

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING ARTICLE 1.03, "CITY COUNCIL," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY ADDING A NEW SECTION 1.03.004, "PARTICIPATION IN AMENDMENTS TO THE COMPREHENSIVE PLAN OR ZONING ORDINANCE"; AMENDING DIVISION 2, "PLANNING AND ZONING COMMISSION," OF ARTICLE 1.04, "BOARDS AND COMMISSIONS," OF CHAPTER 1, "GENERAL PROVISIONS," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, BY ADDING A NEW SECTION 1.04.037, "PARTICIPATION IN AMENDMENTS TO THE COMPREHENSIVE PLAN OR ZONING ORDINANCE"; MAKING FINDINGS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Joshua, Texas ("City"), is a Home Rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City is authorized and empowered to amend ordinances from time to time in order to protect the welfare of its inhabitants; and

WHEREAS, the City wishes to amend its ordinances to provide clear guidance to members of the City Council and the Planning and Zoning Commission about participating in and voting on amendments to the City's Comprehensive Plan or Zoning Ordinance; and

WHEREAS, the City Council has determined that the following amendments are in the best interests of the residents of the City and will promote the public interest.

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, Article 1.03, "City Council," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Joshua, Texas,

is hereby amended by adding a new Section 1.03.004, "Participation in Amendments to the Comprehensive Plan or Zoning Ordinance," to read as follows:

"§ 1.03.004. Participation in Amendments to the Comprehensive Plan or Zoning Ordinance.

- (a) No member of the City Council shall participate in any vote or decision relative to any amendment to the City's Comprehensive Plan or any change in the zoning classification of property if the City Council member or a relative of the City Council member has any interest in any property within 200 feet of the property which is the subject of the amendment to the City's Comprehensive Plan or on which the change in zoning classification is proposed. Further, any City Council member who has any such interest in property shall be legally disqualified from participating in any vote or decision relative to the Comprehensive Plan amendment or change in zoning classification.
- (b) For purposes of this Article, "relative" means any person related to the City Council member within the first degree by consanguinity or affinity and shall include a spouse, father, mother, son, daughter, brother or sister."

SECTION 3

From and after the effective date of this Ordinance, Division 2, "Planning and Zoning Commission," of Article 1.04, "Boards and Commissions," of Chapter 1, "General Provisions," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended by adding a new Section 1.04.037, "Participation in Amendments to the Comprehensive Plan or Zoning Ordinance," to read as follows:

"§ 1.04.037. Participation in Amendments to the Comprehensive Plan or Zoning Ordinance.

- (a) No member of the Planning and Zoning Commission shall participate in any vote or decision relative to any amendment to the City's Comprehensive Plan or any change in the zoning classification of property if the Planning and Zoning Commission member or a relative of the Planning and Zoning Commission member has any interest in any property within 200 feet of the property which is the subject of the amendment to the City's Comprehensive Plan or on which the change in zoning classification is proposed. Further, any Planning and Zoning Commission member who has any such interest in property shall be legally disqualified from participating in any vote or decision relative to the Comprehensive Plan amendment or change in zoning classification.
- (b) For purposes of this Article, "relative" means any person related to the Planning and Zoning Commission member within the first degree by consanguinity or affinity and shall include a spouse, father, mother, son, daughter, brother or sister."

SECTION 4

This Ordinance shall be cumulative of all provisions of ordinances of the City of Joshua, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6

This Ordinance shall become effective from and after its adoption as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS THE 16TH DAY OF OCTOBER, 2025.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM:

Terrence S. Welch, City Attorney