



**AGENDA
CITY COUNCIL
WORK SESSION
REGULAR MEETING
OCTOBER 15, 2020
6:30 PM**

The Joshua City Council will hold a Work Session at 6:30 p.m. and a Regular Meeting, immediately following the Work Session, in the Council Chambers at the Joshua City Hall, located at 101 S. Main St., Joshua, Texas on October 15, 2020. This meeting is subject to the open meeting laws of the State of Texas.

City facilities are closed to the public in response to a health emergency specifically Coronavirus Disease (COVID-19). This meeting is available via live stream.

Join Zoom Meeting:

<https://us02web.zoom.us/j/85796898170?pwd=dmRIelQzTWNZZUtkWXFsbzBLaGcxQT09>

Meeting ID: 857 9689 8170 Passcode: 111738 or dial 1-346-248-7799

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

- Online: An online speaker card may be found on the city's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.
- By phone: Please call 817/558-7447 ext. 2003 and provide your name, address, and question. Your question will be read by the City Secretary in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for September 2020. (Staff Resource: J. Jones)
2. Discuss and give direction to staff regarding a petition filed asking the City to serve as the applicant to re-zone Little Brook Estates. (Staff Resource: J. Jones)
3. Discuss and review the 2020 Availability of Internet Services Report. (Staff Resource: M. Peacock)
4. Questions regarding Regular Session agenda items.

C. PUBLIC FORUM, PRESENTATIONS AND RECOGNATION:

The City Council invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the City Council is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Council deliberation is permitted. Each person will have 3 minutes to speak.

D. CONSENT AGENDA

1. Consider approval of minutes from the City Council Meeting held on September 17, 2020. (Staff Resource: A. Holloway)

E. REGULAR AGENDA

1. Public hearing on repealing Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances and replacing it with a new Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances,.
2. Discuss, consider, and possible action on approving an Ordinance repealing Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances and replacing it with a new Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances.
3. Discuss, consider, and possible action on a resolution supporting the passage of legislation during the 87th Regular session of the Texas Legislature (2021), to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue by the City for construction of improvements in Municipal Parks. (Staff Resource: J. Jones)
4. Discuss, consider, and possible action on an Interlocal Agreement between JCSUD and City of Joshua for Water Utilities Facilities Relocation and Maintenance regarding Mockingbird Hill Phase 1. (Staff Resource: M. Peacock)
5. Discuss, consider, and possible action on an Interlocal Agreement with Johnson County for Brushcutting on Forrest Lane. (Staff Resource: M. Peacock)
6. Discuss, consider, and take action on an Amendment to Chapter 380 Agreement Partnership Agreement with The Retail Connection. (Staff Resource: J. Jones)

F. STAFF REPORT

September 2020

1. Police Department Report
2. Fire Department Report
3. Municipal Court Report
4. Public Works Report
5. Parks Report
6. Development Services Report
7. City Secretary Report

G. EXECUTIVE SESSION:

Pursuant to Texas Government Code, Chapter 551, Subchapter D, the City Council will recess into Executive Session (closed meeting) to discuss the following:

- (a) Section § 551.074 (a)(1) of the Texas Government Code to deliberate the employment or evaluation of a public officer or employee, to-wit: City Manager.

H. RECONVENE INTO OPEN SESSION:

In accordance with Texas Government Code, Section 551, the City Council will reconvene into regular session.

I. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

J. ADJOURNMENT

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including 551.071 (private consultation with the attorney for the City); 551.072 (discussing purchase, exchange, lease or value of real property); 551.074 (discussing personnel or to hear complaints against personnel); and 551.087 (discussing economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

Pursuant to Section 551.127, Texas Government Code, one or more Councilmembers may attend this meeting remotely using videoconferencing technology. The video and audio feed of the videoconferencing equipment can be viewed and heard by the public at the address posted above as the location of the meeting. A quorum will be physically present at the posted meeting location of City Hall.

In compliance with the Americans with Disabilities Act, the City of Joshua will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 817/558-7447.

CERTIFICATE:

I hereby certify that the above agenda was posted on or before the 8th day of October 2020, by 5:00 p.m. on the official bulletin board at Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway
City Secretary

City of Joshua
Financial Statement
As of September 30, 2020

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100 - General Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Revenue Summary							
Tax Revenue	77,030.16	139,229.95	(62,199.79)	3,481,887.41	3,494,595.00	99.64%	12,707.59
Charges for Services	41,798.96	42,915.12	(1,116.16)	499,323.49	499,970.00	99.87%	646.51
Licenses, Permits & Fees	57,993.33	158,689.28	(100,695.95)	591,454.39	548,190.00	107.89%	(43,264.39)
Grants & Contributions	128.00	41.85	86.15	603.00	500.00	120.60%	(103.00)
Intergovernmental Revenues	2,500.00	(143,590.87)	146,090.87	11,321.01	8,860.00	127.78%	(2,461.01)
Fines & Forfeitures	0.00	1,200.00	(1,200.00)	1,211.12	1,200.00	100.93%	(11.12)
Investment Earnings	0.00	225.99	(225.99)	3,551.58	2,700.00	131.54%	(851.58)
Miscellaneous	3,796,103.75	6,549.58	3,789,554.17	4,126,605.54	78,250.00	5273.62%	(4,048,355.54)
Transfers In	(37,700.00)	(13,937.50)	(23,762.50)	125,000.00	125,000.00	100.00%	0.00
Revenue Totals	3,937,854.20	191,323.40	3,746,530.80	8,840,957.54	4,759,265.00	185.76 %	(4,081,692.54)
Expense Summary							
Contract & Professional Services	110,730.90	147,813.05	(37,082.15)	921,959.82	904,005.00	101.99%	(17,954.82)
Utilities	14,732.43	(71,787.22)	86,519.65	159,165.11	161,575.00	98.51%	2,409.89
Community Events	0.00	(11,355.00)	11,355.00	8,642.91	8,645.00	99.98%	2.09
Miscellaneous	1,643.77	(24,903.58)	26,547.35	138,003.66	143,300.00	96.30%	5,296.34
Repair & Maintenance	30,275.39	(5,075.13)	35,350.52	266,476.88	252,450.00	105.56%	(14,026.88)
Personnel	166,564.29	(248,424.20)	414,988.49	2,094,923.80	2,116,690.00	98.97%	21,766.20
Debt Service	0.00	0.00	0.00	3,350.00	4,000.00	83.75%	650.00
Transfers Out	352,455.00	55,000.00	297,455.00	352,455.00	352,455.00	100.00%	0.00
Supplies	32,410.12	(13,633.07)	46,043.19	275,165.32	265,755.00	103.54%	(9,410.32)
Capital Outlay	0.00	2,766.60	(2,766.60)	180,133.92	250,335.00	71.96%	70,201.08
Expense Totals	708,811.90	(169,598.55)	878,410.45	4,400,276.42	4,459,210.00	98.68 %	58,933.58

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100 - General Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Tax Revenue							
100-4000 GF Property Tax	4,843.85	3,193.36	1,650.49	2,256,532.15	2,251,690.00	100.22%	(4,842.15)
100-4001 GF Property Tax Penalty	593.25	21,795.00	(21,201.75)	11,552.69	21,795.00	53.01%	10,242.31
100-4002 GF Prop Tax Interest Income	512.78	0.00	512.78	9,961.86	0.00	0.00%	(9,961.86)
100-4003 City Sales Taxes	67,893.33	107,323.11	(39,429.78)	842,879.55	842,860.00	100.00%	(19.55)
100-4005 Mixed Beverage Tax	0.00	5,055.22	(5,055.22)	5,603.44	5,605.00	99.97%	1.56
100-4006 Franchise Taxes	3,186.95	1,863.26	1,323.69	355,357.72	372,645.00	95.36%	17,287.28
Tax Revenue Totals	77,030.16	139,229.95	(62,199.79)	3,481,887.41	3,494,595.00	99.64%	12,707.59
Charges for Services							
100-4008 ESD Contract Fee	12,750.00	12,744.90	5.10	153,000.00	153,000.00	100.00%	0.00
100-4008 ESD Incentive	841.23	8,600.00	(7,758.77)	9,415.19	8,600.00	109.48%	(815.19)
100-4102 Rabies Vouchers	200.00	2,115.22	(1,915.22)	1,210.00	2,665.00	45.40%	1,455.00
100-4108 Trash Collection Service Charges	28,007.73	19,455.00	8,552.73	335,698.30	335,705.00	100.00%	6.70
Charges for Services Totals	41,798.96	42,915.12	(1,116.16)	499,323.49	499,970.00	99.87%	646.51
Licenses, Permits & Fees							
100-4100 Permits/Fees	47,726.73	183,435.00	(135,708.27)	450,832.59	412,510.00	109.29%	(38,322.59)
100-4101 Fines/Court Fees	8,662.43	(18,187.50)	26,849.93	98,782.18	96,350.00	102.52%	(2,432.18)
100-4105 Gas Well Fees	0.00	0.00	0.00	26,700.00	26,000.00	102.69%	(700.00)
100-4109 Utility Penalties	0.00	(6,803.50)	6,803.50	(21.32)	0.00	0.00%	21.32
100-4110 Utility Admin Fee	1,084.87	245.28	839.59	12,882.46	13,330.00	96.64%	447.54
100-4115 Local Truancy and Prevention	431.67	0.00	431.67	1,994.64	0.00	0.00%	(1,994.64)
100-4116 Municipal Jury Fund	8.63	0.00	8.63	39.84	0.00	0.00%	(39.84)
100-4117 Time Payment Reimbursement	79.00	0.00	79.00	244.00	0.00	0.00%	(244.00)
Licenses, Permits & Fees Totals	57,993.33	158,689.28	(100,695.95)	591,454.39	548,190.00	107.89%	(43,264.39)

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100 - General Fund	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% of Budget	Budget Remaining
Grants & Contributions							
100-4203 General Fund Donations	128.00	41.85	86.15	603.00	500.00	120.60%	(103.00)
Grants & Contributions Totals	128.00	41.85	86.15	603.00	500.00	120.60%	(103.00)
Intergovernmental Revenues							
100-4400 Police Department Grants	0.00	1,395.00	(1,395.00)	1,395.00	1,395.00	100.00%	0.00
100-4401 Fire Department Grants	2,500.00	(146,450.87)	148,950.87	8,463.00	6,000.00	141.05%	(2,463.00)
100-4404 LEOSE/Continuing Education	0.00	1,465.00	(1,465.00)	1,463.01	1,465.00	99.86%	1.99
Intergovernmental Revenues Totals	2,500.00	(143,590.87)	146,090.87	11,321.01	8,860.00	127.78%	(2,461.01)
Fines & Forfeitures							
100-4501 PD Forfeiture Fund	0.00	1,200.00	(1,200.00)	1,211.12	1,200.00	100.93%	(11.12)
Fines & Forfeitures Totals	0.00	1,200.00	(1,200.00)	1,211.12	1,200.00	100.93%	(11.12)
Investment Earnings							
100-4600 Interest Income	0.00	225.99	(225.99)	3,551.58	2,700.00	131.54%	(851.58)
Investment Earnings Totals	0.00	225.99	(225.99)	3,551.58	2,700.00	131.54%	(851.58)
Miscellaneous							
100-4901 Misc. Revenue	3,796,103.75	6,549.58	3,789,554.17	4,126,605.54	78,250.00	5273.62%	(4,048,355.54)
Miscellaneous Totals	3,796,103.75	6,549.58	3,789,554.17	4,126,605.54	78,250.00	5273.62%	(4,048,355.54)
Transfers In							
100-4917 Transfer from Type A EDC	5,000.00	15,000.00	(10,000.00)	30,000.00	30,000.00	100.00%	0.00
100-4918 Transfer from Type B EDC	(42,700.00)	(28,937.50)	(13,762.50)	95,000.00	95,000.00	100.00%	0.00
Transfers In Totals	(37,700.00)	(13,937.50)	(23,762.50)	125,000.00	125,000.00	100.00%	0.00
Revenue Totals	3,937,854.20	191,323.40	3,746,530.80	8,840,957.54	4,759,265.00	185.76%	(4,081,692.54)

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100 - General Fund Police Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Contract & Professional Services	2,188.22	5,162.99	(2,974.77)	75,209.24	74,100.00	101.50%	(1,109.24)
Capital Outlay	0.00	1,597.30	(1,597.30)	38,775.82	67,775.00	57.21%	28,999.18
Supplies	1,792.06	7,706.07	(5,914.01)	38,792.02	38,040.00	101.98%	(752.02)
Personnel	68,806.45	(5,229.48)	74,035.93	854,824.45	876,400.00	97.54%	21,575.55
Repair & Maintenance	8,842.10	9,070.91	(228.81)	67,256.20	59,750.00	112.56%	(7,506.20)
Utilities	1,928.07	(4,206.04)	6,134.11	17,563.12	17,130.00	102.53%	(433.12)
Miscellaneous	0.00	2,033.37	(2,033.37)	2,317.96	2,400.00	96.58%	82.04
Police Department Totals	<u>83,556.90</u>	<u>16,135.12</u>	<u>67,421.78</u>	<u>1,094,738.81</u>	<u>1,135,595.00</u>	<u>96.40%</u>	<u>40,856.19</u>

100 - General Fund Public Works	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	14,099.81	14,484.55	(384.74)	205,975.77	205,540.00	100.21%	(435.77)
Supplies	24,168.16	(17,278.65)	41,446.81	149,160.62	141,200.00	105.64%	(7,960.62)
Repair & Maintenance	6,313.10	(5,479.50)	11,792.60	65,231.93	66,180.00	98.57%	948.07
Contract & Professional Services	104.09	1,944.98	(1,840.89)	18,357.95	20,500.00	89.55%	2,142.05
Utilities	414.05	(1,280.84)	1,694.89	4,964.74	4,950.00	100.30%	(14.74)
Capital Outlay	0.00	0.00	0.00	129,075.58	156,345.00	82.56%	27,269.42
Public Works Totals	<u>45,099.21</u>	<u>(7,609.46)</u>	<u>52,708.67</u>	<u>572,766.59</u>	<u>594,715.00</u>	<u>96.31%</u>	<u>21,948.41</u>

100 - General Fund Municipal Court	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	5,229.93	(29,716.94)	34,946.87	59,523.12	57,725.00	103.11%	(1,798.12)
Repair & Maintenance	211.51	(32.60)	244.11	1,913.28	1,800.00	106.29%	(113.28)
Contract & Professional Services	91.69	758.03	(666.34)	33,361.88	33,420.00	99.83%	58.12
Miscellaneous	0.00	(5,297.80)	5,297.80	199.36	200.00	99.68%	0.64

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Supplies	95.45	(945.10)	1,040.55	778.45	750.00	103.79%	(28.45)
Municipal Court Totals	5,628.58	(35,234.41)	40,862.99	95,776.09	93,895.00	102.00%	(1,881.09)

100 - General Fund Development Services	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	15,289.75	50,158.97	(34,869.22)	198,225.68	198,340.00	99.94%	114.32
Supplies	198.72	120.23	78.49	3,452.10	3,465.00	99.63%	12.90
Contract & Professional Services	60,823.15	229,525.75	(168,702.60)	290,765.47	240,600.00	120.85%	(50,165.47)
Utilities	172.46	(2,361.94)	2,534.40	1,430.65	900.00	158.96%	(530.65)
Miscellaneous	0.00	(458.37)	458.37	0.00	0.00	0.00%	0.00
Repair & Maintenance	150.61	(2,939.65)	3,090.26	2,076.41	2,100.00	98.88%	23.59
Development Services Totals	76,634.69	274,044.99	(197,410.30)	495,950.31	445,405.00	111.35%	(50,545.31)

100 - General Fund Animal Control	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	7,072.71	9,336.07	(2,263.36)	103,135.04	104,930.00	98.29%	1,794.96
Supplies	104.00	(1,058.12)	1,162.12	8,666.22	8,610.00	100.65%	(56.22)
Repair & Maintenance	7,781.77	(9,040.76)	16,822.53	23,111.66	17,350.00	133.21%	(5,761.66)
Utilities	1,080.70	(583.03)	1,663.73	12,516.52	13,450.00	93.06%	933.48
Contract & Professional Services	1,036.69	(1,022.69)	2,059.38	7,603.94	8,050.00	94.46%	446.06
Animal Control Totals	17,075.87	(2,368.53)	19,444.40	155,033.38	152,390.00	101.73%	(2,643.38)

100 - General Fund General Non-Departmental	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Contract & Professional Services	17,092.94	33,645.44	(16,552.50)	120,577.24	117,800.00	102.36%	(2,777.24)
Debt Service	0.00	0.00	0.00	3,350.00	4,000.00	83.75%	650.00
Miscellaneous	16.99	(17,445.00)	17,461.99	72,668.15	72,585.00	100.11%	(83.15)

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Personnel	(10.83)	330.00	(340.83)	4,315.83	4,330.00	99.67%	14.17
Transfers Out	352,455.00	55,000.00	297,455.00	352,455.00	352,455.00	100.00%	0.00
General Non-Departmental Totals	<u>369,554.10</u>	<u>71,530.44</u>	<u>298,023.66</u>	<u>553,366.22</u>	<u>551,170.00</u>	<u>100.40%</u>	<u>(2,196.22)</u>

100 - General Fund Fire Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Contract & Professional Services	967.46	(333.07)	1,300.53	21,811.82	21,000.00	103.87%	(811.82)
Capital Outlay	0.00	0.00	0.00	12,282.52	12,245.00	100.31%	(37.52)
Miscellaneous	42.49	(4,156.67)	4,199.16	10,560.84	10,550.00	100.10%	(10.84)
Personnel	15,995.76	(245,130.31)	261,126.07	188,483.17	182,385.00	103.34%	(6,098.17)
Supplies	5,364.68	(3,323.65)	8,688.33	44,034.47	42,130.00	104.52%	(1,904.47)
Repair & Maintenance	4,322.98	(4,223.70)	8,546.68	42,454.76	40,675.00	104.38%	(1,779.76)
Utilities	2,640.06	(1,451.10)	4,091.16	29,674.08	29,900.00	99.24%	225.92
Fire Department Totals	<u>29,333.43</u>	<u>(258,618.50)</u>	<u>287,951.93</u>	<u>349,301.66</u>	<u>338,885.00</u>	<u>103.07%</u>	<u>(10,416.66)</u>

100 - General Fund Park Maintenance	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	0.00	(73,579.47)	73,579.47	0.00	0.00	0.00%	0.00
Supplies	286.09	2,337.66	(2,051.57)	12,614.61	13,150.00	95.93%	535.39
Utilities	2,360.16	(58,549.26)	60,909.42	27,471.79	29,950.00	91.73%	2,478.21
Repair & Maintenance	355.86	10,089.47	(9,733.61)	36,808.57	37,900.00	97.12%	1,091.43
Contract & Professional Services	4.80	(244.89)	249.69	28.80	30.00	96.00%	1.20
Capital Outlay	0.00	1,169.30	(1,169.30)	0.00	13,970.00	0.00%	13,970.00
Park Maintenance Totals	<u>3,006.91</u>	<u>(118,777.19)</u>	<u>121,784.10</u>	<u>76,923.77</u>	<u>95,000.00</u>	<u>80.97%</u>	<u>18,076.23</u>

100 - General Fund Community Service	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
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Miscellaneous	655.29	4,027.62	(3,372.33)	44,774.23	50,365.00	88.90%	5,590.77
Community Events	0.00	(11,355.00)	11,355.00	8,642.91	8,645.00	99.98%	2.09
Repair & Maintenance	0.00	(229.98)	229.98	459.50	460.00	99.89%	0.50
Utilities	3,709.82	(1,355.13)	5,064.95	39,896.88	39,805.00	100.23%	(91.88)
Contract & Professional Services	26,439.37	36,066.63	(9,627.26)	301,201.78	329,400.00	91.44%	28,198.22
Community Service Totals	<u>30,804.48</u>	<u>27,154.14</u>	<u>3,650.34</u>	<u>394,975.30</u>	<u>428,675.00</u>	<u>92.14%</u>	<u>33,699.70</u>

100 - General Fund Administration	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Personnel	40,060.71	32,692.41	7,368.30	480,192.74	486,810.00	98.64%	6,617.26
Supplies	400.96	(319.01)	719.97	17,575.98	18,320.00	95.94%	744.02
Contract & Professional Services	1,982.49	(157,690.12)	159,672.61	53,041.70	59,105.00	89.74%	6,063.30
Utilities	2,427.11	(1,999.88)	4,426.99	25,647.33	25,490.00	100.62%	(157.33)
Repair & Maintenance	2,297.46	(2,289.32)	4,586.78	27,164.57	26,235.00	103.54%	(929.57)
Miscellaneous	929.00	(3,606.73)	4,535.73	7,483.12	7,200.00	103.93%	(283.12)
Administration Totals	<u>48,097.73</u>	<u>(133,212.65)</u>	<u>181,310.38</u>	<u>611,105.44</u>	<u>623,160.00</u>	<u>98.07%</u>	<u>12,054.56</u>

100 - General Fund Mayor & Council	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Supplies	0.00	(872.50)	872.50	90.85	90.00	100.94%	(0.85)
Personnel	20.00	(1,770.00)	1,790.00	248.00	230.00	107.83%	(18.00)
Mayor & Council Totals	<u>20.00</u>	<u>(2,642.50)</u>	<u>2,662.50</u>	<u>338.85</u>	<u>320.00</u>	<u>105.89%</u>	<u>(18.85)</u>
Expense Totals	<u>708,811.90</u>	<u>(169,598.55)</u>	<u>878,410.45</u>	<u>4,400,276.42</u>	<u>4,459,210.00</u>	<u>98.68%</u>	<u>58,933.58</u>

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100 - General Fund Community Service	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-01-5404 CS Contract Services	26,439.37	36,066.63	(9,627.26)	301,201.78	329,400.00	91.44%	28,198.22
100-01-5711 CS Street Lights	3,709.82	(1,355.13)	5,064.95	39,896.88	39,805.00	100.23%	(91.88)
100-01-5800 CS Holiday Events	0.00	(11,355.00)	11,355.00	8,642.91	8,645.00	99.98%	2.09
100-01-5900 CS Library Operating	0.00	1,772.12	(1,772.12)	21,300.00	21,265.00	100.16%	(35.00)
100-01-5901 CS McPherson House	0.00	(229.98)	229.98	459.50	460.00	99.89%	0.50
100-01-5902 CS Cle-Tran	0.00	0.00	0.00	0.00	6,600.00	0.00%	6,600.00
100-01-5903 CS Clean-Up And Recycling	0.00	0.00	0.00	6,525.45	6,500.00	100.39%	(25.45)
100-01-5905 CS Quarterly City Newsletter	655.29	2,255.50	(1,600.21)	16,598.78	16,000.00	103.74%	(598.78)
100-01-5906 CS Crud Cruiser	0.00	0.00	0.00	350.00	0.00	0.00%	(350.00)
Community Service Totals	30,804.48	27,154.14	3,650.34	394,975.30	428,675.00	92.14%	33,699.70

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100 - General Fund General Non-Departmental	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-02-5160 ND Dues & Subscriptions	(10.83)	330.00	(340.83)	4,315.83	4,330.00	99.67%	14.17
100-02-5402 ND Legal Services	6,943.14	26,185.00	(19,241.86)	74,764.10	72,000.00	103.84%	(2,764.10)
100-02-5403 ND Ordinance Codification	0.00	(1,099.56)	1,099.56	0.00	0.00	0.00%	0.00
100-02-5420 ND Central Appraisal District	10,149.80	8,860.00	1,289.80	40,599.14	40,600.00	100.00%	0.86
100-02-5421 ND County Assessor -	0.00	(300.00)	300.00	5,214.00	5,200.00	100.27%	(14.00)
100-02-5500 ND Debt Service & Reports	0.00	0.00	0.00	3,350.00	4,000.00	83.75%	650.00
100-02-5940 ND Liability Insurance	0.00	(585.00)	585.00	24,363.00	24,365.00	99.99%	2.00
100-02-5941 ND Property Insurance	0.00	145.00	(145.00)	27,551.00	27,550.00	100.00%	(1.00)
100-02-5942 ND Unrestricted Reserves	0.00	12,670.00	(12,670.00)	12,669.91	12,670.00	100.00%	0.09
100-02-5943 ND Technology	0.00	(33,775.00)	33,775.00	4,000.15	3,900.00	102.57%	(100.15)
100-02-5945 ND COVID-19	16.99	4,100.00	(4,083.01)	4,084.09	4,100.00	99.61%	15.91
100-02-5979 Transfer To Capital	352,455.00	55,000.00	297,455.00	352,455.00	352,455.00	100.00%	0.00
General Non-Departmental Totals	369,554.10	71,530.44	298,023.66	553,366.22	551,170.00	100.40%	(2,196.22)

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100 - General Fund Mayor & Council	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-03-5150 M/C Training & Travel	20.00	(1,770.00)	1,790.00	248.00	230.00	107.83%	(18.00)
100-03-5220 M/C Office Supplies	0.00	(35.87)	35.87	10.00	10.00	100.00%	0.00
100-03-5262 M/C Events & Awards	0.00	(836.63)	836.63	80.85	80.00	101.06%	(0.85)
Mayor & Council Totals	20.00	(2,642.50)	2,662.50	338.85	320.00	105.89%	(18.85)

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100 - General Fund Administration	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-04-5110 AD Salaries	31,874.55	47,564.73	(15,690.18)	404,188.67	414,400.00	97.54%	10,211.33
100-04-5111 AD Overtime	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
100-04-5112 AD Worker's Comp	0.00	45.00	(45.00)	945.48	945.00	100.05%	(0.48)
100-04-5117 AD Longevity Pay	0.00	(180.00)	180.00	1,820.00	1,820.00	100.00%	0.00
100-04-5120 AD Payroll Taxes	440.06	1,219.90	(779.84)	6,619.91	6,620.00	100.00%	0.09
100-04-5130 AD Benefits	5,877.38	(16,415.58)	22,292.96	37,028.62	33,060.00	112.00%	(3,968.62)
100-04-5140 AD TMRS	1,848.72	1,523.36	325.36	23,825.33	23,830.00	99.98%	4.67
100-04-5150 AD Training & Travel	20.00	(1,910.00)	1,930.00	2,834.68	2,815.00	100.70%	(19.68)
100-04-5160 AD Dues & Memberships	0.00	828.37	(828.37)	2,730.05	3,120.00	87.50%	389.95
100-04-5161 AD Surety Bonds	0.00	16.63	(16.63)	200.00	200.00	100.00%	0.00
100-04-5212 AD Reference Materials	0.00	(1,374.45)	1,374.45	0.00	0.00	0.00%	0.00
100-04-5220 AD Office Supplies	189.56	1,734.80	(1,545.24)	5,460.28	5,400.00	101.12%	(60.28)
100-04-5221 AD Printing	0.00	(49.07)	49.07	712.97	1,000.00	71.30%	287.03
100-04-5222 AD Postage	211.40	(1,099.01)	1,310.41	1,023.55	1,320.00	77.54%	296.45
100-04-5240 AD Election Expenses	0.00	2,100.00	(2,100.00)	7,097.07	7,100.00	99.96%	2.93
100-04-5250 AD Office Equip & Furniture	0.00	(1,631.28)	1,631.28	3,282.11	3,500.00	93.77%	217.89
100-04-5330 AD Building R & M	1,145.76	(1,091.00)	2,236.76	17,663.03	17,235.00	102.48%	(428.03)
100-04-5350 AD Office Equipment R & M	1,151.70	(1,198.32)	2,350.02	9,501.54	9,000.00	105.57%	(501.54)
100-04-5402 AD IT Services	342.49	416.63	(74.14)	4,795.83	5,000.00	95.92%	204.17
100-04-5403 AD Accounting & Audit	1,400.00	(250.00)	1,650.00	27,150.00	25,750.00	105.44%	(1,400.00)
100-04-5404 AD Contract Services	240.00	3,105.00	(2,865.00)	8,345.87	8,105.00	102.97%	(240.87)
100-04-5410 AD Software Maintenance	0.00	0.00	0.00	12,750.00	20,250.00	62.96%	7,500.00
100-04-5710 AD Utilities	2,114.35	(1,364.01)	3,478.36	23,778.50	23,770.00	100.04%	(8.50)
100-04-5750 AD Mobile Technology	312.76	(635.87)	948.63	1,868.83	1,720.00	108.65%	(148.83)
100-04-5909 AD Miscellaneous	0.00	(440.10)	440.10	1,155.88	1,200.00	96.32%	44.12
100-04-5931 AD Publishing Legal Notices	929.00	(3,166.63)	4,095.63	6,327.24	6,000.00	105.45%	(327.24)

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100 - General Fund Administration	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-04-5932 AD Engineering Service	0.00	(86,819.37)	86,819.37	0.00	0.00	0.00%	0.00
100-04-5933 AD Planning	0.00	(48,142.38)	48,142.38	0.00	0.00	0.00%	0.00
100-04-5934 AD Gas Well Inspection	0.00	(26,000.00)	26,000.00	0.00	0.00	0.00%	0.00
Administration Totals	<u>48,097.73</u>	<u>(133,212.65)</u>	<u>181,310.38</u>	<u>611,105.44</u>	<u>623,160.00</u>	<u>98.07%</u>	<u>12,054.56</u>

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100 - General Fund Police Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-05-5110 PD Salaries	58,296.38	15,768.18	42,528.20	697,401.93	719,355.00	96.95%	21,953.07
100-05-5111 PD Overtime	1,448.65	(7,916.63)	9,365.28	15,439.98	15,000.00	102.93%	(439.98)
100-05-5112 PD Worker's Comp	0.00	195.00	(195.00)	18,599.68	18,600.00	100.00%	0.32
100-05-5117 PD Longevity Pay	0.00	(1,540.00)	1,540.00	2,320.00	2,320.00	100.00%	0.00
100-05-5120 PD Payroll Taxes	1,218.29	2,662.81	(1,444.52)	13,445.25	13,380.00	100.49%	(65.25)
100-05-5130 PD Benefits	4,514.60	(3,398.82)	7,913.42	61,965.91	61,970.00	99.99%	4.09
100-05-5140 PD TMRS	3,153.53	(2,834.53)	5,988.06	41,053.56	41,345.00	99.30%	291.44
100-05-5150 PD Training & Travel	175.00	(7,448.86)	7,623.86	3,904.14	3,730.00	104.67%	(174.14)
100-05-5160 PD Dues/Memberships	0.00	(225.00)	225.00	594.00	600.00	99.00%	6.00
100-05-5161 PD Surety Bonds	0.00	8.37	(8.37)	100.00	100.00	100.00%	0.00
100-05-5180 PD Citizens Police Academy	0.00	(500.00)	500.00	0.00	0.00	0.00%	0.00
100-05-5213 PD Uniforms	951.30	(14.76)	966.06	5,461.17	4,750.00	114.97%	(711.17)
100-05-5215 PD Law Enforcement	0.00	834.80	(834.80)	4,266.10	4,500.00	94.80%	233.90
100-05-5217 PD Criminal Investigation	583.91	3,458.37	(2,874.46)	8,960.36	8,500.00	105.42%	(460.36)
100-05-5218 PD Awards	0.00	(87.50)	87.50	10.00	50.00	20.00%	40.00
100-05-5220 PD Office Supplies	117.41	479.13	(361.72)	2,741.47	3,000.00	91.38%	258.53
100-05-5222 PD Postage	139.44	341.63	(202.19)	913.90	800.00	114.24%	(113.90)
100-05-5250 PD Equipment & Furniture	0.00	1,714.40	(1,714.40)	12,709.06	12,710.00	99.99%	0.94
100-05-5260 PD Vests/Safety Equipment	0.00	980.00	(980.00)	3,729.96	3,730.00	100.00%	0.04
100-05-5310 PD Fuel, Oil & Service	3,241.71	(1,483.37)	4,725.08	19,143.73	16,850.00	113.61%	(2,293.73)
100-05-5310 PD Vehicle R & M	1,931.81	8,188.10	(6,256.29)	21,971.48	20,100.00	109.31%	(1,871.48)
100-05-5320 PD Equipment R & M	27.48	583.37	(555.89)	1,441.24	1,500.00	96.08%	58.76
100-05-5330 PD Building R & M	3,641.10	1,782.81	1,858.29	24,699.75	21,300.00	115.96%	(3,399.75)
100-05-5351 PD Copier/Support	624.13	344.05	280.08	6,437.08	6,300.00	102.18%	(137.08)
100-05-5402 PD IT Services	414.09	(181.06)	595.15	5,339.12	5,500.00	97.07%	160.88
100-05-5404 PD Contract Services	1,150.00	5,100.00	(3,950.00)	49,231.56	48,100.00	102.35%	(1,131.56)

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100 - General Fund Police Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-05-5408 PD Reporting System	0.00	(100.00)	100.00	14,201.48	14,200.00	100.01%	(1.48)
100-05-5600 PD Capital Outlay >\$5,000	0.00	2,427.30	(2,427.30)	0.00	29,000.00	0.00%	29,000.00
100-05-5601 PD Capital Outlay <\$5,000	0.00	(825.00)	825.00	29,175.00	29,175.00	100.00%	0.00
100-05-5611 PD Principal Payments	0.00	(290.00)	290.00	8,000.00	8,000.00	100.00%	0.00
100-05-5612 PD Interest Expense	0.00	285.00	(285.00)	1,600.82	1,600.00	100.05%	(0.82)
100-05-5710 PD Utilities	1,280.81	(1,230.75)	2,511.56	12,666.14	12,500.00	101.33%	(166.14)
100-05-5750 PD Mobile Technology	647.26	(2,975.29)	3,622.55	4,896.98	4,630.00	105.77%	(266.98)
100-05-5909 PD Miscellaneous	0.00	33.37	(33.37)	373.92	400.00	93.48%	26.08
100-05-5945 COVID-19	0.00	2,000.00	(2,000.00)	1,944.04	2,000.00	97.20%	55.96
Police Department Totals	83,556.90	16,135.12	67,421.78	1,094,738.81	1,135,595.00	96.40%	40,856.19

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100 - General Fund Public Works	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-06-5110 PW Salaries	11,623.94	13,706.83	(2,082.89)	159,287.56	158,795.00	100.31%	(492.56)
100-06-5111 PW Overtime	93.32	350.66	(257.34)	1,882.67	2,000.00	94.13%	117.33
100-06-5112 PW Worker's Comp	0.00	5.00	(5.00)	9,573.52	9,575.00	99.98%	1.48
100-06-5117 PW Longevity Pay	0.00	290.00	(290.00)	696.00	700.00	99.43%	4.00
100-06-5120 PW Payroll Taxes	169.30	821.52	(652.22)	3,016.97	3,000.00	100.57%	(16.97)
100-06-5130 PW Benefits	1,526.96	(464.57)	1,991.53	21,326.09	21,325.00	100.01%	(1.09)
100-06-5140 PW TMRS	686.29	741.74	(55.45)	9,698.04	9,645.00	100.55%	(53.04)
100-06-5150 PW Training & Travel	0.00	(966.63)	966.63	494.92	500.00	98.98%	5.08
100-06-5213 PW Uniforms	534.13	(497.80)	1,031.93	4,863.93	5,000.00	97.28%	136.07
100-06-5220 PW Office Supplies	0.00	(74.89)	74.89	190.04	200.00	95.02%	9.96
100-06-5261 PW Equipment Rental	0.00	(374.45)	374.45	913.94	1,000.00	91.39%	86.06
100-06-5270 PW Street Supplies &	23,634.03	(16,331.51)	39,965.54	143,192.71	135,000.00	106.07%	(8,192.71)
100-06-5310 PW Vehicle R & M	1,813.66	(4,411.90)	6,225.56	7,846.65	7,500.00	104.62%	(346.65)
100-06-5310 PW Fuel, Oil & Service	834.28	(4,822.38)	5,656.66	8,949.17	9,000.00	99.44%	50.83
100-06-5320 PW Equipment R & M	2,774.35	2,484.26	290.09	27,726.83	29,680.00	93.42%	1,953.17
100-06-5330 PW Building R & M	510.81	(373.20)	884.01	12,892.81	12,400.00	103.97%	(492.81)
100-06-5331 PW Sign R & M	380.00	1,785.46	(1,405.46)	7,458.11	7,100.00	105.04%	(358.11)
100-06-5332 PW Minor Tools	0.00	41.63	(41.63)	358.36	500.00	71.67%	141.64
100-06-5350 PW Office Equipment R & M	0.00	(183.37)	183.37	0.00	0.00	0.00%	0.00
100-06-5402 PW IT Services	104.09	421.64	(317.55)	2,265.08	2,300.00	98.48%	34.92
100-06-5404 PW Contract Service	0.00	1,523.34	(1,523.34)	16,092.87	18,200.00	88.42%	2,107.13
100-06-5600 PW Capital Outlay >\$5,000	0.00	0.00	0.00	19,585.00	34,875.00	56.16%	15,290.00
100-06-5601 PW Capital Outlay <\$5,000	0.00	0.00	0.00	5,614.00	17,590.00	31.92%	11,976.00
100-06-5611 PW Principal Payments	0.00	235.00	(235.00)	87,119.29	87,120.00	100.00%	0.71
100-06-5612 PW Interest Expense	0.00	(235.00)	235.00	16,757.29	16,760.00	99.98%	2.71
100-06-5710 PW Building Utilities	298.65	(631.50)	930.15	3,879.98	3,950.00	98.23%	70.02

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100 - General Fund Public Works	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-06-5750 PW Mobile Technology	115.40	(649.34)	764.74	1,084.76	1,000.00	108.48%	(84.76)
Public Works Totals	45,099.21	(7,609.46)	52,708.67	572,766.59	594,715.00	96.31%	21,948.41

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100 - General Fund Municipal Court	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-07-5110 MC Salaries	4,428.00	(23,552.07)	27,980.07	47,872.66	46,045.00	103.97%	(1,827.66)
100-07-5111 MC Overtime	16.61	(200.00)	216.61	331.62	350.00	94.75%	18.38
100-07-5112 MC Worker's Comp	0.00	25.00	(25.00)	195.20	200.00	97.60%	4.80
100-07-5117 MC Longevity Pay	0.00	(85.00)	85.00	852.00	855.00	99.65%	3.00
100-07-5120 MC Payroll Taxes	95.80	(347.68)	443.48	985.23	700.00	140.75%	(285.23)
100-07-5130 MC Benefits	381.74	(3,253.49)	3,635.23	5,285.17	5,465.00	96.71%	179.83
100-07-5140 MC TMRS	257.78	(1,541.96)	1,799.74	2,883.92	2,755.00	104.68%	(128.92)
100-07-5150 MC Training & Travel	50.00	(633.37)	683.37	962.32	1,200.00	80.19%	237.68
100-07-5160 MC Dues & Memberships	0.00	(45.00)	45.00	55.00	55.00	100.00%	0.00
100-07-5161 MC Surety Bonds	0.00	(83.37)	83.37	100.00	100.00	100.00%	0.00
100-07-5220 MC Office Supplies	0.00	66.74	(66.74)	221.35	250.00	88.54%	28.65
100-07-5221 MC Printing	0.00	(595.54)	595.54	0.00	0.00	0.00%	0.00
100-07-5222 MC Postage	95.45	(416.30)	511.75	557.10	500.00	111.42%	(57.10)
100-07-5350 MC Office Equipment R & M	211.51	(32.60)	244.11	1,913.28	1,800.00	106.29%	(113.28)
100-07-5401 MC IT Service	91.69	888.43	(796.74)	2,107.88	2,020.00	104.35%	(87.88)
100-07-5402 MC Legal Services	0.00	(2,997.80)	2,997.80	2,500.00	2,500.00	100.00%	0.00
100-07-5404 MC Judge Contract Services	0.00	2,200.00	(2,200.00)	26,400.00	26,400.00	100.00%	0.00
100-07-5410 MC Warrant Collection Fee	0.00	667.40	(667.40)	2,354.00	2,500.00	94.16%	146.00
100-07-5910 MC Warrant Entry Fees	0.00	(5,297.80)	5,297.80	199.36	200.00	99.68%	0.64
Municipal Court Totals	5,628.58	(35,234.41)	40,862.99	95,776.09	93,895.00	102.00%	(1,881.09)

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100 - General Fund Development Services	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-08-5110 DS Salaries	12,879.77	42,906.99	(30,027.22)	164,707.49	164,710.00	100.00%	2.51
100-08-5111 DS Overtime	21.17	(208.37)	229.54	223.32	250.00	89.33%	26.68
100-08-5112 DS Worker's Comp	0.00	225.00	(225.00)	525.16	525.00	100.03%	(0.16)
100-08-5117 DS Longevity Pay	0.00	(110.00)	110.00	444.00	445.00	99.78%	1.00
100-08-5120 DS Payroll Taxes	141.66	845.76	(704.10)	2,651.54	2,655.00	99.87%	3.46
100-08-5130 DS Benefits	1,498.90	6,039.41	(4,540.51)	19,114.48	19,115.00	100.00%	0.52
100-08-5140 DS TMRS	748.25	2,309.08	(1,560.83)	9,711.89	9,740.00	99.71%	28.11
100-08-5150 DS Training & Travel	0.00	(2,165.64)	2,165.64	370.00	400.00	92.50%	30.00
100-08-5160 DS Dues & Memberships	0.00	116.74	(116.74)	277.80	300.00	92.60%	22.20
100-08-5161 DS Surety Bonds	0.00	200.00	(200.00)	200.00	200.00	100.00%	0.00
100-08-5213 DS Uniforms	0.00	(433.04)	433.04	243.54	300.00	81.18%	56.46
100-08-5220 DS Office Supplies	0.00	(524.67)	524.67	244.17	300.00	81.39%	55.83
100-08-5221 DS Printing	0.00	(141.41)	141.41	443.95	500.00	88.79%	56.05
100-08-5222 DS Postage	82.05	(16.52)	98.57	393.87	350.00	112.53%	(43.87)
100-08-5250 DS Office Equip & Furniture	116.67	1,235.87	(1,119.20)	2,126.57	2,015.00	105.54%	(111.57)
100-08-5310 DS Fuel, Oil & Service	150.61	(374.45)	525.06	1,071.25	1,000.00	107.13%	(71.25)
100-08-5310 DS Vehicle R & M	0.00	(358.15)	358.15	49.16	100.00	49.16%	50.84
100-08-5330 DS Building R & M	0.00	(2,207.05)	2,207.05	956.00	1,000.00	95.60%	44.00
100-08-5402 DS IT Services	108.89	2,122.56	(2,013.67)	3,336.27	3,300.00	101.10%	(36.27)
100-08-5403 DS Code Enforcement	0.00	527.31	(527.31)	6,300.00	6,300.00	100.00%	0.00
100-08-5404 DS Contract Services	351.00	1,709.25	(1,358.25)	3,908.00	4,000.00	97.70%	92.00
100-08-5405 DS Gas Well Inspections	0.00	26,000.00	(26,000.00)	0.00	26,000.00	0.00%	26,000.00
100-08-5406 DS Nuisance Abatement	100.00	(833.37)	933.37	900.00	1,000.00	90.00%	100.00
100-08-5710 DS Utilities	0.00	(2,290.75)	2,290.75	458.66	0.00	0.00%	(458.66)
100-08-5750 DS Mobile Technology	172.46	(71.19)	243.65	971.99	900.00	108.00%	(71.99)
100-08-5910 DS Property Liens	0.00	(458.37)	458.37	0.00	0.00	0.00%	0.00

City of Joshua
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100 - General Fund Development Services	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-08-5932 DS Engineering Service	49,280.26	135,000.00	(85,719.74)	178,249.70	135,000.00	132.04%	(43,249.70)
100-08-5933 DS Planning	10,983.00	65,000.00	(54,017.00)	72,071.50	65,000.00	110.88%	(7,071.50)
100-08-5934 DS Gas Well Inspections	0.00	0.00	0.00	26,000.00	0.00	0.00%	(26,000.00)
Development Services Totals	<u>76,634.69</u>	<u>274,044.99</u>	<u>(197,410.30)</u>	<u>495,950.31</u>	<u>445,405.00</u>	<u>111.35%</u>	<u>(50,545.31)</u>

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100 - General Fund Animal Control	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-09-5110 AC Salaries	5,120.00	6,058.20	(938.20)	76,269.36	78,780.00	96.81%	2,510.64
100-09-5111 AC Overtime	761.93	916.63	(154.70)	3,457.82	2,750.00	125.74%	(707.82)
100-09-5112 AC Worker's Comp	0.00	75.00	(75.00)	2,675.12	2,675.00	100.00%	(0.12)
100-09-5117 AC Longevity Pay	0.00	0.00	0.00	1,152.00	1,155.00	99.74%	3.00
100-09-5120 AC Payroll Taxes	80.79	378.43	(297.64)	1,493.39	1,500.00	99.56%	6.61
100-09-5130 AC Benefits	763.48	1,423.36	(659.88)	10,598.54	10,600.00	99.99%	1.46
100-09-5140 AC TMRS	346.51	366.83	(20.32)	4,823.53	4,770.00	101.12%	(53.53)
100-09-5150 AC Training & Travel	0.00	209.25	(209.25)	2,465.28	2,500.00	98.61%	34.72
100-09-5160 AC Dues & Memberships	0.00	8.37	(8.37)	100.00	100.00	100.00%	0.00
100-09-5161 AC Surety Bonds	0.00	(100.00)	100.00	100.00	100.00	100.00%	0.00
100-09-5213 AC Uniforms	0.00	(216.63)	216.63	675.58	700.00	96.51%	24.42
100-09-5220 AC Office Supplies	0.00	(187.17)	187.17	661.02	500.00	132.20%	(161.02)
100-09-5222 AC Postage	89.00	(58.15)	147.15	461.55	400.00	115.39%	(61.55)
100-09-5250 AC Office Equip & Furniture	0.00	(631.63)	631.63	1,656.60	1,660.00	99.80%	3.40
100-09-5280 AC Micro Chips	0.00	(1,607.05)	1,607.05	1,590.00	1,600.00	99.38%	10.00
100-09-5282 AC Medical Supplies	0.00	3,225.11	(3,225.11)	3,471.47	3,500.00	99.18%	28.53
100-09-5284 AC Rabies Vouchers	15.00	(1,582.60)	1,597.60	150.00	250.00	60.00%	100.00
100-09-5310 AC Fuel, Oil & Service	129.44	583.70	(454.26)	1,430.87	1,500.00	95.39%	69.13
100-09-5310 AC Vehicle R & M	14.12	(557.71)	571.83	539.01	1,000.00	53.90%	460.99
100-09-5320 AC Equipment R & M	0.00	(458.15)	458.15	0.00	0.00	0.00%	0.00
100-09-5330 AC Animal Food	331.16	300.00	31.16	3,571.81	3,600.00	99.22%	28.19
100-09-5330 AC Building R & M	7,307.05	(10,158.60)	17,465.65	17,569.97	10,000.00	175.70%	(7,569.97)
100-09-5350 AC Office Equipment R & M	0.00	1,250.00	(1,250.00)	0.00	1,250.00	0.00%	1,250.00
100-09-5402 AC IT Services	316.49	(48.46)	364.95	3,754.68	3,800.00	98.81%	45.32
100-09-5404 AC Contract Services	426.69	484.14	(57.45)	2,701.80	2,500.00	108.07%	(201.80)
100-09-5408 AC Professional Services	293.51	(1,458.37)	1,751.88	1,147.46	1,750.00	65.57%	602.54

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100 - General Fund Animal Control	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-09-5710 AC Utilities	988.38	(683.47)	1,671.85	11,316.36	12,250.00	92.38%	933.64
100-09-5750 AC Mobile Technology	92.32	100.44	(8.12)	1,200.16	1,200.00	100.01%	(0.16)
Animal Control Totals	<u>17,075.87</u>	<u>(2,368.53)</u>	<u>19,444.40</u>	<u>155,033.38</u>	<u>152,390.00</u>	<u>101.73%</u>	<u>(2,643.38)</u>

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100 - General Fund Fire Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-10-5110 FD Salaries	12,732.80	(170,046.49)	182,779.29	137,830.29	137,835.00	100.00%	4.71
100-10-5111 FD Overtime	0.00	0.00	0.00	0.00	0.00	0.00%	0.00
100-10-5112 FD Worker's Comp	0.00	(1,000.00)	1,000.00	10,553.84	8,200.00	128.71%	(2,353.84)
100-10-5117 FD Longevity Pay	0.00	(475.00)	475.00	284.00	285.00	99.65%	1.00
100-10-5120 FD Payroll Taxes	182.46	(2,062.04)	2,244.50	2,402.40	2,475.00	97.07%	72.60
100-10-5130 FD Benefits	386.72	(25,508.17)	25,894.89	5,369.83	5,000.00	107.40%	(369.83)
100-10-5140 FD TMRS	739.86	(10,669.70)	11,409.56	7,879.28	8,000.00	98.49%	120.72
100-10-5150 FD Training & Travel	133.84	(17,629.91)	17,763.75	1,341.20	1,200.00	111.77%	(141.20)
100-10-5160 FD Dues & Memberships	104.24	128.50	(24.26)	4,664.18	4,600.00	101.40%	(64.18)
100-10-5180 FD Incentive	1,320.84	(10,117.50)	11,438.34	13,360.84	12,790.00	104.46%	(570.84)
100-10-5181 FD Staff Immunizations	395.00	(1,250.00)	1,645.00	770.00	1,500.00	51.33%	730.00
100-10-5182 FD Insurance (VFIS)	0.00	(6,500.00)	6,500.00	4,908.00	500.00	981.60%	(4,408.00)
100-10-5183 FD ESD Incentive	0.00	0.00	0.00	(880.69)	0.00	0.00%	880.69
100-10-5213 FD Uniforms	31.39	(497.80)	529.19	3,607.35	5,000.00	72.15%	1,392.65
100-10-5218 FD Awards	0.00	(375.00)	375.00	872.58	1,000.00	87.26%	127.42
100-10-5220 FD Office Supplies	0.00	483.37	(483.37)	1,266.59	1,400.00	90.47%	133.41
100-10-5222 FD Postage	4.50	(41.63)	46.13	19.77	50.00	39.54%	30.23
100-10-5264 FD Radios & Mics	0.00	(916.63)	916.63	0.00	0.00	0.00%	0.00
100-10-5290 FD Fire Fighting Supplies	1,390.82	5,876.65	(4,485.83)	11,099.69	10,000.00	111.00%	(1,099.69)
100-10-5291 FD EMS Supplies	0.00	(5,486.63)	5,486.63	2,635.67	3,680.00	71.62%	1,044.33
100-10-5293 FD Personal Protective Equip	3,937.97	(1,449.35)	5,387.32	24,532.82	21,000.00	116.82%	(3,532.82)
100-10-5296 FD Fire Prevention Program	0.00	(916.63)	916.63	0.00	0.00	0.00%	0.00
100-10-5310 FD Fuel, Oil & Service	1,017.15	(2,246.70)	3,263.85	5,836.57	6,000.00	97.28%	163.43
100-10-5310 FD Vehicle R & M	1,954.21	(2,907.50)	4,861.71	21,314.47	20,000.00	106.57%	(1,314.47)
100-10-5320 FD Equipment R & M	0.00	417.40	(417.40)	1,989.97	2,250.00	88.44%	260.03
100-10-5330 FD Building R & M	986.86	2,669.60	(1,682.74)	10,671.92	10,000.00	106.72%	(671.92)

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100 - General Fund Fire Department	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-10-5350 FD Office Equipment R & M	364.76	(2,156.50)	2,521.26	2,641.83	2,425.00	108.94%	(216.83)
100-10-5402 FD IT Services	476.46	875.00	(398.54)	5,427.72	5,000.00	108.55%	(427.72)
100-10-5404 FD Contract Services	491.00	(1,208.07)	1,699.07	16,384.10	16,000.00	102.40%	(384.10)
100-10-5611 FD Principal Payments	0.00	0.00	0.00	11,840.29	11,815.00	100.21%	(25.29)
100-10-5612 FD Interest Expense	0.00	0.00	0.00	442.23	430.00	102.84%	(12.23)
100-10-5710 FD Utilities	1,875.20	(1,499.93)	3,375.13	24,023.36	24,555.00	97.83%	531.64
100-10-5750 FD Mobile Technology	764.86	48.83	716.03	5,650.72	5,345.00	105.72%	(305.72)
100-10-5908 FD Emergency Management	34.91	(4,181.67)	4,216.58	10,267.07	10,250.00	100.17%	(17.07)
100-10-5909 FD Miscellaneous	7.58	25.00	(17.42)	293.77	300.00	97.92%	6.23
Fire Department Totals	29,333.43	(258,618.50)	287,951.93	349,301.66	338,885.00	103.07%	(10,416.66)

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100 - General Fund Park Maintenance	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
100-11-5110 PK Salaries	0.00	(55,275.21)	55,275.21	0.00	0.00	0.00%	0.00
100-11-5111 PK Overtime	0.00	(2,061.62)	2,061.62	0.00	0.00	0.00%	0.00
100-11-5112 PK Worker's Comp	0.00	(2,000.00)	2,000.00	0.00	0.00	0.00%	0.00
100-11-5117 PK Longevity Pay	0.00	(480.00)	480.00	0.00	0.00	0.00%	0.00
100-11-5120 PK Payroll Taxes	0.00	(858.43)	858.43	0.00	0.00	0.00%	0.00
100-11-5130 PK Benefits	0.00	(8,718.49)	8,718.49	0.00	0.00	0.00%	0.00
100-11-5140 PK TMRS	0.00	(3,498.55)	3,498.55	0.00	0.00	0.00%	0.00
100-11-5150 PK Training & Travel	0.00	(687.17)	687.17	0.00	0.00	0.00%	0.00
100-11-5213 PK Uniforms	122.43	(374.45)	496.88	973.37	1,000.00	97.34%	26.63
100-11-5220 PK Office Supplies	0.00	12.50	(12.50)	89.05	150.00	59.37%	60.95
100-11-5261 PK Equipment Rental	0.00	(137.39)	137.39	0.00	0.00	0.00%	0.00
100-11-5270 PK Park Supplies & Materials	163.66	2,837.00	(2,673.34)	11,552.19	12,000.00	96.27%	447.81
100-11-5275 PK Field Supplies & Materials	0.00	(1,665.20)	1,665.20	1,647.05	2,000.00	82.35%	352.95
100-11-5310 PK Fuel, Oil & Service	271.86	(332.60)	604.46	1,643.39	1,500.00	109.56%	(143.39)
100-11-5310 PK Vehicle R & M	0.00	141.85	(141.85)	522.16	600.00	87.03%	77.84
100-11-5320 PK Equipment R & M	0.00	175.00	(175.00)	1,433.77	1,550.00	92.50%	116.23
100-11-5330 PK Building R & M	0.00	(374.45)	374.45	853.31	1,000.00	85.33%	146.69
100-11-5331 PK Minor Tools	0.00	(91.63)	91.63	0.00	0.00	0.00%	0.00
100-11-5335 PK Dept Building R & M	84.00	562.50	(478.50)	1,199.45	1,250.00	95.96%	50.55
100-11-5340 PK Irrigation R & M	0.00	11,674.00	(11,674.00)	29,509.44	30,000.00	98.36%	490.56
100-11-5402 PK IT Services	4.80	(244.89)	249.69	28.80	30.00	96.00%	1.20
100-11-5600 PK Capital Outlay >\$5,000	0.00	1,169.30	(1,169.30)	0.00	13,970.00	0.00%	13,970.00
100-11-5710 PK Dept Utilities	404.39	(1,137.42)	1,541.81	4,192.72	4,200.00	99.83%	7.28
100-11-5715 PK Park Utilities	1,859.29	(56,760.00)	58,619.29	22,494.17	25,000.00	89.98%	2,505.83
100-11-5720 PK Gas	0.00	(549.78)	549.78	0.00	0.00	0.00%	0.00
100-11-5750 PK Mobile Technology	96.48	(102.06)	198.54	784.90	750.00	104.65%	(34.90)

City of Joshua
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100 - General Fund Park Maintenance	Current Month Actual	Current Month Budget	Budget Variance	YTD Actual	Annual Budget	% Budget Used	Budget Remaining
Park Maintenance Totals	3,006.91	(118,777.19)	121,784.10	76,923.77	95,000.00	80.97%	18,076.23
Expense Totals	708,811.90	(169,598.55)	878,410.45	4,400,276.42	4,459,210.00	98.68%	58,933.58



City Council Agenda October 15, 2020

Agenda Item: B2

Discussion Only

Agenda Description:

Discuss and give direction to staff regarding a petition filed asking the City to serve as the applicant to re-zone Little Brook Estates.

Background Information:

A petition to Re-Zone Little Brook Estates has been received by City Staff. The petition has approximately 41 signatures.

The 41 residences are asking the City Council to consider acting as the applicant and rezone their properties.

Financial Information:

The cost to file a zoning change application is \$500.00 plus professional fees (if any). The cost covers the expense such as newspaper publications, mail out letters, etc. If each resident files an application, the cost will be 500.00 each – a total of 20,500.

The cost of publication and mail outs as required will be approximately 900.00 + personnel cost.

City Contact and Recommendations:

Josh Jones, City Manager

Alice Holloway, City Secretary

No Recommendation at this time

Attachments:

Petition

Petition to Re-Zone Little Brook Estates

Petition summary and background	Little Brook Estates is a rural subdivision which requires a minimum lot size of 2 acres. The current zoning of R-1 does not correctly reflect the area. A zone change to R-1L is more appropriate given the lot sizes exceed the minimum requirement of 1 acre. The R-1L zone change would also allow property owners to raise livestock.
Action petitioned for	We, the undersigned, are concerned citizens who urge City of Joshua leaders to update the current Zoning of Little Brook Estates from R-1 (Single Family Residential) to R-1L (Single Family Residential - Large Lot).

	Printed Name	Signature	Address	Date
1	Michelle Meredith		113 Littlebrook Rd, Joshua, TX 76058	3-15-19
2	Cecilia Bryant		235 Littlebrook Rd.	3-16-19
3	Dana Calton		1121 Littlebrook Rd	3/16/19
4	Mike McFarland		119 Littlebrook Rd	3/17/19
5	SHEENA CLOVER		231 Littlebrook Rd	3/21/19
6	David Clover		231 Littlebrook Rd	3/21/19
7	Shannon Creamier		112 Littlebrook Rd	3/21/19
8	Marian B. Copeland		122 Littlebrook Rd	3/21/19
9	Chantel G. Gulan		122 Littlebrook Rd.	3/21/19
10	Paula G. Gilbert		120 Littlebrook Rd	3/23/19
11	LARRY GILBERT		120 Littlebrook Rd	3/23/19
12	Lisa Gunter		101 Littlebrook Rd	4/14/19

	Printed Name	Signature	Address	Date
13	Misty Watson		100 Littlebrook Rd Joshua TX 76058	4.14.19
14	Olen H. Watson, III		100 Littlebrook Rd Joshua TX 76058	4.14.19
15	GEORGE STAROSTA		212 LITTLEBROOK	4-14-19
16	Al Ahrens		220 Littlebrook	4-14-19
17	Judy Ahrens		220 Littlebrook	4-14-19
18	GARY AHRENS		220 LITTLE BROOK	4-14-19
19	Jennifer Knight		209 Littlebrook	4.14.19
20	Amber Tomerlin		201 Littlebrook	4.14.19
21	Danica Butler		109 Littlebrook	8.6.20
22	Kevin Buhl		110 Littlebrook	8-6-20
23	Michael Carlton		121 LITTLEBROOK	8.6.20
24	Dana Carlton		121 Littlebrook	8-6-2020
25	Bonnie McKay		versby 238 Little Brook	8-7-2020
26	Catherine McKay		106 Shady Grove Ct.	8-7-2020
27	Marcella Diller		228 LittleBROOK Rd. Joshua, TX	8-7-2020
28	Jason Penders		232 Littlebrook Rd Joshua TX	8-13-2020

Printed Name	Signature	Address	Date
Charles Cooper		221 Littlebrook	8/15/20
DAVID TOMERLIN		201 Littlebrook Rd	8/13/20
Whitney Moncurry		102 Shady Grove Ct	8/18/20
Family Loffeen		229 Littlebrook	8/18/20
John		213 Littlebrook	8/18/20
James Ray Cox		205 Littlebrook Rd	8/18/20
Belinda Hilley		129 Littlebrook Rd.	8/18/2020
Shane Kueger Shane Kueger		124 Littlebrook Rd	8/19/2020
Gary Neitzel		125 Littlebrook Rd	8/21/20
James Weems		217 Littlebrook Rd	8/21/2020
Judy Sumpter		to 107 Shady Lane	8/21/2020
TULE EICHSTAOT		901 CONVEYOR DR.	8/22/2020
GENIE EDDS		127 LITTLEBROOK RD	8/26/20



City Council Agenda October 15, 2020

Agenda Item:B3

Discussion Only

Agenda Description:

2020 Internet Survey

Background Information:

Information requested by Council Member Scott Kimble on availability of internet services inside the City and the possibility of expanding better connectivity within the City.

Financial Information:

City Contact and Recommendations:

Mike Peacock, Assistant City Manager

No Recommendation at this time

Attachments:

Excel spread sheet

City of Joshua
Internet Provider Options

Provider	Connection	Speed	Rating 1-5	Availability
AT&T	Fiber	1000 Mbps	3	89%
Windstream	DSL	100 Mbps	2.5	20%
Earthlink	Fiber	1000 Mbps	3.5	89%
Rise BB	Wireless	25 Mbps	Not Rated	99%
Nextlink	Wireless	25 Mbps	Not Rated	97%
Viasat	Satellite	25 Mbps	2	99%
Hughes Net	Satellite	25 Mbps	2.5	99%
Tier One	Wireless	5 Mbps	Not Rated	99%
Digitex	Wireless	6Mbps	Not Rated	70%
North Tex. BB	Cable	25 Mbps	Not Rated	45%
Ciera	Wireless	50 Mbps	Not Rated	99%
Alenco	Fiber	100 Mbps	Not Rated	98%
	wireless			
	Cable			

Delivery

Cable	47%
DSL	81%
Fiber	10%

Speeds

3 Mbps	100%
10 Mbps	100%
25 Mbps	47%

Comparisons

Zip 76058	47%
Texas	54%
USA	79%



**MINUTES
CITY COUNCIL
REGULAR MEETING
SEPTEMBER 17, 2020
6:30 PM**

City Council Present: Joe Hollarn, Mayor; Rick DePriest, Place 1; Mike Kidd, Place 2; Angela Nichols, Place 3; Robert Purdom, Place 4; Jerry Moore, Place 5; and Scott Kimble, Place 6.

City Council Absent: None

City Staff Present: Josh Jones, City Manager; Mike Peacock, Asst. City Manager; Aaron Maldonado, Development Services Director; and Alice Holloway, City Secretary.

City facilities are closed to the public in response to a health emergency specifically Coronavirus Disease (COVID-19). This meeting is available via live stream.

Join Zoom Meeting:

<https://us02web.zoom.us/j/85796898170?pwd=dmRIelQzTWNZZUtkWXFsbzBLaGcxQT09>

Meeting ID: 857 9689 8170 Passcode: 111738 or dial 1-346-248-7799

A member of the public who would like to submit a question on any item listed on this agenda may do so via the following options:

- Online: An online speaker card may be found on the city's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.
- By phone: Please call 817/558-7447 ext. 2003 and provide your name, address, and question. Your question will be read by the City Secretary in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Mayor Hollarn announced a quorum and called the meeting to order at 6:30 pm.

B. WORK SESSION

1. Review and discuss questions related to the budget report and financial statement for August 2020.
(Staff Resource: J. Jones)

No discussion on this item.

2. Questions regarding Regular Session agenda items.

No discussion on this item.

D. PUBLIC FORUM, PRESENTATIONS AND RECOGNATION:

The City Council invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the City Council is required under the Texas Open Meetings Act to limit its response to responding with a statement of specific factual information, reciting the City's existing policy, or directing

the person making the inquiry to visit with City Staff about the issue. No Council deliberation is permitted. Each person will have 3 minutes to speak.

NA

E. CONSENT AGENDA

1. Consider approval of minutes from the City Council Meeting held on August 20, 2020 and September 3, 2020. (Staff Resource: A. Holloway)
2. Discuss, consider, and possible action on an Ordinance amending the City of Joshua 2019-2020 FY Budget

Councilmember Moore moved to approve the Consent Agenda. Councilmember Nichols seconded the motion. The motion passed unanimously.

F. REGULAR AGENDA

1. Public Hearing on the proposed budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021. (Staff Resource: J. Jones)
 - ii. Staff Presentation
 - iii. Those in Favor
 - iv. Those Against
 - v. Staff Rebuttal

Mayor Hollarn opened the public hearing regarding the proposed budget for fiscal year beginning October 1, 2020 and ending September 30, 2021 at 6:33 pm.

City Manager Jones gave a brief update regarding a few changes in the proposed budget. The following was reviewed:

- Starting Fund Balance
- Revenues
- Expenditures

City Manager Jones recommended dropping the tax rate down to the no new revenue rate since the city ended with more revenue than anticipated.

There were no comments from the public.

Councilmember Kimble joined the meeting at 6:38 pm.

Mayor Hollarn closed the public hearing at 6:47 pm.

1. Discuss, consider, and possible action on an Ordinance adopting the Annual Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021. (Staff Resource: J. Jones)

Councilmember Moore moved to approve an Ordinance adopting the FY 2020-2021 Annual Budget for the fiscal year beginning October 1, 2020, and ending September 30, 2021, as proposed. Councilmember Nichols seconded the motion. Record vote was taken. The motion passed unanimously.

Councilmember Purdom moved to ratify the proposed tax revenue increase as reflected in the Fiscal Year 2020-2021 adopted Budget. Councilmember Kidd seconded the motion. Record vote was taken. The motion passed unanimously.

2. Discuss, consider, and possible action on an Ordinance adopting the City of Joshua 2020 Property Tax Rate. (Staff Resource: J. Jones)

Councilmember Moore moved to adopt the 2020 Maintenance and Operation Tax Rate of \$0.57605. Councilmember Kimble seconded the motion. Record vote was taken. The motion passed unanimously.

Councilmember Moore Moved to adopt the 2020 Debt Services Tax Rate of \$0.18519. Councilmember Kidd seconded the motion. Record vote was taken. The motion passed unanimously.

4. Public hearing on the request for zoning change from the Restricted Commercial District (C-1) to the Residential Single Family District (R-1) a 0.321 acre tract of land located in the College Addition, Lot 1 Block 3 locally known as 101 E. Twentieth St. (20th) Joshua, Johnson County, Texas 76058. The purpose of this request is to allow usage of the property as a Single Family Residential home. (Staff Resource: A. Maldonado)
 - Staff Presentation
 - Owner's Presentation
 - Those in Favor
 - Those Against
 - Owner's Rebuttal

Mayor Hollarn opened the public hearing on the request for zoning change from the Restricted Commercial District (C-1) to the Residential Single Family District (R-1) a 0.321 acre tract of land located in the College Addition, Lot 1 Block 3 locally known as 101 E. Twentieth St. (20th) Joshua, Johnson County, Texas 76058 at 6:58 pm.

Development Services Director Maldonado made the following statement:

This property was zoned Commercial (C1) back in 2008 and at one time in the Heritage Overlay District. In June of 2020 Chapter 14 of the Zoning Code of Ordinance was changed and the property was taken out of the Heritage Overlay District. The use of the building on the property has always been as a Residential home and should continue as such. The Future Land Use Plan as shown in the adopted Comprehensive Plan of the City designates this area as Residential Single Family (R1). The proposed rezoning request complies with the Future Land Use Plan. On September 8, 2020, the Planning and Zoning Commission approved the Zoning change for 101 E. 20th St. and has made a recommendation to the City Council members for approval.

No comments made from the public.

Mayor Hollarn closed the public hearing at 7:00 pm.

5. Discuss, consider, and possible action on an Ordinance approving zoning change from the Restricted Commercial District (C-1) to the Residential Single Family District (R-1) a 0.321 acre tract of land located in the College Addition, Lot 1 Block 3 locally known as 101 E. Twentieth St. (20th) Joshua, Johnson County, Texas 76058. (Staff Resource: A. Maldonado)

Councilmember Moore moved to approve an Ordinance approving zoning change from the Restricted Commercial District (C-1) to the Residential Single Family District (R-1) a 0.321 acre tract of land located in the College Addition, Lot 1 Block 3 locally known as 101 E. Twentieth St. (20th) Joshua, Johnson County, Texas 76058.. Councilmember Kidd seconded the motion. The motion passed unanimously.

6. Discuss, consider, and possible action on an Ordinance amending section 3.05.003, "Residential Uses," of Article 3.05, "Fences," of Chapter 3, "Building Regulations," of the Code of Ordinances by amending provisions related to the height of fences on residential Property. (Staff Resource: J. Jones)

Councilmember Moore moved to approve an Ordinance amending section 3.05.003, “Residential Uses,” of Article 3.05, “Fences,” of Chapter 3, “Building Regulations,” of the Code of Ordinances by amending provisions related to the height of fences on residential Property. Councilmember Kimble seconded the motion. The motion passed unanimously.

7. Discuss, consider, and possible action on an Ordinance amending Article 4.02, “Garage Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances by removing any reference to garage sales on non-Residential property in the City. (Staff Resource: A. Maldonado)

Councilmember Moore moved to approve an Ordinance amending Article 4.02, “Garage Sales,” of Chapter 4, “Business Regulations,” of the Code of Ordinances by removing any reference to garage sales on non-Residential property in the City. Councilmember Kidd seconded the motion. The motion passed unanimously.

8. Discuss, consider, and possible action on a contract between Johnson County Emergency Services District No. 1 and the City of Joshua for providing Fire Extinguishment and other Emergency Services; and authorizing the Mayor to sign. (Staff Resource: J. Jones)

Councilmember Kidd moved to approve a contract between Johnson County Emergency Services District No. 1 and the City of Joshua for providing Fire Extinguishment and other Emergency Services; and authorizing the Mayor to sign. Councilmember Purdom seconded the motion. The motion passed unanimously.

9. Discuss, consider, and possible action on authorizing the expenditure of \$3,800.00 to Johnson County for Brush Cuts for Eddie Street, County Road 1023, and County Road 909. (Staff Resource: M. Peacock)

Councilmember Kimble moved to approve an expenditure of \$3,800.00 to Johnson County for Brush Cuts for Eddie Street, County Road 1023, and County Road 909. Councilmember Kidd seconded the motion. The motion passed unanimously.

10. Discuss, consider, and possible action on board appointments. (Staff Resource: A. Holloway)

Mayor Hollarn moved to approve the following board appointments:

Planning & Zoning - 2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 1. John Mauldin	John Mauldin
Seat 2. Angela Kidd	Brandon Gage
Seat 3. Michael Frazer	Michael Frazier
Seat 6. Bryan Sears	Bryan Sears

Zoning Board of Adjustment- 2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 2. Larry Taylor (max terms)	
Seat 4. Randy Cisneros	Ashton Nicks
Alt. 1. Merle Breitenstein	Merle Breitenstein

Type “A” EDC- 2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 2. Shelly Anderson	Shelly Anderson
Seat 4. Linda Childers	Linda Childers
Seat 6. Vacant	Angela Nichols

Type "B" EDC- 2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 2. Merle Breitenstein	Merle Breitenstein
Seat 4. Dustin Dees	Dustin Dees
Seat 6. Kim Kimble	Kim Kimble

Library Board-3 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 3. Sarah Breedlove	Melissa Frazier

Tax Increment Finance (TIF)- 2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 1. Joe Hollarn	Joe Hollarn
Seat 2. Jerry Moore	Jerry Moore
Seat 3. Sharlotta Connally	Sharlotta Connally

Animal Control Advisory-2 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 1. Dr. Suzy Stewart	Dr. Suzy Stewart
Seat 2. Mike Kidd	Mike Kidd
Seat 3. Sandra Runnels	Sandra Runnels
Seat 4. Julie Grall	
Seat 5. Carla Hall (staff)	Carla Hall

Heritage Preservation- 3 year terms

<u>Current</u>	<u>Application to be appointed/re-appointed</u>
Seat 3. Mike Puckett	
Seat 4. Jema Hollingsworth	
Seat 5. Robert Fleming	John Mauldin – (P & Z Member)

Councilmember Moore seconded the motion. The motion passed unanimously.

11. Discuss, consider, and possible action on the JISD Coronavirus Relief Funds Match Request. (Staff Resource: J. Jones)

Councilmember Moore moved to approve paying JISD the amount of \$8,440.00 for Coronavirus Relief Fund Match. Councilmember Nichols seconded the motion. The motion passed. Councilmember Purdom and Councilmember Kimble voted against.

G. STAFF REPORT

August 2020

1. Police Department Report
2. Fire Department Report
3. Municipal Court Report
4. Public Works Report
5. Parks Report
6. Development Services Report
7. City Secretary Report

H. EXECUTIVE SESSION

The City Council of the City of Joshua will recess into Executive Session (Closed Meeting) pursuant to the provisions of chapter 551, Subchapter D, Texas Government Code, to discuss the following:

1. In accordance with the Texas Government Code, Section 551.074; To deliberate regarding the evaluation of a public officer or employee:
 - (a) Semi-annual Performance Assessment for City Secretary
 - (b) Semi-annual Performance Assessment for City Manager

Mayor Hollarn recessed into Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code at 7:37 pm.

H. RECONVENE INTO REGULAR SESSION

In accordance with Texas Government Code, Section 551, the City Council will reconvene into regular session and consider action, if any, on matters discussed in executive session.

Mayor Hollarn reconvened into regular session at 7:55 p.m.

No action taken as a result of Executive Session.

I. FUTURE AGENDA ITEMS/REQUESTS BY COUNCILMEMBERS TO BE ON NEXT AGENDA

Councilmembers shall not comment upon, deliberate, or discuss any item that is not on the agenda. Councilmembers shall not make routine inquiries about operations or project status on an item that is not posted. Any Councilmember may, however, state an issue and a request that this issue be placed on a future agenda.

NA

J. ADJOURNMENT

Mayor Hollarn adjourned the meeting at 8:00 pm.

Joe Hollarn, Mayor

ATTEST:

Alice Holloway, TRMC
City Secretary

Approved: October 15, 2020

STAFF REPORT

To: Aaron Maldonado, Director of Development Services

From: Karen K. Mitchell, Planning Consultant

Date of Meeting: October 15, 2020

RE: Amendments to the Subdivision Ordinance

HISTORY: In May of 2018, the City Council adopted the City's latest comprehensive Subdivision Ordinance. Prior to this, the City hadn't had a complete overview since 2007. As we have stated to the Commission and Council many times, as the staff and consultants administer the ordinances, sometimes it is difficult to find all of the nuances associated with the document. A year ago, the State Legislature enacted several major laws that impacted our Subdivision Ordinance. As such, we began to make amendments to it. Unfortunately, because of time constraints, we weren't able to determine how each amendment might impact other areas of that Ordinance and thus, we needed to check for inconsistencies.

The Ordinance before you at this time not only has addressed inconsistencies because of the amendments, we have been able to go in and add other areas where staff and consultants have found the language to be either inconsistent with the Comprehensive Plan (i.e. street classifications), added definitions to terms in order to alleviate confusion, and clarify language where there might be interpretation issues.

ANALYSIS: We have attached a red-lined version of the document so you can see the areas that have changed and off to the side, in the tracking comments, explained the reason for the change. The City Attorney has reviewed this and has made a couple of minor changes but all in all, he has agreed that these changes are helpful and make for a tighter document.

RECOMMENDATION: We recommend approval of this Subdivision Ordinance.

CITY OF JOSHUA, TEXAS

ORDINANCE NO. ____-2020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, REPEALING ARTICLE 10.02, "SUBDIVISION ORDINANCE," OF CHAPTER 10, "SUBDIVISION REGULATION," OF THE CODE OF ORDINANCES AND REPLACING IT WITH A NEW ARTICLE 10.02, "SUBDIVISION ORDINANCE," OF CHAPTER 10, "SUBDIVISION REGULATION," OF THE CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; AND PROVIDING FOR 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, as amended; 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, notice of a public hearing before the City Council was posted on an agenda in accordance with the provisions of the Texas Open Meetings Act, contained in Chapter 551 of the Texas Government Code, as amended; and

WHEREAS, the City adopted its current Subdivision Ordinance on or about May 17, 2018, and thereafter, in 2020, the City adopted a new Zoning Ordinance; and

WHEREAS, it is the desire of the City Council that the provisions in both ordinances, as well as the City's comprehensive plan, be synthesized and coordinated, and further, in response to recent state legislation, certain minor modifications to the City's Subdivision Ordinance are deemed advisable; and

WHEREAS, rather than address each specific minor modification to each section of the Subdivision Ordinance, it is deemed advisable to repeal the existing Subdivision Ordinance and replace it with a new Subdivision Ordinance while recognizing that the essence of the 2018 Subdivision Ordinance remains, with most changes being non-substantive in nature; and

WHEREAS, the City Council is of the opinion that the proposed adoption of the attached Subdivision Ordinance furthers the purpose as set forth in Exhibit "A," being the Subdivision Ordinance, 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 further has determined that the Subdivision Ordinance 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 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, existing Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua is hereby repealed in its entirety and replaced with a new Article 10.02, "Subdivision Ordinance," of Chapter 10, "Subdivision Regulation," of the Code of Ordinances of the City of Joshua to read as follows:

"ARTICLE 10.02 SUBDIVISION ORDINANCE

Sec. 10.02.001 Adopted

The subdivision ordinance, Ordinance ____-2020, adopted by the city on October 15, 2020, as amended, is included at the end of this Chapter as Exhibit A. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only non-substantive formatting and style changes. Capitalization, punctuation and numbering of articles, sections and subsections have been retained as enacted. Subsequent amendments will be inserted in their proper place and denoted by a history note following the amended provisions. The absence of a history note indicates the material is unchanged from the original. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets. A copy of the Subdivision Ordinance is attached hereto as Exhibit A and is incorporated into this Ordinance by reference."

SECTION 3

As authorized by Section 212.003 of the Texas Local Government Code, as amended, and other applicable law, the City Council of the City of Joshua hereby extends to the extraterritorial jurisdiction of the City the application of the Subdivision Ordinance incorporated and referenced herein.

SECTION 4

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 5

No developer or property owner shall acquire any vested interest in this Ordinance. This Ordinance and the subsequent regulations may be amended or repealed by the City Council of the City of Joshua, Texas, in the manner provided by law.

SECTION 6

It shall be unlawful for any person, firm or corporation to develop property, or any portion thereof, in any manner other than is authorized by this Ordinance, and upon conviction therefore, shall be fined any sum not exceeding \$500.00, and each day that such violation shall continue shall be considered a separate offense. These penal provisions shall not prevent an action on behalf of the City of Joshua to enjoin any violation or threatened violation of the terms of this Ordinance, or an action for mandatory injunction to remove any previous violation hereof.

SECTION 7

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 15TH DAY OF OCTOBER, 2020.

Joe Hollarn, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM:

Terrence S. Welch, City Attorney

EXHIBIT A
(Subdivision Ordinance)

City of Joshua, Texas
Subdivision Ordinance

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ARTICLE 1 – GENERAL

SECTION 10.1.1 – AUTHORITY

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212 of the Texas Local Government Code as amended.

SECTION 10.1.2 – PURPOSE AND POLICY

- A. **Generally.** These subdivision regulations are designed and intended to achieve the following purposes and shall be administered so as to achieve the following purposes:
1. To promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
 2. To establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
 3. To provide for the establishment of minimum specifications for construction and engineering design criteria for public works improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
 4. To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
 5. To ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
 6. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
 7. To realistically and harmoniously relate new development of adjacent properties;
 8. To provide the most beneficial circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
 9. To ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed development before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;

10. To assure that new development adequately and fairly participates in the dedication and construction of public works improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
 11. To help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
 12. To provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the Zoning Ordinance of the City.
- B. **Policy.** To carry out the purposes hereinabove stated, it is the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City, and where applicable, within its extraterritorial jurisdiction.
- C. **Disapproval.** Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.
- D. **Nexus.** There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the City's public facilities systems created by such new development.
- E. **Compliance with Federal Regulations.** The applicant is responsible for compliance with applicable federal regulations which may apply to a development, including any required permits or approvals from the United States Army Corps of Engineers, the Environmental Protection Agency and the Texas Commission on Environmental Quality.

SECTION 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.

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.

- B. **Mitigation.** Impacts of new development shall be mitigated through contributions of rights-of-way, easements and construction of capital improvements, but in no event shall a new development be required to contribute not more than its proportionate share of such costs.
- C. **Conformance.** Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

SECTION 10.1.4 – MINIMUM STANDARDS

- A. **Generally.** The standards established in this Ordinance identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Joshua. It is the intent of these regulations that no development occurs until and unless these minimum levels of service are met. Therefore, each subdivision in the City shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
- B. **Basis for Standards.** For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon engineering studies, historical usages, demands by different categories of development and construction projects of the City and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the City, and other historical use and performance experiences of the City.
- C. **Denial If Adequate Levels Not Met.** In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public works improvements for water, sanitary sewer, road, drainage or park facilities to serve a proposed development, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the subdivision until the public facilities and services can be provided or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.
- D. **Reimbursement.** Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available by a pro rata reimbursement agreement or other means adopted by the City.

SECTION 10.1.5 – ADEQUACY OF SPECIFIC FACILITIES

- A. **Water.** All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and fire protection. Minimum fire flow pressures shall be as required by the City. Additional standards and requirements are defined in Article 8 hereof.
- B. **Wastewater.** All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in Article 8 hereof.
- C. **Streets and Thoroughfares.**
 - 1. New development within the City must be supported by an adequate network of thoroughfares. Thoroughfares are an essential component of the City's street network and are necessary to accommodate the continuing growth and development. It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal thoroughfares to support new development at the time of platting or development of the land. The City desires to assure both that development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that a subdivision contribute not more than its fair share of thoroughfare costs.
 - 2. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.
- D. **Drainage.** Drainage improvements serving new development and redevelopment shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention or the construction of off-site drainage improvements, in order to mitigate the impacts of the proposed subdivision. Drainage improvements serving the development shall accommodate runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. Additional standards and requirements are defined in Section 10.8 hereof.

SECTION 10.1.6 – ENFORCEMENT

- A. **Building Permits.** Except as provided in Section 10.2.1, no permit for building, construction, repair, or plumbing or electrical work on any tract shall be issued until the approval and filing of a plat in the county plat records.

B. Utility Service.

1. The City shall be under no obligation to furnish any public utilities or allow any City services unless and until a plat meeting all rules, regulations, and requirements of this Ordinance has been approved and filed in the county plat records.
2. A person commits an offense if the person provides water or sewer service to any lot or tract of land or any part thereof unless and until a plat of such tract of land meeting the requirements of subsection 1 has been filed of record with Johnson County.

C. Fine for Violation. Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00), and each and every day of violation constitutes a separate offense upon conviction.

D. Additional Action. In addition to pursuing the penalties and fines provided above, the City may bring additional legal action to insure compliance with this Ordinance, including injunction, abatement or other appropriate action or proceeding.

SECTION 10.1.7 – DEFINITIONS

A. General Rules. For the purpose of this Ordinance, the following rules shall be applied in constructing, interpreting, or otherwise defining the terms and provisions hereof:

1. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular.
2. The word "shall" is mandatory and the word "may" is permissive.
3. The phrase "used for" shall include the phrases, "arranged for", "designed for", "intended for", and "occupied for", and shall apply exclusively to physical uses.

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

Acreage, Gross – The acreage included within the boundary of a subdivision.

Acreage, Net – The acreage included within the boundary of a particular subdivision but excluding all public rights-of-way.

Adequate Public Facilities – Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City and based upon specific levels of service.

Administrative Official – The City Manager, or the City Manager's designated representative, authorized to enforce and administer the terms of this Ordinance.

Administratively Complete - An application for a preliminary plat, replat or final plat shall be considered administratively complete upon the occurrence of all of the following: (1) the City staff and the City Engineer have determined that the application for a preliminary plat, replat and/or final plat meets all requirements of applicable City ordinance so that it may be reviewed by the Planning and Zoning Commission; (2) the preliminary plat, replat and/or final plat has been placed on a duly posted agenda for the Planning and Zoning Commission or; and (3) the Planning and Zoning Commission has taken action on the preliminary plat, replat and/or final plat

Alley – A public or private right-of-way which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant – The owner of land proposed to be subdivided or the owner's authorized representative.

Base Flood or 100-year Flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Bethesda Water Supply Corporation, or Corporation: The Bethesda Water Supply Corporation.

Block – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, or boundary lines of municipalities.

Bond – Any form of security, other than a cash deposit, to be used as surety or as a guarantee in an amount and form satisfactory to the City that ensures performance of an obligation.

Build – To erect, convert, enlarge, reconstruct, restore, or alter a building or structure.

Building – Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

Building, Line – A line, generally parallel to a lot line or street right-of-way, located the required distance to provide the minimum yards established by the Zoning Ordinance, as amended, to limit the area in which buildings are permitted.

Building, Main – A building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

Certified Planner – A member in good standing of the American Institute of Certified Planners.

City – The City of Joshua, Texas.

City Engineer – A person appointed to serve as City Engineer or authorized to act in such capacity.

City of Joshua Engineering Design Standards and Specifications (EDSS) – The documents adopted by the City that establish the minimum criteria for the design of public works improvements.

Commission or Planning and Zoning Commission – The Planning and Zoning Commission of the City.

Common Area or Common Open Space – A private lot(s) established, owned and maintained by a homeowners' association or a property owners' association.

Comprehensive Plan – A series of planning documents intended to guide the growth and development of the City and its adjoining areas including, but not limited to, the City's Comprehensive Land Use Plan, Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and Parks/Trail Master Plan.

Council – The City Council of the City.

County Plat Records – The plat records of Johnson County, Texas.

Cul-De-Sac – That street or part of a street having one common entry and exit and no other entry and/or exit.

Curvilinear Design – Any street segment which is designed with a degree of curvature not less than 3° 30' and not greater than 22° 55', and which shall offset a minimum distance of thirty feet (30'), said offset being measured perpendicular to the initial tangent line of the curve.

Density, Gross – The number of dwelling units per gross acre.

Density, Net – The number of dwelling units per net acre.

Developer – The owner of land proposed to be subdivided or developed, or the developer's representative. A subdivider is a developer.

Developer's Agreement – A written agreement from a developer to the City to perform certain activities related to the development.

Development – Any activity that requires the submission of a plat or the securing of a building permit, or any manmade change to real estate, including, but not limited to, construction of a building or structure, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. A subdivision is a development.

Easement – A grant of one or more of the property rights by the property owner to; and/or for; the use by the public, a corporation, or another person.

Easement, Common Access – An easement intended to provide shared access to and from a development. It may be public or private.

Easement, Drainage – (Abbreviated D.E., typically D. + U.E. when combined with utility easements) an easement for the purpose of the overland or underground transfer of storm water.

Easement, Emergency Access – An easement for the purpose of ingress, egress, access, and passage to and across private property for police, fire and other governmental vehicles and personnel.

Easement, Maintenance and Access – An easement for the purpose of accessing and maintaining private structures located adjacent to a common lot line, typically used along the "zero lot line" property lines within a subdivision.

Easement, Pedestrian Access – An easement for the purpose of pedestrian ingress, egress and passage to and across private property.

Easement, Private – An easement granted by a property owner to a specified person, group of persons or entity in, on, across, over, or under property for a specified use or uses.

Easement, Public – An easement granted by a property owner to the public or governmental agency in, on, across, over or under property for a specified public use or uses.

Easement, Screening – An easement granted by a property owner to a homeowners' or property owners' association for the construction and perpetual maintenance of a screening device along the perimeter of a subdivision.

Easement, Utility – An easement granted by a property owner to a utility for the installation, maintenance, and operation of water, sewer, electric, telephone, cable, gas, and other similar utilities.

Engineer – A person who has been licensed and registered by the Texas State Board of Registration for Professional Engineers to engage in the practice of engineering in this state and listed in State Records as "Civil".

Engineering Design Standards and Specifications (EDSS) – The City of Joshua design manual, as amended.

Escrow – Money placed in the possession of the City to guarantee the performance of an obligation.

Exaction Requirement – A requirement imposed as a condition of approval for a plat or other permit to accomplish the following:

1. Dedicate an interest in land for a public works improvement;
2. Construct a public works improvement; or
3. Pay a fee in lieu of constructing a public works improvement.

Exception – Relief from a requirement granted by the Planning and Zoning Commission.

Extraterritorial Jurisdiction – The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of Joshua, the outer boundaries of which are measured from the extremities of the corporate limits of the City outward for such distances as prescribed in Chapter 42 of the Texas Local Government Code, as amended, according to the total population of the City and by interlocal agreements with surrounding cities.

Feeder Line – an electrical line that emanates from an electrical substation or hub for distribution throughout a local area.

FEMA – The Federal Emergency Management Agency tasked with floodplain management and administers the National Flood Insurance Program.

Filing Date – The Filing Date means the date a preliminary plat, replat or final plat is considered by the City to be administratively complete and is heard by the Planning and Zoning Commission.

Floodway – The channel of a watercourse and the adjacent floodplain that must be reserved to convey the base flood without cumulatively increasing the base flood elevation more than a designated height.

Floodplain – Any land area inundated by the base flood as determined by FEMA.

Frontage – That side of a lot, parcel, or tract abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Johnson County Special Utility District or District: The Johnson County Special Utility District (JCSUD).

Lateral Line – An electrical line that emanates from a feeder line and is used for distribution to smaller areas of consumers and is usually connected to a feeder line through a sectionalizing device such as a fuse or disconnection switch.

Local Residential or Minor Street – A public thoroughfare which is intended primarily to serve as access to residential property within a neighborhood interior or limited residential district and is not aligned or located to attract other than limited local traffic movements.

Lot – A parcel of land whose boundaries have been established by a recorded plat which is recognized as a separate legal entity for transfer of title.

Marker – A permanent iron rod generally used on lot corners, points of curvature and tangency.

Modification – Permission granted by the City for a change to a requirement.

Monument – A permanent concrete survey monument generally used on subdivision property corners adjacent to public.

Non-Residential Subdivision – A subdivision developed primarily for non-residential uses.

Off-Site – Any premises not located within the area of the property to be platted.

Owner – A person who has a fee simple title in land, or a person acting on behalf of or through authority granted by the owner.

Person – Any individual or group of individuals, general or limited partnership, joint venture, unincorporated association, any corporation, or governmental or quasi-governmental entity.

Plan for Development – A plan outlining the proposed use(s) of a tract or tracts of land, which provides the City fair notice of the intended project and the nature of the permit sought. It includes an application for approval of a plat or an application for approval of a zoning change or site plan which contains, at a minimum, a graphic depiction or sketch of the tract and describes the proposed uses of land and their location within the tract(s) and the general layout of streets and parks or other open spaces. It does not include any information or exhibit presented to (1) City staff for the purpose of seeking information regarding the applicable regulations or (2) the Planning and Zoning Commission or City Council unless the information or exhibit is required to be submitted with the permit application.

Plat – A plan or map of a subdivision of land showing all the essential dimensions and other information essential to comply with the plat standards of this Ordinance. A plat may be a preliminary plat, final plat, replat, amending plat, minor plat or development plat.

Plat, Amending – A plat which meets the requirements as set forth in Section 212.016, as amended, of the Texas Local Government Code.

Plat, Final – A plat which substantially conforms to the approved preliminary plat if required, and contains all or a portion of the property within the boundary shown on an approved preliminary plat. A final plat as referred to in this Ordinance may also refer to replats, amending plats, and minor plats.

Plat, Minor – A plat which includes four or fewer lots and where each lot fronts an existing street, and that does not require the creation of any new street or any public improvements.

Plat, Preliminary – The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Plat, Vacation – A plat to dissolve property lines, easement, and rights-of-way that meets the requirements as set forth in Section 212.013 of the Texas Local Government Code, as amended.

Public Facilities System – With respect to water, sanitary sewer, roadway, drainage or parks, the facilities owned or operated by or on behalf of the City to provide services to the public, including those facilities in existing and new developments and subdivisions. The public facilities system includes improvements to roads owned by the County or the State to the extent such improvements are necessitated by and attributable to a proposed development or subdivision.

Public Works Improvement, Public Facility, or Public Improvement – A water, sanitary sewer, roadway, drainage or park facility that is intended to be dedicated to become a part of one or more of the City's public facilities systems.

Replat – A plat which revises currently platted lots or combines platted and unplatted property.

Residential Subdivision – A subdivision developed primarily for residential uses as enumerated in the City's Zoning Ordinance.

Retaining Wall – A structure constructed and erected between lands of different elevations to protect structures and/or prevent erosion by retaining or restraining lateral forces of soil or other materials.

Right-of-Way – (Abbreviated as ROW) Land conveyed by plat, or other legal instrument, to the public ownership and use for roadways, utilities and other public improvements. Land dedicated as right-of-way is owned by the City, whereas land dedicated by easement is owned by the land owner with a right of use given to the City.

Roadway – The traveled portion of a street upon which vehicles traverse and circulate, which includes the area from back-to-back of the outer curb lines, or where curbs do not exist, said roadway includes the traveled area from the outer edges of the surfaced and prepared portion of the roadway, excluding shoulders, etc.

Service Line – An electrical line which supplies electricity to a customer's service entrance.

Street – All property which is contained within fixed boundaries commonly referred to as right-of-way (ROW) lines, for the primary purpose of vehicular movement and circulation, and in which traveled roadways exist, along with various service utilities and sidewalks for pedestrian circulation.

Street, Arterial, Minor – A through-street designed to connect primary arterials and provide system continuity. These roadways typically are designed with four (4) lanes and may be divided or undivided. Spaced at one mile intervals, they define the limits of a neighborhood. They are designed to carry traffic volumes of 10,000 to 15,000 vehicles per day

Street, Arterial, Primary – A through street designed to serve major traffic movements through the City by carrying large volumes of traffic across or through the City as efficiently as possible. These roadways typically are continuous in length, connect with freeways, and serve major traffic generators. They are designed to have four (4) to six (6) lanes and carry between 10,000 and 40,000 vehicles per day.

Street, Internal – A street whose entire length and width is contained within a development. Local streets and residential streets typically are considered internal streets.

Street, Local – A street that provides access to residential property and feeds the collector street system. These roadways typically are designed with two (2) lanes and carry traffic volumes of fewer than 1,000 vehicles per day. They are designed to either allow dispersal of local traffic or discourage through-traffic using curvilinear design, incorporations of loops and cul-de-sacs, or both.

Street, Perimeter – A street which abuts a development or one whose width lies partly within a development and partly without.

Street, Private – A street that is privately owned and maintained and that is not dedicated to the public for general use and maintenance.

Subdivide – The act or process of creating a subdivision.

Subdivider – A person who subdivides or seeks to subdivide land into two or more lots.

Subdivision – The division of a tract or parcel of land situated within the City or the City's extraterritorial jurisdiction into two or more parts for the purpose of sale, lease, or development. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A subdivision includes a replat and a one-lot subdivision of a tract which has not been previously platted. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, shall not constitute the subdivision of land.

Subdivision, Exempt – A division of land that is not under any obligation to meet the requirements of this ordinance.

Surveyor – A person registered by the Texas Board of Land Surveying as a registered professional surveyor or licensed professional land surveyor.

System-Related Facility – A public works improvement or expansion that is for the use or benefit of the overall water, sanitary sewer, roadway, drainage, or park facilities systems, as applicable. A system-related facility has capacity larger than needed to serve a single new development and exceeds the minimum standards required. A system-related facility may include a public works improvement that is reflected in the capital improvement plan or the Comprehensive Plan. A system-related facility may be located off-site, within the development site, or on the perimeter of the development site.

Thoroughfare Plan – The master plan of major and secondary streets and highways which is a part of the City's Comprehensive Plan and adaptations, amendments or supplements thereto as adopted by the City Council.

Tract – All contiguous property belonging to the same owner.

Transmission Line – An electrical line operated at a nominal voltage of 60,000 volts or higher that brings electricity from a generating plant to an electrical substation.

Utility – A company providing electrical, telephone, cable television, or cable- or wire-based data transmission services within the City.

Utility Provider – An entity that provides a public or private utility or service to the general public, including but not necessarily limited to a municipal water, wastewater or drainage utility, electric company, telephone company, natural gas company and a cable television provider.

Waiver -- Permission granted by the City to eliminate a requirement.

Zoning Ordinance – Chapter 14 of the Code of Ordinances, as amended, the Comprehensive Zoning Ordinance of the City of Joshua.

SECTION 10.1.8 – JURISDICTION

- A. **Applicability.** Subject to the provisions of this section, the regulations of this Ordinance shall apply to all land within the corporate limits and extraterritorial jurisdiction of the City of Joshua.
- B. **Utilities.** The City shall be under no obligation to provide utilities otherwise provided by either the Johnson County Special Utility District (JCSUD) or the Bethesda Water Supply Corporation (BWSC). These entities hold jurisdiction and responsibility by their utility policies within their Certificates of Convenience and Necessity (CCNs).

SECTION 10.1.9 - EXCEPTIONS

- A. **Generally.** The Commission may authorize an exception from these regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance.
- B. **Request.** The applicant seeking an exception shall submit to the Administrative Official a written request stating the justification for such exception, accompanied by engineering data or other evidence supporting the applicant's request for relief. The Commission may recommend grant an exception in conjunction with the application for approval of the plat. The applicant bears the burden of proof to demonstrate that an exception to the standards applicable to a development application should be granted.
- C. **Evidence.** The Commission and City Council may require engineering studies and displays from the applicant to support the request for an exception. The decision of the Council shall be final.

SECTION 10.1.10 - FACTORS TO CONSIDER

The Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of the requested exception upon traffic conditions, City services, and upon the public health, safety, convenience and welfare, and whether:

- A. The requirement places an unreasonable burden on the development and does not bear a rough proportionality to the requirements necessary to serve the development; or
- B. Hardships or practical difficulties will result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal; and
- C. The conditions upon which the request for an exception is based are unique to the property and are not applicable to other properties, or the tract has severe topographical conditions or unique environmental qualities worthy of protection.

Financial hardship, alone, to the applicant shall not be deemed to constitute unreasonable burden or hardship.

SECTION 10.1.11 - AUTHORITY TO IMPOSE CONDITIONS

The Planning and Zoning Commission may impose conditions relating to the exception as will, in its judgment, substantially secure the objectives of the standards or requirements to which the exception was granted.

SECTION 10.1.12 - MODIFICATIONS FOR PLANNED DEVELOPMENT DISTRICTS

The Commission may recommend and the City Council may modify the standards and requirements of this Ordinance in the case of an application including an approved planned development district. Such departures from the standards specified may be made only when the Council finds that the plan provides for convenience and safe access, adequate space for recreation, provision for light and air, and offers all essential utility services and necessary public and other facilities and is in conformance with all provisions of any ordinances which specifically apply to a planned development district.

SECTION 10.1.12 – GRADING PERMIT

- A. **Grading Permit Required.** A grading permit is required for any clearing, gradings, filling, dredging, and construction of public streets, utilities, or storm water or other improvements which may affect adjacent or surrounding properties. A property owner commits an offense for failure to first obtain a grading permit.
- B. **Application.** Application for the permit shall be made on a form provided by the City and shall be submitted with a fee, established by the City Council. The permit application shall describe the property and the nature of the development and shall be accompanied by construction plans and specifications adequate to describe the improvements. The plans shall show the existing contours and the proposed contours in either one inch (1”) or two inch (2”) vertical intervals. All plans accompanying permits for any work within a floodplain shall be certified by an engineer. Tree preservation shall be carried out as per Section 10.10.12 of this Ordinance, as amended.
- C. **Plans.** The site grading plans shall demonstrate the following:
 - 1. The work will not have any appreciable change in the site drainage characteristics or shall show the site modification and any mitigation measures necessary to accommodate the change;
 - 2. The grading will not adversely affect adjacent property owners;
 - 3. The grading will, to the extent possible, preserve trees and unique natural features (natural creeks, rock outcrops, karst features, etc.) in the site grading area such that the applicant demonstrates a valid reason for the removal of any protected trees, along with a description on how protected trees will be safeguarded from damage during construction;
 - 4. That provision has been made for temporary and permanent erosion control measures; and

5. All required federal and state approvals have been obtained.

The Administrative Official shall issue the permit when all conditions of this Ordinance have been satisfied.

- D. **Post Grading Maintenance.** All temporary erosion control devices, as specified in the approved storm water pollution plan and grading permit shall be maintained during construction until permanent erosion controls have been established on the site and approved by the City. A property owner commits an offense for failure to maintain erosion control devices approved for the development.

ARTICLE 2 – GENERAL PLATTING REGULATIONS

SECTION 10.2.1 – PLATTING REQUIRED; EXEMPTIONS

- A. **Generally.** Platting is required for the following purposes:
1. To create a building site and obtain a building permit on a single lot or tract;
 2. To subdivide a lot or tract into two or more parcels for development of the parcels;
 3. To combine lots or tracts; or
 4. To amend a plat.
- B. **Exemptions.** The following land divisions are exempt from the requirements of these regulations:
1. Sale, inheritance, or gift of land by metes and bounds description, of a tract of land upon which no improvements, development, subdivision or alteration is intended;
 2. Use of existing cemeteries complying with all State and local laws and regulations;
 3. A division of land created by order of a court of competent jurisdiction; and
 4. A division of land that results in the creation of two (2) or more parcels, each of which is greater than five (5) acres, when each parcel has direct access to an existing public street, and no dedication of public facilities is required.
- C. **Construction on Unplatted Land.** Approval of a plat by the City is required prior to any construction or issuance of a building permit except for any of the following purposes:
1. Residentially developed property not exceeding five acres in size may obtain a building permit for additions to the main structure if such addition does not exceed fifty (50%) percent of the main structure;
 2. Adding an accessory building or structure on an unplatted residentially developed lot provided a primary structure exists on the unplatted lot;
 3. Restoring any residential building or structure on an unplatted residentially developed lot, destroyed by fire, explosion, or any other casualty or an Act of God where the extent of the destruction is not more than fifty percent (50%) of the current value of the structure; or
 4. Replacement of a mobile home previously legally permitted and used or occupied as a residential dwelling with a HUD-code manufactured home.

SECTION 10.2.2 – PRELIMINARY PLAT REQUIRED

- A. **Generally.** Approval of a preliminary plat is required for any proposed subdivision within the City for five (5) or more lots or where any public works improvements are proposed prior to approval of a final plat. When subdividing a tract for four (4) or fewer lots, the owner may elect to submit an application for approval of a final plat or a minor plat without obtaining approval of a preliminary plat. Any re-subdivision of existing platted lots shall require the submittal and approval of a replat or an amending plat.
- B. **Inside City.** Within the City limits, a plat may be approved in two stages: a preliminary plat and a final plat.
- C. **Within the ETJ.** Within the extraterritorial jurisdiction of the City, only a final plat is authorized, unless the land to be platted is subject to an approved developer's or development agreement, in which case a preliminary plat may be authorized by the agreement.

SECTION 10.2.3 – PLAT VACATION

- A. **General Requirements.** The following must be submitted with any request to vacate a plat:
 - 1. A complete plat vacation application form, as provided by the City, signed by all owners and identifying the plat to be vacated.
 - 2. A non-refundable plat vacation processing fee in the amount established by City Council.
 - 3. The signatures of approval of all representatives of all utilities serving the subdivision must be on the vacating instrument.
 - 4. If improvements have been constructed within the area of an easement, the easement must be dedicated by separate instrument prior to the recording of the plat vacation.
- B. **Submission to Council.** The request shall be placed before the Commission. Upon approval, it will be forwarded to the City Council for action.
- C. **Effect of Plat Vacation.** Upon the execution and recording of the vacation instrument, the vacated plat or portion thereof shall have no effect.

SECTION 10.2.4 – REPLAT

- A. **Requirements.** A replat of a subdivision is controlling over the preceding plat without vacation of the plat if the plat:
 - 1. Is signed and acknowledged by only the owners of the property being replatted;

2. Is approved by the Planning and Zoning Commission after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;
 3. Does not attempt to amend or remove any covenants or restrictions; and
 4. When applicable, in compliance with subsection B. below.
- B. **Replat for Residential Lots.** If any of the proposed property to be replatted, within the immediate preceding five (5) years, was limited by any zoning classification to residential use for not more than two residential units per lot, or if any lot in the approved subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in accordance with state law.
- C. **Note on Plat.** A replat shall contain a note describing the purpose of the change or modification framed in a bold line so as to be distinctly visible on the face of the plat.
- D. **Process.** The application process, approval process, criteria for approval, and recordation of a replat shall comply with the processes as provided for a final plat, as applicable.

SECTION 10.2.5 – MINOR PLATS

- A. **Applicability.** An application for approval of a minor plat may be filed only when all of the following circumstances apply:
1. The proposed division results in four (4) or fewer lots;
 2. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required; and
 3. The plat does not require any ROW dedication and/or the extension of any municipal facilities or public improvements to serve any lot within the subdivision.
- B. **Criteria for Decision.** The Administrative Official, shall decide whether to approve, conditionally approve or deny the minor plat application based upon the following criteria:
1. The minor plat application is consistent with all zoning requirements for the property and all other requirements of this Ordinance;
 2. All lots to be created by the plat already are adequately served by all required utilities and services, and
 3. The plat does not require the extension of any municipal facilities or public improvements to serve any lot within the subdivision.

SECTION 10.2.6 – AMENDING PLATS

An amending plat may be submitted in accordance with Texas Local Government Code 212.016 as amended and may be approved by an Administrative Official so long as the plat is in accordance with Texas Local Government Code and no dedication of ROW is required. Any corrections or conditions not listed in the statutory criteria for an amending plat will require full resubmittal of the plat and will be treated as a replat.

ARTICLE 3 – EASEMENT DEDICATIONS, ROW DEDICATIONS AND ROUGH PROPORTIONALITY

SECTION 10.3.1 – EASEMENTS

A. Generally.

1. Easements for drainage, walkways, access and other comparable purposes shall generally be located along the side or rear or front lot lines and/or drainage flow lines and shall be labeled "Drainage Easement", "Pedestrian Access Easement", "Common Access Easement", "Maintenance and Access Easement", "Emergency Access Easement" or other specifically appropriate labeling on the final plat.
2. Unless otherwise recommended by the City Engineer, the developer shall dedicate a fifteen foot (15') general utility easement along the front lot line of each lot and any side lot line that is adjacent to a street. Easements shall be larger when the City Engineer determines necessary special conditions warrant.
3. To facilitate access from roads to schools, parks, playgrounds, the City may require perpetual unobstructed access easements for pedestrian or bicycle traffic.
4. Easements dedicated on the plat shall be deemed dedicated to the public and to the City unless specified otherwise.
5. Private streets shall be labeled as "Emergency Access and Utility Easements" in order to facilitate access for police, fire and other public safety and governmental vehicles and personnel and franchise utility and solid waste disposal vehicles and personnel.
6. The width of easements for utility providers other than the City, such as for water, gas, electric, telephone, cable television, or internet, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies.
7. Wherever possible, easements shall be centered along front lot lines rather than across the interior or rear of lots.
8. Easements shall be dedicated as specified herein. If necessary for the extension of water or wastewater mains, storm drainage or other utilities, easements of greater width may be required along lot lines or across lots. In all cases, easements shall connect with easements already established in adjoining property to facilitate placement of utilities.

- B. **Drainage Easement or Right-of-Way.** Where a subdivision is traversed by a watercourse, drainage way or channel, there shall be provided a storm drainage easement conforming substantially with such course and of such additional width as

may be designated by the City Engineer, according to proper engineering considerations. The required width shall, under normal conditions, be measured from the centerline of creeks, ditches or drainage channels, conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City and shall be sufficient to accommodate the 25-year flood return elevation.

1. Utilities may be permitted within a drainage or floodplain easement only if approved by the City Engineer and designed according to the EDSS.
- C. **Drainage Piping Requirement.** Any drainage piping that is to be dedicated to the City shall be in an easement with a minimum width of the structure (i.e., pipe diameter or box width) plus fifteen feet (15').
- D. **On-Site Easements.** All necessary on-site easements shall be established on the plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided.
- E. **Offsite Easements.** Any necessary easements not shown on the plat shall be procured by separate instrument, in a form approved by the City Attorney, and shall be the developer's or property owner's responsibility. If the developer cannot obtain a required offsite easement, then the developer may request that the City assist in the acquisition of the easement. The developer must make an offer in writing, based on the fair market value of the easement, to the property owner from whom the easement is being sought. All costs of obtaining the easement shall be the responsibility of the developer or property owner and the City must be reimbursed for any costs incurred including its attorney's fees, condemnation award and any fees or expenses of litigation whether at the trial or the appellate level or both.
- F. **Common Access Easements and Cross Access Easements.** To reduce the congestion created by a number of drives along streets while maintaining adequate access to developments, the City may require that "common access easements" or "cross access easements" be dedicated at the corners of lots not intended for low-medium density residential developments when adjacent to lots of a similar use.
- G. **Floodplain Easement.** Floodplain easement requirements are as follows:
1. The 100-year floodplain shall be delineated and cited on the plat. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation of the 25-year flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property as determined and required by the City Engineer.
 2. Modification of existing drainage courses shall only be done using methods and procedures compliant with Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Texas Commission on Environmental

Quality (TCEQ), U.S. Army Corps of engineers and Texas Parks and Wildlife policies, as applicable.

3. The City of Joshua shall maintain areas within floodplain easements. Maintenance of floodplain areas outside of floodplain easements shall be the responsibility of the property owner.
4. The City shall have the right of ingress and egress for the purpose of performing maintenance work or to alleviate any undesirable conditions that may occur within floodplain easements.

SECTION 10.3.2 – EXACTION AND DEDICATION REQUIREMENTS

- A. **Division of Property.** Every owner of property for which an application for approval of a development has been submitted shall be required to dedicate to the City that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities, drainage improvements, or other public purposes. Such dedication requirements shall be a prerequisite to plat approval.
- B. **Effect of Approval/Disapproval on Dedication.** The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City makes an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat is considered a refusal by the City of the offered dedication indicated on the plat.
- C. **Dedication and Construction of Improvements.** The developer shall dedicate all rights-of-way and easements for and shall construct capital improvements within the rights-of-way or easements for those water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.
- D. **Facilities Impact Studies.** The City may require that a developer prepare a comprehensive traffic impact study as required in Section 10.7.10, drainage study or other public facilities study to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. A study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the City Engineer. The City also may require, at the time of approval of a subsequent development application, an update of a public facilities study approved in connection with a prior development application.
- E. **Deferral of Obligation to Dedicate and Construct.** The obligation to dedicate rights-of-way for, or to construct one or more public works improvements to serve a new

development may be deferred until approval of a subsequent phase of the subdivision, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City shall require that the subdivider enter into a developer's agreement, specifying the time for dedication of rights-of-way for or construction of capital improvements serving the development.

SECTION 10.3.3 – ROUGH PROPORTIONALITY DETERMINATION

- A. **Determination.** Prior to a decision on an application for approval of a plat or permit for which an exaction requirement is required as a condition of approval, the City Engineer shall affirm that each exaction requirement to be imposed as a condition of plat or permit approval is roughly proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed. In making this determination, the City Engineer may consider the following:
1. Categorical findings and recommendations of the North Central Texas Council of Governments in developing standard specifications for public works improvements;
 2. The proposed and potential use of the land;
 3. The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
 4. Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the City's public facilities system;
 5. The function of the public works improvements in serving the proposed subdivision or development;
 6. The degree to which public works improvements necessary to serve the proposed subdivision are supplied by other developments;
 7. The anticipated participation by the City in the costs of necessary public works improvements;
 8. The degree to which acceptable private infrastructure improvements to be constructed and maintained by the developer will offset the need for public works improvements;
 9. Any reimbursements for the costs of public works improvements for which the proposed subdivision is eligible; and/or
 10. Any other information relating to the impacts created by the proposed subdivision or development on the City's public facilities systems.

- B. **Affirmation.** Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of this Ordinance or other ordinance requiring the permit, as applied to the proposed subdivision or development, does not impose costs on the applicant for public works improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
- C. **Additional Information.** The City Engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.

SECTION 10.3.4 – ROUGH PROPORTIONALITY APPROVAL

- A. **Generally.** An applicant for an approval of a plat or permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application.
- B. **Purpose.** The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed development as a condition of approval does not result in a disproportionate cost burden on the developer, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems.

SECTION 10.3.5 – APPEALS PROCEDURE

- A. **Requirements for Appeal.** An applicant seeking approval of a plat or any other type of permit for which an exaction requirement is imposed shall file a written appeal on a form provided by the City with the City Secretary within ten (10) days of the date the Commission or other City official takes action applying the exaction requirement. The applicant shall submit eight (8) copies of the appeal. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The City Secretary shall forward the appeal to the City Council for consideration.
- B. **Postponement of Action on Plat.** The applicant may request postponement of consideration of the applicant's plat application by pending preparation of the study required by subsection D., in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the City Council to decide the appeal.
- C. **Basis for Appeal.** The appeal shall allege that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the City's public facilities systems and does not reasonably benefit the proposed subdivision or development.
- D. **Study Required.** Within thirty (30) days of the date of appeal, the applicant shall submit to the City Engineer three (3) copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information:

1. Modeling of the subdivision's water, wastewater, roadway, drainage, or park system, as applicable, from the point of connection to the existing public system, employing standard measures of capacity and equivalency tables relating the type of development proposed. Impacts on the existing public system will be reviewed by the City to determine if system upgrades are necessary. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
 2. Comparison of the capacity of the applicable City utility to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision shall be considered;
 3. Comparison of the capacity of the applicable City public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision shall be considered;
 4. The amount of any City participation in the costs of oversizing the public works improvements to be constructed by the applicant in accordance with the City's requirements;
 5. Comparison of the minimum size and capacity required by City standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
 6. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.
- E. **Evaluation.** The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study and utilizing the same factors considered by the Engineer in making the original proportionality determination.

SECTION 10.3.6 – CITY COUNCIL DECISION

- A. **Appeal Hearing.** After the applicant certifies to the City Secretary that all evidence has been submitted, the City Secretary shall schedule the appeal on an agenda of a meeting of the City Council, and notify the applicant, at the address given on the appeal form, of the date and place at which the Council will consider the appeal. The City Council shall decide the appeal within thirty (30) days of the date of final submission of any evidence by the applicant. The applicant shall be allotted thirty (30) minutes to

present testimony in support of the appeal at the City Council meeting and may introduce other testimony. The City Council shall base its decision on the criteria listed in Section 10.3.3.a and Section 10.3.5.d.

B. **Action.** The City Council may:

1. Deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the Commission's decision on the plat or other development application; or
2. Grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
3. Grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public works improvement.

C. **Factors.** In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:

1. The evidence submitted by the applicant; and
2. The City Engineer's report and recommendation, considering in particular the factors identified in Sections 10.3.3.a. and 10.3.5.d.

D. **Additional Information.** The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.

E. **Modification.** The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

SECTION 10.3.7 – ACTION FOLLOWING DECISION OF CITY COUNCIL

A. **Expiration of Decision of City Council.** If the City Council finds in favor of the applicant and waives the exaction requirement or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the Commission within thirty (30) days of the date the City Council takes action, with any modifications necessary to cause the plat to conform to the City Council's decision. If the applicant fails to conform to the City Council's decision within the thirty (30) day period provided, the relief granted by the City Council on the appeal shall expire.

B. **Decision to Waive.** If the City Council finds in favor of an applicant for any other permit and waives the exaction requirement as a condition of permit approval or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the

applicant shall resubmit the permit application to the responsible official within thirty (30) days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. If the applicant fails to do so, the relief granted by the City Council shall expire.

- C. **Denial of Appeal.** If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City shall place the plat application on the Commission's agenda for action within thirty (30) days of the City Council's decision.
- D. **Additional Dwelling Units.** If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Engineer may require a new study to validate the relief granted by the City Council.
- E. **New Appeal Required.** If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

SECTION 10.3.8 – APPEAL OF CITY COUNCIL DECISION

An applicant may appeal the decision of the City Council to the County or District Court of the county in which the development is located within thirty (30) days of the date that the Council issues its final decision.

SECTION 10.3.9 – RECOGNITION OF VESTED RIGHTS

- A. **Generally.** Under state law, each application for permit or plat approval shall be processed pursuant to the regulations in effect at the time of the application unless the applicant has applied for and obtained a letter of recognition of vested rights for the permit or project for which the permit is sought.
- B. **Purpose.** The purpose of a vested rights recognition application is to determine the regulations by which an application for approval of a permit or plat is to be processed.
- C. **Definitions.** The following terms shall have the meanings hereafter ascribed to them:

Administrative Official. The City Manager, or the City Manager's designated representative, authorized to enforce and administer the terms of this Ordinance.

Chapter 245. Chapter 245 of the Texas Local Government Code, as may be amended.

Permit. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Progress. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Project. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Vested Right. The right of a person to develop a project that complies only with ordinances and other development regulations in effect on the date a plan for development or the first application for the project was filed with the City.

- D. **Applicability.** An owner of property, or the owner's authorized agent, may submit an application for recognition of vested rights for the property.
1. With and application for approval of a plat, zoning change, building permit or any other permit, or
 2. To prevent expiration of a plat.
- E. **Effect.** If recognition of vested rights is issued in whole or in part, the Administrative Official shall issue a letter which shall specify the regulations which apply to an application and the application shall be processed in accordance with the regulations specified in the letter. If the application for recognition is to prevent expiration of an approved plat, the plat otherwise subject to expiration shall be extended as provided in the letter.
- F. **Types of Vested Rights.** A person may claim vested rights under common law, a federal or state statute, the state or federal constitution, or Chapter 245. For vested rights claimed under Chapter 245, the definitions of "permit" in Chapter 245 shall apply to applications submitted pursuant to this Section.
- G. **Exemptions.** This article shall not apply to the types of ordinances or other governmental action enumerated in Texas Local Government Code Section 245.004 regardless of the effective date of this Ordinance or the existence of vested rights for a project.
- H. **Duration.** This Section and any letter of recognition issued hereunder shall not extend the time of validity for any permit or project. Any rights recognized by a letter issued pursuant to this Section shall not extend beyond the expiration date prescribed by this Ordinance for the permit(s) submitted for recognition.
- I. **Application Requirements.**
1. **Filing.** A property owner or the owner's authorized agent may submit an application for recognition of vested rights with an application for approval of a plat or building permit, or at any time for a plat prior to its expiration date established by this Ordinance.
 2. **Fee; Supporting Documents.** The applicant shall submit a completed application together with a permit application review fee in the amount established by the City Council, and three (3) copies of any documents on which the applicant is relying to establish vested rights.

3. **Form and Contents.** The application shall state that the applicant has a vested right for some or all of the land for which the permit is sought under Chapter 245 or another statute, or other state or federal law that requires the City to review and decide the application under regulations in effect prior to the effective date of the currently applicable regulations. The application shall include the following:
 - a) The name, mailing address, email address, phone number and fax number of the applicant;
 - b) The name, mailing address, email address, phone number and fax number of the property owner, if different than the applicant;
 - c) Identification of the property for which the applicant claims a vested right, including a legal description of the exact boundaries of the property encompassed by the project;
 - d) A description of the project for which the application is submitted, how the project was commenced, and the date of commencement of the project;
 - e) Layout of the site, including locations of buildings, streets, utilities and drainage facilities;
 - f) Identification of the original application for the first permit in the series of permits required for the project, as described in Texas Local Government Code Section 245.001(1) and Section 245.002(a) and (b), as may be amended;
 - g) The date that the first permit in the series of permits required for the project was filed with the city;
 - h) Identification of the regulations which the applicant contends apply to the project and the specific parts of the project which are subject to vesting;
 - i) A copy of any prior recognition of vested rights by the City involving the same land; and
 - j) If the applicant alleges that a plat subject to expiration under a City ordinance should not be terminated, a description of the events, including any plat or other development applications on file, that should prevent termination.
4. **Complete Application Required.** An application for recognition of vested rights shall not be considered to have been filed with the City until such time as the application is administratively complete. To be administratively complete, the application must meet the following requirements:
 - a) Contain all materials and information required by this Section; and
 - b) Be accompanied by a check payable to the City for the application review fee.

5. **Criteria for Issuance of Letter of Recognition.** No letter of recognition of vested rights shall be issued unless the applicant has demonstrated compliance with the following criteria, as applicable:

a) For statutory vested rights:

- (1) The applicant filed an application for a permit as provided in Chapter 245 prior to adoption of the regulations against which vested rights are claimed;
- (2) The regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 245.004; and
- (3) The project has not become dormant as defined in Texas Local Government Code section 245.005; and/or

b) For recognition of vested rights under common law or the federal or state constitution, the applicant is in compliance with any other factor which may be required to establish vested rights under the state or federal constitution.

J. Processing of Application.

1. **Review and Determination.** The Administrative Official may require the submission of additional evidence relevant to support the applicant's claim for recognition. Upon review of the application and evidence, the Administrative Official shall make a determination as to whether the applicant is entitled, in whole or in part, to recognition of vested rights for a permit. If the evidence presented by the applicant establishes that the permit for which approval is sought is part of a project which is vested under Chapter 245, the Administrative Official shall issue a letter of recognition of such rights. If the Administrative Official finds that the applicant is not entitled to recognition of vested rights, they shall notify the applicant of the basis for their findings.
2. **Substantial Change.** Where the Administrative Official determines that the project for which the applicant seeks vested rights has undergone a substantial change since its inception, recognition of vested rights shall be denied. Examples of a substantial change include, but are not limited to, modifications of the following characteristics of a project:
 - a) Gross surface area or acreage;
 - b) Gross floor area;
 - c) Gross number of buildings;

- d) Density;
- e) Living unit equivalents;
- f) Land use classification;
- g) Impervious cover or lot coverage;
- h) Drainage pattern or volumes;
- i) Street layouts;
- j) Additional curb cuts or driveways; or
- k) Orientation of buildings.

K. Appeals.

1. **Filing.** The applicant may appeal the Administrative Official's decision on the application for vested rights determination to the City Council. An appeal under this Section stays acceptance by filing of any related development applications.
2. **Process.** The application for appeal shall be made in writing to the City Secretary and shall state the basis for requesting the appeal. The appeal shall be made within ten (10) days of the date of the letter. The City Secretary shall schedule a hearing before the City Council within thirty (30) days of the date the appeal is submitted.
3. **Appeal of Council Decision.** A person dissatisfied with the decision of the City Council may appeal the decision to a court within the county in which the property is located. The person shall file the appeal with the court within thirty (30) days of the decision of the City Council. If no appeal is filed, the decision of the City Council shall be final.

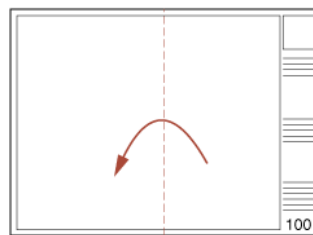
L. Expiration.

1. A permit issued by the City that is subject to Chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two (2) years after issuance. This Section shall not apply to permits pursuant to which progress has been made toward the completion of the project, as determined by Texas Local Government Code section 245.005(c), as may be amended.
2. A project subject to Chapter 245 shall expire by operation of law five (5) years after an application was filed for the first permit necessary for the project. This Section shall not apply to permits for which progress has been made toward the completion of the project.

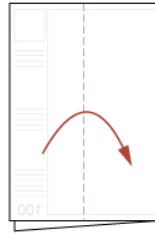
ARTICLE 4 – REQUIREMENTS FOR PLAT SUBMITTAL

SECTION 10.4.1 – SUBMITTAL

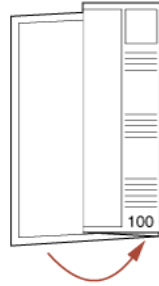
- A. **Pre-application Conference.** A property owner or applicant may request a pre-application conference with the Administrative Official for purposes of identifying requirements that are applicable to a proposed plat. The conference between a developer and City staff is intended to be of mutual benefit to the developer and the community by determining the suitability and type of development of a tract of land. This step also involves considerable planning which precedes actual preparation of the respective plat. The request shall be made in writing on a form provided by the City and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan for development or application for plat approval
- B. **Application.** An applicant shall submit a written application for plat approval to the Administrative Official on forms prepared by the City, together with all required documents, such as studies, drawings, exhibits, or other ordinance requirements, in sufficient size and number as required by the Administrative Official, and any reasonable information requested by the Administrative Official to assist the City in its review of the application. The owner, applicant, or other authorized agent shall sign the application. Proof of agency shall be submitted by affidavit signed by all owners. The City may require evidence of fee simple title to the property.
- C. **Preparation and Reproductions.** Each plat shall be prepared by an engineer or surveyor, trained and experienced in subdivision design. Large format documents submitted for review shall be printed in landscape format with the title block located on the lower right corner. All large format documents shall be folded in the following manner:



Step 1: Fold the drawing in half so that the content is concealed inside the fold.



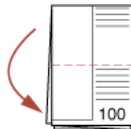
Step 2: Fold the top leaf back over itself, which will be 1/4 of the original width.



Step 3: Fold the bottom leaf back under the top leaves. You now have an accordion folded sheet that is 1/4 the width of the full sheet and full height.



Step 4: Fold the top half of the sheet under the bottom half.



Step 5: For extra-large drawings, the drawing can be folded in half again.

- D. **Fees.** The applicant shall consent in the application to be responsible for payment of legal and engineering and any other professional fees incurred by the City in connection with the processing of the application. Approval of the final plat or minor or amending plat shall be conditional until the applicant has paid the fees or has given security such as posting a deposit or bond.

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:
1. A completed application form signed by the owner or the owner's authorized agent. Proof of agency shall be submitted by affidavit signed by all owners. The City may require evidence of fee simple title to the property;
 2. Every item, study and document required by this Ordinance or other applicable ordinances for the type of plat being submitted, or required for a plan for development;
 3. Demonstration of conformity to the zoning regulations applicable to the property at the time of the application, except as otherwise provided herein;
 4. An agreement to pay all fees incurred with the review and processing of the application, and a deposit, if payment has not been timely made for previous applications.
 5. A written statement signed by the subdivider stating the developer will comply with all City requirements in the proposed subdivision and all improvements shall conform to or exceed the standards for such improvements prescribed by the City; and
 6. A certification that all City taxes and fees have been paid.
- B. **Proper Zoning Required.** If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any preliminary plat of the property. The Administrative Official or Commission shall not approve a plat or plan for development which does not comply with the zoning requirements until any available relief from the Board of Adjustment has been obtained.
- C. **Additional Requirements.** The Administrative Official and the City Engineer may from time to time identify additional requirements for applications that are not contained within but are consistent with the application contents and standards set forth in this Ordinance.
- D. **Incomplete Application.** Any application deemed incomplete shall be returned to the applicant with information indicating the missing items. The processing of an application by any City employee prior to the time the application is determined to be administratively complete shall not be binding on the City as the official acceptance of the application for filing.
- E. **Expiration of Application.** An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application

is submitted to the Administrative Official for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant.

- F. **Denial of Application.** No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

SECTION 10.4.3 – PRELIMINARY PLAT SUBMITTAL REQUIREMENTS

- A. **Applicability.** A preliminary plat is required for all subdivisions within the corporate limits of the City which do not meet the requirements for a minor plat or amending plat. A preliminary plat is neither authorized nor required in the City's extraterritorial jurisdiction, unless expressly authorized by an agreement between the City and the developer.
- B. **Submission.** The developer shall prepare and submit copies of the preliminary plat to the Administrative Official in the quantity as is determined, from time to time by the Administrative Official. An application lacking required documentation or information shall be returned to the applicant as provided by Section 10.4.2.
- C. **Phasing.** The preliminary plat shall show the entire tract proposed to be subdivided, regardless of whether the applicant intends to request final plat approval for only a portion of the tract. Any phasing must be shown on the preliminary plat. Any portion of a final plat that developed in sections or phases must correspond to the sections or phases on the preliminary plat. In the event the developer chooses to submit a final plat that does not agree with the phasing plan contained on an approved preliminary plat, the Administrative Official may require the preliminary plat to be resubmitted with amended phasing indicated.
- D. **Required Information.** The preliminary plat shall contain the following information:
1. The case number in the lower left-hand corner of the plat. (The case number shall be provided by staff after the first submittal.)
 2. A location map on the plat showing location of tract by references to existing streets or highways.
 3. A north arrow, graphic and written scale in close proximity on the plat. The minimum scale is one inch (1") = fifty feet (50'). In cases of developments three acres or larger in size, a scale of one inch (1") = one hundred feet (100') is acceptable.
 4. An appropriate title, i.e., "Preliminary Plat", to include subdivision name, which shall not duplicate that of another subdivision, City, county, state, survey and abstract, total gross acreage, number of lots and date of preparation and revisions.

5. The name, address, phone number, and email address of record owner(s), and subdivider, if different.
6. The name, address and phone numbers and e-mail addresses of engineer, planner, and/or surveyor responsible for preparing the plat.
7. The name of the record owner and corresponding deed record volume and page for all adjacent unplatted tracts within one hundred feet (100') of the land to be platted, including owners across any adjacent ROW.
8. All adjacent platted property within one hundred feet (100') shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.
9. The location of City limit lines and/or extraterritorial jurisdiction lines.
10. Existing zoning noted on this tract and adjacent tracts and any proposed zoning labeled as such with appropriate setback lines.
11. All existing easements on or adjacent to this tract shown and labeled as to type and size.
12. The location of existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100') of the perimeter.
13. Legal description of the land to include the current owner's deed record reference, survey and abstract, county, state, point of beginning tied to survey corner or previously filed subdivision corner, or USGS monument.
14. A graphic depiction of all boundary lines shown in heavy lines with deed record dimensions or field surveyed dimensions if available. These should match legal description.
15. Existing ROW shown, labeled and dimensioned, i.e. public streets, highways, alleys, private drives, railroads, etc.
16. All permanent structures and uses within the subdivision that will remain.
17. Proposed lots and blocks labeled with numbers in consecutive order.
18. Proposed drainage, utility and pedestrian access easements labeled and dimensioned.
19. The proposed uses of the property with associated acreage and identified by location on the plat, including uses to be dedicated for schools, parks, open spaces and other public uses, showing acreage.

20. Approximate flood plain and floodway limits shown.
21. The location and width of the proposed streets, roads, lots, alleys, easements, widening of existing thoroughfares, and other features, and their location in relation to platted streets, alleys and easements in adjacent subdivisions for a distance of one hundred feet (100') beyond the boundaries of the tract shall be shown consistent with the Thoroughfare Plan or other adopted plan for roads and streets.
22. Existing physical features on the tract, including natural and artificial watercourses, ditches, ravines, culverts, and bridges.
23. A topographical map with contour intervals not greater than two feet (2') with all elevations shown thereon tied to the sea level datum plane.
24. Profiles and cross sections of proposed streets and roads sufficient to ascertain that existing and proposed streets and roads will function in accordance with the standards of the City.
25. A complete and corrected preliminary water and wastewater layout. This may be combined with the drainage study and shall show all intended easements and other information required by the EDSS.
26. The following certifications shall be placed on the preliminary plat:
 - a) Approval of Preliminary Plat:

Planning & Zoning Commission Chairman

Date

Attest:

City Secretary

Date

- E. **Preliminary Drainage Study.** The applicant shall submit a preliminary drainage study with the preliminary plat. A preliminary drainage study may also be required by the City when reviewing a use other than the current land use. Approval of the preliminary plat may be contingent on the acceptability of the solutions proposed by the preliminary drainage study. The preliminary drainage study shall be prepared, signed, sealed and dated by an engineer. The City may waive the requirement of the preliminary drainage study or may waive certain requirements where the City Engineer determines the impact of the proposed development does not necessitate the review.
- 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 lines shall be designed in accordance with the requirements established by the Johnson County Special Utility District or Bethesda Water Supply Corporation. No preliminary plat shall be approved by the City unless the Johnson County Special Utility District or the Bethesda Water Supply Corporation has provided an approval letter that it has received the plans and it has sufficient capacity to meet the service requirements for the proposed development.

- G. **Traffic Impact Analysis.** For developments consisting of a minimum of two hundred (200) dwelling units (residential) or generating one thousand (1,000) daily trips (non-residential), the applicant shall submit a traffic impact analysis as required by Section 10.7.10 to determine the traffic generated by the proposed subdivision and to demonstrate adequacy of the adjacent roadway systems. The City Engineer may waive all or a portion of the requirement for the analysis depending upon the size and potential impact of the proposed subdivision and the traffic to be generated.

SECTION 10.4.4 – REVISED PRELIMINARY PLAT

When, in the opinion of the Administrative Official, a final plat deviates substantially from the approved preliminary plat, the applicant must obtain approval of a revised preliminary plat prior to the submission of a final plat. If an owner proposes substantive changes to a preliminary plat after the City Council has approved it, a revised preliminary plat shall be prepared, processed and approved before preparation of the final plat.

SECTION 10.4.5 – FINAL PLAT - PURPOSE, APPLICABILITY, EFFECT, AND PHASING

- A. **Purpose.** The purpose of a final plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Ordinance, applicable zoning regulations, and all other applicable ordinances, and public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made.
- B. **Applicability.** Approval of a final plat shall be required prior to any non-exempt subdivision of land, including amending plats, minor plats, and replats and prior to any site preparation or grading activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.
- C. **Effect.** Approval of a final plat authorizes the Administrative Official to record the plat upon completion of public improvements or posting of security and authorizes the subdivider to install any public improvements under approved construction plans.
- D. **Application.** After obtaining approval or conditional approval of a preliminary plat and if required, fulfilling all requirements of the preliminary plat approval, the applicant may submit an application for approval of a final plat. The final plat shall be accompanied by a completed application and shall be in accordance with all Ordinance requirements.

- E. **Phases.** A final plat may include all or only a portion of the area of the approved preliminary plat. If a final plat is approved in sections or phases, each final plat of each section is to carry the name of the entire subdivision but is to be distinguished from each other section by a distinguishing letter, number or subtitle designating the Phase. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

SECTION 10.4.6 – FINAL PLAT – APPLICATION SUBMITTAL REQUIREMENTS

- A. **Sheet Size.** All final plats, replats, amending plats, and minor plats shall be drawn on a sheet size of thirty-six inches (36") by twenty-four inches (24"). The applicant shall submit initial copies of the final plat in .pdf format and AutoCAD.
- B. **Required Information.** The final plat shall contain or be accompanied by the following information:
1. If more than one sheet is required for the layout, there shall be included a key map showing the entire subdivision, drawn at a smaller scale, with block number and street names. The key map is to be included upon the first sheet or presented separately as a cover sheet the same size as the large-scale sheet.
 2. The case number, as provided by the staff, shown in the lower left-hand corner of the plat.
 3. A legible location map on the plat showing location of tract by references to existing streets or highways.
 4. A north arrow, graphic and written scale shown in close proximity on the plat. The minimum scale is one inch (1") = fifty feet (50'). In cases of developments three acres or larger in size, a scale of one inch (1") = one hundred feet (100') is acceptable. For any larger development which would exceed the dimensions of the sheet at one hundred feet (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrative Official, and in a format that will be acceptable for eventual filing at Johnson County.
 5. The title, i.e., "final plat", to include the approved subdivision name for the preliminary plat, if a preliminary plat was required, City, County, State, Survey and Abstract, total gross acreage, number of lots, and date of preparation.
 6. The names, addresses, phone numbers, and e-mail addresses of the record owner and, if different, the subdivider.
 7. Legal description of the land to include the current owner's deed record reference, survey and abstract, county, state, point of beginning tied to survey corner or previously filed subdivision corner, or USGS monument.

8. The name, address, phone number, and email address of the surveyor and/or engineer responsible for preparing the plat.
9. The name of the record owner and corresponding deed record volume and page for all adjacent un-platted tracts within one hundred feet (100'), to include owners across any adjacent ROW.
10. All adjacent platted property within one hundred feet (100') shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.
11. The location of City limit lines and/or extraterritorial jurisdiction lines, all survey lines with survey names labeled.
12. The names of adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lot and blocks, in accordance with alphabetical block arrangements and numerical lot arrangement, with accurate dimensions in feet and decimals fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.
13. An accurate boundary survey and description of the property, with bearings and distances referenced to survey lines and established subdivisions and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Streets, alley and lot lines in adjacent subdivisions shall be shown in dashed lines.
14. All existing easements on or adjacent to the tract shown and labeled as to type and size with dimensional ties to property corners and centerline or boundary dimensions and bearings.
15. The locations, street names and dimensional centerline references to existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100') of the perimeter.
16. The point of beginning labeled on plat.
17. Two boundary corners geo-referenced by state plane coordinates in accordance with Section 10.10.3. (Monumentation)
18. Street ROW and ROW centerline dimensioned with bearings, all streets having street names as approved by preliminary plat or names dissimilar from any existing street names.
19. Physical features relative to the property boundary, including survey markers, and existing encroachments.

20. The location and dimensions of all drainage and utility easements and pedestrian access easements, and public open space easements to be dedicated.
 21. All building setback lines (on all streets) labeled or noted per the appropriate zoning.
 22. Lots to be dedicated for public use labeled as such, i.e. schools, parks, open spaces, etc., showing acreage and calculated perimeter dimensions, and the entity responsible for maintenance. Show any private uses in same manner.
 23. Calculated dimensions of all lots, street ROW, easements, or common area lots, etc. All curve data shall be labeled including delta, radius, length and tangent. All lots must meet the minimum lot width, depth, and area requirements of the zoning district.
 24. Floodplain limit shown and labeled. Floodway limit shown and labeled with dimensional ties to all lot corners.
 25. Minimum finish floor elevations shown on all lots impacted by drainage easements or intended to be filled. Finish floor note shown on plat.
 26. For amending plats or replats, certification signed by all owners of the property being platted concerning deed restrictions shown.
 27. Required sight triangles shown.
 28. Driveway access limitation note provided, if applicable.
 29. The following note shall appear on the face of the plat: "Selling a portion of any lot within this addition by metes and bounds is a violation of state law and City ordinance and is subject to fines and withholding of utility services and building permits."
 30. For collector or arterial streets which have limited or no individual access, the following note may be required on the face of any plat intended to be filed in the county plat records. "No lot within this addition shall be allowed driveway access onto _____ Street".
 31. Temporary paved turn-arounds which meet the requirements of the EDSS are to be provided at ends of streets more than one lot deep that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is a temporary easement for a turn-around until the street is extended [insert direction] in a recorded plat."
- 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:

1. Construction plans as required in Section 10.4.8.
 2. Completed Developer's Agreement, if applicable;
 3. Certificate of taxes paid from the Johnson County Central Appraisal District;
 4. Any proposed or existing deed covenants/restrictions; and
 5. Approval letter from the Johnson County Special Utility District (JCSUD) or Bethesda Water Supply Corporation stating they are in receipt of construction plans for water/wastewater for the development. No final plat shall be approved by the City unless JCSUD or Bethesda Water Supply Corporation has certified that it has approved such construction plans.
- D. **Prerequisite to Approval.** Unless otherwise permitted by this Ordinance, no final plat shall be accepted for review unless a preliminary plat has been approved and is currently valid.

SECTION 10.4.7 – FINAL PLAT DEDICATION, STATEMENTS, AND WAIVER OF CLAIMS FOR DAMAGES

- A. **Requirements.** The final plat shall contain a statement of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lienholder interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition.
- B. **Certificate of Dedication.** The plat shall contain a certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have mortgage or lien interests in the property and acknowledged before a notary public. All deed restrictions that are to be filed with the plat shall be shown or filed separately. The certificate of dedication shall be substantially in the following form:
1. Individual Owner(s).

STATE OF TEXAS
COUNTY OF ____

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the _____ addition to the City of Joshua, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all rights-of-way, streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the

_____ addition have been notified and signed this plat.

I (we) further acknowledge that the dedications and / or exactions made herein are proportional to the impact of the subdivision upon the public services required.

Owner for _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this ____ day of _____, 2____.

Notary Public in and for the State of Texas

My Commission Expires:

2. Lienholder's Ratification.

STATE OF TEXAS
COUNTY OF _____

Whereas (Lien Holder Name), acting by and through the under signed, its duly authorized agent, is (are) the lien holder(s) of the property described hereon, does (do) hereby ratify all dedications and provisions of this plat as shown.

(typed name of authorized agent, title, Lien Holder)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said _____.

Given upon my hand and seal of office this ____ day of _____, 2____.

Notary Public in and for the State of Texas

My Commission Expires:

If no liens exist, add the following statement to the end of the plat dedication:

There are no liens against the property.

3. Corporate or partnership dedication.

STATE OF TEXAS
COUNTY OF _____

Whereas _____, acting by and through the under signed, its duly authorized agent, is the sole owner of a tract of land situated in the _____ Survey, Abstract _____, County of _____, according to the deed recorded in Volume _____, Page _____, Deed Records, Johnson County, Texas, and more particularly described as follows:

[Insert legal description here]

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, _____ by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Joshua, Johnson County, Texas, and I (we) do hereby dedicate the rights of way, (alleys, parks) and easements shown thereon to the public's use unless otherwise noted.

WITNESS my (our) hand(s) at Joshua, Johnson County, Texas this the _____ day of _____, 2_____.

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, _____ of _____ a corporation (Partnership, Joint Venture) known to me to be the person(s) whose name(s) subscribed to the above and foregoing instrument, and acknowledged to me that he/they executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said corporation (Partnership, Joint Venture).

Given upon my hand and seal of office this _____ day of _____, 2_____.

Notary Public in and for the State of Texas

My Commission Expires:

- C. **Surveyor Certificate.** The plat shall contain the following certification by a surveyor to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown thereon:

This is to certify that I, _____, a Registered Professional Land Surveyor of the State of Texas, have prepared this plat of the above subdivision from an actual survey on the ground; and that all monuments for lot corners, angle points, and points of curvature shown thereon as "set" were placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Joshua.

(print name), Surveyor

Texas R.P.L.S. No. _____

Date: _____

(seal)

- D. **Utility Easement Restriction Statement.** The plat shall contain the following statement:

"Any public utility, including the City of Joshua, shall have the right to remove all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat: and any public utility, including the City of Joshua, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone."

- E. **Public Open Space Easement Restriction Statement.** When a public open space easement is provided, the following full statement of restrictions shall be placed in the dedication instrument or on the face of the plat:

"No structure, object or plant of any type may obstruct vision from a height of thirty inches (30") to a height of ten feet (10') above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat."

- F. **Drainage and Floodplain Easement Restriction Statement.** The following statement shall be placed in the Dedication Instrument or on the face of the plat:

"No construction or filling shall be allowed within a drainage easement or a floodplain easement without the written approval of the City of Joshua, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by

such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one foot (1') above the 100-year flood elevation."

- G. **Waiver of Claims for Damages.** The final plat shall contain a waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
- H. **Approvals.** The following approval blocks shall be executed after final approval:

1. I hereby certify that the above and foregoing plat of _____ Addition to the City of Joshua, Texas, was approved by the Planning Commission of the City of Joshua on the _____ day of _____, 2_____.

This approved plat shall remain valid for a period of two (2) years from approval by the Planning and Zoning Commission during which time it shall be recorded in the office of the County Clerk of Johnson, County, Texas. Failure to record this plat within two (2) years from said date of final approval shall render the plat invalid. This plat shall be subject to all the requirements of the Subdivision Regulations of the City of Joshua.

WITNESS OUR HAND, this _____ day of _____, 2_____.

City Secretary

2. The following approvals shall be placed on a final plat, in a manner that will allow the filing of the certificates by the proper party.

Approved:

Chairman
Planning & Zoning Commission

Date

Attest:

City Secretary

Date

City Secretary

Date

3. The following approvals shall be placed on an amending or minor plat:

Approved:

City Manager

Attest:

City Secretary

SECTION 10.4.8 – CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

- A. **Generally.** The applicant shall submit construction plans and profile sheets for all public works improvements for review with the application for approval of the final plat. Incomplete plans shall be returned to the applicant. Design standards of the City and Johnson County Special Utility District (JCSUD), or Bethesda Water Supply Corporation (BWSC) in effect at the time of submission of the plat shall be used, subject to the approval of the City Engineer and JCSUD or BWSC, respectfully.
- B. **Specifically.**
1. Construction plans and profiles shall be prepared by an engineer and drawn on eleven inch (11") by seventeen inch (17") sheets, and shall include a cover sheet with index, general site layout and required calculations.
 2. Each sheet shall include north point, scale, and date. Bench mark description to sea level datum shall be included with the plans.
 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:
 - a) A plan and profile of each street with top of curb grades shown. Scale shall be one inch (1") = forty feet (40') horizontally, and one inch (1") = four feet (4') vertically; one inch (1") = twenty feet (20') horizontally, and one inch (1") = four feet (4') vertically; or one inch (1") = fifty feet (50') horizontally, and one inch (1") = five feet (5') vertically.
 - b) The cross-section of proposed streets, alleys, and sidewalks showing the width and type of pavement, base and sub-grade, and location within the right-of-way. These plan-profiles shall show the existing ground and the proposed grade at five (5) points of cross section; that is, at the center line, the back-of-curb lines, and the property lines.
 - c) A plan and profile of proposed wastewater lines, with grades and pipe sized indicated and showing locations of manholes, clean-outs, and other appurtenances, and a cross section of embedment.

- d) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
 - e) A final drainage study including all information specified in the EDSS that supports the drainage improvements proposed on the drainage plan. The final drainage plan shall be prepared by an engineer and shall be signed, sealed, and dated by the person preparing the plan. The final drainage plan shall be to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area. This should analyze upstream and/or downstream impacts to ensure that the development does not adversely affect upstream or downstream properties. The City Engineer may waive the requirement of the final drainage plan or may limit certain requirements where the City Engineer determines that such requirements are not necessary for review of the development.
 - f) A plan and profile showing size and location of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.
 - g) Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer.
- C. **Responsibility.** The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.
- D. **Corrections.** The City reserves the right to require plan corrections when actual conditions in the field which are found to be contrary to or omitted from the previously submitted plan.
- E. **Approval.** When approved, the construction plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files. The developer shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.
- F. **Revisions.** If plans are submitted to the City which need corrections, one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of

construction plans shall be submitted to the City Engineer within thirty (30) working days of receipt of the notice of the City's Engineer's decision.

SECTION 10.4.9 – MINOR PLAT SUBMITTAL REQUIREMENTS

- A. **Purpose.** A minor plat represents a tract of land that has not been previously platted and recorded, and has these characteristics:
 - 1. It involves four (4) or less lots; and
 - 2. It will not change a street location, require construction of a new street or streets, or have a substantial effect on City services, drainage or adjacent properties; and
 - 3. It does not require the extension of public facilities.
- B. **Name.** The minor plat shall be given a distinct name.
- C. **Requirements.** All requirements of Sections 10.4.6 and 10.4.7 shall be satisfied unless the Administrative Official determines additional information is necessary to ascertain whether sufficient public infrastructure exists.

SECTION 10.4.10 – AMENDING PLAT SUBMITTAL REQUIREMENTS

- A. **Purpose.** An amending plat is a plat which is solely for one or more of the following purposes:
 - 1. To alter the interior lot line or change building setback lines for purposes of a more buildable area without increasing the number of lots;
 - 2. To correct an error in course or distance;
 - 3. To add any course or distance that was omitted;
 - 4. To correct an error in the description of the real property;
 - 5. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments;
 - 6. To show location or character of any monument which has been changed in location or character or was incorrectly shown;
 - 7. To correct scrivener or clerical error or omission; may include, but are not limited to lot numbers, acreage, street names and identification of adjacent recorded plats;
 - 8. To correct error in course or distances of lot lines between two (2) adjacent lots where both lot owners join in the proposed revision and neither lot is abolished but does not attempt to remove recorded covenants or restrictions;

9. To relocate a lot line in order to cure an encroachment of a building improvement on a lot line or an easement;
 10. To relocate lot lines where all owners join in the application for the plat amendment provided that the amendment does not attempt to remove recorded restrictions or covenants or change the number of lots;
 11. To replat one or more lots fronting on an existing street if:
 - a) The owners of all those lots join in the application for amending the plat;
 - b) The amendment does not attempt to remove recorded covenants or restrictions;
 - c) The amendment does not increase the number of lots; and
 - d) The amendment does not create or require the creation of a new street or make necessary the extension of public facilities.
- B. **Note on Plat.** Amending plats shall contain a note describing the correction, framed in a bold line so as to be distinctly visible on the face of the plat.
- C. **Requirements.** All requirements of Sections 10.4.2 and 10.4.6 shall be satisfied for submittal of an application for approval of an amending plat and the following minimum certification shall be added to the owner's dedication on all amending plats: "This plat does not increase the number of lots or alter or remove existing deed restrictions or covenants, if any, on this property."
- D. **Conditions.** No conditions except those pertaining to the accuracy or clarity of the face of the plat or the provision of adequate utilities or payment of delinquent fiscal charges shall be added as a condition of filing an amending plat and no changes may be shown other than as specified in this Ordinance.

SECTION 10.4.11 – REPLAT SUBMITTAL REQUIREMENTS

- A. **Purpose.** A replat is a plat that revises currently platted lots or combines platted and unplatted property.
- B. **Preliminary Plat Submittal.** The Administrative Official may require the applicant to submit a revised preliminary plat prior to City approval of a replat involving four (4) or more lots when, in the opinion of the City Engineer, there is a significant change of street location and/or there will be a substantial effect on City services, drainage or adjacent properties. A final drainage plan may be required by the City Engineer if drainage on adjacent properties will be impacted.
- C. **Requirements.** All requirements of Section 10.4.2 and, if applicable, Section 10.4.6, shall be satisfied for submittal of an application for approval of a replat. In addition, the

following minimum certification shall be noted on the plat: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property." This statement shall also be included in the owner's dedication statement on all replats.

ARTICLE 5 – PROCEDURES FOR PLAT APPROVAL

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. The filing date of a minor plat or amending plat is the date on which the applicant receives the City's initial comments on the minor plat or amending plat. An applicant who is dissatisfied with the decision of the Administrative Official may request that the plat be referred to the Commission for decision. If such a request is made, the filing date shall be in accordance with Subsection (F) of this Section.
- B. **Authority for Approval of Preliminary Plats, Replats, and Final Plats by Commission.** The Commission shall review and approve, approve with conditions or disapprove all preliminary plats, replats and final plats.
- C. **Authority for Approval of Vacation Plats.** After a recommendation by the Planning and Zoning Commission, the City Council shall review and approve or disapprove all vacation plats.
- D. **Conformance.** All preliminary plats, final plats and replats shall substantially conform to any concept or development plan which is part of a planned development district which has been 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 (F) of this Section.
- E. **Plat Review and Conditional Approval of or Disapproval of Plat.** In the event the Commission conditionally approves or disapproves a preliminary plat, final plat or replat, the Commission 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 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 receives such a response from an applicant, the Commission 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 heard by the Planning and Zoning Commission. Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by an applicant, the Commission may approve one (1) Extension of the 30-day action requirement; however, 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.”

SECTION 10.5.2 – EXPIRATION OF PLATS

- A. **Preliminary Plat.** Approval of the preliminary plat expires two (2) years after the approval date. For a phased subdivision, any part of the preliminary plat which has not been final platted shall expire after two (2) years from the completion of the previous phase if a new phase is not started.
- B. **Other Plats.** A final plat, replat, vacation plat, amending or minor plat which has not been recorded in the County Records within two (2) years from the date of approval shall expire.
- C. **Resubmittal.** Upon the expiration of a plat, unless the City makes a determination that the applicant has made progress, as that term is defined by Section 10.5.3, the applicant must resubmit an application for approval, including payment of a fee established by the City Council and complete the review process.
- D. **Extension and Reinstatement Procedure.**
 - 1. Not later than sixty (60) days prior to the lapse of approval for a preliminary or final plat, the property owner may petition the Commission to extend or reinstate the approval. The petition shall be considered at a public meeting of the Planning and Zoning Commission.
 - 2. In determining whether to grant such request, the Commission shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, the extent to which the property owner agrees to abide by newly adopted subdivision regulations, and any changed conditions in the surrounding area which would make an extension undesirable. The Commission shall extend its approval of the plat or deny the request. In the event

the Commission denies extension of the preliminary or final plat, the property owner must submit a new application for approval.

3. The Commission may specify a shorter time for lapse of the extended plat that is applicable to original approvals but shall not extend the period that a preliminary or final plat approval is valid to more than one (1) year from the date the original approval expires.

SECTION 10.5.3 – PROJECT EXPIRATION

A project shall expire on the fifth anniversary of the date the application for the first permit application for the project was filed with the City if no progress has been made towards completion of the project. For purposes of this Section, “project” means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. Progress towards completion of the project shall include any one of the following:

- A. An application for a final plat or plan for development is submitted to a regulatory agency.
- B. A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project.
- C. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located.
- D. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency.
- E. Utility connection fees or impact fees for the project have been paid to a regulatory agency.

SECTION 10.5.4 – MINOR PLAT PROCESSING

All minor plats will be accepted for review in accordance with Section 10.4.2, plat review comments generated and a copy of this review given to the applicant. It will be the applicant's responsibility to revise the plat as needed to receive approval from City Staff. Upon approval of a minor plat, the Administrative Official and City Secretary shall attest to the approval of the plat by signing the plat. If the plat complies with Section 10.5.10 hereof, the Administrative Official will file the plat in accordance with this Ordinance. If the plat does not meet the requirements of this Ordinance, the Administrative Official shall deny the plat.

SECTION 10.5.5 – AMENDING PLAT PROCESSING

- A. **Generally.** An amending plat will be accepted for review in accordance with Section 10.4.2. After an application for approval of an amending plat has been determined to be

complete, the Administrative Official shall forward the application to other City departments for review to determine whether the application complies with applicable ordinances. The Administrative Official shall, within a reasonable time, generate plat review comments, notify the applicant of same. It is the applicant's responsibility to revise the application to meet the requirements of this Ordinance.

- B. **Action.** The Administrative Official shall take action upon the application. Upon approval, the Administrative Official shall sign the plat. If the plat meets the requirements of Section 10.5.10 hereof, the Administrative Official will record the plat. If the plat does not meet with requirements of this Ordinance, the Administrative Official shall deny the plat and provide a written statement to the applicant of the conditions for approval or reasons for disapproval.
- C. **Alternative.** Should any of the conditions imposed pursuant to this Ordinance prove unacceptable to the applicant, the applicant may submit an application for a replat. An amending plat may be submitted and processed as a replat.

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:
 - 1. All required fees shall be paid, including park dedication, if required and tree replacement fees, if required.
 - 2. All plats shall be provided in an electronic format approved by the Administrative Official.
 - 3. All covenants required by ordinances shall be reviewed and approved by the City.
 - 4. On-site easements and rights-of-way shall be properly described and noted on the plat.
 - 5. Off-site easements and rights-of-way shall be dedicated by the respective owners, approved by the City and filed of record with the County.
 - 6. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers shall be shown on the plat.
 - 7. Original tax certificates showing that all taxes are paid, as well as a statement from the City that no outstanding monies are owed to the City shall be presented from each taxing unit with jurisdiction of the real property.
 - 8. A copy of the executed developer's agreement, if one was required to be executed, shall be submitted.

9. For proposed improvements that have yet to be constructed, the required financial assurance and contractor's proof of insurance for any proposed public improvements shall be provided.
 10. Monumentation required by Section 10.10.3 shall be provided.
 11. For proposed improvements that have yet to be constructed, evidence of approval of any necessary permits from the Texas Department of Transportation, any utility district, the U.S. Army Corps of Engineers, or any other state or federal agency shall be submitted.
 12. Any lienholder of the property to be platted must execute a statement on the plat or a separate instrument subordinating the lienholder's interest to the plat and the dedications thereon.
 13. A title report is completed and provided to the City.
 14. It shall be the policy of the City of Joshua that all water and wastewater improvement shall be in accordance with the Johnson County Special Utility District or Bethesda Water Supply Corporation regulations. No plat will be approved without a final approval letter from the JCSUD or BWSC."
- B. **Proof of Ownership.** The applicant shall furnish the City proof of ownership, covering the platted area dedicated to the City. The documents shall reflect that the applicant has fee simple title to the property to be dedicated with no encumbrances except for those liens for which consents have been filed and shall be updated to the date the City Engineer releases the plat to be filed with the County Clerk.
- C. **Recording.** Within fourteen (14) days after plat approval and compliance with all stipulations of approval and the requirements of this Section, the City shall record the plat in the County plat records. The final plat shall not be returned or released to the developer until recorded.
- D. **Original Signatures on Mylar.** All revisions to the plat shall be made prior to running the black-line mylars which are to be signed by the owner, notary, surveyor, and City representatives. The City will then obtain signatures of the appropriate City representatives.
- E. **Copies of Mylars and Indexing.** In addition to County submission requirements, one (1) full size mylar and one (1) full size paper copy shall be submitted, including four paper copies photographically reduced to eight-and-a-half inches (8¹/₂" by eleven inches (11") after obtaining original signatures for filing in the county records. Where more than one sheet is needed, an index showing the entire subdivision shall be added to the first sheet or provided on a sheet of its own to be filed with the plat.
- F. **Special Filings.** In the event that the applicant requests a special filing with the County, a check payable to the City shall be submitted to the City Secretary in the amount of the

appropriate fee and expenses. Fees for special filings of plats shall be set by the City Council.

ARTICLE 6 – PUBLIC WORKS IMPROVEMENTS

SECTION 10.6.1 – GENERAL STANDARDS

- A. **Documents.** Design and construction of public works improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation:
1. The Thoroughfare Plan;
 2. The Texas Manual on Uniform Traffic Control Devices;
 3. The City of Joshua Engineering EDSS and Specifications, as amended;
 4. The American Association of State Highway and Transportation Officials Design Manual;
 5. The Texas Health Code;
 6. The North Central Texas Council of Governments – Public Works Construction Standards, as applicable;
 7. All other codes and ordinances of the City.
- B. **Design Expiration.** If the construction of public works improvements is not completed within three (3) years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current EDSS.

SECTION 10.6.2 - COMMON AREAS

An area retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as a separate lot and labeled as common area on the plat. A homeowners or property owners' association which meets the requirements of Section 10.10.5 must be approved for the area before the final plat is recorded.

SECTION 10.6.3 - FIRE AND POLICE ACCESS

- A. **Generally.** The layout design of a plat must take into consideration the provision of adequate fire and police access.
- B. **Water supply.** Provisions must be made for the extension of water lines and the appropriate placement of fire hydrants as required by the fire department before approval of the final plat. The developer of any parcel under City jurisdiction is responsible to improve the water system to meet current fire flow requirements as indicated by the appropriate municipal water authority.

SECTION 10.6.4 - TIMING OF PUBLIC WORKS IMPROVEMENTS

- A. **Deeds in Escrow.** As a condition of final plat approval, the City Council may require the property owner to deposit deeds in escrow describing by metes and bounds street rights-of-way, park land and easements required by these regulations, conveying such rights-of-way, park land and easements to the City, pending acceptance of improvements by the City and recordation of the final plat. In the event the property owner fails to complete the public works improvements, and the improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery and recording of the deeds in order to complete the improvements as required.
- B. **Installation after Final Plat Approval.** The City Council on request of the applicant may defer the obligation to install one or more public improvements to serve the development until after final plat approval. The request shall be submitted with an application for preliminary approval. If the subdivider elects not to file for preliminary approval, public works improvements shall be installed after approval of the final plat. In either case, deferral of the obligation to install public improvements shall be conditioned on execution of a development agreement and sufficient surety to secure the obligations defined in the agreement.

SECTION 10.6.5 - SANITARY WASTE COLLECTION ACCESS

Each non-residential development that has a refuse facility or location for solid waste collection containers shall provide for safe and convenient access.

SECTION 10.6.6 - RETAINING WALLS

- A. **Material.** All retaining walls shall be constructed of inorganic material such as masonry, brick or stone. Timbers, railroad ties, or wood materials are prohibited.
- B. **Plans required.** Plans for a retaining wall must be reviewed and approved by the City Engineer. The review shall verify the following:
 - 1. That the retaining wall does not encroach on an adjoining property without the consent of the adjoining owner;
 - 2. That the wall is constructed of a permitted material; and
 - 3. The wall is not constructed within a utility easement or without a written waiver or consent from the utility company holding rights to the easement.
- C. **Inspection Required.** A final inspection will not be made until the retaining wall is constructed, been inspected by the City and the requirements of this Ordinance have been satisfied.

SECTION 10.6.7 - FISCAL ASSURANCE

- A. **Performance Bonds; Escrow Agreement.** If the developer requests that building permits be issued for construction on lots within the development prior to completion and acceptance of all public works improvements, and the Administrative Official determines that permits should be issued, the following requirements shall apply:
1. A performance bond meeting the requirements of Chapter 2253, Texas Government Code, shall be provided in an amount of not less than the value of the public works improvements, as determined by the City Engineer, to insure completion of all improvements; or
 2. If the cost of completing the public works improvements at the time the building permits are requested is one hundred thousand dollars (\$100,000) or less, as determined by the City Engineer, cash representing the amount of the cost of completing the improvements, as determined by the City Engineer, may be deposited with a bank as escrow agent pursuant to an escrow agreement, the form and provisions thereof to be approved by the City Attorney, to insure completion of the improvement.
- B. **Model Home.** The Administrative Official may authorize construction of a model home in a subdivision without completion of the public works improvements. The model home shall not be conveyed to a private property owner until the public works improvements have been accepted by the City Engineer on behalf of the City.
- C. **Payment Bond; Assurance of Payment.** Prior to acceptance by the City of any improvements, the developer shall provide one of the following assurances:
1. A payment bond meeting the requirements of Chapter 2253, Texas Government Code, in an amount of not less than one hundred percent (100%) of the approximate total cost of the contract, guaranteeing the full and proper protection of all claimants supplying labor and material for the construction of the improvements, in a form approved by the City and by a surety authorized to do business in Texas; or
 2. If the total contract amount of all public works improvements is fifty thousand (\$50,000) dollars or less, as determined by the City Engineer, or the improvements, regardless of the contract amount, are for a one-lot development, the owner and contractor may, in lieu of furnishing a payment bond, agree to pay and satisfy all claims, liens, charges and encumbrances arising from construction of the public works improvements and furnish a written affidavit signed by the developer, in a form provided by the City Attorney, stating the following:
 - a) All charges, accounts and claims for labor performed and material furnished in connection with the improvements have been paid in full; and

- b) There are no unreleased recorded liens filed against the improvements or land to which they are affixed that are to be dedicated to the public.

- D. **Amount and Acceptability.** The security shall be issued in the amount of one hundred percent (100%) of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The bonds must be issued by a Best-rated surety company that is duly authorized to transact business in the State of Texas; however, the City retains the right to reject any surety company regardless of such company's qualifications or authorization to do business in Texas if the company does not have a resident agent and/or surety does not meet the requirements of Art. 7.19-1 of the Texas Insurance Code. The security shall be subject to the approval of the City Attorney.

SECTION 10.6.8 - MAINTENANCE AND WARRANTY OF IMPROVEMENTS

- A. **Maintenance During Construction.** The property owner shall maintain all required public works improvements during construction of the development.
- B. **Warranty after Construction.** The developer shall covenant to warranty the required public works improvements for a period of two (2) years following issuance of a letter of acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of the cost to construct the improvements guaranteeing the maintenance and good condition of the improvements insuring the repair and replacement of all defective work due to faulty materials and workmanship that appear within a period of two (2) years from the date of acceptance of the improvements by the City. The bonds must be issued by a Best-rated surety company that meets the requirements of Section 10.6.7.d.

SECTION 10.6.9 - INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

- A. **Inspections.** Inspection during construction shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Any significant change to a public improvement required during construction shall be designed by the subdivider's engineer and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public works improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.
- B. **Fees.** The developer shall submit a fee determined by the City as a percentage of the costs of the public works improvements to reimburse the City its administrative costs, inspection, and review fees. Fees shall be based on an opinion of probable cost prepared by the developer's engineer and reviewed and accepted by the Administrative Official.
- C. **Submission of Record Drawings.** The City shall not accept dedication of any required public improvements until the applicant's engineer has certified to the City Engineer,

through submission of a detailed record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved construction plans. Each record drawing sheet shall show all changes made in the plans during construction and on each sheet, there shall be an as-built stamp bearing the signature of the engineer and date. Required formats include:

1. One (1) full-size mylar set (22" x 34" sheet size); and
2. Electronic drawing in AutoCAD and .pdf format of the final plat and water, wastewater and storm drainage layouts.

- D. **Acceptance of Improvements.** Upon completion of the public works improvements in the development, the subdivider's engineer shall certify to the City that the public works improvements have been completed in accordance with the plans and applicable ordinances, the City Engineer shall determine whether the public improvements have been installed in accordance with the approved construction plans and EDSS and applicable ordinances. If so, the City Engineer shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public works improvements to the City for use and maintenance. The City Engineer may accept dedication of a portion of the required public works improvements, provided adequate surety has been given for the completion of all of the other improvements. Upon acceptance of the required public improvements, the City Engineer shall issue a certificate to the property owner stating that all required public improvements have been accepted by the City.
- E. **Disclaimer.** Approval of a preliminary or final plat by the City Council shall not constitute acceptance of any of the public improvements required to serve the subdivision. No public improvements shall be accepted for dedication by the City except in accordance with this Section.
- F. **Acceptance of Improvements for Land in Extraterritorial Jurisdiction.** Where the facilities to be constructed under the development agreement are located within the City's extraterritorial jurisdiction and are to be dedicated to the County in which the land is located, the City Engineer shall inform the county that the public improvements have been constructed in accordance with approved construction plans and are ready for acceptance by the County.

Article 7 – STREET AND RIGHT-OF-WAY REQUIREMENTS

SECTION 10.7.1 – GENERAL

- A. **Thoroughfare Plan.** The streets of a proposed development shall conform generally to the location and classification of streets shown on the Thoroughfare Plan as shown in the City's Comprehensive Plan. The City's Engineer shall determine final alignment and related right-of-way dedications.
- B. **Continuity of Street Systems.** Proposed streets for a subdivision shall be effectively related to the present and future street system and development of the surrounding area. Any proposed streets shall provide for appropriate continuation or completion of any existing streets, whether constructed or dedicated, which project to the exterior boundary of a proposed subdivision or are adjacent to the subdivision.
- C. **Substandard Street Improvements.** Where an existing thoroughfare that does not meet the City's right-of-way or EDSS abuts a proposed subdivision, the City may require that the entire width of the right-of-way be dedicated and/or improved to the City's EDSS, based upon factors including the impact of the proposed development on the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of this development in relation to need for improving the road, the impact of the traffic on the road and City's roadway system as a whole. Any required improvements to substandard streets shall be limited to the effective frontage of the proposed development for half the width of the required roadway section.
- D. **Layout.** The street layout shall be in conformity with a plan for the most advantageous development of the entire neighborhood. Whenever the proposed development contains or is adjacent, or parallel to a railroad right of way or a major thoroughfare or freeway, provision shall be made for a street approximately parallel to and on each side of such right of way to provide reasonable use of the intervening land.
- E. **Participation in Costs of Improvements.** The City may participate in the costs of improvements required by this Section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. The construction of improvements and the provisions for participation in costs by the City shall be included in a developer's agreement.

SECTION 10.7.2 - STREET AND DRIVEWAY ACCESS

- A. **Access.** To insure adequate access to each subdivision, there should be at least two (2) points of ingress and egress to the City's improved thoroughfare system for developments of more than thirty (30) units. The City may require that more than two (2) access points be constructed if the configuration, number of lots, or other circumstance creates the need for the additional access points. "Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) road entrances

accessing the subdivision from the City's improved thoroughfare system. In cases where the shape of the land does not allow for two (2) points of ingress or egress, a single median divided entrance with a minimum length of two hundred feet (200') may be approved by the Commission.

B. Limitations on Driveway Access.

1. To minimize traffic hazards created by numerous intersections along major thoroughfares, where a residential subdivision will abut on or contain an existing or proposed arterial street, the street shall be designed so that direct vehicular access from any residential lot to such arterial street is prohibited. Where other means of access are not available or permitted, the Commission may approve use of private easements for access. The street system should be designed to allow a minimum of individual access drives to collector streets or constructed to a wider alternative section to allow for individual access drives.
2. Streets shall be designed to conform to existing or proposed driveway openings including those on the other side of an existing or planned median-divided arterial. In this case new streets shall align with such driveway openings such that median openings can be shared.
3. To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency. No more than twenty percent (20%) of the total centerline length of a collector street may have residential lots fronting onto the collector on each side of the street without constructing to a wider alternative section.
4. If, in the opinion of the City Engineer, traffic safety concerns so necessitate, the Engineer may require a residential subdivision to be designed to provide rear entry access from a private access easement or alley.
5. For collector or arterial streets which provide limited or no individual access to a lot or lots, the City Engineer may require the following note be placed on the face of any plat intended to be filed in the county plat records. "No lot within this addition shall be allowed driveway access onto _____ Street".

C. Reserved Strips/Spite Strips. The reservation of private ownerships of strips of land at the end of or alongside proposed or existing streets intended solely or primarily for the purpose of controlling access to property not included in the development is prohibited.

1. In those instances where any public street is established in a plat submitted to the City and where such public street forms a stub street into adjacent acreage or where such public street lies along and parallel with the plat boundary and adjacent to acreage, a one foot (1') wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent acreage to prevent access to this public street from the adjacent acreage unless and until the City has had an opportunity to review the

development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one foot (1') reserve area on a plat are contained in the following notation which must be placed upon the face of any plat where a one foot (1') reserve area is to be established:

- a) One foot (1') reserve area dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one foot (1') reserve area shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall not revert to and revest in the dedicator, his heirs, assigns or successors.

- D. **Half-Streets.** Partial or half streets may be required to be dedicated in those instances where the City concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City will not approve a partial or half street dedication within a subdivision dedicating less than a fifty foot (50') right-of-way width on a designated major thoroughfare or less than a thirty foot (30') right-of-way width on any other type public street. Appropriate notations and a one foot (1') reserve area note shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Ordinance.

- E. **Emergency Access.** Each subdivision shall be designed to provide adequate emergency access for public safety vehicles.

SECTION 10.7.3 - RIGHT-OF-WAY REQUIREMENTS

- A. **Generally.** The applicant shall be required to dedicate right-of-way for streets shown on the Thoroughfare Plan, or as required in this section for all streets, or parts thereof, within or at the perimeter of the subdivision. Such roadways are shown on the City's Thoroughfare Plan and all affected areas being platted are required to conform to this plan. The design speeds, right-of-way and pavement widths, street classifications, drive lanes, edge lanes, median requirements, shared use areas and center turn lanes shall be as set forth and amended in the City of Joshua r Thoroughfare Plan. The street classifications are as follows: Primary Arterial, Minor Arterial, Collector streets and, Local (Residential) streets.
- B. **Additional Right-of-Way.** Additional right-of-way may be required for the following purposes:
 - 1. At intersections where adjacent property is shown on the City's Zoning Map for commercial, industrial, or other high intensity use to provide free right turns, center turn lanes, or other beneficial alignments intended to alleviate existing or potential traffic congestion; or

2. To eliminate street intersection offsets, as determined by the City Engineer; or
 3. When necessitated by one or more of the factors set forth in Section 10.7.1.
- C. **Slope Easements.** The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3) horizontal run to one foot (1') vertical height, or a three-to-one (3:1) slope.

SECTION 10.7.4 - STREET DESIGN STANDARDS

- A. **Curvilinear Design Requirements.** Curvilinear streets will be required in at least twenty (20%) percent of the streets in residential subdivisions as measured by street centerline length. Horizontal curve design must be such that safe travel through the curve can be anticipated at the design speed for the roadway. In no case shall the centerline horizontal curves be less than as shown in the EDSS.
1. Curves proposed for the right-of-way of designated shall have a centerline radius of two thousand feet (2,000') or more. Reverse curves should be separated by a tangent distance of not less than one hundred feet (100'). Intersections with other public and/or private streets should be at right angles but may vary not more than five (5) degrees. Where acute angle intersections are approved, a radius of at least twenty-five (25') in the right-of-way line at the acute corner shall be provided.
 2. Curves proposed for the right-of-way of designated collector streets shall have a centerline radius of eight hundred feet (800') or more. Reverse curves should be separated by a tangent distance of not less than one hundred feet (100'). Intersections with other public and/or private streets should be at right angles but may vary not more than five (5) degrees. Where acute angle intersections are approved, a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner shall be provided.
 3. Curves along local streets may have any centerline radius, except that the centerline radius on a reverse curve may not be less than three hundred feet (300'). Reverse curves should be separated by a tangent distance of not less than fifty feet (50'). The angle of local street intersections may not vary more than ten (10) degrees from perpendicular. Where acute angle intersections are approved, a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner must be provided.
- B. **Design Speed.** Streets should be designed for a maximum speed based upon their classification, as set forth in Section 10.7.3.A.
- C. **Intersections.**

1. All thoroughfares shall be continuous or in alignment with existing streets, unless variations are deemed advisable by the Commission and City Council upon consideration of the City Engineer's recommendation.
2. Off-center street intersections in which intersections are closer than two hundred feet (200') for arterials and collectors or one hundred twenty-five feet (125') for local streets shall not be approved except in unusual cases.
3. More than two (2) streets intersecting at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Where several streets converge at one point, setback lines, special rounding or cutoff of corners and/or a traffic circle may be required to insure safety and facility of traffic movement.
4. No street shall intersect any other street at an angle of less than seventy-five (75) degrees.
5. The number of minor or local street offsets shall be minimized but, when approved, shall be offset a minimum distance of one hundred twenty-five feet (125') on center lines. At the intersection of two (2) collector and/or arterial streets, no offsets are permitted.
6. Acute angle intersections approved by the City Engineer are to have twenty-five feet (25) or greater radii at acute corners.

D. Hierarchy of Street Pattern.

1. Where a development will abut or contain an existing or proposed major thoroughfare, a plan shall be approved which would provide a minimum number of intersections along each major thoroughfare.
2. Major thoroughfares should be intersected only by other major thoroughfares or collector streets rather than minor (local) streets.
3. There shall be a minimum of two thousand feet (2,000) between intersections of arterials and/or collector streets.
4. Median breaks at intersections of arterial streets and/or collector streets must be at an interval of six hundred feet (600') or greater.
5. Street layout shall provide for continuation of collector streets in areas between thoroughfares.
6. Local streets shall extend to the tract boundary to provide future connection with adjoining unplatted lands.
7. Collector streets may intersect major thoroughfares upon specific approval of the City Engineer and the Administrative Official.

8. Residential or local streets shall be planned to serve only local traffic.
- E. **Horizontal Alignment and Vertical Alignment.** Horizontal and vertical alignment shall be in accordance with the City's EDSS. Reverse circular curves having a common tangent shall be separated by a tangent section in accordance with the minimum tangents set forth in the EDSS.
- F. **Street Cross Slopes.** For drainage, all streets shall have a cross slope. Cross slopes shall be as defined in the City's EDSS.
- G. **Street Drainage.**
 1. Topographic maps with contour intervals of two feet (2) (or less) and details of existing drainage structures and watercourses shall be submitted along with calculations for all watersheds affecting areas of the proposed storm drain design. Drainage design shall be computed as noted in the drainage section of this Ordinance and as set by the EDSS. Maps showing the delineation and flow from each drainage area must be included in the plans along with all hydraulic calculations. Street and drainage profiles shall show the location of the hydraulic grade line.
 2. No streets shall be designed or constructed to a grade less than established in the EDSS.
- H. **Curb Radii.** Radii at street intersections shall not be less than twenty feet (20') for residential streets and thirty feet (30') for thoroughfare streets. If necessary, property lines shall be adjusted accordingly.
- I. **Modifications.** If existing topographic features prohibit the reasonable use of the above-specified design requirements, the City Engineer may approve a modification. A request for the modification must be made in writing to the City and must include an accurate topographic map of the area in question showing the proposed design.
- J. **Cul-de-Sacs.**
 1. A maximum number of twenty-nine (29) dwelling units are permitted on a permanent cul-de-sac street.
 2. Cul-de-sac length shall be a minimum of one hundred fifty feet (150') and a maximum of six-hundred feet (600'). However, the City Engineer may modify this length requirement if an alternative standard is appropriate due to the density of development, conditions of topography, lot sizes and other significant factors.
 3. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround must be not less than fifty feet (50') except in those instances where storm sewers are not planned to be installed and storm drainage is proposed

to be accommodated within the street right-of-way. A right-of-way radius of sixty feet (60') shall then be provided.

- K. **Block Lengths.** Residential block length shall be a minimum of five hundred feet (500') and a maximum of one thousand feet (1000'). However, the City Engineer may modify this length requirement if an alternative standard is appropriate due to the density of development, conditions of topography, lot sizes, or the surrounding platted subdivisions or circulation requirements. Extremely short block lengths should be avoided to eliminate the potential for increased traffic congestion created by too many intersections. The maximum length for blocks adjacent to designated major thoroughfares shall be not more than one thousand five hundred feet (1,500'). The maximum length for blocks adjacent to designated collector streets shall be not more than one thousand two hundred feet (1,200').

L. **Temporary and Permanent Dead-End Streets.**

1. Temporary dead-end streets shall be permitted when adjacent property is undeveloped and a future extension or connection is to be made. In such cases, the right-of-way must extend to the boundaries of the plat. Street stubs shall be provided into adjacent property at a minimum of one thousand feet (1,000') apart.
2. Barricades and other traffic controls shall be installed by the developer at temporary dead ends as required by the EDSS.
3. In the event that dead end streets either dedicated or constructed are not to be extended, permanent turn around facilities shall be constructed by the developer not extending such street. Appropriate provisions shall be made for access to adjoining undeveloped land.
4. Temporary paved turn-arounds which meet the requirements of the EDSS are to be provided at ends of streets more than one lot deep that will be extended in the future.

- M. **Street Names.** All public streets contained in any subdivision plat approved by the City shall be named in accordance with the following considerations:

1. Names for new streets shall not duplicate the name of any existing street located within the city or its area of extraterritorial jurisdiction.
2. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) except in those instances where the existing street name is a duplicate street name.
3. Street name suffixes such as court, circle and loop should be designated on streets which are cul-de-sacs or in a configuration of a loop street. Suffixes such as boulevard, speedway, parkway, expressway and drive should be confined to

designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as highway or freeway shall be used only to designate highways or freeways falling under the jurisdiction of TxDOT.

4. Street name prefixes such as north, south, east and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
5. Alphabetical and numerical street names shall not be designated on any subdivision plat or development plan except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
6. Permitted private streets shall be named in accordance with the provisions of this section.
7. Once designated, no street name may be changed except by City ordinance.

SECTION 10.7.5 - DEFERRAL OF OBLIGATION

- A. **Generally.** Upon request of the applicant, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on a subdivision application may be deferred to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a developer's agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.
- B. **Options.** Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the subdivision is less than one hundred percent (100%), the City in its sole discretion, may participate in the excess costs for one or more improvements, or aggregate the costs of improving multiple thoroughfares or intersections identified in the traffic impact analysis as required in Section 10.7.10, and require improvements to only some of the thoroughfares or intersections affected by the development.

SECTION 10.7.6 - PAVING REQUIREMENTS

- A. **Streets.** All streets shall be constructed and paved to City standards and within right-of-way and in accordance with the City's EDSS. All streets, public and private, excluding residential areas where lot size is three-quarters (3/4ths) of an acre or larger, shall include curb and gutter drainage with enclosed underground conduit and soil samples for determining the plasticity of the natural soils will be taken at locations specified by the developer's engineer and approved by the City Engineer.

- B. **Parking Lots.** Parking lots shall be constructed as stated in the parking provisions of the Zoning Ordinance.

SECTION 10.7.7 - PRIVATE STREETS

- A. **Generally.** The City shall not approve a development with private streets unless the requirements of this section are satisfied. If approved, a homeowner's or property owners' association shall be responsible for the cost of maintenance of private streets.
- B. **City Services.** The City has no obligation to maintain private streets. Depending on the characteristics of the subdivision, the City may decline to provide certain other services, such as routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports.
- C. **Maintenance Standards.** Maintenance, amenities, and landscaping of private streets shall conform to the same standards regulating the maintenance, amenities, and landscaping of public streets.
- D. **Retention of Easements.** The developer shall dedicate a utility, drainage, and emergency access easement in private streets for the City and other utility companies for the following purposes:
1. To provide unrestricted use of the property for utilities and their maintenance;
 2. To extend easement rights to all utility providers including cable companies operating within the City;
 3. To provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement; and
 4. To permit the City to remove any vehicle or obstacle within the private street lot that impairs emergency access.
- E. **City Assumption of Maintenance.** The covenants of the deed restrictions shall provide that if the homeowner's association, its successors or assigns, fails or refuses to adequately maintain private streets and related appurtenances, the City shall have the right, but not the obligation, to assume temporarily the duty of performing the association's maintenance obligations. Such assumption of maintenance may take place at any time after the expiration of sixty (60) days after receipt by the association, its successors or assigns of written notice from the City specifying the nature and extent of the failure to maintain.
1. Upon assuming maintenance obligations, the City shall have the right to collect, when they become due, the assessments levied by the homeowner's association for the purposes of repairing and maintaining the private streets and related

appurtenances, and if necessary, the City shall have the right to enforce the payment of delinquent assessments in the manner set forth in the association's documents.

2. The City shall also have the right to levy an assessment upon each lot on a pro rata basis for the cost of such maintenance, which assessment shall constitute an assessment lien upon the lot against which each assessment is made.
3. Under no circumstances shall the City be liable to the association or any lot owner or their respective heirs, successors or assigns for negligent acts or omissions relating in any manner to maintaining, improving and preserving the private streets and related appurtenances.

F. Access Restrictions.

1. Each entrance to a private street shall be marked with a sign stating that it is a private street.
2. Either a guard house or an access control device such as a gate or cross arm shall be constructed at each entrance.
3. All restricted access entrances shall be staffed twenty-four (24) hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the City and other utility service providers with appropriate identification.
4. If the association fails to maintain reliable access as required to provide City services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the homeowners' or property owners' association.

G. Restricted Access Entrance Design Standards. Private streets which have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

1. The street must have a minimum uninterrupted pavement width of twenty-four feet (24') at the location of the access control device.
2. If an overhead barrier is used, it shall have a minimum height above the road surface as required by the Fire Code for fire lanes.
3. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the Fire Department before installation.
4. The gates, cross arms, and access control devices shall be tested and accepted by the Fire Department before being put into operation;

5. Gate designs may incorporate one or two gate sections to meet the required minimum width of twenty-four feet (24').
 6. If the entrance incorporates a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the Fire Department. This approval shall be contingent upon the subdivision having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than fifteen feet (15').
- H. **Visitor Entrance Design Standards.** At least one entrance to a subdivision with private streets shall be equipped for visitor access. In addition to the above Restricted Access Entrance design standards, the visitor entrance shall be equipped with a call or code box located at least fifty feet (50') from the boundary of the subdivision to provide for visitors calling in an automobile queuing. A turn-around space with a minimum outside radius of thirty feet (30') shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a "head out" position. A sign shall be erected next to the edge of such turn around space to prohibit vehicle parking in such space. A residents' entrance used in combination with a visitor entrance shall comply with the requirements of this subsection.

SECTION 10.7.8 - SIDEWALKS

- A. **Requirements Generally.** Sidewalks shall be constructed by the developer along the frontage of their property for any developments adjacent to any collectors and arterials. For residential developments, sidewalks shall be constructed on both sides of internal streets. This requirement shall include the dedication of necessary right-of-way or pedestrian access easement and the construction of sidewalks according to the specifications provided herein.
- B. **Requirements for Non-Residential Subdivisions.**
1. The developer or builder of a non-residential subdivision shall install sidewalks along the tract being developed adjacent to all arterial and collector streets, including all development adjacent to State maintained roads as per Texas Department of Transportation requirements. Sidewalks shall be constructed either one foot (1') from the property line within the street ROW or within a dedicated sidewalk easement and shall extend along the street frontage including the side of corner lots and block ends. When, in the opinion of the Administrative Official, a non-residential development is located in an area to which sidewalks would not provide a benefit to the public, the requirement for sidewalks to be constructed and dedicated may be waived.
 2. Sidewalks shall be constructed in parking areas to assure safe pedestrian access from parking spaces to structures and shall be constructed so as to assure uninterrupted connections between existing pedestrian walkways.

3. Each developer and/or builder of a non-residential subdivision shall construct sidewalks at the time of construction of the development. In those circumstances where a sidewalk would impact the construction of driveways and access walks, the sidewalks shall be constructed before the City's final building inspection. A certificate of occupancy will not be issued until required sidewalks are in place.
 4. Construction plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
- C. **Sidewalk Specifications.** All sidewalks shall be designed and constructed in accordance with the requirements of the EDSS. They shall be at least four feet (4') wide within a residential subdivision and at least five feet (5') wide in a nonresidential subdivision.
- D. **Americans With Disabilities Act (ADA) Access Ramps.**
1. An ADA access ramp shall be constructed at any point a proposed sidewalk intersects a street with the exception of walks leading from the street to the door of a residence. If there is no sidewalk, provisions shall be made for an ADA access ramp at each corner of an intersection. Access ramps must be constructed with a maximum one inch (1") expansion material between the street and ramp flush with the finish grade.
 2. Care shall be taken to ensure a uniform grade meeting ADA requirements on the ramp, free of sags and short grades.
- E. **Maintenance.**
1. It shall be the duty and obligation of the owners and occupants of real property abutting upon sidewalks, at their own cost and expense, to maintain and keep the sidewalks bordering their property level and free of depressions, excavations, elevations, inconsistencies, obstacles, obstructions or encroachments, natural or artificial, above or below ground level, or which overlap, impinge upon, or appropriate any part of the sidewalk area or the space eight feet (8') above it.
 2. Any damage done to a sidewalk by the City or a City-hired contractor shall be repaired by the City or contractor.
 3. Any damage done to a sidewalk by a utility shall be repaired by the utility.

SECTION 10.7.9 - STREET APPURTENANCES

- A. **Generally.** The cost and installation of the following items are the responsibility of the developer and are required at the time the infrastructure improvements are constructed:
1. Street lights, where required.

2. Traffic signals.
 3. Traffic signs and street name blades.
 4. Pavement markings.
 5. Temporary traffic control devices for use during construction.
- B. **Street Lights.** Any new development in the City shall provide street lights in accordance with the EDSS. The developer is responsible for engineering, material, installation, and activation of street lights as required by the approved street lighting plans. All plan approvals and construction scheduling must be coordinated through the Administrative Official.
- C. **Traffic Signals.** When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development in accordance with the Texas Manual on Uniform Traffic Control Devices. The developer is responsible for engineering, material, and construction of the upgrade to the existing signal.
- D. **Traffic Signs and Street Name Blades.** The developer shall supply, erect, and install all of the required traffic signs and street name blades as determined by the City Engineer. All signs must be specific to the neighborhood development, in accordance with the EDSS. The developer is responsible for supplying all necessary posts, hardware, and concrete to complete the sign assembly installation.
- E. **Specialty Signs and Lighting.** Specialty lighting and signs shall not be approved unless provision is made for maintenance by a homeowner's or property owners association.
- F. **Pavement Markings.** The developer shall install pavement markings necessary to serve the property being platted in accordance with the approved plans.
- G. **Traffic Control During Construction.** The developer is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, and the Texas Department of Transportation. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings.
- H. **Speed Humps.** Speed humps shall not be permitted on City streets without approval of the City Council.

SECTION 10.7.10 - TRAFFIC IMPACT ANALYSIS REQUIRED

- A. **When Required.** Every application for a proposed development that generates traffic in excess of one thousand (1,000) average daily trips based upon the latest edition of the

Institute of Transportation Engineers (ITE) Trip Generation Manual, or with respect to an application which the City Engineer determines has the characteristics that necessitate analysis, shall be accompanied by a traffic impact analysis based on the ITE Manual, prepared by the developer at the developer's expense in accordance with standard transportation engineering practices. The analysis shall be prepared for purposes of determining the adequacy of the road network to serve the proposed subdivision, and whether off-site road dedication and improvements are necessary to mitigate the effects of the proposed subdivision.

- B. **Requirement for Update.** An updated traffic impact analysis shall be submitted by the applicant with each final plat submitted for approval if, in the opinion of the City Engineer, the final plat changes significantly (i.e., add lots, modifies or adds street connections, etc.) from the approved Overall Development Plan.
- C. **Analysis.** The traffic impact analysis shall determine (1) trips to be generated by the proposed subdivision; (2) assignment of such trips to the road network analyzed; (3) the capacity of affected thoroughfares before and after the proposed subdivision; (4) specific recommendations for thoroughfare improvements and traffic control modifications needed to mitigate the traffic from the proposed subdivision; and (5) the subdivision's proportionate share of the costs of such improvements and modifications.
- D. **City Evaluation and Action.** The City Engineer shall evaluate the adequacy of the applicant's traffic impact analysis. Based upon such evaluation, the City Engineer shall determine (1) whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare and (2) the extent of the applicant's obligations to make such dedications or improvements.

SECTION 10.7.11 - ALLEYS

- A. Alleys may be provided within a subdivision to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street or approved common or compensating open space or courtyard which is adjacent to a public street. Private alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.
- B. Private alleys shall have a right-of-way width of not less than fifteen feet (15'). All corners at the intersections of alley rights-of-way with public streets or other alleys must have at least a twenty-five foot (25') radius or ten foot (10') angular cutbacks provided. Curves in alleys should be kept to a minimum. Reverse curves in alleys should be separated by a tangent distance of not less than fifty feet (50').
- C. No dead end or cul-de-sac alleys will be permitted.
- D. All private alleys as provided in this section shall be constructed in accordance with City minimum construction standards for community improvements.

- E. In any development where private alleys are dedicated, a properly recorded owner's agreement covering the maintenance of those private alleys is required. Additionally, the following statement shall appear on the face of the plat: The City does not maintain private alleys.

ARTICLE 8 – WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS

SECTION 10.8.1 – WATER AND WASTEWATER IMPROVEMENTS

- A. **Approval Required by Johnson County Special Utility District or Bethesda Water Supply Corporation regulations.** All water and wastewater improvements shall conform to the Johnson County Special Utility District or Bethesda Water Supply Corporation regulations. No plat will be approved without a final approval letter from the JCSUD or BWSC.

SECTION 10.8.2 - DRAINAGE IMPROVEMENTS

- A. **Generally.** An adequate storm sewer system consisting of inlets, pipes, channel improvements or grading, driveway adjustments, or other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as established by the City Engineer, will not be considered for development until adequate drainage has been provided. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through, and originating within the subdivision. Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.
- B. **Design Criteria.** The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to the EDSS. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. All storm drainage facilities must be designed and constructed to safely drain a fully-developed 100-year return frequency flood as outlined in the EDSS, as amended.
- C. **Lot to Lot Drainage.** Storm water drainage from one lot onto another shall not be allowed unless such drainage poses no harm or inconvenience to the downstream property owner(s), unless specifically approved by the City Engineer, and unless the necessary off-site drainage easements are procured on the affected properties, or if applicable, where drainage appears to cause harm and inconvenience, letters of permission from the property owner have been obtained and approved by the City.
- D. **Developer Responsibilities.** The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backlot and side lot drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities.

The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

- E. **Layout Requirements.** To reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned to minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction. All erosion and sedimentation controls shall conform to the EDSS.
- F. **Runoff.** No proposed development shall be constructed which impedes or constricts runoff from an upstream watershed.
- G. **Floodplain.** Land subject to flooding, as designated in a FEMA 100-year floodplain, shall not be platted for residential occupancy, nor shall it be platted for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Lots may be platted which include designated floodplain; however, the lot must contain sufficient buildable area outside of the designated floodplain, based on current zoning requirements.
- H. **Detention and Retention Ponds.** Detention or retention ponds shall be required to limit the peak rate of discharge to rates which will not cause an increase in flooding or channel instability downstream when considered in conjunction with ultimate watershed development and downstream drainage capacities. Design of the pond shall be in accordance with the criteria established in the EDSS.
- I. **Funding.** The owner or developer shall fund and construct all storm drainage outfalls necessary to safely and adequately drain the development.
- J. **Creeks and Drainage Areas.** All creeks and drainage areas shall be preserved and protected in their natural condition wherever possible. All development adjacent to creeks and drainage areas shall be in accordance with the City's EDSS, and with any other City policies or ordinances related to public access or recreational use of waterways. Sheet flow into drainage channels or creeks shall be limited to non-erosive velocities as determined in the EDSS.
- K. **Bridges.** Bridges or culverts shall be constructed at all street locations where flow patterns cross the street and are not intercepted by an underground storm sewer system or appropriate concrete valley gutter.

SECTION 10.8.3 - FIRE HYDRANTS AND FIRE LANES

- A. **Generally.** Fire hydrants with valves shall be installed at each street intersection and at a minimum of five hundred foot (500') spacing in any residential subdivision and three hundred foot (300') spacing in all other zones. Additional fire hydrants shall be placed as necessary such that all ground portions of all buildings in the subdivision can be

reached with a normal three hundred foot (300') lay of fire hose. In most instances, commercial buildings will be required to have fire suppression systems and fire spigots in addition to the normal fire hydrants.

B. Specifications.

1. Fire hydrants shall be located no further than fifteen feet (15') from a street or fire lane, except as approved by the City based on feasibility.
2. Fire lanes shall not be narrower than twenty-four feet (24').
3. Blue pavement reflectors, meeting the criteria of the fire department, shall be installed at the center of the street(s) adjacent to each fire hydrant location.

- C. Blocking.** Fire hydrants, valves and pipe ends shall be blocked with unreinforced concrete of at least 2,500 pounds per square inch (psi) as shown in the City's standard water details in the EDSS. If the EDSS does not provide standards for blocking for a particular situation, then the North Central Texas Council of Governments (NCTCOG) details shall be met. In no instance shall rocks be in contact with the pipe or fittings.

ARTICLE 9 – ELECTRIC UTILITY REQUIREMENTS

SECTION 10.9.1 - UNDERGROUNDING REQUIRED

- A. **Generally.** All electric lateral and service lines throughout the interior of residential subdivisions shall be placed underground and in dedicated easements. This provision does not require the underground installation of transmission lines or of feeder lines placed along the perimeter of a subdivision.
- B. **Appurtenances.** Wherever electric lateral and service lines are required to be placed underground, lines carrying telephone service, data transmission, cable television, and street lighting shall also be placed underground.
- C. **Supporting Structures.** Within the interior of residential subdivisions, all electrical, telephone, data transmission, or cable television support equipment necessary for underground installation, including transformers, amplifiers, switching devices, etc., shall be pedestal- or pad-mounted, or shall be placed underground.

SECTION 10.9.2 - OWNER TO BEAR COST

- A. **Responsibility.** The developer shall arrange to reimburse the utility company for the difference in cost between the installation of such service and the installation of equivalent overhead service in accordance with the provisions of the utility's tariff, if any.
- B. **Arrangement for Payment.** No utility shall be required to begin construction of underground facilities unless and until the owner has made arrangements satisfactory to the utility company for the payment of the difference between the cost of overhead facilities and underground facilities.

SECTION 10.9.3 – TEMPORARY SERVICE AND EXEMPTIONS FROM UNDERGROUNDING REQUIREMENT

- A. **Temporary Service.** Temporary service during construction may be provided by overhead utility lines and facilities prior to activation of the underground service. Following activation of the underground permanent service, the temporary overhead service shall be removed within forty-five (45) days.
- B. **Existing Facilities.** Nothing in this Ordinance shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.

ARTICLE 10 – MISCELLANEOUS REQUIREMENTS

SECTION 10.10.1 - LOTTING REQUIREMENTS

- A. **Fronting Street.** Each lot shall abut on a public street or a private street. Private streets will be allowed only if approved by the Commission and the City Council and if the standards set forth in this Ordinance are met.
- B. **Minimum Size.** All lots that are not served by a public or quasi-public community wastewater system, shall contain a minimum lot area as required by the City of Joshua to support a private septic tank and leach field.
- C. **Double Fronted Lots.** Double fronted residential lots are only allowed where lots backup to an arterial or collector street and when no access allowed from these lots to the arterial or collector street. The City Engineer may also require that access be limited to collector streets for lots which have double frontage. Where lots have double frontage, building set back lines shall be established for each street frontage. Setbacks shall be defined as per the Zoning Ordinance with the front of the lot established on the street with the lesser classification. If both streets are of the same classification, the Administrative Official shall determine which street is designated as the front of the lot.
- D. **Side Lot Lines.** All side lot lines shall be perpendicular to the right-of-way lines or radial in the case of a cul-de-sac or curvilinear design.
- E. **Corner Lots.** All corner lots within the City shall have setback lines on both streets as required by the Zoning Ordinance.
- F. **Conformance with Zoning Ordinance.** All lots within the City shall meet the requirements of the Zoning Ordinance or where applicable, the requirements in an approved development agreement for a subdivision within the extraterritorial jurisdiction of the City.
- G. **Irregular-Shaped Lots.** Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements and shall provide a building pad without encroachment into front, side or rear yard setbacks or into any type of easement. The rear lot width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection. Key or flag lots may be permitted under unusual circumstances; however, the narrowest part of such a lot, being the staff portion of the flag lot, shall not be less than twenty feet (20') in width or have a length of more than two hundred feet (200'). Such lot shall also be restricted to prevent the construction of any building, structure, wall or fence within the staff portion of such lot, and the staff portion of such lot shall be restricted for access to such lot only. Such restrictions shall be shown on the face of the subdivision plat in the form of a notation or a part of the dedicatory language on the plat.

- H. **Access Limitation.** Residential lots shall not have direct access onto thoroughfare streets, except as provided in Section 10.7.2b1, and direct access from residential lots shall be permitted on collector streets only where design conditions do not permit any other possibility.

SECTION 10.10.2 - SIGHT TRIANGLE REQUIREMENT

- A. **Restriction.** There shall be no tree, shrub, plant, sign, soil, fence, retainer wall or other view obstruction having a height greater than two feet (2') within the sight triangle. This height shall be measured above a line drawn between the top of curb or edge of pavement of both streets at the point where the referenced line intersects the top of curb or edge of pavement. The sight triangle shall be the triangle made by extending twenty-five feet (25') along each property line from the property corner at an intersection.
- B. **Exemption.** This restriction shall not apply to trees within the triangle having a diameter of less than twelve inches (12") when such trees are trimmed at all times so that no branch or growth is less than nine feet (9') above the above referenced measurement line.
- C. **Plat Notation.** All final plats which depict intersections of public right-of-way shall have the following statement on the face of the plat prior to filing in the county plat records. "The owners of all corner lots shall maintain sight triangles in accordance with the City's Subdivision Ordinance."

SECTION 10.10.3 - MONUMENTS AND MARKERS

- A. **Permanent Survey Reference Monuments.** Concrete monuments, eight inches (8) in diameter and twelve inches (12") long, shall be placed on all boundary corners which are along existing dedicated right-of-way at the perimeter of the subdivision. A five-eighth inch (5/8") diameter iron rod having a minimum length of eighteen inches (18") shall be placed flush with the top and at the center of the concrete monument. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be flush with or just below the finished ground elevation.
- B. **Installation of Monuments.** Monuments shall be installed before the recording of the final plat. The subdivider may install monuments after the recording of the final plat and after completion of improvements provided the subdivider furnishes the City a letter of assurance certifying the monuments will be installed as required. All monuments shall be installed prior to acceptance of public works improvements in the subdivision.
- C. **Monuments in Streets.** When placing of monuments in streets is postponed, adequate ties to the boundary line shall be shown on the plat in order that monuments may be correctly located and installed following the paving of streets.

- D. **Benchmark Monuments on Headwalls.** A brass cap approximately two inches (2") in diameter shall be placed on top and at one end of all culvert headwalls within or at the perimeter of the development. Prior to acceptance of the subdivision, the subdivider's surveyor shall provide a letter certifying the elevation of the brass cap conforms to the National Geodetic Vertical Datum of 1929 (NGVD 1929).
- E. **Monument Verification.** Prior to acceptance of public works improvements by the City, the developer's surveyor or engineer shall certify that all monument and markers are in place and correctly positioned
- F. **Markers.** Lot markers shall be iron pins not less than one half inch (1/2") in diameter and not less than eighteen inches (18") long and shall be set flush with the ground at each corner lot.
- G. **Corners.** Lot markers for all lot corners shall be set prior to the acceptance of the public improvements in the subdivision and shall be marked in a way that is traceable to the responsible registrant or associated employer.

SECTION 10.10.4 - DIGITAL DATA REQUIREMENTS

Prior to acceptance of the subdivision, the subdivider shall provide a digital computer file or files of the subdivision containing the coordinate geometry for the subdivision boundaries, lot lines, right-of-way, street centerlines and easements in a format and on media compatible with the City digital system (AutoCAD, dwg and .pdf).

SECTION 10.10.5 - HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATIONS

- A. **Applicability.** When a development contains common areas, entry features, screening walls, open space or other improvements not intended to be dedicated to the City for public use, a homeowners' or property owners' association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state laws.
- B. **Dedication.**
 - 1. The common areas shall be shown on the final plat as separate lots, along with an adequate form for dedication. This dedication form shall include language which saves the title to common area properties for the benefit of the homeowners' or property owner's association and expresses a definite undertaking by the developer to convey the common area properties to the homeowners' association.
 - 2. All facilities, structures, improvements, systems, areas or grounds to be operated, maintained and/or supervised by an association, other than those located in public easements or rights-of-way or public parks dedicated to the City, shall be dedicated by easement or deeded in a fee simple ownership interest to such association.

- C. **Responsibilities.** The property owners' or homeowners' association mandated by this ordinance shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, area between screening walls or living screens and adjacent curbs or street pavement edges, areas adjacent to drainage ways or drainage structures, and at subdivision entryways.
- D. **Legal Requirements.** To assure the establishment of a permanent homeowners' or property owners' association, including its financing and the rights and responsibilities of the owners in relation to the use, management and ownership of common areas or common property, the plat, dedication documents, covenants, and other recorded legal agreements must provide for the following:
1. Creation of an automatic membership, nonprofit homeowners' or property owners' association;
 2. Placement of title to the common property in the homeowners' or property owners' association or definite assurance that it automatically will be so placed within a reasonable, definite time;
 3. Appropriate limitation of the uses of the common property;
 4. Imposition of an association charge or assessment on each lot in a manner which will assure sufficient association funds to maintain the common property or improvements;
 5. The grant of voting rights to each owner in the association;
 6. Identification of the land area within the association's jurisdiction including, but not limited to, the following:
 - a) The property to be transferred to public agencies;
 - b) The individual lots owned by the association;
 - c) The common properties to be transferred by the developer to the association; and
 - d) Other parcels owned by the association;
 7. Protective covenants which, shall make the association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien;
 8. Definitions of terms;

9. An initial term of the agreements, covenants and restrictions establishing the association for a twenty-five (25) year period and automatic renewal for successive ten-year periods, and provide that the association may not be dissolved without the prior written consent of the City;
10. Amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association shall be made only with the prior written consent of the City; and
11. An indemnification holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements.
12. **Procedure.** The developer shall submit the Articles of Incorporation of the homeowners' or property owners' association, its bylaws, and the restrictive covenants to the Administrative Official for approval along with the final plat. Prior to filing the plat, the developer shall create an incorporated nonprofit homeowners' association, and record covenants which meet the requirements of Subsection D.

SECTION 10.10.6 - DEVELOPER'S AGREEMENT

- A. **When required.** A developer's agreement is required to be executed in the event public works improvements are required, when the developer requests a waiver or credit of fees, credits for prior or proposed improvements or dedications, requests a pro rata arrangement, or dedicates park land to the City.
- B. **Generally.**
 1. No earthwork, grading, utility, street, or drainage improvement construction or any public or private improvements shall be allowed until the developer receives approval of the appropriate plat and the City executes a developer's agreement with the developer.
 2. The Mayor is authorized to execute a developer's agreement in the form approved by the City Council unless the agreement provides for one or more of the following:
 - a) Financial participation by the City;
 - b) Waiver of fees; or
 - c) Credits for prior or proposed improvements or dedications.

If the developer's agreement includes any of the foregoing provisions, the agreement must be approved by City Council.

- C. **Terms of Agreement.** The developer's agreement shall be prepared by the City and shall contain, at a minimum, the following provisions:
1. Covenants to complete the public improvements in accordance with City ordinances within two (2) years from final plat approval;
 2. Covenants to warranty the improvements for a period of two years following acceptance by the City;
 3. Covenants to provide performance, payment and maintenance bonds;
 4. Provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as an obligee;
 5. Provisions for securing the obligations of the agreement;
 6. Insurance and indemnification requirements; and
 7. Such other terms and conditions as are agreed to by the developer and City.
- D. **Cost Estimates.** The costs in the developer's agreement shall be based on cost estimates thereof, prepared by the developer's engineer and reviewed by the City Engineer.
- E. **Covenants to Run with the Land.** The developer's agreement shall provide that the covenants contained in the agreement run with the land and bind all successors, heirs and assignees of the property owner. All existing lienholders shall be required to execute the agreement or provide written consent to the covenants contained in the agreement.

SECTION 10.10.7 – PARKLAND DEDICATION POLICY

- A. **Purpose.** This Section is to provide for dedication of park land and/or fees in lieu for neighborhood or community park facilities in accordance with the City's Comprehensive Plan and Park Master Plan as amended. Neighborhood and community parks provide for a variety of outdoor recreational opportunities that are within convenient distances from the majority of residences to be served thereby.
- B. **Application.** These requirements shall apply to subdivision plats on residentially zoned land which is to be used for residential purposes. Developers shall dedicate park land or pay fees in lieu as required by this Ordinance.
- C. **Dedication of Land.** At the City's discretion, developers shall dedicate park land for each residential subdivision plat, at a minimum of one (1) acre of land per one hundred

(100) persons based on the projected subdivision population. Population shall be calculated at 2.75 persons per dwelling unit.

- D. **Fees in Lieu of Dedication.** At the City's discretion, payment of fees in lieu of park land dedication may be required. The amount of such payment shall be equal to the fair market value of the land that would be required to be dedicated for park land according to this Ordinance.
- E. **Fair Market Value Determined.** The fair market value of the land shall be calculated as determined on the most recent appraisal made by the Johnson County Central Appraisal District of all or part of the property being subdivided at the time of preliminary plat approval. If there is no preliminary plat required, then the fair market value of the land shall be calculated at the time of final plat approval. If the Developer/Owner objects to the fair market value determination, the Developer/Owner at his own expense, may obtain an appraisal by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the developer/owner.
- F. **Use of Fees.** Parkland dedication fees paid in lieu of land dedication will be deposited in a fund referenced to specific future neighborhood or community parks or existing neighborhood or community parks as identified on the City's Comprehensive Plan or Parks Master Plan as amended. Funds deposited into a particular park fund may only be expended for land or improvements within that particular future or existing neighborhood or community park.
- G. **Accounting of Fees.** The City shall account for all fees in lieu of land and all development fees paid under this Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of a neighborhood or community park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of each sum, computed on a square footage of land area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.
- H. **Minimum Acreage.** Unless otherwise determined by the City, the minimum park land dedication that will be accepted by the City shall be three (3) acres.
- I. **Usable Park Land.** Any land dedicated to the City for park purposes in accordance with this Ordinance shall be appropriate for neighborhood or community park purposes as determined by the Administrative Official.

SECTION 10.10.8 - TREE PRESERVATION

- A. **Purpose.** The purpose of this section is to provide for the preservation of mature trees and natural areas during construction, development, and redevelopment, and to control the removal of "protected trees" as defined by this Ordinance. It also establishes rules

for replacement of protected trees and replanting of trees which must be removed during construction. This section shall protect any property from indiscriminate clearing and shall help maintain and enhance a positive image of the City as well as attract new business enterprises. The terms and provisions of this section shall apply to the following real property:

1. All new subdivisions of land at the time of preliminary and/or final platting;
2. All undeveloped land at the time of replatting;
3. All un-platted and undeveloped tracts of land greater than three (3) acres;
4. All nonresidential tracts of land at the time of site plan approval.

B. Definitions.

Buildable Area - That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and includes the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

Building Pad - The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

Critical Root Zone - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

Construction Drawings - Engineering or architectural drawings, which have been prepared by an authorized individual and approved by the Administrative Official, that describe in detail by measurements and specifications the method and manner in which a structure, building, utility, street, or physical alteration to land or a structure is to be accomplished.

Drip Line - A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

Limits of Construction - A delineation on a graphic exhibit which shows the boundary of the area within which all construction activity will occur.

Protection Fencing - Snow fencing, chain-link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four foot (4') approximate height.

Tree - Any self-supporting woody perennial plant which will attain a trunk diameter of three inches (3") or more when measured at a point twelve inches (12") above ground level and normally attains an overall height of at least twenty feet (20') at maturity, usually with one (1) main trunk and many branches. It may appear to have several stems or trunks as occurs in several varieties of oaks.

Tree, Protected - Tree species that are approved by the City and should be saved are identified by individual characteristics of the tree, or a tree which has a diameter of eighteen inches (18") or greater measured twelve inches (12") above ground. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to 1/2 the diameter of each additional trunk.

Trees that are not protected trees are as follows:

Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
Honeylocust	Gleditsia tracanthos
Bois d'arc	Maclura pomifera
Mimosa	Albizia julibrissin
Red Mulberry	Morus rubra
White Mulberry	Morus alba
White (Silver) Poplar	Populus alba
Lombardy Poplar	Populus nigra italica
Cottonwood	Populus deltoids
Mesquite	Prosopis glandulosa
Willow	Willow sp.
Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

Tree, Replacement – A tree to compensate for the removal of a protected tree.

C. **Tree Removal Permit.**

1. General: No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this section without first obtaining a tree-removal permit unless otherwise specified in this section.
2. New Development: Unless otherwise specified in Chapter 245 of the Local Government Code, all developments which have not submitted final plats as of the effective date of this section shall be subject to the requirements for tree protection and replacement specified herein.
3. Residential Subdivisions: All areas outside of the buildable area, as defined herein, within public rights-of-way, utility easements, or drainage easements as shown on

an approved final plat shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements of this section and the applicant for a tree removal permit shall indicate how protected trees may be saved.

4. Nonresidential Developments: All areas within public rights-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of a building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
5. Private Property:
 - a) Agricultural: Property zoned "A", agricultural as shown on the City's Zoning Map and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
 - b) Homeowners: The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this section as they pertain to his/her residential property.
 - c) Building/Contractors: All builders who have not submitted a request for a building permit as of the effective date of this article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve inches (12") of the building foundation as shown on an approved plan shall be exempt from the tree protection and replacement requirements of this section. All other areas of the lot shall be subject to these requirements.

D. Exemptions.

1. Any franchised utility is exempt from these regulations.

E. Permit Review and Approval Process.

1. Authority of Review and Approval: The Administrative Official shall be responsible for the review and approval of all requests for tree removal permits and replacements thereof. If the Administrative Official deems it necessary, he/she may require an application to be reviewed by the City Council.
2. Application Process: Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the Administrative Official. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and an indication of which trees are to be removed or replaced.

3. Fees: The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Joshua.
4. Replacement Trees: If any Replacement Tree cannot be properly located on the property being developed or redeveloped, the applicant may plant these Replacement Tree(s) on property owned by the City and/or common open space and/or pay a fee in lieu of tree replacement.
5. Payment in Lieu of Tree Replacement
 - a) A land owner or developer responsible for tree replacement under this Section may elect to meet the requirements in whole or in part, by a cash payment in lieu of tree replacement. The payment shall be on a caliper inch unit cost as established by the City Council in the latest approved Fee Schedule. Cash payment shall be deposited in the tree fund and be used to purchase and install landscaping (inclusive of trees, bushes, shrubs, mulch, soil, decorative rocks or stones, irrigation and necessary hardscape) at city parks, city tree farm, or other public areas.
 - b) The applicant shall pay the fees for tree removal established by City Council as established in the latest approved Fee Schedule. The fee shall be based on the fair market value of materials and labor at the time of planting and the reasonable estimated cost for maintenance and irrigation for a period of two years.
 - c) Fees contributed to the tree fund shall be paid prior to the issuance of a grading permit on all commercial, industrial, or multi-family residential developments, prior to final approval of a gas well drilling permit and prior to filing a final plat in the Johnson County clerk's office for all single-family residential subdivisions."

F. Required Application.

The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and a copy of a legible site plan, preliminary plat, or other graphic representation drawn to the largest practical scale showing the following:

1. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
2. Existing and proposed site elevations, grades and major contours.
3. Location of existing or proposed utility easements.
4. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.

5. The document shall include street address, lot and block, subdivision name, and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the document if different from the applicant.

G. Applicant Review.

Upon receipt of the proper application, the Administrative Official shall review the application, or if it is deemed necessary, forward the application to the City Council. Following a review and inspection, the permit will be approved, disapproved, or may be approved with conditions by the Administrative Official or the City Council.

H. Permit Expirations.

Permits shall be valid for ninety (90) days after the issue date on the permit. Permits which are issued in conjunction with a building permit or a site plan approval, shall be valid for the same time frame as such permits are valid.

I. Appeal of Administrative Official Decision.

Decisions of the Administrative Official may be appealed to the City Council.

J. Tree Replacement Requirements.

If it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the trees removed. The replacement trees shall be at least (3") three inches in caliper when planted.

K. Tree Protection.

1. Tree Protection: During any construction or land development, the developer shall clearly mark those trees to be protected and may be required by the Administrative Official to erect "Protective Fencing - In those situations where a protected tree is so close to the construction area that construction equipment might infringe on the root system or is within twenty feet (20') of the construction area, a protective fencing shall be required between the outer limits of the critical root zone of the tree and the construction activity area. Four feet (4') high protective fencing shall be supported at a maximum of ten feet (10') intervals by approved methods. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Bark Protection - In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by construction

equipment.” protective barriers to ensure protection of said trees. The protective barriers must be maintained during all construction until the project is finished.

2. Material and Equipment Storage: The developer shall not store any material or equipment within the critical root zone of a protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
3. Signs: No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
4. Traffic: No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, or vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service or routine moving operations.
5. Grade: No grade change in excess of four inches (4") shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Administrative Official beforehand.
6. Paving: No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

L. Tree Planting Restrictions.

1. Overhead Lines: No required replacement tree shall be planted within an area where the mature canopy of the tree will interfere with overhead utility lines.
2. Underground Lines: No required replacement tree shall be planted within an area where the mature root zone of the tree will interfere with underground public utility lines. No tree shall be planted within ten feet (10') of a fire hydrant.

M. Enforcement.

1. Developers Agreement: No developer agreement shall be approved unless the agreement states that all construction activities shall meet the requirements of this section.
2. Building Permit: No building permit shall be issued unless the applicant signs a permit application which states that all construction activities shall meet the requirements of this section.

City of Joshua, Texas

Subdivision Ordinance

Amending Chapter 10 of the City of Joshua, Texas Code of Ordinances

Last Amended April, 21 2020

(October 7, 2020)

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Notes about changes:

1. Several ordinance changes had occurred that created contradictions in the ordinance. For example, the Planning and Zoning Commission is now charged with approval of preliminary and final plats; however, in several other sections of the ordinance the Council was charged with the that approval. These contradictions were corrected.
2. Redundancies were removed, where appropriate.
3. Minor formatting changes were made for clarity for use by the public. If a re-ordering of items could assist in the usability of the document, re-ordering was done.
4. Definitions were added if they could provide for additional clarity.
5. The section on streets was changed to reflect the terms in the Thoroughfare Plan.
6. A number of edits were merely for consistency, such as use throughout the document of "EDSS" instead of different "the City's design standards" or "design specifications of the City".
7. Corrections were made where necessary, such as changing the word, "municipal" to "public" to reflect the fact that the City does not provide water and wastewater services.
8. The Table of Contents page has not yet been updated with the few modified headings and updated page numbers.

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ARTICLE 1 – GENERAL

SECTION 10.1.1 – AUTHORITY

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212 of the Texas Local Government Code as amended.

Commented [EE1]: Edit for consistency.

SECTION 10.1.2 – PURPOSE AND POLICY

- A. **Generally.** These subdivision regulations are designed and intended to achieve the following purposes and shall be administered so as to achieve the following purposes:
1. To promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
 2. To establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
 3. To provide for the establishment of minimum specifications for construction and engineering design criteria for public works improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
 4. To ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
 5. To ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
 6. To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
 7. To realistically and harmoniously relate new development of adjacent properties;
 8. To provide the most beneficial circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements; and to provide for the proper location and width of streets;
 9. To ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed development before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;

10. To assure that new development adequately and fairly participates in the dedication and construction of public works improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
 11. To help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
 12. To provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the Zoning Ordinance of the City.
- B. **Policy.** To carry out the purposes hereinabove stated, it is the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City, and where applicable, within its extraterritorial jurisdiction.
- C. **Disapproval.** Proposed plats or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions.
- D. **Nexus.** There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the City's public facilities systems created by such new development.
- E. **Compliance with Federal Regulations.** The applicant is responsible for compliance with applicable federal regulations which may apply to a development, including any required permits or approvals from the United States Army Corps of Engineers, the Environmental Protection Agency and the Texas Commission on Environmental Quality.

SECTION 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.
- ~~B. **Dedication.** It is necessary and desirable to provide for d~~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.

Commented [EE2]: Added for clarification.

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Commented [EE3]: A and B were combined because B. was a statement and not a requirement.

C-B. Mitigation. ~~The City desires to assure that~~ impacts of new development shall be ~~are~~ mitigated through contributions of rights-of-way, easements and construction of capital improvements, ~~and that but in no event shall~~ a new development be required to contribute not more than its proportionate share of such costs.

Commented [EE4]: Used "shall be" for consistency throughout the document.

D-C. Conformance. Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the City's adopted Comprehensive Plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans.

SECTION 10.1.4 – MINIMUM STANDARDS

A. **Generally.** The standards established in this Ordinance ~~for dedication and construction of public works improvements are based upon engineering studies and historical usages and demands by different categories of development. These regulations~~ identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Joshua. It is the intent of these regulations that no development occurs until and unless these minimum levels of service are met. Therefore, each subdivision in the City shall be required to dedicate, construct and/or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

Commented [EE5]: The gist of this sentence was moved to B. for simplicity.

B. **Basis for Standards.** For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon ~~historie engineering studies, historical usages, demands by different categories of development and construction projects of the City and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the City, and other historical use and performance experiences of the City, that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of Joshua.~~

Commented [EE6]: See note above.

C. **Denial If Adequate Levels Not Met.** In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the City may require the dedication of easements and rights-of-way for or construction of on-site or off-site public works improvements for water, sanitary sewer, road, drainage or park facilities to serve a proposed development, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the City may deny the subdivision until the public facilities and services can be provided or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.

- D. **Reimbursement.** Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available by a pro rata reimbursement agreement or other means adopted by the City.

SECTION 10.1.5 – ADEQUACY OF SPECIFIC FACILITIES

- A. **Water.** All lots, tracts or parcels on which development is proposed shall be connected to a public water system which has capacity to provide water for domestic use and fire protection. Minimum fire flow pressures shall be as required by the City. Additional standards and requirements are defined in Article 8 hereof.
- B. **Wastewater.** All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment. The City Engineer shall be responsible for determining the approved means of wastewater collection and treatment. The City may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. Additional standards and requirements are defined in Article 8 hereof.
- C. **Streets and Thoroughfares.**
1. New development within the City must be supported by an adequate network of thoroughfares. Thoroughfares are an essential component of the City's street network and are necessary to accommodate the continuing growth and development. It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal thoroughfares to support new development at the time of platting or development of the land. The City desires to assure both that development impacts are mitigated through contributions of thoroughfare rights-of-way and improvements and that a subdivision contribute not more than its fair share of thoroughfare costs.
 2. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.
- D. **Drainage.** Drainage improvements serving new development ~~and redevelopment~~ shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention or the construction of off-site drainage improvements, in order to mitigate the impacts of the proposed subdivision. Drainage improvements serving ~~new~~ the development shall accommodate runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. Additional standards and requirements are defined in Section 10.8 hereof.

Commented [EE7]: Added to be inclusive of all development.

SECTION 10.1.6 – ENFORCEMENT

- A. **Building Permits.** Except as provided in Section 10.2.1, no permit for building, construction, repair, or plumbing or electrical work on any tract shall be issued until the approval and filing of a plat in the county plat records.
- B. **Utility Service.**
1. The City shall be under no obligation to furnish any public utilities or allow any City services unless and until a plat meeting all rules, regulations, and requirements of this Ordinance has been approved and filed in the county plat records.
 2. A person commits an offense if the person provides water or sewer service to any lot or tract of land or any part thereof unless and until a plat of such tract of land meeting the requirements of subsection 1 has been filed of record with Johnson County.
- C. **Fine for Violation.** Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00), and each and every up to two thousand dollars (\$2,000.00) per offense. Each day of violation constitutes a separate offense upon conviction.
- D. **Additional Action.** In addition to pursuing the penalties and fines provided above, the City may bring additional legal action to insure compliance with this Ordinance, including injunction, abatement or other appropriate action or proceeding.

Commented [EE8]: Heading added and changes made per City Council.

Commented [EE9]: Heading added.

SECTION 10.1.7 – DEFINITIONS

- A. **General Rules.** For the purpose of this Ordinance, the following rules shall be applied in constructing, interpreting, or otherwise defining the terms and provisions hereof:
1. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular.
 2. The word "shall" is mandatory and the word "may" is permissive.
 3. The phrase "used for" shall include the phrases, "arranged for", "designed for", "intended for", and "occupied for", and shall apply exclusively to physical uses.
- 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

Acreage, Gross – The acreage included within the boundary of a subdivision.

Acreage, Net – The acreage included within the boundary of a particular subdivision but excluding all public rights-of-way.

Adequate Public Facilities – Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City and based upon specific levels of service.

Administrative Official – The City Manager, or the City Manager's designated representative, authorized to enforce and administer the terms of this Ordinance.

Administratively Complete - An application for a preliminary plat, replat or final plat shall be considered administratively complete upon the occurrence of all of the following: (1) the City staff and the City Engineer have determined that the application for a preliminary plat, replat and/or final plat meets all requirements of applicable City ordinance so that it may be reviewed by the Planning and Zoning Commission ~~or City Council~~; (2) the preliminary plat, replat and/or final plat has been placed on a duly posted agenda for the Planning and Zoning Commission ~~or City Council~~; and (3) the Planning and Zoning Commission ~~or City Council~~ has taken action on the preliminary plat, replat and/or final plat

Commented [EE10]:

Commented [EE11R10]: Reflects recent amendments.

Alley – A public or private right-of-way which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Applicant – The owner of land proposed to be subdivided or the owner's authorized representative.

Base Flood or 100-year Flood – The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Bethesda Water Supply Corporation, or Corporation: The Bethesda Water Supply Corporation.

Block – A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore lines of waterways, or boundary lines of municipalities.

Bond – Any form of security, other than a cash deposit, to be used as surety or as a guarantee in an amount and form satisfactory to the City that ensures performance of an obligation.

Commented [EE12]: Added for clarification.

Build – To erect, convert, enlarge, reconstruct, restore, or alter a building or structure.

Building – Any structure which is built for the support, shelter or enclosure of persons, animals, chattels, or moveable property of any kind.

Building, Line – A line, generally parallel to a lot line or street right-of-way, located the required distance to provide the minimum yards established by the Zoning Ordinance, as amended, to limit the area in which buildings are permitted.

Building, Main – A building in which the principal use of the lot on which it is situated is conducted. In a residential district, any dwelling shall be deemed to be a main building on the lot on which it is situated.

Certified Planner – A member in good standing of the American Institute of Certified Planners.

City – The City of Joshua, Texas.

City Engineer – A person appointed to serve as City Engineer or authorized to act in such capacity.

City of Joshua Engineering Design Standards and Specifications (EDSS) – The documents adopted by the City that establish the minimum criteria for the design of public works improvements.

Commission or Planning and Zoning Commission – The Planning and Zoning Commission of the City.

Common Area or Common Open Space – A private lot(s) established, owned and maintained by a homeowners' association or a property owners' association.

Commented [EE13]: Added because both terms are used in the ordinance.

Comprehensive Plan – A series of planning documents intended to guide the growth and development of the City and its adjoining areas including, but not limited to, the City's Comprehensive Land Use Plan, Thoroughfare Plan, Master Water Plan, Master Wastewater Plan, and Parks/Trail Master Plan.

Council – The City Council of the City.

County Plat Records – The plat records of Johnson County, Texas.

Cul-De-Sac – That street or part of a street having one common entry and exit and no other entry and/or exit.

Curvilinear Design – Any street segment which is designed with a degree of curvature not less than 3° 30' and not greater than 22° 55', and which shall offset a minimum distance of thirty feet (30'), said offset being measured perpendicular to the initial tangent line of the curve.

Density, Gross – The number of dwelling units per gross acre.

Density, Net – The number of dwelling units per net acre.

Developer – The owner of land proposed to be subdivided or developed, or the developer's representative. A subdivider is a developer.

Developer's Agreement – A written agreement from a developer to the City to perform certain activities related to the development.

Commented [EE14]: Definition added for clarity.

Development – Any activity that requires the submission of a plat or the securing of a building permit, or any manmade change to real estate, including, but not limited to, construction of a building or structure, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. A subdivision is a development.

Easement – A grant of one or more of the property rights by the property owner to; and/or for; the use by the public, a corporation, or another person.

Easement, Common Access – An easement intended to provide shared access to and from a development. It may be public or private.

Easement, Drainage – (Abbreviated D.E., typically D. + U.E. when combined with utility easements) an easement for the purpose of the overland or underground transfer of storm water.

Easement, Emergency Access – An easement for the purpose of ingress, egress, access, and passage to and across private property for police, fire and other governmental vehicles and personnel.

Easement, Maintenance and Access – An easement for the purpose of accessing and maintaining private structures located adjacent to a common lot line, typically used along the "zero lot line" property lines within a subdivision.

Easement, Pedestrian Access – An easement for the purpose of pedestrian ingress, egress and passage to and across private property.

Easement, Private – An easement granted by a property owner to a specified person, group of persons or entity in, on, across, over, or under property for a specified use or uses.

Easement, Public – An easement granted by a property owner to the public or governmental agency in, on, across, over or under property for a specified public use or uses.

Commented [EE15]: Phrase added for consistency: "from x to y"

Commented [EE16]: Added for clarity.

Easement, Screening – An easement granted by a property owner to a homeowners' or property owners' association for the construction and perpetual maintenance of a screening device along the perimeter of a subdivision.

Easement, Utility – An easement granted by a property owner to a utility for the installation, maintenance, and operation of water, sewer, electric, telephone, cable, gas, and other similar utilities.

Engineer – A person who has been licensed and registered by the Texas State Board of Registration for Professional Engineers to engage in the practice of engineering in this state and listed in State Records as "Civil".

Engineering Design Standards and Specifications (EDSS) – The City of Joshua design manual, as amended.

Escrow – Money placed in the possession of the City to guarantee the performance of an obligation.

