

Alyssa Linenkugel, Place 1
Tomas Mendoza, Place 2
John Mounce, Place 3



James Castle, Place 4
Daniel Dennis, Place 5
Shelby St. Claire, Mayor Pro Tem, Place 6

James Clark, Mayor
CITY OF JUSTIN
CITY COUNCIL AGENDA
JANUARY 23, 2025
415 N. COLLEGE AVE.
5:30 PM

A) CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

Texas Flag: *"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible"*

B) RECOGNITION

1. Recognition of Helen Allen for her years of service on the Library Board.
2. Certificate of Recognition with Meals on Wheels
3. Presentation of the Quilts of Valor Program
4. Employee Recognition by the City Manager

C) EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

1. Under Section 551.071, to conduct a private consultation with the City Attorney regarding:
 - Short Term Rentals
 - Range Creek Developers Agreement
 - Trafford Terrace Developers Agreement
 - Treeline Development
 - Madera Municipal Management District
2. Under Section 551.072, to deliberate regarding the purchase, exchange, lease, or sale of real property related to Water Infrastructure

D) TAKE ANY ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION ITEM(S)

E) UPCOMING MEETINGS AND EVENTS

1. The following is a list of upcoming meetings and events:
 - January 15 - February 14, 2025, City Election File Dates
 - January 20, 2025, City Offices Closed for the MLK Holiday
 - February 3, 2025, Municipal Court at 5 p.m.
 - February 11, 2025 Parks and Recreation Board Meeting at 6 p.m.
 - February 13, 2025, City Council Meeting at 5:30 p.m.
 - February 17, 2025, City Offices Closed for President's Day Holiday
 - February 18, 2025, Planning and Zoning Commission Meeting at 6:30 p.m.
 - February 20, 2025, EDC/CDC Meeting at 5:30 p.m.

F) WORKSHOP ITEM(S) AND REPORT(S)

1. Discuss a Short Term Rental Policy
2. Receive a Biannual Update from the Planning & Zoning Commission
3. Receive a TIRZ #1 Update
4. Receive the annual Racial Profiling Report 2024
5. Receive an Emergency Response Update from the Fire Department

G) PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens with the opportunity to speak, the mayor may impose a three-minute time limitation for each citizen to speak with a seasonal limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic. The Texas Open Meetings Act prohibits the City Council from discussing issues which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

H) CONSENT AGENDA

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration.

1. Consider approving the City Council minutes dated December 12, 2024, Regular Meeting, and January 13, 2025, Special Called Meeting; and take appropriate action.
2. Consider adopting Ordinance 793-24, second reading to establish the Unified Development Code therefore amending, repealing, and replacing Chapter 52, Chapter 36, Chapter 42; Chapter 12 Article IV, and amending Sec. 10-247 through Sec. 10-252, amending Ch 12 Article II, Amending chapter 12 Article III, and Chapter 12 Article VI; and take appropriate action.
3. Consider adopting Ordinance 795-25 first reading, calling for a General Municipal Election to be held on Saturday, May 3, 2025, to elect Three (3) City Council Members to City Council Place

One, Place Two, and Place Three to serve two (2) year terms, authorizing the notice of election; authorizing a joint election order with other Denton County political subdivisions; and authorizing the City Secretary to enter into a contract with Denton County for Election Services; take appropriate action.

4. Consider adopting Ordinance 796-25 calling for a Special Municipal Election on Saturday, May 3, 2025, to amend the City Charter authorizing notice of Special Election, authorizing a Joint Election Order with other Denton County Political Subdivisions, authorizing the City Secretary to enter into an agreement with Denton County for Election Services; and take appropriate action.
5. Consider approving Resolution 730-25 adopting a City of Justin Facility Naming Policy; and take appropriation action.
6. Consider approving Resolution 731-25 amending the Fee Schedule; and take appropriate action.

I) ITEMS PULLED FROM CONSENT AGENDA

J) ACTION ITEMS

1. Consider approving Resolution 792-25 authorizing the Mayor to execute an agreement between the City of Justin and Bloomfield Homes, L.P. for the construction and funding of authorized improvements and reimbursement of advances for Timberbrook Public Improvement District No. 1- Improvement of Area #3; and take appropriate action.
2. Consider approving Resolution 732-25 granting consent to the creation of the Madera Municipal Management District no. 1 and the inclusion of 539 acres of land into said district; and take appropriate action.

K) FUTURE AGENDA ITEMS

L) ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 1/16/25 at 2:30 p.m., at least 72 hours preceding the scheduled meeting time.

Amy Piukana

Amy Piukana, TRMC, City Secretary



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 1. (WORKSHOP ITEM(S) AND REPORT(S))

Title: Discuss a Short Term Rental Policy

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

This item was requested by Councilmember Mounce.

Background:

For research purposes, the City Attorney has provided updates on lawsuits with other pending Cities and statuses of these lawsuits for discussion if needed.

City Attorney Review:

Attachments:

None



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 2. (WORKSHOP ITEM(S) AND REPORT(S))

Title: Receive a Biannual Update from the Planning & Zoning Commission

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

No action is needed.

Background:

Staff has been working with all Boards and Chair members to establish a rotating schedule for all Chairs to provide an update to City Council. The first bi-annual update will be given by David Beck, Chairman of the Planning and Zoning Commission.

City Attorney Review: No

Attachments:

None



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 3. (WORKSHOP ITEM(S) AND REPORT(S))

Title: Receive a TIRZ #1 Update

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

No action is requested.

Background:

On December 14, 2023, City Council approved the creation of TIRZ #1. Staff has awaited the numbers from the Denton County Appraisal District to be able to accurately forecast the 5-year projections along with provide City Council an update on the City initiated Increment Reinvestment Zone.

During the creation of TIRZ #1 a preliminary plan was also created in accordance with state statutes to provide an estimate of projects that would be included along with a total cost over the duration of the TIRZ.

The following below are the City's portion of the TIRZ, County's Portion (no agreement has been made yet), and the Cumulative.

NEXT STEPS: Staff will set up a meeting with the County to discuss a participation percentage and report back any information from that discussion to City Council. The next step would be then finalizing an agreement with Denton County for the TIRZ participation. The last and final step would be City Council appointing the TIRZ board (it can be Council or another board) and adopting the final plan. This will take place over the next six months.

FY 24-25

City Amount to TIRZ	Estimated County Amount to TIRZ	Total Tax Amount to TIRZ
\$144,638.97	\$45,279.73	\$189,918.70
\$-	\$10.07	\$10.07

	\$144,638.97	\$45,289.79	\$189,928.76
FY25-26	City Amount to TIRZ	Estimated County Amount to TIRZ	Tax Amount to TIRZ
	\$167,022.08	\$52,286.84	\$219,308.92
	\$-	\$13.09	\$13.09
	\$167,022.08	\$52,299.92	\$219,322.01
FY 26-27	City Amount to TIRZ	Estimated County Amount to TIRZ	Tax Amount to TIRZ
	\$190,524.35	\$59,644.30	\$250,168.66
	\$-	\$16.26	\$16.26
	\$190,524.35	\$59,660.56	\$250,184.91
FY 27-28	City Amount to TIRZ	Estimated County Amount to TIRZ	Tax Amount to TIRZ
	\$215,201.74	\$67,369.64	\$282,571.38
	\$-	\$19.59	\$19.59
	\$215,201.74	\$67,389.23	\$282,590.96
FY 28-29	City Amount to TIRZ	Estimated County Amount to TIRZ	Tax Amount to TIRZ
	\$241,112.99	\$75,481.25	\$316,594.24
	\$-	\$23.08	\$23.08
	\$241,112.99	\$75,504.33	\$316,617.32
TOTAL	\$958,500.13	\$300,143.83	\$1,258,643.96

City Attorney Review: No

Attachments:

1. Tax Increment Reinvestment Zone (TIRZ) FAQ
2. TIRZ 1 Preliminary Plan



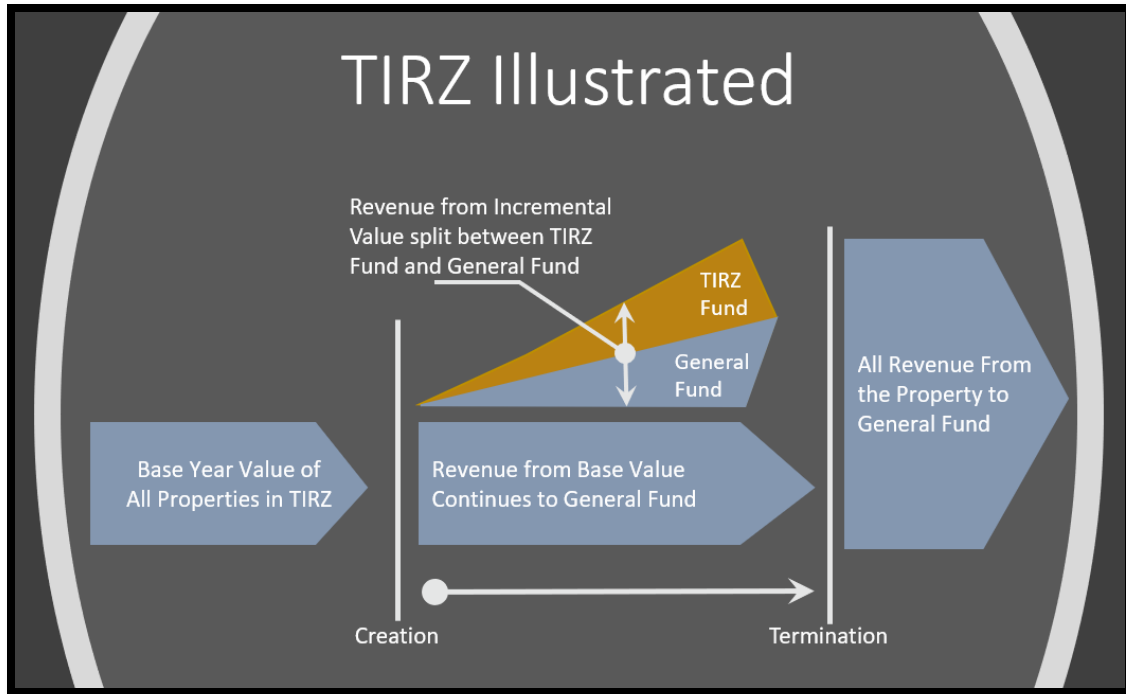
Tax Increment Reinvestment Zone (TIRZ)

FREQUENTLY ASKED QUESTIONS

- What is TIRZ?
 - A Tax Increment Reinvestment Zone (TIRZ) is a tool that local governments can use to publicly finance needed structural improvements and enhanced infrastructure within a defined area. These improvements usually are undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area.
- Does a TIRZ increase taxes in the zone or outside of the zone?
 - The TIRZ does not increase taxes, whether you are inside the zone or outside the zone.
- How does a TIRZ work?
 - The TIRZ uses the increased property tax valuations from new development to fund specific projects within the TIRZ.
- Who approves the zone?
 - The City Council approves the area of the City that may be included in the TIRZ for commercial development and re-development. The approval process includes public notices and public meetings.
- Does the City of Justin have a TIRZ?
 - The City of Justin has TIRZ #1. A Public Hearing was held on November 9, 2023, and another Public Hearing was held on December 14, 2023. The area designation can be seen below by clicking the “TIRZ” layer on the map. [City of Justin Comprehensive Interactive Map \(arcgis.com\)](#)
- When did the City of Justin approve a TIRZ?

- The City of Justin TIRZ #1 was approved by the City Council on December 14, 2023. The link to the Council meeting can be seen below. [Dec 14, 2023 City Council - Justin, TX \(swagit.com\)](https://www.swagit.com/JustinTX/2023/12/14/2023-12-14-City-Council-Meeting)
- How does the TIRZ impact the City's general fund?
 - The TIRZ revenue doesn't directly impact the city's general fund because the increased property tax revenue from the zone is segregated and directed toward specific projects or improvements within the TIRZ area. The City will apportion 50% of the increase or increment revenues from the baseline to the TIRZ fund. The other 50% will be distributed to the general fund. See "Example" for more details.
- What is the duration of a TIRZ?
 - The duration of a TIRZ that is most commonly seen in municipalities is anywhere from 20-30 years. The City of Justin TIRZ#1 is set for 30 years.
- Can a TIRZ be dissolved?
 - Yes, a TIRZ can be dissolved at any time by City Council, preferably if all projects are paid off or there are not any outstanding projects that are still under construction.
- Can a TIRZ change its boundary or change its identified list of projects?
 - The City can change its boundaries or identified projects after a recommendation or approval from the TIRZ Board/City Council.
- Can the money from a TIRZ be utilized to fund anything outside the identified projects in the final plan?
 - No, the money can only be utilized to fund what was approved on the final plan. However, as mentioned above the final plan can be amended by the TIRZ Board/City Council.
- Why can the City create a TIRZ?
 - The Texas Legislature authorizes creation of a TIRZ by City Council in Section 311 of the Texas Tax Code.

Example: If the current ad-valorem taxes generated in an area are \$100,000 and the next year it climbs to \$120,000 then the newly added value is \$20,000. The TIRZ is proposed at 50% so \$10,000 would be placed in the general fund and \$10,000 would be placed in the TIRZ. However, if the house or area is built outside the TIRZ zone then 100% of the ad-valorem funds will be allocated to the general fund.





City Council Coversheet
December 14, 2023
415 N. COLLEGE AVE.

Agenda Item: 14. (POSSIBLE ACTION ITEMS)

Title: PUBLIC HEARING: Public Hearing and Ordinance 766-23 on second reading to consider authorizing the creation and designating a geographic area within the City as a Tax Increment Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number One.

- a. open public hearing
- b. close public hearing
- c. consider and take appropriate action

Department: Development

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends consideration based on the request.

Background:

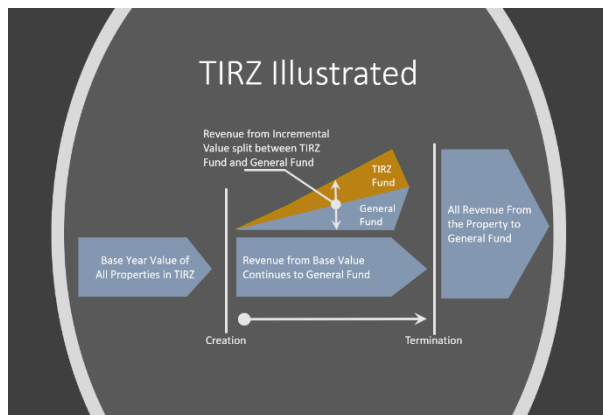
Following a thorough process and in compliance with all legal requirements, Staff has identified approximately 702.78 acres within the city limits as the tax increment reinvestment zone, named Reinvestment Zone Number One. The City Council will be required to appoint a Board of Directors comprising eight members, with Place 8 to be appointed by the Commissioners Court of Denton County, Texas. The appointed individuals, representing various positions within the City, will serve on the Board, ensuring effective governance and management of the Zone. The City Council may appoint themselves as the TIRZ Board if desired.

The Tax Increment Reinvestment Zone has the potential to enhance taxable real property, increased sales and use taxes, and improved job opportunities for residents. The development plans will address the identified challenges and contribute to the overall growth of the community. Additionally, a Tax Increment Fund (TIRZ Fund) is to support the proposed projects within the Zone. This fund will be used to finance essential public infrastructure, economic development programs, and various initiatives aimed at attracting businesses.

What is a TIRZ?

Tax increment financing is a tool that local governments can use to publicly finance needed structural improvements and enhanced infrastructure within a defined area. These improvements usually are

undertaken to promote the viability of existing businesses and to attract new commercial enterprises to the area. The statutes governing tax increment financing are located in Chapter 311 of the Tax Code.



Breakdown of the TIRZ

City TIRZ Contribution:

- 50% TIRZ Participation
- \$20 million over term of Zone

County TIRZ Contribution

- Only applicable if the County chooses to participate
- Requested 50% TIRZ Participation
- \$7 million over term of Zone

City General Fund

- \$20 million in new revenue over term of Zone

Example of TIRZ

Property A is valued on January 1, 2023 for \$1,000,000

- The appraised value for January 1, 2024 goes up 3% making the property value \$1,030,000.
- The new tax increment that goes into the TIRZ fund is the taxes collected on the \$30,000 value increase

OR

Property A is vacant and valued at \$100,000.

- Property A is improved with improvements valued at \$1,000,000 making the new property value \$1,100,000
- The new tax increment that goes into the TIRZ fund is the taxes collected on the \$1,000,000 in new improvements

Next Steps

Creation of the Zone

- December 14th, City Council Meeting.

County Participation

- Request County participate in TIRZ#1.

Approval of Final Plan

- TIRZ Board & City Council to consider a Final Project and Finance

Public Input/Engagement

- Held a Public Hearing on November 9, 2023
- Held a Public Hearing on December 14, 2023 (only one is required by State Law)
- Posted on Social Media on Wednesday, November 29th
- Posted on Social Media on Monday, December 4th
- Scheduled to Post on Social Media the week of December 11th
- Posted through e-notify

City Attorney Review: Yes

Attachments:

1. TIRZ Preliminary Plan
2. Proposed Ordinance- TIRZ

REINVESTMENT ZONE NUMBER ONE,
CITY OF JUSTIN, TEXAS
PRELIMINARY PROJECT AND FINANCE PLAN
NOVEMBER 9, 2023

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SECTION 1: DEFINITIONS

Capitalized terms used in this Preliminary Plan shall have the meanings given to them in **Section I** below unless otherwise defined in this Preliminary Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section,” or an “Exhibit,” shall be a reference to a Section of this Preliminary Plan or an Exhibit attached to and made a part of this Preliminary Plan for all purposes.

“**Act**” means Chapter 311, Texas Tax Code, Tax Increment Financing Act, as amended.

“**Administrative Costs**” means the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone, including reasonable charges for the time spent by employees of the City in connection with the implementation of the Final Plan, planning, engineering, legal services, organizational costs, publicizing costs, costs of operating the Zone and project facilities paid by or on behalf of the City that are directly related to the administration of the Zone, as well as payments made at the discretion of the governing body of the municipality that it finds necessary or convenient to the creation of the Zone or to the implementation of the Final Plan for the Zone.

“**Appraisal District**” means the Denton Central Appraisal District.

“**Board**” means the Board of Directors for the Zone.

“**Captured Appraised Value**” means the new taxable value generated beyond the Tax Increment Base for each year during the term of the Zone.

“**City**” means the City of Justin, Texas.

“**City Council**” means the governing body of the City.

“**City TIRZ Increment**” means fifty percent (50%) of the ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone, as further described in **Section 12.1**.

“**County**” means Denton County, Texas.

“**County Participation Agreement**” means that certain agreement anticipated to be entered into by the City and the County detailing Denton County’s participation in the Zone.

“**County TIRZ Increment**” means fifty percent (50%) of the County’s ad valorem real property taxes collected on the Captured Appraised Value in the Zone, and deposited into the TIRZ Fund pursuant to the County Participation Agreement.

“Creation Ordinance” means the ordinance adopted by the City creating and designating the Zone.

“Downtown Revitalization Program” means the City’s program for the downtown area which includes façade renovations, downtown master plans, public infrastructure supporting downtown, and economic development programs as designated by the Board and City Council.

“Feasibility Study” means the economic feasibility study as prepared at the time of the Preliminary Plan and updated when the Final Plan is updated or amended, and focuses only on direct financial benefits, as further described in **Section 9**, and shown on **Exhibit E**.

“Final Plan” means the future *Reinvestment Zone Number One, City of Justin, Texas Final Project and Finance Plan*.

“Preliminary Plan” means this *Reinvestment Zone Number One, City of Justin, Texas Preliminary Project and Finance Plan*.

“Project Costs” means the total costs for projects in the Zone, including the cost of the Public Improvements and Administrative Costs.

“Property” means 702.78 acres of land as depicted on **Exhibit A** and identified on **Exhibit H**.

“Public Improvements” means the proposed public improvements to be financed by the Zone, which includes roads, water, sanitary sewer, trails, parks, utility improvements, and Downtown Revitalization Program, as depicted on **Exhibit G**, and detailed on **Exhibit C**.

“Tax Increment Base” means total appraised value of taxable real property in the Zone at the time of creation of the Zone.

“TIRZ No. 1 Fund” means the tax increment fund created by the City and segregated from all other funds of the City.

“Zone” means Reinvestment Zone Number One, City of Justin, Texas, as depicted on **Exhibit A**, and identified on **Exhibit H**.

SECTION 2: INTRODUCTION

2.1 Authority and Purpose

The City has the authority under the Act to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone to promote development or redevelopment of the area because the City Council determined that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the Zone is economically feasible, and that creation of the Zone is in the best interest of the City and the property in the Zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, economic development grants, and other projects benefiting the Zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

2.2 Eligibility Requirements

An area is eligible under the Act to be designated as a tax increment reinvestment zone if the area:

- 1) substantially arrests or impairs the sound growth of the municipality designating the Zone, retard the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition; or
- 2) is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; or
- 3) is in a federally assisted new community located in the City or in an area immediately adjacent to a federally assisted new community; or
- 4) is in an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the City by the owners of property constituting at least fifty percent (50%) of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

2.3 Proposed Zone

The Property within the proposed Zone is currently located within the corporate limits and extraterritorial jurisdiction of the City. The Property is primarily open, undeveloped or underdeveloped, and substantially impairs and arrests the sound growth of the City. Due to its size, location, and physical characteristics development would not occur solely through private investment in the foreseeable future. The Property lacks public infrastructure and requires economic incentive to attract development for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone. If the Public Improvements are financed as contemplated by this Preliminary Plan, the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City, the County, and the region, a quality development.

2.4 Preliminary Plan and Hearing

Before the City Council adopts the Creation Ordinance, the City Council must prepare a preliminary project and finance plan in accordance with the Act and hold a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons shall be given the opportunity to speak for and against the creation of the Zone, the boundaries of the Zone and the concept of tax increment financing, and at which hearing the owners of the Property shall be given a reasonable opportunity to protest the inclusion of their Property in the Zone. The requirement of the Act for a preliminary project and finance plan was satisfied by this Preliminary Plan, the purpose of which was to describe, in general terms, the Public Improvements that will be undertaken and financed by the Zone. A description of how such Public Improvements and projects will be undertaken and financed shall be determined by the Final Plan, which requires approval by the Board and City Council.

2.5 Creation of the Zone

Upon the closing of the above referenced public hearing, the City Council shall consider the Creation Ordinance and the following findings:

- 1) that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future, and
- 2) that the Zone is feasible, and
- 3) that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, and
- 4) that the Zone meets the eligibility requirements of the Act.

Among other provisions required by the Act, the Creation Ordinance shall appoint the Board.

2.6 Board Recommendations

After the creation of the Zone, the Board shall review the Final Plan and recommend its approval to the City Council pursuant to which the City shall contribute the City TIRZ Increment into the TIRZ No. 1 Fund to pay a portion of the Project Costs benefiting the Zone. After the creation of the Zone, the Board shall review the Final Plan, and recommend its approval to the City Council.

SECTION 3: DESCRIPTION AND MAPS

3.1 Existing Uses and Conditions

The Property is currently zoned Local Retail, General Business – Old Town, General Business, Single Family, Light Industrial. The Property is primarily undeveloped or underdeveloped, and there is limited or inadequate public infrastructure to support development. Development requires extensive public infrastructure that: (1) the City could not provide, and (2) would not be provided solely through private investment in the foreseeable future.

3.2 Proposed Uses

The proposed uses of the Property in the City include residential, commercial, and industrial, as shown on **Exhibit F**.

3.3 Parcel Identification

The parcels identified on **Exhibit H** provide sufficient detail to identify with ordinary and reasonable certainty the territory included in the Zone.

SECTION 4: PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS

The Property is wholly located in the corporate limits and extraterritorial jurisdiction of the City and is subject to the City's zoning regulation, or shall be upon annexation. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure. No proposed changes to zoning ordinances, comprehensive plan, building codes, subdivision rules, or other municipal ordinances are planned.

SECTION 5: RELOCATION OF DISPLACED PERSONS

No persons shall be displaced and in need of relocation due to the creation of the Zone or due to the implementation of the Final Plan.

SECTION 6: ESTIMATED NON-PROJECT COSTS

Non-project costs are costs that will be spent to develop in the Zone but will not be financed by the Zone, and will be financed by other funds. The list of non-project costs is shown on **Exhibit B**, and are estimated to be approximately \$222,964,319.

SECTION 7: PROPOSED PUBLIC IMPROVEMENTS

7.1 Categories of Public Improvements

All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act, including Texas Local Government Code Chapter 380.

7.2 Location of Public Improvements

The estimated locations of the proposed Public Improvements are depicted on **Exhibit G**. These locations may be revised, with the approval of the City, from time to time without amending the Final Plan.

SECTION 8: ESTIMATED PROJECT COSTS

8.1 Project Costs

The total Project Costs for projects in the Zone, which includes the cost of the Public Improvements, and the Administrative Costs, are estimated to be approximately \$27,255,681, as shown on **Exhibit C**.

8.2 Estimated Costs of Public Improvements

The estimated costs of the Public Improvements within the Zone are approximately \$26,850,000, as shown on **Exhibit C**.

8.4 Estimated Administrative Costs

The Administrative Costs are estimated to be \$10,000 annually and escalating at two percent (2%) thereafter, and shall be paid each year from the TIRZ No. 1 Fund before the costs of Public Improvements are paid. The Administrative Costs are estimated to be \$405,681 over the term of the Zone.

8.5 Estimated Timeline of Incurred Costs

The Administrative Costs will be incurred annually beginning at the time the Zone is created and through the duration of the Zone. It is estimated the Project Costs will be incurred between calendar years 2024 and 2042, as shown on **Exhibit D**.

SECTION 9: FEASIBILITY STUDY

The Feasibility Study, as shown on **Exhibit E**, focuses on only direct financial benefits (i.e. ad valorem tax revenues from the development of Public Improvements in the Zone). Based on the Feasibility Study, during the term of the Zone, new development (which would not have occurred but for the Zone) will generate approximately \$55,031,156 in total new real property tax revenue for the participation taxing entities.

The City TIRZ Increment, estimated at \$20,458,790, will be deposited into the TIRZ No. 1 Fund to pay for the Project Costs over the life of the Zone. The remaining new real property tax revenue over that period, estimated at \$20,458,790 shall be retained by the City, in addition to existing ad valorem tax revenues generated from the Tax Increment Base.

If applicable, the County TIRZ Increment, estimated at \$7,056,788, will be deposited into the TIRZ No. 1 Fund to pay for the Project Costs over the life of the Zone. The remaining new real property tax revenue over that period, estimated at \$7,056,788 shall be retained by the County, in addition to existing ad valorem tax revenues generated from the Tax Increment Base.

One hundred percent (100%) of all taxing revenues generated for other taxing entities by the new development within the Zone will be retained by the respective taxing entities, unless the taxing entity participates in the Zone. Based on the foregoing, the feasibility of the Zone has been demonstrated.

SECTION 10: ESTIMATED BONDED INDEBTEDNESS

No tax increment reinvestment zone bonds or public indebtedness by the City secured by the tax increments pursuant to the Act, is contemplated.

SECTION 11: APPRAISED VALUE

11.1 Tax Increment Base

The Tax Increment Base of the Zone at the time of creation is estimated to be \$170,933,300, and shall be confirmed by the Appraisal District. Each year, the Appraisal District shall confirm the current Captured Appraised Value.

11.2 Estimated Captured Appraised Value

It is estimated that upon expiration of the term of the Zone, the total Captured Appraised Value of taxable real property in the Zone will be approximately \$599,650,483, as shown on **Exhibit E**. The actual Captured Appraised Value, as certified by the Appraisal District, for each year, will be used to calculate the annual City TIRZ Increment.

SECTION 12: METHOD OF FINANCING

The Final Plan shall obligate the City to deposit the City TIRZ Increment into the TIRZ No. 1 Fund beginning in 2023. For example, in FY 2023, the City's ad valorem tax rate was \$0.630693 per \$100 of taxable value, therefore the City would contribute \$0.3153 per \$100 of the Captured Appraised Value in the Zone levied and collected, to the TIRZ No. 1 Fund.

If applicable, the County Participation Agreement shall obligate the County to deposit the County TIRZ Increment into the TIRZ No. 1 Fund beginning in 2023. For example, in FY 2022, the County's ad valorem tax rate was \$0.217543 per \$100 of taxable value, therefore the County would contribute \$0.1088 per \$100 of the Captured Appraised Value in the Zone levied and collected, to the TIRZ No. 1 Fund.

All payments of Project Costs shall be made solely from the TIRZ No. 1 Fund and from no other funds of the City unless otherwise approved by their respective governing bodies. The TIRZ No. 1 Fund shall only be used to pay the Project Costs. The City may amend the Final Plan including but not limited to what is considered a Project Cost.

SECTION 13: DURATION OF THE ZONE, TERMINATION

13.1 Duration

The stated term of the Zone shall commence upon the execution of the Creation Ordinance and shall continue until December 31, 2053, with the last increment being due by January 31, 2054, unless otherwise terminated in accordance with the Creation Ordinance, and Section 13.2 below.

13.2 Termination

The Zone shall terminate on the earlier of (i) December 31, 2053, or (ii) at such time that the Project Costs have been paid in full. If upon expiration of the stated term of the Zone, the obligations of the Zone have not been fully funded by the TIRZ No. 1 Fund, the City shall have no obligation to pay the shortfall and the term shall not be extended. Nothing in this section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

LIST OF EXHIBITS

Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Map of the Zone
Exhibit B	Non-Project Costs
Exhibit C	List of Project Costs
Exhibit D	Estimated Timeline of Incurred Project Costs
Exhibit E	Feasibility Study
Exhibit F	Proposed Uses of the Property
Exhibit G	Map of the Public Improvements
Exhibit H	Legal Description

EXHIBIT A – MAP OF THE ZONE

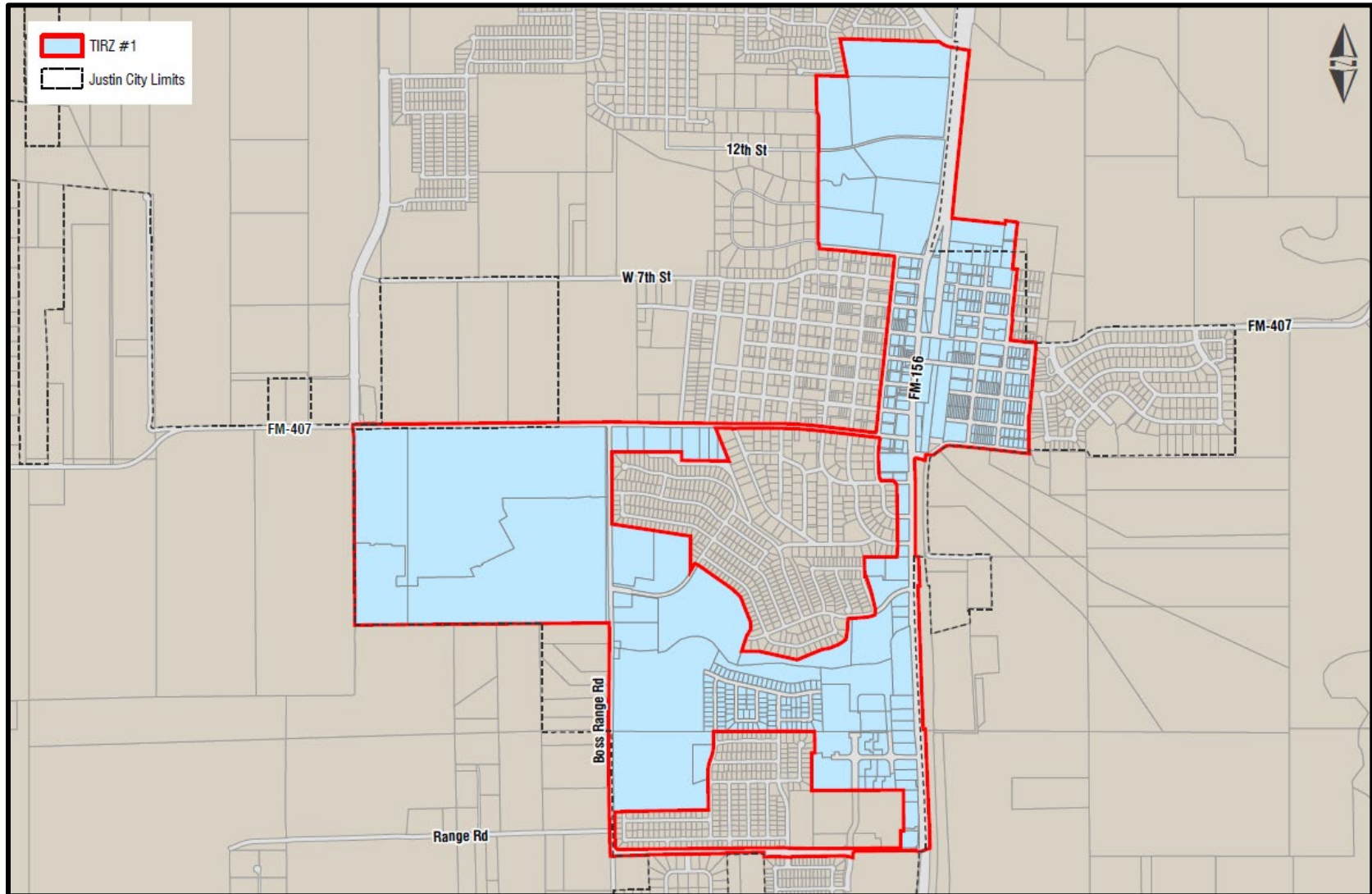


EXHIBIT B – NON-PROJECT COSTS

Reinvestment Zone Number One, City of Justin, Texas Non-Project Costs		
Non-Project Costs		
Total New Value Added	\$	250,220,000
Total Project Costs	\$	27,255,681
Total Non-Project Costs	\$	222,964,319
Footnotes:		
(1) Shown for illustrative purposes only, and subject to change.		

