

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTION A, "GENERALLY," OF SECTION 10.1.3 "ADEQUATE PUBLIC FACILITIES," OF ARTICLE 1, "GENERAL"; AMENDING THE DEFINITION OF "ADMINISTRATIVE OFFICIAL" AND "FILING DATE," AND ADDING A DEFINITION OF "PLAN VIEW," CONTAINED IN SUBSECTION B, "DEFINITIONS," OF SECTION 10.1.7, "DEFINITIONS," OF ARTICLE 1, "GENERAL"; AMENDING SECTION 10.4.2, "DOCUMENTS REQUIRED FOR PROCESSING APPLICATIONS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AMENDING SUBSECTION F, "PRELIMINARY WATER AND WASTEWATER UTILITY PLANS," OF SECTION 10.4.3, "PRELIMINARY PLAT SUBMITTAL REQUIREMENTS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AMENDING SUBPART (5) OF SUBSECTION C, "DOCUMENTATION AND ADDITIONAL PLANS TO ACCOMPANY FINAL PLAT APPLICATION," OF SECTION 10.4.6, "FINAL PLAT — APPLICATION SUBMITTAL REQUIREMENTS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AMENDING SUBPARTS (3)(C) AND (D) OF SUBSECTION B, "SPECIFICALLY," OF SECTION 10.4.8, "CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS," OF ARTICLE 4, "REQUIREMENTS FOR PLAT SUBMITTAL"; AMENDING SUBPART A OF SUBSECTION A, "REQUIREMENTS," OF SECTION 10.5.6, "RECORDING OF PLAT," OF ARTICLE 5, "PROCEDURES FOR PLAT APPROVAL;" AMENDING SUBSECTION A, "APPROVAL REQUIRED BY JOHNSON COUNTY SPECIAL UTILITY DISTRICT OR BETHESDA WATER SUPPLY CORPORATION," OF SECTION 10.8.1, "WATER AND WASTEWATER IMPROVEMENTS," OF ARTICLE 8, "WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS;" RELATED TO SUBDIVISIONS AND PLATS, TO CONFORM WITH HOUSE BILL NO. 3699 AND IMPROVE THE CITY'S ABILITY TO MEET STATE MANDATED TIME LINES AND CONDITIONS RELATED THERETO, 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 additional, technical 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 A, “Generally,” Section 10.1.3 “Adequate Public Facilities,” 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:

“SEC. 10.1.3 ADEQUATE PUBLIC FACILITIES.

A. Generally. Land proposed to be subdivided must be served adequately by essential public facilities and services, including water and sanitary sewer facilities, roadway and pedestrian facilities, drainage facilities and park facilities. An application for a plat or development may be denied unless adequate public facilities necessary to support and serve the development exist or provision has been made for the facilities to be dedicated to the City or other appropriate public agency, whether the facilities are to be located within the property being platted or offsite. Since water and wastewater services are not provided by the City of Joshua, the City’s approval of a Plat does not represent acceptance of related public improvements nor availability of such services.

Dedication of rights-of-way and easements for public works improvements to support new development should occur at the earliest stage of the development process.

* * *

SECTION 3

From and after the effective date of this Ordinance, 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:

“SEC. 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. Any requirement in these subdivision regulations for the signature of the Planning and Zoning Commission Chair shall be replaced with the Administrative Official’s signature when the Administrative Official has undertaken such actions as authorized in these subdivision regulations.

* * *

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, are submitted to the City.

* * *

Plan View – A two dimensional drawing showing the location and size of proposed improvements and appurtenances.”

SECTION 4

From and after the effective date of this Ordinance, Section 10.4.2, “Documents Required for Processing Applications, of Article 4, “Requirements for Plat Submittal”, 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.

A. Requirements for Processing Applications. Every application for approval of a plat or plan for development shall include the following:

* * *

4. Payment of all fees incurred with the review and processing of the application.

* * *

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 5

From and after the effective date of this Ordinance, Subsection F, "Preliminary Water and Wastewater Utility Plans," of Section 10.4.3, "Preliminary Plat Submittal Requirements," 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 10.4.3 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS.

* * *

F. Preliminary Water and Wastewater Utility Plans. The applicant shall submit a preliminary water and wastewater utility plan. This plan shall indicate the general location and approximate sizes of all existing and proposed public water and wastewater utilities, including offsite facilities and/or oversized mains. The proposed water and wastewater plans shall be designed in accordance with the requirements established by the Johnson County Special Utility District (JCSUD) or Bethesda Water Supply Corporation (BWSC).

* * *"

SECTION 6

From and after the effective date of this Ordinance, Subpart (5) of Subsection C, "Documentation and Additional Plans to Accompany Final Plat Application," of Section 10.4.6, "Final Plat — Application Submittal Requirements," 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 10.4.6 FINAL PLAT – APPLICATION SUBMITTAL REQUIREMENTS.

* * *

C. Documentation and Additional Plans to Accompany Final Plat Application. An application of a final plat shall be accompanied with the following documentation in order for the plat to be officially approved and recorded:

* * *

5. Approval letter from Johnson County Special Utility District (JCSUD) or Bethesda Water Supply Corporation (BWSC) stating they are in receipt of construction plans for water/wastewater for the development. No Final Plat shall be recorded with the County Clerk by the City unless JCSUD or BWSC has certified that it has approved such construction plans.

* * *

SECTION 7

From and after the effective date of this Ordinance, Subparts (3)(c) and (d) of Subsection B, "Specifically," of Section 10.4.8, "Construction Plans for Public Improvements," 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 10.4.8 CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS.

* * *

B. Specifically.

* * *

3. Each sheet shall show the seal and signature of the engineer who prepared the plans and shall include the following, unless specifically approved otherwise by the Administrative Official:

* * *

c) A Plan View of the proposed wastewater collection system with pipe sizes indicated and showing locations of manholes, cleanouts, and other appurtenances.

d) A Plan View of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances.

* * *"

SECTION 8

From and after the effective date of this Ordinance, Subpart A of Subsection A, "Requirements," of Section 10.5.6, "Recording of Plat," 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 10.5.6. RECORDING OF PLAT.

A. Requirements. For a plat to be recorded after approval, all conditions of approval must be satisfied, including, but not limited to, the following:

* * *

14. It shall be the policy of the City of Joshua that all water and wastewater improvements shall be in accordance with the JCSUD or BWSC regulations. No plat will be recorded without a final approval letter from JCSUD or BWSC.

* * *"

SECTION 9

From and after the effective date of this Ordinance, Subsection A, "Approval Required by Johnson County Special Utility District or Bethesda Water Supply Corporation," of Section 10.8.1, "Water and Wastewater Improvements," of Article 8, "Water, Wastewater and Drainage Improvements," 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 10.8.1 WATER AND WASTEWATER IMPROVEMENTS.

A. Approval required by Johnson County Special Utility District or Bethesda Water Supply Corporation. All water and wastewater improvements shall conform to the Johnson County Special Utility District or Bethesda Water Supply Corporation regulations.”

SECTION 10

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 11

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 12

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 13

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 21ST DAY OF SEPTEMBER, 2023.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney