



ZONING CHANGES

**PROCEDURE/PROCESS FOR ZONE CHANGES
APPLICATION FOR ZONING CHANGES**

PROCEDURE/PROCESS FOR REQUESTING A ZONE CHANGE

1. Complete and submit the Zone Change Application provided by the City of Joshua.
2. Submit a letter to the Planning and Zoning Commission and the City Council explaining your request and the reasons for the change.
3. Attach to the Petition, Exhibit "A" which is a Legal Description of the property, identified by Metes and Bounds as determined by a registered surveyor.
4. 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)
5. The Zone change request will be reviewed by both the Planning and Zoning Commission and City Council - each will conduct a Public Hearing prior to rendering their decision. The Planning and Zoning Commission meets on the first Monday of each month. Planning and Zoning Commission review must precede City Council action.
6. Applicants shall submit his Zone Change packet along with required exhibits and fee to the City Secretary's Office at least thirty (30) days prior to the Planning and Zoning Commission meeting date. The applicant and property owners within two-hundred (200) feet of the site to be considered for a Zoning Change will be advised of the Public Hearing dates by U.S. Mail and Public Notice of same will appear in the City's official newspaper.

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 checked="" 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 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: _____

Project Address (Location): _____

Existing Zoning: _____ 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: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

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

Property Owner: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

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

Key Contact: _____ Company: _____

Address: _____ Tel: _____ Fax: _____

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

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

SIGNATURE: _____
(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____
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 _____ day of _____ 20____

Notary Public _____

Signature _____ Date: _____

For Departmental Use Only

Case No.: _____

Project Manager: _____

Total Fee(s): _____

Check No.: _____

Date Submitted: _____

Accepted By: _____

Date of Complete Application _____

City of Joshua
Zoning Ordinance
Section 1-11 - Amendments, Changes & Administrative Procedures

A. DECLARATION OF POLICY

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures to be a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

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

B. AUTHORITY TO AMEND ORDINANCE

The City Council may from time to time, after public hearings required by law, and after receipt of the recommendation and report of the Planning and Zoning Commission, amend, supplement, or change the regulations herein provided or the classification or boundaries of the zoning districts. Any amendment, supplement, or change to the text of the Zoning Ordinance and any change in the classification or boundaries of the zoning districts may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, the City Council, or may be requested by the owner of the affected real property or the authorized representative of an owner of affected real property.

C. PUBLIC HEARING AND NOTICE

Upon filing of an application for an amendment to the zoning ordinance and/or map, the Planning and Zoning Commission shall call a public hearing on said application.

1. Before the tenth (10th) day before the public hearing date, written notice of the hearing before the Planning and Zoning Commission shall be sent to the owner of the property on which the change in classification is proposed or his/her agent and each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred (200) feet of the property on which the change in classification is proposed. Such notice may be served by depositing the same in the municipality, properly addressed and postage paid, in the United States mail. Where property lying within two hundred (200) feet of the property proposed to be changed is located in territory which was annexed to the City and is not included in the most recently approved municipal tax roll, notice to such owners of the time and place of the hearing shall be given by one publication in the official newspaper before the fifteenth day before the date of the hearing. Failure of owners to receive notice of hearing shall in no way affect the validity of the action taken.

2. If, at the conclusion of the public hearing, the Planning and Zoning Commission, shall make a report and recommendation to the City Council concerning the proposed amendment which report and recommendation shall be by the affirmative votes of not less than a majority of its total membership present and voting. A copy of any recommended amendment shall be submitted to the City Council and shall be accompanied by a report of findings, summary of hearing and any other pertinent data.
3. The Planning and Zoning Commission may recommend denial of an application with or without prejudice against the applicant to refile the application. If the Commission recommends denial of the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being recommended for denial without prejudice against refiling. If it is later determined by the Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been given Agricultural zoning classification is exempt from the one (1) year waiting period.

D. ACTION OF THE CITY COUNCIL

1. Upon receipt of the report and recommendation of the Planning and Zoning Commission of an application to rezone property or to amend the zoning ordinance, the City Council shall schedule the application or amendment for public hearing and shall give notice of the time and place of the hearing by one (1) publication in the official newspaper at least fifteen (15) days prior to such hearing.
2. When the Planning and Zoning Commission has recommended to the City Council that a proposed amendment be approved or disapproved, the City Council may approve or disapprove the petition or application for amendment by a simple majority vote of the City Council present and voting.
3. In the case of a written protest against an amendment to the ordinance signed by the owners of at least twenty percent (20%), of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area included in the proposed change and extending two hundred (200) feet from that area, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council.
4. In making its determination, the City Council may consider the following factors:
 - (a) Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole.
 - (b) Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers and other utilities to the area and shall note the findings.

- (c) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unsuitable for development.
 - (d) The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed changes.
 - (e) The manner in which other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should also be modified.
 - (f) Any other factors which will substantially affect the public health, safety, morals or general welfare.
5. In considering a motion to deny a zoning application, or upon voting to deny a zoning application, the City Council shall further consider whether said application shall be denied with or without prejudice against refiling. If the City Council shall deny the application and fails to clearly state the same is being denied with prejudice, then it shall be deemed that said application is being denied without prejudice against refiling. If an application is denied by the City Council with prejudice, or the application is denied by the Planning and Zoning Commission and the applicant elects not to proceed to the City Council, no application may be filed for all or part of the subject tract of land for a period of one (1) year from the date of the denial. If it is determined by the Planning and Zoning Commission that there has been a sufficient change in circumstances regarding the property or in the zoning application itself, it may waive the waiting period and grant a new hearing. Newly annexed land which has been assigned to the Agricultural zoning district is exempt from the one (1) year waiting period.
6. In the event of a reapplication affecting the same land for a zone that will permit the same use of the property as that which would have been permitted under the denied application, the same shall not be considered to be substantially different from the application denied.

E. FINAL APPROVAL AND ORDINANCE ADOPTION

If the amending ordinance is not approved within six (6) months from the date of completion of the original public hearing, the application for rezoning, at the option of the City Council, may be rescheduled for another public hearing.

F. CHANGES IN ZONING REGULATIONS NOT INVOLVING PARTICULAR PROPERTY

Amendments to the Zoning Ordinance not involving a particular property but involving general changes in the zoning regulations do not require notice to individual property owners. In such cases, notice of the required public hearing shall be given by publication in the official newspaper of the City, stating the time and location of the public hearing, which time shall not be earlier than fifteen (15) days from the date of such publication.