



*** PUBLIC NOTICE ***

**NOTICE OF A CITY COUNCIL REGULAR SESSION IMMEDIATELY FOLLOWING
A WORKSHOP SESSION
OF THE CITY OF CORINTH
Thursday, April 18, 2019, 5:45 P.M.
CITY HALL - 3300 CORINTH PARKWAY**

CALL TO ORDER:

WORKSHOP BUSINESS AGENDA

1. Receive a presentation on the status of the city's water meter transponder conversion system.
2. Receive a presentation on the status of the Public Works Facility remodel and an update on the status of the Phase II project for Public Works and the Fire Department Training Facility.
3. Receive a report, hold a discussion, and give staff direction on the Water and Wastewater Rates.
4. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

ADJOURN WORKSHOP SESSION

***NOTICE IS HEREBY GIVEN** of a Regular Session of the Corinth City Council to be held at Corinth City Hall located at 3300 Corinth Parkway, Corinth, Texas. The agenda is as follows:

7:00 p.m. CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:
"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

PROCLAMATION:

1. Proclamation: Motorcycle Safety Awareness Month

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

2. Consider and act on minutes from the March 7, 2019 Workshop Session.
3. Consider and act on minutes from the March 21, 2019 Regular Session.
4. Consider and act on a Resolution approving the City of Corinth Fund Balance Policy.

CITIZENS COMMENTS

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

PUBLIC HEARING

5. The Corinth City Council will conduct a public hearing to consider and act upon an amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.
 - Staff Presentation
 - Public Hearing (Open and Close)
 - Response by Staff
 - Take Action
6. The Corinth City Council will conduct a public hearing to consider testimony and act upon an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.08: Zoning Dimensional Regulations, 2.08.04 Zoning Dimensional Regulations Chart. (Residential Lot Dimentions & Setbacks)
 - Staff Presentation
 - Public Hearing (Open and Close)
 - Response by Staff
 - Take Action

BUSINESS AGENDA

7. Consider and act on a formal adoption of the Room Rental Policy for City facilities.
8. Consider and act on a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code. **Closed Session may happen at any time during the Workshop Session and before the start of a City Council Regular Session.**

Section 551.071. (1) Private consultation with its attorney to seek advice about pending or contemplated litigation; and/or settlement offer; and/or (2) a matter in which the duty of the attorney to the government body under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with chapter 551.

A. MCM Contract for Lake Sharon Roadway Extension.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

Section 551.074. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee.

Section 551.087. To deliberate or discuss regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect.

A. Project Daylight

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION TO TAKE ACTION, IF NECESSARY, ON CLOSED SESSION ITEMS.

ADJOURN:

Posted this 12 day of April, 2019 at 11:30 a.m. on the bulletin board at Corinth City Hall.

Kimberly Pence

Kimberly Pence, City Secretary
City of Corinth, Texas

WORKSHOP BUSINESS ITEM 1.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Water Meter Transponder Conversion Update
Submitted For: Cody Collier, Director **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Infrastructure Development

AGENDA ITEM

Receive a presentation on the status of the city's water meter transponder conversion system.

AGENDA ITEM SUMMARY/BACKGROUND

The transponder conversion began in 2016. We have experienced several delays due to manufacturing issues and few system issues requiring additional time to complete the conversion and activate the customer portal software.

RECOMMENDATION

Update only.

WORKSHOP BUSINESS ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Public Works Remodel and Site Improvements Update
Submitted For: Cody Collier, Director **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Infrastructure Development

AGENDA ITEM

Receive a presentation on the status of the Public Works Facility remodel and an update on the status of the Phase II project for Public Works and the Fire Department Training Facility.

AGENDA ITEM SUMMARY/BACKGROUND

Work began on the Public Works Facility remodel in December of 2018. Work has been progressing and we anticipate moving back to the facility in May. Update on the status of Phase II with contract and authorization to begin work with an anticipated completion date.

RECOMMENDATION

Presentation only.

WORKSHOP BUSINESS ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Water Rate Study
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Lee Ann Bunselmeyer, Director
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

AGENDA ITEM

Receive a report, hold a discussion, and give staff direction on the Water and Wastewater Rates.

AGENDA ITEM SUMMARY/BACKGROUND

The City retained Carolyn M. Marshall, CPA to perform a cost of service and rate design study for the City's water and wastewater utility. The study's intent is to achieve a water and wastewater structure that will assure equitable and adequate revenues for operations, debt service retirement, capital improvements and bond covenant requirements. The analysis examined revenue requirements for a five-year period beginning with fiscal year 2019-2020.

RECOMMENDATION

PROCLAMATION 1.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Motorcycle Safety and Awareness Month
Submitted For: Kim Pence, City Secretary **Submitted By:** Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

AGENDA ITEM

Proclamation: Motorcycle Safety Awareness Month

AGENDA ITEM SUMMARY/BACKGROUND

Today's society is finding more citizens involved in motorcycling on the roads of our country. Campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety.

We urge all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

RECOMMENDATION

N/A

Attachments

Proclamation



MAYOR'S PROCLAMATION

***WHEREAS**, today's society is finding more citizens involved in motorcycling on the roads of our country; and*

***WHEREAS**, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and*

***WHEREAS**, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and*

***WHEREAS**, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and*

***WHEREAS**, urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;*

***NOW, THEREFORE I**, Bill Heidemann, Mayor of the City of Corinth do hereby proclaim the month of May, as Motorcycle Safety and Awareness Month in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.*

***IN WITNESS WHEREOF**, I have set my hand and caused the Seal of the City to be affixed this _____ day of _____ in the year 2019.*

Bill Heidemann, Mayor

CONSENT ITEM 2.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: March 7, 2019 Workshop Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the March 7, 2019 Workshop Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the March 7, 2019 Workshop Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 7, 2019 Workshop Session minutes.

Attachments

Minutes

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

On this the 7th day of March 2019 the City Council of the City of Corinth, Texas met in Workshop Session at the Corinth City Hall at 5:45 P.M., 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:

Mayor Heidemann
Sam Burke, Mayor Pro-Tem
Don Glockel, Council Member
Tina Henderson, Council Member
Lowell Johnson, Council Member

Members Absent:

Scott Garber, Council Member

Others Present

Tom Winterburn, DCTA Representative and Ethics Committee Member
Ryan Burk, Founder of Slate Communications
Liz Cassi, Slate Communications Project Manager

Staff Members Present

Bob Hart, City Manager
Kim Pence, City Secretary
Patricia Adams, Messer, Rockefeller, & Fort
Helen-Eve Liebman, Planning and Development Director
Lee Ann Bunselmeyer, Finance Director
Jason Alexander, Director of Economic Development
Shea Rodgers, Technology Services Manager
Chris Rodriguez, Assistant Finance Director
Jerry, Garner, Police Chief

CALL TO ORDER:

Mayor Heidemann called the meeting to order at 5:45 p.m.

WORKSHOP BUSINESS AGENDA:

1. Hold a discussion and provide staff direction on a City Logo.

Bob Hart, City Manager – This is a follow up from a couple of week ago. Liz Cassi and Ryan Burk with Slate Communications are on the phone from Colorado.

Ryan Burk, founder of Slate Communications – Thank you for having us. I have Liz Cassi Communication Specialist with Slate here with me. We would like to review initially what we talked about and discuss the logo revision. We tried to make sure we created a versatile logo that is not dated and can be used upon many different applications; from vehicles to apparel, and does not look like a sports team logo. We want to showcase Texas and bring that into the Logo. The design team tried to take the elements that are descriptive of the City of Corinth; a community that

stays, is vibrant, is multigenerational, has quality of life should be illustrated within the logo ensuring all of this is showcased and come up with a sophisticated logo that still shows the character. The colors are representative of the character; red shows a measure of strength and energy: blue shows stability: lighter blue is more comfortable in nature and represents a bedroom community. The first logo was shown previously, with a swoosh of the “C”, the team wanted to make it more solid, rounded and aggressive. This wasn’t as light as the previous one and has a lot more strength to it. Option two is the illustrative version of the window at city hall. The team wanted to ensure it was a mark that was easy to reproduce, so they pulled some of the color from it. It is unique and original just as Corinth is to the rest of Texas. I believe this will definitely stand out from your neighbors. The third option brings in the column feature at city hall by bringing in the Corinthian column. We are addressing several things; such as the illustrative column that is a very versatile and a re-producible mark. Option four is a new option with the intention of refreshing the original Corinth Logo making it more versatile. It is more timeless and easily recognizable from afar. This one looks more professional and official and not like a sports team logo. We would appreciate some feedback from Council on their direction for the logos.

Several Councilmembers agreed they do not like the last logo option.

Councilmember Henderson – I dislike the changes to the second logo, too squatty and a lot of color, maybe make the second and the third logo with two colors, all the different colors make it look cheap. It looks crisper and fresher without the light blue.

Councilmember Glockel - if those are the only four we have to choose from, I agree with Councilmember Henderson. None of the other three have a message or are distinguishable on the trucks just a glob of paint without a distinguishable design and meaning. The star reminds me of a sports team, but I like it better than number four. What does the other two represent to others at trade shows, just a window of our building?

Mayor Heidemann – reminded Council the objective is to get the Corinthian look into our logo which represents our city.

Councilmember Glockel – number two is the window above the main entry of this building. We have bought signs with a more Corinthian and blocky look than this dome, so all of our signs so far are not this dome.

Bob Hart, City Manager – That is the face of city hall and that is the architectural element tying them together.

Mayor Pro-Tem Burke – likes option one and three, but agrees number one does look like the Houston Texans star, but feels they both look better than the current logo.

Councilmember Henderson – would like to see the column logo without the light blue, the whole column in one color, navy, and make the name Corinth in red. She likes the look on the trucks a lot.

Mayor Pro-Tem Burke - Council agreed to hold onto option three and take a look at more adaptations of option three. Then come back and look at the adaptations.

Ryan Burk, founder of Slate Communications – further pursue option three. Was there any additional thoughts on the mark about three or any other additional detail?

Mayor Pro-Tem Burke – forget about options two and four and leave option one for comparison. On option three work with the colors. Councilmember Henderson wanted to see one with only red and navy no light blue and work with some variation of that. We are either going with something based off the star or column theme not the window or the adaptation of the current logo.

Liz Cassi, Communication Specialist – agreed to work on the logo more and bring it back for Council to review other adaptations of options one and three.

2. Discuss Regular Meeting Items on Regular Session Agenda, including the consideration of closed session items as set forth in the Closed Session agenda items below.

Consent Item #5 Discussion:

5. Consider and act on a Resolution adopting the City of Corinth’s Early Model Home policy.

Councilmember Glockel – the first page, center paragraph, stated the early model homes will be prohibited from connecting to the city water and wastewater facilities until the entire subdivision has been inspected. I find this inclusive, the entire subdivision has to be complete. Then on page 88, paragraph 8, it states all city ordinance requirements and requirements of this policy shall be met and the proposed development must receive final acceptance of public improvements serving the subdivision land prior to the city building inspection department issuing a temporary certificate to occupy the model homes. The two areas are in conflict, does this mean the entire subdivision must be completed?

Helen-Eve Liebman, Planning and Development Director – clarified with Councilmember Glockel where the exact locations of these two areas of concern are within the policy.

Councilmember Glockel – does this mean until the entire water and sewer infrastructure has been accepted, is that all we are talking about?

Helen-Eve Liebman, Planning and Development Director – Yes sir.

Bob Hart, City Manager – Yes, the city wants to make sure the water and sewer system meets all of our standards and we have accepted it.

Helen-Eve Liebman, Planning and Development Director – the resolution is written correctly. The whole thought is for the developer to begin constructing homes before the entire infrastructure is installed and inspected allowing the developer to sell lots and get them all going at the same time. When the full subdivision is accepted they can begin selling homes as quickly as possible.

Councilmember Glockel – on page 87, it states model homes shall remain as it was created for one year before they can be changed to a residential home. What if it is a smaller subdivision? Just food for thought. Also, on page 87 the roads adjacent to the model home, last sentence, roads not adjacent to the model home shall be closed to thru non-emergency traffic. I am thinking back to a previous situation where there was a street that tied two subdivisions and there was a lot of traffic. Council discussed speed bumps and other preventative measures. This subdivision wasn’t built and that street was used as a through street. So now, if you have another road that ties two subdivisions together, what is the policy, is that road not going to be open until everything is built or will it be open upon passing the inspection?

Helen-Eve Liebman, Planning and Development Director – Yes, sir after inspection.

Consent Item #4 Discussion:

4. **Consider and act on a Joint Election Agreement and Contract for Election Services with Denton County for the May 4, 2019 General and Special Election.**

Councilmember Henderson – If the Denton ISD and the Lake Dallas ISD are able to cancel their election, then the city has to pay the entire cost of this. How much is this?

Kim Pence, City Secretary – The cost is roughly \$6,000 to \$7,000.

Bob Hart, City Manager – Denton ISD is not having an election. What about Lake Dallas?

Councilmember Henderson – Lake Dallas is having a bond election.

Bob Hart, City Manager – so we will share the cost with them.

Mayor Heidemann – verified the crime control will be conducted.

Kim Pence, City Secretary – stated that item shares the ballot.

Councilmember Henderson – what about the cost for staff, last year they did not charge?

Kim Pence, City Secretary – that is for if they have to provide temporary staff, then they will charge a prorated costs for them.

Councilmember Henderson – You normally get the staff for that, right?

Kim Pence, City Secretary – no, they do. I have had the same staff for years.

Mayor Pro-Tem Burke – Is this driven by the fact that they had such a large turnout last time?

Kim Pence, City Secretary – I think so. They have been wanting to add this and have had to have extra people, so they gave the city a year to prepare and budget for it. Now, if it is needed they will be charging.

3. **Hold a discussion and provide staff direction concerning the creation of a TIRZ, transit Oriented Development (TOD), and DCTA rail station analysis letter.**

Bob Hart, City Manager – I would like to talk through the basics of what a TIF/TIRZ looks like to ensure the city council has a solid base of understanding before moving forward by explaining the structure, financing, management, incentives, and a draft map. When the Tax Increment Financing concept began it was called a TIF. Sometime in the last several years, the legislature changed the name to a Tax Increment Reinvestment Zone (TIRZ). They are the same thing.

This is an economic development tool that has been successful. There are 313 TIF's around the state of Texas. They create a base value of a defined geographical area that cannot be more than 20% of the city limits and is restricted on the amount of residential property allowed in the zone at the time of creation. When a zone is created with a defined geographical area, we add up all the total value of all the property within the zone, this is our base value. As new development occurs, then the value of the property increases, as this happens the incremental value from the base to the new value will not go to the general fund for city operations, but instead will go to a TIRZ fund. These funds are used to make public improvements, to have incentives, and to encourage economic

development to occur. City's will do this when there is a need for infrastructure, or targeted areas for development, sometimes around transit oriented development or create shopping centers or professional sports fields or stadium, and colleges. Anything that can be used as a catalyst to encourage other development to occur.

When the Zone ends all the new value becomes part of the overall tax base and goes into the general fund. Other taxing jurisdictions can join the zone. Here we are talking about Corinth and Denton County, schools are not allowed to participate. The city can decide the amount to place into the TIRZ fund and can place sales tax or other revenue sources. There is a lot of flexibility and creativity in this organization. This is not an abatement. Typically this goes back into infrastructure.

Mayor Heidemann – When we start talking about TIRZ and Ad Valorem taxes and the area is identified; how is that affected with the talk of the 2.5% cap?

Bob Hart, City Manager – How I understand the way the legislation is written, you are calculating your affected rate on which the 2.5% cap is based, a TIF is exempt from that calculation. I cannot stand here and tell you that I completely understand all of this. I am following the logic, but not a complete understanding of the formulas.

Mayor Pro-Tem Burke – Why is this better than having the money in the general fund?

Bob Hart, City Manager – The advantage to having a TIF is getting other tax jurisdictions to join in on the costs; you can take the money from the general fund and slide it over. You can get some county participation.

Mayor Pro-Tem Burke – what happens to the funds when they are not used?

Bob Hart, City Manager – They are kept in a segregating account and if not used then it rolls back into the taxing jurisdictions.

Councilmember Glockel - I understand you can create this after the fact and still have the same benefit? Talking about the House Bill with the 2.5% , that is probably going to happen before this is.

Bob Hart, City Manager – This is created by ordinance by the City Council. This is a twostep process; create the TIF by ordinance, then ask Denton County to join it. Then create a financing plan and adopt that. The city and county will sign off and all of this will occur in 2019.

Councilmember Glockel – So there is no property owner participation on this?

Bob Hart, City Manager – No, for a property owner their tax stays the same regardless. When the tax is paid the base rate will go into the city/county fund and the increment will go into the TIF fund.

Councilmember Henderson – the TIF could help pay for the rail stop?

Bob Hart, City Manager – Yes that was the initial emphasis for this. Some of the really good ones operating right now is in Arlington Downtown and Arlington Live entertainment area around the stadiums. The drawback and reason for being careful with the way you put the financing plan together, is it focuses on commercial development and is limited to the geographical area. This is a signal to the development community that the city is serious about economic development and

making something different happen.

Council will have a public hearing, designate the boundaries, and create a TIF Board with anywhere from 5-15 members. Whatever the TIF board does has to go to City Council for approval. It is a recommending body. However, when you have other taxing jurisdictions involved they are entitled to have members on the board. NCTC would not necessarily have any money in it but you may want to have them involved. This can be discussed in a few month from now. The financial plan is the crucial component. Incentives are usually the infrastructure, loans or grants for façade improvements, to put in sidewalks, or to rebuild the streets or utilities. The next step is to get DCTA to do the preliminary engineering analysis and determine if these sites would actually work and their cost. This data is needed to make a decision to move forward. It takes a letter from Council to trigger that analysis. I have it with me for Council to sign.

Mayor Pro-Tem Burke – does the City pay for the initial analysis?

Bob Hart, City Manager – We will pay for the engineers. They will pick two or three potential sites and provide options and recommendations. The boundaries shown and discussed this evening are not recommendations, but talking points for Council to see options and demonstrations of allowable TIF boundaries. Council will need to get together and decide on the boundaries of the TIF after giving some thought to the future development that is wanted and needed. Remember 30% or less of current use Single Family residents is allowed in the initial TIF.

In moving forward, we want to hire Paris Rutherford to develop the master plan for the zone. They do a lot of work with DCTA and Transit Orient Development. They have already been playing with some concepts for the plan. Based on his master plan, we would hire David Pettit to create the Financial Plan to be used for the Council decision making and involving Denton County. These are the two contractors that are driving the one in Arlington. Paris is well connected in the development community; as well as David Pettit. NTCOG has already begun the ridership study for us. This was done collectively with the four cities. Then to get DCTA to perform the engineering analysis. After the completion of these items, we begin looking at the feasibility and sit down to have a real serious conversation of where to go from here. Everything done today is how we finance the city five to ten years from now to make the community successful long term.

Council agreed to sign the letter for DCTA to begin the engineering analysis.

4. Summary discussion on the Joint City Council meeting with the Lake Cities held on February 25, 2019 and the joint meeting with the NCTC Board of Regents held on March 4, 2019.

Bob Hart, City Manager – I am looking for subject items that Council heard that needs further discussing and what emphasis does Council want staff to address at the next joint meeting.

Councilmember Lowell - Has NCTC made a stronger commitment regarding if they are or are not going to stay here in Corinth long term?

Bob Hart, City Manager – I believe they are committed to this campus long term. A lot of their commitment and ability to grow is tied to the transit stop. There has been some conversation on bringing in Texas Women's University (TWU) into the mix and their involvement is directly tied to the transit stop.

Councilmember Lowell – is NCTC willing to share some of their transportation money towards that stop? I am already hearing from the community that this entire TIRZ looks like a way to skirt

the elections that occurred a few years ago in regards to Corinth's participation and one of the big questions was if this is going to be for NCTC are they going to help?

Bob Hart, City Manager – they are already putting money into it and at the end of the day the money needs to be kept in it. There has not been any conversations other than they have money in it. They have not signed anything or made commitments, nor have we pushed them for this yet. There has been conversations with the Chief of Staff at TWU who stated they are not interested in Corinth until there is a rail stop.

Councilmember Henderson – Monday night Dr. Wallace specifically discussed their involvement and from the Chambers point TWU has never been a part of the Chamber and is showing interest because they just signed up to be a member this week.

Mayor Heidemann – there was a request for all four City's need to get someone to coordinate a calendar for us in terms of special events. I was wondering if there was a way to get this done and if there has been some dialogue on this?

Bob Hart, City Manager – There has been some dialogue on this but we meet a week from Monday and this is one of about ten items on the list to discuss. I think the Chamber is going to be an integral part of this, along with Lake Dallas ISD. We are still in the accommodation period where we are finding things that we can agree on and it will take a while longer to build the trust that is needed to get to the partner model.

ADJOURN:

Mayor Heidemann adjourned the meeting at 7:05 p.m.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

CONSENT ITEM 3.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: March 21, 2019 Regular Session
Submitted For: Kim Pence, City Secretary
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

Submitted By: Kim Pence, City Secretary

AGENDA ITEM

Consider and act on minutes from the March 21, 2019 Regular Session.

AGENDA ITEM SUMMARY/BACKGROUND

Attached are the minutes from the March 21, 2019 Regular Session. The minutes are in draft form and are not considered official until formally approved by the City Council.

RECOMMENDATION

Staff recommends approval of the March 21, 2019 Regular Session minutes.

Attachments

Minutes

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

On this the 21st day of March 2019 the City Council of the City of Corinth, Texas met in Regular Session at the Corinth City Hall at 7:00 P.M., 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:

Bill Heidemann, Mayor
Sam Burke, Mayor Pro-Tem
Scott Garber, Council Member
Lowell Johnson, Council Member
Tina Henderson, Council Member
Don Glockel, Council Member

Members Absent:

None

Staff Members Present

Bob Hart, City Manager
Jerry Garner, Chief of Police
Shea Rodgers, Technology Services Manager
Helen-Eve Liebman, Planning and Development Director
George Marshall, City Engineer
Ben Rodriguez, Planning Manager
Lee Ann Bunselmeyer, Finance and Administrative Services Director
Chris Rodriguez, Finance Manager
Jason Alexander, Economic Development Corporation Director
Patricia Adams, Messer, Rockefeller, & Fort
Kim Pence, City Secretary

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE & TEXAS PLEDGE:

"Honor the Texas Flag: I pledge allegiance to thee, Texas, one state under God, one and indivisible".

Mayor Heidemann called the meeting to order at 7:15 p.m., Councilman Garber delivered the invocation and led in the Pledge of Allegiance.

PROCLAMATION:

Denton County Master Gardener Association 30th Anniversary

Mayor Heidemann read the proclamation in to the record.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Mayor, a Councilmember, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on minutes from the February 21, 2019 Workshop Session.

2. Consider and act on minutes from the February 21, 2019 Regular Session.
3. Consider and act on approval of an Interlocal Agreement between the City of Corinth and the Lake Dallas ISD to utilize the Shady Shores Elementary School to host the Corinth Recreation Department Summer Camp Program.
4. Public Works equipment storage building, site improvements and Fire Department Training Facility construction.

MOTION made by Councilmember Garber to approve the Consent Agenda as presented. Seconded by Councilmember Henderson.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

CITIZEN'S COMMENTS:

In accordance with the Open Meetings Act, Council is prohibited from acting on or discussing (other than factual responses to specific questions) any items brought before them at this time. Citizen's comments will be limited to 3 minutes. Comments about any of the Council agenda items are appreciated by the Council and may be taken into consideration at this time or during that agenda item. Please complete a Public Input form if you desire to address the City Council. All remarks and questions addressed to the Council shall be addressed to the Council as a whole and not to any individual member thereof. Section 30.041B Code of Ordinance of the City of Corinth.

No one spoke

BUSINESS AGENDA:

5. Accept the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2018, as presented by Eide Bailly, LLP (formerly Davis Kinard & Co, PC).

MOTION made by Councilmember Johnson to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2018, as presented by Eide Bailly, LLP. Seconded by Councilmember Glockel.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

PUBLIC HEARING:

6. The Corinth City Council will conduct a public hearing to consider and act upon an amendment to the City's Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.

Helen-Eve Liebman, Planning and Development Director - Staff is proposing amendments to the City's

Screening and Fencing requirements. The changes to the City's Screening and Fencing requirements are to specify that required perimeter screening for residential developments be placed within the required landscape edge and directly adjacent to the thoroughfare and the residential lot or internal street. The intent of this change is to provide an area of green space between the sidewalk and masonry screening walls required for the perimeter of residential subdivisions. Staff is hopeful that this will help mitigate the "canyon effect" while driving down the road between screening walls.

At the planning and Zoning Commission Meeting On January 28, 2019 the Commission continued the public hearing of the item to allow staff additional time to research ownership and maintenance responsibilities for the walls.

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

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

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

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

Additionally, staff is proposing the removal of chain link as an allowed fencing material for industrial uses when visible from the adjacent Right of Way(s).

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

At the Planning and Zoning Commission Meeting on February 25, 2018 the Commission voted to unanimously recommend their approval of the proposed changes. With the condition that chain link remain an allowed fencing material for industrial uses.

Staff recommends approval of the item on the condition that chain link be prohibited as an allowed fencing material for industrial uses when visible from the adjacent Right of Way(s).

We are recommending decorative metal or wrought iron fencing with an evergreen landscape screen for industrial uses when it is adjacent to a public right-of-way.

Councilmember Henderson - are you saying the decorative fencing and the hedge or is it either or?

Hele-Eve Liebman, Planning and Development Director - it is either or. We would like to see the chain link remain if it is not visible and if it is adjacent to a street that can be seen, either with the landscape screening or without.

Councilmember Glockel - what did the Planning and Zoning unanimously approve? Just to include the chain

link?

Helen-Eve Liebman, Planning and Development Director - there were no restrictions on the chain link other than it can only be used in Industrial applications. It could be internal or external from the Planning and Zoning's recommendation.

Councilmember Glockel - so staff would recommend enhancing that restriction some. I would remind staff that there is chain link fence on FM 2181 that probably belongs to the City. I think there is an application for chain link within the City and I would hate to take that out.

In your study, before you recommended going to decorative metal versus chain link, did you do any cost analysis?

Helen-Eve Liebman, Planning and Development Director - no sir, decorative metal is already an option, we were just wanting to restrict the use of chain link. Staff felt that decorative metal was somewhere in between the screening wall and the chain link.

Councilmember Glockel - I do know that this decorative metal is higher than the chain link application. I am in favor of the chain link. I don't want it to be the fence out in the front but on the sides or in the back I think there is applications for it.

Mayor Heidemann opened the Public Hearing at 7:30 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:30 p.m.

MOTION made by Councilmember Johnson to table the item to allow staff to work on Ordinance and bring back on a future meeting. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

7. The Corinth City Council will conduct a public hearing to consider and act upon an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.07: Zoning Use Regulations, 2.07.07 Accessory Buildings and Uses.

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

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

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

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

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

At the Planning and Zoning Commission Meeting on February 25, 2018 the Commission voted to unanimously recommend their approval of the proposed changes. Staff also recommends approval as presented.

Councilmember Glockel - what if I had a piece of property, and there was no houses on that piece of property but I run livestock, what would you do in that case?

Ben Rodriguez, Planning and Development Manager - the way our code is worded today, we would not be able to place a barn without a main structure. Staff's main concern tonight was our setback provisions. I understand some of the Council have some concern about other accessory structures as well such as barns and staff would be happy to do more research on if that is Council direction.

Councilmember Glockel - so you are saying if there is no house, there is no barn?

Ben Rodriguez, Planning and Development Manager - yes, for new development.

Councilmember Glockel - if I was a landowner and I had that situation, would that be something I could get a variance on to have shelter for my animals because my house is not there?

Ben Rodriguez, Planning and Development Manager - they could apply for a variance under the zoning code and it would go to Board of Adjustments.

Mayor Heidemann opened the Public Hearing at 7:45 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:45 p.m.

MOTION made by Councilmember Garber to approve as presented. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

8. The Corinth City Council will conduct a public hearing to consider and act upon an amendment to the City's Unified Development Code, Section 2: Zoning, Subsection 2.10: Zoning Procedures, 2.10.04 Zoning Text and Map Amendments and 2.10.05 Public Hearings and Notification Requirements for Zoning Related Applications.

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

The following changes are proposed.

1. All signs, newspaper notices, letters, & notices on City website will be provided at least 15 days in advance of their corresponding meetings.

2. Would define specifications for notice signs as follows: “Posted signs shall be a minimum of four (4) feet wide by four (4) feet long, affixed to a post or posts.
3. Stipulating that signs shall be removed within ten (10) days of City Council action on the related case.”
4. Applicants will be required to post a minimum of one sign per 1000ft of street frontage.
5. The inclusion of language stating that the applicant is encouraged to conduct a neighborhood meeting with area homeowners within the vicinity of the request prior to appearing before the Planning and Zoning Commission.

At the Planning and Zoning Commission Meeting on February 25, 2018 the Commission voted to unanimously recommend their approval of the proposed changes. Staff recommends approval as presented.

Mayor Heidemann opened the Public Hearing at 7:48 p.m. No one spoke during the Public Hearing. Mayor Heidemann closed the Public Hearing at 7:48 p.m.

MOTION made by Councilmember Henderson to approve as presented. Seconded by Councilmember Burke.

AYES: Burke, Garber, Johnson, Henderson, Glockel
NOES: None
ABSENT: None

MOTION CARRIED

COUNCIL COMMENTS & FUTURE AGENDA ITEMS

The purpose of this section is to allow each councilmember the opportunity to provide general updates and/or comments to fellow councilmembers, the public, and/or staff on any issues or future events. Also, in accordance with Section 30.085 of the Code of Ordinances, at this time, any Councilmember may direct that an item be added as a business item to any future agenda.

Councilmember Burke - I appreciate the staff's efforts on the zoning changes tonight. These are not flashy things and require a lot of work and I am a big believer in incremental improvement and often those incremental improvements are not rewarded or recognized and I recognize and I think that is how you become a better place in the long run and I appreciate it.

Councilmember Johnson - Keep Corinth Beautiful is going to be working with Make A Difference Today on April 6th. They are going to pull together some UNT Students to help us out on various projects. On April 13th, Keep Corinth Beautiful will celebrate Texas Harbor Day by providing trees to a certain number of residents. I would encourage everyone to come and be involved in both events in the community.

Councilmember Henderson - thanked the City of Corinth for supporting the Lake Cities Chamber Annual Awards Luncheon. On May 18th is Lake Cities Serve and the four Lake Cities, several churches and also the Denton Morning Rotary are all joining forces to go and do projects for the elderly, the widows and those that are in need. This will start at 8:00 am at Thousand Hills Church and they are looking for volunteers and they are also looking for projects. If you know of anyone that has a project that needs to be done, painting, yard work, etc. there will be a form they could fill out to have that done. Food will be provided for breakfast and lunch.

Councilmember Glockel - to tag on to that, there is community service type things that we might be able to do as a group. This is the first time this has been done and maybe next year there would be more coordination

with all these groups. This will be a wonderful event.

Bob Hart, City Manager - tomorrow the County will have the ribbon cutting on FM 2499 at 10:30 am. The Mayor will be speaking. We will have some of the staff there and you are welcome to attend.

Mayor Heidemann - thanked the staff tonight for all their preparation. I also want to recognize Councilmember Tina Henderson who was selected as the Citizen of the Year in the Lake Cities and she is very well deserving of that title and we are very proud of what she has accomplished here.

There was no Closed Session during the Regular scheduled meeting. See March 21, 2019 Workshop Session.

CLOSED SESSION

The City Council will convene in such executive or (closed session) to consider any matters regarding any of the above agenda items as well as the following matters pursuant to Chapter 551 of the Texas Government Code.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person

A. Potential land acquisition related to incentives and projects. (Project Daylight)

After discussion of any matters in closed session, any final action or vote taken will be in public by the City Council. City Council shall have the right at any time to seek legal advice in Closed Session from its Attorney on any agenda item, whether posted for Closed Session or not.

RECONVENE IN OPEN SESSION - In accordance with Texas Government Code, Chapter 551 the City Council will reconvene into Regular Session to consider action, if any, on matters discussed in Executive Session.

ADJOURN:

Mayor Heidemann adjourned the meeting at 8:00 P.M.

AYES: All

Meeting adjourned.

Approved by Council on the _____ day of _____, 2019.

Kimberly Pence, City Secretary
City of Corinth, Texas

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: FUND BALANCE POLICY
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Lee Ann Bunselmeyer, Director
Finance Review: **Legal Review:**
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Citizen Engagement & Proactive Government

AGENDA ITEM

Consider and act on a Resolution approving the City of Corinth Fund Balance Policy.

AGENDA ITEM SUMMARY/BACKGROUND

The Governmental Accounting Standards Board passed Statement No. 54 to provide a better definition of the various types of Fund Balances for financial reporting purposes. Revisions included five categories of Fund Balance: Non-spendable, restricted, committed, assigned, and unassigned. The city established the fund balance policy in December 6, 2012 to defines the categories, establishes priorities for the use of fund balances, and affirms the fund balance target levels for the City.

Staff is proposing the following changes to better plan for the funding of aging infrastructure and the fluctuations in utility rates.

•Establishment and Funding of Water/Wastewater Rate Stabilization Fund

The Utility Fund will maintain a Rate Stabilization Fund to assist in offsetting temporary increases to the budget and increases from the Upper Trinity Regional Water District (UTRWD) and City of Denton. Use of the funds will require authorization from the City Council.

Savings each year from the utility fund expenditure budget and revenue collections that exceed the budgeted amount for water and wastewater charges will be utilized as a means of funding the reserve.

The fund shall strive to maintain a balance not to exceed 15% of the Utilities expenditure budget.

•Establishment and Funding of a Utility Asset Management Reserve Fund

The Utility Fund will maintain an Asset Management Reserve Fund to set aside resources to meet future costs and to provide financial flexibility when determining financing requirements and options for replacement of capital infrastructure for the utility system. Use of the funds will require authorization from the City Council.

The Reserve may be funded by the following strategies.

- 1) budgeted transfer from the water/wastewater operating fund to the reserve fund should capacity exist within the adopted rate structure.
- 2) savings each year from the utility fund expenditure budget and revenue collections that exceed the budgeted amount for water and wastewater charges.

RECOMMENDATION

Staff recommendis the proposed changes to the Fund Balance Policy.

Attachments

Resolution

Fund Balance Policy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CORINTH APPROVING THE FUND BALANCE POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy of the City to maintain fund balances at a level sufficient to provide adequate cash flow for daily financial needs, secure and maintain investment grade bond ratings, offset significant revenue short sales, and provide funds for unforeseen expenditures necessitated by emergencies; and

WHEREAS, the City wishes to comply with GASB 54 Standards and memorialize this policy by taking formal action to adopt a fund balance policy and include the creation of the Water/Wastewater Rate Stabilization Fund and the Utility Asset Management Reserve Fund; **NOW THEREFORE**,

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

Section 1.

The City adopts the Fund Balance Policy, attached hereto, and implements the measures contained therein.

Section 2.

The Resolution shall take effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2019.

Bill Heidemann, Mayor

ATTEST:

Kim Pence, City Secretary

APPROVED AS TO FORM:

City Attorney

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: FINANCE/ACCOUNTING	REFERENCE NUMBER:
SUBJECT: FUND BALANCE	INITIAL EFFECTIVE DATE: 10/02/2012
TITLE: FUND BALANCE POLICY Created in Response to GASB 54	LAST REVISION DATE: 04/18/2019

I. Purpose

The purpose of this policy is to establish a key element of the financial stability of the City of Corinth by setting guidelines for fund balance. Unassigned fund balance is an important measure of economic stability and it is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure the City maintains adequate fund balances in the City’s various operating funds with the capacity to:

1. Provide sufficient cash flow for daily financial needs,
2. Secure and maintain investment grade bond ratings,
3. Offset significant economic downturns or revenue shortfalls, and
4. Provide funds for unforeseen expenditures related to emergencies.

II. Definitions

Fund Equity – A fund’s equity is generally the difference between its assets and its liabilities

Fund Balance – The fund equity of a governmental fund for which an accounting distinction is made between the portions that are spendable and nonspendable. Fund balance is classified into five categories:

- 1) **Nonspendable fund balance** – includes the portion of net resources that cannot be spent because of their form (i.e. inventory, or prepaids) or because they must remain in-tact such as the principal of an endowment.
- 2) **Restricted fund balance** – includes the portion of net resources on which limitations are imposed by creditors, grantors, contributors, or by laws or regulations of other governments (i.e. externally imposed limitations). Amounts can be spent only for the specific purposes stipulated by external resource providers or as allowed by law through constitutional provisions or enabling legislation. Examples include grant awards and bond proceeds.

- 3) **Committed fund balance** – includes the portion of net resources upon which the City Council has imposed limitations on use. Amounts that can be used only for the specific purposes determined by a formal action of the City Council. Commitments may be charged or lifted only by the Council taking the same formal action that originally imposed the constraint. The formal action must be approved before the end of the fiscal year in which the commitment will be reflected on the financial statements.
- 4) **Assigned fund balance** – includes the portion of net resources for which an intended use has been established by the City Council or the City Official authorized to do so by the City Council. Assignments of fund balance are much less formal than commitments and do not require formal action for their imposition or removal. In governmental funds, other than the General Fund, assigned fund balance represents the amount that is not restricted or committed which indicates that resources are, at a minimum, intended to be used for the purpose of that fund.
- 5) **Unassigned fund balance** – includes the amounts in the General Fund in excess of what can properly be classified in one of the other four categories of fund balance. It is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose. Negative residual amounts for all other governmental funds are reported in this classification.

III. Policy

- 1) **Committed fund balance** – The City Council is the City’s highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City’s Council meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period (i.e. the Council may approved the calculation or formula for determining the amount to be committed).
- 2) **Assigned fund balance** – The City Council authorizes the City Manager as the City Official responsible for the assignment of fund balance to a specific purpose as approved by this fund balance policy.

IV. Minimum Unassigned Fund Balance

The City's goal is to achieve and maintain an unassigned fund balance in the General Fund equal to 20% of expenditures and in the Water/Sewer Fund and the Storm Drainage Fund equal to 25% of expenditures. The City considers a balance of less than 15% to be cause for concern, barring unusual or deliberate circumstances. In the event that the unassigned fund balance is calculated to be less than the policy stipulates, the City shall plan to adjust budget resources in subsequent fiscal years to restore the balance.

V. Replenishment of Minimum Fund Balance Reserves

If unassigned fund balance unintentionally falls below 15% or if it is anticipated that at the completion of any fiscal year the projected unassigned fund balance will be less than 15%, the City Manager shall prepare and submit a plan to restore the minimum required level to 15% as soon as economic conditions allow. The plan shall detail the steps necessary for the replenishment of fund balance as well as an estimated timeline for achieving such.

These steps may include, but are not limited to, identifying new, nonrecurring, or alternative sources of revenue; increasing existing revenues, charges and/or fees; use of year end surpluses; and/or enacting cost saving measures such as holding capital purchases, reducing departmental operating budgets, freezing vacant positions, and/or reducing the workforce. The replenishment of fund balance to the minimum level shall be accomplished within a three-year period. If restoration of the reserve cannot be accomplished within such a period without severe hardship to the City, then the Council shall establish an extended time line for attaining the minimum balance.

VI. Order of Expenditure of Funds

When multiple categories of fund balance are available for expenditure (for example, a construction project is being funded partly by a grant, funds set aside by the City Council, and unassigned fund balance), the City will first spend the most restricted funds before moving down to the next most restrictive category with available funds.

VII. Appropriation of Unassigned Fund Balance

Appropriation from the minimum unassigned fund balance shall require the approval of the Council and shall be utilized only for one-time expenditures, such as capital purchases, and not for ongoing expenditures unless a viable revenue plan designed to sustain the expenditure is simultaneously adopted.

The Council may appropriate unassigned fund balances for emergency purposes, as deemed necessary, even if such use decreases the fund balance below the established minimum.

VIII. Establishment and Funding of Water/Wastewater Rate Stabilization Fund

The Utility Fund will maintain a Rate Stabilization Fund to assist in offsetting temporary increases to the budget and increases from the Upper Trinity Regional Water District (UTRWD) and City of Denton. Use of the funds will require authorization from the City Council.

Savings each year from the utility fund expenditure budget and revenue collections that exceed the budgeted amount for water and wastewater charges will be utilized as a means of funding the reserve.

The fund shall strive to maintain a balance not to exceed 15% of the Utilities expenditure budget.

IV. Establishment and Funding of a Utility Asset Management Reserve Fund

The Utility Fund will maintain an Asset Management Reserve Fund to set aside resources to meet future costs and to provide financial flexibility when determining financing requirements and options for replacement of capital infrastructure for the utility system. Use of the funds will require authorization from the City Council.

The Reserve may be funded by the following strategies.

- 1) budgeted transfer from the water/wastewater operating fund to the reserve fund should capacity exist within the adopted rate structure.
- 2) savings each year from the utility fund expenditure budget and revenue collections that exceed the budgeted amount for water and wastewater charges.

V. Monitoring and Reporting

The Director of Finance shall be responsible for monitoring and reporting the City's various reserve balances. The City Manager is directed to make recommendations to the Council on the use of reserve funds both as an element of the annual operating budget submission and from time to time throughout the fiscal year as needs may arise.

Compliance with the provisions of the policy shall be reviewed as a part of the annual operating budget adoption process and subsequent review will be included in the annual audit and financial statement preparation procedures.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Screening Wall and Fencing Amendments
Submitted For: Helen-Eve Liebman, Director **Submitted By:** Ben Rodriguez, Manager
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development

AGENDA ITEM

The Corinth City Council will conduct a public hearing to consider and act upon an amendment to the City’s Unified Development Code, Section 4: Sign and Fence/Screening Regulations subsection 4.02: Fence and Screening Regulations.

- Staff Presentation
- Public Hearing (Open and Close)
- Response by Staff
- Take Action

AGENDA ITEM SUMMARY/BACKGROUND

Staff is proposing amendments to the City’s Screening and Fencing requirements. The changes to the City’s Screening and Fencing requirements are to specify that required perimeter screening for residential developments be placed within the required landscape edge and directly adjacent to the thoroughfare and the residential lot or internal street. The intent of this change is to provide an area of green space between the sidewalk and masonry screening walls required for the perimeter of residential subdivisions. Staff is hopeful that this will help mitigate the “canyon effect” while driving down the road between screening walls.

At the planning and Zoning Commission Meeting On January 28, 2019 the Commission continued the public hearing of the item to allow staff additional time to research ownership and maintenance responsibilities for the walls.

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

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

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

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

Additionally, staff is proposing the removal of chain link as an allowed fencing material for industrial uses when visible from the adjacent Right of Way(s).

Finally, staff is proposing amendments so that our Code will comply with state law. Currently our code states that

any fence variance requests will go before the Planning and Zoning Commission for approval. However, only a City's Zoning Board of Adjustment has the legal authority to grant variances. The proposed language corrects this oversight.

At the City Council Meeting on March 21, 2019 the item was tabled to allow staff time to research development standards that would prohibit chain link fencing within view from the Right of Way. The ordinance presented tonight will prohibit chain link when visible from the Right of Way. The proposed ordinance allows Industrial uses to utilize decorative metal "wrought iron" fencing with landscaped vegetation to provide a solid screen.

Installed landscaping must provide a solid screen within two years of installation.

Supporting Documents:

- Proposed amendment
- Redline version of proposed changes

RECOMMENDATION

At the Planning and Zoning Commission Meeting on February 25, 2018 the Commission voted to unanimously recommend their approval of the proposed changes. With the condition that chain link remain an allowed fencing material for industrial uses.

Staff recommends approval of the item as presented.

Attachments

Screening wall and Fencing Ordinance
Redline- Proposed Changes to Fence and Screening Standards

ORDINANCE NO. 19-3-21-__

FENCE AND SCREENING REGULATIONS AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SUBSECTION 4.02 “FENCE AND SCREENING REGULATIONS”, OF SECTION 4, “SIGN AND FENCE/SCREENING REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

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

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies size, placement, and materials fences and screening walls within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations for fences and screening walls, including without limitation, changes to standards and procedures for appeal; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission voted to recommend approval of the proposed amendments to the City Council; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City has reviewed the proposed amendments to the regulations and procedures for fences and screening walls in the UDC and has determined that the incorporated amendments are appropriate to aid with the placement of fences and screening walls on a property and ensure their continual maintenance; and

WHEREAS, the City has determined that the amendments proposed relating to fences and screening walls will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City

Council has determined that the City’s fences and screening walls standards should be amended as set forth below;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Subsection 4.02 “Fence and Screening Regulations” of Section 4, “Sign and Fence/Screening Regulations” of the UDC is hereby repealed in its entirety and a new Subsection 4.02, “Fence and Screening Regulations” of Section 4 of the UDC is hereby adopted to be and read in its entirety as follows.

“4.02.01. - Purpose

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

4.02.02. - Applicability

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

4.02.03. - Fence Regulation Definitions

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

- A. Agricultural Use. Land where the production, keeping, or maintenance for sale, lease, or personal use of plants and animals useful to man, including, forages and sod crops; grains and seed crops, dairy animals, poultry and livestock, including but not limited to ostriches, emus, buffalos, beef cattle, sheep, goats, mules, horses, and ponies.
- B. Fence. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.
- C. Masonry. Brick, stone, pre-cast concrete, poured-in-place concrete, and split-face concrete masonry unit unless otherwise prohibited by this Subsection 4.02.

- D. Nonconforming Fence. Any fence lawfully existing or approved for construction prior to the date of this UDC, and amendments thereto, that fails to conform to the present requirements of this Subsection 4.02.
- E. Residential. A single family and/or a multi-family dwelling.
- F. Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

4.02.04. - Fence Building Permit

- A. Fence Building Permit Required. No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach four (4) sets of plans of the proposed fence or screening wall/fence to include:
 - 1. Building locations and area to be fenced;
 - 2. Dimensions and description of materials being used;
 - 3. Intersections of streets, roads, highways, alleys and driveways with subject property;
 - 4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
 - 5. Site and adjacent properties zoning classifications; and
 - 6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- B. Exception to Permitting Requirements. Up to fifty percent (50%) of an existing fence or screening wall/fence on a single family residential property, as measured by linear foot, may be replaced, removed, or demolished without submitting an application and plans and obtaining a permit. This exception may only be applied one time in a two (2) year period for the entire single family residential property.
- C. Offense. A person commits an offense if the person intentionally, knowingly or recklessly erects or causes to be erected on his or her property a fence without obtaining a Fence Building Permit as required by this Section and other applicable ordinances of the City.

4.02.05. - Fence Building Permit Expiration

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

1. The Building Official may extend the time for action by the permittee for a period not exceeding 180 calendar days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
2. No Fence Building Permit shall be extended more than once.

4.02.06. - Suspension or Revocation of a Fence Building Permit

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

4.02.07. - Fence Variance

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

A. Authority and Public Hearing.

1. The Zoning Board of Adjustments may grant a Fence Variance from the requirements of this Section in accordance with this Section.
2. The Zoning Board of Adjustments may grant a Fence Variance following a public hearing by an affirmative vote of a majority of the members present and voting on the matter.

B. Fence Variance Grounds or Reasons.

1. The Applicant for a Fence Variance shall file an Application that specifically describes the grounds or reasons upon which the Fence Variance request is based.
2. The Applicant shall provide exhibits showing the proposed elevations and materials for the alternative fencing and shall be shown on the Site Plan or if no Site Plan is required then at the time of building permit application.

C. Fees and Sign Posting for Fence Variance. At the time the Fence Variance application is filed, the Applicant shall pay a fee as set forth in the City's Fee Schedule to defray the costs of handling and processing the Application.

1. This fee shall not be refundable regardless of the disposition of the Application.
2. The Applicant shall erect and maintain a sign upon the subject property noticing the public hearing.
3. The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing or any other official action concerning such Fence Variance.

D. Mailed Notice to Property Owners. Notice shall be sent by United States mail, first class postage, not less than 10 calendar days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the City) whose property abuts any portion of the boundary of the property where a fence is to be erected and for which a Fence Variance has been requested.

E. Finding of Unreasonable Hardships.

1. In order to grant a Fence Variance, the Zoning Board of Adjustments must find that unreasonable hardships or difficulties may result from strict enforcement of these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal.

2. The Zoning Board of Adjustments may approve variances to the regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations.
- F. Specific Terms and Conditions. The Zoning Board of Adjustments may require specific terms and conditions applicable to the approval of the Fence Variance.
- G. Time Limitations. No other Fence Variance of like kind relating to the same building or proposed building, shall be considered or acted upon by the Zoning Board of Adjustments for a period of six (6) months subsequent to the denial.

4.02.08. - General Fence Requirements

- A. Primary Use Exists.
1. Fences, except silt or erosion-controlling types, shall not be constructed, erected, or installed on a lot unless the primary use/facility have been constructed.
 2. Temporary construction fences shall not be allowed on residentially zoned properties longer than sixty (60) calendar days after issuance of a Certificate of Occupancy.
- B. Height Maximum. No fence shall exceed eight (8) feet in height measured from the finished grade of the lot or property upon which the fence is being erected, except as otherwise provided for in this Section.
- C. Placement.
1. Fences may be placed up to the property line except when deemed physically impractical by the property owner and the Director of Planning.
 2. If a fence is offset from the property line, provisions shall be made to prevent vegetation from growing between any existing fence and the new fence.
- D. Construction Material.
1. Construction material may be wood or simulated wood (excluding landscape timbers, railroad ties or latticework panels), vinyl, tubular metal (meeting the vertical spacing requirement for swimming pool barrier fences), masonry, or chain link (industrial uses only when not visible from a public right of way), except in the case where a screening wall/fence is required.
 2. Decorative metal with a solid vegetative screen shall be permitted in industrial districts. Vegetation must provide a solid screen within 2 years of installation.
 3. A maximum one (1) foot section of lattice constructed atop a wood or simulated wood fence for decorative purposes shall be permitted.
- E. Visibility and Safety
1. Fences constructed on corner lots shall conform to the corner public open space easement (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
 2. Fences along winding streets may be prohibited by the Building Official if deemed that the structure materially obstructs visibility for vehicular traffic.
- F. Fence Gate. All fences shall have a minimum of one gate for emergency ingress and egress.
- G. Property Owner's Expense and Responsibility.
1. In the event any construction or landscaping on the easement requires removal in whole or in part for service access purposes, the same shall be replaced or repaired at the sole expense of the property owner; the City or any utility or other company duly authorized to install lines or equipment within such easement, shall not be held liable for damages.

2. All Applicants shall be responsible for calling the affected utilities for line locations (i.e., "Dig Test") before constructing a fence across any easement.
- H. Fences Installed within an Easement. For ease of access for service purposes, any fence installed within an easement of the City shall provide a gate or panel with an opening of not less than ten feet (10') in width when opened or removed, unless waived by the Director of Public Works.
- I. Drainage Easements and Floodways.
1. Fences may cross drainage easements, but shall not cross nor encroach into any Floodway nor obstruct or in any way hinder the safe transfer of water through drainage easements or drainage ways.
 2. The City shall have the right to remove fences that encroach into a drainage easement and any other easements in a manner that interfere with the predominant use of that easement.
- J. Hazardous Fence No fence shall be erected or permitted to remain when deemed by the Building Official or his/her authorized representative to be hazardous to the health, safety, and welfare of the general public.
- K. Hazardous Fences in High Density Areas
1. Residential Areas In residential areas with one or more dwellings per acre, no barbed wire, glass imbedded, spiked, electrified, or any other fence deemed hazardous to the health, safety, and welfare of the general public shall be permitted.
 2. Commercial and Industrial Areas. In commercial and industrial areas, fences with barbed wire along the top portion are permitted, provided the fences exceed eight (8) feet in height.
- L. Any Vertical Element of the Fence Not including fence posts, wooden or tubular metal pickets or similar elements of the fence shall extend from one inch (1") above grade to the top of the fence.

4.02.09. - Agricultural Fences

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

3. The land is sold and/or further subdivided and developed.

4.02.10. - Residential Fences

A. Fence Construction

1. Fences that are erected abutting streets, parks, trails, Denton County Transit Authority (DCTA) trails, public property may be constructed of wood or simulated wood (with horizontal members facing the interior yard) or tubular metal, meeting the vertical spacing requirement for swimming pool barrier fences.
 - a. Where a tubular metal fence is in place, a wood fence may not be constructed along streets immediately behind the tubular metal fence.
2. Fences that are erected abutting property used for open space or agricultural use may be constructed of wood or simulated wood (with horizontal members facing the interior yard), or tubular metal meeting the vertical spacing requirement for swimming pool barrier fences.
3. All residential fences shall be constructed with the finished surface (i.e., the smooth side) facing outward from the property. The finished surface (i.e., the smooth side) may have a horizontal cap, architectural detail, or molding located at the top of the fence that extends beyond the surface plane of the fence.

B. Front Yards In front yards, no fence shall be erected in front of the front building line except fences that do not obstruct vision.

1. Fences allowed within front yards shall be constructed of tubular metal, vinyl, simulated wood or wooden rail or picket-style construction and shall be no greater than four feet (4') in height, excluding the posts.
2. Properties with less than one dwelling per acre may have fences in the front yard in excess of four feet (4') provided they do not obstruct vision or hamper safety.

C. Corner Lots Where a corner lot (Lot, Corner) has two (2) front yards and a house is constructed facing one of the two (2) front yards, the second front yard may be fenced in the same manner as any other side yard provided it complies with corner open space easements (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).

D. Alleys At the intersections of driveways with alley access, a visibility triangle extending to the edge of alley pavement a distance of five (5) feet and extending from the edge of driveway pavement a distance of five (5) feet and connecting the two (2) points shall be established and maintained and shall remain free of all obstructions as detailed in figure 34 below.

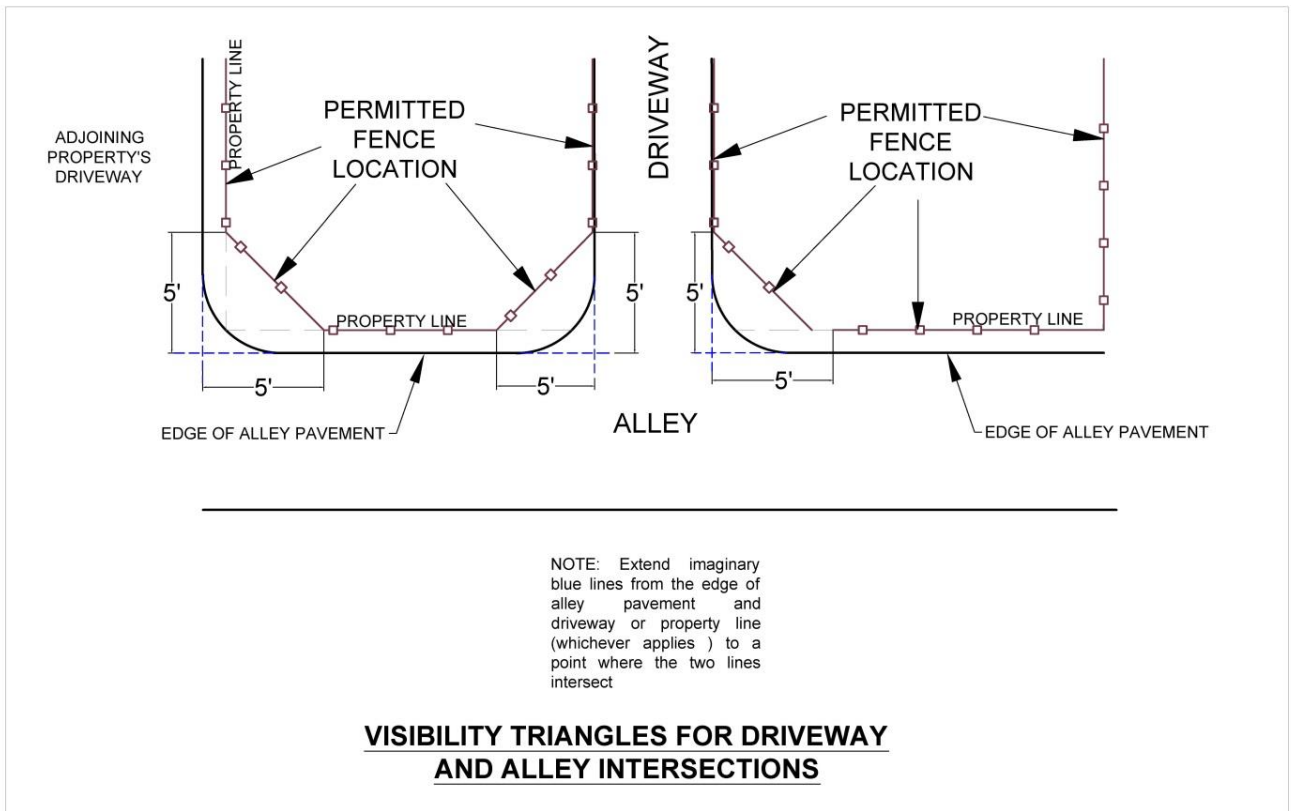


Figure 34 – Alley Visibility

4.02.11. - Screening Requirements for Residential and Nonresidential Properties

- A. Screening Height Between Nonresidential and Residential. Masonry screening walls separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, but not more than eight feet (8'), unless otherwise specifically permitted or required by this Section or unless approved by the City Council following a recommendation by the Planning and Zoning Commission in the consideration of a PD, Planned Development rezoning application, Site Plan, or Specific Use Permit.
- B. Masonry Screening Walls. Masonry screening wall shall be placed up to the property line except when deemed physically impractical by the property owner and the Building Official.
- C. Nonresidential Construction Abuts Residential Zoning Classification.
 - 1. Nonresidential construction which abuts the boundary of any property in a residential zoning classification shall require the Developer of the nonresidential use to erect a minimum six (6) foot high masonry screening wall along the common boundary before public works improvements having been accepted for platting purpose or before the issuance of a Certificate of Occupancy for zoning purposes.
 - 2. The design and construction material of the screening fence shall be as specified in this Section.
- D. Nonresidential Uses with Loading Docks
 - 1. Nonresidential uses with loading docks and delivery entrances that front a Collector Street or Arterial Street shall require the Developer to erect a minimum ten-foot (10') high masonry

screening wall to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.

2. If such service/loading areas are adjacent to residential uses they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.

E. Residential Construction Abuts a Collector or an Arterial Street

1. When residential construction abuts a Collector Street or an Arterial Street (as defined in the City's Comprehensive Plan as amended from time to time), the Developer shall erect a minimum six (6) foot high masonry screening wall before the issuance of a Certificate of Occupancy.
2. When required by this section the masonry screening wall shall be placed within a lot owned and maintained by the Homeowners Association. If there is no Homeowners Association then the screening wall shall be placed on the property line between the lot and the required landscape buffer, in this instance the property owner shall be responsible for the maintenance of the required wall.

F. Screening Walls/Fences

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

G. Screening Wall Design

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

4.02.12. - Mechanical Equipment Screening Requirements for Nonresidential Properties

A. General

1. In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from view at a height of six feet (6') while standing at the highest grade on the nearby property line(s).

2. Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
3. The location, construction, and screening of all mechanical equipment shall be shown on the design drawings.

B. Ground-Mounted Mechanical Equipment

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

C. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
2. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.
3. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one-foot (1') of vertical height above the maximum five (5) feet.
4. Screening for mechanical units shall apply to new building construction and renovations exceeding 50% of the structure(s) appraised value or square footage.

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

A. General

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

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

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

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

D. Screening Required. Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a solid metal gate on the fourth side that shall be constructed to a

minimum height of one (1) foot above the container height, but shall not exceed eight feet (8') in height.

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

4.02.14. - Fence Installation

A. Pre-Existing Fences

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

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

1. If an adjacent property owner withholds his consent, the Developer shall leave the pre-existing fence in place and erect the new screening fence alongside it on the Developer's property.
2. Provisions shall be made to prevent vegetation from growing between the existing and new fence.

C. Liability. The Developer and his contractor shall be liable for any personal or property damage that may occur during the removal of the pre-existing fence and the construction of the new screening fence.

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

A. General. The provision of this Section apply to the design and construction of barriers for all new swimming pools located in the City.

B. Definitions. For the purpose of this Section 4.02.15, certain terms, words and phrases are defined as follows:

1. Above-Ground/On-Ground. See definition of Swimming Pool.
2. Barrier. A fence, wall, building wall or a combination thereof, which completely surrounds the Swimming Pool and obstructs access to the Swimming Pool.
3. Grade. The underlying surface such as earth or a walking surface.
4. Hot Tub. See definition of Swimming Pool.
5. In-Ground Pool. See definition of Swimming Pool.
6. Portable Spa. A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord connected (not permanently electrically wired).
7. Spa, Non-Portable. See definition of Swimming Pool.
8. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

- C. Swimming Pool Requirements. An outdoor swimming pool shall be provided with a barrier which shall comply with the following:
1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool.
 - a. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool.
 - b. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure.
 - c. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
 2. Openings in the barrier shall not allow passage of a four (4) inch-diameter sphere.
 3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
 - a. An existing structure, such as a house or Accessory Building, may be used as part of the enclosure, provided said structure is no less than four feet in height.
 4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence or shall be so constructed as to not provide a climbable surface.
 - a. Spacing between vertical members shall not exceed one and three-quarters inches (1¾") in width.
 - b. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches (1¾") in width.
 5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches.
 - a. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-quarter inches (¾") in width.
 6. Maximum mesh size for chain link fences shall be a one and one-quarter inch (1¼") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarter inches (1¾").
 7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches (1¾").
 8. Access gates shall comply with the requirements of items 4.02.15. C.1 through 4.02.15. C.7 (above) and shall be equipped to accommodate a locking device.
 - a. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
 - b. Gates other than pedestrian-access gates shall have a self-latching device.

- c. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - i. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate, and
 - ii. The gate and barrier shall have no opening greater than one-half (1/2) inch within eighteen (18) inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
- a. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened.
 - i. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
 - ii. The alarm shall automatically reset under all conditions.
 - iii. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening.
 - iv. Such deactivation shall last for not more than 15 seconds.
 - v. The activation switches shall be located at least 54 inches above the threshold of the door.
 - c. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by a and b above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
- a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 4.02.15. C.1 through 4.02.15. C.8 (above). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.
11. Barriers shall be located so as to prohibit permanent structures, equipment or similar object from being used to climb the barriers.

4.02.16. - Inspections

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

4.02.17. - Loss of Nonconforming Status

- A. Scenarios. Any nonconforming fence loses its nonconforming status and becomes an illegal fence if:
 - 1. The fence is damaged or deteriorated to such an extent that fifty percent (50%) or more of the fence must be rebuilt or repaired;

2. The fence is moved to any extent unless the moving was due to installation, maintenance or repair of public streets or utilities; or
 3. The fence has been altered in any way except for normal wear and tear, routine painting or repair, or routine pruning of plant materials.
- B. Compliance Required after Loss Should any fence lose its nonconforming status, the illegal fence shall not be reconstructed or rebuilt except in conformance with the provisions of this UDC.

4.02.18. - Maintenance of the Required Screening Fence

- A. Maintenance Responsibility. The owner of the property or Homeowners' or Property Owners' Association, if it is a commonly owned property, with the required screening fence shall be responsible for the maintenance of the screening fence sound condition.
1. This provision does not relieve an abutting property owner of liability for damage caused by such owner or his employees, agents, or contractors.
 2. Any living screen shall be maintained for perpetuity.
- B. Required Documents. The Developer of a subdivision, after constructing the required screening fence, shall create a mandatory Homeowners' or Property Owners' Association, which shall be responsible for maintaining the screening fence.
1. The association's document must indicate that the screening fence is privately owned and maintained by the association, and that the City has no obligation to maintain said screening fence.
 2. If the Homeowners' or Property Owners' Association fails to maintain said screening fence, the City shall have the right to perform necessary repairs or maintenance and to levy an assessment for the expense of the needed repairs or maintenance.
 3. Said assessment shall constitute a lien upon each lot against which the assessment is made.
- C. Homeowners' or Property Owners' Association Alternative Method If a subdivision contains five or fewer lots, the Developer may propose an alternative method for ensuring long-term maintenance of the screening fence.
1. The documents evidencing responsibility for maintenance of the required fence shall be reflected in the plat.
 2. The alternative method must be approved by the Planning and Zoning Commission.
- D. Vertical Alignment Requirement. No fence shall be fifteen (15) degrees or more out of vertical alignment nor have any missing or damaged pickets within any eight-foot (8') section.
- E. Final Authority.
1. The Building Official shall be the final authority of whether repair or maintenance is needed for any fence constructed within the City.

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

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

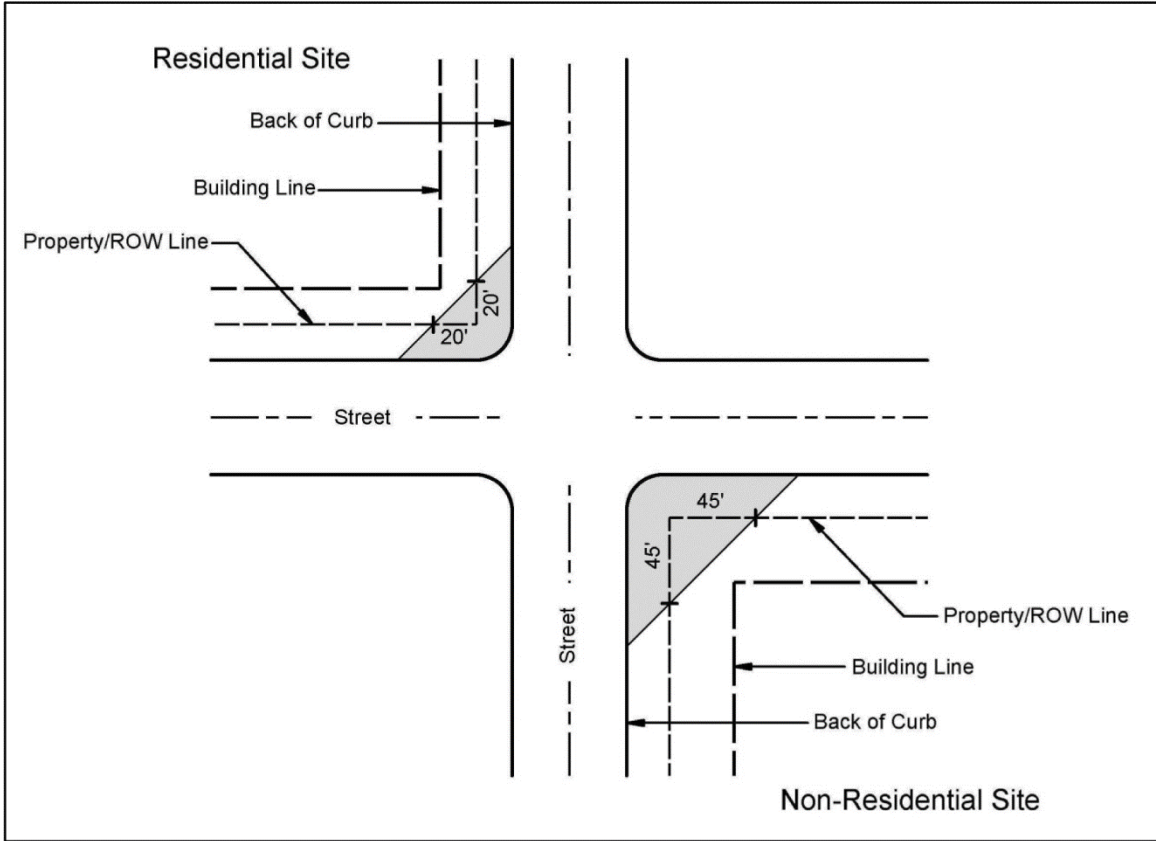


Figure 35: Corner Public Open Space Easement (i.e., Visibility Triangles)

**SECTION 4.
PENALTY**

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

**SECTION 5.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 6.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 7.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 8.

EFFECTIVE DATE

This ordinance shall take effect upon its publication as required by law. The City Secretary is directed to publish the caption and penalty of this ordinance two times.

PASSED AND APPROVED THIS ____th DAY OF _____, 2019.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Andy Messer, City Attorney

Subsection 4.02. - Fence and Screening Regulations

4.02.01. - Purpose

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

4.02.02. - Applicability

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

4.02.03. - Fence Regulation Definitions

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

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

4.02.04. - Fence Building Permit

- A. Fence Building Permit Required No fence or screening wall/fence may be constructed, erected, installed, enlarged, altered, replaced, removed or demolished unless a Fence Building Permit has first been obtained from the Building Official. The Fence Building Permit Application must attach four (4) sets of plans of the proposed fence or screening wall/fence to include:
 - 1. Building locations and area to be fenced;
 - 2. Dimensions and description of materials being used;
 - 3. Intersections of streets, roads, highways, alleys and driveways with subject property;

4. Corner open space easements (i.e., visibility triangles) per Section 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35);
 5. Site and adjacent properties zoning classifications; and
 6. Such other data as deemed necessary by the Building Official. The fee for the permit shall be established in the City's Fee Schedule. No permit fees shall be refunded.
- B. Exception to Permitting Requirements Up to fifty percent (50%) of an existing fence or screening wall/fence on a single family residential property, as measured by linear foot, may be replaced, removed, or demolished without submitting an application and plans. This exception may only be applied once per two (2) years for the entire single family residential property.
- C. Offense A person commits an offense if the person erects or causes to be erected on his or her property a fence without a Fence Building Permit.

4.02.05. - Fence Building Permit Expiration

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

4.02.06. - Suspension or Revocation of a Fence Building Permit

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

4.02.07. - Fence Variance

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

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

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

4.02.08. - General Fence Requirements

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

C. Placement

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

D. Construction Material

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

E. Visibility and Safety

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

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

G. Property Owner's Expense and Responsibility

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

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

I. Drainage Easements and Floodways

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

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

K. Hazardous Fences in High Density Areas

1. Residential Areas In residential areas with one or more dwellings per acre, no barbed wire, glass imbedded, spiked, electrified, or any other fence deemed hazardous to the health, safety, and welfare of the general public shall be permitted.

2. Commercial and Industrial Areas. In commercial and industrial areas, fences with barbed wire along the top portion are permitted, provided the fences exceed eight (8) feet in height.
- L. Any Vertical Element of the Fence Not including fence posts, wooden or tubular metal pickets or similar elements of the fence shall extend from one inch (1") above grade to the top of the fence.

4.02.09. - Agricultural Fences

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

4.02.10. - Residential Fences

- A. Fence Construction
 1. Fences that are erected abutting streets, parks, trails, Denton County Transit Authority (DCTA) trails, public property may be constructed of wood or simulated wood (with horizontal members facing the interior yard) or tubular metal, meeting the vertical spacing requirement for swimming pool barrier fences.
 - a. Where a tubular metal fence is in place, a wood fence may not be constructed along streets immediately behind the tubular metal fence.
 2. Fences that are erected abutting property used for open space or agricultural use may be constructed of wood or simulated wood (with horizontal members facing the interior yard), or tubular metal meeting the vertical spacing requirement for swimming pool barrier fences.
 3. All residential fences shall be constructed with the finished surface (i.e., the smooth side) facing outward from the property. The finished surface (i.e., the smooth side) may have a horizontal cap, architectural detail, or molding located at the top of the fence that extends beyond the surface plane of the fence.
- B. Front Yards In front yards, no fence shall be erected in front of the front building line except fences that do not obstruct vision.

1. Fences allowed within front yards shall be constructed of tubular metal, vinyl, simulated wood or wooden rail or picket-style construction and shall be no greater than four feet (4') in height, excluding the posts.
 2. Properties with less than one dwelling per acre may have fences in the front yard in excess of four feet (4') provided they do not obstruct vision or hamper safety.
- C. Corner Lots Where a corner lot (Lot, Corner) has two front yards and a house is constructed facing one of the two front yards, the second front yard may be fenced in the same manner as any other side yard provided it complies with corner open space easements (i.e., visibility triangles) per 3.05.07. C. Triangular Sight Visibility Easements (see also Figure 35).
- D. Alleys At the intersections of driveways with alley access, a visibility triangle extending to the edge of alley pavement a distance of five (5) feet and extending from the edge of driveway pavement a distance of five (5) feet and connecting the two points shall be maintained, and remain free of obstructions as detailed in figure 34 below.

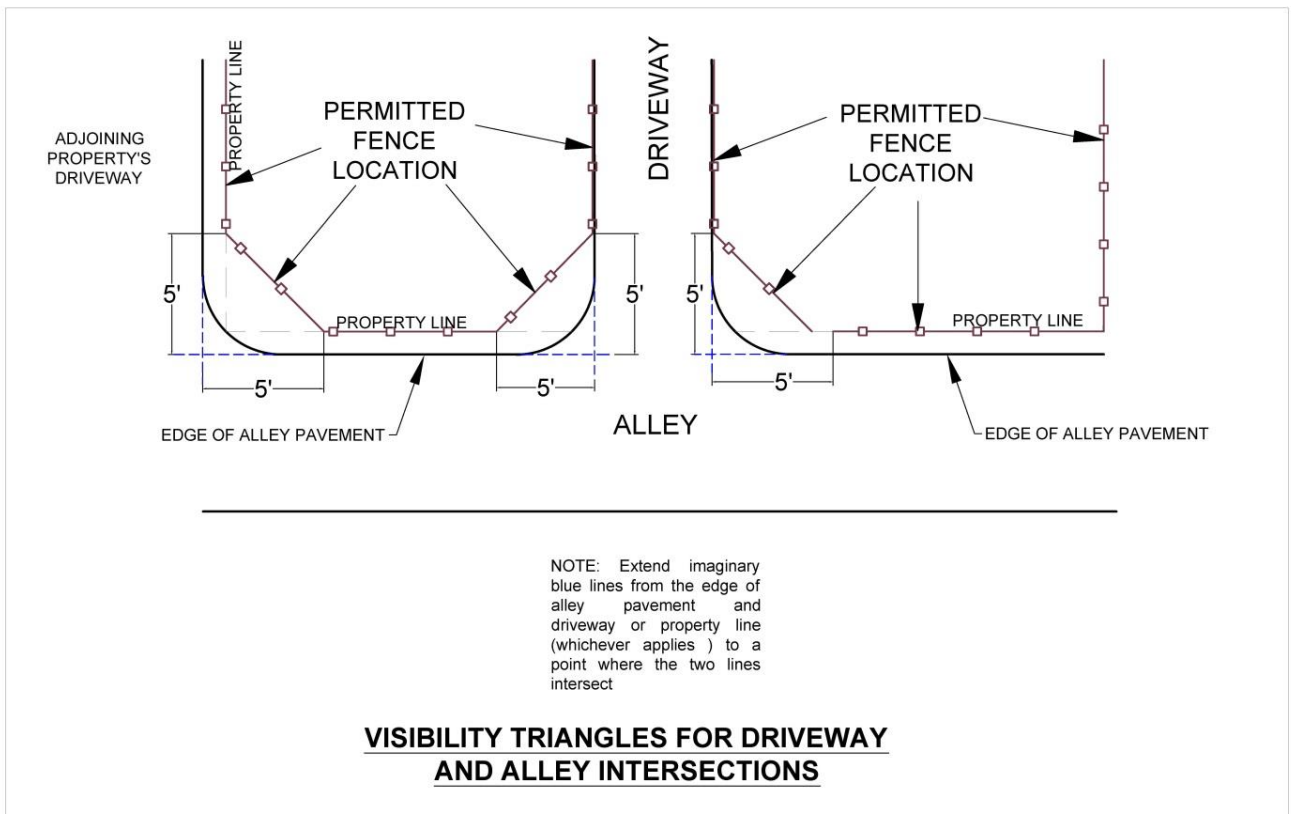


Figure 34 – Alley Visibility

4.02.11. - Screening Requirements for Residential and Nonresidential Properties

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

the screening wall shall be placed on the property line between the lot and the required landscape buffer.

