



**AGENDA
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL – COUNCIL CHAMBERS
101 SOUTH MAIN STREET, JOSHUA, TX 75058
June 1, 2020
6:30 PM**

The Planning & Zoning Commission will hold a special meeting on June 1, 2020 at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas. This meeting is closed to the public and 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/82710783355?pwd=KzE0ajhyank3WUtqK1JnY3A2UElwUT09>

Meeting ID: 827 1078 3355 Password: 239056

- A.** Call to Order and announce a quorum present.
- B.** Administration of the Oath of Office by City Secretary Holloway to Bryan Sears, Commissioner Position Number Six (6).
- C.** Citizens Forum
The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission 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 Commission deliberation is permitted. Each person will have 3 minutes to speak.
- D.** Discuss, consider, and take action on approval of meeting minutes from April 04, 2020.
- E.** Public hearing on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.
 - a. Staff Presentation
 - b. Owner's Presentation
 - c. Those in Favor
 - d. Those Against
 - e. Owner's Rebuttal
- F.** Discuss, consider, and take action on the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential-Large Lot (R1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.
- G.** Public hearing on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning." Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.

- a. Staff Presentation
 - b. Those in Favor
 - c. Those Against
 - d. Staff Rebuttal
- H.** Discuss, consider, and take action on the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning," Of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.
- I.** FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA
(Commissioners 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 Commissioners may, however, state an issue and a request that this issue be placed on a future agenda.)
- J.** Adjourn.

The Planning & Zoning Commission 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 Commissioner 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 the 29th day of May 2020 by 12:00 p.m. on the official bulletin board at the Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



**MINUTES
PLANNING & ZONING COMMISSION
REGULAR MEETING
April 6, 2020
6:30 PM**

Planning & Zoning Commission Members Present: Richard Connally, Chairman; Angela Kidd, Place 2; Michael Frazier, Place 3; Brent Gibson, Place 5; and Robert Fleming, Place 7

Planning & Zoning Commission Members Absent: John Mauldin, Place 1; Vacant Position, Place 6

City Staff Present: Aaron Maldonado, Development Services Director; Steve James, Engineer (video conference), Karen Mitchell, City Planning Consultant (video conference); and Alice Holloway, City Secretary

A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT

The meeting was called to order at 6:30 pm and a quorum was announced.

B. Citizens Forum

The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission 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 Commission deliberation is permitted. Each person will have 3 minutes to speak.

No citizen requested to speak.

C. Discuss, consider, and take action on appointing a Chairperson and Vice-Chairperson. (Staff Resource: A. Holloway)

Commissioner Connally moved to appoint Robert Flemings as Chairperson. Commissioner Frazier seconded the motion. The motion passed unanimously.

Commissioner Kidd moved to appoint Brent Gibson as Vice-Chairperson. Commissioner Connally seconded the motion. The motion passed unanimously.

D. Discuss, consider, and take action on the Chairperson appointing a Secretary for the Planning & Zoning Commission. (Staff Resource: A. Holloway)

Commissioner Connally moved to appoint City Secretary as Secretary. Commissioner Gibson seconded the motion. The motion passed unanimously.

E. Discuss, consider, and take action on approval of meeting minutes from February 19, 2020.

Commissioner Gibson moved to approve the meeting minutes from February 19, 2020. Commissioner Kidd seconded the motion. The motion passed unanimously.

- F.** Discuss, consider, and take action on a Final Plat of Lots 22-30, Block 1; Lot 1, Block 2; Lots 1-9, Block 3; and Lots 1-4, Block 4 of Joshua Meadows Addition, Phase 3B being 30.508 acres of land out of the McKinney Williams Survey, Abstract No. 636, and WH Miller Survey, Abstract No. 603, the City of Joshua, Johnson County, Texas and containing 33 residential lots on property zoned PD R-1 (Ordinance No. 439-2007, as amended) (Staff Resource: A. Maldonado)

Commissioner Fleming moved to approve a Final Plat of Lots 22-30, Block 1; Lot 1, Block 2; Lots 1-9, Block 3; and Lots 1-4, Block 4 of Joshua Meadows Addition, Phase 3B being 30.508 acres of land out of the McKinney Williams Survey, Abstract No. 636, and WH Miller Survey, Abstract No. 603, the City of Joshua, Johnson County, Texas and containing 33 residential lots on property zoned PD R-1. Commissioner Frazier seconded the motion. The motion passed unanimously.

- G.** Discuss, consider, and take action on a Preliminary Plat of Lots 1-21, Lots A, B, &C, Block 1; Lots 1-26, Block 2; Lots 1-43, Lots A, B, &C, Block 3; Lots 1-35, Lot A, Block 4; Lots 1-24, Block 5; Lots 1-24, Block 6; and Lots 1-24, Block 7 of the Mockingbird Hill Addition, being a 68.939 acre tract of land situated in the WW Byers Survey, Abstract No. 29, City of Joshua, Johnson County, Texas and better described as being located west of Santa Fe Drive between Caddo Road and FM 917. (Staff Resource: A. Maldonado)

Commissioner Gibson moved to approve a Preliminary Plat of Lots 1-21, Lots A, B, &C, Block 1; Lots 1-26, Block 2; Lots 1-43, Lots A, B, &C, Block 3; Lots 1-35, Lot A, Block 4; Lots 1-24, Block 5; Lots 1-24, Block 6; and Lots 1-24, Block 7 of the Mockingbird Hill Addition, being a 68.939 acre tract of land situated in the WW Byers Survey, Abstract No. 29, City of Joshua, Johnson County, Texas and better described as being located west of Santa Fe Drive between Caddo Road and FM 917. Commissioner Frazier seconded the motion. The motion passed unanimously.

H. FUTURE AGENDA ITEMS/REQUESTS BY COMMISSIONERS TO BE ON NEXT AGENDA

(Commissioners 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 Commissioners may, however, state an issue and a request that this issue be placed on a future agenda.)

I. Adjourn

The meeting was adjourned at 7:25 pm.

Robert Fleming
Planning & Zoning Chairman

ATTEST:

Alice Holloway, TRMC
City Secretary

Approved: June 1, 2020



Notice is hereby given that the City of Joshua's Planning and Zoning Commission and City Council will conduct public hearings to consider the request for zoning change from Single-Family Residential (R-1) to Single-Family Residential–Large Lot (R-1L) on a 2.00 acre tract of land located at 109 Little Brook Road, legally known as Lot 1-R-3 Little Brook Estates, an addition to the City of Joshua, Johnson County, Texas 76058.

The Planning and Zoning Commission will conduct its public hearing on June 1, 2020 at 6:30 PM and the City Council will conduct its public hearing and consideration on June 18, 2020 at 6:30 PM.

Both meetings will be held in the City Council Chambers at Joshua City Hall, 101 South Main Street, Joshua, TX 76058.

As of the date of publication of this notice, it is unknown whether either meeting or both meetings will be conducted in City Council Chambers or virtually. The posted agendas for each meeting will contain appropriate information.

Planning and Zoning MEETING - STAFF REPORT		
AGENDA DATE: June 1, 2020	ITEM:	SUBJECT: Zone Change
STAFF RESOURCE:	A. Maldonado	
PREVIOUS ACTION (if any):	N/A	
ACTION PROPOSED:	Review & Discussion and poss. action	

BACKGROUND

On May 13, 2020 property owner's Brandon Butler and Danica Fiew submitted a zoning change application, requesting their current zoning classification of "R-1" Single-Family residential be changed to "R-1L" Single-Family Residential- Large lot. By changing the zoning classification to "R-1L" allows them to have a private stable and livestock (1 Horse). The property meets all area requirements of "R-1L".

According to the City's current zoning ordinance, private barns/stables are only permitted on properties zoned Agricultural or "R-1L". The applicants are requesting to have the property rezoned to the proper zoning district which allows for the use of private barns/stables in order to have a horse.

Additionally, below is the provision from the City of Joshua's Animal Control ordinance.

Sec. 2.05.007 Keeping of **livestock**, hogs or swine

(a) It shall be lawful to keep **livestock** in the zoning districts that allow for stables, (private or commercial), or agricultural uses within the city limits, with the exception of the following limitation on hogs and swine. (Ordinance 644-2016 adopted 7/21/16)

Future Land Use Plan: The Future Land Use Plan as shown in the adopted Comprehensive Plan of the City, designates this area as low-density residential. The proposed rezoning request is in compliance with the Future Land Use Plan.

Notice of the proceedings in this matter has been given to the necessary parties and published in accordance with law.

Staff Recommendation:

Staff Recommends Approval

ATTACHMENTS:

1. Zone Application
2. Explanation Letter

Prepared by:

A. Maldonado

Disposition by P&Z Commission:

PLANNING AND ZONING COMMISSION
ZONE CHANGE APPLICATION
101 S. Main Street, Joshua, TX 76058
Phone: (817) 558-7447 Fax: (817) 641-7526



Form must be completed in ink or typed.

DATE: May 13, 2020

ZONING CASE # PZ2020-02

City Council
City of Joshua
Joshua, TX 76058

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of "R-1" (Single-Family Residential) to that of "R-1L" (Single-Family Residential-Large Lot) in its entirety as shown on Exhibit "B" attached. The property totals some 2.0 acres and the Future Land Use Map indicates the classification of Low Density Single-Family Residential.

Legal Description is Lot 1-R-3 LITTLE BROOK ESTATES

Present use of the property is Single-Family Residential

Address of the property is 109 Little Brook Road, Joshua, TX 76058

Proposed use of property Single-Family Residential-Large Lot

Applicant's Name: Brandon Butler and Danica Fiew

Address: 109 Little Brook Road

Joshua, TX 76058

Telephone Number: 805-501-6145

Property Owner's Name: Brandon Butler and Danica Fiew

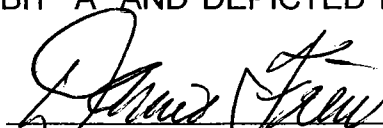
Address: 109 Little Brook Road

Joshua, TX 76058

Telephone Number: 805-501-6145

THIS IS TO CERTIFY THAT Brandon Butler and Danica Fiew IS THE SOLE OWNER(S) OF THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ON THE DATE OF THIS APPLICATION.


Owner Signature


Owner Signature

Initial _____ I, _____, acknowledge receipt of the zoning changes packet and regulations and have read said regulations and was informed by City Staff of the current zoning of the property and the future plans of the property.

Dear City of Joshua, TX Planning and Zoning Commission,

We, the undersigned, do hereby respectfully make application and petition the City of Joshua Planning and Zoning Commission to change the zoning of our property located at 109 Littlebrook Rd, Joshua, TX from R-1 Single Family Residential to R-1L Single Family Residential – Large Lot.

Per the City of Joshua Zoning Ordinance the R-1L designation is, “established to allow for larger lots with one (1) family dwelling structure per lot...this district is intended to provide for residential lands to accommodate *more rural settings and accessory yard uses*.” According to the Zoning Ordinance Land Use Table the R-1L zoning designation allows for *private stables and livestock*, and this is the reason why we are seeking this zoning change.

We recently purchased this home in Joshua for the sole reason that it is nestled in the midst of a very rural setting. The allure of this particular neighborhood in Joshua was that all of the neighborhood lots are 2 acres or greater, and the vast majority of our neighbors have livestock including cattle, goats, chickens, horses and donkeys. We purchased this property at 109 Littlebrook Rd because it would be more than enough space to keep my horse from childhood, as it has always been my dream to have him living with me on my own property. It would also substantially alleviate the financial burden of caring for him if we could board him on our own personal property.

Our intent is to use this zoning classification to house our one (1) horse. The deed to our property permits livestock and one (1) horse would be compliant with the “one head of livestock per acre of land” rule from the City of Joshua. Furthermore, our property more than meets the qualifications for R-1L designation:

- Min Lot Area = 1 acre – our property is 2 acres
- Min Lot Width = 150 ft – our property is 176.27 ft
- Min Lot Depth = 200 ft – our property is 503.54 ft
- Min Front Setback = 50 ft – our property is 175.4 ft
- Min Side Setback = 10 ft from interior lot or 15 ft from side street – our property is 40.6 ft on the left side and 49.8 ft on the right side
- Min Rear Setback = 25 ft – our property is 275.04 ft
- Max Lot Coverage = 40% - our property is ~10%
- Min Dwelling Unit Area = 2,000 sq ft – our dwelling is 2,968 sq ft
- Parking Requirements = 2 enclosed spaces – our dwelling has 2 enclosed spaces and our shop has 1 enclosed space

Given that we meet the zoning requirements, we would be honored to be able to exercise our right as property owners to use this land as we desire, in accordance with the law. We are happy to comply with city ordinances and zoning procedures, especially if it means we can finally realize our dream of having our horse at home with us.

We appreciate your time and consideration, and we look forward to a resolution.

Sincerely,


Danica Fiew and Brandon Butler

LEGAL DESCRIPTION

Texas Registered Engineering Firm # F-8331 and Surveying Firm # 10091800

LOT 1-R-3 LITTLE BROOK ESTATES, AN ADDITION TO THE CITY OF JOSHUA, JOHNSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 6, PAGE 139, MAP AND/OR PLAT RECORDS, JOHNSON COUNTY, TEXAS.

Notes:

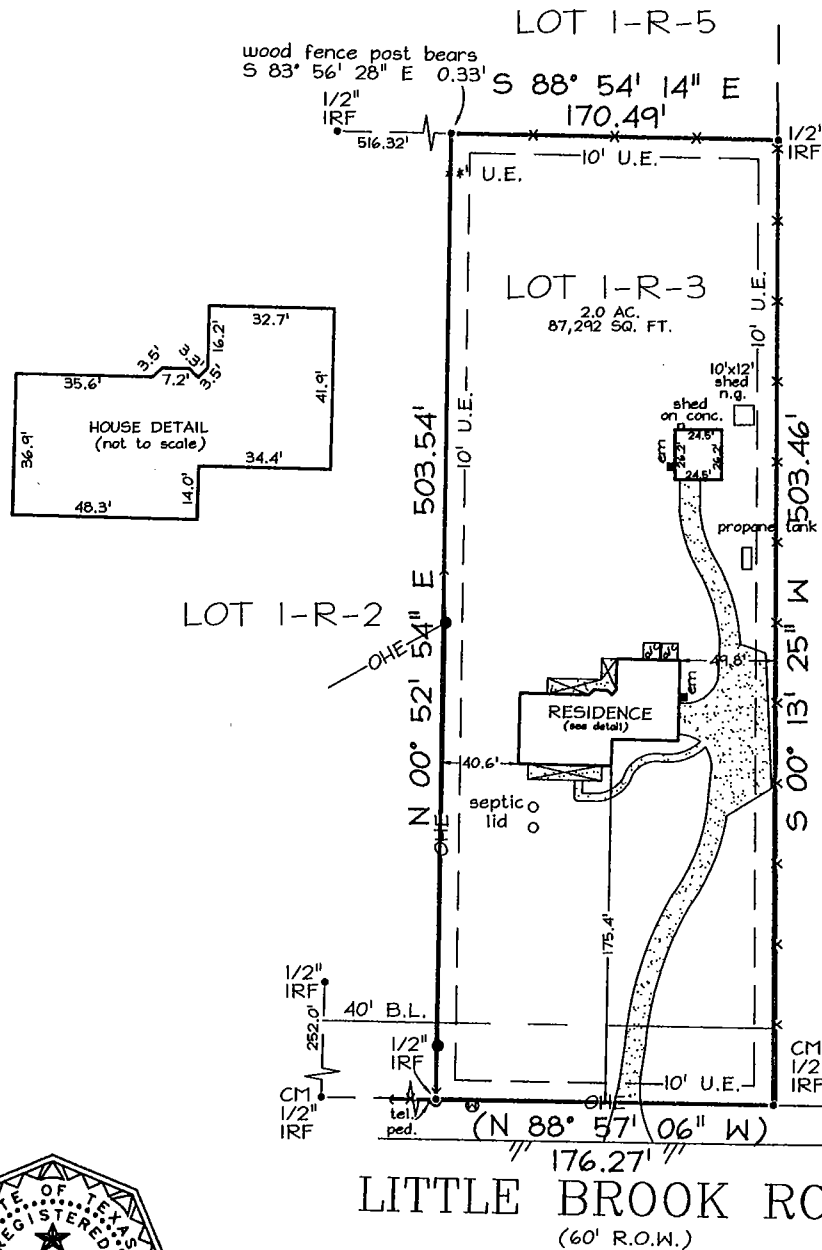
This lot is subject to the following:
(10g,h)-Easement, Vol. 259, Pgs. 323 & 327, D.R.J.C.T.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 48251C0180 J, dated December 4, 2012, this property does not lie within a 100-Year Flood Hazard Area.

Scale: 1" = 80'
Tech: JP
Field: NB
Job No: 2003RT67

ADDITIONAL BUILDING LINES/EASEMENTS PER CITY ZONING ORDINANCES & SUBDIVISION RESTRICTIONS/COVENANTS MAY AFFECT SUBJECT PROPERTY

BUILDING LINES/EASEMENTS PER PLAT
UNLESS OTHERWISE NOTED



Paul G. Fuller II

Address: 109 LITTLE BROOK ROAD

G.F. No.: 20-0785

Date: 03/19/2020

I, Paul G. Fuller II, Registered Professional Land Surveyor No. 4843, do hereby declare that the map shown hereon accurately represents the property as determined by an on-the-ground survey made under my direct supervision and correctly shows the boundary lines and dimensions of the property, as found on the date of the survey, indicated hereon. There are no visible conflicts, or protrusions, except as shown and said property has access to a public roadway. All easements and rights-of-way that the surveyor has knowledge of or has been advised of and those shown on the referenced plat of record are shown or noted hereon. This survey is for the exclusive use of title company, the mortgage company and the purchaser.

DATE:
ACCEPTED BY:

Purchaser

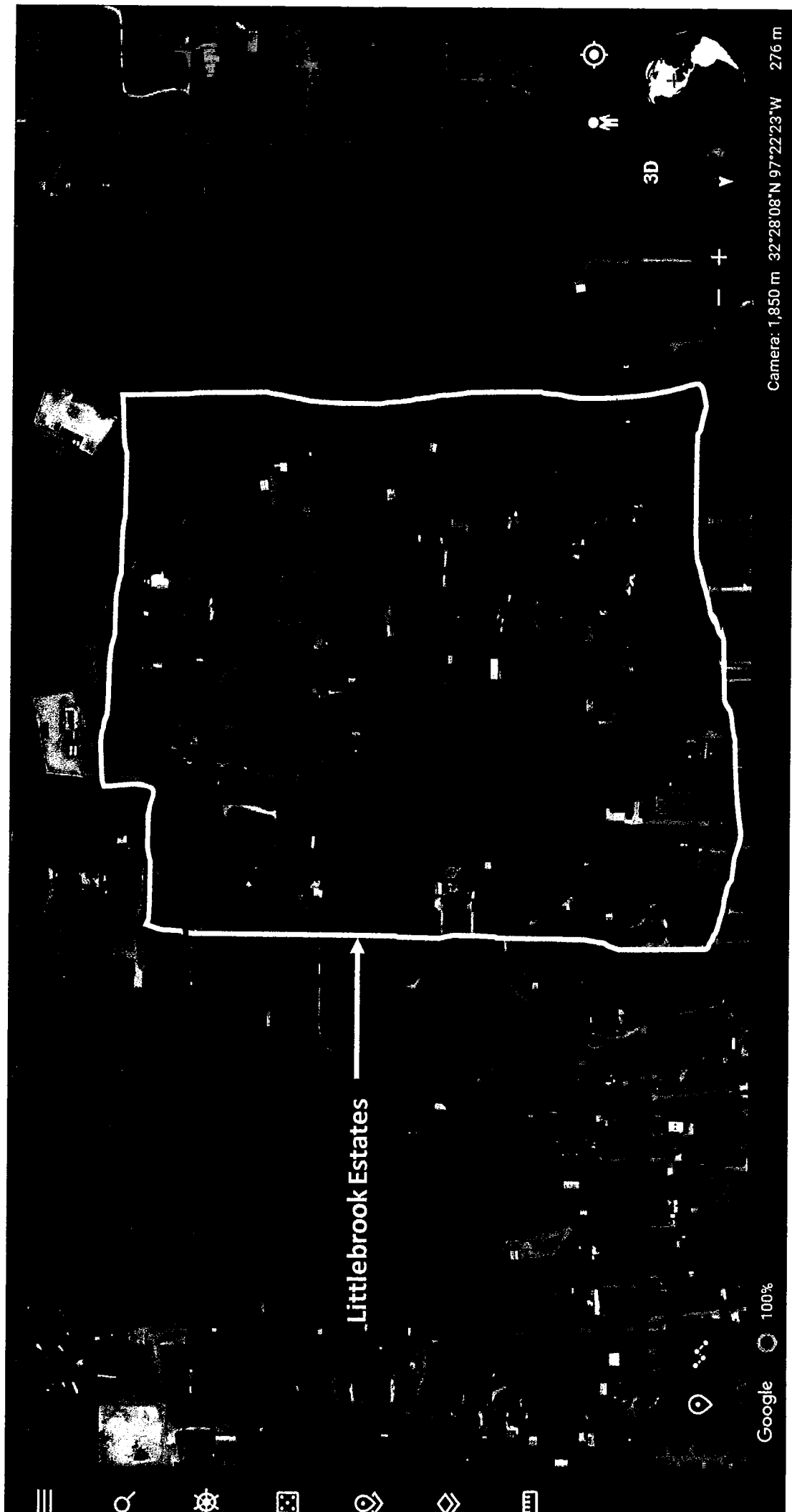
Purchaser

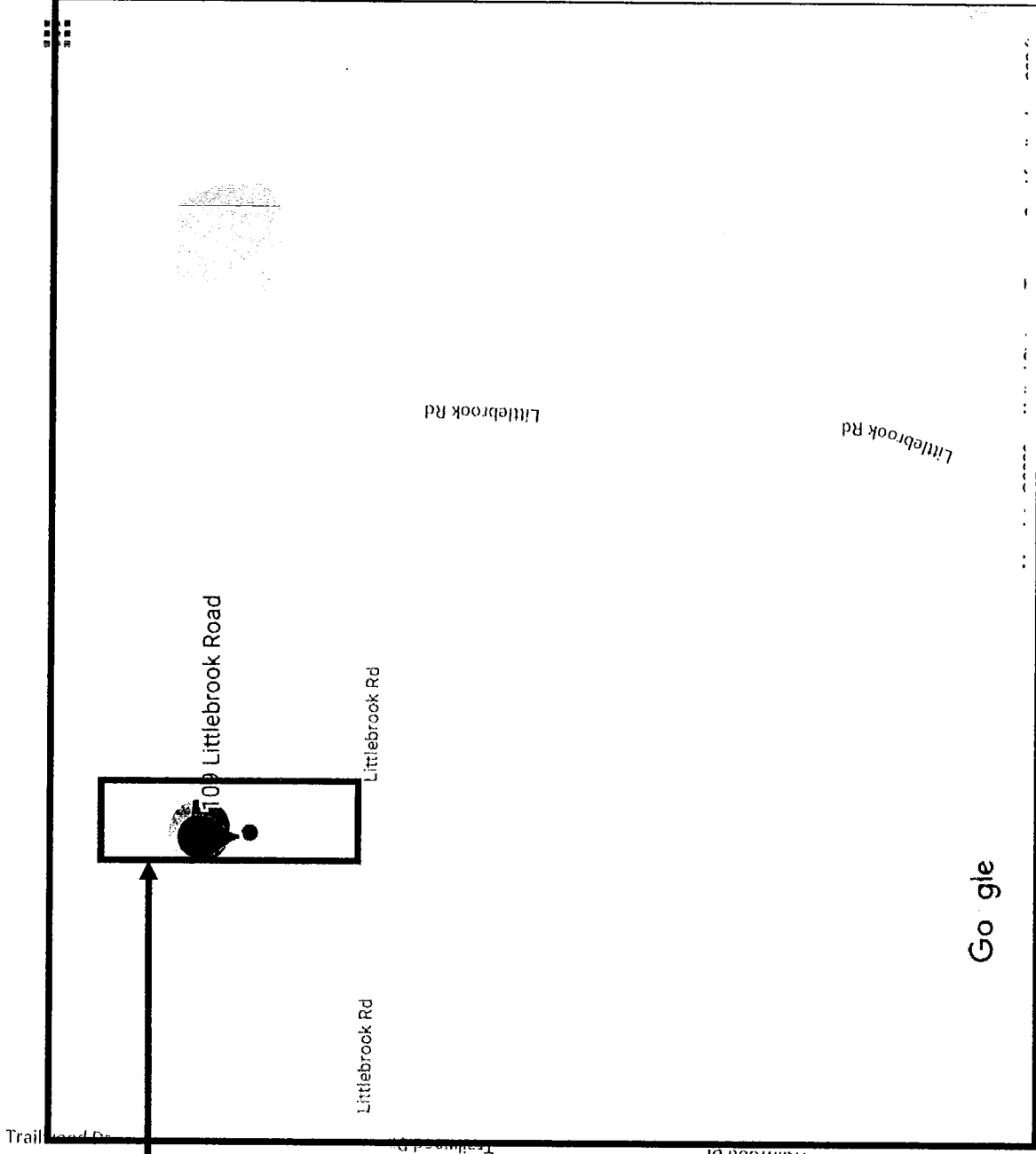
**FULLER ENGINEERING
& LAND SURVEYING, INC.**

LEGEND

B.L.	= Building Line	I.P.F.	= Iron Pipe Found	⊙	= Water Meter	—//—	= Wood Fence
C.M.	= Control Monument	I.R.F.	= Iron Rod Found	⊙	= Public Open Space Easement	—○—	= Chain Link Fence
D.E.	= Drainage Easement	I.R.S.	= Capped Iron Rod Set	—□—	= Right of Way	—□—	= Iron Fence
D.U.E.	= Drainage & Utility Easement	O.H.E.	= Overhead Electric	●	= Power Pole	—X—	= Wire Fence
M.E.	= Maintenance Easement ()		= Record Data	U.E.	= Utility Easement	—X—	= Electric Meter
ET	= Electric Transformer ()		= Bearing Basis	□ _{gm}	= Gas Meter		

EXHIBIT B: Map of Property & Vicinity





109 Littlebrook Rd

Littlebrook Estates





The City of Joshua's Planning and Zoning Commission and City Council will conduct public hearings to consider the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.

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STAFF REPORT

TO: Chairman Fleming and Members of the Planning and Zoning Commission

FROM: Karen K. Mitchell, Planning Consultant

DATE OF MEETING: June 1, 2020

RE: Conduct a public hearing and consider a recommendation to the City Council for the adoption of a new Zoning Ordinance, to be contained in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, and repealing the existing Zoning Ordinance in its entirety, currently found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas.

HISTORY:

Last year, the City of Joshua entered into an agreement with Mitchell Planning Group to prepare a Diagnostic Report on the current Zoning Ordinance. After submitting this report to the City Manager; it was decided that because of the extensive revisions recommended, it was best to completely re-write the City's Zoning Ordinance. In September of 2019, we began this task. We met with City Staff to determine the areas they wanted us to focus on. We met with the Planning and Zoning Commission September 3rd, September 17th, October 7th, and January 20th. The Planning and Zoning Commission worked very hard on this and believe it is ready for the Council to see what has been revised. Additionally, throughout this process, we have asked the City Staff to review the document to make sure we are addressing their concerns.

On February 20, 2020, the City Council conducted a work session to be briefed on what the Commission had discussed and to give the consultants additional direction on how to proceed in certain areas.

Since the time of the City Council Work session, there has been an additional revision that will be discussed later in this report.

Notice of this proposed ordinance was published in the newspaper on May 21, 2020 for both the Planning and Zoning Commission meeting and the City Council meeting for June 18, 2020.

ANALYSIS:

A Modification Report is attached to this Staff Report. This Modification Report identifies what was changed and whether a certain task was substantive (legislative) or administrative (reformatting, clarifying, or contradictory) because of the numerous amendments to the ordinance over the years. Additionally, the Report gives the reason for the modification.

The majority of this re-write is related to reformatting and adding a comprehensive Table of Permitted Uses. Approximately 80-85% of the regulations have remained the same, just in a different format. Below are areas of significant changes:

In the Agricultural District, the Commission recommended to increase the minimum size of a dwelling from 1000 sf to 1500 sf.

In the nonresidential districts we have added provisions for setbacks in order to accommodate required landscaping and greenspace areas.

Landscaping requirements for nonresidential properties- we added provisions; however, overall, we simplified the regulations.

Accessory Structures and Accessory Dwellings- we added language regarding location and lot sizes as well as inserted graphics to make things easier to understand. We kept the number of allowed accessory structures per lot and added a provision that would give the property owner the opportunity of obtaining an additional structure with an approved CUP.

We added construction standards for driveways regarding pavement requirements for single family and two family residential. Under the current ordinance, there are no provisions requiring striping of nonresidential parking lots nor are there any standards for construction of residential driveways being concrete. This is for new development only. We have incorporated language regarding allowance of gravel or all weather surface driveways.

Per direction from the City, we have added provisions that allows for single family residential uses in the Heritage Preservation Overlay District along with standards if the use converts to a nonresidential use. Additionally we have added provisions for Live/Work units in the Overlay District and loft apartments on the second story of a nonresidential use but no standalone multifamily. We are recommending that the only required parking in the Overlay district is for residential uses and if a residential use is converted to a nonresidential use, parking is required. There are additional recommended changes to the Heritage Preservation Overlay District that will be discussed at the end of this Analysis Section.

We have recommended that due to several state and federal rulings, it is best to remove the Wireless Communications Section from the Zoning Ordinance and put it in as an appendix. The City Attorney may need to review this ordinance later to determine if it meets those state and federal laws.

We attempted to make the Joshua Station Overlay District a conventional district; however, because of the nuances associated with the district, specifically related to the TIF, we had to leave it as- is. This is a district unlike any other zoning district and functions more like a Planned Development District than a conventional one or overlay. There may come a time, when the TIF dissolves or runs out, the City may want to re-look at this District to see if it can become a conventional district.

We also attempted to merge the Manufactured Housing standalone ordinance in with the Manufacture housing district provisions. Again, there were many things in the standalone district that complicated the process. We did, however, take the design standards in the standalone ordinance and incorporate those into the MHD zoning. Based on direction from the City Council, properties requesting an MHD zoning classification will have to apply for a Planned Development District and the MHD will be the underlying classification.

Second to the reformatting of the document, the largest change is the Table of Permitted Uses. Under your current ordinance, there are very few uses listed. It became difficult for the City Staff to help the public because a use was not listed nor was there a use similar enough to the proposed use. Over the years, the City Council has had to add uses to the permitted use table because of this. The propose Table of Permitted Uses is one of the most comprehensive use tables we have seen. Many cities are now using this very table because of its comprehensive nature. We also have generalized use such as retail that gives the staff latitude in determining new uses that aren't listed. The definition is broad enough to encompass the use. Once the City Council has approved the draft ordinance, we will place hyperlinks on each use so all you have to do is click on the use and it takes you to the definition.

Finally, the state of Texas in its last legislative session took away the municipality's authority regarding building materials. As you are aware, cities can no longer regulate building material for residential and commercial structures. If the material is allowed by the International Building Codes, the City must allow the structure to be built. We can no longer regulate this in the zoning ordinance or in a planned development district. As such, we

have had to revise the ordinance to reflect this. The caveat is that we can regulate building materials in the Heritage Preservation Overlay District and the Original Town of Joshua subdivision as these both maintain historical qualities and the regulations were in place prior to April 1, 2019.

Per direction from the City Council at its work session on February 20, 2020, the Council directed us to revise the Site Plan process by allowing this to be an administrative process instead of the site plan going before the Planning and Zoning Commission and City Council. By allowing this to be administrative, it will save 30-60 days in the process time. The City Staff will review the site plans to make sure the plan meets all of the requirements as set forth in the Zoning Ordinance. Specific areas that will be reviewed will be setbacks, landscaping, lighting, parking layout, screening, drainage and on-site and off-site traffic safety.

Final direction given to us from the City Council at the February 20, 2020 work session related to fencing requirements. Currently, the City has a standalone ordinance regarding fencing regulations. It allows a property owner to request variances to those regulations to the City Council. If this ordinance was incorporated into the Zoning Ordinance, the Zoning Board of Adjustment would be the only authority on variances and the property owner would have to meet strict conditions in order for the variance to be granted. The City Council asked that the fence ordinance remain as a standalone ordinance and not be incorporated into the Zoning.

As discussed earlier in this report, I would like to discuss the Heritage Preservation Overlay District. Historically, (prior to 2013), the overlay district encompassed almost all of Main Street. In the Comprehensive Plan, the community wanted the heavier commercial uses to locate on Highway 174 and allow less intense non-residential uses on Main Street. In 2013, the boundaries of the district were reduced substantially and the regulations were better established for the smaller overlay area.

Properties in the Main Street area are of a mixed use nature. This area is really considered the “original Joshua” with older business and much smaller single family residences all mixed together. Sometime prior to 2013, when the original boundaries of the Heritage Preservation Overlay District were created, all of this property was rezoned to the C-1 Commercial district as the underlying classification. Over time however, people wanted to remodel their homes or reuse the single family residences as that. But, the use was now nonconforming or, in many cases, lost its nonconforming status and now was to conform to a nonresidential use. The Council has approved several rezonings, upon recommendation of the Commission, from the C-1 District to the R-1 District to accommodate the property owner. What this tells us is that the Council may not have a problem with mixing the uses of residential and nonresidential with the proper standards in place.

Since we already added single family residential to the list of permitted uses in the current Heritage Preservation Overlay District, we are now recommending to enlarge the boundaries of the District, still not as large as it was originally, but large enough to accommodate the residential uses and provide opportunity for the less intense nonresidential uses to mix. Below is the revised recommended changes to this district.

- A. Permitted Uses. The following uses are allowed within the HP district in addition to the permitted uses in the underlying commercial district:
 - 1. Dwelling, One-Family Residential with a minimum dwelling size of nine hundred (900) square feet.
 - 2. Live/Work Unit or Loft Apartment above Commercial
 - 3. Bed and Breakfast (Hosted and Non-hosted)
 - 4. Farmer’s Market shall be permitted as a special event. A written application shall be submitted to the Administrative Official for approval. The Administrative Official may defer such approval to the City Council with a recommendation from the Planning and Zoning Commission.

5. Other uses not listed in prohibited list below, may be allowed with an approved conditional use permit if designed properly.

In summary, I want to thank you for taking the time to read and work on this ordinance and thank those who sent in questions and comments that needed to be addresses. The City Attorney has reviewed this ordinance and we have incorporated his comments and revisions into the document.

RECOMMENDATION: Approval of the new Zoning Ordinance.

City of Joshua Zoning Ordinance Modification Report – Attorney Review

May 2020

Section of Text	Modification Type	Modification Made
Section 1.4 Page 2	Minor – Word Choice	Unified word choice in referring to the Ordinance. Other words used were Code, etc. Ordinance is now found throughout when referring to the ordinance as a whole. Article when referring to the Article and a specific Section when required.
Section 1.8.2.C Page 4	Minor – Addition	Added County Court of Law to the list of courts in which the City might take action against a party that is in violation of the ordinance.
Section 2.4.3.C Page 6	Substantial – Change in terms for Planning and Zoning Commission	On attorney recommendation – changed the terms from three (3) years to two (2) years.
Section 2.5.3 Page 8	Substantial – Change in terms for Zoning Board of Adjustment	On attorney recommendation – changed the terms from three (3) years to two (2) years.
Section 2.5.4.B Page 9	Minor – Modified text to ensure that a ZBA decision is filed	Changed text to state that ZBA decision is filed on next business day after decision with the City Secretary's office.
Section 3.1.4.D.3.a	Minor	Clarification of the time period of protests against a zoning change.
Section 3.5.A Page 22	Substantial – Modification of time from administrative decision	Changed from 10 days to 20 days as per Texas Legislative requirement.
Section 3.5.1.D Page 24	Deletion of Section	Attorney correctly pointed out that this section paragraph was a repetition of a previous section.
Section 5.2	Minor – Permitted Use Table	Cleaned up NACIS Codes and Hyperlinked them to the US Census Database for Definition Clarity.
Section 5.5.1 Page 62	Minor Change in Size of Accessory Building requiring permit	Modified the table to read "Greater than 120 square feet" to ensure clarity.

Section of Text	Modification Type	Modification Made
Section 5.5.2 Page 62	Minor Change – Change in Section Title for Clarity	Switched the wording around to Accessory Buildings in Non Residential and Multi-Family Uses to clarify that these provisions apply to these uses ubiquitously and not just to the zoning district.
Section 5.6.L Page 65	Substantial – Added recording covenant requirement for accessory dwellings.	On attorney recommendation, a covenant shall be required and recorded for all accessory dwelling units to ensure that the dwelling unit would not be sold separately from the primary dwelling unit.
Section 5.8.A.7 Page 67	Clerical – Added Protection of Parking Regs for Residential	Added a paragraph that ensures that no Home Occupation would exceed the parking required for a residential use.
Section 6.4.A Page 75	Clerical – Added Concurrent Zoning and Annexation Processes	The section has been clarified that the zoning action should be concurrent with the annexation action.
Section 6.16.3 C Page 112	Substantial – Changed Term of Service for HP District Committee	On attorney recommendation the terms for membership for the HP Committee was changed from three to two years.
Section 6.16.4 Page 113	Substantial – Changed boundary of HP District	A map has been included in the ordinance. If the district were to be changed again in the future by Council Action, this map will need to be updated. The area has been expanded to the north to include several smaller homes in which demand is changing.
Section 6.16.6.A.1 Page 114	Substantial – Permitted Use Single Family Dwelling	Changed single family residential unit minimum home size to nine hundred (900) square feet to match existing homes within the HP district.
Section 6.16.6.A.5 Page 114	Substantial – Added ability for additional uses in the HP district to be allowed with CUP	Other uses not listed in prohibited list below, may be allowed with an approved conditional use permit if designed properly.

Section of Text	Modification Type	Modification Made
Section 7.3.W Page 142	Minor – HP District Parking	Reworded section to ensure clarity that new uses coming into the district have to meet minimum parking standards, unless the property was platted prior to 1900. Shared parking may be used, but has to meet standards of the HP district and Shared parking requirements of the Ordinance.
Section 7.3 Q.4	Minor	Clarification of parking requirements for a K-12 School.
Section 7.7 B.2 Page 144	Minor – Queue length for drive through fast food	Changed number of standing queue per window to per lane where the trend is to have two lanes with service walked out to the second lane.
Section 9.1 Page 165	Minor text enhancement	On attorney recommendation added the language “deemed acceptable by” of materials listed within International Building Code.

CITY OF JOSHUA

ZONING ORDINANCE

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Ordinance No. _____

Repealing Ordinance No. _____

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Article 1 - Authority

Section 1.1 Title

The regulations in this and the following articles constitute the Zoning Code of the City of Joshua, which shall be designated “The Zoning Ordinance of the City of Joshua, Texas,” and may be so cited. References, herein, shall be as, “this Ordinance.”

This Ordinance replaces and supersedes entirely the Zoning Ordinance, as amended, of the City of Joshua, Texas as approved on December 18, 2008, providing that same shall continue to apply as to the enforcement of violations which occurred thereunder and violations otherwise not subject to the enforcement of the provisions of this ordinance. All violations of the provisions of this ordinance occurring after its effective date shall be prosecuted or subject to enforcement as provided herein, regardless of whether or not such conduct would have been in violation of any prior ordinances.

Under the laws of the State of Texas authority is conferred upon the City of Joshua to establish zoning districts within the City for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets and that the public health, safety, morals, convenience and general welfare be promoted in accordance with Chapter 211, Municipal Zoning Authority of the Texas Local Government Code.

Section 1.2 Purpose and Intent

The Zoning Ordinance of the City of Joshua, Texas is intended to promote the health, safety, morals and general welfare of the public and to implement the adopted Comprehensive Plan for the orderly and controlled development of the City.

To accomplish these ends, the ordinance is designed to achieve the following goals and objectives:

- A. To promote the health, safety, morals and general welfare of the citizens of the City of Joshua and to create and maintain conditions under which the citizens and their environment can exist in productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations.
- B. Ensure that all new developments are in general agreement and conformance with the Comprehensive Plan to ensure a harmonious pattern of development.
- C. Ensure that new development will be adequately served by streets, utilities, schools, parks and other community facilities and that older developed areas can be maintained as healthy neighborhoods.
- D. Ensure that appropriate allocations of various land uses will be provided to meet future population levels and types.
- E. To create quality zoning controls that allow some flexibility for superb creative development.
- F. Promote infill development of various types in appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars and preserving agricultural land.
- G. Protect residential areas from conflicting land uses by providing adequately landscaped buffer zones between conflicting areas.

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- H. Higher types of commercial, industrial and high-density development are to locate at the most economic and environmentally desirable locations.
- I. Ensure that industrial activity does not deplete the resources and quality of the land intended for current and future generations.
- J. Promote a quality of development both within the City and within the City's extraterritorial jurisdiction to direct orderly and systematic growth.

Section 1.3 Definition Reference

Article 11 contains certain definitions used throughout this Ordinance. Other definitions are contained in the specific provisions to which the terms relate. Undefined words are given their commonly understood meaning in the context used.

Section 1.4 Rules of Language and Statutory Construction

The following general rules of statutory construction apply when interpreting this Ordinance unless otherwise indicated.

- A. Words in the present tense include the future. The reverse is also true.
- B. Words in the singular number include the plural number. The reverse is also true.
- C. The word "building" includes the word "structure."
- D. The word "lot" includes the words "plot" or "tract."
- E. The words "must" and "may not" are mandatory and the word "may" is permissive.
- F. The word "district" means zoning district.
- G. The word "City" means the City of Joshua, Texas.
- H. The text material of this Ordinance controls over illustrative material.
- I. Unless the context clearly requires otherwise, the use of terms such as "including," "such as," or similar language are intended to provide examples, and not intended to be exhaustive lists of all possibilities.
- J. All references to other city, county, state or federal regulations in this Ordinance refer to the most current version, or as may be amended, and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- K. All references to "days" are to be deemed working days unless otherwise expressly stated. The time in which an act must be completed is computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or holiday observed by the City, that day is excluded. A day concludes at the close of business (5:00 p.m.), and any materials received after that time will be deemed to have been received the following day.
- L. Wherever a provision appears requiring the head of a department or another official or employee of the City to perform an act or duty, that provision is construed as authorizing the department head or official to delegate that responsibility to a designee.

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In construing this Ordinance, all provisions are given equal weight, unless the context clearly demands otherwise.

Section 1.5 Preexisting Regulations

The City adopts Chapter 245 of the Texas Local Government Code by reference, including any future amendments to Chapter 245 that the Texas Legislature adopts, and declares Chapter 245 a part of this Ordinance as fully as if the Chapter was incorporated into this Ordinance in its entirety. In an application required under this Ordinance, an applicant shall identify the preexisting regulations relied upon or the factual information demonstrating that the applicant's project was in progress and not dormant. Should Chapter 245 be repealed by the Texas Legislature, this Section remains in effect for one (1) year from the date of such repeal. During such time, the City Council may take action it deems appropriate to provide that an application or project in progress may continue.

Section 1.6 Severability

Should any Article, Section or any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

Section 1.7 Conflicting Ordinances

Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any State or Federal statute or any other City ordinance or regulation, the provision of this ordinance shall control. Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other City ordinance or regulation shall control.

Section 1.8 Enforcement and Penalty for Violation

1.8.1 COMPLIANCE REQUIRED

- A. No person may use, occupy, or develop land, buildings, or other structures, or authorize or permit the use, occupancy, or development of land, buildings, or other structures under the control of the person except in accordance with all applicable provisions of this Ordinance. For purposes of this Section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.
- B. The owner of any building or land, or part thereof, where anything in violation of this Ordinance is placed or used, and any architect, builder, contractor, agent, or any other person employed in connection therewith, who may have assisted or contributed to the commission of any such violation, shall each be deemed guilty of a violation of this Ordinance.
- C. The City shall not issue a Building Permit or Certificate of Occupancy required by this Ordinance for any land located within the jurisdiction of the City to which this Ordinance applies, until and unless there is compliance with this Ordinance.
- D. The City shall not allow the connection to municipal utility water, sewer or franchise electricity to any property to which the provisions of this Ordinance apply, unless and until there is compliance with the provisions of this Ordinance.

1.8.2 PENALTY

- A. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the corporate limits of the City of Joshua shall be guilty of a misdemeanor and upon conviction shall be fined with the maximum fine in the amount of up to two thousand dollars (\$2,000) for a violation of any provision governing the public health, safety, morals and welfare.
- B. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.
- C. Any person, firm or corporation who shall violate any of the provisions of this Ordinance or who shall fail to comply with any provisions hereof within the extraterritorial jurisdiction of the City, outside the corporate limits, shall not be guilty of a misdemeanor; however, the City may institute any appropriate action or proceeding in the District Court or County Court of Law to enjoin the violation of this Ordinance.
- D. The penalty provided herein shall be cumulative of other remedies provided by state law and the power of injunction may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

Section 1.9 Effective Date

This Ordinance was adopted on _____ (date) and became effective as the Zoning Ordinance of the City of Joshua, Texas on _____ (date).

Article 2 - Administration

Section 2.1 Purpose and Intent

No building or structure hereafter shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land or structure be used or arranged for any purpose or manner other than those permitted within the assigned zoning districts and specific provisions of this Ordinance. This Article describes the organization and roles of review bodies under this Ordinance.

Section 2.2 Prior Approvals

Nothing in this Ordinance shall be deemed to require any change to the plans, plats, lots or buildings that was previously approved prior to the effective date of this Ordinance, unless allowed by law.

Section 2.3 City Council

2.3.1 POWERS AND DUTIES

In addition to any authority granted to the City Council by state law, or other City Ordinance, the City Council may:

- A. Adopt, make modifications to, and implement the comprehensive plan and supporting studies;
- B. Amend, supplement, or change the regulations established in this Ordinance;
- C. Amend, supplement, or change the zoning district boundaries;
- D. Annex land into the corporate limits of the City according to Texas Local Government Code Chapter 43, as amended.
- E. Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by this Article.
- F. Grant, deny, or impose conditions for a Conditional Use Permit consistent with the purposes stated in Section 3.2.
- G. Appoint and remove members of the Planning and Zoning Commission, and Zoning Board of Adjustment.

Section 2.4 Planning and Zoning Commission

2.4.1 ESTABLISHMENT

The Planning and Zoning Commission is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.4.2 POWERS AND DUTIES

In addition to any authority granted to the Planning and Zoning Commission by state law, or other Ordinances of the City, the Planning and Zoning Commission may:

- A. Make recommendations to the City Council about adoption, modification, and implementation of the comprehensive plan and supporting studies;

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- B. Make recommendations to the City Council concerning amendments to this Ordinance and the creation or modification of zoning districts;
- C. Make recommendations to the City Council concerning the rezoning of land and approval of certain applications specified in this Ordinance;
- D. Make recommendations to the City Council about adopting or amending the Comprehensive Plan, and the Thoroughfare Master Plan;
- E. Consider and report to the City Council about new public ways, lands, buildings, bridges, extensions, or street openings and their relation to the comprehensive plan;
- F. Conduct related business and make other recommendations on matters that are specifically requested, assigned, or required by the City Council or Zoning Administrator.

2.4.3 MEMBERSHIP AND APPOINTMENT

- A. Membership: The Planning and Zoning Commission shall consist of seven (7) members. Each member shall reside in the City of Joshua, Texas, and shall have qualifications as determined by the City Council. All members shall serve without pay and until their successor is duly appointed and qualified.
- B. Appointment and Removal: The City Council shall appoint the Planning and Zoning Commission. Each of the seven (7) seats for the Planning and Zoning Commission shall serve at the will and pleasure of the City Council and may be removed by the City Council. Any member who misses three successive meetings without commission authorization is deemed to have resigned. The City Council may appoint two (2) alternate members of the Planning and Zoning Commission who shall serve in the absence of one or more of the regular members when requested to do so by the Chairperson of the Planning and Zoning Commission so that all matters shall be heard by a minimum of four (4) Planning and Zoning Commission members.
- C. Each Commissioner shall be appointed for a two-(2) year term beginning October 1st. No members shall serve for more than four (4) consecutive terms or eight (8) years (whichever is less), and may be reappointed by the Council for additional terms.
- D. Officers: The members of the Planning and Zoning Commission shall organize and elect their own officers of a Chairperson and Vice-Chairperson, who will serve one (1) year terms.
- E. Vacancies: The City Council shall fill any vacancies for the unexpired term. The appointment procedure for vacancies is the same as for an original appointment.

2.4.4 MEETINGS, HEARINGS, AND PROCEDURES

- A. All meetings and hearings of the Planning and Zoning Commission are subject to state laws governing open meetings.
- B. The Planning and Zoning Commission is authorized to conduct public hearings jointly with the City Council or separately as a Planning and Zoning Commission as deemed necessary and as allowed by law.
- C. A member of the Planning and Zoning Commission shall abstain from voting whenever:
 - 1. The member has a personal or monetary interest in the property;

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2. The member will be directly affected by the decision of the Planning and Zoning Commission; or
3. As required by the Texas Local Government Code, as amended

Section 2.5 Zoning Board of Adjustment

2.5.1 ESTABLISHMENT

A Zoning Board of Adjustment is established in accordance with the provisions of Chapter 211 of the Local Government Code.

