

MAY 2026



UDC WORKING
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I. General Provisions

A. Short Title

The following rules and regulations are hereby adopted as the Unified Development Code of the City of Josephine, Texas, also referred to herein as "the UDC."

B. Effective Date

This ordinance shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

C. Enabling Legislation

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 211 and Chapter 212 of the Texas Local Government Code, being adopted after a public hearing on the matter held in accordance with State Law.

D. Purpose and Intent

1. Zoning Regulations and Districts are herein established in accordance with a Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the citizens of the City. They are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been established with reasonable consideration for the character of each district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
2. The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Josephine, Texas are intended to:
 - a) Promote the development and the utilization of land in a sustainable manner that assures an attractive and high quality community environment in accordance with the Comprehensive Plan and the Zoning Ordinance of the City of Josephine;

- b) Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the standards which shall be required;
- c) Protect the public health, safety and general welfare of the community by imposing standards for the location, design, class and type of streets, walkways (sidewalks), alleys, utilities and essential public services;
- d) Assist orderly, efficient and coordinated development within the City's corporate limits and extraterritorial jurisdiction;
- e) Provide neighborhood conservation and prevent the development of slums and blight;
- f) Integrate the development of various tracts of land into the existing community, and coordinate the future development of adjoining tracts;
- g) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community, thereby assuring that the cost of such required improvements is roughly proportionate to the impact of the development on the City's infrastructure;
- h) Ensure the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
- i) Provide for compatible relationships between land uses and buildings; provide for the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways; provide for pedestrian circulation that is appropriate for the various uses of land and buildings; and provide the proper location and width of streets;
- j) Prevent pollution of the air, streams and bodies of water; assure the adequacy of drainage facilities; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land;

- k) Promote sustainability of development through the preservation of the natural beauty and topography of the municipality, and ensure development that is appropriate with regard to these natural features;
- l) Establish adequate and accurate records of land subdivision;
- m) Ensure that public or private facilities are available and will have sufficient capacity to serve proposed and future developments and citizens within the City and its extraterritorial jurisdiction;
- n) Protect and provide for the public health, safety and general welfare of the community;
- o) Provide for adequate light, air and privacy; secure safety from fire, flood and other danger; and prevent overcrowding of the land and undue congestion of population;
- p) Protect the character and the social and economic stability of all parts of the community, and encourage the orderly and beneficial development of all parts of the community;
- q) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize conflicts among the uses of land and buildings;
- r) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and
- s) Encourage the development of a stable, prospering economic environment. Minimum standards for development are contained in the City's Design Manuals and Standard Construction Details, the Building Code, applicable articles of the Code of Ordinances, and in this Ordinance.

E. Jurisdiction

1. The Unified Development Code (UDC) applies to both the City of Josephine City Limits and its Extraterritorial Jurisdiction (ETJ).
2. Within the city limits, as those boundaries may be from time to time adjusted by annexation, disannexation or otherwise, the UDC shall regulate zoning, land use, plats, subdivisions, and land development.
3. Within its extraterritorial jurisdiction, the City shall regulate plats, subdivisions, and land development.

4. The City shall have all remedies and rights provided by Chapter 211 and Chapter 212 of the Texas Local Government Code with regard to the control and approval of zoning, subdivisions and plats, as applicable within the City and within its extraterritorial jurisdiction.

F. Applicability

1. Compliance with Zoning Regulations Required. All land, buildings, structures, or appurtenances thereon located within the City of Josephine 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.
2. Building Permits Prohibited Without Plat. 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 the county or counties in which the plot or tract is located.
3. Exclusions. Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance, provided the entire building is completed within one (1) year from the date of passage of this ordinance.
4. One Main Building on a Lot or Tract. Only one main building for one-family or two-family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of twenty-five (25) feet. (Where a lot is used for retail and 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.)
5. 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 dwelling or other use.

G. Platting Required.

1. Land in Josephine and Josephine's ETJ must be platted and approved by the City Council, recorded in Collin/Hunt County records before any sale or conveyance. Subdivision plats require city approval and compliance

with City ordinances and regulations. No permits or approvals for construction or utilities are issued until the final plat is approved, and all required improvements are completed or assured. Compliance with the City's Comprehensive Plan, Zoning Ordinance, and other city codes and standards is mandatory for any development application under this ordinance.

2. If land is required to be platted, no conveyance or sale of any portion or Lot of the property may occur until a final plat is approved by the City Council and recorded in the land records of Collin/ Hunt County.
3. No subdivision plat shall be recorded until a final plat, accurately describing the property to be conveyed, has been approved in accordance with this Ordinance and with other applicable City regulations. No building permit, certificate of occupancy, plumbing permit, electrical permit, floodplain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the City for any parcel of land or plat until:
 - a) A final plat has been approved in accordance with this Ordinance; and
 - b) All improvements required by this Ordinance have been constructed and accepted by the City of Josephine, or assurances for the completion of required improvements have been provided in accordance with this Ordinance.
4. Compliance with all City ordinances pertaining to the subdivision of land, and the Comprehensive Plan, shall be required prior to approval of any development application governed by this Ordinance. It is the property owner's responsibility to be familiar with, and to comply with City ordinances. Applicable ordinances and requirements include, but are not limited to, the following:
 - a) Comprehensive Plan, which includes the Future Land Use Plan, Thoroughfare Plan, and associated maps and plans;
 - b) Parks & Trails Master Plan;
 - c) Applicable Chapters of the City's Code of Ordinances;
 - d) Design Manuals for Storm Drainage Systems, Water and Sanitary Sewer Lines and Thoroughfares adopted by the City; and
 - e) Standard Construction Details adopted by the City.

H. Consistency with the Comprehensive Plan

An amendment to the text of the UDC is considered consistent and in accordance with the comprehensive plan if it complies with the goals, objectives, policies and strategies contained therein, as the comprehensive plan may be amended from time to time. Rezoning, platting and development shall be in a manner consistent with the comprehensive plan.

I. Interpretation

In their interpretation and application, the provisions contained in this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

J. Conflict with Other Laws

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in this Ordinance. To the extent that this Ordinance promulgates standards or imposes restrictions or duties which differ from those imposed by other City ordinances, rules or regulations, the provision that is more stringent or imposes a higher standard shall control.

K. Representation of Facts

It shall be a violation of this Ordinance for any person to knowingly or willfully misrepresent, or fail to include, any information required by this Ordinance in any development application or during any public hearing or meeting of the Planning and Zoning Commission or City Council. Such a violation shall constitute grounds for denial of the plat.

L. Severability

If any part or provision of this UDC, or the application of this UDC to any person or circumstance, is adjudged invalid or held unconstitutional, the judgment shall be confined in its operation to the part, provision, or application directly judged to be such, and shall not affect the validity of the remainder of this UDC or the application of them to other persons or circumstances.

M. Penalties

Any person or corporation violating any of the provisions of this ordinance shall upon conviction be fined a sum not to exceed two thousand dollars (\$2,000.00) per day and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner

owning property in any district where such property owner may be affected or invaded by a violation of the terms of the ordinance to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

N. Savings

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided in this Ordinance.

II. Administration

A. City Council

1. The City Council shall have authority for deciding matters related to land use and appropriate delegation of functions. The City Council shall be the final authority to hear and decide the following land use matters:
 - a) Preliminary Plat application, after recommendation of the Planning and Zoning Commission;
 - b) Final Plat application, after recommendation of the Planning and Zoning Commission;
 - c) Replat application, after recommendation of the Planning and Zoning Commission;
 - d) Vacating Plat application, after recommendation of the Planning and Zoning Commission;
 - e) Major Waivers, after recommendation of the Planning and Zoning Commission;
 - f) Any other land use matters required to be decided by City Council pursuant to federal, state, or local law.
2. City Council may from time to time amend, supplement, or change by ordinance the text of these regulations on its own initiative or upon petition for a text amendment, following review and recommendation by the Planning and Zoning Commission.

B. Planning and Zoning Commission

1. The Planning and Zoning Commission shall have the powers and duties as provided for in this Ordinance, the Charter of the City, and as authorized by Chapter 211 and 212, Texas Local Government Code and other applicable state law.
2. More specifically, the Planning and Zoning Commission shall have:
 - a) Authority for recommending approval or denial of applications. The Planning and Zoning Commission shall have advisory authority to the City Council on the following types of applications:
 1. Preliminary Plats
 2. Final Plats
 3. Replats

4. Vacating Plats

5. Site Plans

- b) Have authority for recommending approval or denial of Major Waivers. The Planning and Zoning Commission shall have advisory authority to the City Council regarding Major Waivers.
- c) Make such determinations, decisions, or recommendations as may be required from time to time by this Ordinance, other City ordinances, City Charter, or state law.

C. Zoning Board of Adjustment

1. Zoning Board of Adjustment Established. A Zoning Board of Adjustment is hereby established in accordance with the provisions of Texas Local Government Code, sec. 211.008, as amended, with the powers and duties as provided in said Code. Because the City of Josephine is a Type A General Law Municipality, under the provisions of Section 211.008(g) of the Local Gov't. Code, the City Council members are granted authority to act as a board of adjustment under this section.
2. The Board of Adjustment, in accordance with the provisions of the Texas Local Government Code, Sec. 211, as amended, shall:
 - a) Have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the city of the enforcement of this ordinance.
 - b) Have the power to hear and decide special exceptions.
 - c) Keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be public record. The Board shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.
3. Hearings: The hearings of the Board shall be public. The Board shall hear the intervention of any owner of property adjacent to, in the rear of, or

across the street from a lot as to which the granting of any permit is pending, and shall also hear any other parties in interest. All hearings are to be heard by at least four (4) members of the Board.

4. Meetings: Regular meetings of the Board shall be held at such times as the Board may determine. Special meetings of the Board shall be held at the call of the chairman or at the written request of two regular members of the Board, or city staff, and said request to be submitted to the Chairman.
5. Rules and Regulations: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such vote, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Secretary and shall be public record. The Board shall act by resolution in which four (4) members must concur. The Board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of the ordinance, and shall furnish a copy of the same to the Zoning Administrator and the Building Inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.
6. Powers and Duties of Board.
 - a) Appeals Based on Error: The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by an administrative official of the city of the enforcement of this ordinance.
 - b) Special Exceptions: The Board shall have the power to hear and decide special exceptions to the terms of this ordinance upon which the Board is required to pass as follows:
 1. Permit the erection and use of a building or the use of premises for railroads if such uses are in general conformity with the Master Plan and present no conflict or nuisance to adjacent properties.
 2. Permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public service building is permitted to be located,

when found reasonably necessary for the public health, convenience, safety, or general welfare.

3. 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 ordinance.
 4. Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use and primary purpose of continuing the nonconforming use is not to continue a monopoly.
 5. Waive or reduce the parking and loading requirements of any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 6. Determine whether an industry should be permitted within the M-1 - Light Industrial District and M-2 - Heavy Industrial District because [of] the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.
 7. Rule on all applications on siting of manufactured homes in districts not so zoned. Approval shall only be allowed in cases of extreme hardship under guidelines established by the Board.
7. Vote of Four Members Required: The concurring vote of four members of the Board is necessary to:
- a) Reverse an order, requirement, decision or determination of an administrative official;
 - b) Decide in favor of an applicant on a matter on which the Board is required to pass; or
 - c) Authorize a variation from the terms of a zoning ordinance.
8. Changes. The Board shall have no authority to change any provisions of this ordinance and its jurisdiction is limited to hardship and borderline

cases which may arise from time to time. The Board may not change the district designation of any land either to a more or less restrictive zone.

9. It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, that such questions shall be presented to the Board only on appeal from the decision of the Building Official and that recourse from the decisions of the Zoning Board of Adjustment shall be to the courts as provided by the laws of the State of Texas.

D. Administrative Authority

1. City Planner
 - a) The City Planner, as designated by the City Administrator, is responsible for taking the following actions with regards to all applications under these regulations:
 1. Accepting an application for submittal, filing, and processing;
 2. Coordinating with other City departments concerning an application or petition;
 3. Reviewing and preparing reports to City Administrator, Planning and Zoning Commission, and/or the City Council to make recommendation for approval/denial for any plat application that the City Planner is not the final decision maker;
 4. Authority delegated for deciding applications. The City Planner is the final decision maker, as delegated by the City Administrator or the City Administrator's designee:
 - (a) Minor Plat applications;
 - (b) Amending Plat applications;
 - (c) Extension of a Preliminary Plat approval;
 5. Authority delegated for deciding waivers. The City Planner is the final decision maker, as delegated by the City Administrator, for:
 - (a) Minor Waivers.
 - (b) Initiating enforcement actions concerning compliance with the standards applicable to an application and the conditions imposed thereon.
2. City Engineer and Building Official.
 - a) The City Engineer and/or Building Official, as designated by the City Administrator, is responsible for taking the following actions with regards to all applications under these regulations:

1. The City Engineer shall review and make recommendations with regard to public improvement infrastructure and other site preparation activities associated with platting, including without limitation, application for approval of construction and civil engineering plans, all related construction management tasks, and contracts for public improvements.
 2. The City Engineer shall consider appeals to decisions pertaining to any standards for which the City Engineer is the responsible official.
 3. The City Engineer shall promulgate additional or modified policies, standards, and administrative rules that apply to these regulations and applications.
 4. The City Engineer shall be the final decision maker as designated in this Ordinance for the following types of application (subject to appeal as provided in this Ordinance):
 - (a) Construction Plans;
 - (b) Application for a site preparation or public improvement permit;
 - (c) All related construction management tasks.
3. City Administrator.
- The City Administrator shall:
- a) Have approval authority where designated in this Ordinance and may assign review and approval authority to a qualified staff member when applicable.
 - b) Have authority for deciding certain appeals. The City Administrator shall have the final authority to hear and decide the following appeals:
 1. Appeal of decision by the City Planner on Minor Plat application;
 2. Appeal of decision by the City Planner on Amending Plat application;
 3. Appeal of decision by the City Planner on Minor Waiver;
 4. Appeal of decision by the City Planner on extension of a Preliminary Plat approval; and
 5. Any variance petition on an application.

III. Procedures

A. General Application Procedures

1. Knowledge of deadlines and expiration dates related to applications filed with the City is the responsibility of the applicant. The City shall not be accountable for notification of expirations, although it may notify an applicant of the date of an expiration.
2. Fees
 - a) The City Council shall establish a schedule of fees, charges, expenses, and a collection procedure for applications, building permits, certificates of zoning compliance, appeals, and other matters pertaining to this UDC.
 - b) The City's fee schedule shall be posted in the office of the [City Administrator](#) and may be altered or amended only by the City Council.
 - c) All required fees, unless specifically stated otherwise herein, shall be paid as required in this UDC and in the other ordinances of the City.
 - d) The exact charge for the following services will be established by separate ordinance:
 1. For docketing a zoning petition with the Planning and Zoning Commission of the City of Josephine.
 2. For docketing an application for relief with the Board of Adjustment of the City of Josephine.
 - e) Such fees and charges shall be imposed and collected at the time of filing on all applications, including application for approval of a concept plan or any type of plat, regardless of the action taken by the City Planning and Zoning Commission and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, planning and inspection services necessary to properly review and investigate plats and subdivision construction.
 - f) No application shall be reported as complete, and no notification of filing shall be given, unless all fees associated with the application have been received by the City.

- g) No permits, certificates, special exception, or variance shall be issued unless and until such costs, charges, fees, or expenses have been paid in full, nor shall any action taken on proceedings before the Board of Adjustment unless or until preliminary charges and fees have been paid in full.
- h) It is the applicant's responsibility to obtain and comply with the City's current fee schedule and submission requirements.
- i) Inspection fees may be paid at the time the actual inspection is made of the project.

3. Joint meetings

- a) When concurrent applications are accepted, the applications, though filed concurrently, shall be completed in accordance with the requirements for each individual application.
- b) When applications and/or petitions are filed concurrently, the City Administrator may:
 - 1. Process the applications concurrently;
 - 2. Schedule the applications for the same City Council or Planning and Zoning Commission meeting date;
- c) If the denial of one (1) application affects the concurrent application, then the concurrent application shall be automatically withdrawn.
- d) Special Use Permits and Zoning Applications.
 - 1. An application for a special use permit may be included as a part of an initial zoning application or rezoning application, provided that all of the submittal requirements for the respective application(s) are met.
 - 2. A special use permit may be granted as an amendment to an ongoing rezoning case before the Planning and Zoning commission or City Council.

4. Public notices

- a) Content.

Notice of hearings required under this chapter, unless otherwise specified in this Code, shall:

- 1. Identify the date, time, and place of the hearing;

2. If applicable, describe the property involved in the application by street address, or by acreage and distance to the nearest cross street, or by legal description;
3. Describe the nature, scope, and purpose of the proposed action;
4. Indicate that interested parties may appear at the hearing and speak on the matter; and
5. Indicate where additional information on the matter may be obtained.

b) Mailed notice.

1. When public notice is required, the director shall deposit such notice into first class mail to property owners within two hundred (200) feet of the subject property, not less than fifteen (15) days prior to the hearing before the planning and zoning commission.
2. In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted.
3. Written notice shall be provided to all persons listed on the records of the municipal tax assessor as owners of land subject to the application or as owners of the parcels within five hundred (500) feet of the outer boundary of the land subject to the application at the mailing addresses of such persons in the records of the tax assessor.
4. Due to the "super majority" rule under chapter 211 of the Texas Local Government Code, responses received after an imposed deadline for response shall not be counted in the record of response.

c) Published notice.

When public notice is required, the director shall cause a notice to be published in a newspaper of general circulation at least ten (10) days prior to the scheduled meeting of the planning and zoning commission, and at least fifteen (15) days prior to the scheduled meeting of the City Council. In computing such period, the date of the hearing shall not be counted.

d) Posted notice.

1. When public notice is required, a sign shall be placed on the property under consideration.

2. The applicant shall post a public notice sign at one (1) or more prominent locations on the site as determined by the City Administrator or designee at least ten (10) days prior to the Josephine neighborhood discussion meeting. The sign shall be removed within fifteen (15) days of the final scheduled meeting.
3. In computing such period, the day of posting shall not be counted, but the day of the hearing shall be counted.
4. Sign requirements for posted notice.
 - (a) The sign shall be two (2) feet in height by four (4) feet in width.
 - (b) The sign shall be single-sided and attached to two (2) four-inch by four-inch by eight-foot wood posts, constructed of polycarbonate, coroplast or similar material. The minimum thickness shall be six (6) millimeters. The sign shall be placed parallel to the street, unless it is not feasible to place the sign parallel to the street, in which case the City Administrator or designee shall determine the more appropriate location to place the sign. The sign shall not obstruct the sight visibility triangle for pedestrian and motorist safety.
 - (c) The color of the sign shall be white or yellow with black lettering.
 - (d) All information shall be evenly spaced and organized in a readable manner:
5. The phrase "City of Josephine public hearing notice" shall be printed at the top of the sign in a minimum letter size of four (4) inches.
6. The sign shall contain the case number, project location, description of the request, time, date and location of the scheduled meetings and contact for the City of Josephine. For all applications that require planning and zoning commission and City Council hearings, if the date, time, and location of the hearings are unknown at the time of posting, adequate space shall be reserved on the sign to be updated when that information is known. Lettering for this text shall be a minimum of three (3) inches.

7. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way.
 8. A picture of the zoning sign placed on the property shall be retained for permanent record.
- e) Constructive notice.
1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties.
 2. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.
 3. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct city staff to make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decision-making body prior to final action on the request.
 4. When the publication, mailing, and posting of notices as required by this section are documented in the records of the city, it shall be presumed that notice of a public hearing was given as required by this section.
 5. Expiration and Resubmission Requirements

Should a development proposal or plat application lapse or expire, or should it be denied by the Commission or the Council, then that application ceases "pending" status and the project, and its corresponding series of development approvals and permits, shall be deemed to be ended, or "completed." Any reapplication for any type of development approval for that property shall be considered commencement of a new project, and shall be accompanied by new application materials, including new submission fees, and shall conform to all applicable City ordinances in effect at the time of submission of the new application.

6. Pre-application meetings

The applicant should avail himself or herself of the advice and assistance of the City's administrative officers and should consult early and informally with those officers before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.

B. Amendments to the UDC

1. Declaration of Policy.

- a) 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) The UDC shall only be amended by ordinance.

2. Authority to Amend the UDC

- a) The City Council may from time to time, after public hearings required by law, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts.
- b) Any amendment, supplement, or change to the text of the Zoning Ordinance and/or the zoning map or 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. Amendments to the Comprehensive Plan

1. The Comprehensive Plan reflects the vision, goals and priorities of the community. As such, any updates or amendments to the plan, other than minor amendments, shall require a public outreach plan, accompanied by public meetings and public sharing of information prior to any updates or amendments.
2. Staff recommendations shall reflect and reference the input gathered through public outreach.
3. All amendments to the plan shall be reviewed by the Planning and Zoning commission. The planning and zoning commission shall make recommendation to City Council following a public hearing.
4. Notice and public hearing required. No amendment, supplement, change, modification or repeal of any provision of the plan shall become effective until after a public hearing in relation thereto before the commission, in keeping with the public hearing and public notice requirements of this chapter.

D. Changes or Amendments to the Design Manuals and Standard Construction Details and Other Construction or Design Documents of the City.

1. The Design Manuals and Standard Construction Details will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the Design Manuals and Standard Construction Details may be amended by separate ordinance.
2. It is the applicant's responsibility to be aware of, and to conform with, all Design Manuals and Standard Construction Details requirements (including amendments) that are in place as of the time a complete development application for a preliminary plat (including required engineering/construction plans) is received by the City.

E. Zoning Procedures

1. Rezoning
 - a) The purpose of this section is to provide uniform procedures for the amendment of this chapter or the official zoning map by the City Council whenever the public necessity, convenience, general welfare or good zoning practice so requires.

- b) Applicability. The provisions of this section apply to any application for zoning of a tract, parcel or land area from one zoning district to another.
- c) Initiation. All petitions, applications, recommendations or proposals for changes in the zoning district of property (referred to as a "rezoning") or for changes in the textual provisions of this chapter shall be filed with the zoning commission, and a pre-application conference is required for all applications prior to submittal of said applications. This conference must take place between the applicant and the zoning services department. Text amendments may be proposed by any person. A proposed rezoning may be initiated by:
 - 1. The City Council by resolution; or
 - 2. An application properly signed and filed by the owner or, with the owner's specific written consent, a contract purchaser or owner's agent of a property included within the boundaries of a proposed rezoning unless, unless otherwise provided for by this chapter. When an amendment is initiated, an application for such amendment shall be submitted to the director.
 - 3. The director of development services pursuant to an annexation service plan or to correct an administrative error in the rezoning of a tract of land pursuant to this chapter.
 - (a) Completeness Review. The City Planner shall conduct a completeness review within five (5) working days of application submittal.
 - (b) Consistency. For all applications for rezoning, the Planning department, based on the information provided by the applicant, shall make a determination regarding consistency with the policies contained in the comprehensive plan of the city or if applicable the land use element of a neighborhood, community, perimeter, sector, or sub-area plan within five (5) working days.
- d) Public Hearing and Notice for Zoning.
 - 1. Upon filing of a complete application for a zoning amendment, the Planning and Zoning Commission and City Council shall hold a public hearing on said application.

2. Written notice of such public hearing before the planning and zoning commission shall be sent to the owner of the property or his agent and to all owners of real property lying within two hundred feet (200') of the property on which the change in classification is proposed, such notice to be given before the tenth (10th) day before the date of such hearing, to all owners as the ownership appears on the last approved city tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, in the United States mail. Where property lying within two hundred feet (200') of the property proposed to be changed is located in territory which was annexed to the City after the final date for making the renditions which are included on the last approved City tax roll, notice to such owners shall be given by one publication in the official newspaper at least fifteen (15) days before the time of the hearing. Also, the City Secretary shall have the property, lot or tract posted with a sign at least twenty-four (24) by forty-eight (48) inches in size which shall state "Zoning change Requested for information call City Hall" and the telephone number shall be listed. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

e) Decision.

1. Upon certification by the City Planner that the application is complete and required fees have been paid, the application shall be deemed complete and referred to the Planning & Zoning Commission.
2. The Planning and Zoning Commission shall review the application and make a recommendation to City Council.
3. Council shall deny, approve or approve with conditions all zoning applications.

2. Procedures for Planned Developments

- a) Purpose. The purpose of a Planned Development Zoning District ("PD District") is to provide for the development of land as an integral unit for single or mixed use in accordance with a PD concept plan that may include uses, regulations and other requirements that vary from the provisions of other zoning districts. PD Districts are intended to implement, generally, the goals and

objectives of the city's Comprehensive Plan. PD Districts are also intended to encourage flexible and creative planning, ensure the compatibility of land uses, and allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

1. Provide for the superior design of lots or buildings;
 2. Provide amenities or features that would be of special benefit to the property users or community;
 3. Protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes or hills and viewscales; or
 4. Protect or preserve existing historical buildings, structures, features or places.
- b) Any design or development proposal that does not strictly conform to the requirements of a base zoning district may request that a PD District be approved in accordance with the provisions of this chapter in its original form or by subsequent amendments. However, while a PD District may be proposed to modify certain provisions of this chapter, no proposed PD District ordinance shall be approved without ensuring a level of exceptional quality or innovation for the associated design or development of the subject property. Exceptional quality or innovation could come in many forms including, but not limited to, enhanced landscaping, creative site or architectural designs, or some other innovative element(s).
- c) In the PD District, the particular district(s) to which uses specified in the PD are most similar shall be stated in the granting ordinance. All PD applications shall list all requested variances from the standard requirements set forth throughout this ordinance (applications without this list will be considered incomplete).
- d) The ordinance granting a PD District shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of variances in each district or districts and a general statement citing the reason for the PD request.
- e) Conceptual and Development Plan. In establishing a Planned Development District, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for the District. During the review and public hearing process, the City

Council shall require a conceptual plan and a development plan (or detailed site plan).

1. Conceptual Plan

- (a) 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 Planned Development District in a graphic manner and shall be supported by written documentation of proposals and standards for development.
- (b) A conceptual plan for residential land use shall show general use, thoroughfares, and preliminary lot arrangements. For residential development which does not propose platted lots, 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.
- (c) 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. Data which may be submitted by the applicant, or required by the City Council, may include but is not limited to the types of use(s), topography, and boundary of the PD area, physical features of the site, existing streets, alleys, and easements, location of future public facilities, building heights and locations, parking ratios, and other information to adequately describe the proposed development and to provide data for approval which is to be used in drafting the final development plan.
- (d) Changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, building height, or coverage of the site and which do not decrease the off-street parking ratio, reduce the yards provided at the boundary of the site, or significantly alter the landscape plans as indicated on the approved conceptual plan may be authorized by the building

official or his designated representative. If an agreement cannot be reached regarding whether or not a detail site plan conforms to the original concept plan, the City Council shall determine the conformity.

2. Development Plan or Detailed Site Plan.

This plan shall set forth the final plans for development of the Planned Development District and shall conform to the data presented and approved on the conceptual plan. Approval of the development plan shall be the basis for issuance of a building permit. The development plan may be submitted for the total area of the PD or for any section approved by the City Council. A public hearing on approval of the development plan shall be required at the Council level, unless such a hearing is waived at the time of conceptual plan approval in the original amending ordinance. The development plan shall include:

- (a) 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. This should include a delineation of any flood prone areas.
- (b) 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 with the topographical contour interval of not more than five (5) feet.
- (c) A site plan for proposed building complexes showing the location of separate 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.

- (d) A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.
 - (e) An architectural plan showing elevations and signage style to be used throughout the development in all districts except single-family and two-family may be required by the City Council if deemed appropriate. Any or all of the required information may be incorporated on a single drawing if such drawing is clear and can be evaluated by the building official or his designated representative.
- f) Procedure for Establishment. The procedure for establishing a Planned Development District shall follow the procedure for zoning amendments. This procedure is expanded as follows for approval of conceptual and development plans.
 - 1. Separate public hearings shall be held by City Council for the approval of the conceptual plan and the development plan or any section of the development plan, unless such requirement is waived by the City Council upon a determination that a single public hearing is adequate. A single public hearing is adequate when:
 - (a) The applicant submits adequate data with the request for the Planned Development District to fulfill the requirements for both plans; or
 - (b) 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 it; and
 - (c) The requirement is waived at the time the amending ordinance is approved. If the requirement is waived, the conditions shall be specifically stated in the amending ordinance.
 - 2. The ordinance establishing the Planned Development District shall not be approved until the conceptual plan is approved.
 - 3. The development plan may be approved in sections. When the plan is approved in sections, the separate approvals by the City Council for the initial and subsequent sections will be required.

4. An initial development plan shall be submitted for approval within six (6) months from the approval of the conceptual plan or some portion of the conceptual plan. If the development plan is not submitted within six (6) months, the conceptual plan is subject to re-approval by the City Council. If the entire project is not completed within two (2) years, the City Council may review the original conceptual plan to ensure its continued validity.
 5. Regardless of whether the public hearing is waived for the development plan, approval by the City Council is still required.
 - g) **Written Report May Be Required.** When a PD is being considered, a written report may be requested of the applicant discussing the impact on planning, engineering, water utilities, electric, sanitation, inspection, tax, police, fire, and traffic. Written comments from the applicable public district and from private utilities may be submitted to the City Council.
 - h) **Planned Developments 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 the City Secretary's Office
3. Procedures for Specific Use Permits
 - a) As permitted under the provisions of this ordinance, a property owner may petition the City for a specific use of property, as authorized by the zoning district in which the property is located. Such petition shall be considered by the Planning and Zoning Commission. After proper notice and a public hearing, the Planning and Zoning Commission shall make a recommendation to the City Council regarding any application for a Specific Use Permit. The Planning and Zoning Commission may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.
 - b) An application for a Specific Use Permit (SUP) shall be accompanied by a site plan drawn to scale and showing the general arrangements of the project, together with essential

requirements such as off-street parking facilities; size, height, construction materials and locations of buildings; the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; visual screening such as walls, landscaping, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to minimum distance of two hundred (200) feet. The requirement of this Section for a Site Plan shall be waived when an application is made for a Specific Use Permit (SUP) for an existing use which was permitted by right prior to the amendment of the Schedule of Land Uses to requires Specific Use Permit (SUP) in the zoning district where the existing use is located.

- c) After proper notice and a public hearing, the City Council may grant a permit for a specific use of property as authorized by the zoning district in which the property is situated. The City Council may require information, operating data, and expert evaluation concerning the location and function and characteristics of any building or use proposed.

4. Classification of New/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 form of land use shall be made as follows:

- a) The Zoning Administrator shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation to the City Council as to the zoning classification(s) 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, and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer. The Planning and Zoning Commission shall make a recommendation to the City Council regarding the zoning districts within which such use should be permitted.

- b) The Planning and Zoning Commission and the City Council shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, in determining the zoning district or districts within which such use should be permitted.
 - c) The City Council shall by ordinance approve or make such determination concerning the classification of such use as is determined appropriate, based upon its findings.
- 5. Zoning of Annexed Territory.
 - a) Annexation. An area or areas being annexed to the City of Josephine shall ordinarily be given permanent zoning concurrently with the annexation.
 - a) Temporary Classification. In instances in which the zoning of an annexed territory concurrently with the annexation is impractical, the annexed territory shall be temporarily classified as A - Agricultural District, until permanent zoning is established by the City Council. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of original zoning regulations. The City Council shall determine a permanent zoning for such area as soon as practicable after annexation.

F. Platting Procedures

1. General Platting Procedures

a) Intent.

The requirements of the Subdivision Ordinance as set forth below are designed and intended to ensure that, for all subdivisions of land within the scope of the Subdivision Ordinance, all improvements required herein are installed properly and:

1. The City can provide for the orderly and economical extension of public facilities and services;
2. All purchasers of property within the subdivision shall have a usable, buildable parcel of land; and
3. All required improvements are constructed in accordance with City standards.

b) No plat shall be approved which does not fully conform to the provisions of this UDC.

c) Adequate Public Facilities Policy.

The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, drainage facilities, electricity and street facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may be defined further and supplemented by other ordinances adopted by the City.

d) Approval Required.

1. It shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land unless that land has been lawfully platted or has been granted an exemption, in accordance with this section, and no permit for such improvements, or for service or connections of public utilities to said land, shall be granted until the applicable plat has been approved, in accordance with this section.

2. No building permits will be issued for the construction of any building on any unplatted land within the city unless an exemption has been granted. Minor repair permits may be issued, in accordance with the building regulations of the city.
- e) Classification of Subdivisions and Additions.
1. Before any plat is filed for record with the County Clerk, the property owner shall apply for and secure City Council approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this Ordinance.
 2. Minor subdivision plats may be approved for residential or nonresidential properties. Minor plat approval by the City Engineer and City Administrator or Secretary requires the submission of a final plat drawing and other submission materials required by this Ordinance. Lots may be conveyed or sold only after the plat has been approved by the City Engineer and City Manager or Secretary and the plat has been recorded with Collin/Hunt County.
 3. Major subdivision plats may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves three steps: a concept plan, preliminary plat and final plat. Major plat approval shall be in accordance with this Ordinance. All major subdivision plats must be approved by the Commission and the City Council, pursuant to this Ordinance. Upon completion of the required public improvements, or upon submission and City approval of the appropriate surety for required public improvements in accordance with Article VI below, the property owner may file the final plat in the land records of Collin/Hunt County. Lots may be sold only after the final plat has been recorded at Collin/Hunt County. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Council and filed at Collin/Hunt County.
- f) Compliance with Zoning Regulations
1. A property within the City's corporate limits that is being proposed for platting must be properly zoned as required for the proposed subdivision prior to submission of an

application for approval of any plat. In addition, the proposed development layout or subdivision design shown on the proposed plat must be in conformance with all standards and requirements prescribed in this UDC.

2. Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning for the proposed subdivision, shall constitute grounds for denial of the plat. In situations where the zoning on a particular piece of property within the City's corporate limits cannot be ascertained by the City, it shall be presumed that the property has not previously been zoned and the property shall be zoned before a plat application for the property is submitted. If the owner of the property challenges the City's inability to ascertain whether a parcel has previously been zoned the burden of proof regarding the property's zoning shall rest with the property owner. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the ordinance establishing the zoning on the property, which shall be reviewed by City officials as to its validity and authenticity.
3. Any plat submitted for approval by the City shall conform to and be in conformity with the City's Zoning Ordinance, if the property is located within the City's corporate limits, and, if the property is located within the City's corporate limits or extraterritorial jurisdiction, it shall conform to and be in conformity with the City's Comprehensive Plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and thoroughfare plans. All development shall be in accordance with any applicable development agreement with regard to land in the ETJ. All plats and related plans shall be prepared and sealed by a licensed civil engineer and/or a registered land surveyor.

g) Right to Deny Hearing and Plat

The City may deny a hearing and any approval if the applicant does not submit the complete information and fees required by this Ordinance in a timely manner.

h) Proof of Land Ownership.

1. The City requires proof of land ownership prior to approval of any development application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the City, that he or she is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The City shall have the authority to determine what document(s) the City will require to prove ownership, such as one or more of the following:
 - (a) General warranty deed (Certified copy);
 - (b) Special warranty deed (Certified copy);
 - (c) Title policy; or
 - (d) Some other documentation that is acceptable to the City.
2. If ownership cannot be conclusively established prior to the meeting date on which the plat application will be heard, the City shall have the authority to deny the application on the basis of protecting the public interest. The applicant may resubmit a new plat application, including the submission fees, for the property at any time following such denial.

i) Lapse of Plat Approval.

1. The approval of any concept plan or preliminary plat as required by the Ordinance, shall be effective for a period of one hundred eighty-three (183) calendar days beyond the date that the plat was approved by the Council, except as otherwise provided herein.
2. On or before 12:01 a.m. of the 184th day following Council approval of the plat, the applicant must have submitted an application for the next consecutive step in the platting process.
3. If this next consecutive step is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void.

j) Recordation

1. Payment of All Indebtedness Attributable to a Specific Property

- (a) No approved plat or replat shall be allowed to be recorded on any piece of land on which are owed delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the City of Josephine, and which are directly attributable to that piece of property, until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this Ordinance.
- (b) Furthermore, no plat or replat of a subdivision of real property shall be recorded in the county clerk's office a plat or replat unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. If the plat or replat is recorded after September 1st of a year, the plat or replat must also have attached to it a tax receipt issued by the collector for each taxing unit with jurisdiction of the property indicating that the taxes imposed by the taxing unit for the current year have been paid or, if the taxes for the current year have not been calculated, a statement from the collector for the taxing unit indicating that the taxes to be imposed by that taxing unit for the current year have not been calculated. If the tax certificate for a taxing unit does not cover the preceding year, the plat or replat must also have attached to it a tax receipt issued by the collector for the taxing unit indicating that the taxes

imposed by the taxing unit for the preceding year have been paid. This subsection does not apply if:

- (i) more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property; or
 - (ii) a taxing unit acquired the real property for public use through eminent domain proceedings or voluntary sale.
- 2. Following the acceptance of all improvements, the final plat shall be recorded at Collin/Hunt County at the City's earliest convenience.
 - 3. A recorded final plat is valid in perpetuity, unless vacated or amended.
 - 4. Failure to record a final plat with Collin/Hunt County in a timely manner may be subject for withholding of building permits, certificates of occupancy and connection of City utilities.

k) Exemptions

The provisions of this Ordinance shall not apply to:

- 1. Development of land platted and approved prior to the effective date of this Ordinance, except as otherwise provided for herein and for which no re-subdivision or replat is sought; or
- 2. Development of land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot, site or parcel was filed of record in the Deed Records of Collin/Hunt County, Texas on or before the effective date of this ordinance; or
- 3. Sale, inheritance, or gift of land by metes and bounds of tracts greater than five (5) acres in size, where each part has access and upon which no improvement is being dedicated, and no subdivision or alteration is occurring; or

4. Existing cemeteries complying with all State and local laws and regulations; or
 5. Divisions of land created by order of a court of competent jurisdiction; or
 6. When a building permit is requested for unplatted or improperly platted parcels for one or more of the following activities:
 - (a) Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage of the original structure; or
 - (b) Remodeling or repair of an existing primary structure which involves no expansion of square footage beyond the original structure; or
 - (c) Construction of subordinate facilities such as fences and accessory buildings (as defined in the Zoning Ordinance); or
 - (d) Moving a structure off a lot or parcel, or for demolition permits.
- I) Plat Variances and Waivers
1. All variances or waivers shall have final approval or disapproval by the City Council.
 2. Where the City Council, after a recommendation from the Planning and Zoning Commission (Commission), finds that undue hardship will result from strict compliance with a certain provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the City Council may approve a variance from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the variance or waiver shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve a variance or waiver unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) Granting the variance or waiver will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owners of other

- property, and the variance or waiver will not prevent the orderly subdivision of other property in the vicinity;
- (b) The conditions upon which the request for a variance or waiver is based are unique to the property for which the variance or waiver is sought, and are not applicable generally to other property;
 - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
 - (d) The variance or waiver will not in any manner vary the provisions of the Zoning Ordinance or Comprehensive Plan or any other adopted plan(s) of the City; and
 - (e) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein. Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which a variance or waiver is considered. A variance or waiver from any provision of this Ordinance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Economic hardship to the property owner or developer, standing alone, shall not be deemed to constitute undue hardship or otherwise justify a waiver or variance from the requirements of this Ordinance.

3. Conditions.

In approving a variance or waiver, the City Council may require such conditions as will, in its judgment, secure substantially the purposes described.

4. Procedures.

- (a) An application for a variance or waiver shall be submitted in writing by the property owner to

the Commission before or contemporaneously with the plat or replat application submitted for the Commission's consideration.

- (b) The application for variance or waiver shall state fully the grounds for the variance or waiver, and all of the facts relied upon by the Applicant.
- (c) The Commission shall hold a hearing on the requested variance or waiver from this Ordinance and after having heard from the Applicant, if the Applicant chooses to speak regarding the issue, and all other interested persons the Commission shall forward a recommendation regarding the requested variance or waiver to the City Council together with the Commission's recommendation regarding the plat or replat.
- (d) The City Council shall similarly hold a hearing on the requested variance or waiver from this Ordinance and after having heard from the Applicant, if the Applicant chooses to speak regarding the issue, and all other interested persons as well as having given due consideration to the recommendation of the Commission, the City Council shall approve or disapprove the requested variance or waiver.
- (e) The City Council shall also approve or disapprove the underlying plat or replat in accordance with this Ordinance and the laws of the State of Texas.

5. Rough Proportionality.

- (a) It is the City's intent that any required exactions shall be roughly proportional to the impact that any proposed development or redevelopment creates on the City's infrastructure and resources.

6. Effect on Other Ordinances.

- (a) No variance or waiver granted pursuant to this Section shall waive or vary any dimensional requirement of the City's Zoning Ordinance including but not limited to lot depth, lot width, lot area, lot coverage, setbacks, landscaping and buffers.

- (b) Any variance or waiver from the literal interpretation and application of the City's Zoning Ordinance shall be strictly governed by the City's Zoning Ordinance and state law. Additionally, a variance or waiver granted pursuant to this Ordinance shall not relieve the property owner from compliance with any other statute, ordinance, rule or regulation imposed by the City, county, state or federal government upon the development of the subject property.

2. Submission Requirements and Completeness.

- a) In addition to the requirements outlined herein for each type of development application, the City shall maintain policies and procedures applicable to the submission and processing of applications including, but not limited to, application forms, compliance checklists, language blocks for plats, and other similar items that must be used by the applicant(s). The forms and paperwork are available at the City. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, the policies and procedures.

- b) Official Submission Date and Completeness for Plats

For the purpose of these regulations, the "official submission date" shall be the date upon which a technically complete application for approval of any type of plat that contains all required elements mandated by Section 212.004(b) of the Texas Local Government Code and by this Ordinance is submitted to the City, after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted until the City Secretary determines that the application is technically complete, the applicant pays the prescribed application fees, and the City issues a fee receipt.

- c) Application determination: administrative completeness

- 1. An application shall not be considered as officially submitted, accepted for review, or filed until it has been determined by the City Administrator to be administratively complete.
- 2. The filing date for an application that is considered administratively complete is the date the original application was filed.

3. The City Administrator, or designee, shall review each submitted application to determine if the minimum items required for proper review of such application are present. An application must be determined to be administratively complete in order to begin the review process.
 4. A submitted application shall not be determined to be administratively complete until, at a minimum, the following has been received by the city:
 - (a) Completed application form;
 - (b) Payment of all applicable fees; and
 - (c) All the application requirements and supplemental information indicated as required per the application form for the specific type of application, or as indicated by staff during the pre-application meeting.
 - (d) All required preceding approvals (e.g., proper zoning, approved plats, surveys, studies etc.) have been acquired.
- d) Submission Timing.
1. A technically complete application for approval of any plat shall be submitted to the City on a specified Plat Submittal Date as identified on the City's published Development Calendar, which shall be no more than thirty (30) calendar days but not less than twenty (20) days prior to the Commission meeting at which the Applicant desires the plat to be considered.
 2. The applicant may submit a technically complete application for approval of any plat more than thirty (30) calendar days prior to the Commission meeting at which the applicant desires the plat to be considered only if the applicant voluntarily waives in writing the thirty(30) day requirement for action of Section 212.009 of the Texas Local Government Code.
 3. If the applicant fails to voluntarily waive the thirty (30) day requirement in writing the plat shall be considered by the Commission at a different meeting date which occurs within the thirty (30) day requirement for action. If the applicant fails to voluntarily waive the thirty (30) day requirement in writing the Commission shall consider the plat at a different meeting

date which occurs within the thirty (30) day requirement for action. An application that has been previously either (1) approved with conditions; or (2) disapproved by the Commission or the City Council shall be submitted to the City for reconsideration on a designated Plat Resubmittal Date as identified on the City's published Development Calendar, which shall be no more than fifteen (15) calendar days but no less than ten (10) calendar days prior to the meeting at which the applicant desires the plat to be reconsidered. There shall be no deadline for an Applicant to resubmit a plat application that has been previously acted upon in accordance with Section 212.0093.

4. Failure of the City Administrator to review the application for administrative completeness within the designated time frame does not deem the application approved.
5. An application that is not administratively complete can still be denied by the entity responsible for approval of the application.

e) Administratively incomplete applications

1. Applications that do not include all required information and materials shall be considered administratively incomplete.
2. Administratively incomplete applications are not filed.
3. The City Administrator shall notify the applicant in writing of the determination and shall identify the missing or incomplete items that must be submitted to complete the application.
4. The City Administrator may elect to extend the time period of determination of administrative completeness for the applicant to submit the missing or incomplete items. The City Administrator shall provide, in writing, a specified timeframe to the applicant for the incomplete item(s) to be resubmitted. If the item(s) is not resubmitted within this time period, the application shall be deemed rejected and shall not be reviewed for technical compliance, shall not be considered filed, and shall be returned to the applicant.
5. The applicant may request an additional meeting for explanation of the missing or incomplete items.

6. After an application has been determined to be administratively incomplete and returned to the applicant, a new application and fee shall be required for any future submittals.
- f) Application Determination: Technical Compliance
1. Upon receipt of an administratively complete application, the city shall commence technical compliance review of the application.
 2. An application shall not be deemed technically compliant until staff has determined the application and any supporting documents meet all applicable requirements, including those of this UDC and any other applicable city, state or federal requirements.
 3. Technically noncompliant applications.
 - (a) The City Administrator shall notify the applicant in writing of any revisions deemed necessary for the application to be determined to be technically compliant. The applicant may request a meeting for explanation of the missing or noncompliant items.
 - (b) The applicant shall submit any necessary corrections to the city no later than fourteen (14) calendar days prior to the public meeting at which it is scheduled to be considered, if applicable.
 - (c) An application presented to the commission and/or City Council prior to determination of technical compliance may be subject to conditions of approval or denial.
 4. Technically compliant applications. Technically compliant applications shall be processed according to the applicable development approval procedures of this chapter. The determination of a technically compliant application by city staff does not constitute or imply an approval by the decision-making authority.
- g) Postponement requests
1. A postponement of the public hearing on an application may be granted upon request.
 2. A request for postponement of a Planning and Zoning/City Council meeting where application is recommended/decided

on a plat application, or any step in the platting process, may be made by the applicant, or property owner.

3. A request for postponement of a public hearing on any other application or request may be made by any of these parties:
 - (a) The applicant;
 - (b) Staff; or
 - (c) A party in opposition to the application.
4. A postponement shall be written and submitted to the City Administrator not later than the seventh calendar day before the scheduled public hearing.
5. The request shall specify the reasons for the postponement.
6. The City Administrator shall provide a recommendation regarding the postponement.
7. If the postponement is granted, the City Secretary shall enter the postponement in the minutes, with a notation of the identity of the party requesting the postponement.
8. The decision-making body shall set the time and date of the new hearing at the time the postponement is granted.
9. A postponement request for applications associated with platting will not be granted if the granting of same would cause the application to violate state law.

3. Pre-Application Procedures

The applicant should avail himself or herself of the advice and assistance of the City's administrative officers and should consult early and informally with those officers before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.

4. Concept Plan

a) Purpose.

The purpose of a concept plan, as it pertains to this Ordinance, is to allow opportunity for the Planning and Zoning Commission to preview proposed major thoroughfare and collector street patterns; land use patterns and trends; environmental issues and constraints; conformance to the Comprehensive Plan, Future Land Use Plan, Thoroughfare Plan, water and sewer master plans, and other applicable plans of the City; and, if the subject property is within the

City's corporate limits, the Zoning Ordinance; and the property's relationship to adjoining subdivisions or properties. Review of a concept plan also assists the City in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety and welfare of the community.

b) Applicability

A concept plan, sometimes referred to as a site plan or a land study, is required by this Ordinance. Submission and approval of a concept plan is the first step in the approval process for all residential or nonresidential development projects. The applicant benefits from City review of a concept plan in that he or she gains public review and scrutiny, as well as technical input and suggestions, on the overall conceptual layout of the proposed development from the City's Development Issues Review Team. The City benefits in that it is allowed to become familiar with and involved in the project early in the development process so that the provision of public facilities and services can be addressed, which is particularly important for large-scale developments and subdivisions.

c) Extent of Area That Should be Included in a Concept Plan. When the overall development project is to be developed in phases, the concept plan area shall include the entire property from which the phases are being subdivided and an approximate development schedule together with the projected sequence and timing of developing each such phase. Where significant natural or manmade features, such as existing thoroughfares or creeks, make inclusion of the entire property in the concept plan unnecessary to adequately review the items listed in the preceding subsection, the concept plan may include a smaller study area. Boundaries such as existing major thoroughfares, creeks, political subdivisions, or other such natural or manmade features may be used to delineate the smaller study area.

d) Concept Plan Content

1. General. All plans must include the date of preparation, appropriate engineering scale, north arrow, vicinity map, and

the names, addresses and telephone numbers of both the property owner and the individuals preparing the plans.

2. Site Features. The site analysis shall be prepared which describes existing natural features such as contours at not less than two (2) foot intervals, trees over six inches (6") in caliper, drainageways and other water features and physical improvements by including the following items:
 - (a) The slope or grade of the property;
 - (b) The location of creeks, rivers, washes, gulleys, ponds, wells, lakes and wetlands in addition to any floodway and one hundred (100) year floodplain within the property;
 - (c) The location of any groves or stands of trees or wooded areas including any majestic or historic trees;
 - (d) Any places, natural features, or structures of local or historic significance; and
 - (e) Any areas of existing impervious coverage and the location of any transitions from natural land to impervious surface.
3. A metes and bounds description of the overall tract;
4. Conceptual representation of proposed use(s) and generalized representation of proposed improvements;
5. Identification of all areas to be dedicated to the City or to have public easements, such as roadways, utilities, open space and drainage areas;
6. General indication of how the proposed development will be able to achieve the required points for applicable design standards required in this ordinance;
7. Location of all proposed screening between the site and adjacent property;
8. Indication of each phase of development if separate phases are proposed; and
9. The location of collector roadways proposed in the development, right-of-way widths, and the location of collector access points to abutting or adjoining streets and highways.

- e) Other Materials. Other material that may be submitted in support of the application:
1. Draft development agreement and any covenants, conditions, restrictions and agreements that govern the construction, use, maintenance and operation of roadways, parks, open space, drainage areas and facilities;
 2. A preliminary geotechnical report that addresses soil, subsurface and slope conditions that may affect development;
 3. A traffic study or traffic impact analysis, as determined by the City Engineer, showing the projects impact on roadway and intersection capacity; and
 4. A development schedule indicating the approximate date on which construction is expected to begin and the rate of anticipated development to completion.

5. Preliminary Plat

- a) Following approval of the concept plan, the applicant shall have prepared a preliminary plat together with preliminary engineering plans for the construction of the subdivision and all associated public improvements and other supplementary materials, as required by this Ordinance or by the City.
- b) The preliminary plat shall constitute only that portion of the approved concept plan which the applicant proposes to construct and record initially, provided however, that such portion conforms to all the requirements of this Ordinance and with any other applicable regulations and codes of the City.
- c) The applicant may choose to submit a final plat for review concurrently with the preliminary plat. In such case, the City may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, and provided that adequate review can be achieved by the City and Commission.
- d) Approval of a preliminary plat by the City Council shall be deemed general approval of the street and lot layout shown on the preliminary plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the City Engineer's approval of the engineering plans), and to the preparation of the final plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this Ordinance have been met.
- e) Standards for Approval. No preliminary plat shall be recommended for approval by the Commission or approved by the City Council unless the following standards have been met:
 - 1. The plat substantially conforms with the approved concept plan, or other studies and plans approved by the City, as applicable;
 - 2. The layouts and engineering plans for required public improvements and City utilities have been submitted by the applicant for approval by the City Engineer (whether specifically stated or not, preliminary plat approval shall

- always be subject to any additions or alterations to the engineering plans as deemed necessary by the Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and
3. The plat conforms to applicable zoning and all other pertinent development regulations and the requirements of state and federal law.
- f) The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the preliminary plat and stating any requirements, including easements, they may have. This requirement may be deferred until the time of final plat submittal by the City Engineer.
- g) Information Required Upon or With Preliminary Plat. The proposed preliminary plat and associated engineering plans shall show the following information (some required physical and engineering data may be included in the other plans or as separate documents as appropriate):
1. A vicinity, or location, map that shows the location of the proposed preliminary plat within the City (or within its ETJ) and in relationship to existing roadways;
 2. Boundary lines, abstract or survey lines, corporate or other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances related to State Plane Coordinates and sufficient to locate the exact area proposed for the subdivision, and all survey monuments (identified and labeled; the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;
 3. The plat shall also include a note describing the corner tie as required above and further tie at least one corner of the subdivision that is being developed or redeveloped to the City's approved vertical control monumentation; the Developer shall establish two (2) permanent monuments per development (at points approved by the City Engineer) that shall be tied to said vertical control monumentation; and, the

- boundary line description of the tract being subdivided shall close to an accuracy of one in ten thousand (1:10,000);
4. The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information;
 5. The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the preliminary plat is approved);
 6. The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;
 7. Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same; for nonresidential uses, the location and size of buildings (this information may be provided on a separate sheet, such as on a voluntary concept plan or preliminary site plan; see the Zoning Ordinance);
 8. A title block within the lower right-hand corner of the plat (and engineering plans) which shows the title or name under which the proposed subdivision is to be recorded, the name and address of the property owner and the name of the land

planner, licensed engineer or registered public surveyor who prepared the plat or plans, the scale of the plat, the date the plat was prepared, and the location of the property according to the abstract or survey records of Collin/Hunt County, Texas; the subdivision name shall not duplicate (or phonetically replicate) the name of any other platted subdivision in Josephine or its ETJ, but phasing identification is allowed (it is the property owner's responsibility to check the plat records of Collin/Hunt County to ensure that the proposed subdivision name will not duplicate or sound too much like a subdivision name already in existence - the City may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public);

9. Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;
10. Scale, date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;
11. Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to vertical control monumentation or a subsequent control monument set as part of a development or redevelopment and approved for such use by the City Engineer;
12. Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;
13. All physical features of the property to be subdivided, including the location and size of all watercourses, the 100-year floodplain according to Federal Emergency Management Agency (FEMA) information, any U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres of area draining into subdivisions, the outline of major wooded areas or the location of major trees, six inches (6") in diameter and larger when measured 4-1/2 feet above ground level, and other features pertinent to the subdivision;

14. Preliminary Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;
 15. Proposed phasing of the development; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision; the City Council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or for such phases as the City Council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;
 16. All preliminary plats shall be submitted in a legible format that complies with the plat filing requirements for Collin/Hunt County, and shall be drawn on a good grade blue line or black line paper;
 17. Proposed or existing zoning of the subject property and all adjacent properties, as well as a tabulation of site development information and the intended manner of compliance with the Design Standards of the Zoning Ordinance including the required points for optional standards;
 18. Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a floodplain or within an area that may be susceptible to flooding;
- h) Engineering Plans
1. Along with the preliminary plat application, the applicant shall submit two (2) sets of the preliminary engineering plans for streets, alleys, storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the preliminary plat.

2. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the City's ordinances pertaining to nonpoint source pollution control, on-site sewage facility rules, and any other applicable codes and ordinances of the City that are related to development of a land parcel. Cost estimates shall also be submitted with the engineering plans.
3. For the purpose of this Ordinance, complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the City Engineer:
 - (a) Cover or title sheet
 - (b) Preliminary plat
 - (c) Final site plan (for nonresidential and multifamily projects only - see the Zoning Ordinance for specific requirements and approval procedures)
 - (d) Existing conditions plan, which shows existing topography, vegetation, tree inventory, existing natural and manmade physical features, etc.
 - (e) Grading, erosion control, and water quality control plans
 - (f) Paving and storm drainage plans
 - (g) Utility plans for water, sanitary sewer, etc.
 - (h) Traffic-control plans (if necessary)
 - (i) Screening and retaining wall plans
 - (j) Landscaping and irrigation plans
4. The applicant shall have these plans prepared by his own professional engineer(s), subject to approval of the plans by the City Engineer. The City Engineer shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "Approved" and shall return one set to the applicant. If not approved, one set shall be marked with the objections noted and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit the corrected plans back to the City Engineer for re-review. Engineering plans shall be prepared by or under the direct supervision of a professional

engineer licensed in the State of Texas, as required by State law governing such profession and in accordance with this Ordinance and the City's Design Manuals and Standard Construction Details. All engineering plans submitted for City review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.," and the engineer's seal and signature. The City Engineer shall approve engineering plans when such plans meet all of the requirements of this Ordinance and the Design Manuals and Standard Construction Details. Engineering plans shall be in conformance with the Design Manuals and Standard Construction Details and with the requirements set forth herein.

5. Engineering plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision shall be prepared at a scale of one inch equals 40 or 50 feet (1" = 40' or 50') horizontally and one inch equals 4, 5, or 10 feet (1" = 4', 5' or 10') vertically shall be submitted to the City Engineer (or designee) along with a copy of the preliminary plat of the subdivision. The number of copies as specified by the City shall be submitted along with the preliminary plat submittal. As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

- i) Revisions to An Approved Preliminary Plat. It is generally recognized that minor revisions to the preliminary plat will probably be needed before the final plat can be filed of record at Collin/ Hunt County. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, etc. may occur on the final plat without having to reapprove the preliminary plat. Major revisions, such as obvious

reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation, addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a “revised preliminary plat.” The procedures for such reapproval shall be the same as for a preliminary plat, and such reapproval may constitute a new project, thus necessitating submission of a new application form, payment of new fees, and other requirements.

6. Final Plat

- a) Within one hundred eighty-three (183) days of approval of the preliminary plat, the applicant shall submit a final plat with all applicable engineering plans. The final plat shall conform to the preliminary plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the Planning and Zoning Commission and City Council upon the preliminary plat. The final plat shall not be submitted prior to approval of the preliminary plat. Final plat applications which do not include the required data will be considered incomplete, shall not be accepted for submission by the City, and shall not be scheduled on a Commission agenda until the proper information is provided to City staff.
- b) Information Required on a Final Plat.
 1. The final plat shall contain all information that is required for a preliminary plat except that physical features of or on the land, such as topography, buildings, structures, water bodies and tree cover, shall not be shown on the final plat.
 2. The final plat shall also provide a place for the County Clerk of Collin/Hunt County to stamp the date and location where the plat will be filed (i.e., Volume or Cabinet, Page or Slide in the lower right-hand corner of the plat drawing.
 3. All aspects of the final plat shall conform to the standards of Collin/Hunt County for plats with respect to clarity, sheet size, style or type of sheet (i.e., mylar, black line or blue line) lettering size and reproducibility. It is the applicant's responsibility to be familiar with the County's standards for filing plats and to comply with same.

4. The final plat shall contain the following certificates and approval/acceptance language.
5. Visibility, Access and Maintenance Easements (to be used if applicable): The area or areas shown on the plat as “VAM” (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic-control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.
6. Access Easements (to be used if applicable): The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Josephine, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

7. Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available at the City upon request.
- c) Standards for Approval. No final plat shall be approved by the Planning and Zoning Commission unless the following standards have been met:
 1. The plat substantially conforms to the approved preliminary plat and other studies and plans, as applicable;
 2. The construction and installation of required public improvements and City utilities has been completed and the improvements have been accepted by the City as conforming to the City's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the City; and
 3. The plat conforms to applicable zoning, subdivision and other development related regulations, including the City's nonpoint source pollution control ordinance, on-site sewage facility rules, and any other applicable codes or ordinances of the City that are related to development of a land parcel.
- d) Once the engineering plans are approved by the City Engineer, the property owner shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved engineering plans must be available for inspection on the jobsite at all times.
- e) When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the City's standards, and upon receipt by the City of Josephine of a maintenance bond or certificate of deposit ~~in accordance with this Ordinance~~ from each contractor, three (3) sets of "AS-BUILT" (or "Record Drawing") plans, one (1) set of "As-Built" or "Record Drawing" sepias and one (1) set of As-Built or Record Drawing plans in .tif format shall be submitted with a letter stating the contractor's compliance with this Ordinance. After such letter is received, the City Engineer shall receive and accept for the City of Josephine the title, use and maintenance of the

improvements. The approved final plat shall not be filed with the County prior to receipt of the above letter and other items, nor prior to acceptance of the improvements by the City.

f) Timing of Public Improvements.

1. The City Engineer may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the City after approval of the final plat by the City Council if there exists a compelling reason that is consistent with the public health, safety or welfare to do so. The City Council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the City Council at the time of final plat approval, and the necessary assurances for completion of the improvements, in accordance with Section 6 [Article VI], shall be a stipulation, or condition, of approval of the preliminary or final plat.
2. If the City Council does not require that all public improvements be installed, offered for dedication, or accepted by the City prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds.

g) Effect of Approval. Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same), to submit the final copies, or mylars, of the plat for filing at Collin/Hunt County. Lots may be sold only when the final plat has been approved by the City Council and the plat has been filed at Collin/Hunt County. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Council and filed at Collin/ Hunt County.

h) Subsequent to acceptance of public improvements by the City Engineer, the applicant shall return copies of the final plat, with any other required documents and necessary fees attached thereto, to

the City. All necessary filing materials including mylars and blueline copies shall bear original signatures and seals. In addition to the mylar copies a computer disk containing the digital plat file(s) required by the City, shall be submitted to the City with the required fees. The City shall secure the signatures of City of Josephine authorities, and return the signed original plats to the applicant within (30) days of receipt. The applicant shall file the final plat at the office of the County Clerk of Collin/Hunt County within thirty (30) calendar days following signature by the City. The applicant shall return to the City one (1) mylar and six (6) blue-line copies of the filed plat.

7. Plat Vacations and Replats

- a) Additional plat vacation requirements are to be in accordance with Section 212 of the Texas Local Government Code.
- b) Replat Required. Unless otherwise expressly provided for herein, a property owner who proposes to replat all or any portion of an already approved final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this Ordinance. All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided herein. The City may waive or modify minor requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large parcel of land or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.
- c) Replatting Without Vacating Preceding Plat. A replat of a subdivision or portion of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - 1. Is signed and acknowledged by only the owners of the property being replatted;
 - 2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Planning and Zoning Commission and by the City Council; and
 - 3. Does not attempt to amend or remove any covenants or restrictions imposed on the property in question.

- d) Additional Requirements for Certain Replats.
1. Additionally, a replat without vacating the preceding plat must conform to the requirements of this Section if:
 - (a) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
 2. If a replat includes property that is subject to either of the foregoing conditions notice of the hearing required under Subsection B. shall be given before the fifteenth (15th) day before the date of the hearing by:
 - (c) Publication in the City's officially designated newspaper or a newspaper of general circulation in Collin/Hunt County; and
 - (d) Written notice, with a copy of Section III.F.7.d attached, forwarded by the City to the owners of lots within 200' of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision with the extraterritorial jurisdiction of the City, the most recently approved county tax roll of the property upon which the replat is requested. The notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
 3. If the proposed replat requires a variance or waiver, and is protested in accordance with this provision the approval of the proposed replat will require the affirmative vote of at least three-fourths (3/4) of the members present of the Commission and the City Council. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the City prior to action by the Planning and Zoning Commission or the City Council, or

both prior to the close of the public hearing. In computing the percentage of land area subject to the 20% rule described above, the area of streets and alleys shall be included. Compliance with this provision is not required if the area sought to be replatted was designated for other than single- or duplex-family residential use by notation on the last legally recorded plat or in the last legally recorded restrictions applicable to the plat.

- e) Replatting Without Vacating Preceding Plat: Certain Subdivisions.
1. A replat of a part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - (a) Is signed and acknowledged by only the owners of the property being replatted; and
 - (b) Involves only property:
 - (i) Of less than one (1) acre that fronts an existing street; and
 - (ii) That is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention.
 2. A replat that meets the foregoing requirements is not subject to Sections III.F.7.c. and III.F.7.d. In addition, an existing covenant or restriction for property that is platted under this section does not have to be amended or removed if:
 - (c) The covenant or restriction was recorded more than fifty (50) years before the date of the replat; and
 - (d) The replatted property has been continuously used by the nonprofit corporation for at least ten (10) years before the date of the replat.
 3. Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots sought to be changed.
 4. If the previous plat is vacated as prescribed in Section 212.013 of the Texas Local Government Code, as amended,

a public hearing is not required for a replat of the area vacated.

5. The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.
 6. The title shall identify the document as a "Final Plat" of the ____ Addition, Block ____, Lot(s) ____." Being a Replat of Block ____, Lot(s) ____ of the ____ Addition, an addition to the City of Josephine, Texas, as recorded in Volume/Cabinet ____, Page/Slide ____ of the Records of (the appropriate) County of Record, Texas."
 7. An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
 8. The replat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the City, and if the replat is not filed at the County within the time periods specified for a final plat.
8. Amending Plats
- a) An amending plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
 - b) The Engineer and City Administrator or Secretary may approve an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is solely for one or more of the following purposes:
 1. Correct an error in a course or distance shown on the preceding plat;
 2. Add a course or distance that was omitted on the preceding plat;

3. Correct an error in a real property description shown on the preceding plat;
4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (a) Both lot owners join in the application for amending the plat;
 - (b) Neither lot is abolished;
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
9. Relocate one or more lot lines between one or more adjacent lots if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of lots;
10. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:

- (a) The changes do not affect applicable zoning and other regulations of the City;
 - (b) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (c) The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area;
- 11. Replat one or more lots fronting on an existing street if:
 - (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of lots; and
 - (d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- 12. The Secretary may elect to present the amending plat to the Planning and Zoning Commission and City Council for consideration and approval.
- 13. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to “final plat” or “replat” shall be removed.
- 14. Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in Section 2.8.
- 15. The amending plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the City Secretary, and if the plat is not filed at the County within the time periods specified for a final plat.

9. Minor Plats

- a) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- b) The Engineer and City Administrator or Secretary may approve a minor plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities, or may, for any reason, elect to present the minor plat to the Planning and Zoning Commission and City Council for consideration and approval.
- c) The minor plat shall be entitled and clearly state that it is a “minor plat.”
- d) The minor plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the City and if the plat is not filed at the County within the time periods specified for a final plat.

10. Development Plats

- a) Authority. This Section is adopted pursuant to the Texas Local Government Code, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- b) Applicability. For purposes of this Section, the term “development” means the new construction or the enlargement of any external dimension of any building, structure or improvement of any nature (residential or nonresidential). This Section shall apply to any land lying within the City or within its extraterritorial jurisdiction in the following circumstances:
 - 1. The development of any tract of land which has not been platted or replatted prior to the effective date of this Ordinance, unless expressly exempted herein;
 - 2. The development of any tract of land for which the property owner claims an exemption from the City’s Subdivision Ordinance, including requirements to replat, which exemption is not expressly provided for in such regulations;

3. The development of any tract of land for which the only access is a private easement or street;
 4. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated.
- c) Exceptions. No development plat shall be required, where the land to be developed has received final plat or replat approval prior to the effective date of this Ordinance. The City Council may, from time to time, exempt other development or land divisions from the requirements of this Section.
- d) Prohibition on Development. No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued, for any development or land division subject to this Section, until a development plat has been reviewed by the Commission, approved by the City Council, and submitted to the County for filing. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's extraterritorial jurisdiction in relation to any development plat required by this Section of the Subdivision Ordinance.
- e) Standards of Approval. The development plat shall not be approved until the following standards have been satisfied:
1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;
 2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and the Subdivision Ordinance;
 3. The proposed development is adequately served by public facilities and services, parks and open space in conformance with City regulations;
 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
 5. The proposed development conforms to the design and improvement standards contained in this Ordinance and in the City's Design Manuals and Standard Construction Details, and to any other applicable codes or ordinances of

the City that are related to development of a land parcel and the requirements of state and federal law.

- f) Conditions. The City Council may impose such conditions on the approval of the development plat as are necessary to assure compliance with the standards above.
- g) Approval Procedure. The application for a development plat shall be submitted to the City in the same manner as a final plat, and shall be approved or denied by the City Council following review and recommendation by the Planning and Zoning Commission in a similar manner as a final plat. Upon approval, the development plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a development plat shall expire if all filing materials are not submitted to the City and if the plat is not filed at the County within the time periods specified for a final plat.
- h) Submittal Requirements. In addition to all information that is required to be shown on a final plat, a development plat shall:
 - 1. Be prepared by a registered professional land surveyor;
 - 2. Clearly show the boundary of the development plat;
 - 3. Show each existing or proposed building, structure or improvement or proposed modification of the external configuration of the building, structure or improvement involving a change therein;
 - 4. Show all easements and rights-of-way within or adjacent to the development plat; and
 - 5. Be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

G. Dedications and Assessments

- 1. Traffic Impact Analysis.
 - a) Any proposed development project or plat involving a significant change to a proposed roadway alignment from that shown on the City of Josephine's Thoroughfare Plan, or involving a development of one hundred (100) or more dwelling units, or for developments generating one thousand (1,000) or more "one-way" trips per day, or as otherwise required by the City Engineer must be preceded by

submission and approval of a traffic impact analysis. Failure to provide for and obtain such approval prior to submission of a preliminary plat (or concurrently with the preliminary plat application) shall be grounds for denial of the plat application.

- b) Required Components of Traffic Impact Analysis. Whenever this Ordinance or the City Council, in unique instances which do not necessarily meet the above criteria but which may significantly affect the public health, safety or welfare - such as a proposed subdivision that will only be accessed via substandard roadways which may pose an impediment to emergency response vehicles - requires submission and City Council approval of a traffic impact analysis, the following elements shall be included:
- c) General Site Description. The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site, a description of the proposed land uses, the anticipated dates of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site.
- d) Proposed Capital Improvements. The traffic impact analysis shall identify any changes to the roadway network within one (1) mile of the site that are proposed by any government agency or other developer. This description shall include the above items as well as any proposed construction project that would alter the width or alignment of roadways affected by the proposed development.
- e) Determining Transportation Impacts:
 - 1. Trip Generation. The average weekday trip generation rates (trip ends), the average weekend trip generation rates (for uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (for uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or shall

be based upon data generated by actual field surveys of area uses compatible to the proposed use and approved by the City Engineer.

2. Trip Distribution. The distribution of trips to arterial and collector roadways within the study area, shall conform with accepted traffic engineering principles taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding existing and anticipated land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions identified.
3. Adequacy Determination. The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing service volume, and the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at a level of service "C" or above.
 - f) Intersection Analysis.
 1. Level of Service Analysis. For intersections within the roadway traffic impact analysis area, a level of service analysis shall be performed for all arterial to arterial, arterial to collector, and collector to collector intersections, and for any other pertinent intersections identified by the City Engineer. Also, level of service analysis will be required on all proposed site driveway locations for all nonresidential developments. The City may waive analysis of minor intersections and site driveway locations within the one-mile radius. The level of service analysis shall be based upon the highest hourly average a.m. or p.m. peak weekday volume or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes. The level of service analysis shall take into consideration the lane geometry, traffic volume, percentage of right-hand turns,

percentage of left-hand turns, percentage (and typical size) of trucks, intersection width, number of lanes, signal timing and progression, roadway grades, pedestrian and bicycle flows, school routes, number of accidents, and peak hour factor.

2. Adequacy Analysis. The intersections included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing intersections can accommodate the existing service volume, the service volume of the proposed development, and the service volume of approved but unbuilt developments holding valid, unexpired building permits at level of service C or above.
 3. Effect of Adequacy Determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area that would cause the roadway to fall below the level of service required hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:
 - (a) The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
 - (b) A reduction in the density or intensity of development;
 - (c) The dedication or construction of facilities needed to achieve the level of service required herein; or
 - (d) Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.
2. Impact Fees
[RESERVED]
 3. Parkland Dedication
 - a) Any person, firm, or corporation offering a preliminary or final plat for development of any area zoned and to be used for single-family, duplex, townhouse or multifamily residential purposes within the City shall include on such preliminary and final plat the dedication

of land for public park purposes. The location and size of public parks within the City shall be as approved by the City Council. That determination shall be based upon existing circumstances at the time.

- b) The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations and requirements of the Comprehensive Plan. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat, and shall be in accordance with the Zoning Ordinance, and subject to approval by City Council.
- c) The dedicated land required hereby shall be suitable and dedicated for park and recreational purposes only. Such land shall be free of floodplain and major utility easements, and shall be suitable for appropriate recreational and leisure activities. Lands occupied by major utility easements and transmission lines shall not be accepted. Areas having environmentally sensitive ecosystems, attractive views, topographical interest or unique natural features shall be preferred and encouraged for parkland dedication.
- d) All subdivisions involving five (5) or more dwelling units shall be subject to a dedication of five percent (5%) of the gross area of the subdivision to the public for use as parks, playgrounds, recreational areas, open spaces, or green areas. In cases where it appears that the property to be dedicated is not suitable for such purpose or purposes, the City Council may at its option, require the developer to deposit with the City of Josephine an amount of money equivalent in value to five percent (5%) of the gross area, after any adjustment as described in the previous subsection, of such proposed subdivision. In the event that the City Council elects to require the deposit of such monetary sum, the amount shall be calculated on the basis of the then current tax roll fair market value of the area included in such subdivision, immediately prior to the final platting and approval thereof by the City. In such cases, all monies derived from such sources shall be used by the City of Josephine either for the acquisition of additional park sites, open spaces, or green areas in said City, or for capital improvements to existing parks, open spaces or green areas, and no portion thereof may be used for maintenance to existing parks or for any other purpose.

H. Construction and Acceptance of Public Improvements

1. A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a floodplain.
2. Conditions Prior to Authorization. Prior to authorizing release of a site development permit, the City Engineer shall be satisfied that the following conditions have been met:
 - a) The preliminary plat has been approved by the City Council (and any conditions of such approval have been satisfied);
 - b) All required engineering documents are completed and approved by the City Engineer;
 - c) All necessary off-site easements and dedications required for City-maintained facilities and not shown on the plat must be conveyed solely to the City, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the appropriate fees for filing the documents at Collin/Hunt County's requirements, and the City's submission guidelines, as may be amended from time to time shall be returned to the City prior to approval and release of the engineering plans by the City Engineer;
 - d) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer, and at least one set of these plans shall remain on the jobsite at all times;
 - e) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City; and
 - f) All applicable fees must be paid to the City.
3. Withholding City Services and Improvements Until Acceptance.

The City will withhold all services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements such as retaining walls and grading and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the

approved engineering plans and to City standards, and until such public improvements are dedicated to and accepted by the City.

4. Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City. The approval by the City Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any street, public area, easement or park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.
5. The property owner shall maintain all required public improvements for a period of two (2) years following acceptance of the subdivision by the City and shall also provide a two-year maintenance bond (warranty) that all public improvements will be free from defects for a period of two (2) years following such acceptance by the City.
6. Guarantee of Public Improvements.
 - a) Property Owner's Guarantee. Before accepting the final plat of a subdivision located entirely or partially within the City's corporate limits or its extraterritorial jurisdiction, the City Council must be satisfied that all required public improvements have been (or will be) constructed in accordance with the approved engineering plans and with the requirements of this Ordinance as well as the City's Thoroughfare Plan, master plans for water and wastewater facilities, Design Manuals and Standard Construction Details and other applicable development ordinances.
 - b) Facilities Agreement and Guarantee.
 1. A developer shall be required to enter into an agreement with the City which shall govern his subdivision if there are pro rata payments, city participation in cost, escrow deposits or other future considerations, other nonstandard development regulations or if all public improvements required to be dedicated to the City will be not completed prior to acceptance of the final plat for filing, or filing the record plat, minor plat, or final plat in the county records. This agreement shall be based upon the requirements of this chapter; and shall provide the City with specific authority to complete the improvements required in the agreement in the event of default by the developer, and to recover the full legal costs of such measures. The City may subordinate its

facilities agreement to the prime lender if provided for in said agreement.

2. The facilities agreement shall be a legally binding agreement between the City and the developer specifying the individual and joint responsibilities of both the City and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this chapter is best served for each particular subdivision. The developer shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the City harmless against any claim arising out of the developer's subdivision of the property or any actions taken therein. In the event of a disagreement between the developer and the City or the City Engineer concerning stipulations of the facilities agreement, the City Council shall review said stipulations and make recommendation for resolving the disagreement. The developer shall have a continuing responsibility under this facilities agreement after the filing of the record plat, minor plat, or final plat until all facilities and improvements required under this facilities agreement have been completed. It is the Council's intent that the facilities agreement shall place the City in the same position that it would occupy had the required adequate public facilities been designed, constructed and accepted by the City prior to recording the plat for the subdivision in question. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the City Engineer may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any facilities agreement shall remain in force for all portions of the subdivision for which a release has not been executed.
3. The City Council may determine the duration of the facilities agreement. The City Council may also require the property owner to complete or dedicate some of the required public improvements prior to acceptance of the final plat, and to enter into a facilities agreement for completion of the remainder of the required improvements. The facilities

agreement shall also contain such other terms and conditions as are agreed to by the property owner and the City.

- c) Improvement Agreement Required for Oversize Reimbursement. The City shall require a facilities agreement pertaining to any public improvement for which the developer shall request reimbursement from the City for oversize costs. The City Council, as it deems appropriate, has the authority to authorize the approval of such agreement as meeting the requirements of the City, and the City shall not withhold approval as a means of avoiding compensation due under the terms of this Ordinance.
- d) Security. Whenever the City permits an applicant to enter into a facilities agreement, it shall require the applicant to provide sufficient security, covering the completion of the public improvements. The security shall be in the form of cash escrow or, where authorized by the City, a performance bond or an irrevocable letter of credit or other security acceptable to the City, as security for the promises contained in the improvement agreement. Security shall be in an amount equal to one hundred percent (100%) of the estimated cost of completion of the required public improvements and lot improvements. The issuer of any surety bond and irrevocable letter of credit shall be subject to the approval of the City.
 - 1. Performance Bond. If the City Council authorizes the applicant to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:
 - (a) All performance bonds must be in the forms acceptable to the City;
 - (b) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," as published in Circular 570, as may be amended, by the Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury;

- (c) All performance bonds must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act;
 - (d) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.
 - (e) If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business in [is] terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within twenty (20) calendar days thereafter, substitute another performance bond and surety, both of which must the foregoing requirements and be acceptable to the City.
- 2. Irrevocable Letter of Credit. If the City Council authorizes the applicant to post a letter of credit as security for its promises contained in the improvement agreement, the letter of credit shall:
 - (f) Be irrevocable;
 - (g) Be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two (2) successive one-year terms;
 - (h) Require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit; and
 - (i) Be issued by a financial institution that allows presentment in person by the City within the physical area covered by the North Central Texas Council of Governments.
- e) As portions of the public improvements are completed in accordance with the Design Manuals and Standard Construction Details and the approved engineering plans, the applicant may make written application to the City to reduce the amount of the original security. If the City is satisfied that such portion of the improvements has been completed in accordance with City standards, he or she may, but is not required to, cause the amount

of the security to be reduced by such amount that he or she deems appropriate, so that the remaining amount of the security adequately insures the completion of the remaining public improvements.

- f) The developer shall guarantee all public improvements free of defects for a two (2) year period from the date of acceptance of said improvements by the City. Upon acceptance by the City of all required public improvements, the City shall reimburse 100% of the security if the applicant is not in breach of the facilities agreement.

7. Escrow Policies and Procedures.

- a) Request for Escrow. Whenever this Ordinance requires a property owner to construct a street or thoroughfare, or other type of public improvement, the property owner may, if there exist unusual circumstances, such as a timing issue due to pending roadway improvements by another agency such as TxDOT or Collin/Hunt County, that would present undue hardships or that would impede public infrastructure coordination or timing, petition the City to construct the street or thoroughfare, usually at a later date, in exchange for deposit of escrow as established in this Section. If more than one street or thoroughfare must be constructed in order to meet adequacy requirements for roadways, as demonstrated by a traffic impact analysis, the City Engineer may prioritize roadways for which escrow is to be accepted and require the deposit of all funds attributable to the development in escrow accounts for one or more of such affected roadways. The City Council shall review the particular circumstances involved (a traffic impact analysis may be required to facilitate the City Council's deliberations on the matter), and shall determine, at its sole discretion, whether or not provision of escrow deposits will be acceptable in lieu of the property owner's construction of the street or thoroughfare with his or her development.
- b) Escrow Deposit With the City. Whenever the City shall agree to accept escrow deposits in lieu of construction by the owner of the property under this Ordinance, the property owner or developer shall deposit in escrow with the City an amount equal to one hundred twenty percent (120%) of the costs of design, construction, permits, reviews and approvals, inspections, insurance, payment and performance bonds, maintenance bonds, and any additional land acquisition costs. Such amount shall be paid prior to release of

the engineering plans by the City Engineer. The property owner and the property owner's transferees, successors and assigns shall be jointly and severally liable or responsible to the City for any and all costs related to the design and construction of the required roadway or public improvement that exceed the amount escrowed.

- c) Determination of Escrow Amount. The amount of the escrow shall be determined by using the maximum comparable turnkey bid price of construction of the improvements (including design, permits, reviews and approvals, inspections and any additional land acquisition that may be needed). Such determination of the escrow amount shall be made as of the time the escrow is due hereunder.
- d) Termination of Escrow. Escrows which have been placed with the City under this Section or in accordance with previously approved street improvement policies, and which have been held for a period of twenty (20) years from the date of such payment or agreement, in the event that the City has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall, upon written request, be returned to the current property owner, with any accrued interest. Such return does not remove any obligations of the property owner for construction of the required facilities if a building permit has not been issued on the subject lot or if a new application for a building permit is filed.
- e) Refund. If any street or highway for which escrow is deposited is constructed by a party other than the City, or is reconstructed by another governmental authority at no cost to the City, the escrowed funds and accrued interest shall be refunded to the current property owner or applicant who originally paid the escrow amount after completion and acceptance of the public improvements. In the event that a portion of the cost is borne by the City and the other portion of the cost by another party or governmental authority, the difference between the property owner's actual proportionate cost and the escrowed funds, including accrued interest, if any, shall be refunded after completion and acceptance of the improvements.
- f) Interest Limitation. If money is refunded within six (6) months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent (1%) less than the rate of actual earnings. Existing funds, collected for previous subdivision development such as Perimeter

Street funds, shall be refunded as stated above, principal and earned interest.

- g) An agreement and escrow of funds pursuant to this subsection shall meet and fulfill all of the requirements regarding a facilities agreement as set forth in this Ordinance.

8. Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the City, and shall maintain those temporary improvements for the period specified by the City. Prior to construction of any temporary facility or improvement, the applicant shall file with the City a separate facilities agreement and escrow or, where authorized, an irrevocable letter of credit, in an appropriate amount for temporary facilities, which agreement and escrow or letter of credit shall ensure that the temporary facilities will be properly constructed, maintained and timely removed.

9. Failure to Complete Improvements.

For plats for which no facilities agreement has been executed and no security has been posted, if the public improvements are not completed within the period specified by the City, the plat approvals shall be deemed to have expired. In those cases where a facilities agreement has been executed and security has been posted, and the required public improvements have not been installed within the terms of the agreement, the City may:

- a) Declare the agreement to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the agreement is declared to be in default;
- b) Suspend final plat approval until the public improvements are completed, and may record a document to that effect for the purpose of public notice;
- c) Obtain funds under the security and complete the public improvements itself or through a third party;
- d) Assign its right to receive funds under the security to any third party, including a subsequent owner of the subdivision for which public improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the public improvements on the property as reflected in a facilities agreement with the subsequent owner; or

e) Exercise any other rights or remedies available under the law.

10. Acceptance of Dedication Offers

Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City. The approval by the City Council of a preliminary or final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any street, public area, easement or park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

11. Maintenance and Guarantee of Public Improvements

The property owner shall maintain all required public improvements for a period of two (2) years following acceptance of the subdivision by the City, and shall also provide a two-year maintenance bond (warranty) that all public improvements will be free from defects for a period of two (2) years following such acceptance by the City.

12. Site Development Permit Required. A site development permit is required from the City prior to beginning any site development-related work in the City or its extraterritorial jurisdiction which affects erosion control, storm drainage, vegetation or tree removal, or a floodplain.

13. Preconstruction Conference. The City shall require that all contractors participating in the construction meet for a preconstruction conference to discuss the project prior to release of a grading permit and before any filling, excavation, clearing or removal of vegetation and trees that are larger than six (6) caliper inches in diameter. All contractors shall be familiar with and shall conform to applicable provisions of the City's landscape ordinance (Josephine Zoning Ordinance).

14. Conditions Prior to Authorization. Prior to authorizing release of a site development permit, the City Engineer shall be satisfied that the following conditions have been met:

- a) The preliminary plat has been approved by the City Council (and any conditions of such approval have been satisfied);
- b) All required engineering documents are completed and approved by the City Engineer;
- c) All necessary off-site easements and dedications required for City-maintained facilities and not shown on the plat must be conveyed solely to the City, such as by filing of a separate instrument, with the proper signatures affixed. The original of the documents and the

- appropriate fees for filing the documents at Collin/Hunt County's requirements, and the City's submission guidelines, as may be amended from time to time shall be returned to the City prior to approval and release of the engineering plans by the City Engineer;
- d) All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of release of the City Engineer, and at least one set of these plans shall remain on the jobsite at all times;
 - e) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City; and
 - f) All applicable fees must be paid to the City.
15. Environmental Controls in Place. All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineer's satisfaction, prior to commencement of construction on any property.
16. Inspection and Acceptance of Public Improvements.
- a) General Procedure. Construction inspection shall be supervised by the City Engineer. Construction shall be in accordance with the approved engineering plans and the Design Manuals and Standard Construction Details of the City of Josephine (and all other applicable codes and ordinances). Any change in design that is required during construction should be made by the licensed professional engineer whose seal and signature are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans, and if those revisions are noted on the plans or documents and signed and sealed by the subsequent engineer(s). All revisions shall be approved by the City Engineer. If the City Engineer finds, upon inspection, that any of the required public improvements have not been constructed in accordance with the City's standards and Design Manuals and Standard Construction Details, then the property owner shall be responsible for completing and correcting the deficiencies such that they are brought into conformance with the then applicable standards.
 - b) Letter of Satisfactory Completion.
 - 1. The City will not deem required public improvements satisfactorily completed until the applicant's engineer and

surveyor have certified to the City Engineer, through submission of detailed sealed “as-built,” or record, drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the City Engineer, and until all required public improvements have been completed. The “as-builts” shall also include a complete set of sealed record drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with the engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet an “as-built” stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer or surveyor shall also furnish the City with a copy of the approved final plat and the engineering plans, if prepared on a computer-aided design and drafting (CADD) system, in such a digital format (on disk) that is compatible with the City Engineer’s CADD system. When such requirements have been met to the City Engineer’s satisfaction, the City shall thereafter make a recommendation to the City Council for consideration of satisfactory completion of the public improvements. Once the City Council votes its approval of satisfactory completion, the City Engineer shall issue the Letter of Satisfactory Completion.

2. Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City for use and maintenance. The City Council may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond, irrevocable letter of credit or cash bond in the amount of one hundred twenty percent (120%) of the estimated cost of those remaining improvements for a length of time to be determined by the City Council. If the value of the remaining public improvements is greater than ten thousand dollars (\$10,000.00) and are not completed within

the determined length of time, the City will impose a penalty that equals ten percent (10%) of the performance bond, letter of credit, or cash bond. The obligation to complete the improvements remains with the developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than ten thousand dollars (\$10,000.00) in value, the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the City.

3. Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

c) **Deferral of Required Improvements.**

1. The City Council may, upon petition of the property owner and favorable recommendation of the City Engineer, defer at the time of plat approval, subject to appropriate conditions, the provision of any or all public improvements as, in its judgment, are not required in the immediate interests of the public health, safety and general welfare.
2. Whenever a petition to defer the construction of any public improvements required under this Ordinance is granted by the City Council, the property owner shall execute a facilities agreement in accordance with the preceding provisions in this chapter regarding facilities agreements.

d) **Issuance of Building Permits and Certificates of Occupancy.**

No building permit shall be issued for a lot, building site, building or use of a lot or building unless the lot or building site has been officially recorded by a final plat approved by the City Council, and unless all public improvements, as required by this Ordinance for final plat approval have been completed.

I. Property Owners or Homeowners Associations

1. **Applicability.**

An incorporated nonprofit property owners' or homeowners' association (hereafter referred to collectively as "Homeowners Association" or

“Association”) must be created when a subdivision contains either common open space or other improvements which are not intended to be dedicated to the City of Josephine for public use, such as private streets, a private recreation facility, landscaped entry features or other private amenities (all of which open spaces and improvements are hereafter referred to collectively as Common Areas). The Homeowners’ Association shall also be responsible for the maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares.

2. A Homeowners’ Association agreement consistent with State and other appropriate laws must be submitted to and approved by the City and made a part of the final plat documents.
 - a) The restrictive covenants - Covenants, Conditions and Restrictions (CCR) - and the Association documents including the Association’s articles of incorporation and bylaws shall be submitted to the City for review and approval along with the preliminary plat application, and shall be filed at Collin/Hunt County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of these Common Areas.
 - b) Said documents must, at a minimum, include provisions that allow, but do not require, the City to take over the maintenance of the Common Areas using Association funds if such action becomes necessary due to nonperformance or inaction by the Association or if the Association goes defunct. In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed Homeowners’ Association will function properly both during and after the time in which the developer is active in the subdivision.
 - c) The Homeowners’ Association’s restrictive covenants shall provide for continuous maintenance and control of the Common Areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds.
 - d) Provisions shall also be included which would in the event of default by the Homeowners’ Association:
 1. Grant the City all the rights of the Association to either file a lien on property within the subdivision or assess property owners within the subdivision for the costs of maintaining, repairing, replacing or making safe any Common Areas; and

2. In the sole discretion of the City convey the ownership of the private streets (if any) and all other Common Areas to the City either before or after exercising the City's rights under number (1) above. Said provisions shall also authorize the City upon taking ownership of the Common Areas to remove any improvements or amenities from the Common Areas and sell any buildable land area as residential lots to recoup the City's expenses for maintenance or demolition of the improvements. Any money that remains after the City has recovered all of its expenses shall be retained for future maintenance or upgrading of the streets, Common Areas (if any remain), screening walls, or other improvements within the subdivision.
 - e) These provisions are not intended to allow the City to profit in any way from taking over the Association's responsibilities or funds; they are only intended to allow the City to recoup its actual incurred expenses such that the general public, the taxpayers of the City, do not have to bear these costs.
3. Membership. Homeowners' Association shall be an incorporated nonprofit organization operating under recorded land agreements through which:
 - a) Each lot owner within the described land area is automatically a mandatory member of the Homeowners' Association and such membership shall run with the title to each lot; and
 - b) Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners Association's activities, such as maintenance of Common Areas, or the provision and upkeep of Common Areas.
 - c) That is, membership in the Homeowners' Association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.
4. The Homeowners' Association shall provide and maintain an address and telephone contact with the City Secretary's office of the City of Josephine.
5. Legal Requirements. In order to assure the establishment of a proper Homeowners' Association, including its financing, and the rights and

responsibilities of the property or homeowners in relation to the use, management and ownership of Common Areas, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

- a) Legally create an automatic membership, nonprofit Homeowners' Association;
 - b) Save the title to the Common Area properties for the benefit of the Homeowners' Association and express a definite undertaking by the developer to convey the Common Areas to the Homeowners' Association;
 - c) Tie the covenants and Homeowners' use provisions to the plat so that collection of fees and denying use is legally supportable.[:]
 - d) Appropriately limit the uses of the Common Areas;
 - e) Give each lot owner the right to the use and enjoyment of the Common Areas;
 - f) Place responsibility for operation and maintenance of the Common Areas in the Homeowners' Association in perpetuity;
 - g) Place an Association charge on each lot in a manner which will both assure sufficient Association funds and which will provide adequate safeguards for the lot owners against undesirable high charges;
 - h) Establish each lot owner's obligation to pay assessments for the maintenance and operation of the Common Areas;
 - i) Give each lot owner voting rights in the Association; and
 - j) Must identify land area within the Association's jurisdiction including but not limited to the following:
 - 1. Property to be transferred to public agencies;
 - 2. The individual residential lots;
 - 3. The Common Areas to be transferred by the developer to the Homeowners' Association; and
 - 4. Other parcels.
6. Any governmental authority or agency, including, but not limited to, the City and the County, their agents, and employees, shall have the right of immediate access to the Common Areas at all times if necessary for the preservation of public health, safety and welfare. Should the Homeowners' Association fail to maintain the Common Areas to City specifications for an

unreasonable time, not to exceed ninety (90) days after written request to do so, then the City shall have the same right, power and authority to enforce the Association's rules and to levy assessments necessary to maintain the Common Areas. The City may elect to exercise the rights and powers of the Homeowners' Association or its Board, or to take any action required and levy any assessment that the Homeowners Association might have taken, either in the name of the Homeowners' Association or otherwise, to cover the cost of maintenance (or the possible demolition, if such becomes necessary to preserve public safety or to ease maintenance burden) of any Common Areas.

7. Protective Covenants. Protective covenants shall be developed which, among other things, shall make the Homeowners' Association responsible for:
 - a) The maintenance and operation of all Common Areas;
 - b) The enforcement of all other covenants;
 - c) The administration of architectural controls (optional); and
 - d) Certain specified exterior maintenance of exterior improvements of individual properties (optional). The City is not responsible for enforcing protective covenants or deed restrictions.
8. The City may require the Association to provide ongoing reporting of budgetary actions, financial reports, and collection activity on homeowners' assessments. Should the funding of the Common Areas maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.
9. The Association may not be dissolved without the prior written consent of the City Council.
10. No portion of the Association documents pertaining to the maintenance of private streets and alleys or other Common Areas, and assessments therefore, may be amended without the written consent of the City Council.

J. Annexation and Extraterritorial Jurisdiction Procedures

All annexation and disannexation processes will be conducted in accordance with the Texas Local Government Code, Chapter 43, and any future amendments or updates to this chapter. Compliance with Chapter 43 guarantees that the interests of both the municipality and the affected property owners are fairly considered and that the processes remain transparent, equitable, and in line with the latest legislative changes.

K. Variances and Special Exceptions

1. The Zoning Board of Adjustment shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:
 - a) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
 - b) Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the Board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the Comprehensive Plan as established by this ordinance and at the same time, the surrounding property will be properly protected.
 - c) The Board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the Building Inspector in the enforcement of this ordinance. Except as otherwise provided herein, the Board shall have, in addition, the following specific powers:

1. To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the Master Plan and present no conflict or nuisance to adjacent properties.
 2. To permit a public utility or public service building or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 3. To 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 ordinance.
 4. To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than fifty percent (50%) of its fair market value, where the Board finds some compelling necessity requiring a continuance of the nonconforming use.
 5. To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) 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.
- d) 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 ordinance would deprive the applicant of rights commonly enjoyed by

other properties in the same district under the terms of this ordinance;

3. That the special conditions and circumstances do not result from the actions of the applicant; d) that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and e) no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
2. Limitation on Reapplications: When the Board has denied a proposal, no new applications of similar nature shall be accepted by the Board or scheduled for twelve (12) months after the date of Board denial.
3. Applications which have been withdrawn at or before the Board meeting may be resubmitted at any time for hearing before the Board.

L. Appeals

1. Procedure. Appeals may be taken to and before the Zoning Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau in the city. Such appeal shall be made by filing in the office of the City Secretary a notice of appeal and specifying the grounds thereof. The office or department from which the appeal is taken shall forthwith transmit to the Board all of the papers constituting the record from which the action appealed was taken.
2. Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector shall certify to the Zoning Board of Adjustment that, by reason of facts in the certificate, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of equity, after notice to the office from whom the appeal was taken.
3. Notice of Hearing on Appeal. The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall mail notices of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation is desired, and to all other persons deemed by the Board to be affected thereby, such owners and persons being determined according to

the current tax rolls of the City. Depositing of such written notice in the mail shall be deemed sufficient compliance therewith.

4. Decision by Board. The Board shall decide the appeal within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney. The Board may reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all powers of the officer or department from whom the appeal is taken.

M. Vested Rights and Rights of Continued Use

All applications for plat approval, including final plats, that are pending on the effective date of this Ordinance and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this Ordinance. Notwithstanding the foregoing, a property owner may opt, at the owner's sole discretion, that such a plat be reviewed under this Ordinance.

IV. Zoning

A. Zoning Provisions

1. Compliance with Zoning Regulations
 - a) Compliance with Zoning Regulations Required. All land, buildings, structures, or appurtenances thereon located within the City of Josephine 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) Building Permits Prohibited Without Plat. 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 the county or counties in which the plot or tract is located.
 - c) Exclusions. Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this ordinance, provided the entire building is completed within one (1) year from the date of passage of this ordinance.
 - d) One Main Building on a Lot or Tract. Only one main building for one-family or two-family use with permitted accessory buildings may be located upon a lot or tract. Every dwelling shall face or front upon a public street or approved place other than an alley, which street or approved place shall have a minimum width of twenty-five (25) feet. (Where a lot is used for retail and 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.)
 - e) 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 dwelling or other use.

2. Zoning Districts Established

The City of Josephine, Texas, is hereby divided into zoning districts as follows:

1. Agricultural District
2. Single Family Residential District – Estate
3. Single Family Residential District – 1
4. Single Family Residential District – 2
5. Two Family Residential (Duplex) District
6. Manufactured Home District
7. Multifamily District
8. Central Commercial Business Other Than Retail
9. Retail
10. Manufacturing/Industrial District – Light
11. Planned Development District

3. Regulations in Areas Temporarily Classified as A – Agricultural District:

- a) No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Josephine without first applying for and obtaining a building permit or certificate of occupancy from the building official or the City Council, as may be required.
- b) While an area is temporarily zoned A - Agricultural District, no permit for the construction of a building or use of the land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the A - Agricultural District.

B. Zoning Map

1. Zoning District Boundaries Delineated on Zoning District Map. The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the City of Josephine, Texas, said map being hereby adopted as part of this ordinance as fully as if the same were set forth herein in detail.
2. Regulations for Maintaining Zoning District Map. Two (2) original, official, and identical copies of the Zoning District Map are hereby adopted

bearing the signature of the Mayor and attestation of the City Secretary and shall be filed and maintained as follows:

- a) One copy shall be filed with the City Secretary, to be retained as the original record and shall not be changed in any manner.
 - b) One copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments by ordinance for observation in issuing building permits and for enforcing the Zoning Ordinance. A written record (logbook) shall be kept by the Building Official of all changes made to the Zoning District Map.
3. Rules for Determining District Boundaries. The district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:
- a) Boundaries indicated as approximately following streets, highways, or alleys shall be construed to follow the centerline of such street, highway, or alley.
 - b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lines.
 - c) Boundaries indicated as approximately following city limits shall be construed as following city limits.
 - d) Boundaries indicated as following railroad or utility lines shall be construed to be the centerline of the right-of-way; 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 shall be so construed with parallel or extension distances not specifically indicated on the original Zoning Map to be determined by the graphic scale on the map.
 - f) Where physical features of the ground are at variance with information shown on the official zoning district map, or if there arises a question as to how a parcel of property is zoned and such question cannot be resolved by the application, or the zoning of property is invalidated by a final judgment of a court of competent jurisdiction, the property shall be considered as classified A - Agricultural District, temporarily. In an area determined to be temporarily classified as A - Agricultural District, no person shall

construct, add or to alter any building or structure or cause the same to be done, nor shall any use be located therein or on the land which is not permitted in an A - Agricultural District, unless and until such territory has been zoned to permit such use. It shall be the duty of the City Council to determine a permanent zoning for such area as soon as practicable.

C. Changes and Amendments to all Zoning Ordinances, Districts, and Administrative Procedures

1. 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:
 - a) To correct any error in the regulations or map.
 - b) To recognize changed or changing conditions or circumstances in a particular locality.
 - c) To recognize changes in technology, style of living, or manner of doing business.

D. Nonconformities

1. Uses in Existence at Time of Adoption of Ordinance. A nonconforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the Zoning Ordinance or amendment which created the non-conformity.
2. Expansion of Nonconforming Use Prohibited. No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this ordinance except to provide off-street loading or
3. Repairs/Normal Maintenance on Nonconforming Uses Permitted. Repairs and normal maintenance may be made to a nonconforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
4. Change of Nonconforming to Conforming Use. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.

5. Abandonment/Discontinuation of Nonconforming Use. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a nonconforming use for a period of six (6) months shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.
6. Accidental Destruction of Nonconforming Use. If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, act of God or other cause, it may not be rebuilt except to the provisions of this ordinance. In the case of partial destruction of a nonconforming use not exceeding sixty percent (60%) of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the City Council, but the size and function of the nonconforming use shall not be expanded.
7. Replacement of Nonconforming HUD-Code Manufactured Home. Notwithstanding any of the provisions of this section, a nonconforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

E. Base Zoning Districts

1. A- Agricultural District
 - a) General Purpose and Description. The Agricultural District is intended to apply to land situated on the fringe of an urban area, used for agricultural purposes, and which may become an urban area in the future. Therefore, the agricultural activities conducted in the 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. When land in an Agricultural District is needed for urban purposes, it is anticipated the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Comprehensive Plan.

- b) Permitted Uses. A building or premise shall be used only for the following purposes:
 - 1. Single-family dwellings on building lots of two (2) acres or more in areas where said dwellings can be adequately served by city utilities or septic tanks located on the building lot.
 - 2. Telephone exchange and utility service building, provided no public business and repair or outside storage facilities are maintained; gas lines; and gas regulating stations.
 - 3. Accessory buildings and structures clearly incidental to agricultural operations, including but not limited to barns, stables, equipment sheds, granaries, private garages, pump houses, and servant's quarters not for rent, provided that the total area of buildings and structures shall be limited to ten percent (10%) of the gross land area of tract.
 - 4. Temporary metal buildings of less than six hundred (600) square feet which are used for tool and supply storage.
 - 5. Riding academy or other equestrian related activities.
 - 6. Other uses as indicated in the Master Use Table.
 - c) Height and Area Regulations. See Master Dimension Table.
2. SF-E – Single-Family Residential District-Estate
- a) General Purpose and Description. The Single-Family Residential - Estate District is designed to accommodate single-family residential development on large lots with a minimum building site of 43,560 square feet. The district can be appropriately located in proximity to agricultural and standard single-family residential uses. Densities in this district may not exceed one (1) unit per gross acre.
 - b) Permitted Uses. As indicated in the Master Use Table.
 - c) Height and Area Regulations. See Master Dimension Table.
 - d) Parking Requirements. As indicated in the parking standards of the UDC.
3. SF-1 – Single-Family Residential District – 1
- a) General Purpose and Description. The Single-Family Residential District - 1 is designed to accommodate the standard single-family residential development with a minimum of 9,000 square feet. The district can be appropriately located in proximity to multifamily

residential areas and certain neighborhood local retail and office uses. Densities in this district will not usually exceed four (4) units per gross acre.

- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Parking Requirements. As indicated in the parking standards of the UDC.

4. SF-2 – Single-Family Residential District – 2

- a) General Purpose and Description. The Single-Family Residential District - 2 is intended to provide for medium density single-family residential development with a minimum of 7,200 square feet. This district functions as a buffer or transition between major streets, nonresidential areas and lower density residential areas. Density in this district will range between four (4) and six (6) units per gross acre.
- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Parking Requirements. As indicated in the parking standards of the UDC.

5. TF – Two-Family Residential (Duplex) District

- a) General Purpose and Description. The purpose of the Two-Family Residential (Duplex) District is to promote stable, quality residential development including duplex, garden (patio) home, and similar residential development with densities ranging from four (4) to seven (7) units per gross acre. The minimum building site shall be 6,000 square feet. Consistent with the city's Comprehensive Plan, this district may be used as a "buffer" district between low density and high density districts or between residential and nonresidential districts.
- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Parking Requirements. As indicated in the parking standards of the UDC.

6. MH-1 – Manufactured Home District

- a) General Purpose and Description. The Manufactured Home District is intended to provide for quality manufactured and mobile home

subdivision development containing many of the characteristics and the atmosphere of a standard single-family subdivision. Densities in this district will be comparable to that of the SF-2 District.

- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Parking Requirements. As indicated in the parking standards of the UDC.
- e) Additional Restrictions Applicable to MH-1 District
 - 1. Manufactured housing design and construction will comply with construction and safety standards published by the Department of Housing and Urban Development pursuant to the requirements of the National Mobile Home and Safety Standards Act of 1974 and all manufactured homes will be subject to inspection by the Building Official.
 - 2. All manufactured homes shall be set on solid slab structure and/or 18" to 20" runners. Additional rooms and enclosed porches shall be constructed on a solid slab.
 - 3. Tie-downs will be required and will be secured prior to occupancy.
 - 4. Underpinning and skirting of like material and color or better is required and will be installed prior to occupancy.
 - 5. Accessory buildings will be either manufactured or constructed in accordance with city codes.
 - 6. All manufactured homes and modular homes shall comply with all regulations of the State of Texas and such regulations are hereby incorporated into this section.

7. MF- Multifamily District

- a) General Purpose and Description. The Multifamily Residential District is intended to provide for medium to higher density residential development. This district functions as a buffer or transition between major streets, nonresidential areas, or higher density residential areas and lower density residential areas. Density in this district shall not exceed fifteen (15) units per gross acre unless special fire protection requirements are observed. With special fire protection requirements densities up to twenty-five (25) units per gross acre may be approved.
- b) Permitted Uses. As indicated in the Master Use Table.

- c) Height and Area Regulations. See Master Dimension Table.
 - d) Parking Requirements. As indicated in the parking standards of the UDC.
 - e) Refuse Facilities. 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. At all times there shall be available 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. 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. Refuse containers shall be provided and maintained in a manner to satisfy city public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies.
 - f) Screening / Fencing. Border fencing of wood or masonry of not less than six (6) feet in height shall be installed by the builder at the time of construction of any multifamily complex, along the property line on any perimeter not abutting a public street or right-of-way. This fence shall be maintained throughout the existence of the multifamily complex by the owner of the complex.
 - g) Special Density Exception: Fire Protection Requirements. Whenever densities of greater than fifteen (15) units per acre but not to exceed twenty-five (25) units per acre are present, each building in the development shall, at the time of the construction and thereafter, be operated in accordance with currently applicable building and fire safety codes.
8. LR- Local Retail
- a) General Purpose, Definition and Description. Local Retail includes retail businesses offering all types of consumer goods for sale, not elsewhere classified in this ordinance, but excluding the display, storage and sale of goods outside the building.
 - b) Retail Business Standards.
 - 1. The retail business shall be conducted wholly within an enclosed building. Exceptions may apply for restaurants with

outdoor dining entirely contained on the side and adhering to setback requirements;

2. Required yards shall not be used for the display, sale, or storage of merchandise or for the storage of vehicles, equipment, containers, or waste material;
3. All merchandise shall be sold at retail on the premises;
4. Such use shall not, because it generates odor, excessive light, smoke, dust, noise, vibration, or similar nuisance, be objectionable to neighboring owners or occupants.

- c) Permitted Uses. As indicated in the Master Use Table.
- d) Height and Area Regulations. See Master Dimension Table.
- e) Parking Requirements. As indicated in the parking standards of the UDC.

9. C- General Commercial Business

- a) General Purpose and Description. General Commercial is intended to allow specific businesses that address the regular needs of the community and is not generally carried on completely within a building or structure and included an expanded range of services. Uses are not generally carried on completely within a building or structure and may require considerable space for display, sales, or open storage.
- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Parking Requirements. As indicated in the parking standards of the UDC.

10. M-1 - Manufacturing/Industrial District – Light

- a) General Purpose and Description. The Light Manufacturing/Industrial District is established to accommodate those uses which are a non-nuisance type located in relative proximity to residential and C-1 business areas, and to preserve and protect land designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Development in the M-1 District is limited primarily to certain storage, wholesale, and industrial uses, such as the fabrication of materials, and specialized manufacturing

and research institutions, all of a non- nuisance type. No use or types of uses specifically limited to the M-2 District may be permitted in the M-1 District.

- b) Permitted Uses. As indicated in the Master Use Table.
- c) Height and Area Regulations. See Master Dimension Table.
- d) Uses permitted in the M-1 District are subject to the following conditions:
 - 1. All business, servicing, or processing, except for off-street loading, display or merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed areas.
 - 2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, 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 screening.
 - 3. Permitted uses in the M-1 District shall not disseminate dust, fumes, gas, noxious odor, smoke, glare, or other atmospheric influence.
 - 4. Permitted uses in the M-1 District shall produce no noise exceeding in intensity, at the boundary of the property, the average intensity of noise of street traffic.
 - 5. Permitted uses in the M-1 District shall not create fire hazards on surrounding property.
- e) Parking Requirements. As indicated in the parking standards of the UDC.

11. M-2 - Manufacturing/Industrial District – Heavy

- a) General Purpose and Description. The Heavy Manufacturing/Industrial District is established to accommodate most industrial uses and protect such areas from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes. Uses are likely to create noise, traffic, odor and/or other conditions incompatible with most residential and commercial uses.

- b) Uses permitted in the M-2 District are subject to the following conditions:
 - 1. All business, servicing, or processing, except for off-street parking, off-street loading, display of merchandise for sale to the public, and establishments of the “drive-in” type, shall be conducted within completely enclosed buildings unless otherwise indicated.
 - 2. All storage within one hundred (100) feet of a residential district, except for motor vehicles in operable condition, 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.
- c) All uses permitted in the M-2 district must meet the following performance standards and any appropriate city ordinances:
 - 1. Smoke: No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - 2. Particulate Matter: No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to emission of particulate matter;
 - 3. Dust, Odor, Gas, Fumes, Glare, or Vibration: No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;
 - 4. Radiation Hazards and Electrical Disturbances: No operation shall be conducted unless it conforms to the standards established by applicable federal health rules and regulations pertaining to radiation control;
 - 5. Noise. No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the

property line shall not exceed 75 db(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other city ordinances pertaining to noise; and

6. Water Pollution: No water pollution shall be emitted by manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate State and national health and environmental protection agencies prior to issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

- d) Parking Requirements. As indicated in the parking standards of the UDC.

F. Dimensional Standards

TABLE OF DIMENSIONAL STANDARDS								
Zoning District	Lot Dimensions				Building on Lot			Building
	Lot Size (min) (square feet)	Lot Width (min)	Lot Depth (min)	Lot Coverage (max)	Front Setback (min)	Side Setback (min)	Rear Setback (min)	Building Height (max)
A	87,120	100'	200'	10%	35'	15'	30'	35'
SF-E	43,560	100'	200'	10%	35'	15'	30'	35'
SF-1	9,000	75'	120'	35%	30'	15'	25'	35'
SF-2	7,200	60'	120'	40%	25'	10'	20'	35'
TF	6,000	50'	120'	60%	29'	10'	15'	35'
MF	A	70'	150'	50%	25'	15'	15'	35'
MH-1	A	B	B	B	B	15'	B	35'
LR	B	B	B	B	B	B	B	35'
C	B	B	B	B	B	B	B	35'
M-1	B	B	B	B	B	B	B	35'
M-2	B	B	B	B	B	B	B	35'
INTERPRETATION								
A	Total lot area shall not be less than 9,000 square feet for dwelling unit construction. For each dwelling unit over three (3) in number, no less than 1,500 square feet of additional lot area is required. A maximum of ten (10) units may be constructed per acre.							
B	None required except where nonresidential use abuts a residential lot, in which case the requirements shall be the same as the adjoining residential zone and shall comply with visibility and parking requirements as provided within ordinance.							