G. Screening Walls/Fences

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

H. Screening Wall Design

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

4.02.12. - Mechanical Equipment Screening Requirements for Nonresidential Properties

A. General

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

B. Ground-Mounted Mechanical Equipment

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

C. Roof-Mounted Mechanical Equipment

1. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.

2. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.
3. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one-foot (1') of vertical height above the maximum five (5) feet.
4. Screening for mechanical units shall apply to new building construction **and renovations exceeding 50% of the structure(s) appraised value or square footage. only.**

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

A. General

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

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

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

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

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

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

4.02.14. - Fence Installation

A. Pre-Existing Fences

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

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

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

- A. General The provision of this Section apply to the design and construction of barriers for all new swimming pools located in the City.
- B. Definitions For the purpose of this Section 4.02.15, certain terms, words and phrases are defined as follows:
 - 1. Above-Ground/On-Ground. See definition of Swimming Pool.
 - 2. Barrier. A fence, wall, building wall or a combination thereof, which completely surrounds the Swimming Pool and obstructs access to the Swimming Pool.
 - 3. Grade. The underlying surface such as earth or a walking surface.
 - 4. Hot Tub. See definition of Swimming Pool.
 - 5. In-Ground Pool. See definition of Swimming Pool.
 - 6. Portable Spa. A non-permanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord connected (not permanently electrically wired).
 - 7. Spa, Non-Portable. See definition of Swimming Pool.
 - 8. Swimming Pool. Any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- C. Swimming Pool Requirements An outdoor swimming pool shall be provided with a barrier which shall comply with the following:
 - 1. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool.
 - a. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool.
 - b. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure.
 - c. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.
 - 2. Openings in the barrier shall not allow passage of a four (4) inch-diameter sphere.
 - 3. Solid barriers that do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

- a. An existing structure, such as a house or Accessory Building, may be used as part of the enclosure, provided said structure is no less than four feet in height.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence or shall be so constructed as to not provide a climbable surface.
 - a. Spacing between vertical members shall not exceed one and three-quarters inches (1¾") in width.
 - b. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed one and three-quarters inches (1¾") in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of horizontal members is forty-five (45) inches or more, spacing between vertical members shall not exceed four (4) inches.
 - a. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed three-quarter inches (¾") in width.
6. Maximum mesh size for chain link fences shall be a one and one-quarter inch (1¼") square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than one and three-quarter inches (1¾").
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than one and three-quarters inches (1¾").
8. Access gates shall comply with the requirements of items 4.02.15. C.1 through 4.02.15. C.7 (above) and shall be equipped to accommodate a locking device.
 - a. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
 - b. Gates other than pedestrian-access gates shall have a self-latching device.
 - c. Where the release mechanism of the self-latching device is located less than fifty-four (54) inches from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - i. The release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate, and
 - ii. The gate and barrier shall have no opening greater than one-half (½) inch within eighteen (18) inches of the release mechanism.
9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - a. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346; or
 - b. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened.
 - i. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities.
 - ii. The alarm shall automatically reset under all conditions.
 - iii. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening.

- iv. Such deactivation shall last for not more than 15 seconds.
 - v. The activation switches shall be located at least 54 inches above the threshold of the door.
 - c. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by a and b above.
10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then:
- a. The ladder or steps shall be capable of being secured, locked or removed to prevent access, or
 - b. The ladder or steps shall be surrounded by a barrier which meets the requirements of Items 4.02.15. C.1 through 4.02.15. C.8 (above). When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.
11. Barriers shall be located so as to prohibit permanent structures, equipment or similar object from being used to climb the barriers.

4.02.16. - Inspections

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

4.02.17. - Loss of Nonconforming Status

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

4.02.18. - Maintenance of the Required Screening Fence

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

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

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

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

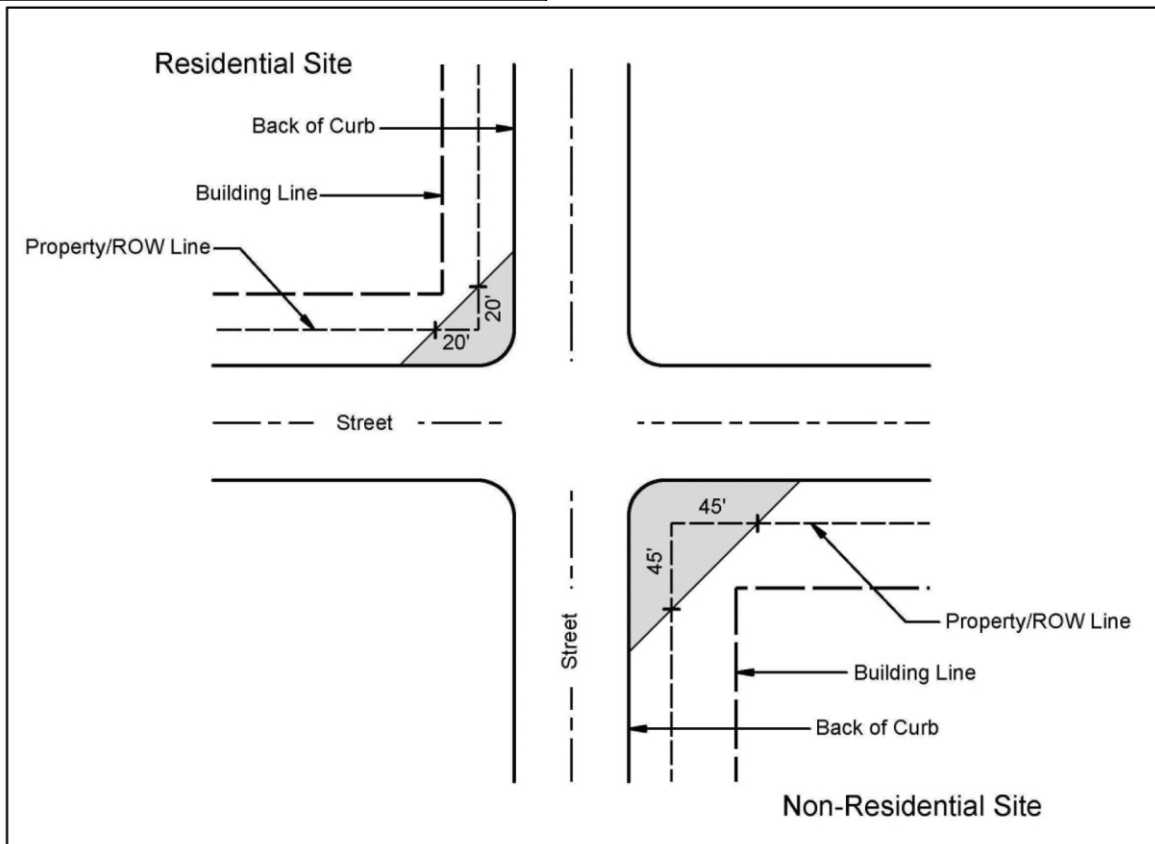
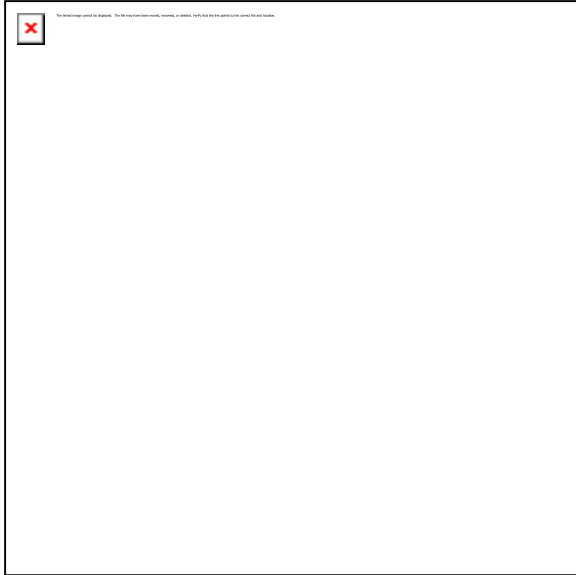


Figure 35: Corner Public Open Space Easement (i.e., Visibility Triangles)

4.02.20. - Minimum Fence and Screening Construction Standards

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

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

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Residential Lot Dimensions and Setbacks
Submitted For: Helen-Eve Liebman, Director **Submitted By:** Ben Rodriguez, Manager
Finance Review: N/A **Legal Review:** N/A
City Manager Review: Approval: Bob Hart, City Manager
Strategic Goals: Land Development

AGENDA ITEM

The Corinth City Council will conduct a public hearing to consider testimony and act upon an amendment to the City’s Unified Development Code, Section 2: Zoning, Subsection 2.08: Zoning Dimensional Regulations, 2.08.04 Zoning Dimensional Regulations Chart. (Residential Lot Dimensions & Setbacks)

- Staff Presentation
- Public Hearing (Open and Close)
- Response by Staff
- Take Action

AGENDA ITEM SUMMARY/BACKGROUND

Staff is proposing amendments to the City’s Setback requirements for its residential zoning districts.

The proposed amendments are to bring the City’s setback requirements in line with market demands which are gravitating towards reduced setbacks in order to allow for a larger building pad and to reduce the amount of landscaped areas that must be watered and maintained.

Staff is also proposing the incorporation of varying standards within the “MX-D,” Mixed Density Residential to account for the varying development types allowed within that district. Ex. Single Family Attached & Single Family Detached.

Additionally, Staff is adding a requirement for garage setbacks, requiring garages be to a minimum of 25 foot setback from the property line regardless of the garage’s orientation on the lot. Ex. side, rear, & front entry. Since the placement and orientation of a garage is not always uniform this language will provide clarity to staff and potential applicants.

Finally, staff is proposing changes to the terminology of some items such as removing density from the minimum lot area section and placing it in its own separate section and providing building area percentages to multifamily developments.

Supporting Documents:

- Proposed amendment
- City Comparison Chart
- Redline version of proposed changes

RECOMMENDATION

At the Planning and Zoning Commission meeting on March 25, 2019 the Commission unanimously recommended their approval of the item.

Staff recommends approval as presented.

Attachments

Residential setbacks Comparison Chart

Redline of proposed changes

Residential setbacks

Rear Yard Setback and Lot Size Width Comparison By Residential Zoning District

		Residential Zoning District														
		R1	R2	R3	R4	R5	R6	SF-E	SF-15	SF-10	SF-5	TE	R-18	R-12	R-9	R-7.5
City	Dimensional Regulations															
Corinth	Lot Width (Min):															
	Rear Setback:															
Denton	Lot Width (Min):	80'	100'	80'	80'	80'	80'									
	Rear Setback:	10'	10'	10'	10'	10'	10'									
Flower Mound	Lot Width (Min):							150'	80'	70'	50'					
	Rear Setback:							20'	30'	25'	20'					

¹ SF-X, minimum lot width: smallest lot = 60 feet; medium lot = 75 feet; largest lot = 90 feet

² Setback shall be increased 15 feet for lots backing to a secondary or major thoroughfare Type D or above, if not separated by an alley.

Rear Yard Setback and Lot Size Width Comparison By Residential Zoning District

Residential Zoning District														
Column1	Column2	A-1	A-2	SF-RE	SF-1	SF-2	SF-3	SF-4	SF-X	ED	SF-20	SF-9	SF-7	SF-6
City	Dimensional Regulations													
Corinth	Lot Width (Min):				200'; 150' Front PL	100'; 80' Front PL	80': 70' Front PL	70'; 60' Front PL						
	Rear Setback:				30% of depth, up to 30'	30% of depth, up to 30'	30% of depth, up to 30'	30% of depth, up to 30'						
Denton	Lot Width (Min):													
	Rear Setback:													
Flower Mound	Lot Width (Min):													
	Rear Setback:													

¹ SF-X, minimum lot width: smallest lot = 60 feet; medium lot = 75 feet; largest lot = 90 feet

² Setback shall be increased 15 feet for lots backing to a secondary or major thoroughfare Type D or above, if not separated by an alley.

Rear Yard Setback and Lot Size Width Comparison By Residential Zoning District

Residential Zoning District																
		R1	R2	R3	R4	R5	R6	SF-E	SF-15	SF-10	SF-5	TE	R-18	R-12	R-9	R-7.5
City	Dimensional Regulations															
Lewisville	Lot Width (Min):					60'; 40' at Front PL; 50' if driveway in Front	60';40' at Front PL; 50' if driveway in Front					50'; irregular lots = 30'	100'; 50' at Front PL	100'; 50' at Front PL	80'; 50' at Front PL	80'; 50' at Front PL
	Rear Setback:					20'; 25' rear entry alley	20'; 25' rear entry alley					5'; alley facing garage = 20'	35'	25'; 35' rear entry alley	20'; 25' rear entry alley	20'; 25' rear entry alley
Little Elm	Lot Width (Min):															
	Rear Setback:															
Plano	Lot Width (Min):															
	Rear Setback:															

¹ SF-X, minimum lot width: smallest lot = 60 feet; medium lot = 75 feet; largest lot = 90 feet

² Setback shall be increased 15 feet for lots backing to a secondary or major thoroughfare Type D or above, if not separated by an alley.