2.5.2 BOARD ACTION

A. The Zoning Board of Adjustment may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official that is not related to a specific application, address or project in the enforcement of state law regarding zoning or this Ordinance;
2. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official that is related to a specific application, address, or project by the following persons:
 - a. A person who filed the application that is the subject of the decision;
 - b. A person that is the owner or representative of the owner of the property that is the subject of the decision; or,
 - c. A person that is aggrieved by the decision and is the owner of real property within two hundred (200) feet of the property that is the subject of the decision, or;
 - d. Any officer, department, board, or bureau of the municipality affected by the decision.
3. Hear and decide Special Exceptions to the terms of a Zoning Ordinance when the Ordinance requires the Zoning Board of Adjustment to do so;
4. Authorize in specific cases a variance from the terms of a Zoning Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done. A hardship may not be financial in nature;
5. Hear and decide matters relating to nonconforming uses as set forth herein; and
6. Hear and decide other matters authorized by an Ordinance adopted under state law.

- B. In exercising its authority under Subsection A.1, the Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Zoning Board of Adjustment has the same authority as the administrative official. The Zoning Board of Adjustment's decision shall be

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deemed filed in the City Secretary's Office on the first business day following the date on which action was taken by the Zoning Board of Adjustment.

- C. The concurring vote of seventy-five (75) percent of the members of the Zoning Board of Adjustment is necessary to:
1. Reverse an order, requirement, decision, or determination of an administrative official;
 2. Decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass under this Zoning Ordinance; or
 3. Authorize a variance from the terms of this Zoning Ordinance.

2.5.3 MEMBERSHIP.....

A. Appointment

1. For the purposes of this Section, except as otherwise indicated, the terms "member" and "alternate" are synonymous.
2. The Zoning Board of Adjustment consists of five (5) members and up to two (2) alternates, each to be appointed by the City Council for a term of two (2) years. Alternates shall serve in the absence of one or more of the regular members when requested to do so by the Chairperson, so that all cases to be heard by the Zoning Board of Adjustment will always be heard by a minimum number of four (4) members. Vacancies are filled for the unexpired term of any member, whose place becomes vacant for any cause, in the same manner as the original appointment was made. Each member reappointed or each new appointee must serve for a full term of three (3) years unless removed as provided below.

B. Terms of Office

1. Each Zoning Board of Adjustment member and alternate member shall serve for a term of two (2) years. The terms of three (3) of the members, and one (1) alternate member shall begin on July 1st of each odd-numbered year, and the terms of two (2) of the members and the other alternate member shall begin on October 1st of each even-numbered year.
2. The members of the Zoning Board of Adjustment shall be identified by place numbers one through five. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.
3. No members shall serve for more than four (4) consecutive terms or twelve (12) years (whichever is less).

C. Removal

1. Members of the Zoning Board of Adjustment or alternate members may be removed from office by the City Council for cause upon written charges and after public hearing. Cause for removal shall include missing more than two consecutive meetings or three meetings in any one twelve-month period or such other misconduct as the City Council may define by resolution.

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2.5.4 PROCEEDINGS

A. Meetings.

1. The Zoning Board of Adjustment shall hold an organizational meeting on the second Thursday in November of each year and shall elect officers from among its members before proceeding to any other matters of business.
2. Meetings shall be held at the call of the Chairperson and at such other times as the Zoning Board of Adjustment may determine.
3. All meetings shall be open to the public except for purposes as permitted by the Texas Open Meetings Act.

B. Minutes. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be immediately filed in the office of the City Secretary the next business day following the action taken by the Zoning Board of Adjustment. The City Secretary's office is designated as the office of the Zoning Board of Adjustment.

C. Rules. The Zoning Board of Adjustment shall adopt rules necessary to the conduct of its affairs which shall conform with the provisions of this Ordinance and state statutes. The rules shall not become effective unless the Zoning Board of Adjustment has furnished a copy of the rules to the City Manager.

D. Quorum. A quorum for the conduct of business shall consist of four (4) members of the Zoning Board of Adjustment.

E. Attendance. The members of the Zoning Board of Adjustment shall regularly attend meetings and public hearings of the Zoning Board of Adjustment and shall serve without compensation.

2.5.5 VOTING

A. Votes required. The concurring vote of four (4) members of the Zoning Board of Adjustment is necessary to reverse an order, requirement, decision or determination of an administrative official; decide in favor of an applicant on a matter on which the Zoning Board of Adjustment is required to pass; or authorize a variance from the provisions of this Ordinance.

B. Disqualification from voting.

1. A member of the Zoning Board of Adjustment shall abstain from voting whenever he finds that he or she has a personal or monetary interest in the property under appeal, or that he or she will be directly affected by the decision of the Zoning Board of Adjustment; or as otherwise required by the Texas Local Government Code, as amended.
2. A member may disqualify himself or herself from voting whenever any applicant, or the applicant's agent, has sought to influence the vote of the member on the appeal, other than in the public hearing.

2.5.6 OFFICERS

A. The Zoning Board of Adjustment members shall select a chairman and vice-chairman from among its members.

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B. Duties of the officers of the Zoning Board of Adjustment shall be as follows:

1. The chair shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal judge.
2. The vice-chair shall assist the chair in directing the affairs of the Zoning Board of Adjustment and act in the absence of the chair.

C. Officers will serve for a term of one (1) year or until their successors are appointed.

2.5.7 OTHER POWERS OF THE ZONING BOARD OF ADJUSTMENT

- A. Railroads. The Zoning Board of Adjustment may permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the comprehensive plan and present no conflict or nuisance to adjacent properties.
- B. Utility Structures. The Zoning Board of Adjustment may permit a public utility structure in any district, or a public utility building of a ground area and of a height at variance with those provided for in the district in which such public utility building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- C. Regulations Affecting Two Lots. The Zoning Board of Adjustment may grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this Article.
- D. Regulations Regarding Parking. The Zoning Board of Adjustment may waive or reduce the parking and loading requirements in any of the districts, when: (1) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (2) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

Article 3 - Processes and Procedures

Section 3.1 Zoning Processes

3.1.1 COMPLIANCE WITH ZONING REGULATIONS.....

- A. Compliance with Zoning Regulations Required. All land, buildings, structures, or appurtenances thereon located within the City of Joshua which are hereafter occupied, used, erected, altered, removed, placed, demolished, or converted shall be occupied, used, erected, altered, removed, placed, demolished, or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided.
- B. Authority to Enter Upon Private Property. The Administrative Official may, in the performance of his/her functions and duties under the provisions of this ordinance, enter upon any land and make examinations and surveys as deemed necessary in the administration and enforcement of this ordinance in accordance with all applicable laws.
- C. Building Permits Prohibited Without Plat. Except as permitted by the Subdivision Ordinance, no permit for the construction or placement of a building or buildings upon any tract or plot shall be issued unless the plot or tract is part of a plat of record, properly approved by the Planning and Zoning Commission and City Council and filed in the Plat Records of Johnson County.
- D. Exclusions. Nothing herein contained shall require any change in the plans or construction of a building for which a permit has been applied for at the time of the passage of this ordinance and which entire building is completed within one (1) year from the effective date of this ordinance.
- E. One Main Building on a Residential Lot or Tract; Street Frontage Required. Only one main building for one-family or moderate density residential uses with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street other than an alley.
- F. Regulations Applicable to Multiple Buildings. Where a lot is used for retail or multi-dwelling purposes, more than one main building may be located upon the lot but only when such buildings conform to all the open space, parking, and density requirements applicable to the uses and districts. No parking area, storage area, or required open space for one building shall be computed as being the open space, yard, or area requirements for any other building or use.

3.1.2 PLATTED PROPERTY TO BE PERMANENTLY ZONED.....

- A. Zoning Required Prior To Approval of Plat. The City Council shall not approve any plat of any subdivision within the city limits until the area covered by the proposed plat shall have been permanently zoned by the City Council.
- B. Annexation Prior To Approval of Plat. The City Council shall not approve any plat or any subdivision within any area where a petition or ordinance for annexation or a recommendation for annexation to the city is pending before the City Council unless and until such annexation shall have been approved or disapproved by the City Council.
- C. Contemporaneous Action on Zoning and Annexation. In the event the City Council holds a hearing on proposed annexation, it may, at its discretion, hold a contemporaneous hearing

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upon the permanent zoning that is to be applied to the area or tract to be annexed. The City Council may, at its discretion, act contemporaneously on the matters of permanent zoning and annexation.

3.1.3 CREATION OF BUILDING SITE

- A. Procedure for Creating Building Site/Lot. No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:
1. The lot or tract is part of a plat of record, properly approved by the City, and filed in the plat records of the county or counties in which the lot or tract is located.
 2. The lot or tract faces upon a dedicated street and was separately owned prior to the effective date of this ordinance or prior to annexation to the City, whichever is applicable, in which event a building permit for only one main building conforming to all the requirements of this ordinance may be issued on each such original separately owned lot or tract.
 3. The lot or tract is all or part of a site plan officially approved by the City and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land. Any lots or tracts must be provided access via a public street or drive.

3.1.4 AMENDMENTS, CHANGES AND ADMINISTRATIVE PROCEDURES

- A. Declaration of Policy. The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
1. To correct any error in the regulations or map.
 2. To recognize changed or changing conditions or circumstances in a particular locality.
 3. To recognize changes in technology, style of living, or manner of doing business.
- B. Authority to Amend Ordinance. The City Council may from time to time, after public hearings required by law, and after receipt of the recommendation and report of the Planning and Zoning Commission, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.
- C. Public Hearing and Notice. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application.
1. Before the tenth (10th) day before the public hearing date, written notice of the hearing before the Planning and Zoning Commission shall be sent to the owner of the property on which the change in classification is proposed or his/her agent and each owner, as

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indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change in classification is proposed. Such notice may be served by depositing the same in the municipality, properly addressed and postage paid, in the United States mail. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City and is not included in the most recently approved municipal tax roll, notice to such owners of the time and place of the hearing shall be given by one publication in the official newspaper before the fifteenth day before the date of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

2. If, at the conclusion of the public hearing, the Planning and Zoning Commission, shall make a report and recommendation to the City Council concerning the proposed amendment which report and recommendation shall be by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
3. Any proposal or application may be withdrawn by the applicant after the Planning and Zoning Commission makes its final report, and such proposal or application shall not be subject to the provision hereof that a period of time must pass before a new application is considered. If such proposal is withdrawn, the City Council will not consider it. Withdrawal of an application from a public hearing or meeting agenda is at the review or decision-making authority's discretion.

D. Action of the City Council.

1. Upon receipt of the report and recommendation of the Planning and Zoning Commission of an application to rezone property or to amend the zoning ordinance, the City Council shall schedule the application or amendment for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing.
2. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved or disapproved, the City Council may approve or disapprove the petition or application for amendment by a simple majority vote of the City Council present and voting.
3. In the case of a written protest against an amendment to the ordinance signed by the owners of at least twenty percent (20%), of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. Written protests shall be subject to the following requirements:
 - a. All protests must be submitted to the City Secretary in writing before 5:00 p.m. of the fourth (4th) working day immediately preceding the date advertised for the City Council public hearing in the statutory notice published in the official newspaper of the City. For example, a written protest must be received by 5:00 p.m., on the Friday prior to a regularly scheduled Thursday City Council meeting. A protest sent through the mail must be received by the City

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Secretary before the deadline. Such written protest(s) shall include the zoning case number, the name of the protesting property owner, the address(es) or property description(s) of the property for which the property owner is asserting a protest, the reasons for the property owner's protest such as the zoning classifications or uses to which the property owner is opposed, and the signature of the protesting property owner(s).

- b. In all cases where a protest has been properly signed pursuant to this Section, the City shall presume that the signatures appearing on the protest are authentic and that the persons whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented. Upon the advice of the City Attorney, this presumption shall not be followed in a specific case based on evidence presented.
 - c. A person may by written request withdraw his or her signature from the protest at any time prior to the close of the public hearing for the zoning case. If the withdrawal of an owner's signature from a protest reduces the percentage of land area ownership protesting the zoning change to less than twenty percent (20%) of the total area of land, a three-fourths (3/4) vote of the City Council for approval of the zoning change shall not be required.
 - d. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.
 - e. At any time before City Council action on a zoning case, the filing deadline for a protest is automatically extended whenever the zoning case is postponed or continued to a later date.
4. In making its determination, the City Council may consider the following factors:
- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
 - b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.
 - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
 - d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
 - e. The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - f. Any other factors which will substantially affect the public health, safety, morals or general welfare.

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5. If the City Council fails to pass an ordinance approving such proposed amendment, supplement or change, then in that event, a new application for such proposed amendment, supplement or change to the zoning ordinance shall not again be considered until after the expiration of six (6) months from the date such proposed amendment, supplement or change was rejected; provided, however, that such application may be reconsidered within the above mentioned six (6) month period, if it be shown to the City that a substantial change in conditions has taken place in the vicinity of the property sought to be rezoned. Newly annexed land which has been assigned to the Agricultural zoning district is exempt from the six (6) month waiting period.
 6. In the event of a reapplication affecting the same land for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.
- E. Final Approval and Ordinance Adoption. If the amending ordinance is not approved within six (6) months from the date of completion of the original public hearing, the application for rezoning, at the option of the City Council, may be rescheduled for another public hearing.
- F. Changes in Zoning Regulations Not Involving Particular Property. Amendments to the Zoning Ordinance not involving a particular property but involving general changes in the zoning regulations do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the City, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.

3.1.5 SCHEDULE OF FEES; CHARGES, AND EXPENSES

- A. Establishment. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule shall be posted in the office of the Administrative Official and may be altered or amended only by the City Council.
- B. Requirements. No permits, certificates, Special Exceptions, or variances shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Adjustment unless or until preliminary charges and fees have been paid in full.

Section 3.2 Conditional Use Permits

- A. Purpose. The purpose of the Conditional Use Permit is to allow for review of uses which would not be appropriate generally without certain restrictions throughout a zoning district, but which if controlled as to number, area, location or relation to the neighborhood would promote the health, safety and welfare of the community. Such uses include colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other land uses as specifically provided for in this ordinance. To provide for the proper handling and location of such conditional uses, provision is made for amending this ordinance to grant a permit for a conditional use in a specific location. This procedure for approval of a Conditional Use permit includes public hearings before the Planning and Zoning Commission and the City Council. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a Conditional

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Use Permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a Conditional Use Permit unless it is the finding of the Planning and Zoning Commission and City Council that such a conditional use is compatible with adjacent property use and consistent with the character of the neighborhood.

- B. **Permit Required.** No conditional use shall be erected, used, altered, occupied nor shall any person convert any land, building or structure to such a use unless a Conditional Use Permit has been issued by the City Council. The granting of a Conditional Use Permit shall be done with notice and public hearings in accordance with the provisions for amendment of this zoning ordinance.
- C. **Application Procedure.** An application for a conditional permit shall be filed with the administrative official on a form prepared by the City. The application shall be accompanied by the following:
 - 1. A completed application form signed by the property owner;
 - 2. An application fee as established by the City's latest adopted schedule of fees;
 - 3. A certificate stating that all city and school taxes have been paid to date;
 - 4. A property description of the area where the Conditional Use Permit is proposed to apply;
 - 5. A site plan complying with the requirements stated in this Section which will become a part of the Conditional Use Permit, if approved; and
 - 6. Any other material and/or information as may be required by the Planning and Zoning Commission, the City Council or the administrative official to fulfill the purpose of this subsection and to ensure that the application is in compliance with the ordinances of the City.
- D. **Site Plan Information.** A site plan shall contain, at a minimum the information required by Section 3.3, Site Plan Requirements.
- E. **Additional Information.** The following additional information may also be required if deemed appropriate by the Administrative Official, the Planning and Zoning Commission, or City Council.
 - 1. Copies of studies or analyses showing the need or demand for the proposed facility.
 - 2. Description of the present use, assessed value and actual value of the land affected by the proposed facility.
 - 3. Description of the proposed use, anticipated assessed value and supporting documentation.
 - 4. A description of any long-term plans or master plan for the future use or development of the property.
 - 5. A description of the applicant's ability to obtain needed easements to serve the proposed use.
 - 6. A description of any special construction requirements that may be necessary for any construction or development on the subject property.

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7. A traffic impact analysis and forecast prepared by a qualified professional.
- F. Council Action. The City Council may waive the requirement for submission of any of the information listed in E above, upon a finding by the Council that the information submitted is sufficient to determine that the proposed building, use, structure, development or activity will not have a substantial negative impact on the surrounding area and that requiring information listed in Subsection E above would be unreasonably burdensome on the applicant.
- G. Conditions of Permit Approval. A Conditional Use Permit shall not be recommended for approval by the Planning and Zoning Commission unless the Commission finds that all of the following conditions have been found to exist:
 1. The proposed use complies with all the requirements of the zoning district in which the property is located.
 2. The proposed use as located and configured will contribute to or promote the general welfare and convenience of the City.
 3. The benefits that the City gains from the proposed use outweigh the loss of or damage to any homes, businesses, natural resources, agricultural lands, historical or cultural landmarks or sites, wildlife habitats, parks, or natural, scenic, or historical features of significance, and outweigh the personal and economic cost of any disruption to the lives, business and property of individuals affected by the proposed use.
 4. Adequate utilities, road access, drainage and other necessary supporting facilities have been or shall be provided for the proposed use.
 5. The design, location and arrangement of all public and private streets, driveways, parking spaces, entrances and exits shall provide for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.
 6. The issuance of the Conditional Use Permit does not impede the normal and orderly development and improvement of neighboring vacant property.
 7. The location, nature and height of buildings, structures, walls and fences are not out of scale with the neighborhood.
 8. The proposed use will be compatible with and not injurious to the use and enjoyment of neighboring property, nor significantly diminish or impair property values within the vicinity.
 9. Adequate nuisance prevention measures have been or shall be taken to prevent or control offensive odors, fumes, dust, noise, vibration and visual blight.
 10. Sufficient on-site lighting shall be provided for adequate safety of patrons, employees and property, and such lighting shall be adequately shielded or directed so as not to disturb or adversely affect neighboring properties.
 11. There shall be sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties.
 12. The proposed operation is consistent with the applicant's submitted plans, master plans, projections, or, where inconsistencies exist, the benefits to the community outweigh the costs.

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13. The proposed use is in accordance with the City of Joshua Comprehensive Land Use Plan.
- H. Additional Conditions. In authorizing a Conditional Use Permit, the Planning and Zoning Commission may recommend, and the City Council may impose, additional reasonable conditions necessary to protect the public interest and the welfare of the community.
- I. Time Limit. A Conditional Use Permit issued under this division shall become null and void unless construction or use is substantially underway within one year of the granting of the permit, unless an extension of time is approved the City Council.
- J. Revocation of Permit. A Conditional Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:
 1. The permit was obtained or extended by fraud or deception.
 2. One or more of the conditions imposed by the permit has not been met or has been violated.
- K. Amendments to Conditional Use Permit. The procedure for amending a Conditional Use Permit shall be the same as for a new application, provided the administrative official may approve minor variations from the original permit which do not change the permitted land uses, increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

Section 3.3 Site Plan

- A. Generally. Whenever a site plan is required by this Ordinance, such site plan must conform to the requirements of this Section. Unless otherwise specified in this Ordinance such as a site plan associated with a Conditional Use Permit or a Planned Development zoning district, all site plans must be approved by the City Manager or designee (Administrative Official). The Administrative Official has the authority to bring any site plan forward to the Planning and Zoning Commission for recommendation to the City Council for a final approval. The site plan submitted in support of an application shall satisfy the requirements for site plan submittals as specified by the Administrative Official in accordance with this Ordinance. Site plans shall be reviewed by the Administrative Official, and comments shall be returned after the review by the Administrative Official. The submittal date of the site plan shall be the date upon which the site plan is found to be in compliance with the provisions of the site plan application by the Administrative Official.
- B. Required Prior to Building Permit. When required by this Ordinance, a site plan meeting the provisions as set forth in this Section must be approved prior to issuance of a building permit by the City. Unless otherwise provided herein, a site plan may be approved administratively.
- C. Changes to the Site Plan
 1. In general, changes to the site plan shall be processed in the same manner as the original approved site plan except as provided in 2 and 3 below.
 2. Changes to the site plan which will affect the use of the land may require either an amendment to a Planned Development or a rezoning of property, whichever applies.
 3. Changes of details within a site plan which do not alter the basic physical relationship of the property to adjacent properties; do not alter the use permitted; and do not

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increase the density, floor area, height, or reduce the yards provided at the boundary of the site as indicated on the approved site plan, may be authorized by the Administrative Official. An aggrieved party may appeal the decision of the Administrative Official to the Zoning Board of Adjustment in accordance with the provisions of this Ordinance.

- D. Council Approval. Council approval of a site plan that accompanies a zoning change request or Conditional Use Permit shall become part of the amending ordinance.
- E. Site Plan Content. The site plan shall contain the information listed below, and any or all of the required features may be incorporated on a single drawing if the drawing is clear and capable of evaluation by the City Council and the staff personnel required to enforce and interpret this ordinance.
 - 1. Scale, no less than one (1) inch equals fifty (50) feet
 - 2. Date
 - 3. The boundary lines and dimensions of the property, existing subdivision lots, available utilities, fire hydrants, easements, roadways, sidewalks, emergency access easements, and public rights-of-way.
 - 4. Topography of the property proposed for development in contours of not less than two feet, together with any proposed grade elevations, if different from existing elevations.
 - 5. Floodplains, water courses, marshes, drainage areas, and other significant environmental features including, but not limited to, rock outcroppings and major tree groupings.
 - 6. The location and use of all existing and proposed buildings or structures, including all refuse storage areas, and the minimum distance between buildings. Where building complexes are proposed, the location of each building and the minimum distances between buildings, and between buildings and the property line, street line, and /or alley.
 - 7. Total number, location, and arrangement of off-street parking and loading spaces, where required.
 - 8. All points of vehicular ingress, egress, and circulation within the property and all special traffic regulation facilities proposed or required to assure the safe function of the circulation plan.
 - 9. Setbacks, lot coverage, and when relevant, the relationship of the setbacks provided and the height of any existing or proposed building or structure.
 - 10. The location, size, and arrangement of all outdoor signs, exterior auditory speakers, and lighting.
 - 11. The type, location, and quantity of all plant material used for landscaping, and the type, location, and height of fences or screening and the plantings around them.
 - 12. If multiple types of land uses are proposed, a delineation of the specific areas to be devoted to the various land uses.

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13. Vicinity map, north point, scale, name of development, name of owner, name of preparer, total acreage of project, and street address or common description of the property.
14. Current land uses and zoning district of the property and current land uses and zoning districts of contiguous properties.
15. Buildings on the exterior of the site and within twenty-five feet of all property lines.
16. The location and size of existing and proposed surface and subsurface drainage facilities, including culverts, drains, and detention ponds, showing size and direction of flow.
17. The number of square feet of the property after construction which will constitute impervious area or impervious surface and vegetated areas.
18. Architectural drawings, such as elevations, concept sketches or renderings depicting building types and other significant proposed improvements including the treatment and use of open spaces, etc., where the submission of such drawings would more clearly portray the nature and character of the applicant's land use and development proposals.
19. Legal description of the total site area proposed for rezoning, development or Conditional Use Permit.
20. The submission date, signature and title of the applicant, at the conclusion of the written documents certifying the information presented in the plans, and supporting documents reflect a reasonably accurate portrayal of the general nature and character of the applicant's proposals.
21. A development timetable if development is to be in phases.
22. The percentage of the site that will be covered by buildings and structures.
23. Drainage Study: The City Engineer may determine that the characteristics of the proposed development necessitate a drainage study of the site and possibly surrounding areas. Said drainage study shall be prepared by a professional engineer, licensed by the State of Texas and shall be prepared using data as determined by the City's Engineer.
24. Traffic Impact Analysis: Any proposed development that generates traffic in excess of two thousand (2,000) 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 the characteristics of the proposed subdivision 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.

3.3.1 CRITERIA FOR APPROVAL

The following criteria shall be used to approve or deny a site plan:

- A. All applicable City of Joshua ordinances have been met and will be met by the proposed development.

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- B. All requirements of the Site Plan Section 3.3 have been met.
- C. That adequate capacity of public or private facilities for water, sewer, paved access to and through the development, electricity and adequate public facilities for transportation can and will be provided to and through the subject property.

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Section 3.4 Variance

3.4.1 **APPLICABILITY AND LIMITATIONS**

In accordance with the provisions of Chapter 211 of the Local Government Code, the Zoning Board of Adjustment (ZBA) has the authority to hear and take final action on requests for a variance from the literal terms of the zoning regulations. Matters that may be the subject matter of variances include but are not limited to: height restrictions, setback requirements, landscaping requirements, area, parking regulations, or other matters that may require a variance from the literal terms of this Ordinance.

The Zoning Board of Adjustment may not grant a variance if the effect of the variance would be to authorize a use other than a use permitted in the district for which the variance is sought, and, therefore, such is not a proper subject matter of a request for a variance.

The Zoning Board of Adjustment may not grant a variance to lot frontage requirements and, therefore, such is not a proper subject matter of a request for a variance.

3.4.2 **APPLICATION AND REVIEW PROCESS**

- A. Application. An application for a variance must be filed with the Zoning Administrator.
- B. Zoning Administrator Review. The Zoning Administrator must review the submitted application and make a recommendation to the Zoning Board of Adjustment.
- C. Zoning Board of Adjustment Final Action. Following notice in accordance with Sec. 3.4.3, the Zoning Board of Adjustment must hold a public hearing and approve, approve with conditions, or deny the variance.

The concurring vote of seventy-five (75) percent of the members of the board is necessary to approve a variance.

3.4.3 **PUBLIC NOTICE AND PUBLIC HEARING**

A. Mailed Notice

A proposed variance requires notice of the public hearing of the Zoning Board of Adjustment by mail to all owners of real property as shown in the latest approved tax roll, lying within two hundred (200) feet of the property on which the variance is requested. Such notice must be mailed a minimum of fifteen (15) days before the date of the public hearing.

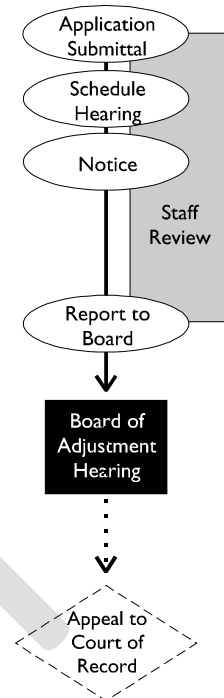
B. Posted Notice

A proposed variance requires notice of the public hearing of the Zoning Board of Adjustment by posting on the City's website. Such notice must state the time and place of such hearing and the nature of the subject to be considered. The notice must be posted a minimum of fifteen (15) days before the date of the public hearing.

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3.4.4 VARIANCES

- A. In order to grant a variance from this Ordinance, the Board of Adjustment must make written findings that the variance creates undue hardship, using the following criteria:
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
 2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;
 3. That the relief sought will not injure the permitted use of adjacent conforming property; and
 4. That the granting of a variance will be in harmony with the spirit and purpose of this Ordinance.
- B. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.
- C. The applicant bears the burden of proof in establishing the facts justifying a variance.

**3.4.5 LIMITATION ON RESUBMITTAL**

An applicant may not apply to the Zoning Board of Adjustment for the same variance on the same piece of property prior to the expiration of two (2) years from a previous ruling of the Zoning Board of Adjustment unless other property in the immediate vicinity within the two (2) year period has been changed or the Zoning Board of Adjustment or City Council has acted upon the property so as to alter the facts and conditions on which the previous Zoning Board of Adjustment action was based. Such change of circumstances permits the rehearing of a variance request prior to the expiration of a two (2) year period, but such conditions shall not require the Zoning Board of Adjustment, after a hearing, to grant a subsequent variance. Such subsequent variance request must be considered entirely on its merits and on the peculiar and specific conditions related to the property on which the application is applied for.

Section 3.5 Appeal of Administrative Decision

- A. Interpretation. Appeals to the Zoning Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer, agency, department or commission of the city affected by any decision of the administrative official. An appeal must be taken within twenty (20) business days of the date the decision has been rendered by filing with the administrative official from whom the appeal is taken, and with the Zoning Board of Adjustment a notice of appeal specifying the grounds for appeal. The administrative official shall forthwith transmit to the Zoning Board of Adjustment all papers constituting the record upon which the action appealed from was taken.
- B. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Zoning Board of Adjustment after the notice of appeal is filed with him that, by reason of facts stated

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in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, and on due cause shown.

3.5.1 FORM OF APPEAL OR APPLICATION.....

- A. Generally. The appeal or application shall be in such form and contain such information as required by this Article or the board's rules of procedure. An incomplete appeal or application shall be deemed only to give notice of intent to appeal or apply to the board, and shall not be reviewed or scheduled for hearing until completed.
- B. Persons Filing Appeal.
 - 1. Any of the following persons may appeal to the Zoning Board of Adjustment a decision made by an administrative official that is not related to a specific application, address, or project:
 - a. A person aggrieved by the decision; or
 - b. Any officer, department, board, or bureau of the municipality affected by the decision.
 - 2. Any of the following persons may appeal to the Zoning Board of Adjustment a decision made by an administrative official that is related to a specific application, address, or project:
 - a. A person who:
 - (1). Filed the application that is the subject of the decision;
 - (2). Is the owner or representative of the owner of the property that is the subject of the decision; or
 - (3). Is aggrieved by the decision and is the owner of real property within two hundred (200) feet of the property that is the subject of the decision; or
 - b. Any officer, department board or bureau of the municipality affected by the decision.
- C. Specifically. A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2. That literal interpretation of the provisions of this Article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Article; and
 - 3. That the special conditions and circumstances do not result from the actions of the applicant.

Section 3.6 Special Exceptions

The Zoning Board of Adjustment shall have the power to hear and decide Special Exceptions in the districts indicated on the table of permitted uses or in the accessory uses regulations, subject to full and complete compliance with any and all conditions listed, together with such other conditions as the board may impose for protection of the public health or safety:

Special Exception	Applicable Section
Small wind turbine height over 65 feet	Section 5.3
Large wind turbine height over 65 feet	Section 5.3
Additional structure height over maximum amount	Article 6 (per zoning district)
Reduction of parking spaces upon documentation	Article 7
Freestanding cell tower exceeding 65 feet in residential district	Article 12.1
Extra height for antenna which is not fastened to antenna facility	Article 12.1
Building attached antenna in residential district	Article 12.1
Additional antenna height in non-residential district	Article 12.1
Building attached antenna in non-residential district	Article 12.1
Relief from antenna facility regulations	Article 12.1
Additional height for parking lot light standards	Article 10
Relief from illumination level for public and semi-public recreational facilities	Article 10
Relief from prohibited lighting elements	Article 10
Relief from maximum period for a cargo container	Section 5.9
Allow for additional height for nonresidential structure	Article 6 (per zoning district)
Exceed number of cargo containers permitted in the I district	Section 5.9
Masonry requirements when the exception is necessary to ensure: 1. Historical accuracy. 2. Compatibility with the neighborhood.	
Fence height when the exception is necessary to ensure compatibility with the neighborhood or is created by the grade of the property or abutting property.	Article 3.05 Fences of the Joshua Code of Ordinances.

A. Findings. The board shall not grant a Special Exception unless it finds:

1. That the use is specifically permitted under the ordinance and the requirements for such use are met; and
2. That the locations of proposed activities and improvements are clearly defined on the site plan filed by the applicant; and

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3. That the exception, if granted, will be wholly compatible with the use and permitted development of adjacent properties.

3.6.1 FEES

There shall be a fee assessed for each request for an appeal, variance or Special Exception request submitted to the Zoning Board of Adjustments, in an amount as set forth in the City Fee Schedule.

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Article 4 - Nonconformities

Section 4.1 Nonconforming Lots, Uses & Structures

4.1.1 PURPOSE AND INTENT

A structure, lot of record, use of land, or other such use or structure that was lawful when commenced but which is contrary to the regulations set forth in this Ordinance because of amendments to this Ordinance, annexation into the City, or eminent domain shall be deemed a nonconforming use. Such nonconformities are deemed to be incompatible with permitted uses and structures in the applicable zoning district and are contrary to the stated purposes of this Ordinance. With due regard for the property rights of the persons affected when considered in light of the public welfare and in view of protecting the use and enjoyment of adjacent conforming properties, it is the declared purpose of this Section that nonconformities be eliminated and be required to conform to the regulations in this Ordinance. Notwithstanding the above, such nonconformities may be continued subject to the conditions and limitations set forth in this Ordinance.

4.1.2 NONCONFORMING USES REGULATED

Nonconforming uses are incompatible with permitted uses. Therefore, no nonconforming use of land or building, nonconforming lot or yard, or any nonconforming structure shall be enlarged, changed, altered, or repaired except in conformance with the regulations contained in this Ordinance.

4.1.3 NONCONFORMING LOTS OF RECORD

All legally conforming platted lots and all legally constructed structures existing prior to the effective date of this ordinance shall be deemed to continue to be legally conforming as of the effective date of this ordinance. This provision shall apply even though such lot or structure fails to meet the minimum requirements for area, width, or both, as governed by the applicable area regulations for that particular zoning district; however, all other provisions of the applicable zoning district area regulations, such as setback distances, heights, and percent of lot coverage shall apply. Any change, alteration, or modification decreasing the area of any said lot or structure shall conform to these zoning regulations contained herein or be authorized by variance granted by the Zoning Board of Adjustment. Any use, lot, or structure which does not conform to the regulations of the zoning district in which it is located, is nonconforming when:

- A. The use, lot, or structure was in existence and lawfully operating on the date of the passage of this ordinance, and has since been in regular and continuous use; or
- B. The use, lot, or structure is lawful at the time of the adoption of any amendment to this ordinance, but because of the amendment, no longer complies with applicable regulations; or
- C. The use, lot, or structure had commenced at the time of annexation proceedings and has since been in regular and continuous use.

4.1.4 NONCONFORMING USES OF LAND

If, at the effective date of this ordinance or amendment thereof, a lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. The nonconforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

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- B. The nonconforming use shall not be moved, in whole or in part, to any portion of the same lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such nonconforming use of land is deemed to be abandoned or discontinued for any for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

4.1.5 NONCONFORMING BUILDINGS AND STRUCTURES

If a lawful building exists at the effective date of adoption of this ordinance or any amendment thereto that could not be built under the terms of this ordinance because of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the building, the building may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No Enlargement. A nonconforming building may not be enlarged or altered in a way which increases its nonconformity, but any building or portion thereof may be altered to decrease its nonconformity or to comply with the City building codes.
- B. Destruction. Should a nonconforming building or nonconforming portion of a building be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost (as determined at the time of destruction), or fifty (50) percent of the square footage of the building, it shall not be reconstructed except in conformity with the provisions of this ordinance, or when approved by the Zoning Board of Adjustment, after public hearing thereon. In the event the board conducts a hearing pursuant to this Section, the board must give due consideration of the property rights of persons affected, in light of public welfare and the character of the area surrounding the nonconforming building.
- C. Moving of Building. Should a nonconforming building be moved for any reason for any distance whatever, it must thereafter conform to the regulations of the district in which it is located after it is moved.
- D. Nonconforming Structures in Residential Zones. All structures located on parcels located in residential zoning districts, on the effective date of this ordinance shall be deemed to be conforming, unless the size of the structure is increased, in which event the minimum size of structure required by this Ordinance for the zoning district in which the structure is located shall apply.
- E. Completion of Building Under Construction. A building under construction at the time of the passage of this ordinance, or any amendment to this ordinance, may be completed in accordance with its plans and designated use so long as it is completed within one year from the date of passage of this ordinance or from the date of the amendment to this ordinance.

4.1.6 NONCONFORMING USES OF BUILDINGS

If lawful use of a building exists on the effective date of the adoption or amendment of this ordinance, that would not be allowed in a particular district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No Enlargement. An existing building devoted to a use not permitted by this ordinance in the district in which it is located shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the building to a use permitted in the district in which it is located, or to comply with the City building codes.

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- B. Extension. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
- C. Change of Nonconforming Use. If no structural alterations are made, except as required by the city's building codes, a nonconforming use of a building, or building and premises may be changed to another nonconforming use provided that the Zoning Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Adjustment may require the owner to comply with conditions to achieve the purposes of this ordinance.
- D. Use Superseded. Any building in which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. Status of Land If Building Demolished. Where a nonconforming use status applies to a building and premises in combination, removal or destruction of the building shall eliminate the nonconforming status of the land. For purposes of this subsection, "destruction" is defined as damage to an extent of more than fifty (50) percent of the replacement cost at time of destruction.

4.1.7 REPAIRS AND MAINTENANCE

- A. Repair. On any nonconforming building or portion of a building containing a nonconforming use, work may be done in any period of twelve (12) consecutive months consisting of ordinary repairs, or the repair or replacement of nonbearing walls, fixtures, wiring or plumbing, in an amount not exceeding fifty (50) percent of the current replacement cost of the nonconforming building or nonconforming portion of the building, as the case may be, provided that the cubic content or area existing when the nonconforming building or portion thereof became nonconforming shall not be increased.
- B. Rebuilding. If a nonconforming building or portion of a building containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any authorized city official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Safety. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the Administrative Official.

4.1.8 NONCONFORMING USES DISCONTINUED

- A. Requirements. A nonconforming use of any building, structure or land which has been discontinued shall not thereafter be returned to any conforming use.
- B. Discontinuation. A nonconforming use shall be considered discontinued when any of the following occur:
 - 1. It has been replaced with a conforming use;
 - 2. The nonconforming building or structure is or hereafter becomes vacant and remains unoccupied or out of use for a continuous period of 180 days, or the equipment and

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furnishings of the nonconforming use have been removed from the premises and have not been replaced within such 180-day period; or

3. Land used for a nonconforming use has ceased to be used in a bona fide manner as a nonconforming use for 180 consecutive days; or
4. The intention of the owner to permanently discontinue the use is apparent.

4.1.9 ABANDONMENT OF NONCONFORMING USE

A. Requirements. A nonconforming use shall be considered to be legally abandoned when the following facts exist based upon the evidence available to the administrative official:

1. The owner has expressed or demonstrated, in some manner, an intent to permanently discontinue the nonconforming use; and
2. When land used for a nonconforming use ceases to be used in a bona fide manner for the nonconforming use for 180 consecutive days; or
3. A structure designed or arranged for a nonconforming use shall cease to be used regardless of the intent of the owner, as a nonconforming use for a period of 180 consecutive days.

B. Intent Not Required. Legal abandonment shall be conclusively deemed to have occurred irrespective of the intent of the property owner if the nonconforming use was dilapidated, substandard, or was not maintained in a suitable condition for occupancy during the time periods set forth above.

4.1.10 CHANGES THAT LESSEN NONCONFORMITY

The Board of Adjustment may grant a change to a more restrictive or less intensive nonconforming use that lessens the extent of the original nonconformity.

4.1.11 AMORTIZATION

The City Council may request that the Zoning Board of Adjustment establish a compliance date for discontinuance of a nonconformity in accordance with this Section.

In determining whether to initiate an amortization proceeding, the Zoning Board of Adjustment may consider the character of the surrounding area, the degree of incompatibility of the nonconformity to the zoning district in which it is located, the effect of the nonconformity on the surrounding area, the effect of cessation of the nonconformity on the area, any other danger or nuisance to the public caused by the nonconformity, and any other factors the Zoning Board of Adjustment considers relevant. If the Zoning Board of Adjustment determines that there is no public necessity for establishing a compliance date, the Zoning Board of Adjustment shall notify the City Council of same.

Written notice of the hearing shall be mailed to the owner of the use and the owner of the property at least thirty (30) days before the hearing.

The compliance date for discontinuance of a nonconformity shall be prescribed by the Zoning Board of Adjustment at a public hearing, after hearing testimony from the owner, the operator, neighboring property owners, community organizations and other interested parties. In prescribing a reasonable amortization period for the nonconformity to give the property owner an opportunity to recover his investment from the time the nonconformity commenced, as allowed by law, the Zoning Board of Adjustment shall consider the following factors:

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- A. The owner's capital investment in structures, fixed equipment and other assets (excluding the land and any inventory and other assets that may be feasibly transferred to another site) on the property before the time the nonconformity commenced. Any such investment made after the nonconformity commenced shall not be included;
- B. Any costs that are directly attributable to the establishment of a compliance date, including demolition expenses, relocation expenses, termination of leases, and discharge of mortgages;
- C. Any return on investment since inception of the nonconformity, including net income and depreciation;
- D. The anticipated annual recovery of investment, including net income and depreciation; and
- E. Other costs and expenses attributable to the establishment of a termination date.
- F. If the Zoning Board of Adjustment establishes a termination date for a nonconforming use, the nonconforming use must cease operations on that date and the owner may not operate the nonconforming use after that date, unless the nonconforming use becomes conforming.

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Article 5 - Permitted Uses

Section 5.1 Use of Structures

5.1.1 USES PERMITTED BY DISTRICT

Land and structures in each of the zoning districts may be used for any of the uses indicated in the City of Joshua use tables in each district. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted, which is arranged or designed or used for other than those uses as specified herein.

P	-	Permitted Use
C	-	Conditional Use Permit
		Not Permitted

Section 5.2 Permitted Use Table

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Agriculture		Ranching, propagation and cultivation of crops and similar agricultural uses of vacant land where utilities or City services are not readily available. May ultimately be rezoned in accordance with the Comprehensive Plan.											
Bulk Grain and/or Feed Storage	493130	P									P	1 space: 1,000 sf	8,9
Commercial Animal Enterprise	112110	P										1 space: 5 stalls	3, 7, 9
Commercial Animal Enterprise on less than 10 acres	112110	C										1 space: 5 stalls	3, 7, 9
Farm (Garden, Crops)	111219	P								P	P	Not Applicable	8, 9
Farm Products, Food Wholesale	424590	P									P	1 space: 1,000 sf	
Feed & Grain Store/Farm Supply Store	493130	C							C	P	P	1 space: 500 sf	
Feedlot, Cattle, Swine, or Poultry (CAFO)	112112	C									C	1 space: 5,000 sf of land	
Flour and Other Grain Mills	311211										P	1 space: 1,000 sf	
Greenhouse (Non-Retail/Hobby)	111422	P	P	P	P	P	P	P				Not Applicable	

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Greenhouse, Plant Farm Nursery - Wholesale	111421	C								P	P	1 space: 1,000 sf of sales area	
Horse Racing and/or Training	711212	P									C	1 space: 5 stalls or 4 seats in stands	2, 3, 7, 9
Horse - Riding Academy, Rental	713990	P							C	C	P	1 space: 5 stalls	2, 3, 7, 9
Livestock and Large Animal Clinic/Veterinarian	541940	C								C	C	1 space: 5 stalls	2, 3, 7, 9
Livestock - Wholesale	424520	C										1 space: 5 stalls or 4 seats in stands	2, 3, 7, 9
Livestock Sales/Auction	112990	C										1 space: 5 stalls or 4 seats in stands	2, 3, 7, 9
Orchard, Vineyard	111331	P	C	C	C	C	C	C				Not Applicable	
Poultry Hatchery	112990	C									C	Not Applicable	
Ranch, Livestock	112990	P								P	P	Not Applicable	3, 7, 9
Rodeo or Fair Ground	711310	C								C	C	1 space: 1,000 sf of land area	
Stable/Barn-Private Accessory Use on 2+ acres	713990	P	P						P	P	P	Not Applicable	2, 3, 7, 8, 9
Stable/Barn-Main Use on 10+ acres	713990	C							C	C	P	1 space: 5 stalls	2, 3, 7, 8, 9
Stable/Barn/Agriculture Bldg. as temporary main use on 10+ acres w/limited utilities to be removed upon development of area	713990	P	P									1 space: 5 stalls	2, 3, 7, 8, 9
Stable/Barn/Agriculture Bldg. as temporary main use on less than 10 acres w/limited utilities to be removed upon development	713990	P	C									1 space: 5 stalls	2, 3, 7, 8, 9
Stables, Commercial, Principal Use	713990	C							C	C	P	1 space: 5 stalls	2, 3, 7, 8, 9
Winery (as the main use)	312130	P								C	P	1:3 employees	
Residential	Includes structures, houses and buildings occupied for dwelling uses and those uses normally related to and/or accessory to the provision of housing.												
Accessory to Residential Use Buildings less than 200 square feet or a two car garage	N/A	P	P	P	P	P	P	P				Not Applicable	
Accessory to Residential Use Buildings 201-400 square feet, one story	N/A	P	C	C	P	P	P	P				Not Applicable	
Accessory to Residential Use Building/Structure (all others)	N/A	P	C	C	C	C	C	C				Not Applicable	
Accessory Dwelling	814110	P	C	C								1 additional spaces: bedroom	Section 5.6
Accessory/Garage Dwelling	814110	P	C	C								1 additional spaces: bedroom	
Bed and Breakfast Inn	721191	P	C						P	P		2 spaces: dwelling plus 1 per guest	23
Boarding/Rooming House	721310	C				C	C					2 spaces: dwelling plus 1 per guest	
Caretaker's/Security Guard Residence (Non-rental)	561612	P	C	C	C				C	C	P	1 space: caretaker/guard	
Dwelling – One Family Attached	814110				P	P	P					2 spaces: dwelling	

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Dwelling – One Family Detached	814110	P	P	P	P	P	P					2 spaces: dwelling	
Dwelling - Two-Family, Duplex or Duplex Townhome	814110				P	P	P					2 spaces: dwelling	
Dwelling - Three-Family, Triplex or Triplex Townhome	814110					P	P					2 spaces: dwelling	
Dwelling - Four-Family (Quadraplex) (Defined Under Multiple-Family Dwelling)	814110					P	P					2 spaces: dwelling	
Dwelling - Multiple-Family	814110					P	P					See Article 7	
Dwelling - HUD Code-Manufactured Home	814110							P				2 spaces: dwelling	See Section 6.12
Dwelling – HUD Code- Manufactured Home Subdivision	814110							P				2 spaces: dwelling	See Section 6.12
Dwelling - Mobile Home	814110											Not Applicable	
Dwelling - Industrialized Home	814110	P	P	P	P	P		P				2 spaces: dwelling	
Dwelling - Zero-Lot Line/Patio Home Entire Block Face	814110				P	P						2 spaces: dwelling	
Garage Conversion to additional living space (not dwelling units) w/Replacement Garage	N/A	P	P	P	P							Not Applicable	
Garage or Yard sale as accessory to residential use max 2 times per year	N/A	P	P	P	P	P	P	P				Not Applicable	
Garage or Yard sale more than 2 times per year or on non-residential property	N/A											Not Applicable	
Group Home w/ 4 or less residents living as one housekeeping unit	623110	P	P	P	P	P		P				2 spaces: dwelling plus 1 per employee	
Group Care Facility w/5+ residents living as one housekeeping unit	623110	C	C	C	C	P		C				3 spaces: dwelling plus 1 per employee	
Home - Drug/Alcohol Care w/4 or less living as one housekeeping unit	623220	C			C	C	C					3 spaces: dwelling plus 1 per employee	
Home - Psychiatric Care w/4 or less residents living as one housekeeping unit	623110	C			C	C	C					3 spaces: dwelling plus 1 per employee	
Home Occupation	814110	P	P	P	P	P	P		P	P	P	Not Applicable	Section 5.8
Live-Work Residence (Building Owner Occupied and Non-rental)	814110	P				P			C	C	P	2 spaces or accessible public	
Loft Apartment(s) above a business, less than four.	814110								C	C	C	2 spaces/unit or accessible public	
Loft Apartment(s) above a business, more than four.	814110								C	C	C	See Article 7	
Registered Family Home w/6 or less full time children (Child Care in Place of Residence)	623110	P	P	P	P	P	P	P	P	P		1 space: 10 children plus 1 space:	
Recreational Vehicle visiting for less than 48 hours, no more than 3 times per year	N/A	P	P	P	P	P	P	P				Not Applicable	
Recreational Vehicle used for caretaker, guard or watchman and connected to utilities	561612	C									C	2 spaces	
Short term rental, leasing or subleasing of single family dwelling units for less than 30	814110	C	C	C	P	P	P					2 spaces	
Office	Uses more of an office nature generally without retail sales. These uses tend to be more compatible with adjacent residential areas as well as central business districts.												