EXHIBIT C – LIST OF PROJECT COSTS

Reinvestment Zone Number One, City of Justin, Texas Project Costs			
No.	Category	Name	Estimated City Cost
1	Utilities	Gas Line	\$ 700,000
2	Trails	Trail in JTS	\$ 800,000
3	Sewer	West Side Sewer Reimbursement	TBD
4	Water	Boss Range Water Line	\$ 1,300,000
5	Roads	Boss Range Road	\$ -
6	Roads	FM 1171 to John Wiley	\$ 900,000
7	Roads	Road Breakout from 1171	\$ 2,800,000
8	Roads	FM 407 Jug Handle	\$ 2,800,000
9	Sewer	12th Street Sanitary Sewer and Force Main	\$ 1,200,000
10	Sewer	Secondary Feed to Meadowlands	\$ 1,200,000
11	Misc.	GST Old Town/PW	\$ 5,400,000
12	Roads	Atchison Road Improvements	\$ 750,000
13	Roads	Gulf Road Improvements	\$ 1,000,000
14	Parks	Community Parks Improvements	\$ 4,000,000
15	Downtown	Downtown Revitalization Program	\$ 4,000,000
Subtotal			\$ 26,850,000
Administrative Costs			\$ 405,681
Total:			\$ 27,255,681

EXHIBIT D – ESTIMATED TIMELINE OF INCURRED PROJECT COSTS

Reinvestment Zone Number One, City of Justin, Texas			
Estimated Timeline of Incurred Project Costs			
Zone Year	Calendar Year	Total Project Costs ^{1,2}	
		Annual	Cumulative
Base	2023	\$ -	\$ -
1	2024	\$ 1,514,082	\$ 1,514,082
2	2025	\$ -	\$ 1,514,082
3	2026	\$ 1,734,058	\$ 3,248,140
4	2027	\$ -	\$ 3,248,140
5	2028	\$ 1,950,815	\$ 5,198,955
6	2029	\$ -	\$ 5,198,955
7	2030	\$ 2,193,326	\$ 7,392,281
8	2031	\$ -	\$ 7,392,281
9	2032	\$ 2,418,668	\$ 9,810,948
10	2033	\$ -	\$ 9,810,948
11	2034	\$ 2,670,836	\$ 12,481,784
12	2035	\$ -	\$ 12,481,784
13	2036	\$ 3,003,483	\$ 15,485,267
14	2037	\$ -	\$ 15,485,267
15	2038	\$ 3,377,979	\$ 18,863,246
16	2039	\$ -	\$ 18,863,246
17	2040	\$ 3,798,617	\$ 22,661,864
18	2041	\$ -	\$ 22,661,864
19	2042	\$ 4,188,136	\$ 26,850,000
20	2043	\$ -	\$ 26,850,000
Total		\$ 26,850,000	

Footnotes:	
(1) Estimate provided for illustrative purposes only.	
(2) Does not illustrate Administrative Costs, which shall be incurred annually for the duration of the Zone.	

EXHIBIT E – FEASIBILITY STUDY

Reinvestment Zone Number One, City of Justin, Texas Feasibility Study

Zone	Year	Tax Year	Growth/ Year ¹	Added Development Value ²	New Taxable Value	Incremental Value	City TIRZ Increment			City Retained New Revenue		County TIRZ Increment ³			County Retained New Revenue		Total TIRZ Fund Contribution	
							%	Annual	Cumulative	Annual	Cumulative	%	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative
Base	2023				\$ 170,933,300													
1	2024		2%		\$ 174,351,966	\$ 3,418,666	50%	\$ -	\$ -	\$ -	\$ -	50%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	2025		2%	\$ 14,110,000	\$ 191,949,005	\$ 21,015,705	50%	\$ 10,781	\$ 10,781	\$ 10,781	\$ 10,781	50%	\$ 3,719	\$ 3,719	\$ 3,719	\$ 3,719	\$ 14,499	\$ 14,499
3	2026		2%		\$ 195,787,985	\$ 24,854,685	50%	\$ 66,272	\$ 77,053	\$ 66,272	\$ 77,053	50%	\$ 22,859	\$ 26,578	\$ 22,859	\$ 26,578	\$ 89,131	\$ 103,631
4	2027		2%	\$ 16,160,000	\$ 215,863,745	\$ 44,930,445	50%	\$ 78,378	\$ 155,431	\$ 78,378	\$ 155,431	50%	\$ 27,035	\$ 53,612	\$ 27,035	\$ 53,612	\$ 105,413	\$ 209,044
5	2028		2%		\$ 220,181,020	\$ 49,247,720	50%	\$ 141,687	\$ 297,118	\$ 141,687	\$ 297,118	50%	\$ 48,872	\$ 102,484	\$ 48,872	\$ 102,484	\$ 190,558	\$ 399,602
6	2029		2%	\$ 18,180,000	\$ 242,764,640	\$ 71,831,340	50%	\$ 155,301	\$ 452,419	\$ 155,301	\$ 452,419	50%	\$ 53,567	\$ 156,051	\$ 53,567	\$ 156,051	\$ 208,868	\$ 608,470
7	2030		2%		\$ 247,619,933	\$ 76,686,633	50%	\$ 226,518	\$ 678,936	\$ 226,518	\$ 678,936	50%	\$ 78,132	\$ 234,183	\$ 78,132	\$ 234,183	\$ 304,650	\$ 913,120
8	2031		2%	\$ 20,440,000	\$ 273,012,332	\$ 102,079,032	50%	\$ 241,829	\$ 920,765	\$ 241,829	\$ 920,765	50%	\$ 83,413	\$ 317,597	\$ 83,413	\$ 317,597	\$ 325,242	\$ 1,238,362
9	2032		0.0%		\$ 273,012,332	\$ 102,079,032	50%	\$ 321,903	\$ 1,242,668	\$ 321,903	\$ 1,242,668	50%	\$ 111,033	\$ 428,630	\$ 111,033	\$ 428,630	\$ 432,936	\$ 1,671,297
10	2033		0.0%	\$ 22,540,000	\$ 295,552,332	\$ 124,619,032	50%	\$ 321,903	\$ 1,564,570	\$ 321,903	\$ 1,564,570	50%	\$ 111,033	\$ 539,662	\$ 111,033	\$ 539,662	\$ 432,936	\$ 2,104,233
11	2034		2%		\$ 301,463,379	\$ 130,530,079	50%	\$ 392,982	\$ 1,957,552	\$ 392,982	\$ 1,957,552	50%	\$ 135,550	\$ 675,212	\$ 135,550	\$ 675,212	\$ 528,532	\$ 2,632,765
12	2035		2%	\$ 24,890,000	\$ 332,382,646	\$ 161,449,346	50%	\$ 411,622	\$ 2,369,174	\$ 411,622	\$ 2,369,174	50%	\$ 141,980	\$ 817,192	\$ 141,980	\$ 817,192	\$ 553,602	\$ 3,186,366
13	2036		2%		\$ 339,030,299	\$ 168,096,999	50%	\$ 509,125	\$ 2,878,299	\$ 509,125	\$ 2,878,299	50%	\$ 175,611	\$ 992,803	\$ 175,611	\$ 992,803	\$ 684,736	\$ 3,871,102
14	2037		2%	\$ 27,990,000	\$ 373,800,905	\$ 202,867,605	50%	\$ 530,088	\$ 3,408,387	\$ 530,088	\$ 3,408,387	50%	\$ 182,842	\$ 1,175,644	\$ 182,842	\$ 1,175,644	\$ 712,930	\$ 4,584,032
15	2038		2%		\$ 381,276,923	\$ 210,343,623	50%	\$ 639,736	\$ 4,048,123	\$ 639,736	\$ 4,048,123	50%	\$ 220,662	\$ 1,396,307	\$ 220,662	\$ 1,396,307	\$ 860,398	\$ 5,444,430
16	2039		2%	\$ 31,480,000	\$ 420,382,462	\$ 249,449,162	50%	\$ 663,311	\$ 4,711,434	\$ 663,311	\$ 4,711,434	50%	\$ 228,794	\$ 1,625,101	\$ 228,794	\$ 1,625,101	\$ 892,105	\$ 6,336,535
17	2040		2%		\$ 428,790,111	\$ 257,856,811	50%	\$ 786,629	\$ 5,498,063	\$ 786,629	\$ 5,498,063	50%	\$ 271,330	\$ 1,896,430	\$ 271,330	\$ 1,896,430	\$ 1,057,959	\$ 7,394,494
18	2041		2%	\$ 35,400,000	\$ 472,765,913	\$ 301,832,613	50%	\$ 813,142	\$ 6,311,206	\$ 813,142	\$ 6,311,206	50%	\$ 280,475	\$ 2,176,905	\$ 280,475	\$ 2,176,905	\$ 1,093,617	\$ 8,488,111
19	2042		0.0%		\$ 472,765,913	\$ 301,832,613	50%	\$ 951,819	\$ 7,263,024	\$ 951,819	\$ 7,263,024	50%	\$ 328,308	\$ 2,505,213	\$ 328,308	\$ 2,505,213	\$ 1,280,126	\$ 9,768,237
20	2043		0.0%	\$ 39,030,000	\$ 511,795,913	\$ 340,862,613	50%	\$ 951,819	\$ 8,214,843	\$ 951,819	\$ 8,214,843	50%	\$ 328,308	\$ 2,833,521	\$ 328,308	\$ 2,833,521	\$ 1,280,126	\$ 11,048,364
21	2044		2%		\$ 522,031,831	\$ 351,098,531	50%	\$ 1,074,898	\$ 9,289,741	\$ 1,074,898	\$ 9,289,741	50%	\$ 370,761	\$ 3,204,282	\$ 370,761	\$ 3,204,282	\$ 1,445,660	\$ 12,494,023
22	2045		2%		\$ 532,472,468	\$ 361,539,168	50%	\$ 1,107,177	\$ 10,396,918	\$ 1,107,177	\$ 10,396,918	50%	\$ 381,895	\$ 3,586,177	\$ 381,895	\$ 3,586,177	\$ 1,489,072	\$ 13,983,095
23	2046		2%		\$ 543,121,917	\$ 372,188,617	50%	\$ 1,140,101	\$ 11,537,019	\$ 1,140,101	\$ 11,537,019	50%	\$ 393,252	\$ 3,979,429	\$ 393,252	\$ 3,979,429	\$ 1,533,353	\$ 15,516,448
24	2047		2%		\$ 553,984,356	\$ 383,051,056	50%	\$ 1,173,684	\$ 12,710,703	\$ 1,173,684	\$ 12,710,703	50%	\$ 404,835	\$ 4,384,264	\$ 404,835	\$ 4,384,264	\$ 1,578,519	\$ 17,094,967
25	2048		2%		\$ 565,064,043	\$ 394,130,743	50%	\$ 1,207,938	\$ 13,918,641	\$ 1,207,938	\$ 13,918,641	50%	\$ 416,650	\$ 4,800,914	\$ 416,650	\$ 4,800,914	\$ 1,624,588	\$ 18,719,555
26	2049		2%		\$ 576,365,324	\$ 405,432,024	50%	\$ 1,242,878	\$ 15,161,519	\$ 1,242,878	\$ 15,161,519	50%	\$ 428,702	\$ 5,229,616	\$ 428,702	\$ 5,229,616	\$ 1,671,579	\$ 20,391,135
27	2050		2%		\$ 587,892,630	\$ 416,959,330	50%	\$ 1,278,516	\$ 16,440,034	\$ 1,278,516	\$ 16,440,034	50%	\$ 440,994	\$ 5,670,611	\$ 440,994	\$ 5,670,611	\$ 1,719,510	\$ 22,110,645
28	2051		2%		\$ 599,650,483	\$ 428,717,183	50%	\$ 1,314,867	\$ 17,754,901	\$ 1,314,867	\$ 17,754,901	50%	\$ 453,533	\$ 6,124,144	\$ 453,533	\$ 6,124,144	\$ 1,768,400	\$ 23,879,045
29	2052		0.0%		\$ 599,650,483	\$ 428,717,183	50%	\$ 1,351,945	\$ 19,106,846	\$ 1,351,945	\$ 19,106,846	50%	\$ 466,322	\$ 6,590,466	\$ 466,322	\$ 6,590,466	\$ 1,818,267	\$ 25,697,311
30	2053		0.0%		\$ 599,650,483	\$ 428,717,183	50%	\$ 1,351,945	\$ 20,458,790	\$ 1,351,945	\$ 20,458,790	50%	\$ 466,322	\$ 7,056,788	\$ 466,322	\$ 7,056,788	\$ 1,818,267	\$ 27,515,578
Total				\$ 250,220,000				\$ 20,458,790		\$ 20,458,790			\$ 7,056,788		\$ 7,056,788		\$ 27,515,578	

Assumptions

Base Taxable Value ⁴	\$ 170,933,300
City AV Rate	0.630693
County AV Rate	0.217543

Footnotes

- 1) Values increased at 2% annually with two years of no growth each decade to simulate an economic downturn.
- 2) Added Development Value estimated based on City's prior growth.
- 3) County is shown for illustrative purposes and has not yet agreed to participate.
- 4) Base Taxable Value to be confirmed by the Appraisal District.

EXHIBIT F – PROPOSED USES OF THE PROPERTY

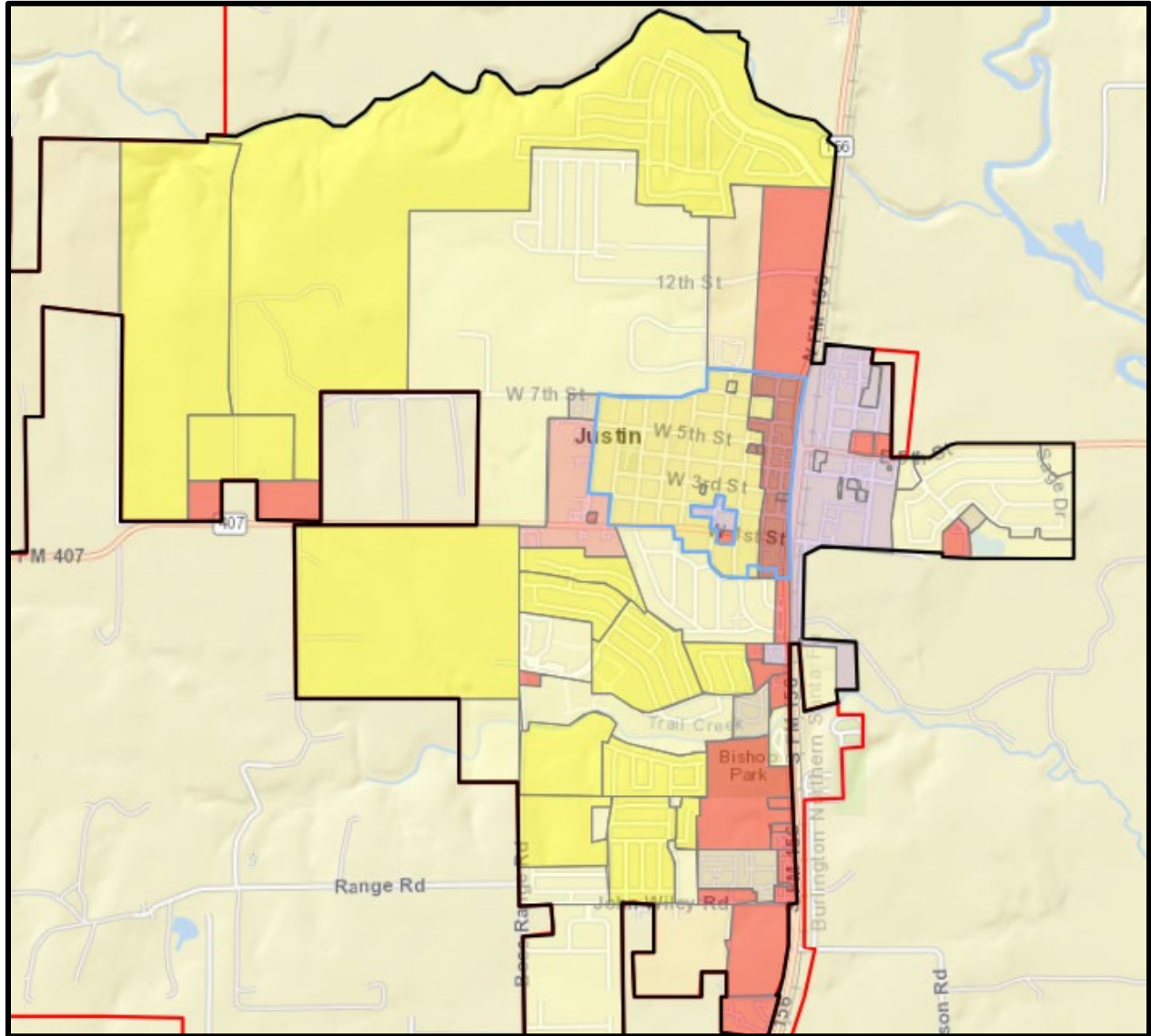


EXHIBIT G – MAP OF THE PUBLIC IMPROVEMENTS

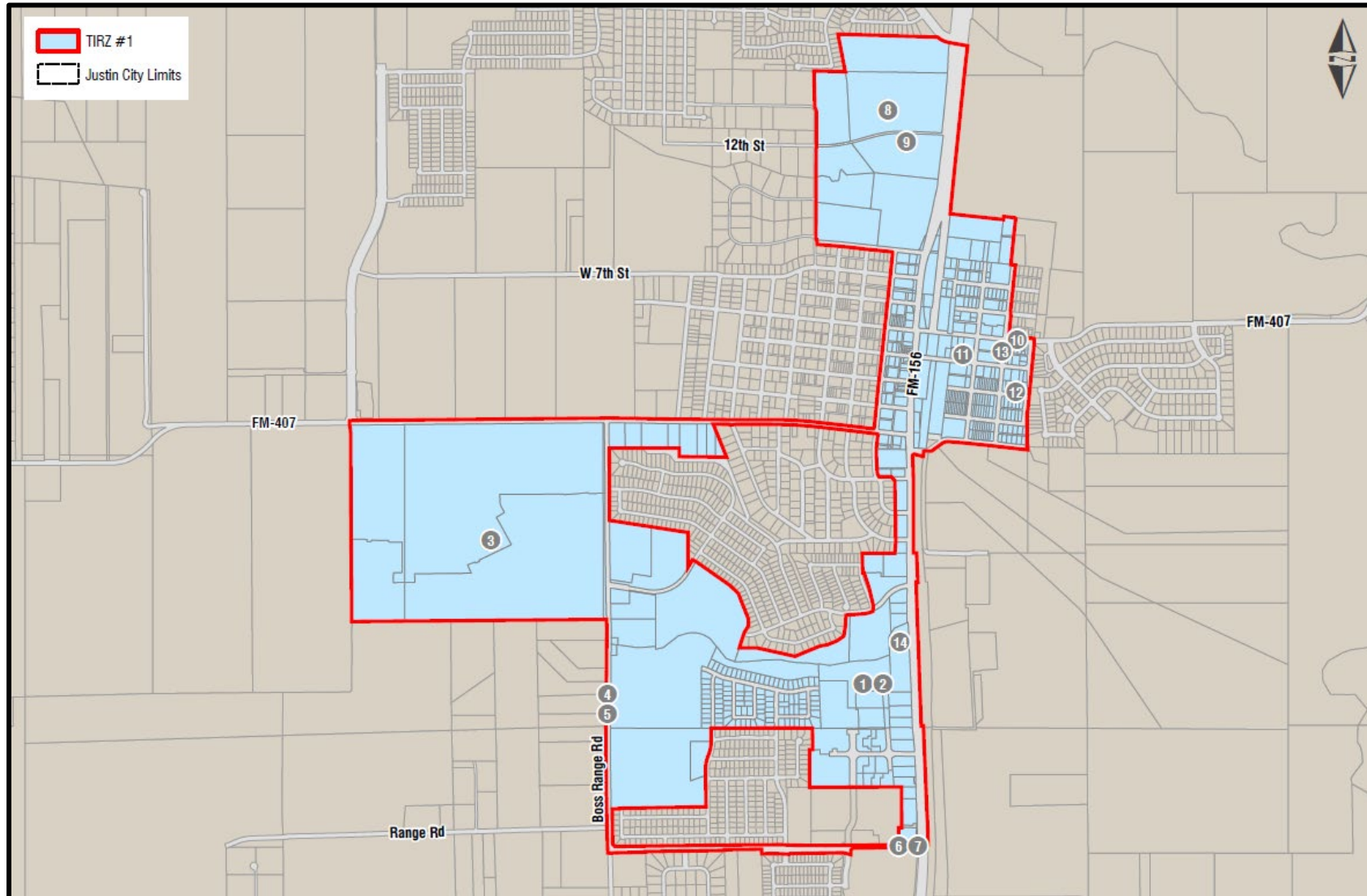


EXHIBIT H – PARCEL IDENTIFICATION

Property ID	Acres
158357	0.09
135225	0.06
158362	0.12
69077	0.16
158355	0.09
158326	0.08
158374	0.09
158358	0.12
158320	0.08
158409	0.19
158408	0.19
158373	0.09
158354	0.09
158356	0.09
158331	0.16
158313	0.08
158325	0.08
158407	0.19
135226	0.08
158316	0.08
158312	0.08
158334	0.17
158336	0.16
158353	0.12
158323	0.08
69289	0.38
69293	0.30
158317	0.08
158324	0.08
149291	0.12
69084	0.14
194897	0.20
158403	0.10
158377	0.09
69081	0.40
69073	0.29
69150	0.47

Property ID	Acres
68058	2.15
69291	0.15
158335	0.16
69075	0.10
69257	0.02
69262	0.11
69252	0.18
247369	2.53
69253	0.09
69277	0.16
158350	0.12
158319	0.08
158406	0.10
158399	0.08
158372	0.09
158344	0.16
158349	0.12
158339	0.14
135220	0.15
158359	0.12
158480	0.15
158340	0.16
69265	0.06
158420	0.07
158493	0.18
158422	0.08
158421	0.07
158315	0.08
282731	1.11
69575	0.16
158424	0.08
158479	0.16
158333	0.12
122488	0.61
69255	0.06
158478	0.16
158314	0.08

Property ID	Acres
158419	0.07
69526	0.17
155378	0.35
158477	0.15
158486	0.15
158418	0.07
158485	0.17
158401	0.10
78625	0.07
158360	0.12
69168	0.05
68822	0.92
68822	0.21
68779	1.11
0	0.24
0	0.18
68805	2.13
158484	0.17
69596	0.49
234846	4.60
158366	0.09
69282	0.74
158363	0.17
69271	0.07
158383	0.09
158367	0.09
158368	0.09
158385	0.06
69250	0.51
69276	0.36
69158	0.10
69261	0.24
69258	0.10
69530	0.35
69249	1.04
69163	0.35
69461	0.23

Property ID	Acres
675155	1.31
69566	0.16
69260	0.16
158347	0.15
69315	0.08
158417	0.06
69471	0.43
158423	0.08
69572	0.46
69311	0.10
158487	0.09
69334	0.35
69263	0.06
158369	0.09
158379	0.09
135221	0.12
158380	0.09
69576	0.12
69321	0.26
69266	0.95
158382	0.09
135231	0.13
69264	0.40
69251	0.49
158425	0.08
158414	0.10
69278	1.66
158378	0.09
158352	0.12
158410	0.19
291028	1.96
122489	0.14
270675	3.93
158412	0.19
69266	0.78
69576	0.12
158371	0.09
158381	0.09
135222	0.18
135223	0.25

Property ID	Acres
149285	0.10
69437	0.48
69425	0.48
158476	0.14
78626	0.47
69522	0.15
158483	0.20
194924	0.44
158384	0.09
69273	0.17
158364	0.06
162987	0.94
158345	0.16
158474	0.13
184886	9.07
69155	0.17
231226	0.33
69254	0.31
224345	0.18
158482	0.16
158398	0.06
158342	0.17
158341	0.17
69564	0.35
158481	0.17
69282	0.74
69298	0.15
158351	0.12
158376	0.09
158365	0.09
154908	0.12
69453	0.32
69280	0.20
158346	0.15
158348	0.12
69316	0.26
69527	0.10
202500	0.34
158361	0.12
158370	0.09

Property ID	Acres
69570	0.30
69152	0.29
69256	0.05
158343	0.18
614309	0.07
69268	0.02
155375	0.09
158488	0.42
158308	0.08
154907	0.13
158311	0.08
69267	0.01
69267	0.01
69269	0.02
155373	0.08
187412	6.66
158338	0.14
69268	0.02
69269	0.02
69268	0.02
158318	0.12
69170	0.05
69270	0.02
69268	0.01
135218	0.18
158328	0.16
158322	0.08
614319	0.07
614319	0.07
614319	0.10
69534	0.18
158321	0.08
135217	0.12
158337	0.16
69269	0.01
184885	5.61
158491	0.25
158327	0.11
69168	0.25
69270	0.01

Property ID	Acres
69466	0.07
69465	0.08
69465	0.08
69465	0.08
158330	0.16
69270	0.02
69269	0.02
234847	0.00
208187	1.06
69267	0.02
158492	0.23
158329	0.16
69272	0.08
277902	0.20
158386	0.06
158375	0.09
69525	0.59
178046	1.43
69270	0.02
69267	0.02
155374	0.07
154906	8.90
234847	3.73
158473	0.12
158475	0.13
69515	0.39
69500	0.39
69448	0.23
69445	0.22
69494	1.41
184885	9.35
184888	12.44
682815	0.13
184879	24.39
980338	1.25
980340	0.90
980339	1.02
670864	0.00
670865	0.00
68818	0.24

Property ID	Acres
679403	0.06
69537	0.16
69534	0.17
69537	0.17
69473	0.68
202501	0.71
183543	1.22
122487	1.59
179598	1.60
724567	2.29
706537	0.44
244924	1.08
523464	4.81
68790	1.74
68771	2.56
769361	0.20
769355	0.18
769352	0.18
769396	0.20
769344	0.18
769386	0.18
769389	0.22
769285	0.18
769365	0.16
769394	0.18
769362	0.21
769368	0.16
769333	0.16
769292	0.17
769351	0.18
769364	0.16
769287	0.17
769397	0.20
769379	0.16
769369	0.16
769347	0.19
769354	0.18
769350	0.18
769356	0.18
769378	0.16

Property ID	Acres
769288	0.18
769279	0.18
769363	0.17
769331	0.16
769370	0.16
769353	0.18
769398	0.18
769373	0.16
769283	0.17
769360	0.21
769395	0.15
769271	0.17
769286	0.17
769284	0.17
769349	0.18
222070	27.58
69561	0.44
652689	0.01
655893	0.04
261647	1.61
741247	0.86
741246	0.69
69588	0.16
69582	0.07
306004	0.93
69577	1.53
69584	0.08
135229	0.22
158413	0.15
966126	0.11
966124	0.36
966122	0.12
679874	0.64
966123	0.11
682814	0.10
69403	1.02
682813	0.03
69541	0.13
69447	0.18
675484	0.08

Property ID	Acres
68819	0.32
706731	0.12
675483	0.87
69475	0.25
706733	0.09
769324	0.17
769316	0.20
769348	0.19
769325	0.18
769282	0.18
769326	0.19
769345	0.18
769290	0.18
769400	0.15
769317	0.16
769340	0.20
769336	0.23
769380	0.17
769385	0.18
769372	0.17
769374	0.16
769293	0.18
769377	0.16
769338	0.18
265989	31.35
769330	0.16
769358	0.27
769334	0.17
769337	0.18
769357	0.20
769320	0.16
769291	0.17
769384	0.18
769346	0.18
769319	0.16
769339	0.18
769367	0.26
769322	0.32
769399	0.14
769366	0.20

Property ID	Acres
769390	0.20
769383	0.19
769381	0.19
769376	0.16
769371	0.19
769280	0.17
769387	0.21
769392	0.15
769321	0.18
769401	0.20
769281	0.18
769382	0.18
769332	0.16
769375	0.16
769274	0.17
769335	0.19
769318	0.16
769289	0.18
661904	7.82
184888	23.15
966125	0.12
464527	9.01
69451	0.17
651427	0.04
670872	0.47
183859	0.46
158751	0.44
706732	0.13
202500	0.06
679799	0.41
683124	2.03
68822	2.40
706512	0.10
69477	0.26
769327	0.26
769329	0.21
769328	0.24
464528	21.62
769402	5.54
769277	0.18

Property ID	Acres
769273	0.23
769278	0.17
769276	0.18
769275	0.18
769391	0.19
769393	0.18
769272	0.20
769343	0.25
258174	6.42
769323	0.19
741248	0.79
986694	1.08
984752	16.06
68212	25.08
986693	0.47
984751	69.41
68118	83.09
989113	0.48
989114	0.46
989115	0.96
69302	0.15
158415	0.15
158402	0.10
158416	0.14
122489	0.33
69307	0.09
158400	0.10
126172	0.20
69310	0.09
126171	0.34
158405	0.10
69300	0.14
158404	0.10
1010200	0.13
1009868	1.80
1009865	2.03
529883	1.09
256033	1.52
1002429	5.02
769342	0.42

Property ID	Acres
769341	0.24
660468	0.10
256034	1.15
1008392	2.72
995156	0.37
529881	0.94
529882	0.89
235062	0.66
290950	0.81
529884	1.06

Property ID	Acres
995157	0.50
995158	0.47
995159	0.71
995160	0.65
995161	0.58
995162	0.80
995166	5.17
995165	0.94
995164	0.69
995163	0.89

Property ID	Acres
995167	3.47
766248	8.02
766245	0.38
766245	5.95
184887	15.47
135227	0.16
126170	0.03
1019327	0.06

**CITY OF JUSTIN, TEXAS
ORDINANCE NO. 765-23**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, DESIGNATING A GEOGRAPHIC AREA WITHIN THE CITY AS A TAX INCREMENT REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER ONE, CITY OF JUSTIN, TEXAS; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE AND APPOINTING MEMBERS OF THE BOARD; ESTABLISHING A TAX INCREMENT FUND (TIRZ FUND) FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin, Texas (the "City"), pursuant to Chapter 311 of the Texas Tax Code, as amended (the "Act"), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the City Council of the City (the "City Council") desires for the City to consider the creation of a tax increment reinvestment zone in the City consisting of approximately 702.78 acres identified and depicted on ***Exhibit A*** attached hereto (the "Property"); and

WHEREAS, pursuant to and as required by the Act, the City Council prepared a *Reinvestment Zone Number One, City of Justin, Texas, Preliminary Project and Finance Plan* (the "Preliminary Project and Finance Plan") attached hereto as ***Exhibit B*** and incorporated herein for all purposes; and

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in the Denton Record-Chronicle, a newspaper of general circulation within the City, on October 30, 2023, which date is not later than the seventh (7th) day before the public hearing held on November 9, 2023; and

WHEREAS, at the public hearing on November 9, 2023, interested persons were allowed to speak for or against the creation of the zone, the boundaries of the zone, and the concept of tax increment financing, and owners of property in the proposed zone were given a reasonable opportunity to protest the inclusion of their property in the zone; and

WHEREAS, evidence was received and presented at the public hearing in favor of the

creation of the zone; and

WHEREAS, the City has taken all actions required to create the zone including, but not limited to, all actions required by the Act, the Texas Open Meetings Act, and all other laws applicable to the creation of the zone; and

WHEREAS, the City desires to appoint initial members to the board of directors of the zone; and

WHEREAS, terms used in this Ordinance that have their initial letters capitalized shall have the meanings given to them in this Ordinance; however, terms that are **CAPITALIZED IN BOLD** shall have the meanings given to them in the Preliminary Project and Finance Plan.

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

SECTION 1. FINDINGS.

(a) The recitals, findings, and determinations contained in the preamble to this Ordinance are incorporated into the body of this Ordinance as if fully set forth in this Section and are hereby found and declared to be true and correct legislative findings and are adopted as part of this Ordinance for all purposes.

(b) The City Council finds that the **PUBLIC IMPROVEMENTS** will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the City.

(c) The City Council finds that the proposed zone meets the requirements of Section 311.005(a) of the Act in that:

- (i) there is a need for essential public infrastructure and economic development programs to attract new business and commercial activity to the proposed zone for the purposes of increasing the real property tax base for all taxing units within the zone, increasing sales and use taxes for the City and the State of Texas, and increasing job opportunities for residents of the City and the region; and
- (ii) the proposed zone, as shown within **Exhibit A**, meets the criteria for the creation of a reinvestment zone set forth in Section 311.005 of the Act in that the area is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs and arrests the sound growth of the municipality; and
- (iii) these factors substantially impair and arrest the sound growth of the City.

(d) The City Council finds that the proposed zone is a geographic area 100% within the City's corporate limits or extraterritorial jurisdiction.

(e) The City Council finds that not more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, and the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City.

(f) The City Council finds that the development or redevelopment of the property in the proposed zone will not occur solely through private investment in the reasonably foreseeable future.

(g) The City Council finds that the Preliminary Project and Finance Plan is feasible.

(h) The City Council finds that the implementation of the Project and Finance Plan (as defined below) will alleviate the conditions described in Section 1(c) above and will serve a public purpose.

SECTION 2. DESIGNATION AND NAME OF THE ZONE. Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the Property as a tax increment reinvestment zone. The name assigned to the zone for identification is Reinvestment Zone Number One, City of Justin, Texas (the "Zone"). The Zone is designated pursuant to Section 311.005(a)(2) of the Act.

SECTION 3. BOARD OF DIRECTORS.

3.1 The City Council hereby creates a board of directors for the Zone (the "Board") consisting of eight members. Seven members shall be appointed by the City Council to Places 1,2,3,4, 5, 6, and 7. Place 8 shall be appointed by the Commissioners Court of Denton County, Texas (the "County"), if the County participates in the Zone. If the County does not participate in the Zone, the Commissioners Court shall be deemed to have waived its right to appoint such members and the Place goes away.

3.2 The City Council hereby appoints the following individuals to serve as the initial members of the Board for the terms indicated:

Place 1	Mayor	(term expires May, 2025)
Place 2	Council Member Place 1	(term expires May, 2026)
Place 3	Council Member Place 2	(term expires May, 2025)
Place 4	Council Member Place 3	(term expires May, 2026)
Place 5	Council Member Place 4	(term expires May, 2025)
Place 6	Council Member Place 5	(term expires May, 2026)
Place 7	Council Member Place 6	(term expires May, 2025)

Place 8 shall be appointed by the County for a term that expires May, 2026.

Upon expiration of the indicated terms or upon City Council action to reconstitute the initial Board by appointing replacement members, subsequent appointments to fill vacancies shall be for terms of two years. The member appointed to Place 1 shall serve as the chairman of the Board. The Board is authorized to elect a vice-chairman and other officers as determined by the Board.

3.3 The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopted a project plan and a reinvestment zone financing plan for the Zone (the "Project and Finance Plan") as required by the Act, and shall submit the Project and Finance Plan to the City Council for approval. The Board may enter into agreements as the Board considers necessary or convenient to implement the Project and Finance Plan and reimburse **PROJECT COSTS** from the **TIRZ FUND** established pursuant to Section 7 of this Ordinance.

3.4 Directors shall not receive any salary or other compensation for their services as directors.

3.5 Pursuant to Section 311.010(h) of the Act and Article III, Section 52-a of the Texas Constitution, the City Council hereby authorizes the Board, as necessary or convenient to implement the Project and Finance Plan and achieve its purposes, to establish and provide for the administration of one or more programs for the public purposes of developing and diversifying the economy of the Zone, eliminating unemployment and underemployment in the Zone, and developing or expanding transportation, business, and commercial activity in the Zone, including programs to make grants of land and buildings and make grants from the **TIRZ FUND** for activities that benefit the Zone and stimulate business and commercial activity in the Zone. In addition, the City Council hereby authorizes the Board to exercise all of the powers of the City under Chapter 380, Texas Local Government Code, as amended.

SECTION 4. DURATION OF THE ZONE. The Zone shall take effect immediately upon the passage and approval of this Ordinance. The Zone shall terminate on December 31, 2053 (with final year's tax due by January 31, 2054), unless otherwise terminated in accordance with this section. The City shall have the right to terminate the Zone prior to the expiration of its stated term if all of the **PROJECT COSTS** have been paid in full. If upon expiration of the stated term of the Zone, **PROJECT COSTS** have not been paid, the City, and the County shall have no obligation to pay the shortfall.

SECTION 5. TAX INCREMENT BASE. The "tax increment base" for purposes of calculating the **CITY TIRZ INCREMENT**, and if the County participates in the Zone the **COUNTY TIRZ INCREMENT**, and means the total appraised value of all real property in the Zone that is taxable by the City, and the County, respectively, as of January 1, 2023.

SECTION 6. CAPTURED APPRAISED VALUE. The "captured appraised value" for purposes of calculating the annual **CITY TIRZ INCREMENT**, and if the County participates in the Zone the **COUNTY TIRZ INCREMENT**, means the total real property value taxable (including increase tax values attributable to changes in use) by a taxing unit for a year and located in the Zone for that year less the tax increment base of the unit.

SECTION 7. TAX INCREMENT FUND. There is hereby created and established a **TIRZ FUND** for the Zone. Within the **TIRZ FUND**, there may be maintained subaccounts as necessary and convenient to carry out the purposes of the Act. The **CITY TIRZ INCREMENT**, and **COUNTY TIRZ INCREMENT**, shall be deposited into the **TIRZ FUND** as of the effective date of the Zone. The **TIRZ FUND** and all subaccounts shall be maintained at the depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. Prior to termination of the Zone, funds shall be disbursed from the **TIRZ FUND** only to pay **PROJECT COSTS**.

The **TIRZ FUND** shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the **TIRZ FUND** under an agreement with the City authorized by Section 311.013(f) of the Texas Tax Code, and (ii) fifty percent (50%) of the City's tax increment as defined by section 311.012(a) of the Texas Tax Code (**CITY TIRZ INCREMENT**), subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment.

SECTION 8. SEVERABILITY. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no provision of this Ordinance shall become inoperative because of the invalidity of another provision; and, therefore, all provisions of this Ordinance are declared severable for that purpose.

SECTION 9. OPEN MEETINGS. It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 10. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage as provided by law.

PASSED ON THE FIRST READING BY THE CITY COUNCIL ON THE 9th DAY OF NOVEMBER, 2023.

PASSED ON SECOND READING BY THE CITY COUNCIL ON THE 14th DAY OF DECEMBER, 2023.

Mayor, James Clark

ATTEST:

City Secretary, Brittany Andrews

Effective: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

EXHIBIT A
PROPERTY DEPICTION

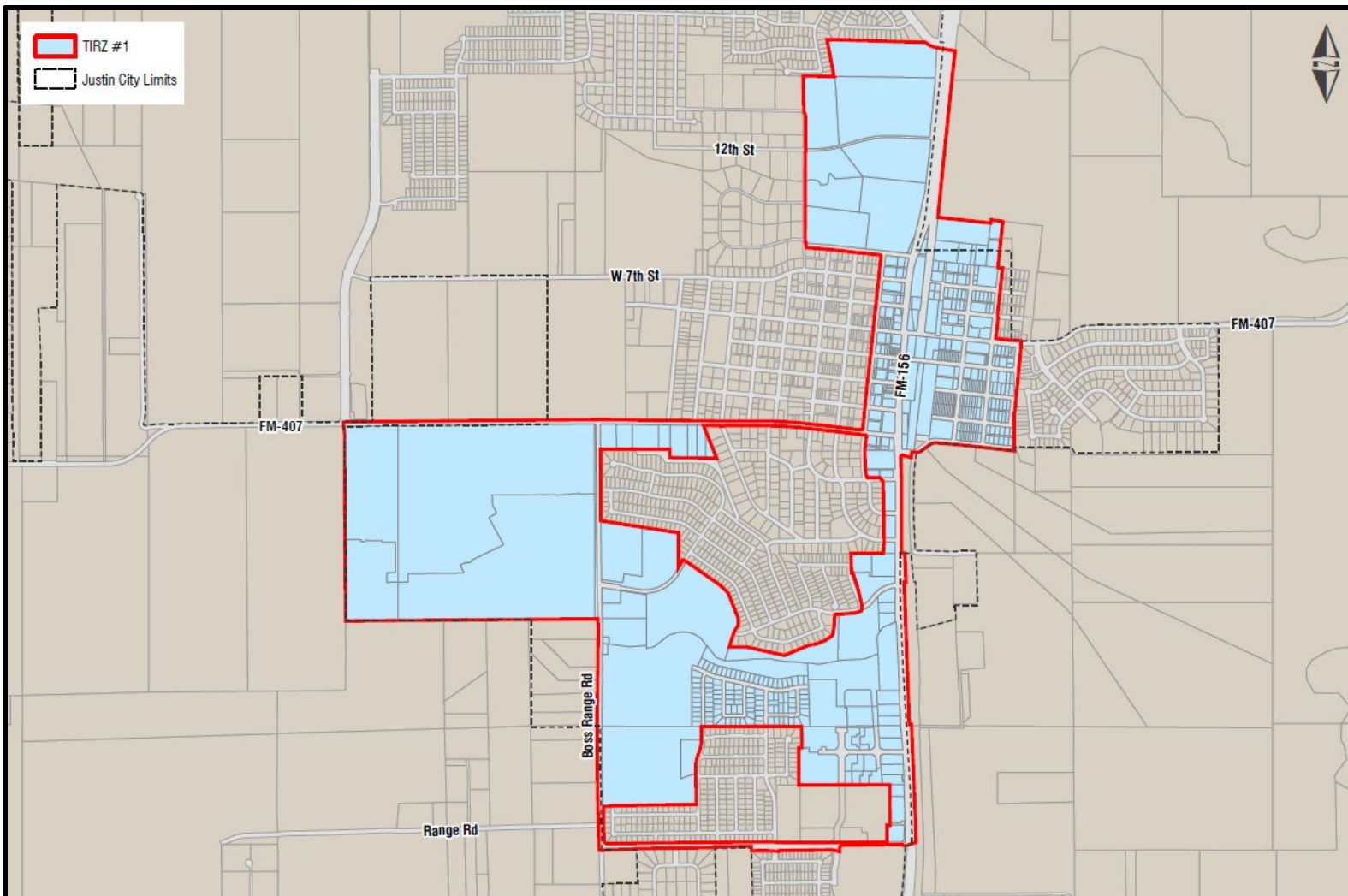


EXHIBIT B
PRELIMINARY PROJECT AND FINANCE PLAN

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City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 4. (WORKSHOP ITEM(S) AND REPORT(S))

Title: Receive the annual Racial Profiling Report 2024

Department: Police

Contact: Brian Frieda, Police Chief

Recommendation:

Staff recommends accepting the report as presented.

Background:

This report is the State's mandated annual racial profiling report. This report is due to be presented to the governing body on or before March 1st of each calendar year.

City Attorney Review: No

Attachments:

1. Justin 2024 Racial Profiling Report-Compressed

RACIAL PROFILING REPORT

2024

JUSTIN

Police Department



DEL CARMEN
Consulting, LLC.

LAW ENFORCEMENT EXPERTS

"Dr. Alex del Carmen's work on racial profiling exemplifies the very best of the Sandra Bland Act, named after my daughter. My daughter's pledge to fight for injustice is best represented in the high quality of Dr. del Carmen's reports which include, as required by law, the data analysis, audits, findings and recommendations. I commend the agencies that work with him as it is clear that they have embraced transparency and adherence to the law."

-Quote by Geneva Reed (Mother of Sandra Bland)



January 9, 2025

Justin City Council
415 N. College Ave.
Justin, TX 76247

Dear Distinguished Members of the City Council,

The Texas Racial Profiling Law was enacted by the Texas Legislature in 2001, with the intent of addressing the issue of racial profiling in policing. During the last calendar year, the Justin Police Department, in accordance with the law, has collected and reported traffic and motor vehicle related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified, and additional requirements were implemented. Further, in 2017 the Sandra Bland Act was passed and signed into law (along with HB 3051, which introduced new racial and ethnic designations). The Sandra Bland Law currently requires that law enforcement agencies in the state collect additional data and provide a more detailed analysis. I am pleased to report that all of these requirements have been met by the Justin Police Department and are included in this report.

In this annual report, you will find three sections with information on motor vehicle-related contacts. In addition, when applicable, documentation is included which demonstrates the way the Justin Police Department has complied with the Texas Racial Profiling Law. In section one, you will find the table of contents. Section two documents compliance by the Justin Police Department relevant to the requirements established in the Texas Racial Profiling Law. That is, you will find documents relevant to the training of all police personnel on racial profiling prevention and the institutionalization of the compliment and complaint processes, as required by law.

Section three contains statistical data relevant to contacts (as defined by the law) which were made during motor vehicle stops that took place between 1/1/24 and 12/31/24. Further, this section includes the Tier 2 form, which is required to be submitted to TCOLE (Texas Commission on Law Enforcement) and the law enforcement agency's local governing authority by March 1 of each year. The data in this report has been fully analyzed and compared to information derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report.

In the last section of the report, you will find the original draft of the Texas Racial Profiling Law, SB1074, as well as the Sandra Bland Act (current law). Also in this section, a list of requirements relevant to the Racial Profiling Law, as established by TCOLE is included. The findings in this report support the Justin Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.

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Public Education on Responding to Compliments and Complaints

Informing the Public on the Process of Filing a Compliment or Complaint with the Justin Police Department

The Texas Racial Profiling Law requires that police agencies provide information to the public regarding the manner in which to file a compliment or racial profiling complaint. In an effort to comply with this particular component, the Justin Police Department launched an educational campaign aimed at informing the public on issues relevant to the racial profiling complaint process.

The police department made available, in the lobby area and on its web site, information relevant to filing a compliment and complaint on a racial profiling violation by a Justin Police Officer. In addition, each time an officer issues a citation, ticket or warning, information on how to file a compliment or complaint is given to the individual cited. This information is in the form of a web address (including in the document issued to the citizen), which has instructions and details specifics related to the compliment or complaint processes.

It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

All Justin Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Justin Police Department have completed the TCOLE basic training on racial profiling. The main outline used to train the officers of Justin has been included in this report.

It is important to recognize that the Chief of the Justin Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Justin Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

Racial Profiling Course 3256

Texas Commission on Law Enforcement

September 2001

Racial Profiling 3256

Instructor's Note:

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.tcleose.state.tx.us>.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05

Racial profiling prohibited CCP 2.131

Law enforcement policy on racial profiling CCP 2.132

Reports required for traffic and pedestrian stops CCP 2.133

Liability CCP 2.136

Racial profiling education for police chiefs Education Code 96.641

Training program Occupations Code 1701.253

Training required for intermediate certificate Occupations Code 1701.402

Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies

1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report

1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling

1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074



1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)

1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)

1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases

1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)



2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism.
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole.
- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers.
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop.
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources.

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.

A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling

1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation
3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)



3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior

1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators

1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior

1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:



Report on Compliments and Racial Profiling Complaints



Report on Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/24-12/31/24 based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.



A check above indicates that the Justin Police Department has not received any complaints, on any members of its police services, for having violated the Texas Racial Profiling Law during the time period of 1/1/24-12/31/24.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law

Complaint Number	Alleged Violation	Disposition of the Case

Additional Comments:

Tables Illustrating Motor Vehicle-Related Contacts

TIER 2 DATA

TOTAL STOPS: 3,596

STREET ADDRESS OR APPROXIMATE LOCATION OF STOP.

City Street	2,615
US Highway	81
State Highway	878
County Road	5
Private Property	17

WAS RACE OR ETHNICITY KNOWN PRIOR TO STOP?

Yes	100
No	3,496

RACE OR ETHNICITY

Alaska Native/American Indian	32
Asian/Pacific Islander	172
Black	396
White	2,387
Hispanic/Latino	609

GENDER

Female Total: 1,214

Alaska Native/American Indian	9
Asian/Pacific Islander	35
Black	129
White	865
Hispanic/Latino	176

Male Total: 2,382

Alaska Native/American Indian	23
Asian/Pacific Islander	137
Black	267
White	1,522
Hispanic/Latino	433

REASON FOR STOP?

Violation of Law Total: 15

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	1
White	12
Hispanic/Latino	1

Pre-existing Knowledge Total: 10

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	7
Hispanic/Latino	2

Moving Traffic Violation Total: 2,283

Alaska Native/American Indian	25
Asian/Pacific Islander	131
Black	241
White	1,498
Hispanic/Latino	388

TIER 2 DATA

Vehicle Traffic Violation Total: 1,288

Alaska Native/American Indian	7
Asian/Pacific Islander	40
Black	153
White	870
Hispanic/Latino	218

Contraband (in plain view) Total: 1

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	1
Hispanic/Latino	0

WAS SEARCH CONDUCTED?

	YES	NO
Alaska Native/American Indian	1	31
Asian/Pacific Islander	3	169
Black	20	376
White	52	2,335
Hispanic/Latino	33	576
TOTAL	109	3,487

Probable Cause Total: 42

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	13
White	21
Hispanic/Latino	8

Inventory Total: 36

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	3
White	14
Hispanic/Latino	18

REASON FOR SEARCH?

Consent Total: 19

Alaska Native/American Indian	1
Asian/Pacific Islander	1
Black	3
White	9
Hispanic/Latino	5

Incident to Arrest Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	1
White	7
Hispanic/Latino	2

TIER 2 DATA

WAS CONTRABAND DISCOVERED?

	YES	NO
Alaska Native/American Indian	0	1
Asian/Pacific Islander	1	2
Black	1	19
White	2	50
Hispanic/Latino	9	24
TOTAL	13	96

Did the finding result in arrest?

	YES	NO
Alaska Native/American Indian	0	0
Asian/Pacific Islander	1	0
Black	1	0
White	2	0
Hispanic/Latino	1	8
TOTAL	5	8

DESCRIPTION OF CONTRABAND

Drugs Total: 27

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	10
White	10
Hispanic/Latino	6

Currency Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Weapons Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Alcohol Total: 12

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	9
Hispanic/Latino	3

TIER 2 DATA

Stolen Property Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Other Total: 11

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	2
White	7
Hispanic/Latino	2

RESULT OF THE STOP

Verbal Warning Total: 1,083

Alaska Native/American Indian	6
Asian/Pacific Islander	48
Black	109
White	729
Hispanic/Latino	191

Written Warning Total: 1,007

Alaska Native/American Indian	10
Asian/Pacific Islander	32
Black	108
White	768
Hispanic/Latino	89

Citation Total: 1,480

Alaska Native/American Indian	16
Asian/Pacific Islander	90
Black	176
White	875
Hispanic/Latino	323

Written Warning and Arrest Total: 3

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	0
White	1
Hispanic/Latino	1

Citation and Arrest Total: 5

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	1
White	3
Hispanic/Latino	1

Arrest Total: 18

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	11
Hispanic/Latino	4

TIER 2 DATA

ARREST BASED ON

Violation of Penal Code Total: 18

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	2
White	10
Hispanic/Latino	5

Violation of Traffic Law Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Violation of City Ordinance Total: 0

Alaska Native/American Indian	0
Asian/Pacific Islander	0
Black	0
White	0
Hispanic/Latino	0

Outstanding Warrant Total: 8

Alaska Native/American Indian	0
Asian/Pacific Islander	1
Black	1
White	5
Hispanic/Latino	1

Was physical force used resulting in bodily injury during the stop?

	YES	NO
Alaska Native/American Indian	0	32
Asian/Pacific Islander	0	172
Black	0	396
White	0	2,387
Hispanic/Latino	1	608
TOTAL	1	3,595

Tables Illustrating Motor Vehicle Related Contact Data

Table 1. Citations and Warnings

Race/ Ethnicity	All Contacts	Citations	Verbal Warning	Written Warning	Contact Percent	Citation Percent	Verbal Percent	Written Percent
Alaska Native/ American Indian	32	16	6	10	1%	1%	1%	1%
Asian/ Pacific Islander	172	90	48	32	5%	6%	4%	3%
Black	396	177	109	108	11%	12%	10%	11%
White	2,387	878	729	768	66%	59%	67%	76%
Hispanic/ Latino	609	324	191	89	17%	22%	18%	9%
TOTAL	3,596	1,485	1,083	1,007	100%	100%	100%	100%



Table 2. Motor Vehicle Contacts and Fair Roads Standard Comparison

Comparison of motor vehicle-related contacts with households that have vehicle access.

Race/Ethnicity	Contact Percentage	Households with Vehicle Access
Alaska Native/American Indian	1%	0%
Asian/Pacific Islander	5%	5%
Black	11%	14%
White	66%	60%
Hispanic/Latino	17%	19%
TOTAL	100%	98%

Table 3. Motor Vehicle Searches and Arrests.

Race/Ethnicity	Searches	Consent Searches	Arrests
Alaska Native/American Indian	1	1	0
Asian/Pacific Islander	3	1	2
Black	20	3	3
White	52	9	15
Hispanic/Latino	33	5	6
TOTAL	109	19	26

Table 4. Instances Where Peace Officers Used Physical Force Resulting in Bodily Injury

Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury	Arrest	Location of Stop	Reason for Stop
1	06/29/24	FM 156 at Harmonson Rd.	Fail to Signal

Table 5. Search Data

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Found No	Arrests	Percent Searches	Percent Contraband Found	Percent No Contraband	Percent Arrest
Alaska Native/ American Indian	1	0	1	0	1%	0%	1%	0%
Asian/ Pacific Islander	3	1	2	2	3%	8%	2%	8%
Black	20	1	19	3	18%	8%	20%	12%
White	52	2	50	15	48%	15%	52%	58%
Hispanic/ Latino	33	9	24	6	30%	69%	25%	23%
TOTAL	109	13	96	26	100%	100%	100%	100%

Table 6. Report on Audits.

The following table contains data regarding the number and outcome of required data audits during the period of 1/1/24-12/31/24.

Audit Data	Number of Data Audits Completed	Date of Completion	Outcome of Audit
1	1	03/01/24	Data was valid and reliable
2	1	06/01/24	Data was valid and reliable
3	1	09/01/24	Data was valid and reliable
4	1	12/01/24	Data was valid and reliable

ADDITIONAL COMMENTS:

Table 7. Instance Where Force Resulted in Bodily Injury.

Race/Ethnicity	Number	Percent
Alaska Native/American Indian	0	0%
Asian/Pacific Islander	0	0%
Black	0	0%
White	0	0%
Hispanic/Latino	1	100%
TOTAL	1	100%

Table 8. Reason for Arrests from Vehicle Contact

Race/ Ethnicity	Violation of Penal Code	Violation of Traffic Law	Violation of City Ordinance	Outstanding Warrant	Percent Penal Code	Percent Traffic Law	Percent City Ordinance	Percent Warrant
Alaska Native/ American Indian	0	0	0	0	0%	0%	0%	0%
Asian/ Pacific Islander	1	0	0	1	6%	0%	0%	13%
Black	2	0	0	1	11%	0%	0%	13%
White	10	0	0	5	56%	0%	0%	63%
Hispanic/ Latino	5	0	0	1	28%	0%	0%	13%
TOTAL	18	0	0	8	100%	0%	0%	100%

Table 9. Contraband Hit Rate

Race/ Ethnicity	Searches	Contraband Found Yes	Contraband Hit Rate	Search Percent	Contraband Percent
Alaska Native/ American Indian	1	0	0%	1%	0%
Asian/ Pacific Islander	3	1	33%	3%	8%
Black	20	1	5%	18%	8%
White	52	2	4%	48%	15%
Hispanic/Latino	33	9	27%	30%	69%

Analysis and Interpretation of Data

As previously noted, in 2001, the Texas Legislature passed Senate Bill 1074, which eventually became the Texas Racial Profiling Law. This particular law came into effect on January 1, 2002, and required all police departments in Texas to collect traffic-related data and report this information to their local governing authority by March 1 of each year. This version of the law remained in place until 2009, when it was modified to include the collection and reporting of all motor vehicle-related contacts in which a citation was issued, or an arrest was made. Further, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individuals before detaining them. In addition, it became a requirement that agencies report motor vehicle-related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year. The purpose in collecting and disclosing this information is to determine if police officers in any particular municipality are engaging in the practice of racially profiling minority motorists.

One of the main requirements of the law is that police departments interpret motor vehicle-related data. Even though most researchers would likely agree that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is in fact very difficult to determine if individual police officers are engaging in racial profiling from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific "individual" racist behavior from aggregate-level "institutional" data on traffic or motor vehicle-related contacts.

As referenced earlier, in 2009 the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1, 2010. The changes included, but are not limited to, the re-definition of a contact to include motor vehicle-related contacts in which a citation was issued, or an arrest was made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. The 2009 law also required adding "Middle Eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1 of each year.

In 2017, the Texas Legislators passed HB 3051 which removed the Middle Eastern data requirement while standardizing the racial and ethnic categories relevant to the individuals that came in contact with police. In addition, the Sandra Bland Act (SB 1849) was passed and became law. Thus, the most significant legislative mandate (Sandra Bland Act) in Texas history regarding data requirements on law enforcement contacts became law and took effect on January 1, 2018. The Sandra Bland Act not only currently requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. A comparative analysis of the information compiled (under Article 2.133):

- a. Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
- b. Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
- c. Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

2. Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the Justin Police Department commissioned the analysis of its 2024 contact data. Hence, two different types of data analyses were performed. The first of these involved a careful evaluation of the 2024 motor vehicle-related data. This particular analysis measured, as required by law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians, who came in contact with police in the course of a motor vehicle-related contact and were either issued a ticket, citation, or warning or an arrest was made. Also included in this data were instances when a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest, and use of physical force resulting in bodily injury.

The analysis on the data performed in this report, was based on a comparison of the 2024 motor vehicle contact data with a specific baseline. When reading this particular analysis, one should consider that there is disagreement in the literature regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the Justin Police Department agreed with our recommendation to rely in part, as a baseline measure, on the Fair Roads Standard. This particular baseline is established on data obtained through the U.S. Census Bureau (2020) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It should be noted that the census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless whether they are among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only, thus excluding individuals who may have come in contact with the Justin Police Department in 2024 but live outside city limits. In some jurisdictions the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

In 2002, major civil rights groups in Texas expressed their concern and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). In essence this constitutes a comparison that may result in ecological fallacy. Despite this risk, as noted earlier, the Justin Police Department accepted the recommendation to utilize this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to the Dallas Fort-Worth (DFW) Metroplex.

Tier 2 (2024) Motor Vehicle-Related Contact Analysis

When examining the enhanced and more detailed Tier 2 data collected in 2024, it was evident that most motor vehicle-related contacts were made with Whites, followed by Hispanics. Of those who came in contact with police, most tickets or citations were issued to Whites and Hispanics; this was followed by Blacks. However, in terms of written warnings, most of these were issued to Whites, followed by Blacks.

While reviewing searches and arrests, the data showed that most searches took place among Whites. When considering all searches, most were consented by Whites and Hispanics, while most custody arrests were also of Whites. Overall, most searches did not result in contraband; of those that produced contraband, most were of Hispanics; this was followed by Whites. Of the searches that did not produce contraband, most were of Whites. Most arrests were made of Whites. Most of the arrests that originated from a violation of the penal code involved Whites. Overall, the police department reports one instance where force was used that resulted in bodily injury.

Comparative Analysis

A comprehensive analysis of the motor vehicle contacts made in 2024 to the census data relevant to the number of “households” in DFW who indicated in the 2020 census that they had access to vehicles, produced interesting findings. Specifically, the percentage of Blacks, Hispanics, and Asians who came in contact with police was the same or lower than the percentage of Black, Hispanic, and Asian households in DFW that claimed in the last census to have access to vehicles. The opposite was true of Whites and American Indians. That is, a higher percentage of Whites and American Indians came in contact with police than the percentage of White and American Indian households in DFW that claimed in the last census to have access to vehicles. It should be noted that the percentage difference among American Indian contacts with households is of less than 3%; thus, deemed by some as statistically insignificant.

The comprehensive analysis of the searches resulting in contraband shows that the most significant contraband hit rate is of Asians. This was followed by Hispanics and Blacks. This means that among all searches performed in 2024, the most significant percentage of these that resulted in contraband was among Asians. The lowest contraband hit rate was among American Indians.

Summary of Findings

As previously noted, the most recent Texas Racial Profiling Law requires that police departments perform data audits in order to validate the data being reported. Consistent with this requirement, the Justin Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in Table 6, the audit performed reveals that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings produced as a result of this analysis, it is recommended that the Justin Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected), which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the Justin Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in the upcoming year.
- 2) Commission data audits in 2025 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive data analysis performed serves as evidence that the Justin Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of Tier 2 data, and ensures that the practice of racial profiling will not be accepted or tolerated.

Checklist

The following requirements were met by the Justin Police Department in accordance with The Texas Racial Profiling Law:

- ✓ Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- ✓ Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the Justin Police Department from engaging in racial profiling.
- ✓ Implement a process by which an individual may file a complaint regarding racial profiling violations.
- ✓ Provide public education related to the compliment and complaint process.
- ✓ Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ✓ Collect, report and analyze motor vehicle data (Tier 2).
- ✓ Commission Data Audits and a Search Analysis.
- ✓ Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- ✓ Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2025.
- ✓ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Legislative & Administrative



TCOLE GUIDELINES

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of **what** must be accomplished by an agency but allows wide latitude in determining **how** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an “agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers’ official duties.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops

including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

The Texas Law on Racial Profiling

S.B. No. 1074 - An Act relating to the prevention of racial profiling by certain peace officers.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties.

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the

policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled

during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a traffic or pedestrian stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling;
and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) ~~[(7)]~~ the date of conviction; and

(9) ~~[(8)]~~ the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

Modifications to the Original Law

(H.B. 3389)

Amend CSHB 3389 (Senate committee report) as follows:

(1) Strike the following SECTIONS of the bill:

(A) SECTION 8, adding Section 1701.164, Occupations Code (page 4, lines 61-66);

(B) SECTION 24, amending Article 2.132(b), Code of Criminal Procedure (page 8, lines 19-53);

(C) SECTION 25, amending Article 2.134(b), Code of Criminal Procedure (page 8, lines 54-64);

(D) SECTION 28, providing transition language for the amendments to Articles 2.132(b) and 2.134(b), Code of Criminal Procedure (page 9, lines 40-47).

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly: SECTION _____. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a),(b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle~~[traffic]~~ stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, ~~[or]~~ Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle ~~[traffic]~~ stops in which a citation is issued and to arrests made as a result of ~~[resulting from]~~ those ~~[traffic]~~ stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the individual ~~[person]~~ detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit ~~[to the governing body of each county or~~

~~municipality served by the agency]~~ an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle ~~[traffic]~~ stops and transmitter activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle ~~[traffic]~~ stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE ~~[TRAFFIC AND PEDESTRIAN]~~ STOPS. (a) In this article, "race":

~~[(1) "Race]~~ or ethnicity" has the meaning assigned by Article 2.132(a).

~~[(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.]~~

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance ~~[regulating traffic or who stops a pedestrian for any suspected offense]~~ shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any ~~[each]~~ person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop ~~[traffic law or ordinance alleged to have been violated or the suspected offense];~~

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description ~~[the type]~~ of the contraband or evidence ~~[discovered];~~

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle ~~[existed and the facts supporting the existence of that probable cause];~~

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop~~[, including a description of the warning or a statement of the violation charged].~~

SECTION _____. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle[, "pedestrian] stop" has the meaning assigned by Article 2.132(a) ~~[means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest].~~

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each ~~[local]~~ law enforcement agency shall submit a report containing the incident-based data ~~[information]~~ compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency ~~[in a manner approved by the agency].~~

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities ~~[determine the prevalence of racial profiling by peace officers employed by the agency]; and~~

(B) examine the disposition of motor vehicle ~~[traffic and pedestrian]~~ stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from ~~[the]~~ stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle ~~[traffic or pedestrian]~~ stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION _____. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle ~~[traffic and pedestrian]~~ stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle ~~[traffic and pedestrian]~~ stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle ~~[traffic and pedestrian]~~ stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle ~~[traffic or pedestrian]~~ stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION _____. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based

data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION _____. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION _____. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) . . . \$40;

- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$20;
- (2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) . . . \$40;
- (3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) . . . \$25;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a juvenile delinquency prevention and graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) . . . \$50 [~~\$5~~]; [~~and~~]
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION _____. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;

- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$4;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) . . . \$4;
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5;
- (7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) . . . not to exceed \$30; ~~and~~
- (8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) . . . not to exceed \$7; and
- (9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

- (1) a jury fee (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) . . . \$3;
- (3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) . . . one jury fee of \$3;
- (4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) . . . \$3;
- (5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) . . . not to exceed \$4; ~~and~~
- (6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) . . . not to exceed \$5; and
- (7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) . . . \$0.10.

SECTION _____. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION _____. Subsection (a), Section 1701.501, Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;

(2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure;
or

(3) a commission rule.

SECTION _____. (a) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(b) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Racial and Ethnic Designations (H.B. 3051)

H.B. No. 3051 - An Act relating to the categories used to record the race or ethnicity of persons stopped for or convicted of traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 2.132(a)(3), Code of Criminal Procedure, is amended to read as follows:

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(C) black;

(D) white; and

(E) Hispanic or Latino [~~Native American, or Middle Eastern descent~~].

SECTION 2. Section 543.202(a), Transportation Code, is amended to read as follows:

(a) In this section, "race or ethnicity" means the following categories:

(1) Alaska native or American Indian;

(2) [of a particular descent, including Caucasian, African, Hispanic,] Asian or Pacific Islander;

(3) black;

(4) white; and

(5) Hispanic or Latino [~~or Native American descent~~].

SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 3051 was passed by the House on May 4, 2017, by the following vote: Yeas 143, Nays 2, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3051 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

The Sandra Bland Act

(S.B. 1849)

S.B. No. 1849

An Act relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, to the confinement, conviction, or release of those individuals, and to grants supporting populations that are more likely to interact frequently with law enforcement.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. SHORT TITLE

SECTION 1.01. SHORT TITLE. This Act shall be known as the Sandra Bland Act, in memory of Sandra Bland.

ARTICLE 2. IDENTIFICATION AND DIVERSION OF AND SERVICES FOR PERSONS SUSPECTED OF HAVING A MENTAL ILLNESS, AN INTELLECTUAL DISABILITY, OR A SUBSTANCE ABUSE ISSUE

SECTION 2.01. Article 16.22, Code of Criminal Procedure, is amended to read as follows:

Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [MENTAL RETARDATION]. (a)(1) Not later than 12 [72] hours after receiving credible information that may establish reasonable cause to believe that a defendant committed to the sheriff's custody has a mental illness or is a person with an intellectual disability [mental retardation], including observation of the defendant's behavior immediately before, during, and after the defendant's arrest and the results of any previous assessment of the defendant, the sheriff shall provide written or electronic notice of the information to the magistrate. On a determination that there is reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability [mental retardation], the magistrate, except as provided by Subdivision

(2), shall order the local mental health or intellectual and developmental disability [mental retardation] authority or another qualified mental health or intellectual disability [mental retardation] expert to:

(A) collect information regarding whether the defendant has a mental illness as defined by Section 571.003,

Health and Safety Code, or is a person with an intellectual disability [mental retardation] as defined by Section 591.003, Health and Safety Code, including information obtained from any previous assessment of the defendant; and

(B) provide to the magistrate a written assessment of the information collected under Paragraph (A).

(2) The magistrate is not required to order the collection of information under Subdivision

(1) if the defendant in the year preceding the defendant's applicable date of arrest has been determined to have a mental illness or to be a person with an intellectual disability [mental retardation] by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health or intellectual disability [mental retardation] expert described by Subdivision

(1). A court that elects to use the results of that previous determination may proceed under Subsection (c).

(3) If the defendant fails or refuses to submit to the collection of information regarding the defendant as required under Subdivision (1), the magistrate may order the defendant to submit to an examination in a mental health facility determined to be appropriate by the local mental health or intellectual and developmental disability [mental retardation] authority for a reasonable period not to exceed 21 days. The magistrate may order a defendant to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination only on request of the local mental health or intellectual and developmental disability [mental retardation] authority and with the consent of the head of the facility. If a defendant who has been ordered to a facility operated by the Department of State Health Services or the Health and Human Services Commission [Department of Aging and Disability Services] for examination remains in the facility for a period exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(b) A written assessment of the information collected under Subsection (a)(1)(A) shall be provided to the magistrate not later than the 30th day after the date of any order issued under Subsection (a) in a felony case and not later than the 10th day after the date of any order issued under that subsection in a misdemeanor case, and the magistrate shall provide copies of the written assessment to the defense counsel, the prosecuting attorney, and the trial court. The written assessment must include a description of the procedures used in the collection of information under Subsection (a)(1)(A) and the applicable expert's observations and findings pertaining to:

(1) whether the defendant is a person who has a mental illness or is a person with an intellectual disability [mental retardation];

(2) whether there is clinical evidence to support a belief that the defendant may be incompetent to stand trial and should undergo a complete competency examination under Subchapter B, Chapter 46B; and

(3) recommended treatment.