Exaction Requirement – A requirement imposed as a condition of approval for a plat or other permit to accomplish the following:

1. Dedicate an interest in land for a public works improvement;
2. Construct a public works improvement; or
3. Pay a fee in lieu of constructing a public works improvement.

Exception – Relief from a requirement granted by the Planning and Zoning Commission.

Commented [EE17]: New definition to correspond to new Section 10.1.9.

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Extraterritorial Jurisdiction – The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of Joshua, the outer boundaries of which are measured from the extremities of the corporate limits of the City outward for such distances as prescribed in Chapter 42 of the Texas Local Government Code, as amended, according to the total population of the City and by interlocal agreements with surrounding cities.

Feeder Line – an electrical line that emanates from an electrical substation or hub for distribution throughout a local area.

FEMA – The Federal Emergency Management Agency tasked with floodplain management and administers the National Flood Insurance Program.

Commented [EE18]: Added for clarity.

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Filing Date – The Filing Date means the date a preliminary plat, replat or final plat is considered by the City to be administratively complete and is heard by either the Planning and Zoning Commission or City Council.

Floodway – The channel of a watercourse and the adjacent floodplain that must be reserved to convey the base flood without cumulatively increasing the base flood elevation more than a designated height.

Floodplain – Any land area inundated by the base flood as determined by FEMA.

Commented [EE19]: Added for clarity.

Frontage – That side of a lot, parcel, or tract abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Johnson County Special Utility District or District: The Johnson County Special Utility District (JCSUD).

Lateral Line – An electrical line that emanates from a feeder line and is used for distribution to smaller areas of consumers and is usually connected to a feeder line through a sectionalizing device such as a fuse or disconnection switch.

Local Residential or Minor Street – A public thoroughfare which is intended primarily to serve as access to residential property within a neighborhood interior or limited residential district and is not aligned or located to attract other than limited local traffic movements.

Lot – A parcel of land whose boundaries have been established by a recorded plat which is recognized as a separate legal entity for transfer of title.

Marker – A permanent iron rod generally used on lot corners, points of curvature and tangency.

Modification – Permission granted by the City for a change to a requirement.

Commented [EE20]: Added for clarity.

Monument – A permanent concrete survey monument generally used on subdivision property corners adjacent to public.

Non-Residential Subdivision – A subdivision developed primarily for non-residential uses.

Off-Site – Any premises not located within the area of the property to be platted.

Owner – A person who has a fee simple title in land, or a person acting on behalf of or through authority granted by the owner.

Person – Any individual or group of individuals, general or limited partnership, joint venture, unincorporated association, any corporation, or governmental or quasi-governmental entity.

Plan for Development – A plan outlining the proposed use(s) of a tract or tracts of land, which provides the City fair notice of the intended project and the nature of the permit sought. It includes an application for approval of a plat or an application for approval of a zoning change or site plan which contains, at a minimum, a graphic depiction or sketch of the tract and describes the proposed uses of land and their location within the tract(s) and the general layout of streets and parks or other open spaces. It does not include any information or exhibit presented to (1) City staff for the purpose of seeking information regarding the applicable regulations or (2) the Planning and Zoning Commission or City Council unless the information or exhibit is required to be submitted with the permit application.

Plat – A plan or map of a subdivision of land showing all the essential dimensions and other information essential to comply with the plat standards of this Ordinance. A plat may be a preliminary plat, final plat, replat, amending plat, minor plat or development plat.

Plat, Amending – A plat which meets the requirements as set forth in Section 212.016, as amended, of the Texas Local Government Code.

Plat, Final – A plat which substantially conforms to the approved preliminary plat if required, and contains all or a portion of the property within the boundary shown on an approved preliminary plat. A final plat as referred to in this Ordinance may also refer to replats, amending plats, and minor plats.

Commented [EE21]: Added for clarity.

Plat, Minor – A plat which includes four or fewer lots and where each lot that fronts an existing street, and that does not require the creation of any new street or any public improvements.

Commented [EE22]: Minor formatting edit.

Plat, Preliminary – The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission ~~and City Council~~ for approval.

Commented [EE23]: Reflects recent ordinance change

Plat, Vacation – A plat to dissolve property lines, easement, and rights-of-way that meets the requirements as set forth in Section 212.013 of the Texas Local Government Code, as amended.

Commented [EE24]: Added for clarity.

Public Facilities System – With respect to water, sanitary sewer, roadway, drainage or parks, the facilities owned or operated by or on behalf of the City to provide services to the public, including those facilities in existing and new developments and subdivisions. The public facilities system includes improvements to roads owned by the County or the State to the extent such improvements are necessitated by and attributable to a proposed development or subdivision.

Commented [EE25]: Added for clarity.

Public Works Improvement, Public Facility, or Public Improvement – A water, sanitary sewer, roadway, drainage or park facility that is intended to be dedicated to become a part of one or more of the City's public facilities systems.

Commented [EE26]: Added because this term is also used in the ordinance.

Replat – A plat which revises currently platted lots or combines platted and unplatted property.

Residential Subdivision – A subdivision developed primarily for residential uses as enumerated in the City's Zoning Ordinance.

Retaining Wall – A structure constructed and erected between lands of different elevations to protect structures and/or prevent erosion by retaining or restraining lateral forces of soil or other materials.

Right-of-Way – (Abbreviated as ROW) Land conveyed by plat, or other legal instrument, to the public ownership and use for roadways, utilities and other public improvements. Land dedicated as right-of-way ~~shall be~~ owned by the City, whereas land dedicated by easement is owned by the land owner with a right of use given to the City.

Commented [EE27]: Changed so that the definition does not read like a requirement.

Roadway – The traveled portion of a street upon which vehicles traverse and circulate, ~~to which~~ includes the area from back-to-back of the outer curb lines, or where curbs do not exist, said roadway includes the traveled area from the outer edges of the surfaced and prepared portion of the roadway, excluding shoulders, etc.

Service Line – An electrical line which, ~~through a transformer,~~ supplies electricity to a customer's service entrance.

Commented [EE28]: Removed for clarity.

Street – All property which is contained within fixed boundaries commonly referred to as right-of-way (ROW) lines, for the primary purpose of vehicular movement and circulation, and in which traveled roadways exist, along with various service utilities and sidewalks for pedestrian circulation.

Street, Arterial, Minor – ~~A through-street designed to connect primary arterials and provide system continuity. These roadways typically are designed with four (4) lanes and may be divided or undivided. Spaced at one mile intervals, they define the limits of a neighborhood. They are designed to carry traffic volumes of 10,000 to 15,000 vehicles per day.~~

Commented [EE29]: Definition taken from Thoroughfare Plan.

Street, Arterial, Primary – ~~A through street designed to serve major traffic for the movements through the City by carrying large volumes of heavy traffic volume, intended to carry traffic from collector streets to state/county highways across or through the City as efficiently as possible. These roadways typically are continuous in length, connect with freeways, and serve major traffic generators. They are designed to have four (4) to six (6) lanes and carry between 10,000 and 40,000 vehicles per day.~~

Commented [EE30]: Definition taken from Thoroughfare Plan.

Street, Internal – ~~Generally a~~ A street whose entire length and width is contained within a development. Local streets and residential streets typically are considered internal streets.

Commented [EE31]: Added for clarity.

Street, Minor Collector – ~~A street which is local in character and use but due to its configuration within the development, serves as a collector of local streets, thereby connecting them to a collector street.~~

Commented [EE32]: Removed because it is not used in the Thoroughfare Plan.

Street, Local – A street that provides access to residential property and feeds the collector street system. These roadways typically are designed with two (2) lanes and carry traffic volumes of fewer than 1,000 vehicles per day. They are designed to either allow dispersal of local traffic or discourage through-traffic using curvilinear design, incorporations of loops and cul-de-sacs, or both.

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Commented [EE33]: Added to reflect Thoroughfare Plan.

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Street, Perimeter – A street which abuts a development or one whose width lies partly within a development and partly without.

Street, Private – A street that is privately owned and maintained and that is not dedicated to the public for general use and maintenance.

~~*Street, Residential* – A street which is continuous through several districts and is intended as a connecting street between residential districts and a collector street providing access to major streets, business districts or places of employment.~~

Commented [EE34]: Definition replaced with Local Street.

Subdivide – The act or process of creating a subdivision.

~~*Subdivider* – A person who subdivides or seeks to subdivide land into two or more lots, or to construct a structure on land that has not been platted.~~

Commented [EE35]: Removed because a builder is not the same as a subdivider..

Subdivision – The division of a tract or parcel of land situated within the City or the City's extraterritorial jurisdiction into two or more parts for the purpose of sale, lease, or development. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A subdivision includes a replat and a one-lot subdivision of a tract which has not been previously platted. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, shall not constitute the subdivision of land.

~~*Subdivision, Exempt* – A division of land that is not under any obligation to meet the requirements of this ordinance.~~

Commented [EE36]: Added because the term is used in the Ordinance.

Surveyor – A person registered by the Texas Board of Land Surveying as a registered professional surveyor or licensed professional land surveyor by the Texas Board of Land Surveying.

Commented [EE37]: Minor formatting edit.

System-Related Facility – A public works improvement or expansion that is for the use or benefit of the overall water, sanitary sewer, roadway, drainage, or park facilities systems, as applicable. A system-related facility has capacity larger than needed to serve a single new development and exceeds the minimum standards required. A system-related facility may include a public works improvement that is reflected in the capital improvement plan or the Comprehensive Plan. A system-related facility may be located off-site, within the development site, or on the perimeter of the development site.

Thoroughfare Plan – The master plan of major and secondary streets and highways which is a part of the City's Comprehensive Plan and adaptations, amendments or supplements thereto as adopted by the City Council.

~~*Tract* – All contiguous property in common ownership belonging to the same owner.~~

Commented [EE38]: Added for clarity.

Transmission Line – An electrical line operated at a nominal voltage of 60,000 volts or higher that brings electricity from a generating plant to an electrical substation.

Utility – A company providing electrical, telephone, cable television, or cable- or wire-based data transmission services within the City.

Utility Provider – An ~~entity person~~ that provides a public or private utility or service to the general public, including but not necessarily limited to a municipal water, wastewater or drainage utility, electric company, telephone company, natural gas company and a cable television provider.

Commented [EE39]: Changed for clarity.

Waiver -- Permission granted by the City to eliminate a ~~requirement~~.

Commented [EE40]: New definition added for clarity.

Zoning Ordinance – Ordinance No. 525-2010 as amended, the Comprehensive Zoning Ordinance of the City of Joshua.

SECTION 10.1.8 – JURISDICTION

- A. **Applicability.** Subject to the provisions of this section, the regulations of this Ordinance shall apply to all land within the corporate limits and extraterritorial jurisdiction of ~~the City of~~ Joshua.
- B. **Utilities.** The City shall be under no obligation to provide utilities ~~otherwise provided by as the City is contained within~~ either the Johnson County Special Utility District (JCSUD) or the Bethesda Water Supply Corporation (BWSC). These entities hold jurisdiction and responsibility by their utility policies within their Certificates of Convenience and Necessity (CCNs).

Commented [EE41]: Minor formatting edit.

SECTION 10.1.9 ~~10.7~~ - EXCEPTIONS

- A. **Generally.** ~~The Commission may recommend and the City Council may authorize an exception from these regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance.~~
- B. **Request.** ~~The applicant seeking an exception shall submit to the Administrative Official a written request stating the justification for such exception, accompanied by engineering data or other evidence supporting the applicant's request for relief. The Commission may recommend and the City Council may grant an exception in conjunction with the application for approval of the plat. The applicant bears the burden of proof to demonstrate that an exception to the standards applicable to a development application should be granted.~~
- C. **Evidence.** ~~The Commission and City Council may require engineering studies and displays from the applicant to support the request for an exception. The decision of the Council shall be final.~~

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SECTION 10.1.10 ~~0.8~~ - FACTORS TO CONSIDER.

~~The City Council Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of the requested exception upon traffic conditions, City services, and upon the public health, safety, convenience and welfare, and whether:~~

- A. The requirement places an unreasonable burden on the development and does not bear a rough proportionality to the requirements necessary to serve the development; or
- B. Hardships or practical difficulties will result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal; and
- C. The conditions upon which the request for an exception is based are unique to the property and are not applicable to other properties, or the tract has severe topographical conditions or unique environmental qualities worthy of protection.

Financial hardship, alone, to the applicant shall not be deemed to constitute unreasonable burden or hardship.

SECTION 10.1.110.9 - AUTHORITY TO IMPOSE CONDITIONS.

The Planning and Zoning Commission City Council may impose conditions relating to the exception as will, in its judgment, substantially secure the objectives of the standards or requirements to which the exception was granted.

SECTION 10.1.129 - MODIFICATIONS/WAIVERS FOR PLANNED DEVELOPMENT DISTRICTS.

The Commission may recommend and the City Council may modify the standards and requirements of this Ordinance in the case of an application including an approved planned development district. Such departures from the standards specified may be made only when the Council finds that the plan provides for convenience and safe access, adequate space for recreation, provision for light and air, and offers all essential utility services and necessary public and other facilities and is in conformance with all provisions of any ordinances which specifically apply to a planned development district.

SECTION 10.1.129 – GRADING PERMIT

- A. **Grading Permit Required Offense.** A grading permit is required for any A person commits an offense if the person clears, gradings, fillings, dredgings, and constructions of public streets, utilities, or storm water or other improvements which may affect adjacent or surrounding properties. A property owner commits an offense for failure to without first obtaining a grading permit.
- B. **Application.** Application for the permit shall be made on a form furnished provided by the Administrative Official City and shall be submitted with a fee, which shall be established by the City Council. The permit application shall describe the property and the nature of the development and shall be accompanied by construction plans and specifications adequate to describe the improvements. The plans shall show the existing contours and the proposed contours in either one inch (1") or two inch (2") vertical intervals. All plans accompanying permits for any work within a floodplain shall be certified by an engineer. Tree preservation shall be carried out as per Section 10.10.2 6.40 of this Zoning Ordinance, as amended.

Commented [EE43]: Word changes for clarity.

Commented [EE44]: Title and order of words have been changed to reflect the requirement rather than the punishment.

Commented [EE45]: Changed for consistency.

Commented [EE46]: Changed for consistency.

C. **Plans.** The site grading plans shall demonstrate the following:

1. The work will not have any appreciable change in the site drainage characteristics or shall show the site modification and any mitigation measures necessary to accommodate the change;
2. The grading will not adversely affect adjacent property owners;
3. The grading will, to the extent possible, preserve trees and unique natural features (natural creeks, rock outcrops, karst features, etc.) in the site grading area such that the applicant demonstrates a valid reason for the removal of any protected trees, along with a description on how ~~existing~~ protected trees will be ~~protected~~ safeguarded from damage during construction;
4. That provision has been made for temporary and permanent erosion control measures; and
5. All required federal and state approvals have been obtained.

The Administrative Official shall issue the permit when all conditions of this Ordinance have been satisfied.

- D. **Post Grading Maintenance.** ~~All temporary erosion control devices, as specified in the approved storm water pollution plan and grading permit shall be maintained during construction until permanent erosion controls have been established on the site and approved by the City. A person-property owner commits an offense if the person owns or develops property for which a grading permit has been issued and for failure s to maintain erosion control devices approved for the development, all temporary erosion control devices, as specified in the approved storm water pollution plan and grading permit, until permanent erosion controls have been established and approved by the City.~~

Commented [EE47]: Minor word edit.

Commented [EE48]: Order of words has been changed to reflect the requirement rather than the punishment.

ARTICLE 2 – GENERAL PLATTING REGULATIONS

SECTION 10.2.1 – PLATTING REQUIRED; ~~EXEMPTIONS~~

Commented [EE49]: Title changed to correspond with B.

- A. **Generally.** Platting is required for the following purposes:
1. To create a building site and obtain a building permit on a single lot or tract;
 2. To subdivide a lot or tract into two or more parcels for development of the parcels;
 3. To combine lots or tracts; or
 4. To amend a plat.
- B. **Exemptions.** The following land divisions are exempt from the requirements of these regulations:
1. Sale, inheritance, or gift of land by metes and bounds description, of a tract of land upon which no improvements, development, subdivision or alteration is intended;
 2. Use of existing cemeteries complying with all State and local laws and regulations;
 3. A division of land created by order of a court of competent jurisdiction; and
 4. A division of land that results in the creation of two (2) or more parcels, each of which is greater than five (5) acres, when each parcel has direct access to an existing public street, and no dedication of public facilities is required.
- C. ~~Exceptions for Alterations~~**Construction on Unplatted Land.** Approval of a plat by the City is required. No construction shall commence upon a tract prior to any construction or issuance of a building permit. ~~the recording of a plat of the tract in the county plat records, except that a building permit may be issued on an unplatted tract within the City for~~ except for any of the following purposes:
1. Residentially developed property not exceeding five acres in size may obtain a building permit for additions to the main structure if such addition does not exceed fifty (50%) percent of the main structure;
 2. Adding an accessory building or structure on an unplatted residentially developed lot provided a primary structure exists on the unplatted lot;
 3. Restoring any residential building or structure on an unplatted residentially developed lot, destroyed by fire, explosion, or any other casualty or an Act of God where the extent of the destruction is not more than fifty percent (50%) of the current value of the structure; or

Commented [EE50]: Title has been changed to better reflect the gist of the requirement. The requirement has been reworded for clarity.

4. Replacement of a mobile home previously legally permitted and used or occupied as a residential dwelling with a HUD-code manufactured home.

SECTION 10.2.2 – PRELIMINARY PLAT REQUIRED

- A. **Generally.** Approval of a preliminary plat is required for any proposed subdivision within the City ~~which proposes~~ for five (5) or more lots or ~~where~~ ~~proposes~~ any public works improvements ~~are proposed~~ prior to approval of a final plat. When subdividing a tract ~~which proposes~~ for four (4) or fewer lots, the owner may elect to submit an application for approval of a final plat or a minor plat without obtaining approval of a preliminary plat. Any re-subdivision of existing platted lots shall require the submittal and approval of a replat or an amending plat.
- B. **Inside City.** Within the City limits, a plat may be approved in two stages: a preliminary plat and a final plat.
- C. **Within ETJ.** Within the extraterritorial jurisdiction of the City, only a final plat is authorized, unless the land to be platted is subject to an approved developer's or development agreement, in which case a preliminary plat may be authorized by the agreement.

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SECTION 10.2.3 – PLAT VACATION

- A. **General Requirements.** The following must be submitted with any request to vacate a plat:
 1. A complete plat vacation application form, as provided by the City, signed by all owners and identifying the plat to be vacated.
 2. A non-refundable plat vacation processing fee in the amount established by City Council.
 3. The signatures of approval of all representatives of all utilities serving the subdivision must be on the vacating instrument.
 4. If improvements have been constructed within the area of an easement, the easement must be dedicated by separate instrument prior to the recording of the plat vacation.
- B. **Submission to Council.** The request shall be placed before the Commission. Upon approval, it will be forwarded to the City Council for action.
- C. **Effect of Plat Vacation.** Upon the execution and recording of the vacation instrument, the vacated plat or portion thereof shall have no effect.

SECTION 10.2.4 – REPLAT

- A. **Requirements.** A replat of a subdivision is controlling over the preceding plat without vacation of the plat if the plat:
1. Is signed and acknowledged by only the owners of the property being replatted;
 2. Is approved by the ~~City Council~~ **Planning and Zoning Commission** after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;
 3. Does not attempt to amend or remove any covenants or restrictions; and
 4. When applicable, in compliance with subsection B. below.
- B. **Replat for Residential Lots.** If any of the proposed property to be replatted, within the immediate preceding five (5) years, was limited by any ~~interim or permanent~~ zoning classification to residential use for not more than two residential units per lot, or if any lot in the approved subdivision was limited by deed restriction to residential use for not more than two residential units per lot, notice of the public hearing shall be given in accordance with state law.
- C. **Note on Plat.** A replat shall contain a note describing the purpose of the change or modification framed in a bold line so as to be distinctly visible on the face of the plat.
- D. **Process.** The application process, approval process, criteria for approval, and recordation of a replat shall comply with the processes as provided for a final plat, as applicable.

Commented [EE52]: Reflects recent ordinance amendments.

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SECTION 10.2.5 – MINOR PLATS

- A. **Applicability.** An application for approval of a minor plat may be filed only when all of the following circumstances apply:
1. The proposed division results in four (4) or fewer lots;
 2. All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required; and
 3. The plat does not require any ROW dedication and/or the extension of any municipal facilities or public improvements to serve any lot within the subdivision.
- B. **Criteria for Decision.** The Administrative Official, ~~or the City Council on appeal,~~ shall decide whether to approve, conditionally approve or deny the minor plat application based upon the following criteria:
1. The minor plat application is consistent with all zoning requirements for the property and all other requirements of this Ordinance;

Commented [EE54]: Removed to reflect recent ordinance amendment.

2. All lots to be created by the plat already are adequately served by all required utilities and services, and
3. The plat does not require the extension of any municipal facilities or public improvements to serve any lot within the subdivision.

SECTION 10.2.6 – AMENDING PLATS

An amending plat may be submitted in accordance with Texas Local Government Code 212.016 as amended and may be approved by an Administrative Official so long as the plat is in accordance with Texas Local Government Code and no dedication of ROW is required. Any corrections or conditions not listed in the statutory criteria for an amending plat will require full resubmittal of the plat and will be treated as a replat.

ARTICLE 3 – EASEMENT ~~DEDICATIONS, ROW~~ DEDICATIONS AND ROUGH PROPORTIONALITY

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SECTION 10.3.1 – EASEMENTS

A. Generally.

1. Easements for drainage, walkways, access and other comparable purposes shall generally be located along the side or rear or front lot lines and/or drainage flow lines and shall be labeled "Drainage Easement", "Pedestrian Access Easement", "Common Access Easement", "Maintenance and Access Easement", "Emergency Access Easement" or other specifically appropriate labeling on the final plat.
2. Unless otherwise recommended by the City Engineer, the developer shall dedicate a fifteen foot (15') general utility easement along the front lot line of each lot and any side lot line that is adjacent to a street. Easements shall be larger when the City Engineer determines necessary special conditions warrant.
3. To facilitate access from roads to schools, parks, playgrounds, the City may require perpetual unobstructed access easements for pedestrian or bicycle traffic.
4. Easements dedicated on the plat shall be deemed dedicated to the public and to the City unless specified otherwise.
5. Private streets shall be labeled as "Emergency Access and Utility Easements" in order to facilitate access for police, fire and other public safety and governmental vehicles and personnel and franchise utility and solid waste disposal vehicles and personnel.
6. The width of easements for utility providers other than the City, such as for water, gas, electric, telephone, cable television, or internet, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies.
7. Wherever possible, easements shall be centered along front lot lines rather than across the interior or rear of lots.
8. Easements shall be dedicated as specified ~~herein in the Zoning Ordinance~~. If necessary for the extension of water or wastewater mains, storm drainage or other utilities, easements of greater width may be required along lot lines or across lots. In all cases, easements shall connect with easements already established in adjoining property to facilitate placement of utilities.

Commented [EE56]: Correction.

- B. **Drainage Easement or Right-of-Way.** Where a subdivision is traversed by a watercourse, drainage way or channel, there shall be provided a storm drainage easement conforming substantially with such course and of such additional width as may

be designated by the City Engineer, according to proper engineering considerations. The required width shall, under normal conditions, be measured from the centerline of creeks, ditches or drainage channels, conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City and shall be sufficient to accommodate the 25-year flood return elevation.

1. Utilities may be permitted within a drainage or floodplain easement only if approved by the City Engineer and designed according to the EDSS.
- C. **Drainage Piping Requirement.** Any drainage piping that is to be dedicated to the City shall be in an easement with a minimum width of the structure (i.e., pipe diameter or box width) plus fifteen feet (15').
- D. **On-Site Easements.** All necessary on-site easements shall be established on the plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided.
- E. **Offsite Easements.** Any necessary easements not shown on the plat shall be procured by separate instrument, in a form approved by the City Attorney, and shall be the developer's or property owner's responsibility. If the developer cannot obtain a required offsite easement, then the developer may request that the City assist in the acquisition of the easement. The developer must make an offer in writing, based on the fair market value of the easement, to the property owner from whom the easement is being sought. All costs of obtaining the easement shall be the responsibility of the developer or property owner and the City must be reimbursed for any costs incurred including its attorney's fees, condemnation award and any fees or expenses of litigation whether at the trial or the appellate level or both.
- F. **Common Access Easements and Cross Access Easements.** To reduce the congestion created by a number of drives along streets while maintaining adequate access to developments, the City may require that "common access easements" or "cross access easements" be dedicated at the corners of lots not intended for low-medium density residential developments when adjacent to lots of a similar use.
- G. **Floodplain Easement.** Floodplain easement requirements are as follows:
1. The 100-year floodplain shall be delineated and cited on the plat. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs. Floodplain easements shall encompass all areas beneath the water surface elevation of the 25-year flood, plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property as determined and required by the City Engineer.
 2. Modification of existing drainage courses shall only be done using methods and procedures compliant with Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), Texas Commission on Environmental

Quality (TCEQ), U.S. Army Corps of engineers and Texas Parks and Wildlife policies, as applicable.

3. The City of Joshua shall maintain areas within floodplain easements. Maintenance of floodplain areas outside of floodplain easements shall be the responsibility of the property owner.
4. The City shall have the right ~~to have the right~~ ingress and egress for the purpose of performing maintenance work or to alleviate any undesirable conditions that may occur within floodplain easements.

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SECTION 10.3.2 – EXACTION AND DEDICATION REQUIREMENTS

- A. **Division of Property.** Every owner of property ~~for which~~ an application for approval of a development has been submitted shall be required to dedicate to the City that portion of such property as is necessary for the orderly development of streets, roadways, thoroughfares, utilities, drainage improvements, or other public purposes. Such dedication requirements shall be a prerequisite to plat approval.
- B. **Effect of Approval/Disapproval on Dedication.** The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated parts until the City makes an actual appropriation of the dedicated parts by entry, use, or improvement. The disapproval of a plat is considered a refusal by the City of the offered dedication indicated on the plat.
- C. **Dedication and Construction of Improvements.** The developer shall dedicate all rights-of-way and easements for and shall construct capital improvements within the rights-of-way or easements for those water, wastewater, road or drainage improvements needed to adequately serve a proposed development consistent with the applicable master facilities plans, whether the facilities are located on, adjacent to or outside the boundaries of the property being developed.
- D. **Facilities Impact Studies.** The City may require that a developer prepare a comprehensive traffic impact study as required in Section 10.7.10, drainage study or other public facilities study to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. A study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the capital improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the City Engineer. The City also may require, at the time of approval of a subsequent development application, an update of a public facilities study approved in connection with a prior development application.
- E. ~~Timing of Dedication and Construction~~ Deferral of Obligation to Dedicate and Construct.

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Commented [EE59]: Title changed to better reflect the gist of the paragraph.

4. **Deferral of Obligation.**—The obligation to dedicate rights-of-way for, or to construct one or more public works improvements to serve a new development may be deferred until approval of a subsequent phase of the subdivision, upon written request of the property owner, or at the City's own initiative. As a condition of deferring the obligation, the City shall require that the subdivider enter into a developer's agreement, specifying the time for dedication of rights-of-way for or construction of capital improvements serving the development.

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SECTION 10.3.3 – ROUGH PROPORTIONALITY DETERMINATION

- A. **Determination.** Prior to a decision on an application for approval of a plat or permit for which an exaction requirement is required as a condition of approval, the City Engineer shall affirm that each exaction requirement to be imposed as a condition of plat or permit approval is roughly proportionate to the demand created by the development on the City's public facilities systems, taking into consideration the nature and extent of the development proposed. In making this determination, the City Engineer may consider the following:
1. Categorical findings and recommendations of the North Central Texas Council of Governments in developing standard specifications for public works improvements;
 2. The proposed and potential use of the land;
 3. The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
 4. Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the City's public facilities system;
 5. The function of the public works improvements in serving the proposed subdivision or development;
 6. The degree to which public works improvements necessary to serve the proposed subdivision are supplied by other developments;
 7. The anticipated participation by the City in the costs of necessary public works improvements;
 8. The degree to which acceptable private infrastructure improvements to be constructed and maintained by the developer will offset the need for public works improvements;
 9. Any reimbursements for the costs of public works improvements for which the proposed subdivision is eligible; and/or

10. Any other information relating to the impacts created by the proposed subdivision or development on the City's public facilities systems.
- B. **Affirmation.** Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of this Ordinance or other ordinance requiring the permit, as applied to the proposed subdivision or development, does not impose costs on the applicant for public works improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
- C. **Additional Information.** The City Engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.

SECTION 10.3.4 – ROUGH PROPORTIONALITY APPROVAL

- A. **Generally.** An applicant for an approval of a plat or permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application.
- B. **Purpose.** The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed development as a condition of approval does not result in a disproportionate cost burden on the developer, taking into consideration the nature and extent of the demands created by the proposed development on the City's public facilities systems.

SECTION 10.3.5 – APPEALS PROCEDURE

- A. **Requirements for Appeal.** An applicant seeking approval of a plat or any other type of permit ~~or zoning~~ for which an exaction requirement is imposed shall file a written appeal on a form provided by the City with the City Secretary within ten (10) days of the date the Commission or other City official takes action applying the exaction requirement. The applicant shall submit eight (8) copies of the appeal. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The City Secretary shall forward the appeal to the City Council for consideration.
- B. **Postponement of Action on Plat.** The applicant may request postponement of consideration of the applicant's plat application by pending preparation of the study required by subsection D.4, in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the City Council to decide the appeal.
- C. **Basis for Appeal.** The appeal shall allege that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the City's public facilities systems and does not reasonably benefit the proposed subdivision or development.

Commented [EE60]: Removed for clarity. Second phrase added for consistency.

D. **Study Required.** ~~Within thirty (30) days of the date of appeal.~~ The applicant shall submit to the City Engineer three (3) copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information: ~~within thirty (30) days of the date of appeal:~~

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1. **Modeling** of the subdivision's water, wastewater, roadway, drainage, or park system, as applicable, from the point of connection to the existing public system, employing standard measures of capacity and equivalency tables relating the type of development proposed. Impacts on the existing public system will be reviewed by the City to determine if system upgrades are necessary. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
2. Comparison of the capacity of the applicable City utility to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision shall be considered;
3. Comparison of the capacity of the applicable City public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the City's public facilities systems from the entire subdivision shall be considered;
4. The amount of any City participation in the costs of oversizing the public works improvements to be constructed by the applicant in accordance with the City's requirements;
5. Comparison of the minimum size and capacity required by City standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
6. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.

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E. **Evaluation.** The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study and utilizing the same factors considered by the Engineer in making the original proportionality determination.

SECTION 10.3.6 – CITY COUNCIL DECISION

A. **Appeal Hearing.** After the applicant certifies to the City Secretary that all evidence has been submitted, the City Secretary shall schedule the appeal on an agenda of a meeting

of the City Council, and ~~shall cause to notify~~ the applicant ~~to be notified~~, at the address given on the appeal form, of the date and place at which the Council will consider the appeal. The City Council shall decide the appeal within thirty (30) days of the date of final submission of any evidence by the applicant. The applicant shall be allotted ~~thirty (30) minutes to present testimony in support of the appeal~~ ~~time to present his appeal~~ at the City Council meeting and may introduce other testimony, ~~and shall be allotted thirty (30) minutes to present testimony in support of the appeal~~. The City Council shall ~~endeavor to~~ base its decision on the criteria listed in Section 10.3.3.a and Section 10.3.5.d.

Commented [EE63]: Minor formatting edit.

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B. Action. The City Council may:

1. Deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the Commission's decision on the plat or other development application; or
2. Grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
3. Grant the appeal, and direct that the City participate in the costs of acquiring land for or constructing the public works improvement.

C. Factors. In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the City's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the Council shall consider:

1. The evidence submitted by the applicant; and
2. The City Engineer's report and recommendation, considering in particular the factors identified in Sections 10.3.3.a. and 10.3.5.d.

D. Additional Information. The City Council may require the applicant or the City Engineer to submit additional information that it deems relevant in making its decision.

E. Modification. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

SECTION 10.3.7 – ACTION FOLLOWING DECISION OF CITY COUNCIL

- A. Expiration of Decision of City Council to Modify.** If the City Council finds in favor of the applicant and waives the exaction requirement ~~as a condition of plat approval~~ or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the Commission within thirty (30) days of the date the City Council takes action, with any modifications necessary to ~~cause the plat to conform the plat with to~~ the City Council's decision. If the applicant fails to conform ~~the~~

Commented [EE65]: Title reworded to better reflect gist of the paragraph.

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~~plat~~ to the City Council's decision within the thirty (30) day period provided, the relief granted by the City Council on the appeal shall expire.

- B. **Decision to Waive.** If the City Council finds in favor of an applicant for any other permit and waives the exaction requirement as a condition of permit approval or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the permit application to the responsible official within thirty (30) days of the date the City Council takes action, with any modifications necessary to conform the application with the City Council's decision. If the applicant fails to do so, the relief granted by the City Council shall expire.
- C. **Denial of Appeal.** If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City shall place the plat application on the ~~Commission's agenda for action of the Commission~~ within thirty (30) days of the City Council's decision.
- D. **Additional Dwelling Units.** If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the City Engineer may require a new study to validate the relief granted by the City Council.
- E. **New Appeal Required.** If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

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SECTION 10.3.8 – APPEAL OF CITY COUNCIL DECISION

An applicant may appeal the decision of the City Council to the County or District Court of the county in which the development is located within thirty (30) days of the date that the Council issues its final decision.

SECTION 10.3.9 – RECOGNITION OF VESTED RIGHTS

- A. **Generally.** Under state law, each application for permit or plat approval shall be processed pursuant to the regulations in effect at the time of the application unless the applicant has applied for and obtained a letter of recognition of vested rights for the permit or project for which the permit is sought.
- B. **Purpose.** The purpose of a vested rights recognition application is to determine the regulations by which an application for approval of a permit or plat is to be processed.
- C. **Definitions.** The following terms shall have the meanings hereafter ascribed to them:

Administrative Official. The City Manager, or the City Manager's designated representative, authorized to enforce and administer the terms of this Ordinance.

Chapter 245. Chapter 245 of the Texas Local Government Code, as may be amended.

Permit. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Progress. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Project. Has the meaning set forth in Texas Local Government Code Chapter 245, as may be amended.

Vested Right. The right of a person to develop a project that complies only with ordinances and other development regulations in effect on the date a plan for development or the first application for the project was filed with the City.

- D. **Applicability.** An owner of property, or the owner's authorized agent, may submit an application for recognition of vested rights for the property.
 - 1. With an application for approval of a plat, zoning change, building permit or any other permit, or
 - 2. To prevent expiration of a plat.
- E. **Effect.** If recognition of vested rights is issued in whole or in part, the Administrative Official shall issue a letter which shall specify the regulations which apply to an application and the application shall be processed in accordance with the regulations specified in the letter. If the application for recognition is to prevent expiration of an approved plat, the plat otherwise subject to expiration shall be extended as provided in the letter.
- F. **Types of Vested Rights.** A person may claim vested rights under common law, a federal or state statute, the state or federal constitution, or Chapter 245. For vested rights claimed under Chapter 245, the definitions of "permit" in Chapter 245 shall apply to applications submitted pursuant to this Section.
- G. **Exemptions.** This article shall not apply to the types of ordinances or other governmental action enumerated in Texas Local Government Code Section 245.004 regardless of the effective date of this Ordinance or the existence of vested rights for a project.
- H. **Duration.** This Section and any letter of recognition issued hereunder shall not extend the time of validity for any permit or project. Any rights recognized by a letter issued pursuant to this Section shall not extend beyond the expiration date prescribed by this Ordinance for the permit(s) submitted for recognition.
- I. **Application Requirements.**
 - 1. **Filing.** A property owner or the owner's authorized agent may submit an application for recognition of vested rights with an application for approval of a plat or building permit, or at any time for a plat prior to its expiration date established by this Ordinance.

2. **Fee; Supporting Documents.** The applicant shall submit a completed application together with a permit application review fee in the amount ~~determined by ordinance or resolution established by~~ the City Council, and three (3) copies of any documents on which the applicant is relying to establish vested rights.
3. **Form and Contents.** The application shall state that the applicant has a vested right for some or all of the land for which the permit is sought under Chapter 245 or another statute, or other state or federal law that requires the City to review and decide the application under regulations in effect prior to the effective date of the currently applicable regulations. The application shall include the following:
 - a) The name, mailing address, ~~email address~~, phone number and fax number of the applicant;
 - b) The name, mailing address, ~~email address~~, phone number and fax number of the property owner, if different than the applicant;
 - c) Identification of the property for which the applicant claims a vested right, including a legal description of the exact boundaries of the property encompassed by the project;
 - d) A description of the project for which the application is submitted, how the project was commenced, and the date of commencement of the project;
 - e) Layout of the site, including locations of buildings, streets, utilities and drainage facilities;
 - f) Identification of the original application for the first permit in the series of permits required for the project, as described in Texas Local Government Code Section 245.001(1) and Section 245.002(a) and (b), as may be amended;
 - g) The date that the first permit in the series of permits required for the project was filed with the city;
 - h) Identification of the regulations which the applicant contends apply to the project and the specific parts of the project which are subject to vesting;
 - i) A copy of any prior recognition of vested rights by the City involving the same land; and
 - j) If the applicant alleges that a plat subject to expiration under a City ordinance should not be terminated, a description of the events, including any plat or other development applications on file, that should prevent termination.
4. **Complete Application Required.** An application for recognition of vested rights shall not be considered to have been filed with the City until such time as the application

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is administratively complete. To be administratively complete, the application must meet the following requirements:

- a) Contain all materials and information required by this Section; and
- b) Be accompanied by a check payable to the City for the application review fee.

5. **Criteria for Issuance of Letter of Recognition.** No letter of recognition of vested rights shall be issued unless the applicant has demonstrated compliance with the following criteria, as applicable:

- a) For statutory vested rights:
 - (1) The applicant filed an application for a permit as provided in Chapter 245 prior to adoption of the regulations against which vested rights are claimed;
 - (2) The regulations against which vested rights are claimed are not subject to an exemption as provided in Texas Local Government Code Section 245.004; and
 - (3) The project has not become dormant as defined in Texas Local Government Code section 245.005; and/or
- b) For recognition of vested rights under common law or the federal or state constitution, the applicant is in compliance with any other factor which may be required to establish vested rights under the state or federal constitution.

J. Processing of Application.

- 1. **Review and Determination.** The Administrative Official may require the submission of additional evidence relevant to support the applicant's claim for recognition. Upon review of the application and evidence, the Administrative Official shall make a determination as to whether the applicant is entitled, in whole or in part, to recognition of vested rights for a permit. If the evidence presented by the applicant establishes that the permit for which approval is sought is part of a project which is vested under Chapter 245, the Administrative Official shall issue a letter of recognition of such rights. If the Administrative Official finds that the applicant is not entitled to recognition of vested rights, they shall notify the applicant of the basis for their findings.
- 2. **Substantial Change.** Where the Administrative Official determines that the project for which the applicant seeks vested rights has undergone a substantial change since its inception, recognition of vested rights shall be denied. Examples of a substantial change include, but are not limited to, modifications of the following characteristics of a project:
 - a) Gross surface area or acreage;

- b) Gross floor area;
- c) Gross number of buildings;
- d) Density;
- e) Living unit equivalents;
- f) Land use classification;
- g) Impervious cover or lot coverage;
- h) Drainage pattern or volumes;
- i) Street layouts;
- j) Additional curb cuts or driveways; or
- k) Orientation of buildings.

K. Appeals.

1. **Filing.** The applicant may appeal the Administrative Official's decision on the application for vested rights determination to the City Council. An appeal under this Section stays acceptance by filing of any related development applications.
2. **Process.** The application for appeal shall be made in writing to the City Secretary and shall state the basis for requesting the appeal. The appeal shall be made within ten (10) days of the date of the letter. The City Secretary shall ~~endeavor to~~ schedule a hearing before the City Council within thirty (30) days of the date the appeal is submitted.
3. **Appeal of Council Decision.** A person dissatisfied with the decision of the City Council may appeal the decision to a court within the county in which the property is located. The person shall file the appeal with the court within thirty (30) days of the decision of the City Council. If no appeal is filed, the decision of the City Council shall be final.

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L. Expiration.

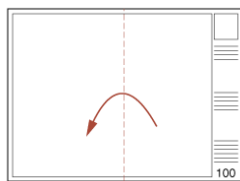
1. A permit issued by the City that is subject to Chapter 245, but does not expressly contain an expiration date, shall expire by operation of law two (2) years after issuance. This Section shall not apply to permits pursuant to which progress has been made toward the completion of the project, as determined by Texas Local Government Code section 245.005(c), as may be amended.

2. A project subject to Chapter 245 shall expire by operation of law five (5) years after an application was filed for the first permit necessary for the project. This Section shall not apply to permits for which progress has been made toward the completion of the project.

ARTICLE 4 – REQUIREMENTS FOR PLAT SUBMITTAL

SECTION 10.4.1 – SUBMITTAL

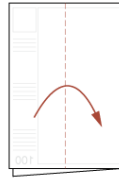
- A. **Pre-application Conference.** A property owner or applicant may request a pre-application conference with the Administrative Official for purposes of identifying requirements that are applicable to a proposed plat. The conference between a developer and City staff is intended to be of mutual benefit to the developer and the community by determining the suitability and type of development of a tract of land. This step also involves considerable planning which precedes actual preparation of the ~~preliminary~~ respective plat. The request shall be made in writing on a form ~~prepared by the Administrative Official~~ provided by the City and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan for development or application for plat approval. ~~If the request for the meeting is to present a plan for development or application presenting a plan for development or plat that describes the property, the proposed uses for the property and the permit which is sought, the Administrative Official shall process the plan or application unless the applicant executes a form that the plan is submitted only for the purpose of requesting information and is not intended to constitute an application.~~
- B. **Application.** An applicant shall submit a written application for plat approval to the Administrative Official on forms prepared by the City, together with all required documents, such as studies, drawings, exhibits, or other ordinance requirements, in sufficient size and number as required by the Administrative Official, and any reasonable information requested by the Administrative Official to assist the City in its review of the application. The owner, applicant, or other authorized agent shall sign the application. Proof of agency shall be submitted by affidavit signed by all owners. The City may require evidence of fee simple title to the property.
- C. **Preparation and Reproductions.** Each plat shall be prepared by an engineer or surveyor, trained and experienced in subdivision design. ~~In addition to prints, the applicant shall also provide final plats in .pdf format. It shall be the responsibility of the applicant to verify the number of prints and mylars required for all submittals. A mylar of the final plat to be recorded bearing all appropriate signatures shall be submitted to the City for its records.~~ Large format documents submitted for review shall be printed in landscape format with the title block located on the lower right corner. All large format documents shall be folded in the following manner:



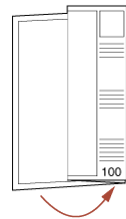
Step 1: Fold the drawing in half so that the content is concealed inside the fold.

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Commented [EE73]: This information is all repeated in the section on final plats. It is redundant.



Step 2: Fold the top leaf back over itself, which will be 1/4 of the original width.



Step 3: Fold the bottom leaf back under the top leaves. You now have an accordion folded sheet that is 1/4 the width of the full sheet and full height.



Step 4: Fold the top half of the sheet under the bottom half.



Step 5: For extra-large drawings, the drawing can be folded in half again.

- D. **Fees.** The applicant shall consent in the application to be responsible for payment of legal and engineering and any other professional fees incurred by the City in connection with the processing of the application. Approval of the final plat or minor or amending plat shall be conditional until the applicant has paid the fees or has given security such as posting a deposit or bond.

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:

1. A completed application form signed by the owner or the owner's authorized agent. Proof of agency shall be submitted by affidavit signed by all owners. The City may require evidence of fee simple title to the property;
2. Every item, study and document required by this Ordinance or other applicable ordinances for the type of plat being submitted, or required for a plan for development;
3. ~~An application for approval of a plat or plan for development for property located within the City shall be accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located;~~
4. ~~3.~~ Demonstration of ~~A plat or plan for development application must conform~~ ity to the zoning regulations applicable to the property at the time of the application, except as otherwise provided herein; ~~and~~
4. An agreement to pay all fees incurred with the review and processing of the application, and a deposit, if payment has not been timely made for previous applications.
5. A written statement signed by the subdivider stating the developer will comply with all City requirements in the proposed subdivision and all improvements shall conform to or exceed the standards for such improvements prescribed by the City; and
6. A certification that all City taxes and fees have been paid.
~~5.~~

Commented [EE74]: This phrase is added for clarity and reflect a similar requirement for final plats.

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Commented [EE77]: Moved from Sec. 10.4.3.D.26.d). for consistency of format.

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B. **Proper Zoning Required.** If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any preliminary plat of the property. The ~~City Council Administrative Official or Commission~~ shall not approve a plat or plan for development which does not comply with the zoning requirements until any available relief from the Board of Adjustment has been obtained.

Commented [EE79]: Change to reflect recent Ordinance amendments.

C. **Additional Requirements.** The Administrative Official and the City Engineer may from time to time identify additional requirements for applications that are not contained within but are consistent with the application contents and standards set forth in this Ordinance.

D. **Incomplete Application.** Any application deemed incomplete shall be returned to the applicant with information indicating the missing items. ~~The~~ processing of an application by any City employee prior to the time the application is determined to be administratively complete shall not be binding on the City as the official acceptance of the application for filing.

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- E. **Expiration of Application.** An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the Administrative Official for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance as specified in the determination provided to the applicant.
- F. **Denial of Application.** No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

SECTION 10.4.3 – PRELIMINARY PLAT SUBMITTAL REQUIREMENTS

- A. **Applicability.** A preliminary plat ~~must be prepared and approved~~ is required for all subdivisions within the corporate limits of the City which do not meet the requirements for a minor plat or amending plat. A preliminary plat is neither authorized nor required in the City's extraterritorial jurisdiction, unless expressly authorized by an agreement between the City and the developer.
- B. **Submission.** The developer shall prepare and submit copies of the preliminary plat to the Administrative Official in the quantity as is determined, from time to time by the Administrative Official. An application lacking required documentation or information shall be returned to the applicant as provided by Section 10.4.2.
- C. **Phasing.** The preliminary plat shall ~~be submitted on show~~ the entire tract proposed to be subdivided, regardless of whether the applicant intends to request final plat approval for only a portion of the tract. Any phasing must be shown on the preliminary plat. Any portion of a final plat that developed in sections or phases must correspond to the sections or phases on the preliminary plat. In the event the developer chooses to submit a final plat that does not agree with the phasing plan contained on an approved preliminary plat, the ~~City Planner~~ Administrative Official may require the preliminary plat ~~must~~ be resubmitted with amended phasing indicated.
- D. **Required Information.** The preliminary plat shall contain the following information:
1. The case number in the lower left-hand corner of the plat. (The case number shall be provided by staff after the first submittal.)
 2. A location map on the plat showing location of tract by references to existing streets or highways.
 - 2-3. ~~NA~~ A north arrow, graphic and written scale in close proximity on the plat. The minimum scale is one inch (1") = fifty feet (50'). In cases of developments three acres or larger in size, a scale of one inch (1") = one hundred feet (100') is acceptable.

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Commented [EE82]: Minor word edits

Commented [EE83]: Correction.

Commented [EE84]: Taken from final plat requirements for consistency.

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Commented [EE85]: Added for clarity.

~~3-4.~~ An appropriate title, i.e., "Preliminary Plat", to include subdivision name, which shall not duplicate that of another subdivision, City, county, state, survey and abstract, total gross acreage, number of lots and date of preparation ~~and revisions.~~

Commented [EE86]: Added for clarity.

~~4-5.~~ The ~~N~~name, ~~and~~ address, ~~and~~ phone number, and email address of record owner(s), and subdivider, if different. ~~Note volume and page of current deed record ownership.~~

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~~5-6.~~ ~~N~~The name, address and phone numbers and e-mail addresses of engineer, planner, and/or surveyor responsible for preparing the plat.

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~~6-7.~~ ~~N~~The name of ~~the~~ record owner and corresponding deed record volume and page for all adjacent unplatted tracts within one hundred feet (100') ~~of the land to be platted,~~ ~~to~~ including ~~ing~~ e-owners across any adjacent ROW.

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~~7-8.~~ All adjacent platted property within one hundred feet (100') shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.

~~8-9.~~ ~~The~~ Location of City limit lines and/or extraterritorial jurisdiction lines.

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~~9-10.~~ Existing zoning noted on this tract and adjacent tracts and any proposed zoning labeled as such with appropriate setback lines.

~~10-11.~~ All existing easements on or adjacent to this tract shown and labeled as to type and size.

~~11-12.~~ The location of existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100') of the perimeter.

~~12-13.~~ Legal description of the land to include the current owner's deed record reference, survey and abstract, county, state, point of beginning tied to survey corner or previously filed subdivision corner, or USGS monument.

~~13-14.~~ A ~~G~~graphic depiction of all boundary lines shown in heavy lines with deed record dimensions or field surveyed dimensions if available. These should match legal description.

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~~14-15.~~ Existing ROW shown, labeled and dimensioned, i.e. public streets, highways, alleys, private drives, railroads, etc.

~~15-16.~~ ~~P~~All ~~p~~ermanent structures and uses within the subdivision that will remain.

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~~16-17.~~ ~~P~~roposed ~~L~~ots and blocks labeled with numbers in consecutive order.

Commented [EE93]: Minor edit for clarity.

~~17-18.~~ ~~P~~roposed ~~D~~rainage, utility and pedestrian access easements labeled and dimensioned.

Commented [EE94]: Minor edit for clarity and reformatting edit.

~~18-19.~~ The proposed uses of the property ~~with associated acreage and identified by and the proposed location on the plat, of the uses on the tract(s)~~ including uses to be dedicated for schools, parks, open spaces and other public uses, showing acreage.

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~~19-20.~~ Approximate flood plain and floodway limits shown.

~~20-21.~~ The location and width of the proposed streets, roads, lots, alleys, easements, widening of existing thoroughfares, and other features, and their location in relation to platted streets, alleys and easements in adjacent subdivisions for a distance of one hundred feet (100') beyond the boundaries of the tract shall be shown consistent with the Thoroughfare Plan or other adopted plan for roads and streets.

~~24-22.~~ ~~Existing~~ ~~Present~~ physical features on the tract, including natural and artificial watercourses, ditches, ravines, culverts, and bridges.

Commented [EE96]: Minor edit.

~~22-23.~~ A topographical map with contour intervals not greater than two feet (2') with all elevations shown thereon tied to the sea level datum plane.

~~23-24.~~ Profiles and cross sections of proposed streets and roads sufficient to ascertain that ~~the preliminary plat proposal existing and proposed streets and roads~~ will function in accordance with the standards of the City.

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~~24-25.~~ A complete and corrected preliminary water and wastewater layout. This may be combined with the drainage study and ~~should~~ ~~shall~~ show all intended easements and other information required by the ~~Design Standards~~ ~~EDSS~~.

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~~25-1.~~ ~~A final drainage study which shall include all information specified in the Design Standards and support the drainage improvements proposed in the final construction documents. The final drainage study shall be prepared by an engineer and shall be signed, sealed, and dated by the person preparing the study. The City may waive the requirement of the final drainage study or may limit certain requirements where the City Engineer determines that such requirements are not necessary for review of the development.~~

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26. The following certifications shall be placed on the preliminary plat:

a) ~~Reviewed for Approval of~~ Preliminary ~~Plat Approval:~~

Commented [EE100]: Change to reflect recent Amendments.

Planning & Zoning Commission Chairman

Date

Attest:

City Secretary

Date

~~b) Approved for Preparation of Final Plat:~~

Mayor, City of Joshua _____ Date

~~Attest:~~

City Secretary _____ Date

~~c) preliminary plat application shall be accompanied by a written statement signed by the subdivider stating the developer will comply with all City requirements in the proposed subdivision and all such proposals shall conform to or exceed the standards for such improvements prescribed by the City.~~

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~~d) A certification that all City taxes and fees have been paid.~~

Commented [EE102]: Moved to Sec. 10.4.2.A.6.

- E. **Preliminary Drainage Study.** The applicant shall submit a preliminary drainage study with the preliminary plat. A preliminary drainage study may also be required by the City when reviewing a use other than the current land use. Approval of the preliminary plat may be contingent on the acceptability of the solutions proposed by the preliminary drainage study. The preliminary drainage study shall be prepared, signed, sealed and dated by an engineer. The City may waive the requirement of the preliminary drainage study or may waive certain requirements where the City Engineer determines the impact of the proposed development does not necessitate the review.
- 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 lines shall be designed in accordance with the requirements established by the Johnson County Special Utility District or Bethesda Water Supply Corporation. ~~The City Engineer may waive all or a portion of the requirements for the study when, in the Engineer's opinion, the impact of the proposed development does not necessitate the review. No preliminary plat shall be approved by the City unless the Johnson County Special Utility District or the Bethesda Water Supply Corporation has provided an approval letter that it has received the plans and it has sufficient capacity to meet the service requirements for the proposed development.~~
- G. **Traffic Impact Analysis.** For developments consisting of a minimum of two hundred (200) dwelling units (residential) or generating one thousand (1,000) daily trips (non-residential), the applicant shall submit a traffic impact analysis as required by Section 10.7.10 to determine the traffic generated by the proposed subdivision and to demonstrate adequacy of the adjacent roadway systems. The City Engineer may waive all or a portion of the requirement for the analysis depending upon the size and potential impact of the proposed subdivision and the traffic to be generated.

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SECTION 10.4.4 – REVISED PRELIMINARY PLAT

When, in the opinion of the Administrative Official, a final plat deviates substantially from the approved preliminary plat, the applicant must obtain approval of a revised preliminary plat prior to the submission of a final plat. If an owner proposes substantive changes to a preliminary plat after the City Council has approved it, a revised preliminary plat shall be prepared, processed and approved before preparation of the final plat.

SECTION 10.4.5 – FINAL PLAT - ~~SUBMITTAL REQUIREMENTS~~ PURPOSE, APPLICABILITY, EFFECT, AND PHASING

- A. **Purpose.** The purpose of a final plat is to assure that the division or development of the land subject to the plat is consistent with all standards of this Ordinance, applicable zoning regulations, and all other applicable ordinances, ~~that and~~ public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made.
- B. **Applicability.** Approval of a final plat shall be required prior to any non-exempt subdivision of land, including amending plats, minor plats, and replats and prior to any site preparation or grading activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto. ~~A final plat application shall not be required for any land division that may be approved through the minor plat procedures.~~
- C. **Effect.** Approval of a final plat authorizes the Administrative Official to record the plat upon completion of public improvements or posting of security and authorizes the subdivider to install any public improvements under approved construction plans.
- D. **Application.** After obtaining approval or conditional approval of a preliminary plat and if required, fulfilling all requirements of the preliminary plat approval, the applicant may submit an application for approval of a final plat. The final plat shall be accompanied by a completed application and shall be in accordance with all Ordinance requirements.
- E. **Phases.** A final plat may include all or only a portion of the area of the approved preliminary plat. If a final plat is approved in sections or phases, each final plat of each section is to carry the name of the entire subdivision but is to be distinguished from each other section by a distinguishing letter, number or subtitle designating the Phase. Block numbers shall run consecutively throughout the entire subdivision, even though such subdivision may be finally approved in sections.

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Commented [EE106]: Minor edit.

Commented [EE107]: Added for clarity.

Commented [EE108]: Removed because it is now covered in the first sentence.

SECTION 10.4.6 – FINAL PLAT – ~~REQUIRED FORMAT AND INFORMATION~~ APPLICATION SUBMITTAL REQUIREMENTS

- A. **Sheet Size.** All final plats, replats, amending plats, and minor plats shall be drawn on a sheet size of thirty-six inches (36") by twenty-four inches (24"). ~~In addition to County submission requirements, one (1) full size mylar and one (1) full size paper copy shall be submitted, including four paper copies photographically reduced to eight and a half inches (8½") by eleven inches (11") after obtaining original signatures for filing in the county~~

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Commented [EE109]: Moved to Section 10.5.10 Recording of Plat.

~~records. Where more than one sheet is needed, an index showing the entire subdivision shall be added to the first sheet or provided on a sheet of its own to be filed with the plat. The applicant shall submit initial copies of the final plat in .pdf format and AutoCAD.~~

Commented [EE110]: Added for clarity.

Commented [EE111]: Added to make the requirements current.

Commented [EE112]: Moved to new B.4. below for consistency with preliminary plat requirements.

- B. **Scale.** The permissible scale: one inch (1") = fifty feet (50'). In cases of ~~developments three acres or larger in size, a scale of one inch (1") = one hundred feet (100') is acceptable. For any larger development which would exceed the dimensions of the sheet at one hundred feet (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrative Official (or designee), and in a format that will be acceptable for eventual filing at Johnson County.~~

~~C-B.~~ **Requirements Information.** The final plat shall contain or be accompanied by the following information:

Commented [EE113]: Changed for clarity.

1. ~~Should~~ If more than one sheet ~~is~~ required for the layout, there shall be included a key map showing the entire subdivision, drawn at a smaller scale, with block number and street names. The key map is to be included upon the first sheet or presented separately as a cover sheet the same size as the large-scale sheet.

Commented [EE114]: Minor formatting edit.

2. ~~The case number, as provided by the staff, shall be shown in the lower left-hand corner of the plat.~~

Commented [EE115]: Reordering to correspond with preliminary plat requirements.

3. ~~A legible location map on the plat showing location of tract by references to existing streets or highways.~~

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Commented [EE116]: Words added for clarity.

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Commented [EE117]: Words moved from deleted B. above.

4. ~~NA north arrow, graphic and written scale shown in close proximity on the plat. The minimum scale is one inch (1") = fifty feet (50'). In cases of developments three acres or larger in size, a scale of one inch (1") = one hundred feet (100') is acceptable. For any larger development which would exceed the dimensions of the sheet at one hundred feet (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the Administrative Official, and in a format that will be acceptable for eventual filing at Johnson County.~~

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5. ~~Appropriate. The title, i.e., "final plat", to include the approved subdivision name for the preliminary plat, if a preliminary plat was required, City, County, State, Survey and Abstract, total gross acreage, number of lots, and date of preparation.~~

Commented [EE118]: Words added for clarity.

Commented [EE119]: Reordered for consistency with preliminary plat requirements.

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6. The names, addresses, phone numbers, and e-mail addresses of the ~~record~~ owner and, if different, the subdivider.

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7. Legal description of the land to include the current owner's deed record ~~reference, survey and abstract, county, state, point of beginning tied to survey corner or previously filed subdivision corner, or USGS monument.~~

Commented [EE121]: Added for consistency with preliminary plat requirements.

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8. ~~The name, address, phone number, and email address and~~ of the surveyor and/or engineer responsible for preparing the plat.

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~~3.1. The name of the subdivision and adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lot and blocks, in accordance with alphabetical block arrangements and numerical lot arrangement, with accurate dimensions in feet and decimals fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.~~

Commented [EE122]: Reordered for consistency with preliminary plat requirements.

~~4.9. An accurate boundary survey and description of the property, with bearings and distances referenced to survey lines and established subdivisions and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width and names. Streets, alley and lot lines in adjacent subdivisions shall be shown in dashed lines.~~

~~5.1. The case number, as provided by the staff, shall be shown in the lower left hand corner of the plat.~~

~~6.1. North arrow, graphic and written scale in close proximity.~~

~~7.1. Location map showing location of tract by references to existing streets or highways.~~

~~8.1. Appropriate title, i.e., "final plat", to include subdivision name, City, County, State, Survey and Abstract, total gross acreage, number of lots, and date of preparation.~~

~~9.10. A~~ ~~The name of the~~ record owner and corresponding deed record volume and page for all adjacent un-platted tracts within one hundred feet (100'), to include owners across any adjacent ROW.

Commented [EE123]: Minor formatting edit.

~~10.11.~~ All adjacent platted property within one hundred feet (100') shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.

~~12. The Location~~ of City limit lines and/or extraterritorial jurisdiction lines, all survey lines with survey names labeled.

Commented [EE124]: Minor edit.

~~13. The names of the subdivision and adjacent subdivisions, the names of streets (to conform whenever possible to existing street names) and numbers of lot and blocks, in accordance with alphabetical block arrangements and numerical lot arrangement, with accurate dimensions in feet and decimals fractions of feet, with the length of radii and of arcs of all curves, all angles, and with all other engineering information necessary to reproduce the plat on the ground. Dimensions shall be shown from all angle points.~~

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Commented [EE125]: Reordered for consistency with preliminary plat requirements.

~~14.14.~~ An accurate boundary survey and description of the property, with bearings and distances referenced to survey lines and established subdivisions and showing the lines of adjacent lands and the lines of adjacent streets and alleys, with their width

and names. Streets, alley and lot lines in adjacent subdivisions shall be shown in dashed lines.

12-15. All existing easements on or adjacent to the tract shown and labeled as to type and size with dimensional ties to property corners and centerline or boundary dimensions and bearings.

13-16. The locations, street names and dimensional centerline references to existing or approved street intersections on the perimeter of the subdivision or within one hundred feet (100') of the perimeter.

14-17. ~~The~~ Ppoint of beginning labeled on plat.

Commented [EE126]: Minor edit.

15-18. Two boundary corners geo-referenced by state plane coordinates in accordance with Section 10.10.3. (Monumentation)

16-19. Street ROW and ROW centerline dimensioned with bearings, all streets having street names as approved by preliminary plat or names dissimilar from any existing street names.

17-20. Physical features relative to the property boundary, including survey markers, and existing encroachments.

18-21. The location and dimensions of all drainage and utility easements and pedestrian access easements, and public open space easements to be dedicated.

Commented [EE127]: Added for consistency with requirements.

19-22. All building setback lines (on all streets) labeled or noted per the appropriate zoning.

20-23. Lots to be dedicated for public use labeled as such, i.e. schools, parks, open spaces, etc., showing acreage and calculated perimeter dimensions, and the entity responsible for maintenance. Show any private uses in same manner.

21-24. Calculated dimensions of all lots, street ROW, easements, or common area lots, etc. All curve data ~~should-shall be~~ labeled including delta, radius, length and tangent. All lots must meet the minimum lot width, depth, and area requirements of the zoning district.

Commented [EE128]: Word change for consistency.

22-25. Floodplain limit shown and labeled. Floodway limit shown and labeled with dimensional ties to all lot corners.

23-26. Minimum finish floor elevations shown on all lots impacted by drainage easements or intended to be filled. Finish floor note shown on plat.

24-27. For amending plats or replats, certification signed by all owners of the property being platted concerning deed restrictions shown.

Commented [EE129]: Added for clarity.

25-28. ~~Required~~ Sight triangles ~~note shown, on the face of the plat, if applicable.~~

Commented [EE130]: Minor formatting edit.

26-29. Driveway access limitation note provided, if applicable.

27-30. The following note shall appear on the face of the plat: "Selling a portion of any lot within this addition by metes and bounds is a violation of state law and City ordinance and is subject to fines and withholding of utility services and building permits."

28-31. For collector or arterial streets which have limited or no individual access, the following note may be required on the face of any plat intended to be filed in the county plat records. "No lot within this addition shall be allowed driveway access onto _____ Street".

29-32. Temporary paved turn-arounds which meet the requirements of the ~~Design Standards~~ EDSS are to be provided at ends of streets more than one lot deep that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is a temporary easement for a turn-around until the street is extended [insert direction] in a recorded plat."

Commented [EE131]: Change for consistency.

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:

Commented [EE132]: Title added for clarity.

30. 1. Construction plans as required in Section 10.4. ~~8.~~

Commented [EE133]: Item added for ease of use. Not a new requirement.

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a) 2. Completed Developer's Agreement, if applicable;

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b) ~~Certificate of taxes paid from the City Tax Collector;~~

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e) 3. Certificate of taxes paid from the Johnson County ~~Central Appraisal District~~ Tax Collector;

Commented [EE134]: Removed due to redundancy with new item 3. Below.

Commented [EE135]: Minor edit.

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d) ~~Certificate of taxes paid from the School District Tax Collector, as applicable; and~~

Commented [EE136]: Removed due to redundancy with new item 3. Above.

e) 4. Any proposed or existing deed covenants/restrictions; and

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f) ~~Approval blocks in the form required by Section 10.4.7.~~

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

Commented [EE137]: Minor edit. Last sentence reflects recent ordinance amendments.

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~~D.~~ D. Prerequisite **to Approval**. Unless otherwise permitted by this Ordinance, no final plat shall be accepted for review unless a preliminary plat has been approved and is currently valid.

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SECTION 10.4.7 – FINAL PLAT DEDICATION, STATEMENTS, AND WAIVERS OF CLAIMS FOR DAMAGES

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- A. **Requirements.** The final plat shall contain a statement of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lienholder interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition.
- B. **Certificate of Dedication.** The plat shall contain a certificate of dedication of all streets, public highways, alleys, parks and other land intended for public use, signed by the owner or owners and by all other parties who have mortgage or lien interests in the property and acknowledged before a notary public. All deed restrictions that are to be filed with the plat shall be shown or filed separately. The certificate of dedication shall be substantially in the following form:

1. Individual Owner(s).

STATE OF TEXAS
COUNTY OF ____

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the _____ addition to the City of Joshua, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all rights-of-way, streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the _____ addition have been notified and signed this plat.

I (we) further acknowledge that the dedications and / or exactions made herein are proportional to the impact of the subdivision upon the public services required.

Owner for _____

STATE OF TEXAS
COUNTY OF ____

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.

Given upon my hand and seal of office this ____ day of _____, 2____.

Notary Public in and for the State of Texas

My Commission Expires:

2. Lienholder's Ratification.

STATE OF TEXAS
COUNTY OF _____

Whereas (Lien Holder Name), acting by and through the under signed, its duly authorized agent, is (are) the lien holder(s) of the property described hereon, does (do) hereby ratify all dedications and provisions of this plat as shown.

(typed name of authorized agent, title, Lien Holder)

Before me, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said _____.

Given upon my hand and seal of office this ____ day of _____, 2____.

Notary Public in and for the State of Texas

My Commission Expires:

If no liens exist, add the following statement to the end of the plat dedication:

There are no liens against the property.

3. Corporate or partnership dedication.

STATE OF TEXAS
COUNTY OF _____

Whereas _____, acting by and through the under signed, its duly authorized agent, is the sole owner of a tract of land situated in the _____ Survey, Abstract _____, County of _____, according to the deed recorded in Volume _____, Page _____, Deed Records, Johnson _____ County, Texas, and more particularly described as follows:

[Insert legal description here]

Commented [EE139]: Minor edit.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, _____ by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the hereinabove described property as _____, an addition to the City of Joshua, Johnson, _____ County, Texas, and I (we) do hereby dedicate the rights of way, (alleys, parks) and easements shown thereon to the public's use unless otherwise noted.

Commented [EE140]: Minor edit.

WITNESS my (our) hand(s) at Joshua, Johnson County, Texas this the _____ day of _____, 2_____.

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____ of _____ a corporation (Partnership, Joint Venture) known to me to be the person(s) whose name(s) subscribed to the above and foregoing instrument, and acknowledged to me that he/they executed the same for the purpose and consideration expressed and in the capacity therein stated and as the act and deed of said corporation (Partnership, Joint Venture).

Commented [EE141]: Minor edit.

Given upon my hand and seal of office this ____ day of _____, 2_____.

Notary Public in and for the State of Texas

My Commission Expires:

- C. **Surveyor Certificate.** The plat shall contain the following certification by a surveyor to the effect that the plan represents a survey made by him, and that all the necessary survey monuments are correctly shown thereon:

This is to certify that I, _____, a Registered Professional Land Surveyor of the State of Texas, have prepared this plat of the above subdivision from an actual survey on the ground; and that all monuments for lot corners, angle points, and points of curvature shown thereon as "set" were placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Joshua.

(print name), Surveyor

Texas R.P.L.S. No. _____

Date: _____

(seal)

D. Utility Easement Restriction Statement. The plat shall contain the following statement:

"Any public utility, including the City of Joshua, shall have the right to remove all or part of any building, fences, trees, shrubs, other growths or improvements which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements shown on the plat: and any public utility, including the City of Joshua, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone."

E. Public Open Space Easement Restriction Statement. When a public open space easement is provided, the following full statement of restrictions shall be placed in the dedication instrument or on the face of the plat:

Commented [EE142]: Added for clarification.

"No structure, object or plant of any type may obstruct vision from a height of thirty inches (30") to a height of ten feet (10') above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the public open space easement as shown on the plat."

F. Drainage and Floodplain Easement Restriction Statement. The following statement shall be placed in the Dedication Instrument or on the face of the plat:

"No construction or filling, ~~without the written approval of the City of Joshua,~~ shall be allowed within a drainage easement or a floodplain easement without the written approval of the City of Joshua, and then only after detailed engineering plans and studies show that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners of the property affected by such construction becoming a party to the request. Where construction is permitted, all finished floor elevations shall be a minimum of one foot (1') above the 100-year flood elevation."

Commented [EE143]: Minor formatting edit.

G. Waiver of Claims for Damages. The final plat shall contain a waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

Commented [EE144]: Clarification added.

H. Approvals. The following approval blocks shall be executed after final approval:

1. I hereby certify that the above and foregoing plat of _____ Addition to the City of Joshua, Texas, was approved by the Planning and Zoning Commission ~~City Council~~ of the City of Joshua on the _____ day of _____, 2____.

Commented [EE145]: Reflects recent ordinance amendment.

This approved plat shall remain be invalid for a period of two (2) years from approval by the Planning and Zoning Commission during which time it shall be unless the approved plat for such addition is recorded in the office of the County Clerk of Johnson—, County, Texas. Failure to record this plat, within two (2) years from said date of final approval shall

Commented [EE146]: Minor reformatting edit.

~~render the plat invalid. Said addition~~ This plat shall be subject to all the requirements of the Subdivision Regulations of the City of Joshua.

WITNESS OUR HAND, this _____ day of _____, 2____.

City Secretary

2. The following approvals shall be placed on a final plat, in a manner that will allow the filing of the certificates by the proper party.

~~Recommended for final approval~~ Approved:

Commented [EE147]: Change to reflect recent ordinance amendment.

Chairman
Planning & Zoning Commission Date

Attest:

City Secretary Date

Approved:

Mayor, City of Joshua, Texas Date

Commented [EE148]: Changed to reflect recent ordinance amendment

Attest:

City Secretary Date

3. The following approvals shall be placed on an amending or minor plat:

Approved:

City ~~Manager~~ Administrator

Commented [EE149]: Correction.

Attest:

City Secretary

SECTION 10.4.8 – CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS

- A. **Generally.** The applicant shall submit construction plans and profile sheets for all public works improvements for review with the application for approval of the final plat.

Incomplete plans shall be returned to the applicant. Design standards of the City and Johnson County Special Utility District (JCSUD), or Bethesda Water Supply Corporation (BWSC) in effect at the time of submission of the plat shall be used, subject to the approval of the City Engineer and JCSUD or BWSC, respectfully.

B. Specifically.

1. Construction plans and profiles shall be prepared by an engineer and drawn on eleven inch (11") by seventeen inch (17") sheets, and shall include a cover sheet with index, general site layout and required calculations.
2. Each sheet shall include north point, scale, and date. Bench mark description to sea level datum shall be included with the plans.
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:
 - a) A plan and profile of each street with top of curb grades shown. Scale shall be one inch (1") = forty feet (40') horizontally, and one inch (1") = four feet (4') vertically; one inch (1") = twenty feet (20') horizontally, and one inch (1") = four feet (4') vertically; or one inch (1") = fifty feet (50') horizontally, and one inch (1") = five feet (5') vertically.
 - b) The cross-section of proposed streets, alleys, and sidewalks showing the width and type of pavement, base and sub-grade, and location within the right-of-way. These plan-profiles shall show the existing ground and the proposed grade at five (5) points of cross section; that is, at the center line, the back-of-curb lines, and the property lines.
 - c) A plan and profile of proposed wastewater lines, with grades and pipe sized indicated and showing locations of manholes, clean-outs, and other appurtenances, and a cross section of embedment.
 - d) A plan of the proposed water distribution system showing pipe sizes and location of valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.

e)

A final drainage study including which shall include all information specified in the EDSS Design Standards and that supports the drainage improvements proposed on the drainage plan. final construction documents. The final drainage plan study shall be prepared by an engineer and shall be signed, sealed, and dated by the person preparing the plan study. The City may waive the requirement of the final drainage study or may limit certain requirements where the City Engineer determines that such requirements are not necessary for review of the development.

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Commented [EE150]: Moved from preliminary plat requirement and combined with existing section.

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e) A. The final drainage plan shall be to scale of all areas contributing storm water runoff or drainage within and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff, points of concentration, and other data necessary to adequately design drainage facilities for the area. This should analyze upstream and/or downstream impacts to ensure that the development does not adversely affect upstream or downstream properties. The City Engineer may waive the requirement of the final drainage plan or may limit certain requirements where the City Engineer determines that such requirements are not necessary for review of the development.

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Commented [EE151]: Sentence moved from the paragraph in green above.

f) A plan and profile showing size and location of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges, and other structures.

g) Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer.

C. **Responsibility.** The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.

D. **Corrections.** The City reserves the right to require plan corrections when actual conditions in the field which are found to be contrary to or omitted from the previously submitted plan.

E. **Approval.** ~~If construction plans are~~When approved, the construction plans shall be marked "approved" and one set shall be returned to the applicant, and at least two sets shall be retained in the City's files. The developer shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped construction plans must be available for inspection on the job site at all times.

Commented [EE152]: Minor formatting edits.

F. **Revisions.** ~~If plans are submitted to the City which need corrections, the conditions of approval require revision(s) to the construction plans,~~ one set shall be marked with objections noted (on the plans themselves and/or in memo format) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and resubmit them for decision. A properly revised set of construction plans shall be submitted to the City Engineer within thirty (30) working days of receipt of the notice of the City's Engineer's decision.

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Commented [EE154]: Minor edit.

SECTION 10.4.9 – MINOR PLAT SUBMITTAL REQUIREMENTS

A. **PurposeRequirements.** ~~A minor plat represents When~~ a tract of land ~~that~~ has not been previously platted and recorded, ~~the subdivider may elect to comply the~~

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Commented [EE156]: Rewording for entire section for clarification. Removal of words because they are superfluous.

~~preliminary and final plats of a subdivision and submit an application for approval of a minor plat if the tract and has these characteristics:~~

1. ~~It~~ involves four (4) or less lots; ~~and~~
 2. ~~It is to be subdivided without change of~~ will not change a street location, require construction of a new street or streets, or ~~or without~~ have a substantial effect on City services, drainage or adjacent properties; and
 3. ~~It~~ does not require the extension of ~~municipal~~ public facilities.
- ~~B. B. Name. A. The~~ minor plat ~~shall be given a distinct name, may bear the name of the original survey and abstract number in which said property is located as an Addition. It is subdivided into numbered lots out of that survey.~~
- ~~C. C. Requirements~~ Information. All requirements of a ~~n~~ application for approval of a ~~minor plat shall contain the information required by Sections 10.4.6 and 10.4.7 shall be satisfied~~ unless the Administrative Official determines additional information is necessary to ascertain whether sufficient public infrastructure exists.

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SECTION 10.4.10 – AMENDING PLAT SUBMITTAL REQUIREMENTS

- A. **Purpose.** An amending plat is a plat which is solely for one or more of the following purposes:
1. To alter the interior lot line or change building setback lines for purposes of a more buildable area without increasing the number of lots;
 2. To correct an error in course or distance;
 3. To add any course or distance that was omitted;
 4. To correct an error in the description of the real property;
 5. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments;
 6. To show location or character of any monument which has been changed in location or character or was incorrectly shown;
 7. To correct scrivener or clerical error or omission; may include, but are not limited to lot numbers, acreage, street names and identification of adjacent recorded plats;
 8. To correct error in course or distances of lot lines between two (2) adjacent lots where both lot owners join in the proposed revision and neither lot is abolished but does not attempt to remove recorded covenants or restrictions;

9. To relocate a lot line in order to cure an encroachment of a building improvement on a lot line or an easement;
 10. To relocate lot lines where all owners join in the application for the plat amendment provided that the amendment does not attempt to remove recorded restrictions or covenants or change the number of lots;
 11. To replat one or more lots fronting on an existing street if:
 - a) The owners of all those lots join in the application for amending the plat;
 - b) The amendment does not attempt to remove recorded covenants or restrictions;
 - c) The amendment does not increase the number of lots; and
 - d) The amendment does not create or require the creation of a new street or make necessary the extension of ~~public~~municipal facilities.
- B. **Note on Plat.** Amending plats shall contain a note describing the correction, framed in a bold line so as to be distinctly visible on the face of the plat.
- C. **Requirements.** All requirements of Sections 10.4.2 and 10.4.6 shall be satisfied for submittal of an application for approval of an amending plat and the following minimum certification shall be added to the owner's dedication on all amending plats: "This plat does not increase the number of lots or alter or remove existing deed restrictions or covenants, if any, on this property."
- D. **Conditions.** No conditions except those pertaining to the accuracy or clarity of the face of the plat or the provision of adequate utilities or payment of delinquent fiscal charges shall be added as a condition of filing an amending plat and no changes may be shown other than as specified in this Ordinance.

SECTION 10.4.11 – REPLAT SUBMITTAL REQUIREMENTS

- A. ~~Generally Purpose.~~ A replat is a plat that revises currently platted lots or combines platted and unplatted property.

~~A- B.~~ **Preliminary Plat Submittal.** The Administrative Official may require the applicant to submit a revised preliminary plat prior to City approval of a replat involving four (4) or more lots when, in the opinion of the City Engineer, there is a significant change of street location and/or there will be a substantial effect on City services, drainage or adjacent properties. ~~In addition, a A-final drainage plan study may be required by the City Engineer if drainage on adjacent properties will be impacted. determined necessary by the City Engineer.~~

Commented [EE159]: Correction.

Commented [EE160]: Format changed for consistency. Wording added for clarity.

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Commented [EE161]: Gist of old Section B. added to this section and determination assigned to the City Engineer instead of Administrative Official.

~~B. **Waiver.** The Administrative Official may waive the requirement for a revised preliminary plat when the replat is without significant change of street location, and without substantial effect on City services, drainage or adjacent properties.~~

Commented [EE162]: Requirement combined with B. above.

~~C. **C. Requirements.** All requirements of n application for approval of a replat shall include all information required by Section 10.4.2 and, if applicable, Section 10.4.6, shall be satisfied for submittal of an application for approval of a replat. In addition, and the following minimum certification shall be noted on the plat: "This plat does not alter or remove existing deed restrictions or covenants, if any, on this property." This statement shall also be included in the owner's dedication statement on all replats.~~

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ARTICLE 5 – PROCEDURES FOR PLAT APPROVAL

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. The filing date of a minor plat or amending plat is the date on which the applicant receives the City's initial comments on the minor plat or amending plat. An applicant who is dissatisfied with the decision of the Administrative Official may request that the plat be referred to the Commission for decision. If such a request is made, the filing date shall be in accordance with Subsection (F) of this Section.

B. **Authority for Approval of Preliminary Plats, Replats, and Final Plats by Commission.** The Commission shall review and approve, approve with conditions or disapprove all preliminary plats, replats and final plats.

B-C. **Authority for Approval of Vacation Plats.** After a recommendation by the Planning and Zoning Commission, the City Council shall review and approve or disapprove all vacation plats.

D-D. **Conformance.** All preliminary plats, final plats and replats shall substantially conform to any concept ~~plan or development plan for development or~~ which is part of a planned development ~~district which has been plan~~ approved in accordance with the requirements of the Zoning Ordinance, as well as all other applicable ~~o~~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 (F) of this Section.

E-E. **Plat Review and Conditional Approval of or Disapproval of Plat.** In the event the Commission conditionally approves or disapproves a preliminary plat, final plat or replat, the Commission 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 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 receives such a response from an applicant, the Commission 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.

E-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,

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as amended, shall be the date the plat application is heard by the Planning and Zoning Commission. Pursuant to Section 212.009(b-2) of the Texas Local Government Code, as amended, upon application in writing by an applicant, the Commission may approve one (1) Extension of the 30-day action requirement; however, such Extension shall not to exceed 30 additional days.

F.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."

SECTION 10.5.2 – EXPIRATION OF PLATS

- A. **Preliminary Plat.** Approval of the preliminary plat expires two (2) years after the approval date. For a phased subdivision, any part of the preliminary plat which has not been final platted shall expire after two (2) years from the completion of the previous phase if a new phase is not started.
- B. **Other Plats.** A final plat, replat, vacation plat, amending or minor plat which has not been recorded in the County Records within two (2) years from the date of approval shall expire.
- C. **Re-submittal.** Upon the expiration of a plat, unless the City makes a determination that the applicant has made progress, as that term is defined by Section 10.5.3, the applicant must resubmit an application for approval, including payment of a fee established by the City Council and complete the review process.
- D. **Extension and Reinstatement Procedure.**
1. Not later than sixty (60) days prior to the lapse of approval for a preliminary or final plat, the property owner may petition the City Council/Commission to extend or reinstate the approval. The petition shall be considered at a public meeting of the City Council/Planning and Zoning Commission.
 2. In determining whether to grant such request, the Commission/Council shall take into account the reasons for the lapse, the ability of the property owner to comply with any conditions attached to the original approval, the extent to which the property owner agrees to abide by newly adopted subdivision regulations, and any changed conditions in the surrounding area which would make an extension undesirable. The Commission/Council shall extend its approval of the plat or deny the request. In the event the Commission/Council denies extension of the preliminary or final plat, the property owner must submit a new application for approval.

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Commented [EE169]: Added for consistency.

Commented [EE170]: Reflects recent ordinance amendments.

Commented [EE171]: What about minor, amending, and vacation plats?

Commented [EE172]: Reflects recent ordinance amendments.

3. The ~~Commission~~ ~~City Council~~ may specify a shorter time for lapse of the extended plat that is applicable to original approvals but shall not extend the period that a preliminary or final plat approval is valid to more than one (1) year from the date the original approval expires.

SECTION 10.5.3 – PROJECT EXPIRATION

A project shall expire on the fifth anniversary of the date the application for the first permit application for the project was filed with the City if no progress has been made towards completion of the project. For purposes of this Section, "project" means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. ~~A project shall expire on the fifth anniversary of the date the application for the first permit for the project was filed with the City if no progress has been made towards completion of the project.~~ Progress towards completion of the project shall include any one of the following:

- A. An application for a final plat or plan for development is submitted to a regulatory agency.
- B. A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project.
- C. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent ~~(5%)~~ of the most recent appraised market value of the real property on which the project is located.
- D. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency.
- E. Utility connection fees or impact fees for the project have been paid to a regulatory agency.

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~~SECTION 10.5.4 – RESERVED~~

~~SECTION 10.5.5 – RESERVED~~

~~SECTION 10.5.6 – RESERVED~~

~~SECTION 10.5.7 – RESERVED~~

SECTION 10.5.48 – MINOR PLAT PROCESSING

All minor plats will be accepted for review in accordance with Section 10.4.2, plat review comments generated and a copy of this review given to the applicant. It will be the applicant's responsibility to revise the plat as needed to receive approval from City Staff. Upon approval of a minor plat, the Administrative Official and City Secretary shall attest to the approval of the plat by signing the plat. If the plat complies with Section

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10.5.10 hereof, the Administrative Official will file the plat in accordance with this Ordinance. If the plat does not meet the requirements of this Ordinance, the Administrative Official shall deny the plat.

SECTION 10.5.59 – AMENDING PLAT PROCESSING

- A. **Generally.** An amending plat will be accepted for review in accordance with Section 10.4.2. After an application for approval of an amending plat has been determined to be complete, the Administrative Official shall forward the application to other City departments for review to determine whether the application complies with applicable ordinances. The Administrative Official shall, within a reasonable time, generate plat review comments, notify the applicant of same. It is the applicant's responsibility to revise the application to meet the requirements of this Ordinance.
- B. **Action.** The Administrative Official shall take action upon the application. Upon approval, the Administrative Official shall sign the plat. If the plat meets the requirements of Section 10.5.10 hereof, the Administrative Official will record the plat. If the plat does not meet with requirements of this Ordinance, the Administrative Official shall deny the plat and provide a written statement to the applicant of the conditions for approval or reasons for disapproval.
- C. **Alternative.** Should any of the conditions imposed pursuant to this Ordinance prove unacceptable to the applicant, the applicant may submit an application for a replat. An amending plat may be submitted and processed as a replat.

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SECTION 10.5.160 – 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:
1. All required fees shall be paid, including park dedication, if required and tree replacement fees, if required.
 2. All plats shall be provided in an electronic format approved by the Administrative Official.
 3. All covenants required by ordinances shall be reviewed and approved by the City.
 4. On-site easements and rights-of-way shall be properly described and noted on the plat.
 5. Off-site easements and rights-of-way shall be dedicated by the respective owners, approved by the City and filed of record with the Ceounty.
 6. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers shall be shown on the plat.

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7. Original tax certificates showing that all taxes are paid, as well as a statement from the City that no outstanding monies are owed to the City shall be presented from each taxing unit with jurisdiction of the real property.
 8. A copy of the executed developer's agreement, if one was required to be executed, shall be submitted.
 9. For proposed improvements that have yet to be constructed, the required financial assurance and contractor's proof of insurance for any proposed public improvements shall be provided.
 10. Monumentation required by Section 10.10.3 shall be provided.
 11. For proposed improvements that have yet to be constructed, evidence of approval of any necessary permits from the Texas Department of Transportation, any utility district, the U.S. Army Corps of Engineers, or any other state or federal agency shall be submitted.
 12. Any lienholder of the property to be platted must execute a statement on the plat or a separate instrument subordinating the lienholder's interest to the plat and the dedications thereon.
 13. A title report is completed and provided to the City.
 14. It shall be the policy of the City of Joshua that all water and wastewater improvement shall be in accordance with the Johnson County Special Utility District or Bethesda Water Supply Corporation regulations. No plat will be approved without a final approval letter from the JCSUD or BWSC."
- B. Proof of Ownership.** The applicant shall furnish the City proof of ownership, covering the platted area dedicated to the City. The documents shall reflect that the applicant has fee simple title to the property to be dedicated with no encumbrances except for those liens for which consents have been filed and shall be updated to the date the City Engineer releases the plat to be filed with the County Clerk.
- C. Recording.** Within fourteen (14) days after plat approval and compliance with all stipulations of approval and the requirements of this Section, the City shall record the plat in the County plat records. The final plat shall not be returned or released to the developer until recorded.
- D. Original Signatures on Mylar.** All revisions to the plat shall be made prior to running the black-line mylars which are to be signed by the owner, notary, surveyor, and City representatives. The City will then obtain signatures of the appropriate City representatives.
- D-E. Copies of Mylars and Indexing.** In addition to County submission requirements, one (1) full size mylar and one (1) full size paper copy shall be submitted, including four

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paper copies photographically reduced to eight-and-a-half inches (8½") by eleven inches (11") after obtaining original signatures for filing in the county records. Where more than one sheet is needed, an index showing the entire subdivision shall be added to the first sheet or provided on a sheet of its own to be filed with the plat.

E.F. Special Filings. In the event that the applicant requests a special filing with the County, a check payable to the City shall be submitted to the City Secretary in the amount of the appropriate fee and expenses. Fees for special filings of plats shall be set by the City Council.

ARTICLE 6 – PUBLIC WORKS IMPROVEMENTS

SECTION 10.6.1 – GENERAL STANDARDS

- A. **Documents.** Design and construction of public works improvements must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation:
1. The Thoroughfare Plan;
 2. The Texas Manual on Uniform Traffic Control Devices;
 3. The City of Joshua Engineering ~~Design Standards~~EDSS and Specifications, as amended;
 4. The American Association of State Highway and Transportation Officials Design Manual;
 5. The Texas Health Code;
 6. The North Central Texas Council of Governments – Public Works Construction Standards, as applicable;
 7. All other codes and ordinances of the City.
- B. **Design Expiration.** If the construction of public works improvements is not completed within three (3) years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current ~~Design Standards~~EDSS.

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SECTION 10.6.2 - COMMON AREAS

An area retained in private ownership but intended for the benefit of the owners of lots in the plat must be shown as a ~~separate lot and labeled as~~ common area ~~and a separate lot~~ on the plat. A home-owners or property owner's' association which meets the requirements of Section 10.10.5 must be approved for the area before the final plat is recorded.

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SECTION 10.6.3 - FIRE AND POLICE ACCESS

- A. **Generally.** The layout design of a plat must take into consideration the provision of adequate fire and police access.
- B. **Water supply.** Provisions must be made for the extension of water lines and the appropriate placement of fire hydrants as required by the fire department before approval of the final plat. The developer of any parcel under City jurisdiction is responsible to improve the water system to meet current fire flow requirements as indicated by the appropriate municipal water authority.

SECTION 10.6.4 - TIMING OF PUBLIC WORKS IMPROVEMENTS

- A. **Deeds in Escrow.** As a condition of final plat approval, the City Council may require the property owner to deposit deeds in escrow describing by metes and bounds street rights-of-way, park land and easements required by these regulations, conveying such rights-of-way, park land and easements to the City, pending acceptance of improvements by the City and recordation of the final plat. In the event the property owner fails to complete the public works improvements, and the improvements are deemed necessary for the preservation of the public health and safety, the City may compel the delivery and recording of the deeds in order to complete the improvements as required.
- B. **Installation after Final Plat Approval.** The City Council on request of the applicant may defer the obligation to install one or more public improvements to serve the development until after final plat approval. The request shall be submitted with an application for preliminary approval. If the subdivider elects not to file for preliminary approval, public works improvements shall be installed after approval of the final plat. In either case, deferral of the obligation to install public improvements shall be conditioned on execution of a development agreement and sufficient surety to secure the obligations defined in the agreement.

SECTION 10.6.5 - SANITARY WASTE COLLECTION ACCESS

Each non-residential development that has a refuse facility or location for solid waste collection containers shall provide for safe and convenient access.

SECTION 10.6.6 - RETAINING WALLS

- A. **Material.** All retaining walls shall be constructed of inorganic material such as masonry, brick or stone. Timbers, railroad ties, or wood materials are prohibited.
- B. **Plans required.** Plans for a retaining wall must be reviewed and approved by the City Engineer. The review shall verify the following:
 - 1. That the retaining wall does not encroach on an adjoining property without the consent of the adjoining owner;
 - 2. That the wall is constructed of a permitted material; and
 - 3. The wall is not constructed within a utility easement or without a written waiver or consent from the utility company holding rights to the easement.
- C. **Inspection Required.** A ~~final inspection~~ ~~certificate of occupancy~~ will not be ~~issued~~ ~~made~~ until the retaining wall is constructed, been inspected by the City and the requirements of this Ordinance have been satisfied.

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SECTION 10.6.7 - FISCAL ASSURANCE

A. **Performance Bonds; Escrow Agreement.** If the developer requests that building permits be issued for construction on lots within the development prior to completion and acceptance of all public works improvements, and the Administrative Official determines that permits should be issued, the following requirements shall apply:

1. A performance bond meeting the requirements of Chapter 2253, Texas Government Code, ~~shall be provided~~ ~~will be submitted~~ in an amount of not less than the value of the public works improvements, as determined by the City Engineer, to insure completion of all improvements; or
2. If the cost of completing the public works improvements at the time the building permits are requested is one hundred thousand dollars (\$100,000) ~~dollars~~ or less, as determined by the City Engineer, cash ~~representing money in~~ the amount of the cost of completing the improvements, as determined by the City Engineer, may be deposited with a bank as escrow agent pursuant to an escrow agreement, the form and provisions thereof to be approved by the City Attorney, to insure completion of the improvement.

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B. **Model Home.** The Administrative Official may authorize construction of a model home in a subdivision without completion of the public works improvements. The model home shall not be conveyed to a private property owner until the public works improvements have been accepted by the City Engineer on behalf of the City.

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C. **Payment Bond; Assurance of Payment.** Prior to acceptance by the City of any improvements, the developer shall provide one of the following assurances:

1. A payment bond meeting the requirements of Chapter 2253, Texas Government Code, in an amount of not less than one hundred percent (100%) of the approximate total cost of the contract, guaranteeing the full and proper protection of all claimants supplying labor and material for the construction of the improvements, in ~~a~~ the form approved by the City and by a surety authorized to do business in Texas; or
2. If the total contract amount of all public works improvements is fifty thousand (\$50,000) dollars or less, as determined by the City Engineer, or the improvements, regardless of the contract amount, are for a one-lot development, the owner and contractor may, in lieu of furnishing a payment bond, agree to pay and satisfy all claims, liens, charges and encumbrances arising from construction of the public works improvements and furnish a written affidavit signed by the developer, in a form provided by the City Attorney, stating the following:
 - a) All charges, accounts and claims for labor performed and material furnished in connection with the improvements have been paid in full; and
 - b) There are no unreleased recorded liens filed against the improvements or land to which they are affixed that are to be dedicated to the public.

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- D. **Amount and Acceptability.** The security shall be issued in the amount of ~~one hundred percent (100.25%)~~ of the cost estimate approved by the City Engineer for all public improvements associated with the subdivision. The bonds must be issued by a Best-rated surety company that is duly authorized to transact business in the State of Texas; however, the City retains the right to reject any surety company regardless of such company's qualifications or authorization to do business in Texas if the company does not have a resident agent and/or surety does not meet the requirements of Art. 7.19-1 of the Texas Insurance Code. The security shall be subject to the approval of the City Attorney.

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SECTION 10.6.8 - MAINTENANCE AND WARRANTY OF IMPROVEMENTS.

- A. **Maintenance During Construction.** The property owner shall maintain all required public works improvements during construction of the development.
- B. **Warranty after Construction.** The developer shall covenant to warranty the required public works improvements for a period of two (2) years following issuance of a letter of acceptance by the City of all required public improvements and shall provide a maintenance bond in the amount of the cost to construct the improvements guaranteeing the maintenance and good condition of the improvements insuring the repair and replacement of all defective work due to faulty materials and workmanship that appear within a period of two (2) years from the date of acceptance of the improvements by the City. The bonds must be issued by a Best-rated surety company that meets the requirements of Section 10.6.7.d.

SECTION 10.6.9 - INSPECTION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS.

- A. **Inspections.** ~~Inspection during Construction~~ inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved construction plans. Any significant change ~~to a public improvement in design~~ required during construction shall be ~~designed made~~ by the subdivider's engineer and shall be subject to approval by the City Engineer. If the City Engineer finds upon inspection that any of the required public works improvements have not been constructed properly and in accordance with the approved construction plans, the property owner shall be responsible for completing and/or correcting the public improvements.
- B. **Fees.** The developer shall submit a fee determined by the City as a percentage of the costs of the public works improvements to reimburse the City its administrative costs, inspection, and review fees. Fees shall be based on an opinion of probable cost prepared by the developer's engineer and reviewed and accepted by the Administrative Official.:-
- C. **Submission of Record Drawings.** The City shall not accept dedication of ~~any~~ required public improvements until the applicant's engineer has certified to the City Engineer, through submission of a detailed record drawing or survey plat of the property and any off-site easements, the location, dimensions, materials, and other information establishing that the public improvements have been built in accordance with the approved

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construction plans. Each record drawing sheet shall show all changes made in the plans during construction and on each sheet, there shall be an as-built stamp bearing the signature of the engineer and date. Required formats include:

1. One (1) full-size mylar set (22" x 34" sheet size); and
2. Electronic drawing in AutoCAD and .pdf format of the final plat and water, wastewater and storm drainage layouts.

D. **Acceptance of Improvements.** ~~Upon completion of the public works improvements in the development, the subdivider's engineer shall certify. When the developer has certified~~ to the City that the public works improvements have been completed in accordance with the plans and applicable ordinances, the City Engineer shall determine whether the public improvements have been installed in accordance with the approved construction plans and ~~Design Standards~~ **EDSS** and applicable ordinances. If so, the City Engineer shall accept such improvements on behalf of the City. Acceptance of the improvements shall mean that the property owner has transferred all rights to all the public works improvements to the City for use and maintenance. The City Engineer may accept dedication of a portion of the required public works improvements, provided adequate surety has been given for the completion of all of ~~the~~ other improvements. Upon acceptance of the required public improvements, the City Engineer shall issue a certificate to the property owner stating that all required public improvements have been accepted ~~by the City.~~

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- E. **Disclaimer.** Approval of a preliminary or final plat by the City Council shall not constitute acceptance of any of the public improvements required to serve the subdivision. No public improvements shall be accepted for dedication by the City except in accordance with this Section.
- F. **Acceptance of Improvements for Land in Extraterritorial Jurisdiction.** Where the facilities to be constructed under the development agreement are located within the City's extraterritorial jurisdiction and are to be dedicated to the County in which the land is located, the City Engineer shall inform the county that the public improvements have been constructed in accordance with approved construction plans and are ready for acceptance by the County.

Article 7 – STREET AND RIGHT-OF-WAY REQUIREMENTS

SECTION 10.7.1 – GENERAL

- A. **Thoroughfare Plan.** The streets of a proposed development shall conform ~~generally~~ to the ~~location and classification of streets general intent of shown on~~ the Thoroughfare Plan ~~as shown in the City's Comprehensive Plan~~. The City's Engineer shall determine final alignment and related right-of-way dedications.
- B. **Continuity of Street Systems.** Proposed streets for a subdivision shall be effectively related to the present and future street system and development of the surrounding area. Any proposed streets shall provide for appropriate continuation or completion of any existing streets, whether constructed or dedicated, which project to the ~~exterior boundary limits~~ of a proposed subdivision or are adjacent to the subdivision.
- C. **Substandard Street Improvements.** Where an existing thoroughfare that does not meet the City's right-of-way or ~~design standards~~EDSS abuts a proposed subdivision, the City may require that the entire ~~width of the~~ right-of-way be dedicated and/or improved to the City's ~~Design Standards~~EDSS, based upon factors including the impact of the proposed development on the road, safety to the traveling public, conditions and life expectancy of the road, the impact of the proposed subdivision on other roads, the timing of this development in relation to need for improving the road, the impact of the traffic on the road and City's roadway system as a whole. Any required improvements to substandard streets shall be limited to the effective frontage of the proposed development for half the width of the required roadway section.
- D. **Layout.** The street layout shall be in conformity with a plan for the most advantageous development of the entire neighborhood ~~areas~~. Whenever the proposed development contains or is adjacent, or parallel to a railroad right of way or a major thoroughfare or freeway, provision shall be made for a street approximately parallel to and on each side of such right of way to provide reasonable use of the intervening land.
1. **Participation in Costs of Improvements.** The City may participate in the costs of improvements required by this Section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. The construction of improvements and the provisions for participation in costs by the City shall be included in a developer's agreement.

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SECTION 10.7.2 - STREET AND DRIVEWAY ACCESS

- A. **Access.** To insure adequate access to each subdivision, there should be at least two (2) points of ingress and egress to the City's improved thoroughfare system for developments of more than thirty (30) units. The City may require that more than two (2) access points be constructed if the configuration, number of lots, or other ~~circumstance~~consideration creates the need for the additional access points. "Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) road entrances accessing the subdivision from the City's improved thoroughfare system. In cases where

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the shape of the land does not allow for two (2) points of ingress or egress, a single median divided entrance with a minimum length of two hundred feet (200') may be ~~allowed, if petitioned for and~~ approved by ~~the Commission~~ City Council.

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B. Limitations on Driveway Access.

1. To minimize traffic hazards created by numerous intersections along major thoroughfares, where a residential subdivision will abut on or contain an existing or proposed arterial street, the street shall be designed so that direct vehicular access from any residential lot to such arterial street is prohibited. Where other means of access are not available or permitted, ~~the Commission may approve use of~~ private easements for access. ~~shall be provided when approved by the Council.~~ The street system should be designed to allow a minimum of individual access drives to collector streets or constructed to a wider alternative section to allow for individual access drives.

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2. Streets shall be designed to conform to existing or proposed driveway openings ~~(including those on the other side of an existing or planned median-divided arterial.~~ ~~in this which~~ case new streets shall align with such driveway openings such that median openings can be shared).

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3. To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency. No more than twenty percent (20%) of the total centerline length of a collector street may have residential lots fronting onto the collector on each side of the street without constructing to a wider alternative section.

4. If, in the opinion of the City Engineer, traffic safety concerns so necessitate, the Engineer may require a residential subdivision to be designed to provide rear entry access from a private access easement ~~or alley.~~

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5. For collector or arterial streets which ~~have provide~~ limited or no individual access ~~to a lot or lots,~~ the ~~City Engineer may require the~~ following note ~~may be required be placed~~ on the face of any plat intended to be filed in the county plat records. "No lot within this addition shall be allowed driveway access onto _____ Street".

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C. Reserved Strips/~~Spite Strips~~. The reservation of private ownerships of strips of land at the end of or alongside proposed or existing streets intended solely or primarily for the purpose of controlling access to property not included in the development is prohibited.

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1. In those instances where any public street is established in a plat submitted to the ~~e~~City and where such public street forms a stub street into adjacent acreage or where such public street lies along and parallel with the plat boundary and adjacent to acreage, a one-foot ~~(1')~~ wide reserve must be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent acreage to prevent access to this public street from the adjacent acreage unless and until the ~~C~~city has had an opportunity to review the development

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proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot (1') reserve area on a plat are contained in the following notation which must be placed upon the face of any plat where a one-foot (1') reserve area is to be established:

- a) One-foot (1') reserve area dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one-foot (1') reserve area shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall not revert to and revest in the dedicator, his heirs, assigns or successors.

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- D. **Half-Streets.** Partial or half streets may be required to be dedicated in those instances where the City concurs that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. The City will not approve a partial or half street dedication within a subdivision dedicating less than a fifty foot (50') right-of-way width on a designated major thoroughfare or less than a thirty foot (30') right-of-way width on any other type public street. Appropriate notations and a one-foot (1') reserve area note shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Ordinance.

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- E. **Emergency Access.** Each subdivision shall be designed to provide adequate emergency access for public safety vehicles.

SECTION 10.7.3 - RIGHT-OF-WAY REQUIREMENTS

- A. **Generally.** The applicant shall be required to dedicate right-of-way for streets as shown on the Thoroughfare Plan, or as required in this section for all streets, or parts thereof, within or at the perimeter of the subdivision. Such roadways are shown on the City's Thoroughfare Comprehensive Plan and all affected areas being platted are required to conform to this plan. The design speeds, right-of-way and pavement widths, street classifications, drive lanes, edge lanes, median requirements, shared use areas and center turn lanes shall be as set forth and amended in the City of Joshua Master Thoroughfare Plan. The street classifications are as follows: Freeway, Primaryncipal Arterial, Minor Arterial, Collector streets and, Local (Residential) streets.
- B. **Additional Right-of-Way.** Additional right-of-way may be required for the following purposes:
 1. At intersections where adjacent property is shown on the City's Zoning Map zoned for commercial, industrial, or other high intensity use to provide free right turns, center turn lanes, or other beneficial alignments intended to alleviate existing or potential traffic congestion; or

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2. To eliminate street intersection offsets, as determined by the City Engineer; or
 3. When necessitated by one or more of the factors set forth in Section 10.7.1.
- C. **Slope Easements.** The dedication of easements, in addition to dedicated rights-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3) horizontal run to one-foot (1) vertical height, or a three-to-one (3:1) slope.

SECTION 10.7.4 - STREET DESIGN STANDARDS

- A. **Curvilinear Design Requirements.** Curvilinear streets will be required in at least twenty (20%) percent of the streets in residential subdivisions as measured by street centerline length. Horizontal curve design must be such that safe travel through the curve can be anticipated at the design speed for the roadway. In no case shall the centerline horizontal curves be less than as shown in the ~~Design Standards~~ **EDSS**.
1. Curves proposed for the right-of-way of designated ~~major thoroughfares~~ shall have a centerline radius of ~~two thousand feet (2,000) feet~~ or more. Reverse curves should be separated by a tangent distance of not less than one hundred feet (100'). Intersections with other public and/or private streets should be at right angles but may vary not more than five (5) degrees. Where acute angle intersections are approved, a radius of at least ~~twenty-five (25) feet~~ in the right-of-way line at the acute corner shall be provided.
 2. Curves proposed for the right-of-way of designated collector streets shall have a centerline radius of eight hundred feet (800') or more. Reverse curves should be separated by a tangent distance of not less than one hundred feet (100'). Intersections with other public and/or private streets should be at right angles but may vary not more than five (5) degrees. Where acute angle intersections are approved, a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner shall be provided.
 3. Curves along ~~local/minor~~ streets may have any centerline radius, except that the centerline radius on a reverse curve may not be less than three hundred feet (300'). Reverse curves should be separated by a tangent distance of not less than fifty feet (50'). The angle of local street intersections may not vary more than ten (10) degrees from perpendicular. Where acute angle intersections are approved, a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner must be provided.
- B. **Design Speed.** Streets should be designed for a maximum speed based upon their classification, as set forth in Section 10.7.3. ~~BA~~
- C. **Intersections.**

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1. All thoroughfares shall be continuous or in alignment with existing streets, unless variations are deemed advisable by the Commission and City Council upon consideration of the City Engineer's recommendation.
2. Off-center street intersections ~~(in which intersections are closer than two hundred feet (200') for thoroughfares-arterials and collectors or one hundred twenty-five feet (125') for local/residential streets)~~ shall not be approved except in unusual cases.
3. More than two (2) streets intersecting at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Where several streets converge at one point, setback lines, special rounding or cutoff of corners and/or a traffic circle may be required to insure safety and facility of traffic movement.
4. No street shall intersect any other street at an angle of less than seventy-five (75) degrees.
5. The number of minor or local street offsets shall be minimized but, when approved, shall be offset a minimum distance of one hundred twenty-five feet (125') on center lines. At the intersection of two (2) collector and/or arterial streets, no offsets are permitted.
6. Acute angle intersections approved by the City Engineer are to have twenty-five feet (25) or greater radii at acute corners.

D. Hierarchy of Street Pattern.

1. Where a development will abut or contain an existing or proposed major thoroughfare, a plan shall be approved which would provide a minimum number of intersections along each major thoroughfare.
2. Major thoroughfares should be intersected only by other major thoroughfares or collector streets rather than minor (local) streets.
3. There shall be a minimum of two thousand feet (2,000) between intersections of arterials and/or collector streets.
4. ~~There shall be no m~~Median breaks at intersections of arterial streets and/or collector streets, ~~and they~~ must be at an interval of six hundred feet (600') or greater.
5. Street layout shall provide for continuation of collector streets in areas between thoroughfares.
6. Local streets shall extend to the tract boundary to provide future connection with adjoining unplatted lands.
7. Collector streets may intersect major thoroughfares upon specific approval of the City Engineer and the Administrative Official.

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8. Residential or local streets ~~shall~~ be planned to serve only local traffic.
- E. **Horizontal Alignment and Vertical Alignment.** Horizontal and vertical alignment shall be in accordance with the ~~City's Design Standards~~ EDSS. Reverse circular curves having a common tangent shall be separated by a tangent section in accordance with the minimum tangents set forth in the ~~Design Standards~~ EDSS.
- F. **Street Cross Slopes.** For drainage, all streets shall have a cross slope. Cross slopes shall be as defined in the City's EDSS.
- G. **Street Drainage.**
1. Topographic maps with contour intervals of two feet (2) (or less) and details of existing drainage structures and watercourses shall be submitted along with calculations for all watersheds affecting areas of the proposed storm drain design. Drainage design shall be computed as noted in the drainage section of this Ordinance and as set by the EDSS. Maps showing the delineation and flow from each drainage area must be included in the plans along with all hydraulic calculations. Street and drainage profiles shall show the location of the hydraulic grade line.
 2. No streets shall be designed or constructed to a grade less than established in the EDSS.
- H. **Curb Radii.** Radii at street intersections shall not be less than twenty feet (20') for residential streets and thirty feet (30') for thoroughfare streets. If necessary, property lines shall be adjusted accordingly.
- I. ~~Variations~~ Modifications. If existing topographic features prohibit the reasonable use of the above-specified design requirements, the City Engineer may approve a ~~variation~~ modification. A request for the ~~variation~~ modification must be made in writing to the City and must include an accurate topographic map of the area in question showing the proposed design.
- J. **Cul-de-Sacs.**
1. A maximum number of twenty-nine (29) dwelling units are permitted on a permanent cul-de-sac street. ~~permanently designed as such.~~
 2. ~~The length of the e~~ Cul-de-sac length shall be a minimum of one hundred fifty feet (150') and a maximum of not exceed six-hundred feet (600'). or be less than one hundred and fifty feet (150) in length. However, ~~the~~ the City Engineer may modify this length requirement if an alternative standard is appropriate due to the density of development, conditions of topography, lot sizes and other significant factors. will be weighed in determining the length of a cul-de-sac street.

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Commented [EE228]: Change made to remove the number of terms meaning the same thing. Only use of the terms "exceptions" (by P&Z) and "modifications" is proposed.

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3. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround must be not less than fifty feet (50') except in those instances where storm sewers are not planned to be installed and storm drainage is proposed to be accommodated within the street right-of-way. A right-of-way radius of sixty feet (60') shall then be provided.
- K. **Block Lengths.** Residential blocks length shall be a minimum of not be longer than one thousand feet. Five hundred feet (500') and a maximum of one thousand feet (1000'). is the desirable minimum. However, the City Engineer may modify this length requirement if an alternative standard is appropriate due to the density of development. Conditions of topography, lot sizes, or the surrounding platted subdivisions or circulation requirements, may dictate further study of the block length. Extremely short block lengths should be avoided as well to eliminate the potential for increased traffic congestion created by too many intersections. The maximum length for blocks adjacent to designated major thoroughfares shall be not more than one thousand five hundred feet (1,500'). The maximum length for blocks adjacent to designated collector streets shall be not more than one thousand two hundred feet (1,200').
- L. **Temporary and Permanent Dead-End Streets.**
1. Temporary Dead-end streets shall be permitted when adjacent property is undeveloped and a only where a future extension or connection is to be made. In such cases, the right-of-way must extend to the boundaries of the plat. Street stubs shall be provided into adjacent property at a minimum of one thousand feet (1,000') apart. If adjacent property is undeveloped and a street must terminate temporarily, the right of way must extend to the boundaries of the plat.
 2. Barricades and other traffic controls shall be installed by the developer at temporary dead ends as required by the Design Standards EDSS.
 3. In the event that dead end streets either dedicated or constructed are not to be extended, permanent turn around facilities shall be constructed by the developer not extending such street. Appropriate provisions shall be made for access to adjoining undeveloped land.
 4. Temporary paved turn-arounds which meet the requirements of the EDSS are to be provided at ends of streets more than one lot deep that will be extended in the future.
- M. **Street Names.** All public streets contained in any subdivision plat approved by the City shall be named in accordance with the following considerations:
1. Names for new streets shall not duplicate the name of any existing street located within the city or its area of extraterritorial jurisdiction.
 2. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are

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not and cannot be physically continuous) ~~thereof~~ except in those instances where the existing street name is a duplicate street name.

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3. Street name suffixes such as court, circle and loop should be designated on streets which are cul-de-sacs or in a configuration of a loop street. Suffixes such as boulevard, speedway, parkway, expressway and drive should be confined to designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as highway or freeway shall be used only to designate highways or freeways falling under the jurisdiction of ~~the state department of highways and public transportation~~ TxDOT.

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4. Street name prefixes such as north, south, east and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
5. Alphabetical and numerical street names shall not be designated on any subdivision plat or development plan except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.
6. Permitted private streets shall be named in accordance with the provisions of this section.
7. Once designated. ~~No~~ street name ~~once designated~~ may be changed except by City Ordinance.

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SECTION 10.7.5 - DEFERRAL OF OBLIGATION.

- A. **Generally.** Upon request of the applicant, the obligation to dedicate or improve thoroughfare rights-of-way or to make intersection improvements imposed on a subdivision application may be deferred to a later stage of the development process. As a condition of deferring the obligation to dedicate rights-of-way for or to improve thoroughfares, which deferral shall be in the sole discretion of the City, the City shall require the developer to execute a developer's agreement specifying the amount and timing of the rights-of-way dedication or improvements to thoroughfares.
- B. **Options.** Whenever the proposed development's share of the costs of a thoroughfare or traffic control improvement needed to mitigate traffic generated by the subdivision is less than one hundred percent (100%), the City in its sole discretion, may participate in the excess costs for one or more improvements, or aggregate the costs of improving multiple thoroughfares or intersections identified in the traffic impact analysis as required in Section 10.7.10, and require improvements to only some of the thoroughfares or intersections affected by the development.

SECTION 10.7.6 - PAVING REQUIREMENTS

~~A. Streets.~~ All streets shall be constructed and paved to City standards and within right-of-way ~~as required by the Thoroughfare Plan and~~ in accordance with the City's EDSS, ~~as may be amended from time to time.~~ All streets, public and private, excluding residential areas where lot size is three-quarters (3/4ths) of an acre or larger, shall include curb and gutter drainage with enclosed underground conduit and ~~meeting the following requirements:~~

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~~1.~~ ~~Soil~~ samples for determining the plasticity of the natural soils will be taken at locations specified by the ~~Project Edeveloper's~~ engineer and approved by the City Engineer.

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~~2. The pavement width and materials shall be as required in the Design Standards as may be adopted and amended from time to time.~~

~~B. B. Parking Lots.~~ Parking lots shall be constructed ~~as stated in the parking provisions of the Zoning Ordinance.~~ ~~of concrete a minimum of five inches (5) in thickness and shall have curbs and adequate outfall for drainage.~~

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SECTION 10.7.7 - PRIVATE STREETS

A. **Generally.** The City shall not approve a development with private streets unless the requirements of this section are satisfied. If approved, a homeowner's or property owner's association ~~shall be is~~ responsible for the cost of maintenance of private streets.

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B. **City Services.** The City has no obligation to maintain private streets. Depending on the characteristics of the subdivision, the City may ~~decline to not~~ provide certain other services, such as routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports.

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C. **Maintenance Standards.** Maintenance, amenities, and landscaping of private streets shall conform to the same standards regulating the maintenance, amenities, and landscaping of public streets.

D. **Retention of Easements.** The developer shall dedicate a utility, drainage, and emergency access easement in private streets for the City and other utility companies for the following purposes:

1. To provide unrestricted use of the property for utilities and their maintenance;
2. To extend easement rights to all utility providers including cable companies operating within the City;
3. To provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement; and

4. To permit the City to remove any vehicle or obstacle within the private street lot that impairs emergency access.
- E. **City Assumption of Maintenance.** The covenants of the deed restrictions shall provide that if the homeowner's association, its successors or assigns, fails or refuses to adequately maintain private streets and related appurtenances, the City shall have the right, but not the obligation, to assume temporarily the duty of performing the association's maintenance obligations. Such assumption of maintenance may take place at any time after the expiration of sixty (60) days after receipt by the association, its successors or assigns of written notice from the City specifying the nature and extent of the failure to maintain.
 1. Upon assuming maintenance obligations, the City shall have the right to collect, when they become due, the assessments levied by the homeowner's association for the purposes of repairing and maintaining the private streets and related appurtenances, and if necessary, the City shall have the right to enforce the payment of delinquent assessments in the manner set forth in the association's documents.
 2. The City shall also have the right to levy an assessment upon each lot on a pro rata basis for the cost of such maintenance, which assessment shall constitute an assessment lien upon the lot against which each assessment is made.
 3. Under no circumstances shall the City be liable to the association or any lot owner or their respective heirs, successors or assigns for negligent acts or omissions relating in any manner to maintaining, improving and preserving the private streets and related appurtenances.
- F. **Access Restrictions.**
 1. Each entrance to a private street shall be marked with a sign stating that it is a private street.
 2. Either a guard house or an access control device such as a gate or cross arm shall be constructed at each entrance.
 3. All restricted access entrances shall be staffed ~~manned~~ twenty-four (24) hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the City and other utility service providers with appropriate identification.
 4. If the association fails to maintain reliable access as required to provide City services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the homeowners' or property owners' association.
- G. **Restricted Access Entrance Design Standards.** Private streets which have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

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1. The street must have a minimum uninterrupted pavement width of twenty-four ~~feet~~ (24') ~~feet~~ at the location of the access control device.
 2. If an overhead barrier is used, it shall have a minimum height above the road surface as required by the Fire Code for fire lanes.
 3. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the Fire Department before installation.
 4. The gates, cross arms, and access control devices shall be tested and accepted by the Fire Department before being put into operation;
 5. Gate designs may incorporate one or two gate sections to meet the required minimum width of twenty-four feet (24').
 6. If the entrance incorporates a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the Fire Department. This approval shall be contingent upon the subdivision having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than fifteen feet (15').
- H. **Visitor Entrance Design Standards.** At least one entrance to a subdivision with private streets shall be equipped for visitor access. In addition to the above Restricted Access Entrance ~~Design~~ ~~Standards~~, the visitor entrance shall be equipped with a call or code box located at least fifty feet (50') from the boundary of the subdivision to provide for visitors calling in an automobile queuing. A turn-around space with a minimum outside radius of thirty feet (30') shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a "head out" position. A sign shall be erected next to the edge of such turn around space to prohibit vehicle parking in such space. A residents' entrance used in combination with a visitor entrance shall comply with the requirements of this subsection.

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SECTION 10.7.8 - SIDEWALKS

- A. **Requirements Generally.** Sidewalks shall ~~be required to be constructed by the developer along the frontage of their property on both sides of the street~~ for any developments adjacent to any collectors and arterials. ~~along the frontage of the property, and f~~ For residential developments, sidewalks shall be constructed on both sides of internal streets. This ~~requirement~~ shall include the dedication of necessary right-of-way or pedestrian access easement and the construction of sidewalks according to the specifications provided herein.
- B. **Requirements for Non-Residential Subdivisions.**

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1. The developer or builder of a non-residential subdivision shall install sidewalks along the tract being developed adjacent to all arterial and collector streets, including all development adjacent to State maintained roads as per Texas Department of Transportation requirements. Sidewalks shall be constructed either one ~~foot~~ (1') ~~feet~~ from the property line within the street ROW or within a dedicated sidewalk easement and shall extend along the street frontage including the side of corner lots and block ends. When, in the opinion of the Administrative Official, a non-residential development is located in an area to which sidewalks would not provide a benefit to the public, the requirement for sidewalks to be ~~constructed and dedicated~~ ~~and constructed~~ may be waived.
 2. Sidewalks shall be constructed in parking areas to assure safe pedestrian access from parking spaces to structures and shall be constructed so as to assure uninterrupted connections between existing pedestrian walkways.
 3. Each developer and/or builder of a non-residential subdivision shall construct sidewalks at the time of construction of the development. In those circumstances where a sidewalk would impact the construction of driveways and access walks, the sidewalks shall be constructed before the City's final building inspection. A certificate of occupancy will not be issued until required sidewalks are in place.
 4. Construction plans shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
- C. **Sidewalk Specifications.** All sidewalks shall be ~~designed and constructed in accordance with the requirements of the EDSS. They shall be~~ at least four feet (4') wide within a residential subdivision and at least five feet (5') wide in a nonresidential subdivision. ~~and along thoroughfares and major collectors. Sidewalks shall be constructed on both sides of the street. Sidewalks shall be constructed in accordance with the requirements of the Design Standards.~~
- D. **Americans With Disabilities Act (ADA) Access Ramps.**
1. An ADA access ramp shall be constructed at any point a proposed sidewalk intersects a street with the exception of walks leading from the street to the door of a residence. If there is no sidewalk, provisions shall be made for an ADA access ramp at each corner of an intersection. Access ramps must be constructed with a maximum one ~~inch~~ (1") ~~inch wide~~ expansion material between the street and ramp flush with the finish grade.
 2. Care shall be taken to ensure a uniform grade meeting ADA requirements on the ramp, free of sags and short grades.
- E. **Maintenance.**
1. It shall be the duty and obligation of the owners and occupants of real property abutting upon sidewalks, at their own cost and expense, to maintain and keep the

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sidewalks bordering their property level and free of depressions, excavations, elevations, inconsistencies, obstacles, obstructions or encroachments, natural or artificial, above or below ground level, or which overlap, impinge upon, or appropriate any part of the sidewalk area or the space eight feet (8') above it.

2. Any damage done to a sidewalk by the City or a City-hired contractor shall be repaired by the City or contractor.
3. Any damage done to a sidewalk by a utility shall be repaired by the utility.

SECTION 10.7.9 - STREET APPURTENANCES

- A. **Generally.** The cost and installation of the following items are the responsibility of the developer and are required at the time the infrastructure improvements are constructed:
 1. Street lights, where required.
 2. Traffic signals.
 3. Traffic signs and street name blades.
 4. Pavement markings.
 5. Temporary traffic control devices for use during construction.
- B. **Street Lights.** Any new development in the City shall provide street lights in accordance with the EDSS. The developer is responsible for engineering, material, installation, and activation of street lights as required by the approved street lighting plans. All plan approvals and construction scheduling must be coordinated through the Administrative Official.
- C. **Traffic Signals.** When the area being platted adds a driveway or street approach to an existing signal, the signal hardware must be modified to serve the development in accordance with the Texas Manual on Uniform Traffic Control Devices. The developer is responsible for engineering, material, and construction of the upgrade to the existing signal.
- D. **Traffic Signs and Street Name Blades.** The developer shall supply, erect, and install all of the required traffic signs and street name blades as determined by the City Engineer. All signs must be specific to the neighborhood development, in accordance with the adopted EDSS. The developer is responsible for supplying all necessary posts, hardware, and concrete to complete the sign assembly installation.
- E. **Specialty Signs and Lighting.** Specialty lighting and signs shall not be approved unless provision is made for maintenance by a homeowner's or property owners association.

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- F. **Pavement Markings.** The developer shall install pavement markings necessary to serve the property being platted in accordance with the approved plans.
- G. **Traffic Control During Construction.** The developer is responsible for installing and maintaining all necessary barricades, temporary signs, pavement transitions, and pavement markings to safely convey traffic through the construction area in accordance with the Texas Manual on Uniform Traffic Control Devices, and the Texas Department of Transportation. The owner is also responsible for the removal of all barricades, temporary signs, pavement transitions, and pavement markings.
- H. **Speed Humps.** Speed humps shall not be permitted on City streets without approval of the City Council.

SECTION 10.7.10 - TRAFFIC IMPACT ANALYSIS REQUIRED

- A. **When Required.** Every application for a proposed development that generates traffic in excess of one thousand (1,000) average daily trips based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, or with respect to an application which the City Engineer determines ~~that has~~ the characteristics ~~of the proposed subdivision that~~ necessitate analysis, shall be accompanied by a traffic impact analysis based on the ITE Manual, prepared by the developer at the developer's expense in accordance with standard transportation engineering practices. The analysis shall be prepared for purposes of determining the adequacy of the road network to serve the proposed subdivision, and whether off-site road dedication and improvements ~~should be~~ are necessary made to mitigate the effects of the proposed subdivision.
- B. **Requirement for Update.** An updated traffic impact analysis shall be submitted by the applicant with each final plat submitted for approval if, in the opinion of the City Engineer, the final plat changes significantly (i.e., add lots, modifies or adds street connections, etc.) from the approved Overall Development Plan.
- C. **Analysis.** The traffic impact analysis shall determine (1) trips to be generated by the proposed subdivision; (2) assignment of such trips to the road network analyzed; (3) the capacity of affected thoroughfares before and after the proposed subdivision; (4) specific recommendations for thoroughfare improvements and traffic control modifications needed to mitigate the traffic from the proposed subdivision; and (5) the subdivision's proportionate share of the costs of such improvements and modifications.
- D. **City Evaluation and Action.** The City Engineer shall evaluate the adequacy of the applicant's traffic impact analysis. Based upon such evaluation, the City Engineer shall determine (1) whether the application may be approved in the absence of dedication of rights-of-way or construction of improvements to each affected thoroughfare and (2) the extent of the applicant's obligations to make such dedications or improvements.

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SECTION 10.7.11 - ALLEYS

- A. Alleys may be provided within a subdivision to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street or approved common or compensating open space or courtyard which is adjacent to a public street. Private alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.
- B. Private alleys shall have a right-of-way width of not less than fifteen feet (15'). All corners at the intersections of alley rights-of-way with public streets or other alleys must have at least a twenty-five foot (25') radius or ten foot (10') angular cutbacks provided. Curves in alleys should be kept to a minimum. Reverse curves in alleys should be separated by a tangent distance of not less than fifty feet (50').
- C. No dead end or cul-de-sac alleys will be permitted.
- D. All private alleys as provided in this section shall be constructed in accordance with City minimum construction standards for community improvements.
- E. In any development where private alleys are dedicated, a properly recorded owner's agreement covering the maintenance of those private alleys is required. Additionally, the following statement shall appear on the face of the plat: The City does not maintain private alleys.

ARTICLE 8 – WATER, WASTEWATER AND DRAINAGE IMPROVEMENTS

SECTION 10.8.1 – WATER AND WASTEWATER IMPROVEMENTS

- A. **Approval Required by Johnson County Special Utility District or Bethesda Water Supply Corporation regulations.** ~~Policy. It shall be the policy of the City of Joshua that~~ All water and wastewater improvements shall ~~be in accordance~~ conform to with the Johnson County Special Utility District or Bethesda Water Supply Corporation regulations. No plat will be approved without a final approval letter from the JCSU or BWSC.

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SECTION 10.8.2 - DRAINAGE IMPROVEMENTS

- A. **Generally.** An adequate storm sewer system consisting of inlets, pipes, channel improvements or grading, driveway adjustments, or other underground structures with approved outlets shall be constructed where runoff of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as established by the City Engineer, will not be considered for development until adequate drainage has been provided. Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through, and originating within the subdivision. Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property. ~~No final plat approval may be issued until proper provision has been made for drainage. Generally, public drainage features cross property lines, collect runoff from adjacent properties or are located in public street rights of way. Drainage features that do not meet these criteria may be considered private and maintained by the owner. Private drainage easements shall be dedicated on the plat for all private drainage features.~~
- B. **Design Criteria.** The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to the EDSS. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. All storm drainage facilities must be designed and constructed to safely drain a fully-developed 100-year return frequency flood as outlined in the EDSS, as amended.
- C. **Lot to Lot Drainage.** Storm water drainage from one lot onto another shall not be allowed unless such ~~drainage does not~~ poses ~~any~~no harm or inconvenience to the downstream property owner(s), unless specifically approved by the City Engineer, and unless the necessary off-site drainage easements ~~s are~~ is procured on the affected properties, or if applicable, where drainage appears to cause harm and inconvenience, letters of permission from the property owner have been obtained and approved by the City.

Commented [EE264]: This is already stated in the final plat requirements.

Commented [EE265]: Minor reformatting edits.

- D. **Developer Responsibilities.** The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backlot and side lot drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.
- E. **Layout Requirements.** To reduce storm water runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned to minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction. All erosion and sedimentation controls shall conform to the ~~Design Standards~~ **EDSS**.
- F. **Runoff.** No proposed development shall be constructed which impedes or constricts runoff from an upstream watershed.
- G. **Floodplain.** Land subject to flooding, as designated in a FEMA 100-year floodplain, shall not be platted for residential occupancy, nor shall it be platted for such other uses as may increase danger to health, life or property or aggravate the flood hazard. Lots may be platted which include designated floodplain; however, the lot must contain sufficient buildable area outside of the designated floodplain, based on current zoning requirements.
- H. **Detention and Retention Ponds.** Detention or retention ponds shall be required to limit the peak rate of discharge to rates which will not cause an increase in flooding or channel instability downstream when considered in conjunction with ultimate watershed development and downstream drainage capacities. Design of the pond shall be in accordance with the criteria established in the EDSS.
- I. **Funding.** The owner or developer shall fund and construct all storm drainage outfalls necessary to safely and adequately drain the development.
- J. **Creeks and Drainage Areas.** All creeks and drainage areas shall be preserved and protected in their natural condition wherever possible. All development adjacent to creeks and drainage areas shall be in accordance with the City's EDSS, and with any other City policies or ordinances related to public access or recreational use of waterways. Sheet flow into drainage channels or creeks shall be limited to non-erosive velocities as determined in the EDSS.
- K. **Bridges.** Bridges or culverts shall be constructed at all street locations where flow patterns cross the street and are not intercepted by an underground storm sewer system or appropriate concrete valley gutter.

Commented [EE266]: Minor edit.

SECTION 10.8.3 - FIRE HYDRANTS AND FIRE LANES

- A. **Generally.** Fire hydrants with valves shall be installed at each street intersection and at a minimum of five hundred ~~fooeet~~ (500') spacing in any residential subdivision and three hundred ~~fooeet~~ (300') spacing in all other zones. Additional fire hydrants shall be placed as necessary such that all ground portions of all buildings in the subdivision can be reached with a normal ~~three hundred 300-foot~~ (300') lay of fire hose. In most instances, commercial buildings will be required to have fire suppression systems and fire spigots in addition to the normal fire hydrants.
- B. **Specifications.**
1. ~~Where possible, f~~Fire hydrants shall be located no further than fifteen feet (15') from a street or fire lane, ~~except as approved by the City based on feasibility.~~
 2. Fire lanes shall not be narrower than twenty-four feet (24').
 3. Blue pavement reflectors, meeting the criteria of the fire department, shall be installed at the center of the street(s) adjacent to each fire hydrant location.
- C. **Blocking.** Fire hydrants, valves and pipe ends shall be blocked with unreinforced concrete ~~of~~ (at least 2,500 ~~pounds per square inch~~ (psi) as shown in the City's standard water details ~~in the EDSS~~. If ~~the EDSS does not provide standards for~~ blocking for a particular situation ~~is not given in the City details~~, then the ~~North Central Texas Council of Governments~~ (NCTCOG) details shall be met. In no instance shall rocks be in contact with the pipe or fittings.

Commented [EE267]: Minor reformatting edits.

Commented [EE268]: Minor reformatting edit.

Commented [EE269]: Minor wording and phrasing edits for clarification.

ARTICLE 9 – ELECTRIC UTILITY REQUIREMENTS

SECTION 10.9.1 - UNDERGROUNDING REQUIRED

- A. **Generally.** All electric lateral and service lines throughout the interior of residential subdivisions shall be placed underground and in dedicated easements. This provision does not require the underground installation of transmission lines or of feeder lines placed along the perimeter of a subdivision.
- B. **Appurtenances.** Wherever electric lateral and service lines are required to be placed underground, lines carrying telephone service, data transmission, cable television, and street lighting shall also be placed underground.
- C. **Supporting Structures.** Within the interior of residential subdivisions, all electrical, telephone, data transmission, or cable television support equipment necessary for underground installation, including transformers, amplifiers, switching devices, etc., shall be pedestal- or pad-mounted, or shall be placed underground.

SECTION 10.9.2 - OWNER TO BEAR COST

- A. **Responsibility.** The developer shall arrange to reimburse the utility company for the difference in cost between the installation of such service and the installation of equivalent overhead service in accordance with the provisions of the utility's tariff, if any.
- B. **Arrangement for Payment.** No utility shall be required to begin construction of underground facilities unless and until the owner has made arrangements satisfactory to the utility company for the payment of the difference between the cost of overhead facilities and underground facilities.

SECTION 10.9.3 – ~~TEMPORARY SERVICE AND EXEMPTIONS FROM~~ **EXEMPTIONS TO UNDERGROUNDING REQUIREMENT**

- A. **Temporary Service.** Temporary service during construction may be provided by overhead utility lines and facilities prior to activation of the underground service. Following activation of the underground permanent service, the temporary overhead service shall be removed within forty-five (45) days.
- B. **Existing Facilities.** Nothing in this Ordinance shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.

Commented [EE270]: Change to heading to better reflect the gist of the requirements.

ARTICLE 10 – MISCELLANEOUS REQUIREMENTS

SECTION 10.10.1 - LOTTING REQUIREMENTS

- A. **Fronting Street.** Each lot shall abut on a public street or a private street. Private streets will be allowed only if approved by the Commission and the City Council and if the standards set forth in this Ordinance are met.
- B. **Minimum Size.** All lots that are not served by a public or quasi-public community wastewater system, shall contain a minimum lot area as required by the City of Joshua to support a private septic tank and leach field.
- C. **Double Fronted Lots.** Double fronted residential lots ~~are only allowed where shall not be allowed. However, lots which are backed up to an arterial or collector street and shall be allowed when there is when~~ no access allowed from these lots to the arterial ~~or collector~~ street. ~~The City Engineer Access~~ may also ~~require that access~~ be limited to collector streets for lots which have double frontage. Where lots have double frontage, building set back lines shall be established for each street frontage. Setbacks shall be defined as per the Zoning Ordinance with the front of the lot established on the street with the lesser classification. If both streets are of the same classification, the Administrative Official shall determine which street is designated as the front of the lot.
- D. **Side Lot Lines.** All side lot lines shall be perpendicular to the right-of-way lines or radial in the case of a cul-de-sac or curvilinear design.
- E. **Corner Lots.** All corner lots within the City shall have setback lines on both streets as required by the Zoning Ordinance.
- F. **Conformance with Zoning Ordinance.** All lots within the City shall meet the requirements of the Zoning Ordinance or where applicable, the requirements in an approved development agreement for a subdivision within the extraterritorial jurisdiction of the City.
- G. **Irregular-Shaped Lots.** Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements and shall provide a building pad without encroachment into front, side or rear yard setbacks or into any type of easement. The rear lot width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection. Key or flag lots may be permitted under unusual circumstances; however, the narrowest part of such a lot, being the staff portion of the flag lot, shall not be less than twenty feet (20') in width or have a length of more than two hundred feet (200'). Such lot shall also be restricted to prevent the construction of any building, structure, wall or fence within the staff portion of such lot, and the staff portion of such lot shall be restricted for access to such lot only. Such restrictions shall be shown on the face of the subdivision plat in the form of a notation or a part of the dedicatory language on the plat.

Commented [EE271]: Reworded to remove conflicts and noted staff responsibility.

~~H. **Lots Backed onto Street.** A residential lot shall not back onto any residential street or collector street within a residential area or neighborhood and shall not have more than one half of its perimeter along streets.~~

Commented [EE272]: Conflicts with C. above

~~H.~~ **Access Limitation.** Residential lots shall not have direct access onto thoroughfare streets, except as provided in Section 10.7.2b1, and direct access from residential lots shall be permitted on collector streets only where design conditions do not permit any other possibility.

SECTION 10.10.2 - SIGHT TRIANGLE REQUIREMENT

- A. **Restriction.** There shall be no tree, shrub, plant, sign, soil, fence, retainer wall or other view obstruction having a height greater than two feet (2') within the sight triangle. This height shall be measured above a line drawn between the top of curb or edge of pavement of both streets at the point where the referenced line intersects the top of curb or edge of pavement. The sight triangle shall be the triangle made by extending twenty-five feet (25') along each property line from the property corner at an intersection.
- B. ~~**Exemption**~~**exception.** This restriction shall not apply to trees within the triangle having a diameter of less than twelve inches (12") when such trees are trimmed at all times so that no branch or growth is less than nine feet (9') above the above referenced measurement line.
- C. **Plat Notation.** All final plats which depict intersections of public right-of-way shall have the following statement on the face of the plat prior to filing in the county plat records. "The owners of all corner lots shall maintain sight triangles in accordance with the City's Subdivision Ordinance."

Commented [EE273]: Reworded so that the only "exceptions" are those allowed by the P&Z.

SECTION 10.10.3 - MONUMENTS AND MARKERS

- A. **Permanent Survey Reference Monuments.** Concrete monuments, eight inches (8) in diameter and twelve inches (12") long, shall be placed on all boundary corners which are along existing dedicated right-of-way at the perimeter of the subdivision. A five-eighth inch (5/8") diameter iron rod having a minimum length of eighteen inches (18") shall be placed flush with the top and at the center of the concrete monument. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be flush with or just below the finished ground elevation.
- B. **Installation of Monuments.** Monuments shall be installed before the recording of the final plat. The subdivider may install monuments after the recording of the final plat and after completion of improvements provided the subdivider furnishes the City a letter of assurance certifying the monuments will be installed as required. All monuments shall be installed prior to acceptance of public works improvements ~~in~~ the subdivision.
- C. **Monuments in Streets.** When placing of monuments in streets is postponed, adequate ties to the boundary line shall be shown on the plat in order that monuments may be correctly located and installed following the paving of streets.

Commented [EE274]: Added for clarity.

- D. **Benchmark Monuments on Headwalls.** A brass cap approximately two inches (2") in diameter shall be placed on top and at one end of all culvert headwalls within or at the perimeter of the development. Prior to acceptance of the subdivision, the subdivider's surveyor shall provide a letter certifying the elevation of the brass cap conforms to the National Geodetic Vertical Datum of 1929 (NGVD 1929).
- E. **Monument Verification.** Prior to acceptance of public works improvements by the City, the developer's surveyor or engineer shall certify that all monument and markers are in place and correctly positioned
- F. **Markers.** Lot markers shall be iron pins not less than one half inch (1/2") in diameter and not less than eighteen inches (18") long and shall be set flush with the ground at each corner lot.
- G. **Corners.** Lot markers for Aa lot corners shall be set prior to the acceptance of the public improvements in the subdivision and shall be marked in a way that is traceable to the responsible registrant or associated employer.

Commented [EE275]: Added for clarity.

Commented [EE276]: Rewording and phrasing changes made for clarity.

SECTION 10.10.4 - DIGITAL DATA REQUIREMENTS

Prior to acceptance of the subdivision, the subdivider shall provide a digital computer file or files of the subdivision containing the coordinate geometry for the subdivision boundaries, lot lines, right-of-way, street centerlines and easements in a format and on media compatible with the City digital system (AutoCAD, dwg and .pdf).

Commented [EE277]: Added for clarity.

SECTION 10.10.5 - HOMEOWNERS' OR PROPERTY OWNERS' ASSOCIATIONS

- A. **Applicability.** When a development contains common areas, entry features, screening walls, open space or other improvements not intended to be dedicated to the City for public use, a homeowners' or property owners' association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state laws.
- B. **Dedication.**
 - 1. The common areas shall be shown on the final plat as separate lots, along with an adequate form for dedication. This dedication form shall include language which saves the title to common area properties for the benefit of the homeowners' or property owner's association and expresses a definite undertaking by the developer to convey the common area properties to the homeowners' association.
 - 2. All facilities, structures, improvements, systems, areas or grounds to be operated, maintained and/or supervised by an association, other than those located in public easements or rights-of-way or public parks dedicated to the City, shall be dedicated by easement or deeded in a fee simple ownership interest to such association.

Commented [EE278]: Added for clarity.

C. **Responsibilities.** The ~~mandatory property~~ owner's' or homeowners' association mandated by this ordinance shall be responsible for the continuous and perpetual operation, maintenance and/or supervision of landscape systems, features or elements located in parkways, common areas, area between screening walls or living screens and adjacent curbs or street pavement edges, areas adjacent to drainage ways or drainage structures, ~~and/or~~ at subdivision entryways.

Commented [EE279]: Minor formatting edit and words added for clarity.

D. **Legal Requirements.** To assure the establishment of a permanent homeowners' or property owners' association, including its financing and the rights and responsibilities of the owners in relation to the use, management and ownership of common areas or common property, the plat, dedication documents, covenants, and other recorded legal agreements must provide for the following:

1. Creation of an automatic membership, nonprofit homeowners' or property owners' association;
2. Placement of title to the common property in the homeowners' or property owners' association or definite assurance that it automatically will be so placed within a reasonable, definite time;
3. Appropriate limitation of the uses of the common property;
4. Imposition of an association charge or assessment on each lot in a manner which will assure sufficient association funds to maintain the common property or improvements;
5. The grant of voting rights to each owner ~~voting rights~~ in the association;
6. Identification of the land area within the association's jurisdiction including, but not limited to, the following:
 - a) The property to be transferred to public agencies;
 - b) The individual lots owned by the association;
 - c) The common properties to be transferred by the developer to the association; and
 - d) Other parcels owned by the association;
7. Protective covenants which, shall make the association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien;
8. Definitions of terms;

Commented [EE280]: Minor formatting edit.

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Commented [EE282]: Added for clarity.

9. An initial term of the agreements, covenants and restrictions establishing the association for a twenty-five (25) year period and automatic renewal for successive ten-year periods, and provide that the association may not be dissolved without the prior written consent of the City;
10. ~~A~~~~The~~ amendment of any portion of the association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, areas or grounds that are the responsibility of the association ~~shall be made~~ only with the prior written consent of the City; and
11. An indemnification holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages, including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements.
12. **Procedure.** The developer shall submit the Articles of Incorporation of the homeowners' or property owners' association, its bylaws, and the restrictive covenants to the Administrative Official for approval along with the final plat. Prior to filing the plat, the developer shall create an incorporated nonprofit homeowners' association, and record covenants which meet the requirements of Subsection D.

Commented [EE283]: Minor wording edit.

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SECTION 10.10.6 - DEVELOPER'S AGREEMENT

- A. **When required.** A developer's agreement is required to be executed in the event public works improvements are required, when the developer requests a waiver or credit of fees, credits for prior or proposed improvements or dedications, requests a pro rata arrangement, or dedicates park land to the City.
- B. **Generally.**
 1. No earthwork, grading, utility, street, or drainage improvement construction or any public or private improvements shall be allowed until the developer receives approval of the appropriate plat and the City executes a developer's agreement with the developer.
 2. The Mayor is authorized to execute a developer's agreement in the form approved by the City Council unless the agreement provides for one or more of the following:
 - a) Financial participation by the City;
 - b) Waiver of fees; or
 - c) Credits for prior or proposed improvements or dedications.

If the developer's agreement includes any of the foregoing provisions, the agreement must be approved by City Council.

C. **Terms of Agreement.** The developer's agreement shall be ~~on a form~~ prepared by the City and shall contain, at a minimum, the following provisions:

Commented [EE285]: Removed for consistency.

1. Covenants to complete the public improvements in accordance with City ordinances within two (2) years from final plat approval;
2. Covenants to warranty the improvements for a period of two years following acceptance by the City;
3. Covenants to provide performance, payment and maintenance bonds;
4. Provisions for participation in the costs of the improvements by the City, if authorization has been obtained from the City Council, and a performance bond for such improvements from the contractor, with the City as an obligee;
5. Provisions for securing the obligations of the agreement;
6. Insurance and indemnification requirements; and
7. Such other terms and conditions as are agreed to by the developer and City.

D. **Cost Estimates.** The costs in the developer's agreement shall be based on cost estimates thereof, prepared by the developer's engineer and reviewed by the City Engineer.

E. **Covenants to Run with the Land.** The developer's agreement shall provide that the covenants contained in the agreement run with the land and bind all successors, heirs and assignees of the property owner. All existing lienholders shall be required to execute the agreement or provide written consent to the covenants contained in the agreement.

SECTION 10.10.7. EXCEPTIONS

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~~A. **Generally.** The Commission may recommend and the City Council may authorize an exception from these regulations when, in its opinion, extraordinary hardship will result from requiring strict compliance.~~

~~B.A. **Request.** The applicant seeking a exception shall submit to the Administrative Official a written request stating the justification for such exception, accompanied by engineering data or other evidence supporting the applicant's request for relief. The Commission may recommend and the City Council may grant an exception in conjunction with the application for approval of the plat. The applicant bears the burden of proof to demonstrate that a exception to the standards applicable to a development application should be granted.~~

~~C.F. **Evidence.** The Commission and City Council may require engineering studies and displays from the applicant to support the request for an exception. The decision of the Council shall be final.~~

~~SECTION 10.10.8 – FACTORS TO CONSIDER.~~

~~The City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed development, and the probable effect of the requested exception upon traffic conditions, City services, and upon the public health, safety, convenience and welfare, and whether:~~

- ~~A. The requirement places an unreasonable burden on the development and does not bear a rough proportionality to the requirements necessary to serve the development; or~~
- ~~B. A. Hardships or practical difficulties will result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal; and~~
- ~~C. A. The conditions upon which the request for a exception is based are unique to the property and are not applicable to other properties, or the tract has severe topographical conditions or unique environmental qualities worthy of protection.~~

~~Financial hardship, alone, to the applicant shall not be deemed to constitute unreasonable burden or hardship.~~

~~SECTION 10.10.9 – AUTHORITY TO IMPOSE CONDITIONS.~~

~~The City Council may impose conditions relating to the exception as will, in its judgment, substantially secure the objectives of the standards or requirements to which the exception was granted.~~

~~SECTION 10.10.10 – WAIVERS FOR PLANNED DEVELOPMENT DISTRICTS.~~

~~The Commission may recommend and the City Council may modify the standards and requirements of this Ordinance in the case of an application including an approved planned development district. Such departures from the standards specified may be made only when the Council finds that the plan provides for convenience and safe access, adequate space for recreation, provision for light and air, and offers all essential utility services and necessary public and other facilities and is in conformance with all provisions of any ordinances which specifically apply to a planned development district.~~

SECTION 10.10.744 – PARKLAND DEDICATION POLICY

- A. **Purpose.** This Section is to provide for dedication of park land and/or fees in lieu for neighborhood or community park facilities in accordance with the City's Comprehensive Plan and Park Master Plan as amended.
- B. **Neighborhood and Community Parks.** Neighborhood and community parks provide for a variety of outdoor recreational opportunities that are within convenient distances from the majority of residences to be served thereby.

Commented [EE287]: Minor word addition.

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Commented [EE288]: Since this is just a statement and not a requirement, it was combined with the Purpose section.

~~E.B.~~ Application. These requirements shall apply to subdivision plats on residentially zoned land which is to be used for residential purposes. Developers shall dedicate park land or pay fees in lieu as required by this Ordinance.

~~D.C.~~ Dedication of Land. At the City's discretion, developers shall dedicate park land for each residential subdivision plat, at a minimum of one (1) acre of land per one hundred (100) ~~persons based on the~~ of projected subdivision population. Population shall be calculated ~~based upon at~~ 2.75 persons per dwelling unit.

Commented [EE289]: Minor rephrasing edit.

~~E.D.~~ Fees in Lieu of Dedication. At the City's discretion, payment of fees in lieu of park land dedication may be required. The amount of such payment shall be equal to the fair market value of the land that would be required to be dedicated for park land according to this Ordinance.

~~F.E.~~ Fair Market Value Determined. The fair market value of the land shall be calculated as determined on the most recent appraisal made by the Johnson County Central Appraisal District of all or part of the property being subdivided at the time of preliminary plat approval. If there is no preliminary plat required, then ~~the fair market value of the land shall be calculated~~ at the time of final plat approval. If the Developer/Owner objects to the fair market value determination, the Developer/Owner at his own expense, may obtain an appraisal by a State of Texas certified real estate appraiser, mutually agreed upon by the City and the ~~dDeveloper/oOwner~~.

Commented [EE290]: Words added for clarity.

~~G.F.~~ Use of Fees. Parkland dedication fees paid in lieu of land dedication will be deposited in a fund referenced to specific future neighborhood or community parks or existing neighborhood or community parks as identified on the City's Comprehensive Plan or Parks Master Plan as amended. Funds deposited into a particular park fund may only be expended for land or improvements within that particular future or existing neighborhood or community park.

~~H.G.~~ Accounting of Fees. The City shall account for all fees in lieu of land and all development fees paid under this Section with reference to the individual plat(s) involved. Any fees paid for such purposes must be expended by the City within ten (10) years from the date received by the City for acquisition and/or development of a neighborhood or community park as required herein. Such funds shall be considered to be spent on a first-in, first-out basis. If not expended, the landowners of the property on the expiration of such period shall be entitled to a prorated refund of each sum, computed on a square footage of ~~land~~ area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

Commented [EE291]: Word added for clarity.

~~H.H.~~ Minimum Acreage. Unless otherwise determined by the City, the minimum park land dedication that will be accepted by the City shall be three (3) acres.

~~J.I.~~ Usable Park Land. Any land dedicated to the City for park purposes in accordance with this ~~O~~rdinance shall be appropriate for neighborhood or community park purposes as determined by the Administrative Official.

SECTION 10.10.12 - TREE PRESERVATION

- A. **Purpose.** The purpose of this section is ~~to provide for~~ the preservation of mature trees and natural areas. ~~This section is intended to protect trees~~ during construction, development, and redevelopment, and to control the removal of "protected trees" ~~as defined by this Ordinance~~. It also establishes rules for replacement ~~of protected trees~~ and replanting of trees which must be removed during construction. This section shall protect any property from indiscriminate clearing and shall help maintain and enhance a positive image of the City as well as attract new business enterprises. The terms and provisions of this section shall apply to the following real property:

Commented [EE292]: Rewording for clarification.

1. All new subdivisions of land at the time of preliminary and/or final platting;
2. All undeveloped land at the time of replatting;
3. All un-platted and undeveloped tracts of land greater than three (3) acres;
4. All nonresidential tracts of land at the time of site plan approval.

B. **Definitions.**

Buildable Area - That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and ~~includes~~ the actual structure, driveway, parking lot, pool, and other construction as shown on a site plan.

Commented [EE293]: Minor wording edit.

Building Pad - The actual foundation area of a building and a reasonable area around the foundation necessary for construction and grade transitions.

Critical Root Zone - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

Construction Drawings - Engineering or architectural drawings, which have been prepared by an authorized individual and approved by the Administrative Official, that describe in detail by measurements and specifications the method and manner in which a structure, building, utility, street, or physical alteration to land ~~or a structure or building~~ is to be accomplished.

Commented [EE294]: Removal of redundancy.

Drip Line - A vertical line run through the outermost portion of the crown of a tree and extending down to the ground.

Limits of Construction - A delineation on a graphic exhibit which shows the boundary of the area within which all construction activity will occur.

Protection Fencing - Snow fencing, chain-link fence, barbed wire fence, orange vinyl construction fencing or other similar fencing with a four-foot (4') approximate height.

Tree - Any self-supporting woody perennial plant which will attain a trunk diameter of three inches (3") ~~inches~~ or more when measured at a point twelve inches (12") ~~inches~~ above ground level and normally attains an overall height of at least twenty feet (20') at maturity, usually with one (1) main trunk and many branches. It may appear to have several stems or trunks as occurs in several varieties of oaks.

Commented [EE295]: Minor edits.

Tree, Protected - Tree species that are approved by the City and should be saved are identified by individual characteristics of the tree, or a tree which has a diameter of eighteen inches (18") ~~inches~~ or greater measured twelve inches (12") ~~inches~~ above ground. The diameter of a multi-trunk tree shall be determined by adding the total diameter of the largest trunk to 1/2 the diameter of each additional trunk.

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Trees that are not protected trees are as follows:

Sugar Hackberry	Celtis laevigata
Hackberry	Celtis occidentalis
Honeylocust	Gleditsia tracanthos
Bois d'arc	Maclura pomifera
Mimosa	Albizia julibrissin
Red Mulberry	Morus rubra
White Mulberry	Morus alba
White (Silver) Poplar	Populus alba
Lombardy Poplar	Populus nigra italica
Cottonwood	Populus deltoids
Mesquite	Prosopis glandulosa
Willow	Willow sp.
Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

Tree, Replacement – A tree to compensate for the removal of a protected tree.

Commented [EE297]: Definition added for clarity.

C. **Tree Removal Permit.**

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1. General: No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this section without first obtaining a tree-removal permit unless otherwise specified in this section.
2. New Development: Unless otherwise specified in Chapter 245 of the Local Government Code, all developments which have not submitted final plats as of the

effective date of this section shall be subject to the requirements for tree protection and replacement specified herein.

3. Residential Subdivisions: All areas outside of the buildable area, as defined herein, within public rights-of-way, utility easements, or drainage easements as shown on an approved final plat, ~~and areas designed as cut/fill on the master drainage construction plan approved by the City Engineer~~ shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements of this section and the applicant for a tree removal permit shall indicate how protected trees may be saved.

Commented [EE298]: Reflects recent Zoning Ordinance amendment.

4. Nonresidential Developments: All areas within public rights-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of a building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.

5. Private Property:

- a) Agricultural: Property zoned "A", agricultural as shown on the City's Zoning Map, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
- b) Homeowners: The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this section as they pertain to his/her residential property.
- c) Building/Contractors: All builders who have not submitted a request for a building permit as of the effective date of this article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve inches (12") of the building foundation as shown on an approved ~~plot~~ plan shall be exempt from the tree protection and replacement requirements of this section. All other areas of the lot shall be subject to these requirements.

Commented [EE299]: Words added for clarity.

Commented [EE300]: Word removed since it is not defined or used elsewhere in the Ordinance.

D. Exemptions.

1. Any franchised utility is exempt from these regulations.

E. Permit Review and Approval Process.

1. Authority of Review and Approval: The Administrative Official shall be responsible for the review and approval of all requests for tree removal permits and replacements thereof. If the Administrative Official deems it necessary, he/she may require a an application ~~permit request~~ to be reviewed by the City Council.

Commented [EE301]: Minor wording edit.

2. Application Process: Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the Administrative Official. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and an indication of which trees are to be removed or replaced.

3. Fees: The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Joshua.

4. Replacement Trees or Fee in Lieu of Replacement: If any Replacement Tree cannot be properly located on the property being developed or redeveloped, the applicant may plant these Replacement Tree(s) on property owned by the City and/or common open space and/or pay a fee in lieu of tree replacement, as approved by the City Manager, or his/her designee. The cash value of Replacement Trees will be set by the City Manager, or his/her designee, and such fee shall reasonably reflect the cost of such Replacement Trees.

5. Payment in Lieu of Tree Replacement

a) A land owner or developer responsible for tree replacement under this Section may elect to meet the requirements in whole or in part, by a cash payment in lieu of tree replacement. The payment shall be on a caliper inch unit cost as established by the City Council in the latest approved Fee Schedule. Cash payment shall be deposited in the tree fund and be used to purchase and install landscaping (inclusive of trees, bushes, shrubs, mulch, soil, decorative rocks or stones, irrigation and necessary hardscape) at city parks, city tree farm, or other public areas.

b) The applicant shall pay the fees for tree removal established by City Council as established in the latest approved Fee Schedule. The fee shall be based on the fair market value of materials and labor at the time of planting and the reasonable estimated cost for maintenance and irrigation for a period of two years.

c) Fees contributed to the tree fund shall be paid prior to the issuance of a grading permit on all commercial, industrial, or multi-family residential developments, prior to final approval of a gas well drilling permit and prior to filing a final plat in the Johnson County clerk's office for all single-family residential subdivisions."

4.

F. Required Application.

The application shall be accompanied by a written document indicating the reasons for removal or replacement of trees and a copy of a legible site plan, preliminary plat, or other graphic representation drawn to the largest practical scale showing the following:

1. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

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Commented [EE302]: Changes to reflect recent Zoning Ordinance amendment.

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2. Existing and proposed site elevations, grades and major contours.
3. Location of existing or proposed utility easements.
4. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.
5. The document shall include street address, lot and block, subdivision name, and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the document if different from the applicant.

G. Applicant Review.

Upon receipt of the proper application, the Administrative Official shall review the application, or if it is deemed necessary, forward the application to the City Council. Following a review and inspection, the permit will be approved, disapproved, or may be approved with conditions by the Administrative Official or the City Council.

H. Permit Expirations.

Permits shall be valid for ninety (90) days after the issue date on the permit. Permits which are issued in conjunction with a building permit or a site plan approval, shall be valid for the same time frame as such permits are valid.

I. Appeal of Administrative Official Decision.

Decisions of the Administrative Official may be appealed to the City Council.

J. Tree Replacement Requirements.

If it is necessary to remove protected tree(s) outside the buildable area, the developer, as a condition to issuance of a tree removal permit, shall be required to replace, somewhere on the property, the tree(s) being removed with comparable trees. A sufficient number of trees shall be planted to equal, in caliper, the diameter of the trees removed. The replacement trees shall be at least (3") three inches in caliper when planted.

K. Tree Protection.

1. Tree Protection: During any construction or land development, the developer shall clearly mark those trees to be protected and may be required by the Administrative Official to erect "Protective Fencing - In those situations where a protected tree is so close to the construction area that construction equipment might infringe on the root system or is within ~~20~~ twenty feet (20') of the construction area, a protective fencing shall be required between the outer limits of the critical root zone of the tree and the construction activity area. Four feet (4') high protective fencing shall be supported at a maximum of ten feet (10') intervals by approved methods. All protective fencing

Commented [EE303]: Minor edits.

shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Bark Protection - In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by construction equipment." protective barriers to ensure protection of said trees. The protective barriers must be maintained during all construction until the project is finished.

2. Material and Equipment Storage: The developer shall not store any material or equipment within the critical root zone of a protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
3. Signs: No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
4. Traffic: No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, or vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service or routine moving operations.
5. Grade: No grade change in excess of four inches (4") shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Administrative Official beforehand.
6. Paving: No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

L. Tree Planting Restrictions.

1. Overhead Lines: No required replacement tree shall be planted within an area where the mature canopy of the tree will interfere with overhead utility lines.
2. Underground Lines: No required replacement tree shall be planted within an area where the mature root zone of the tree will interfere with underground public utility lines. No tree shall be planted within ten feet (10') of a fire hydrant.

M. Enforcement.

1. Developers Agreement: No developer agreement shall be approved unless the agreement states that all construction activities shall meet the requirements of this section.
2. Building Permit: No building permit shall be issued unless the applicant signs a permit application which states that all construction activities shall meet the requirements of this section.



City Council Agenda October 15, 2020

Agenda Item:E3

Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on a resolution supporting the passage of legislation during the 87th Regular session of the Texas Legislature (2021), to allow for the expenditure of Municipal Hotel Occupancy Tax Revenue by the City for construction of improvements in Municipal Parks.

Background Information:

The draft resolution shows that the City Council supports the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), that would allow for the expenditure of municipal hotel occupancy tax revenue by the City of Joshua for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, and other tourist attractions, and related public facilities..

Financial Information:

NA

City Contact and Recommendations:

Josh Jones, City Manager

Staff recommends approval

Attachments:

Resolution

CITY OF JOSHUA
RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, SUPPORTING THE PASSAGE OF LEGISLATION DURING THE 87TH REGULAR SESSION OF THE TEXAS LEGISLATURE (2021), TO ALLOW FOR THE EXPENDITURE OF MUNICIPAL HOTEL OCCUPANCY TAX REVENUE BY THE CITY FOR CONSTRUCTION OF IMPROVEMENTS IN MUNICIPAL PARKS.

WHEREAS, the City of Joshua ("City") has adopted a municipal hotel occupancy tax ordinance in order to raise revenue for the promotion of tourism and the hotel and lodging industry in the City; and

WHEREAS, the City has determined that the City parks are popular attractions visited year- round by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, the City parks are utilized for multiple large annual events and festivals that are attended by a significant number of tourists and visitors to the City and surrounding area; and

WHEREAS, the City parks are in need of additional improvements and amenities and connectivity to lodging establishments and tourist attractions, as the current demand for certain City park facilities and amenities frequently exceeds the operating capacity of said improvements and amenities, due to the large attendance at annual festivals, events, and related tourist activities held on City parks and would benefit from connectivity and additional public facilities; and

WHEREAS, the City's tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of improvements and connectivity to the City parks, as tourists and visitors frequently visit the City parks, and improvements to the City parks will increase the quality and number of amenities available at said City parks for use and enjoyment by tourists and visitors to the City and surrounding area; and

WHEREAS, the City's tourism and hotel and lodging industries would benefit from the expenditure of municipal hotel tax revenue on construction of trails and sidewalks that connect city parks to lodging establishments and other tourist attractions, which will increase the use and enjoyment by tourists and visitors of lodging establishments, parks, tourist attractions, and related public facilities.

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

Section 1.

That the City Council adopts the findings and recitals set forth in the preamble of this Resolution.

Section 2.

That the City Council supports the passage of legislation during the 87th Regular Session of the Texas Legislature (2021), that would allow for the expenditure of municipal hotel occupancy tax revenue by the City of Joshua for construction of improvements in municipal parks and trails/sidewalks that connect parks, lodging establishments, and other tourist attractions, and related public facilities..

PASSED AND APPROVED this 15th day of October, 2020.

Joe Hollarn, Mayor

ATTEST:

Alice Holloway, City Secretary



City Council Agenda October 15, 2020

Agenda Item: E4

Agreement

(Action Item)

Agenda Description:

Discuss, consider and Act on Approval of Interlocal Agreement of water and waste water line location with the Johnson County Special Utility District.

Background Information:

This agreement, like others that have been approved is to allow for water and waste water lines to locate within the street right of way in the Mockingbird Hill Phase 1.

Financial Information:

City Contact and Recommendations:

Mike Peacock, Assistant City Manager

Recommend approval and authorization for signature.

Attachments:

JCSUD Agreement

INTERLOCAL AGREEMENT – JCSUD AND THE CITY OF JOSHUA
WATER UTILITIES FACILITIES RELOCATION AND MAINTENANCE
MOCKINGBIRD HILLS PH 1

This **INTERLOCAL AGREEMENT FOR WATER UTILITIES FACILITIES RELOCATION AND MAINTENANCE** (“Agreement”) relative to the Mockingbird Hills PH 1 in the City of Joshua is entered into by and between Johnson County Special Utility District (“JCSUD”) and the City of Joshua, Texas (“Joshua” or the “City”), to be effective as of the last date of execution by JCSUD and Joshua (the “Effective Date”). JCSUD and Joshua may be referred to herein individually as a “Party” or collectively as the “Parties.”

WHEREAS, JCSUD is a conservation and reclamation district created pursuant to Section 59, Article XVI of the Texas Constitution and operating under Chapters 49 and 65 of the Texas Water Code; and

WHEREAS, Joshua is a home-rule city acting under its charter adopted pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code, as amended; and

WHEREAS, on or about March 21, 2019, the City approved a planned development for single-family residential development on 44.007 acres, more or less, to be known as the Mockingbird Hills PH 1 (the “Development”), and a legal description of such property is attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, on or about September 01, 2020, JCSUD approved a planned development for single-family residential development consisting of 198 lot(s), without offsite improvements, to be known as the Mockingbird Hills PH 1 (the “Development”), an overall water facilities layout of said development is attached hereto as Exhibit B and incorporated by reference; and

WHEREAS, Joshua may act to take on certain capital projects (the “Projects”) such as roadway extensions or other right-of-way adjustments as designated by Joshua relative to the Development for the intended purpose of improved public access, including but not limited to additional lane capacity, storm drainage improvements, curbing, etc.; and

WHEREAS, such Projects relative to the Development may necessitate the adjustment, removal, and/or relocation of certain water utilities facilities belonging to JCSUD, including but not limited to engineering, easement acquisition costs, and construction to relocate JCSUD utility lines along, within, or across any right-of-way within the City; and

WHEREAS, JCSUD is willing to work with the City to permit the relocation necessary for such projects relative to the Development, according to the terms and conditions set forth herein, including but not limited to reimbursement for any relocation.

NOW, THEREFORE, in consideration of the mutual promises set forth herein and for other good and valuable consideration the receipt and sufficiency of which being hereby acknowledged, the Parties agree as follows:

I. RELOCATION

1. Area and Facilities Subject to Relocation. The Parties agree that the Projects relative to the Development will be thoroughly described and defined in any Project plans as submitted along with the City's formal request for relocation of waterline facilities.
2. Responsibility for Construction. The Parties agree that JCSUD shall be responsible for conducting necessary engineering, inspection, and/or surveying of the area to which the water utilities facilities will be relocated, and acquiring easements for the relocation. The Parties agree that JCSUD shall review and approve the construction plans and provide inspection during construction. JCSUD agrees that Joshua may assign the necessary engineering, and/or subcontract any relocation work to any contractor, including to the general contractor selected by Joshua to undertake all or part of the Projects.
3. Construction Notice. After the Effective Date, Joshua agrees to provide written notice authorizing JCSUD to begin performing work for any relocation ("Construction Notice"). JCSUD agrees to perform such work diligently, and to conclude the relocation within one (1) year from the date of JCSUD's receipt of the Construction Notice ("Completion Date"). However, the Completion Date shall be extended for delays caused by events outside JCSUD's control, including but not limited to a strike, war or act of war (whether an actual declaration of war is made or not), insurrection, riot, act of public enemy, accident, fire, flood, adverse weather, or other act of God, sabotage, interference by Joshua, including suspension under Section II of this Agreement, or any third party with JCSUD's ability to proceed with any relocation, or any other event in which JCSUD has exercised all due care in the prevention thereof so that the causes or other events are beyond the control and without the fault or negligence of JCSUD.

II. REIMBURSEMENT

1. Costs. Joshua agrees to reimburse JCSUD for any and all costs associated incurred by it with any water utilities facilities relocation relative to the Development, including, but not limited to, engineering, design, surveying, permitting, legal, and other consulting costs, costs of acquiring easements, oversight costs associated with JCSUD's internal administration and staff, and any and all construction and inspection costs.
 - i. The Parties agree that the estimated costs constitute a reasonable estimate of the costs of any relocation. The Parties acknowledge that the costs may increase or decrease from the total amount but such increase or decrease shall not relieve Joshua of the duty to reimburse JCSUD. If JCSUD anticipates an increase in the estimated costs of more than five percent (5%), then JCSUD or its engineer will provide a change order to Joshua identifying the amount of the anticipated change and the reason for the anticipated change ("Change Order"). JCSUD agrees to use reasonable efforts to provide any Change Order to Joshua within fourteen (14) days of the date that JCSUD, or its engineer, determines that an increase in costs is anticipated.
 - ii. In the event JCSUD elects to assign any relocation construction to Joshua for administration by Joshua's general contractor in accordance with Section I.2. of

this Agreement, the Parties agree that Joshua may pay its general contractor directly rather than reimbursing JCSUD for costs incurred by the general contractor.

- iii. Joshua will not be responsible for the incremental construction costs, as reasonably determined by JCSUD's engineer, resulting from the improvement, upgrading, oversizing, or betterment (the "Betterment") of existing facilities; provided, however, that nothing herein shall prohibit JCSUD from electing to improve or otherwise better its facilities simultaneously with any relocation. The expected incremental construction costs associated with the Betterment shall be listed and itemized in writing by JCSUD.
- iv. Where JCSUD's policies, rules, and procedures, then in effect, require a particular line to be of a different size than the existing line which is subject to relocation (including JCSUD's minimum line size policy), the Parties acknowledge and agree that meeting the requirements of such a policy, rule or procedure will not be considered Betterment and the costs of such change will not be within the Betterment costs.

2. Invoices. JCSUD agrees to account for any relocation costs using JCSUD's established accounting procedures. JCSUD will submit invoices for work performed on an incremental basis throughout any relocation. JCSUD will provide documentation in support of the invoices as reasonably requested in writing by Joshua.

3. Payment of Invoices. Joshua will pay the invoices submitted by JCSUD within thirty (30) days of Joshua's receipt of the invoice. If Joshua disputes any amount of an invoice, Joshua agrees to pay the full amount of the invoice and to submit notice, in writing, to JCSUD of the amount Joshua disputes and the reason for such dispute within thirty (30) days of receipt of the invoice. Invoices for which no such timely notification is received shall be deemed accepted by Joshua as true and correct. The Parties shall seek to resolve all such disputes expeditiously and in good faith.

4. Failure to Pay Invoices. Joshua agrees that the failure to pay any invoice within sixty (60) days of receipt of the invoice will constitute a material breach of this Agreement and will entitle JCSUD to all remedies available in law or in equity, including, but not limited to, termination of this Agreement. All late payments shall bear interest at the lesser rate of 1.5% per month or the highest rate permissible under applicable law, calculated daily and compounded monthly. Joshua shall also reimburse JCSUD for all costs incurred in collecting any late payments, including, without limitation, attorneys' fees. In addition to all other remedies available, JCSUD shall be entitled to suspend any Project if Joshua fails to pay any invoice when due hereunder and such failure continues for sixty (60) days following written notice thereof.

III. MAINTENANCE

The Parties agree that JCSUD shall be the entity of record to repair its distribution lines and all related facilities as needed to maintain normal operations. Joshua agrees that JCSUD may place, construct, maintain and operate new water utilities facilities for the Development in Joshua's

right-of-way or easements; however, in the event that Joshua thereafter desires the relocation of those water utilities facilities, Joshua shall be responsible for the costs associated with such relocation, and JCSUD and Joshua will coordinate the relocation process. JCSUD may utilize appropriate Joshua contractors or in-house forces on a “cost plus” basis when such use is available without causing delay or harm to Joshua.

IV. BENEFIT

Absent this Agreement, JCSUD would seek to install all distribution/collection lines and related facilities within an easement at every opportunity since JCSUD is subject to the City’s demand to relocate utilities when Joshua engages a capital project where its placement will be in conflict with the existing location of JCSUD’s utilities within the City right-of-way. This Agreement enables JCSUD to comply with the City’s development standards whereby water and sewer facilities are planned and installed within the jurisdictional area of the City and its rights-of-way to optimize land use to the benefit of Joshua and its development planning relative to the Development. Accordingly, Joshua assures that JCSUD water and sewer facilities may be located within the City right-of-way and while other utilities may cross over, Joshua shall ensure no other utilizes run along JCSUD’s facilities closer than two feet (2’) from JCSUD’s facilities so that normal maintenance is not impeded.

V. MISCELLANEOUS

1. Notices. Notices shall be in writing and delivered personally, or mailed by registered mail or certified mail, return receipt requested, postage prepaid, or transmitted by facsimile transmission (receipt of such transmission to be acknowledged by the recipient) to the Parties at their respective addresses shown below:

Johnson County Special Utility District
Attn. Peter Kampfer, General Manager
P.O. Box 1390
Joshua, TX 76058
(817) 760-5200

City of Joshua
Attn: Josh Jones, City Manager
101 S. Main St.
Joshua, TX 76058
(817) 558-7447

2. Compliance with Applicable Laws. The Parties agree that they will comply with all federal and state laws, rules, and regulations applicable to construction associated with the Projects and any relocation.

3. Disclaimer of Indemnification. The Parties agree that neither of them may indemnify the other under Texas state law for any reason, including any tort or other claim for (i) any injury or

death of any person; (ii) any loss or damage to a vehicle or other personal property; or (iii) any loss or damage to any real property.

4. Governing Laws. This Agreement shall be governed by and construed and enforced under the laws of the State of Texas.

5. Venue. The obligations and undertakings of each of the Parties to this Agreement shall be performed in Johnson County, Texas. The parties expressly agree that all judicial proceedings to enforce any of the provisions of this Agreement shall take place in Johnson County, Texas.

6. Third Party Beneficiaries. The Parties agree that there are no third party beneficiaries to this Agreement.

7. Attorneys' Fees. Except as provided in Section II of this Agreement, each Party shall bear its own attorneys' fees and costs related to this Agreement.

8. Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the subject matter of the Agreement. No agreement, statement, or promise made by any Party or to any employee, agent, or officer of any Party that is not contained in this Agreement shall be valid, binding, or of any force or effect.

9. Exhibits. All Exhibits hereto are incorporated as if set forth in their entirety in this Agreement.

10. Amendment. Any amendments to this Agreement must be in writing and signed by all the Parties.

11. Successors and Assigns. This Agreement shall be binding upon the parties hereto and their respective successors, heirs, representatives, and assigns. Notwithstanding the foregoing, no Party to this Agreement may assign their rights or obligations under this Agreement without the written consent of the other Parties.

12. Construction. This Agreement shall be deemed drafted equally by the Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against either Party shall not apply. When required by context, the gender of words in this Agreement includes the masculine, feminine, and neuter genders and the singular includes the plural (and vice-versa). The headings in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

13. Severability. Should any provision of this Agreement be declared void by a court of competent jurisdiction, the remaining provisions of this Agreement shall remain in full force and effect.

14. Authority. The respective signatories to this Agreement represent that they are authorized to sign this Agreement on behalf of their respective Party, and that such signatory has received the necessary approval of its governing body to execute this Agreement on the Party's behalf.

15. Execution. This Agreement may be executed in multiple counterparts, each of which shall constitute an original, and all of which counterparts, when taken together, shall constitute one and the same Agreement. The Parties agree that delivery of a signed counterpart, or the signed Agreement or amendment by facsimile or electronic mail, shall be deemed the same as the delivery of an original document.

16. Enforceability. The Parties acknowledge and agree that this Agreement is a written contract stating the essential terms of the Parties' agreement for providing goods and services under Subchapter I of Chapter 271 of the Texas Local Government Code.

17. Waiver. Any waiver by any Party of its rights with respect to a default or requirement under this Agreement will not be deemed a waiver of any subsequent default or other matter.

JOHNSON COUNTY SPECIAL UTILITY DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

Name: _____

[SEAL]

CITY OF JOSHUA, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

Name: _____

[SEAL]

EXHIBIT A

(Mockingbird Hills Property Legal Description)

Being a part of a 68.939 acres tract of land in the W.W. BYERS SURVEY, ABSTRACT NUMBER 29, Johnson County, Texas and being all of a certain tract of land conveyed to SRE Joshua Dev, LLC according to the deed recorded in Document Number 2019-6606, Deed Records of Johnson County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the existing north right-of-way line of FM 917, being the southwest corner of said FM917 tract;

THENCE, North 00 degrees 22 minutes 11 seconds East, along the west line of said FM 917 tract, at 2,283.66 feet passing a 1/2" capped iron rod set being in the proposed south right-of-way line of Caddo Road and continuing in all a distance of 2295.66 feet to a 1/2" iron rod found for the corner, being in the existing south right-of-way line of C.R. 910 and being the northwest corner of said FM 917 tract;

THENCE, South 89 degrees 07 minutes 39 seconds East, along the existing south right-of-way line of said FM 917, 682.76 feet to a 1/2" iron rod found for corner, being the northeast corner of said FM 917;

THENCE, South 00 degrees 29 minutes 29 seconds West, along the most westerly west line of said FM 917 tract, at 12.00 feet passing a capped 1/2" rod set in the proposed south right-of-way of Caddo Road and continuing in all a distance of 1,023.67 feet to a broken wood fence post found for corner;

THENCE, North 89 degrees 57 minutes 13 seconds East, along the most southerly north line of said FM 917 tract, 302.70 feet;

THENCE, South 00 degrees 02 minutes 47 seconds East, along the most easterly east line of said FM 917 tract, 180.00 feet;

Thence over across said tract of land to SRE Joshua Dev, LLC the following bearings and distances:

South 89 degrees 57 minutes 13 seconds West, 5.59 feet;

South 00 degrees 02 minutes 47 seconds East, 855.00 feet;

South 89 degrees 57 minutes 13 seconds West, 5.70 feet;

THENCE, South 00 degrees 02 minutes 47 seconds East, 182.97 feet to the existing north right-of-way line of said FM 917, being the beginning of a curve to left with a radius of 6,115.75 feet with a long chord bearing South 88 degrees 26 minutes 00 seconds West, 227.95 feet;

THENCE, along said curve to the left and continuing along the existing north right-of-way line of said FM 917, passing through a central angle of 02 degrees 08 minutes 08 seconds an arc length of 227.96 feet to a 1/2" iron rod set with a cap stamped "RPLS 5544" for corner:

THENCE, South 86 degrees 37 minutes 23 seconds West, continuing along the existing north right-of-way line of said FM 917, 75.20 feet to a 1/2" iron rod set with a cap stamped "RPLS 5544" for corner;

THENCE, South 87 degrees 11 minutes 53 seconds West, continuing along the existing north right-of-way line of said FM 917, 679.00 feet to the POINT of BEGINNING.

The tract of land herein described contains 44.007 acres of land.

PLANS FOR THE CONSTRUCTION OF
WATER, SANITARY SEWER, STORM DRAIN, PAVING, & GRADING TO SERVE
MOCKINGBIRD HILLS, PHASE 1
JOSHUA, JOHNSON COUNTY, TEXAS

EXHIBIT B
(Mockingbird Hills PH 1-JCSUD Approved Water Facilities Layout)



LOCATION MAP

SCALE : N.T.S.



OWNER/DEVELOPER:
SRE JOSHUA DEV, LLC
P.O. BOX 939
BURLESON, TX 76097
817-426-3113
CONTACT: TCLLC@AOL.COM



PELTON LAND SOLUTIONS
TEXAS FIRM NO. 12207
THE SEAL APPEARING ON THIS DOCUMENT WAS
AUTHORIZED BY RAYMON GERGES, P.E. #128083
ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER
NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN
OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.



ENGINEER
PELTON LAND SOLUTIONS
9800 HILLWOOD PKWY., SUITE 250
FORT WORTH, TEXAS 76177
PHONE #: (817) 562-3350
TBPE FIRM NO. 12207

SHEET INDEX	
SHEET NO.	DESCRIPTION
001	COVER
002	GENERAL NOTES
003	PLAT
004	PLAT
005	OVERALL WATER PLAN
006	OVERALL WATER PLAN
007	WL-1 PLAN & PROFILE
008	WL-1 PLAN & PROFILE
009	WL-1 PLAN & PROFILE
010	OVERALL SEWER PLAN
011	OVERALL SEWER PLAN
012	SS-1 STA 0+00 TO 9+00 PROFILE
013	SS-1 STA 9+00 TO 18+00 PROFILE
014	SS-1 STA 18+00 TO 27+00 PROFILE
015	SS-1 STA 27+00 TO END & SS-2 PROFILES
016	SS-3 PROFLIE
017	SS-EX LINE A STA 0+00 TO 16+00 PROFILE
018	WATER DETAILS
019	WATER DETAILS
020	SANITARY SEWER DETAILS
021	SANITARY SEWER DETAILS
022	MOCKINGBIRD HILL DRIVE PLAN & PROFILE
023	STREET B PLAN & PROFILE
024	STREET A PLAN & PROFILE
025	STREET C PLAN & PROFILE
026	STREET C PLAN & PROFILE
027	STREET D PLAN & PROFILE
028	STREET E PLAN & PROFILE
029	STREET J PLAN & PROFILE
030	NCTCOG
031	TXDOT
032	TXDOT
033	TXDOT
034	TXDOT
035	TXDOT
036	LIGHTING, SIGNAGE, & MARKINGS PLAN
037	GRADING PLAN
038	GRADING PLAN
039	GRADING PLAN
040	GRADING PLAN
041	GRADING PLAN
042	EXISTING DRAINAGE AREA MAP
043	PROPOSED DRAINAGE AREA MAP
044	HYDRAULIC CALCULATIONS
045	INLET CALCULATIONS
046	STORM P&P SD-A & SD-G
047	STORM P&P SD-B
048	STORM P&P SD-C & SD-D
049	STORM P&P SD-F
050	STORM P&P SD-F SD-F2 SD-F3
051	STORM P&P SD-F4, FUTURE SD-F5 & SD-F6
052	STORM P&P SD-F7 SD-F8 SD-F9 SD-K
053	DETENTION POND 1
054	DETENTION POND 2
055	DETENTION POND 3
056	NCTCOG
057	NCTCOG
058	TXDOT
059	TXDOT
060	TXDOT
061	EROSION CONTROL PLAN
062	EROSION CONTROL DETAILS
063	EROSION CONTROL DETAILS

APRIL 2020

PLS PROJECT #: SRJ19001

NOTE: THE CONTRACTOR SHALL CONTACT THE FOLLOWING AT LEAST 48 HOURS PRIOR TO EXCAVATING IN THIS AREA:

TEXAS 811	1-800-344-8377
ATMOS GAS	972-881-4161
TXU ELECTRIC DELIVERY	1-800-711-9112
JCSUD (WATER - SANITARY SEWER)	(817)-760-5200

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION.



LEGEND

- PROPOSED STORM SEWER AND INLET
- PROPOSED SANITARY SEWER LINE
- PROPOSED WATER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- PROPOSED FIRE HYDRANT

- NOTES:
- REFER TO JOHNSON COUNTY SPECIAL UTILITY DISTRICT CONSTRUCTION STANDARDS DETAILS FOR CONSTRUCTION NOTES AND STANDARD DETAILS.
 - FOR TYPICAL UTILITY LOCATION IN RESIDENTIAL STREET, SEE SHEET 006.
 - CONTRACTOR SHALL FIELD VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
 - PROTECT IN PLACE UTILITIES, EXISTING STORM DRAIN HEADWALL, CULVERTS, AND FENCES. RELOCATE OR RESTORE TO ORIGINAL CONDITIONS.

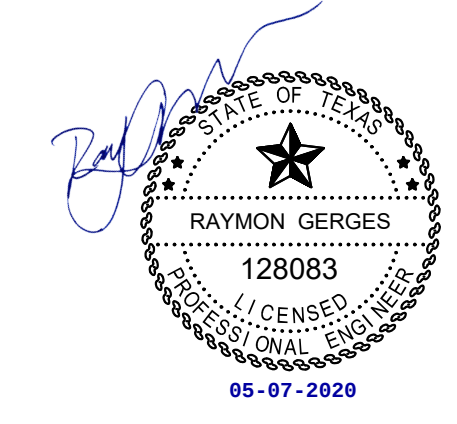
BENCHMARKS

BM #1 - USGS MON. CS 2970, LOCATED 57' EAST OF THE CENTERLINE OF STATE HIGHWAY 174, 27' EAST OF A WHITE WITNESS POST AND 9' SOUTH OF A FENCE LINE.

ELEVATION = 848.20'

BM #2 - CENTER OF SSMH LOCATED APPROX. 34.22' SOUTH OF THE CL OF CADDO RD AND APPROX. 958' EAST OF THE EAST PROPERTY LINE OF THIS PROJECT.

ELEVATION = 928.22'



PELOTON LAND SOLUTIONS
TEXAS FIRM NO. 12207
THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RAYMON GERGES, P.E. #128083. ALTERATION OF A SEALED DOCUMENT WITHOUT PROPER NOTIFICATION TO THE RESPONSIBLE ENGINEER IS AN OFFENSE UNDER THE TEXAS ENGINEERING PRACTICE ACT.

NO.	DATE	REVISION

MOCKINGBIRD HILLS, PHASE 1

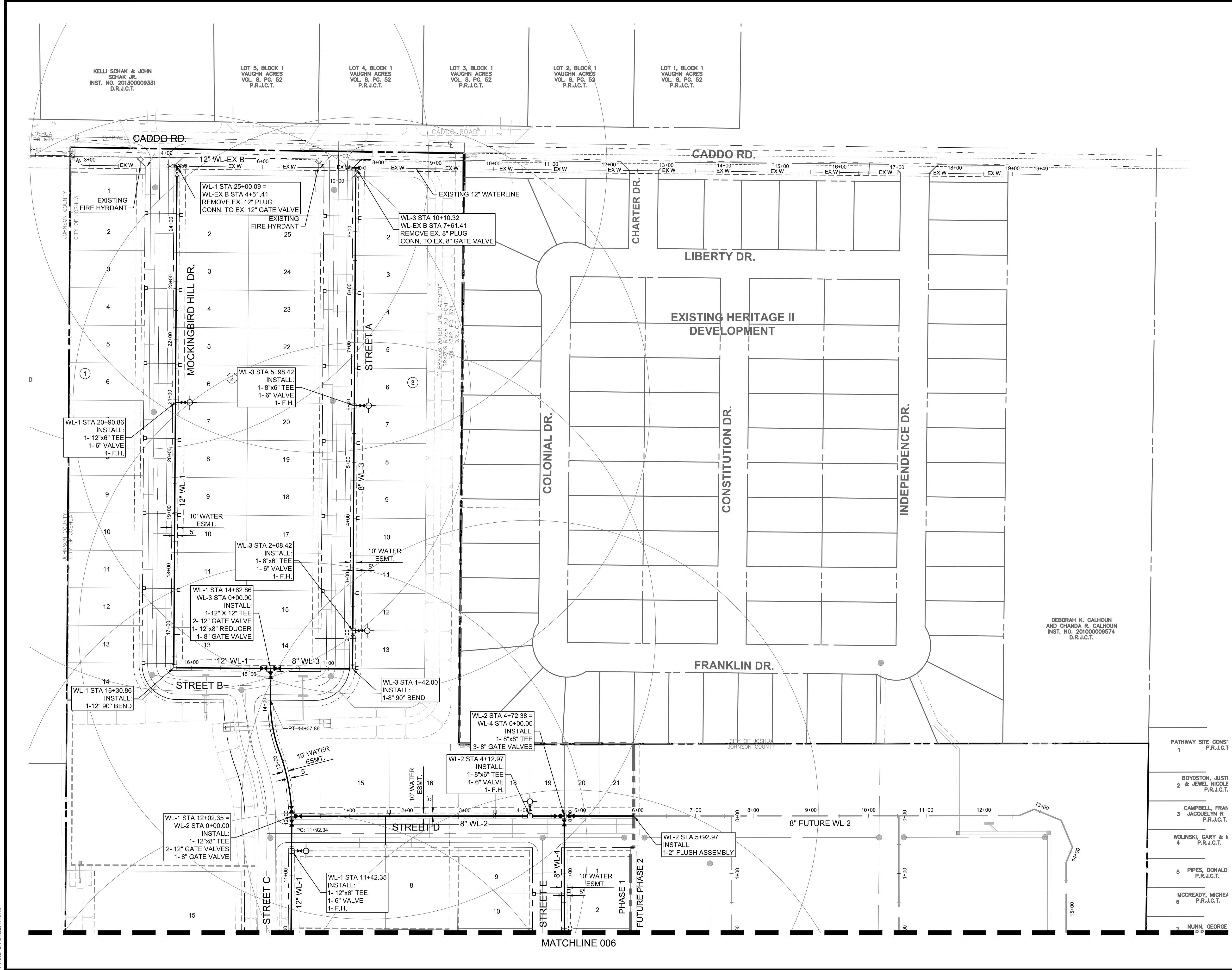
OVERALL WATER PLAN

JOSHUA, JOHNSON COUNTY, TEXAS



DRAWN: ----	DATE: APRIL 2020	PROJECT #: SRJ19001	SHEET: 005
DESIGNED: ----			
REVIEWER: RG			

Drawn: G. LORISO, 19001 Mockingbird Hills Phase 1 Overall Water Plan
Last Saved by: R. Gerges
Plot Date/Time: 07/20/20 11:40 AM



MATCHLINE 006



- NOTES:

1. REFER TO JOHNSON COUNTY SPECIAL UTILITY DISTRICT CONSTRUCTION STANDARDS DETAILS FOR CONSTRUCTION NOTES AND STANDARD DETAILS.
2. FOR TYPICAL UTILITY LOCATION IN RESIDENTIAL STREET, SEE SHEET 006.
3. CONTRACTOR SHALL FIELD VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
4. PROTECT IN PLACE UTILITIES, EXISTING STORM DRAIN HEADWALL, CULVERTS, AND FENCES. RELOCATE OR RESTORE TO ORIGINAL CONDITIONS.

BM #1 - USGS MON. CS 2970,
LOCATED 57' EAST OF THE
CENTERLINE OF STATE HIGHWAY
174, 27' EAST OF A WHITE
WITNESS POST AND 9' SOUTH OF
A FENCE LINE.

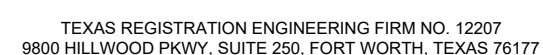
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BM #2 - CENTER OF SSMH
LOCATED APPROX. 34.22' SOUTH
OF THE CL OF CADDO RD AND
APPROX. 958' EAST OF THE EAST
PROPERTY LINE OF THIS
PROJECT.

ELEVATION = 928.22'

NO.	DATE	REVISION

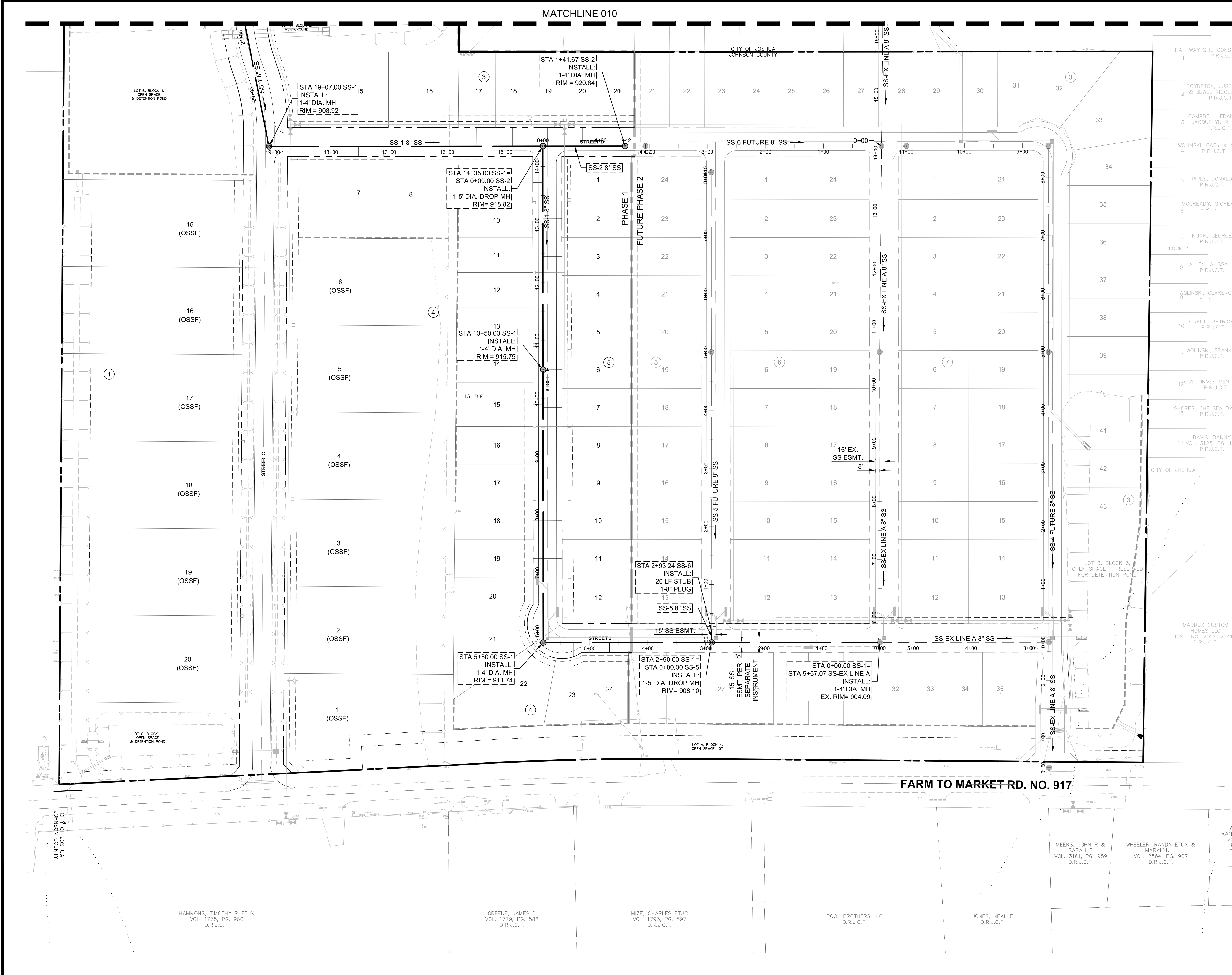
JOSHUA, JOHNSON COUNTY, TEXAS



DRAWN: ----	DATE	PROJECT #	SHEET
DESIGNED: ----	APRIL 2020	SRJ19001	010
REVIEWER: RG			



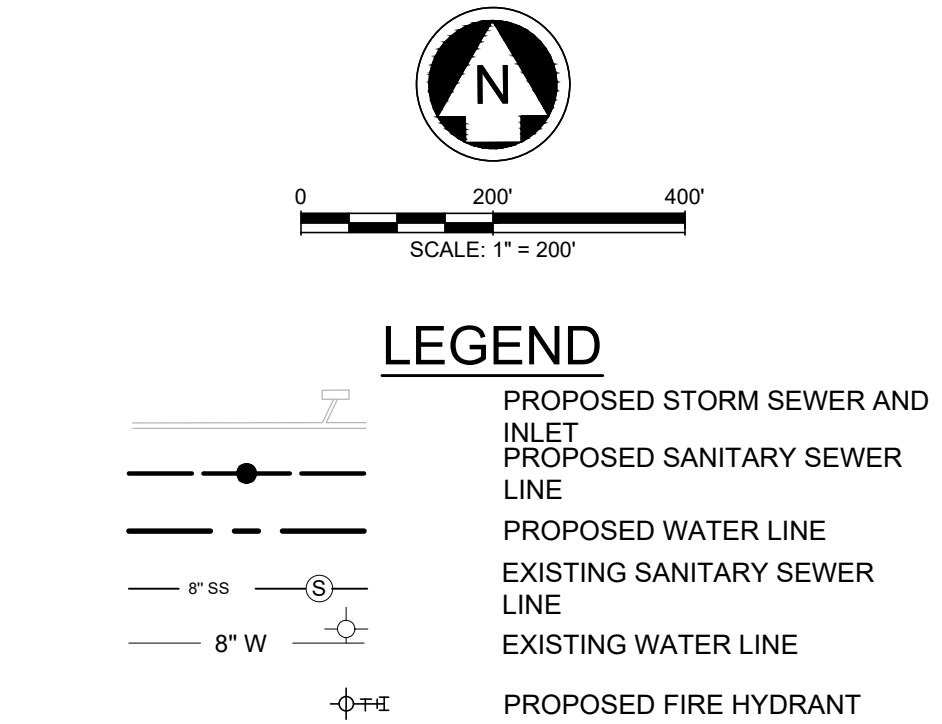
Drawing: C:\Users\jag001\My Documents\Mockingbird Hills\Phase 1\Overall Sewer Plan.dwg
Last Saved by: jg001
Plot Date/Time: 07/26/20 10:30 AM



NOTE: THE CONTRACTOR SHALL CONTACT THE FOLLOWING AT LEAST 48 HOURS PRIOR TO EXCAVATING IN THIS AREA:

TEXAS 811	1-800-344-8377
ATMOS GAS	972-881-4161
TXU ELECTRIC DELIVERY	1-800-711-9112
JCSUD (WATER - SANITARY SEWER)	(817)-760-5200

CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES VERTICALLY AND HORIZONTALLY PRIOR TO CONSTRUCTION.



NOTE: BLK 1, LOTS 15-20 & BLK 4 LOTS 1-6 ARE SERVED WITH ON-SITE SEWAGE FACILITY (OSSF).

BENCHMARKS

BM #1 - USGS MON. CS 2970, LOCATED APPROX. 34.22' SOUTH OF THE CL OF STATE HIGHWAY 174, 27' EAST OF A WHITE WITNESS POST AND 9' SOUTH OF A FENCE LINE.

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ELEVATION = 928.22'

NO.	DATE	REVISION

MOCKINGBIRD HILLS, PHASE 1

OVERALL SEWER PLAN

JOSHUA, JOHNSON COUNTY, TEXAS



TEXAS REGISTRATION ENGINEERING FIRM NO. 12207
8800 HILLWOOD PKWY, SUITE 200, FORT WORTH, TEXAS 76117
FORT WORTH PHONE: (817) 562-3350

DRAWN: ---	DATE: APRIL 2020	PROJECT #: SRJ19001	SHEET: 011
DESIGNED: ---			
REVIEWER: RG			



City Council Agenda October 15, 2020

Agenda Item:E5

Ordinance

(Action Item)

Agenda Description:

Discuss, consider, and possible action on approving the expenditure of \$3800.00 to Johnson County for Brush Cuts for Forrest Ln.

Background Information:

According to the current zoning ordinance:

6.12.13 DESIGN AND MAINTENANCE STANDARDS.

(I) Trees, tree limbs and branches. No trees, tree limbs, or branches may exist that are reasonably capable of damaging a structure or that are reasonably capable of causing injury to a person or which are within fourteen (14) feet of any access or fire lane measured vertically from the surface of the street or fire lane to the lowest point of the tree limb or branch.

To trim overgrown trees back from parkway allowing for safe vehicle passage.

Financial Information:

Will be billed to our current street repair & maintenance budget.

City Contact and Recommendations:

Staff recommends approval.

Attachments:

1) Johnson County Pct. 4 Interlocal

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

INTERLOCAL AGREEMENT FOR BRUSHCUTTING

This Agreement is made and entered into pursuant to Chapter 791, Government Code, Vernon's Texas Code Annotated, on the 28 day of September, 2020, by Johnson County, Texas, through its Commissioners Court and the City of Joshua, Texas (hereinafter referred to as "City") for the purpose of and **Brushcutting 2.1 Miles on Forrest Lane, within the City Limits of Joshua** in Johnson County, Texas and within the corporate limits of City.

Therefore the parties agree as follows:

1. Total charges for this Agreement are detailed on Attachment A-"Schedule of Standard Charges for Interlocal Agreements."
2. Johnson County will **Brushcutting 2.1 Miles on Forrest Lane within the City Limits of Joshua, Johnson County Texas.**
3. Payment of total charges for this Agreement is due and payable within Thirty (30) days of receipt of an invoice for said amount from the Treasurer's Office of Johnson County, Texas.

Payment is to be made to:

Johnson County Treasurer's Office
2 North Main Street
Cleburne, TX 76031

4. Any unpaid balance remaining after thirty (30) days from receipt of invoice shall earn interest at the maximum interest rate per annum allowed by law until paid.
5. Payment under this Agreement shall be made from current revenues available to the party making payment.
6. All work will be done in a workmanlike manner as measured by Johnson County's usual practice in said work to be performed. Johnson County shall be in charge of all control, procedures, means, coordination, and final inspection of this Agreement in regards to said work to be performed.
7. Nothing herein shall alter or change the legal responsibility under existing law for a party, nor will this Agreement cause Johnson County to incur additional liability other than liability it would have under the law without this Agreement. To the extent permitted by law, City agrees to indemnify and hold harmless Johnson County, its agents, and employees, from all suits, claims, damages, losses, and

expenses, including reasonable attorney fees arising out of the County's performance or non-performance of the work to be performed.

8. This Agreement represents the entire and integrated agreement between Johnson County and City and supersedes all prior negotiations, representations and/or agreements either written or oral. This Agreement may be amended only by written instruments signed by Johnson County and City.
9. The validity of this Agreement and of its terms or provisions, as well as the rights and duties of the parties hereto, shall be governed by the laws of the State of Texas.
10. In the event that any portion of this agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.
11. This Agreement may be terminated at anytime, by either party giving thirty (30) days advanced notice to the other party. In the event of such termination of either party, Johnson County shall be compensated for the costs of all materials and/or labor performed to termination date as authorized by this Agreement.
12. The undersigned officer and/or agents of the parties hereto are the properly authorized officials and have the authority to execute this Agreement on behalf of the parties hereto, and each party certifies to the other that any necessary resolutions extending said authority have been duly passed and are now in full force and effect.

Executed in multiple originals on the ____ day _____, 20____.

Roger Harmon, Johnson County Judge

Voted: ____ yes, ____ no, ____ abstained

Rick Bailey, Comm. Pct. #1

Voted: ____ yes, ____ no, ____ abstained

Kenny Howell, Comm. Pct. #2

Voted: ____ yes, ____ no, ____ abstained

Jerry D. Stringer, Comm. Pct. #3

Voted: ____ yes, ____ no, ____ abstained

Larry Woolley, Comm. Pct. #4

Voted: ____ yes, ____ no, ____ abstained

ATTEST: _____

COUNTY CLERK

AUTHORIZED OFFICIAL OF CITY

ATTACHMENT A
Schedule of Standard Charges for Interlocal Agreements
Johnson County, Texas

RE: Tiger Mowing

JOHNSON COUNTY, TEXAS										
SCHEDULE OF COSTS FOR PRECINCT SERVICES										
EQUIPMENT:	Minimum charge - 4 hours									
	Brushcutter w/operator	\$76.00	per hour	50	hours				\$3,800.00	
	Total Equipment:									\$3,800.00
								Grand Total:		\$3,800.00
PLEASE MAKE CHECKS PAYABLE TO:		JOHNSON COUNTY TREASURER								
PLEASE MAIL TO:		JOHNSON COUNTY TREASURER								
		2 NORTH MAIN STREET, ROOM 312								
		CLEBURNE, TEXAS 76033								

SECOND AMENDMENT TO CHAPTER 380 PARTNERSHIP AGREEMENT

THIS SECOND AMENDMENT TO CHAPTER 380 PARTNERSHIP AGREEMENT ("Second Amendment") is made and entered into this _____ day of October, 2020, by and between the City of Joshua, Texas ("City"), and Connected Acquisition Services LLC, an affiliate of The Retail Connection, and/or assigns thereof ("TRC").

WITNESSETH:

WHEREAS, on or about July 31, 2019, the City and TRC entered into a Chapter 380 Partnership Agreement, the terms of which are incorporated herein by reference, relative to retail development at Joshua Station in the City; and

WHEREAS, included in that Chapter 380 Partnership Agreement was a provision detailing certain improvements at the development site that were to be constructed by TRC, as more fully described in Paragraph 3 of the Chapter 380 Partnership Agreement; and

WHEREAS, on or about December 19, 2019, the City and TRC entered into its First Amendment to Chapter 380 Partnership Agreement ("First Amendment") which addressed additional development issues, as more fully described therein; and

WHEREAS, both TRC and the City in this Second Amendment agree and acknowledge that (1) TRC has agreed to design, obtain approvals and construct those portions of public roadways and of the Joshua Station Addition highlighted in yellow ("TRC Work") on Exhibit A, attached hereto and incorporated by reference, (2) the City shall design, obtain approvals and construct the Hooded Left Turn into the development site from SH 174, and related improvements including curb cuts and decel/accel lanes highlighted in blue and red (the "City Work") on Exhibit A, and it is the intent of the Parties in this Second Amendment to clarify construction obligations related thereto.

NOW, THEREFORE, in consideration of the foregoing premises and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and TRC covenant and agree as follows:

1. The City and TRC hereby and agree and acknowledge that TRC shall complete the TRC Work, subject to reimbursement by the City. TRC shall forward to the City progress payment applications, subject to approval by the City's engineer, and the City shall promptly reimburse to TRC all eligible costs incurred by TRC relative to said TRC Work. The City and TRC hereby agree and acknowledge that the City shall endeavor to complete the City Work as timely as possible, and specifically with regard to the curb cuts onto SH 174 shown with blue circle, the City shall endeavor to complete by April 1, 2021.

2. Upon the City's acceptance of the public roadways to be constructed by TRC and as referenced in attached Exhibit A, TRC Work shall include a maintenance bond applicable to said public roadways in the amount of one hundred percent (100%) of the total construction cost for the TRC Work. The period of the maintenance bond shall be two (2) years from the date of acceptance by the City, shall be issued by a corporate surety acceptable and approved by the City, authorized to do business in the State of Texas, and shall be on a form acceptable to the City.

3. Notwithstanding anything contained to the contrary in the Chapter 380 Agreement and the First Amendment, the Parties agree that TRC is granted eighteen (18) months from conveyance of fee simple title to the Development Property to elect to purchase and convey fee simple title to all or any portion of the Adjacent Property. During said eighteen (18) month period, neither the City nor Type A EDC (nor any other party acting by, through or under said parties) may sell all or any portion of the Adjacent Property to any party other than TRC, and TRC shall maintain the right to purchase all or any portion of the Adjacent Property by notifying the City thereof prior to the expiration of said eighteen (18) month period.

4. All other provisions of the Chapter 380 Partnership Agreement and First Amendment shall remain in full force and effect unless amended by the Parties pursuant to the terms thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first above written.

THE CITY OF JOSHUA, TEXAS

By: _____
Name: Joe Hollarn, Mayor

STATE OF TEXAS)
)
COUNTY OF JOHNSON)

This instrument was acknowledged before me on the ____ day of October, 2020, by Joe Hollarn, Mayor of the City of Joshua, Texas.

Notary Public, State of Texas

**CONNECTED ACQUISITION SERVICES LLC
("TRC")**

By: _____

Name: David C. Wilson

Title: Vice President

STATE OF TEXAS)

)

COUNTY OF DALLAS)

This instrument was acknowledged before me on the ____ day of October, 2020,
by David C. Wilson, the Vice President of Connected Acquisition Services LLC.

Notary Public, State of Texas

EXHIBIT A

September 2020

Police Department traffic stops increased this month and for the second month in a row we have seen a year over year increase in driving while intoxicated arrests, four compared to just one in 2019. These increases are likely related to more stable police staffing levels this summer. The department received several complaints regarding the wearing of face masks in compliance with the Governors order. Complaints were mostly associated with food service businesses. In response we have met with management and been successful in most cases in achieving voluntary compliance.

The department continued with in-service training focusing on contemporary use of force issues and practical exercises in police tactics. This began in August and all members of the department have now completed that block of training. The department hosted a two-day Traffic Incident Management Training delivered by the North Texas Council of Governments staff. The training focusses on safety and mitigating impact and crashes in the metroplex. In addition to five Joshua PD officers several outside agencies were represented in the training.

Finally, we are excited to have received our second 2020 police Tahoe in late September. We anticipate it being in service mid-October after some computer equipment is installed.

Patrol

Category	September 2020	September 2019	2020 year to date
Dispatched Calls	218	287	2064
Arrests	9	15	80
Crash Reports	5	5	44
Traffic Stops	320	166	1677
Citations	227	97	1022
Outside LE Agency Assist	9	15	109
Reports	44	39	392

Investigations

Category	September 2020	September 2019	2020 year to date
Crimes Against Persons	8	7	45
Property Crime (Thefts, Damage)	6	5	73
Other (Drug or Alch/Missing/Deceased)	9	5	49
Total	23	17	167



Crime by Offense Type

Category	September 2020	September 2019	2020 year to date
Murder/Non-Negligent Homicide	0	0	0
Manslaughter by Negligence	0	0	0
Rape	0	1	0
Robbery	0	0	0
Assault	7	5	36
Burglary (bldg. and vehicle)	2	0	14
Larceny (theft, fraud)	3	3	35
Total	12	9	85

Training

Category	September 2020	Year to date
Computer Based	18	170
Classroom	44	242
Total	62	412

Community Outreach

Category	Date
Crime Stoppers Monthly Meeting	9/9/2020
Congressman Williams 9/11 Visit	9/11/2020
Assisted with Lego Motor Cycle Ride	9/27/2020

Staffing

Category	Commissioned	Non-Commissioned	Animal Ctrl
Positions	13	2.5	2.5
Vacancies	1	0	0



Promotions and Hiring

The department did not receive any new applications in August and there were no new promotions.

Complaints and Commendations

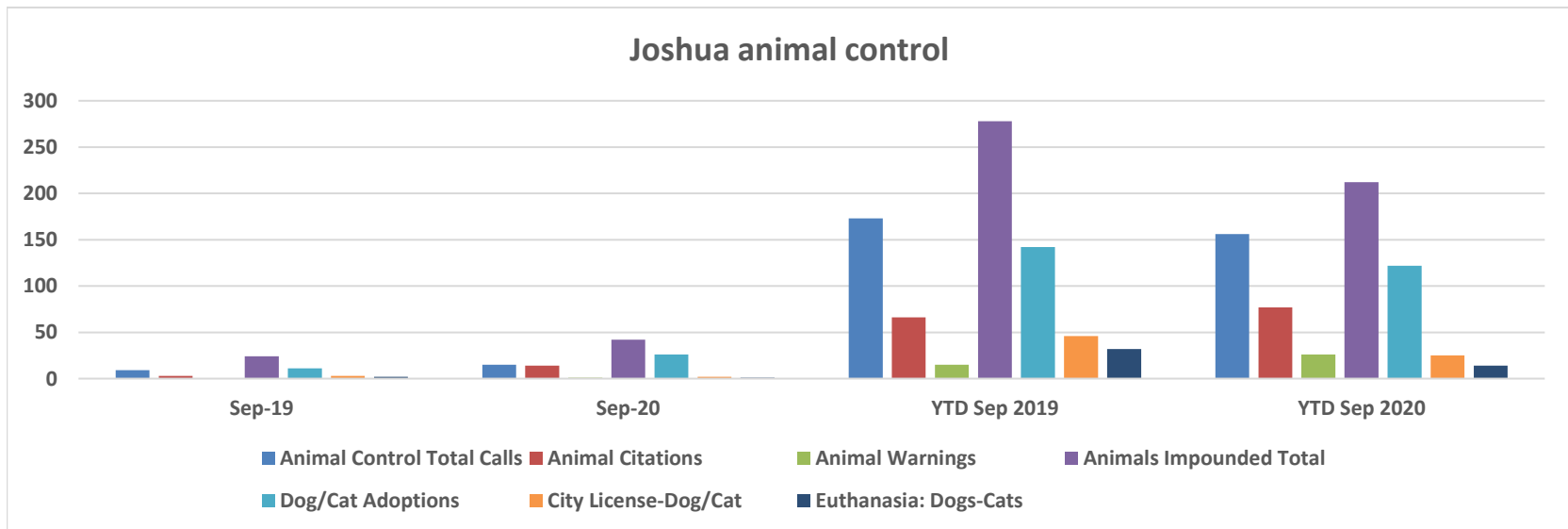
Category	September 2020	September 2019	Year to date
Commendations	4	4	16
Complaints	0	0	1

Police Fleet

Unit#-YR	Year/Make	Mileage	Service
81-07	2007/Chev	130,765	Investigations/Admin
82-10	2010/Chev	129,001	Investigations/Admin
83-13	2013/Chev	Removed from Service	Patrol
84-16	2016/Ford	60,700	Patrol
85-17	2017/Ford	60,260	Patrol
86-19	2019/Ford	42,605	Patrol
87-20	2020/Chev	3,786	Patrol
88-20	2020/Chev	300	Patrol

JOSHUA ANIMAL CONTROL ACTIVITY STATISTICS

	Sep-19	Sep-20	YTD Sep 2019	YTD Sep 2020
Animal Control Total Calls	9	15	173	156
Animal Citations	3	14	66	77
Animal Warnings	0	1	15	26
Animals Impounded Total	24	42	278	212
Dog/Cat Adoptions	11	26	142	122
City License-Dog/Cat	3	2	46	25
Euthanasia: Dogs-Cats	2	1	32	14





Joshua Fire Department

Memorandum #:

To: Josh Jones, City Manager

From: Joey Kratky, Asst. Fire Chief/ Fire Marshal

Copy: Tom Griffith Fire Chief, Mike Peacock, Asst. City manager

Subj: Fire Department Incident Statistics – September 2020

Date: October 6, 2020

Below are the incident statistics for the month of June. The number of missed calls remains the same, although the percentage dropped by 1%. Please let me know if you have any questions.

	August 2020	September 2020
STAFFING LEVELS		
Total Calls For Month	115	100
Missed Calls	15 (13%)	20 (20%)
Adequately Staffed Calls	40 (35%)	28 (28%)
Without Adequate Staff	60 (52%)	52 (52%)
Average Response Time:	9:12	9:01
CITY/COUNTY/MUTUAL AID		
ESD Automatic Aid Received To City:	5	4
City Calls For Month	78 (68%)	68 (68%)
County Calls for Month	22 (19%)	26 (26%)
Mutual Aid for the Month	15 (13%)	6 (6%)
City Calls YTD	582 (67%)	650 (67%)
County Calls YTD	225 (26%)	251 (26%)
Mutual Aid Calls YTD (Giving)	59 (7%)	65 (7%)

City of Joshua
Municipal Court Council Report
From 9/1/2020 to 9/30/2020

10/1/2020 10:22 AM

Violations by Type

Traffic	Penal	City Ordinance	Parking	Other	Total
179	3	44	0	14	240

Financial

State Fees	Court Costs	Fines	Tech Fund	Building Security	Total
\$9,095.59	\$3,289.03	\$6,491.20	\$387.61	\$454.77	\$19,718.20

Warrants

Issued	Served	Closed	Total
10	0	8	18

FTAs/VPTAs

FTAs	VPTAs	Total
2	12	14

Dispositions

Paid	Non-Cash Credit	Dismissed	Driver Safety	Deferred	Total
46	0	13	11	26	96

Trials & Hearings

Jury	Bench	Appeal	Total
0	0	0	0

Omni/Scofflaw/Collection

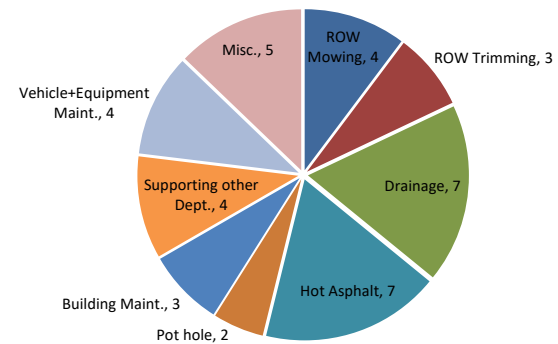
Omni	Scofflaw	Collections	Total
64	0	64	128

City of Joshua
Public Works Monthly Activity Report
For the Month of September 2020

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total
Row Mowing	1													1															1	1		4
ROW Trimming		3																														3
Drainage	1		1	1										1	1	1					1											7
Signs																																0
Hot Asphalt			1					1									1	1						1	1			1				7
Pot hole				1																		1										2
Building Maint.									1	1							1															3
Concrete																																0
Emergency Services																																0
Crack Seal																																0
Safety Meeting																																0
Supporting other Dept.		1														1													2			4
Vehicle+Equipment Maint.			1					1														1		1								4
Misc.			1					1			3																					5

Chart reflects one per daily occurrence

ROW Mowing	4
ROW Trimming	3
Drainage	7
Signs	0
Hot Asphalt	7
Pot hole	2
Building Maint.	3
Concrete	0
Emergency Services	0
Crack Seal	0
Safety Meeting/Classes	0
Supporting other Dept.	4
Vehicle+Equipment Maint.	4
Misc.	5



Public Works Monthly Team Status Report

For The Month Of September 2020

Completed Items

[illegible]

In Progress

Year Round	City Wide		Reconditioning drainage easements
Year Round	City Wide		Street sign repairs
Year Round	City Wide		Asphalt street repairs
Year Round	City Wide		Repair potholes with Duramaxx
Year Round	City Wide		Set out traffic counter and gather data
Year Round	Development		SW3P Inspections

Assigned But Not Yet Started

[illegible]

City of Joshua
Parks & Recreation
Status Report
For the month of September 2020

Grounds Maintenance	City Park	Baseball Complex	City Facilities	Entry Way Signs
Mowing	60	42	70	2
Weed Eating, Edging, Blowing	40	24	50	2
Hedge & Tree Trimming				
Flower Beds/Landscaping				
Fertilizing/Over Seeding				
Irrigation				
Trash Removal	60	24	16	

Field Maintenance	Field One	Field Two	Field Three
Mowing	16	13	13
Weed Eating	8	8	8
Infield Edging	10	8	6
Striping	2	2	2
Infield Draging	10	8	6
Infield Repair	26	10	8
Fertilizing/Over Seeding			
Infield Watering	10	8	6
Trash Removal	10	8	6

Building Maintenance	City Park	Baseball Complex	City Facilities
Custodail Duties	70		10
General Repairs	50	6	35
Toddler Playground			
Equipment Maintenance	5	30	28
Special Events			
Remodeling			32

City of Joshua
Parks & Recreation
Status Report
For the month of September 2020

Activity	Total Hours
Mowing	174
Weed Eating, Edging, Blowing	116
Hedge & Tree Trimming	
Flower Beds/Landscaping	
Fertilizing/Over Seeding	
Irrigation	
Trash Removal	100
Field Mowing	42
Field Weed Eating	24
Infield Edging	24
Striping	6
Infield Draging	24
Infield Repair	44
Fertilizing/Over Seeding	
Infield Watering	24
Trash Removal	24
Custodail Duties	80
General Repairs	91
Toddler Playground	
Equipment Maintenance	63
Special Events	
Remodeling	32
Total Man Hours	868

City of Joshua

Code Compliance Report

For the Year of 2020

Code Compliance Report - 2020																									
	Jan-20		Feb-20		Mar-20		Apr-20		May-20		Jun-20		Jul-20		Aug-20		Sep-20		Oct-20		Nov-20		Dec-20		Total Year
Code Cases	14		28		25		12		50		38		64		29		33								293
Owner Abated W/I 30 days - %	9		17		19		10		24		23		39		23		24								
Code Cases Abated - City									3		2				1										6
Code Citations Issued									1						1										2

Code Violation Report - 2020													
	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total
Building		3			1		1	1	1				7
Fence		3	1	1	1	2							8
Garbage	4		3		3								10
High Grass, Weeds, & Limbs	1	5	1	4	27	9	33	7	19				106
Junk & Debris	4	3	12		10	4	13	8	3				57
Junk Vehicle	1		1		1	1	6		1				11
No Permit	2	2		2		4	4	1					15
Nuisance													
Parking	1	3	2		4	6	3	3	4				26
Septic & Illegal Dumping													
Sign			2	1	1								4
Outside Storage		3	2	2	2	3	2	3	2				
Certificate of Occupancy				1		2							
Health and Sanitation	1	2					1	2					6
Garage Sale		1				2	1		1				
Storm Water								2	2				
Stop Work Order		3				5		2					10
Total Violations	14	28	24	11	50	38	64	29	33				260

Misc Code Activies - 2020													
	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total Year
Signs Collected	17	23	19	28	47	26	21	16	22				219
Unpaid Trash Accounts:													
Warnings													
Letters													
Citations					1			1					

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UTILITY BILLING

Council Report

Billing Period 9/1/2020 - 9/30/2020

Utility Bills Disbursed	Count	Amount
Active	1843	\$32,879.12
Active	21	\$273.44
Active	13	\$99.23
Active	0	\$0.00
Total	1877	\$33,251.79

Payments Received	Count	Amount
Check	627	\$12,787.35
CreditCard	416	\$11,661.29
Other	7	\$124.88
AchDraft	54	\$1,539.88
Cash	25	\$668.40
MoneyOrder	5	\$115.68
Total	1134	\$26,897.48

Building Inspection Report

September 2020

September	2020	2019	YTD 2020	YTD 2019
Building	29	31	319	228
Electrical	26	25	226	169
Plumbing	15	20	190	146
Mechanical	8	8	83	50
Re-Inspections	8	19	103	105
Certificate of Occupancy	1	2	12	9
Certificate of Occupancy Re-Inspection	0	0	0	1
Total # of Inspections	87	105	933	708
Plan Review	6	9	95	47

Building Permit Report

September 2020

September	2020	2019	YTD 2020	YTD 2019
Building	17	30	211	166
Electrical	9	16	96	85
Plumbing	8	17	124	85
Mechanical	3	13	54	41
Permanent Sign	2	2	11	13
Temporary Sign	4	5	17	20
Certificate of Occupancy	1	2	14	15
Swimming Pool	1	0	9	3
Sprinkler System	4	10	34	32
Solicitor	0	0	0	1
Contractor Registration	14	18	122	138
MHP Registration	0	0	0	0
Total # of Permits	63	113	692	599

New Businesses Report September 2020

New Businesses (Certificate of Occupancy Issued)	Address
AKA Early Learning Center (Final 8/26/20) Joshua Post & Print	615 N Broadway St 305 E 12th St, Suite B
Future New Businesses (Applied for Certificate of Occupancy not completed)	Address
Joshua Storage Depot Bigg 6 Trucking	100 W James St 410 N Broadway, Bldg C
New CO Issued for existing Business (New Owner, New Location, Name change,etc)	Address

JOSHUA



City Secretary

MONTHLY REPORT

September 2020



CITY COUNCIL

Agenda Summary

City Council Meeting Agenda Summary Items: prepared, certified, published and processed. Meeting Minutes prepared and approved - August July 16, 2020 and July 27, 2020.

The following items were approved by the Mayor and City Council in August 2020.

- City Employee Handbook amendments
- Interlocal Cooperative Agreement between the City of Joshua and Johnson County contracting for the provision of police dispatch services
- Interlocal Cooperative Agreement between the City of Joshua and Johnson County contracting for the housing of individuals detained for Class C Misdemeanor offenses
- Ordinance amending the City of Joshua 2019-2020 FY Budget
- Ordinance adopting the Annual Budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021
- ratify the proposed tax revenue increase as reflected in the Fiscal Year 2020-2021 adopted Budget
- Adopt the 2020 Maintenance and Operation Tax Rate of \$0.57605
- Adopt the 2020 Debt Services Tax Rate of \$0.18519
- Ordinance approving zoning change from the Restricted Commercial District (C-1) to the Residential Single Family District (R-1) a 0.321 acre tract of land located in the College Addition, Lot 1 Block 3 locally known as 101 E. Twentieth St.
- Ordinance amending section 3.05.003, "Residential Uses," of Article 3.05, "Fences," of Chapter 3, "Building Regulations," of the Code of Ordinances by amending provisions related to the height of fences on residential Property
- Ordinance amending Article 4.02, "Garage Sales," of Chapter 4, "Business Regulations," of the Code of Ordinances by removing any reference to garage sales on non-Residential property in the City
- Contract between Johnson County Emergency Services District No. 1 and the City of Joshua for providing Fire Extinguishment and other Emergency Services
- The expenditure of \$3,800.00 to Johnson County for Brush Cuts for Eddie Street, County Road 1023, and County Road 909
- Board Appointments

Public Information Request

Processed seventeen (36) Public Information Request and completed within ten days or less. Out of the 36, three was sent to the Texas Attorney General for an opinion.

Request Date	Requestor	Documents	Date Released	AG Letter	Cost/Electronic	Clarification Letter Sent
9/1/2020	Denton Co. DA's Office	Police Reports	9/1/2020	No	E	
9/1/2020	Carole Bartholomew	Permit Reports	9/4/2020	No	E	
9/3/2020	Taylor Bradley	Accident Report	9/3/2020	No	6.00	
9/3/2020	Ardoin & Associates	Body Cam		Yes		AG letter sent 9/14/2020
9/8/2020	Barbara Athens	Accident Report	9/8/2020	No	6.00	
9/8/2020	Kenneth Fritz	Police Reports	9/8/2020	No	E	
9/8/2020	LexisNexis	Accident Report	9/8/2020	No	0.00	No Documents
9/8/2020	LexisNexis	Accident Report	9/8/2020	No	0.00	No Documents
9/8/2020	LexisNexis	Accident Report	9/8/2020	No	0.00	No Documents
9/9/2020	US Legal Support	Fire Reports	9/11/2020	No	0.00	Subpoena
9/9/2020	Heather Bunnell	Accident Report	9/9/2020	No	0.00	Walked her thru online portal
9/10/2020	CPS	Police Reports	9/10/2020	No	0.00	No Documents
9/10/2020	Subpoena w/disposition	Fire Records	9/14/2020	No	0.00	All info sent to AG by certified mail
9/11/2020	Mireya Granados	Police Reports	9/14/2020	No	0.00	No Documents
9/14/2020	David Long	Police Reports		Yes		AG letter sent 9/24/2020
9/14/2020	Chip Harden	Fire Reports	9/22/2020	No	E	
9/15/2020	Sgt. McDowell Tyson	Police Reports	9/22/2020	No	0.00	No Documents
9/17/2020	Harold East	Police Reports	9/22/2020	No	0.50	
9/18/2020	CPS	Police Reports	9/21/2020	No	E	
9/19/2020	Dana Howell	Police Reports		Yes		AG Letter sent 9/25/2020
9/22/2020	LexisNexis	Accident Report	na	na	0.00	No Documents
9/24/2020	Joana Rodriguez	Police Reports	9/29/2020	na	0.00	No Documents
9/24/2020	Kelsey Zaiantz	Police Reports	9/24/2020	No	E	
9/24/2020	Faith Evans	Permit Reports	9/24/2020	No	E	
9/24/2020	Faith Evans	Code Enforcement	9/24/2020	No	E	
9/24/2020	Faith Evans	Substandard Report	9/25/2020	No	0.00	No Documents
9/24/2020	Faith Evans	Utility Report	9/24/2020	No	0.00	No Documents
9/24/2020	Express Solutions	Accident Report	9/24/2020	No	0.00	No Documents
9/29/2020	LexisNexis	Accident Report	9/29/2020	No	0.00	No Documents
9/29/2020	LexisNexis	Accident Report	9/29/2020	No	0.00	No Documents
9/29/2020	LexisNexis	Accident Report	9/29/2020	No	0.00	No Documents
9/29/2020	LexisNexis	Accident Report	9/29/2020	No	0.00	Returned/Did not provide enough info
9/29/2020	Dawn Lynch	Police Reports	9/29/2020	No	E	
9/29/2020	Elizabeth Pippin	Accident Report	9/29/2020	No	6.00	
9/30/2020	Chris Copeland	Permit Reports	10/2/2020	No	E	
9/30/2020	Abbi Crowe	Animal Shelter Report	10/2/2020	No	E	

Website Design- Staff is focusing on making City forms and applications available to fill out on-line and go directly to the designated staff member. As of date, the following forms are available on-line: Public Information Act, Speaker Card, Board Application, and garage sale application. Staff is in process of making the employment application fillable online. The employment application will be complete in October.

Another major change to the website is the new Coronavirus section. You may access it from the home page in two different areas. One, at the bottom of the home page in red and under "How do I" tab. There is the main Coronavirus information page and five additional information pages with the following tabs: COVID 19 Related Health Questions, Helpful Links, Individual Assistance Needs, Message from the Mayor, and Small Business Assistance. (no update)

May General Election - May General Election has been postponed to November 2020 for the safety of the citizens. All November election dates applies to the May General Election, but no other candidates may file an application to be on the ballot. City Council previously approved an agreement with Johnson County for Election Services. Since then, Governor Abbott issued a proclamation adding six (6) more days of early voting. An amendment to the original ordinance calling the election was presented and approved on August 20, 2020 at the recommendation of the Texas Secretary of State. The election page on the City website has been updated to include all important information. The notice of election has been posted on the bulletin boards and published on October 6, 2020 in the local newspaper.

Important Election Dates: October 5th- Last Day to Register to Vote; October 13th-First Day of Early Voting; and October 30th-Last Day of Early Voting, In 2017, the Texas Legislature voted to end straight-ticket voting effective 2020. This will be the first election where a voter cannot vote for an entire party's slate in one vote. (No update)

Records Management - Staff has started the inventory of city records. Each record will be recorded and labeled according to the Texas State Library and Archives Commission, and processed as required. Over 300 boxes was inventoried, labeled, and recorded. In addition, 178 boxes was destroyed as allowed by the Texas State Library and Archives Commission Schedules.

All departments has been asked to organize and box up archive records in their position. Once each department is finished, I will perform an inventory, log and record each record. In January, records that meets the records retention schedule for destruction will be destroyed. The City Council will be provided a full report of the status of City documents in February.

Code of Ordinances - The Code of Ordinances now contains all ordinances deemed appropriate to be included as enacted through July 16, 2020. In addition, as ordinances are passed, they are placed in the Document Vault. To get to the Document Vault, go to the Code of Ordinances and it is the last tab on top.

Update on City Secretary- City Secretary will attend a seminar (virtually) October 28-30 for credit to help fulfill the recertification requirements set by the Texas Municipal Clerks Association and the Texas Local Government Code.

Social Media Updates

Total New Post on Facebook - 24

Total Post Reached- 5,256

Total Post Engagement-1,506

Total New Page Followers- 17

City Meetings in September 2020

9/03/2020 City Council

9/08/2020 Planning & Zoning

9/14/2020 Type A EDC

9/14/2020 Type B EDC

9/17/2020 City Council