

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF JOSHUA, TEXAS, BY CHANGING THE ZONING ON PROPERTY LOCATED AT 109 OAK STREET, APPROXIMATELY 0.62 ACRES OF LAND, IN THE E.H. EDELMAN SUBDIVISION, JOHNSON COUNTY APPRAISAL DISTRICT PROPERTY IDENTIFICATION NO. R000049916, AND A GEO IDENTIFICATION NUMBER OF 126.3469.000120, IN THE CITY OF JOSHUA, JOHNSON COUNTY, TEXAS, FROM SINGLE FAMILY RESIDENTIAL (R-1) TO SINGLE FAMILY RESIDENTIAL (R-1) WITH A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Joshua, Texas, has recommended a change in zoning classification of the property described herein and has recommended amending the City's official zoning map regarding the granting of a Conditional Use Permit; and

WHEREAS, all legal requirements, conditions and prerequisites have been complied with prior to this case coming before the City Council of the City of Joshua, Texas; and

WHEREAS, the City Council of the City of Joshua, Texas, after public notice and a public hearing as required by law, and upon due deliberation and consideration of the recommendation of said Planning and Zoning Commission and of all testimony and information submitted during said public hearing, has determined that, in the public's best interest and support of the health, safety, morals and general welfare of this citizens of the City, the zoning of the property described herein shall be changed to allow for a Conditional Use Permit on said property, and that the official zoning map of the City of Joshua, Texas shall be amended to reflect the rezoning of the property herein described.

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

SECTION 1

All of the above premises are found to be true and correct legislative and factual determinations of the City of Joshua, Texas, 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, the property described herein shall be rezoned as set forth in this section, and the official zoning map of the City of Joshua, Texas, is hereby amended and changed in the following particulars to reflect the action taken herein, in order to create a change in the zoning classification of the property described herein, as follows:

That the property located at 109 Oak Street, approximately 0.62 acres of land, in the E.H. Edelman Subdivision, Johnson County Appraisal District Property Identification No. R000049916, and a GEO Identification Number of 126.3469.000120, in the City of Joshua, Johnson County, Texas, presently zoned Single Family Residential (R-1) is hereby changed to Single Family Residential (r-1) subject to a Conditional Use Permit to allow for an accessory dwelling unit, pursuant to the terms and provisions referenced herein and also as referenced in the City's Zoning Ordinance, contained in Exhibit A to Chapter 14 of the City's Code of Ordinances.

Said accessory dwelling unit shall be subject to the following terms and conditions:

1. The accessory dwelling unit must be used by the same person or persons of the immediate family as the main dwelling.
2. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
3. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main dwelling.
4. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling, shall not have a separate electric meter, and shall not be sublet or otherwise utilized as a short-term rental.
5. Setback requirements shall be the same as for the main dwelling.
6. The accessory dwelling unit shall not be permitted without a main or primary dwelling.

SECTION 3

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 4

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 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, and said remaining portions shall remain in full force and effect.

SECTION 5

Any person, firm or corporation who violates any provision 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, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 6

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

DULY PASSED AND APPROVED by the City Council of the City of Joshua, Texas this the 19th day of September, 2024.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND CONTENT:

Terrence S. Welch, City Attorney