(c) After the trial court receives the applicable expert's written assessment relating to the defendant under Subsection (b) or elects to use the results of a previous determination as described by Subsection (a)(2), the trial court may, as applicable:

(1) resume criminal proceedings against the defendant, including any appropriate proceedings related to the defendant's release on personal bond under Article 17.032;

(2) resume or initiate competency proceedings, if required, as provided by Chapter 46B

or other proceedings affecting the defendant's receipt of appropriate court-ordered mental health or intellectual disability [mental retardation] services, including proceedings related to the defendant's receipt of outpatient mental health services under Section 574.034, Health and Safety Code; or

(3) consider the written assessment during the punishment phase after a conviction of the offense for which the defendant was arrested, as part of a presentence investigation report, or in connection with the impositions of conditions following placement on community supervision, including deferred adjudication community supervision.

(d) This article does not prevent the applicable court from, before, during, or after the collection of information regarding the defendant as described by this article: (1) releasing a defendant who has a mental illness [mentally ill] or is a person with an intellectual disability [mentally retarded defendant] from custody on personal or surety bond; or

(2) ordering an examination regarding the defendant's competency to stand trial.

SECTION 2.02. Chapter 16, Code of Criminal Procedure, is amended by adding Article 16.23 to read as follows:

Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH CRISIS OR SUBSTANCE ABUSE ISSUE. (a) Each law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

(1) there is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;

(2) it is reasonable to divert the person;

(3) the offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and

(4) the mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

(b) Subsection (a) does not apply to a person who is accused of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

SECTION 2.03. Section 539.002, Government Code, is amended to read as follows:

Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF COMMUNITY COLLABORATIVES. (a) To the extent funds are appropriated to the department for that purpose, the department shall make grants to entities, including local governmental entities, nonprofit community organizations, and faith-based community organizations, to establish or expand community collaboratives that bring the public and private sectors together to provide services to persons experiencing homelessness, substance abuse issues, or [and] mental illness. [The department may make a maximum of five grants, which must be made in the most populous municipalities in this state that are located in counties with a population of more than one million.] In awarding grants, the department shall give special consideration to entities:

(1) establishing [a] new collaboratives; or

(2) establishing or expanding collaboratives that serve two or more counties, each with a population of less than 100,000 [collaborative].

(b) The department shall require each entity awarded a grant under this section to:

(1) leverage additional funding from private sources in an amount that is at least equal to the amount of the grant awarded under this section; [and]

(2) provide evidence of significant coordination and collaboration between the entity, local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in establishing or expanding a community collaborative funded by a grant awarded under this section; and

(3) provide evidence of a local law enforcement policy to divert appropriate persons from jails or other detention facilities to an entity affiliated with a community collaborative for the purpose of providing services to those persons.

SECTION 2.04. Chapter 539, Government Code, is amended by adding Section 539.0051 to read as follows:

Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY COLLABORATIVES. (a) The governing body of a county shall develop and make public a plan detailing:

(1) how local mental health authorities, municipalities, local law enforcement agencies, and other community stakeholders in the county could coordinate to establish or expand a community collaborative to accomplish the goals of Section 539.002;

(2) how entities in the county may leverage funding from private sources to accomplish the goals of Section 539.002 through the formation or expansion of a community collaborative; and

(3) how the formation or expansion of a community collaborative could establish or support resources or services to help local law enforcement agencies to divert persons who have been arrested to appropriate mental health care or substance abuse treatment.

(b) The governing body of a county in which an entity that received a grant under Section 539.002 before September 1, 2017, is located is not required to develop a plan under Subsection (a).

(c) Two or more counties, each with a population of less than 100,000, may form a joint plan under Subsection (a).

ARTICLE 3. BAIL, PRETRIAL RELEASE, AND COUNTY JAIL STANDARDS

SECTION 3.01. The heading to Article 17.032, Code of Criminal Procedure, is amended to read as follows:

Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [MENTALLY ILL] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

SECTION 3.02. Articles 17.032(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(b) A magistrate shall release a defendant on personal bond unless good cause is shown

otherwise if the:

(1) defendant is not charged with and has not been previously convicted of a violent offense;

(2) defendant is examined by the local mental health or intellectual and developmental disability [mental retardation] authority or another mental health expert under Article 16.22 [of this code];

(3) applicable expert, in a written assessment submitted to the magistrate under Article 16.22:

(A) concludes that the defendant has a mental illness or is a person with an intellectual disability [mental retardation] and is nonetheless competent to stand trial; and

(B) recommends mental health treatment or intellectual disability treatment for the defendant, as applicable; and

(4) magistrate determines, in consultation with the local mental health or intellectual and developmental disability [mental retardation] authority, that appropriate community-based mental health or intellectual disability [mental retardation] services for the defendant are available through the [Texas] Department of State [Mental] Health Services [and Mental Retardation] under Section 534.053, Health and Safety Code, or through another mental health or intellectual disability [mental retardation] services provider.

(c) The magistrate, unless good cause is shown for not requiring treatment, shall require as a condition of release on personal bond under this article that the defendant submit to outpatient or inpatient mental health or intellectual disability [mental retardation] treatment as recommended by the local mental health or intellectual and developmental disability [mental retardation] authority if the defendant's:

(1) mental illness or intellectual disability [mental retardation] is chronic in nature; or

(2) ability to function independently will continue to deteriorate if the defendant is not treated.

SECTION 3.03. Article 25.03, Code of Criminal Procedure, is amended to read as follows:

Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case of felony, is on bail at the time the indictment is presented, [it is not necessary to serve him with a copy, but] the clerk shall [on request] deliver a copy of the indictment [same] to the accused or the accused's [his] counsel[,], at the earliest possible time.

SECTION 3.04. Article 25.04, Code of Criminal Procedure, is amended to read as follows:

Art. 25.04. IN MISDEMEANOR. In misdemeanors, the clerk shall deliver a copy of the indictment or information to the accused or the accused's counsel at the earliest possible time before trial [it shall not be necessary before trial to furnish the accused with a copy of the indictment or information; but he or his counsel may demand a copy, which shall be given as early as possible

SECTION 3.05. Section 511.009(a), Government Code, as amended by Chapters 281 (H.B. 875), 648 (H.B. 549), and 688 (H.B. 634), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

- (a) The commission shall:
- (1) adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails;
 - (2) adopt reasonable rules and procedures establishing minimum standards for the custody, care, and treatment of prisoners;
 - (3) adopt reasonable rules establishing minimum standards for the number of jail supervisory personnel and for programs and services to meet the needs of prisoners;
 - (4) adopt reasonable rules and procedures establishing minimum requirements for programs of rehabilitation, education, and recreation in county jails;
 - (5) revise, amend, or change rules and procedures if necessary;
 - (6) provide to local government officials consultation on and technical assistance for county jails;
 - (7) review and comment on plans for the construction and major modification or renovation of county jails;
 - (8) require that the sheriff and commissioners of each county submit to the commission, on a form prescribed by the commission, an annual report on the conditions in each county jail within their jurisdiction, including all information necessary to determine compliance with state law, commission orders, and the rules adopted under this chapter;
 - (9) review the reports submitted under Subdivision (8) and require commission employees to inspect county jails regularly to ensure compliance with state law, commission orders, and rules and procedures adopted under this chapter;
 - (10) adopt a classification system to assist sheriffs and judges in determining which defendants are low-risk and consequently suitable participants in a county jail work release program under Article 42.034, Code of Criminal Procedure;
 - (11) adopt rules relating to requirements for segregation of classes of inmates and to capacities for county jails;
 - (12) require that the chief jailer of each municipal lockup submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the lockup, including all information necessary to determine compliance with state law concerning secure confinement of children in municipal lockups;
 - (13) at least annually determine whether each county jail is in compliance with the rules and procedures adopted under this chapter;
 - (14) require that the sheriff and commissioners court of each county submit to the commission, on a form prescribed by the commission, an annual report of persons under 17 years of age securely detained in the county jail, including all information necessary to determine compliance with state law concerning secure confinement of children in county jails;
 - (15) schedule announced and unannounced inspections of jails under the commission's jurisdiction using the risk assessment plan established under Section 511.0085 to guide the inspections process;
 - (16) adopt a policy for gathering and distributing to jails under the commission's jurisdiction information regarding:
 - (A) common issues concerning jail administration;
 - (B) examples of successful strategies for maintaining compliance with state law and the rules,

standards, and procedures of the commission; and

(C) solutions to operational challenges for jails;

(17) report to the Texas Correctional Office on Offenders with Medical or Mental Impairments on a jail's compliance with Article 16.22, Code of Criminal Procedure;

(18) adopt reasonable rules and procedures establishing minimum requirements for jails to:

(A) determine if a prisoner is pregnant; and

(B) ensure that the jail's health services plan addresses medical and mental health care, including nutritional requirements, and any special housing or work assignment needs for persons who are confined in the jail and are known or determined to be pregnant;

(19) provide guidelines to sheriffs regarding contracts between a sheriff and another entity for the provision of food services to or the operation of a commissary in a jail under the commission's jurisdiction, including specific provisions regarding conflicts of interest and avoiding the appearance of impropriety; [and]

(20) adopt reasonable rules and procedures establishing minimum standards for prisoner visitation that provide each prisoner at a county jail with a minimum of two in-person, noncontact visitation periods per week of at least 20 minutes duration each;

(21) [(20)] require the sheriff of each county to:

(A) investigate and verify the veteran status of each prisoner by using data made available from the Veterans Reentry Search Service (VRSS) operated by the United States Department of Veterans Affairs or a similar service; and

(B) use the data described by Paragraph (A) to assist prisoners who are veterans in applying for federal benefits or compensation for which the prisoners may be eligible under a program administered by the United States Department of Veterans Affairs;

(22) [(20)] adopt reasonable rules and procedures regarding visitation of a prisoner at a county jail by a guardian, as defined by Section 1002.012, Estates Code, that:

(A) allow visitation by a guardian to the same extent as the prisoner's next of kin, including placing the guardian on the prisoner's approved visitors list on the guardian's request and providing the guardian access to the prisoner during a facility's standard visitation hours if the prisoner is otherwise eligible to receive visitors; and

(B) require the guardian to provide the sheriff with letters of guardianship issued as provided by Section 1106.001, Estates Code, before being allowed to visit the prisoner; and

(23) adopt reasonable rules and procedures to ensure the safety of prisoners, including rules and procedures that require a county jail to:

(A) give prisoners the ability to access a mental health professional at the jail through a telemental health service 24 hours a day;

(B) give prisoners the ability to access a health professional at the jail or through a telehealth service 24 hours a day or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to be transported to access a health professional; and

(C) if funding is available under Section 511.019, install automated electronic sensors or cameras to ensure accurate and timely in-person checks of cells or groups of cells confining at-risk individuals.

SECTION 3.06. Section 511.009, Government Code, is amended by adding Subsection (d) to read

as follows:

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a qualified medical professional shall review as soon as possible any prescription medication a prisoner is taking when the prisoner is taken into custody.

SECTION 3.07. Chapter 511, Government Code, is amended by adding Sections 511.019, 511.020, and 511.021 to read as follows:

Sec. 511.019. PRISONER SAFETY FUND. (a) The prisoner safety fund is a dedicated account in the general revenue fund.

(b) The prisoner safety fund consists of:

(1) appropriations of money to the fund by the legislature; and
(2) gifts, grants, including grants from the federal government, and other donations received for the fund.

(c) Money in the fund may be appropriated only to the commission to pay for capital improvements that are required under Section 511.009(a)(23).

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 96 prisoners.

Sec. 511.020. SERIOUS INCIDENTS REPORT. (a) On or before the fifth day of each month, the sheriff of each county shall report to the commission regarding the occurrence during the preceding month of any of the following incidents involving a prisoner in the county jail:

(1) a suicide;
(2) an attempted suicide;
(3) a death;
(4) a serious bodily injury, as that term is defined by
Section 1.07, Penal Code;
(5) an assault;
(6) an escape;
(7) a sexual assault; and
(8) any use of force resulting in bodily injury, as that term is defined by Section 1.07, Penal Code.

(b) The commission shall prescribe a form for the report required by Subsection (a).

(c) The information required to be reported under Subsection (a)(8) may not include the name or other identifying information of a county jailer or jail employee.

(d) The information reported under Subsection (a) is public information subject to an open records request under Chapter 552.

Sec. 511.021. INDEPENDENT INVESTIGATION OF DEATH OCCURRING IN COUNTY JAIL. (a) On the death of a prisoner in a county jail, the commission shall appoint a law enforcement agency, other

than the local law enforcement agency that operates the county jail, to investigate the death as soon as possible.

(b) The commission shall adopt any rules necessary relating to the appointment of a law enforcement agency under Subsection

(a), including rules relating to cooperation between law enforcement agencies and to procedures for handling evidence.

SECTION 3.08. The changes in law made by this article to Article 17.032, Code of Criminal Procedure, apply only to a personal bond that is executed on or after the effective date of this Act. A personal bond executed before the effective date of executed, and the former law is continued in effect for that purpose.

SECTION 3.09. Not later than January 1, 2018, the Commission on Jail Standards shall:

(1) adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this article, and the rules required by Section 511.021(b), Government Code, as added by this article; and

(2) prescribe the form required by Section 511.020(b), Government Code, as added by this article.

SECTION 3.10. Not later than September 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(a)(23), Government Code, as added by this article. On and after September 1, 2020, a county jail shall comply with any rule or procedure adopted by the Commission on Jail Standards under that subdivision.

SECTION 3.11. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to non-substantive additions to and corrections in enacted codes.

ARTICLE 4. PEACE OFFICER AND COUNTY JAILER TRAINING

SECTION 4.01. Chapter 511, Government Code, is amended by adding Section 511.00905 to read as follows:

Sec. 511.00905. JAIL ADMINISTRATOR POSITION; EXAMINATION REQUIRED. (a) The Texas Commission on Law Enforcement shall develop and the commission shall approve an examination for a person assigned to the jail administrator position overseeing a county jail.

(b) The commission shall adopt rules requiring a person, other than a sheriff, assigned to the jail administrator position overseeing a county jail to pass the examination not later than the 180th day after the date the person is assigned to that position. The rules must provide that a person who fails the examination may be immediately removed from the position and may not be reinstated until the person passes the examination.

(c) The sheriff of a county shall perform the duties of the jail administrator position at any time there is not a person available who satisfies the examination requirements of this

section.

(d) A person other than a sheriff may not serve in the jail administrator position of a county jail unless the person satisfies the examination requirement of this section.

SECTION 4.02. Section 1701.253, Occupations Code, is amended by amending Subsection (j) and adding Subsection (n) to read as follows: commission shall require an officer to complete a 40-hour statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this subsection [section] or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(n) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury.

SECTION 4.03. Section 1701.310(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (e), a person may not be appointed as a county jailer, except on a temporary basis, unless the person has satisfactorily completed a preparatory training program, as required by the commission, in the operation of a county jail at a school operated or licensed by the commission. The training program must consist of at least eight hours of mental health training approved by the commission and the Commission on Jail Standards.

SECTION 4.04. Section 1701.352(b), Occupations Code, is amended to read as follows:

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

- (1) topics selected by the agency; and
- (2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:
 - (A) civil rights, racial sensitivity, and cultural diversity;
 - (B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; [and]
 - (C) de-escalation techniques to facilitate interaction with members of the public, including techniques for limiting the use of force resulting in bodily injury; and
 - (D) unless determined by the agency head to be inconsistent with the officer's assigned duties:
 - (i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and
 - (ii) issues concerning sex offender characteristics.

SECTION 4.05. Section 1701.402, Occupations Code, is amended by adding Subsection (n) to read

as follows:

(n) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program regarding de-escalation techniques to facilitate interaction with members of the public established by the commission under Section 1701.253(n).

SECTION 4.06. Not later than March 1, 2018, the Texas Commission on Law Enforcement shall develop and the Commission on Jail Standards shall approve the examination required by Section 511.00905, Government Code, as added by this article.

SECTION 4.07. (a) Not later than March 1, 2018, the Texas Commission on Law Enforcement shall establish or modify training programs as necessary to comply with Section 1701.253, Occupations Code, as amended by this article.

(b) The minimum curriculum requirements under Section 1701.253(j), Occupations Code, as amended by this article, apply only to a peace officer who first begins to satisfy those requirements on or after April 1, 2018.

SECTION 4.08. (a) Section 1701.310, Occupations Code, as amended by this article, takes effect January 1, 2018.

(b) A person in the position of county jailer on September 1, 2017, must comply with Section 1701.310(a), Occupations Code, as amended by this article, not later than August 31, 2021.

ARTICLE 5. MOTOR VEHICLE STOPS, RACIAL PROFILING, AND ISSUANCE OF CITATIONS

SECTION 5.01. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (b) and (d) and adding Subsection (h) to read as follows:

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information

relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; [and]
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
- (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
- (E) the location of the stop; and
- (F) the reason for the stop; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- (A) the Texas Commission on Law Enforcement; and
- (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

SECTION 5.02. Article 2.133, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

- (A) the person's gender; and
- (B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search

and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; [and]

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b)

to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

SECTION 5.03. Article 2.134(c), Code of Criminal Procedure, is amended to read as follows:

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; [and]

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

SECTION 5.04. Article 2.137, Code of Criminal Procedure, is amended to read as follows:

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship,

available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)]. The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras [as described by Article 2.135(a)(1)(A)], the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has taken the necessary actions to use and is using [installed] video and audio equipment and body worn cameras for those purposes [as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1)].

SECTION 5.05. Article 2.1385(a), Code of Criminal Procedure, is amended to read as follows:

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in an [the] amount not to exceed \$5,000 [of \$1,000] for each violation. The attorney general may sue to collect a civil penalty under this subsection.

SECTION 5.06. Article 2.135, Code of Criminal Procedure, is repealed.

SECTION 5.07. Articles 2.132 and 2.134, Code of Criminal Procedure, as amended by this article, apply only to a report covering a calendar year beginning on or after January 1, 2018.

SECTION 5.08. Not later than September 1, 2018, the Texas Commission on Law Enforcement shall:

(1) evaluate and change the guidelines for compiling and reporting information required under Article 2.134, Code of Criminal Procedure, as amended by this article, to enable the guidelines to better withstand academic scrutiny; and

(2) make accessible online:

(A) a downloadable format of any information submitted under Article 2.134(b), Code of Criminal

Procedure, that is not exempt from public disclosure under Chapter 552, Government Code; and
(B) a glossary of terms relating to the information to make the information readily understandable to the public. This Act takes effect September 1, 2017.

Senate Speaker of the House

I hereby certify that S.B. No. 1849 passed the Senate on May 11, 2017, by the following vote:
Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1849 passed the House on May 20, 2017, by the following vote:
Yeas 137, Nays 0, one present not voting.

ARTICLE 6. EFFECTIVE DATE

SECTION 6.01. Except as otherwise provided by this Act,

Approved:

Date

Governor

Chief Clerk of the House

**JUSTIN
POLICE DEPARTMENT
RACIAL PROFILING POLICY**

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Justin Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach and partnerships).

401.1.1 DEFINITIONS

Definitions related to this policy include:

Bias-based policing - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Tex. Code of Crim. Pro. art. 3.05).

401.2 POLICY

The Justin Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any bias-based actions by another member.

401.4.1 REASON FOR CONTACT

Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

Bias-Based Policing

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING TRAFFIC STOPS

The Chief of Police or the authorized designee should ensure that the Department has appropriate systems in place to collect information required by state racial profiling laws (Tex. Code of Crim. Pro. art. 2.132 (Tier One); Tex. Code of Crim. Pro. art. 2.133 (Tier Two)).

Each time an officer makes a traffic stop, the officer shall gather the required information using the system in place for racial profiling reporting.

401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
 - 1. Supervisors should document these discussions, in the prescribed manner.
- (b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, portable audio/video recordings, Mobile Data Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with this policy.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

401.6 STATE REPORTING

The Chief of Police shall annually submit a report of the information required in Tex. Code of Crim. Pro. art. 2.132 to the Texas Commission on Law Enforcement (TCOLE) and to each governing body served by the Department.

The Chief of Police shall also provide to TCOLE and each governing body served by the Department a report containing an analysis of the information required by Tex. Code of Crim.

Bias-Based Policing

Pro. art. 2.133. The report must be submitted by March 1 of each year (Tex. Code of Crim. Pro. art. 2.134).

The reports may not include identifying information about any officer who made the traffic stop or about any individual who was stopped or arrested (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art. 2.134).

401.7 ADMINISTRATION

The Chief of Police or the authorized designee should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police. The annual report should not contain any identifying information about any specific complaint, member of the public or officer. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service (Tex. Code of Crim. Pro. art. 2.132).

Supervisors should review the report submitted to TCOLE and the governing body and the annual report and discuss the results with those they are assigned to supervise.

401.8 COMPLIMENTS AND COMPLAINTS

The Chief of Police or the authorized designee is responsible for educating the public on the Department's compliment and complaint process (see the Personnel Complaints Policy). This education may be achieved by information provided through the Department website. This information shall include the telephone number, mailing address and e-mail address to make a compliment or complaint regarding a ticket, citation or warning issued by an officer.

In the event that an investigation is initiated against an officer for a violation of this policy, the Chief of Police or the authorized designee should ensure that a copy of any related recording is provided as soon as practicable to the officer upon written request (Tex. Code of Crim. Pro. art. 2.132).

401.9 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the training manager.

For additional questions regarding the information presented in this report, please contact:

Del Carmen Consulting©
817.681.7840
www.texasracialprofiling.com
www.delcarmenconsulting.com

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City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 1. (CONSENT AGENDA)

Title: Consider approving the City Council minutes dated December 12, 2024, Regular Meeting, and January 13, 2025, Special Called Meeting; and take appropriate action.

Department: Administration

Contact: Amy Piukana, City Secretary

Recommendation:

City Administration recommends the City Council approve the minutes from the December 12, 2024, City Council meeting.

Background:

The City Council shall review and approve meeting minutes at the following meeting, which will be kept on file in the City Secretary's Office as part of state compliance for records retention purposes.

City Attorney Review: No

Attachments:

1. CCM Draft Minutes 12.12.24
2. CCM Draft Minutes 1.13.25

Alyssa Linenkugel, Place 1
Tomas Mendoza, Place 2
John Mounce, Place 3



James Castle, Place 4
Daniel Dennis, Place 5
Shelby St. Claire, Mayor Pro Tem, Place 6

James Clark, Mayor

AMENDED AGENDA

MINUTES

State of Texas
County of Denton
City of Justin

Justin City Council Regular Session Meeting - December 12, 2024

A) CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

Texas Flag: *"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state, under God, one and indivisible"*

Present

Mayor James Clark, Mayor Pro Tem Shelby St. Claire, Council Member Alyssa Linenkugel, Council Member John Mounce, Council Member Tomas Mendoza, Council Member James Castle, Council Member Daniel Dennis

City Staff: Assistant City Manager, Abbey Reece, City Secretary, Amy Piukana, Human Resource Director, Janet Holden, Matt Cyr Director of Development, and City Attorney, Matthew Boyle.

With a quorum of members present, Mayor Clark called the meeting to order at 5:30 p.m.

Pastor Joe Slater with with Justin Church of Christ led the invocation. Mayor Clark led the Pledge of Allegiance and Pledge to the Texas Flag.

B) CEREMONIAL ITEM(S)

1. Consider approving Resolution 727-24 accepting a donation from the Justin Civic Foundation for the Police and Fire Departments; and take appropriate action.

Mayor Clark recognized the Justin Civic Foundation for their donation of funds to the Police and Fire Departments. Mr. Greg Scott noted the Civic Foundation has dissolved and the Foundation is providing the city with leftover funding.

Council Member Mounce moved to approve Resolution 727-24, accepting a donation of \$12,000 for the Police Department and \$50,000 for the Fire Department. Council Member Linenkugel seconded the motion, which was approved unanimously.

C) EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

City Attorney Mathew Boyle read closed executive session language. Mayor Clark recessed into closed executive session at 5:52 p.m.

1. Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Attorney, City Judge annual reviews)
2. Under Section 551.071, to conduct a private consultation with the City Attorney regarding:
 - Danheim Complaint Against the City of Justin; PUCT Docket No. 53836
 - Petition of Town of Northlake and City of Justin; PUCT Docket No. 54243
 - Range Creek Developers Agreement
 - Trafford Terrace Developers Agreement
 - Treeline Development
 - Madera Municipal Management District
3. Under Section 551.072, to deliberate regarding the purchase, exchange, lease, or sale of real property located north of 1st street, south of Timberbrook Parkway, east of Linwood Drive and west of FM 156.

D) TAKE ANY ACTION AS A RESULT OF CLOSED EXECUTIVE SESSION ITEM(S)

Mayor Clark reconvened into open session at 6:27 p.m.

As a result of the closed session, Council Member Linenkugel moved to approve Resolution 729-24, as discussed. Mayor Pro Tem St. Claire seconded the motion. The motion was approved unanimously.

E) UPCOMING MEETINGS AND EVENTS

Communications Manager Krystal Gonzalez provided an overview of upcoming items and community events.

1. The following is a list of upcoming meetings and events:
 - December 14, 2024, Justin Old Town Christmas Event 12:00 p.m. to 6:00 p.m.
 - December 24-25, 2024, City Offices closed for Christmas Holiday.
 - January 1, 2025, City Offices closed for New Year's Holiday.
 - January 9, 2025, Governance Training at 5:30 p.m.
 - January 23, 2025 Regular City Council meeting at 5:30 p.m.

F) PUBLIC COMMENT

In order to expedite the flow of business and to provide all citizens with the opportunity to speak, the mayor may impose a three-minute time limitation for each citizen to speak with a seasonal limitation on speakers on one topic or item with a maximum of fifteen total minutes on the same topic. The Texas Open Meetings Act prohibits the City Council from discussing issues which the public have not been given a seventy-two (72) hour notice. Issues raised may be referred to City staff for research and/or placed on a future agenda.

Mr. Rob Altman spoke providing his background information, explaining he is seeking support from the City Council announcing he is a candidate for appointment to the Denton Central Appraisal District Board of Directors.

G) WORKSHOP ITEM(S)

1. Conduct a Workshop to discuss a Solicitor Policy Amendment.

Police Chief Brian Frieda conducted a work session with the City Council discussing a Solicitor Policy amendment. Mayor Pro Tem St. Claire explained he requested this item be brought forward to the City Council, noting a clear policy is necessary.

The City Council discussed the need for a policy, solicitor cards, state-authorized credentials, information for solicitors that outline city requirements, employee verification, canvassing requirements, a 30-day permit that outlines the location plan that the solicitor plans to visit, background checks, authority to fine or suspend, website notification of solicitation areas, and fees charged per person.

Chief Frieda agreed to review the recommended changes and incorporate them into a draft policy for the City Council to review.

2. Conduct a Workshop to discuss a Vagrant Policy.

Police Chief Brian Frieda conducted a workshop to discuss a Vagrant policy. Mayor Clark noted he requested this item based on the Supreme Court's ruling.

The City Council discussed the need to have a policy created that would assist with homelessness, provide security, public health and safety, and the ability to utilize Denton County for mental health services.

Chief Frieda stated he would draft an Ordinance based on these recommendations for the City Council to review.

3. Conduct a Workshop to discuss a Sex Offender Registry Policy.

Police Chief Brian Frieda conducted a workshop to discuss a Sex Offender Registry policy.

The City Council discussed the options to require registration, notification requirements, and local city policies. Chief Frieda agreed to draft a policy based on the City Council's recommendations and bring it forward to a future meeting.

4. Conduct a Workshop to discuss a Facility Naming Policy.

Director of Public Works Josh Little conducted a workshop to discuss a Facility Naming policy.

The City Council discussed the need for clear procedures, public announcements with the naming process, citizen survey, board review, and recommendations.

Mr. Little agreed he would make necessary changes and bring this item forward at the January 23, 2025, City Council meeting for action.

H) CONSENT AGENDA

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration.

Mayor Pro Tem St. Claire requested to pull Item H. 4 from consent to allow further discussion. Council Member Mounce requested Item H.2 be pulled.

A motion was made by Mayor Pro Tem St. Claire to approve Consent Items H.1 and H.3, as presented. Motion seconded by Council Member Dennis. The motion was approved unanimously.

1. Consider approving City Council meeting minutes from the November 14, 2024 meeting; and take appropriate action.

Approved

2. Consider approving Resolution 724-24 adopting a Facility Use Policy; and take appropriate action.

Councilman Mounce had questions regarding the following subjects:

- 1) General Information regarding the wording "potential partner" and how it proves compliance.
- 2) Reservation Policies and Procedures
- 3) General Rules and Regulations regarding the notice time requirements for City cancelation of a use request.
- 4) Use of City Name or Logo - the City Council recommended staff create a policy for logo use.
- 5) Tournaments concerning the Facilities Rental Application and Facility Use Request.
- 6) Exhibit B regarding the indoor gym being excluded from the public for use.

The City Council discussed the need to update the website with permit information and requested numbers with subsections be added to the policy for easy reference.

After discussion, a motion was made by Council Member Linenkugel to table this item, to allow staff time to make updated changes. Motion seconded by Mayor Pro Tem St. Claire. The motion was approved unanimously.

3. Consider adopting Ordinance 794-24 on the second and final reading approving an end-of-year budget amendment for the City of Justin Fiscal Year 2024; and take appropriate action.

Approved

4. Consider approving Resolution 723-24 annual Board & Commission appointments; and take appropriate action.

Mayor Pro Tem St. Claire expressed his gratitude to the 12 new applicants who applied to serve and all the applicants who reapplied. Mayor Clark asked all volunteers present to stand and introduce themselves.

After discussion, a motion was made by Mayor Pro Tem St. Claire to approve Resolution 723-24, as presented. The motion was seconded by Council Member Mendoza and was approved unanimously.

I) ITEMS PULLED FROM CONSENT AGENDA

Consent Agenda Item No. 2 and Item No. 4 were pulled off consent.

J) PUBLIC HEARING(S)

1. Conduct a Public Hearing and consider adopting Ordinance 793-24 establishing the Unified Development Code therefore amending, repealing, and replacing Chapter 52, Chapter 36, Chapter 12 Article IV, and amending Sec. 10-247 through Sec. 10-252, amending Ch 12 Article II, Amending chapter 12 Article III, and Chapter 12 Article VI; and take appropriate action

Director of Planning Matthew Cyr was present to answer any questions.

Mayor Clark opened the Public Hearing. No one present wished to speak, so Mayor Clark closed the Public Hearing. Council Member Mounce motioned to adopt Ordinance 793-24 with the condition to omit Chapter 12 and to include language provided by the City Attorney. Motion seconded by Council Member Mendoza. The motion was approved unanimously.

K) ACTION ITEM(S)

1. Consider approving Resolution 726-24 appointing Rob Altman as a Candidate for Appointment to the Denton Central Appraisal District Board of Directors; and take appropriate action.

Mayor Clark briefed the City Council regarding this item. Mr. Rob Altman introduced himself as a candidate for the Denton Central Appraisal District Board and was present to answer any questions.

Council Member Mounce asked what the priority would be if selected. Mr. Altman replied stating he would concentrate on learning and understanding processes. He further stated he would reach out to communities for feedback to ensure processes are being met.

After discussion, Council Member Dennis made a motion to approve Resolution 726-24, as presented. Motion seconded by Mayor Pro Tem St. Claire. The motion was approved unanimously.

2. Consider approving Resolution 728-24 approving a mural project in Old Town and authorizing Economic Development Corporation funding for this project; and take appropriate action.

Assistant City Manager Abbey Reece briefed City Council regarding this item.

A motion was made by Council Member Castle to approve Resolution 728-24, as presented. The motion was seconded by Mayor Pro Tem St. Claire. The motion was approved unanimously.

3. Consider approving Resolution 725-24 approving Charter Amendment recommendations which will be voted on by the public in May 2025; and take appropriate action.

Mayor Clark briefed the City Council regarding this item. Mayor Clark noted there has been a change in legislation to dissolve the ETJ (Extra Territorial Jurisdiction), and this would affect the current City Manager. He suggested adding language under the City Manager residency requirement, Section 4.01(1) with a sentence, "at City Council's discretion". Mayor Clark noted charter amendments allow the City Council to add to charter recommendations, but ultimately the voters would decide.

After discussion, a motion was made by Council Member Mounce to approve Resolution 725-24, with the additional amendment to 4.011 as discussed. The motion was seconded by Council Member Castle. The motion was approved unanimously.

L) FUTURE AGENDA ITEMS

There were no future agenda item requests.

M) ADJOURN

There being no further business, Mayor Clark adjourned the meeting at 7:58 p.m.

Mayor James Clark

Amy Piukana

Amy Piukana, TRMC, City Secretary

Seal:

Alyssa Linenkugel, Place 1
Tomas Mendoza, Place 2
John Mounce, Place 3



James Castle, Place 4
Daniel Dennis, Place 5
Shelby St. Claire, Mayor Pro Tem, Place 6

James Clark, Mayor

MINUTES

**State of Texas
County of Denton
City of Justin**

Justin City Council Regular Session Meeting - January 13, 2025

A) CALL TO ORDER

Convene into Session:
Invocation and Pledge of Allegiance
American Flag

Texas Flag: *"Honor the Texas Flag; I pledge allegiance to
thee, Texas, one state, under God, one and indivisible"*

Present

Mayor James Clark, Mayor Pro Tem Shelby St. Claire, Council Member Alyssa Linenkugel, Council Member John Mounce (*Absent*), Council Member Tomas Mendoza, Council Member James Castle, Council Member Daniel Dennis

City Staff: City Manager Jarrod Greenwood, Assistant City Manager Abbey Reece, City Secretary Amy Piukana, Human Resource Director Janet Holden, Director of Development Services Matt Cyr, Chief of Police Brian Frieda

With a quorum of members present, Mayor Clark called the meeting to order at 5:31 p.m.

Mayor Clark led the Invocation and Pledge of Allegiance and Pledge to the Texas Flag.

B) WORKSHOP ITEM(S)

1. Governance Training for City Council Members

City Manager Jarrod Greenwood led the City Council through Governance training. The training included the following topics: the importance of business variety, encouraging local business growth, the role of young people in community development, how to identify real needs and values, avoiding complacency, the importance of local consumer engagement, impacts of community appearance, benefits of inter-community cooperation, avoiding conflict and hostility, avoiding dwelling on past problems, marginalizing seniors, ignoring emerging trends, and successful communities.

2. Discuss and Review the Strategic Plan

Assistant City Manager Abbey Reece briefed the City Council regarding the Strategic Plan. Ms. Reece covered the following items: Year in review, vision and leadership, leadership and training, modernizing service delivery, strategic initiatives, community engagement, enhancing public engagement, resolving longstanding issues, sustainable growth and economic development, partnering for progress, guiding smart growth, strengthening fiscal foundations, recreation and open spaces, infrastructure and services, looking ahead to 2025, future opportunities, and performance measures.

After discussion, the City Council established the following initiatives:

1. Strategic Communications Plan
2. Fire Transition Plan
3. Emergency Response Plan
4. Financial Transparency
5. Strategic Partnerships/Regional Animal Control
6. Opportunity Districts/Small Area Plans/Old Town Masterplan
7. Community Center/Municipal Space
8. Rebranding/Monument Signage
9. Business Retention
10. Youth Advisory Council
11. Golf Carts/Mobility Plan

Mayor Clark suggested staff prioritize the initiatives and bring forward an action plan. Mr. Greenwood explained he would prepare a Strategic Plan based on tonight's feedback and bring it back to the City Council for adoption.

C) FUTURE AGENDA ITEMS

There were no future agenda items requested. Mayor Clark announced the last day to register to vote in the May 3, 2025, City Council election is April 3, 2025. He announced January 15 through February 14, 2025, are the file dates for City Council seats.

D) EXECUTIVE SESSION

Any item on this posted agenda could be discussed in Executive Session as long as it is within one of the permitted categories under sections 551.071 through 551.076 and Section 551.087 of the Texas Government Code.

Mayor Clark recessed into a closed executive session at 7:37 p.m.

1. Under Section 551.074, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee. (City Manager review)

There was no action taken on this item, as a result of closed session.

E) ADJOURN

There being no action as a result of the closed session, the mayor adjourned the meeting.

Amy Piukana
Amy Piukana, TRMC, City Secretary

Seal:



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 2. (CONSENT AGENDA)

Title: Consider adopting Ordinance 793-24, second reading to establish the Unified Development Code therefore amending, repealing, and replacing Chapter 52, Chapter 36, Chapter 42; Chapter 12 Article IV, and amending Sec. 10-247 through Sec. 10-252, amending Ch 12 Article II, Amending chapter 12 Article III, and Chapter 12 Article VI; and take appropriate action.

Department: Administration

Contact: Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends consideration based on the item.

Background:

The Unified Development Code (UDC) marks the second phase of our city's comprehensive planning efforts, following its authorization by the City Council in August 2023. This code serves as a critical tool for implementing the Comprehensive Plan by updating zoning, subdivision, and other development regulations. It provides city staff with guidelines on regulating property development by residents, business owners, and builders.

The deliverables to be provided with Phase II are the following:

1. Unified Development Code (Ch. 52 rewrite)
2. Master Water and Wastewater Plan
3. Ad Valorem Analysis and Implementation

The Master Water and Wastewater Plan was adopted on September 26, 2024. The City will be adopting the UDC and receiving the Ad Valorem Analysis with this item. If approved, staff will begin implementing the Unified Development Code (UDC) and also include an ad valorem analysis with new zoning applications.

Revising the development code yields multiple benefits, including a more streamlined building process, the resolution of conflicting regulations, and an investment-friendly environment. To ensure community engagement, the City conducted extensive outreach, including:

- Over 25 social media posts
- Two open houses (one at the beginning and one at the conclusion of the process)
- Three joint work sessions with the City Council and the Planning and Zoning Commission

This collaborative approach will help align the city's growth with community needs and interests. There is a summary sheet that details the major changes included in the document.

PZ Recommendation:

The Commission unanimously recommended approval with the conditions on November 19, 2024, that the UDC be revised to incorporate the City Attorney's revisions along with fixing any scriveners errors included in the document.

CC First Reading:

City Council approved the first reading of this item on December 12, 2024, with the following conditions: Omit Chapter 12 Article I and Article II from the adoption and to include the City Attorney's revisions.

City Attorney Review: Yes

Attachments:

1. ARTICLE_IX.___SWIMMING_POOL_FENCES__FENCES_GENERALLY Exhibit B
2. Summary of Changes UDC
3. Justin Unified Development Code - Exhibit A
4. UDC Ordinance- FINAL
5. Justin Fiscal Impact Analysis Summary 2024

ARTICLE IX. ~~SWIMMING POOL FENCES; FENCES—GENERALLY~~¹

~~Sec. 10-241. Fences required.~~

~~From and after the effective date of the ordinance from which this article is derived, it shall be unlawful to build, rebuild, or maintain a swimming pool that is not completely enclosed with one or a combination of the following barriers:~~

- ~~(1) Fence;~~
- ~~(2) Building wall;~~
- ~~(3) Natural topographic barrier.~~

~~(Ord. No. 624-17, § 1, 7-31-2017)~~

Sec. 10-242. Minimum requirements.

The barrier or barriers used to enclose a swimming pool shall meet the following requirements:

(a) Height. The barrier enclosing a swimming pool shall be at least four feet in height from the nearest level of earth and constructed to prohibit young children from crawling underneath or through the barrier, or climbing over the barrier.

(b) Construction.

(1) The barrier shall be constructed to have no opening, other than doors or gates, larger than four inches in width.

(2) Where a picket-type fence is provided horizontal openings between pickets shall not exist except for manufacturing tolerances in assembly.

(3) All new stockade fences shall have the horizontal support members located on the swimming pool side of the fence.

(4) Where access gates are used, they shall be at least four feet in height and conform to subsections (a) and (b) of this article.

(c) All gates or doors that allow entrance into the enclosed swimming pool area, excluding those doors or gates that allow entrance into the pool area from inside the home or buildings, shall be equipped with self-closing and self-latching devices which shall be maintained in good working condition.

~~(Ord. No. 624-17, § 1, 7-31-2017)~~

¹Editor's note(s)—Inasmuch as the provisions pertaining to swimming pool fences were inadvertently omitted from the Code, the provisions of former code art. 3.500, §§ 3.501—3.506 have been set out herein as art. IX, §§ 10-241—10-245 at the editor's discretion. Ord. No. 624-17, § 1, adopted July 31, 2017, amended art. IX in its entirety to read as herein set out. Former art. IX, §§ 10-241—10-245, pertained to swimming pool fences, and derived from Ord. No. 214, §§ II—V, adopted June 6, 1994.

~~Sec. 10-243. Building permit requirement.~~

~~A building permit shall be required prior to the erection, building or rebuilding of a swimming pool. An application for a building permit shall be accompanied by two sets of drawings which clearly show the placement of the swimming pool on the lot in relationship to the lot boundaries and other structures on the lot. Detained drawings are also to be submitted to show the type of barrier to be used which will demonstrate the full compliance with the requirement of this chapter. Written approval of plans by all utility companies serving a property with a swimming pool must also be submitted.~~

~~(Ord. No. 624-17, § 1, 7-31-2017)~~

~~Sec. 10-244. Existing swimming pools to comply.~~

~~Owners of property with existing swimming pools that are not in total conformance with the requirements of this article shall have 180 days from the date this article becomes effective to comply herewith.~~

~~(Ord. No. 624-17, § 1, 7-31-2017)~~

~~Sec. 10-245. Swimming pool, definition.~~

~~For the purposes of this article, a swimming pool shall mean an above-ground or in the ground structure constructed so that it contains more than 100 gallons of water of an average of more than two feet in depth.~~

~~(Ord. No. 624-17, § 1, 7-31-2017)~~

Sec. 10-24¹⁶. Fences—Generally; definitions.

For the purposes of this article, the following words and phrases will have the meanings respectively ascribed to them by this section:

City means the City of Justin, Texas.

Column means a vertical fence support structure or pillar constructed of masonry (brick or stone).

Easement means a real property right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another, dedicated by plat, deed or implied by right. It is for the benefit of appurtenant land including but not limited to the right to use or cross the land of another, ingress or egress, such as a public utility easement or joint access easement. An easement may or may not have descriptive bounds.

Fence means an artificially constructed barrier enclosing, separating, or screening areas of land, serving as a boundary, a means of visually modifying the view, and/or for confinement. A fence is any part of a fence including the base, footings, supporting columns, post, braces, structural members, or any other of its appendages.

Game court means a structure having a playing surface, paved, or unpaved, with or without enclosing fences, designed to be used for playing or practicing tennis, badminton, volleyball, paddle tennis handball, baseball batting, handball, racquet ball, squash, basketball, or similar uses.

Large lot residential means a residential lot at least one acre in size.

Lot, key means a corner lot that is so designed that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Opacity means the degree of openness of a fence by which light or views are not blocked, measured perpendicular to the fence for each fence section between supports.

Post means a vertical fence support constructed of wood or metal which is non-decorative.

Public right-of-way means a strip of land which is used as a roadbed for a street, alley, or highway intended for use by the public at large, or land set aside as an easement or in fee, either by agreement or condemnation.

Repair means maintenance to a fence where replacement of materials does not exceed 50 percent of the total length of the fence and does not change the scope, location, or dimensions of the fence. Repairs shall be made using the same material, or material with comparable composition, size, shape, color and quality of the original fence to which the repair is being made.

Residential district means a district where the primary purpose is residential use and is defined in the comprehensive zoning ordinance excluding multifamily.

Retaining wall means a wall not laterally supported at the top that resists lateral soil loads and other imposed loads.

Screening fence means a fence or wall constructed to visually obscure the view of the adjoining property.

Street means any dedicated public thoroughfare that affords the principal means of access to abutting property.

Swimming Pool means an above-ground or in the ground structure constructed so that it contains more than 100 gallons of water of an average of more than two feet in depth.

Temporary fence means a non-permanent fence constructed for a limited period.

Vision or visibility triangle is determined at the intersection of two streets which intersect at or near right angles by measuring along the two rights-of-way/property lines from their point of intersection a distance equivalent to the required setback for the abutting yard as required for the zoning district in which the property is situated and 45 feet for streets of collector size or larger, and then connecting these two points with an imaginary line to form the corner visibility triangle.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

Yard, front means a yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building.

Yard, rear means the area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side means the area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-24~~27~~. Permitting requirements.

- (a) *Permit required.* It is unlawful for any person or persons to construct or replace, or cause to be constructed or replaced, a fence or any part of a fence without first obtaining a fence permit from the city. No permit is required for repairs as defined by this article. In residential zoning districts on tracts or lots that are five acres

or greater in area, a permit is not required except for fences located in the front yard, along the side or rear property lines, or fences required to enclose swimming pools as required by city code, state or federal law.

- (b) *Permit fees.* The fee for a permit shall be in the amount established in appendix A to this Code. When a person or persons begin any work for which a permit is required by this article without first obtaining a permit, the permit application fee shall be doubled. Payment of the fee shall not exempt any person or persons from compliance with all provisions of this article.
- (c) *Application for permit.* Any person or persons making application for a fence permit shall complete a permit application on a form prescribed by the city, showing the following information:
 - (1) The applicant's name, address, telephone number and if the applicant represents a corporation, the name, address and telephone number of the registered agent of the corporation, or if the applicant represents an association, the name, address and telephone number of a managerial agent of the association;
 - (2) The names of the property owners;
 - (3) A local address where the fence is proposed to be erected;
 - (4) The type of fence construction (material);
 - (5) The proposed height of the fence;
 - (6) A diagram showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines and easements;
 - (7) The fence contractor's registration number if a contractor is used;
 - (8) The authorized applicant's signature; and
 - (9) Any other documentation as required by the city manager or his/her designee.
- (d) *Construction documents.* Construction documents shall not be required of wood, chain link, and pipe and cable fences to be constructed on residential lots. Construction documents, special inspections and structural observation programs, and other data shall be submitted in one or more sets, as required by the city manager or his/her designee, with each application for a permit for any other type fence. The applicant shall also provide additional information as required by the building code. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the city manager or his/her designee is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The city manager or his/her designee is authorized to waive the submission of construction documents and other data not required to be prepared by a design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.
- (e) *Availability of plan.* One set of approved plans, specifications and a copy of the permit shall be made available, by the applicant, for inspection of the work authorized by the permit. The said set of approved plans, specifications, and permit shall be kept on the work site by the applicant during the construction process.
- (f) *Contractor's registration.* It is unlawful for any person or persons, to engage in the business of fence contracting without a valid contractor's registration with the city. The owner of a property on which a fence is being constructed is not required to register as a contractor.
 - (1) There is no charge to register as a fence contractor provided the applicant completes the required forms furnished for that purpose and files them with the city manager or his/her designee.
 - (2) Any person making an application for a fence contractor's registration shall sign an application for the same containing the following information:

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- a. Applicant's name, business address, phone number, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, or if the applicant represents an association, the name and address of a managerial agent of the association.
 - b. The fence contractor's signature.
- (3) Every contractor registration provided for in this section shall expire on the first day of January and may be renewed by the city manager or his/her designee upon application.
- (4) The city manager or his/her designee may revoke or suspend a fence contractor's registration for a 12-month period for either of the following reasons:
- a. The registrant violates the requirements of this article twice within a 12-month period; or
 - b. The registrant fails to obtain permits and/or inspections twice within a 12-month period.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-24~~37~~³⁸. General requirements.

- (a) *Encroachment on city or public right-of-way.* No person shall construct a fence, guy wire, brace or any fence post upon or protruding over any city or public right-of-way.
- (b) *Fence not to create a traffic hazard.* It is unlawful to erect, maintain, suffer, or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent or occupant to remove such obstruction within the specified time limit required on the receipt of notice to do so is a violation of this article.
- (c) *Fence orientation.* Fence sections essentially parallel with a public street or public park space shall have their backside (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public.
- (d) *Gate required.* Each fence constructed under the provisions of this article shall include in its perimeter at least one gate with a minimum width of three feet.
- (e) *Fence not to be in right-of-way or easement.* No fence shall be erected within, on, or across any right-of-way, public or private easement, or visibility triangle. Property owners that allow a fence to be constructed in a utility or other easement on their property do so at their own risk. Unless the terms of a specific easement state otherwise, fences constructed within utility easements may be removed by a franchise utility company or its contractor with rights to the easement and such utility company shall not be responsible for replacement of the fence or liable for damage to the fence that occurred during its removal.
- (f) *Fence materials.* Fences on residential and commercial property (to exclude any areas zoned for industrial or light industrial use) shall be constructed of materials expressly designed for fencing. This shall include products such as chain link, wood planks and boards, commercial or livestock grade vinyl (supported by the manufacturer's specifications), masonry as defined by the building code, pipe and cable, wrought iron, or ornamental iron. Materials or products such as rope, string, barbed wire, razor ribbon wire, corrugated metal, plywood, or a fence that has in it or on it barbs, projections, broken glass, or anything reasonably capable of causing harm to persons or animals are prohibited. Wood, metal, or plastic products that are designed specifically for use other than fence construction are also prohibited.

For properties located in industrial or light industrial zoning districts, all fence materials allowed for residential and commercial zoning shall also be allowed. In addition, screening with chain link fencing shall also be allowed, and reasonably necessary barbed wire or other security fencing shall be allowed.

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- (g) *Landscape in lieu of fence.* Except where otherwise required in this Code, regulations governing the height, location and opacity of fences also applies to walls, hedges or landscaping used in lieu of a fence or in combination with a fence.
- (h) *Temporary fences.* Temporary fences are prohibited, except where required by city Code or state or federal law for construction, excavation, or life safety issues. Temporary fence materials may include, but are not limited to, rope; string; wire products such as chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; live bamboo; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other material that are not manufactured specifically as fencing materials. The city manager or his/her designee may require the applicant to provide the manufacturer's standard to establish the intended use of a proposed fencing material. Exceptions shall include:
- (1) A dog window may be installed in a fence no larger than 288 square inches with corrosion resistant material capable of restraining the dog.
 - (2) Temporary fences made of wire, with heights not over 36 inches, in residential districts are permitted for residential garden uses only.
 - (3) Temporary fences or panels used for corrals, pens, or chutes are permitted for the purpose of corralling or confining livestock.
 - (4) Temporary fences erected following storm damage to an existing fence shall be allowed for a period up to 60 days.
 - (5) Temporary fences erected to protect lawn seeding shall be allowed for a period up to 60 days.
- (i) *Perimeter walls.* Where a fence intersects a screening wall and the height of the fence exceeds the height of a screening wall, the height of the fence shall transition to the height of the screening wall over a lateral distance of 20 feet or greater.
- (j) *Pool or spa enclosures.* A person constructing or maintaining a fence or wall enclosure around a swimming pool, hot tub, or spa shall comply with the minimum requirements of the city Code, as it exists or may be amended.
- (k) *Retaining walls.* Retaining walls greater in height than 36 inches shall follow a design submitted by a registered engineer.
- (l) *Determining fence height and opacity.*
- (1) *Height.* Fence height is measured to include the body of the fence, plus allowing a maximum of six inches (on average between posts) above the natural grade (i.e., for drainage purposes). When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finish grade. Fence posts are permitted to extend a maximum of four inches above the body of the fence. Columns are permitted to extend a maximum of 12 inches above the body of the fence. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-2449. ~~R~~Fences in residential areas.

- (a) *Fences and gates in front yards.* All fences, walls, gates, or other enclosures constructed in the front yard of a residential property shall:
- (1) Not exceed 48 inches in height.

- (2) Allow a minimum of 50 percent opacity.
- (3) Not encroach into a vision or visibility triangle.
- (b) *Fences and gates in side yard.* It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence or gate in any side yard or along any side yard lot line which fence exceeds eight (8) feet in height. On key lots, where side yards are required adjacent to the street to conform to minimum front yard setback of lots fronting upon such street, within the same block and upon the same side, no fence shall be constructed or maintained within such required side yard as depicted in Figure 1.

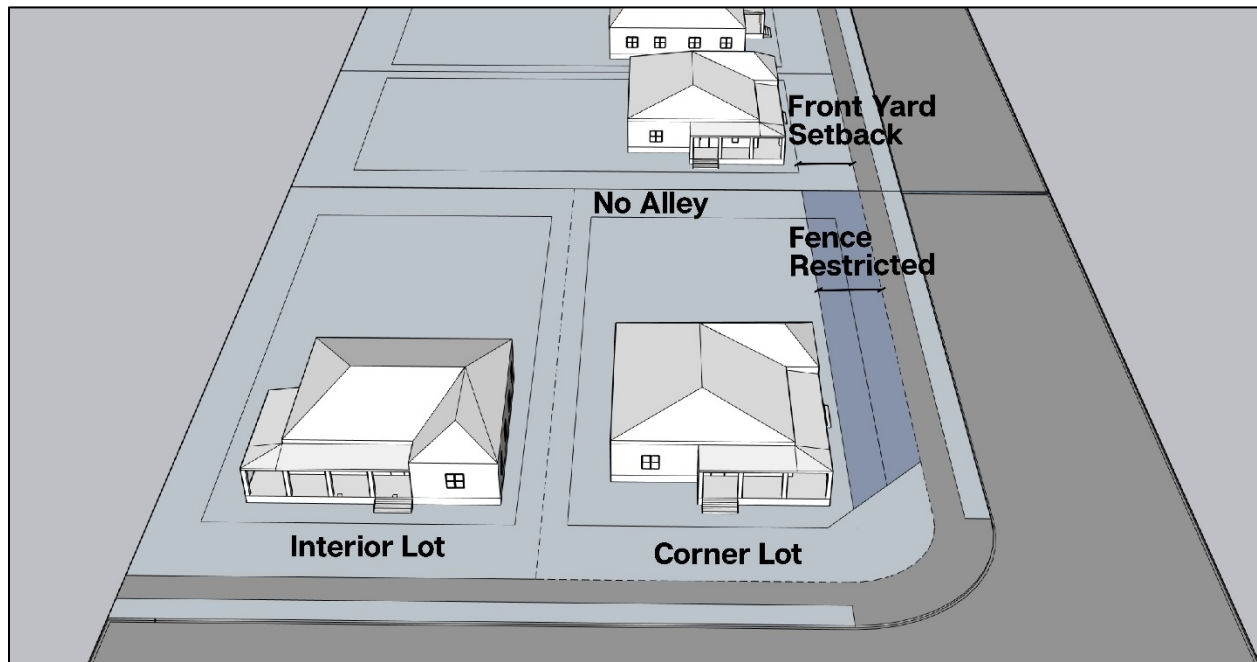


Figure 1 - Key Lot Configuration

- (c) *Fences and gates in rear yards.* It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence or gate in any rear yard or along any rear lot line which fence exceeds eight feet in height.
- (d) *Decorative gate embellishments.* Ornate gates may exceed the maximum height of a fence by up to two feet.
- (e) *Electrically charged fences in residential districts.* It is unlawful for any person to erect, maintain, or permit a fence that is electrically charged in any manner, except single-strand wires designed to conduct electricity through a low-voltage regulator shall be allowed along the fence's interior for the purposes of securing pets within a fenced yard.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-24550. Fences in Non-residential zoning districts.

- (a) *Height.* A fence in a non-residential zoning district may not exceed 12 feet in height. Any fences over eight feet in height shall require the property owner or owners to submit plans approved by an engineer.
- (b) *Vertical support posts.* Vertical support posts may extend up to four inches above the top of a fence.
- (c) *Columns.* Columns are permitted to extend a maximum of 12 inches above the body of the fence.

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(Supp. No. 8)

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- (d) *Opacity.* Where fencing is constructed in the front yards of nonresidential and multifamily projects, the opacity of the fencing shall be 50 percent or greater.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-246. Swimming Pools.

It shall be unlawful to build, rebuild, or maintain a swimming pool that is not completely enclosed with one or a combination of the following barriers:

- (1) Fence;
- (2) Building wall;
- (3) Natural topographic barrier.

Minimum requirements.

The barrier or barriers used to enclose a swimming pool shall meet the following requirements:

- (a) Height. The barrier enclosing a swimming pool shall be at least four (4) feet in height from the nearest level of earth and constructed to prohibit young children from crawling underneath or through the barrier, or climbing over the barrier.
- (b) Construction.
 - (1) The barrier shall be constructed to have no opening, other than doors or gates, larger than four inches in width.
 - (2) Where a picket-type fence is provided horizontal openings between pickets shall not exist except for manufacturing tolerances in assembly.
 - (3) All new stockade fences shall have the horizontal support members located on the swimming pool side of the fence.
 - (4) Where access gates are used, they shall be at least four (4) feet in height and conform to subsections (a) and (b) of this article.
- (c) All gates or doors that allow entrance into the enclosed swimming pool area, excluding those doors or gates that allow entrance into the pool area from inside the home or buildings, shall be equipped with self-closing and self-latching devices which shall be maintained in good working condition.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-24851. Exemptions.

The following items are exempt from meeting criteria set forth in this article:

- (a) Federal or state law. Fences that are required by federal or state law or regulation shall be exempt from the requirements of this article.
- (b) Game court fences. Notwithstanding any other regulation set forth in this article, game court fencing may be constructed up to 16 feet in height, except that such fencing shall not be constructed in the required front yard of a property. All game court fencing shall set back from a neighboring property line in a distance equal to or greater than the height of the fence.

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- (c) *Large lot residential lots.* Notwithstanding any other regulation set forth in this article, fences of up to five feet in height.
 - (d) *Fences used to contain livestock.* In addition to the materials permitted, fences used to contain livestock and/or fences that are located on properties of five acres or greater in area and used for agricultural purposes may be constructed of barbed wire, smooth or non-climb wire, and/or contain electrical current.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-24952. Maintenance of fences.

- (a) All fences shall be maintained reasonably plumb and structurally sound. Each structural and decorative member of a fence shall be compatible in size, material and appearance with the remainder of the fence.
- (b) A fence shall not lean more than one inch out of vertical for each foot of height as measured from the top of the fence.
- (c) A fence that has deteriorated to a condition that it is likely to fall shall be repaired, replaced, or completely removed.
- (d) Fences shall not be externally braced in lieu of replacing or repairing posts, columns or other structural members. External braces shall only be temporary in nature and shall be removed within 45 days.
- (e) After receiving notice from the city, the owner shall replace broken, damaged, removed or missing parts of a fence with the same material, or material with comparable composition, size, shape and quality of the original fence to which the repair is being made. The owner shall also have the option to completely remove the fence or to replace the fence with other materials allowed through this article unless the fence is required due to other sections in the city Code. No permit is required for repairs as defined in this article. The notice shall include a deadline by which the repairs are to be completed. The deadline shall range from ten to 30 business days after the date of the letter depending upon the extent of the damage and repairs. The city manager or his/her designee may, upon written notice from the owner that unusual circumstances prevent the timely repair of a fence, extend the replacement time at his/her discretion. The owner requesting a replacement time extension shall provide the city manager or his/her designee a written scope and schedule detailing materials and estimated time of the completed replacement for approval.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-2503. Nonconforming fences.

The lawful use of any fence on the effective date of the ordinance from which this article is derived may be continued, although such use does not conform to the provisions of this article provided the right to continue such nonconforming use shall be subject to the following regulations:

- (a) Normal repairs and maintenance may be made to a nonconforming fence; provided those repairs do not exceed 50 percent of the total length of the fence.
- (b) Unless otherwise provided, a nonconforming fence shall not be added to in any manner unless such additions are made to conform to all the requirements of this article.
- (c) A nonconforming fence shall not be moved in whole or in part unless every portion of such fence is made to conform to all regulations of the district in which it is located.

-
- (d) If a nonconforming fence is damaged, destroyed or in disrepair to an extent greater than 50 percent of the total length of the fence, such fence shall be removed or replaced and must conform to all regulations of the district in which it is located and shall be treated as a new fence.

(e) Owners of property with existing swimming pools that are not in total conformance with the requirements of this article shall have 180 days from the date this article becomes effective to comply herewith.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-25~~14~~. Variances.

The board of adjustment shall have the authority to authorize variances from the terms of this article if it shall determine after notice and public hearing in the same manner as a zoning case that the requested variance meets two of the following four criteria:

- (a) The proposed fence will not adversely impact the adjacent property (visibility, size and the like);
- (b) The proposed fence is of a unique design or configuration or serves a unique function;
- (c) The variance is needed due to restricted area, shape, topography, physical features, or conditions that are unique to the property on which the proposed fence would be constructed; or
- (d) The variance will substantially improve the health, safety, or welfare of the public and does not violate the spirit of this article.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-241. Fences required.

From and after the effective date of the ordinance from which this article is derived, it shall be unlawful to build, rebuild, or maintain a swimming pool that is not completely enclosed with one or a combination of the following barriers:

- (1) Fence;
- (2) Building wall;
- (3) Natural topographic barrier.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-242. Minimum requirements.

The barrier or barriers used to enclose a swimming pool shall meet the following requirements:

(a) Height. The barrier enclosing a swimming pool shall be at least four feet in height from the nearest level of earth and constructed to prohibit young children from crawling underneath or through the barrier, or climbing over the barrier.

(b) Construction.

(1) The barrier shall be constructed to have no opening, other than doors or gates, larger than four inches in width.

(2) Where a picket-type fence is provided horizontal openings between pickets shall not exist except for manufacturing tolerances in assembly.

(3) All new stockade fences shall have the horizontal support members located on the swimming pool side of the fence.

(4) Where access gates are used, they shall be at least four feet in height and conform to subsections (a) and (b) of this article.

(c) All gates or doors that allow entrance into the enclosed swimming pool area, excluding those doors or gates that allow entrance into the pool area from inside the home or buildings, shall be equipped with self-closing and self-latching devices which shall be maintained in good working condition.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-243. Building permit requirement.

A building permit shall be required prior to the erection, building or rebuilding of a swimming pool. An application for a building permit shall be accompanied by two sets of drawings which clearly show the placement of the swimming pool on the lot in relationship to the lot boundaries and other structures on the lot. Detained drawings are also to be submitted to show the type of barrier to be used which will demonstrate the full compliance with the requirement of this chapter. Written approval of plans by all utility companies serving a property with a swimming pool must also be submitted.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-244. Existing swimming pools to comply.

Owners of property with existing swimming pools that are not in total conformance with the requirements of this article shall have 180 days from the date this article becomes effective to comply herewith.

(Ord. No. 624-17, § 1, 7-31-2017)

Sec. 10-245. Swimming pool; definition.

For the purposes of this article, a swimming pool shall mean an above-ground or in the ground structure constructed so that it contains more than 100 gallons of water of an average of more than two feet in depth.

(Ord. No. 624-17, § 1, 7-31-2017)

Secs. 10-25~~25~~—10-280. Reserved.



Summary of Major Changes

Article 1 – General Provisions

- Consolidation of all general provisions and authority from Chapter 42, 52, 34, and 36.
- Simplified language to promote usability.
- Updated language based on Local Government Code Chapters 43, 211, 212, and 213.
- Inclusion of updated intent language based on Comprehensive Plan engagement process.

Article 2 – Administration

- Consolidation of all UDC boards, commissions, and administrators.
- Restructured boards and commissions within a simple table format for ease of use.
- Updated article to be consistent with home-rule regulations.
- Synchronized article to local government code language regarding notices and procedures.

Article 3 – Zoning Districts

- Simplified and reorganized zoning districts into twelve (12) districts.
- Created a conversion table to bring over previous districts and eliminate conflicts.
- Provided purpose and intent statements for each category and specific district to help interpret standards.
- Aligned zoning districts to modern uses and names which are easier to use.
- Designed updated graphics that are based on existing structures within the city.
- Structured and reorganized most of the district regulations within one page for usability.
- Matched colors of districts within the code to the intensity of development.
- Updated flagpole regulations to match the vision laid out by Council and the community.
- Aligned the schedule of uses by reorganizing uses and applying special criteria to uses that warrant them.
- Added Accessory Dwelling Units to the schedule of uses based on community and Council feedback with specific criteria.
- Consolidated ordinances that are development in nature but were found outside of the zoning code such as temporary batch plants.

Article 4 – Development Standards

- Updated standards based on current planning best practices.
- Inclusion of incentive regulatory standards for going “above and beyond” with certain preferences.
- Simplified and updated parking standards based on current uses.
- Added landscaping standards with graphics for commercial development and parking lots.
- Updated graphics to pair with standards for user friendly interpretation.
- Added development standards on building orientation, height transitions, and facades to help guide development.
- Added example photographs to illustrate important concepts.
- Updated and removed approved plant list to exist as a city document that can be updated outside of the zoning ordinance.
- Updated lighting standards to the Dark Sky Ordinance model code.

Article 5 – Subdivision

- Updated regulations to be consistent with all state regulatory changes.
- Modified approval of plats to be an administrative process when being ministerially approved (no deviations).
- Modified language for deviations to “waivers” to differentiate from zoning “variances.”
- Added graphics to pair with language for interpretation of regulations.
- Added charts and diagrams to illustrate the proper process for each plat.
- Updated plat requirements for approval and submittal and removed items that would be within an engineering criteria manual.
- Added various concepts that were silent in previous versions to give better direction for development such as flag lots.
- Incorporated plans outside of the code such as the parks and trails plan to subdivision regulations.

Article 6 – Signage

- Simplified language to be more user friendly to the businesses that use it.
- Added graphics based on existing buildings within the area.
- Added regulations specific to Old Town.
- Realigned sign standards to current uses.
- Created one-page descriptions for each type of sign that includes all regulations to that type.
- Consolidated duplicative language.

Appendix – Definitions

- Added missing definitions, and consolidated duplicative language.
- Removed conflicts within codes and ordinances.
- Linked resources to specific sections.
- Reformatted definitions to table format for easier use.
- Modified definitions with latest language and interpretations.



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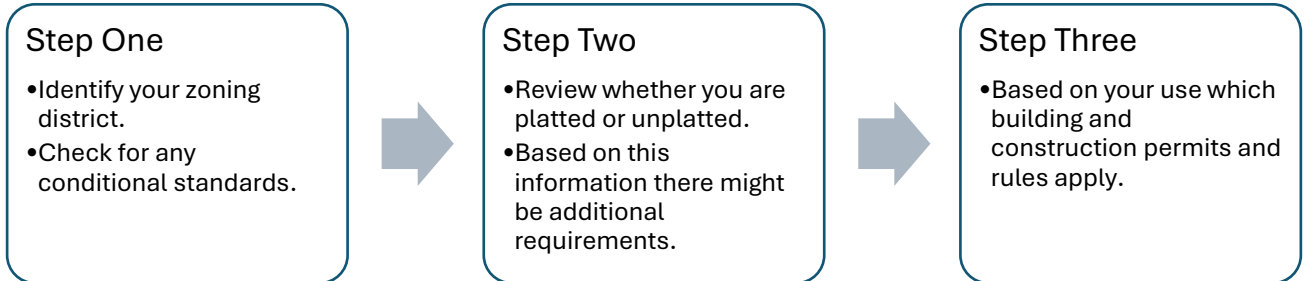
<u>Section 52.801</u>	<u>Annexations</u>
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Section 52.802 **Extraterritorial Jurisdiction**

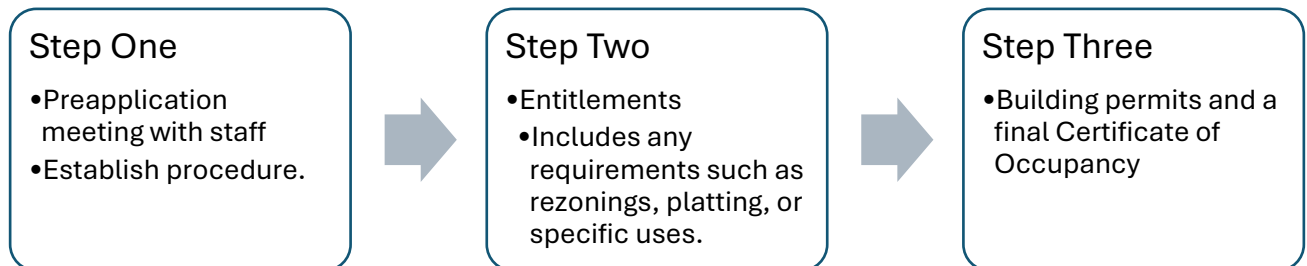
<u>APPENDIX A</u>	<u>DEFINITIONS</u>
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<u>APPENDIX F</u>	<u>STORM WATER DESIGN CRITERIA MANUAL</u>

HOW TO USE THIS CODE

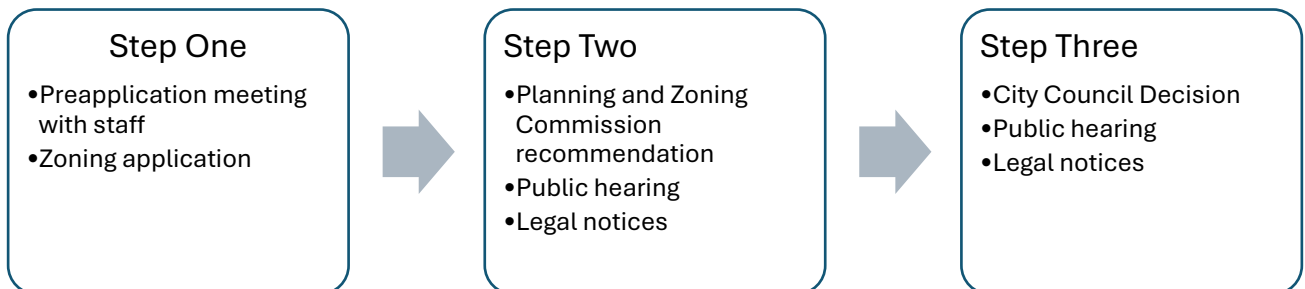
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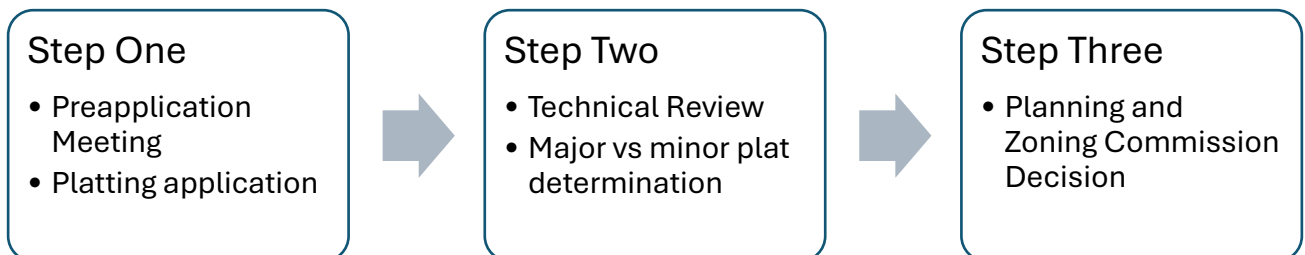
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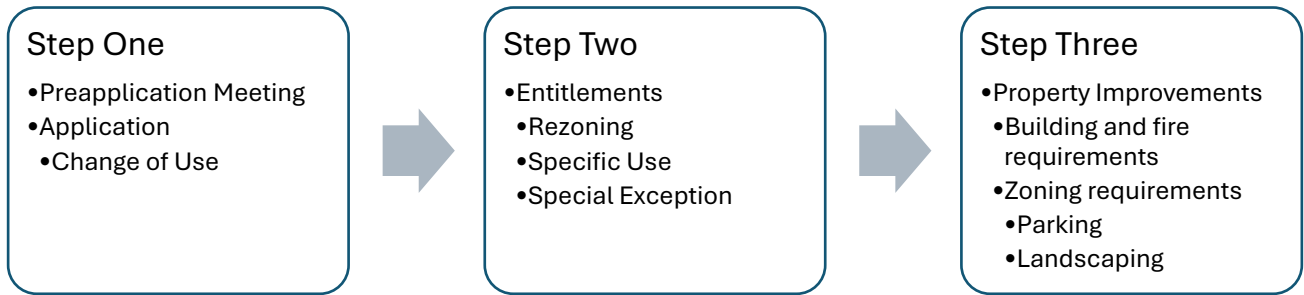
IF YOU WANT TO CHANGE YOUR ZONING:



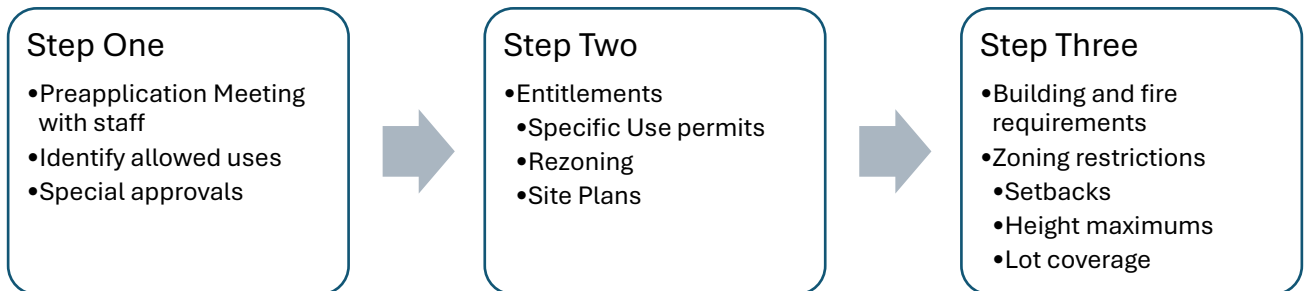
IF YOU WANT TO SUBDIVIDE PROPERTY:



IF YOU WANT TO CHANGE YOUR USE:



IF YOU WANT TO ADD ON TO YOUR HOME OR BUSINESS OR ADD ANOTHER BUILDING:



UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>DATE</u>

Article 1 - General Provisions and Authority

Section 52.101. Purpose:

This section of the City of Justin's Unified Development Code, found within this chapter, is crafted in alignment with a comprehensive plan. Its primary aim is to enhance the health, safety, and general well-being of the community, reflecting the goals outlined in the City of Justin Comprehensive Plan. The intent is to centralize all regulations related to land use and development into a single, organized location, avoiding repetitive content. This approach ensures that anyone involved in land use and development can easily find all relevant city regulations in one accessible chapter. This chapter is also structured to be published and shared independently as a complete and distinct part of the entire City Code.

Section 52.102. Intent:

1. In support of these purposes, this Ordinance contains regulations designed to:
 - a. Protect existing neighborhoods, preventing their decline, and promoting their livability;
 - b. Address future needs, growth, and change in the jurisdiction;
 - c. Conserve land and water resources;
 - d. Preserve groundwater quality and supply;
 - e. Recognize geologic features, soil, and topography;
 - f. Improve air quality;
 - g. Minimize congestion in the streets and reduce reliance on automobiles by providing options for walking, bicycling, and transit use;
 - h. Secure safety from fire and other dangers;
 - i. Provide adequate light and air;
 - j. Prevent overcrowding of land and undue concentrations of population;
 - k. Provide adequate transportation, water supplies, sewer service, schools, parks, open space, and public facilities;
 - l. Conserve the value of buildings;
 - m. Examine the most appropriate use of the land;
 - n. Regulate the location of business and industry;
 - o. Regulate the height and bulk of buildings;
 - p. Protect the capacity of floodways and non-encroachment areas to prevent loss or damage to homes or property;
 - q. Regulate the area of yards and open spaces for buildings;
 - r. Provide for the needs of agriculture;
 - s. Protect historic sites and areas;
 - t. Encourage an aesthetically attractive community;
2. The objectives of this Ordinance are to ensure the systematic, effective, and sustainable growth of the City and County. This includes:
 - a. Aligning the layout of streets, highways, and public utilities in new subdivisions with the current or envisioned streets, highways, and utilities;
 - b. Setting aside land for rights-of-way, utility paths, open spaces, recreational zones, and other public infrastructures;

-
- c. Safeguarding historical landmarks and preserving the natural environment;
 - d. Managing population and traffic to prevent congestion and overcrowding, thereby fostering conditions that are vital for public health, safety, and welfare.
3. The statements of purpose and intent outlined above are not to be interpreted as regulations of the Ordinance. Rather, they establish the foundation and direction for the regulatory measures detailed in the following articles and sections of the Ordinance

Section 52.103. Applicability:

This chapter is adopted under the authority of the constitution and laws of the state, including, particularly, V.T.C.A., Local Government Code Chapters 43, 211, 212, and 213.

Sec. 52-104. Comprehensive plan:

1. The comprehensive plan is described as a plan that is to be used by the City Council, as well as all future City Councils, as a guide for the orderly growth and development of the city and its environs. The plan should “facilitate the movement of people and goods, and the health, safety, and general welfare for the citizens of the city.”
2. Imagine Justin is a city-wide comprehensive plan that reimagines the core planning documents used by the city to create policy, inform decisions, and establish an expectation of the general direction of the community. The plans included within the comprehensive plan are: Future Land Use Plan (Experience Districts Plan), Master Thoroughfare Plan (Mobility Plan), a Parks + Trails Plan, and any future plans adopted and incorporated therein. The city's comprehensive plan, adopted March 28, 2023, is incorporated herein by reference as if fully set out at length, and a copy is on file and available for inspection in the office of the city secretary.
3. The relationship between the comprehensive plan and development regulations is that the comprehensive plan serves merely as a guide for rezoning requests rather than as a mandatory restriction on the city’s authority to regulate land use. The comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries. The comprehensive plan does not limit the ability of the city to prepare other plans, policies, or strategies as required.

Sec. 52-105. Compliance:

Except as herein specifically provided:

1. No person shall use, occupy, or develop any land, building, or other structure, or authorize or permit the same, except in accordance with all applicable provisions of this code.
2. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with area, height, and off-street parking and loading regulations of the district in which such building is located.
3. For each building that existed at the time this chapter was passed, as well as for any building constructed thereafter, the following standards must be maintained: the minimum distance between buildings (yards), the number of parking spaces, and the amount of open space, including the space per dwelling unit, as specified in this chapter. These requirements are unique to each

building and cannot be infringed upon or used to satisfy the requirements of another building. Additionally, the size of any lot cannot be decreased below the minimum standards established by this chapter for the zoning district in which the lot is situated.

4. Every building erected or structurally altered shall be located on a building lot as herein defined, and except as specifically provided herein, there shall not be more than one main building on one lot.

Sec. 52-106. Fees, charges, and expenses:

1. The fee schedule adopted by the city council provides fees and charges for various services, such as, but not limited to, issuance of building permits, issuance of zoning certificates, and processing appeals. Payment of all applicable fees is required unless waived by the city council.

2. Before the city's Planning and Zoning Commission schedules an item for consideration, the applicant must pay all applicable fees. An application to the Planning and Zoning Commission will not be deemed complete unless all applicable fees are paid.

Sec. 52-107. Interpretation, purpose, and conflict:

The regulations adopted herein are intended to ensure public safety, health, and general well-being. If the rules of this chapter offer more stringent restrictions on building usage, size, or require more open space than other local laws or agreements, then the regulations set forth in this chapter prevail.

Sec. 52-108. Violation and penalties:

1. The owner of any building, structure, or land, or part thereof, and any agent or any other person employed in connection therewith who violates, or assists in the violating, this code shall be deemed guilty of such violation and shall be fined an amount herein established.

2. The violation of any of the provisions of this code shall be unlawful and shall constitute a misdemeanor. Each day that the violation continues shall constitute a distinct and separate violation offense. Any person found guilty for any violation of this code shall be assessed a fine amount as set forth by Chapter 1, Section 1-10 of the Justin Code of Ordinances.

3. Nothing in this section shall limit in any manner the authority of the City to seek any injunctive or other Civil relief available under the laws of the State of Texas.

Sec. 52-109. Chapter cumulative; conflict with other ordinances:

This section of the zoning ordinance is designed to add to the existing rules of the city. However, if a rule in this section is in conflict with a rule in another section, then the rule in the other section is hereby repealed.

Sec. 52.110. Vested rights and nonconformities:

1. If you were using your land in a way that was legal when the zoning regulations in this chapter were adopted, you can keep using it in that same way. However, you must follow the rules in Texas Local Government Code 245 and the applicable rules in this zoning ordinance.
2. If a building was being used legally when this Chapter was adopted, that use can keep going even if it does not match the new rules. This use can move to other parts of the building made for it, if no changes are made to the building's structure unless the law says you have to. If the building stays as it is, you can switch from one non-conforming use to another, if the new use is the same or more in line with the zoning rules. If the building that does not conform is torn down on purpose, anything that replaces it must follow the zoning rules.
3. In the event a nonconforming use of any building or premises is voluntarily discontinued for a period of six (6) months based on utility accounts, the use of the same shall conform to the provisions of the district in which it is located.
4. A nonconforming use if changed to a conforming use or a more restricted nonconforming use, may not be changed back to a less restricted use than that to which it was changed.
5. If a property is being used in a way that does not comply with current zoning laws (a nonconforming use) and is then changed to meet these laws (a conforming use) or is changed to another nonconforming use that has more restrictions, it cannot be changed back to the original nonconforming use or to any use with fewer restrictions than the new nonconforming use. Essentially, once you move towards compliance with zoning laws, you cannot go back to a less compliant usage.
6. Repairs and alterations may be made to a nonconforming building, provided that no structural alternations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
7. If a building that does not comply with current zoning laws is completely destroyed or becomes too old to use, it cannot be rebuilt or made larger. However, if such a building is only partly damaged, and the cost of the damage is less than half of the building's value according to the Denton Central Appraisal District, then the building inspector can approve its repair. If the damage costs more than half of the building's value, the Board of Adjustment has the power to allow the building to be repaired or replaced. This decision is made after a public meeting and considering how it will affect the rights of the people involved, the well-being of the public, the nature of the neighborhood around the building, and the goals of these rules.

Sec. 52-111. Other rights and remedies reserved:

The city retains all its legal options to address any breaches of zoning laws that occurred before the adoption of this ordinance. This includes continuing with any ongoing lawsuits or criminal proceedings related to such breaches, regardless of whether they have started in court. These cases will proceed as usual until they are resolved by the legal system. This new chapter does not change the handling of past violations or current legal actions.

ARTICLE 2 – ADMINISTRATION, APPEALS, ENFORCEMENT, AND REVIEW

Sec. 52-201. Planning and Zoning Commission.

1. Establishment.

The city has created a Planning and Zoning Commission in accordance with Local Government Code Chapters 211 and 212, where the responsibilities and duties of the commission are prescribed. The commission can create and update its own rules and guidelines as needed.

2. Membership

Planning and Zoning Commission Membership, Officers, Meeting, & Quorum	
Number of Commissioners	• Seven (7) members • Two (2) Alternates
Appointments	• City Council
Terms	• 2 years beginning on January 1
Place Numbers	• Assigned numbers 1-7
Expiration of Terms	• Commissioners with odd number appointment ◦ Expire December 31 of odd numbered years. • Commissioners with even number appointment ◦ Expire December 31 of even numbered years. • Notwithstanding the above, a commissioner may continue to perform the duties of the office of an expired term until such commissioner's successor is duly appointed.
Removal	• The City Council may remove a member at any time.
Vacancy	• The City Council shall appoint a successor in accordance with current city policy for boards and commissions.
Chair & Vice-Chair	• Commission shall select a chair and vice-chair each October. • If an officer's seat is vacated, the commission shall select a replacement at their next scheduled meeting.
Agenda and Minutes	• City staff are responsible for creating the agenda and minutes.
Meeting Type, Date and Time	• Public Meeting • Third Tuesday of each Month • 6:30pm
Quorum	• Four (4) members must be present.

3. Powers and Duties

The Planning and Zoning Commission shall have the following powers and duties:

- a. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district.
- b. The commission shall make a preliminary report with a recommendation to the City Council on all rezoning requests.
- c. The commission shall make a preliminary report with a recommendation to the City Council on all final plat requests that involve a deviation from subdivision standards.
- d. The commission shall provide policy recommendations regarding land use and comprehensive planning.

Sec. 52-202. Board of Adjustment.**1. Establishment**

A board of adjustment is established in accordance with the provisions of V.T.C.A., Local Government Code Chapter 211.

2. Membership

The board of adjustment shall consist of five (5) members of the community. The city council shall also appoint two (2) alternate members of the board of adjustment who shall serve in the absence of one or more regular members when requested to do so by the mayor, chairperson of the board, or city manager. All cases to be heard by the board of adjustment must be heard by a minimum of four (4) members. Alternate members shall serve for the same period as the regular members and any vacancies shall be filled in the same manner and shall be subject to removal the same as the regular members.

The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board by resolution in which four members must concur. The board shall adopt from time to time such additional rules and regulations as it may deem necessary to carry into effect the provisions of this chapter and shall furnish a copy of the same to the building inspector, all of which rules and regulations shall operate uniformly in all cases. All of its resolutions and orders shall be in accordance therewith.

Board of Adjustment Membership, Officers, Meeting, & Quorum	
Number of Members	• Five (5) members • Two (2) alternates
Appointments	• City Council
Terms	• Two (2) years
Place Numbers	• Assigned numbers 1-5
Expiration of Terms	• Board members with odd number appointment ○ Expire December 31 of odd numbered years. • Board members with even number appointment ○ Expire December 31 of even numbered years. • Notwithstanding the above, a commissioner may continue to perform the duties of the office of an expired term until such commissioner's successor is duly appointed.

Removal	The City Council may remove a board member for cause on a written charge after a public hearing.
Vacancy	A vacancy on the board shall be filled for the unexpired term by City Council.
Chair & Vice-Chair	- Board shall select a chair and vice-chair each October. - If an officer's seat is vacated, the board shall select a replacement at their next scheduled meeting.
Agenda and Minutes	City staff are responsible for creating the agenda and minutes.
Meeting Date and Time	- Public Hearing - Meetings of the board shall be held at the call of the chairman and at such times as the board may determine.
Quorum	Four (4) members must be present.
Decisions	- The concurring vote of 75 percent of the members of the board is necessary to: - Reverse an order, requirement, decision, or determination of an administrative official; - Decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or - Authorize a variation from the terms of a zoning ordinance.

3. Powers and Duties

The Board of Adjustment may:

Board of Adjustment Powers and Duties	
Appeals Based on Error	Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or an ordinance adopted under this chapter.
Special Exceptions	- They can allow public utilities or services, like electricity or water, to be built in areas where they normally wouldn't be allowed if it's necessary for the community's well-being. - They can let a property extend its use, height, or size into the next zone if the property was split by the zoning boundary when the rules were first made. - If a building that doesn't fit the current zoning rules is mostly destroyed by something like a fire or natural disaster, they can approve its rebuild if it's essential for the community and not just to keep a business monopoly. - They can lessen the number of parking or loading spots required for a building if it's proven that the full amount isn't needed, or if following the rules would be too difficult without really benefiting anyone.

	• They can decide how to classify a property's use if it's not clearly defined in the rules. • Grant any other additional special exception set forth in this Chapter.
Variances	• Grant a variance in certain cases from the zoning ordinance when it is not against public interest, and when strict enforcement would cause undue hardship due to unique circumstances, ensuring the ordinance's intent is honored and fairness is maintained. • When deciding on variances, the board may deem the following situations as justification for hardship that would make following the ordinance unreasonable: ○ If obeying the ordinance costs more than half the structure's appraised value, according to the latest city-approved appraisal; ○ If following the rules would take away at least one-fourth of the usable space on the property for development; ○ If adherence would make the structure violate another city law, building code, or regulation; ○ If compliance would unreasonably interfere with neighboring property or rights-of-way; ○ or if the structure is already noncompliant with current standards
Miscellaneous	• Hear and decide other matters authorized by an ordinance adopted under this chapter.
Limitations	• The board shall have no authority to change any provisions of this chapter, and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. • The board may not change the district designation of any land either to a more restrictive or less restrictive zone.

Sec. 52-203. Appeal of a City Official

If you disagree with a city official's application of the zoning or building codes to your property, you have the right to challenge this decision. Here's how you can do it:

1. If your issue is with a building code requirement, you can take your appeal to the Zoning Board of Adjustments, the Planning and Zoning Commission, or even the City Council.
2. If your issue is with a zoning ordinance requirement, you should also direct your appeal to the Zoning Board of Adjustment, the Planning and Zoning Commission, or the City Council.
3. When you file your appeal, you need to clearly state which part of the code you believe was wrongly applied to your case, specifically mentioning any violation of section 52-330. Your appeal will be handled according to the rules set by the board or council you've chosen to hear your case.

Sec. 52-204. Appeals Process.

Appeals Process – Board of Adjustment	
Procedure	If you disagree with a decision made by the city's departments or boards, you have the right to appeal to the Board of Adjustment. This means you can ask for a review of the decision if you feel it was unfair or incorrect. To do this, you must submit a written appeal to the Board's office. Your appeal must clearly state why you disagree with the decision, and it must be submitted within 20 days after the decision was made. Once you file your appeal, the department that made the original decision must immediately provide the Board of Adjustment with all the documents related to the matter. This helps the Board understand the case and make a fair judgment on your appeal.
Stay of Proceedings	If you disagree with a zoning decision, you can file an appeal. This appeal stops all related actions until a final decision is made. However, if the building inspector believes that not continuing with the action could be dangerous to people or property, they can issue a certificate stating this. If such a certificate is issued, the actions will not stop unless the board of adjustment or a court decides to issue a restraining order. This would only happen after the office that made the original decision is notified and there is a good reason for the restraining order.
Notice of Hearing on Appeal	The board is required to set a hearing date within thirty (30) days of receiving an appeal or related issue. They must then send out hearing notices to the person who filed the appeal, as well as property owners within 200 feet of the property in question. Additionally, any other individuals who may be impacted, as identified by the board based on the city's current tax records, will also receive a notice. Sending these notices through the mail is considered proper notification.
Decision by Board	The board is required to make a decision on the appeal within fifteen (15) days after the hearing. At the hearing, anyone involved can attend, or they can have a representative or lawyer there on their behalf. The board has the authority to change, confirm, or partially adjust the initial decision or requirement that was appealed. They can make any decision that they believe is right for the situation, and they have the same abilities as the office or department that originally made the decision or requirement.

Sec. 52-205. Variance Process

Variance Process – Board of Adjustment	
Procedure	If a literal enforcement of a specific term of the zoning ordinance would result in an unnecessary hardship, you have the right to apply to the Board of Adjustment. This means you can ask for a variance of that specific term under certain criteria which is not contrary to the public interest, is due to special circumstance, and so that the spirit of the ordinance is observed, and substantial justice is done. To do this, you must submit a written application with supporting documents, and the established fee to the Board's office. Your application must clearly state why your situation fits the hardship criteria. Once you file your application, the Zoning Administrator must provide the Board of Adjustment with all the documents related to the matter. This helps the Board understand the case and make a fair judgment on your application.
Notice of Hearing on Appeal	The board is required to set a hearing date on the next scheduled meeting of receiving an application or related issue. They must then send out hearing notices to the person who filed the application, as well as property owners within 200 feet of the property in question. Additionally, any other individuals who may be impacted, as identified by the board based on the city's current tax records, will also receive a notice. Sending these notices through the mail is considered proper notification.
Decision by Board	The board is required to make a decision on the variance within fifteen (15) days after the hearing. At the hearing, anyone involved can attend, or they can have a representative or lawyer there on their behalf. All variance processes must be in compliance with Local Government Code Chapter 211.

Sec. 52-206. Amendments to zoning board of adjustments procedures.

This section outlines the rules for making changes to the procedures of the Zoning Board of Adjustments:

1. Any new rules or changes to existing rules of the Zoning Board of Adjustments that are made on or after September 1, 2019, need to be approved by the City Council.
2. If someone wants to challenge a decision made by a city official about zoning issues on or after September 1, 2019, the following guidelines must be followed:
 - a. If the decision being challenged does not concern a specific property, application, or project, then any person who is negatively affected by the decision, or any city officer, department, board, or bureau that is impacted, can file an appeal.
 - b. If the decision being challenged is about a specific property, application, or project, then the following parties can file an appeal:
 - i. The person or group who submitted the application.
 - ii. The owner of the property in question, or their authorized representative.
 - iii. Any person who owns property within 200 feet of the property in question and feels harmed by the decision.
 - iv. Any city officer, department, board, or bureau that is impacted by the decision.

Sec. 52-207. Administration and enforcement.

1. The Director of Planning is responsible for implementing this chapter of the zoning ordinance, unless the city council assigns someone else. This person will make sure the rules are followed, with help from others if the city council agrees. If the building inspector notices any rules being broken, they will inform the person doing so in writing, explain what's wrong, and tell them how to fix it. They will ask for illegal activities to stop, such as using land or buildings wrongly, or making changes to buildings that aren't allowed. They can also take other steps to make sure everyone follows the rules.
2. For the purposes of this chapter, the administrative official will be the heads of city departments. They will be given their duties by the mayor and city council regarding this chapter.
3. The Director of Planning shall have the authority to provide minor modifications of up to 10% of a numerical adjustment to setbacks, height, parking, landscaping, open space, lot coverage or other development standard within article four (4) based on unusual circumstances such as lot shape, topographic challenges, or preservation of mature trees.
4. Director of Planning shall have the authority to provide minor modifications of up to 10% of a numerical adjustment to setbacks, height, parking, landscaping, open space, lot coverage or other development standard within article four (4) on an incentive basis if applicant is providing additional landscape from the approved tree and shrub list. Additional landscape shall be defined as one (1) additional tree (in addition to standard requirements) per 3,000 sq ft of total lot area or six (6) additional shrubs (in addition to standard requirements) per 3,000 sq ft of total lot area.

Sec. 52-208. Prohibitions on enforcement.

-
1. City officials designated to enforce zoning and building codes must not:
 - a. Prevent or restrict the use or installation of any building product or material in construction, if it is approved by a model code from the last three code cycles relevant to building construction, renovation, maintenance, or alteration; or
 - b. Apply a construction standard for any building product, material, or design that is stricter than the national model code standards from the last three code cycles for construction, renovation, maintenance, or alteration of residential or commercial buildings;
 - c. If an applicant wishes to use a building material, product, or design in the construction or alteration of a building that is not allowed or is restricted by the city's current zoning or building codes, or is less strict than the city's codes, they must point out each part of the national model code from the last three code cycles that permits such use as part of their application.
 - d. An applicant can choose to use a building material, product, or design in the construction or alteration of a building by agreeing in writing, even if it is not enforceable under section a.

Sec. 52-209. Exemptions for ordinances, requirements, and programs.

Certain rules in section 52-207330 of the zoning ordinance are not applicable to the city's other laws and programs. This means that the city's officials who oversee zoning and building regulations will enforce all the rules and standards set by these other laws and programs. This includes any current or future laws or programs that the city adopts. The following are exceptions to the prohibitions:

1. Changes to the building code that address local issues, as long as they do not conflict with specific sections 52-207(a) or (b) of the zoning ordinance.
2. Programs created by state agencies that set specific standards or offer incentives or financial arrangements to meet state or federal funding requirements or housing programs.
3. Building requirements necessary for eligibility for windstorm and hail insurance coverage as per the Texas Insurance Code Chapter 2210.
4. Laws or regulations concerning outdoor lighting designed to reduce light pollution, which are either:
 - a. Adopted by a body recognized as a Dark Sky Community by the International Dark-Sky Association, or
 - b. Relevant to outdoor lighting within five (5) miles of a military base with active training programs.
5. Laws governing outdoor lighting enacted under certain chapters of the Texas Local Government Code Subchapter B, Chapter 229, or under Texas Local Government Code, Subchapter B, Chapter 240.
6. The installation of fire sprinkler systems as required by specific sections of the Texas Occupation Codes § 1301.551(i), or the Texas Health and Safety Code § 775.045(a)(1).

Sec. 52-210. Exemptions for buildings.

The prohibitions in section 52-207 do not apply to the following buildings, and the officials responsible for enforcement of the city's zoning ordinance and building codes, as designated by ordinance or other authorization, shall apply all regulations and standards prescribed by those ordinances or codes to such buildings, whether such provisions are existing or hereafter adopted or established, to the fullest extent.

1. A building located in a place or area designated for its historical, cultural, or architectural importance and significance as adopted by the city council prior to April 1, 2019.
2. A building located in a zoning district designated by the city council after April 1, 2019 for its historical, cultural, or architectural importance and significance by the city, and for which the owner has voluntarily consented in writing to the application of the regulations or standards prohibited by section 52-207, including the following zoning districts and any district that may hereafter be created by the city council for its historical, cultural, or architectural importance and significance;
3. A building located in a place or area designated for its historical, cultural, or architectural importance and significance that the city may regulate under Texas Local Government Code § 211.003(b), if the city is a certified local government under the National Historic Preservation Act (54 U.S.C. § 300101 et seq.); or has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission.
4. A building located in an area designated as a historic district on the National Register of Historic Places;
5. A building designated as a Recorded Texas Historic Landmark, such as Bishop Park and Justin Cemetery designated landmark sites;
6. A building designated as a state archeological landmark or state antiquities landmark;
7. A building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;
8. A building located in a World Heritage Buffer Zone; and
9. A building located in an area designated for development, restoration, or preservation in a main street town or city established under Texas Local Government Code § 442.014.

Sec. 52-211. Zoning Amendments

1. Authority
 - a. The city council has the power to modify, add, or remove zoning district boundaries or rules as needed, according to the Local Government Code chapter 211.
2. Review by Planning and Zoning Commission
 - a. Any proposed changes must be reviewed by the Planning and Zoning Commission before the City Council can decide on proposed changes. The commission will examine the changes and give their advice and report to the City Council.
3. Public Hearing

-
- a. The Planning and Zoning Commission will conduct a public hearing before making any recommendations to the city council about the changes. Property owners within 200 feet of the affected area will receive a written notice at least ten (10) days before the hearing. Additionally, a notice will be published in a local newspaper at least 15 days before the city council's hearing, detailing the time and place.
4. Objections
- a. If the Planning and Zoning Commission rejects the changes, or if property owners representing at least 20 percent of the neighboring area object, the changes can only be approved with a three-fourths majority vote from the city council members.

ARTICLE 3 - ZONING DISTRICTS

Sec. 52 – 301. Purpose

To promote public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

Sec. 52 - 302. Establishment of Official zoning map.

(a) **Incorporated by reference; identification.**

The city is divided into zones or districts as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be part of this chapter. The official zoning map shall be identified by the signature of the mayor, attested by the city secretary, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in Sec. 52-302 of the Code of Ordinances of Justin, Texas" together with the date of the adoption of the ordinance from which this chapter is derived.

(b) **Certification of amendments.**

When the city council approves changes to district boundaries or any other details shown on the official zoning map, these updates must be added to the map right away. The map will include a note stating: "On [date], the city council officially decided to make the following change(s) to the zoning map: [a short explanation of what was altered]." This note must be signed by the mayor and confirmed by the city clerk or zoning administrator. The ordinance that introduces these changes will also state that they won't take effect until they've been properly recorded on the zoning map. Any changes to this chapter that affect the zoning map won't start until the map has been updated to reflect the changes.

(c) **Unauthorized changes prohibited.**

The official zoning map can only be altered following the specific processes outlined in this chapter and as allowed by state law. If anyone makes changes to the map without permission, it's against the rules of this chapter. Such actions are subject to penalties described in the General Provisions (Chapter 1, Section 1-10) of the Justin Code of Ordinances.

(d) **Zoning Administrator's copy declared controlling.**

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning which shall be located in the City Secretary's Office, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the city.

(e) **Replacement of official copy.**

In the event the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes, and additions, the city council may by resolution adopt a new official zoning map, which shall supersede the prior official

zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original city zoning regulations or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced)."

Sec. 52-303 . Establishment of zoning districts and boundaries.

(a) Districts. The city is divided into 12 districts as follows:

Zoning Districts	
District SF-RE Large lot single-family residential	Residential uses and one-family detached uses on lots containing a minimum of one acre per dwelling unit. This district is intended primarily for those areas that will rely on individual wastewater treatment systems (such as septic tanks) for the foreseeable future.
District SF-1 Single-family residential	Residential uses and one-family detached dwelling units on lots containing a minimum of 10,000 square feet per dwelling unit.
District SF-2 Single-family residential	Residential uses and one-family dwelling units on lots containing a minimum of 7,500 square feet per dwelling unit.
District SF-OT Single-family residential; Old Town	Residential uses and one-family dwelling units on lots containing a minimum of 6,000 square feet per dwelling unit.
District MM Missing Middle Residential	Residential uses up to ten (10) dwelling units per lot including a variety of housing arrangements to provide options for various housing sizes within a development.
District MF Multifamily residential	Greater than ten (10) attached or detached dwelling units on a property. Additional design standards may apply based on the neighborhood context.
District NC Neighborhood Commercial	Lower intensity retail, commercial, and office uses near residential areas that provide daily retail needs of nearby residents.
District RC Regional Commercial	Higher intensity retail, commercial, and office uses that serve regional needs.
District MU Mixed-Use	Mixed-use district for higher intensity mix of residential, commercial, and office uses within the same district and in a walkable pattern.
District LI Light industrial	Industry and manufacturing plants that are predominantly light in character have their operations conducted wholly within buildings, are more compatible than heavy manufacturing uses, and do not emit noxious odors, noises, dust, smoke, and vibrations.
District OT Old Town	Supplemental regulations to the base nonresidential zoning districts in the Old Town area.
District PD Planned development	Flexibility in planning, development, and design through the combination of uses to support contextual challenges and allow for unique design not contemplated in the existing code.

(a) Zoning District Conversions. Transition of previous zoning districts to the new districts according to the following table:

Zoning District Conversions		
Old Zoning Categories	New Zoning District Classifications	Land Use Designation
Residential Districts		
SF-LL Large Lot Single Family	SF-RE Residential Estate Single Family	Residential
SF-1 Single Family	SF-1 Single Family	Residential
SF-1A Single Family		
SF-2 Single Family	SF-2 Single Family	Residential
SF-OT Single Family	SF-OT Single Family; Old Town	Residential
2F Two-Family	MM Missing Middle	Residential
MF Multifamily	MF Multifamily	Residential
MH Mobile Homes	Removed	Removed
Non-Residential Districts		
Commercial Districts		
LR Local Retail	NC Neighborhood Commercial	Commercial
GB General Business	RC Regional Commercial	Commercial
GB-OT General Business Old Town		
	MU Mixed-Use	Mixed-Use
LI Light Industrial	LI Light Industrial	Industrial
Special Districts		
--	OT Old Town Overlay	Mixed-Use
PD Planned Development	PD Planned Development	Mixed-Use

Sec. 52-304. Rules for the interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts shown on the zoning map, the following rules shall apply:

Rules for Zoning District Boundary Interpretations	
Boundary following center line of street, highway, or right of way	The center line will be used as the boundary
Boundary following lot lines	The lot line will be used as the boundary
Boundary following or parallel to a drainage course, prominent physical feature, or parallel line	Features will be used as the boundary
Boundary parallel to street, highway, or right of way	The parallel line will be used as indicated on the zoning map.

	If no distance is provided, the distance will be determined using the scale on the zoning map.
Unsubdivided Property	The boundary on the zoning map will be used to determine the location using the scale on the zoning map.
Vacated public right of way	Zoning boundary will be moved to the center of the vacated right of way.

- (a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be the boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the boundaries.
- (c) Where district boundaries are indicated as approximately following a parallel to a drainage course or other prominent physical feature or parallel line shall be construed to be the boundaries.
- (d) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale of the zoning map.
- (e) Where district boundaries are so indicated that they are approximately perpendicular to the center line or right-of-way lines of streets, highways, or drainage courses, such [missing text]
- (f) If unsubdivided property, the district boundary lines of the zoning map shall be determined by use of the scale appearing on the zoning map.
- (g) In the case of a district boundary line dividing a lot into two parts the district boundary line shall be construed to be the lot line nearest the district boundary line as shown.
- (h) Whenever any street, alley, or other public way is vacated by official action of the city council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.
- (i) Where the streets or alleys on the ground differ from the streets or alleys as shown on the zoning map, the streets or alleys on the ground shall control.

Sec. 52-305. Residential Estate Single-Family (SF-RE)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

Purpose: Residential properties with larger acreage tracts. These properties may also be used for smaller homestead farms for Agricultural Uses in Justin.

Graphic Representation

Figure i: Lot Dimension Measurement

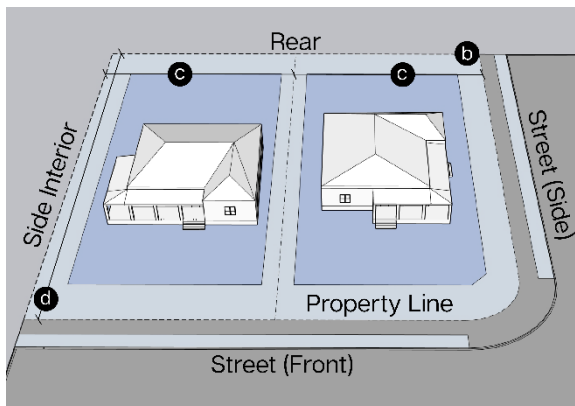
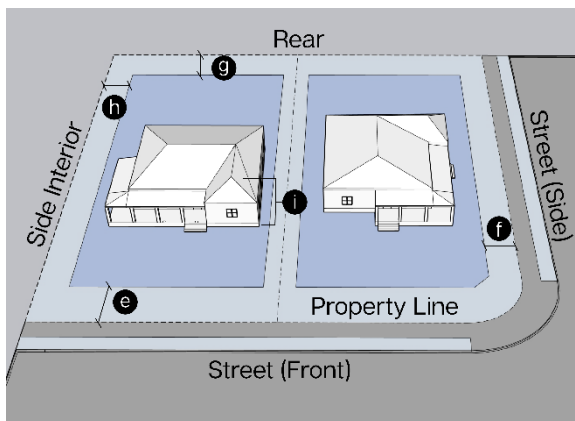


Figure ii. Setback Measurement



Density

- | | |
|-----------------------------------|-----|
| (a) Dwelling Units/Acre (maximum) | 1.0 |
|-----------------------------------|-----|

Lot Dimensions

- | | |
|------------------------------|-----|
| (b) Lot Area (minimum) acres | 1.0 |
| (c) Lot Width (minimum) feet | 100 |
| (d) Lot Depth (minimum) feet | 100 |

Setbacks

- | | |
|-----------------------------------|----|
| (e) Street, Front (minimum) feet | |
| Primary or Secondary Street | 35 |
| Local or Private Street | 35 |
| (f) Street, Side (minimum) feet | |
| All roadways | 15 |
| Alleys / private easements | 10 |
| (g) Rear (minimum) feet | 20 |
| Alley / private easements | 10 |
| (h) Side, Interior (minimum) feet | 5 |

Height

- | | |
|------------------------------------|----|
| (i) Building Height (maximum) feet | 35 |
|------------------------------------|----|

Lot Coverage (maximum) Percentage

- | | |
|---------------------------------------|-----|
| (j) Total of all buildings on the lot | 35% |
|---------------------------------------|-----|

Off-Street Parking and Loading

- | | |
|--|-----|
| (k) Number of off-street parking spaces, per dwelling unit | 2.0 |
|--|-----|

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-306. Single-Family Residential – Low (SF-1)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

Purpose: Residential properties with traditional lot size minimums. These single-family residences are the minimum standards for new single-family neighborhoods.

Graphic Representation

Density

Figure i: Lot Dimension Measurement

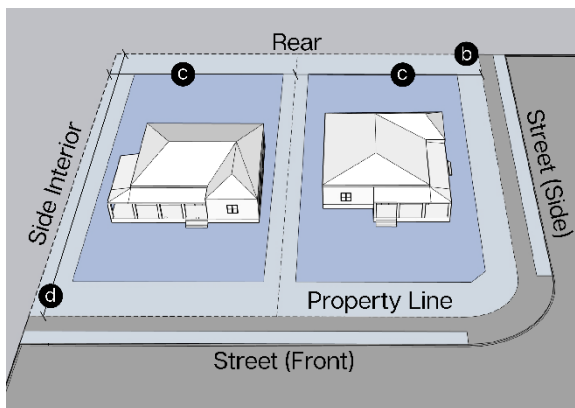
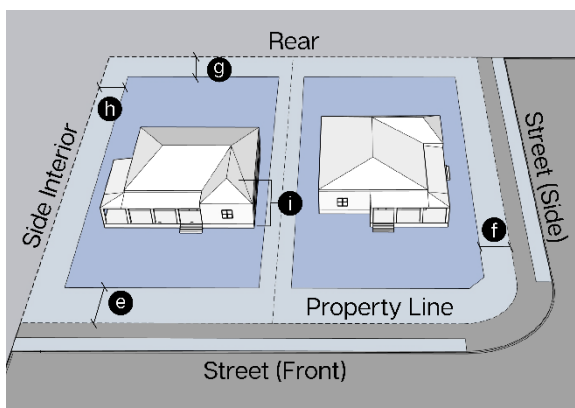


Figure ii. Setback Measurement



- (a) Dwelling Units/Acre (maximum) 4.0

Lot Dimensions

- (b) Lot Area (minimum) sq. ft. 10,000
(c) Lot Width (minimum) feet 80
(d) Lot Depth (minimum) feet 100

Setbacks

- (e) Street, Front (minimum) feet
Primary or Secondary Street 25
Local or Private Street 25
(f) Street, Side (minimum) feet
All roadways 8
Alleys / private easements 8
(g) Rear (minimum) feet 15
Alley / private easements 8
(h) Side, Interior (minimum) feet 5

Height

- (i) Building Height (maximum) feet 35

Lot Coverage (maximum) Percentage

- (j) Total of all buildings on the lot 65%

Off-Street Parking and Loading

- (k) Number of off-street parking spaces, 2.0
per dwelling unit

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-307. Single-Family Residential – Medium (SF-2)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

Purpose: Residential properties with traditional lot size minimums. These single-family residences are the minimum standards for new single-family neighborhoods.

Graphic Representation

Density

Figure i: Lot Dimension Measurement

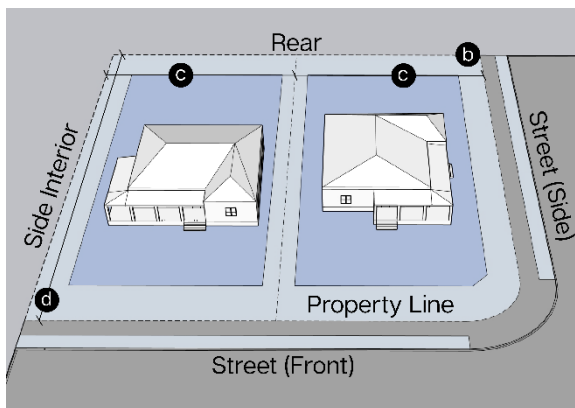
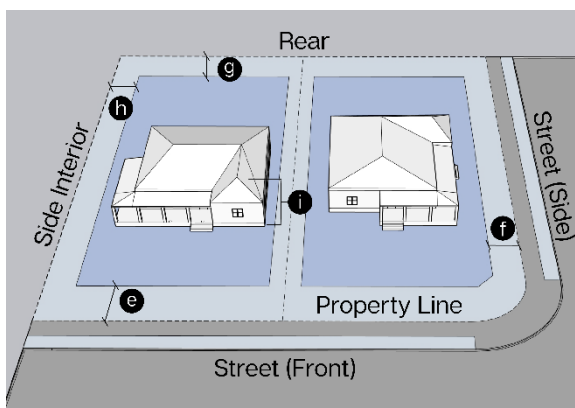


Figure ii. Setback Measurement



(a) Dwelling Units/Acre (maximum) 6.0

Lot Dimensions

(b) Lot Area (minimum) sq. ft. 7,500
(c) Lot Width (minimum) feet 70
(d) Lot Depth (minimum) feet 100

Setbacks

(e) Street, Front (minimum) feet
Primary or Secondary Street 25
Local or Private Street 25
(f) Street, Side (minimum) feet
All roadways 7
Alleys / private easements 7
(g) Rear (minimum) feet 10
Alley / private easements 7
(h) Side, Interior (minimum) feet 5

Height

(i) Building Height (maximum) feet 35

Lot Coverage (maximum) Percentage

(j) Total of all buildings on the lot 65%

Off-Street Parking and Loading

(k) Number of off-street parking spaces, per dwelling unit 2.0

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-308. Old Town Residential (SF-OT)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

Purpose: Residential properties with traditional lot size minimums. These single-family residences are the minimum standards for new single-family neighborhoods.

Graphic Representation

Density

Figure i: Lot Dimension Measurement

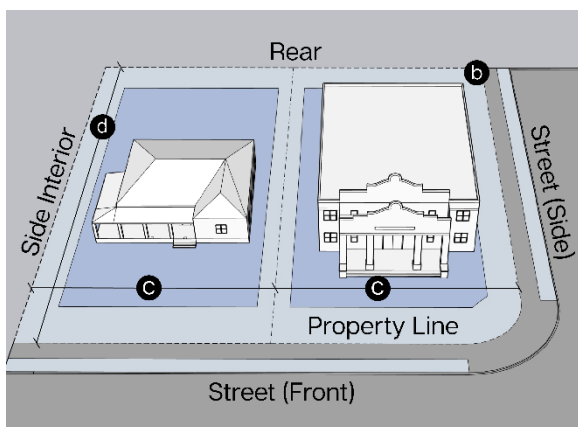
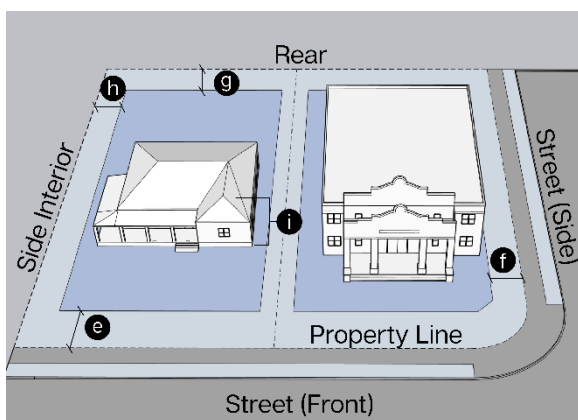


Figure ii. Setback Measurement



(a) Dwelling Units/Acre (maximum) 6.0

Lot Dimensions

(b) Lot Area (minimum) sq. ft. N/A
 (c) Lot Width (minimum) feet N/A
 (d) Lot Depth (minimum) feet N/A

Setbacks

(e) Street, Front (minimum) feet
 Primary or Secondary Street+ 20
 Local or Private Street+ 20
 (f) Street, Side (minimum) feet
 All roadways 15
 Alleys / private easements 10
 (g) Rear (minimum) feet 10
 Alley / private easements 10
 (h) Side, Interior (minimum) feet 5

Height

(i) Building Height (maximum) feet 35

Lot Coverage (maximum) Percentage

(j) Total of all buildings on the lot N/A

Off-Street Parking and Loading

(k) Number of off-street parking spaces, 2.0
 per dwelling unit*

Notes

+ Front setback as listed or within 4 feet of the average setback on the same block face.

* 1.0 parking space per unit may be accommodated with on-street parking.

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-309. Missing Middle Residential (MM)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

Purpose: Residential properties with medium densities, lots less than 6,000 sq. ft. and including duplex, townhomes, and other missing middle housing types, up to 10 dwelling units in a building.

Graphic Representation

Figure i: Lot Dimension Measurement

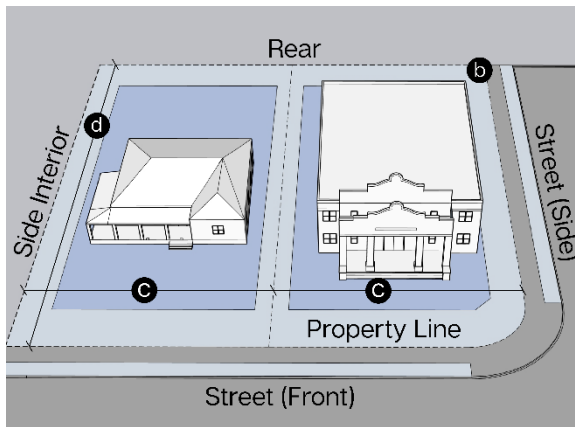
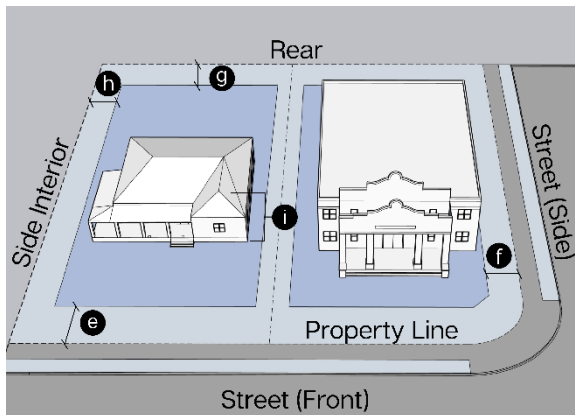


Figure ii. Setback Measurement



Density

- | | |
|---|------|
| (a) Lot Area/Dwelling Unit (maximum) per acre | 18.0 |
|---|------|

Lot Dimensions

- | | |
|---|-------|
| (b) Lot Area (minimum) per unit sq. ft. | 2,500 |
| (c) Lot Width (minimum) feet | 25 |
| (d) Lot Depth (minimum) feet | 50 |

Setbacks

- | | |
|-----------------------------------|----|
| (e) Street, Front (minimum) feet | |
| Primary or Secondary Street | 15 |
| Local or Private Street | 10 |
| (f) Street, Side (minimum) feet | |
| All roadways | 10 |
| Alley / private easements | 5 |
| (g) Rear (minimum) feet | 10 |
| Alley / private easements | 5 |
| (h) Side, Interior (minimum) feet | 0 |

Height

- | | |
|------------------------------------|----|
| (i) Building Height (maximum) feet | 35 |
|------------------------------------|----|

Lot Coverage (maximum) Percentage

- | | |
|---------------------------------------|----|
| (j) Total of all buildings on the lot | 75 |
|---------------------------------------|----|

Off-Street Parking and Loading

- | | |
|---|------|
| (k) Number of off-street parking spaces, per dwelling unit* | 1.25 |
|---|------|

Notes

* 0.25 parking space per unit may be accommodated with on-street parking.

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-310. Multi-Family Residential (MF)

Intent:

1. Provide appropriate locations for residential development that are consistent with the City of Justin Experience District (Future Land Use) Plan, as amended over time;
2. Ensure adequate light, air, and privacy for all dwelling units;
3. Appropriately address multi-modal transportation access and ensure adequate availability of public services and utilities;
4. Allow for a variety of housing types that meet the diverse needs of residents; and
5. Protect residential development from the encroachment of uses that are incompatible with residential uses.

In all residential zoning districts, complementary uses such as parks, open space, public schools, religious assemblies, minor public or private utilities, accessory buildings, and certain temporary uses are also allowed.

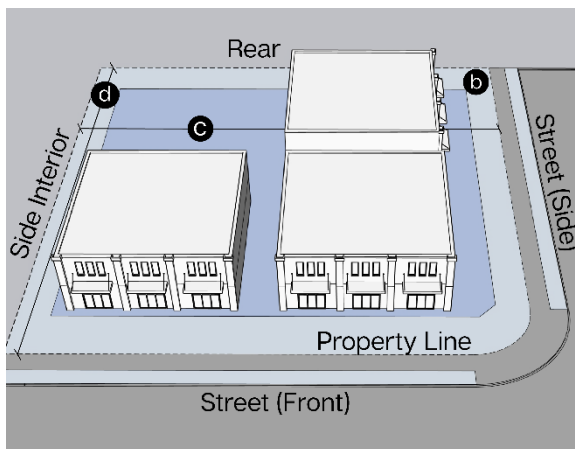
Purpose: Residential properties with high intensity, greater than ten (10) units in a building. Can be used for higher intensity missing middle to apartment complexes.

Graphic Representation:

Density

(a) Dwelling Units/Acre (maximum)	50
-----------------------------------	----

Figure i: Lot Dimension Measurement



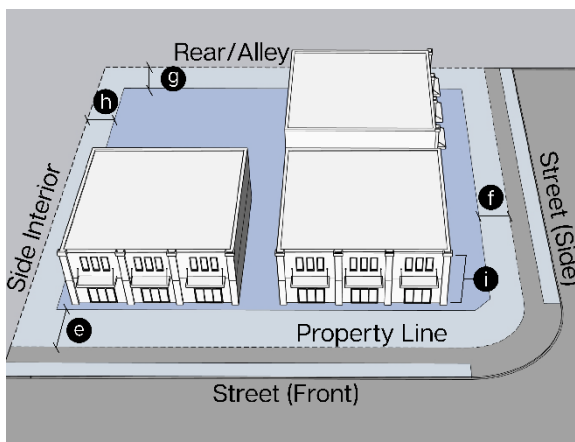
Lot Dimensions

(b) Lot Area (minimum) sq. Ft.	10,000
(c) Lot Width (minimum) feet	100
(d) Lot Depth (minimum) feet	100

Setbacks

(e) Street, Front (minimum) feet	
Primary or Secondary Street	35
Local or Private Street	25
(f) Street, Side (minimum) feet	
All roadways	10
Alley / private easements	5
(g) Rear (minimum) feet	10
Alley / private easements	5
(h) Side, Interior (minimum) feet	5

Figure ii. Setback Measurement



Height

(i) Building Height (maximum) feet	45
(j) Setback, above 35 feet	10

Lot Coverage (maximum) Percentage

(k) Total of all buildings on the lot	75
---------------------------------------	----

Off-Street Parking and Loading

(l) Number of off-street parking spaces, per dwelling unit	See Table 52-401B
--	-------------------

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-311. Neighborhood Commercial (NC)

Intent:

1. Accommodate a range and different scales of non-residential uses, including office, retail, commercial, and service uses needed in Justin;
2. Encourage site planning, land use planning, and architectural design that create interesting and attractive environments;
3. Maintain and enhance the City's economic base and provide a range of shopping, entertainment, housing, lodging, and employment opportunities for the residents and visitors of Justin;
4. Minimize potential negative impacts of commercial and mixed-use development on adjacent residential neighborhoods; and
5. Help ensure that the appearance and operational impacts of commercial and mixed-use developments do not adversely affect the character of the areas in which they are located.

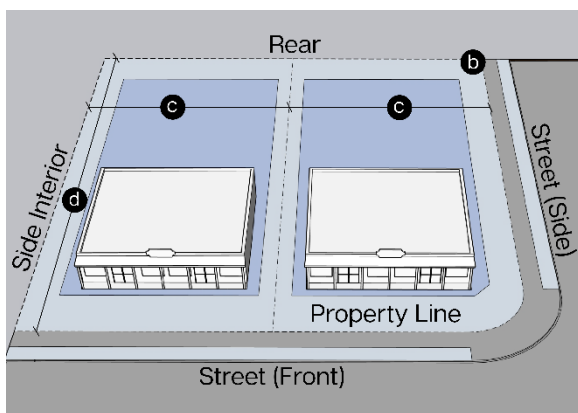
Purpose: Non-residential uses operating as office, commercial, or neighborhood services.

Graphical Representation

Density

- (a) Dwelling Units/Acre (maximum) N/A

Figure i: Lot Dimension Measurement



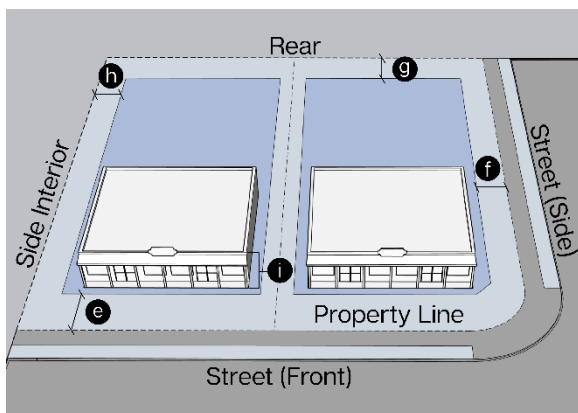
Lot Dimensions

- (b) Lot Area (minimum) sq. ft. 5000
(c) Lot Width (minimum) feet 50
(d) Lot Depth (minimum) feet N/A

Setbacks

- (e) Street, Front (minimum) feet (see note 1)
Primary or Secondary Street 20
Local or Private Street 15
(f) Street, Side (minimum) feet
All roadways 15
Alley / private easements 5
(g) Rear (minimum) feet 20
Alley / private easements 10
(h) Side, Interior (minimum) feet
Abutting Res lot 20
Abutting any other lot 0

Figure ii. Setback Measurement



Height (maximum) feet

- (i) Building Height (maximum) feet 35

Lot Coverage (maximum) Percentage

- (j) Total of all structures on the lot 50%

Off-Street Parking and Loading

- (k) Number of off-street parking spaces See Table 52-401B
(l) Access and driveway spacing to property from State Highways TxDOT Design Criteria

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-312. Regional Commercial (RC)

Intent:

1. Accommodate a range and different scales of non-residential uses, including office, retail, commercial, and service uses needed in Justin;
2. Encourage site planning, land use planning, and architectural design that create interesting and attractive environments;
3. Maintain and enhance the City's economic base and provide a range of shopping, entertainment, housing, lodging, and employment opportunities for the residents and visitors of Justin;
4. Minimize potential negative impacts of commercial and mixed-use development on adjacent residential neighborhoods; and
5. Help ensure that the appearance and operational impacts of commercial and mixed-use developments do not adversely affect the character of the areas in which they are located.

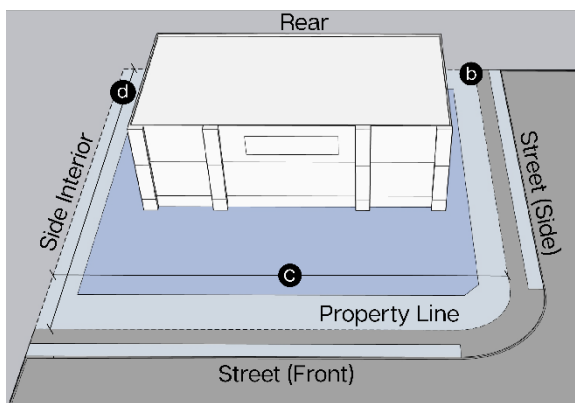
Purpose: Non-residential uses operating as office, commercial, or neighborhood services

Graphic Representation:

Density

- | | |
|-----------------------------------|-----|
| (a) Dwelling Units/Acre (maximum) | N/A |
|-----------------------------------|-----|

Figure i: Lot Dimension Measurement



Lot Dimensions

- | | |
|--------------------------------|------|
| (b) Lot Area (minimum) sq. ft. | 7500 |
| (c) Lot Width (minimum) feet | 50 |
| (d) Lot Depth (minimum) feet | N/A |

Setbacks

- | | |
|-----------------------------------|----|
| (e) Street, Front (minimum) feet | |
| Primary or Secondary Street | 20 |
| Local or Private Street | 20 |
| (f) Street, Side (minimum) feet | |
| All roadways | 15 |
| Side / Alley / private easements | 5 |
| (g) Rear (minimum) feet | 10 |
| Alley / private easements | 10 |
| (h) Side, Interior (minimum) feet | |
| Abutting Res Lot | 20 |
| Abutting any other lot | 0 |

Height (maximum) feet

- | | |
|------------------------------------|----|
| (a) Building Height (maximum) feet | 35 |
|------------------------------------|----|

Lot Coverage (maximum) Percentage

- | | |
|--|-----|
| (i) Total of all structures on the lot | 50% |
|--|-----|

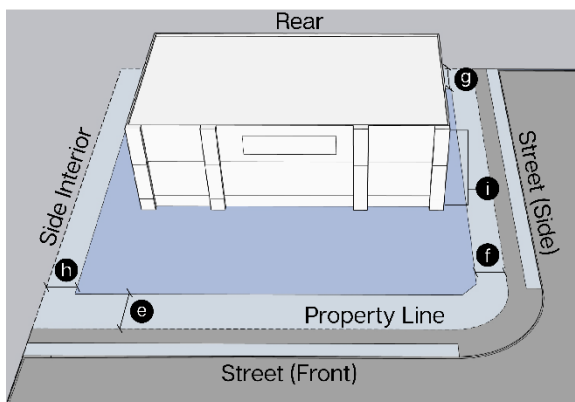
Off-Street Parking and Loading

- | | |
|---|-----------------------|
| (j) Number of off-street parking spaces | See Table 52-401B |
| (k) Access and driveway spacing to property from State Highways | TxDOT Design Criteria |

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Figure ii. Setback Measurement



Sec. 52-313. Mixed-Use (MU)

Purpose and Intent:

1. The MU District is intended to encourage the creation of walkable development patterns in the area and connecting it to adjacent neighborhoods. The MU District is intended to be a live, work, and play area in the City. It is intended to be a mixed-use district with the higher density allowances compatible with a city center.
2. Development should facilitate pedestrian connections and soft transitions between residential and non-residential uses. Residential uses are encouraged on the upper floors of nonresidential establishments.

Graphic Representation

Figure i: Lot Dimension Measurement

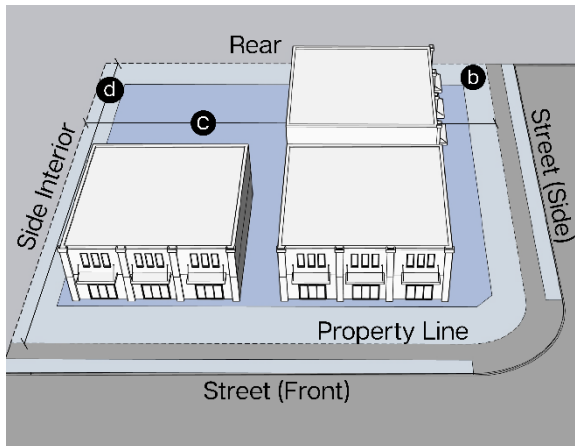
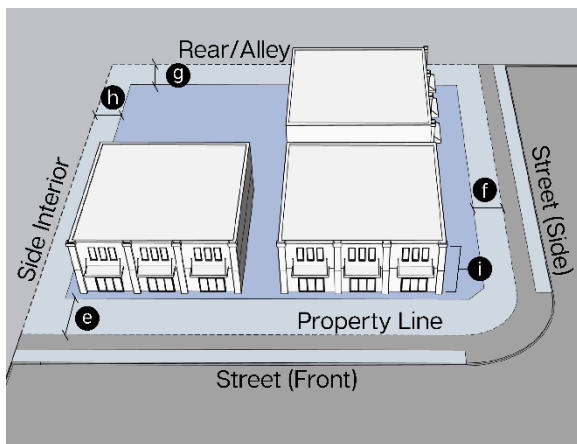


Figure ii. Setback Measurement



Density

- (a) Dwelling Units/Acre (maximum) 60

Lot Dimensions

- (b) Lot Area (minimum) sq. ft. N/A
(c) Lot width (minimum) feet 20
(d) Lot depth (minimum) feet 50

Setback Ranges (See Definitions)

- (e) Front, min./max. (ft)
Pedestrian-Priority Frontage (see note 1) 0 min
10 max
Public Open Space, Trail 10 min
30 max
Public street or private access easement 5 min
20 max
- (f) Side, min./max. (ft)
Pedestrian-Priority Frontage 0 min
15 max
Public street 10 min
No max
Interior Lot line No min
No max
Private access easement or alley 5 min
No max
- (g) Rear min./max. (ft)
Alley (see note 2) 3 min
No max
All other conditions 10 min
No max

Building Standards (See Definitions)

- (h) Building height, max. (Stories/ft) 3 stories
or 45 ft
(i) Lot Coverage, max. (%) N/A

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-314. Light Industrial (LI)

Intent:

1. Accommodate a range of industrial uses, including storage, logistics, assembly, and manufacturing uses in Justin;
2. Encourage site planning, land use planning, and architectural design that create attractive but functional and safe environments;
3. Maintain and enhance the City's economic base and provide employment and manufacturing opportunities for Justin residents;
4. Minimize potential negative impacts of industrial uses on other adjacent uses; and
5. Help ensure that the appearance and operational impacts of industrial developments do not adversely affect the character of the areas in which they are located.

Purpose: Large scale manufacturing, warehouse, office, commercial, and regional shopping attractions.

Graphic Representation

Density

- (a) Dwelling Units/Acre (maximum) N/A

Figure i: Lot Dimension Measurement

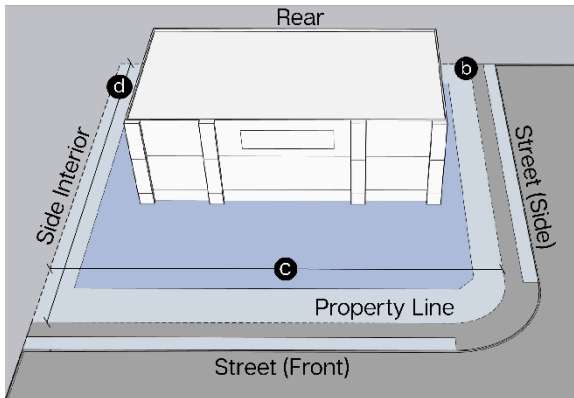
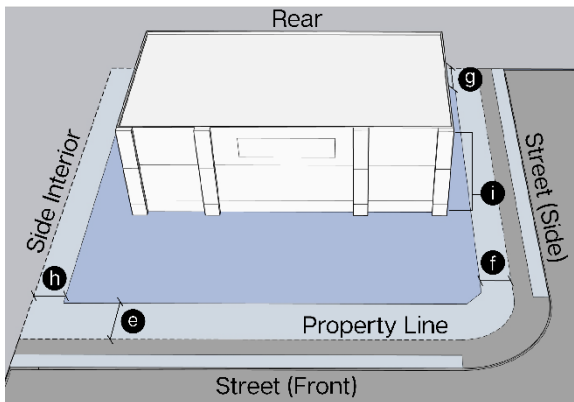


Figure ii. Setback Measurement



Lot Dimensions

- (b) Lot Area (minimum) sq. ft. N/A
- (c) Lot Width (minimum) feet 150
- (d) Lot Depth (minimum) feet N/A

Setbacks

- (e) Street, Front (minimum) feet (see note 1)
- Primary or Secondary Street 50
- Local or Private Street 25
- (f) Street, Side (minimum) feet
- All roadways 25
- Alley / private easements 20
- (g) Rear (minimum) feet
- Abutting Agriculture or Residential Lot 75
- Abutting any other lot 0
- (h) Side, Interior (minimum) feet
- Abutting Residential Lot 75
- Abutting any other lot 0

Height (maximum) feet

- (i) Building Height (maximum) feet 35

Lot Coverage (maximum) Percentage

- (j) All structures on the lot 50%

Off-Street Parking and Loading

- (k) Number of off-street parking spaces See Table 52-401B
- (l) Access and driveway spacing to property from State Highways TxDOT Design Criteria

Notes

+ Flag pole structures are allowed to encroach on front setback 10 feet outside of any easements, parking, or visibility triangles and are allowed to be up to 25 feet for residential uses. For non-residential uses up to 40'. A permit is not required until the flag pole is 30' or larger.

Sec. 52-315. Old Town (OT)

- (a) Purpose: The purpose of this district is to provide guidance on infill development standards within the historic old town area. The following standards shall apply only to those properties within the Old Town Overlay.
- (b) All development standards are set per the base zoning district according to Article 3: Zoning Districts and Article 4: Development Standards.
- (c) Land uses permitted within the OT Overlay are regulated according to the Schedule of Uses.

Sec. 52-316. Planned Development (PD)

- (a) Purpose: The purpose of this district is to accommodate planned associations of uses developed as integral land use units such as industrial parks or industrial districts; office, commercial or service centers; shopping centers; residential developments of multiple or mixed housing; or any appropriate combination of uses which may be planned, developed, and operated as integral land use units either by a single owner or combination of owners.
- (b) Application
 - (1) An application for a planned development district may be made to the city planning and zoning commission in the same manner that an application for any amendment to the city zoning regulations is made. Applications for approval of a planned development district shall be processed according to the procedure specified in Sec. 52-316 (e), and a site plan and related data shall be submitted for approval in accordance with the requirements in sections 52-316 (g) and (h).
 - (2) The city council, after public hearing and proper notice to all parties affected and after recommendation by the city planning and zoning commission, may authorize the creation of a planned development district on sites of three acres or more to accommodate various types of developments and combinations of developments.
- (c) Uses permitted.
 - (1) The uses permitted in any specific planned development district shall be enumerated in the ordinance establishing such district., or by designated base zoning district in the planned development.
 - (2) A mix of land uses is required for any PD, and the amount of land dedicated to a land use shall include at least three (3) different uses and no more than 75% for any one use.
 - (i) Single-Family Residential
 - (ii) Missing Middle Residential
 - (ii) Multi-Family Residential
 - (iii) Non-Residential or Mixed-Use
 - (iv) Open Space, parks – no less than 10% of total acreage
 - (v) Light Industrial
- (d) Height, floor area ratio, density, and parking and loading standards.
 - (1) The maximum height, lot width, lot depth, floor area ratio, and lot area, and the minimum off-street parking and loading requirements for uses proposed shall be established for each planned

development district, and such standards and requirements shall comply with or be more restrictive than the standards established in the following districts for the specified type uses:

<i>General Use Category</i>	<i>Maximum height lot width, lot depth, floor area ratio or lot area and minimum off-street parking and loading standards shall be established by the following districts:</i>
Residential	MF
Retail and personal services uses	NC
Office	RC
Industrial or manufacturing	LI

(e) Procedure for establishing standards.

- (1) In approving the development plan and the ordinance establishing the planned development district, the city council shall, after recommendation by the planning and zoning commission, specify such maximum height, floor area ratio, density and minimum off street parking and loading standards within limits of those specified in the districts listed for the specific uses involved as is appropriate for the development. The city council shall, after receiving the recommendation of the planning and zoning commission, establish the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets and alleys to be observed in a planned development district and such standards shall be specified in the ordinance establishing the district.

