



AGENDA
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
SEPTEMBER 02, 2025
6:30 PM

The Planning & Zoning Commission will hold a meeting in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

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 the July 07, 2025, meeting minutes.
2. Public hearing on a request to consider an Ordinance amending Subsections (C)(1), "Public Hearing and Notice," and (D)(3), "Action of the City Council," of Section 3.1.4, "Amendments, Changes and Administrative Procedures," of Article 3, "Processes and Procedures," of the City's Zoning Ordinance, relative to zoning public notice, public hearings and zoning protests; and amending Section 5.8, "Home Occupations," of Article 5, "Permitted Uses," of the City's Zoning Ordinance, to include the preemptive effect of Section 229.902 of the Texas Local Government Code, as amended.

Staff Presentation

Owner's Presentation

Those in Favor

Those Against

Owner's Rebuttal

3. Discuss, consider, and possible action on recommending the approval of an Ordinance amending Subsections (C)(1), "Public Hearing and Notice," and (D)(3), "Action of the City Council," of Section 3.1.4, "Amendments, Changes and Administrative Procedures," of Article 3, "Processes and Procedures," of the City's Zoning Ordinance, relative to zoning public notice, public hearings and zoning protests; and amending Section 5.8, "Home Occupations," of Article 5, "Permitted Uses," of the City's Zoning Ordinance, to include the preemptive effect of Section 229.902 of the Texas Local Government Code, as amended.

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 551.071, for private consultation with the attorney for the City.

Pursuant to Section 551.127, Texas Government Code, one or more Commissioners 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 817/556-0603.

CERTIFICATE:

I hereby certify that the above agenda was posted on August 27, 2025, by 12:00 p.m. on the official bulletin board at Joshua City Hall, 101 S. Main, Joshua, Texas.

Alice Holloway, City Secretary



**MINUTES
PLANNING & ZONING COMMISSION
JOSHUA CITY HALL - COUNCIL CHAMBERS
JULY 07, 2025
6:30 PM**

The Planning & Zoning Commission held a meeting in the City Hall Council Chambers, 101 S. Main Street, Joshua, Texas.

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 the June 02, 2025, meeting minutes.

Motion made by Alternate 1 Rayburn to approve the minutes as presented. Seconded by Commissioner Allred Sr.

Voting Yea: Commissioner Allred Sr, Commissioner Moore, Commissioner Purdom, Alternate 2 Sales, Commissioner Frazier, Alternate 1 Rayburn

2. Public hearing on a request for a zoning change regarding approximately 5.908 acres of land in the McKinney and Williams Survey, Abstract Number 636, County of Johnson, Texas, located at 965 County Road 705, to change from (A) Agricultural District to the (R-1) Single Family Residential District.

Commissioner Moore opened the public hearing at 6:33 p.m.

Mr. Brady addressed the Commission with drainage concerns. Commissioner Moore clarified that the item under consideration pertained to zoning and explained that the next step for the property owner would be the platting process, which requires review and approval by the City Engineer.

There were no additional public comments regarding the zoning request.

With no further comments, Commissioner Moore closed the public hearing at 6:35 p.m.

3. Discuss, consider, and possible action on a request for a zoning change regarding approximately 5.908 acres of land in the McKinney and Williams Survey, Abstract Number 636, County of Johnson, Texas, located at 965 County Road 705, to change from (A) Agricultural District to the (R-1) Single Family Residential District.

Motion made by Commissioner Moore to approve the zoning change as presented. Seconded by Alternate 2 Sales.

Voting Yea: Commissioner Allred Sr, Commissioner Moore, Commissioner Purdom, Alternate 2 Sale
Commissioner Frazier, Alternate 1 Rayburn

Item 1.

D. ADJOURN

Commissioner Moore adjourned the meeting at 6:37 pm.

Approved: September 02, 2025

Brent Gibson, Chair

ATTEST:

Alice Holloway, City Secretary



Planning & Zoning Agenda September 2, 2025

Minutes Resolution

Action Item

Agenda Description:

Public hearing on a request to consider an ordinance amending Subsections (C)(1), “Public Hearing and Notice,” and (D)(3), “Action of the City Council,” of Section 3.1.4, “Amendments, Changes and Administrative Procedures,” of Article 3, “Processes and Procedures,” of the City’s Zoning Ordinance, relative to zoning public notice, public hearings and zoning protests; and amending Section 5.8, “Home Occupations,” of Article 5, “Permitted Uses,” of the City’s Zoning Ordinance, to include the preemptive effect of Section 229.902 of the Texas Local Government Code, as amended.

- A. Staff Presentation
- B. Owner’s Presentation
- C. Those in Favor
- D. Those Against
- E. Owner’s Rebuttal

Item Summary: The proposed ordinance updates the City’s Zoning Ordinance to align with recent changes enacted by the 89th Texas Legislature. Specifically, the ordinance:

1. Amends procedures for **public hearings, notices, and zoning protests** under Section 3.1.4.
2. Updates **Home Occupation regulations** in Section 5.8 to incorporate the preemptive effect of Texas Local Government Code §229.902 regarding “no-impact” home-based businesses.

Background:

- **House Bill 24 (2025 Session):** Amended Chapter 211 of the Texas Local Government Code to revise procedures related to zoning protests, including definitions and voting thresholds when protests are filed.

- **House Bill 2464 (2025 Session):** Amended Chapter 229 of the Texas Local Government Code to establish uniform rules regarding regulation of no-impact home-based businesses, limiting municipal restrictions.

Key Amendments:

- **Public Hearing and Notice Requirements (Sec. 3.1.4(C)):**
 - Requires notice to property owners within 200 feet for boundary changes.
 - Establishes newspaper and website publication requirements for text amendments and comprehensive zoning changes.
 - Clarifies when written notices to individual property owners are not required.
- **Zoning Protest Procedures (Sec. 3.1.4(D)(3)):**
 - Defines conditions for valid protests (20% or 60% thresholds depending on case type).
 - Establishes filing deadlines, withdrawal procedures, and presumptions of signature validity.
 - Specifies Council voting requirements (3/4 or majority depending on type of protest).
- **Home Occupations (Sec. 5.8):**
 - Incorporates the **preemptive effect of Local Government Code §229.902**.
 - In case of conflict between local ordinance and state statute, state law controls.

Staff Findings

- The proposed ordinance is required to maintain compliance with state law.
- The changes provide clarity and consistency in handling zoning protests, ensuring due process for applicants and surrounding property owners.
- Updating the Home Occupations section avoids potential legal conflicts with state statute regarding no-impact home-based businesses.

Financial Information:

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

City Contact and Recommendations:

Aaron Maldonado, Assistant City Manager



**Planning & Zoning Agenda
September 2, 2025**

Minutes Resolution

Action Item

Agenda Description:

Discuss, consider, and possible action on approving an ordinance amending Subsections (C)(1), “Public Hearing and Notice,” and (D)(3), “Action of the City Council,” of Section 3.1.4, “Amendments, Changes and Administrative Procedures,” of Article 3, “Processes and Procedures,” of the City’s Zoning Ordinance, relative to zoning public notice, public hearings and zoning protests; and amending Section 5.8, “Home Occupations,” of Article 5, “Permitted Uses,” of the City’s Zoning Ordinance, to include the preemptive effect of Section 229.902 of the Texas Local Government Code, as amended.

City Contact and Recommendations:

Aaron Maldonado, Assistant City Manager

Attachments:

- 1) Revised Zoning Ordinance

CITY OF JOSHUA, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, AMENDING SUBSECTIONS (C)(1), "PUBLIC HEARING AND NOTICE," AND (D)(3), "ACTION OF THE CITY COUNCIL," OF SECTION 3.1.4, "AMENDMENTS, CHANGES AND ADMINISTRATIVE PROCEDURES," OF ARTICLE 3, "PROCESSES AND PROCEDURES," OF THE CITY'S ZONING ORDINANCE, FOUND IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, RELATIVE TO ZONING PUBLIC NOTICE, PUBLIC HEARINGS AND ZONING PROTESTS; AMENDING SECTION 5.8, "HOME OCCUPATIONS," OF ARTICLE 5, "PERMITTED USES," OF THE CITY'S ZONING ORDINANCE, FOUND IN CHAPTER 14, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF JOSHUA, TEXAS, TO INCLUDE THE PREEMPTIVE EFFECT OF SECTION 229.902 OF THE TEXAS LOCAL GOVERNMENT CODE, AS AMENDED; MAKING FINDINGS; PROVIDING CUMULATIVE/REPEALER CLAUSES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Joshua, Texas ("City"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, House Bill 24, adopted by the 89th Session of the Texas Legislature, amended Chapter 211 of the Texas Local Government Code relative to zoning protests and added definitions to said Chapter, among others; and

WHEREAS, House Bill 2464, adopted by the 89th Session of the Texas Legislature, amended Chapter 229 of the Texas Local Government Code by adding certain definitions related to no-impact home-based businesses and municipal regulation of same, among others; and

WHEREAS, the City Council desires to amend its ordinances to be consistent with the new state law and in coordination with recent jurisprudential precedents and therefore has determined that the following amendments are in the best interest of the health, safety, and welfare of the citizens of the City of Joshua.

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

SECTION 1

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

From and after the effective date of this Ordinance, existing Subsections (C)(1), "Public Hearing and Notice," and (D)(3), "Action of the City Council," of Section 3.1.4, "Amendments, Changes and Administrative Procedures," of Article 3, "Processes and Procedures," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"§ 3.1.4. AMENDMENTS, CHANGES AND ADMINISTRATIVE PROCEDURES.

* * *

(C) Public hearing and notice. Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall hold at least one public hearing on each application as applicable by state law (Texas Local Government Code Chapter 211, as so may be amended).

1. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for City taxes, located within the area of application and within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the latest approved tax roll and depositing the notice, postage paid, in the United States mail. Notice of hearings on proposed changes in the text of the Zoning Ordinance shall be accomplished by one publication in the official newspaper of the City not less than 15 days prior to both the Planning and Zoning Commission and City Council meetings. Notice of a proposed comprehensive zoning change, as defined in Texas Local Government Code Chapter 211, shall be given by publication in the official newspaper of the City and on the City's website, stating the time and place of such hearing, a minimum of 15 days prior to the date of the public hearing. Changes in the ordinance text which do not change zoning district boundaries and proposed comprehensive zoning changes do not require written notification to individual property owners.

* * *

(D) Action of the City Council.

* * *

3. Three-fourths vote. If a written protest against a proposed amendment, supplement or change to a zoning regulation or district boundary that is not a proposed comprehensive zoning change has been filed with the Planning Department, duly signed and acknowledged by the owners of (i) at least 20

percent of the lots or land covered by the proposed change; (ii) except as otherwise provided in subsection (iii) herein, at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or (iii) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development, such amendments shall not become effective except by the affirmative vote of at least (x) three-fourths of all members of the City Council for a protest described by subsection (i) or (ii); or (y) a majority of all members of the City Council for a protest described by subsection (iii). Written protests shall be subject to the following requirements:

- a. All protests must be submitted to the City Secretary in writing before 5:00 p.m. of the fourth (4th) business day immediately preceding the date advertised for the City Council public hearing in the statutory notice published in the official newspaper of the City. For example, a written protest must be received by 5:00 p.m., on the Friday prior to a regularly scheduled Thursday City Council meeting. A protest sent through the mail must be received by the City Secretary before the deadline. Such written protest(s) shall include the zoning case number, the name of the protesting property owner, the address(es) or property description(s) of the property for which the property owner is asserting a protest, the reasons for the property owner's protest such as the zoning classifications or uses to which the property owner is opposed, and the signature of the protesting property owner(s).
- b. In all cases where a protest has been properly signed pursuant to this section, the City shall presume that the signatures appearing on the protest are authentic and that the persons whose signatures appear on the protest are either owners of the property or authorized to sign on behalf of one or more owners as represented. Upon the advice of the City Attorney, this presumption shall not be followed in a specific case based on evidence presented.
- c. A person may by written request withdraw his or her signature from the protest at any time prior to the close of the public hearing for the zoning case. If the withdrawal of an owner's signature from a protest reduces the percentage of land area ownership protesting the zoning change to less than the 20 percent of the total area of land, a three-

fourths (3/4) vote of the City Council for approval of the zoning change shall not be required.

- d. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.
- e. At any time before City Council action on a zoning case, the filing deadline for a protest is automatically extended whenever the zoning case is postponed or continued to a later date."

SECTION 3

From and after the effective date of this Ordinance, existing Section 5.8, "Home Occupations," of Article 5, "Permitted Uses," of the City's Zoning Ordinance, found in Chapter 14, "Zoning," of the Code of Ordinances of the City of Joshua, Texas, is hereby amended to read as follows:

"§ 5.8. Home Occupations.

* * *

- C. Preemptive Effect of Section 229.902, Local Government Code. In the event of any conflict between this section and Section 229.902 of the Texas Local Government Code, as amended, Section 229.902 shall control."

SECTION 4

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, and any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be

punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7

This Ordinance shall become effective from and after its adoption and publication as required by law; however, the provisions of this Ordinance shall not be applicable to any residential development or tract of land for which one or more final plats has been approved by the City as of the effective date of this Ordinance.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS ____ DAY OF _____, 2025.

Scott Kimble, Mayor

ATTEST:

Alice Holloway, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney

SECTION 7

This Ordinance shall be cumulative of all other ordinances of the City of Joshua and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 8

If any section, chapter, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9

Any person, firm or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 10

A public emergency is found to exist which affects the health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought into conformity with state law and therefore, this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF JOSHUA, TEXAS, ON THIS ____ DAY OF SEPTEMBER, 2025.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