G. Master Use Table

1. RESIDENTIAL TYPE USES										
	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Boarding and rooming house						S			X	
Guest house	X	X	S	S	S					
Manufactured housing, HUD-code							X			
Manufactured home subdivision							X			
Motel, motor hotel, or motor lodge									X	
Multiple-family residence						X				
Residence hotel						X			S	
Retirement housing						X				
Servants or caretakers	S	S	S	S	S	S	S		S	S
Single-family dwelling, attached					X	X				
Single-family dwelling, detached	X	X	X	X	X	X	X		X	X
Townhouse or row dwelling					X	X				
Two-family dwelling					X	S				
Zero lot line house				S	X	X				

2. EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Athletic center	S								S	S
Child care center		S	S	S	S	S	S	S	S	
Church, rectory, place of worship	S	S	S	S	S	S	S		S	
Civic Center									X	X
College or University	S	S	S	S	S	S	S	S	S	S
Community center, public		S	S	S	S	S	S	S	X	X
Community center, private		S	S	S	S	S	S		X	X
Country club, private	X	S	S	S	S	S	S			X
Exhibition area	S								X	X
Fairgrounds	S								S	X
Farm, ranch, or orchard	X	S								S
Feedlot, livestock	S									
Fraternal organization, lodge, or civic club	X	S							X	X
Golf course	X	X	S	S	S	S	S		S	X
Golf driving range	X								S	X
Greenhouse, commercial	X	S							X	X

2. EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Greenhouse or plant nursery, noncommercial	X	X	X	X	X		X		X	X
Hospital (chronic long-term care)						S			X	X
Hospital (acute care)						X	S	S	X	X
Household care institution						X	S		X	X
Kennel (outside pens)	S								S	X
Kennel (no outside pens)	S								S	X
Library	S	S	S	S	S	S	S		X	X
Museum or art gallery	X	S	S	S	S	S	X	X	X	X
Nursery school, kindergarten		S	S	S	S	S	S		X	
Park, playground (public)	X	X	X	X	X	X	X		X	X
Park, playground (private)		S	S	S	S	S	S			
Prison, jail, place of incarceration	S								S	S
Racetrack	S									X
Rehabilitation care facility	S								S	S
Rehabilitation care institution	S								S	S
Rest home or nursing home									X	X

2. EDUCATIONAL, INSTITUTIONAL, AND SPECIAL USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Rodeo arena and grounds	S									S
School private/public (primary and/or secondary)	S	S	S	S	S	S	S		X	S
School, trade or commercial	S								X	X
Shooting range, target range, outdoor	S									
Shooting range, target range, indoor									S	S
Stable, commercial	X								S	
Stable, private	X	S								
Stadium or play field, public	S	S	S	S	S	S	S		X	X
Swimming pool, commercial		S	S	S	S	X			X	S
Swimming pool, private	X	X	X	X	X	X	X		S	S

3. TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Airport, landing field	S								S	S
Electric power generating plant	S									X
Electrical substation	S	S	S	S	S	S	S		X	X
Electrical transmission line	X	X	X	X	X	X	X		X	X
Gas metering station	X	S	S	S	S	S	S		S	X
Gas transmission line		X	X	X	X	X	X	X	X	X
Heliport or helistop	S								X	X
Liquefied petroleum gas, storage, sale (no bulk plants)	S								X	X
Local utility distribution lines	X	X	X	X	X	X	X	X	X	X
Public or private franchised utility	S	S	S	S	S	S	S	X	X	X
Radio, TV or microwave tower, amateur	S	S	S	S	S	S	S		X	X
Radio, TV or microwave tower, commercial	S								X	X
Railroad station									X	X
Railroad team track & right-of-way	X								X	X
Railroad track and right-of-way	X	X	X	X	X	X	X		X	X

3. TRANSPORTATION, UTILITY, AND COMMUNICATIONS USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Service yards of government agency	S								X	X
Sewage pumping station	X	X	X	X	X	X	X		X	X
Sewage treatment plant	S								X	X
Shops, office and/or storage area of public or private utility	S								X	X
Telephone exchange									X	X
Telephone line	X	X	X	X	X	X	X	X	X	X
Transit station or turnaround	X	X	X	X	X	X	X		X	X
Water pumping station or well	X	X	X	X	X	X	X		X	X
Water storage, elevated	X	X	X	X	X	X	X		X	X
Water storage ground	X	X	X	X	X	X	X		X	X
Water treatment plant	S								X	X

4. AUTOMOBILE AND RELATED SERVICE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Auto leasing									X	X
Auto paint and body shop									S	X
Auto parts sales (inside)								S	X	X
Auto repair (inside and outside)										X
Auto repair (inside only)									X	X
Automobile and trailer sales area, new									X	X
Automobile and trailer sales area, used									X	X
Automobile service station/repair									X	X
Auto storage										X
Bus terminal									X	X
Carwash									X	X
Motorcycle sales and service									X	X
Parking lot or parking garage, automobile									X	X
Parking lot or parking garage, truck										X
Quick oil change facility								S	X	X

4. AUTOMOBILE AND RELATED SERVICE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Quick tune-up facility								S	X	X
Tire dealer (no outside storage)								S	X	X
Tire dealer (with outside storage)									S	X
Truck and bus leasing										X
Truck and bus repair										X
Truck and motor freight terminal										X
Truck sales									X	X

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Air conditioning & refrigeration contractor									S	X
Amusement, commercial (indoor)									S	X
Amusement, commercial (outdoor)	S								S	X
Antique shop		S						X	X	X
Arcade									S	S
Arts, crafts store (inside sales)		S						X	X	X
Arts, crafts store (outdoor sales, limited)									X	X
Bakery and confectionery, retail sales only								X	X	
Bakery and confectionery, commercial								X	S	X
Bank, savings and loan, credit union								X	X	S
Boat sales and storage									X	X
Barber shop								X	X	
Barber school or college									X	X
Beauty culture school; cosmetology spec. shop									X	X
Beauty shop								X	X	

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Bldg. materials, hardware (inside storage)								S	X	X
Bldg. materials, hardware (outside storage)									X	X
Business service								X	X	X
Cabinet and upholstery shop									S	X
Cleaning and dyeing, small shop									S	X
Clinic, medical or dental								S	X	
Club, private									S	
Convenience store						S		X	X	S
Custom personal service shop								S	X	S
Discount, variety, or department store								X	X	S
Drapery, needlework, or weaving shop								X	X	X
Engine and motor repair									S	X
Farm equipment, sales & service	S								S	X
Feed and farm supply (inside sales/storage)	S								X	X
Flea market	S								S	S

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Florist								X	X	S
Food store; grocery store								X	X	X
Furniture, appliance store								X	X	X
Garden center (retail sales)	S							X	X	X
General merchandise store								X	X	X
Gymnastic or dance studio									X	X
Handcraft shop									X	S
Heavy machinery sales										X
Hotel, motel, motor hotel, or motor lodge									X	X
Household appliance service and repair								X	X	X
Laboratory, medical or dental									X	S
Laboratory, scientific or research									S	X
Laundry and cleaning, self-service						S			X	S
Laundry and cleaning, commercial								X	X	X
Metal dealer, crafted precious									X	S
Miscellaneous retail stores								X	S	S
Mortuary or funeral home									X	X

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Motel									X	X
Office (executive)									X	S
Office, prof. or general administrative									X	S
Office-showroom/warehouse									X	X
Pawnshop									S	S
Pet shop								S	X	
Medical supplies, sales & service									X	X
Newspaper printing									S	X
Pharmacy						S		X	X	X
Plumbing, heating, refriger. Or air cond. Business									X	X
Plumbing service									X	X
Portable building sales										X
Post office, government and private	X	X	X	X	X	X	X	X	X	X
Print shop									X	X
Racquetball facilities									X	X
Restaurant or cafeteria, without drive-in or drive-through service						S		S	X	X

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Restaurant, with drive-in service								S	X	X
Retail shops and stores other than listed								X	X	S
Secondhand store, furniture/clothing								X	X	X
Service, retail								S	X	
Shopping center								X	X	X
Storage, repair or [of] furn. & appliance (inside)									S	X
Storage, repair or [of] furn. & appliance (outside)										S
Studio (photographer, musician, artist)									X	X
Studio for radio and television									X	
Tanning salon									X	S
Tattoo parlor										S
Taxidermist										S
Theater (indoor)									X	X
Theater (outdoor)									S	S
Tool rental shop									X	X

5. OFFICE, RETAIL, COMMERCIAL, AND SERVICE TYPE USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Trailer, manufactured housing or mobile home display and sales							X		S	X
Trailer rental									S	X
Veterinarian clinic (no outside pens)									S	X
Veterinarian clinic (outside pens)									S	X

6. MANUFACTURING, STORAGE, AND WAREHOUSING USES

TYPE OF USE	ZONING DISTRICT									
	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Acetylene gas manufacture or storage	S									X
Advertising displays manufacture										X
Apparel and other products assembled from finished textiles										X
Boats, building or repair										X
Bookbinding, except hand binding										X
Bottling works										X
Brick, tile, pottery or terra-cotta manufacture, other than handcraft										S
Brooms or brushes, manufacture										X
Building materials (inside storage)									X	X
Building materials (outside storage)									X	X
Cameras or other photographic equipment									X	X
Candle manufacture									X	X
Carpet manufacture or cleaning										X
Celluloid manufacture or treatment										X
Ceramics, stone, glass, marble or porcelain products manufacture										X

6. MANUFACTURING, STORAGE, AND WAREHOUSING USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Cleaning and dyeing; dry cleaning plant										X
Concrete, asphalt batching plant (temp.)	X	X	X	X	X	X	X		X	X
Contractor's shop and storage yard (temporary)	X	X	X	X	X	X	X		X	X
Cosmetic manufacture										X
Creosote treatment										
Dairy projects processing, manufacturing	S									S
Drugs or pharmaceutical products manufacture									S	X
Dye stuff manufacture										S
Electrical appliances, supplies, and machinery, assemble or manufacture										X
Electronic products, assembly										X
Electronic products, manufacturing										X
Emery cloth and sandpaper manufacture										X
Farm supply sales (inside)	S								X	X
Farm supply sales (outside)	S									X

6. MANUFACTURING, STORAGE, AND WAREHOUSING USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Food products processing									S	S
Fur good manufacture (not including tanning or dyeing)										S
Furniture and upholstery manufacture										X
General commercial plant										S
General manufacturing										S
Glass products										X
Grain elevator	S									
Household appliance products assembly & manufacture from prefabricated parts										X
Ice production, dry or natural									S	X
Industrial park										X
Jute, hemp, sisal, or oakum projects manufacture										S
Laundry plant										X
Light manufacturing										X
Mattress manufacture or renovation										X
Meat processing/locker plant/frozen food products	S								S	X

6. MANUFACTURING, STORAGE, AND WAREHOUSING USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Metal fabrication									S	X
Mill (grain, flour, food products)	S									S
Musical instrument manufacture									S	X
Oilfield service										S
Oil, gas, other mineral extraction	X									X
Oilcloth or linoleum manufacture										S
Orthopedic or medical appliance manufacture										X
Petroleum products, sales (wholesale)	S								S	X
Pipe sales and supply									S	S
Pump sales, repair and maintenance									S	X
Self-storage; mini-warehouse	S								S	X
Sporting and athletic equipment manufacture										X
Steel fabrication										S
Storage/wholesale warehouse, light									S	X
Storage/wholesale warehouse, heavy										S

6. MANUFACTURING, STORAGE, AND WAREHOUSING USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Tools or hardware manufacture										X
Toys and novelty projects manufacture									S	X
Window shade, awnings, Venetian blind manufacture										X

7. ACCESSORY AND INCIDENTAL USES

	ZONING DISTRICT									
TYPE OF USE	A	SF-E	SF-1	SF-2	TF	MF	MH-1	LR	C	M-1
Accessory building to main use	X	X	X	X	X	X	X	X	X	X
Boat, boat trailer	X	X	X	X	X	X	X		X	X
Billboard, advertising										
Carport	X	X	X	X	X	X	X		X	X
Construction yard (temporary)	X	X	X	X	X	X	X		X	X
Home occupation	X	X	X	X	X	X	X			
Field or sales office	X	X	X	X	X	X	X		X	X
Garage, private	X	X	X	X	X	X	X	X		
Motor home storage; not to be used for living quarters	X	X	X	X	X	X	X			
Trailer; travel trailer; cattle trailer, etc., storage; not to be used for living quarters	X	X	X	X	X	X	X			

H. Supplemental Use Regulations

1. Child Care Centers
 - a) No portion of a childcare center site may be located within three hundred feet (300') of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive or highly combustible materials.
 - b) Childcare centers shall be located adjacent to a street having a pavement width of twenty-seven feet or greater.
 - c) Site plan approval by the Planning and Zoning Commission shall be required for all childcare center sites, whether or not a Specific Use Permit is required.
 - d) Childcare centers located within any single-family or two-family residential district shall be required to plat in multiples of the minimum lot width of the district classification requirements. The lot depth shall meet the minimum district requirements and must be platted in a configuration which can be converted into standard lots for residential development.
 - e) All childcare centers shall comply with the following standards:
 - f) All vehicular entrances and exits shall be clearly visible from the street.
 - g) All passenger loading and unloading areas shall be located so as to avoid safety hazards from vehicular traffic and adequate walkways shall be provided.
 - h) Outdoor play areas shall be provided at a rate of 65 square feet per child based on maximum design capacity of the center. This requirement may be waived by the Planning and Zoning Commission if the child care is provided for less than four (4) hours per day for an individual person.
 - i) 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 childcare facility premises and safely accessible without crossing, at-grade, any major or secondary thoroughfare.
 - j) No childcare center shall be part of a one-family or two-family dwelling.
2. Construction Yards, Field Offices, and Other Temporary Buildings.

Temporary permits for construction yards and field offices and special 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 other conditions considered to be a nuisance or hazard.

3. Radio, Television, and Microwave Towers.
 - a) No radio, television, or microwave tower shall be located within a distance equal to at least the height of such tower from any residential structure or from any area zoned residential, or shown as residential on the current Comprehensive Plan. Such distance shall be measured as the shortest possible distance in a straight line from the closest point of the tower to the closest point of such area or residence.
 - b) No commercial, radio, television, or microwave reflector antenna support structure shall be closed [closer] to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two (2) stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
 - c) The location of radio, television, or microwave reflectors, antennas, or support structures and associated foundations and any support wires shall be prohibited within any required front or side yard.
 - d) All commercial communication operations or radio, television, or microwave reflectors, antennas, or structures shall be prohibited in residential districts.
 - e) All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC) shall be prohibited.
4. Residence Hotels. Residential hotels shall be designed to allow for their potential conversion to multifamily residences and as such shall comply with all minimum standards set forth in Section 15. Residence hotels

constructed in the MF district shall comply with the MF district requirements. Open space shall be provided in sufficient quantity and locations to allow for required additional parking should the residence hotel convert to multifamily residences.

5. Multifamily Residence.

- a) Courts. Where an apartment building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court area for a distance greater than five (5) feet.
- b) Usable Open Space. Each lot or parcel of land which is used for multiple-family residences shall provide on the same lot or parcel of land usable open space (as defined in Section 34.2.101), in accordance with the table below:

Number of Bedrooms or Sleeping Rooms	Usable Open Space Requirement
1 or Less	600 sq. ft.
Each Additional Bedroom Over 1	300 sq. ft.

- c) In those instances where a parcel of land has been zoned for multifamily use with a Specific Use Permit or Planned Development classification and the permitted densities do not conform exactly with those permitted in the MF District, usable open space shall be provided in accordance with that required for the multifamily zoning district which most closely approximates the density permitted under the SUP or PD.
- d) In meeting this requirement, a credit of three (3) square feet may be applied for each square foot utilized for swimming pools and adjacent decks, patios, or lounge areas within ten (10) feet of a pool; developed and equipped children's play areas; and usable portions of recreational buildings. Tennis courts are specifically excluded from this increased credit allowance. At the time of site plan approval, the Planning and Zoning Commission and/or City Council may allow a credit not to exceed ten percent (10%) of the total required usable open space for adjacent and immediately accessible public parks. The combined credit for areas calculated at a three-to-one basis and for public parks shall not exceed fifty percent (50%) of the total usable open space for an individual lot or parcel of land.

- e) At the time of site plan approval, the City Council may give full or partial credit for open areas that exceed the maximum slope, if it is determined that such areas are environmental[ly] significant and that their preservation would enhance the development.
6. Service Stations. Gasoline service station pump islands may not be located nearer than eighteen (18) feet to the front property line. An unenclosed canopy for a gasoline filling station may extend beyond the front building line but shall not be closer than ten (10) feet to the property line.
7. 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 therefor. No building permit shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and State health department's regulations.
 - b) A swimming pool erected below ground or above ground with a depth of two (2) feet or greater may be constructed and operated when:
 - (1) The pool is not located in any required front or side yard abutting a street;
 - (2) A wall or fence, not less than six (6) feet in height, with self-enclosing and self-latching gates that are lockable 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 residence. 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 [from] 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.

8. Fences. See Fence Requirements in the City's Building Code.

I. PD - Planned Development District

1. General Purpose and Description. The Planned Development District "PD" prefix is intended to provide for combining and mixing uses allowed in various zoning 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 restriction which will allow development not otherwise permitted, procedures are established herein to insure against misuse of the increased flexibility.
2. Permitted Uses. Any use specified in the ordinance granting a Planned Development District shall be permitted in that 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.
3. Development Standards:
 - a) Development standards for each separate PD District shall be set forth in the ordinance granting the PD District and may include but shall not be limited to uses, density, lot area, lot width, lot depth, yard depths and widths, 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 may deem appropriate.
 - b) The Planned Development District shall conform to all other sections of the ordinance unless specifically exempted in the granting ordinance.

J. Overlay Districts

1. FP- Floodplain District
 - a) General Purpose and Description. The Floodplain District is designed to provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from

flooding portions of certain districts. Such areas are designated with a Floodplain Prefix, FP.

2. Permitted Uses. The permitted uses in that portion of any district having a Floodplain (FP) prefix shall be limited to the following:
- a) Agricultural activities including the ordinary cultivation or grazing of land and legal types of animal husbandry but excluding construction of barns or other outbuildings.
 - b) Off-street parking incidental to any adjacent main use permitted in the district.
 - c) Electrical substation.
 - d) All types of local utilities including those requiring specific use permits.
 - e) Parks, playgrounds, public golf courses (no structures), and other recreational areas.
 - f) Private open space as part of a Planned Residential Development.
 - g) Structures, installations, and facilities installed, operated, and maintained by public agencies for flood control purposes.
 - h) Bridle trail, bicycle, or nature trail.

V. Site Design

A. Driveways, Parking and Loading

1. Purpose.

To secure safety from fire, panic and other dangers; to lessen congestion in the streets; to facilitate the adequate provisions of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land, minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

2. Special Off-Street Parking Provisions - Residential Districts.

- a) Required off-street parking shall be provided on the same site as the use it serves.
- b) No parking shall be allowed except on a paved concrete or bituminous parking space surface.
- c) No parking structure, including garages, carports, or similar structures, shall be located within the required front, side, or rear yards of a lot or tract (Exception: Ten (10) feet from your property line where paved alleys are provided by developer).

3. Size of Space.

- a) Each standard off-street surface parking space shall measure not less than nine (9) feet by twenty (20) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street, right-of-way, or adjacent property, the length of the standard space may be reduced to eighteen (18) feet.
- b) Each small car off-street parking space shall measure not less than eight and- one-half (8.5) feet by sixteen (16) feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched, or grassed area other than a sidewalk, street right-of-way or adjacent property, the length of the small car space may be reduced to fifteen (15) feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.

- c) A maximum of fifty percent (50%) of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:
 - 1. Signage will identify the small car spaces; and
 - 2. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.
 - d) Each parking space (on-street or off-street) designed for parallel parking shall have a minimum dimension of eight (8) feet by twenty-two (22) feet.
 - e) Each standard parking space located in a parking garage shall measure not less than nine (9) feet by eighteen (18) feet, exclusive of access drives or aisles.
- 4. Parking Area Standards.
 - a) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties. For safety and firefighting purposes, free access through to adjacent parking areas shall be provided where practical.
 - b) Except for single-family and duplex uses, parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
 - c) Off-Street Parking Incidental to Main Use. Off-street parking shall be provided in accordance with the requirements specified by this ordinance and located on the lot or tract occupied by the main use or in accordance with Section 26.9 and located within the same zoning district as the main use.
- 5. Schedule of Parking Requirements Based on Use.
 - a) Off-street parking shall be provided in sufficient quantities to provide the following ratio of vehicle spaces for the uses specified in the districts designated. (Where a calculation results in requiring a fractional space, one additional space shall be required.)
 - b) Bank, savings and loan or similar financial establishment: One (1) space for each two hundred (200) square feet of total floor area.

- c) Business or professional office, studio, medical or dental clinic:
Three (3) parking spaces plus one (1) additional parking space for each two hundred (200) square feet of floor area over five hundred (500) feet.
- d) Church or other place of worship: One (1) parking space for each (4) seats in the main auditorium.
- e) Clinic of doctor's or dentist's office: One (1) space for each two hundred (200) square feet of total floor area.
- f) Community center, library, museum 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 as [on] the basis of one (1) space for each four (4) seats that it contains.
- g) College or university: One (1) space for each two (2) students, plus one (1) space for each classroom, laboratory or instruction area.
- h) Commercial Amusement (indoor):
 - 1. Bowling Alley - 6 spaces for each lane;
 - 2. Racquetball or handball courts - 4 spaces for each court;
 - 3. Indoor tennis courts - 6 spaces for each court;
 - 4. Gymnasium, skating rinks, and martial arts schools or areas - 1 space for each 3 seats at maximum seating capacity, plus 1 space for each two hundred (200) square feet;
 - 5. Swimming Pool - 1 space for each one hundred (100) square feet of gross water surface and deck area;
 - 6. Weightlifting or exercise areas - 1 space for each one hundred (100) square feet;
 - 7. Bingo Parlors - 1 space for 3 seats (design capacity) or 1 per one hundred (100) square feet of total floor area, whichever is greater;
 - 8. Indoor jogging or running tracks - 1 space for each one hundred (100) linear feet;
 - 9. All areas for subsidiary uses not listed above or in other parts of Section 26.6 (those uses such as restaurants, offices, etc., shall be calculated with the minimum specified

for those individual uses) - 1 space for each one thousand (1,000) square feet.

10. Other - 1 space for each three (3) persons accommodated (design capacity).
- i) Dance hall, assembly or exhibition hall (without fixed seats): One (1) parking space for each one hundred (100) square feet of floor area used thereof.
- j) Day nursery, day care, kindergarten school: One (1) space per ten (10) pupils/clients (design capacity).
- k) Dwellings, single-family attached or detached. Two (2) parking spaces for each dwelling unit.
- l) Dwellings, multifamily: One (1) parking space for each dwelling unit plus one-half (.5) space for each individual bedroom in all dwelling units.
- m) Flea market: One and one-half (1.5) spaces for each two hundred (200) square feet of floor area or market area.
- n) Fraternity, sorority or dormitory: One (1) parking space for each two (2) beds.
- o) Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service: Two (2) parking spaces plus one (1) additional parking space for each five hundred (500) square feet of floor area over one thousand (1,000) square feet.
- p) Gasoline service station: Minimum of thirty (30) spaces.
- q) Golf course: Minimum of thirty (30) spaces.
- r) Health care facility: One (1) space for each four (4) rooms or beds, whichever is greater.
- s) Hospital: One (1) space for each two (2) beds.
- t) Hotel or motel: One (1) parking space for each sleeping room, unit, or guest accommodation plus one (1) space for each three hundred (300) square feet of commercial floor area contained therein.
- u) Lodge, or fraternal organization: One and one-fourth (1.25) spaces per two hundred (200) square feet.
- v) Manufacturing, processing or repairing: One (1) parking space for each two (2) employees on the maximum working shift, plus space to accommodate all vehicles used in connection therewith, but not

less than one (1) parking space for each 1,000 square feet of floor area, whichever is greater.

- w) Massage establishment: One (1) space for each two hundred (200) square feet of floor area.
- x) Mini-warehouse: Four (4) spaces per complex plus one (1) space per five thousand (5,000) square feet of storage area.
- y) Mortuary or funeral home: One (1) parking space for each fifty (50) square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
- z) Motor vehicle salesrooms and used car lots: One (1) parking space for each five hundred (500) square feet of sales floor for indoor uses, or one (1) parking space for each one thousand (1,000) square feet of lot area for outdoor uses.
- aa) Office, general: One (1) space for each three hundred (300) square feet of total floor area.
- bb) Office, medical: (One (1) space for each one hundred seventy-five (175) square feet of floor area.
- cc) Office-showroom or office-warehouse: One (1) space for each one thousand (1,000) square feet of floor area for storage and warehousing, plus one (1) space for each one hundred (100) square feet of office, sales or display area.
- dd) Private club:
 - 1. If freestanding or located in a shopping center of 150,000 square feet or less, one (1) space for each ten (10) square feet of bar, lounge and waiting areas, plus one (1) space for each one hundred (100) square feet of remaining floor area.
 - 2. If located in a shopping center of greater than 150,000 square feet, one (1) space for each one hundred (100) square feet of gross floor area.
- ee) Private country club or golf club: One (1) parking space for each two hundred fifty (250) square feet of floor area or for every five (5) members, whichever is greater.
- ff) Recreational area or building (other than listed): One (1) space for each two (2) persons to be normally accommodated in the establishment.

- gg) Restaurant, cafeteria, cafe or similar establishment: One (1) parking space for every one hundred (100) square feet of floor area.
 - hh) Retail store or personal service establishment, except as otherwise specified herein: One (1) parking space for each two hundred (200) square feet of floor area.
 - ii) Sanitarium, convalescent home, home for the aged or similar institutions: One (1) parking space for each six (6) beds.
 - jj) School, elementary and middle: One (1) parking space for each five (5) seats in the auditorium or main assembly room; or one (1) space for each classroom plus ten (10) spaces, whichever is greater.
 - kk) School, secondary (grades 9 - 12): One (1) parking space for each four (4) seats in the main auditorium, or one (1) space for each classroom plus one (1) space for each two (2) students accommodated in the institution, whichever is greater.
 - ll) Shopping center: One (1) space for each two hundred (200) square feet of floor area. The total floor area used for restaurants and cafeterias (but not including private clubs) which exceeds ten percent (10%) of the shopping center floor area, shall require additional parking to be provided in accordance with the requirements for restaurants.
 - mm) Storage or warehousing: One (1) space for each two (2) employees, or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.
 - nn) Theater, auditorium (except school), meeting room, sports arena, stadium, gymnasium, or other places of public assembly: One (1) parking space for each four (4) seats or bench seating spaces.
 - oo) Vehicle repair garage: Three (3) spaces per service bay, plus one (1) space per employee (maximum shift), plus one (1) space per tow truck or other service vehicle.
6. Off-Street Parking Requirements for Uses Not Listed. For those uses which are not matched with a parking requirement in Section 26.6, the following standards shall apply:

	General Use Category	Parking Space Requirements
a.	Educational & Institutional	One space per employee
b.	Transportation, Utility & Communications Uses	One space per employee plus one space per stored vehicle
c.	Accessory & Incidental Uses	One space per employee
d.	Office & Professional Uses	One space per 300 square feet of gross floor area
e.	Automobile & Related Uses	One space per employee plus one space per stored vehicle
f.	Retail Uses	One space per 200 square feet of gross floor area
g.	Service Uses	One space per 200 square feet of gross floor area
h.	Wholesale Uses	Same as for "Storage or warehousing"
i.	Contract Construction Uses	One space per employee
j.	Commercial, Manufacturing, & Industrial Uses	Same as for "Manufacturing, processing, repairing"

7. Rules for Computing Number of Parking Spaces. In computing the number of parking spaces required for each of the uses in this Ordinance, the following rules shall govern:
- "Floor Area" shall mean the gross floor area of the specific use.
 - Where fractional spaces result, the parking spaces required shall be rounded to the nearest whole number.
 - The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
 - In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

8. Location of Parking Spaces. All parking spaces required herein shall be located on the same lot with the building or use served, except as follows:
 - a) Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not more than three hundred (300) feet from an institutional building served and not more than three hundred (300) feet from any other nonresidential building served.
 - b) Not more than fifty percent (50%) of the parking spaces required for theaters, bowling alleys, cafes, or similar uses and not more than eighty percent (80%) of the parking spaces required for a church or school auditorium or similar uses may be provided and used jointly by similar uses not normally open, used or operated during the same hours as those listed; provided, however, that written agreement thereto is properly executed and filed as specified below.
 - c) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the city and executed by the parties concerned, and shall be filed with the application for a building permit.
9. Use of Parking Spaces - All Zoning Districts. Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for storage or display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale.
10. Special Off-Street Parking Regulations.
 - a) In computing the parking requirements for any development, the total parking requirements shall be the sum of the specific parking space requirements for each use included in the development. Where multiple uses are proposed for a building, the parking requirements shall be calculated on the basis of the most restrictive requirements unless specific areas of different uses are delineated by floor or building segment.
 - b) Wherever a parking lot is located across the street from or adjacent to residentially zoned property, and is designed so that headlight

beams will shine into residences (whether or not such residences have been built at the time the parking lot is constructed), and [an] irrigated earthen berm or a solid masonry wall or reinforced concrete fence of not less than three (3) nor more than four (4) feet in height above the finished grade of the off-street parking area shall be erected and maintained so as to provide a headlight screen for the residential district.