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Clinic, Emergency Care	621493								P	P	P	1 space: 150 sf	3, 7
Clinic, Medical, Counseling and/or Dental Offices	621111								P	P	P	1 space: 200 sf	3, 7
Credit Agency	561450								P	P	P	1 space: 300 sf	3, 7
Bank-Automated Teller Machine (ATM) - Drive Through	N/A								P	P	P	Not Applicable	3, 7
Bank, Savings and Loan, or Credit Union (No Motor Bank Services)	522110								P	P	P	1 space: 300 sf	3, 7
Bank, Savings and Loan, or Credit Union (With Motor Bank Services)	522130								P	P	P	1 space: 300 sf	3, 7
Office, Professional and General Business	561110								P	P	P	1 space: 300 sf	3, 7
Office Showroom/Warehouse	561110								C	C	P	1 space: 300 sf	3, 7
Security Monitoring Company (No Outside Storage)	561110								P	P	P	1 space: 300 sf	
Telemarketing Agency	561110								C	C	P	See Article 7	
Travel Agency	561510								P	P	P	1 space: 200 sf	
Personal & Business Services	Uses generally more of a service nature to either other businesses or individuals. They are not primarily retail sales and would not be considered the heavier classification of commercial use												
Accessory Building/Structure (Business or Industry)	N/A								P	P	P	1 space: 300 sf	Sec 5.5.2 Greater than 2 structures requires CUP
Ambulance Service, EMS	621910								P	P	P	1 space: 500 sf	3, 7, 13
Automobile Driving School (including Defensive Driving)	611692								P	P	P	Greater of 1 space/classroom seat or 1 space/200 sf	3, 7, 13
Barber/Beauty Shop (No Related School/College)	812112								P	P	P		3, 7, 13
Bail Bonds	812990								C	C	C	1 space: 300 sf	3, 7, 13
Check Cashing Service, Payday Lender, Car Title Loans	522390								C	C	C	1 space: 150 sf	3, 7, 13
Copy, Photocopy, Duplicating Shop	561439								P	P	P	1 space: 200 sf	3, 7, 13
Dance Hall/Dancing Facility	713990								C	C		1 space: 100 sf	3, 7, 13
Dance/Drama/Music Schools (Performing Arts)	611610								P	P	P	1 space: 100 sf	3, 7, 13
Funeral Home, Mortuary, Crematory	812210								C	C	P	See Article 7	3, 7, 13
Martial Arts	713990								P	P	P	1 space: 300 sf	3, 7, 13
Health Club (Indoor)	713990								P	P	P	1 space: 300 sf	3, 7, 13
Health Club (Outdoor)	713990								P	P	P	1 space: 300 sf	3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Head Shop	453991										C	1 space: 200 sf	3, 7, 13
Hotel/Motel (less than 30 day occupancy)	721110								P	P	P	See Article 7	3, 7, 13
Hotel/Motel - Extended stay more than 30 days with kitchen in each room	721110								C	C	P	See Article 7	3, 7, 13
Hotel/Motel - Extended stay more than 30 days without kitchen in each room	721110								C	C	C	See Article 7	3, 7, 13
Kiosk (Providing an allowed use)	N/A								P	C	C	1 space: 200 sf	3, 7, 13
Laundromat/Washateria/Self-Service	812310								P	P	P	1 space: 200 sf	3, 7, 13
Laundry/Dry Cleaning (Retail Only - Drop Off/Pick Up)	812320								P	P	P	1 space: 200 sf	3, 7, 13
Locksmith	561622								P	P	P	1 space: 500 sf	3, 7, 13
Mailing Service (Private)	561431								P	P	P	1 space: 200 sf	
Pet/Animal Kennels, Boarding, Breeding - See Agriculture - Commercial Animal Enterprise	812910												
Pet and Animal Grooming Shop (No Outside Kennels)	812910								P	P	P	1 space: 200 sf	3, 7, 13
Pharmacy/Drug Store (Retail Only)	446110								P	P	P	1 space: 200 sf	3, 7, 13
Photography Studio	541921								P	P	P	1 space: 200 sf	3, 7, 13
Rehabilitation Care Facility (Halfway House)	622210	C	C	C	C	C	C	C	C	C	P	Greater of 1 space: 3 beds or	
Rehabilitation Care Institution (Business)	622210	C	C	C	C	C	C		C	P	P	Greater of 1 space: 3 beds or 1.5	
Sexually Oriented Business	722410	See Article 4.07 Sexually Oriented Businesses										1 space: 100 sf	
Shoe/Boot Repair Shop (Retail)	811430								P	P	P	1 space: 200 sf	2,3, 7
Smoke Shop / Tobacco Shop / Vape / E-Cigarettes	453991									C		1 space: 200 sf	2, 3, 7, 27
Tailor, Seamstress or Dressmaker (Retail Only)	811490								P	P	P	1 space: 200 sf	2,3, 7
Tattoo or Body Piercing Studio, Primary Use	812199								C	C	C	1 space: 200 sf	2, 3, 33
Taxidermist	711510								C	C	P	1 space: 500 sf	2,3, 7
Veterinarian Clinic-indoor kennels	541940								C	P	P	1 space: 500 sf	2, 3, 7
Veterinarian Clinic-outdoor kennels or pens (Livestock or Large Animal Clinic - see Agriculture)	812910									C	C	1 space: 500 sf	2, 3, 7, 9
Wedding Chapel	812990								P	P	P	1 space: 4 seats	2, 3, 7

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Retail	Generally, the sale of goods and services from individuals or businesses to the end-user, whereby sales taxes are normally paid. A retailer purchases goods or products in large quantities from manufacturers directly or through a wholesale, and then sells smaller quantities to the consumer for a profit.												
Accessory Outside Display against or w/in 15 ft. of building unless otherwise specified	N/A								P	P		Not Applicable	
Other Accessory Outside Display not on ROW or in required parking - less than 36 sq. ft. in area	N/A								P	P		Not Applicable	
All Other Accessory Outside Display including occupancy of required parking	N/A								C	C		Not Applicable	
Antique Shop (No Outside Sales or Storage)	453310								P	P	P	1 space: 300 sf	3, 7, 13
Antique Shop (With Outside Sales or Storage)	453310								C	C	P	1 space: 300 sf	3, 7, 13
Apparel Shop	452210								P	P		1 space: 200 sf	3, 7, 13
Art Gallery/Museum/Dealer	453920								P	P		1 space: 500 sf	3, 7
Artist Studio	711510								P	P	P	1 space: 500 sf	3, 7, 13
Bakery - Retail (Eating Establishment, No Drive-Thru)	311811								P	P		1 space: 200 sf	3, 7, 13
Bakery - Retail (With Drive-Thru)	311811								P	P		1 space: 200 sf	3, 7, 13
Bakery (Wholesale)	424490								P	P		1 space: 500 sf	3, 7, 13
Book/Stationery Shop (Retail Only)	451211								P	P	P	1 space: 200 sf	3, 7, 13
Building Material Sales/Lumber Yard	444110									C	P	1 space: 1,000 sf	3, 7, 13
Catering Service	722320								P	P	P	1 space: 500 sf	3, 7, 13
Consignment Shop	453310								P	P		1 space: 300 sf	3, 7, 13, 31
Convenience Store (Without Gasoline Sales)	447110								P	P	P	See Article 7	3, 7, 13
Convenience Store (With Gasoline Sales)	447110								P	P	P	See Article 7	3, 7, 13
Drinking Establishment licensed as a Private Club	722410								P	P	P	Whichever is greater: 1 space: 100 sf; or 1:3 seats based on max seating	3
Drinking Establishment w/less than 50% food sales	722410												
Eating Establishment/Restaurant (With Drive-In or Thru Service)	722511								P	P	P	Whichever is greater: 1 space: 100 sf; or 1:3 seats based on max seating capacity, 12 spaces minimum	3, 7, 13

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Eating Establishment/Restaurant (With No Drive-Thru Service)	722511								P	P	P	Whichever is greater: 1 space: 100 sf; or 1:3 seats based on max seating	3, 7, 13
Eating Establishment/Restaurant/Kiosk (With Drive-Thru Service)	722511								P	P	P		3, 7, 13
Eating Establishment With Micro-brewery (onsite mfg. and sales) w/more than 50% food	722511								C	C	C		3, 7, 13
Food Truck (non-special event)	722513								C	C	C	To be determined	Section 5.7
Food Truck Court (more than 1)	722513								C	C	C	To be determined	Section 5.7
Electronic Goods (Retail Only)	443142								P	P	P	1 space: 200 sf	3, 7, 13
Florist Shop (Retail Only)	453110								P	P	P	1 space: 200 sf	3, 7, 13
Furniture and Appliance Store (Retail Only)	442110								P	P	P	1 space: 500 sf	3, 7, 13
Furniture Store (New, Used,)	442110								C	C	P	1 space: 200 sf	3, 7, 13
General Retail/Merchandise Stores (No Outside Storage)	452210								P	P	P	1:200 sf	3, 7, 13
Gift or Card Shop (Retail Only)	453220								P	P	P	1 space: 200 sf	3, 7, 13
Grocery or Food Store	445110								C	P	P	1 space: 500 sf	3, 7, 13
Hardware Store (no outside storage - see Home Improvement Center)	444130								P	P	P	1 space: 400 sf	3, 7, 13
Hobby, Handicraft and/or Crafts Store (Retail Only)	451120								P	P	P	1 space: 200 sf	3, 7, 13
Home Improvement Center w/hardware, building materials, outside storage (see accessory storage)	444110								P	P	P	1 space: 400 sf plus 1 space: 1,000 sf of warehouse area	3, 7, 13
Itinerant Vendor exempted by City, State of Texas and/or United States of America	N/A								C	C		4 spaces	
Itinerant Vendor selling agricultural products grown or produced in Johnson County and not on ROW	N/A	P										4 spaces/vendor	
Jewelry Store	448310								P	P	P	1 space: 200 sf	3, 7, 13
Market, Farmer's, Produce (Primarily Retail)	445230								C	C	C	1 space: 200 sf	3, 7, 13
Market - Open Air, Flea	453310									C	C	1 space: 200 sf	3, 7, 13
Meat and Fish Market (Retail Only)	445210								P	P	P	1 space: 200 sf	3, 7, 13
Motion Picture Studios - Commercial	512110								P	P	P	1 space: 300 sf	3, 7, 13
Musical Instruments, Piano Sales	451140								P	P	P	1 space: 200 sf	3, 7, 13
Nursery or Greenhouse, retail	111421								P	P	P	1 space: 1,000 sf of sales area	3, 7, 13
Plant or Garden Center (Inside Storage)	444220								P	P	P	1 space: 200 sf	3, 7, 13

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Pet and Bird Shops (Retail Only)	453910								P	P	P	1 space: 200 sf	3, 7, 13
Trophy Engraving	453998								P	P		1 space: 300 sf	3, 7, 13
Used Merchandise	453310								P	C	P	1 space: 200 sf	3, 7, 13
Vacuum Cleaner Sales and Repair	442110								P	P	P	1 space: 200 sf	3, 7, 13
Video Rental/Sales	532282								P	P	P	1 space: 200 sf	3, 7, 13
Transportation & Auto Services	The sale of vehicles, goods and services related to transportation. Vehicles also means trucks, boats, motorcycles, bicycles, airplanes & heavy equipment. Goods includes vehicle parts and accessories. Services includes repairs, maintenance, storage & actual modes of transportation such as taxis and limousines												
Airport or Landing Field	488190										P	1 space: 500 sf	1,3,7,23
All-Terrain Vehicle (go-carts) Dealer/Sales	441228								P	P	P	1 space: 300 sf	2, 3, 7, 13, 28, 29
Auto Accessories (Retail Sales and Indoor Installation Only)	441310								P	P	P	1:200 sf	2, 3, 7, 13, 28, 29
Auto Body Repair/Painting	811121									C	P	1:200 sf	2,3,7,11,12, 32
Auto Dealer (New - Auto Servicing and Used Auto Sales as accessory uses only, w/outdoor sales)	441110									C	C	See Article 7	2, 3, 7, 13, 28, 29
Auto Dealer/Sales, Primarily Used Auto Sales w/outdoor sales	441120									C	P	See Article 7	2, 3, 7, 13, 28, 29
Auto sales/more than 1 used vehicle per premise, not an auto dealer, regardless of vehicle ownership	441110									C	P	See Article 7	2, 3, 7, 13, 29
Auto Glass Repair/Tinting	811122								C	P	P	1:200 sf	2, 7, 32
Auto Impound/Inoperable Vehicle Holding Yard (Public/Private)	493190										P	1 space: 1,000 sf	2, 7, 32
Auto Interior Shop/Upholstery	811121								C	P	P	1:200 sf	2, 7, 32
Auto Muffler Shop	441310								C	P	P	1:200 sf	2, 7, 32
Auto Painting Shop	811121									C	P	1:200 sf	2,3,7,11,12
Auto Parts Sale (New or Rebuilt; No Outside Storage, No Outside Display, No Repairs)	441310								C	P	P	1 space: 200 sf	2, 3, 7, 13, 29
Auto Parts Sales (New or Rebuilt; With Outside Storage or Display, Minor Repairs)	441310								C	C	P	1 space: 200 sf	2, 3, 7, 13, 29
Auto Parts Sales, Primarily Used	441310										P	1 space: 200 sf	2, 3, 7, 13, 29
Auto/Motor Vehicle Rental	532111								C	C	P	1:200 sf	2,3,7,11,12
Auto/Motor Vehicle Rental (office only)	532111								P	P	P	1:200 sf	2,3,7,11,12
Auto Rebuilder-Motors, Transmissions, Alternators, etc.	811198									C	P	1:200 sf	2, 3, 7, 13, 29

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Auto Repair, Painting (Major)	811121								C	C	P	1:200 sf	2,3,7,11,12
Auto Repair (Minor)	811198								C	P	P	1:200 sf	2,3,7,11,12
Auto Salvage and Wrecking Yard	423140										C	4 spaces + 1 per employee	2,3,7,11,12
Auto Service Station w/accessory fuel sales, wrecker services (no wrecked vehicle storage)	447190								C	P	P	1:200 sf	2,3,7,11
Auto Storage or Auto Auction, Wholesale Auto Sales	423140									C	P	1 space: 1,000 sf	2,3,7,11,12
Auto Wrecker Service - primary use	488410									C	P	1:200 sf	2,3,7,11,12
Automobile Wash (Full Service/Detail Shop)	811192								C	P	P	3 spaces; washing capacity of module	2,3,5,7
Automobile Wash (Self-Service)	811192								C	P	P	3 spaces; washing capacity of module	2,3,5,7
Bike Sales and/or Repair	451110								P	P	P	1 space: 500 sf	2,3,7,11,12
Boats and Personal Watercraft Sales (New/Indoor Repair)	441222								P	P	P	See Article 7	2,3,7,11,12
Boat, Watercraft Repair	811490								C	P	P	See Article 7	2,3,7,11,12
Boat, Watercraft Outside Storage	811490								C	C	P	See Article 7	2,3,7,11,12
Gasoline/Fueling Station	447190								P	P	P	See Article 7	2,3,7,11,12
Helipad, Helistop, Heliport	488190								C	C	C	3 spaces	2,3,13
Motor Freight Transportation, Storage, Depot or Terminal	488490									C	P	See Article 7	2,3,13
Motorcycle Sales/Dealer	441228								C	P	P	See Article 7	2,3,7,11,12
Motorcycle Repairs as Primary Use	811490								C	C	P	See Article 7	2,3,7,11,12
Quick Lube/Oil Change/Minor Inspection	811191								C	P	P	1 space: 200 sf	2,3,7,11,12
Parking Lot or Garage as accessory use, for passenger cars and trucks of less than one (1) ton capacity	812930	C				C			P	P	P	Not applicable	3, 11
Parking Lot or Garage as primary use for passenger cars and trucks of less than one (1) ton capacity	812930	C				C			P	P	P	Not Applicable	3, 11
Recreational Vehicle (RV) Display or Sales (New or Used)	441210									C	P	1 space: 1,000 sf	2,3,7,13
Recreation Vehicle Occupied for any business or office use and/or connected to water or electricity		Unless authorized elsewhere herein, not allowed.											
Recreational Vehicle Repairs	441210									C	P	1 space: 1,000 sf	2,3,7,13
Recreational Vehicle (RV) Storage - More than one, not occupied and/or not connected to water or electricity and not placed in a front setback	493190									C	C	Not Applicable	2,3,7,11,12

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Recreational Vehicle (RV) Storage - No more than one, not occupied connected to water or electricity and not placed in a front setback	493190									C	C	Not Applicable	2,3,7,11,12
Railroad Team Tracks, Unloading Docks, Storage Tracks, and Spurs	482112									C	P	Not Applicable	
Railroad Yards - Round House or Shop	482112									C	P	1 space: 1,000 sf	
State Vehicle Inspection	811198								P	P	P	1:200 sf	2,3,7,11,12
Taxi/Limousine Service	485310								C	P	P	1 space: 1.5 automobiles in	
Tire Sales (Indoors w/only outside storage or display w/in 5 ft. of building and/or one rack of display not on ROW, less than 36 sq. ft. of area)	441320								C	P	P	1 space: 1,000 sf	2,7,32
Tire Sales (With Outside Storage and display not on ROW)	441320									C	P	1 space: 1,000 sf	2,7,32
Transfer Station (Refuse/Pick-Up)	562111	C								C	C	1 space: 500 sf	
Transit or Passenger Terminal	485112								C	P	P	See Article 7	7, 11, 12, 23
Truck/Bus Parking, Storage, Leasing	812930									C	P	1 space: 1,000 sf	7, 11, 12, 23
Truck Repairs	811111									C	P	1 space: 1,000 sf	2,3,7,11,12
Truck Sales and Services (Heavy Trucks)	423110									C	P	1 space: 1,000 sf	2,3,7,11,12
Truck Stop	447190									P	P	1 space: 1,000 sf	
Truck Terminal	484121									P	P	See Article 7	2,3,7,11,12
Truck Wash	811192									C	P	3 spaces; washing capacity of module	2,3,5,7
Amusement & Recreation	Includes uses and activities often done for play, enjoyment and pleasure whether outdoors or indoors.												
Amusement, Commercial (Indoor)	713990								C	P	P	1 space: 100 sf	3
Amusement/Recreation, Commercial (Outdoor)	713110	C							C	C	C	10 spaces plus 1 space: 500 sf over	3
Amusement, Commercial - Temporary, (e.g., carnival, haunted house) {Note: Allowed only by Special Event Permit for up to 10 days}	N/A							C	C	C	P	Determined by P&Z	
Amusement Devices/Arcade (Four or More Devices, Indoors only)	713120								C	C	P	1 space: game table plus 1 space:	3
Billiard/Pool Facility (Three or More Tables)	713990								C	C	C	1 space: 200 sf	3
Billiard/Pool Facility (One or Two as an Accessory to a Permitted Use)	713990								C	P	P	1 space: 200 sf	3
Bingo, Domino Parlor or Similar Commercial Facility	713290								C	C	P	1 space: 200 sf	3
Bowling Alley (Air-Conditioned and Sound Proofed)	713950								P	P	P	4 spaces: lane	3

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Golf Driving Range	713990	C							C	P	P	See Article 7	3, 13
Archery, Paintball, Gun Ranges Indoor	713990	C							C	C	P	2 spaces: lane	2,3
Archery, Paintball, Gun Ranges Outdoor	713990	C										Determined by P&Z	2,3
Golf Course (Private)	713990	C	C	C	C	C	C		C	C	C	6 spaces per hole	3, 13
Golf Course (Publicly Owned)	713990	P	P	P	P	P	P	P	P	P	P	6 spaces per hole	3, 13
Playfield or Stadium (Private)	711310								C	P	P	1 space: 3 seats	1, 3, 7
Recreational Vehicle Park/Campground	721211	C								C	P	1.5 spaces: RV pad	
Skating Rink	713940								P	P	P	1 space: 200 sf, plus 1 space: 3	2,3
Swimming Pool, Private (Use By Membership)	713940	P	P	P	P	P	P	P	P	P	P	1 space for each 100 sf of gross	21
Swimming Pool, Commercial	713940								P	P	P		21
Tennis Court (Private/Not Lighted)	713940	P	P	P	P	P		P	P	P	P	2 spaces: court	
Tennis Court (Private/Lighted)	713940	P	C	C	C	C	C	C	P	P	P	2 spaces: court	7
Tennis Court (Public/Government ownership including Lighted)	713940	P	P	P	P	P	P	P	P	P	P	2 spaces: court	7
Theater, Live or Performing Arts or Dinner Theater	711110								P	P	P	1:3 seats or bench seating spaces	
Theater, Drive-in Movie	512132									C	C	1 space: speaker	22
Theater, Motion Picture (Indoors)	512131								P	P	P	See Article 7	22
Institutional/Governmental	Generally public and quasi-public land uses including utility, educational, religious, recreational, cultural, medical, governmental, and other uses that are strongly vested with public or social importance.												
Adult Day Care	623990	C	C	C	P	P		P	P	P	P		
Antenna (Commercial)	C in all districts - See Article 12, Appendix												
Antenna (Non Commercial)													
Armed Services Recruiting Center	N/A								P	P		1 space: 300 sf	
Assisted Living Facility (Continuing Care Retirement Community)	623110				C	C			P	P		1.5 spaces: dwelling unit plus any	
Auction House - No auto, livestock	453998								C	P		1 space: 100 sf	
Cemetery and/or Mausoleum	812220	C	C	C	C	C		C	C	C		1 space: 5,000 sf of land	
Child Day Care Center (Business)	624410					C			P	P		1 space: 3 children	
Church/Temple/Place of Worship meeting RLUIPA Stds.	813110	P	P	P	P	P		P	P	P		1 space: 4 seats in main sanctuary	2, 3, 7

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Civic Center (Municipal)	924120	P	P	P	P	P		P	P	P		10 spaces plus 1:300 sf above	
Civic Club, Halls and Lodges	813410								P	P		See Article 7	
Community Center (Public)	624120	C	C	C	C	C		C	P	P		See Article 7	2, 3, 7
Community or Social Buildings	624120	C	C	C	C	C		C	P	P		1 space: 300 sf	2, 3, 7
Country Club (Private)	713910	C	C	C	C	C			C	C		10 spaces plus 1:300 sf above	
Electric Power/Generating Plant	221112									C		1 space: 1,000 sf	3
Electrical Substation	221121	C	C	C	C	C		C	C	C		1 space: 1,000 sf	3
Electrical Substation - Public Utility	221121	P	C	C	C	C		C	P	P		1 space: 1,000 sf	
Exhibition Hall	531120								C	P	P	1 space: 100 sf	
Fraternal Organization	813410								P	P	P	10 spaces plus 1:300 sf above	3, 7
Fraternity or Sorority House	721310				C	C			C	C		2 spaces: bedroom	3, 7
Governmental Building or Use (County, State or Federal)	926150	C	C	C	C	C		C	P	P	P	1:300 sf	3
Hospital	622110								P	P	P	1 space: bed	
Institution for Alcoholic, Narcotic, or Psychiatric Patients	622210								C	C	P	1 space: 200 sf	
Institution of Religious, Educational or Philanthropic Nature but not meeting Church, Temple, Place of Worship Definition	813319	C	C	C	C	C		C	P	P	P	1 space: 200 sf	3, 7
Library	519120	C	C	C	C	P		C	P	P	P	1 space: 200 sf	
Municipal Facility or Use	922120	P	P	P	P	P		P	P	P	P	1:300 sf	
Museum	712110								P	P	P	See Article 7	3
Orphanage	623990	C	C	C	P	P		P	C	C	P	1 space: 3 children	
Parole-Probation Office	922150								C	C	C	1 space: 300 sf	
Park and/or Playground (Private)	712190	P	C	C	C	P		P	P	P	P	Determined by P&Z	3, 7
Park and/or Playground (Public, Municipal)	712190	P	P	P	P	P		P	P	P	P	Determined by P&Z	3, 7
Penal, Correctional Institution, Jail	922140	C									C	Determined by P&Z	
Post Office (Governmental)	491110	P	P	P	P	P		P	P	P	P	10 spaces, plus 1:200 sf	
Public Assembly (Auditorium, Gymnasium, Stadiums, Meeting Halls, etc.)	711310								P	P	P	1 space: 4 seats	2, 3, 7
Public Utility including water/wastewater lines and other appurtenances	221310	P	P	P	P	P		P	P	P	P	1:300 sf	3, 7, 12

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Public Utility Water Treatment Plant and/or Storage Facilities	221310	C	C	C	C	P		C	P	P	P	1 space: 1,000 sf	3, 7, 12
Public Utility Wastewater Treatment Plant	221320	C										1 space: 1,000 sf	3, 7, 12
Rectory/Parsonage	813110	P	P	P	P	P		P	P	P	P	5 spaces, plus 1:bedroom	
Retirement Housing for the Elderly		See "Assisted Living Facility"											
Sanitary Landfill (Private)	562212										C	1 space: 10 acres	
School - Business (e.g., Barber/Beauty/Cosmetology)	611310								P	P	P	1 space: 3 students, based on design	
School - College or University	611310	C	C	C	C	C		C	P	P	P	10 spaces: classroom plus 2	
School - Commercial Trade (Vocational)	611513								P	P	P	1 space: student	
School - Public (K-12)	611110	P	P	P	P	P		P	P	P	P	See Article 7	
School - Denominational (K-12)	611110	P	C	C	P	P		P	P	P	P	See Article 7	
School - Other Than Public or Denominational	611110					C			P	P	P	See Article 7	
Shelter/Care Facility	624221					C			C	C	C	1 space: 3 beds; OR 1.5 spaces: dwelling	
Nursing, Skilled, Convalescent Facility	623110					C			C	P	P	See Sect. 12 See Article 7-5-4-h	
Satellite Dish, Earth (Private, less than 3' in diameter)	334220	P in all districts, larger requires a C											
Studio for Radio and/or Television (No Tower[s])	334220								P	P	P	1 space: 200 sf	
Telephone Exchange/Switching Station	N/A	C	C	C	C	C	C		P	P	P	1 space: 500 sf	
Tower with Television or Radio Broadcast Station		C in all districts - See Article 12 Appendix											
Tower - Broadcast (Commercial)													
Tower - Cellular Communications/PCS >85 ft.													
Tower - Radio, Television and Communications Towers													
Wind Turbine, Small	N/A	P	P						P	P	P		25
Wind Turbine, Large	N/A	P								C	P		26
Commercial & Wholesale Trade	Generally, the sale or distribution of goods or merchandise to other wholesalers, retailers; industrial, commercial, institutional, other professional business users or the sale of goods to anyone other than a standard consumer.												
Appliance Repair (No outside storage)	811412								P	P	P	1 space: 500 sf	2,3,7,13
Book Binding	323117									C	P	1 space: 500 sf	2,3,7,13

ZONING ORDINANCE

Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Carpenter, Cabinet, Woodworking Shop	238350								C	C	P	1 space: 500 sf	2,3,7,13
Carpet and Rug Cleaning Plant	561740								C	C	P	1 space: 1,000 sf	2,3,7,13
Cleaning Plant (Commercial Laundry)	812320								C	C	P	1 space: 1,000 sf	2,3,7,13
Communication Equipment Sales/Service (Installation and/or Repair - No outdoor sales or storage or towers/antennae)	238210								P	P	P	1 space: 1,000 sf	2,3,7,13
Construction Contractor with Storage Yard	811310									C	P	1 space: 1,000 sf of land	2,3,7,13
Contractor's Office/Sales, No Outside Storage including Vehicles	811310									C	P	1 space: 1,000 sf of land	2,3,7,13
Exterminator Service/Company (No Outdoor Sales or Storage)	561710									C	P	1 space: 300 sf	2,3,7,13
Fix-it-Shops - Small Engine, Saw Filing, Mower Sharpening, etc.	811411									C	P	1 space: 500 sf	2,3,7,13
Heating & Air-Conditioning Sales/Services	238220									C	P	1 space: 1,000 sf	2,3,7,13
Lawnmower Repair and/or Sales	444210									C	P	1 space: 500 sf	2,3,7,13
Lumber and Building Materials - Used (Storage and/or Sales)	444190									C	P	1 space: 5,000 sf of storage area	2,3,7,13
Machine Shop	332710									C	P	1 space: 1,000 sf	
Maintenance & Repair Service for Buildings/Janitorial	561720									C	P	1 space: 500 sf	2,3,7,13
Manufactured Home Display or Sales (New or Used)	453930									C	C	1 space: 1,000 sf	2,3,7,13
Mattress - Making and Renovating	337910									C	P	1 space: 1,000 sf	2,3,7,13
Milk Depot - Wholesale	424490										P	1 space: 1,000 sf	2,3,7,13
Mini-Warehouse/Self Storage (Non-occupied except for storage)	531130								C	C	C	See Article 7	2,3,7,16,17
Moving and Storage Company	484110									C	P	1 space: 1,000 sf	2,3,7,13
Newspaper Printing	511110									C	P	1 space: 1,000 sf	2,3,7,13
Outdoor Sales As a Primary Use	N/A										P	1 space: 5,000 sf of land area	2,3,7,13
Pawn Shop	522298										C	1 space: 200 sf	2,3,7,13
Plumbing Shop	238220								C	P	P	1 space: 200 sf	2,3,7,13
Portable Building Sales, with display on a paved surface or behind a screening fence	332311									C	P	1 space: 1,000 sf	2,3,7,13
Portable Building Sales as an accessory to a use allowed in a district on a paved surface	332311								C	C	P	1 space: 1,000 sf	2,3,7,13
Portable/Chemical Toilet renting, storage	562991										C	1 space: 1,000 sf	2,3,7,13
Printing Equipment, Supplies and Repairs	423830								C	P	P	1 space: 500 sf	2,3,7,13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Propane Sales Filling (Retail)	424720								C	C	P	1 space: 200 sf	2,3,7,13
Publishing and Printing Company	511130								C	P	P	1 space: 500 sf	2,3,7,13
Recycling and/or Drop Off Kiosk, Bin or Reverse Vending Machine (Main or Accessory)	562119								C	C	C	4 spaces	2,3,7,13
Refinishing, Restoring and Painting (non-auto) Shop	811420								C	P	P	1 space: 500 sf	2,3,7,13
Salvage (Indoor and non-auto)	423930										P	1 space: 1,000 sf	2,3,7,13
Salvage Storage Yard (non-auto)	423930										C	5 spaces: acre	2,3,7,13
Scrap Metal Storage Yard	423930										C	5 spaces: acre	2,3,7,13
Security Systems Installation Company	238210								C	P	P	1 space: 300 sf	2,3,7,13
Sheet Metal Shop	332710									C	P	1 space: 1,000 sf	2,3,7,13
Sign - All Types (Defined Within the Referenced Section)	See Article 3.06 of the City of Joshua Code of Ordinances												
Sign Shop (small scale, such as a storefront; retail sign and banner making sale only; no	238990									P	P	1 space: 300 sf	2,3,7,13
Stone Monuments and Gravestones - Engraving and Retail Sales Only	453998									C	P	1 space: 500 sf	2,3,7,13
Taxi Cab Storage and Repair	485310									C	P	1 space: 500 sf	2,3,7,13
Tool and Machinery Rental (Indoor Storage only)	444130									P	P	1 space: 200 sf	2,3,7,13
Tool and Machinery Rental (with Outdoor Storage)	444130									C	P	1 space: 200 sf	2,3,7,13
Upholstery Shop (Non-Auto)	451130									P	P	1 space: 200 sf	2,3,7,13
Warehouse (Storage or Wholesale Warehouse)	493110									C	P	1 space: 1,000 sf	2,3,7,13
Welding Shop	811310									C	P	1 space: 1,000 sf	2,3,7,13
Wholesale Trade - Durable and Nondurable Goods Not Otherwise Listed	N/A									C	P	1 space: 500 sf	2,3,7,13
Wood Working Shops	238350									C	P	1 space: 1,000 sf	2,3,7,13
Wrecking Materials Yard	423930										C	1 space: 1,000 sf	2,3,7,13
Light Assembly/Manufacturing/Industrial	Includes the on-site storage, manufacture, assembly or processing of products and goods not otherwise classified as agricultural or extractive. Generally excludes those manufacturing and industrial processes considered "heavy" especially the processing of raw materials or chemicals or with environmental and adjacency issues.												
Any Light Assembly, Manufacture or Industrial Process Not Listed and Not Prohibited by Law	541614										P	1 space: 1,000 sf	3, 7, 13
Alcoholic Beverage Manufacture-Distillation of Liquors, Spirits, Etc. (Brewery)	312120										P	1 space: 1,000 sf	3, 7, 13
Alcoholic Beverage Warehousing/Distribution	312120										P	1 space: 1,000 sf	3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Awning Manufacture - Cloth, Metal and Wood	332332										P	1 space: 1,000 sf	3, 7, 13
Bag Manufacturing	314910								C			1 space: 1,000 sf	3, 7, 13
Bottling Works	312112										P	1 space: 1,000 sf	3, 7, 13
Candy and Other Confectionary Products Manufacture	311340								C	C	P	1 space: 1,000 sf	3, 7, 13
Canning and Preserving Factory	311421										P	1 space: 1,000 sf	3, 7, 13
Canvas and Related Products Manufacture	313210										P	1 space: 1,000 sf	3, 7, 13
Clothing/Apparel Manufacture	315191									C	P	1 space: 500 sf	3, 7, 13
Cold Storage Plants/Locker	493120										P	1 space: 1,000 sf	3, 7, 13
Coffin Manufacture	339995										P	1 space: 1,000 sf	3, 7, 13
Cutlery, Hand tools and General Hardware Manufacture	332215										P	1 space: 1,000 sf	3, 7, 13
Dairy Products Processing	311514										P	1 space: 1,000 sf	3, 7, 13
Distribution Center	493110									C	P	1 space: 1,000 sf	3, 7, 13
Electronic Assembly	334419									C	P	1 space: 1,000 sf	3, 7, 13
Elevator Manufacture	333921										P	1 space: 1,000 sf	3, 7, 13
Enameling and Painting	238320										P	1 space: 1,000 sf	3, 7, 13
Food Processing (non-meat)	311423									C	P	1 space: 1,000 sf or 1:3 employees, whichever is greater	3, 7, 13
Footwear Manufacture	316210										P		3, 7, 13
Heavy Machinery Sales and Storage	423810										P		3, 7, 13
Ice Cream/Ice Manufacture	311520										P		3, 7, 13
Iron Works (Ornamental)	331111										P		3, 7, 13
Laboratory Equipment Manufacturing	339113										C		3, 7, 13
Leather Products	315210										P	1 space: 1,000 sf or 1:3 employees, whichever is greater	3, 7, 13
Manufactured/Industrialized Building Manufacture	321991										P		3, 7, 13
Motor/Engine Manufacture	336310										P		3, 7, 13
Office Equipment Manufacture	337214									C	P		3, 7, 13
Orthopedic, Prosthetic, Surgical Appliances and Supplies Manufacture	339113									C	P		3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Paper Products, Envelopes and Paper Box Manufacture	322299										P	1 space: 1,000 sf or 1:3 employees, whichever is greater	3, 7, 13
Scientific and Industrial Research Laboratories (Hazardous)	541380										P		3, 7, 13
Scientific and Industrial Research Laboratories (Non-Hazardous)	541380									P	P		3, 7, 13, 26, 27, 28
Sign Manufacturing (No Outside Storage)	339950									C	P		3, 7, 13, 26, 27, 28
Sign Manufacturing (With Outside Storage)	339950									C	P		3, 7, 13, 26, 27, 28
Textile Products Manufacture	313210									C	P		3, 7, 13, 26, 27, 28
Warehousing, Distribution, Storage	493110									C	P		3, 7, 13, 26, 27, 28
Heavy Manufacturing/Industrial	Generally includes those manufacturing and industrial processes considered "heavy" especially the processing of raw materials or chemicals or with environmental and adjacency issues.												
Any Manufacture or Industrial Process Not Listed and Not Prohibited by Law	N/A										C	1 space: 1,000 sf or 1:3 employees, whichever is greater	2, 3, 7, 13
Acid Manufacture	325180										C		2, 3, 7, 13
Adhesives and Sealants Manufacture	325520										P		2, 3, 7, 13
Agriculture Product Processing	115114										P		2, 3, 7, 13
Aircraft and/or Parts Manufacture	336411										P		2, 3, 7, 13
Airplane Repair and Manufacturing	488190										P		2, 3, 7, 13
Animal Processing and Slaughter	311611										C		2, 3, 7, 13
Asphalt Manufacture including Paving and Roofing Material	324110										C		2, 3, 7, 13
Automobile Assembly	336111										P		2, 3, 7, 13
Automobile Parts Manufacturing	332510										P		2, 3, 7, 13
Battery Manufacture	335912										C		2, 3, 7, 13
Bleaching/Chlorine Powder Manufacture	325180										C	2 space: 1,000 sf	2, 3, 7, 13
Boiler Manufacture and Repair	332410										P	1 space: 1,000 sf	2, 3, 7, 13
Celluloid and Similar Cellulose Manufacture	333249										C	1 space: 1,000 sf	2, 3, 7, 13
Cement Manufacture	327120										C	1 space: 1,000 sf	2, 3, 7, 13
Ceramic Products Manufacture	327120									C	P	1 space: 500 sf	2, 3, 7, 13
Chalk Manufacture	212312										C	1 space: 1,000 sf	2, 3, 7, 13
Chemicals (Agricultural) Manufacture	325320										C	1 space: 1,000 sf	2, 3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Chemicals (Industrial) Manufacture	325199										C	1 space: 1,000 sf	2, 3, 7, 13
Chemical Manufacture, Hazardous	325998										C	1 space: 1,000 sf	2, 3, 7, 13
Concrete or Asphalt Mixing/Batching Plant (Permanent)	327320	C									C	1 space: 5,000 sf of land	2, 3, 7, 13
Concrete or Asphalt Mixing Batch Plan (Temporary)	327320	C	C	C	C	C	C	C	C	C	C	1 space: 5,000 sf of land	2,3,7,13
Culvert, Pipe, Hydro-conduit Manufacture	326122										C	1 space: 1,000 sf	2, 3, 7, 13
Dye Manufacture	325130										C	1 space: 1,000 sf	2, 3, 7, 13
Dyeing Plant	812320										P	1 space: 1,000 sf	2, 3, 7, 13
Electro-plating/Electro-typing	332813										P	1 space: 1,000 sf	2, 3, 7, 13
Engraving Plant	323111										P	1 space: 1,000 sf	2, 3, 7, 13
Farm/Garden Machinery and Equipment Manufacture	333111										P	1 space: 1,000 sf	2, 3, 7, 13
Fats and Oils (Animal) Manufacture	311613										C	1 space: 1,000 sf	2, 3, 7, 13
Feed Manufacture	311111										C	1 space: 500 sf	2, 3, 7, 13
Felt Manufacture	313210										C	1 space: 1,000 sf	2, 3, 7, 13
Fixtures Manufacture	326191									C	P	1 space: 1,000 sf	2, 3, 7, 13
Foundry - all types	331511										C	1 space: 1,000 sf or 1:3 employees, whichever is greater	2, 3, 7, 13
Furnace Manufacture	333415										C		2, 3, 7, 13
Furniture Manufacture	337121									C	P		2, 3, 7, 13
Gases (Industrial) Manufacture	325120										C		2, 3, 7, 13
Glucose Manufacture	311221										C		2, 3, 7, 13
Kerosene Manufacture or Storage	324110										C		2, 3, 7, 13
Leather/Fur/Hide Tanning and Finishing	316110										C		2, 3, 7, 13
Lumber Mill/Yard	321113										C		2, 3, 7, 13
Machinery Manufacture	333249									C	P	1 space: 1,000 sf or 1:3 employees, whichever is greater	2, 3, 7, 13
Marble Working and Finishing	238340										P		2, 3, 7, 13
Meat Packing, Processing Plant	311612										C		2, 3, 7, 13
Metal Cans/Containers Manufacture	327213										P		2, 3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Metal Products-Fabrication/ Assembly/Manufacture	331110										P	1 space: 1,000 sf or 1:3 employees, whichever is greater	2, 3, 7, 13
Metal - Forging/Stamping/Roll/Draw/Extrude	333994										C		2, 3, 7, 13
Mirror Re-silvering	N/A										P		2, 3, 7, 13
Oil Compounding and Barreling	313320										C		2, 3, 7, 13
Oilcloth Manufacture	313320										C		2, 3, 7, 13
Paint Manufacture and/or Mixing	325510										P		2, 3, 7, 13
Paper Pulp and Raw Paper Manufacture	322121										C		2, 3, 7, 13
Petroleum and Petroleum Products Refining	324110										C	1 space: 1,000 sf or 1:3 employees, whichever is greater	2, 3, 7, 13
Petroleum Distribution/Storage	486210									C	P		2, 3, 7, 13
Plastic, Rubber Products - Fabrication/ Assembly/Molding/Casting/ Shaping	337125										P		2, 3, 7, 13
Plastic, Rubber Raw Manufacture	325212										C		2, 3, 7, 13
Plating, Galvanizing, Chroming	332813										C		2, 3, 7, 13
Poultry Slaughtering and Processing	311615										C		2, 3, 7, 13
Printing Ink Manufacture	325910										P	1 space: 1,000 sf	2, 3, 7, 13
Recycling Facility, Waste Paper Products Manufacture	562119										P	1 space: 1,000 sf	2, 3, 7, 13
Reduction of Fats, Ores, Metals, Garbage, Offal, Etc.; Rendering Plant	311613										C	1 space: 1,000 sf	2, 3, 7, 13
Rug and Carpet Manufacture	314110										P	1 space: 1,000 sf	2, 3, 7, 13
Sand, Gravel, or Stone Storage (Including Sales)	N/A	C									P	1 space: 1.5 employee, plus 5	2, 3, 7, 13
Shellac and Varnish Manufacture	325510										C	1 space: 1,000 sf	2, 3, 7, 13
Tire Retreading and Recapping	326212										P	1 space: 1,000 sf	2, 3, 7, 13
Truck Manufacture	333924										P	1 space: 1,000 sf	2, 3, 7, 13
Water Distillation	325998										P	1 space: 1,000 sf	2, 3, 7, 13
White Lead Manufacture	325180										C	1 space: 1,000 sf	2, 3, 7, 13
Wood Container Manufacture	238350										P	1 space: 1,000 sf	2, 3, 7, 13
Wood Distillation (Manufacture of Tar, Charcoal, Turpentine and Similar Products)	321114										C	1 space: 1,000 sf	2, 3, 7, 13
Wood Preserving Manufacture and Treatment	321114										C	1 space: 1,000 sf	2, 3, 7, 13

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Land Use Types	NAICS Code	Residential Zoning Districts							Non Residential			Parking Ratio	Supplemental Regulations
		A	R1L	R1	R2	R3	R4	MH	C-1	C-2	I		
Wood Products Manufacture	321114									C	P	1 space: 1,000 sf	2, 3, 7, 13
Mineral Extraction													
Natural gas compressor station	221210	Requires a Conditional Use Permit in all zoning districts and is subject to the regulations in Chapter 4 Joshua Code of Ordinances											
Drilling and production of natural gas and/or oil and activities related thereto	213111	Permitted subject to the regulations in Chapter 4 Joshua Code of Ordinances											
Gas Regulator Station	221210	P	P	P	P	P							
Mineral Extraction - Other	333131	C									C	1 space: acre	
Sand, gravel, caliche or stone extraction and sales	212321	C									C	1 space: acre	
Storage of Cement, Sands and Gravel	212321	C								C	P	1 space: 5,000 sf of storage area	
Surface Exploration and extraction of hydrocarbons (non-drilling)	333131	C									C	1 space: acre	
Temporary Uses	Uses generally considered to be temporary in nature, and not allowed for more than 180 days or until a particular project is complete. The building official may allow 60 day extensions to complete such projects.												
Concrete or Asphalt Mixing/Batching Plant (Temporary)	327320	C							C	C	C	1 space: 5,000 sf of land	
Contractor's Temporary On-Site Construction Office (only with permit from Building Official) (trailer, modular bldg. or one recreational vehicle)	811310	P	P	P	P	P	P	P	P	P	P	Temporary parking allowed	
Containers (shipping) or Metal/Modular Pods for accessory storage for an allowed use, not occupying required parking or encroaching on required setbacks and screened or not visible from any adjacent ROW											P	Not Applicable	Section 5.9

Section 5.3 Supplemental Use Standards

The following described conditions and special regulations shall apply to uses listed in the Permitted Use Table. Additional requirements may be added to those listed herein by the Planning and Zoning Commission or City Council as deemed necessary to protect the health, safety, and general welfare of the citizens of Joshua. No construction or occupancy shall commence for any permitted use until the conditions herein stated or required by the Planning and Zoning Commission and City Council have been met.

A. Supplemental Use Standards shall be applicable in the following formats:

1. A site plan will be required in accordance with Section 3.3 Site Plan Requirements for a Kennel, Rehabilitation Care Facility, Airport, Golf Course, Rodeo Grounds/Fair Grounds, and all uses that reference 1 in the Special Conditions column of the Land Use Table.

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2. For all uses that in the Special Conditions column of the Land Use Table, a site plan, in accordance with Section 3.3 Site Plan Requirements, will only be required for uses which require a Conditional Use Permit.
3. All storage shall be within completely enclosed buildings or effectively screened with screening not less than six (6) feet nor more than eight (8) feet in height, provided no storage located within fifty (50) feet of such screening shall exceed the maximum height of such screening.
4. Temporary buildings for construction purposes shall be permitted for a period not to exceed the duration of such construction.
5. The uses may not be located within three hundred (300) feet of any property zoned for a residential use or any property which is occupied by a church, public school, day-care or nursing home. The measurement of distance shall be measured as a radius from the edge of the property line.
6. Temporary uses and special events are permitted on a temporary basis only, in accordance with Section 5.11 Temporary Uses and Special Events.
7. All outdoor lighting, including parking lot lighting, shall be directed away from any property zoned or developed for residential uses.
8. Displays of Accessory Buildings for sale shall only be located on a dustless all-weather surface pad.
9. Any proposed stable or barn shall be located a minimum of fifty feet (50) from a residential-zoned property and twenty-five (25) feet from any nonresidential zoned property. A barn shall also be located one hundred and fifty (150) feet from any structure on an adjacent lot used as a residential dwelling.
10. A copy of the State Certification of licensing or registration as described in Section 42.052 of Chapter 42 - Texas Human Resources Code must be provided to the City.
11. The property shall not be used for the storage of wrecked vehicles, or the dismantling of vehicles or the storage of vehicle parts.
12. All vehicles being stored for repair shall be screened from all public rights-of-way.
13. All equipment shall be stored and displayed on a hard all-weather surface.
14. Antenna and towers shall be permitted and regulated in accordance with Appendix 12.1 Wireless Communications Facilities.
15. Any business which uses the operation of motor vehicles on site, such as go cart tracks, shall not be located within five hundred (500) feet from any residentially zoned property.
16. Mini-Warehouses
 - a. The principal access to the mini-warehouse complex shall be provided by an access drive of not less than twenty-four (24) feet in width;
 - b. The lot area used for mini-warehouse structures facing onto a public street shall not be greater than one hundred (100) feet in width including the access

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- drive. The remainder of the lot devoted to the mini-warehouse use shall not face on any other public street;
- c. The boundary of the mini-warehouse complex shall be screened by walls or other devices from any adjoining use that, in the opinion of the Council, is incompatible with the mini-warehouse use.
17. Any nonresidential use abutting a residentially-zoned property shall be screened from public view by a solid fence, wall, berm, live plant material, or any combination thereof in compliance with Article 3.05 Fences of the Joshua Code of Ordinances.
18. All child-care centers shall comply with the following standards:
- a. All vehicular entrances and exits shall be clearly visible from the street.
 - b. All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - c. Outdoor play areas shall be provided at a rate of sixty-five (65) square feet per child based on maximum design capacity of the center. This requirement may be waived by the City Council if the child-care is provided for less than four (4) hours per day for not more than one person.
 - d. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within one hundred (100) feet of the child-care facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
19. Street width shall not be less than twenty-seven (27) feet wide.
20. Temporary permits for construction yards and field offices and Conditional Use Permits or variances regulating temporary buildings shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted by the City Council. Upon due notice and hearing before the City Council, any such permit may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this ordinance or results in increased noise, traffic, or that other conditions exist which are considered by the City Council to be a nuisance or hazard.
21. Swimming Pools: It is the purpose of the following provisions to recognize an outdoor swimming pool as a potentially attractive nuisance and to promote the safety and enjoyment of property rights by establishing rules and regulations governing the location and improvement of swimming pools whether privately, publicly, or commercially owned or operated.
- a. No swimming pool shall be constructed or used until a swimming pool building permit has been issued therefore. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department regulations.
 - b. A swimming pool may be constructed and operated when:
 - (1). The pool is not located in any required front or side yard abutting a street;

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- (2). a wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
 - (3). All lighting of the pool is shielded or directed to face away from adjoining residences. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed, that direct rays from the lights shall not be visible for adjacent properties;
 - (4). No broadcasting system is used for the purpose of advertising the operation of the pool or for the attraction of persons to the premises. This shall not prevent a public address system necessary or useful to the supervision of the pool and the safety of swimmers; and
 - (5). The swimming pool is no closer than eight (8) feet from any property line.
- 22. A Traffic Impact Analysis (TIA) must be submitted if the projected traffic is 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. If a site plan is required, the TIA shall be submitted with the site plan.
- 23. Bed and Breakfast is subject to the following conditions:
 - a. Additional parking of one space per guest bedroom will be required. Parking must be screened from view of adjacent residentially zoned property.
 - b. Food service will be limited to overnight guests of the bed and breakfast establishment and shall be prepared on site, with the exception of receptions, retreats, teas and luncheons that may be catered.
 - c. Receptions, retreats, teas and luncheons in the R-1L, R-1, and R-2 residential districts are limited to no more than 50 guests.
 - d. The architecture of the structure and the grounds of the bed and breakfast must be compatible with the character of the neighborhood. If alternations are made, the exterior of the structure and the grounds must remain typical of the neighborhood and give no appearance of the business establishment within.
 - e. A permanent, wired, smoke alarm system meeting all city codes must be installed.
 - f. Signage is limited to one sign per bed and breakfast. Signs must be discreet and unobtrusive, must be architecturally compatible with the character of the neighborhood and may contain only the name of the bed and breakfast and/or the owner's name.
- 24. Cargo Containers shall be regulated by Section 5.9.
- 25. Small Wind Turbines shall meet the following standards:
 - a. A Small Wind Turbine shall not be installed or located within one hundred (100) feet from any property line.

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- b. A Small Wind Turbine shall not be installed within fifty (50) feet of another structure on site.
- c. A Small Wind Turbine shall not be located within 250 feet of a residential structure located upon an adjoining lot or recorded parcel.
- d. No portion of a Small Wind Turbine, including any blade, guy wire or supporting structure, shall exceed a height, at a required front, side, or rear setback line, of thirty-five (35) feet. However, an additional one foot of height may be permitted for each additional foot the Small Wind Turbine is setback from the front, side, or rear setback line, up to a height not to exceed sixty-five (65) feet. Any height over sixty-five (65) feet must be approved as a Special Exception by the Zoning Board of Adjustment.
- e. (e) No Small Wind Turbine shall generate a sound level in excess of 50 dBA, as measured at the nearest property line, during the hours of 7:00 a.m. to 10:00 p.m., nor a level in excess of 40 dBA during the hours of 10:00 p.m. to 7:00 a.m.
- f. Each Small Wind Turbine shall be operated and maintained in sound working order in conformance with the manufacturer's specifications at all times. This maintenance shall include the physical appearance of the device so it does not present an unsightly appearance. A copy of the manufacturer's specifications and use instructions shall be submitted to the City with any application prior to issuance of a building permit and shall be retained within the public file for that application.
- g. Any Small Wind Turbine that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Wind Turbine shall remove the same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. If the owner does not remove the equipment, along with all associated and ancillary equipment, devices, structures or support for that wind turbine, or does not request a hearing before the Zoning Board of Adjustment on the issue of whether the equipment is abandoned and subject to removal, the City may remove the equipment and store it in a secure location. The owner shall have thirty (30) days, from the date the City removes said equipment, to reclaim the equipment. If the equipment is not reclaimed in accordance with this Section, the City may dispose of the equipment in accordance with the City's existing policy for disposal of abandoned or lost property.
- h. Failure to remove an abandoned Small Wind Turbine within the allotted time shall be grounds to remove the device at the owner's expense.
- i. A Building Permit, issued by the City of Joshua, shall be obtained prior to the installation of a Small Wind Turbine system.
- j. Every Small Wind Turbine shall be installed strictly per the Manufacturer's Installation specifications, or as modified and certified by a Registered Professional Engineer licensed by the State of Texas.

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- k. No Small Wind Turbine, or associated and ancillary equipment, batteries, devices, structures or support(s) shall be located within any required front, side or rear yard setback area.
- l. No wiring between a Small Wind Turbine and another Wind Turbine, or the main or accessory structure on site, or any associated and ancillary equipment, batteries, devices, structures or support(s) for any wind turbine, shall be located above ground level.
- m. When a Small Wind Turbine system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed.

26. Large Wind Turbines shall meet the following standards:

- a. A Large Wind Turbine shall not be installed or located within three hundred (300) feet from any property line.
- b. A Large Wind Turbine shall not be installed within one hundred fifty (150) feet of another structure on site, unless directly mounted upon that structure.
- c. A Large Wind Turbine shall not be located within 500 feet of a residential structure located upon an adjoining lot or recorded parcel.
- d. No portion of a Large Wind Turbine, including any blade, guy wire or supporting structure, shall exceed a height of sixty-five (65) feet. Additional height may be permitted by Special Exception upon approval of the Zoning Board of Adjustment.
- e. No Large Wind Turbine shall generate a sound level in excess of 50 dBA, as measured at the nearest property line, during the hours of 7:00 a.m. to 10:00 p.m., nor a level in excess of 40 dBA during the hours of 10:00 p.m. to 7:00 a.m.
- f. Each Large Wind Turbine shall be operated and maintained in sound working order in conformance with the manufacturer's specifications at all times. This maintenance shall include the physical appearance of the devices so that it does not present an unsightly appearance. A copy of the manufacturer's specifications and use instructions shall be submitted to the City with any application prior to issuance of a building permit and shall be retained within the public file for that application.
- g. Any Large Wind Turbine that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such Wind Turbine shall remove the same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. If the owner does not remove the equipment, along with all associated and ancillary equipment, devices, structures or support for that wind turbine, or does not request a hearing before the Zoning Board of Adjustment on the issue of whether the equipment is abandoned and subject to removal, the City may remove the equipment and store it in a secure location. The owner shall have thirty (30) days, from the date the City removes said equipment, to reclaim the equipment. If the equipment is not reclaimed in accordance with this Section,

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the City may dispose of the equipment in accordance with the City's existing policy for disposal of abandoned or lost property.

- h. Failure to remove an abandoned Large Wind Turbine within the time allotted shall be grounds to remove the device at the owner's expense.
- i. A Building Permit, issued by the City, shall be obtained prior to the installation of a Large Wind Turbine system.
- j. Every Large Wind Turbine shall be installed in conformance with the Manufacturer's Installation specification, or as modified and certified by a Registered Professional Engineer licensed by the State of Texas.
- k. No Large Wind Turbine, or associated and ancillary equipment, batteries, devices, structures or support(s) shall be located within any required front, side or rear yard setback area.
- l. No wiring between a Large Wind Turbine and another Wind Turbine, or the main or accessory structure on site, or wiring between a wind turbine and any associated and ancillary equipment, batteries, devices, structures or support(s) for any wind turbine, shall be located above ground level.
- m. When a Large Wind Turbine system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed.

27. Smoke Shops shall meet the following standards:

- a. Shall post a sign stating "No Minors Permitted Unless with a Parent."
- b. Must derive annual gross revenues of at least 50% from the sale of tobacco products and smoking accessories.
- c. Smoking accessories or paraphernalia shall not include water pipes, carburetion tubes, carburetion masks, clips or devices intended to hold burning material such as marijuana, cocaine spoons, cocaine vials, chamber pipes, electric pipes, air-driven pipes, chillums, bongs, and ice pipes or chillers.
- d. All smoke shops as defined in this Ordinance shall be located no closer than one thousand (1,000) feet from another smoke shop as measured from front door to front door along property lines.

28. New vehicle sales shall be those sponsored by a dealership and have new vehicle sales only. Used vehicles, whether located on a new vehicle dealership or privately owned and operated, shall be located no closer than 750 feet to the property line of another used vehicle sales lot (distances measured from property line to property line). New vehicle sales lots (dealerships) shall be exempt from this distance requirement.

29. A vehicle consignment lot shall be located no closer than 750 feet to the property line of another property used for vehicle consignment.

30. Unattended Commercial Kiosk shall comply with the following conditions:

- a. No outside storage area is permitted.

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- b. Drive through facilities shall provide one stacking space located out of the drive lane of any parking lot.
 - c. Exterior building material shall meet the masonry requirements as required in the zoning district in which it is located.
 - d. All surface and roof mounted equipment shall be screened from public view as defined by adjacent driving levels.
 - e. All signs related to the use shall comply with the requirements of Sign Ordinance No. 462-2008 Article 3.06 of the Code of Ordinances.
31. Consignment Store and Used Merchandise Store shall comply with the following conditions:
- a. Outdoor display: Commercial products may be displayed in the public right-of-way on the sidewalk, providing that a minimum of three feet (3') of clear space is provided for pedestrians. Any outside display must be cleared from the public right-of-way each day after normal business hour. In no event shall commercial products be displayed on or in any vehicle parking area or individual parking space in such a manner as to impede the parking of vehicles therein;
 - b. Ancillary donation drop-off activities must take place inside of the building with donors entering the establishment and leaving items with a worker; and
 - c. Donations and/or consignment items are to be accepted only during normal business hours and no donations may be accepted or left outside the establishment after normal business hours.
32. Auto Repair Garage shall comply with the following conditions:
- a. Minor repairs or service (including but not limited to oil changes, chassis lubrication, fluids replacement, repair or replacement of filters, belts, hoses, brake repair, and tire rotation), including vehicle washing, which are typically performed while a customer awaits the vehicle, may be performed outside only during regular business hours.
 - b. Vehicle Parking:
 - (1). Vehicles retained for repair shall not be left on exterior lifts after regular business hours and must be parked in designated parking spaces.
 - (2). Vehicle parking areas directly in front of the building must be paved. Alternate all-weather surfaces may be utilized for additional parking areas on the front of the property, on the side of the building, or behind the building.
 - (3). All heavy-duty and commercial trucks must be parked in designated parking spaces behind the front building line.
 - (4). Any vehicle that is wrecked or dismantled shall be parked on an all-weather surface free of vegetation, screened from public view, and kept no longer than sixty (60) days.

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c. Equipment and materials:

- (1). Portable equipment and materials shall be stored within a completely enclosed building, or on an all-weather surface free of vegetation and screened from public view from public right-of-way.
- (2). Outside storage of equipment that can retain rainwater or cause environmental hazards is not permitted.
- (3). Equipment and materials displayed in front of the building on a paved surface may not obstruct vehicle parking and must be moved inside at the close of business.

d. Screening Requirements:

- (1). When required, outside storage areas for equipment and/or materials shall be screened from public view with a screening device not less than six feet (6') or more than eight feet (8') in height. Outdoor storage shall not exceed the height of the approved screening device.
- (2). Auto repair garages located on property adjacent to a residential use must screen all vehicles, including large or oversized commercial vehicles, from view.
- (3). Acceptable screening methods include: solid brick or masonry; chain link with slats; and/or wrought iron with solid landscaping screening. Alternate equivalent screening methods may be approved through the site plan approval process.
- (4). The finished side of screening devices constructed adjacent to thoroughfares shall face the right-of-way.
- (5). Screening components shall be uniform and maintained in good condition. Damaged or deteriorated screening components must be repaired or replaced.
- (6). Incidental vehicle sales: A maximum of two (2) vehicles displayed for sale at any one time is permitted.

33. A tattoo or piercing studio shall comply with the following conditions:

- a. No tattoo or piercing studio shall be located within three hundred feet (300') of any residential district, school, public library, public park, public playground, or church. Measurement shall be made in a direct line from the property line of the lot or parcel upon which the proposed use will be located to the property line of the lot or parcel on which the residential use, school, public library, public park, public playground or church is located, and in a direct line across intersections.
- b. A person shall not operate or maintain a tattoo or piercing studio unless the person holds a license issued by the Texas Department of State Health Services. Any tattoo or piercing studio shall comply with all requirements of Chapter 146 of the Texas Health & Safety Code, as amended.

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- c. The owner or operator of any tattoo or piercing studio shall allow a code enforcement officer to inspect the premises at any reasonable time the tattoo or piercing studio is open for business for the purpose of ensuring compliance with the Zoning Ordinance and state law.
- d. An application for a conditional use permit for a tattoo or piercing studio shall include a site plan, in accordance with Section 3.2 of the Zoning Ordinance, reflecting all zoning districts within three hundred feet (300') of the proposed use and any residential use, school, public library, public park, public playground or church.
- e. No tattoo or piercing studio shall be located within one thousand (1,000) feet of another tattoo or piercing studio. Measurement shall be made in a direct line from the property line of the lot or parcel upon which the proposed use will be located to the property line of any other tattoo or piercing studio, and in a direct line across intersections.
- f. The hours of operation of a tattoo or piercing studio shall be determined by the City Council during consideration of the conditional use permit.

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Section 5.4 Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted use shall be made as follows:

- A. **Administrative Official Action.** The Administrative Official may refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, hazardous materials, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- B. **Planning and Zoning Commission Action.** The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and shall determine the zoning district or districts within which such use should be permitted.
- C. **City Council Action.** The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new unlisted use. The City Council may, by ordinance, approve the recommendation of the Commission or make such determination concerning the classification of such use as is determined by the Council to be appropriate.

Section 5.5 Accessory Building Regulations

5.5.1 RESIDENTIAL ACCESSORY BUILDINGS

- A. **Area Regulations in Single Family and Two Family Districts.** Area regulations for accessory buildings located in Single Family and Two Family Districts and all residential portions of adopted Planned Developments shall comply with the following regulations:
 - 1. **Front Yard:** Accessory buildings, including garages, shall have a front yard not less than the main building, or as specified in the particular district. Accessory buildings shall not be located in the front yard.
 - 2. **Rear Yard:** There shall be a rear yard setback not less than five (5) feet from any lot line, alley line, or easement line. Garages or other accessory buildings located within such rear portion of a lot, and shall not be located closer than fifteen (15) feet to the main building nor nearer than five (5) feet to any side lot line.
 - 3. **Side Yard:** No detached garage shall be erected or placed within five (5) feet from any side lot line. No other accessory building shall be erected or placed within five (5) feet from any side lot line or easement.
 - 4. No accessory building shall be erected within fifteen (15) feet of any other building.
 - 5. Accessory buildings shall not be located within any drainage easement.
- B. **Carports**

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1. Carports located in the A, R-1L, R-1, R-2, R-3, R-4 and MH districts shall not be located within in the front yard setback and shall observe all other provisions of this Section.
 2. Carports shall not be located closer than five (5) feet to the main building or within five (5) feet from any side lot line or easement.
- C. Height. Unless otherwise provided within this Section, the maximum accessory building height is eighteen feet (18'), measured from grade to the tallest portion of the building.
- D. Permit Required.
1. Building permits are required when the size of an accessory building on any lot exceeds one hundred and twenty feet as shown by the following chart:

Size of the Building (sq. ft.)	Permit Required?
0–120	No
Greater than 120	Yes

2. The maximum number of detached accessory buildings allowed on any lot is two (2). Properties located within the Agricultural District are exempt from this provision but must not exceed the maximum lot coverage allowed.

5.5.2 ACCESSORY BUILDINGS FOR NON-RESIDENTIAL AND MULTI-FAMILY USES

- A. All non-residential and multi-family accessory buildings shall conform to the setback and height standards of the zoning district and shall not be located in front of the primary building.
- B. Unless otherwise provided for herein, all non-residential accessory buildings shall conform to the design standards of the primary building.
- C. Portable buildings shall be prohibited. Metal buildings shall be prohibited, if seen from public view.
- D. Accessory buildings shall be placed or constructed on an engineered permanent foundation of concrete or of pier and beam.
- E. All cargo containers must comply with the regulations of Section 5.9.
- F. No more than two (2) accessory buildings shall be allowed per lot unless and approved Conditional Use Permit has been obtained.
- G. No accessory building shall be permitted within a drainage easement.

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Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a primary building which is in use and permitted in such district.

5.5.4 ACCESSORY BUILDING SUMMARY TABLE

Accessory Building	Residential Setbacks	Non Residential Setbacks	Height	Notes
Storage Building or Hobby Shop	Behind primary Building. Five (5) feet from property lines. Not in side setbacks	Setback distance as set by district. Within the rear setback of site.	Eighteen (18) feet Farm Accessory Structures shall not exceed zoning district height standard.	Requires permit if exceeding 120 sf.
Garages	Behind primary building. Five (5) feet from property lines. Not in side setbacks Additional height requires meeting district setbacks.	Setback distance as set by district. Within the rear setback of site.	May be as tall as thirty (30) feet in height if garage meets primary building side setback. Height may not exceed primary building.	Requires permit and foundation.
Carports	Behind primary building. Five (5) feet from property lines. Not in side setbacks	Meet all setbacks. Located at the rear of the primary building.	Sixteen (16) feet.	Requires permit. Must be an extension of the primary building roof line. Must contain columns compatible with those on the primary building.
Swimming Pool	May be located in rear or side yard. Eight (8) feet from property lines.		NA	Requires permit. Three (3) foot minimum walkway on all sides. Pools must be fenced.

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Accessory Building Setbacks

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Section 5.6 Accessory Dwellings

Accessory Dwellings may be maintained within single family residential zoning districts including the A Agricultural-Rural district and single family uses within the HP district under the following conditions:

- A. All accessory dwellings shall require an approved Conditional Use Permit.
- B. Accessory dwellings shall be in accordance with the Adopted International Building Codes.
- C. Live/work units associated with commercial uses are only allowed within the HP District.
- D. The principal dwelling shall be owner/occupied during the occupancy of the accessory dwelling.
- E. The floor area of an accessory dwelling shall not exceed twenty-five percent (25%) of the floor area of the principal structure up to eight hundred (800) square feet. On A-Agricultural zoned properties of ten (10) acres or greater, there may be up to two (2) accessory dwellings with a total square footage of both no greater than fifty percent (50%) of the primary structure.
- F. The accessory dwelling shall contain a bathroom and may contain only one (1) bedroom.
- G. The accessory dwelling shall be exclusively occupied by not more than two (2) persons.
- H. Off street parking shall be as required for a one (1) bedroom apartment as stated in Article 7.
- I. Accessory dwelling shall be water metered according to TCEQ utility rules under Texas Administrative Code Chapter 291. Options include either a separate meter from the primary structure or a submeter.
- J. No accessory dwelling is allowed on lots less than 12,000 square feet.
- K. The accessory dwelling shall be located behind the primary structure, unless otherwise stated herein. On A-Agricultural zoned properties of ten (10) acres or greater, the location of the accessory dwelling may be located in front of the primary structure as long as the setbacks of the district are in conformance.
- L. The applicant for an accessory dwelling unit must provide to the city a covenant suitable for recording with the county, providing notice to prospective owners of the subject lot that the existence of the accessory dwelling is predicated upon the occupancy of either the accessory dwelling or the main dwelling unit by an owner of the property for as long as the City of Joshua requires such occupancy to comply with the City's Code of Ordinances. The covenant must restrict the accessory structure from being sold separately from the main dwelling unit. The covenant must require owners of the property to notify a prospective buyer of the limitations of this Section. The covenant must also require all owners to remove the accessory structure and restore the site to a single-family dwelling in the event that any condition of the covenant is violated. After city review and approval of the covenant, the applicant must record it. Proof of recording is required prior to issuance of a building permit.

Section 5.7 Food Trucks

Food Trucks are subject to the following regulations:

- A. Location

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1. All food trucks must be located on a parcel, which is appropriately zoned for commercial development. Approval of food trucks shall be through a Conditional Use Permit.
 2. Food trucks shall be located on an individual private parcel, where an existing permanent business operates in a building with a certificate of occupancy.
 3. Food trucks shall provide the City with a copy of written permission from the property owner on an annual basis to allow the operation of a food truck and to allow the food truck and their customers access to a commercially plumbed public restroom on-site.
 4. A food truck shall submit a site plan depicting the location of the food truck on the property; shall secure a current food handler cards from Johnson County, providing copies of these documents to the City of Joshua.
 5. Food trucks shall be located within five hundred (500) feet of an entrance of a primary building that holds the certificate of occupancy.
 6. No food trucks shall be located on a vacant lot.
 7. No food trucks, their merchandise, advertising, or seating shall obscure traffic sight visibility.
 8. No food trucks operating under this regulation shall be allowed to sell or service food on any public street, sidewalk, or other public right-of-way unless approved in writing by the City of Joshua.
 9. Food trucks shall not operate in driveways or fire lanes.
 10. Food trucks, including any applicable seating may operate in parking spaces in a commercially zoned individual property, parcel, tract or platted lot, if the required parking for the center remains in compliance with the parking code located in Article 7. A site plan indicating the specific location is required.
 11. Food trucks shall be removed from the parcel on a daily basis and may only operate during the business hours of the primary business and may not be parked longer than twelve (12) hours.
- B. **Licensing.** All food trucks shall have a valid vehicle registration, motor vehicle operator's license, proof of vehicle liability insurance, a Texas Sales Tax Permit and meet all other state law licensing requirements.
- C. **Operational Issues**
1. A drive-through is not permitted in conjunction with the food truck and shall not provide a drive-through service of any kind.
 2. Food trucks shall be equipped with a self-closing lidded, trash receptacle. The trash receptacle must be placed outside next to the food truck use by the patrons of the truck. The area around the food truck shall be kept clean and free from litter, garbage, and debris.
 3. Temporary connections to potable water are prohibited. Water shall be from an internal tank, and electricity shall be from a generator or an electrical outlet via a portable cord that is in conformance with the Electrical Code as adopted by the City of Joshua.

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4. Except as otherwise limited by the City of Joshua Code of Ordinances, or other City codes, a food truck may utilize outside seating consisting of a portable table and a seating capacity of not to exceed four (4).

Section 5.8 Home Occupations

The purpose of the home occupation provisions is to permit the conduct of home occupations, which are compatible with the neighborhoods in which they are located. A home occupation is a permitted accessory use in all residential districts and is subject to the requirements of the district in which the use is located and to the following additional conditions:

A. Regulations

1. At least one occupant of the primary residential building must be engaged in the home occupation and there may be employed up to three (3) persons for services directly related to the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this Section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or the garage.
3. There shall be no exterior alterations which change the character of the building as a dwelling and/or which create exterior evidence of the home occupation.
4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structure on the premises.
5. No use shall create smoke, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
6. The home occupation shall not create any greater vehicular traffic than normal for the district.
7. The home occupation shall not create any additional parking demand than can be fulfilled by the existing residential building.
8. No signs of any kind shall be allowed on-premises advertising a home occupation or service.

- B. Prohibited Home Occupations.** The following home occupations are prohibited: product warehousing; on-site distribution facilities and services; the physical or medical treatment of persons or animals; commercial stable; automobile, boat, motor vehicle or trailer repair or painting; engine repair; day care center with six (6) or more children; restaurant or on-premises food/beverage consumption of any kind; welding shop; office facility for a doctor, dentist, veterinarian or other medical-related profession; commercial clothing laundering or cleaning; mortuary or funeral home; trailer, vehicle, tool or equipment rental; or any use defined by the building code as assembly, factory/industrial, hazardous, institutional or mercantile occupancy.

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Section 5.9 Cargo Container Regulations

- A. Purpose. It is recognized that uncontrolled storage and placement of cargo containers may detract from the value of adjacent property, discourage commerce, and negatively impact the aesthetic quality of nonresidential property and adjacent residential property. The purpose of this Section is to provide for regulations that protect the value of property and enhance the appearance, health, safety, and welfare of the City.
- B. General Regulations.
1. Cargo containers in residential districts may be permitted for a period of thirty (30) days. The thirty (30) day period may be extended for an additional thirty (30) days upon approval of a Special Exception by the Zoning Board of Adjustment.
 2. Cargo containers located in all zoning districts shall be located on an all-weather, dust free surface approved by the Administrative Official.
 3. Cargo containers shall not be stacked higher than two containers in the I zoning district.
 4. Cargo containers shall not occupy any required off-street parking spaces, vehicular access, pedestrian facilities or landscape areas for the site.
 5. Cargo containers shall be placed in a location that minimizes visual impact from surrounding streets and properties. For any site containing more than four cargo containers, a location plan shall be submitted and approved by the Administrative Official prior to locating the cargo containers on site. At such time all cargo containers shall be subject to the location plan.
 6. Any cargo container located within one-hundred (100) feet of a residential zoning district shall be no greater in size than ten (10) feet in width, twenty (20) feet in depth, and eight-and-a-half (8.5) feet in height. And no cargo container may be stacked within 100 feet of a residential district.
 7. Cargo containers shall not be used for a primary use without obtaining a Conditional Use Permit. Such Conditional Use Permit shall be accompanied with a detailed site plan of the entire site and must be approved by the City Council upon recommendation by the Planning and Zoning Commission.
 8. Cargo containers located in any nonresidential zoning district shall not exceed a size of ten (10) feet in height, ten (10) feet in width, and thirty (30) feet in length, unless approved by the City Council upon recommendation of the Planning and Zoning Commission.
 9. Areas utilized by cargo containers shall be included in the square foot requirement as a storage use and shall be considered in making the required parking calculations as set forth in Article 7 Off-Street Parking and Loading Requirements.
 10. The number of cargo containers allowed in the I zoning district, shall be determined by the total aggregate square footage of principal buildings according to the following rate:

0 to 35,000 SF of principal building	= One Cargo Container
35,001 SF – 70,000 SF	= Two Cargo Containers
70,001 SF – 105,000 SF	= Three Cargo Containers

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105,001 SF – 140,000 SF	= Four Cargo Containers
140,001 SF - 175,000 SF	= Five Cargo Containers
175,001 SF – 210,000 SF	= Six Cargo Containers
210,001 SF and Greater	= Number of Containers approved by City Council

11. Cargo containers located within the I zoning district may exceed the numbers listed above upon approval of a Special Exception by the Zoning Board of Adjustment with a detailed site plan showing the proposed location and quantity of cargo containers.
12. Cargo containers shall not be temporarily or permanently stored on public streets.
13. Cargo containers shall not be allowed to be stored on public streets.

Section 5.10 General Height and Yard Requirements

A. Nonresidential Structures.

1. A nonresidential building may exceed the permitted height in a zoning district by 20 feet if the following conditions are met:
 - a. A Site Plan is provided and approved; and
 - b. For every one (1) foot exceeding the maximum permitted height, an additional one (1) foot of setback is provided on the front, side, and rear yards. The height of a building shall not exceed twenty (20) feet over the maximum permitted height established in the zoning district.
 - c. A building may exceed the height described in item (b) above only upon approval of a Special Exception by the Zoning Board of Adjustment.

B. Exceptions. Height regulations do not apply to steeples, domes, cupolas, or other architectural design elements usually required to be placed above the roof level and not intended for human occupancy.

C. Antennas. For antenna and tower height regulations see Article 13.1, Wireless Communications Facilities.

D. Public, Quasi-Public Buildings. Churches, schools and other public and quasi-public buildings may be erected to a height not to exceed sixty (60) feet or five (5) stories provided the required front, side and rear yards are each increased at least one (1) foot for each foot of additional height above the height required by this ordinance.

E. Projections of Structural Features.

1. Ordinary sills, belt courses, cornices, chimneys, bay windows, buttresses and ornamental features may project not more than twelve inches into a required yard.
2. Eaves may project not more than thirty-six (36) inches into a required yard.
3. Open or lattice enclosed fire escapes may project into a required yard not to exceed five (5) feet.

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- F. **Porte-Cochere.** A porte-cochere may project into a required side yard, provided every part of such porte-cochere is unenclosed except for necessary structural supports.
- G. **Double Frontage Lots.** Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless otherwise established by plat or by ordinance, in which case only one required front yard need be provided.
- H. **Railroad Siding.**
 - 1. Where the side yard abuts and is used for access to a railroad siding, the yard setback shall be zero (0) feet.
 - 2. Where the rear yard abuts and is used for access to a railroad siding, the yard setback shall be zero (0) feet.

Section 5.11 Temporary Uses and Special Events

- A. **Generally.** Certain temporary uses of land are essential to the full development and utilization of the land and are deemed to promote the health, safety, and general welfare of the City. The temporary uses and special events hereinafter enumerated shall not be deemed violations of this ordinance when conducted under the conditions herein provided.
- B. **Permitted Temporary Uses.** The permitted temporary uses, the conditions of use, the zoning districts wherein the same shall be permitted, and approvals required are as follows:
 - 1. **Construction Office -** Temporary field or construction offices and temporary building material storage areas to be used solely for on-premises construction purposes in connection with the property on which they are erected, or within the same platted subdivision may be permitted in all zoning districts when approved by the administrative official. The application for a temporary use permit shall include a scale drawing showing the location and size of the building(s), all outside storage areas, and proposed construction fencing. Such permit shall be issued for temporary buildings on construction sites for a period of six (6) months, with a renewal clause for a similar period. Such buildings must be removed within thirty (30) days after substantial completion or abandonment of the new construction to which they are accessory or upon the request of the administrative official.
 - 2. **Temporary outdoor sales** on nonresidential used properties in C-1, C-2, and I districts, and in nonresidential planned developments may be permitted by the Administrative Official for a period not to exceed thirty (30) days upon the application and granting of a temporary use permit.
 - 3. In no event shall such temporary sales be allowed for more than 30 consecutive days or more than once per year. All sales shall meet the special conditions, if any, imposed by the Administrative Official and/or Fire Marshal for the protection of the safety and welfare of the community.
 - 4. No tent or similar structure shall be erected in any required setback or designated easement. Tents shall conform to the Uniform Fire Code and no tent shall be erected without first obtaining a permit. No outside use of property for sales will be allowed

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except by the existing occupants of the property. This includes parking of vehicles for a purpose other than conducting business on the premises.

5. The temporary outdoor sale of Christmas trees may be permitted, on those nonresidential used properties in C-1, C-2, and I districts, and in nonresidential planned developments, for a period of 40 days prior to Christmas Day. The administrative official shall issue a permit, with a refundable clean-up deposit of \$500.00, for such sale when it is found that there is available an adequate off-street parking area, either improved or unimproved, as determined by the Administrative Official; and that the location and layout of drives, parking areas, lighting, and sale signs will not constitute a hazard to public travel on the abutting public streets. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by the permit holder no later than January 4 following the Christmas holiday.
 6. Carnivals and circuses may be allowed as a temporary use for a period not exceeding fourteen consecutive days. Such events shall be on nonresidential used properties in C-1, C-2 and I districts, and in nonresidential planned developments. Adequate off-street parking and sanitary facilities shall be made available to the satisfaction of the Administrative Official. No carnival or circus shall begin operation before 8:00 A.M. and operation shall cease before 11:00 P.M. on all nights except on Saturday when the event shall cease operation at midnight. The administrative official shall establish the terms and conditions for the temporary use at the time of approval. In the event that a sponsor is dissatisfied with the administrative official's decision, the sponsor may appeal the requested use to the City Council.
 7. Refreshment Stands (Temporary and Seasonal) - Refreshment Stands shall be exempt from the area and masonry requirements of the underlying zoning district; however, they are subject to setback requirements as may be required by the Administrative Official.
- C. Permitted Special Events. For the purpose of this Section, "Special Events" are defined as any activity or event meeting the following criteria:
1. The event or activity is carried on for a period of time not exceeding three consecutive days;
 2. No retail sales are conducted except those incidental to the primary activity such as refreshment and souvenir sales. Charitable and nonprofit organizations may conduct retail sales for fund-raising purposes in any zoning district;
 3. The event or activity is carried on out-of-doors or in temporary shelters or tents.
- D. Contents of Application. An application for approval of a temporary use or special event shall include the following information:
1. Detailed description of the event;
 2. Exact location;
 3. Expected attendance;
 4. Anticipated number of automobiles and proposed methods of providing parking for the same;

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5. Location and construction of any temporary signs to be used in connection with the event;
 6. Exact dates of commencement and termination of the event;
 7. Signed certification by the responsible party and the record owner of the land that all information provided is true and correct and that all schedules will be strictly adhered to; and
 8. A fee in accordance with the City of Joshua fee schedule.
- E. Approval. A permit for a temporary use or a special event must be approved by the Administrative Official. The Administrative Official may elect, at his/her discretion, to forward any such permit request to the City Council.

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Article 6 - Zoning Districts**Section 6.1 Zoning Districts Established**

The City of Joshua, Texas shall be divided into classes of residential, office, commercial, industrial and special zoning districts as presented in this Ordinance. The location and boundaries of the zoning districts established by this ordinance are as indicated on the map entitled "Official Zoning Map of the City of Joshua, Texas," as approved by the City Council as part of this ordinance and filed in the office of the Zoning Administrator.

Abbreviated Designation	Zoning District Name
A	Agricultural District
R-1L	Single Family Residential – Large Lots
R-1	Single Family Residential
R-2	Moderate Density Residential
R-3	Multiple-Family Residential – Low Density
R-4	Multiple-Family Residential – High Density
MH	HUD-Code Manufactured Home District
C-1	Restricted Commercial
C-2	General Commercial
I	Industrial
PD	Planned Development
H	Heritage Overlay District
JSOD	Joshua Station Overlay District

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Section 6.2 Zoning District Map

- A. The boundaries of the zoning districts established in Section. 6.1 are delineated upon the official Zoning District Map of the City. The Zoning District Map is hereby adopted by reference and declared a part of this Ordinance as fully as if set forth in detail.
- B. The official Zoning District Map is available on the City's website. The Zoning Administrator must post all amendments to the map as soon as possible after the effective date of the Zoning District Map amendment.
- C. Reproductions for information purposes may, from time to time, be made of the official Zoning District Map.

Section 6.3 Zoning District Boundaries

The district boundary lines shown on the Zoning District Map are usually along existing and proposed streets, alleys or property lines. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules apply.

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys are construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines are construed as following such lot lines.
- C. Boundaries indicated as approximately following City limits are construed as following City limits.
- D. Boundaries indicated as following railroad lines are construed to follow the centerline of the tracks. If no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in A through D above are so construed. The scale of the map determines distances not specifically indicated on the original Zoning District Map.
- F. Whenever the City Council vacates a street, alley or other public street right-of-way or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way is automatically extended to the centerline of such vacated public street right-of-way and all areas so involved become subject to all regulations of the extended districts.
- G. Where physical features on the ground vary from information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and the application of this Section cannot resolve such question the property must be considered as classified A – Agricultural zoning district, temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning must be in accordance with the provisions provided in Section 6.4.

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Section 6.4 Zoning Annexed Territory

- A. All territory annexed to the City shall be classified as A Agricultural zoning district. The concurrent procedure for establishing zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations in Section 3.1.
- B. The City Council or petitioners for annexation may request alternative zoning classifications in an area being considered for annexation. The City Council and Planning and Zoning Commission may hold public hearings on annexation and zoning simultaneously, and the City Council may approve the zoning of a newly annexed area at the time of annexation.
- C. In an area classified as A Agricultural zoning district:
 - 1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any newly annexed territory without first applying for and obtaining a building permit or certificate of occupancy.
 - 2. No permit for construction of a building or use of land shall be issued by City other than a permit which will allow the construction of a building permitted in the A Agricultural zoning district.

Section 6.5 Interpretation of District Regulations

- A. Permitted uses and Conditionally Permitted Uses are listed for the various zoning districts governed by this Ordinance. Any use not specifically permitted in a specified district or districts as a use by right or a Conditional Permitted Use shall be prohibited.
- B. No structure shall hereafter be built or moved, and no structure or land shall hereafter be occupied, except for a use that is permitted as a use by right or a Conditional Use Permit as regulated by the provisions for such use and the applicable district requirements of this Ordinance.
- C. No use of a structure or land that is designated as a Conditionally Permitted Use in any district shall be established or hereafter changed to another use designated as a conditional use, unless a Conditional Use Permit has been secured from the City Council.
- D. No fence, wall, accessory use or structure or home-based business shall be hereafter established, altered or enlarged unless in accordance with the provisions of Article 3.05 Fences of the Joshua Code of Ordinances.
- E. Within each zoning district there are additional regulations referenced that are directly applicable to uses permitted in the district.

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Section 6.6 A Agricultural – District**6.6.1 GENERAL PURPOSE & DESCRIPTION**

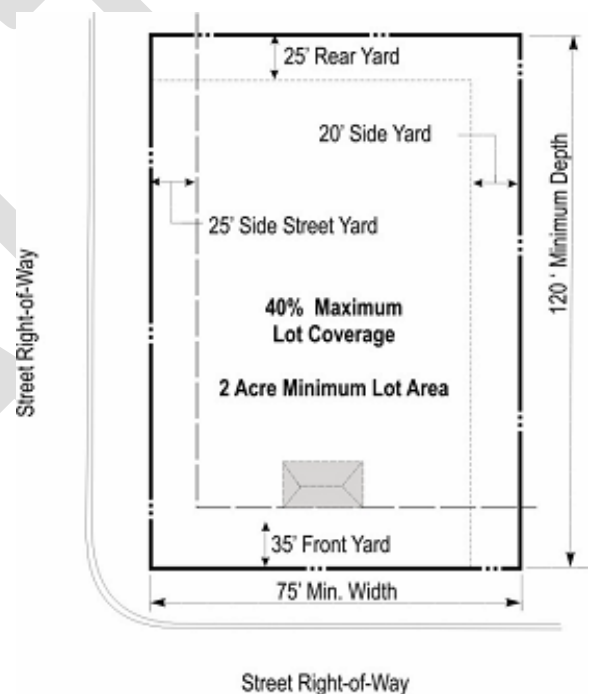
The A Agricultural District facilitates the use of land according to the transition of residential edges as described in the Comprehensive Land Use Plan. This district promotes a single main dwelling unit on a lot of two acres or more. It is appropriately used for agricultural purposes but is expected to become an urban land area in the future. Therefore, the agricultural activities conducted in the A Agricultural District should not be detrimental to urban land uses and intensity of use permitted in this district is intended to encourage and protect agricultural uses until urbanization is warranted and the appropriate change in district classification is made.

6.6.2 AREA REGULATIONS**6.6.3 SIZE OF LOTS**

1. **Minimum Lot Area** – Two (2) acres.
2. **Minimum Lot Width** – 75 feet.
3. **Minimum Lot Depth** – 120 feet.

F. Size of Setbacks

1. **Minimum Front Setback** – 35 feet
2. **Minimum Side Setback** – 20 feet from an interior lot and 25 feet from a side street.
3. **Minimum Rear Setback** – 25 feet

G. Maximum Lot Coverage – 40 percent.**H. Minimum Dwelling Size** – 1,500 square feet.**I. Maximum Building Height** – 50 feet.**6.6.4 PARKING REQUIREMENTS**

- A. Single Family Dwelling Unit - Two (2) enclosed spaces (garage).
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.6.5 LANDSCAPING REQUIREMENTS

- A. Single Family Residential lots shall have a minimum of one (1) tree in the front-yard setback. Such trees shall be a minimum of three (3) inches in caliper. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.6.6 DESIGN STANDARDS

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Residential structures shall be in compliance with the design standards of Article 9.

6.6.7 A AGRICULTURAL – PERMITTED USES

In the A - Agricultural District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with Section 5.2 Permitted Use Table.

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Section 6.7 R-1L - Single Family Residential District

6.7.1 GENERAL PURPOSE & DESCRIPTION

The R-1L Single-Family Residential district is established to allow for larger lots with one (1) family dwelling structure per lot. In accordance with the Comprehensive Land Use Plan this district is intended to provide for residential lands to accommodate more rural settings and accessory yard uses, and is compatible with the Neighborhood Concept for urban areas.

6.7.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 1 acre.
2. **Minimum Lot Width** – 150 feet.
3. **Minimum Lot Depth** – 200 feet.

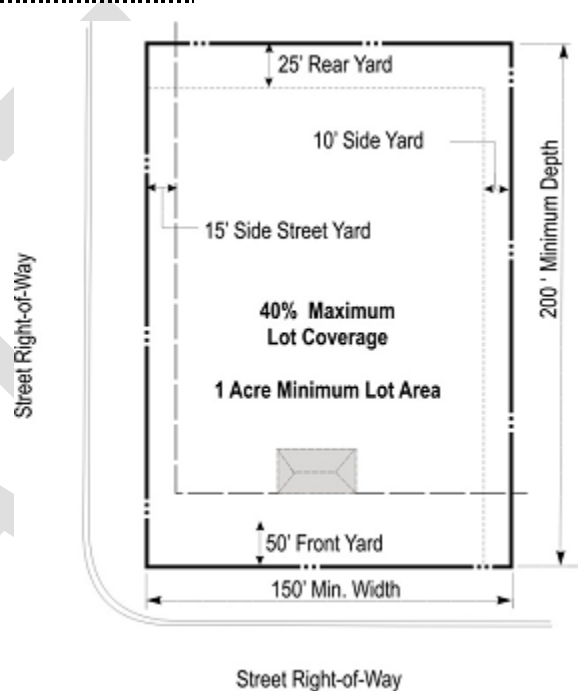
B. Size of Setbacks

1. **Minimum Front Setback** – 50 feet.
2. **Minimum Side Setback** – 10 feet from an interior lot or 15 feet from a side street.
3. **Minimum Rear Setback** – 25 feet.

C. Maximum Lot Coverage – 40 percent.

D. Minimum Dwelling Unit Area – 2,000 square feet.

E. Maximum Height – 35 feet.



6.7.3 PARKING REQUIREMENTS

- A. Single Family Dwelling Unit - Two (2) enclosed spaces.
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.7.4 LANDSCAPING REQUIREMENTS

- A. Single Family Residential lots shall contain have a minimum of one tree in the front-yard setback. Such trees shall be a minimum of three (3) inches in caliper. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.7.5 DESIGN STANDARDS

Structures shall be in compliance with the design standards of Article 9.

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6.7.6 ACCESSORY BUILDING AND STRUCTURE REGULATIONS.....

All regulations for accessory building or accessory structures shall be in compliance with Section 5.5 Accessory Building Regulations.

6.7.7 OUTDOOR LIGHTING REQUIREMENTS.....

Outdoor lighting shall comply with the regulations required by Article 11 Outdoor Lighting Requirements.

6.7.8 R-1L – SINGLE FAMILY RESIDENTIAL PERMITTED USES.....

In the R-1L Single-Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with Section 5.1 Use of Land and Buildings.

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Section 6.8 R-1 - Single Family Residential District**6.8.1 GENERAL PURPOSE & DESCRIPTION**

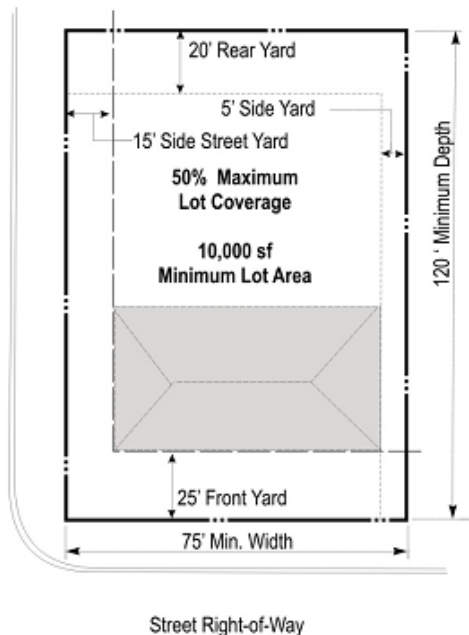
This district is the predominant single-family housing district in the City. Unless otherwise specified or requested, all single-family residentially suited areas presently undeveloped, should be zoned in this district. The single-family residential land use shown in the Neighborhood Concept, as presented in the Comprehensive Plan, is appropriately located and developed according to the parameters of this district. Existing neighborhoods should be protected and future neighborhoods should have appropriate transitions from the R-1 district to commercial development as to protect residences and property values.

6.8.2 AREA REGULATIONS**A. Size of Lots**

1. **Minimum Lot Area** – 10,000 square feet.
2. **Minimum Lot Width** – 75 feet.
3. **Minimum Lot Depth** – 120 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 5 feet from an interior lot or 15 feet from a side street.
3. **Minimum Rear Setback** – 20 feet.

C. Maximum Lot Coverage – 50 percent.**D. Minimum Dwelling Unit Area – 1,800 square feet.****E. Maximum Height – 35 feet.****6.8.3 PARKING REQUIREMENTS**

- A. Single Family Dwelling Unit - Two (2) enclosed spaces behind the building line.
- B. Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.8.4 LANDSCAPING REQUIREMENTS

- A. Single Family Residential lots shall have a minimum of one (1) tree in the front-yard setback. Such trees shall be a minimum of three (3) inches in caliper. Trees shall be a minimum of three (3) inch caliper at planting. Trees shall not be planted in public rights-of-way and shall be planted between the property line and the single-family residential structure. Property owners are encouraged to plant trees outside of utility easements.
- B. Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.8.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

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All regulations for accessory building or accessory structures shall be in compliance with Section 5.5 Accessory Building Regulations.

6.8.6 DESIGN STANDARDS

All structures shall be in compliance with the design standards of Article 9.

6.8.7 OUTDOOR LIGHTING REQUIREMENTS

Outdoor lighting shall comply with the regulations required by Article 11 Outdoor Lighting Requirements.

6.8.8 R-1 – SINGLE FAMILY RESIDENTIAL PERMITTED USES

In the R-1 Single-Family Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with Section 5.1 Use of Land and Buildings.

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Section 6.9 R-2 – Moderate Density Residential District

6.9.1 GENERAL PURPOSE & DESCRIPTION

The R-2 Medium Density residential district is established to provide flexibility for residential density without providing for high density multifamily residential units. The product of this district may be two-family attached units on a single lot, two-family attached units on separate lots, and/or zero lot single-family detached units on separate lots, which permits townhomes and patio home developments. As presented in the Comprehensive Land Use Plan, the R-2 district may be suitable as a buffer zone between single-family and higher intensity uses.

6.9.2 DUPLEX AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 10,000 square feet.
2. **Minimum Lot Width** – 75 feet.
3. **Minimum Lot Depth** – 120 feet.

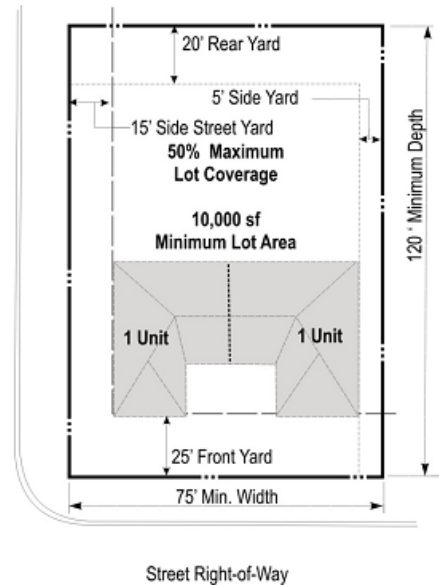
B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 5 feet from an interior lot or 15 feet from a side street.
3. **Minimum Rear Setback** – 20 feet.

C. Maximum Lot Coverage – 50 percent.

D. Minimum Dwelling Unit Area – 1,000 square feet per unit

E. Maximum Height – 35 feet.



6.9.3 SINGLE FAMILY ATTACHED AREA REGULATIONS

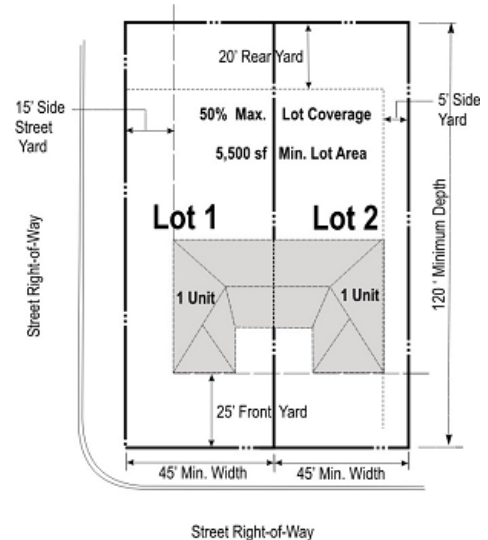
A. Size of Lots

1. **Minimum Lot Area** – 5,500 square feet.
2. **Minimum Lot Width** – 45 feet.
3. **Minimum Lot Depth** – 120 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – 0 feet attached side, 5 feet from an interior lot or 15 feet from a side street.
3. **Minimum Rear Setback** – 20 feet.

C. Maximum Lot Coverage – 50 percent.



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- D. **Minimum Dwelling Unit Area** – 1,000 square feet per unit
- E. **Maximum Height** – 35 feet.

6.9.4 **ZERO LOT LINE AREA REGULATIONS**.....

A. Size of Lots

- 1. **Minimum Lot Area** – 3,750 square feet.
- 2. **Minimum Lot Width** – 35 feet.
- 3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

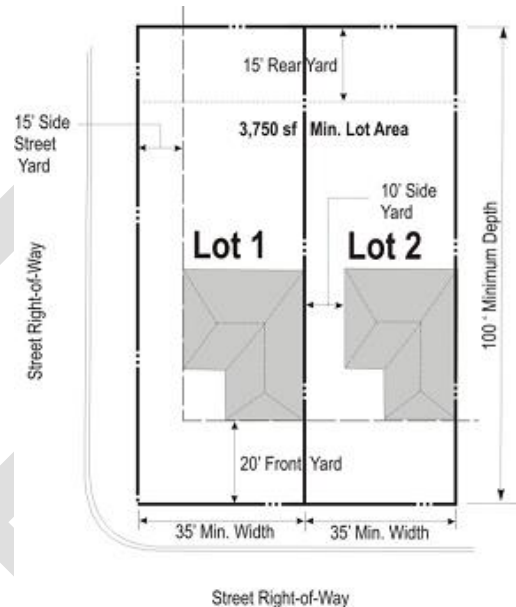
- 1. **Minimum Front Setback** – 20 feet.
- 2. **Minimum Side Setback** – 0 feet one side, 10 feet from a remaining side or 15 feet from a side street.
- 3. **Minimum Rear Setback** – 15 feet.

C. **Maximum Lot Coverage** – None.

D. **Minimum Dwelling Unit Area** – 1,000 square feet per unit

E. **Maximum Height** – 35 feet.

- F. **Zero Lot Line Designation** - At the time of platting of any zero lot line product, in the Single-Family Attached Option and the Zero Lot Line Option, the property line having the zero lot line shall be designated on the plat.



6.9.5 **TOWNHOME AREA REGULATIONS**.....

A. Size of Lots

- 1. **Minimum Lot Area** – 3,750 square feet.
- 2. **Minimum Lot Width** – 35 feet.
- 3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

- 1. **Minimum Front Setback** – 20 feet.
- 2. **Minimum Side Setback** – 0 feet one side, 10 feet from a remaining side or 15 feet from a side street.
- 3. **Minimum Rear Setback** – 15 feet.

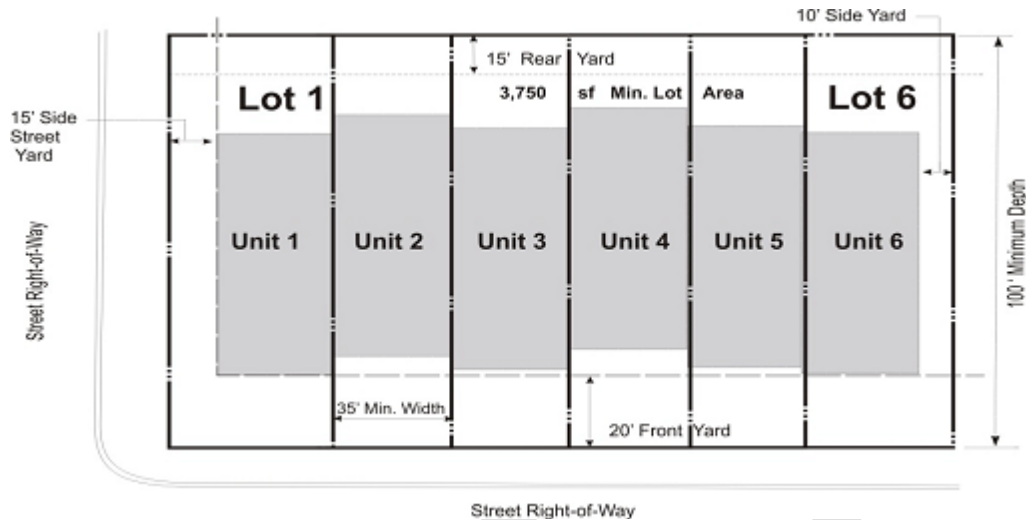
C. **Maximum Lot Coverage** – None.

D. **Maximum Attached Units per Structure** – 6 units.

E. **Minimum Dwelling Unit Area** – 1,000 square feet per unit

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F. Maximum Height – 35 feet.



6.9.6 PARKING REQUIREMENTS

Non-residential uses shall provide parking as per Article 7 – Parking Requirements.

6.9.7 LANDSCAPING REQUIREMENTS

Additional landscaping regulations may be found in Article 8 – Landscape, Open Space and Tree Preservation.

6.9.8 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

All regulations for accessory building or accessory structures shall be in compliance with Section 5.5 Accessory Building Regulations.

6.9.9 DESIGN STANDARDS

All structures shall be in compliance with the design standards of Article 9.

6.9.10 OUTDOOR LIGHTING REQUIREMENTS

Outdoor lighting shall comply with the regulations required by Article 11 Outdoor Lighting Requirements.

6.9.11 R-2 – MODERATE DENSITY RESIDENTIAL PERMITTED USES

In the R-2 Moderate Density Residential District, no building or land shall be used, and no building shall be constructed, reconstructed, altered or enlarged, unless otherwise permitted in accordance with Section 5.1 Use of Land and Buildings.

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Section 6.10 R-3 -Multifamily Residential District

6.10.1 GENERAL PURPOSE & DESCRIPTION

The R-3 Multifamily Residential District is established to meet the needs for higher density residential development that does not exceed sixteen units per acre. These developments are in concert with area aesthetics, are environmentally sound, compatible with the neighborhood, and promote the character of the community. This district also permits townhome developments and may be used as transitional land uses in accordance with the Neighborhood Concept Plan, as indicated in the Comprehensive Land Use Plan. In addition, the developments located within this district may be incorporated into a new urbanist style to depart from the Euclidian style of zoning as discussed in the Comprehensive Land Use Plan.

6.10.2 AREA REGULATIONS

A. Density

1. **Maximum Density** – 16 dwelling units per acre.

B. Size of Setbacks

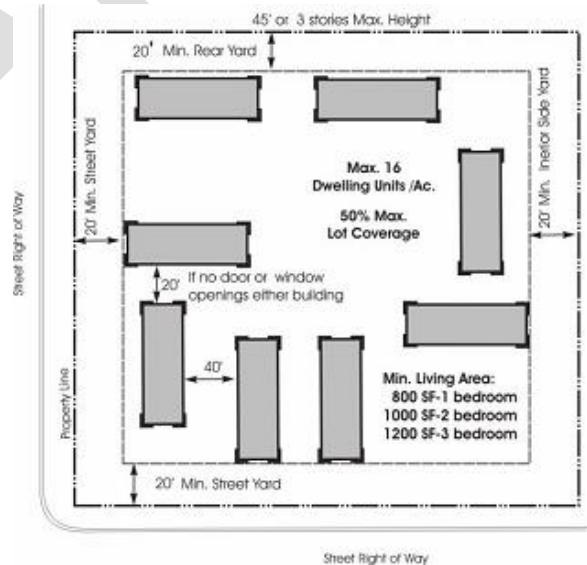
1. **Minimum Front Setback** – 20 feet from all streets.
2. **Minimum Side Setback** – 20 feet.
3. **Minimum Rear Setback** – 20 feet.
4. **Minimum Distance Between Buildings** – 40 feet or 20 feet providing all facing walls of the adjacent buildings contain no door or window openings.

C. Maximum Lot Coverage – 50 percent.

D. Minimum Dwelling Size –

1. One Bedroom – 800 square feet.
2. Two Bedroom – 1,000 square feet.
3. Three Bedroom – 1,200 square feet.

E. Maximum Height – 45 feet.



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6.10.3 DEVELOPMENT STANDARDS FOR TOWNHOMES.....

Townhomes developed in the R-3 districts shall comply with the development standards established for Townhomes in the R-2 Moderate Density district.

6.10.4 PARKING REQUIREMENTS.....

Off-street parking and loading requirements shall conform to the provisions of Article 7 Parking Requirements. In addition, all Multifamily Developments shall meet the following garage requirements for the entire site:

- A. One hundred (100) percent of total units shall have at least one (1) covered parking space.
- B. Areas dedicated for parking of boats, trailers, and RV's shall be separated from vehicle parking and shall be located in a designated area which is screened from the street and adjacent residential property by screening devices approved by the Administrative Official.

6.10.5 LANDSCAPING REQUIREMENTS.....

Landscaping requirements shall comply with the provisions in Article 8 Landscaping Requirements.

6.10.6 ACCESSORY BUILDING AND STRUCTURE REGULATIONS.....

All regulations for accessory building or accessory structures shall be in compliance with Section 5.5 Accessory Building Regulations.

6.10.7 SITE PLAN REQUIRED.....

A site plan must be approved by the City Council, upon approval of the Planning and Zoning Commission and in accordance with Section 3.3, Site Plan Requirements.

6.10.8 REFUSE FACILITIES.....

- A. Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way.
- B. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided.
- C. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.
- D. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations.
- E. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

6.10.9 SCREENING AND BUFFER REQUIREMENTS.....

Screening and buffer requirements shall comply with the provisions in Section 8.16., Screening and Buffer Requirements.

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6.10.10 MASONRY EXTERIOR GUIDELINES.....

All structures shall be in compliance with the design standards of Article 9.

6.10.11 GATED ENTRANCES.....

All multifamily development shall be gated with private drives. Landscaping and entrance features shall be provided in addition to security mechanisms that may or may not include manned facilities. All gated entries shall be approved for access by the Fire Marshal of the City of Joshua.

6.10.12 POINTS OF ENTRY AND EXIT OF LIVING UNITS.....

Each unit in any multi-story design, regardless of density, shall be provided with one (1) outside point of entry and exit, with each providing separate access to places of safety in the event of fire and/or other emergency.

6.10.13 OUTDOOR LIGHTING REQUIREMENTS.....

Outdoor lighting shall comply with the regulations required by Article 11 Outdoor Lighting Requirements.

6.10.14 R-3- MULTIFAMILY RESIDENTIAL PERMITTED USES.....

Uses in the R-3 district shall be in accordance with Section 5.2 Permitted Use Table

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Section 6.11 R-4 -Multifamily Residential District

6.11.1 GENERAL PURPOSE & DESCRIPTION

The R-3 Multifamily Residential District is established to meet the needs for higher density residential development that does not exceed twenty (20) units per acre. These developments are in concert with area aesthetics, are environmentally sound, compatible with the neighborhood, and promote the character of the community. This district also permits townhome developments and may be used as transitional land uses in accordance with the Neighborhood Concept Plan, as indicated in the Comprehensive Land Use Plan.

6.11.2 AREA REGULATIONS

A. Density

1. **Maximum Density** – 20 dwelling units per acre.

B. Size of Setbacks

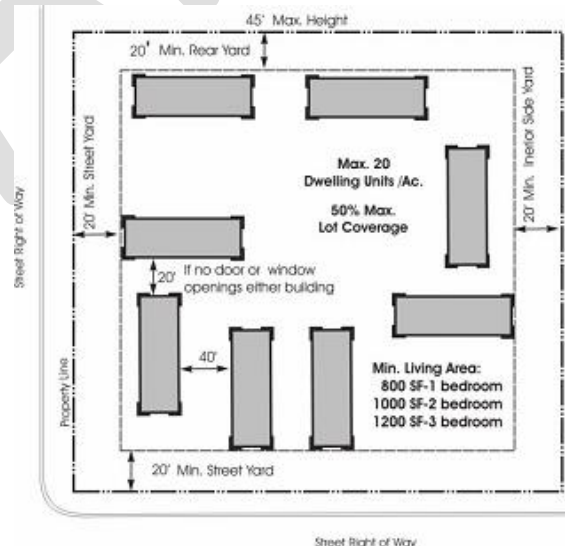
1. **Minimum Front Setback** –20 feet from all streets.
2. **Minimum Side Setback** – 20 feet.
3. **Minimum Rear Setback** –20 feet.
4. **Minimum Distance Between Buildings** – 40 feet or 20 feet providing all facing walls of the adjacent buildings contain no door or window openings.

C. Maximum Lot Coverage –50 percent.

D. Minimum Dwelling Size –

1. One Bedroom –800 square feet.
2. Two Bedroom – 1,000 square feet.
3. Three Bedroom –1,200 square feet.

E. Maximum Height – 45 feet.



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6.11.3 DEVELOPMENT STANDARDS FOR TOWNHOMES.....

Townhomes developed in the R-4 districts shall comply with the development standards established for Townhomes in the R-2 Moderate Density district.

6.11.4 PARKING REQUIREMENTS.....

Off-street parking and loading requirements shall conform to the provisions of Article 7 Parking Requirements. In addition, all Multifamily Developments shall meet the following garage requirements for the entire site:

- A. One hundred (100) percent of total units shall have at least one (1) covered parking space.
- B. Areas dedicated for parking of boats, trailers, and RV's shall be separated from vehicle parking and shall be located in a designated area which is screened from the street and adjacent residential property by screening devices approved by the Administrative Official.

6.11.5 LANDSCAPING REQUIREMENTS.....

Landscaping requirements shall comply with the provisions in Article 8, Landscaping Requirements.

6.11.6 ACCESSORY BUILDING AND STRUCTURE REGULATIONS.....

All regulations for accessory building or accessory structures shall be in compliance with Section 5.6 Accessory Building Regulations.

6.11.7 SITE PLAN REQUIRED.....

A site plan must be approved by the City Council, upon approval of the Planning and Zoning Commission and in accordance with Section 3.3 Site Plan Requirements.

6.11.8 REFUSE FACILITIES.....

- A. Every dwelling unit in a multifamily complex shall be located within two hundred fifty (250) feet of a refuse facility, measured along the designated pedestrian and vehicular travel way.
- B. There shall be available at all times at least six (6) cubic yards of refuse container per thirty (30) multifamily dwelling units. For complexes with less than thirty (30) units, no less than four (4) cubic yards of refuse container shall be provided.
- C. Each refuse facility shall be screened from view on three (3) sides from persons standing at ground level on the site or immediately adjoining property, by an opaque fence or wall of wood or masonry not less than six (6) feet nor more than eight (8) feet in height or by an enclosure within a building.
- D. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations.
- E. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.

6.11.9 SCREENING AND BUFFER REQUIREMENTS.....

Screening and buffer requirements shall comply with the provisions in Section 8.16 Screening and Buffer Requirements.

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6.11.10 MASONRY EXTERIOR GUIDELINES

All structures shall be in compliance with the design standards of Article 9.

6.11.11 GATED ENTRANCES

All multifamily development shall be gated with private drives. Landscaping and entrance features shall be provided in addition to security mechanisms that may or may not include manned facilities. All gated entries shall be approved for access by the Fire Marshal of the City of Joshua.

6.11.12 POINTS OF ENTRY AND EXIT OF LIVING UNITS

Each unit in any multi-story design, regardless of density, shall be provided with one (1) outside point of entry and exit, with each providing separate access to places of safety in the event of fire and/or other emergency.

6.11.13 OUTDOOR LIGHTING REQUIREMENTS

Outdoor lighting shall comply with the regulations required by Article 11, Outdoor Lighting Requirements.

6.11.14 R-4- MULTIFAMILY RESIDENTIAL PERMITTED USES

Uses in the R-4 district shall be in accordance with Section 5.2 Permitted Use Table

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Section 6.12 MH – Manufactured Home Subdivision District

6.12.1 GENERAL PURPOSE & DESCRIPTION

The purpose of the MH Manufactured Home District residential district is to provide adequate space and restrictions for the placement of HUD-Code manufactured homes in the City within designated subdivisions. This does not include mobile homes as defined in this ordinance. The MH Manufactured Home district is also established to provide housing densities compatible with existing and proposed neighborhoods by providing alternative housing types both in construction and economy within the MH Manufactured Home district. It is the intent of the MH Manufactured Home district to provide the maximum amount of freedom possible in the design of such developments and the grouping and layout of homes within such developments in order to provide amenities normally associated with planned residential areas.

6.12.2 MH DISTRICTS ESTABLISHED BY PLANNED DEVELOPMENT

Regulations for each manufactured home subdivision shall be established by a Planned Development District ordinance adopted pursuant to 7, PD Planned Development District.

6.12.3 ADDITIONAL REGULATIONS OF THE MH MANUFACTURED HOME SUBDIVISION DISTRICT.

- A. A manufactured housing development shall occupy a site of not less than ten (10) acres in size.
- B. Manufactured housing units shall meet all standards set by the U.S. Department of Housing and Urban Development.
- C. All manufactured homes shall provide skirting around the base of the home.
- D. All subdivision standards must be met as specified by the City of Joshua Subdivision Regulations.
- E. Additional regulations may be found in Section 6.12.13 and within Article 7. Parking Standards.

6.12.4 AREA REGULATIONS

- A. Size of Setbacks
 1. **Porches / Accessory Buildings** –5 feet from edge of an interior street and / or any other manufactured home.
 2. **Carport** – 5 feet from adjacent manufactured home.
 3. **Freestanding Accessory Building** –5 feet from adjacent manufactured home.
 4. **Side of Manufactured Home and Property Line** – 10 feet
 5. **End of Manufactured Home and Property Line** – 5 feet.
 6. **Separations Between Manufactured Homes** – See Section 6.12.11.E

6.12.5 DEFINITIONS

Accessory building. A subordinate building, the use of which is incidental to that of the main building on the same lot.

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Alteration. Replacing, adding, modifying, removing, or exchanging manufactured homes or other structures, moving in a new or additional manufactured home or other structure, changing or adding manufactured home community plot or lot lines, and changing manufactured home community property lines.

Back end. The opposite end from the front end of the unit.

Back side. The opposite side from the front side of the unit.

Building board of appeals. The City Zoning Board of Adjustment.

Building code. The most recently adopted edition of the electrical code, building code, fire code, mechanical code, and plumbing code adopted by ordinance and currently in effect in the city, and the Manufactured Housing Standards Act, Chapter 1201 et seq. of the Texas Occupations Code.

Building official. The person employed by the city to perform building permit review and inspections.

City official. The city manager, police chief, fire marshal, fire chief, building official/inspector, code compliance officer, and city engineer.

Clubhouse. A building or rooms accessible to all residents, which is used for meetings or recreational use.

Dangerous manufactured home. A manufactured home or any other structure in or around which conditions exist as outlined in Section 6.12.5 of this Section, which could possibly threaten the health, safety or general welfare of any person.

Department. The City.

Director. The city manager or his/her designee.

Driveway. A private access leading from a street or other thoroughfare to a building, garage, recreational vehicle or HUD-code manufactured home.

Dwelling. A structure, including a HUD-code manufactured home or recreational vehicle, occupied for a residential purpose.

Dwelling unit. Any room or group of rooms occupied, or which is intended or designed to be occupied, as the home or residence of one (1) individual, group of individuals, family, or household for housekeeping purposes.

Essential utility. Electricity, water, sanitary sewer, storm sewer, and heating fuel.

Family. One (1) or more persons related by blood, adoption or marriage and who are living together as a single housekeeping unit.

Fire chief. The fire chief of the city or his or her designated representative.

Front end. The end of the unit where the tongue would be attached or where the headlights are located.

Front side. The side of the unit where the front door is located or left side when facing the tongue or headlights.

Garbage. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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Habitable room. A room or enclosed floor space used or designed to be used for living, sleeping, cooking or eating purposes, but not including bathrooms, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets or storage spaces.

HUD. The United States Department of Housing and Urban Development.

HUD-code manufactured home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems of the home.

Installation. The construction of the foundation systems, whether temporary or permanent, HUD-code manufactured home, HUD-code manufactured home component, or HUD-code manufactured home accessory, including fuel tanks, on or near the foundation system, and includes supporting, blocking, leveling, securing, anchoring, and properly connecting multiple or expandable sections or components, and minor adjustments.

Law. Federal, state, or local statute, ordinance, court decision, rule, or regulation.

Litter. Garbage, refuse, rubbish, and all other waste material deposited on the ground or in any place other than in an approved garbage receptacle.

LPG. Liquefied petroleum gas.

Manager. A person who is responsible for the day-to-day operations of a manufactured home community.

Manufactured home community. Any lot, tract, or parcel of land used in whole or in part for parking two (2) or more HUD-code manufactured homes.

Manufactured home or manufactured housing. A HUD-code manufactured home or a mobile home (reference definition for HUD-code manufactured home).

Manufactured home unit plot. A section of the manufactured home community designated for the placement of a single HUD-code manufactured home.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems of the home.

Occupant. Any person over one (1) year of age living, sleeping, cooking, eating in or having actual possession of a dwelling unit.

Office. The location on the property where business is conducted for the property.

Owner. A person claiming, or in whom is vested, the ownership, dominion, or title to real or personal property, including but not limited to the owner of a fee simple title; the holder of a life estate; the holder of a leasehold estate for an initial term of five (5) years or more; the buyer in a contract for deed; a mortgagee, receiver, executor, or trustee in control of real property; the agent of an owner in fee simple, the holder of a leasehold, lessor, sublessor, mortgagee, receiver, executor, or trustee; lessor, or sublessor of a dwelling.

Permit. An official document or certificate issued by the city authorizing performance of a specified activity.

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Person. An individual, company, corporation, business trust, estate trust, partnership, association, any other group, two or more persons having a joint or common interest, or any legal or commercial entity.

Police chief. The police chief of the city or his or her designated representative.

Porch or deck. A structure adjacent to an entry door of a HUD-code manufactured home.

Premises. A lot, plot or parcel of land, including any structure on it.

Recreational vehicle. A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projections, self-propelled or towable and designed primarily not for use as a permanent dwelling unit, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Street. Any roadway, fire lane, access or alley.

Structure. That which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Swimming pool. Any structure, basin, chamber, spa, or tank containing an artificial body of water for swimming, diving, physical fitness, or recreational bathing and having a depth of two (2) feet or more at any point. This phrase does not include lakes or creeks.

Tenant. Any person who occupies a dwelling unit for living or dwelling purposes with the property owner's or landlord's consent.

Travel trailer. A structure, having no foundation other than a permanent chassis with wheels, which is 12 body feet or less in width, and is less than 40 body feet in length, and is designed to be used as a dwelling with or without a permanent foundation. The term "travel trailer" includes folding hardtop campers transported behind a motor vehicle, truck-mounted campers attached to and transported behind a motor vehicle or pickup, recreational vehicles, campers, or similar types of temporary dwellings intended for short-term occupancy, travel, and/or recreation.

Unfit for human habitation. Uninhabitable or dangerously deteriorated.

Unit. Any HUD-code manufactured home, washeteria, office, clubhouse and athletic facility.

Unit plot. A piece of ground set aside and designated for occupancy by one (1) HUD-code manufactured home.

Unit plot line. The imaginary line around any HUD-code manufactured home unit plot.

Washeteria. A self-service laundry room accessible to all residents, which contains two (2) or more pairs of washers and dryers.

6.12.6 PARKING AND OCCUPANCY OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES RESTRICTED

- A. Manufactured homes. It is unlawful for any person to park a manufactured home within the city for longer than forty-eight (48) hours. Affirmative defenses to the Section are:
1. That the manufactured home is in a manufactured home community;
 2. That the manufactured home is a recreational vehicle parked in compliance with the city zoning ordinance and all other applicable laws;

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3. That the manufactured home is parked on property where manufactured homes are manufactured or sold and where no one occupies a manufactured home as a dwelling or sleeping place; and
 4. That the manufactured home is parked on the property as a temporary office or display unit and where no person occupies a manufactured home as dwelling or sleeping place.
- B. Occupancy of recreational vehicles and travel trailers. It is unlawful to use a recreational vehicle or travel trailer as a dwelling unit, except as provided by this subsection. Recreational vehicles and travel trailers are only allowed as dwelling units in existing manufacturing home communities, on the specific lots where they are located as of the effective date of this Ordinance.

6.12.7 ROSTER OF MANUFACTURED HOMES AND RECREATIONAL VEHICLES.....

- A. The owner, licensee, and manager of each manufactured home community shall keep a roster of all manufactured homes and recreational vehicles located within the manufactured home community. The roster shall contain the following information:
1. The make, model and year of each manufactured home and recreational vehicle;
 2. The vehicle identification number and name of the owner of each manufactured home and the license number and name of the owner of each recreational vehicle and the state issuing the license; and
 3. Dates of each manufactured home moved into and/or out of the manufactured home community.
- B. The owner or manager shall make the roster available for inspection at all times by law enforcement officers, appropriate employees of the city, and fire department personnel.

6.12.8 PERMIT REQUIREMENTS.....

- A. It is unlawful for any person to alter or expand any existing manufactured home community unless he or she has a valid permit issued by the city in the name of such person for the specific alteration or expansion. All alterations or expansions of a manufactured home community shall comply with the city subdivision ordinance, this Ordinance and the setback requirements of this Section. The regulations in this Section will prevail if any other ordinances are in conflict with this Section. The fees to alter or expand any existing manufactured home community will be listed in the city fee schedule.
- B. It shall be unlawful for any mobile home owner, mobile home park owner, or other person to replace an existing mobile home or add a mobile home without first obtaining a permit from the city.
- C. All applications for a permit shall contain the following:
1. Name, address and telephone number of the applicant;
 2. Name, address and telephone number of the owner of the property;
 3. The address and legal description of the manufactured home community;
 4. A plot plan providing:

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- a. The date of preparation, name of preparer, scale, and north point;
 - b. Name of the manufactured home community and its owner;
 - c. Location of property line boundaries and dimensions of the tract;
 - d. Location and width of all access, driveways and parking areas;
 - e. Proposed placement location of all manufactured homes; and
 - f. All required front, rear and side setback lines in compliance with this Section.
- D. The applicable fee of forty dollars (\$40.00) shall be charged at the time of permit application for moving a mobile home into a mobile home community.
- E. It is unlawful for any person to locate or relocate, alter, expand, or construct a new manufactured home community unless he or she has a valid permit issued by the city in the name of such person for the specific placement, alteration, expansion or construction. All manufactured home, recreational vehicle and accessory building placements, alterations, extensions, or construction shall comply with applicable codes and ordinances of the city.

6.12.9 ISSUANCE OF PERMITS

When, upon review of the application and receipt of the required fee, the city is satisfied that the proposed plan meets the requirements of this Section and all applicable laws, the appropriate city official may issue a permit.

6.12.10 LOCATING MANUFACTURED HOME OR OTHER STRUCTURE IN VIOLATION OF STANDARDS

It is unlawful for any person to position, move, or locate, or for a manufactured home community owner or manager to allow, permit, or suffer any person to move, position, or locate, any manufactured home, accessory building, or other structure within or into a manufactured home community so that a violation of this Section or other applicable law is created or exacerbated.

6.12.11 DRIVEWAYS AND ROADWAYS

The owner or manager of each manufactured home community in the city shall provide in the manufactured home community:

- A. At least one (1) driveway entrance or private street entering from a public street into the manufactured home community that is at least twenty-four (24) feet wide with a minimum turning radius of thirty (30) feet.
- B. A properly marked fire access roadway that abuts each manufactured home plot and that is not less than twenty-four (24) feet wide at any point with a thirty-foot turning radius and vertical clearance of not less than fourteen (14) feet.
- C. Service roads, fire lanes, access, private streets, and roadways constructed and maintained so that they are weathertight and capable of supporting the imposed load of a 40,000-pound fire department apparatus with two-thirds (2/3) of the weight on the rear axle, capable of allowing free passage of fire department apparatus. The city engineer may require a manufactured home community owner to provide a laboratory testing analysis with a certifying letter that the entire surface as stated in the proceeding sentence is capable of meeting aforementioned conditions.

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- D. Street name signs at each end of each block of each platted public and private street and unit numbers on each unit.
- E. Sidewalks, parking spaces, parking lots, and other pavement maintained in a safe and operable condition.
- F. Driveways and parking for at least two (2) vehicles for each manufactured home plot or lot may be constructed of an alternate design material with approval of the city.

6.12.12 COMPLIANCE WITH STATE STANDARDS FOR MANUFACTURED HOUSING

- A. It is unlawful for any person to own or manage a manufactured home community that contains any manufactured home built after 1976 that is not constructed and installed in compliance with the Manufactured Housing Standards Act, Chapter 1201 et seq. of the Texas Occupations Code, and with all laws, rules and regulations promulgated by the state department of housing and community affairs pursuant to that act.
- B. It is unlawful for any person to own, keep, or occupy a manufactured home built after 1976 in the city limits that is not constructed and installed in compliance with the Texas Manufactured Housing Standards Act and with all laws, rules, and regulations promulgated by the state department of housing and community affairs pursuant to that act.

6.12.13 DESIGN AND MAINTENANCE STANDARDS

It is unlawful for any person to own or manage a manufactured home community that does not meet the following standards:

- A. Drainage. Each manufactured home community and each unit plot shall be properly graded and equipped to drain all surface water in a safe and efficient manner.
- B. Maintenance of accessory structures and community buildings. All accessory structures and community buildings in the manufactured home community shall be maintained in a structurally sound and clean condition, and kept free of any condition that might be detrimental to the safety or health of any person.
- C. Collection and removal of waste. Each manufactured home community shall be provided with safe, clean, and adequate facilities for the collection and removal of wastes and garbage.
- D. Electrical outlets. Each manufactured home unit plot shall be supplied with a separate electrical outlet supplying at least one hundred ten (110) volts, permanently identified as belonging to the individual plot it serves.
- E. Setbacks and separations. Setbacks and separations shall be maintained for all manufactured homes, accessory buildings and other structures as follows:
 - 1. Porches and accessory buildings must be a minimum of five (5) feet from the edge of an interior street and/or from any adjacent manufactured home.
 - 2. A carport may be attached to the manufactured home it serves but may not be closer than five (5) feet to any adjacent manufactured home.
 - 3. A freestanding accessory structure shall be no closer than five (5) feet to an adjacent manufactured home at any point. It is an affirmative defense to this subsection that the accessory structure is located within eight inches of the manufactured home it serves.

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4. Between any end of a manufactured home and [edge of] internal private roadway: five (5) feet; or seventeen (17) feet from the center of the road.
5. Between any side of a manufactured home and edge of internal private roadways: five (5) feet; or seventeen (17) feet from the center of the road.
- F. Exposed ground. All exposed ground shall be covered with pavement, stone screenings or other solid or semi-porous material, or vegetative growth that is capable of eliminating soil erosion and dust and that is free of holes and depressions that may injure a person or property.
- G. Maintenance of drainage devices. All drainage ditches, culverts, and other drainage devices shall be maintained so that they are free flowing and free of trash, debris, and all other obstacles.
- H. Fire hydrants. Any manufactured home community established after the effective date of this Section shall have at least one (1) fire hydrant maintained in compliance with all applicable laws within five hundred (500) feet of each outside wall of each structure in the manufactured home community, measured along a route approved by the fire department. It is an affirmative defense to this section that an alternative design has been approved by the fire chief and/or that the manufactured home community existed before the effective date of this Ordinance.
- 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.
- J. Excavations or other dangerous conditions. No holes, excavations, sharp protrusions, or any other object or condition may exist on the property which may cause injury to a person.
- K. Uncovered wells, cesspools or cisterns. No wells, cesspools, and cisterns that are not securely covered or securely closed.
- L. Storage of pool chemicals. All pool chemicals must be stored in compliance with all applicable laws.
- M. Broken sewer lines. All broken sewer line(s) must be repaired or replaced and all residue must be removed, and affected areas treated with a suitable disinfectant, within seventy-two (72) hours of notification or discovery that the sewer line is broken.
- N. Address numbers and other required signage. All street address numbers, unit numbers, lot or plot numbers, and any additional signage as required by applicable laws must be provided and maintained on each manufactured home and structure, and on the property.
- O. Fences. All fences on the property must be maintained in compliance with Article 3.05 Fences of the Joshua Code of Ordinances.
- P. Swimming pools and spas. All swimming pools, spas, and pool fences and gates must be installed and maintained in compliance with all applicable laws.
- Q. Electrical supply lines. All supply lines for electrical service to each dwelling unit intended for human occupancy must be installed and maintained in safe, operative condition and in compliance with all applicable laws.
- R. Water and sewer systems. All exterior water and sewer systems must be installed and maintained in compliance with all applicable laws.

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- S. Fire lanes and paved areas. All fire lanes and required paved areas must be installed and maintained with legible parking and fire lane markings in compliance with all applicable laws.
- T. Access control devices. Any vehicular or pedestrian access control devices must be installed and maintained in compliance with all applicable laws.
- U. Fuel supply lines and fuel containers. All fuel supply lines to each dwelling unit and all fuel containers for each dwelling unit that is heated by natural gas or propane or has a water-heating device or stove fueled by natural gas or propane must be installed and maintained in compliance with all applicable laws.
- V. Sidewalks, ramps, bridges, parking lots, stairs and steps. All sidewalks, ramps, bridges, parking lots, stairs, and steps must be installed and maintained in safe and operative condition and in compliance with all applicable laws.
- W. Maintenance of yards. Yards around and adjacent to manufactured homes or mobile home parks shall be maintained in accordance with applicable city ordinances and state or federal laws.
- X. Storage area. A manufactured home community may provide a storage area for residents use for boats, recreational vehicles, campers, and additional vehicles, as well as park maintenance equipment and supplies, as long as it is screened from all adjacent properties or if visible from the public right-of-way by a six (6) foot minimum blind fence in compliance with Article 3.05 Fences of the Joshua Code of Ordinances.
- Y. Exemption from setback and separation requirements. The standards set forth in Section 6.12.2 shall apply to any manufactured home moved into, onto, or within a manufactured home community after the effective date of this Ordinance. It shall be an affirmative defense to prosecution under the provisions of Section 6.12.2 that the manufactured home in question has not moved since the effective date of this Ordinance.

6.12.14 COMPLIANCE WITH APPLICABLE LAWS

Each owner or manager of a manufactured home community within the city which may be used for human habitation or residence shall comply with the provisions of this Section and all other applicable laws for each manufactured home community over which he or she has control.

6.12.15 DUTIES OF OWNER OR MANAGER

- A. Maintenance of facilities and equipment. The owner or manager of a manufactured home community shall provide adequate supervision to maintain the community and its facilities and equipment and to keep it in an operable and sanitary condition at all times.
- B. Supervision of placement of manufactured homes. The owner or manager of a manufactured home community shall supervise the placement of each manufactured home on its lot or plot, insuring safe installation and set-up in compliance with all applicable laws.
- C. Supervision of installation of LPG containers. The owner or manager of a manufactured home community within the city shall ensure safe installation of liquid petroleum gas (LPG) containers, including propane gas, in compliance with all applicable laws, and shall ensure that they are securely anchored to the ground directly beneath the container.

6.12.16 DISCLOSURE OF OWNERSHIP OF UNITS

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- A. An owner or manager shall disclose to a tenant or to a city staff member acting in an official capacity:
 - 1. The name and street address of the holder of record title of the dwelling rented by another tenant or inquired about by the applicable city official; and
 - 2. If an entity located off-site from the dwelling is primarily responsible for managing the dwelling, the name and street address of the management company.
- B. Disclosure to a tenant under subsection (A) must be made by:
 - 1. Giving the information in writing to the tenant on or before the seventh day after receipt of the tenant's request for the information;
 - 2. Posting the information in a conspicuous place in the dwelling or the office of the on-site manager or on the outside of the entry door to the office of the on-site manager; or
 - 3. Including the information in a copy of the tenant's lease or in written rules provided to the tenant.
- C. Disclosure of information to a tenant may be made under subsection (B)(2) before the tenant requests the information.
- D. Disclosure of information must be made by giving the information in writing to the city staff member on or before the seventh day after the date the owner or manager receives the city's request.
- E. A correction to the information may be made by any of the methods authorized for providing the information.
- F. For the purposes of this Section, an owner or property manager may disclose either an actual name or names or an assumed name if an assumed name certificate has been recorded with the county clerk.

6.12.17 CONDITIONS OR DEFECTS CONSTITUTING UNINHABITABLE AND DANGEROUS MANUFACTURED HOME

- A. A dangerously damaged or deteriorated manufactured home whose condition, in the building official's judgment, presents a substantial danger to its occupants or adjoining property or persons and which has some or all of, but not necessarily limited to, the following structural deficiencies:
 - 1. Parts or pieces that may fall and injure a person or property.
 - 2. Damage by fire, explosion, wind, vandalism, or elements of nature so that there may be a danger to life or safety or to the general health and welfare of a person.
 - 3. Absence of the availability of an essential utility for seventy-two (72) hours or more, in an occupied structure.
 - 4. Any leaking sewage and/or exposed wastewater lines.
 - 5. Inaccessibility of any part of the community to fire, police, EMS or other emergency vehicles.

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6. Individuals, owners, or tenants who allow their dwelling units to fall into a state of disrepair are in violation of this Article and may be cited and fined. Owners or managers of a manufactured home community who allow the community to fall into disrepair may also be cited and fined.

6.12.18 REPLACEMENT OF HUD-CODE MANUFACTURED HOMES

In the event that a HUD-code manufactured home occupies a lot in the city, whether located in a manufactured home community or not, the owner of the HUD-code manufactured home may remove the HUD-code manufactured home from its location and place another HUD-code manufactured home on the same property, provided that the replacement is a newer HUD-code manufactured home, and is at least as large in living space as the prior HUD-code manufactured home. Except in the case of a fire or natural disaster, the owner of the HUD-code manufactured home is limited to a single replacement of the HUD-code manufactured home on the same property.

6.12.19 LICENSE REQUIRED

It is unlawful for any person to own or manage any manufactured home community within the limits of the city without a valid license issued by the City.

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6.12.20 APPLICATION; TRANSFER; EXPIRATION AND RENEWAL

- A. An applicant for a manufactured home community license shall file with the city a written application on a form provided for that purpose and signed by the owner or manager, or his or her agent. The following information is required in the application:
 - 1. Correct names and correct current addresses and telephone numbers of the lessor, sublessor, owner, property manager, resident manager, and insurance company;
 - 2. Trade name of the manufactured home community;
 - 3. Correct and current names and addresses of all registered agents of any of the parties above named that are corporations;
 - 4. Correct current zoning district in which the manufactured home community is located;
 - 5. Accurate number of manufactured home plots;
 - 6. Current correct telephone number, name, and address of a person responsible for paying utility bills for the common area of the manufactured home community.
- B. Licenses are annual and expire on the 31st day of December of the year issued. The owner shall make application to renew the license no later than December 31 of the current year.
- C. The city may, at any time, require additional relevant information of the owner or manager to clarify items on the application, and the owner or manager shall do so.
- D. When more than fifty percent (50%) of the ownership of the manufactured home community changes or there is a change of a general partner, the new owners and partners shall obtain a new license.
- E. The owner or licensee shall notify the city in writing of each change in ownership and each change in property manager, resident manager, individual responsible for paying utility bills, and individual responsible for compliance with this Article, or any information required in this Section, within thirty (30) days of the change.
- F. If an annual license cannot be issued at the time the application is filed, a temporary license may be issued upon payment of the license fee, which shall be valid until such time as the annual license is issued or the temporary license is revoked for failure or refusal to comply with this Article.

6.12.21 FEE

- A. The city will not issue a manufactured home community license until the applicant has met all the prerequisites for a license and paid all applicable fees.
- B. The annual fee for each manufactured home community license is as provided for in the fee schedule set by the City of Joshua.
- C. If the applicant pays a fee under this Section by check or other instrument which is not honored, the license for which the payment was made is void and invalid.
- D. The applicant shall pay the license fee at the time they file an application with the city.

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6.12.22 DISPLAY; REPLACEMENT; TRANSFER

- A. Each license issued pursuant to this Article to a manufactured home community owner or manager shall be posted and displayed by the owner or manager in the business office of the manufactured home community or in another conspicuous place to which tenants have access.
- B. A replacement license may be issued for one lost, destroyed, or mutilated upon application on the form provided by the city. A replacement license may have the word “Replacement” stamped across its face.
- C. A manufactured home community license is not assignable or transferable from one person to another or from one place to another.

6.12.23 STANDARDS FOR OBTAINING AND HOLDING LICENSE

The owner and manager shall maintain the manufactured home community in compliance with the provisions of this Article and with all applicable city ordinances and state and federal laws in order to obtain, retain, or renew a manufactured home community license.

6.12.24 INSPECTIONS AUTHORIZED

The code compliance officer, building inspector, police chief, fire marshal and/or fire chief is authorized to inspect the premises of a manufactured home community when the owner or manager makes application for a license, or whenever necessary or expedient to determine the condition of the manufactured home community.

6.12.25 RIGHT OF ENTRY

- A. Inspections may be made between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday; provided, however, in cases of emergency where hazards are known or suspected to exist which may involve injury to a person or severe property damage, an inspection may occur at any time.
- B. A city official, as defined by this Ordinance, may request entry to a dwelling unit or structure for inspection purposes only. Whenever a city official is denied entry to a dwelling unit or structure, such denial shall not be a violation of this Article, but the official may use the resources provided by law to gain entry.

6.12.26 TIME FOR COMPLIANCE

- A. After the effective date of this Ordinance, the appropriate city official shall order the owner or manager of a community subject to these provisions to come into compliance. Upon receipt of such notice, the owner shall, subject to the applicable time limits, take necessary actions to comply with the provisions of this Article. A sale or other transfer of the premises does not affect the validity and enforceability of the order. A person acquiring interest in the property after an order has been so filed is subject to the requirements of the order.
- B. The owner or manager of a manufactured home community shall comply with the setback and separation requirements of this Ordinance whenever a manufactured home or accessory building is moved into, onto, or within the manufactured home community.
- C. The owner or manager of a manufactured home community shall comply with the access and driveway requirements of this Article and commence any necessary alterations to the community within thirty (30) months of the date of the order to the owner, and work shall be

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completed within sixty (60) months from the date of notification. The owner or manager of an existing manufactured home community, as of the effective date of this Article, whose existing roadway is narrower than specified in the regulations is exempt from this requirement; however, in no case shall the existing roadway be reduced from the existing width.

- D. The owner or manager of a manufactured home community established after the effective date of this Article shall comply with the fire hydrant requirements of Section 6.12.29 and shall commence work on the required alterations to the community within thirty (30) months of the date of the order to the owner, and work shall be completed within sixty (60) months from the date of owner notification.
- E. The owner or manager of a manufactured home community shall comply with every requirement of this Article, other than those set out in subsections B, C, and D of this Section, no later than twelve (12) months from the date on the order. Time frames for life, health, and safety issues may necessitate a shorter time frame and will be so ordered by the appropriate city official.
- F. The owner or manager of a manufactured home community shall file plans and specifications for the necessary alterations with the appropriate city official, pursuant to subsections B, C, and D above, and shall obtain all necessary building or other permits prior to performing any work.

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Section 6.13 C-1 – Restricted Commercial District

6.13.1 GENERAL PURPOSE & DESCRIPTION

The C-1 Restricted Commercial District is to provide for a district of uses primarily oriented to select convenience goods and services which supply the daily needs of residential neighborhoods, including neighborhood shopping centers where residents of the adjacent neighborhood have both pedestrian and automobile access. As indicated in the Comprehensive Land Use Plan this district is appropriate as Commercial / Office / Service development adjacent to residentially zoned areas.

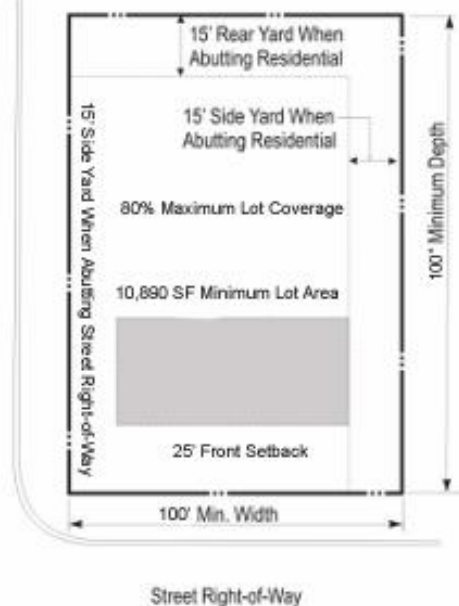
6.13.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 10,890 square feet.
2. **Minimum Lot Width** – 100 feet.
3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – None, if adjacent to another nonresidential district; 15 feet, if adjacent to residential; 15 feet, if adjacent to street (public or private)
3. **Minimum Rear Setback** – None, if adjacent to another nonresidential district; 15 feet, if adjacent to residential; 25 feet If the rear yard is adjacent to a street (public or private)- it will be considered a Front Yard



C. **Maximum Lot Coverage** – 80%.

D. **Maximum Height** – 45 feet.

6.13.3 PARKING REQUIREMENTS

Off-street parking and loading requirements shall conform to the provisions of Article 7 Parking Requirements.

6.13.4 LANDSCAPING REQUIREMENTS

Landscaping requirements shall comply with the provisions in Article 8 Landscaping Requirements.

6.13.5 DESIGN STANDARDS

- A. Screening and buffer requirements shall comply with the provisions in Section 8.16 Screening and Buffer Requirements.
- B. All structures shall be in compliance with the design standards of Article 9.

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6.13.6 TEMPORARY USES AND SPECIAL EVENTS

Temporary uses and special events located in this district shall comply with the provisions in Section 5.11 Temporary Uses and Special Events.

6.13.7 SITE PLAN REQUIREMENT.....

A site plan shall be submitted for consideration by the City Council, upon recommendation by the Planning and Zoning Commission, for any new construction requiring a building permit in this district. The site plan may be submitted at the time of rezoning to this district as a part of an application for rezoning. If rezoning is not required, the site plan shall be submitted for approval by the City at the time of application for a building permit.

6.13.8 C-1 – RESTRICTED COMMERCIAL PERMITTED USES

Uses in the C-1 district shall be in accordance with Section 5.2 Permitted Use Table

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Section 6.14 C-2 – General Commercial District

6.14.1 GENERAL PURPOSE & DESCRIPTION

The C-2, General Commercial District is intended to provide a zoning category similar to the C-1 District except that additional uses are permitted which are not generally carried on completely within a building or structure and an expanded range of service and repair uses is permitted. These uses are generally more intense in nature and are located along major thoroughfares, as indicated in the Comprehensive Land Use Plan. These uses are appropriate as corridor, commercial nodes and employment center development forms as provided in the Comprehensive Land Use Plan.

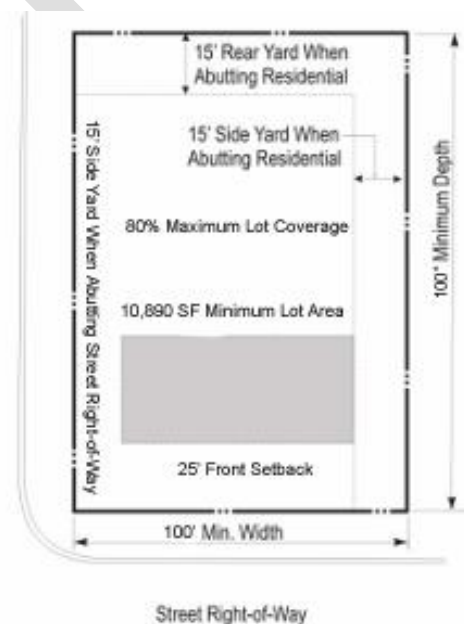
6.14.2 AREA REGULATIONS

A. Size of Lots

1. **Minimum Lot Area** – 10,890 square feet.
2. **Minimum Lot Width** – 100 feet.
3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – None, if adjacent to another nonresidential district; 15 feet, if adjacent to residential; 15 feet, if adjacent to street (public or private)
3. **Minimum Rear Setback** – None, if adjacent to another nonresidential district; 15 feet, if adjacent to residential; 25 feet If the rear yard is adjacent to a street (public or private)- it will be considered a Front Yard



C. Maximum Lot Coverage – 80%.

D. Maximum Height – 45 feet.

6.14.3 PARKING REQUIREMENTS

Off-street parking and loading requirements shall conform to the provisions of Article 7 Parking Requirements.

6.14.4 LANDSCAPING REQUIREMENTS

Landscaping requirements shall comply with the provisions in Article 8, Landscaping Requirements.

6.14.5 DESIGN STANDARDS

- A. Screening and buffer requirements shall comply with the provisions in Section 8.16 Screening and Buffer Requirements.

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B. All structures shall be in compliance with the design standards of Article 9.

6.14.6 TEMPORARY USES AND SPECIAL EVENTS

Temporary uses and special events located in this district shall comply with the provisions in Section 5.11 Temporary Uses and Special Events.

6.14.7 SITE PLAN REQUIREMENT

A site plan shall be submitted for consideration by the City Council, upon recommendation by the Planning and Zoning Commission, for any new construction requiring a building permit in this district. The site plan may be submitted at the time of rezoning to this district as a part of an application for rezoning. If rezoning is not required, the site plan shall be submitted for approval by the City at the time of application for a building permit.

6.14.8 C-2 – GENERAL COMMERCIAL PERMITTED USES

Uses in the C-2 district shall be in accordance with Section 5.2 Permitted Use Table

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Section 6.15 I –Manufacturing / Industrial District

6.15.1 GENERAL PURPOSE & DESCRIPTION

The I Manufacturing/Industrial District is designed to permit industrial and manufacturing use which tends to be of direct support to nearby residential and commercial areas, and which have low to moderate objectionable environmental influences. These uses are generally screened from single-family residential uses and are best located near railroads and major thoroughfares, providing employment centers as indicated on the Comprehensive Land Use Plan.

6.15.2 AREA REGULATIONS

A. Size of Lots

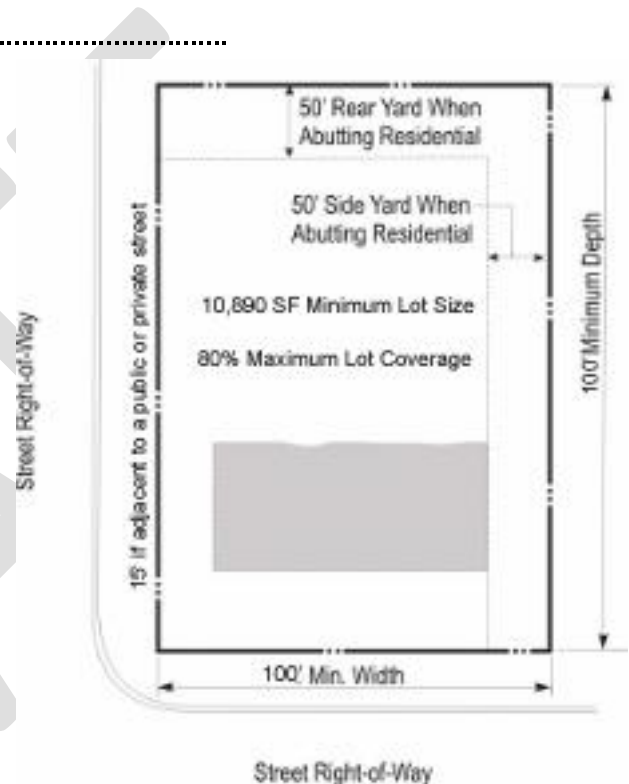
1. **Minimum Lot Area** – 10,890 square feet.
2. **Minimum Lot Width** – 100 feet.
3. **Minimum Lot Depth** – 100 feet.

B. Size of Setbacks

1. **Minimum Front Setback** – 25 feet.
2. **Minimum Side Setback** – None if adjacent to another nonresidential district; 50 feet if adjacent to a residential district; 15 feet, if adjacent to a public or private street.
3. **Minimum Rear Setback** – none if adjacent to another nonresidential district; 50 feet if adjacent to a residential district; 25 feet if adjacent to a public or private street- It will be considered a Front Yard.

C. Maximum Lot Coverage – 80%.

D. Maximum Height – 50 feet.



6.15.3 PARKING REQUIREMENTS

Off-street parking and loading requirements shall conform to the provisions of Article 7 Parking Requirements.

6.15.4 LANDSCAPING REQUIREMENTS

Landscaping requirements shall comply with the provisions in Article 8 Landscaping Requirements.

6.15.5 DESIGN STANDARDS

- A. Screening and buffer requirements shall comply with the provisions in Section 8.16 Screening and Buffer Requirements.

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B. All structures shall be in compliance with the design standards of Article 9.

6.15.6 TEMPORARY USES AND SPECIAL EVENTS

Temporary uses and special events located in this district shall comply with the provisions in Section 5.11 Temporary Uses and Special Events.

6.15.7 CARGO CONTAINER REGULATIONS

Requirements pertaining to the location of cargo containers within this district shall comply with the provisions in Section 5.9 Cargo Container Regulations.

6.15.8 SITE PLAN REQUIREMENT

A site plan shall be submitted for consideration by the City Council, upon recommendation by the Planning and Zoning Commission, for any new construction requiring a building permit in this district. The site plan may be submitted at the time of rezoning to this district as a part of an application for rezoning. If rezoning is not required, the site plan shall be submitted for approval by the City at the time of application for a building permit.

6.15.9 I – MANUFACTURING / INDUSTRIAL PERMITTED USES

Uses in the I district shall be in accordance with Section 5.2 Permitted Use Table

Section 6.16 HP– Heritage Preservation Overlay District

6.16.1 PURPOSE AND DESCRIPTION

The Heritage Preservation (HP) Overlay District encompasses most of the original town site of the City of Joshua. The area generally contains a mixture of some of the oldest buildings in Joshua along with newer uses and buildings that have replaced older structures over the years. Vacant lots are scattered throughout the district. The HP Overlay District is designed to transform the area into a historic community focal point of the City with the character of a small Texas town of the early 1900's.

The standards set forth in this district will ensure design consistency in both the redevelopment of existing structures and in new developments. The HP Overlay District shall be used in conjunction with existing base zoning district in this area.

6.16.2 DEFINITIONS

The following words, when used in this Section, shall take precedence and shall have the meaning respectively ascribed to them in this Section, unless the context of this Article clearly indicates otherwise. Words that are not defined in this Article shall have the meaning as defined by the city.

Alteration. Any change to the exterior of a building, structure, object, site, or area. Alteration shall include, but is not limited to, changing to a different kind, type, or size of roofing or siding materials; changing, eliminating, or adding exterior doors, door frames, windows, window frames, shutters, fences, railing, columns, beams, walls, porches, steps, porte-cocheres, balconies, or ornamentation; or the dismantling, moving, or removing of any exterior features. Alteration does not include ordinary maintenance or repair.

Exterior feature. An element of the architectural character and general arrangement of the external portion of a building, structure, or object, including, without limitation, building material that is visible from public right-of-way.

Heritage landmark. Any site, individual building, structure, or object designated by ordinance of the City Council that is worthy of rehabilitation, restoration, and/or preservation for its heritage, cultural, and/or architectural significance to the City.

Heritage preservation overlay district. An area of the city designated by ordinance of the City Council which possesses within definable geographic boundaries, a significant concentration, linkage, or continuity of sites, buildings, or structures united historically or aesthetically by plan or physical development.

Ordinary maintenance. Activities relating to a property that would be considered ordinary or common for maintaining the property.

Preservation. The act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site.

Substantial modification. A substantial modification means any reconstruction, rehabilitation, addition, or other improvement to the structure's facade of a nonresidential building, the cost of which equals or exceeds 50 percent of the market or tax appraisal value of the building, structure, object, site or area, whichever is greater, as determined by an independent appraiser or the last official City tax roll, either before the improvement or repair is started, or, if the structure has been damaged and is being restored, before the damage occurred.

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6.16.3 HERITAGE PRESERVATION COMMITTEE.....

- A. Created. There is hereby created the Joshua Heritage Preservation Committee, herein after referred to as the “committee.”
- B. Membership.
 - 1. The committee shall consist of five (5) members appointed by the City Council. The members will consist of three (3) members who shall be owners of a property or business located within the Heritage Preservation Overlay District. One (1) member shall be a representative from City Council and one (1) member shall be a representative from the Planning and Zoning Commission.
 - 2. All committee members, regardless of background, shall have a demonstrated interest in heritage preservation within the city.
 - 3. All members of the committee shall serve at the pleasure of the City Council and may be removed at any time and for any reason or no reason at all.
- C. Terms of office. Committee members shall serve for staggered two (2) year terms, with the exception that the initial term of members one and two shall be one (1) year, and the initial terms of members three, four, and five shall be two (2) years.
- D. Officers. Following the appointment of new committee members, members of the committee shall elect a chairperson and vice-chairperson.
- E. Meetings. The committee shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman (or City Manager) or on the written request of any two (2) committee members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, as it exists or may be amended.
- F. Quorum. A quorum for the transaction of business shall consist of not less than a majority of the full authorized membership of the committee.
- G. Attendance. Any committee member with three (3) unexcused consecutive absences, as determined by the City Council, will be discharged from the committee. The City Council shall appoint an interim member to serve the remainder of the vacant term.
- H. Heritage Preservation Committee powers and duties.
 - 1. Prepare rules and procedures, as needed, to carry out the business of the committee, to be reviewed by the Planning and Zoning Commission and to be approved by the City Council.
 - 2. Recommend to the Planning and Zoning Commission criteria for the designation of historic, architectural and cultural landmarks and the delineation of the heritage preservation district. Criteria shall be submitted to the City Council for action.
 - 3. Conduct surveys and maintain with the city, an inventory of significant historic, architectural and cultural landmarks or properties within the city and particularly located in the heritage preservation overlay district.
 - 4. Recommend to the Planning and Zoning Commission conferral of recognition to the owners of designated historic landmarks or properties within the heritage preservation

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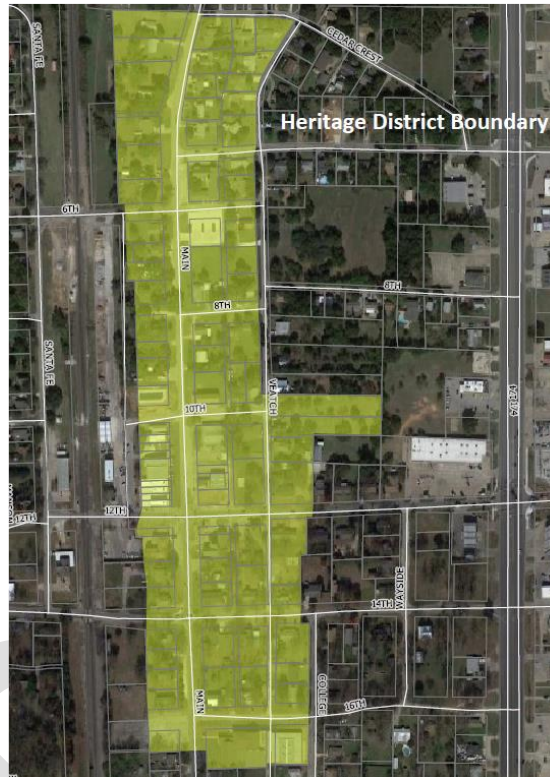
overlay district by means of certificates, plaques, or markers. Criteria shall be submitted to the City Council for action.

5. Upon direction of the city, the committee shall develop or have developed design guidelines and/or policies that guide the physical development and redevelopment of structures, buildings, objects or area located within the heritage preservation overlay district, or structures, buildings, objects, sites, or area that have been designated as landmarks.
6. Increase public awareness of the value of historic, cultural and architectural preservation by developing and participating in public education programs.
7. Recommend to the Planning and Zoning Commission the designation sites, buildings, structures, objects, or areas as landmarks to be included in the heritage preservation overlay district. Such commission recommendations shall be submitted to the City Council for final action.
8. Recommend to the Planning and Zoning Commission the utilization of state, federal, or private funds to promote the preservation of landmarks and the heritage preservation district, within the city. Such commission recommendations shall be submitted to the City Council for action.
9. Maintain written minutes of each meeting to be filed in the office of the city secretary.
10. Prepare, for submission to the City Council, an annual report summarizing the previous year's work and accomplishments.
11. The Heritage Preservation Committee shall have the right to select two persons to serve as "technical advisors." Said persons should provide expertise specific to the needs of the historic preservation of the city and shall serve at the pleasure of the commission. Said persons shall not be financially compensated for such services, unless specifically directed and approved by the City Council.

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6.16.4 BOUNDARY ESTABLISHED

The boundaries of the Heritage Preservation Overlay District shall be reflected on the City's Zoning Map, as referenced in Section 6.2 of the City's Zoning Ordinance and reflected in the map below. This area may be amended by City Council action. This area may be amended by City Council action.



6.16.5 HERITAGE PRESERVATION OFFICER

The City Manager shall designate a staff member or an appropriate resident of the city as the heritage preservation officer. The heritage preservation officer shall administer this Article and advise the committee on related matters.

6.16.6 PERMITTED USES

In the HP district, no building or land shall be used and no building constructed, reconstructed, exterior altered or enlarged unless for a use permitted in the underlying commercial district and not specifically prohibited within the HP district. One family residential uses shall be permitted in the HP district. Live/Work Units or Loft Apartments above Commercial may not be located on the ground floor or as a standalone structure.

- A. Permitted Uses. The following uses are allowed within the HP district in addition to the permitted uses in the underlying commercial district:
 - 1. Dwelling, One-Family Residential with a minimum dwelling size of nine hundred (900) square feet.
 - 2. Live/Work Unit or Loft Apartment above Commercial
 - 3. Bed and Breakfast (Hosted and Non-hosted)

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4. Farmer's Market shall be permitted as a special event. A written application shall be submitted to the Administrative Official for approval. The Administrative Official may defer such approval to the City Council with a recommendation from the Planning and Zoning Commission.
 5. Other uses not listed in prohibited list below, may be allowed with an approved conditional use permit if designed properly.
- B. Prohibited Uses. The following are prohibited uses in the HP district when the underlying district is commercially zoned.
1. Animal Pound
 2. Auto Glass, Seat Cover, Muffler Shop
 3. Auto Laundry/Carwash
 4. Auto Parts and Accessory Sales
 5. Auto Sales or Auctions
 6. Body Piercing Studio
 7. Cemetery/Mausoleum
 8. Collection Center
 9. Fairgrounds/Exhibition Area
 10. Garage Repair
 11. Gas or Motor Fuel Sales
 12. Golf Course
 13. Greenhouse/Nursery - Commercial
 14. Halfway House
 15. Helistop/Heliport
 16. Mini-Storage Warehouse
 17. Motorcycle Sales
 18. Parking Lot, Trucks/Trailers
 19. Pawn Shop
 20. Radio Microwave Tower
 21. Radio/Television Station Tower
 22. Sewerage Pumping Station
 23. Stadium
 24. Swimming Pool
 25. Tattoo Studio

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- 26. Telephone Switching Station
- 27. Water Pumping Station, Private
- 28. Water Storage Facility, Private or Public
- 29. Unlicensed Massage Studio
- 30. Sign Shop

6.16.7 SITE PLAN REQUIRED

Developments within the HP Overlay District shall be subject to design review as part of the site plan review process. Unless specifically noted within this Section, all requirements of this Ordinance apply to the HP Overlay District. Design review is required in this district to ensure that development within the district is in conformance with design guidelines for HP and that proposed development is architecturally compatible and within the historic character of HP. All applications shall go before the Historic Preservation Committee before being scheduled for the Planning and Zoning Commission. The Historic Preservation Committee shall recommend to the Planning and Zoning Commission any modification of designation sites, buildings, structures, objects, or areas as landmarks to be included in the heritage preservation overlay district. The Planning and Zoning Commission will then make its recommendation to the City Council.

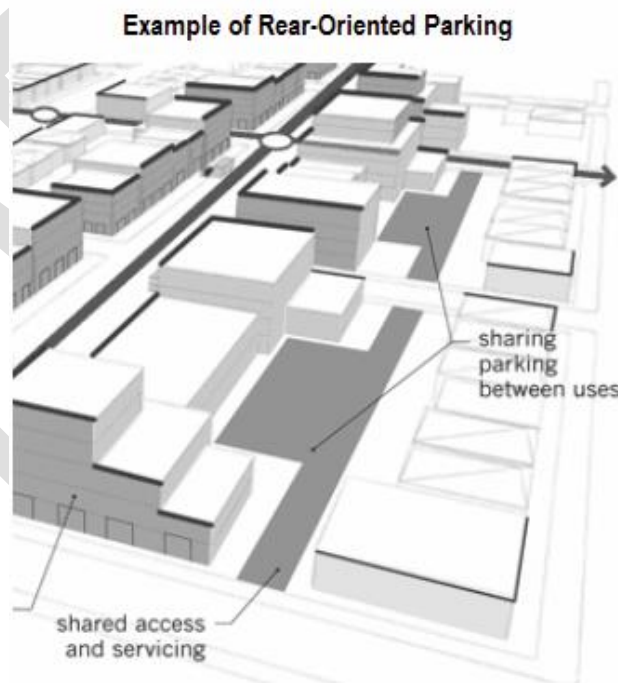
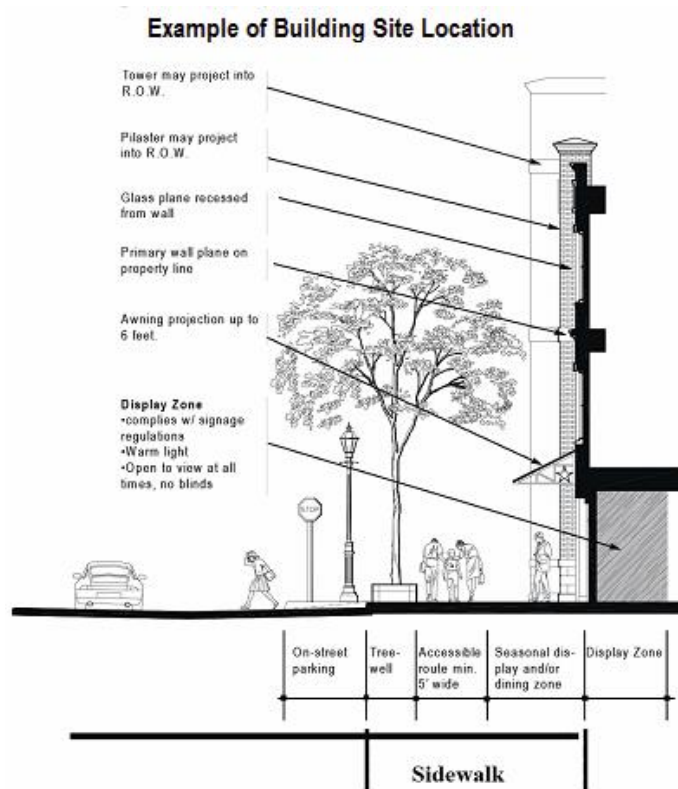
Site plan approval shall be required for the following:

- A. All new nonresidential developments/buildings within the district.
- B. A change of use from residential/vacant to nonresidential or mixed use in an existing structure.
- C. Additions and/or remodeling to existing nonresidential buildings that are considered to be a substantial modification, as defined in the definition Section of this Ordinance.

6.16.8 DEVELOPMENT STANDARDS

Site Orientation and Layout. The front facades of buildings in new developments shall be located close to the sidewalks to encourage pedestrian involvement and to provide an area for landscaping, benches, tables and other types of street furniture. Where parking does not exist in the front of the building, parking shall be provided at the rear of developments. Developers shall share in the cost of remote parking lots if parking cannot be provided on site.

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6.16.9 DESIGN STANDARDS

A. Architectural Requirements

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1. These standards are in compliance with Chapter 3000 Governmental Action Affecting Residential and Commercial Construction as these standards were enacted as part of a local historic district prior to April 1, 2019.
2. Material: The selected architectural materials must reflect a sense of quality and permanence by utilizing brick, stone, stucco, and concrete. The use of split-faced concrete block shall be limited to the base of a building up to three feet (3') in height from the foundation. EIFS (Engineered Insulated Finishing Systems) may be used at heights above ten feet (10') from grade for cornices, medallions, and other architectural details and elements. Metal and canvas are acceptable materials for awnings and canopies. Vinyl or plastic awnings or canopies shall not be allowed. The color of building materials shall reflect the character of the early 1900's, and include earth tones of red, tan, brown and off-white. Extensive use of bright or colors for identity purposes or signage shall not be permitted.
 - a. Residential Structures:
 - (1). Residential structures being newly constructed in the Heritage Overlay District or the Original Town of Joshua Addition may utilize hardiplank or hardiboard combined with masonry material to create the eighty percent (80%) masonry.
 - (2). Other materials, which are characteristic of recognized architectural styles such as Cape Cod, Victorian, Spanish, Prairie, or Ranch, may be permitted by the City Council upon recommendation of the Planning and Zoning Commission.
 - (3). For partial reconstruction and remodeling or for new addition to an original structure hardiboard or hardiplank may be used as an approved masonry material. Partial reconstructions shall be defined as a reconstruction or remodel of the building being less than fifty percent (50%) of the total exterior surface or less than fifty percent (50%) of the structure size.
 - b. Nonresidential Structures
 - (1). Nonresidential structures in the Heritage Overlay District shall meet design standards in conformance with the Downtown Master Plan. Principal nonresidential structures may be able to utilize hardiplank or hardiboard to achieve the design standards.
 - (2). Other materials, which are characteristic of recognized architectural styles, or an accepted style of a franchise entity, or for compatibility with surrounding structures, which are equivalent to the standards set forth in this ordinance may be permitted by the City Council upon the recommendation of the Planning and Zoning Commission.
3. Facade composition: All new buildings and newly renovated buildings shall have a defined base, a clear pattern of openings and surface features, a recognizable entry, an interesting roofline, and appropriate building materials. Aspects of the architecture of the early 1900's such as materials, colors, window types, cornices, and overall proportions should be reflected in the overall facade composition. Blank walls are prohibited on the front facade and on any facades that may face side streets. As much

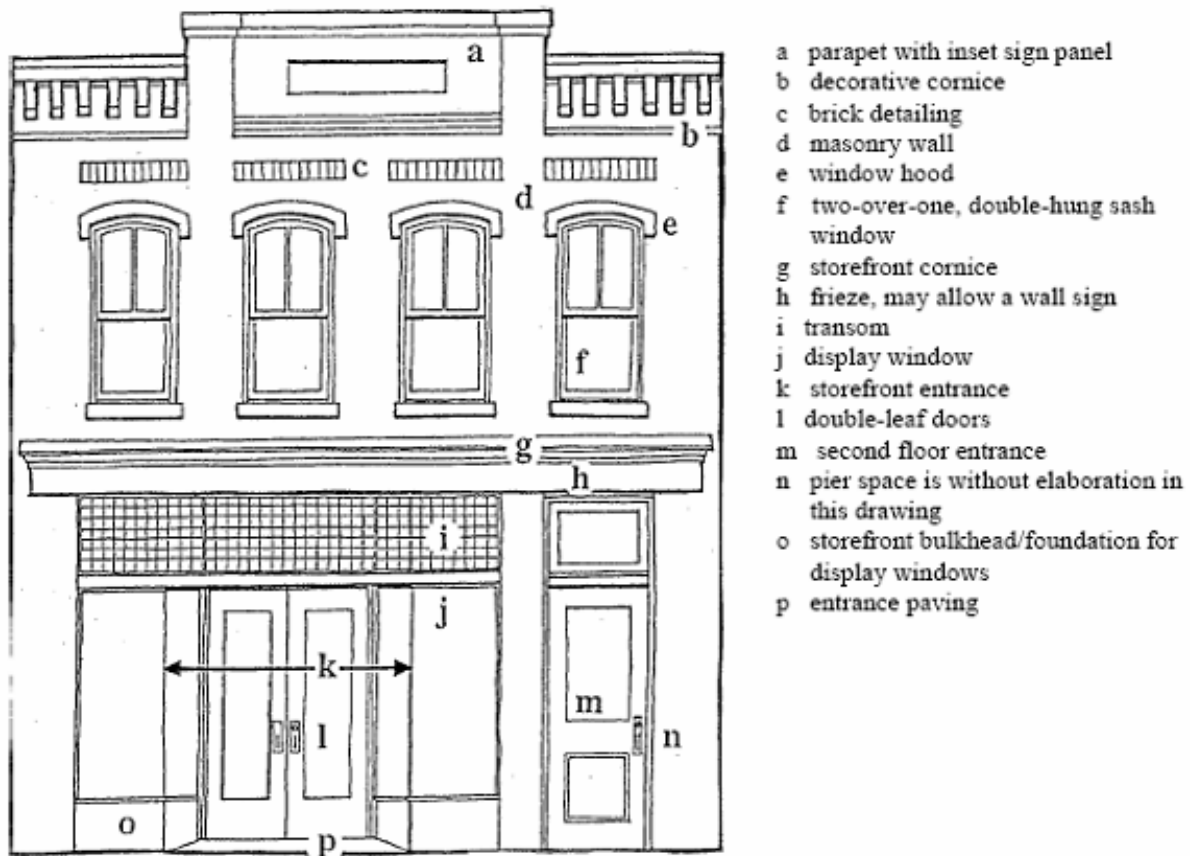
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storefront glass as possible must be incorporated into the facade along with projecting elements and recesses in the facade to define individual tenants within the building. Materials and architectural elements of the front facade shall be carried on all sides of the building. Building entrances must be prominent and easy to identify. The main building entrance must be distinguishable along the storefront. At least one of the following treatments is required:

- a. Entrance located in the center of the facade, as part of a symmetrical overall composition;
- b. Entrance accented by architectural elements, such as columns, overhanging roofs, awnings, or balconies;
- c. Entrance marked or accented by a change in the roofline or change in the roof type. If rear or side entries are provided, they must be prominent and easy to identify and should be treated as a secondary main entrance.

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Example of Facade Treatments Reflective of Heritage Construction



Example of Building with Decorative Cornice, Caps and Awnings



Inappropriate new construction that is not in scale, proportion, size or rhythm to the historic store/houses. The dashed line indicates the typical building height for this store/house block. The second infill building is too short, and the horizontality of the fenestration does not repeat the rhythm of the adjacent storefronts. The tall infill building on the right dominates the historic buildings, and its horizontal third-story windows do not replicate the residential theme, while the narrowness of the second-story windows accentuates the vertical height of the new construction.

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4. Accent elements: Accent elements such as cut-out openings and latticework, balconies, ornamental building numbers, medallions, and decorative ceramic tile accents must be incorporated into the design of the building to reflect the character of the early 1900's.
5. Mechanical equipment: Exterior building walls shall be tall enough to shield all rooftop mechanical equipment from the view from the street. Other screening devices such as latticework, louvered panels, any treatments that are compatible with the building's architecture may be considered on a case-by-case basis with approval by the City Council. All ground-mounted mechanical equipment shall be screened within a masonry wall matching the building in material and color.

Example of Landscaping Screening of Mechanical Equipment



6. Residential-style architecture: Any buildings, in the form of new construction or being relocated from another location and having a residential-style architecture, may be considered in the HP Overlay District on a case-by-case basis and approved by the City Council as an element of a site plan application.

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- B. Residential Conversion to Commercial. In order that residential structures may be utilized for commercial/office uses, parking shall be located to the side or rear of the structure in order to preserve the residential style front yard of the original structure. Parking shall meet all standards of the new commercial use.
- C. Landscaping, Lighting, Street Furniture, and Sidewalk Requirements
 - 1. Landscaping: All new developments shall have foundation plantings in front of the building and along any sides adjacent to public streets. The foundation planting area shall be a minimum of five feet (5') in width and contain a mixture of ornamental trees, shrubs, and seasonal color.

Example of Foundation Planting and Landscaping



- 2. Seasonal color, Planters, Pots, and Bed. Seasonal color and small shrubs shall be provided in raised planters, pots or landscape beds in the front and sides of existing buildings that are surrounded by paving. Seasonal color must also be provided in selected locations within required foundation plantings for new development.

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Examples of Street-Oriented Planters



3. Streetlights and Street Furniture: Decorative style streetlights, benches and trash receptacles of the same style and color shall be installed on all street corners and at spacing between street corners not to exceed sixty feet (60') in a uniform manner as each property is developed or redeveloped.
4. Parking Lots and Building Lighting. Light for off-street parking facilities shall be of the same height, style and color of the required streetlights mentioned above. Lighting fixtures attached to buildings shall be of a decorative or historic character that is compatible with the architecture of the buildings and the required streetlights.
5. Sidewalks: All sidewalks in the HP Overlay District shall be constructed of brick pavers in the same design, pattern and color as recommended by the HP Committee and approved by the City Council. Properties with existing concrete sidewalks shall upgrade the sidewalk with brick pavers in the manner described above when any building is substantially modified, as defined by this Ordinance.

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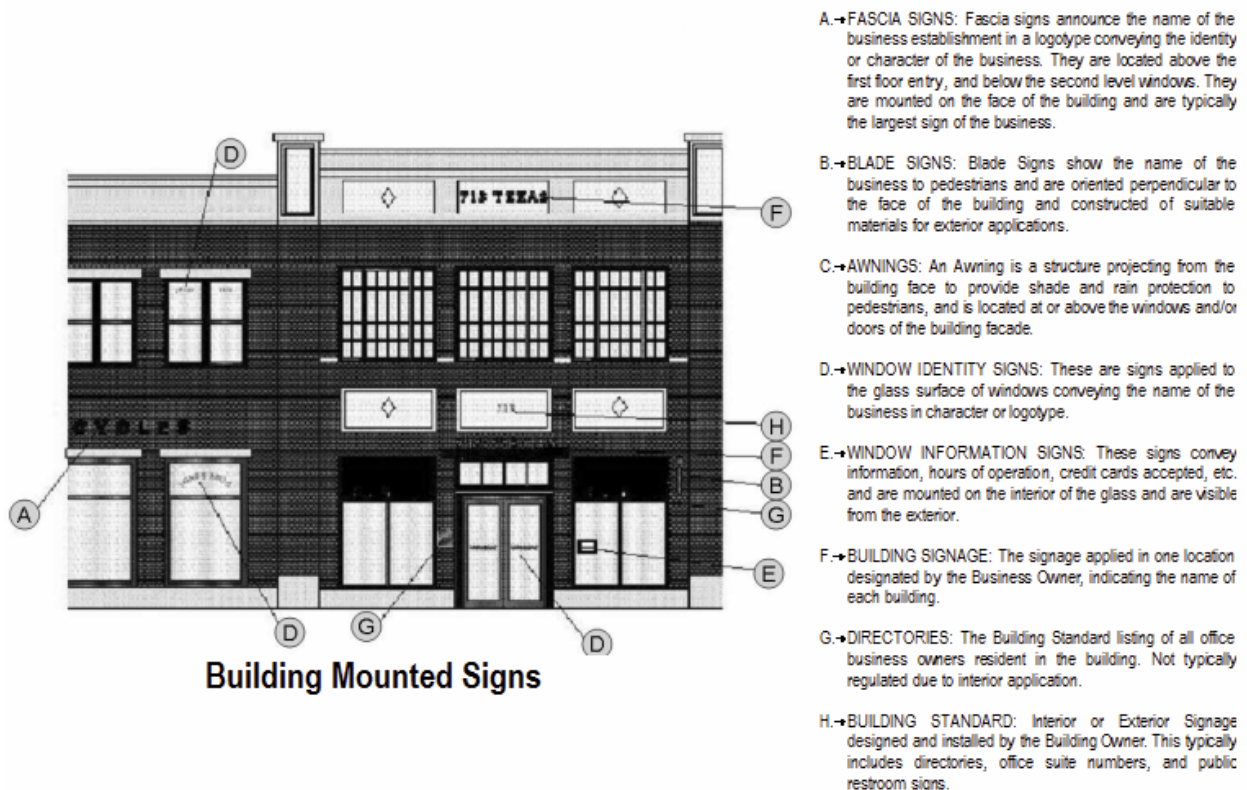
Example of Sidewalk Brick Pavers



- D. Signage Requirements. All signage for new buildings/uses or change in use shall comply with these requirements at the time of sign permit:
1. Attached or Building Mounted Signage
 - a. Attached signage may be internally or externally illuminated.
 - b. A sign permit shall be required for all signage.
 - c. Only one attached sign shall be allowed per business per public street frontage.
 - d. Projecting signs shall be allowed provided that they do not extend more than three feet (3') from the wall surface. If projecting signs are used, a detached monument sign shall not be allowed. Vertically oriented (projection sign) signage in height shall not exceed four feet (4') in height and two feet (2') in width and shall be placed ten feet (10') above grade.
 - e. All attached signage shall not exceed thirty-six (36) square feet in total surface area.
 - f. Horizontally oriented signage shall not exceed thirty-six inches (36") in total height for buildings with one primary use. Buildings with multi-tenants may have signs for tenants, which shall not exceed fourteen inches (14").
 - g. Letters and graphics shall be allowed on awnings or canopies provided that they do not exceed nine inches (9") in height. Total advertising area on awnings shall not exceed twenty (20) square feet.

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- h. Sign materials shall consist of wood, metal, material that resembles wood or metal, or masonry with painted, engraved, or mounted letters.
- i. Signs must be located on the facade in areas designated for this function; for example, a recessed or framed area or a parapet panel between shop-front and roofline.
- j. Color, materials, sizes, shapes, and lighting of signs must be compatible with the architecture of the building, the business it identifies and the character of the surrounding area.
- k. Sign shapes must be simple and straightforward to communicate well. Signs as symbols are permitted and encouraged because they are easily read and add to the vitality of a storefront.
- l. Portable signs such as menu boards for restaurants or to direct customers to parking areas shall be allowed provided they are stored indoors after hours of operation.
- m. Wall murals shall be considered on a case-by-case basis and approved by the Heritage Preservation Committee or the City Council as an element of a site plan application.
- n. Each building shall be allowed to display one temporary parking directional sign only on weekends until the City installs permanent parking directional signs. These temporary parking directional signs shall be no taller than three feet (3') in height and six (6) square feet in total surface area.



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2. Detached or Ground Mounted Signage

- a. Detached signage may be internally or externally illuminated.
- b. A sign permit shall be required for all new signs or alterations to signs.
- c. Only one detached sign shall be allowed per business per public street frontage.
- d. All detached signage shall not exceed fifteen (15) square feet in total surface area and six feet (6') in height.
- e. Post and bracket style signs using a wooden post or a painted metal pole are encouraged, but other styles that reflect the character of Heritage Preservation will be considered.
- f. Sign materials shall consist of wood or metal material or material that resembles wood or metal with painted or engraved letters, or mounted letters of wood or metal.
- g. Color, materials, sizes, shapes, and lighting of signs must be compatible with the architecture of the building, the business it identifies and the character of the surrounding area.
- h. Sign shapes must be simple and straightforward to communicate well. Signs as symbols are permitted and encouraged because they are easily read and add to the vitality of a storefront.

3. Miscellaneous Signage

- a. Window signs are allowed in accordance with the sign provisions in the Sign Regulations of this Ordinance.
- b. Temporary banner signs are allowed in accordance with the sign provisions in the Sign Regulations of this Ordinance.

E. Parking Requirements Refer to Section 7.3.

F. Outside Storage and Outside Display (Including Screening Requirements)

1. The provisions for outside storage and display shall apply to all permitted uses in accordance with this Ordinance except for single-family and two-family residential uses within the Heritage Preservation Overlay District (HP).
2. Outside storage and display are prohibited on vacant or undeveloped lots.
3. All outside storage and display areas shall not be located in or on any required parking spaces, sidewalks, public rights-of-way, or required landscape or buffer areas.
4. A minimum accessible pathway in areas used for outside storage or display shall be provided to allow for flow of pedestrian traffic outside of designated vehicular traffic drives.
5. All outside storage and display areas shall be maintained free of garbage and other debris.

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6. Outside storage and display areas for single-occupant or multi-occupant structures or buildings shall be limited to twenty percent (20%) of the total gross floor area of the structure or building with a maximum storage and display area of one thousand five hundred (1,500) square feet.
7. Outside storage and display areas shall not exceed the height of six feet (6').
8. Merchandise must be freestanding and not be located in or on pallets, crates, stands, shelving, racks, or similar types of storage structures.
9. Only goods and merchandise associated with the existing on-site business use may be sold or displayed on premises.
10. Outside storage and display areas of bulk goods and merchandise including, but not limited to mulch (bag or bulk), concrete, salt, tires, or other similar products that cannot be easily carried into the store for purchase shall meet the following requirements:
 - a. Outside storage and display areas are located in the side or rear yards.
 - b. Goods and merchandise shall not exceed the height of six feet (6').
 - c. Outside storage and display areas shall be screened from view of the public rights-of-way and adjacent residential properties by a minimum six-foot (6') fence.
 - d. Where screening or fencing is provided or required, decorative iron, aluminum, wood, or materials being used on the primary structure or building shall be used for fencing. Other materials may be considered with the administrative approval of Heritage Preservation Officer.
 - e. Screening shall not be required if the outside storage and display area is located out of view from any public rights-of-way.

6.16.10 ORDINARY MAINTENANCE.....

Actions not requiring review by the City, such as ordinary repairs and maintenance that do not constitute a change to the appearance of the structure, include:

- A. Repair of existing windows or doors, using the same or comparable materials, including the installation of storm windows that will not alter the exterior appearance of the structure.
- B. Maintenance and repair of existing roof material involving no change in design, scale, materials, or appearance of the structure.
- C. Repair of existing roof structures, such as cupolas, dormers and chimneys, using the same material that will not alter the exterior appearance of the structure.
- D. Replacement of shingles, clapboard or other siding, using the same or comparable materials that are being repaired or maintained.
- E. Repairs to existing shutters, fences, or retaining walls, using the same or comparable materials of those items being repaired.
- F. Painting with the same paint scheme that exists on the structure.

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6.16.11 ENFORCEMENT.....

All work performed issued under this Section shall conform to any and all requirements included therein. It shall be the duty of the building inspector or other city official to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with this Ordinance the building official, upon recommendation of the heritage preservation officer, shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

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Section 6.17 PD – Planned Development District**6.17.1 GENERAL PURPOSE AND DESCRIPTION**

The Planned Development District “PD” prefix is intended to provide for combining and mixing of uses allowed in various districts with appropriate regulations, and to permit flexibility in the use and design of land and buildings in situations where modification of specific provisions of this ordinance is not contrary to its intent and purpose, or significantly inconsistent with the planning on which it is based, and will not be harmful to the community. A PD District may be used to permit new and innovative concepts in land utilization. While great flexibility is given to provide special restrictions which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility. In addition, the presentation of a planned development shall provide significant amenities to the City by the proposed development, and shall not be used solely to circumvent the regulations of the straight zoned districts.

6.17.2 PERMITTED USES

Any use shall be permitted if such use is specified in the ordinance granting the planned development district. The size, location, appearance, and method of operation may be specified to the extent necessary to ensure compliance with the purpose of this Ordinance.

6.17.3 DEVELOPMENT REQUIREMENTS

- A. Development requirements for each separate PD Planned Development district shall be set forth in the ordinance granting the PD Planned Development district and shall include but not be limited to uses, density, lot area, lot width, lot depth, setback depths and widths, building size, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs, lighting, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.
- B. The PD Planned Development district shall conform to all other Sections of this Ordinance unless specifically excluded in the granting ordinance.
- C. For multi-family, recreational vehicle parks and manufactured housing park uses a common open space shall be designated for the leisure and recreational use of the occupants. The open space shall be a minimum of 10% of the total land area devoted to the multi-family or manufactured housing park use. This requirement may be varied downward by the City Council when a lesser amount of open space would be more appropriate based on the density of the development, the installation of private recreational amenities, or where the availability and nature of adjacent public open space is such that a lesser amount would adequately accommodate the development.

6.17.4 APPROVAL PROCESS

In establishing a PD Planned Development district in accordance with this Section, the City Council shall approve as part of the amending ordinance, appropriate plans and standards for each PD Planned Development district. During the review and public hearing process, the Planning and Zoning Commission and City Council shall require a conceptual plan and/or a detailed plan.

6.17.5 CONCEPTUAL PLAN

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This plan shall be submitted by the applicant. The plan shall show the applicant's intent for the use of the land within the proposed PD Planned Development district in a graphic manner and as may be required, supported by written documentation of proposals and standards for development.

- A. A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. In addition, for residential development which does not propose more than one (1) platted lot, the conceptual plan shall set forth the size, type and location of buildings and building sites, access, density, building height, fire lanes, screening, parking areas, landscaped areas, and other pertinent development data.
- B. A conceptual plan for uses other than residential uses shall set forth the land use proposals in a manner to adequately illustrate the type and nature of the proposed development. Factual information shall be submitted by the applicant, or required by the Planning and Zoning Commission or City Council, shall include but is not limited to the types of use(s), topography and boundary of PD Planned Development area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building height and location, parking ratios, and other information to adequately describe the proposed development and to provide the factual information for approval of the final detailed plan.

6.17.6 DETAILED PLAN

This plan shall set forth the final plans for development of the PD Planned Development District and shall conform to the factual information presented and approved on the conceptual plan. A detailed plan may be submitted in lieu of a conceptual plan only if it includes the entire area being proposed as a PD Planned Development District. Approval of the detailed plan shall be the basis for issuance of a building permit. The detailed plan may be submitted for the total area of the PD Planned Development or for any section or part as approved on the conceptual plan. The detailed plan must be approved by the City Council upon recommendation of the Planning and Zoning Commission.

- A. The detailed plan shall include:
 - 1. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development; a vicinity map with a north arrow and scale graphic. This site inventory analysis shall include a delineation of any flood-prone areas.
 - 2. The plan shall also contain the name of the development, legal description, name and address of property owner, name and address of developer, and name and address of the preparer of the document.
 - 3. A land use plan delineating the specific areas to be devoted to various uses shall be required where multiple types of land uses are proposed.
 - 4. A scale drawing showing any proposed public or private streets and alleys, building sites or lots, and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes, the points of ingress and egress from existing streets, general location and description of existing and proposed utility services including size of water and sewer mains, the location and width for all curb cuts, and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract.

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5. A site plan for proposed building complexes showing the location of buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. Also, to be included on the site plan is a plan showing the arrangement and provision of off-street parking.
6. A table shall be shown on the plan indicating the total amount of acreage; square footage for each building; maximum height of each building or structure; required and provided parking; maximum impervious surface coverage; maximum building coverage; and total open space required and provided.
7. A landscape plan showing screening walls, open space, buffer setbacks and all proposed landscaping. Said plan shall contain a table indicating required and proposed landscaping requirements such as number of trees, shrubs, open space, required and proposed buffer setback, and percentage of landscaping required and provided.
8. An architectural plan showing elevations and signage style to be used throughout the development for all uses except single-family and two-family may be required by the Planning and Zoning Commission or City Council, if deemed appropriate.
9. All pedestrian walks, malls, and open areas for use by tenants or the public; types of surfacing such as paving, or turf to be used at all locations on the site.
10. The location of all outside facilities for waste disposal; location and orientation for all external illumination facilities; and location, size, height and orientation of all signs.
11. Any or all of the required information may be incorporated on a single drawing if one (1) drawing is clear and can be evaluated by the City Manager or a designated representative; however, topographical information shall be shown on a separate drawing.

6.17.7 SUPPLEMENTAL DATA.....

All concept or detailed plans may have supplemental data describing standards, schedules, or other data pertinent to the development of the PD Planned Development district which is to be included in the text of the amending ordinance. Notes on the detailed plan shall include required offsite easements required by the development. Additional information needed to adequately analyze the development may be required by planning staff, the Planning and Zoning Commission or the City Council.

6.17.8 ESTABLISHMENT OF DISTRICT.....

Procedure for establishing a PD Planned Development district shall follow the procedure for zoning amendments as set forth in the code of ordinances. This procedure is further expanded as follows for approval of conceptual and detailed plans.

- A. Separate public hearings shall be held by the Planning and Zoning Commission and City Council for the approval of the conceptual plan and the detailed plan or any section of the detailed plan unless such requirement is waived by the City Council when it is determined a single public hearing is adequate. A single public hearing is adequate when:
 1. The applicant submits adequate factual information with the request for the PD Planned Development district to fulfill the requirements for both plans.
 2. Information on the concept plan is sufficient to determine the appropriate use of the land and the detail site plan will not deviate substantially from the concept plan.

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3. The requirement may be waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
- B. The ordinance establishing the PD Planned Development district shall not be approved until the conceptual plan is approved unless the requirement of the conceptual plan step is waived as provided for in Section 6.17.8.A.3.
- C. If the detailed plan is approved in phases, a conceptual plan for the entire site shall be approved by the City Council upon recommendation of the Planning and Zoning Commission. When a detailed plan is approved in phases, then separate approvals by the Planning and Zoning Commission and City Council for the initial and subsequent phases shall be required.

6.17.9 STAFF REPORT

When a Planned Development District is being considered, a written staff report shall be submitted to the Planning and Zoning Commission and City Council discussing the impact on planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire, drainage, and transportation.

6.17.10 ZONING MAP

All PD Planned Development districts, approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendments thereto, shall be referenced on the zoning district map and a list of said Planned Development districts shall be maintained by the City Secretary..

6.17.11 MINOR AMENDMENTS TO A DETAILED PLAN

Upon request of the applicant, the Administrative Official or their designee may authorize minor amendments to a detailed plan so long as such minor amendments do not change the land use or substantially change the character, development standards, or design of the development as shown on the approved detailed plan. For purposes of this provision, a “substantial change” shall mean a change which will increase the number of proposed dwelling units, increase the floor to area ratio, size of structure, height, lot coverage, or number of stories or buildings, reduce lot, or setback size, decrease the amount of required off-street parking spaces, change types of buildings, setbacks, street access points, or lots, increase density, change traffic patterns, or alter the basic relationship of the proposed development to adjacent properties. The Administrative Official or their designee shall make such authorization only in writing and such document shall be placed in the ordinance file governing the specific plan.

6.17.12 PLANNED DEVELOPMENT ORDINANCES CONTINUED

Prior to adoption of this ordinance, the City Council had established various Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this ordinance shall be carried forth in full force and effect and are the conditions, restrictions, regulations, and requirements which apply to the respective Planned Development districts shown on the zoning map at the date of adoption of this Ordinance

6.17.13 PLANNED DEVELOPMENT TO BE RECORDED

All Planned Development Districts approved in accordance with the provisions of this ordinance in its original form, or by subsequent amendment thereto, shall be referenced on the Zoning District Map, and a list of such Planned Development Districts, together with the category of uses permitted therein, shall be maintained in an appendix of this ordinance.

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Section 6.18 JSOD - Joshua Station Overlay District

6.18.1 PURPOSE

The purpose of this district is to provide the maximum flexibility for development of mixed uses and provide high quality development that encourages economic development and creates a diversity of community and maintains the value of property.

6.18.2 LIMITS OF THE JOSHUA STATION OVERLAY DISTRICT

The limits of the JSOD - Joshua Station Overlay District are defined by the limits of the Joshua Area TIF as adopted by Ordinance No. 371-04 and modified by Ordinance No. 771-2019.

6.18.3 APPLICATION OF THE JSOD – JOSHUA STATION OVERLAY DISTRICT

Property located within the JSOD shall be used and developed in accordance with the regulations established and adopted in this Section. These regulations shall take precedence over all other land use regulations. In the event that aspects related to land use are not addressed herein, the regulations of the underlying zoning district shall apply. All other applicable regulations and ordinances that are not in conflict with these regulations shall also apply.

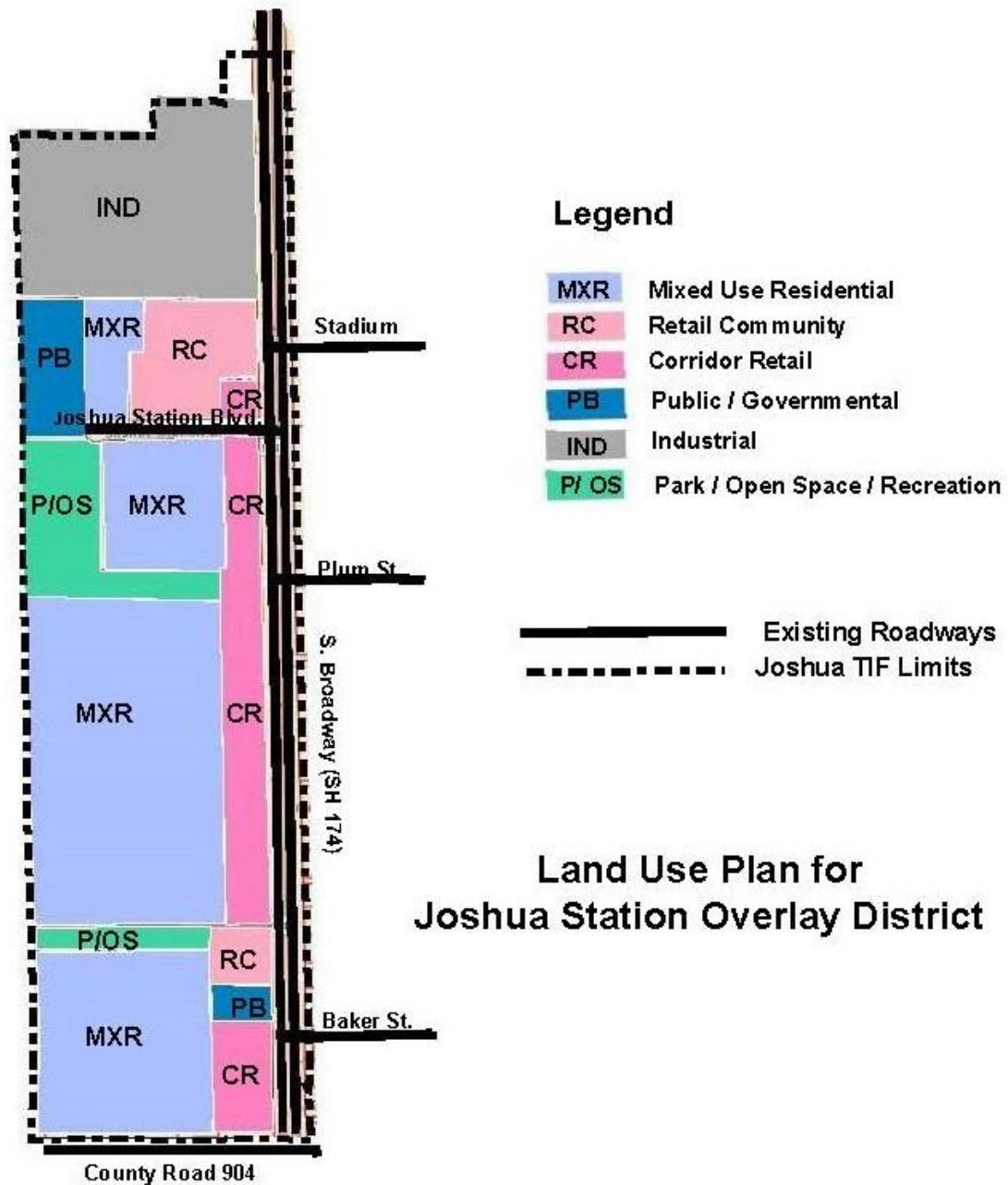
6.18.4 DESCRIPTION OF LAND USE TYPES

The following land use types shall be permitted within the JSOD. The uses permitted within these land use types shall be provided within the regulations of the JSOD herein.

- A. P/OS (Parks and Open Spaces): this land area shall be used for both active and passive recreation areas. In addition, the P/OS areas shall be used to screen incompatible land uses and to provide aesthetic treatment to the area. Common areas may be included in the P/OS areas.
- B. MXR (Mixed Use Residential): this land use type shall consist of a mixture of residential and nonresidential uses that are designed to complement each other and may exist on the same parcel of land.
- C. RC (Retail Community): this land use type shall consist of retail uses that are neighborhood compatible. These uses encourage pedestrian activity and are supportive to residential areas.
- D. CR (Corridor Retail): this land use type shall consist of primarily retail and service commercial uses that emphasize access to major arterials. These uses may permit a limited quantity of residential mixture.
- E. PB (Public Uses): this land use type shall consist of primarily uses dedicated to public uses other than parks and open spaces.
- F. IND (Industrial): this land use type shall consist of a mixture of light industrial land uses that range from warehouse/showrooms, light assembly, distribution and light manufacturing.

6.18.5 LOCATION OF LAND USE TYPES

The land use types as defined above and regulated herein, shall be located generally as indicated on the JSOD Land Use Map below, which may be adjusted and refined by the City Council upon recommendation by the Planning and Zoning Commission.



6.18.6 PERMITTED USES

- A. Uses permitted within the P/OS land use type areas shall consist of the following:
 - 1. Common space
 - 2. Parks and open spaces
- B. Uses permitted within the MXR land use type areas shall consist of the following:
 - 1. Single family residential use (attached and detached)

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2. Zero lot line residential uses
 3. Multifamily uses not to exceed 24 units/acre
 4. Garden apartments
 5. Town homes
 6. Service commercial uses (not to exceed 10,000 sq. ft. per individual user)
 7. Retail commercial uses (not to exceed 10,000 sq. ft. per individual user)
 8. Office uses (including real estate, banking, medical clinics)
 9. Studio oriented uses (photograph, art, music, and dance) (not to exceed 6,000 sq. ft.)
 10. Restaurants
 11. Religious Institutions
 12. Day-Care facilities
 13. Salons and Day Spas
 14. Fitness Facilities
- C. Uses permitted within the RC land use type areas shall consist of the following:
1. Grocery store
 2. Department store
 3. Retail commercial uses
 4. Service commercial uses
 5. Office uses (including real estate, banking, medical clinics)
 6. Restaurants
 7. Religious Institutions
 8. Day care facilities
 9. Salons and Day Spas
 10. Fitness Facilities
- D. Uses permitted within the CR land use type areas shall consist of the following:
1. Grocery store
 2. Department store
 3. Retail commercial uses
 4. Service commercial uses
 5. Office uses (including real estate, banking, medical clinics)
 6. Convenience stores with gasoline sales

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7. Service station without garage repair of any kind.
 8. Restaurants
 9. Day care facilities
 10. Religious Institutions
 11. Salons and Day Spas
 12. Fitness Facilities
- E. Uses permitted within the IND land use type areas shall consist of the following:
1. Assembly facilities
 2. Office/warehouse
 3. Office showroom
 4. Light manufacturing
 5. Mini-warehouse
 6. Light Assembly
 7. Distribution Centers
- F. Uses permitted within the PB land use type areas shall consist of the following:
1. Governmental offices and courts
 2. Library and Community assembly area
 3. Transit depot and pavilions
 4. Recreation and Community Centers
 5. Assembly Hall (Private) and Event Centers

6.18.7 PROHIBITED USES

Prohibited uses: the following uses are prohibited on any lot:

- A. Any use which emits an obnoxious odor, noise, or sound which can be heard or smelled outside of any building on a lot (normal and customary odors, sounds, and noise from: (1) restaurants, (2) gas stations, and (3) paging systems within reasonable decibel limits shall not be deemed to be obnoxious and/or noise);
- B. Any “second hand” or “surplus” store;
- C. Any operation primarily used as a warehouse operation (excluding storage incidental to a retail use conducted on the same premises such as a hardware store) any distilling, refining, smelting, agricultural or mining operation;
- D. Any mobile home park, trailer court, labor camp, junkyard, or stockyard (except that this provision shall not prohibit the temporary use of construction trailers during periods of construction, reconstruction, or maintenance);

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- E. Any dumping, disposing, incineration, or reduction of garbage (exclusive of screened garbage compactors or trailers located near the rear of any building);
- F. Any central laundry, dry cleaning plant, or Laundromat; provided, however, this prohibition shall not be applicable to on-site service oriented to pickup and delivery by the ultimate consumer, including nominal supporting facilities, as the same may be found in retail shopping districts in the metropolitan area where the property is located;
- G. Any veterinary hospital or animal raising facilities (except that this prohibition shall not prohibit pet shops nor small animal clinics with no outside pens);
- H. Any establishment selling or exhibiting pornographic materials;
- I. Any flea market, pool or billiard hall, or dance hall, provided, however, pool tables and/or a dancing area will be permitted in conjunction with a permissible restaurant or food service use;
- J. Any sexually oriented business, as defined in the Sexually Oriented Business Ordinance of the City;
- K. Any storage or maintenance yards for equipment or vehicles, public or private.

6.18.8 AREA REQUIREMENTS

Land Use Types	Green Space/Recreational	Front Street Setback	Side Street Setback	Interior Setback	Rear Setback	Maximum Building Coverage	Minimum Lot Width	Minimum Depth
P/OS	80%	0 FT	0 FT	0 FT	0 FT	None	None	None
MXR	20%	15 FT	10 FT	0 FT	10 FT	70%	None	None
RC	10%	26 FT	10 FT	0 FT	0 FT	50%	50 FT	100 FT
CR	10%	20 FT	10 FT	0 FT	0 FT	50%	60 FT	100 FT
PB	50%	26 FT	10 FT	0 FT	0 FT	None	None	None
IND	10%	25 FT	20 FT	0 FT	0 FT	50%	100 FT	150 FT

- L. Green Space/Recreational percentage for MXR areas apply to the overall area and not to individual lots.
- M. Within the I land use area there shall be a ten (10) foot landscape screening area adjacent to any residential area. The nature and type of landscape screen shall be approved by the City Council upon recommendation by the Planning and Zoning Commission.

6.18.9 UTILITY AND SERVICE AREAS

- A. All utility services to a lot shall be installed underground and no overhead wires shall be permitted on the lots. Service courts, transformers, and loading docks shall be screened from view or enclosed within the buildings and service facilities, including trash enclosures, shall not be visible from any motor parking lot or public street.
- B. The materials used for screening of service courts and loading docks on a lot must incorporate the same exterior building materials as used in the building on such lot and the height of the screening shall be a minimum of six (6) feet.
- C. No wood fences, open metal railings, hadite brick or cyclone fences are permitted as screening devices; except, however, wood gates for screened areas are permitted.

6.18.10 PROPERTY ACCESS

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- A. No curb cut or driveway approach shall be permitted within thirty (30) feet of any intersection of public streets.
- B. Cross access easements shall be provided to permit free access on adjoining lots and minimize driveways. Cross access easements shall remain clear and accessible to adjoining lots save and except for reasonable periods of time as may be necessary for maintenance, repair, or rebuilding purposes.

6.18.11 LANDSCAPE STANDARDS

- A. Land not used for buildings, parking, service areas, and driveways shall be devoted to landscaped open space, but such space may contain walkways for pedestrian circulation and some signage elements as provided herein but no utilitarian service elements such as transformers, trash, storage, etc.
- B. All landscaped areas shall have automatic irrigation systems.
- C. All landscaped areas not planted in ground cover or shrub beds shall be hydro seeded or sodded with either common Bermuda grass (*Cynodod Dactylon*) or Tiffany 419 (Hybrid Bermuda) or other proven varieties of grass. Annual rye grass may be substituted during the winter months, but must be over seeded with Bermuda the following spring.
- D. Rows of trees shall be planted at thirty-five (35) foot centers along all public street frontages adjacent to the RC, CR, and MXR areas, with each street tree having a minimum caliper of three (3) inches when measured three (3) feet above ground level after planting.
- E. Street trees shall be planted along the streets of all single-family developed areas and shall provide one street tree for every lot. A street tree distribution plan shall be provided at the time of preliminary platting and each tree shall be a minimum of three (3) inches caliper when measured three (3) feet above the ground level after planting.

6.18.12 SIGN RESTRICTIONS

- A. Pylon (Pole) Signs: One pole sign is permitted for each platted lot. Pole signs shall not exceed either twenty-five (25) feet in height or ten (10) feet in width and shall be located no closer than two (2) feet from the lot boundary. The sign face shall not be less than ten (10) feet from the ground level and shall not exceed ten (10) feet in height. Multiple signs are permitted provided that the total area of the sign face does not exceed one hundred and fifty (150) square feet. Pole signs shall be fabricated out of painted or anodized metal. Pole signs shall be located along Broadway Ave. /Hwy 174 only. A pole sign may not be located within seventy-five feet of another pole sign. All other locations shall be limited to monument type signage. Lot 1, Block 5 of the Joshua Station Addition shall comply with all regulations set forth in this Section, but is permitted to have a pole sign with a height of 28'9" and a width of 20'6" and a sign face of 214 square feet, as depicted on Exhibit "A" to Ordinance 548-2012.
- B. Monument Signs. One monument sign shall be permitted for each platted lot. Monument signs shall not exceed sixty-four (64) square feet in total area, and shall be no taller than eight (8) feet in height. Such signs shall be constructed of either masonry, stucco, or warm tone pre-cast concrete with surfaced mounting or inset lettering or as a metal or fiberglass box attached to the ground with internal illumination. The letters and/or logo on such signs shall not exceed twenty (20) inches in height.
- C. Building Signage. All building signage shall be mounted on the building fascia, sign bands, arcades, awnings, or canopies. In addition, no signage of any type shall be mounted above the

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top of the fascia line of any building with the exception of special signage towers or walls that are part of the overall architectural design of the project in which same are incorporated.

D. Prohibited Signs and Off-Premises Portable Signs:

1. **Prohibited Signs.** No sign of a flashing or moving character, including LED signs, shall be installed or placed on any lot. No signs on motor vehicles are permitted to be placed on any lot at any time.
2. **Off Premises Signs.** Off-premises portable signs shall be permitted in the district, subject to the following conditions:
 - a. A permit for an off-premises portable sign must be obtained from the City Manager, or designee, prior to the placement of the portable sign on the off-premises property;
 - b. A permit applicant must provide sufficient evidence or proof that the owner of the off-premises property on which the portable sign will be placed has consented or otherwise authorized such portable sign placement;
 - c. An off-premises portable sign permit shall be valid for fifteen (15) days, and a permit may be renewed for seven (7) additional fifteen (15) day periods subsequent to the date of initial permit approval, with a minimum of fifteen (15) days between renewal periods;
 - d. At no time shall a permittee be allowed or otherwise authorized to place more than one (1) off-premises portable sign on any lot in the district; and
 - e. Any permit issued for an off-premises portable sign shall be subject to all City ordinances, including the provisions of Article 3.06, "Signs," of the Code of Ordinances, except to the extent of any conflict with this Section, in which case this Section shall apply.

6.18.13 LIGHTING STANDARDS FOR NONRESIDENTIAL LAND USE TYPES

Attractive and efficient lighting fixtures (metal halide) shall be installed on each nonresidential lot, shall adequately light the lot, and shall not, to the extent reasonably possible, cause light to spillover onto adjacent properties or lots. Such lighting standards shall meet the following criteria:

- A. **Parking Lots.** The light standards in parking lots are limited to thirty (30) feet in height and may not be wooden poles. No parking lot shall exceed a maximum of 40 footcandles in illumination. All lighting shall be fully shielded with 80 degree cut-off. Illumination levels shall be measured at the property lines of the parking lot.
- B. **Building Lights.** All structure mounted lighting shall be shielded wall packs, unless otherwise approved in a detailed site plan.
- C. **Photometric Plan.** All site plans for nonresidential uses shall provide a photometric plan with the required drawings.
- D. **Street Tree Lighting.** At the time of submittal of the development plan for any area, roadways shall be designated as street tree lighted roadways. In general, the designated streets shall consist of arterials and collector type streets as defined in the Major Thoroughfare Plan. Each street tree planted within the ten (10) foot zone around the designated public street frontage shall be illuminated by a recessed "up-light" set in line with each tree trunk and located thirty-

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six (36) inches in front of each tree, on the street side. Each street tree lighting fixture shall utilize metal halide light bulb(s) at least one hundred (100) watt capacity.

6.18.14 PARKING AND DRIVEWAYS

- A. All parking areas shall be graded, curbed, guttered, and paved with concrete.
- B. Each lot shall contain, at a minimum, an amount of parking spaces equivalent to the requirements as provided in Article 7 of this Ordinance. Parking spaces may be approved other than that which is required in the zoning ordinance upon approval of a detailed site plan that provides justification of any revised number of spaces. The approval of parking spaces other than that required by zoning ordinance shall be solely the discretion of the City Council.
- C. No on-street parking shall be permitted on any public street, unless specifically designed as parallel parking outside of the main thoroughfare lanes.
- D. Driveway width shall be no less than twenty-four (24) feet, however upon approval of emergency response authority and subject to approval of the City Council; an alternate plan for driveway width may be approved as submitted on the development plan.
- E. Parking shall not be permitted within the front yard setback of any single-family residential property.

6.18.15 SCREENING STANDARDS

Unless otherwise approved by the City Council, a six (6) foot screening wall shall be provided between areas developed for residential uses and those areas developed for commercial or industrial uses. The commercial or industrial user shall be responsible for the construction of the screening wall at the time the commercial or industrial property is developed and the screening wall shall only be required adjacent to the specific commercial or industrial property that is being developed.

6.18.16 APPROVAL PROCESS – PD PLANNED DEVELOPMENT

Every development within the Joshua Station Overlay District shall be reviewed and considered in accordance with the procedures outlined in Section 6.17 PD - Planned Development District of this Ordinance.

6.18.17 SITE PLAN APPROVAL

Prior to platting or issuing any building permit for any physical improvements within any area, a site plan must be submitted and approved by the City Council upon recommendation of the Planning and Zoning Commission. The site plan does not constitute the final building construction plans but may include those construction plans as optional material. The site plan may be submitted at the time of initial submittal of the development application.

6.18.18 VARIANCES AND AMENDMENTS

Any departure from the regulations contained herein that may be construed to be a variance or amendments shall be considered as an amendment to the JSOD and shall conform to the process for amending zoning districts. Any amendment shall require a public hearing, notification and approval according to the process established for changes of zoning in this ordinance. The Zoning Board of Adjustment shall have no jurisdiction over amendments to the JSOD.

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Article 7 - Parking Requirements

Section 7.1 Purpose and Intent

The purpose of these off-street parking requirements is to minimize traffic congestion associated with the layout of parking facilities and the access to uses, to minimize any negative effect of off-street parking areas on adjacent properties; and to assure the proper and adequate development of off-street parking areas throughout the City. The standards contained in this Section are minimum standards and should not be regarded as optimum standards.

Section 7.2 Applicability

- A. All parking and loading spaces and vehicle sales areas on private property shall have a vehicle-stopping device installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, and to prevent any parked vehicle from overhanging a public right-of-way line, or public sidewalk.
- B. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for parking, backing or maneuvering into or from a parking space.

Section 7.3 Parking Requirements

Except as provided herein, parking shall be provided in accordance with Article 5, Use Charts of this ordinance. As an alternative method, the administrative official may approve parking as shown on the final building plans at a ratio of one parking space for every three occupants plus employee parking if the director determines that such parking is adequate for existing and proposed uses.

- A. For family homes, industrialized housing, manufactured housing, multiple single-family dwellings (townhouses), one-family dwellings and two-family dwellings, two (2) enclosed spaces per dwelling, plus two additional parking spaces per dwelling shall be provided on a paved driveway having a minimum length of twenty (20) feet. In addition to the aforementioned requirements, one (1) parking space per bedroom available for rent shall be required for bed and breakfast operations and boarding houses.
- B. For community homes, one (1) parking space per bedroom shall be required as set forth in the Texas Human Resource Code, Chapter 123.
- C. For multifamily dwellings, one and one-half (1.5) spaces per one-bedroom unit, two (2) spaces per two-bedroom unit, two and one-half spaces (2.5) per three-bedroom unit and three (3) spaces per unit containing four or more bedrooms shall be required. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
- D. For child care facilities, elementary and secondary schools, one (1) parking space for every nine occupants, plus employee parking shall be required.
- E. Accessory uses: All areas for accessory uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
- F. Auto dealer (new and/or used auto sales); motorcycle sales/dealer; personal watercraft sales (new/repair): One (1) parking space for each five hundred (500) square feet of sales floor/office

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and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors).

- G. Community center (public), museum, library, or art gallery: Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains.
- H. Convenience store (with or without gasoline sales) or gasoline station: One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
- I. Funeral home or mortuary: One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary, whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
- J. Golf driving range: One and one-half (1.5) spaces for each driving tee
- K. Hotel/Motel: One (1) space per guest room for the first two hundred fifty (250) rooms and three-quarters (.75) space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
- L. Mini-warehouse/self-storage: Four (4) spaces per establishment, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)
- M. Motion picture theater (indoors):
 - 1. One (1) space per three-and-one-half (3.5) seats for single-screen theaters;
 - 2. One (1) space per five (5) seats for motion picture theaters with two (2) or more screens.
- N. Motor freight transportation, storage, and terminal/transit terminal/truck terminal/other similar transportation uses: For telemarketing agencies, warehouse and staging/loading areas, one (1) space for each one thousand (1,000) square feet of floor area; for bus depot or other human transportation use, one (1) space per one hundred (100) square feet of passenger waiting area, plus parking spaces for any warehouse and staging/loading areas on the premises (as above).
- O. Places of public assembly not otherwise specified: One (1) space for each four (4) seats provided.
- P. Retail or personal service establishment not otherwise specified: One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities.

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Q. Schools:

1. Public or denominational—Elementary: Two (2) spaces for every classroom and office;
 2. Public or denominational—Junior High: Three (3) spaces for every classroom and two (2) spaces for each office;
 3. Public or denominational—High School: Eight (8) spaces for every classroom and two (2) spaces for each office;
 4. Other than public or denominational: Same as above, depending on grade. In the event the school serves elementary, junior high and high school students, or any combination thereof, the required parking spaces shall be consistent with the higher number required by this subsection.
- R. Skilled nursing facility: One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.
- S. For telemarketing agencies, one (1) parking space per employee shall be required.
- T. For light manufacturing, sand/gravel/caliche/stone sales (storage), one (1) parking space for every five (5) occupants, plus employee parking shall be required.
- U. For heavy manufacturing, transfer stations, landfill and recycling centers, one (1) parking space for every nine (9) occupants, plus employee parking shall be required.
- V. Employee parking shall be provided based on one (1) space per employee on duty at any one time during any one shift. If more than one shift is required for the operation of the business or use, the number of employee spaces shall be based on the number of employees on duty during the shift requiring the largest number of employees.
- W. For new development occurring within the HP overlay district, the minimum parking required by the incoming use shall be installed, unless the property was platted prior to 1900. Shared parking within the HP overlay district may be used for required parking if it meets standards of Sections 6.16.8 and 7.9.

Section 7.4 Calculation of Spaces:

- A. In residential districts a two-car garage shall count as the required parking spaces for the district.
- B. In multi-family and nonresidential zoning districts, requirements for the number of parking spaces may result in a fractional parking space. For fractional parking spaces, a whole space meeting the specifications, as set forth in the currently adopted version of the city's Technical Construction Standards and Specifications and other applicable ordinances of the city, shall be provided.
- C. In determining the total number of parking spaces required for any building, each portion of the building may be considered separately by use, with the total number of spaces required for the entire building being equal to the sum of the totals of the number of spaces required for each individual portion of the building.

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Section 7.5 Off-street loading spaces or berths:

- A. Loading spaces or berths shall be required for all non-residential uses for the loading and unloading of merchandise and goods within or adjacent to the building in such a manner as to not obstruct the freedom of vehicular or pedestrian movement on the public rights-of-way.
- B. All drives and approaches shall be designed, in accordance with the city's standards and other applicable city ordinances, to provide adequate space and clearances to allow for off-street maneuvering of vehicles.
- C. Each required off-street loading space or berth shall be provided with a means of unobstructed ingress and egress to an alley or onto a public street wide enough to accommodate expected vehicles.
- D. Loading spaces or berths shall be a minimum of ten feet in width by twenty-five (25) feet in length with fourteen (14) feet of vertical clearance. Particular consideration shall be given to the design and accommodation of the type of delivery vehicles generally associated with the proposed use of the property.
- E. The minimum number of off-street loading spaces or berths shall be as follows:

Total Square Feet of GFA (gross floor area) in Structure	Minimum Required Spaces or Berths
0—10,000	0
10,001—50,000	1
50,001—100,000	2
Each additional 100,000	1 additional

- F. Loading docks shall be oriented away from public streets and, where adjacent to a residential district, shall be screened.
- G. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities.

Section 7.6 Alternative Parking Plans

The City Manager or designee may approve parking alternatives that result in a cumulative adjustment not to exceed fifty (50) percent of the minimum or maximum off-street parking required by this Ordinance, in accordance with the following factors:

- A. Reductions in the number of required parking spaces for progressive environmentally friendly parking plan design. All submitted requests shall include parking data, prepared and sealed by a registered engineer with transportation expertise, illustrating that the requirements of this Ordinance should be reduced for the specific development, provided that the reduction satisfies the intent of this ordinance.

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- B. Off-site parking. Required parking for convenience stores or convenience-oriented uses or handicapped accessible parking will not be considered.
1. Location. No off-site parking space shall be located more than three hundred (300) feet from the primary entrance of the use served (measured along public walkways). Off-site parking spaces shall not be separated from the use served by an Interstate or major thoroughfare right-of-way unless a grade-separated pedestrian walkway is provided, or traffic control or remote parking shuttle bus service is provided.
 2. Shared parking agreement. If an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required. The owner of the off-site parking area shall enter into a written agreement in a form acceptable to the city attorney, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that such agreement shall bind his/her heirs, successors and assigns; and that such agreement shall be signed by all parties and recorded in the offices of the county clerk.
 3. Off-site parking shall not be allowed for convenience stores, convenience-oriented uses or required handicapped accessible parking.

Section 7.7 Off Street Stacking Requirements for Drive Through Facilities

- A. A stacking space shall be an area on a site measuring eight (8) feet by twenty (20) feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- B. The following stacking requirements may be used as a guide but may be modified at the time of site plan review based on use and design of this facility:
1. For financial institutions with drive-through facilities, each teller window or station, human or mechanical five (5) stacking spaces.
 2. For each service lane of a drive-through restaurant, a minimum of six (6) spaces. An escape lane shall be provided.
 3. For kiosks, a minimum of two (2) stacking spaces for each service window.
 4. For each full-service car wash, vacuum or gas pump lane, a minimum of seven (7) stacking spaces.
 5. For each self-service (drive-through/automated) wash bay, a minimum of three (3) stacking spaces in addition to the wash bay.
 6. For each self-service (open bay), a minimum of two (2) stacking spaces in addition to the wash bay.
 7. For automobile quick lube facilities, a minimum of three (3) stacking spaces in addition to the service bay.
- C. Off Street Loading Spaces – All Districts
1. All retail, commercial, and industrial structures, on an as needed basis, shall provide and maintain an off-street area for the loading and unloading of merchandise and goods at a ratio of at least one (1) space for the first twenty thousand (20,000) square

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feet of gross floor area and one (1) space for each additional twenty thousand (20,000) square feet of gross floor area or fraction thereof. A loading space shall consist of an area of a minimum of twelve (12) by thirty (30) feet. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated maneuvering area for trucks. These requirements may be modified based on use at the time of site plan review.

2. All loading areas and service bay doors shall be designed where loading doors or docking areas are not directly visible from streets. These areas shall be fully screened with a screening wall. Live landscaping may be allowed based on use or location.
3. All loading areas shall be designed to minimize the impact on adjacent uses. If loading areas are adjacent to residential (single-family, duplex, or multi-family) developments or zoning districts, loading and unloading hours shall be restricted to 6:00 A.M. to 10:00 P.M.
4. Garage doors or service bays for auto/boat motor vehicle related uses shall not face a street, unless it is fully screened with live landscaping or a screening wall.

Section 7.8 Design Standards

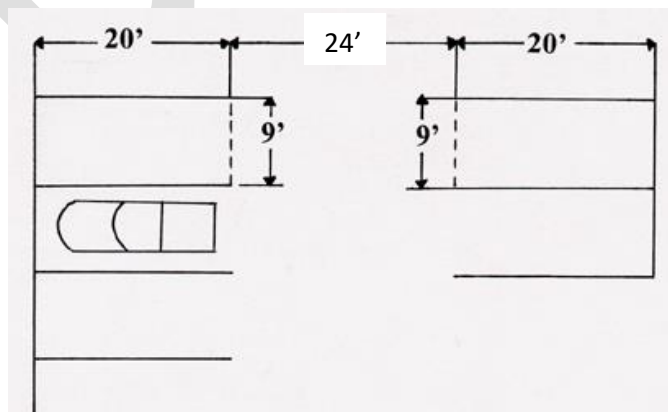
A. Parking Space Dimensions

1. Head-in and Angled parking spaces - Each off-street parking space shall be no less than nine (9) feet in width by twenty (20) feet in depth exclusive of all access drive, alley or aisle, and shall be of usable shape and condition. An eighteen (18) foot depth may be utilized if two (2) feet of unobstructed area is provided for the vehicle to overhang. This space may be any space other than a sidewalk, public right of way, or adjacent property.
2. Parallel parking spaces - Each on street or off-street parallel parking space shall be no less than eight (8) feet in width by twenty-two (22) feet in depth.

B. Aisle Dimension

1. Head-In, ninety (90) Degree Parking - The circulation aisles within head-in, ninety (90) degree, off-street parking facilities must have a double isle that shall measure no less than twenty-four (24) feet wide.

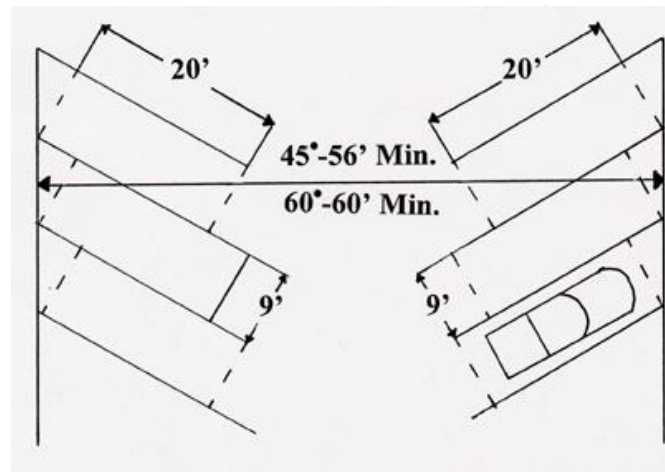
Aisle Dimensions, Ninety Degree



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2. Angled Parking – The one-way circulation aisles within off-street angled parking facilities must be sixty (60) feet wide for parking spaces at a sixty-degree angle, and fifty-six (56) feet wide for parking spaces at a forty-five (45) degree angle (measures from head of parking space to head of parking space).

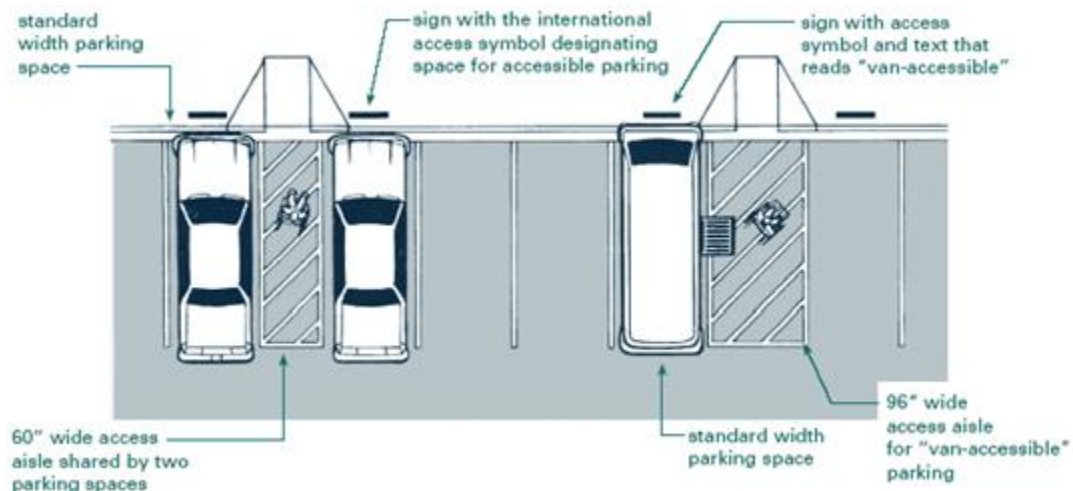
Aisle Dimensions, Forty-five Degree



C. Handicap Accessible Parking

1. The number and size of the handicap parking spaces required must follow the Federal Americans with Disabilities Act as amended. The number of handicap parking spaces required is based on the total number of spaces provided. Accessible spaces for cars must have at least a sixty (60) inch wide access aisle located adjacent to the designated parking space. Van parking spaces need to have a wider access aisle of ninety-six (96) inches to accommodate a wheelchair lift and vertical clearance to accommodate van height.

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Accessible Parking Spaces

Minimum Number of Handicap Accessible Parking Spaces			
ADA Design Standards 4.1.2(5)			
Total number of parking spaces provided (per lot)	Total minimum number of accessible parking spaces (60" and 96" aisles)	Van Accessible parking spaces with min. 96" wide access aisles	Accessible parking spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 for each 100 over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

D. Location

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1. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances and at the most level ground close to the accessible entrance.
2. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least three (3) feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.
3. Accessible parking spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the ninety-eight (98) inch minimum vertical height requirement).
4. Signage - A sign with the international symbol of accessibility must be mounted at such a height at least sixty (60) inches above the ground surface so that the sign is not obscured by the parked vehicle or other obstruction. Van accessible spaces must have a sign with "van accessible" on it in addition to the international symbol of accessibility.

Section 7.9 Shared Parking

- A. Off-street parking facilities for different buildings, structures, uses or mixed uses, may be provided and used collectively or jointly in any zoning district upon approval of site plans and the provisions of Section 7.6.B.2.
- B. Provisions required for shared parking:
 1. Legal documentation providing for the perpetual joint use of the required common parking for the combination of uses or buildings.
 2. Up to sixty (60) percent of the parking spaces provided for a theater or other place of evening entertainment, or for a church, may be provided and used jointly with banks, offices, retailers and similar uses that are not normally open or used during evening hours.
 3. In cases where residential use is mixed with other uses such as office or retail, a minimum of two (2) spaces per residential unit should be reserved for residential use.

Section 7.10 Parking Lot Islands

- A. All parking lot islands shall be raised at least six (6) inches and curbed according to City engineering standards. Uses located in the Business Park District are exempt from this provision.
- B. End Islands – Each interior-parking row and periphery-parking row, independent of its length, shall have an end island placed at each end that shall not be less than two hundred (200) square feet in total area.

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- C. Interior Islands – The parking lot may be configured in any way so as to provide for orderly and safe parking of vehicles. The islands may be grouped to form larger spaces and sidewalks may run through interior islands.

Section 7.11 Parking Lot Development and Maintenance

- A. Every parcel of land used as a parking area, loading or unloading area, driveway or maneuvering aisle must be developed and maintained to the requirements of this Section. All areas must remain in good repair, free of potholes and other deterioration.
- B. All parking spaces provided, with the exception of single-family residential dwellings, shall be permanently and clearly marked by stripes. All nonpermanent striping, such as paint, shall be maintained as to guarantee continuous identification of the space.
- C. Surface materials for Nonresidential Uses and Districts and Multi-Family Districts (Planned Development Districts for Multifamily Uses, R-3 and R-4)
 - 1. Asphalt Surfacing – All off-street parking facilities shall be constructed with a minimum of one and one half (1 ½) inches of asphalt pavement on top of six (6) inches of limestone or suitable base material as approved by the City Engineer.
 - 2. Concrete Surfacing – All concrete areas shall be six (6) inches thick. Reinforcement shall be with number four (4) bars, twelve (12) inches on center.
- D. All off-street parking areas shall be required to have a six (6) inch raised concrete curb around the entire perimeter and shall be graded to drain adequately, per an approved drainage plan, as determined by the City's Engineer.
- E. The parking facility shall be maintained so as to dispose of any surface water accumulated in the facility.
- F. Single Family and Two-Family Residential Uses and Districts Drive Standards – All single-family residential and two-family residential driveways shall be paved with concrete four (4) inches thick. Reinforcement shall be with number three (3) bars, twelve (12) inches on center.
- G. Existing Single Family and Two Family Residential Uses and Districts Drive Exceptions –
 - 1. For the purposes of the following exceptions, all-weather surface shall mean these materials: concrete, bitumen, asphalt, concrete or brick pavers, as defined below. These materials and their installation techniques shall be reviewed and approved by the City Manager or his/her designee with the advice from the Public Works Department, Engineering Department, Fire Department or other City Official which may provide pertinent information.
 - a. All Weather Surfacing – May include concrete and;
 - b. Asphalt Surfacing - Asphalt shall be constructed with a minimum of one and one half (1 ½) inches of asphalt pavement on top of six (6) inches of limestone or suitable base material as approved by the City Engineer
 - c. Concrete with Decorative Aggregate - – Six (6") inch thick pavement with twelve (12") inch on center, No. 4 rebar for reinforcement. Aggregate is mixed

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into concrete base with high pressure hose to expose aggregate after mix is poured. Surface is then buffed and sealed with clear coat for durability.

- d. Chip Seal (bitumen) – Chip seals are constructed by evenly distributing a thin base of hot tar, bitumen or asphalt onto an existing pavement and then embedding finely graded aggregate into it. The aggregate is evenly distributed over the hot seal spray, then rolled into the bitumen using heavy rubber-tired rollers creating a paved surface. A chip-seal-surfaced pavement can optionally be sealed with a top layer, which is referred to as a fog seal or enrichment. All chip seal driveways shall be constructed with a minimum of six (6) inches of limestone or suitable base material as approved by the City Engineer.
 - e. Pavers – Concrete or brick, pavers allow permeability with a stabilized base. Four (4") inch to six (6") inch base material should be graded and compacted. A ¼" crushed material four (4") inches thick should then be screed across the top and pavers placed on top with additional fill in the joints. Long-term maintenance is required to keep edges straight and to replace any broken pavers over time.
2. A Agricultural District – driveways must be of an all-weather surface which may include a gravel drive as an acceptable material. Any A Agricultural Residential uses on lots greater than ten (10) acres are exempt from this provision.
 3. Single-Family or Two-Family Residential Homes with an existing gravel driveway – The existing gravel driveway may be maintained and repaired over time. The existing gravel driveway may not be extended or widened from its original installation. If an existing gravel driveway is to be extended or widened, the driveway will be required to meet the standards of new driveway installation as per Paragraph F above. Pre-existing gravel driveways may be replaced with an approved all-weather surface upon approval of the City Manager or his/her designee.

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Article 8 - Landscape, Open Space and Tree Preservation

Section 8.1 Purpose

- A. It is the purpose of this Article to establish regulations pertaining to landscaping within the City. These regulations provide standards and criteria for new landscaping and the retention of existing trees and are intended to:
1. Promote the value of property, enhance the welfare, and improve the physical appearance of the City;
 2. Reduce the negative effects of glare, noise, erosion and sedimentation caused by expanses of impervious and un-vegetated surfaces within the urban environment; and
 3. Preserve and improve the natural and urban environment by recognizing that the use of landscaping elements and retention of existing trees can contribute to the processes of air, improve the purification, oxygen regeneration, groundwater recharge, abatement of noise, reduction in glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the City of Joshua.

Section 8.2 Landscaping Definitions

Buffer Yard. A buffer yard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between, land uses to eliminate or minimize conflicts between them.

Building Footprint. The area of the building in contact with the ground.

Caliper. Diameter of the trunk measured one foot (1') above ground level.

Canopy Trees. A perennial woody plant single or multiple trunks, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

Development. The changing of the existing topography to promote construction of structures or infrastructure to accommodate any improvements necessary to erect facilities for dwelling, commercial or industrial uses resulting in developed property.

Enhanced Pavement. Any permeable or non-permeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped and stained concrete.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Interior Lot Area. The area of the lot remaining after subtracting the area of the buffer yards.

Landscape Architect. A person registered as a Landscape Architect in the State of Texas pursuant to state law.

Landscape Area. An area covered by natural grass, ground cover, or other natural plant materials.

Lawn Grasses. Thin bladed surface growing plants typically planted from seed, sprigs, or plugs.

Licensed Irrigator. A person duly licensed by the State of Texas to design and install irrigation systems.

Permeable Pavement. A paving material that permits water penetration.

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R.O.W. Parkway. That area within the public right-of-way (R.O.W.) between the back of curb or edge of pavement and the right-of-way line.

Seasonal Color. Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

Shrubs. Plants that grow vertically in a multi-branched growth pattern.

Understory/Accent Trees. Small evergreen or deciduous perennial woody plants, which would grow below the top layer of the forest and typically would have unique branching, textural or seasonal color characteristics.

Section 8.3 Events Causing Compliance

Unless otherwise provided for in this Section, land uses not previously subject to landscaping requirements may be required to comply with this Article upon the occurrence of one of the following events:

- A. A change in zoning;
- B. Requirement of landscaping as a condition of a Conditional Use Permit;
- C. Issuance of a building permit; or
- D. Loss of legal nonconforming status.

Section 8.4 Single Family and Two-Family Residential Landscaping

The following landscape installation is required

- A. Twenty (20) percent of the total lot shall be landscaped. Landscaping which includes the planting of new and the retention of existing shrubs, trees, and flowering plants
- B. Residential uses located in the A, R-1L, R-1, or R-2 zoning districts shall be required to have a minimum of one tree in the front-yard setback. Such trees shall be a minimum of three (3) inches in caliper.

Section 8.5 Multi-Family Development in R-3 and R-4 Districts

8.5.1 LANDSCAPE PLAN REQUIRED

- A. The landscape plan may be prepared by the applicant. The landscape plan is not required to be prepared by a registered or certified professional.
- B. A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.
- C. The landscape plan shall be drawn to a minimum scale of one (1) inch equals fifty (50) feet and shall contain the following information:
 - 1. Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the Building Official;

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2. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
3. Species of all plant material to be used;
4. Size of all plant material to be used;
5. Spacing of plant material where appropriate;
6. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
7. Description of maintenance provisions of the landscape plan;
8. Persons responsible for the preparation of the landscape plan.

8.5.2 MULTI-FAMILY LANDSCAPING REQUIREMENTS

- A. Twenty (20) percent of the total land area in any lot upon which development or construction occurs for any use after the effective date of this ordinance shall be landscaped in accordance with this Section.
- B. Not less than forty (40) percent of the total landscaping required shall be located in the front yard setback. The front yard setback will also be considered the landscape strip.
- C. No parking shall be allowed within any front yard setback.
- D. One Shade Tree (minimum three (3) inch caliper) from the approved Tree List shall be planted for every five hundred (500) square feet of front yard setback.
- E. One Shade Tree (minimum three (3) inch caliper) from the approved Tree List shall be planted for every fifteen (15) parking spaces.
- F. Of the required twenty (20) percent landscaping, interior parking lots shall be landscaped as follows:

Total Parking Area in Square Feet	Interior Landscape Area in Percentage
7000-24,999	5
25,000-49,999	8
50,000 and larger	10

- G. Parking lots less than seven thousand (7000) square feet shall not be required to provide interior landscaping.
- H. All landscaped areas, including permeable areas and driplines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs, parking blocks, or similar barriers sufficient to protect them from vehicular intrusion.

Section 8.6 Nonresidential Uses and Residential Common Areas

8.6.1 LANDSCAPE PLAN REQUIRED

- A. The landscape plan may be prepared by the applicant. The landscape plan is not required to be prepared by a registered or certified professional.

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- B. A landscape plan shall be submitted to the City for approval. The landscape plan may be submitted as a part of the site plan or as a separate submittal. However, a landscape plan meeting the requirements of this ordinance shall be provided and approved prior to the issuance of a building permit.
- C. The landscape plan shall be drawn to a minimum scale of one (1) inch equals fifty (50) feet and shall contain the following information:
 - 1. Location of all trees to be preserved, method of preservation during the construction phase of development shall be approved by the Building Official;
 - 2. Location of all plants and landscaping material to be used including paving, benches, screens, fountains, statues, or other landscape features;
 - 3. Species of all plant material to be used;
 - 4. Size of all plant material to be used;
 - 5. Spacing of plant material where appropriate;
 - 6. Layout and description of irrigation, sprinkler or water system, including placement of water sources;
 - 7. Description of maintenance provisions of the landscape plan;
 - 8. Persons responsible for the preparation of the landscape plan.

8.6.2 NONRESIDENTIAL AND RESIDENTIAL COMMON AREAS LANDSCAPING CRITERIA

- A. Twenty (20) percent of the total land area in any lot upon which development or construction occurs for any use after the effective date of this ordinance shall be landscaped in accordance with this Section.
- B. Not less than forty (40) percent of the total landscaping required shall be located in the front yard setback. The front yard setback will also be considered the landscape strip.
- C. No parking shall be allowed within any front yard setback.
- D. One Shade Tree (minimum three (3) inch caliper) from the approved Tree List shall be planted for every five hundred (500) square feet of front yard setback.
- E. One Shade Tree (minimum three (3) inch caliper) from the approved Tree List shall be planted for every fifteen (15) parking spaces.
- F. Of the required twenty (20) percent landscaping, interior parking lots shall be landscaped as follows:

Total Parking Area in Square Feet	Interior Landscape Area in Percentage
7000-24,999	5
25,000-49,999	8
50,000 and larger	10

- G. Parking lots less than seven thousand (7000) square feet shall not be required to provide interior landscaping.
- H. A parking screen shall be provided on nonresidential properties where headlight glare from parking spaces, or the orientation of a drive through would cause the glare to be directly

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observed from the public right-of-way. A parking screen of live evergreen shrubs shall be installed in a planting strip adjacent to the parking area. The planting strip must be at least a minimum thirty-six (36) inches wide and protected from vehicle damage through distance and curbing. The screen shall be of sufficient height at planting, to adequately screen headlight glare. The front yard landscape buffer may also be utilized. Planted shrubs may not interfere with any established sight visibility triangles.

- I. All landscaped areas, including permeable areas and driplines around trees and planting beds used for visual screening which abut any parking lot or vehicular travel area, shall be protected with curbs, parking blocks, or similar barriers sufficient to protect them from vehicular intrusion.
- J. Where the construction is to be a single phase of a multi-phase development, only the area being constructed in the current phase shall be subject to the landscape regulations. However, each phase will be required to meet the landscaping regulations as that phase is developed.
- K. In the I Industrial zoning district only, the rear and side yard landscape requirements may be waived by the Administrative Official upon submittal of a landscape plan meeting the other requirements of this Section.
- L. All landscape material shall comply with visibility requirements of the Subdivision Ordinance.

Section 8.7 Preferred Tree List
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Small Trees	Medium Trees	Large Trees (Shade Trees)
Redbud	Golden Raintree	Chinkapin Oak
Hawthorn	Bald Cypress	Live Oak
Crape Myrtle	Sweet Gum	Red Oak
Japanese Black Pine	River Birch	Cedar Elm
Arizona Cypress	Deodar Cedar	Southern Magnolia
Eastern Red Cedar	Chinese Pistachio	Pecan
Flowering Crabapple	Desert Willow	Slash Pine
Drake Elm	Chinese Elm	Loblolly Pine
Holly	Thornless Honey Locust	Sycamore
Elderica Pine	Green Ash	Pin Oak
Waxleaf Ligustrum	Arizona Ash	
White Dogwood	Japanese Maple	
Cherry Laurel		

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Section 8.8 Tree Planting Requirements

8.8.1 DISTANCE FROM CURB TO SIDEWALK

The distance that trees may be planted from the curb or curb lane will be in accordance with the tree species size classes listed in Section 8.7, and no trees may be planted closer to any curb or sidewalk than the following: small trees—two (2) feet; medium trees—three (3) feet; and large trees—four (4) feet.

8.8.2 TREE DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

No tree shall be planted within the visibility triangle. No tree shall be planted closer than ten (10) feet of any fire hydrant.

8.8.3 UTILITIES

No trees other than those species listed as small trees in Section 8.7 may be planted in any utility easement under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground waterline, sewer line, transmission line or other utility. If Utility providers prohibit the planting of trees within their respective easements, the developer shall relocate the required trees; however, they must obtain approval from the Administrative Official on where the trees are to be relocated on the site.

8.8.4 TREE TOPPING

It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical are exempt from this Section.

Section 8.9 Installation, Irrigation and Maintenance

- A. All required landscaped area shall be permanently landscaped with living plant material, and shall have an irrigation system installed. Synthetic or artificial lawn or plant material shall not be used to satisfy the landscape requirements of this ordinance.
- B. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping.
- C. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, and other steps necessary to maintain the plants in healthy and growing condition. Plant materials which die shall be replaced with plant material of similar variety and size within ninety (90) days period, with a one-time extension not exceeding ninety (90) days being provided upon approval of the City Council.
- D. In areas to be maintained by the City, if approved by the City Council, all landscape and irrigation materials to be used by the developer shall be designed to conserve water and be of low maintenance. All landscape and irrigation improvements shall conform to the requirements of the City governing sight distance for traffic safety and other ordinances of the City. All planting, if maintained by the City, must be approved by the City. Submittal of plant types will be submitted with irrigation plans for review and approval.

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Section 8.10 Landscaping of Public Right-of-Way

- A. Any developer desiring to install and maintain landscaping materials and irrigation facilities within the City right-of-way or Texas Department of Transportation (TXDOT), must first enter into and execute a median right-of-way landscape and irrigation agreement.
- B. Entranceway or amenity features within the City or State right-of-way may be developed under the responsibility of a homeowners association or commercial property owners association. Documents shall be submitted, reviewed and approved by the City and/or the State.
- C. Any developer desiring to install or maintain landscaping materials or irrigation facilities in any portion of a dedicated street, median or other public right-of-way shall submit to the Administrative Official of the City, complete plans for any and all proposed improvements. The plans shall include the following:
 - 1. A scaled drawing (one inch equals 40 feet) clearly indicating the location, type, size and description of all proposed landscaped materials and existing utilities. Planting design of materials must be submitted to ensure adequate coverage.
 - 2. The name of the subdivision or addition, and the name and address of the developer.
 - 3. A north arrow, scale and date of preparation.
 - 4. A clear indication of the configuration, location, type and size of all irrigation, piping, heads and controllers, including the name, address and license seal of the designer.
 - 5. Such other information reasonably deemed necessary by the City.
- D. The City will review and approve or deny the submitted plans, and have the right to require revisions.

Section 8.11 Landscaping as Related to Certificate of Occupancy

- A. All landscaping shall be completed and installed in accordance with the approved landscape plan within ninety (90) days of a Certificate of Occupancy being granted. A one-time extension not to exceed ninety (90) days may be granted upon approval of the Administrative Official.
- B. If these landscaping requirements have not been satisfied within six (6) months from the issuance of a Certificate of Occupancy, the property owner shall be considered in violation of this ordinance, and shall be subject to the penalties established herein. A one-time extension not to exceed six (6) months may be granted upon approval of the City Council.

Section 8.12 Nonconforming Landscaping Conditions

Developments, structures, and uses that are in existence at the time of the adoption of this ordinance, which do not meet the landscape requirements provided herein, will be considered as being legal nonconforming. These nonconforming uses/structures will be subject to Article 4, Nonconforming Lots, Structures and Uses of this ordinance unless otherwise provided for in this Section.

Section 8.13 Modification of Landscape Requirements

The City Manager or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of

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native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the administrative official or a designee and shall specify the modifications requested and present a justification for such modifications.

Section 8.14 Relief From Landscaping Requirements

A property owner may apply for relief from landscaping requirements in situations where individual circumstances, such as the presence of existing facilities or unusual topography, limit the applicant's ability to comply with the landscaping requirements of this ordinance. The following procedures shall apply:

- A. The applicant shall provide the City Council with an alternative landscape plan for review together with a written explanation of the circumstances which limit the applicant's ability to comply with the landscaping requirements of this ordinance. Said landscape plan will illustrate a plan to landscape area as available, provide for irrigation, and provide a phasing schedule for completing the plan.
- B. If the City Council grants the requested relief, the applicant shall install the landscaping shown on the landscape plan approved by the City Council.

Section 8.15 Tree Preservation State Requirements

8.15.1 PURPOSE

The purpose of this Section is 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. It also establishes rules for replacement 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:

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

8.15.2 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 including 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

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and specifications the method and manner in which a structure, building, utility, street, or physical alteration to land a structure or building 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 (3") inches or more when measured at a point twelve (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 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 (18") inches or greater measured twelve (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.

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

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Sycamore	Platanus occidentalis
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8.15.3 TREE REMOVAL PERMIT

- A. 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.
- B. 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.
- C. Residential Subdivisions. All areas 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.
- D. 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.
- E. Private Property.
 - 1. Agricultural. Property zoned "A", agricultural, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
- F. 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.
- G. 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.

8.15.4 EXEMPTIONS

Any franchise utility is exempt from these regulations.

8.15.5 PERMIT REVIEW AND APPROVAL PROCESS

- A. 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 permit request to be reviewed by the City Council.

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- B. 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.
- C. Fees. The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Joshua.

8.15.6 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:

- A. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
- B. Existing and proposed site elevations, grades and major contours.
- C. Location of existing or proposed utility easements.
- D. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.
- E. 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.

8.15.7 APPLICATION 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.

8.15.8 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.

8.15.9 APPEAL OF ADMINISTRATIVE OFFICIAL DECISION

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

8.15.10 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.

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8.15.11 TREE PROTECTION

- A. 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 feet 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 high protective fencing shall be supported at a maximum of ten feet 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.
- B. 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.
- C. Signs. No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
- D. 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.
- E. Grade. No grade change in excess of four (4") inches 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.
- F. Paving. No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

8.15.12 TREE PLANTING RESTRICTIONS

- A. 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.
- B. 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 (10') feet of a fire hydrant.

8.15.13 ENFORCEMENT

- A. Developers Agreement. No developer agreement shall be approved unless the agreement states that all construction activities shall meet the requirements of this Section.

