

**CITY OF JOSHUA, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SECTION 8.7, "PREFERRED TREE LIST," OF ARTICLE 8, "LANDSCAPE, OPEN SPACE AND TREE PRESERVATION," OF THE ZONING ORDINANCE, CONTAINED IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY REPLACING "RED OAK" AS ONE OF THE LARGE TREES (SHADE TREES) WITH "TEXAS RED OAK" ON THE CITY'S PREFERRED TREE LIST; REPLACING "PIN OAK" AS ONE OF THE LARGE TREES (SHADE TREES) WITH "BUR OAK" ON THE CITY'S PREFERRED TREE LIST; AND ADDING "SHUMARD OAK" AS ONE OF THE LARGE TREES (SHADE TREES) ON THE CITY'S PREFERRED TREE LIST; MAKING FINDINGS RELATIVE THERETO; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council wishes to amend certain provisions contained in its current tree preference regulations in the City's Zoning Ordinance relative to Texas red oaks, bur oaks and Shumard oaks as preferred trees, as referenced herein; and

**WHEREAS**, the City Council has determined that such amendment would be in the best interests of the City, its residents and those who develop property in the City; and

**WHEREAS**, the Planning and Zoning Commission of the City of Joshua and the City Council of the City of Joshua, in compliance with the laws of the State of Texas, have given the requisite notices and after public hearings that were held before both the Planning and Zoning Commission and the City Council, the City Council has concluded that the amendments referenced in the text of this Ordinance will promote the public health, safety and welfare of the citizens of the City.

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

**SECTION 1**

All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2**

From and after the effective date of this Ordinance, Section 8.7, "Preferred Tree List," of Article 8, "Landscape, Open Space and Tree Preservation," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of

Joshua, Texas, is hereby amended as follows: Replace “Red Oak” as one of the large trees (shade trees) with “Texas Red Oak” on the City’s Preferred Tree List; Replace “Pin Oak” as one of the large trees (shade trees) with “Bur Oak” on the City’s Preferred Tree List; and Add “Shumard Oak” as one of the large trees (shade trees) on the City’s Preferred Tree List.

### **SECTION 3**

If any word, section, article, phrase, paragraph, sentence, clause, or portion of this Ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity which remaining portions shall remain in full force and effect.

### **SECTION 4**

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 portion of conflicting ordinances shall remain in full force and effect.

### **SECTION 5**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

### **SECTION 6**

This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the laws of the State of Texas.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, THIS THE 16TH DAY OF MARCH, 2023.**

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Scott Kimble, Mayor

**ATTEST:**

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Alice Holloway, City Secretary

**APPROVED AS TO FORM:**

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Terrence S. Welch, City Attorney