- c) The off-street parking spaces designated for each apartment (multifamily) dwelling unit shall be located within one hundred (100) feet of the dwelling unit served by such spaces.
- d) In all residential districts, no heavy load vehicle, truck trailer, truck tractor, mobile home, motor home, camper, trailer, boat, machinery, farm equipment or machinery or any other similar equipment or machinery (called collectively "equipment") shall be parked or left standing for more than two (2) days out of any consecutive seven (7) day period within the required front yard or within the side yard of a corner lot between the side building line and side property line on the side of the lot abutting a street or public right-of-way.
- e) In no event shall equipment, including motor vehicles, trucks, and vans be parked or left standing at any time on a surface other than a paved or gravel driveway or paved parking lot. The driveway shall be located either:
 - 1. Between the street or alley on the one hand, and on the other a garage or carport;
 - 2. In the side yard adjacent to the main [main] building; or
 - 3. As a circular driveway serving the main entrance of the premises;
- f) The driveway shall be no wider than the width of the garage, carport (or 20 feet whichever is greater) or parking space which it serves. No more than fifty percent (50%) of the front yard shall be a driveway. In no event shall vehicles or equipment be parked or left standing closer than five (5) feet from the front property line.
- g) Parking spaces in non-residential districts shall be provided with sufficient space for entering and exiting without backing onto a public street. Parking spaces on the perimeter of the parking lot and abutting a property line shall have a wheel stop barrier two (2) feet from the end of the parking space.

11. Design Standards for Parking Structures.
 - a) In all districts, above-grade parking structures shall conform to height restrictions for zoning districts in which they are located.
 - b) The distance from parking structure entry and exit points to a corner of a street intersection shall conform to standards contained in the Subdivision Ordinance.
 - c) Ramps shall not be constructed with slopes exceeding fifteen percent (15%) and single lane entrances shall not be less than twelve (12) feet wide at the street.
 - d) A minimum of one (1) car length shall be provided between an exit control gate and the inside edge of a sidewalk to minimize conflicts between exiting cars and pedestrians.
 - e) Parking structure facades shall be left fifty percent (50%) open and interior light levels shall be maintained at ten (10) footcandles to enhance security and safety. All parking structure lighting shall be designed so as not to reflect or shine on adjacent properties.
 - f) Full enclosure of any level of a parking structure may be permitted only if such structure is fully sprinkled and mechanically ventilated.
12. Off-Street Loading.
 - a) All retail, commercial, and industrial structures shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a private service drive.
 - b) At least one-half of such loading spaces shall have a minimum dimension of ten (10) feet by forty (40) feet, and the remaining spaces shall have a minimum dimension of ten (10) feet by twenty (20) feet.
 - c) Where such loading space is located adjacent to a residential district, the space shall be enclosed on three (3) sides.
 - d) Loading spaces shall be provided in accordance with the following schedule:

e)

FOR ALL RETAIL, COMMERCIAL AND INDUSTRIAL USES	
Square Feet of Gross Floor Area in Structure	Square Feet of Gross Floor Area in Structure
Minimum Required Spaces or Berths	Minimum Required Spaces or Berths
0 to 10,000	0 to 10,000
None	None
10,000 to 50,000	10,000 to 50,000
1	1

FOR ALL HOTELS, OFFICE BUILDINGS, RESTAURANTS, SIMILAR ESTABLISHMENTS	
Feet of Gross Floor Area in Structure	Feet of Gross Floor Area in Structure
Minimum Required Spaces or Berths	Minimum Required Spaces or Berths
0 to 50,000	0 to 50,000
None	None
50,000 to 150,000	50,000 to 150,000
1	1
150,000 to 300,000	150,000 to 300,000

- f) Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one (1) motor vehicle for each ten (10) students or children cared for by the establishment.
- g) Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m., and is adjacent to a residential use or district, shall be designed and constructed so as to fully enclose the loading operation in order to reduce the effects of the noise of the operation on adjacent residences.
- h) Where adjacent to residential uses or district, off-street loading areas shall be screened from view of the residential use or district.

13. 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) For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces (from the right-of-way line).
- c) For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces (from the right-of-way line) shall be provided.
- d) For kiosks, a minimum of two (2) stacking spaces (from the right-of-way) for each service window shall be provided.

B. Accessory Uses, Structures and Amenities

1. Accessory Building Regulations

- a) Height. No accessory building shall exceed twenty-five (25) feet in height, nor shall it be greater in height than the main structure.
- b) Area Regulations for Accessory Buildings or Structures in Residential and Apartment Districts.
- c) Front Yard: Attached accessory buildings, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings shall be located in the area defined as the side yard or rear yard.
- d) Side Yard: There shall be a side yard not less than three (3) feet from any side lot line, alley line, or easement line.
- e) Rear Yard: There shall be a rear yard not less than three (3) feet from any lot line, alley line, or easement line. Carports, garages, or other accessory buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than ten (6) [sic] feet to the main building.

C. Screening and Landscaping Construction Regulations, Requirements and Design Criteria

1. Screening

- a) Where subdivisions are platted so that the rear or side yards of single-family or two-family residential lots are adjacent to an arterial

thoroughfare (greater than sixty feet (60') in right-of-way width on the Thoroughfare Plan); a four (4) lane collector street; are separated from a thoroughfare by an alley; or back up to a collector or residential street (which is not allowed unless specifically approved by City Council), the developer shall provide, at his or her sole expense, screening according to the following alternatives and standards. All screening including columns and decorative features shall be adjacent to the right-of-way and fully located on the private lot(s), within a separate lot or within a landscape easement assigned to the Homeowners' Association across several lots. All forms of screening shall conform to the requirements of City ordinances and policies that govern sight distance for traffic safety.

2. Screening Construction. Screening shall be provided in accordance with, and shall be constructed to, standards and criteria as set forth in the City's Design Manuals and Standard Construction Details and other related City code(s) and policy(s).
3. A maintenance easement at least five feet (5') in width shall be dedicated to the Homeowners' Association on the private lot side and adjacent to the screening wall or device.
4. The screening wall shall be installed prior to approval of the final plat and prior to final acceptance of the subdivision. Landscape materials may be installed before the subdivision is accepted, upon approval of the City Engineer.
5. All plants, such as trees, shrubs and ground covers, shall be maintained by the Homeowners' Association living and in sound, healthy, vigorous and growing condition. All plant beds shall be irrigated, with meters charged to the Homeowners' Association.
6. All masonry and steel screening wall plans and details must be designed and sealed by a Texas licensed professional engineer, and must be approved by the Building Official.
7. Required height of screening devices, including spans between columns, shall be a minimum of six feet (6') and shall be no more than eight feet (8') tall. Decorative columns, pilasters, stone caps, sculptural elements, and other features may exceed the maximum eight foot (8') height by up to two feet (2') for a total maximum height of ten feet (10') for these features, provided that such taller elements comprise no more than ten percent

(10%) of the total wall length in elevation view. Features that are taller than ten feet (10') in height shall require City Council approval.

8. Screening walls and devices shall not be constructed within any portion of a utility easement unless specifically authorized by the City and other applicable utility provider.

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VI. Subdivision Design

A. Lots

1. Lots shall conform to the minimum requirements of the established zoning district.
2. Each lot shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this Ordinance. Lot width and access shall conform to the provisions of the City of Josephine's Zoning Ordinance, Comprehensive Plan, and any other applicable City code or ordinance. Lot access onto highway, arterial and collector streets is subject to approval by the City Council, which may require a traffic study or other information prior to approval of the preliminary plat in order to fully study all access issues. In all cases, lots shall have a minimum of thirty feet (30') of frontage along a dedicated, improved street.
3. Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district, and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present. In general, triangular, severely elongated or tapered, flag or panhandle lots shall be avoided, and the City reserves the right to disapprove any such lot which, in its sole opinion, will not be suitable or desirable for the use intended.
4. Side lot lines shall be at ninety-degree angles or radial to street right-of-way lines to the greatest extent possible. The City reserves the right to disapprove any lot which, in its sole opinion, is shaped or oriented in such a fashion as to be unsuitable or undesirable for the use intended, or which is not attractively or appropriately oriented toward its street frontage.
5. Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials, or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided in accordance with this Ordinance. Residential lots shall not back

onto any residential street or collector street within a residential area or neighborhood.

B. Blocks

1. The length, width and shapes of blocks shall be determined with due regard to:
 - a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - b) Zoning requirements as to lot sizes, setbacks and dimensions.
 - c) Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site within the neighborhood.
2. Intersecting streets, which determine the lengths and widths of blocks, shall be provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length.
3. Where no existing subdivision or topographical constraints control, the block lengths shall not be less than three hundred feet (300') in length. However, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through the issuance of variances or waiver by the Planning and Zoning Commission and/or City Council upon recommendation of the City Engineer with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

C. Building Lines

Front and street side building lines shall be shown on a concept plan and on any type of plat for all lots, and shall be consistent with the Zoning Ordinance requirements for the district in which the development is located, if subject to the City's zoning regulations and with any other applicable City ordinance.

D. Easements

1. The minimum width for City easements shall be fifteen feet (15') or as otherwise required by the City Engineer. The minimum width for City drainage easements shall be as required by the City Engineer. The width of easements for other utility providers, such as for gas, electric, telephone

or cable television, shall be as required by that particular entity. It shall be the applicant's responsibility to determine appropriate easement widths required by other utility companies. Wherever possible, easements shall be centered on or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.

2. Where a subdivision is traversed by a watercourse, drainageway or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City. Single-loaded parallel streets or parkways may be required adjacent to certain portions of creek or drainageways to provide maintenance access and/ or public access to recreation areas. Other utilities may be permitted within the drainage easement only if approved by the City Engineer and any other applicable entity requiring the drainage easement.
3. No fences or other structures shall be located within a drainage easement.
4. Where alleys are not provided in a residential subdivision, a minimum fifteen foot (15') wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.
5. For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the City for a water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and its fire suppression and emergency medical service providers for access purposes; an electrical, gas or telephone easement, which is dedicated to the specific utility provider that requires the easement; and so on.

E. Monuments and Lot Markers

1. In all subdivisions and additions, monuments shall be established at the corner of each block in the subdivision consisting of an iron rod or pipe not less than five-eighths inch (5/8") in diameter and twenty-four inches (24") deep, and set six inches (6") below the ground surface. Lot corner monuments shall be placed at all lot corners except corners which are also block corners, consisting of iron rods or pipes of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep, and set flush with the top of the ground. In addition, all curve points in right-of-way lines shall be monumented by 5/8" diameter rods, twenty-four inches (24") deep, set six inches (6") below the ground surface. Each block corner monument shall include a cap with the surveyor's name and registration number attached to it. All block corners shall be installed prior to the final inspection of the subdivision by the City. Lot corners shall be installed prior to issuance of a building permit.
2. At least one corner of a subdivision that is being developed or redeveloped within the City's corporate limits or ETJ shall be tied to the City's approved vertical control monumentation. Details regarding the City's vertical control monumentation are contained in the Appendix and incorporated herein by reference for all purposes allowed by law. The Developer shall also establish two (2) permanent monuments per development (at points approved by the City Engineer) that shall be tied to the City's approved vertical control monumentation.

F. Streetlights

All street lighting shall be installed in conformance with the City's Zoning Ordinance. Mercury vapor luminaries shall not be accepted. All fixtures shall be hooded in a way that directs all lighting downward.

G. Entry Features

1. Subdivisions may provide a landscaped entryway feature at access points from streets and thoroughfares into the subdivision. The entryway feature shall be placed on private property and within an easement identified for such use. Entryway features shall observe all sight visibility requirements. All features or landscaping shall be located on private property so that long-term maintenance responsibility will be borne by the property owner or an approved Homeowners' Association. Entryway features that are located within City right-of-way shall only be allowed with City Council approval. Prior to City Council approval, the applicant will execute an

agreement with the City that relieves the City of maintenance responsibility and that indemnifies and holds the City harmless for damage or injury incurred by or in conjunction with such features in the right-of-way.

2. Design Requirements. The entryway feature shall include low maintenance, living landscaped materials as approved by the City. The design of the entryway feature shall also include an automatic underground irrigation system, and may also include subdivision identification, such as signage located on the wall. All plants shall be living and in a sound, healthy, vigorous and growing condition, and they shall be of a size, fullness and height that is customary for their container or ball size, as per the latest edition of the “American Standard for Nursery Stock,” by the American Association of Nurserymen, as may be amended. Any walls or structures used in the entryway feature must conform to the City’s regulations pertaining to maximum height within the front yard of residential lots (see the Zoning Ordinance) wherever the adjacent lot sides onto the arterial street and the wall will be located within the front yard setback area.
3. The design of the entryway shall be in accordance with design policies in the City’s Design Manuals and Standard Construction Details. The design of the entryway shall be reflected on the landscape and irrigation plans submitted along with the engineering plans and the preliminary plat, and shall be approved by the City.
4. The maintenance of the entryway shall be the responsibility of the applicant for a period of at least two (2) years or until building permits have been issued for ninety percent (90%) of the lots in the subdivision, whichever event is later. Following that period of time, maintenance responsibility shall be borne by the private property owner(s) upon whose lot(s) the entryway feature is located, or by an approved Homeowners Association. If, at some point in time, the maintenance responsibility shifts to the City, the City shall have the right to upgrade, reduce or eliminate entirely, at its sole option, the landscaping and other amenities in order to simplify or minimize the amount of time, effort and cost that maintenance of the entryway requires.
5. Landscaping. All landscaping shall conform with the City’s Zoning Ordinance, and as interpreted and approved by the City staff.
6. Signage. All signage shall conform with the City’s Sign Regulations.

H. Perimeter Streets and Utilities

1. When a proposed subdivision, whether residential or nonresidential, abuts on one or both sides of an existing substandard street, or on a planned or future road as shown on the Thoroughfare Plan, being substandard according to the then existing current Thoroughfare Plan, the developer shall be required to improve his or her pro-rata share of the existing on-site facility as that term is defined herein, including appurtenant sidewalks, screening and landscaping, storm drainage structures, water quality or erosion controls, and other on-site facilities, to bring the same to City standards, or to replace it with a standard City street as determined by the traffic impact analysis, if required, and at no cost to the City.
2. The developer's share of improvements to a substandard perimeter road shall be at least twenty-five feet (25') of pavement (including curb, if any), which is approximately equivalent to one-half (1/2) of a collector street width (i.e., two through traffic lanes), along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. If the subdivision is to be located on both sides of the roadway, at least twenty-five feet (25') of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis indicates that some other pavement width is necessary to achieve and maintain an acceptable level of service on the roadway. Design and construction of the roadway shall be in accordance with the City's Thoroughfare Plan (with respect to right-of-way width and general location), the Design Manuals, and with any other applicable City codes and ordinances. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the minimum twenty-five feet (25') width may be borne by the City, the County, the State or by some other entity to the extent that the cost of oversizing exceeds the subdivision's roughly proportionate impact. The City Council may, at its option, accept escrow funds in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction and improvement of the road will not harm or otherwise inconvenience neighboring property owners or the general public.
3. Streets which dead-end at power lines or similar rights-of-way or easements, and which are intended for future extension across these rights-of-way or easements, shall be constructed in the right-of-way or

easement for half the distance across the right-of-way or easement, and shall be further restricted as set forth in this Ordinance. As with any other dead- end street, a note shall be placed on the final plat clearly labeling the dead-end streets that will, at some point, be extended across the power line easement (or right-of-way), and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage size and lettering shall be in accordance with the City requirements.

I. Grading:

1. **Permit Required.** A grading permit is required for any clearing, grading, grubbing, filling, stockpiling, excavating, cutting or other earthwork. A Floodplain Development Permit may also be required.
2. Exemptions: The following activities do not require a grading permit:
 - a) The addition of topsoil or similar material spread over grassed areas in average depths of less than two (2) inches if the property is one-half (½) acre in size or less and the existing drainage pattern is not altered;
 - b) Soil disturbing activities, excluding tree removal, that are associated with normal agricultural crop cultivation on properties zoned for agricultural uses; and
 - c) Stockpiling and handling of earth materials associated with commercial quarry and landfill operations licensed by the State of Texas and on the same property as the operations.”

VII. Public Improvements

A. Generally

1. All aspects of the design and implementation of public improvements shall comply with the City's then current design standards and any other applicable City codes and ordinances, including preparation and submittal of engineering plans and construction inspection.
2. The construction of all of the improvements required in this Ordinance shall conform to the latest edition of the City's Design Manuals and Standard Construction Details, as may be amended, and to any other applicable City standards.
3. Wherever the subject property abuts adjoining undeveloped land or wherever required by the City to serve the public good, utilities shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners when such adjacent property is platted and/or developed.
4. Public improvements that are required by the City of Josephine for platting and land subdivision ~~the acceptance of the subdivision by the City~~ shall include, but are not limited to, the following:
 - a) Water and wastewater facilities;
 - b) Fire protection
 - c) Stormwater drainage, collection and conveyance facilities;
 - d) Water quality, erosion and sedimentation controls;
 - e) Streets;
 - f) Streetlights;
 - g) Street signs;
 - h) Alleys;
 - i) Sidewalks;
 - j) Perimeter screening and/or perimeter retaining walls;
 - k) Traffic-control devices required as part of the project;
 - l) Gas, Electric, Cable, Phone utilities installed; and
 - m) All appurtenances necessary to the above, and any other public facilities required as part of the proposed subdivision and/or plat.

5. Services for utilities shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.
6. Water and sanitary sewer installation required for final plat approval.
 - a) No final plat shall be approved for any subdivision within the City or its extraterritorial jurisdiction until the applicant has made adequate provision for a water system and a sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots within the area to be subdivided.
 - b) The design and construction of the water system and of the sanitary sewer system to serve the subdivision shall be in conformance with the City's master plans for water and wastewater facilities and with the City's Design Manuals and Standard Construction Details, and shall be approved by the City Engineer.
7. All applicable fees, including but not limited to water and sewer impact fees, roadway impact fees, park fees, pro rata payments, escrow funds for infrastructure, security and maintenance bonds are also required for acceptance of public improvements.

B. Transportation

1. Streets
 - a) The arrangement, character, extent, width, grade and location of all streets shall conform to the City of Josephine's Thoroughfare Plan as well as the Design Manual and Standard Construction Details, and shall be considered in their relation to existing and planned streets or driveways (whether within the City of Josephine, within its ETJ area, or within adjacent municipal or County areas), to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for improvements shall not be permitted in any subdivision unless such strips of land are required by the City in the public interest (such as to enhance public safety or other public interest). All streets shall be constructed in accordance with the City's Design Manual and Standard Construction Details.

2. Responsibility for Adequacy of Streets and Thoroughfares. The property owner shall assure that the subdivision is served by adequate streets and thoroughfares, and shall be responsible for the costs of all rights-of-way and street improvements adjacent to the development, in accordance with the following policies and standards, and subject to the City's cost participation policies on oversized facilities.
3. General Adequacy Policy. Every subdivision shall be served by improved streets and thoroughfares adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall; provide a safe, convenient and functional system for traffic circulation; shall be properly related to the City's Thoroughfare Plan, road classification system, Comprehensive Plan and any amendments thereto; and shall be appropriate for the particular traffic characteristics of each development.
4. Road Network. New subdivisions shall be supported by a road network having adequate capacity, ingress/egress, and safe and efficient traffic circulation. The adequacy of the road network for developments of one hundred (100) or more dwelling units, or for developments generating one thousand (1,000) or more "one-way" trips per day, or for developments involving collector or arterial streets not appearing on the City's adopted Thoroughfare Plan, or where deemed required by the City Engineer, shall be demonstrated by the preparation and submission, along with the concept plan or preliminary plat application, of a traffic impact analysis. The traffic impact analysis shall be prepared in accordance with this Ordinance. The traffic impact analysis shall take into consideration the need to accommodate traffic generated by the development, land to be developed in common ownership and other developed property. In the event that the property to be developed is intended as a phase in a larger development project, or constitutes a portion of the land to be ultimately developed, the City Council may require a demonstration of the adequacy of the road network pursuant to this Section for any or all additional phases or portions of the property as a condition of approval for the proposed concept plan or plat. In the event that the applicant submits a traffic impact analysis for an entire phased development project, the City may require an update of the study for later phases of the development. If the concept plan or plat conforms with the Thoroughfare Plan and if the concept plan or plat is for a development of less than one hundred (100) dwelling units or for a development generating less than one thousand (1,000) "one-way" trips per day, then a traffic impact analysis may be required at the discretion of the City Engineer.

5. Approach Roads and Access. All subdivisions must have at least two (2) points of vehicular access (primarily for emergency vehicles), which must be connected via improved roadways to the City's improved thoroughfare and street system by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of rights-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by a traffic impact analysis. "Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) improved roads accessing the subdivision from the City's improved thoroughfare system, and that the subdivision has at least two road entrances. The City Council may, in its sole discretion upon a finding that such will not compromise public safety or impede emergency access, accept a single median divided entrance from the City's improved thoroughfare system into a subdivision provided that the median extends into the subdivision to an intersecting internal street which provides at least two (2) routes to the interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision. The subdivision shall be designed to provide adequate emergency access for public safety vehicles. Each residential lot in the subdivision shall have a minimum frontage on a dedicated street as required by the applicable zoning ordinance or at least thirty (30') feet, whichever width is greater, unless other provisions have been authorized through planned development approval or the grant of a variance in accordance with Texas law.
6. Off-Site Improvements. Where a traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or related developments.
7. Street Dedications.
 - a) Dedication of Right-of-Way. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan, Design Manual and Standard Construction Details or other valid development plans approved by City Council. In the case of perimeter streets, at least one-half of the total required right-of-way

width for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided. In some instances, more than one-half of the required right-of-way width shall be required when a half street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the City Council.

- b) Perimeter Streets. Where an existing half-street is adjacent to a new subdivision or addition, the other one-half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the subdivision or addition.
- c) Slope Easements. The dedication of easements, in addition to dedicated right-of-way shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall be no steeper than three feet (3') horizontal run to one foot (1') vertical height, or a three-to-one (3:1) slope.

8. Private Streets

- a) Property Owners or Homeowners Association Required.

Subdivisions developed with private streets shall have a mandatory property owners association (the Association) which includes all property and lots served by the private streets in accordance with the requirements of this Ordinance. The Association shall own and be responsible for the maintenance of private streets and appurtenances. The Association shall provide for the payment of dues and assessments required to maintain the private streets. The Association documents shall be reviewed and approved by the City Attorney to ensure that they conform to these and other applicable City rules and regulations prior to final plat approval. The Association documents shall be filed of record at Collin/Hunt County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of private streets and all related appurtenances. The Association may not be dissolved without the prior written consent of the City Council. No portion of the Association documents pertaining to the maintenance of private streets and alleys, and assessments therefor, may be amended without the prior written consent of the City Council. The City will not assist in enforcing deed restrictions.

b) Private Street Lot.

Private streets must be constructed within a separate lot owned by the property owners association. This street must conform to the City's standards for public street rights-of-way. An access easement covering the street lot shall be granted to the City and its employees providing unrestricted access to and use of the private streets and private street lot in pursuit of their official duties. This right shall also extend to all utility providers operating within the City and to other necessary governmental service providers, such as the U.S. Postal Service. The access easement shall also permit the City to remove any vehicle or obstacle within the private street lot that may impair emergency access.

9. Street Construction. All streets and thoroughfares shall be constructed and paved to City standards and within rights-of-way as required by the Thoroughfare Plan and this Ordinance, and in accordance with the City's Thoroughfare Design Standards and any other Standard Construction Details or other applicable regulations as may be from time to time amended or adopted by the City Council.
10. Intersection Improvements and Traffic-control Devices shall be installed as warranted in accordance with the traffic impact analysis. Construction and design standards shall be in accordance with the City's Design Manual and Standard Construction Details.
11. Phased Development. Where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The schedule shall set forth the intended plan of development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Engineer shall determine whether the proposed phasing of any streets and street improvements are adequate pursuant to standards herein established, and may require that a traffic impact analysis be submitted for the entire project or such phases as the City determines to be necessary to adjudge whether the subdivision will be adequately served by the phased dedication and construction of such streets and thoroughfares.
12. Private Streets. Subdivisions having private streets may be established only under the terms set forth in this Section, and pursuant to any other ordinances or guidelines for private street developments as may be adopted for use by the City either as part of this Ordinance or as separate

ordinances or policies. All private streets shall be designed and constructed in accordance with the City's Design Manual and Standard Construction Details for publicly dedicated streets. The term "Private Street" shall be inclusive of alleys, if such are to be provided within the subdivision.

a) **Private Streets: Subdivision Eligibility Criteria.**

Private streets shall be permitted only within a subdivision satisfying each of the following criteria:

1. The subdivision shall have a sufficient number of lots and value to demonstrate through an approved economic analysis the viability of private maintenance by the development served;
2. The streets to be restricted to private use are not intended for regional or local through traffic circulation;
3. The subdivision is located in an area that is surrounded on three (3) sides, meaning at least seventy-five percent (75%) of the perimeter, by natural or manmade barriers, so as to be accessible from only a single direction of the compass;
4. The subdivision is located adjacent to an existing or approved public street that can be reasonably connected, even though the street connection may require the construction of a bridge or culvert; and
5. The subdivision shall have at least two (2) points of vehicular access connected via improved roadways to the City's improved thoroughfare and street system by one or more approach roads, as required herein above;
6. A mandatory property owners' (homeowners') association, which includes every owner of a lot within the private street development, shall be formed and shall be responsible for maintenance of the private streets and alleys;
7. The subdivision conforms to any other special guidelines for private street developments as may be approved separately by the City Council.

b) **Certain Streets Excluded.** Roads or streets that are shown on the City's Thoroughfare Plan, such as highways, major or minor thoroughfares or arterials, or collectors, shall not be used, maintained or constructed as private streets, and a private street subdivision shall not cross or interfere with an existing or future

collector or arterial street. Also, the Planning and Zoning Commission and City Council may deny the creation of any private street if, in their sole determination, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would cause possible delays in the response time of emergency vehicles.

- c) Parks, Greenbelts and Wildlife Preserves Excluded. A private street subdivision shall not cross or interfere with public access to an existing or future public pedestrian pathway, hike and bike trail, greenbelt, park or wildlife preserve as shown on the City of Josephine's Parks and Open Space Master Plan or as already dedicated for public use.
- d) Property Owners or Homeowners Association Required. Subdivisions developed with private streets shall have a mandatory property owners association (the Association) which includes all property and lots served by the private streets in accordance with the requirements of this Ordinance. The Association shall own and be responsible for the maintenance of private streets and appurtenances. The Association shall provide for the payment of dues and assessments required to maintain the private streets. The Association documents shall be reviewed and approved by the City Attorney to ensure that they conform to these and other applicable City rules and regulations prior to final plat approval. The Association documents shall be filed of record at Collin/Hunt County prior to final plat acceptance in order to ensure that there is an entity in place for long-term maintenance of private streets and all related appurtenances. The Association may not be dissolved without the prior written consent of the City Council. No portion of the Association documents pertaining to the maintenance of private streets and alleys, and assessments therefor, may be amended without the prior written consent of the City Council. The City will not assist in enforcing deed restrictions.
- e) Private Street Lot. Private streets must be constructed within a separate lot owned by the property owners association. This street must conform to the City's standards for public street rights-of-way. An access easement covering the street lot shall be granted to the City and its employees providing unrestricted access to and use of the private streets and private street lot in pursuit of their official

duties. This right shall also extend to all utility providers operating within the City and to other necessary governmental service providers, such as the U.S. Postal Service. The access easement shall also permit the City to remove any vehicle or obstacle within the private street lot that may impair emergency access.

- f) Construction and Maintenance Cost. The City shall not pay for any portion of the cost of constructing or maintaining a private street.
1. Reserve fund. The Association documents must establish a reserve fund for the maintenance of private streets and other improvements such as common greenbelts, security station structures and equipment, and other significant Association infrastructure. This reserve fund shall not be combined with any other Association fund. The balance of the fund shall be equal to the total replacement cost of the private streets and other improvements divided by the average life expectancy of those improvements times the age of the improvements. The life expectancy for a subdivision with concrete streets shall be a minimum of twenty (20) years.
 2. The Association shall have an annual review performed by a certified public accounting firm verifying the amount in the reserve fund. A copy of this review shall be provided to the City.
 3. Assessment for repairs. Assignment of Association lien rights. The Association declaration shall provide that should the Association fail to carry out its duties as specified in these regulations, the City or its lawful agents shall have the right and ability, after due notice to the Association, to perform the responsibilities of the Association if the Association fails to do so in compliance with any of the provisions of these regulations or of any applicable City Codes, regulations or agreements with the City and to assess the Association or the individual lot owners for all costs incurred by the City in performing said responsibilities if the Association fails to do so, and the City shall further have any and all liens and lien rights granted to the Association to enforce the assessments required by the declaration, and/or to avail itself of any other enforcement actions available to the City pursuant to state or City codes and regulations.

- g) Infrastructure and Utilities. Any public water, sewer and drainage facilities, streetlights, and traffic-control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to City standards, and shall be accepted by and dedicated to the City prior to filing the record plat for the subdivision. All private traffic-control devices and regulatory signs shall conform to the Texas Manual of Uniform Traffic-control Devices, as amended, and to City standards. The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as gang-box style metering stations, which shall not be permitted.
- h) Plans and Inspections. Development applications for subdivisions with private streets must include the same plans and engineering information required for public streets and utilities. City requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The City may periodically inspect private streets, and may require any repairs necessary to ensure efficient emergency access and to protect the public health, safety, convenience and welfare.
- i) Restricted Access. The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the City. Guard houses, access control gates, and cross arms, if used, shall be constructed per this Ordinance. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring City and emergency access to the subdivision, preferably with an Opticom-type system for emergency access, by the City and other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure City and emergency access into the subdivision shall be approved by the City Council and by all applicable emergency services providers prior to engineering release for construction of the development. If the Association fails to maintain reliable access as required herein, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the Association. The Association documents shall contain

provisions in conformity with this Section which may not be amended without the written consent of the City Council.

- j) Access-Restricted Entrance Design Standards. Any private street (and any other type of gated entrance) which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-seven feet (27') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must rise to a minimum of fourteen feet (14") in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the device. All gates and cross arms must be of a breakaway design. A minimum vehicle stacking distance of one hundred feet (100') shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point, which point is usually an access request keypad, a telephone, or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below. A paved turnaround space must be located in front of (i.e., prior to passage through) any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of sufficient pavement width and having such inside turning radius that it will accommodate smooth, single- motion U-turn movements by the types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street development including by way of reference and not limitation utility service vehicles, postal or UPS delivery trucks, and two- to three-axle flatbed or box-type trucks used by contractors and moving companies. The City Engineer may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry and/or exit roadway or on the adjacent public street(s). A site plan showing the design and location of all proposed access restricted entrances shall be submitted for review by the City Engineer along with the

engineering plans for the subdivision, and must be approved by the City Council along with approval of the preliminary plat.

- k) Waiver of Services. The subdivision final plat and record plat, property deeds and property owners association documents shall note that certain City services shall not be provided for private street subdivisions. Among the services that will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. Depending upon the characteristics of the development and upon the access limitations posed by the design of entrances into the subdivision, other services (such as sanitation) may not be provided, as well.
- l) Petition to Convert to Public Streets. The Association documents shall allow the Association to petition the City to accept private streets and any associated property as public streets and rights-of-way upon written notice to all Association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public streets. Should the City elect to accept the streets as public streets, then the City has the right to inspect the private streets and to determine the needed repairs prior to the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. Upon acceptance of the private streets as public streets the City may also require, at the Association's or the lot owners expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other roadway common area that are not consistent with a public street development. The Association documents shall provide for the City's right to such removal and assessment. Those portions of the Association documents pertaining to the subject matter contained in this Section shall not be amended without the written consent of the City Council. However, the Association documents must be modified and refiled to remove requirements specific to private street subdivisions at such time as the City accepts the private streets as public streets.
- m) Hold Harmless. The subdivision final plat and record plat shall contain language whereby the property owners' association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility for damages to the

private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of any use of the subdivision by the City or governmental or utility entity (such plat language is available from the City).

n) Required disclosures.

The Association documents shall address, but shall not be limited to, the following three subsections:

1. The Association documents must indicate that the streets within the development are private, owned and maintained by the property owners' association and that the City has no obligation to maintain or reconstruct the private streets.
2. The Association documents shall include a statement indicating that the City may, but is not obligated to, inspect private streets, and require repairs necessary to insure that the same are maintained to City standards.
3. The Association may not be dissolved without the prior written consent of the City.

13. Arrangement of Streets Not Shown on the Thoroughfare Plan. For streets that are not shown on the City's Thoroughfare Plan, such as local residential streets, the arrangement of such streets within a subdivision shall:

1. Provide for the continuation or appropriate projection of existing streets from or into surrounding areas, including at least two (2) points of access;
2. Conform to a special area plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical;
3. Provide for additional future access, such as by stubbing out streets for future extension to the outer boundary of the subdivision, to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
4. Not conflict in any way with existing or logically anticipated driveway openings.

14. Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, such as via circuitous routes or multiple turns or offsets, but such that access is provided to adjacent subdivisions. Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots and shall not occur within the street intersection itself. In other words, the right-of-way width shall be the same on both sides of any street intersection.
15. Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.
16. Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the City Council.
17. Street right-of-way widths shall be as shown on the Thoroughfare Plan and as defined by the corresponding roadway cross-sections in the Thoroughfare Plan and the City's Design Manual and Standard Construction Details.
18. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Ordinance and the Thoroughfare Plan, and where the City Council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The City Council may also find that it would be more practical, or cost effective, to delay construction of the other one-half (1/2) of a street until the adjoining property is developed.
19. If the property owner is responsible for one-half (1/2) of the street, then the property owner shall either construct the facility along with his or her development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances such as median openings, left-turn lanes into the development, sidewalks, drainage structures, etc.). Whenever a partial street has been previously platted along a common property line, the other portion of the street right-

of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width. Improvements shall be made to all on-site facilities as defined herein.

20. Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. In the case of dead-end streets, which will eventually be extended into the adjacent subdivision, no more than one lot (per side) can front onto the dead-end street stub unless a temporary turnaround bulb (with an off-site easement) is provided at the end. A temporary dead-end street shall not exceed the maximum allowed length of a normal cul-de-sac, and the temporary turnaround bulb must be constructed like a cul-de-sac, (the City Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or wing, portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later). A note shall be placed on the final plat clearly labeling any dead-end streets (if any) that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub, such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a twenty-foot (20') distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.
21. New streets that extend existing streets shall bear the names of the existing streets and shall be dedicated at equal or greater right-of-way widths than the existing streets, or as otherwise required by the City's Thoroughfare Development Plan and approved by the City Engineer.
22. Construction of New Streets. All new streets within a subdivision shall be constructed in accordance with paving widths and specifications as set forth in the Design Manual and Standard Construction Details of the City of Josephine at the time at which the preliminary plat application is officially submitted and deemed a complete application.
23. Points of Access. All subdivisions shall have at least two (2) points of access from improved public roadway. Driveway access onto roadways shall be provided and designed in accordance with the City's Design Manual and Construction Details that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.

24. Streets shall be constructed in accordance with the City's Design Manual and Standard Construction Details that are in effect at the time the preliminary plat application is officially submitted and deemed a complete application.
25. Sidewalks and trails
 - a) Pedestrian concrete walkways (sidewalks) not less than four feet (4') wide or as required by the Zoning Ordinance shall be required within all residential subdivisions on both sides of residential and collector streets. Sidewalks shall be installed prior to the issuance of a Certificate of Occupancy for each abutting development as set forth in the City of Josephine's Design Manual and Standard Construction Details. Sidewalks shall be constructed with the residential and nonresidential construction.
 - b) The cost and provision of any perimeter sidewalks, such as along major thoroughfares, may be escrowed as a part of a developer's agreement, if approved by the City. The City has the right, but not the obligation, to refuse escrow and to require paving of the sidewalks if, in the City's sole opinion, immediate provision of the sidewalks is necessary for safe pedestrian circulation or if it would otherwise protect the public health, safety or welfare.
 - c) As deemed appropriate by the City Engineer, sidewalks shall be constructed at time of development of subdivision, or the funds for such construction shall be escrowed to City and will be reimbursed to developer as sidewalks are constructed.
 - d) Notwithstanding the foregoing, sidewalks shall not be required in subdivisions with lot sizes at least one (1) acre or more in size.
26. Alleys
 - a) No alleys shall be required. If provided or constructed by the developer, alleys shall conform to the adopted Design Manual and Standard Construction Details.

C. Water and Wastewater Utilities

1. All new subdivisions shall be connected with an approved water system and shall be capable of providing water for health and emergency purposes, including fire protection. The design and construction of water system improvements shall comply with the following standards:

2. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
3. Design and construction of water service from the City shall be in accordance with the City's Manual for the Design of Water and Sanitary Sewer Lines and any other applicable City regulations or Construction Details Manual, and in accordance with TCEQ standards, whichever requirement is most stringent.
4. Design and construction of a fire protection system shall be in accordance with the City's Design Manual and Standard Construction Details, and in accordance with the fire department serving the site (i.e. the City or the County, as applicable).
5. All new subdivisions shall be required to connect to the City's wastewater system unless served by other means approved by the City Council. The design and construction of the wastewater system improvements shall comply with the following standards:
6. Design and construction of on-site waste disposal systems shall comply with applicable regulations of the TCEQ, applicable regulations of Collin/Hunt County, and with the applicable provisions of the City of Josephine Manual for the Design of Water and Sanitary Sewer Lines, whichever requirement is most stringent.
7. Design and construction of wastewater collection and treatment service from the City shall be in accordance with the standards in the City's Manual for the Design of Water and Sanitary Sewer Lines and any other applicable Standard Construction Details, and in accordance with TCEQ standards, whichever requirement is most stringent.
8. The subdivider shall be responsible for:
 - a) Phasing of development or improvements in order to maintain adequate water and wastewater services;
 - b) Extensions of utility lines to connect to existing utility services;
 - c) Providing or procuring all necessary easements for the utilities (whether on-site or off-site);
 - d) Providing proof to the City of adequate water and wastewater service;

- e) Providing provisions for future expansion of the utilities if such will be needed to serve future developments or lines larger than twelve inches (12");
 - f) Providing all operations and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
 - g) Providing all fiscal security required for the construction of the utilities;
 - h) Obtaining approvals from the applicable utility providers if other than the City; and
 - i) Complying with all requirements of the utility providers, including the City.
9. Extension of water and wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Council may waive the requirement for adjacent utility line construction at the time of preliminary plat approval and prior to construction of the subdivision.
10. Installation, operations and maintenance of utilities not specifically referenced herein shall comply with regulations of the TCEQ and with any other applicable State rules and regulations, whichever requirement is most stringent.

D. Wired Utilities

For purposes of this Section, the following meanings shall apply:

1. "Utility services" - The facilities of any person, firm or corporation providing electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not necessarily provided by the City of Josephine.
2. "Feeder line" or "feeder/lateral line" - High voltage supply electric lines that emanate from substations used to distribute power through an area to an unspecified number of customers.
3. "Lateral lines" - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.
4. "Service lines" - Those electric lines used to connect between the utility's supply system or lateral lines and the end user's meter box.
5. All subdivision plats and engineering plans submitted to the City of Josephine for approval shall provide for utility services such as electrical, gas, telephone and cable television utility lines, including lateral or service distribution lines, and wires to be placed underground. Feeder and other major transmission lines may remain overhead within the appropriate easements.
6. However, an applicant shall endeavor and, whenever practical, the City shall require that feeder lines are placed away from major or minor thoroughfares or arterials, as shown on the Thoroughfare Development Plan.
7. Whenever practical, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way. The location, size and type of all easements running over, across and through or otherwise serving the subdivision shall be identified on the final plat.
8. Verification of acceptance of easement locations and widths by the utilities shall be provided to the City, by the applicant, prior to final plat approval by the City Council, and all easements shall be reviewed by the utility companies and by the City Engineer (for those to the City) prior to granting final approval for any residential subdivision affected by this Section. The applicant shall also, prior to final plat approval, provide a Letter of Commitment from each utility provider, such as those providing electricity, gas, telephone and cable television, who will serve the development that

said utility providers will ensure the provision of necessary infrastructure and service to all portions of the proposed development prior to acceptance of the subdivision by the City. Failure to submit such Letters of Commitment from utility providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the development can be served by essential utility services.

9. Each of the utility companies shall be responsible for developing administrative policies, criteria for easement size, and cost reimbursement procedures for the installation and extension of their underground utilities. Nothing herein shall prohibit or restrict any utility company from recovering the difference in cost of overhead facilities and underground utilities from the property owner in accordance with the provisions of such utility's approved tariff. No utility company shall be required or permitted to begin construction of underground facilities unless and until the property owner or developer of the subdivision has made arrangements satisfactory to the specific utility company for the payment of such difference between the cost of overhead facilities and underground facilities, as approved by the City Engineer.
10. All electrical and telephone support equipment, including transformers, amplifiers and switching devices necessary for underground installations, shall be pad or ground-mounted, or shall be mounted underground and not overhead, unless the subdivision is served from perimeter overhead electrical facilities. Pad or ground-mounted utility equipment shall be completely screened from view of any public roadway and shall not be located within any required visibility area, such as at street intersections or corners or at driveway openings or within City right-of- way.
11. Temporary construction service may be provided by overhead electric lines and facilities without obtaining a variance or waiver or special exception, provided that when the underground utility service to any portion of a subdivision is completed, such overhead electric lines and facilities are promptly removed.
12. Nothing in this Section shall be construed to require any existing facilities in place prior to the effective date of this Ordinance to be placed underground.
13. The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in one or more centralized locations. "Gang-box" style metering stations shall not be permitted.

14. The locations, widths and configurations of easements for any utility service provider other than the City of Josephine shall be determined, approved and acquired (if necessary) by the developer or the applicable utility service provider.
15. Utilities along residential and collector streets shall be located in an alley or separate easements adjacent to the street rights-of-way.
16. Street crossings shall be installed contemporaneously with the construction of the street to avoid disruption or boring.
17. All utilities shall be installed before the City accepts any subdivision.

E. Drainage

1. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent stormwater retention, such as standing or pooling water, as determined by the City Engineer, will not be considered for development until adequate drainage has been provided.
2. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to this Ordinance. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Stormwater drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the City Engineer, and unless the necessary off-site drainage easement is procured on and across the affected property(s).
3. The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backyard and side yard drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

F. Storm Drainage and Water Quality Controls

1. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent stormwater retention, such as standing or pooling water, as determined by the City Engineer, will not be considered for development until adequate drainage has been provided.
2. The criteria for use in designing storm sewers, culverts, bridges, drainage channels, and drainage facilities shall conform to this Ordinance. In no case shall drainage areas be diverted artificially to adjacent properties or across roadways. Stormwater drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream property owner(s), unless specifically approved by the City Engineer, and unless the necessary off-site drainage easement is procured on and across the affected property(s).
3. The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of backyard and side yard drainage swales, at the eleventh month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

G. Park and Trail Design

1. Parkland shall be easily accessible to the public and open to public view so as to benefit area residents.
2. A proposed subdivision adjacent to a public park or open space area shall not be designed to restrict reasonable access or visibility into the park and shall not have lots backing to the parkland. Rather, the parkland shall be placed along a single loaded street.
3. Street connections between residential neighborhoods shall be provided, wherever possible, to provide reasonable access to parks and open space areas.

4. Proposed access and public availability, both physical and visual, of parkland shall be reviewed and approved by the City's Planning & Zoning Commission and by City Council.

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VIII. Environmental Design

A. Nonpoint Source Pollution Controls and Tree Protection.

All nonpoint source pollution controls, erosion controls, and tree protection measures and devices shall be in place, to the City Engineer's satisfaction, prior to commencement of construction on any property.

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IX. Appendices

A. Definitions

1. Accessory Building or Use: An accessory building or use is one which: (a) is subordinate to and serves a principal building or principal use; and (b) is subordinate in area, extent, or purpose to the principal building or principal use served; and (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served.
2. Addition. A lot, tract or parcel of land, lying within the City's corporate boundaries or extraterritorial jurisdiction, which is intended for the purpose of subdivision or development.
3. Administrative Officers. Any officer of the City of Josephine referred to in this Ordinance by title, including but not limited to the Manager or Administrator, City Attorney, City Secretary, City Planner, Building Official and City Engineer shall be the person so retained in that position by the City, or his or her duly authorized representative. This definition shall also include engineering, planning, legal and other consultants retained by the City to supplement or support existing City staff, as deemed appropriate by the City.
4. Air Conditioning and Refrigeration Contractor: A place from which a person performs design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in environmental air conditioning, commercial refrigeration, or process cooling or heating systems, under terms and conditions described in the Texas Air Conditioning and Refrigeration Contractor License Law, Vernon's Ann. Civ. St., art. 8861.
5. Airport, Landing Field: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers and/or freight.
6. Alley. A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the rear or sides of properties otherwise abutting on a street. The length of an alley segment is to be measured from the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts onto a street.

7. Amended or Amending Plat. A revised plat correcting errors or making minor changes to the original recorded final plat, as authorized by Tex. Loc. Govt Code section 212.016.
8. Amenity. An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this Ordinance.
9. Amusement Commercial (Indoor): An establishment providing for activities, services and instruction for the entertainment, exercise and improvement of fitness and health of customers, clients or members but not including hospitals, clinics, massage parlors or arcades. Uses would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms and/or practice areas, gymnasiums and indoor running or jogging tracks.
10. Amusement Commercial (Outdoor): An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.
11. Antique Shop: A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sale and storage occurring inside a building.
12. Applicant. A person who submits an application for an approval required by this Ordinance.
13. Application. A written request for an approval required by this Ordinance.
14. Arcade: An establishment in which there are located six (6) or more coin-operated skill or pleasure machines.
15. Auto Leasing: Storage and leasing of automobiles, motorcycles, and light load vehicles.
16. Auto Parts Sales (Inside): The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks, vans, tractor-trailers, or recreational vehicles.
17. Auto Storage: The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale, distribution, or storage.

18. Automobile and Trailer Sales, New: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new automobiles, light trucks, and trailers, to be displayed and sold on premises, and where no repair work is done except minor reconditioning of the automobiles and trailers to be displayed and sold on the premises, and no dismantling of automobiles or trailers for sale or keeping of used automobile and trailer parts or junk on the premises.
19. Automobile and Trailer Sales, Used: Building(s) and associated open area other than a street or required automobile parking space used for the display and sale of used automobiles, light trucks, or trailers in operating condition and where no repair work is done except the minor adjustments of the vehicles to be displayed or sold on the premises. A used car sale area shall not be used for the storage of wrecked automobiles or the dismantling of automobiles or the storage of automobile parts or junk on the premises.
20. Automobile Repair, Major: General repair or reconditioning of engines and air conditioning systems for motor vehicles; wrecker service; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; vehicle steam cleaning; those uses listed under “automobile repair, minor,” and other similar uses.
21. Automobile Repair, Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for light load vehicles, but not including any operation named under “automobile repair, major” or any other similar use.
22. Automobile Service Station: A building or place arranged, designed, used, or intended to be used for the primary purpose of dispensing gasoline, oil, diesel fuel, liquefied petroleum gases, greases, batteries, and other automobile accessories at retail direct to the on premise motor vehicle trade provided that the above services shall not be construed to include major overhaul, the removal and/or rebuilding of an engine, cylinder head, oil pan, transmission, differential, radiator springs, or axles; steam cleaning, body or frame work, painting, upholstering and replacement of glass. If the dispensing or offering for sale of auto fuel at retail is

incidental, the premises shall be classified as a public garage. Service stations shall not allow automobiles which are inoperative or are being repaired to remain outside such service station for a period greater than seven (7) days.

23. Bakery and Confectionery, Commercial: A place for preparing, cooking or baking of products primarily intended for off-premise distribution.
24. Bakery and Confectionery, Retail Sales: A place for preparing, cooking, baking and selling of products on the premises.
25. Bank, Savings and Loan, Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.
26. Barber School or College: A place of training for practice of barbering, as defined in Texas Barber Act, Vernon's Ann. Civ. St., art. 8407, meeting standards established in Section 9 of said Texas Barber Act.
27. Barber Shop: A place where barbering, as defined in Texas Barber Act, Vernon's Annotated Civil Statutes, is practiced, offered, or attempted to be practiced, except when such place is duly licensed as a barber school or college.
28. Base Flood. The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
29. Beauty Culture School; Cosmetology Specialty Shop: A specialized place of training, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451.
30. Beauty Shop: A place where cosmetology, as defined in the Cosmetology Regulatory Act, Vernon's Ann. Civ. St., art. 8451, is practiced.
31. Block Length or Street Length. For a residential subdivision, that distance measured along the centerline of the street from the intersection centerpoint of one through street to the intersecting centerpoint of another street, or to the midpoint of a cul-de-sac. The through street referred to above shall not be a cul-de-sac, a dead-end street, or a looped street, but shall be a street which clearly has two points of ingress from two different directions.
32. Boarding or Rooming House: A building, other than hotel or multiple-family dwelling, where lodging is provided to persons for compensation, and where facilities for food preparation are not provided in individual rooms.

Facilities usually referred to as “bed and breakfast” arrangements are included in this definition.

33. Bond. Any form of a surety bond in an amount and form satisfactory to the City.
34. Bottling Works: A manufacturing facility designed to place a product into a bottle for distribution.
35. Building Materials, Hardware Sales: The sale of new building materials and supplied indoors with related sales for hardware, carpet, plants, electrical and plumbing supplies all of which are oriented to the retail customer, rather than contractor or wholesale customer.
36. Building Setback Line. The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street right-of-way line, property line, a creek, or some other specific environmental feature.
37. Bus Terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.
38. Business Service. Establishments primarily engaged in providing services not elsewhere classified to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.
39. Cabinet and Upholstering Shop: An establishment used for the production, display and sale of furniture and soft coverings for furniture.
40. Capital Improvements Program (CIP). The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.
41. Carport: A structure open on a minimum of three (3) sides designed or used to shelter vehicles, not to exceed thirty-six (36) feet on its longest dimension.
42. Carwash: Facility or structure used to wash motorcycles, automobiles, vehicles and trucks.
43. Child Care Center: An establishment where four (4) or more children are provided care, training, education, custody, treatment, or supervision for less than 24 hours a day. The term “day care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school. (Also see Registered Family Home.)

44. Church, Rectory, or Place of Worship: A building for regular assembly for religious worship which is used primarily for such purpose and customary accessory activities including a place of residence for ministers, priests, rabbis, teachers, or directors on the premises.
45. City Attorney. The term City Attorney shall apply only to such attorney, or firm of attorneys, that has been specifically employed by the City to assist in legal matters.
46. City Council. The duly elected governing body of the City of Josephine, Texas.
47. City Engineer. The term “City Engineer” shall apply only to such licensed professional engineer, or firm of licensed professional consulting engineers, that has been specifically employed by the City to assist in engineering-related matters.
48. City Planner. The term “City Planner” shall apply only to such practicing, professional land planner, or firm of professional land planners, that has been specifically employed by the City to assist in planning and zoning matters.
49. City. The City of Josephine, Texas.
50. Civic Center: A building or complex of buildings that houses municipal offices and services and which may include cultural, convention and/or entertainment facilities owned and/or operated by a governmental agency.
51. Cleaning and Dyeing, Small Plant or Shop: A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area or a pickup station. (Also see Cleaning and Dyeing; Dry Cleaning Plant.)
52. Cleaning and Dyeing: Dry Cleaning Plant: An industrial facility where fabrics are cleaned and in substantially non aqueous organic solvents. (Also see Cleaning and Dyeing, Small Plant or Shop, ~~Section 23.5.11.~~)
53. Clinic, Medical or Dental: A facility or station designed and used for the examination and treatment of persons seeking medical care as outpatients who do not remain on the premises overnight.
54. College or University. An institution established for educational purposes offering courses of study beyond the secondary education level, but excluding trade and commercial schools.
55. Commission. The Planning and Zoning Commission of the City.

56. Community Center, Private: A building or buildings dedicated to social and/or recreational activities serving residents of a subdivision or development which is operated by an association or incorporated group for their use and benefit.
57. Community Center, Public: A building or buildings dedicated to social and/or recreational activities, serving the city or a neighborhood and owned and operated by the city or by a nonprofit organization dedicated to promoting the health, safety, morals, or general welfare of the city.
58. Comprehensive Plan. The phrase “Comprehensive Plan” shall mean the Comprehensive Plan of the City and adjoining areas as adopted by the City Council, including all its revisions. This Plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.
59. Concept Plan. A map generally showing all topography, trees, drainage patterns, existing utilities, existing infrastructure, etc. on which is superimposed a drawing of the overall conceptual layout of a proposed development, which shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the City’s administrative officers, the Commission, the City Council, and others who are consulted prior to preparation of the preliminary plat. A concept plan is also sometimes referred to as a “site plan” or a “land study.”
60. Construction Plat. A Construction Plat is also known as a “Final Plat” approved by the City Council but not yet filed or recorded with the County and for which no infrastructure has been accepted by the City.
61. Construction Yard (Temporary): A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction and subject to same restrictions as Field Office. ~~(Also see Section 24.2.)~~
62. Contiguous. Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.
63. Continuing Care Facility: A place as defined in the Texas Continuing Care Facility Disclosure and Rehabilitation Act in which a person provides board and lodging, together with personal care services and nursing services, medical services, or other health-related services, regardless of whether the services and lodging are provided at the same location, under an

agreement that requires the payment of a fee and that is effective for the life of the individual or for a period of more than one (1) year, such individual or individuals being cared for not being related by consanguinity or affinity to the person providing the care. (Also see Household Care Facility and Household Care Institution, and Personal Care Home.)

64. Convenience Store: A retail establishment providing for the sale of food items, non-prescription drugs, small household items, and gifts. Gasoline and diesel fuel may be offered for sale provided they are not the primary source of income for the store and that no more than six (6) pumps are offered. Maximum size of the establishment will be no more than 2,500 square feet not including storage areas and administrative offices.
65. Country Club (Private): Land and buildings customarily containing a golf course and a clubhouse and available only to specific private membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts, and similar recreational or service facilities.
66. Cul-de-Sac. A street having only one outlet to another street, and terminated on the opposite end by a vehicular turnaround or "bulb." The length of a cul-de-sac is to be measured from the intersection centerpoint of the adjoining through street to the midpoint of the cul-de-sac bulb.
67. Custom Personal Service Shop: Includes such uses as tailor, shoe repair, barber/beauty shop, health studio, or travel consultant.
68. Customary Home Occupation: An occupation, profession, domestic craft, or economic enterprise which is customarily conducted in a "residential dwelling" as hereinafter defined, subject to compliance with each of the following conditions:
 - a) "Residential dwelling" shall mean a detached building designed, used and occupied exclusively by members of one (1) family as a residence.
 - b) Such use shall be and remain incidental and subordinate to the principal use of the residential dwelling as a family residence and the area utilized for such occupation, profession, domestic craft, or economic enterprise shall never exceed twenty-five percent (25%) of the total of the floor area of the residential dwelling.
 - c) Not more than one (1) non-illuminated sign advertising the home occupation shall be allowed; said sign shall be not more than one

- (1) square foot in area and shall be mounted on the building in which the home occupation is being conducted.
- d) The residential dwelling shall maintain its residential character and shall not be altered or remodeled in order to create any type of exterior commercial appeal.
 - e) No exterior storage of material, equipment, and/or supplies used in conjunction with such occupation, profession, domestic craft, or enterprise shall be placed, permitted, or allowed on the premises occupied by the residential dwelling.
 - f) No offensive noise, vibration, smoke, dust, odors, heat, or glare generated by or associated with the home occupation shall extend beyond the property line of the lot or tract on which the home occupation is being conducted.
 - g) The occupation, profession, domestic craft, or enterprise shall be conducted wholly within the residential dwelling and no accessory building shall be used in conjunction therewith.
 - h) The only equipment to be used in such occupation, profession, domestic craft, or enterprise shall be that which is ordinarily used in a private home in a like amount and kind.
 - i) A home occupation shall not generate such additional traffic as to create a traffic hazard or disturbance to nearby residents.
 - j) Garage, Private: A detached accessory building or portion of the main building for the parking or temporary storage of automobiles of the occupants of the premises; if occupied by vehicles of others, it is a storage space.
69. Dead-End Street. A street, other than a cul-de-sac, with only one outlet to another street.
70. Design Standards. The City of Josephine's technical construction standards and specifications for the construction of subdivision improvement, as published in the then current Manuals for the Design of Storm Drainage Systems, Water and Sanitation Sewer Lines and Thoroughfare Standards, as maintained and available for inspection at the City Hall.
71. Discount, Variety, or Department Store: A retail store offering a wide variety of merchandise in departments and exceeding 7,000 square feet of floor area.

72. Dormitory: A building in which housing is provided for individual students under the general supervision or regulation of an accredited college or university and as distinguished from an apartment, hotel, motel, or rooming house. A dormitory may provide apartment units for guests, faculty, or supervisory personnel on a ratio not to exceed one (1) such apartment unit for each fifty (50) students for which the building is designed. Individual rooms or suites of rooms may have cooking facilities. The dormitory may include facilities such as a commissary and/or snack bar, lounge, and study area, dining halls, and accessory kitchen, recreation facilities, and laundry, provided that these facilities are for the benefit and use of the occupants and their guests and not open to the general public.
73. Duplex. See Two-Family Dwelling.
74. Easement. The word “easement” shall mean an area of joint use on private property.
- a) Drainage or utility easements are areas upon which the City or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The City and public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.
 - b) Access easements are areas, which are open to the general public at large that shall remain at all times open to the public for access.
75. Electrical Substation: A subsidiary station in which electric current is transformed.
76. Engineer. A person duly authorized and licensed under the provisions of the Texas Engineering Practice Act to practice the profession of engineering.
77. Engineering Plans or Drawings. The maps or drawings accompanying a plat and showing the specific location and design of all changes and improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of approval of the plat.

78. Escrow. A deposit of cash with the City in accordance with this Ordinance.
79. Exhibition Area: An area or space either outside or within a building for the display of topic-specific goods or information.
80. Farm, Ranch, or Orchard: An area of five (5) acres or more which is used for growing of usual farms products and/or raising of usual farm products and animals and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance of [or] law. Farm, ranch, or orchard use shall not cause a hazard to health by reason of unsanitary conditions and shall not be offensive by reason of odors, dust, fumes, noise, or vibrations or be otherwise detrimental to the public welfare.
81. Feed and Farm Supply Store: An establishment for the selling of foodstuffs for animals and including implements and goods related to agricultural processes but not including farm machinery.
82. Field or Sales Office (Temporary): A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project. Permits for “temporary buildings” shall be issued for a period of time not to exceed eighteen (18) months. Extensions may be granted only by the City Council, any such permits granted may be revoked if the City Council finds the use of the building or structure is contrary to the intent of this section or results in increased noise, traffic, or other conditions considered to be a nuisance or hazard (~~Also see Section 23.7.3. above.~~)
83. Final Plat (also “Construction Plat” or “Record Plat”). The one official and authentic map of an as-built subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a GPS control point, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references and showing all streets and lots, easements, dedications and other pertinent features as constructed on the ground and as accepted by the City. The final plat of any lot, tract or parcel of land shall be recorded in the

land records of Collin/Hunt County, Texas following acceptance and approval by the City. An amended plat is also a final plat.

84. Flea Market: A site where space inside or outside a building is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.
85. Florist: An establishment displaying plants, flowers, floral supplies, and similar items.
86. Food Store, Grocery Store: An establishment that displays and sells consumable goods that are not to be eaten on the premises.
87. Fraternal Organization, Lodge, or Civic Club: An organized group having a restricted membership and specific purpose related to the welfare of the members.
88. Furniture, Appliance Store: Retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators and other household electrical and gas appliances.
89. Garden (Patio) Home: A freestanding, detached structure used for residential purposes, built in accordance with the standards of this UDC.
90. Garden Center (Retail Sales): Location including land and buildings at which plants, trees, shrubs, horticultural supplies, and similar items are displayed for sale to the general public. All such displays shall be located behind the front yard line established in the district in which the garden center is located.
91. Gas Metering Station: Facility at which natural gas flows are regulated and recorded.
92. General Commercial Plant: An establishment other than a personal service shop for the treatment and/or processing of products as a service on a for-profit basis including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

93. General Manufacturing: Manufacturing of finished products and component products or parts from the transformation, treatment, or processing of materials of substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.
94. General Merchandise Store: Retail stores which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general stores, and other similar stores.
95. Golf Course: An area of twenty (20) acres or more improved with trees, greens, fairways, hazards and which may include clubhouses.
96. Governing Body. The City Council of the City of Josephine, Texas.
97. Greenhouse or Plant Nursery, Commercial: A place, often including artificially heated and/or cooled buildings, where trees or plants are raised and/or sold including related storage of equipment for landscape contracting.
98. Greenhouse: A building, often artificially heated and/or cooled, used as a location for cultivating plants which are used by the grower and not sold as a commercial activity.
99. Guest House: Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having kitchen facilities and not rented or otherwise used as a separate dwelling.
100. Heliport or Helistop: A landing facility for rotary wind [wing] aircraft which may include fueling or servicing facilities for such craft.
101. Hospital (Chronic and Acute Care); Long-Term Health Care Facility: An institution providing both inpatient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury and disease or to injured patients who need medical or surgical treatment intended to restore them to health and an active life and which is licensed by the State of Texas.
102. Household Appliance Service and Repair: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash

compactors, ovens and ranges, kitchen appliances, vacuum cleaners, and hair dryers.

103. Household Care Facility: A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial adversity; living together with no more than two supervisory personnel as a single housekeeping unit. (See also Household Care Facility and Continuing Care Facility.)
104. Improvement or Development Agreement. A contract entered into by the applicant and the City, by which the applicant promises to complete the required public improvements within the subdivision or addition within a specified time period following final plat approval.
105. Industrial Park: A large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.
106. Junk or Salvage Yard: A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes an automobile wrecking yard and automobile parts yard. A “junkyard” does not include such uses conducted entirely within an enclosed building. (Also see Metal Dealer, Secondhand)
107. Kennel: Any lot or premises on which four (4) or more dogs, cats or other domestic animals more than four (4) months of age are housed or accepted for boarding, breeding, training, selling, grooming and/or bathing for which remuneration is received.
108. Laboratory, Scientific or Research: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
109. Land Planner. Persons, including surveyors or engineers, who possess and can demonstrate a valid proficiency in the planning of residential, nonresidential and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum, or by actual experience and practice in the field of land planning.

110. Land Study. A Land Study is also known as a “Concept Plan.”
111. Laundry and Cleaning Self-Service: An establishment including facilities for laundering and cleaning of clothing and similar items to be operated by the patron; not a commercial laundry or cleaning plant.
112. Library: Any institution for the loan or display of books, tapes, objects of art or science which is sponsored by a public or responsible quasi-public agency and which institution is open and available to the general public.
113. Light Manufacturing: 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.
114. Lot (also Lot of Record). A divided or undivided tract or parcel of land having frontage on a public street, and which is, or which may in the future be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.
115. Major Plat. All plats not classified as minor plats, including but not limited to subdivisions of more than four (4) lots, or any plat that requires the construction of a new street (or portion thereof) or the extension of a municipal facility as required by this or any other City ordinance.
116. Major Subdivision. This is the same as a “Major Plat.”
117. Manufactured Home Park: *Reserved*.
118. Manufactured Home Subdivision: A tract of land of not less than two (2) acres which has been final platted of record in its entirety in accordance with the subdivision regulations of the City for occupancy primarily by HUD-Code manufactured housing and industrialized housing.
119. Manufactured Housing, HUD-Code: 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 (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems. All

references in this ordinance to manufactured housing or manufactured home(s) shall be references to HUD-Code Manufactured Housing, unless otherwise specified.

120. Metal Dealer, Crafted Precious: A place of business in which a person engages in the business of purchasing and selling crafted precious metals, including jewelry, silverware, art objects, or any other thing or object made in whole or in part from gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or their alloys, including coins and commemorative medallions, under terms and conditions found in Vernon's Ann. Civ. St., art. 990a.
121. Minor Plat. A subdivision of land resulting in four (4) or fewer lots, provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required City utilities and services.
122. Minor Subdivision. This is the same as a Minor Plat.
123. Mobile Home: A structure constructed before June 15 1976, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.
124. Motel, Hotel, or Motor Lodge: A building or group of buildings designed for and occupied as a temporary dwelling place, providing four (4) or more room units for compensation. Units provided for the customers and where the operation is supervised by a person or persons in charge at all hours. A motel, motor hotel, or motor lodge may include restaurants, club rooms, banquet halls, ballrooms and meeting rooms as accessory uses.
125. Multiple-Family Residence. Any building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.
126. Museum or Art Gallery: An institution for the collection, display and distribution of objects of art or science and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

127. Nursery School; Kindergarten: A childcare facility offering a program four (4) hours or less per day for children who have passed their second birthday but who are under seven years old.
128. Nursing Home: See Rest Home or Nursing Home.
129. Office - Showroom/Warehouse: An establishment with a minimum of seventy-five percent (75%) of its total floor area devoted to storage and warehousing not accessible to the public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
130. Office Center: A building or complex of buildings used primarily for conducting affairs of a business, profession, service, industry, or government, or like activity that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper, or candy stand.
131. Office, Professional or General Administrative: A room or group of rooms used for the provision of executive management, 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.
132. Off-Site Facilities or Improvements: "Off-site" facilities shall mean those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat, and are not required to be constructed or improved immediately adjacent to the property to serve the development. These include oversizing for streets, sewer lines, water lines and storm drainage facilities, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.
133. On-Site Facilities or Improvements: These are the existing or proposed facilities or improvements constructed within the property boundaries of the plat, and the existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are needed to serve the development. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, and curbs and gutters.
134. Overlength Street: A street segment, or a cul-de-sac or alley segment, which exceeds the maximum length allowed by this Ordinance, as

measured along the centerline of the street from the intersection centerpoint of one through street, which shall not be a cul-de-sac or dead-end or looped street, to the intersecting centerpoint of another through street or, in the case of a cul-de-sac, to the midpoint of the cul-de-sac. For an alley segment, the measurement shall be to the right-of-way lines of the streets from which the alley is provided access, including any alley turnouts, or from the centerpoint of an intersection with another alley, which connects to a street.

135. Park, Playground, or Recreation Center (Private): A privately owned park, playground, open space or building dedicated to recreational activities, maintained by a community club, property owners' association, or similar organization.
136. Park, Playground, or Recreation Center (Public): An open recreation facility or park owned and operated by a public agency and available to the general public.
137. Parking Lot or Parking Garage, Automobile: Area for parking light load vehicles.
138. Parking Lot or Parking Garage, Truck: Area for parking heavy load vehicles.
139. Pavement Width. The portion of a street that is available for vehicular traffic. Where curbs are used, it is the portion from the back of one curb to the back of the opposite curb.
140. Pawnshop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker).
141. Perimeter Street. Any existing or planned street which abuts the subdivision or addition to be platted.
142. Person. Any individual, association, firm, corporation, governmental agency, political subdivision, or legal entity of any kind.
143. Personal Service Shop: An establishment primarily engaged in providing services generally involving the area of the person or his apparel including but not limited to barber and beauty shops, dry cleaning and laundry pickup stations and reducing salons/health clubs.
144. Pet Shop or Animal Salon: A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

145. Planning and Zoning Commission. The duly appointed Planning and Zoning Commission of the City of Josephine, Texas, in accordance with Section 211.007 of the Texas Local Government Code.
146. Plat. This means a preliminary plat, final plat, development plat, amended plat or replat, as determined by the context.
147. Plumbing Service: The operation of a business which involves only retail sales and off- premises service, installation, and repair of units and fixtures. The premises shall not include a workshop for repair or fabrication of parts, fixtures, or units. Sheet metal work of any type shall not be permitted. Storage shall be permitted for units and supplies incidental to retail sales, off-premises service and repair only. No outside storage shall be permitted. This section shall not be interpreted to allow a plumbing, heating, refrigeration, or air conditioning contractor or similar type of wholesale operation.
148. Plumbing, Heating, Refrigeration, or Air Conditioning Business: An establishment primarily engaged in the sales, service, or installation of equipment pertaining to plumbing, heating, refrigeration, or air conditioning. (Also see Air Conditioning and Refrigeration Contractor.)
149. Portable Building Sales: An establishment which displays and sells structures which are capable of being carried and transported to another location, not including mobile homes or manufactured housing.
150. Post Office, Private: Local branch of the United States Postal Service or private commercial venture engaged in the distribution of mail and incidental services.
151. Preliminary Plat. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plan view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development, as well as its compliance with all requirements of the development codes of the City of Josephine. The Preliminary Plat is subject to approval by the Planning and Zoning Commission and City Council.
152. Print Shop: An establishment which reproduces painted or photographic impressions including but not limited to the process of composition, binding, plate making, microform, type casting, press work, and printmaking.

153. Private Street. A private vehicular accessway, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained.
154. Property Owner (also known as "Applicant" or "Subdivider" or "Developer"). Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer of land sought to be subdivided.
155. Public Improvements. Facilities, infrastructure and other appurtenances, typically owned and maintained by the City, which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the City's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left-turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and stormwater management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, streetlights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the City would normally require of a development but which will be owned and maintained by an entity such as a Homeowners' association, as in the case of private streets.
156. Quick Oil Change Facility: A business engaging in the changing of oil, oil filters, and the chassis lubrication of motor vehicles. All new oil shall be dispensed from drums and all old oil shall be kept in sumps until removed by pumper trucks.
157. Quick Tune-up Facility: A business engaging in engine adjustment and minor part replacement for motor vehicles, limited to spark plugs,

condensers, spark plug wires, distributor caps, distributor points, PVC valves, air cleaners, fan belts and radiator hoses. Such a facility shall not repair or replace carburetors, starters, alternators, generators, radiators, water pumps, or other major engine parts, brake shoes, or mufflers.

158. Racetrack: A facility used for the racing of motor-driven vehicles and/or animals.
159. Racquetball Facilities: Courts housed in an acoustically treated building and designed for one (1) to four (4) persons to play racquetball, plus subsidiary uses to include office, pro shops, locker rooms, sauna, exercise rooms, waiting area, child nursery, and related uses up to a maximum of forty percent (40%) of the total floor area.
160. Radio, Television, or Microwave Communications Operations, Commercial: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or financial gain.
161. Radio, Television, or Microwave Communications Operators, Amateur: The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or financial gain.
162. Railroad Station: Any premises for the transient parking of trains and the loading and unloading of passengers.
163. Railroad Team Track and Right-Of-Way: A facility/place for the loading and unloading of materials on trains.
164. Railroad Track and Right-Of-Way: Includes track and undeveloped right-of-way, but does not include railroad stations, sidings, team tracks, loading facilities, dock yards, or maintenance areas.
165. Registered Family Home: A child care facility that regularly provides care in the caretaker's own residence for not more than six (6) children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time. (Also see Child Care Center.)
166. Rehabilitation Care Facility: A dwelling unit which provides residence and care to not more than four (4) persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse,

mental illness or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

167. Rehabilitation Care Institution: A facility which provides residence and care to five (5) or more persons, regardless of legal relationship, who have demonstrated a tendency towards alcoholism, drug abuse, mental illness or antisocial or criminal conduct together with supervisory personnel.
168. Replatting or Replat. This is the resubdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.
169. Residence Hotel. A multi-dwelling unit extended-stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting room, club house and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined in this ordinance.
170. Rest Home or Nursing Home: A place of residence or care for persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis. This term shall include a convalescent home.
171. Retail Stores and Shops: Establishments offering all types of consumer goods for sale, not elsewhere classified, but excluding the display and sale in the open outside a building of new or used automobiles, heavy machinery, building materials, used appliances, furniture, or salvage materials.
172. Retirement Housing: A development providing dwelling units specifically designed for the needs of ambulatory or retired persons. The following subsidiary uses shall be permitted to provide on-site goods and services for residents and their guests, but are not intended for use by the general public:
 - a) cafeteria and/or dining room
 - b) library
 - c) game room
 - d) swimming pool and/or Jacuzzi
 - e) exercise room
 - f) arts and crafts facilities

- g) greenhouse
 - h) housekeeping service
 - i) transportation service
 - j) snack bar with a maximum of 350 square feet per 100 dwelling units
 - k) beauty/barber shop with a maximum of 250 square feet per 100 dwelling units or a maximum of 450 square feet per 100 dwelling units
 - l) convenience retail shop with maximum of 350 square feet per 100 dwelling units to provide for sale of food items, non-prescription drugs, small household items, and gifts.
173. Right-of-Way. A parcel of land occupied, or intended to be occupied, by a street or alley. Where appropriate, right-of-way may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, oil and gas facilities, water and sanitary and storm sewer facilities; and any other special use. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.
174. School Private (Primary or Secondary): An institution of learning having a curriculum equivalent to public schools but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
175. School Public (Primary or Secondary): An institution under the sponsorship of a public agency which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of Texas but not including specialty schools such as dancing, music, beauty, mechanical, trade, or commercial schools.
176. School, Trade or Commercial: Establishments, other than public or parochial schools, private primary and secondary schools or colleges, offering training or instruction on a trade, art, or occupation.

177. Secondhand Store, Furniture or Clothing: An establishment offering for sale used merchandise, with the storage and display of such items wholly contained inside a building or structure.
178. Self-Storage, Mini-Warehouse: A facility used for storage of goods and/or materials with separate access to individual storage units by persons renting the individual units.
179. Servant's, Caretaker's, or Guards' Residence: An accessory building or portion of an accessory building located on the same lot or grounds with the main building, containing not more than one kitchen and at least one bathroom facility and used as living quarters for a person or persons employed on the premises for not less than fifty percent (50%) of his/ her actual working time, and not otherwise used or designed as a separate place of abode, provided the living area of such quarters shall not exceed six hundred (600) square feet.
180. Service Yard of Governmental Agency: An area for the servicing and storage of vehicles or other property of a governmental agency.
181. Service, Retail: An establishment engaged in the selling and/or servicing of goods where a minimum of eighty percent (80%) of the floor area is devoted to service, repair or fabrication of such goods. The service area must not be accessible to the general public. Automotive uses and rental stores are specifically excluded.
182. Shopping Center: A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.
183. Shops, Office, and/or Storage Area of Public or Private Utility: The pole yard, maintenance yard, and/or administrative offices of a municipality or franchised utility.
184. Single-Family Dwelling Attached: A dwelling that is part of a structure containing three (3) or more dwellings, each designed and constructed for occupancy by one family, with each dwelling unit attached by a common wall to another with a minimum length of attachment of twenty (20) feet, in which each dwelling is located on a separate platted lot.

185. Single-Family Dwelling, Detached: A detached building designed exclusively for occupancy by one (1) family, excluding manufactured housing and modular homes.
186. Stable, Commercial: A structure housing horses which are boarded or rented to the public or any stable other than a private stable, but not including a sale barn, auction or similar trading activity.
187. Stable, Private: An accessory building set back from adjacent property lines a minimum distance of one hundred (100) feet and used for quartering horses, not to exceed one (1) horse per one-acre area of a farm or lot.
188. Stadium or Playfield, Public: An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium which may be lighted for nighttime play.
189. Standard Street. A standard street is a street or road that meets or exceeds the minimum specifications in the City's standard street specifications, and which is constructed to the ultimate configuration for the type of roadway it is designated for on the City's Thoroughfare Plan.
190. Storage or Wholesale Warehouse, Heavy: A building used primarily for the storage of goods and materials, containing more than 5,000 square feet of floor space.
191. Storage or Wholesale Warehouse, Light: A building used primarily for the storage of goods and materials, containing less than 5,000 square feet of floor space.
192. Street Improvements. This means any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, including, but not limited to, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic-control devices, streetlights and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.
193. Street Length. This phrase means the same as "Block Length."
194. Street Right-of-Way. The width of the right-of-way for any roadway is the shortest perpendicular distance between the lines which delineate the rights-of-way of the street.

195. Street. A right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:
- a) Major thoroughfares, also known as arterial streets or primary thoroughfares, which provide vehicular movement from one neighborhood to another or to distant points within the City, and including freeways or highways leading to other communities.
 - b) Collector streets, also known as feeder streets or secondary thoroughfares, which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.
 - c) Local residential streets, also known as minor thoroughfares or streets, which primarily provide direct vehicular access to abutting residential property.
 - d) Private streets are streets which are owned and maintained by a homeowners' association or property owners' association, and which are not dedicated to the public.
196. Subdivision (also known as "Addition"). A division or redivision of any tract of land situated within the City's corporate limits or its extraterritorial jurisdiction into two or more parts, lots or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. Subdivision includes resubdivisions of land or lots which are part of a previously recorded subdivision.
197. Submission Date. The submission date is when all necessary forms, fees, information, plans and copies have been submitted to the City, previewed, and deemed as complete by action of issuance of a fee receipt by the City.
198. Substandard Street. An existing street or road that does not meet the minimum specifications in the City's standard street specifications, and which is not constructed to the ultimate configuration for the type of roadway it is designated for on the City's Thoroughfare Plan.
199. Surveyor. A licensed land surveyor or a registered public surveyor, as authorized by State statutes to practice the profession of surveying.
200. Swimming Pool, Commercial: A swimming pool with accessory facilities, part of the facilities are available to the general public for a fee.
201. TCEQ. Texas Commission on Environmental Quality (formerly TNRCC).
202. Telephone Exchange: A switching or transmitting station owned by a public utility but not including business offices, storage, or repair shops or yards.

- 203. Temporary Improvements: Improvements built and maintained by the property owner that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or shortly thereafter.
- 204. Theater (Outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion picture or theatrical productions on a paid admission basis to patrons seated in automobiles.
- 205. Townhouse or Row Dwelling: One of a series of not less than three (3) nor more than ten (10) attached one (1) family dwellings under common roof with common exterior wall, and separated from one another by single partition walls without openings from basement to roof. No townhouse dwelling unit is to be constructed above another townhouse dwelling unit.
- 206. Trailer Rental: The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.
- 207. Trailer, Manufactured Housing, or Mobile Home Display and Sales: The offering for sale, storage, or display of trailers, manufactured housing, or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
- 208. Truck and Bus Leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles, or motor-driven buses in operable condition and where no repair work is done.
- 209. Truck and Bus Repair: An establishment providing major and minor automobile repair services to heavy load vehicles.
- 210. Truck or Motor Freight Terminal: A building or area in which freight brought by motor truck is assembled and/or stored for shipping by motor truck.
- 211. Truck Sales: Building(s) and associated open area other than a street or required automobile parking space used for the display or sale of primarily new heavy load vehicles, to be displayed and sold on-premises, and where no repair work is done except minor reconditioning of the vehicles to be displayed and sold on the premises, and no dismantling of vehicles for sale or keeping of used vehicle parts or junk on the premises.
- 212. Two-Family Dwelling: A building designed for occupancy by two (2) individuals or families living independently of each other within separate units which have a common wall and are under one (1) roof.

213. Washeteria: A building or place where clothes and linens are washed and thoroughly dried by the use of not exceeding three (3) employees and four (4) automatic single-family machines and where the operation of washing and/or drying and/or mangle machines is done exclusively by the customer on a self-service basis, and where the fuel and power for the heating of water and drying shall be smokeless and odorless. (See Laundry and Cleaning, Self-Service.)
214. Yard. The open area between building setback lines and lot lines.
215. Zero Lot Line House: A residence allowed to have little or no side yard on one side, where the wall on that side has no doors, windows, or other openings and which otherwise qualifies for a one-hour fire rating as defined in the building code.

B. Plat Certificates

(a) Property Owner's Certificate (required):

STATE OF TEXAS §

COUNTY OF §

WHEREAS, [Name(s)] is(are) the Owner(s) of a tract of land situated in the [] Survey, Abstract No. [], Collin/Hunt County, Texas and being out of a [] acre tract conveyed to him(them) by [], and a [] acre tract conveyed to him(them) by [], and being more particularly described as follows: (Enter accurate metes and bounds property description here) NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That , acting herein by and through his (its) duly authorized officers, does hereby adopt this plat designating the herein above described property as , an addition to the City of Josephine, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes and any and all related necessary appurtenances. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Josephine. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Josephine's use thereof. The City of Josephine and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Josephine and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Josephine, Texas.

WITNESS, my hand, this the day of , 20 . BY:

[Authorized Signature of Owner]

[Printed Name and Title]

STATE OF TEXAS § COUNTY OF §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared , Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of , 20____.

[Notary Public in and for the State of Texas]

[My Commission Expires On:]

(b) Surveyor's Certificate (required):

KNOW ALL MEN BY THESE PRESENTS:

That I, , do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Josephine.

(seal) Signature of Registered Public Land Surveyor Registration No.

STATE OF TEXAS § COUNTY OF §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared , Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20__.

[Notary Public in and for the State of Texas]

[My Commission Expires On:]

(c) Approval Block:

APPROVED:

Chairman, Planning and Zoning Commission

City of Josephine, Texas

APPROVED FOR CONSTRUCTION.

(d) Special Notice:

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State law and is subject to fines and withholding of utilities and building permits.

(e) Minor Plat Signature Block:

APPROVED AND ACCEPTED

This plat is hereby approved in accordance with Section 2.11.B of the City of Josephine Subdivision Regulations (Ordinance No. XXXX-XX).

[Planning and Zoning City of Josephine, Texas]

[Date]