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- B. 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.

Section 8.16 Fences and Screening Generally

- A. When a boundary of a nonresidential Zoning District sides or backs upon an R-1L, R-1, R-2, R-3, R-4, or MH District, a solid screening wall or fence in compliance with Article 3.05 Fences in the Joshua Code of Ordinances. The purpose of the screening wall or fence is to provide a visual barrier between the properties.
- B. Where a multifamily use abuts an A, R-1L, R-1, or R-2, zoning district, the side and rear property lines of said multifamily district shall be suitably screened to a height of not less than six (6) feet, nor more than eight (8) feet, from any adjacent dissimilar residential dwelling or lot.
- C. The owner of the property where the less restrictive use is located shall be responsible for and shall build the required wall or fence on the property line dividing his/her property from the more restrictive zoning district.
- D. The entire area occupied by a junkyard or salvage yard shall be surrounded by a continuous screening wall, not less than eight (8) feet in height.
- E. Dumpsters and trash receptacles located on nonresidential zoned property and on sites used for nonresidential purposes shall be located on a concrete pad constructed for that purpose. Such dumpsters and trash receptacles shall be screened on three sides by a masonry wall and shall contain a solid self-latching gate. The masonry wall shall be of similar construction to the principle building. Non-decorative concrete block shall not be permitted. A screening device shall be erected alongside and rear property lines adjacent to residential districts. The screening device shall be a minimum height of eight (8) feet, unless otherwise approved by City Council.
- F. All required screening elements shall be permanently maintained by the nonresidential property owner.
- G. No screening element of solid construction such as brick, masonry, concrete or solid metal, shall be erected or placed in a location which would interfere with the installation or maintenance of any public utility line, service, or drainage-way within easements reserved therefore. Perimeter screening walls of residential developments are included within this regulation. Perimeter screening walls shall be installed within a two and a half (2.5) foot screening wall easement.

Section 8.17 Screening Wall Construction

Unless otherwise provided for herein, a screening wall required under the provisions of this Section shall be constructed of a permanent, solid masonry material.

- A. All wall or fence openings shall be equipped with gates compatible with the height and screening characteristics of the wall or fence.
- B. In cases where City Council finds this requirement can be better met by a screen of living, irrigated plant materials, a landscape plan may be submitted in lieu of a screening wall. Such landscape screening must be no less than four (4) feet deep and must demonstrate screening characteristics equal to that of a masonry-screening wall.

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- C. In cases where the City Council finds the requirements of this subsection can be better met by a decorative fence or a combination of decorative fence and masonry screening wall and/or living plant materials, plans for the same may be submitted to the City for approval along with a landscape plan.
- D. All required screening walls shall be equally finished on both sides of the wall.

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Article 9 - Design Standards

Section 9.1 Exterior Requirements

9.1.1 RESIDENTIAL DISTRICTS

- A. All principal buildings and structures located in the R-1L, R-1, R-2, R-3, and R-4 zoning districts are required to be constructed of materials deemed acceptable by the International Building Code as approved by the last three (3) cycles applicable to the total exterior walls to the top plate, excluding doors, windows, and porches.
- B. Residential structures being constructed in the A, Agricultural zoning district are required to be constructed of materials deemed acceptable by the International Building Code as approved by the last three (3) cycles applicable to the top plate, excluding doors, windows, and porches.
- C. Residential structures being reconstructed or remodeled in the Heritage Overlay District or the Original Town of Joshua Addition may utilize hardiplank or hardiboard for current structures to make up the eighty percent (80%) masonry.

9.1.2 NONRESIDENTIAL DISTRICTS

Materials for exterior facades for the principal building or structure are requested to be of masonry construction as defined by the International Building Code as approved for the last three (3) cycles and may also include Exterior Insulated Finish Systems (EIFS).

- A. All principal buildings and structures located in the C-1, C-2 or I zoning district are required to be constructed of materials deemed acceptable by the International Building Code as approved by the last three (3) cycles.

Article 10 - Outdoor Lighting Requirements

Section 10.1 Applicability

All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Section, the Building Code and the Electrical Code of the City of Joshua as applicable and under appropriate permit and inspection. These lighting standards shall apply to all non-residential uses in the City of Joshua. Unless otherwise stated, this ordinance does not regulate lighting in public road rights-of-way.

The general purpose of lighting requirements is to:

- A. Reduce the problems created by improperly designed and installed outdoor lighting.
- B. Eliminate problems of glare on operators of motor vehicles, pedestrians and land uses.
- C. Minimize light trespass.
- D. Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate.
- E. Preserve the sky as a natural resource and thus the public's enjoyment.

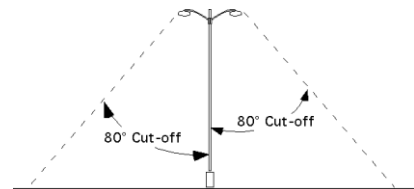
10.1.1 PHOTOMETRIC PLAN

A Photometric Plan may be submitted with a site plan or landscape plan on all public or private properties, including rights-of-ways, public easements, franchises and utility easements for approval by the Zoning Administrator. A Photometric Plan shall be submitted prior to issuing a building permit. Plans shall include the following:

- A. A layout of the proposed fixture locations.
- B. The light source.
- C. The luminous area for each proposed light source with proposed foot-candle measurements.
- D. The type and height of the light fixture or of the light source above grade.
- E. The type of illumination.

10.1.2 GENERAL

- A. Unless otherwise provided herein, illumination, where required by this ordinance, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended.
- B. Unless otherwise provided herein, all building lighting for security or aesthetics will be fully shielded type, not allowing any upward distribution of light. Wall pack type fixtures are acceptable only if they are fully shielded with 80° cut-off.
- C. No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of



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such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this Section, a nuisance shall be defined as more than one tenth (0.1) of one foot-candle of light measured at the residential property line or twenty-five hundredths (0.25) of one foot-candle of light measured at any adjoining non-residential property line, unless said non-residential property is of a similar use and utilizes similar lighting parameters.

- D. Halogen lights are prohibited.
- E. Shielding shall be required in all outdoor lighting installations as specified below.

Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully Shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully Shielded, with 80° cut-off
Metal Halide	Fully Shielded, with 80° cut-off
Halogen	Prohibited
Mercury Vapor	Prohibited
Fluorescent	Fully Shielded, with 80° cut-off
Incandescent	Fully Shielded, with 80° cut-off
Any light source 50 watts and under	Unshielded Permitted as long as source not visible to adjacent residential
Low intensity Neon, Krypton or Argon Discharge Tubes	Unshielded Permitted as long as source not visible to adjacent residential
Light Emitting Diodes (LED)	Unshielded Permitted as long as source not visible to adjacent residential

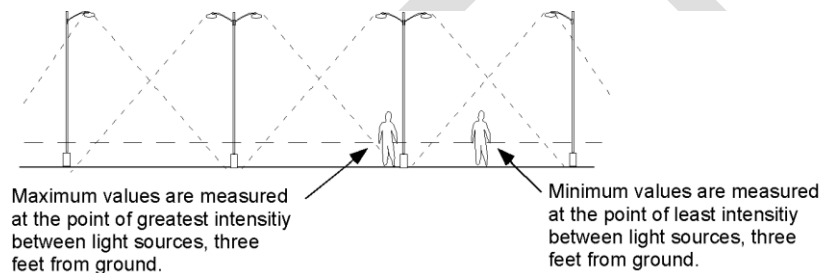
10.1.3 ILLUMINATION

- A. Measurement: Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted IESNA methods.
- B. Computation of Illumination: Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted IESNA method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the city. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.
- C. Limitations on neighboring property: The limit of illumination on neighboring property from one (1) establishment shall be by zoning of the neighboring property. Maximum computed or measured foot-candles at the neighboring property line shall not exceed:

Foot-candles	
Land Use Type	Horizontal
Single-family and two-family residential districts.	0.25
Non-residential districts	2.25

10.1.4 NON-RESIDENTIAL ILLUMINATION.....

- A. All non-essential lighting shall be turned off after business hours, leaving only necessary lighting for site security.
- B. Floodlights, accent, aesthetic and security lights must be fully shielded and no up lighting shall



- be permitted except that lighting of fifty (50) watts or less are excepted if necessary for security purposes.
- C. Parking lots and vehicle movement areas and signs shall not exceed a maximum illumination value of forty (40) foot-candles nor a minimum illumination value of 1.0 foot-candles. Lamps in decorative lantern type fixtures shall not exceed a maximum of 150 watts. Total pole and fixture height shall not exceed a maximum of thirty (30) feet, measured from grade at the base. The light head or light under canopies shall be designed so that any light filament or bulb is shielded or recessed to prevent direct glare and/or light trespass. No exposed lamp, filament or bulb shall be detectable from outside of the 80-degree cutoff area or from the adjoining property lines. Building facades and architectural features of buildings may use sconces when the following conditions are met:
 - D. Floodlight fixtures are equipped with shields and are located so as to limit the fixture's direct light distribution solely to the building façade or feature being illuminated;
 - E. The configuration of the floodlight installation shall block all view to the floodlight fixture's recessed lamp, bulb or filament from pedestrian walkways, vehicle maneuvering areas and all adjacent properties;
 - F. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky, and;
 - G. The maximum luminance of any floodlighted surface does not exceed the foot-candles specified in the Illuminating Engineering Society of North America Lighting Handbook for floodlighting surfaces.

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- H. Limitations on establishment property. The maximum outdoor initial computed or measured illuminant level on the establishment property shall not exceed forty (40) foot-candles outdoors at any point, except that lighting under canopies (such as service stations) shall not exceed sixty (60) foot-candles.
- I. Externally illuminated signs, advertising displays, building identification and monument signs that use top mounted light fixtures shall shine light downward and will be fully shielded or shine upward with pinpointed light which are also fully shielded.
- J. Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize light-spillover and glare.

10.1.5 PUBLIC AND SEMI-PUBLIC RECREATIONAL FACILITIES

- A. Any light source permitted by this Section may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:
- B. All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
- C. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

10.1.6 PROHIBITED

Unless otherwise authorized, the following shall be prohibited.

- A. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- B. The operation of searchlights for advertising purposes is prohibited.
- C. Halogen and Mercury Vapor Lights are prohibited.

10.1.7 EXEMPTIONS

The following are exempt from the outdoor lighting requirements of this Ordinance:

- A. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries used by the Police or Fire Departments.
- B. All hazard warning luminaries required by Federal regulatory agencies except that all luminaries used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- C. Up lighting of the City of Joshua, State of Texas, or United States of America flag.
- D. Seasonal decorative lighting.

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10.1.8 TEMPORARY EXEMPTIONS

- A. Upon approval by the Administrative Official, temporary exemptions from the requirements of this ordinance for a period not to exceed thirty (30) days may be approved.
- B. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall contain the following information:
 - 1. Specific exemption (s) requested
 - 2. Type/use of outdoor lighting fixture involved
 - 3. Duration of time requested
 - 4. Type of lamp and calculated foot-candles
 - 5. Total wattage of lamp(s)
 - 6. Proposed location of fixtures
 - 7. Previous temporary exemption requests
 - 8. Physical side of fixtures and type of shielding provided
 - 9. Such other data or information as may be required by the Administrative Official.
- C. Requests for renewal of exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than fourteen (14) days or a time period designated by the Zoning Board of Adjustment.
- D. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixture.

10.1.9 NON-CONFORMING LIGHTING

All luminaries lawfully in place prior to the date of the ordinance shall be considered as having legal non-conforming status. However, any luminary that replaces a legal non-conforming luminary, or any legal non-conforming luminary that is removed or relocated, must meet the standards of this Ordinance.

Article 11 - Definitions

Section 11.1 Purpose

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

Section 11.2 General Definitions

Accessory dwelling. A separate living unit, detached from the primary structure, complete with kitchen, bathroom and sleeping facilities.

Accessory structure. A structure located on the same premise that is customarily incidental, detached and subordinate to the primary structure or use.

Accessory use. A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s).

Agriculture. The use of any tract of land for the production of animal or vegetable life; uses include, but are not limited to, the pasturing, grazing, and watering of livestock and the cropping, cultivation, and harvesting of plants.

Airport or landing field. A place where aircraft can land and take off generally equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

Alley. A minor right-of-way that is dedicated to public use and 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.

Amusement services. A commercial facility that includes, but is not limited to, bowling alleys, movie theatres, music halls, indoor skating rinks, video arcades, pool and billiard halls, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges and shooting arcades.

Appliance repair. The servicing of a piece of equipment, usually operated electrically, especially for use in the home or for performance of domestic chores, such as a refrigerator, washing machine, or toaster.

Applicant. The owner of record of a property, the agent or lessee thereof with the approval of the owner of record in a notarized form, or a person holding a bona fide contract to purchase the property with approval of the property owner (or their authorized representatives).

Art gallery or museum. An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

Assembly Hall (Private) and Event Centers. Meeting or event space, utilized for dances, conventions, weddings or similar gatherings of individuals for lease by a private company.

Assisted living facility. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides personal care services pursuant to Chapter 247, Texas Health and Safety Code.

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Bed and breakfast/boarding house. A dwelling arranged or used for lodging for compensation, with or without meals.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building height. The vertical distance from grade plane to the average height of the highest roof surface.

Building line. The line established by law, beyond which a building shall not extend, except as specifically provided by law.

Building, main or primary. 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.

Building official. The officer or other designated authority (or his/her designee) charged with the administration and enforcement of the Building Code.

Building permit. Written authorization as required by the current Building Code, issued by the building official, for the erection, construction, reconstruction, alteration, repair, conversion, demolition, moving or maintenance of any building, structure or improvement to a given lot or tract of land or portion thereof, and which allows construction to proceed in accordance with construction documents approved by the building official.

Camp grounds. An area of non-residentially zoned land on which accommodations for temporary occupation are located or may be placed. This includes, but is not limited to tents and recreational vehicles.

Car wash. A place or business equipped for washing cars and other motor vehicles.

Carport. A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension. Also called "covered parking area."

Cemetery or mausoleum. A place that is used or intended to be used for interment, and includes a graveyard, burial park, or mausoleum pursuant to Chapter 711, Texas Health and Safety Code.

Cemetery, pet. Same as cemetery except intended for interment of dead animals.

Certificate of occupancy. An official certificate issued by the city through the building official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

Child care facility / Day care facility. A facility licensed, certified, or registered by the department to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the 24-hour day, whether or not the facility is operated for profit or charges for the services it offers.

Church/place of worship/ Religious Institution. An institution that people regularly attend to participate in or hold religious services, meetings, or other activities. This term does not carry a secular connotation and includes the buildings or other locations in which the religious services of any denomination are held.

City. The City of Joshua, Texas.

City council. The governing body of the city.

City manager. The city manager of the city or his/her designee.

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Civic center. A building or group of buildings containing administrative offices for the operations of local government that is 1) owned and operated by the City of Joshua and 2) used predominantly for office and meeting space for local government and/or community activities.

Community home. Community-based residential home pursuant to Chapter 123, Texas Human Resource Code.

Community service. A facility that is designed for the benefit of the public or its institutions including but not limited to community centers, libraries, post offices, governmental agencies, etc.

Comprehensive plan. Document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various components governing specific geographic areas and functions and services of the city.

Continuing care facility. A place in which a person provides continuing care to an individual pursuant to Chapter 246, Texas Health and Safety Code.

Convalescent and nursing homes and related institutions. An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment and provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry pursuant to Chapter 242, Texas Health and Safety Code.

Convenience Store with Gasoline Sales. Retail business, typically under five thousand (5000) square feet which sells food, beverages and limited grocery items coupled with the retail sale of gasoline fuel.

Country club (private). A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

Court. An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Density. The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

Department Store. Retail establishment which sells different merchandise from several retail categories.

Detached. Having no physical connection above the top of the floor line of the first floor with any other building or structure.

Director of utilities. The city official appointed by the city manager to assist in the management and direction of the city's water, sewer, and electric utility systems, or his/her designee.

Distribution centers. Warehousing facility which contains goods to be distributed to multiple retail outlets through vehicle transportation.

Dwelling. Any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, multifamily or apartment, including garden apartments. A building or portion of a building having suitable accommodations for three or more families, living independently of each other, who may or may not have joint uses of utilities, halls, yards, etc. This term includes premises occupied more or less permanently for residential purposes in which rooms are occupied in apartments, suites or groups, such as apartments, dormitories, lodging houses, rooming houses, and all the dwellings similarly occupied.

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Dwelling, multifamily or apartment loft. A large, open space, usually without any internal walls (except for the bathroom!), and, up until recently, usually in one-time commercial or industrial buildings that have been converted into residential apartments.

Dwelling, multiple single-family. See "townhouse."

Dwelling, live/work. A single unit consisting of both a commercial/office and a residential component that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.

Dwelling, one-family. A detached building used exclusively for residential purposes having suitable accommodations for only one family.

Dwelling, two-family. A detached building used exclusively for residential purposes and designed for or occupied by two families living independently of each other.

Dwelling, zero lot line. A detached building for residential purposes where the home is built on one side property line with separation from the adjacent lot on the other side yard.

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 or entity.

Educational facilities. Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

Entertainment. Includes shows, plays, skits, musical revues, children's theater, dance productions, public dance, musical concerts, opera and the production or provision of sights or sounds or visual or auditory sensations which are designed to or may divert, entertain or otherwise appeal to members of the public who are admitted to a place of entertainment, which is produced by any means, including radio, television, video reproduction, piano, orchestra or band or any other musical instrument, slide or movie projector, spotlights, or interruptible or flashing light devices and decoration.

Exhibition hall. A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Fair grounds/rodeo grounds or exhibition area. An area or space either outside or within a building for the display of topic-specific goods or information.

Family. One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Family home. A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker pursuant to Chapter 42, Texas Human Resources Code.

Fitness Facility. A public or private business or organization which provides space for exercise, through the use of machines, classes, weight training, swimming pools or other activities oriented to physical health and fitness,

Fraternal organization, lodge, civic club, or union. An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

Funeral home. A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Golf course. An area improved with trees, greens, fairways, hazards, and which may include clubhouses, for the purpose of recreation and sport.

Grocery Store. Retail store oriented to the sale of food and household items.

Heavy load vehicle. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 16,000 pounds (including trailers). The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Heavy manufacturing. A use engaged in the basic processing and manufacturing of materials, or products predominantly from extracted raw materials or a use engaged in the storage of or manufacturing processes using flammable or explosive materials or storage of processes that potentially involve hazardous or commonly recognized offensive conditions.

Heliport. An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop. The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Home health service. The provision of one or more of the following health services required by an individual in a residence or independent living environment:

- A. Nursing, including blood pressure monitoring and diabetes treatment;
- B. Physical, occupational, speech, or respiratory therapy;
- C. Medical social service;
- D. Intravenous therapy;
- E. Dialysis;
- F. Service provided by unlicensed personnel under the delegation or supervision of a licensed health professional;
- G. The furnishing of medical equipment and supplies, excluding drugs and medicines; or
- H. Nutritional counseling.

Home occupation. An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Hospice. A person licensed under Chapter 142, Texas Health and Safety Code, to provide hospice services, including a person who owns or operates a residential unit or an inpatient unit.

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Hospice services. Services, including services provided by unlicensed personnel under the delegation of a registered nurse or physical therapist, provided to a client or a client's family as part of a coordinated program consistent with the standards and rules adopted under this ordinance. These services include palliative care for terminally ill clients and support services for clients and their families that:

- A. Are available 24 hours a day, seven days a week, during the last stages of illness, during death, and during bereavement;
- B. Are provided by a medically directed interdisciplinary team; and
- C. May be provided in a home, nursing home, residential unit, or inpatient unit according to need. These services do not include inpatient care normally provided in a licensed hospital to a terminally ill person who has not elected to be a hospice client.

Hospital. An establishment that offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy and that regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent pursuant to Chapter 241, Texas Health and Safety Code.

Hotel. A building containing guest rooms, rented for less than 30 days and designed to be used for sleeping purposes, which provides a common entrance, lobby, halls and stairways.

HUD-code manufactured home. A structure 1) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development 2) built on a permanent chassis 3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities 4) transportable in one or more sections 5) in the traveling mode, is at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet 6) includes the plumbing, heating, air conditioning, and electrical systems of the home, and 7) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g) pursuant to Chapter 1201, Texas Occupations Code.

Industrial, manufacturing. Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

Industrialized housing. A structure or building module constructed, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Chapter 1201, Texas Occupations Code); nor does it include building modules incorporating concrete or masonry as the primary structural component.

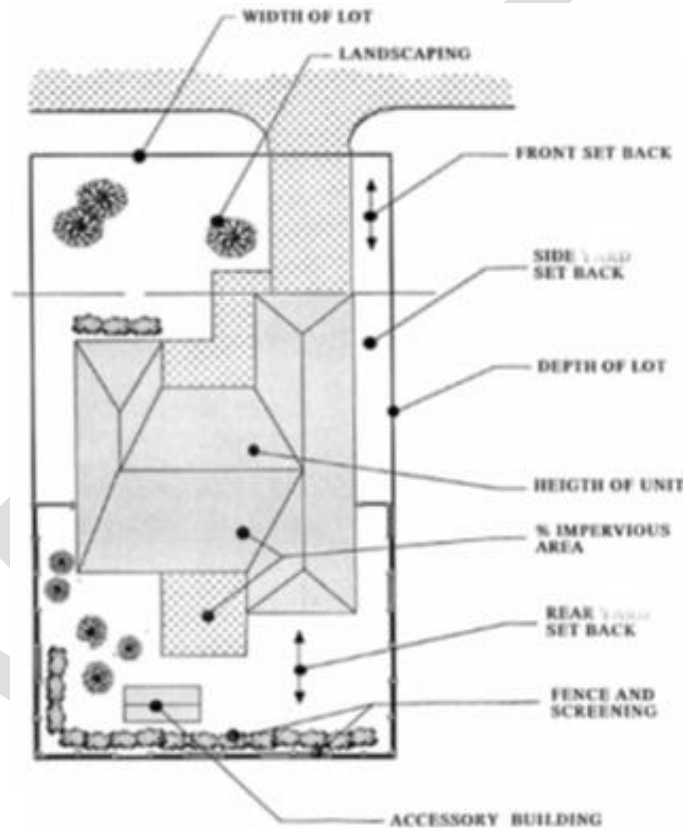
Kiosk. A small stand-alone structure, with one or more open sides, that is used to vend merchandise or services, or for providing information, either by posting, or on a computer screen.

Landscaping. Grass, trees, shrubs, vines, ground cover or flowers planted and maintained to enhance appearance of a development. Landscaping may include non-botanical features, such as walks, fountains, reflecting pools, art works, rain gardens and stormwater management features.

Light load vehicle. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles.

Light manufacturing (Light Assembly). Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Lot. A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street.

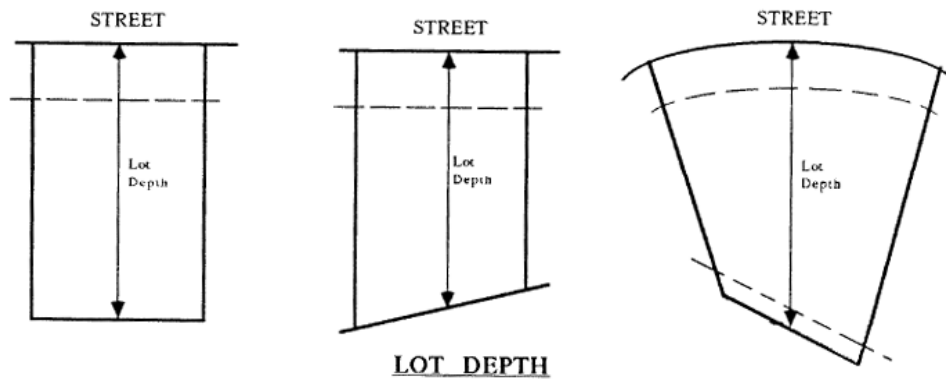


Lot area. The total area, measured on a horizontal plane, included within lot lines.

Lot, corner. A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees.

Lot, coverage. The amount of impervious surface area such as building footprint, sidewalks, driveways, pool decks, and patios. This is usually expressed as a percentage of the total lot area.

Lot depth. The mean horizontal distance between the front and rear lot lines.



Lot, flag. A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 35 feet. Flag, or panhandle, lots are typically discouraged.

Lot, interior. A lot other than a corner lot.

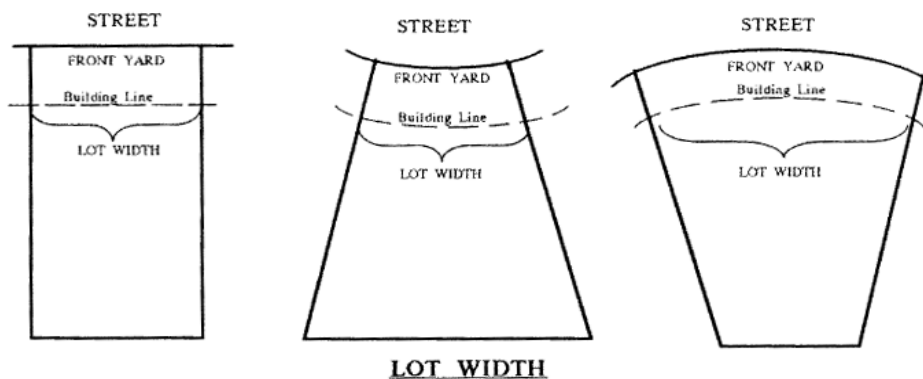
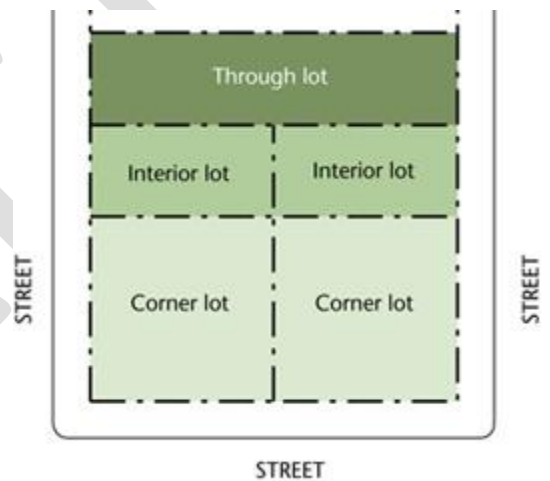
Lot frontage. That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

Lot lines or property lines. The lines bounding a lot as defined herein.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Johnson County.

Lot, through. A lot that connects two generally parallel streets and is not a corner lot.

Lot width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.



Manufactured housing. Means a HUD-code manufactured home.

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Market (public). Markets located on public property, where independent merchants can sell their products to the public. Typical products sold at public markets include fresh produce, various other food items and crafted goods.

Medical service. Including but not limited to hospice, hospice services and home health service.

Micro brewery. A combination retail, wholesale and manufacturing business that brews and serves beer and/or food.

Mini-warehouse/self-storage. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile home. A structure 1) constructed before June 15, 1976 2) built on a permanent chassis 3) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities 4) transportable in one or more sections 5) in the traveling mode, is at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and 6) includes the plumbing, heating, air conditioning, and electrical systems of the home pursuant to Chapter 1201, Texas Occupations Code.

Mobile home park (also trailer park or RV park). A parcel of land not less than three acres nor greater than 35 acres which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. A mobile home park may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Model home. A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Motel. A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

Motor vehicle. Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

Motor vehicle rental. A business primarily engaged in the rental of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor vehicle repair. Any person or business which, for compensation, engages in the activity of repairing, replacing, reconditioning, adjusting, analyzing, diagnosing or altering the operational condition of motor vehicles that are owned by other persons.

Motor vehicle sales. A business primarily engaged in the sale of new and used autos, trucks, motorcycles, recreational vehicles, utility trailers, aircraft, snowmobiles, and the like.

Motor vehicle salvage. A business which purchases, salvages and sells used parts from inoperable vehicles.

Motor vehicle service. Businesses primarily engaged in both selling and installing such automotive parts as mufflers and brakes.

Natural gas compressor station. A facility utilizing compression equipment and facilities, including a gathering station and/or a compressor station, which compress natural gas and/or other hydrocarbons and associated byproducts for purposes of transporting such products through a pipeline.

Occupancy. The use or intended use of the land or buildings by proprietors or tenants.

Offices. A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Off-street parking. Off-street parking spaces provided in accordance with the requirements of this ordinance, located on the lot or tract occupied by the main use or within 150 feet of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

Outdoor recreation. An area designed for active outdoor recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, campgrounds, golf courses, tennis courts and swimming pools.

Parcel. Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

Park/playground, Open Space. An area of land set aside for public or private use, as a piece of land with few or no buildings within or adjoining a town, maintained for recreational and ornamental purposes.

Parking facility. Property specifically used for the parking of vehicles. May either be surface parked or within structured parking on several vertical levels.

Pawn shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, state and federal regulations.

Plat. A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the city, and which is approved by the city and recorded in the plat records of Johnson County.

Premises. Land together with any buildings or structures situated thereon.

Private club. An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Chapter 32, Texas Alcoholic Beverage Code, that pertains to the operation of private clubs.

Professional service. Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

Public garage/parking structure. A surface lot, parking structure or other facility owned, operated or maintained by the city, to provide parking to the general public.

Recycling kiosk. A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

Restaurant or cafeteria. An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, which may include a drive-through window(s) or

where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail. An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Salon and Day Spa. Service business dedicated to personal wellness and/or beauty services.

Sand, gravel or stone extraction and/or storage. The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

School (K through 12). An institution for the instruction of children or people under college age.

School, other. Any institution for the instruction of people not considered a "school (K through 12)."

Seasonal uses. Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.

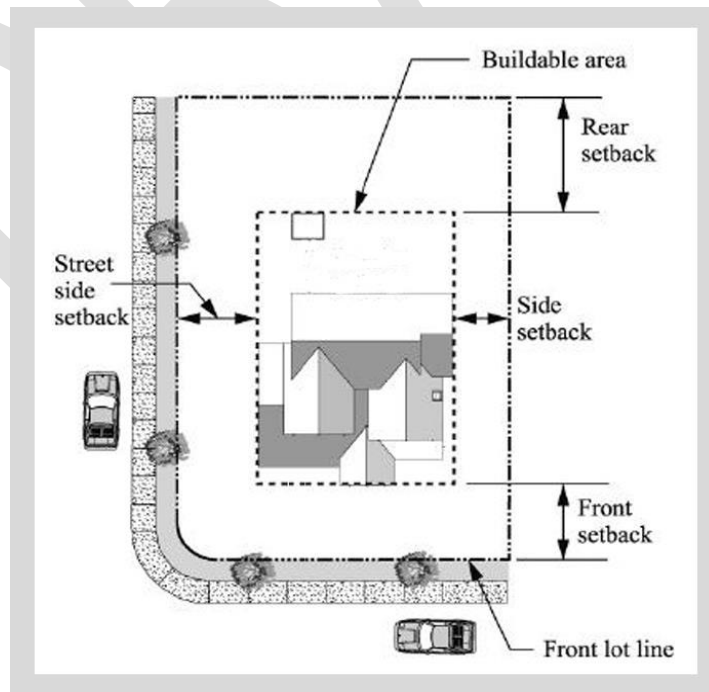
Service Commercial. A commercial enterprise that provides work performed in an expert manner by an individual or team for the benefit of its customers. Typical service businesses provide intangible products such as accounting, banking, consulting, cleaning, education, insurance, treatment services.

Setback: The minimum distance between by which any building or structure must be separated from a street right of way or lot line.

Setback, Front: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Setback, Rear: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

Setback, Side: An open space extending from the required front setback to the required rear setback, the width of which is the minimum horizontal distance between the side lot line and the side building line.



Setback Illustration

Stable (commercial). A stable used for the rental of stall space or for the sale or rental of livestock.

Smoke Shop / Tobacco Store / Vape / E-Cigarettes. A retail establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery of tobacco, tobacco accessories, electronic cigarettes, vaporization, vapes and / or similar substances and products to the customer; and, the onsite smoking of tobacco or other substances. This definition shall be construed to include establishments known variously as retail tobacco stores, tobacco products shops, hookah cafes, tobacco clubs, tobacco bars, vape stores, vape shops and similar establishments, but shall not include an establishment which derives more than fifty (50) percent of its gross revenue from food, beverage, or gasoline fuel sales.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Street. Any dedicated public thoroughfare that affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty (60) feet.

Street intersection. Any street that joins another street at an angle, whether or not it crosses the other.

Surface exploration and extraction. Searching and removal of minerals accessible through surface extraction or surface mining by geological, geophysical, geochemical or other techniques including sampling, assaying, drilling, or any other works needed to determine the type, extent or quantity of the minerals present. This term does not include drilling and production of natural gas and/or oil and activities related thereto.

Taxidermist. An establishment that provides the services of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telemarketing agency. An establishment that solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

Temporary field office or construction yard or office. A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year, or for a specific time and location as determined, may be issued by the building official and shall be subject to review and renewal for reasonable cause.

Townhouse. A one-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with open space on at least two sides.

Tract. A single parcel or lot.

Transit depot. Facility designed to accommodate bus and or rail transit services through providing shelter and connectivity between modes of transportation.

Transfer station. A facility where solid waste materials, including yard waste, demolition materials, and household refuse, are transferred from small vehicles to large trucks for efficient transport to landfills, recycling centers, and other disposal sites.

Use. The purpose for which land or buildings are or may be occupied in a zoning district.

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Utilities (public). Any facility or structure which provides services to the general public including but not limited to electric, gas, telephone, water, and television cable systems either publicly or privately owned.

Variance. An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the board of adjustment of the city can grant a variance.

Veterinarian clinic. An establishment where animals are admitted for examination and medical treatment.

Warehouse/office. A facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display and distribution of products.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, rear. The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side. The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

Zoning district. A classification applied to any certain land area within the city stipulating the limitations and requirements of land use and development.

Article 12 - Appendices

Section 12.1 Wireless Communication Facilities

12.1.1 PURPOSE

Certain radio equipment used in transmitting and receiving signal energy are essential and are deemed to promote the health, safety, and general welfare of the citizens of the City. Such equipment shall be located so that the health, safety, welfare, and aesthetic quality of the community shall not be compromised. The regulations governing the location of such equipment shall also consider the aesthetic quality of the City as a significant aspect of the health, safety, and general welfare of the community. The antennas, masts, and towers hereinafter enumerated shall be installed, constructed and maintained in accordance with the provisions of this Section.

12.1.2 WIRELESS COMMUNICATIONS FACILITIES DEFINITIONS

The following definitions shall apply:

Antenna. A device used in communications which transmits or receives electromagnetic waves.

Antenna, Building Attached. Antenna attached to existing structures in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are mounted to the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility. A building or independent support structure and the antennas mounted thereon, including any associated and necessary equipment building.

Antenna, Microwave. Also known as “dish” antenna. A dish-shaped antenna used to link communications sites together by wireless transmission of voice or data, utilizing electromagnetic radiation frequencies from 3 GHz to 300 GHz; and using relatively low transmitter power levels when compared to other forms of transmission.

Antenna, Panel. Also known as “directional” antenna. An antenna or array of antennas designed to concentrate a radio signal in a particular area. Panel antennas are typically flat, rectangular devices approximately six square feet in size.

Antenna, Whip. Also known as “omni-directional antenna”. Shaped cylindrically, whip antennas have diameters between two and six inches, and measure between one and eighteen feet in height. They are used to emit signals in a 360-degree horizontal plane and a compressed vertical plane.

Co-Location. The act of locating wireless communications equipment from more than one provider on a single antenna facility.

Equipment Storage. A small unmanned, single story equipment building less than 500 square feet in size used to house radio transmitters and related equipment.

Monopole. An antenna facility composed of a single spire used to support communications equipment. No guy wires are used or permitted.

Lattice Tower. A tower having three or four support steel legs and holding a variety of antennas. These towers range from 60 to 200 feet in height and can accommodate a variety of users.

Satellite Receive-Only Antenna. An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a

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satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

Stealth Facility. An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment

12.1.3 RESIDENTIALLY ZONED DISTRICTS – AMATEUR RADIO EQUIPMENT AND TV ANTENNAS

Amateur radio equipment, including ham radio and CB equipment and personal use TV antennas, shall be allowed in the residential zoning districts if they comply with the following regulations:

- A. In the residential districts, a Special Exception must be obtained from the Board of Adjustment for any antenna facility which does not comply with the regulations in this Section;
- B. Antenna facilities may be building attached, monopoles, or lattice towers;
- C. Up to three (3) antenna facilities may be located on a lot of record, co-location is encouraged;
- D. An antenna facility, exclusive of the height of any antenna or mast, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district regulations contained in Section 5.5, Accessory Building Regulations. Regardless of the above, the maximum height for a tower permitted in any residential district shall be sixty-five (65) feet unless a Special Exception is approved by the Board of Adjustment;
- E. The height of an antenna, including the height of any antenna facility to which they may be fastened or attached shall not exceed sixty-five (65) feet in height unless a Special Exception is approved by the Zoning Board of Adjustment;
- F. An antenna not fastened to an antenna facility shall not exceed fifty (50) feet without a Special Exception approved by the Zoning Board of Adjustment, except for an antenna which does not extend more than eight feet above a building on which it is mounted;
- G. An antenna facility shall be limited to having the number and size of antennas attached to it that are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements;
- H. Setbacks.
 1. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;
 2. Guy wires are permitted in required side and rear yards;
 3. Setback for antenna facilities shall be the same as those required for accessory buildings in residential districts;
- I. Separation. There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;
- J. Prohibited in Easements. Antenna facilities shall not be permitted in any easement;

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- K. **Lights.** No auxiliary or outdoor lighting shall be allowed on antenna facilities located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;
- L. **Construction Standards.** A building permit must be obtained prior to the construction and/or installation of an antenna facility. Antenna facilities must be installed in accordance with the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facilities must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
- M. **Maintenance.** Antennas and/or antenna facilities obviously not in use or obviously in need of maintenance as determined by the Building Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Building Official. This shall not preclude immediate action by the City Manager to safeguard life, limb, health, property, and public welfare;
- N. **No Extension Beyond Property Lines.** No part of an antenna facility or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- O. **Antennas on Multi-family Property.** No permit shall be issued for the installation of an antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department;

12.1.4 RESIDENTIALLY ZONED DISTRICTS – COMMERCIAL RADIO EQUIPMENT AND TV ANTENNAS

Only building attached antennas shall be allowed in residentially zoned districts under the following conditions:

- A. **Special Exception.** A Special Exception must be obtained from the Zoning Board of Adjustment;
- B. **Attachment or Enclosure.** The proposed antenna must be attached to or enclosed in an existing structure currently or last occupied by a nonresidential use as listed in Article 5 Permitted Uses, or attached to a power or telephone pole, water storage tower, or other utility structure;
- C. **Height.** The antenna must not exceed eight (8) feet above the structure to which it is attached;
- D. **Separation.** A minimum of one thousand five hundred (1,500) feet of separation shall be required between antenna facilities;
- E. **Attachment to Exterior Structure.** If attached to the exterior of a structure or a power or telephone pole, water storage tower or other utility structure the antenna must be at least seventy-five (75) feet above grade and painted to match the structure to which it is attached;
- F. **Enclosed Antennas.** The antenna may be placed lower than seventy-five (75) feet above grade if completely enclosed within existing architectural elements of a building so as not to be visible;
- G. **Equipment Storage Buildings.** Any associated equipment storage building shall be screened from public view by a decorative masonry wall, with landscaping for aesthetic purposes;

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- H. Driveways. All driveways accessing any antenna facility site or equipment storage site shall be constructed of an all-weather hard surface as approved by the City Engineer;
- I. Lights. No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;
- J. Construction Standards. A building permit must be obtained prior to the construction and/or installation of a tower, antenna or mast. Towers must be installed according to the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such towers, antennas or masts must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
- K. Maintenance: Antennas not in use or in need of maintenance as determined by the Administrative Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Administrative Official. This shall not preclude immediate action by the Administrative Official to safeguard life, limb, health, property, and public welfare;
- L. No Extension Beyond Property Lines. No part of an antenna, or any attachment thereto may extend beyond the property lines of the owner of such antenna;
- M. Property Owner's Permission Required. No permit shall be issued for the installation of an antenna, on a structure or property unless a notarized statement of permission from the owner is presented to the Administrative Official.

12.1.5 NONRESIDENTIAL DISTRICTS

Radio, television, microwave broadcast relay, receiving towers, transmission and re-transmission facilities, satellite receiving only earth stations (home dish antenna), and any electronic emission equipment of a commercial nature shall be allowed in the nonresidential zoning districts if it complies with the following regulations:

- A. Number of Antennas Per Lot. Up to three (3) antenna facilities may be located on a lot of record, co-location is encouraged;
- B. Antenna Facilities Limited. Antenna facilities shall be limited to building attached, stealth, and monopoles only;
- C. Height.
 - 1. With the exception of stealth facilities, an antenna facility, exclusive of the height of any attached antenna, shall not exceed thirty-five (35) feet in height. Provided, however, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the zoning district where the antenna facility is located. Regardless of the above, with the exception of stealth facilities, the maximum height for an antenna facility permitted without a Special Exception in any nonresidential district shall be sixty-five (65) feet;
 - 2. With the exception of stealth facilities, the height of an antenna, including the height of any antenna facility to which they may be fastened or attached, shall not exceed sixty-five (65) feet in height without a Special Exception;

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3. With the exception of stealth facilities, an antenna shall not extend more than eight (8) feet above a building on which it is attached;
- D. **Manufacture’s Design and Specifications.** An antenna facility shall be limited to the number and size of antennas attached to it that are allowed by the antenna facility manufacturer’s designs and specifications for maximum wind load requirements;
- E. **Setbacks:** With the exception of stealth facilities, antennas and antenna facilities shall not be permitted in front or side yards;
- F. **Prohibited in Easements:** Antenna facilities shall not be permitted in any easement;
- G. **Lights:** No auxiliary or outdoor lighting shall be allowed on antennas located on residentially zoned property except such lights or lighting as may be required by the Federal Aviation Administration or the Federal Communications Commission;
- H. **Construction Standards:** A building permit must be obtained prior to the construction and/or installation of a tower, antenna, or mast. Antenna facilities must be installed according to the manufacturer’s recommendations or under the seal of a registered professional engineer of the State of Texas. Regardless of the above, all such antenna facility and antennas must meet the Electronic Industries Association Standard EIA-222-D, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures and the Building Code;
- I. **Maintenance:** Antenna facilities and antennas obviously not in use or obviously in need of maintenance as determined by the Administrative Official, shall be removed or brought into compliance within thirty (30) days following notice given by the Administrative Official. This shall not preclude immediate action by the Administrative Official to safeguard life, limb, health, property, and public welfare;
- J. **No Extension Beyond Property Lines:** No part of an antenna facility and antennas or any attachment thereto may extend beyond the property lines of the owner of such antenna or antenna facility;
- K. **Antennas on Multifamily Property:** No permit shall be issued for the installation of an antenna or antenna facility on a multifamily structure or property unless a notarized statement of permission from the owner is presented to the building department;
- L. **Special Exceptions for Noncomplying Facilities:** A Special Exception must be obtained from the Board of Adjustment for any antenna or tower, which is in a nonresidential zoning district and does not comply with the regulations in this Section.
- M. **Stealth Facilities:** Stealth facilities, shall be exempt from the height and location requirements of this Section. In addition, the City Council shall be the final authority as to whether or not any facility meets the definition of a “stealth facility”.

12.1.6 **SATELLITE RECEIVE ONLY ANTENNAS**

- A. **Generally.** Satellite receive-only antennas assist individuals in the receipt of satellite transmitted television signals. Satellite receive-only antennas which comply with the regulations in this Section shall be permitted. Such regulations are hereby found to be reasonable and clearly defined
- B. **Small Satellite Receive-Only Antenna.** A satellite receive only antenna shall be allowed if it complies with the following regulations:

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1. The satellite receive-only antenna is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by this ordinance or;
 2. The satellite receive-only antenna is less than one meter in diameter and is located or proposed to be located in any residential zoning district.
- C. Large Satellite Receive-Only Antennas. Satellite receive-only antennas that are greater than one meter in diameter in residential districts or greater than two meters in diameter in nonresidential districts shall be allowed in any zoning district if they comply with the following regulations:
1. Only one satellite receive-only antenna per lot of record;
 2. A satellite receive-only antenna shall not exceed ten feet in height;
 3. Setback:
 - a. Front and side: Satellite receive-only antennas shall not be permitted in front or side yards;
 - b. Rear: Satellite receive-only antennas shall be permitted in rear yards provided they meet the minimum setback as is required for accessory buildings in residential districts and as for all buildings in nonresidential districts;
 4. Separation. There shall be no minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record;
 5. Satellite receive-only antennas shall not be permitted in easements;
 6. Lights. No auxiliary or outdoor lighting shall be allowed on satellite receive-only antennas except such lights or lighting as may be required by the Federal Aviation Authority or the Federal Communications Commission;
 7. Construction standards. A building permit must be obtained prior to the construction and/or installation of a satellite receive-only antenna. Satellite receive-only antennas must be installed as per the manufacturer's recommendations or under the seal of a registered professional engineer of the State of Texas;
 8. Maintenance. Satellite receive-only antennas not in use or in need of maintenance, as determined by the building official, shall be removed or brought into compliance within thirty (30) days following notice given by the building official. This shall not preclude immediate action by the City Manager or his/her designee to safeguard the health, safety, property and public welfare;
 9. No part of a satellite receive-only antenna or any attachment thereto may extend beyond the property lines of the owner of such satellite receive-only antenna;
 10. No permit shall be issued for the installation of a satellite receive-only antenna on a multi-family structure or property unless a notarized statement of permission from the owner is presented to the Building Department;
 11. All satellite receive-only antennas shall be screened from view from adjoining properties by fencing or evergreen plants. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.

12.1.7 SPECIAL EXCEPTION RELIEF FROM REGULATIONS.....

- A. A Special Exception must be obtained from the Zoning Board of Adjustment for any antenna, tower, and/or satellite receive-only antenna which does not comply with the regulations specified in this Section. In considering whether to grant a Special Exception from the regulations specified above, the Board of Adjustment shall consider the following factors:
1. The effect on the value of the surrounding property;
 2. The potential for interference with the enjoyment of the use of surrounding properties;
 3. Aesthetics;
 4. The necessity of the Special Exception for the public health, safety, and welfare of the citizens or for governmental purposes;
 5. The zoning district and the adjoining zoning districts of the property for which the Special Exception is sought;
 6. The provisions of 47 C.F.R. § 25.104 which preempt local zoning or other regulations that differentiate between satellite receive-only antennas and other types of antenna facilities unless such regulations:
 - a. Have a clearly defined health, safety or aesthetic objective; and
 - b. Further the stated health, safety, or aesthetic objective without unnecessarily burdening the federal interest in ensuring access to satellite services and in promoting fair and effective competition among competing communications service providers;
 7. The unique conditions that govern reasonable reception on any given lot.
- B. To properly evaluate all applications to locate commercial antennas or towers which do not comply with the regulations specified above, the following information must be provided by the applicant to the Zoning Board of Adjustment:
1. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure;
 2. Indicate the proposed height;
 3. Provide photos or drawings of all equipment, structures and antenna(s);
 4. Describe why the antenna or tower is necessary;
 5. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;
 6. Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the backhaul provider;
 7. Address whether or not the applicant has made an effort to co-locate the facilities proposed for this antenna or tower on existing towers or facilities in the same general area and, if so, identify the location of these existing sites. If yes, describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners

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and/or operators, which confirm the statements provided. Indicate whether or not the existing sites allow or promote co-location and, if not, describe why not;

8. Indicate whether or not co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis for each reason;
 9. If the requested location is in a residential district the applicant shall address whether or not they have made an effort to locate the facility in a commercial or industrial district and identify the location of these commercial or industrial district sites. Describe in detail these efforts and explain in detail why these commercial or industrial district sites were not feasible. Attach all studies or tests performed which demonstrate why the commercial or industrial sites will not provide sufficient signal coverage. Provide written documentation from commercial or industrial district sites' owners or operators which confirm the statements provided;
 10. Indicate the proposed provider's current coverage area for the City. Attach maps showing the areas the proposed provider's existing antennas currently cover, the areas the applicant's existing sites and other existing sites would cover, and the areas the applicant's existing sites and the requested site would cover;
 11. Describe the applicant's master antenna and tower plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan;
 12. Describe the applicant's plan to minimize the number of telecommunications antenna and towers needed to cover the City.
- C. The Zoning Board of Adjustment will approve a requested application subject to the finding that co-location of this facility with a nearby existing tower facility is not technically feasible, subject to the following conditions:
1. Applicant will permit co-location of others at the site;
 2. Applicant will configure its antenna and other equipment to accommodate other providers;
 3. Applicant will identify its backhaul provider connecting antenna sites; and
 4. Applicant will give notice to the City identifying any providers who co-locate to the site and identify their backhaul provider.

12.1.8 **WRITTEN REPORT UPON DENIAL OF REQUEST**.....

The Administrative Official and/or the Zoning Board of Adjustment shall document any denial of a request to place, construct, or modify an antenna facilities in writing. Such documentation shall be supported by substantial evidence within the written record.