Rear Yard Setback and Lot Size Width Comparison By Residential Zoning District

Residential Zoning District														
		A-1	A-2	SF-RE	SF-1	SF-2	SF-3	SF-4	SF-X	ED	SF-20	SF-9	SF-7	SF-6
City	Dimensional Regulations													
Lewisville	Lot Width (Min):													
	Rear Setback:													
Little Elm	Lot Width (Min):	80'	60'	120'	60'	60'	60'	60'	Varies ¹					
	Rear Setback:	20'	20'	30'	20'	20'	20'	20'	20'				10' ²	10' ²
Plano	Lot Width (Min):									150'	150'	75'	65' (Interior); 70' (Corner)	55' (Interior); 60' (Corner)
	Rear Setback:									10' ²	10' ²	10' ² ; 20' w/Alley	10' ²	10' ²

¹ SF-X, minimum lot width: smallest lot = 60 feet; medium lot = 75 feet; largest lot = 90 feet

² Setback shall be increased 15 feet for lots backing to a secondary or major thoroughfare Type D or above, if not separated by an alley.

Regulation	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	MX-R, Mixed Use Residential
Open Space (Yard) Dimensions										
Minimum Front Yard Setback	25' ⁽⁴⁾	25' ⁽⁴⁾	25' ⁽⁴⁾	25' ⁽⁴⁾	25' dwelling units/50' other buildings	10'	30'	30'	30'	0'
Minimum Side Yard Setback: Interior Lot	25'	15'	7.5'	5'	0 ⁽¹⁾	0 ⁽¹⁾	30'	30'	30'	30'
Corner Lot	25'	25'	15'	15'	15'	15'	30'	30'	30'	0
Minimum Rear Yard Setback	75'	20'	20'	20'	30' 20'	25'	30'	30'	30'	30'
Garage Setback	25'	25'	25'	25'	3'- front entry prohibited.	Single Family Detached 25'				
						Single Family Attached 3'- Front Entry Prohibited				

Regulation	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	MX-R, Mixed Use Residential
Lot Dimensions										
Minimum Lot Area	1 acre	14,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	1,250 sq. ft.	Varies See 2.04.06.	40,000 sqft	25,000 sqft	1 acre	1 Acre
Maximum Density					10 DU/A		12 DU/A	14 DU/A	16 DU/A	60 DU/A
Minimum Lot Width: Interior Lot	200' at building line	100' at building line	80' at building line	70' at building line	22'	Varies See 2.04.06.	200'	150'	150'	200'
Minimum Lot Depth	150'	110'	100'	100'	90'	Varies See 2.04.06.	200'	150'	100'	200'
Floor Area										
Minimum Floor Area	2,500 sq. ft.	2,000 sq. ft.	1,700 sq. ft.	1,500 sq. ft.	1,050 sq. ft.	None	1,050 sq. ft. per DU	950 sq. ft. per DU	850 sq. ft. per DU	850 sq. ft. per DU
Structure Height										

Regulation	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	MX-R, Mixed Use Residential
Maximum Height ⁽¹⁾ (feet/stories)	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	45' / 3 (50' with Additional Setback) ⁽³⁾	75' / 5
Building Area Coverage										
Maximum Building Area (all buildings)	30%	30%	30%	30%	55% / 60% including accessory	70%	40%	45%	50%	90%

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

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

⁽³⁾The dwelling or other main building or portions of building other than Accessory Buildings may be erected higher than thirty-five feet (35') provided that any portion of the building above said thirty-five feet (35') height limit is set back from all required yard setback lines a distance of two feet (2') for each one (1) foot in height above said thirty-five feet (35') limit. No building shall have a height of more than fifty feet (50').

⁽⁴⁾Key lots shall have two front yards.

ORDINANCE NO. 19-04-18-__

RESIDENTIAL SETBACK AMENDMENT

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE BEING A PART OF THE CITY OF CORINTH UNIFIED DEVELOPMENT CODE (“UDC”), BY AMENDING SECTION 2.08.04, “RESIDENTIAL DIMENSIONAL REGULATIONS CHART” OF SUBSECTION 2.08 “ZONING DIMENSIONAL REGULATIONS” OF SECTION 2, “ZONING REGULATIONS” OF THE UDC; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THEREOF AS MORE SPECIFICALLY SET FORTH HEREIN; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Corinth, Texas is a home rule municipality located in Denton County, Texas created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

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

WHEREAS, the City adopted the Unified Development Code (“UDC”) which specifies lot types, yard setbacks, and lot sizes on properties within the City; and

WHEREAS, the Planning and Zoning Commission held a public hearing at which persons with interest were provided an opportunity to provide public input and comments and reviewed proposed amendments to existing regulations and procedures for building setback requirements and lot dimensions for residential lots within the City as provided within the UDC; and

WHEREAS, after holding the public hearing, the Planning and Zoning Commission considered the proposal to amend the Zoning Ordinance to amend the building setback requirements and lot dimensions for residential lots within the City; and

WHEREAS, after holding a public hearing at which persons with interest were provided an opportunity to provide public input and comments, the City Council has reviewed the proposed amendments to the regulations for residential setbacks and lot dimensions as recommended for approval by the Planning and Zoning Commission and has determined that the incorporated amendments to the UDC are appropriate to aid with providing additional building areas for residential developments; and

WHEREAS, the City Council has determined that the amendments proposed relating to

public hearing notices will be beneficial to the public safety and welfare; and

WHEREAS, upon review and consideration of the foregoing factors, the City Council has determined that the City’s setback and lot dimension requirements for residential properties should be amended as set forth below;

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

**SECTION 1.
INCORPORATION OF PREMISES**

The above and foregoing recitals are found to be true and correct and are incorporated into the body of this Ordinance for all purposes.

**SECTION 2.
AMENDMENTS**

2.01. That the Comprehensive Zoning Ordinance, being a part of the City of Corinth Unified Development Code, Section 2.08.04 “Residential Dimensional Regulations Chart”, of Subsection 2.08 “Zoning Dimensional Regulations”, of Section 2, “Zoning Regulations” is hereby repealed in its entirety and a new Section 2.08.04 “Residential Dimensional Regulations Chart” of Subsection 2.08 of Section 2, is hereby adopted to be read in its entirety as follows with all other sections of Subsection 2.08, “Zoning Dimensional Regulations” not specifically amended hereby remaining in full force and effect:

“2.08.04. - Residential Dimensional Regulations Chart

Regulation	SF-1, Single Family Residential (detached)	SF-2, Single Family Residential (detached)	SF-3, Single Family Residential (detached)	SF-4, Single Family Residential (detached)	SF-A, Single Family Residential (attached)	MX-D, Mixed Density Residential	MF-1, Multi-Family Residential	MF-2, Multi-Family Residential	MF-3, Multi-Family Residential	MX-R, Mixed Use Residential
Open Space (Yard) Dimensions										
Minimum Front Yard Setback	25 ⁽⁴⁾	25 ⁽⁴⁾	25 ⁽⁴⁾	25 ⁽⁴⁾	25' dwelling units/50' other buildings	10'	30'	30'	30'	0'
Minimum Side Yard Setback: Interior Lot	25'	15'	7.5'	5'	0' ⁽⁴⁾	0' ⁽⁴⁾	30'	30'	30'	30'
Corner Lot	25'	25'	15'	15'	15'	15'	30'	30'	30'	0'
Minimum Rear Yard Setback	75'	20'	20'	20'	20'	25'	30'	30'	30'	30'
Garage Setback	25'	25'	25'	25'	3'- front entry prohibited.	Single Family Detached 25' Single Family Attached 3'- front entry prohibited				

Lot Dimensions										
Minimum Lot Area	1 acre	14,000 sq. ft.	10,000 sq. ft.	7,500 sq. ft.	1,250 sq. ft.	Varies See 2.04.06.	40,000 sqft.	25,000 sqft.	1 acre	1 Acre
Maximum Density					10 DU/A		12 DU/A	14 DU/A	16 DU/A	60 DU/A
Minimum Lot Width:	200' at building line	100' at building line	80' at building line	70' at building line	22'	Varies See 2.04.06.	200'	150'	150'	200'
Minimum Lot Depth	150'	110'	100'	100'	90'	Varies See 2.04.06.	200'	150'	100'	200'
Floor Area										
Minimum Floor Area	2,500 sq. ft.	2,000 sq. ft.	1,700 sq. ft.	1,500 sq. ft.	1,050 sq. ft.	None	1,050 sq. ft. per DU	950 sq. ft. per DU	850 sq. ft. per DU	850 sq. ft. per DU
Structure Height										
Maximum Height ⁽³⁾ (feet/stories)	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2½ (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	35'2 (50' with Additional Setback) ⁽³⁾	45' 3(50' with Additional Setback) ⁽³⁾	75'5

Building Area Coverage										
Maximum Building Area (all buildings)	30%	30%	30%	30%	55% / 60% including accessory	70%	40%	45%	50%	90%

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

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

⁽³⁾ The dwelling or other main building or portions of building other than Accessory Buildings may be erected higher than thirty-five feet (35') provided that any portion of the building above said thirty-five feet (35') height limit is set back from all required yard setback lines a distance of two feet (2') for each one (1) foot in height above said thirty-five feet (35') limit. No building shall have a height of more than fifty feet (50').

⁽⁴⁾ Key lots shall have two front yards."

**SECTION 3.
PENALTY**

Any person, firm or corporation who intentionally, knowingly or recklessly violates any provision of this Ordinance, the Unified Development Code, 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, the Unified Development Code, or Code of Ordinances, as amended hereby, governing the fire safety, zoning, or public health and sanitation shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

**SECTION 4.
CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5.
SAVINGS**

All rights and remedies of the City of Corinth, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

**SECTION 6.
SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

**SECTION 7.
EFFECTIVE DATE**

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

PASSED AND APPROVED THIS ____th DAY OF _____, 2019.

APPROVED:

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary

APPROVED AS TO FORM:

Andy Messer, City Attorney

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: City Facility Rooms Rental Policy
Submitted For: Lee Ann Bunselmeyer, Director
Submitted By: Shea Rodgers, Technology Services Manager
Finance Review: N/A **Legal Review:** N/A
City Manager Review:
Strategic Goals: Citizen Engagement & Proactive Government
Organizational Development

AGENDA ITEM

Consider and act on a formal adoption of the Room Rental Policy for City facilities.

AGENDA ITEM SUMMARY/BACKGROUND

City facilities, specifically the Council Chambers at City Hall, have been for years available for rent by Home Owners Associations at the rate of \$50 per hour (\$75 per hour with any audio/visual needs), available only on Tuesday and Wednesday evenings via a City Manager Directive. City Staff is seeking Council guidance and support in formalizing this into a Council-Approved Policy.

The only notable differences between the previous policy and this new policy is opening up the Large Conference Room at the Public Safety Complex for the same purpose: Home Owners Associations, and providing a cleaning fee (one-time \$100 charge) in the case that an HOA would like to have food at their meeting (PSC only).

This policy would only affect the following rooms: Council Chambers and the Council Workroom in City Hall and the Large Conference Room and attached kitchen in the Public Safety Complex. All other rooms and other City facilities would be unaffected by this policy.

RECOMMENDATION

City Staff recommends that Council review and adopt this City Room Rental Policy.

BUSINESS ITEM 8.

City Council Regular and Workshop Session

Meeting Date: 04/18/2019
Title: Resolution appointing one candidate to the Denco Area 9-1-1 District Board of Managers
Submitted For: Bob Hart, City Manager **Submitted By:** Kim Pence, City Secretary
City Manager Review: Bob Hart, City Manager

AGENDA ITEM

Consider and act on a Resolution nominating one candidate to a slate of nominees for the Board of Managers of the Denco Area 9-1-1 District.

AGENDA ITEM SUMMARY/BACKGROUND

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mayor Sue Tejml. Members are eligible for consecutive terms and Mayor Tejml has expressed her desire to serve another term.

If the Council would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, formal Council action is required. All nominations must include a Council Resolution and resume of the candidate, which must be sent to the Denco Area 9-1-1 District office by June 15, 2019.

On June 16, 2019 Denco staff will send the slate of nominees to each City for consideration, requesting council vote by resolution for one of the nominees. Written notice of the Council's selection must reach Denco Area 9-1-1 District by September 15, 2019.

The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2019.

RECOMMENDATION

N/A

Attachments

Resolution nominating one candidate to a slate of nominees for the Board of Managers

Resolution No. 19-04-18-

A RESOLUTION NOMINATING MEMBERS TO THE BOARD OF MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

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

Section 1

The City of Corinth hereby nominate(s) _____ as a Candidate for appointment to the Board of Managers for the Denco Area 9-1-1 District.

Section 2

That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the 18th day of April, 2019.

Bill Heidemann, Mayor

ATTEST:

Kimberly Pence, City Secretary