

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION B, "DEFINITIONS," OF SECTION 10.1.7, "DEFINITIONS," OF ARTICLE 1, "GENERAL," BY AMENDING THE DEFINITION OF "ADMINISTRATIVE OFFICIAL" AND "FILING DATE," AND REPEALING THE DEFINITION OF "ADMINISTRATIVELY COMPLETE"; AMENDING SUBSECTION D, "INCOMPLETE APPLICATION," OF SECTION 10.4.2, "DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AND AMENDING SECTION 10.5.1, "GENERAL PROVISIONS," OF ARTICLE 5, "PROCEDURES FOR PLAT APPROVAL" TO CONFORM WITH THE FILING DATES MANDATED BY HOUSE BILL NO. 3699; ALL CONTAINED IN THE CITY'S SUBDIVISION ORDINANCE, EXHIBIT "A" TO ARTICLE 10.02.001, "SUBDIVISION ORDINANCE," OF CHAPTER 10, "SUBDIVISION REGULATION," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Joshua, Texas ("City"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the City possesses the full power of self-government, as authorized by the Texas Constitution and the City's duly adopted Charter; and

WHEREAS, the 88th Legislature recently passed House Bill No. 3699, which Bill was signed by the Governor, providing for amendments to Chapter 212, "Municipal Regulation of Subdivisions and Property Development," of the Texas Local Government Code; and

WHEREAS, the following amendments to the City's Subdivision Ordinance are in full compliance with the requirements of House Bill No. 3699, and the City Council of the City has determined that the adoption of these new provisions is in the best interests of the citizens of the City and will promote the public health, safety and general welfare; and

WHEREAS, the City Council, on behalf of Joshua and its citizens, further has determined that the following amendments will promote the orderly, safe and efficient growth of the City and the City's extraterritorial jurisdiction.

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

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, Subsection B, "Definitions," of Section 10.1.7, "Definitions," of Article 1, "General," of the City's Subdivision Ordinance, contained in Exhibit "A" to Article 10.02.001, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"SECTION 10.1.7 DEFINITIONS.

* * *

B. Definitions. For the purpose of this Ordinance, certain words or terms applicable hereto are defined as hereinafter provided. Words and terms used in this Ordinance, but not defined in this Ordinance shall have the meanings ascribed thereto in the Zoning Ordinance of the City. Words and terms defined in both ordinances shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in this Ordinance shall control.

* * *

Administrative Official – The City Manager, or the City Manager's designated representative, authorized to enforce the terms of this Ordinance. The Administrative Official is also authorized, in the event there is not sufficient time for either the Planning and Zoning Commission or City Council review, to approve, approve with conditions or deny any plat referenced in this Ordinance.

* * *

Filing Date - The Filing Date means the date a preliminary plat, replat or final plat, along with a completed application and applicable fees, and other requirements as prescribed by or under Texas Local Government Code § 212.004, as amended.

* * *"

The definition of "Administratively Complete" contained in the same Section is hereby repealed.

SECTION 3

From and after the effective date of this Ordinance, Subsection D, "Incomplete Application," of Section 10.4.2, "Documents Required for Processing Applications," of Article 4, "Requirements for Plat Submittal," of the City's Subdivision Ordinance, contained in Exhibit "A" to Article 10.02.001, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"SECTION 10.4.2 DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS.

* * *

D. Incomplete Application. The processing of an application by any City employee that is not a completed application or does not contain applicable fees, or other requirements as prescribed by or under Texas Local Government Code § 212.004, as amended, shall not be binding on the City as the official acceptance of the application and/or fees for filing.

* * *

SECTION 4

From and after the effective date of this Ordinance, Section 10.5.1, "General Provisions," of Article 5, "Procedures for Plat Approval," of the City's Subdivision Ordinance, contained in Exhibit "A" to Article 10.02.001, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"SECTION 10.5.1 GENERAL PROVISIONS.

A. Authority for Approval of Minor and Amending Plats. The Administrative Official is authorized to approve all minor plats and amending plats. An applicant who is dissatisfied with the decision of the Administrative Official may request that the plat be referred to the Commission, and then the Council, for decision. If such a request is made, the filing date shall be in accordance with Subsection (F) of this Section.

B. Recommendation of Commission. The Commission shall review and recommend approval, approval with conditions or disapproval on all preliminary plats, replats and final plats.

C. Approval by City Council. The City Council shall receive a recommendation from the Commission on each preliminary plat, final plat and replat and shall then make a final decision as to the approval, approval with conditions or disapproval of these plats.

D. Conformance. All preliminary plats, final plats and replats shall substantially conform to any concept plan or plan for development or planned development plan approved in accordance with the requirements of the Zoning Ordinance, as well as all other applicable Ordinances, including but not limited to the Comprehensive Plan and all standards for adequacy of public facilities, where applicable. No final plat shall be approved until the City has received a Letter of Approval from JCSUD or BWSC confirming its approval of water and wastewater construction plans. Further, a final plat shall conform to the approved preliminary plat except for minor changes authorized under Subsection (G) of this Section.

E. Plat Review and Conditional Approval or Disapproval. In the event the Commission or Council conditionally approves or disapproves a preliminary plat, final plat or replat, the Commission or Council shall provide an applicant a written statement of the conditions for the conditional approval or reasons for disapproval, in accordance with Section 212.0091 of the Texas Local Government Code, as amended. After the conditional approval or disapproval of a preliminary plat, final plat or replat, an applicant may submit to the Commission or Council a written response that satisfies each condition for the conditional approval or remedies each reason provided for the disapproval, in accordance with Section 212.0093 of the Texas Local Government Code, as amended. In the event the Commission or Council receives such a response from an applicant, the Commission or Council shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted, in accordance with Section 212.0095 of the Texas Local Government Code, as amended.

F. Filing Date. The thirty (30) day period for approval, approval with conditions or disapproval of a plat, as established in Chapter 212 of the Texas Local Government Code, as amended, shall be the date the plat application is filed. Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by an applicant, the Commission or City Council may approve one (1) or more Extensions of the 30-day action requirement; however, each such Extension shall not to exceed 30 additional days.

G. Minor Changes to Preliminary Plat. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout, or easements shall require submittal for consideration of a new preliminary plat. All other proposed changes to the design of the subdivision subject to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat.

H. Authority of Administrative Official to Act upon Plats. In the event there is not sufficient time for either the Planning and Zoning Commission or City Council to timely approve, approve with conditions or deny any plat referenced in this Ordinance, the

Administrative Official is authorized to approve, approve with conditions or deny any such plat. The disapproval of any such plat by the Administrative Official may be appealed to the Planning and Zoning Commission.”

SECTION 5

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 7

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 8

This Ordinance shall become effective from and after its passage and publication.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS 17TH DAY OF AUGUST, 2023.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney