



AGENDA
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
JANUARY 05, 2023
6:30 PM

The Planning & Zoning Commission will hold a meeting on January 05, 2023, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

Individuals may attend the Joshua Planning & Zoning Meeting in person, access the meeting via videoconference or telephone conference call.

Join Zoom Meeting:

<https://us02web.zoom.us/j/81987135958?pwd=b2lyQXBsblByV3V0RUJ2dkhRL2tmZz09>

Meeting ID: 819 8713 5958 Passcode: 287743 or call 1-346-248-7799

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

Online: An online speaker card may be found on the City's website (cityofjoshuatx.us) on the Agenda/Minutes/Recordings page. Speaker cards received will be read during the meeting in the order received by the City Secretary.

By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

B. CITIZENS FORUM

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

C. REGULAR AGENDA

1. Discuss, consider, and possible action on meeting minutes of December 05, 2022.
2. Discuss, consider, and possible action on approving a Final Plat regarding 8.995 acres of land known as Lot 1-3, Block 1, Thormeyer Addition, George Casseland Survey, Abstract No. 173, City of Joshua, Johnson County, Texas located at 6001 CR 1023 to allow for the construction of two residential homes.
3. Discuss, consider, and possible action on a request of amending Tree Preservation in section 10.10.8 of the Zoning Ordinance.

D. ADJOURN

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

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

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

CERTIFICATE:

I hereby certify that the above agenda was posted on the 29th day of December 2022, by 5:00 p.m. on the official bulletin board at the Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



**MINUTES
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
DECEMBER 05, 2022
6:30 PM**

PRESENT

Commissioner Brent Gibson
Commissioner Richard Connally
Commissioner Julian Torrez
Commissioner Robert Purdom
Commissioner Moore
Commissioner Jason Allred Sr.

STAFF

Aaron Maldonado, Development Services Director
Alice Holloway, City Secretary

ABSENT

Commissioner Billy Jenkins
Commissioner Johnny Waldrip

The Planning & Zoning Commission held a meeting on December 05, 2022, at 6:30 pm in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

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Join Zoom Meeting:

<https://us02web.zoom.us/j/88238339548?pwd=RmNlb2Q4NWxsMFZvc1VaRHpETVVwZz09>

Meeting ID: 882 3833 9548 Passcode: 068650

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By phone: Please call 817/558-7447 ext. 2003 no later than 5:00 pm on the meeting day and provide your name, address, and question. The City Secretary will read your question in the order they are received.

A. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT

Commissioner Gibson announced a quorum and called the meeting to order at 6:30 pm.

B. CITIZENS FORUM

The Planning & Zoning Commission invites citizens to speak on any topic. However, unless the item is specifically noted on this agenda, the Planning & Zoning Commission is required under the Texas Open

Meetings Act to limit its response to responding with a statement of specific factual information, reciting City's existing policy, or directing the person making the inquiry to visit with City Staff about the issue. No Commission deliberation is permitted. Each person will have 3 minutes to speak.

NA

C. REGULAR AGENDA

1. Discuss, consider, and possible action on meeting minutes of November 7, 2022.

Motion made by Commissioner Torrez to approve the meeting minutes of November 7, 2022.

Seconded by Commissioner Allred.

Voting Yea: Commissioner Gibson, Commissioner Torrez, Commissioner Moore, Commissioner Purdom, Commissioner Allred, and Commissioner Connally

2. Discuss, consider, and possible action on approving a Site Plan regarding 0.278 acre of land known as Lots 5, 6, 7, and Part of 8, Block 10, Caddo Peak Addition, W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas, locally known as 205 N. Main, to allow for the Commercial Use of a business office.

Motion made by Commissioner Moore to approve the Site Plan regarding 0.278 acre of land known as Lots 5, 6, 7, and Part of 8, Block 10, Caddo Peak Addition, W.W. Byers Survey, Abstract No. 29, County of Johnson, Texas, locally known as 205 N. Main, to allow for the Commercial Use of a business office. Seconded by Commissioner Torrez.

Voting Yea: Commissioner Gibson, Commissioner Torrez, Commissioner Moore, Commissioner Purdom, Commissioner Allred, and Commissioner Connally

3. Public hearing on a request to consider amendments to Tree Preservation in section 10.10.8 of the Zoning Ordinance.

Commissioner Gibson opened the public hearing on a request to consider amendments to Tree Preservation in section 10.10.8 of the Zoning Ordinance at 6:34 pm.

There were no public comments made. Commissioner Gibson closed the public hearing at 6:34 pm.

4. Discuss, consider, and possible action on a request of amending Tree Preservation in section 10.10.8 of the Zoning Ordinance.

After much discussion, the commission made the following recommendation and asked for clarifications on a few items below:

Change the sections that refer to a protected tree trunk diameter of 18" to 12".

Clarification on section 8.15.3 Tree removal permit letter D&G on the 12" and 12'.
After much discussion, the commission suggested the following.

Add Mountain Cedar/Blueberry Juniper to the not protected tree list

Clarification on Tree replacement- sufficient number of trees shall be planted to equal in caliper the diameter of the trees removed?

Under required application add clarity as to how to protect a protected tree with fencing.

Motion made by Commissioner Connally to continue discussion on this item at the January 2023 Meeting. Seconded by Commissioner Purdom.

Voting Yea: Commissioner Gibson, Commissioner Torrez, Commissioner Moore, Commissioner Purdom, Commissioner Allred, and Commissioner Connally

Item 1.

D. ADJOURN

Commissioner Gibson adjourned the meeting at 7:05 pm.

Approved: January 05, 2023

Brent Gibson, Chair
Planning & Zoning

Alice Holloway, City Secretary



**Planning & Zoning Agenda
January 5, 2023**

Minutes Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on approving a Final Plat regarding 8.995 acres of land known as Lot 1-3, Block 1, Thormeyer Addition, George Casseland Survey, Abstract No. 173, City of Joshua, Johnson County, Texas located at 6001 CR 1023 to allow for the construction of two residential homes.

Background Information:

History: The subject property has changed the zoning from the Agricultural District to the Single Family residential district.

Zoning: This property is zoned as (R1) Single Family Residential District.

Analysis: The final plat is creating 3 separate lots for the construction of 2 residential homes.

Utilities: Water is serviced by Johnson County Special Utility District.

Transportation: Right-of-way dedications are being dedicated with this plat.

Financial Information: N/A

City Contact and Recommendations:

This plat appears to meet the minimum requirements for a final plat as set forth in the City of Joshua Subdivision Ordinance therefore, we recommend approval.

Attachments:

1. Final Plat Application
2. Legal Description
3. Vicinity Map
4. JCSUD Approval letter
5. Final Plat Thormeyer Addition

City of Joshua Development Services Universal Application

Please check the appropriate box below to indicate the type of application you are requesting and provide all information required to process your request.

- | | | |
|--|---|--|
| <input type="checkbox"/> Pre-Application Meeting | <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Zoning Change |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Zoning Variance (ZBA) | <input type="checkbox"/> Subdivision Variance |
| <input type="checkbox"/> Preliminary Plat | <input checked="" type="checkbox"/> Final Plat | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Replat | <input type="checkbox"/> Planned Development Concept Plan | <input type="checkbox"/> Planned Development Detailed Plan |
| <input type="checkbox"/> Minor Plat | <input type="checkbox"/> Other _____ | |

PROJECT INFORMATION

Project Name: THORMEYER ADDITION

Project Address (Location): 6001 CR 1023 Joshua, TX 76058

Existing Zoning: R1 Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

Existing Comprehensive Plan Designation: _____ Gross Acres: _____

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal. See appropriate checklist located within the applicable ordinance and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT INFORMATION

Applicant: ARNOLD THORMEYER Company: _____

Address: 6001 CR 1023 Tel: 817 980 9777 Fax: _____

City: Joshua State: TX ZIP: 76058 Email: arnold.thormeyer@gmail.com

Property Owner: SAME AS ABOVE Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

Key Contact: Sam as above Company: _____

Address: _____ Tel: _____ Fax: _____

City: _____ State: _____ ZIP: _____ Email: _____

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: [Signature]
(Letter of authorization required if signature is other than property owner)

Print or Type Name: Arnold Thormeyer

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and in the capacity therein stated.

Given under my hand and seal of office on this 29th day of Nov 2022

[Signature]
Notary Public



Signature Patricia S. Iles Date: 11/29/2022

For Departmental Use Only

Case No.: FP-2022-11

Project Manager: A. Thormeyer
\$515.00 - FP

Total Fee(s): \$2,500 Deposit
\$2,500 Transferred from Zoning Change.

Check No.: 2394

Date Submitted: 11/29/22

Accepted By: [Signature]

Date of Complete Application 11/29/22

BEING a 8.995 acre tract of land situated in the **GEORGE CASSELAND SURVEY, ABSTRACT NO. 173**, in the City of Joshua, Johnson County, Texas, being that certain tract of land described as Tract I and Tract II, in a deed to Arnold L. Thormeyer and Donna K. Thormeyer, recorded in Volume 2384, Page 74, Deed Records, Johnson County, Texas, and that certain tract of land described as Tract I and Tract II, in a deed to Arnold L. Thormeyer and Donna K. Thormeyer, recorded in Document Number 2022-23775, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the common corner of said Tract II, a tract of land described in a deed to Richard A. Jacobs and Amanda J. Jacobs, et ux, recorded in Document Number 2017-23493, Deed Records, Johnson County, Texas, said point being in the south line of a tract of land described in a deed to Topographic Land Surveyors, Co., recorded in Document Number 2019-31519, Deed Records, Johns County, Texas;

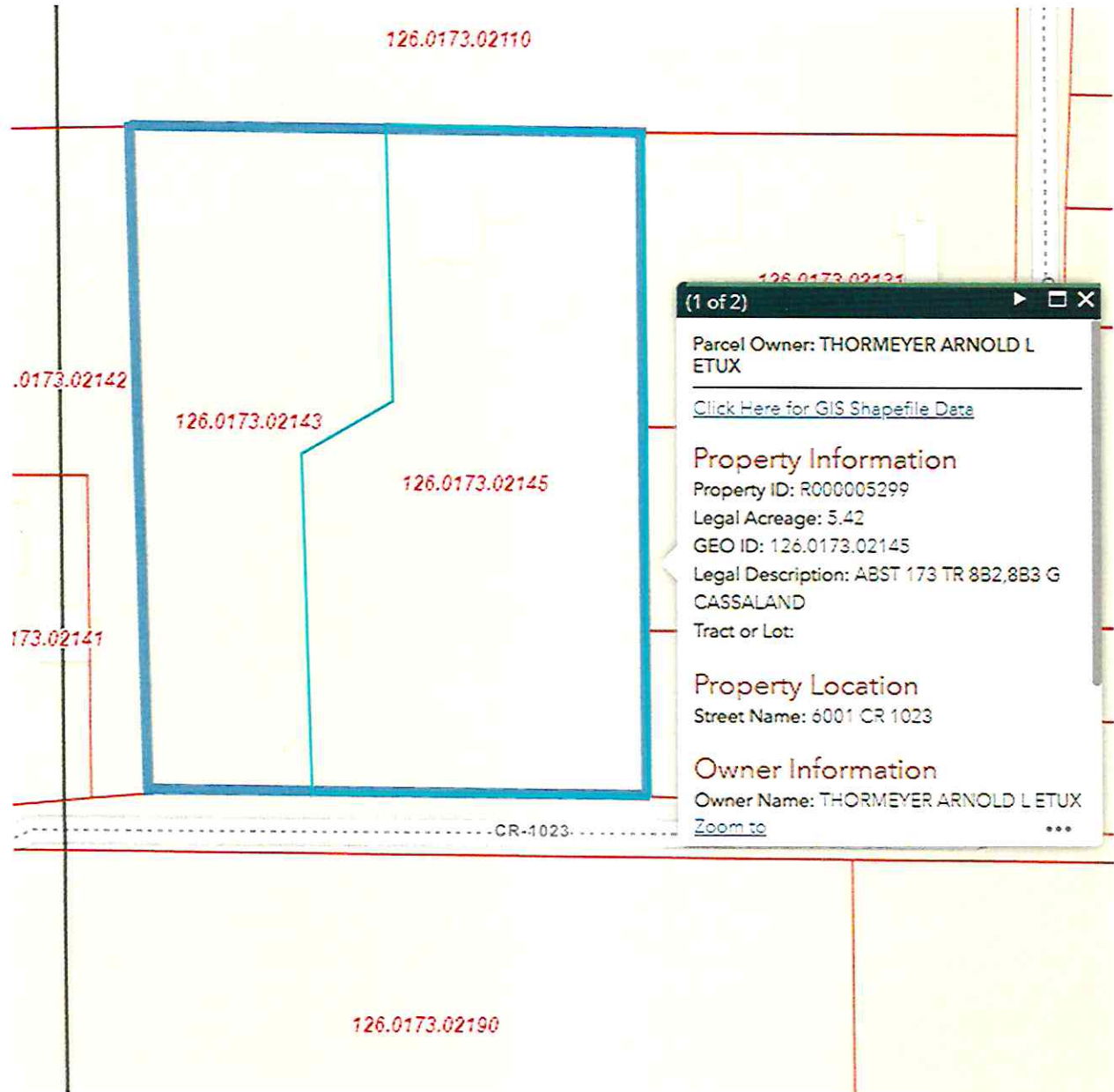
THENCE S 01°03'15" E, along the common line of said Tract II, and said Jacobs tract, passing a 1/2 inch iron rod found for the common corner of said Jacobs tract, and a tract of land described in a deed to Lindsay K. Buckler, etux, recorded in Volume 1409, Page 474, Deed Records, Johnson County, Texas, at a distance of 310.13 feet, and left 0.33 feet, passing a 1/2 inch iron rod found for the common corner of said Buckler tract, and a tract of land described in a deed to Cathleen Anne Richardson, recorded in Document Number 2017-21259, Deed Records, Johnson County, Texas, at a distance of 521.15 feet, and left 0.55 feet, a 1/2 inch iron rod found online at a distance of 711.66 feet, and continuing a total distance of 733.30 feet to a mag nail with washer stamped "BLUESTAR SURVEYING" set for the common corner of said Tract II, and said Richardson tract, said point being in the centerline of County Road 1023, more or less;

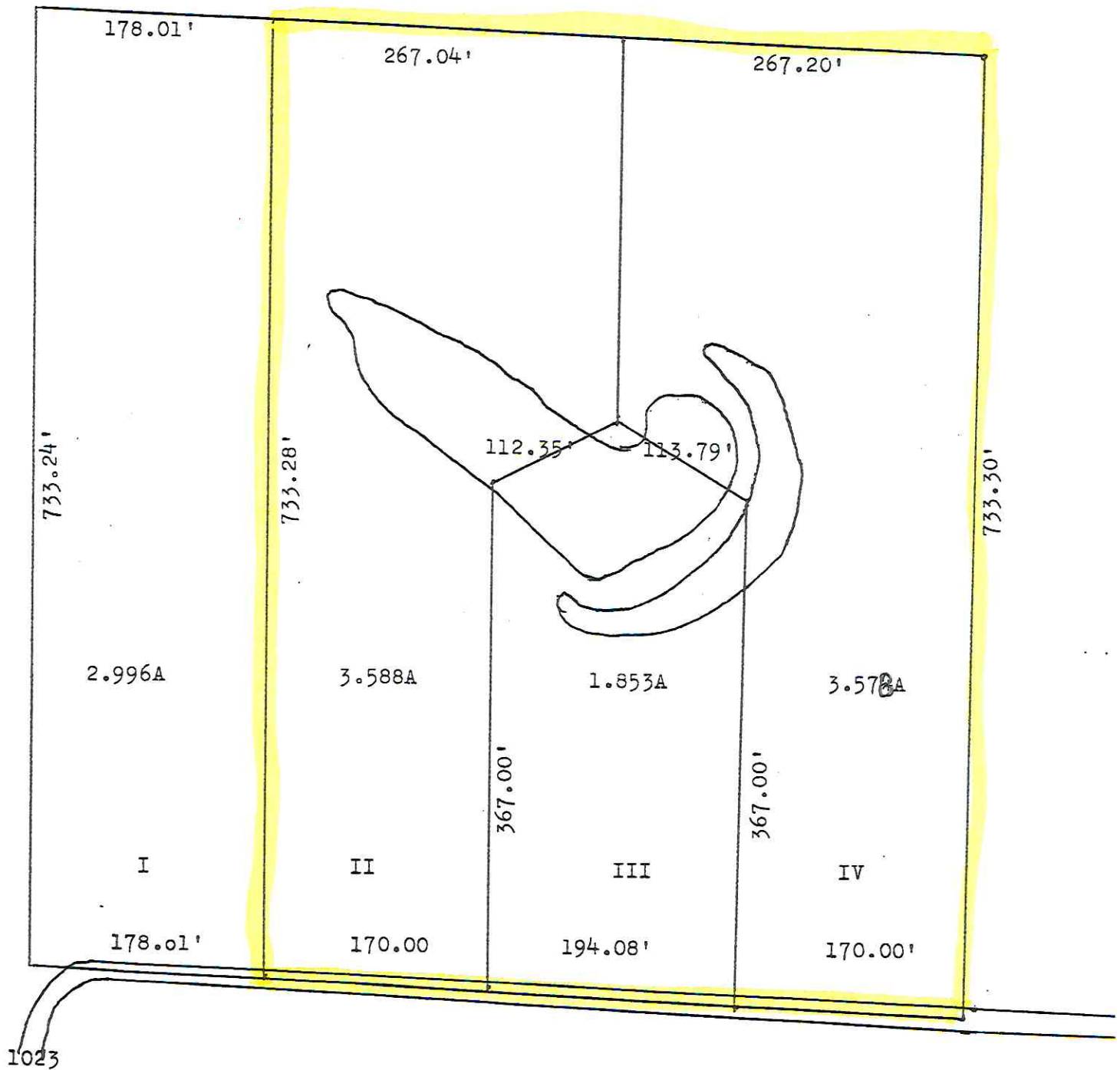
THENCE S 89°41'04" W, along the south line of said Tract II, and along the centerline of said County Road 1023, more or less, passing the common corner of said Tract II, and said Tract I, passing the common corner of said Tract I, and said Thormeyer tract, recorded in Document Number 2022-23775, and continuing a total distance of 534.03 feet to a mag nail with washer stamped "BLUESTAR SURVEYING" set for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and a tract of land described in a deed to Randall K. Hutchens, recorded in Volume 23414, Page 829, Deed Records, Johnson County, Texas;

THENCE N 01°06'34" W, along the common line of said Thormeyer tract, recorded in Document Number 2022-23775, and said Hutchens tract, passing a 3/8 inch iron rod found online at a distance of 30.00 feet, and continuing a total 733.26 feet to a 1/2 inch iron rod with plastic cap stamped "BLUESTAR SURVEYING" set for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and said Hutchens tract, said point being in the south line of said Topographic Land Surveyors, Co. tract;

THENCE N 89°40'45" E, along the common line of said Thormeyer tract, recorded in Document Number 2022-23775, and said Topographic Land Surveyors, Co. tract,

passing a 1/2 inch iron rod with cap stamped "4732" found online for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and said Tract II at a distance of 267.09 feet, and continuing a total distance of 534.74 feet to the **POINT OF BEGINNING** and containing 391,821 square feet or 8.995 acres of land more or less.







December 20, 2022

Location: Thormeyer Addition
Lots 1-3, Block 1
CR 1023, Joshua

To Whom This May Concern:

Pursuant your request, I can confirm that the aforementioned property is located within the service area of Johnson County Special Utility District (JCSUD). JCSUD provides adequate water service to our customers in accordance with the rules and regulations of the Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission (PUC). The water supplied complies with standard governing chemical and bacteriological quality of drinking water.

Johnson County Special Utility District does have a Water Certificate of Convenience and Necessity granted by the Texas Water Commission to serve the area referenced above.

This letter does not verify approval on the utility plans for this development. However, the developer will need to follow the development process. Capacity cannot be determined until the process has been followed.

A ~~plat~~^{Final} plat was submitted for review to the District. The easements have been properly noted on the plat. A copy of the plat, approved by JCSUD, is enclosed with this letter.

Sincerely,

Kimberly J Wilson
Easement Analyst
kwilson@jcsud.com
(817) 760-5204

Enclosure: Submitted Plat for Approval

Setbacks Per Zoning (R1 Single Family Residential District).

- Minimum Front Setback - 25 feet
- Minimum Side Setback - 5 feet from an interior lot and 15 feet from a side street.
- Minimum Rear Setback - 20 feet

PLAT FILED _____, 2023.
SLIDE __, VOLUME __, PAGE __,
JOHNSON COUNTY PLAT RECORDS
BY: _____
COUNTY CLERK

APPROVED:

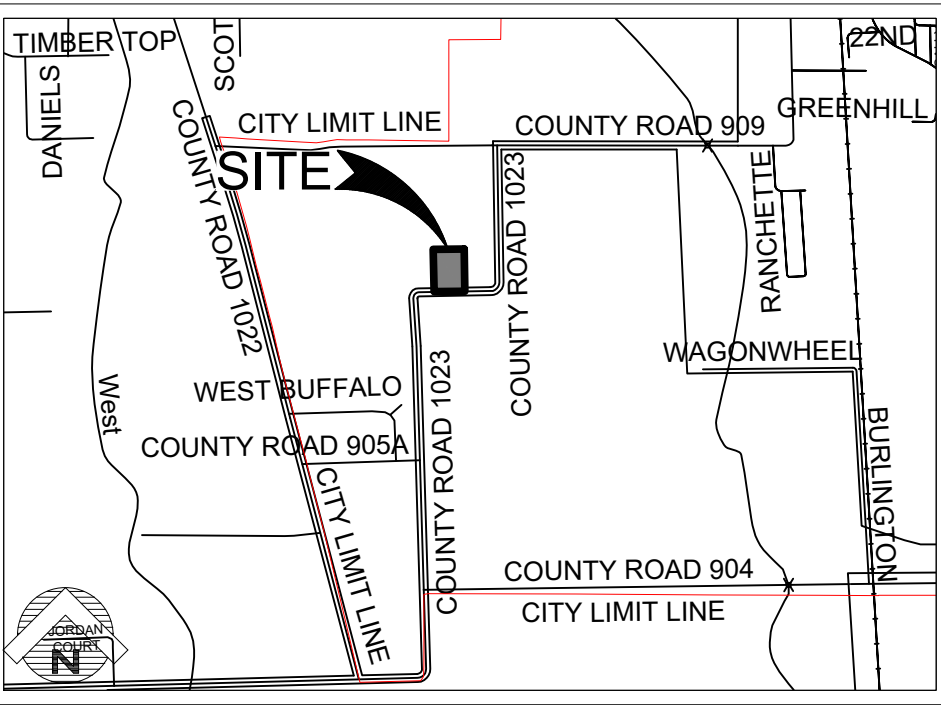
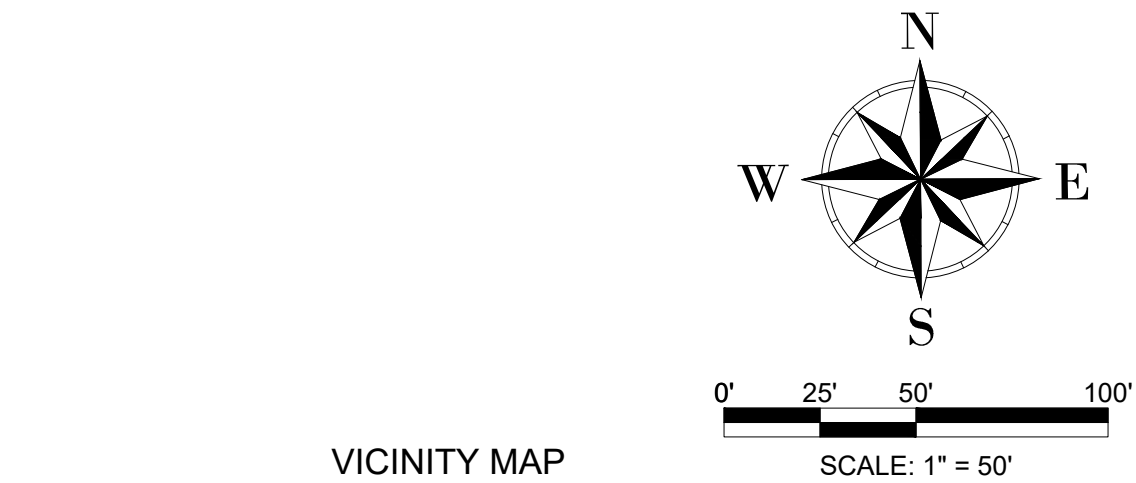
Chairman _____ Date _____
Planning & Zoning Commission
Attest: _____
City Secretary _____ Date _____

APPROVED BLOCK
I hereby certify that the above and foregoing plat of Roye Addition to the City of Joshua, Texas, was approved by the Planning Commission of the City of Joshua on the _____ day of _____, 2023.
This approved plat shall remain valid for a period of two (2) years from approval by the Planning and Zoning Commission during which time it shall be recorded in the office of the County Clerk of Johnson, County, Texas. Failure to record this plat within two (2) years from said date of final approval shall render the plat invalid. This plat shall be subject to all the requirements of the Subdivision Regulations of the City of Joshua.
WITNESS OUR HAND, this _____ day of _____, 2023.

City Secretary

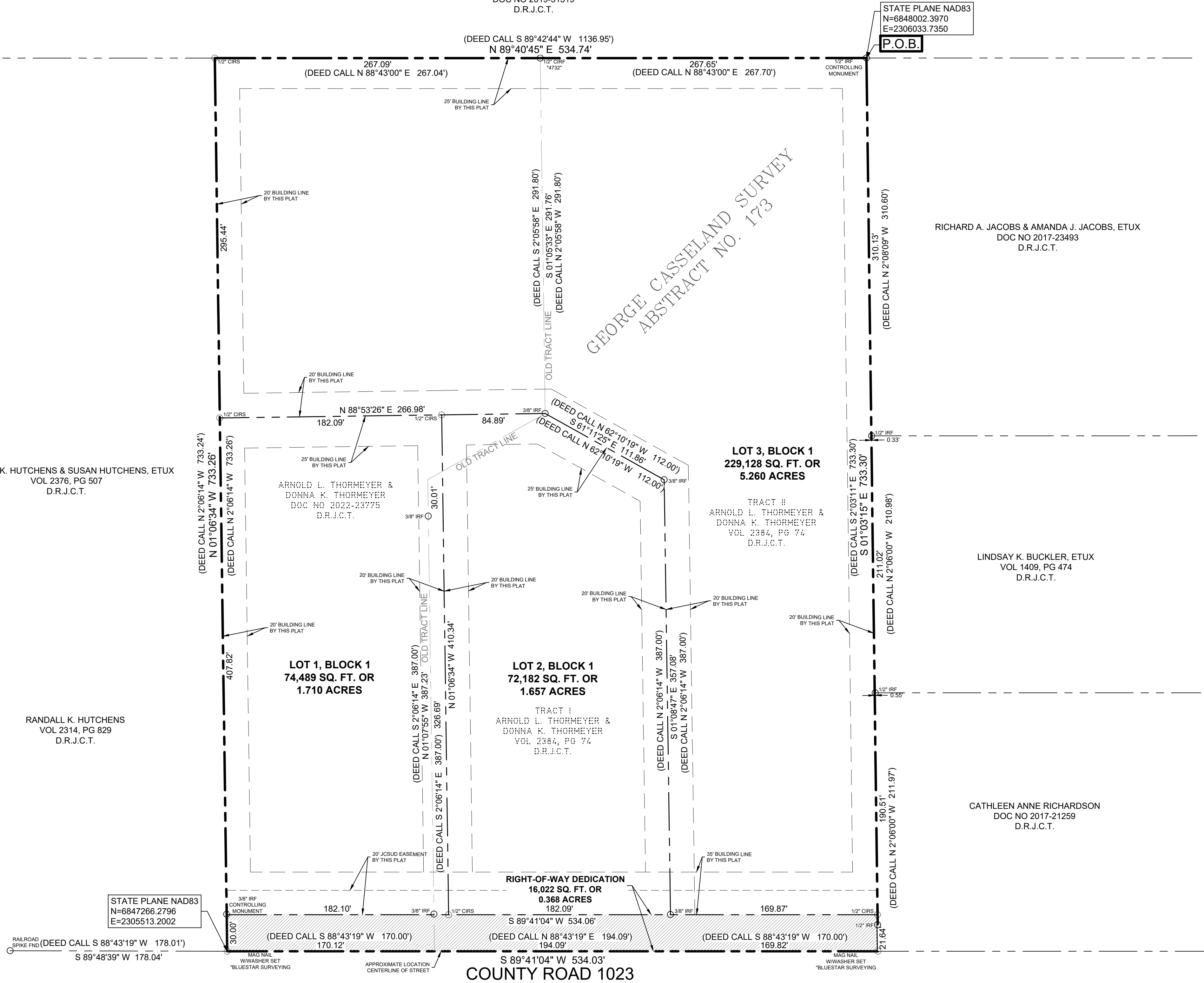
RANDALL K. HUTCHENS & SUSAN HUTCHENS, ETUX
VOL 2376, PG 507
D.R.J.C.T.

RANDALL K. HUTCHENS
VOL 2314, PG 829
D.R.J.C.T.



CASE NUMBER FP2022-11

TOPOGRAPHIC LAND SURVEYORS CO
DOC NO 2019-31519
D.R.J.C.T.



SURVEYOR'S CERTIFICATE

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

RELEASED 10/14/2022 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES.

(print name), Surveyor
Texas R.P.L.S. No. 5596
Date: _____

STATE OF TEXAS
COUNTY OF JOHNSON

BEFORE ME, the undersigned authority, on this day personally appeared Roy Rodriguez, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2023.

Notary Public in and for
The State of Texas

My Commission expires: _____

NOTE:
SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITY SERVICES AND BUILDING PERMITS.

WAIVER OF CLAIM FOR DAMAGES AGAINST THE CITY OCCASIONED BY THE ESTABLISHMENT OF GRADES OR THE ALTERATION OF THE SURFACE OF ANY PORTION OF EXISTING STREETS AND ALLEYS TO CONFORM TO THE GRADES ESTABLISHED IN THE SUBDIVISION

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

EASEMENT TO JOHNSON COUNTY SPECIAL UTILITY DISTRICT RECORDED IN VOLUME 2018, PG. 289, VOLUME 531, PG. 459, VOLUME 994, PG. 453, CANNOT BE LOCATED, AND ARE BLANKET IN NATURE.

FLOOD STATEMENT
ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS, COMMUNITY PANEL NO. 48251C0160J, EFFECTIVE DATE OF DECEMBER 4, 2012, THIS PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN).

THE FLOODPLAIN DEPICTED HEREON WAS LOCATED BY SCALING METHODS UTILIZING A COPY OF FEMA FIRM PANEL, MAP NUMBER 48251C0160J, EFFECTIVE DATE OF DECEMBER 4, 2012. THE 100 YEAR FLOODPLAIN LINE DEPICTED HEREON IS BASED ON MEASUREMENTS TAKEN ON THE GROUND IN CONJUNCTION WITH THE BASE FLOOD ELEVATIONS AS SHOWN ON THE ABOVE REFERENCED FEMA FLOOD PLAIN MAP. THIS SURVEYOR DOES NOT ASSUME ANY RESPONSIBILITY FOR THE ACCURACY OF SAID FEMA MAP OR FOR THE BASE FLOOD ELEVATION CALCULATED FROM SAME. SHADED AREA SHOWN HEREON INDICATES APPROXIMATE LOCATION OF 100 YEAR FLOODPLAIN BASED ON INFORMATION STATED ABOVE.

OWNER:
ARNOLD L. THORMEYER & DONNA K. THORMEYER
6001 COUNTY ROAD 1023
JOSHUA TEXAS, 76058
Phone #: 817-980-9777
EMAIL: arnold.thormeyer@gmail.com

LAND USE TABLE	
GROSS SITE AREA	8.995 ACRES
TOTAL NUMBER OF LOTS	3
RESIDENTIAL LOTS	3
ACREAGE	8.627 ACRES

COPIRIGHT © BLUESTAR SURVEYING LLC ALL RIGHTS RESERVED.
NO PART OF THIS DRAWING MAY BE REPRODUCED BY PHOTOCOPYING, RECORDING OR BY ANY OTHER MEANS, OR STORED, PROCESSED OR TRANSMITTED IN OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT THE PRIOR WRITTEN PERMISSION OF THE SURVEYOR. COPIES OF THIS SURVEY WITHOUT THE ORIGINAL SIGNATURE ARE NOT VALID.
(1) NOTES: The basis of bearings for this survey is the Texas State Plane Coordinate System Grid, North Central Zone (4202), North American Datum 1983/2002.
(2) (CM) = Controlling monument.
(3) Unless otherwise noted, subject property is affected by any and all notes, details, easements and other matters that are shown on or as part of the recorded plat and/or as part of the title commitment provided.

BLUESTAR SURVEYING
FIRM NUMBER 10147300
1013 CEDAR BREAK CT. 817-659-9206
GEORGETOWN TEXAS 75020
WWW.BLUESTARSURVEYING.COM

JN 22-250 GF # DATE: 10/13

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF JOHNSON

WHEREAS **ARNOLD L. THORMEYER & DONNA K. THORMEYER**, are the sole owner of a 8.995 acre tract of land situated in the **GEORGE CASSELAND SURVEY, ABSTRACT NO. 173**, in the City of Joshua, Johnson County, Texas, being that certain tract of land described as Tract I and Tract II, in a deed to Arnold L. Thormeyer and Donna K. Thormeyer, recorded in Volume 2384, Page 74, Deed Records, Johnson County, Texas, and that certain tract of land described as Tract I and Tract II, in a deed to Arnold L. Thormeyer and Donna K. Thormeyer, recorded in Document Number 2022-23775, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

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THENCE S 01°03'15" E, along the common line of said Tract II, and said Jacobs tract, passing a 1/2 inch iron rod found for the common corner of said Jacobs tract, and a tract of land described in a deed to Lindsay K. Buckler, etux, recorded in Volume 1409, Page 474, Deed Records, Johnson County, Texas, at a distance of 310.13 feet, and left 0.33 feet, passing a 1/2 inch iron rod found for the common corner of said Buckler tract, and a tract of land described in a deed to Cathleen Anne Richardson, recorded in Document Number 2017-21259, Deed Records, Johnson County, Texas, at a distance of 521.15 feet, and left 0.55 feet, a 1/2 inch iron rod found online at a distance of 711.66 feet, and continuing a total distance of 733.30 feet to a mag nail with washer stamped "BLUESTAR SURVEYING" set for the common corner of said Tract II, and said Richardson tract, said point being in the centerline of County Road 1023, more or less;

THENCE S 89°41'04" W, along the south line of said Tract II, and along the centerline of said County Road 1023, more or less, passing the common corner of said Tract II, and said Tract I, passing the common corner of said Tract I, and said Thormeyer tract, recorded in Document Number 2022-23775, and continuing a total distance of 534.03 feet to a mag nail with washer stamped "BLUESTAR SURVEYING" set for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and said Thormeyer tract, recorded in Document Number 2022-23775, and a tract of land described in a deed to Randall K. Hutchens, recorded in Volume 23414, Page 829, Deed Records, Johnson County, Texas;

THENCE N 01°06'34" W, along the common line of said Thormeyer tract, recorded in Document Number 2022-23775, and said Hutchens tract, passing a 3/8 inch iron rod found online at a distance of 30.00 feet, and continuing a total 733.26 feet to a 1/2 inch iron rod with plastic cap stamped "BLUESTAR SURVEYING" set for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and said Hutchens tract, said point being in the south line of said Topographic Land Surveyors, Co. tract;

THENCE N 89°40'45" E, along the common line of said Thormeyer tract, recorded in Document Number 2022-23775, and said Topographic Land Surveyors, Co. tract, passing a 1/2 inch iron rod with cap stamped "4732" found online for the common corner of said Thormeyer tract, recorded in Document Number 2022-23775, and said Tract II at a distance of 267.09 feet, and continuing a total distance of 534.74 feet to the **POINT OF BEGINNING** and containing 391,821 square feet or 8.995 acres of land more or less.

OWNER'S DEDICATION

STATE OF TEXAS

COUNTY OF JOHNSON

I (we) the undersigned owner(s) of the land shown on this plat, and designated herein as the **THORMEYER ADDITION** to the City of Joshua, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all rights-of-way, streets, alleys, parks, water courses, drains, easements and public places thereon shown for the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the Thormeyer addition have been notified and signed this plat. I (we) further acknowledge that the dedications and / or exactions made herein are proportional to the impact of the subdivision upon the public services required.

Owner **DONALD L. THORMEYER & DONNA K. THORMEYER**.

STATE OF TEXAS
COUNTY OF JOHNSON

Before me, the undersigned authority, on this day personally appeared **DONALD L. THORMEYER**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.
Given upon my hand and seal of office this _____ day of _____, 2023.

Notary Public in and for the State of Texas
My Commission Expires: _____

Before me, the undersigned authority, on this day personally appeared **DONNA K. THORMEYER**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purpose and consideration therein stated.
Given upon my hand and seal of office this _____ day of _____, 2023.

Notary Public in and for the State of Texas
My Commission Expires: _____

There are no liens against the property.



**Planning & Zoning Agenda
January 5, 2023**

Minutes Resolution

Discussion Item

Agenda Description:

Discuss, consider, and possible action on a request of amending Tree Preservation in section 10.10.8 of the Zoning Ordinance.

Background Information:

The subdivision ordinance was adopted in the year 2020.

Financial Information:

Only cost associated with the public hearing request is the publication expense as required by law.

City Contact and Recommendations:

Aaron Maldonado

Director of Development Services

Attachments:

1. Zoning Ordinance-draft revisions
2. Subdivision Ordinance-draft revisions
3. Land Use Development Fees-draft revisions
4. Tree Removal Permit

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

The City Manager or a designee may approve minor variations in the location of required landscape materials due to unusual topographic constraints, siting requirements, preservation of existing stands of native trees or similar conditions, or to maintain consistency of established front yard setbacks. These minor changes may vary the location of required landscape materials, but may not reduce the amount of required landscape area or the required amount of landscape materials. The landscape plan shall be submitted to the administrative official or a designee and shall specify the modifications requested and present a justification for such modifications.

Section 8.14 Relief From Landscaping Requirements

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

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

Section 8.15 Tree Preservation State Requirements**8.15.1 PURPOSE**

The purpose of this Section is the preservation of mature trees and natural areas. This Section is intended to protect trees during construction, development, and redevelopment, and to control the removal of protected trees. It also establishes rules for replacement and replanting of trees which must be removed during construction. This Section shall protect any property from indiscriminate clearing and shall help maintain and enhance a positive image of the City as well as attract new business enterprises. The terms and provisions of this Section shall apply to the following real property:

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

8.15.2 DEFINITIONS

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

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

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

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

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

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

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

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

tree protection
(TxDOT TPD-19
similar)

Add: "Typical tree protection details are shown below."

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

on the on the City's Pr
shown below) with a tr
greater measured two

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

Trees that are not ~~protected trees are as follows:~~

on the Preferred Tree List are not protected.

ist

es	Large Trees (Shade Trees)
ree	Chinkapin Oak
s	Live Oak
n	Red Oak
i	Cedar Elm
ar	Southern Magnolia
chio	Pecan
w	Slash Pine
m	Loblolly Pine
Locust	Sycamore
	Pin Oak
n	
ple	

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

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis

8.15.3 TREE REMOVAL PERMIT

- A. General. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging any protected tree that is located on a property regulated by this Section without first obtaining a tree-removal permit unless otherwise specified in this Section.
- B. New Development. Unless otherwise specified in Chapter 245 of the Local Government Code, all developments which have not submitted final plats as of the effective date of this Section shall be subject to the requirements for tree protection and replacement specified herein.
- C. Residential Subdivisions. All areas within public rights-of-way, utility easements, or drainage easements as shown on an approved final plat, ~~and areas designed as cut/fill on the master drainage construction plan approved by the City Engineer~~ shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to the requirements of this Section and the applicant for a tree removal permit shall indicate how protected trees may be saved.
- D. Nonresidential Developments. All areas within public rights-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of a building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.
- E. Private Property.
1. Agricultural. Property zoned "A", agricultural, and being actively used for agricultural purposes shall be exempt from the requirements specified herein.
- F. Homeowners. The owner of a residence who uses the residence as his/her homestead shall be exempt from the tree protection and replacement requirements of this Section as they pertain to his/her residential property.
- G. Building / Contractors. All builders who have not submitted a request for a building permit as of the effective date of this Article are subject to the requirements herein. All areas within the driveway, sidewalks, patios, septic tank and lateral lines, parking area, pool, and associated deck area and area within twelve inches (12") of the building foundation as shown on an approved plot plan shall be exempt from the tree protection and replacement requirements of this Section. All other areas of the lot shall be subject to these requirements.

I don't know why this is different than paragraph D. A tree shouldn't be that close to a foundation. They should both be 12'.

feet (12')

8.15.4 EXEMPTIONS

Any franchise utility is exempt from these regulations.

8.15.5 PERMIT REVIEW AND APPROVAL PROCESS

- A. Authority of Review and Approval. The Administrative Official shall be responsible for the review and approval of all requests for tree removal permits and replacements thereof. If the

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

Administrative Official deems it necessary, he/she may require a permit request to be reviewed by the City Council.

- B. Application Process. Permits for removal or replacement of trees covered herein shall be obtained by making application on a form provided by the City, to the Administrative Official. The application shall be accompanied by a site plan, a preliminary plat or other graphic representation showing the exact location, size (trunk diameter and height), and common name of all protected trees and an indication of which trees are to be removed or replaced.
- C. Fees. The application shall be accompanied by the appropriate fee, according to the fee schedule of the City of Joshua.

8.15.6 **REQUIRED APPLICATION**

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

- A. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.
- B. Existing and proposed site elevations, grades and major contours.
- C. Location of existing or proposed utility easements.
- D. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.
- E. The document shall include street address, lot and block, subdivision name, and date of preparation. The site plan shall state the name, address, and telephone number of the owner and person preparing the document if different from the applicant.

8.15.7 **APPLICATION REVIEW**

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

8.15.8 **PERMIT EXPIRATIONS**

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

8.15.9 **APPEAL OF ADMINISTRATIVE OFFICIAL DECISION**

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

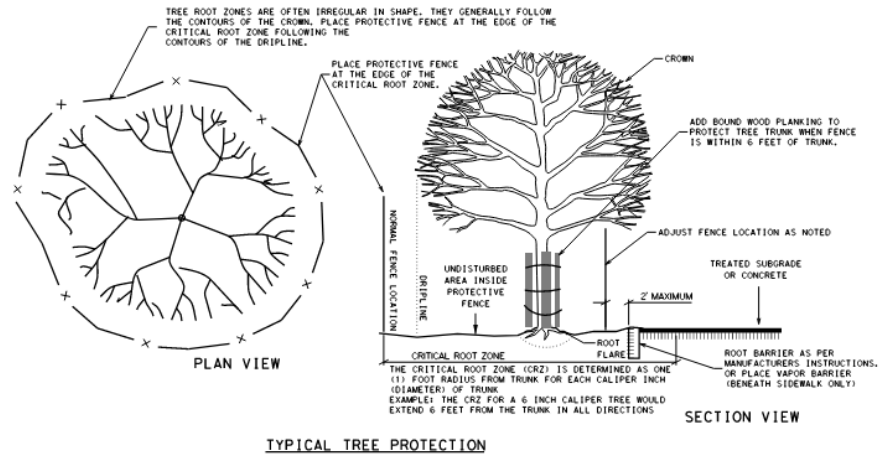
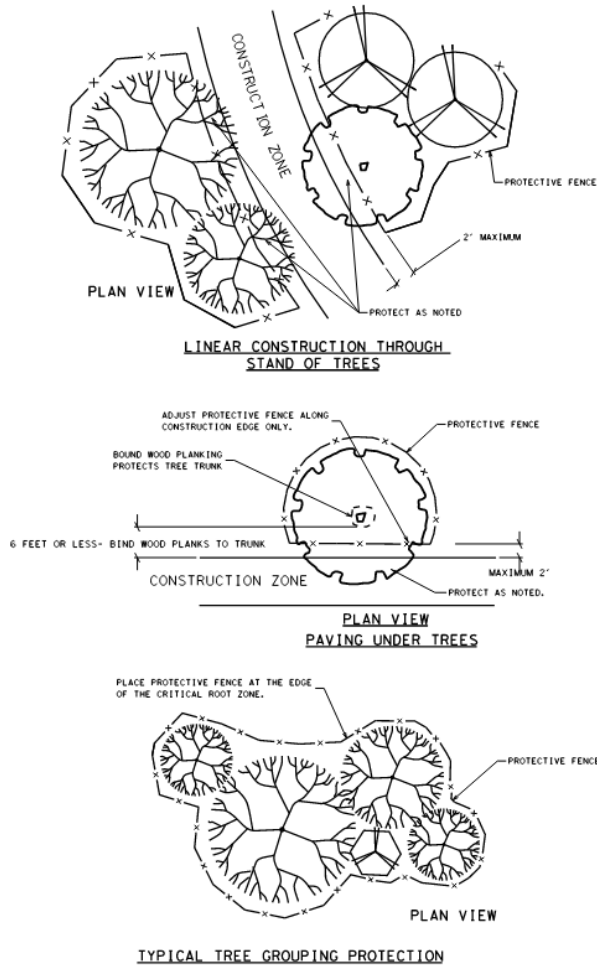
8.15.10 **TREE REPLACEMENT REQUIREMENTS**

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

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

TREE PROTECTION DETAIL

**NOTES:**

CRITICAL ROOT ZONE IS 1 FT. AWAY FROM TREE TRUNK FOR EVERY 1 IN. OF TREE DIAMETER MEASURED AT 4 FT. HEIGHT.

WATER TREES EVERY 2 WEEKS WITH A MINIMUM OF 100 GALLONS PER TREE.

SPRAY TREE WITH WATER TO REMOVE CONSTRUCTION DUST WHEN DIRECTED.

CONSTRUCTION FENCE SHALL BE 4 FT. TALL.

DO NOT PERFORM WORK OR STORE EQUIPMENT WITHIN PROTECTED AREA.

COVER THE CRITICAL ROOT ZONE BETWEEN THE PROTECTED AREA AND THE CONSTRUCTION ZONE WITH 4 IN. OF MULCH.

PERFORM TREE TRIMMING AND WOUND REPAIR PER STANDARD SPECIFICATIONS.

DAMAGED AND EXPOSED ROOTS SHALL BE TRIMMED AND TREATED PER STANDARD SPECIFICATIONS. BACKFILL EXPOSED ROOTS WITH TOPSOIL WITHIN 24 HOURS OF EXPOSURE.

PLACE PLASTIC UNDER CONCRETE PLACED IN THE CRITICAL ROOT ZONE.

PLACE A ROOT BARRIER IN THE CRITICAL ROOT ZONE AT THE EDGE OF TREATED SUBGRADE TO THE DEPTH OF THE SUBGRADE.

ALL WORK IS SUBSIDIARY TO BID ITEM.

Article 8 – Landscape, Open Space and Tree Preservation

ZONING ORDINANCE

8.15.11 **TREE PROTECTION**

- A. Tree Protection. During any construction or land development, the developer shall clearly mark those trees to be protected and may be required by the Administrative Official to erect "Protective Fencing - In those situations where a protected tree is so close to the construction area that construction equipment might infringe on the root system or is within 20 feet of the construction area, a protective fencing shall be required between the outer limits of the critical root zone of the tree and the construction activity area. Four feet high protective fencing shall be supported at a maximum of ten feet intervals by approved methods. All protective fencing shall be in place prior to commencement of any site work and remain in place until all exterior work has been completed. Bark Protection - In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by construction equipment." protective barriers to ensure protection of said trees. The protective barriers must be maintained during all construction until the project is finished.
- B. Material and Equipment Storage. The developer shall not store any material or equipment within the critical root zone of a protected tree. During the construction stage of the development, no cleaning or storage of equipment or material shall be allowed within the drip line of a protected tree or under the canopy of the tree. Materials include but are not limited to oils, paint, solvents, mortar, asphalt, and concrete.
- C. Signs. No signs, wires, or other attachments except protective barriers shall be attached to the protected trees.
- D. Traffic. No vehicular traffic, construction equipment traffic, or parking shall take place within the critical root zone of a protected tree other than on an existing street pavement. This restriction does not apply to single incident access for purposes of clearing underbrush, establishing the building pad and associated lot grading, or vehicular traffic necessary for routine utility maintenance, emergency restoration of utility service or routine moving operations.
- E. Grade. No grade change in excess of four (4") inches shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the Administrative Official beforehand.
- F. Paving. No impervious paving with asphalt or concrete shall be placed within the critical root zone of a protected tree.

Insert Tree
Protection
Details

8.15.12 **TREE PLANTING RESTRICTIONS**

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

8.15.13 **ENFORCEMENT**

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

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

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

SECTION 10.10.8 - TREE PRESERVATION

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

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

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

B. Definitions.

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

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

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

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

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

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

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

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

Insert tree protection details
OR
Reference Section
8.15.11 of the Zoning
Ordinance

Add: "Typical tree protection details are shown below."

on the on the City's Preferred Tree List (Sect. 8.7 of Zoning Ord. Article 8 - Landscape, Open Space, and Tree Preservation and shown below) with a trunk diameter of 12 inches (12") or greater measured twelve inches (12") above ground.

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

Preferred Tree List

Small Trees	Large Trees (Shade Trees)
Raintree	Chinkapin Oak
Cypress	Live Oak
Red Gum	Red Oak
Birch	Cedar Elm
Red Cedar	Southern Magnolia
Pistachio	Pecan
Willow	Slash Pine
White Elm	Loblolly Pine
Honey Locust	Sycamore
Green Ash	Pin Oak
Red Ash	
White Maple	

Trees that are not **protected trees** are as follows:

on the Preferred Tree List are not protected.

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

A sufficient number of trees shall be planted to equal, in diameter, the diameter of the trees removed. The replacement trees shall be at least (3") three inches in diameter measured 12" above ground when planted.

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

C. Tree Removal Permit.

listed in the City's Preferred Tree List

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

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

4. Nonresidential Developments: All areas within public rights-of-way, public utility or drainage easements as shown on an approved final plat, and the fire lanes, parking areas, and areas within twelve feet (12') of a building foundation as shown on an approved site plan shall be exempt from the tree protection and replacement requirements specified herein. All other areas shall be subject to these requirements.

5. Private Property:

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

feet (12')

D. Exemptions.

1. Any franchised utility is exempt from these regulations.

E. Permit Review and Approval Process.

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

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

d) The penalty for removing or damaging protected trees without an approved permit shall be based on a diameter-inch unit cost (measured 12" above ground) as established by the City Council in the latest approved Fee Schedule.

Required Application.

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

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

ARTICLE A5.000 LAND USE/DEVELOPMENT FEES

Item 3.

- (a) Preliminary plat: \$400.00 + \$5.00/lot + cost of professional fees.
- (b) Final plat: \$500.00 + \$5.00/lot + cost of professional fees.
- (c) Replat: \$500.00 + \$5.00/lot + cost of professional fees.
- (d) Amended/minor/concept plat: \$150.00 + cost of professional fees.
- (e) Vacating plat: \$75.00 + cost of professional fees.
- (f) Zoning change: \$500.00 + cost of professional fees.
- (g) Zoning variance: \$250.00 + cost of professional fees.
- (h) Zoning board of appeal: \$150.00.
- (i) Conditional use permit: \$300.00 + cost of professional fees.
- (j) Appeal to city council: \$100.00.
- (k) Development plat: \$500.00 + \$5.00/lot + cost of professional fees.
- (l) Annexation: \$400.00 + cost of professional fees.
- (m) Development agreement: \$150.00 + cost of professional fees.
- (n) Development plan: \$150.00 + cost of professional fees.
- (o) Site plan: \$150.00 + cost of professional fees.
- (p) Tree removal/~~replacement~~: \$50.00.
- (q) Wind turbines (requires CUP): \$300.00 + cost of professional fees.
- (r) Cell towers/antennas (requires CUP): \$300.00 + cost of professional fees.
- (s) Heritage overlay district application: \$500.00.
- (t) Vacation of easement, street or alley: \$100.00.
- (u) New uses requests: \$300.00.

permit

(p1.)

Tree Replacement: \$100/diameter-inch for each protected tree removed

(p2.)

Penalty for removing /damaging protected trees without permit:
\$200/diameter-inch

(Ordinance 691-2017 adopted 9/7/17)

(v) Cost of professional fees: Deposit: \$2,500.00. Actual fees shall be invoiced to applicant or property owner for incurred consultant fees for a project review including but not limited to city attorney, planning consultant, engineering consultant, plan review, and building inspections. Fees shall be charged anytime a project document is forwarded to said consultant(s) and/or anytime city incurs fees for project. The deposit will be subtracted from the final consultant fee invoice and any remainder shall be refunded to applicant/property owner from deposit or applicant/property owner shall be billed in excess of deposit. (Ordinance 758-2019, sec. 4, adopted 6/20/19)



BUILDING PERMIT APPLICATION PROTECTED TREE REMOVAL

Item 3.

DATE APPLIED: _____

PERMIT NUMBER: _____

Job Address: _____

Lot: _____ Block: _____ Addition: _____

Tenant Name: _____ Phone: _____

Property Owner: _____ Phone: _____

Application is hereby made for a permit to remove a tree or group of trees at the above described location. I agree to conform with all ordinances pertaining to tree preservation on said property, whether herein specified or not.

Type of protected tree(s) to be removed: _____

Number protected of tree(s) to be removed: _____

Total diameter of protected tree(s) to be removed: _____

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

A. Location of existing or proposed structures, improvements, and site uses, properly dimensioned and referenced to property lines, setback and yard requirements. **and drainage**

B. Existing and proposed site elevations, grades and major contours.

C. Location of existing or proposed utility easements.

D. Location of all protected trees on the site, to be removed or replaced as well as all trees to be protected.

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

Contractor Business Name: _____ Phone: _____

Contractor Email Address: _____

Mailing Address

State

Zip

The undersigned hereby declares that the above statements are true facts concerning the design and removal of the tree(s) for which application for permit is made, and that he or she is owner of said property or has been authorized by the owner to act as his or their agent in procuring the permit herein requested.

Applicant Name: _____ Phone: _____

Applicant Email: _____

Signature: _____ Date: _____

(MUST BE LISTED ON CONTRACTOR REGISTRATION)

For office Use Only:

Date Approved: _____ Date Issued: _____ Staff: _____ Total Paid: _____