

ORDINANCE NO. 490-2010

AN ORDINANCE OF THE CITY OF JOSHUA, TEXAS, AMENDING THE CITY OF JOSHUA ZONING ORDINANCE NO. 469-2008, BY AMENDING SECTION 3-3, DEFINITIONS TO ADD A DEFINITION FOR LIGHT MANUFACTURING & LIGHT ASSEMBLY; AMENDING SECTION 3-1, USE TABLE BY ADDING A NEW USE FOR LIGHT MANUFACTURING & LIGHT ASSEMBLY; AMENDING SECTION 3-2, SPECIAL CONDITIONS FOR LISTED USES BY ADDING CONDITIONS FOR LIGHT MANUFACTURING & LIGHT ASSEMBLY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by Section 211.005, “Districts” of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and

WHEREAS, the City Council of the City of Joshua deems it necessary in order to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the City, that the hereinafter contained provisions of this ordinance should be passed, promulgated and enforced; and

WHEREAS, the Planning and Zoning Commission of the City of Joshua has determined that it is necessary to add a new use for Light Manufacturing & Light Assembly to the zoning ordinance; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Joshua has advertised and mailed notices of public hearings to receive comments on the proposed Zoning Ordinance amendments; and,

WHEREAS, upon the Planning and Zoning Commission’s recommendation, the City Council of the City of Joshua has after thoughtful deliberation voted to approve these Zoning Ordinance amendments;

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

SECTION 1.

That Section 3-1, Use of Land and Buildings be amended as follows to add Light Manufacturing and Light Assembly to the use table of the City of Joshua Zoning Ordinance.

City of Joshua Land Use Table															
Land Use Designations	Residential Uses							Non-Residential				Special Conditions			
	A	R-1L	R1	R2	R3	R4	MH		C1	C2	I				(See Sec. 3-2)
Light Manufacturing and Light Assembly									C	P					2, 3, 7, 13, 29

SECTION 2.

That Section 3-3, Definitions add a new definition for Light Manufacturing and Light Assembly as follows:

Light Manufacturing and Light Assembly. A facility that manufactures, fabricates or assembles parts and mechanisms which are used in larger assembly units and do not require machinery or processes which may produce great quantities of noise, emissions, or vibration. All manufacturing, fabrication, and assembly is accomplished inside a structure and all material is stored inside a structure.

SECTION 3.

That this Ordinance shall be cumulative of all other Ordinances 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 4.

If any section, article, 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 the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5.

5.01 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be fined, except as otherwise provided herein, in a sum not to exceed Two Thousand Dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

5.02 If the City Council of the City of Joshua determines that a violation of this Ordinance creates a threat to the public health and safety, the City of Joshua may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity. The City of Joshua is not required to give bond as a condition to the issuance of injunctive relief.

SECTION 6.

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED this 21st day of January, 2010.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney