCE NO. 17-09-21-___

AN ORDINANCE AMENDING SECTION 3.04.05 OF THE CORINTH UNIFIED DEVELOPMENT CODE TO AMEND IRREVOCABLE LETTER OF CREDIT REQUIREMENTS; PROVIDING FOR PUBLICATION; PROVIDING A REPEALER AND SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City is authorized to adopt regulations governing the development of land within the City and its extraterritorial jurisdiction in the interest of the public health, safety and welfare of its citizens; and

WHEREAS, the City adopted the Unified Development Code which provides that a final plat may not be approved without completion of all required public improvements unless a development agreement is executed and the developer posts financial security for the completion of the improvements; and

WHEREAS, it is the intent of the Corinth City Council to amend the Unified Development Code by adding the State of Texas from which a Letter of Credit may be drawn to enhance the development process; and

WHEREAS, City staff recommends the Unified Development Code be amended to provide for the State of Texas where the bank's Letter of Credit, if chosen as the developer's method of financial security, may be drawn and the City Council has considered such recommendation and desires to amend the Unified Development Code; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:

SECTION 1.

That Section 3, Subdivision Regulations, Subsection 3.04, Construction Plans & Procedures, Paragraph 3.04.05, Development Agreements and Security for Completion, of the Corinth Unified Development Code is hereby amended by amendment to Subparagraph 3.04.05(E)(1)(b) so that it shall hereafter be and read as follows:

“3.04.05 Development Agreement and Security for Completion

...

E. Security for Completion of Improvements

1. Type of Security

...

- b. A single irrevocable standby letter of credit issued by a federally insured bank licensed to do business in the State of Texas. The letter of credit must state that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the letter of credit; it must not expire prior to two (2) years

from the date of Plat Approval by the City; and must state the governing law and venue for any disputes be in Denton, Texas.”

SECTION 2.

That all ordinances of the City in direct conflict with the provisions of this Ordinance are hereby repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect, to the extent provided by law.

SECTION 3.

Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

SECTION 4.

The City Secretary of the City of Corinth is directed to publish the caption, publication clause and effective date of this Ordinance to the extent required by law.

SECTION 5.

Any person, firm or corporation who violates any provision of this Ordinance or the Code of Ordinances, as amended hereby, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense, provided, however, that in all cases involving violation of any provision of this ordinance or Code of Ordinances, as amended hereby, governing the fire safety or public health shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6.

This Ordinance shall be in full force and effect from and after its passage and publications as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2017.

The Honorable Bill Heidemann, Mayor

ATTEST:

Ordinance #17-09-21-__
Amend UDC
Letter of Credit_Counties

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Mack Reinwand, City Attorney

4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the City. The Applicant shall provide the City with easement or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
5. The Applicant shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney's fees and costs.

3.04.05. Development Agreements and Security for Completion

- A. Development Agreement and Security for Completion When any of the required Public Improvements will be postponed and constructed after Final Plan approval and/or recordation, the Final Plat shall not be approved or be accepted for filing, unless and until the Applicant enters into a Development Agreement of standardized format approved by the City by which the Applicant:
 1. Will complete the improvements;
 2. Warrants the Improvements for a period of two (2) years following final acceptance by the City;
 3. Provide a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period to insure the repair and replacement of all defects due to faulty materials and workmanship that appear within the two year period following the City's date of acceptance;
 4. Provide provisions (e.g., performance and payment bonds, letter of credit) for securing the obligations of the agreement consistent with Section 3.04.05.E.; and
 5. Outlines other terms and conditions as are agreed to by the Applicant and the City, or as may be required by these Subdivision Regulations, including insurance requirements and covenants to comply with other ordinances of the City.
- B. Agreement to Run with the Land
 1. The Development Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the Applicant.
 2. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.
- C. Decision by the Director of Public Works The Director of Public Works shall review the Development Agreement, and shall approve it, approve it with conditions, or deny it.
- D. Appeal to the Council of a Development Agreement Decision
 1. The Applicant may appeal the Director of Public Works' decision on the Development Agreement to the City Council by submitting written notice of appeal to the Director of Public Works within fourteen (14) calendar days following the date of such decision.
 2. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal.
 3. The City Council may only overturn the Director of Public Works' decision upon a favorable vote of at least four (4) of the Council's voting members, and the Council's decision shall be final.
- E. Security for Completion of Improvements



1. Type of Security. When any of the required Public Improvements will be constructed after approval and/or recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed Improvements and payment of all claimants supplying labor and materials for the construction of the Improvements, in an amount described in subsection 2 below, and in accordance with the City's standards and with these Subdivision Regulations, by one of the following methods:
 - a. A single performance bond and, if improvements exceed \$25,000, a payment bond executed by a surety company holding a license to do business in the State of Texas, by a surety on the list of "Companies holding certificates of authority as acceptable sureties on federal bonds and as acceptable reinsuring companies", as published by the U.S. department of the treasury, with a local resident agent, and acceptable to the City. The performance and payment bonds shall be approved as to form by the City Attorney; or
 - b. A single irrevocable standby letter of credit issued by a federally insured bank licensed to do business in the State of Texas. The letter of credit must be drawable through a Texas office, with offices in Denton or Dallas County, and state that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the letter of credit; it must not expire prior to two (2) years from the date of Plat Approval by the City.
2. Estimated Cost and Security Approval; Substitution of Security.
 - a. Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required Public Improvements to the City's standards as estimated by the Developer Applicant's professional engineer, and as approved by the Director of Public Works.
 - b. Security shall be subject to the review and approval of the City Attorney.
 - c. The Applicant shall reimburse the City for all related legal costs for review; this reimbursement shall be paid in full prior to filing of the Final Plat.
 - d. When a Developer has given security in any of the forms hereinabove provided, and fifty (50) percent of the required Improvements have been completed and approved in writing by the Director of Public Works, the Developer may substitute for the original guarantee, a new single guarantee in an amount equal to one hundred and ten percent (110%) of the cost of the remaining Public Improvements approved by the Director. The new guarantee need not be in the same form as the original guarantee so long as such guarantee is one that is listed in subsection (1). However, in no event shall the substitution of one security for another in any way change or modify the terms and conditions of the obligation of the Developer as specified in the Development Agreement.
 - e. A Developer may draw down after the City receives a certificate of developer's engineer certifying that at least twenty-five percent (25%) of the required Improvements are completed and accepted and the City's inspectors have approved the Improvements. Subsequent draw downs may be made after the Developer has constructed fifty percent (50%), and then seventy-five percent (75%) of the required Improvements and the inspectors have inspected and approved them.
 - f. Until the expiration of two years from the date of Final Plat approval, should the Director of Public Works determine that the adequacy of any performance guarantee is insufficient, or fails to provide for the completion of the uncompleted Improvements, the Director shall require either a substitute or an additional form of financial security.

F. Escrow Policies and Procedures

1. Request for Escrow.
 - a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed \$15,000 for a period of two (2) years from acceptance of the project. An example may include a timing issue due to pending street improvements by another agency such as TxDOT.



- b. The Director of Public Works may require studies and other information to support the Developer's request to escrow.
 2. Escrow Deposit with the City.
 - a. When the Director of Public Works requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be determined by the City, an amount equal to one hundred and ten percent (110%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
 - b. The Director of Public Works shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.
 3. City Usage of Escrowed Funds. The City may also use the escrowed funds in participation with another entity (such as TxDOT or Denton County, etc.) to jointly construct the Public Improvement(s).
 4. Termination of Escrow.
 - a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.
 - b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).
 5. Refund. If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Public Improvement. The City shall require thirty (30) days from the request to process the refund.
 6. Interest on Escrowed Funds. When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.
 7. Escrow Fee Agreement. The Director of Public Works, at his/her discretion, may require an escrow fee agreement be executed.

(Ord. No. 14-10-16-34, § 2, 10-16-14)