(f) Development schedule.

- (1) An application for a planned development district shall, if the applicant desires or the planning and zoning commission or city council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the city council, shall become part of the development plan and shall be adhered to by the owner, developer, and his successors in interest.
- (2) Upon request of the planning and zoning commission, the developer shall report to the planning and zoning commission the actual development accomplished in the various planned development districts as compared with the development schedule.
- (3) The planning and zoning commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings as provided in this article to amend the zoning district zoning map or the planned development district from the zoning district zoning map and placing the area involved in another zoning district. Upon the recommendation of the planning and zoning commission and for good cause shown by the owner and developer, the city council may also extend the development schedule or adopt such a new development schedule as may be indicated by the facts and conditions of the case.

(g) Development plan required.

- (1) An application for a planned development district shall include and be accompanied by a development plan that shall become a part of the amending ordinance and shall be referenced on the zoning district zoning map. Changes in the development plan shall be considered the same as changes in the zoning district zoning map and shall be processed as required in section 52-4, except that, changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or increase the density, floor area ratio, height or coverage of the site, or which do not decrease the off-street parking ratio, or reduce the yards provided at the boundary of the site as indicated on the

approved development plan may be authorized by the zoning administrator. Any applicant may appeal the decision of the zoning administrator to the planning and zoning commission for review and decision as to whether an amendment to the planned development district ordinance shall be required.

(h) Development plan contents.

(1) The development plan shall include:

- (i) A scale drawing showing any proposed public or private streets and alleys; building sites or building lots; any areas proposed for dedication or reserved as parks, parkways, playgrounds, utility and garbage easements, school sites, street widening, street changes; the points of ingress and egress from existing public streets on an accurate survey of the boundary of tract and topography with a contour interval of not less than five feet, or spot grades where relief is limited.
- (ii) Where multiple types of land use are proposed a land use plan delineating the specific areas to be devoted to various uses shall be required.
- (iii) Where building complexes are proposed, a site plan showing the location of each building and the minimum distance between buildings, and between buildings and the property line, street line or alley line shall be submitted. For buildings more than one story in height, except single-family and two-family residences, elevations or perspective drawings may be required in order that the relationship of the buildings to the adjacent property, open spaces, and to other features of the development plan may be determined. Such drawings need only indicate the height, number of floors, and exposures for access, light, and air.
- (iv) A plan indicating the arrangement and provision of off-street parking and off-street loading where required. Such a plan may be presented as a ratio of off-street parking and off-street loading area to building area when accompanied by a typical example indicating the feasibility of the arrangement proposed and when the areas where the example would be applied are dimensioned on a drawing of the entire site. Any special traffic regulation facilities proposed or required to ensure the safe function of the circulation plan shall also be shown.
- (v) A designation of the maximum building coverage of the site shall be indicated upon the site plan.
- (vi) A screening and landscaping plan shall be required where such treatment is essential to the proper arrangement of the development in relation to adjacent property. Such plan shall, when required, include screening walls, ornamental plantings, playgrounds, wooded areas to be retained, lawns and gardens if such are determined to be necessary by the city council. An exception to the side yard requirements may be approved by the city council such that one side may be reduced to zero provided the other side is increased to a minimum of 18 feet. Where such use is adjacent to a residential district or is on a corner lot, a side yard shall be provided adjacent to the residential district or street.
- (vii) Any or all of the required features may be incorporated on a single drawing if such drawing is clear and capable of evaluation and interpretation.

(i) Considered an amendment.

- (1) Every planned development district approved under the provisions of the ordinance shall be considered an amendment to the city zoning regulations as applicable to the property involved. In carrying out the development of a planned development district, the development conditions and the development schedule, if required, shall be complied with and such conditions as

specified for the development of a planned development district shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a certificate of occupancy and compliance as required by sections 52-405 and 52-2.

Sec. 52-317. Schedule of uses.

The schedule of use regulations given below sets forth the allowable use of land and buildings in each of the classified districts. No land shall hereafter be used, and no building or structure shall hereafter be erected, altered, or converted which is arranged or designed or used for other than those uses specified for the district in which it is located.

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

			RESIDENTIAL							NON-RESIDENTIAL				
USE ZONING DISTRICT			SF-RE	SF-1	SF-2	SF-OT	MM	MF		N	R	M	C	L
TYPE										C	C	U	T	I
RESIDENTIAL USES														
Household Living														
One-family detached dwelling			P	P	P	P	P	P						
One-family zero lot line detached							P	P						
One-family zero lot line attached (twin home)							P	P			P			
One-family attached (townhouse, rowhouse)						S	P	P			P			
Two-family dwelling (duplex)						S	P	P			P			
Multi-unit dwelling (multi-plex, triplex, quad plex, etc.)				P	P		P							
Residence for security purposes, temporary								S			S			
HUD-code manufactured housing*			S	S	S	S	S	S						
Industrialized housing*			S	S	S	S	S	S			S			
Manufactured home park								S						
Manufactured home subdivision								S						
Multifamily dwelling, apartment								P			P			
Model home			P	P	P	P	P	P						
Accessory Dwelling Unit			PC	PC	PC									
Senior adult housing			S	S	S	S		P			P			
Group Living														
Assisted living facility							S	S		S	S			
Community home			S	S	S		S	S			S			
Continuing care retirement community							S	S			S			
Fraternity or sorority house							S	S			S			
Group home			S	S			S	S		S	S			
Halfway house			S	S				S	S	S	S	S	S	S
Shelter								S	S	S	S	S	S	S

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Home for care of alcoholic, narcotic or psychiatric patients								S		S	
PUBLIC AND CIVIC USES											
Education											
College, university or private school	S	S	S	S	P	P	P	P	P	P	
Day care center (child or adult)	S	S	S	S	S	P	P	P	P		
School, elementary or secondary (public or private)	P	P	P	P	P	P	P	P	P	P	
Trade and commercial schools							S	P	P	S	S
Government											
Animal Shelter											P
Fire station	P	P	P	P	P	P	P	P	P	P	P
Government maintenance facility											P
Government office facility	P	P	P	P	P	P	P	P	P	P	P
Governmental vehicle storage											P
Museum, library or fine art center, art gallery or museum							P	P	P	P	
Nonprofit organization or institutional				S	S	S	P	P	P	P	
Post office					S	S	P	P	P	P	P
Probation or parole office											P
Health Care Facilities											
Ambulance dispatch station								P	P	P	P
Blood bank								P			P
Care facility								S		S	
Health services facility; including doctor's office or medical clinic							P	P	P	P	
Hospice	P	P	P	P	P	P	P	P	P	P	P
Hospital						S	S	P	P		P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Massage therapy and spa							P	P	P	P	P
Nursing home (with full medical services)							S	S	S	S	
Recreation											
Center, community recreation, government operated or controlled	P	P	P	P	P	P	P	P	P	P	P
Center, community recreation, private or nonprofit	P	P	P	P	P	P	P	P	P	P	P
Country club (private)	S	S	S	S	P	P	P	P	P		
Country club (public)					S	P	P	P	P		
Day camp							P	P	P		
Golf course (public)	P	P	P	P	P	P	P	P	P	P	P
Golf driving range						S	S	S			P
Outdoor amusement								S	S		P
Park or playground (public or private)	P	P	P	P	P	P	P	P	P	P	P
Recreation or amusement establishment								S	S		S
Stable, commercial, riding or boarding	S							S	S		P
Tennis or swim club			S	S	S	P	P	P	P	P	P
Religious											
Place of worship (primary use)				S	S	S	S	S	S	S	P
Institutions of religious or philanthropic nature			S	S	S	P	P	P	P	P	P
Place of worship auxiliary use	S	S	S	S	S	S	P	P	P		P
Utilities											
Electric power substation	S	S	S	S	S	P	P	P	P	P	P
Power plant or central electric station											P
Stealth telecommunications towers	S	S	S	S	S	S	S	S	S	S	S
Telecommunications antenna (on structure)						S	S	S	S	S	S
Telecommunications tower	S	S	S	S	S	S	S	S	S	S	S
Utility transmission or distribution line	P	P	P	P	P	P	P	P	P	P	P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
Sewage pumping stations	S	S	S	S	S	S	S	S	S	S	S
Wastewater (sewage) treatment facility											P
Water supply or storage facility	S	S	S	S	S	S	S	S	S	S	P
Water treatment plant						S	S	S	S		S
COMMERCIAL USES											
Dining and Entertainment											
Amusement, indoor							P	P	P	P	P
Amusement, outdoor								S	S	S	P
Baseball/softball facility (commercial)								S	S	S	P
Batting cages, indoor							P	P	P	P	P
Bowling alley							P	P	P	P	P
Bar, tavern, cocktail lounge; club, private or teen								S	S	S	S
Circus											S
Club, commercial or business							P	P	P	P	P
Dance hall							P	P	P	P	P
Drive-in theater								S	S	S	S
Fairground or exhibition area						S	P	P	P	P	P
Gambling facility (including bingo and 8-liners)								S	S	S	S
Go-cart track									S		P
Health or recreation club						S	P	P	P	P	P
Indoor recreation						S	P	P	P	P	P
Lodge or civic club					S	S	P	P	P	P	P
Museum/cultural facility					S	S	P	P	P	P	P
Movie theater (indoor)								S	P	P	P
Micro-brewery								P	P	P	

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Drag strip or commercial racing; horse, dog or automotive											S
Restaurant without drive-through-service, café, cafeteria				S	S	S	P	P	P	P	P
Restaurant with drive-through service (fast food)								S	S	S	P
Sexually oriented business (See Art. 4.5)											S
Shooting or weapons firing range								S	S	S	S
Swimming pool, commercial						S	P	S	S	S	P
Theater, movie theater or auditorium							S	S	S	S	P
Lodging											
Bed and breakfast inn	S	S	S	S	S	S	S	S	S	S	
Hotel, motel or inn					S	S	P	P	P	P	P
Recreational vehicle park								S	S	S	S
Office											
Bank, financial institution							P	P	P	P	S
Lending institutions							S	S	S	S	S
Offices, professional and administrative				S			P	P	P	P	P
Retail Sales and Services											
Animal hospital							P	P	P	P	P
Antique shop				S			P	P	P	P	P
Appliance, sales, supply or repair							P	P	P	S	P
Bakery, retail sales				S			P	P	P	P	P
Bakery, confectionery commercial/wholesale or bottling works								P	P	P	P
Barber or beauty shop							P	P	P	P	P
Boat rental or sales							S	S	S		P
Book, stationery stores or newsstand				S			P	P	P	P	P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Building material and lumber stores							S	P	S	S	P
Business college or commercial school							P	P	P	P	P
Candy or cake shop							P	P	P	S	P
Caterer or wedding service				S			P	P	P	P	P
Cleaning and dying plant, commercial											P
Clothing/wearing apparel sales, new							P	P	P	P	P
Clothing/wearing apparel sales, used							S	S	S	S	S
Convenience store (no gas pumps)							P	P	P	P	P
Copy store or commercial print without off-set printing							P	P	P	P	P
Dance studio							P	P	P	P	P
Dog training school							S	P	S	S	S
Drapery shop							P	P	P	P	P
Dressmaking, custom; millinery shop				S			P	P	P	P	P
Exterminator/pest control services								P			P
Feed store, no processing/milling											P
Freestanding department store							P	P	P	P	
									C	C	
Freestanding discount superstore							P	P	P	P	
									C	C	
Furniture sales, new and used (office or residential) in a building							P	P	P	S	S
									C		
Furniture upholstery, refinishing or resale								P	S	S	P
General merchandise store				S			P	P	P	P	P
									C	C	
Greenhouse or nursery for retail plant sales							P	P	P	P	P
Grocery store, meat market							P	P	S	S	P
Gunsmithing, repairs or sales								P	P	P	P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Handicraft shop							P	P	P	P	P
Hardware store							P	P	P	P	P
Home improvement superstore							P	P			P
Interior decorating							P	P	P	P	P
Kennel (with no outdoor runs)								S	S	S	S
Kennel (with outdoor runs)											S
Kiosk							S	S	S	S	S
Large retail store							P	P	P	P	P
Laundry or dry cleaning collection office							C	C	C		
Laundry, dry cleaning or washeteria							P	P	P	P	P
Laundry plant, commercial											S
Leather goods shop							P	P	P	P	P
Liquor or package store							S	S	S	S	S
Locksmith							P	P	P	P	P
Medical supplies/equipment sales or rental							P	P	P	P	P
Mini-warehouses, self storage								S	S	S	P
Mortuary or funeral home								P			P
Newspaper distribution center								P	P	P	P
Office warehouse											P
Optician							P	P	P	P	P
Pawnshop								S	S	S	S
Pet day care							P	P	P	P	P
Pet lodging								S	S	S	P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Pharmacy/drugstore with or without drive-through							P	P	P	P	P
Photograph, portrait/camera shop or photo finishing							P	P	P	P	P
Plumbing shop								P	P	P	P
Plant nursery, no retail sales											P
Recording studio							S	P	P	P	P
Saddle or harness, repair or sales								P	P	P	P
Shoe shine shop							P	P	P	P	P
Studio, music, art or photography							P	P	P	P	P
Studio for radio or television							P	P	P	P	P
Tailor, clothing or apparel shop							P	P	P	P	P
Tattoo parlor							S	S	S	S	S
Taxidermist shop											P
Wedding chapel								S	S	S	P
Vapor store							S	S	S	S	S
Veterinary clinic (with indoor kennels)								P	P	P	P
Veterinary clinic (with outdoor kennels)								S	S		P
Vehicle Sales and Services											
New auto accessory and parts sales store							P	P	P	P	P
Used auto parts, sales in building								P			P
Auto sales & repair								S			S
Auto painting & rebuilding (body shop)								S			P
Auto inspection and/or lube center							S	S			P
Carwash, full or self service								S			P
Engine and motor repair								S			P
Gasoline/service station with convenience market							P	P			P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT TYPE	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N C	R C	M U	C T	L I
Heavy machinery sales and storage											P
Mobile home or manufactured housing sales											S
Parking area or garage, storage commercial or auxiliary							S	S			S
Recreational vehicle (RV) sales/service											S
Recreational vehicle storage											S
Seat cover & muffler installation shop								S			P
Towing yard with office											S
Truck parking lot											P
Truck stop with fuel and accessory services											S
Wrecking or salvage yard											S
Vehicle sales or rental; including automobiles, motorcycles, boats or trailers; new or used car lot (open)							S		S	S	P
LIGHT INDUSTRIAL											
Assaying											P
Assembly of pre-manufactured parts, except for vehicles, trailers, airplanes or mobile homes											P
Bottling works, milk, dairy or soft drinks											P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	NCC	RR	MC	CU	LT
TYPE											
Carpet and rug cleaning								P		P	P
Coal, coke or wood yard											P
Coffee Roasting							PC	P	P	P	P
Crematorium											S
Brewery, distillery or winery – Craft, micro or nano									P		
Electroplating											S
Fabricating or manufactured housing, temporary or office building											P
Food processing (no slaughtering)											P
Furniture or cabinet repair or construction								P	P	P	P
Storage and repair of furniture & appliances inside a building								P	P	P	P
Storage and sale of furniture outside a building								P			P
Galvanizing, small utensils											P
Machine shops											P
Manufacture of artificial flowers, ornaments, awnings, tents, bags, cleaning/polishing preparations, boats under 28 feet in length, brooms or brushes, buttons											P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N C	R C	M C	C U	L T I
TYPE											
and novelties, canvas products, clothing, suits, coats, or dresses for wholesale trade											
Manufacture of aluminum, brass or other metals or from bone, paper, rubber, leather and plastics											P
Manufactured home/RV repair											P
Manufacturing medical marijuana							S	S		S	S
Monument works, finishing, carving, sales											P
Paint shop, mixing or spraying											P
Paper box manufacture											P
Printing, lithographing, book-binding, newspapers or publishing											P
Rubber stamping, shearing/punching											P
Rubber stamp manufacture											P
Scientific and research labs							P	P	P		P
Sheet metal shop											P
Tire retreading and capping											P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT TYPE	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N C	R C	M U	C T	L I
Transfer storage and baggage terminal											P
Storage warehouse or bulk storage											P
Welding shop, custom work (not structural)											P
Wholesale: bakery, produce market or wholesale house								P			P
Wholesale office and/or sample room								P			P
Yards, contractors, lumber or storage, automobiles, storage yards, building materials								S			P
HEAVY INDUSTRIAL											
Animal by-products processing											S
Batch plant, concrete or asphalt (permanent)											S
Brewery, distillery or winery							P	P	S	S	S
Brick, clay, glass, shale, tile or terra cotta products manufacture											P
Cement products plant											S
Cement, lime, gypsum, or plaster of Paris manufacture											S
Concrete products manufacture											S

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Cotton gin, cotton oil mill, bailing or compress											S
Creosote, treatment/manufacture											S
Egg cracking or processing											S
Furnace, blast; forge plant, boiler works manufacture											S
Gas (natural or artificial) manufacture processing/storage											S
Glue manufacture											S
Grain elevator											S
Magnesium casting, machining or fabricating											S
Manufacture of acetylene or oxygen gas, alcohol, computers and related electronic products, airplanes, automobiles, trucks and tractors (including assembly plants), ball or roller bearings, steel tanks, candles and celluloid, cash registers, cutlery, disinfectants, dextrin, dyestuff, electrical machinery, farm tools, type writers and vinegar											S
Manufacture of basket material, bicycles, boots, boxes other than paper, caskets, shoes											P
Manufacture of dyes, cores, die-casting molds											P

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	NCC	RR	MC	CU	LI
TYPE											
Manufacture, processing/production of hazardous chemicals											P
Metal casting											P
Metal foundry plant or fabrication plant											P
Metal smelting, reclamation or ore production											S
Metal stamping, dying, shearing or punching											P
Mill, feed or flour											P
Mining quarry, dredging or excavation of rock, dirt, gravel, sand, stone											S
Packing plant											S
Paper or pulp manufacture											P
Petroleum, refining or wholesale storage											S
Planing mill or woodworking shop											P
Poultry killing or dressing											P
Rock cement crushers											S

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

USE ZONING DISTRICT	RESIDENTIAL						NON-RESIDENTIAL				
	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Rolling mill											S
Soap manufacture											S
Soda or compound manufacture											S
Stone yard, building stone, cutting, sawing or storage											S
Tar distillation/manufacturing											S
Tobacco (chewing) manufacture or treatment											S
Welding shop											P
OTHER USES											
Transportation											
Airport, aviation field, helistop or landing area								S		S	S
Railroad or bus passenger station								S		S	P
Railroad team track, freight depot & docks or classification yard									S		
Railroad roundhouse or RR car repair shop											P
Terminal; truck, freight, rail or water											P
Waste Related											
Junk and used material storage yards											S

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

		RESIDENTIAL										NON-RESIDENTIAL				
USE ZONING DISTRICT		SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L				
TYPE								C	C	U	T	I				
Landfill, recycling center, household hazardous waste or waste tire facility																S
Pet cemetery																S
Recycling collection only facility																P
Salvage yard (other than automotive)																S
Agriculture																
Agricultural uses, general farming and sales	P															
Indoor Agriculture	P							P	P		P					
Urban Agriculture	P	P	P	P	P	P	P	P	P	P	P					
Natural Gas and Oil																
Compression facilities, gathering stations+	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Gas drilling and production+	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Oil drilling and production+	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Accessory Uses																
Accessory use or building	P	P	P	P	P	P	P					P				P
Commercial outside display	S												S	S	S	S
Farm accessory building																P
Home occupations	P	P	P	P	P	P	P				P	P				
Outside storage, screened [§]	P	P	P	P	P		P	P	P	S	P	P				
Outside storage, unscreened [§]								S		S	S	S	S			

Schedule of Uses

Chart Legend: "P" Permitted Use, "PC" Permitted with Design Criteria, "S" Specific Use Permit required, "Blank" Use Not Allowed

	RESIDENTIAL						NON-RESIDENTIAL				
USE ZONING DISTRICT	SF-RE	SF-1	SF-2	SF-OT	MM	MF	N	R	M	C	L
TYPE							C	C	U	T	I
Stable, stockyards or feeding pens (noncommercial)	P										S
Swimming pool, private	P	P	P	P	P	P	P	P	P	P	P
Temporary Uses											
Amusement, outdoor (temporary)								S	S	S	
Batch plant, concrete or asphalt (temporary)	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	PC ¹	PC ₁	PC ₁	PC ₁	PC ₁	PC ₁
Residence for security purposes, temporary	S				S	S	S	S	S	S	
Trailer, portable; sales, construction or storage	S	S	S	S	S	S	S	S	S	S	S

* Must be permanently affixed to an approved foundation & be connected to all municipal utilities

+ In conformance with City of Justin Gas Drilling Ordinance

\$ In conformance with City of Justin outdoor screening requirements section 52-403.

¹ In conformance with conditions listed in section 52-318.

Sec. 52-318. Permitted with criteria:

- (1) Applicability: Design criteria for all uses allowed under Schedule of Uses shall be regulated by Article 3: Zoning Districts and additional standard within Article 4: Development Standards.
- (2) Additional criteria for considerations of a permitted use, denoted by 'PC' in the Schedule of Uses shall apply as follows:
- (3) Accessory Dwelling Units (ADU):
 1. Any 10,000 sq ft lot with, or zoned for, a principal single-family dwelling unit may have up to one ADU.
 2. The Zoning Administrator may authorize an additional ADU if the property is in an SF-RE District and will be used for agricultural use employee housing.
 3. An ADU may be any size, provided the proposed unit's total square footage is less than fifty percent (50%) of the primary dwellings and other setback and lot coverage requirements are satisfied.
 4. An ADU shall not be taller than the primary structure.
 5. An ADU shall not be set in the front yard of a primary structure.
- (4) Retail Sales and Services:
 1. Gross building size limited to 10,000 sq. ft. maximum.
 2. Drive-throughs not permitted only permitted to the rear of the building, or to a side not facing a public right-of-way.
- (5) Temporary Batch Plant, Concrete or Asphalt:
 1. Upon application, including a site plan, the city may authorize the issuance of a temporary batching plant permit, for a location on or adjacent to a major construction site in the city, for a period not to exceed six months with the following conditions:
 - 1.1. An 18-inch mound around the perimeter of the batch plant.
 - 1.2. A two-foot silt wall placed around the site.
 - 1.3. A water truck mitigating dust as requested by the city.
 - 1.4. Construction zone signage on any collector or thoroughfare road. Placement shall be determined by the public works director.
 - 1.5. A 500-foot minimum setback for a concrete batching plant from any existing residential uses.
 - 1.6. A 700-foot minimum setback for an asphalt batching plant from any existing residential uses.
 2. City council shall have the sole authority to approve the permit. The permit may be issued with appropriate, reasonable conditions determined by the city council, including conditions for control of traffic, view from public or adjacent property, dust, light, noise, ingress and egress, and hours of operation.

Sec. 52-319. Classification of new and unlisted uses:

The city acknowledges that new and unforeseen types of land use may emerge or seek establishment within its boundaries. To manage these situations, the process for classifying any new or unlisted land use is as follows:

- (1) The Director of Planning or designee appointed by the City Manager, will present any new or unlisted land use issue to the city's Planning and Zoning Commission. This request for clarification on how the land use should be zoned will include detailed information about the nature of the use, whether it involves residential areas, sales, manufacturing, the type of products involved, storage details, potential employment, and the expected levels of noise, smell, emissions, dust, hazardous materials, and vibrations.
- (2) The Planning and Zoning Commission will review the characteristics and operational details of the proposed land use, assessing how well it fits with the permitted uses in different zones. The commission will decide on the most suitable zoning area for the use, guided by the intensity levels outlined in the Imagine Justin Comprehensive Plan.
- (3) After their evaluation, the Planning and Zoning Commission will forward their conclusions and suggestions regarding the zoning of any new or unlisted land use to the city council. The city council will then either endorse the commission's recommendations or decide on an appropriate classification for the land use.

Sec. 52-320. Unclassified areas:

- (a) After the city expands to include new areas, these areas will initially be classified under the SF-RE zoning category. This classification is temporary. The planning and zoning commission will review the new areas and suggest to the city council whether they should remain in the SF-LL RE zone or be reclassified. The areas will stay in the SF-RE zone until the city council amends this article to reflect any changes recommended by the commission.
- (b) If a street or alley is no longer in use and officially closed, the zoning district that applies to the properties next to that street or alley will be extended to the middle of the former street or alley

Sec. 52-321. Specific uses:

- (a) The city council can approve certain specific uses in designated areas, as identified in the schedule of uses, if three-fourths of its members agree. This decision comes after a public meeting, notifying all impacted parties, and getting advice from the planning and zoning commission that the use fits the city's overall plan. This process also includes making sure that the use won't negatively affect nearby properties. To apply, you need to submit a detailed site plan that shows the layout, including parking, building sizes, materials, locations, signage, how the site connects to public roads, any barriers like walls or fences, and how the proposed use relates to surrounding properties within 200 feet.
- (b) When the planning and zoning commission considers giving a permit for a specific use, they check that it will be in harmony with nearby buildings and land uses. They look at whether it meets city standards for street paving, sidewalks, access to public roads, drainage, parking, screening like walls or fences, open spaces, building heights, and construction quality. Additionally, the commission reviews:
 - (1) if the proposed land use matches the Imagine Justin Comprehensive Plan; and
 - (2) any potential issues with lighting, noise, smells, etc., that might affect neighbors.

-
- (c) When a specific use permit is approved, it temporarily changes the zoning rules for the property in question. However, this change is not permanent. If the property is not used for six (6) months or more, or if it is damaged and over half is destroyed, then the property must follow the original zoning rules unless a new permit is issued.
- (d) The city council may set certain requirements that must be met before the property can be used under the specific use permit. These requirements must be fulfilled to receive a certificate of occupancy from the building inspector.
- (e) A specific use permit will only be granted if the person applying for the permit, the property owner, and the permit holder agree to follow the rules and conditions outlined in the permit, which are detailed in the site plan.
- (f) After receiving a specific use permit, a building permit must be obtained within one year. The city council has the power to extend this period if the planning and zoning commission agrees.
- (g) If a building, premise, or land is currently operating under a specific use permit, it cannot be expanded, changed, structurally modified, or significantly altered without obtaining a new specific use permit for these changes.
- (h) The board of adjustment does not have the power to hear, review, overturn, or alter any decisions or actions related to the issuance, renewal, cancellation, or modification of a specific use permit.
- (i) Once the City Council approves a specific use permit, the zoning map will be updated to show that the area is subject to certain conditions and restrictions. This update will include the appropriate zoning category for the approved use, marked with an 'S' for 'specific use.'
- (j) When the city council decides to issue a specific use permit, it may also impose additional conditions beyond those listed in subsection (a) if it believes these are in the public's best interest.
- (k) A specific use permit will remain valid until the business moves or has been closed for more than six (6) months. If a new business wants to use the same location, it must apply for its own specific use permit.

Article 4 – Development Standards

Sec. 52-401. Access and Parking

(a) Pedestrian Access

1. Intent: This section is intended to provide safe, direct, and convenient pedestrian facilities between all buildings or structures, public streets, sidewalks, and parking. Pedestrian access is important for the overall function, activity level, and comfort of all users.
2. Applicability: All new development, additions to any structure, or conversions of use for which a building permit is required by City of Justin Code of Ordinances, shall provide pedestrian facilities in accordance with the regulations of this section and the development standards of the applicable district of this Code.
3. Sidewalks & Walkways
 - i. Shall be installed along any street frontage per the latest standards adopted by the City of Justin. The Zoning Administrator may waive this requirement when sidewalks are not warranted or feasible.
 - ii. Walkways shall be provided to connect all main entrances and all publicly accessible uses to parking and adjacent public rights-of-way. Such pedestrian connections should be placed to avoid passing through parking areas and interior access drives to the greatest extent possible. Routing of walkways through parking lot landscape islands is encouraged.
 - iii. Walkways providing cross-access between abutting lots are encouraged.
 - iv. Sidewalks and walkways shall consist of accessible, easily discernable, and ADA-compliant routes, per City of Justin Technical Construction Standards and Specifications (TCSS)

(b) Bicycle Access & Parking

1. Purpose: To ensure that any new building provides enough bicycle parking for its users. The parking must be safe, easy to get to, and encourage people to cycle more.
2. Who Must Follow This: If you're building something new, adding to a building, or changing a building's use and need a permit, you must include bicycle parking as described here. This does not apply to single family home detached subdivisions.
3. Bicycle Parking Location Requirements:
 - i. Place bicycle parking within 100 feet of the main entrance it serves, ensuring it is easily seen.
 - ii. You can put bicycle parking on the property or in public right-of-way areas if the City Engineer agrees.
 - iii. Indoor bicycle parking is allowed if it's publicly accessible and near the main entrance.
 - iv. The Zoning Administrator can approve different parking spots if they fit the purpose of these rules.
4. Bicycle Parking Design Standards:

- i. Bicycle parking must have a solid surface like asphalt, concrete, or similar materials to keep it stable and clean.
 - ii. Bicycle racks need to be:
 1. Firmly fixed to the ground,
 2. Designed to hold the bike in two places to keep it upright, and
 3. Made so you can lock the bike's frame and a wheel with a U-lock.
 - iii. Each bicycle parking spot should be at least 6 feet by 2 feet.
 - iv. Follow the latest [Association of Pedestrian and Bicycle Professionals guidelines](#) when building bicycle parking.
5. Required Bicycle Parking Spaces
- i. Every property must have a certain number of bicycle parking spaces, as detailed in Table 52-401A. If the calculation for needed bicycle parking spaces is less than half a space, then you don't need to provide any bicycle parking.
 - ii. It is important to note that staff count the actual spaces available for bicycles, not the number of racks. So, if a rack can hold two bicycles, it counts as two spaces.
 - iii. For properties with multiple main uses, you must add up the parking needed for each use to get the total number of bicycle parking spaces required.
 - iv. If providing 25% more bicycle parking than the requirement, Director of Planning can consider modifying the vehicular parking amount by 10%.
 - v. However, no matter the use, you will not need to provide more than 16 spaces for bicycles.

Table 52-401A: Required Bicycle Parking	
Use	Minimum number of bicycle parking spaces per 10,000 square feet of Gross Floor Area of Building (except as noted)
Agricultural	None Required
Civic & Institutional	4.0
Industrial, Manufacturing & Processing	0.5
Lodging	1 per 15 guest rooms
Office	1.0
Residential	1 per 10 dwelling units
Retail & Service: Under 4,000 square feet	None required
Retail & Service: 4,000 square feet or more	3.0
Utilities and Other Uses	None Required

(c) Vehicle Access & Parking

1. Intent: This section is intended to assure that the design and construction of any motor vehicle parking areas meet minimum design standards necessary to promote efficient circulation.

2. **Applicability:** Any new off-street vehicle parking area provided shall be developed in accordance with the regulations of this section and the development standards of the applicable district of this Code.

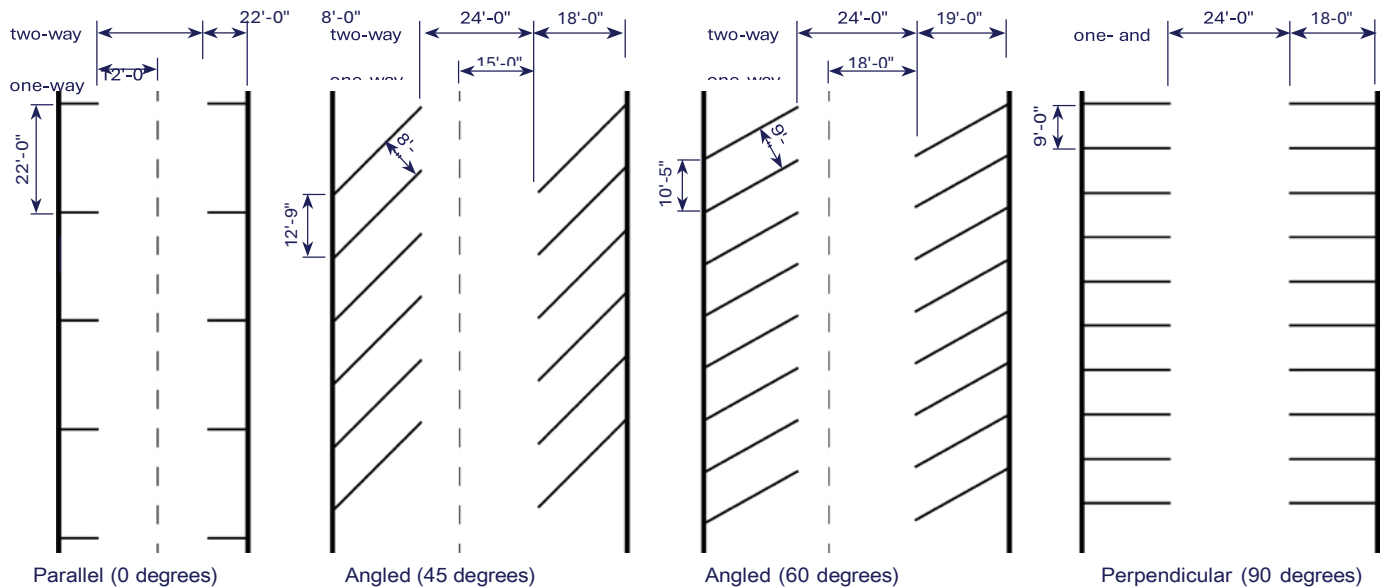
Table 52-401B: Zoning District Parking Schedule				
Zoning District	OT and MU	All other zoning districts	PD or Special Districts	Additional Criteria
Min. Off-Street Parking Requirement				
All Non-Residential uses and ground floor Commercial Ready spaces	1 space per 500 sq. ft. of building area (the first 2,000 sf of a building shall be exempt from any parking requirement)	1 space per 300 sq. ft. of building area	1 space per 300 sq ft of building area, if within 250 feet of a Residential district.	1. A shared parking plan or alternative parking plan may be approved by the Zoning Administrator as an Alternative Parking Plan. 2. On-street parking located along any adjacent public street shall be counted towards the required off street parking for a building. 3. Accessory Dwelling Units (ADU's) are exempt from parking requirements.
Residential uses (except ADUs)	1.0 space per each dwelling unit	2.0 spaces per each dwelling unit	1.5 spaces per each dwelling unit	
Lodging uses (hotels and motels)	0.5 spaces per guest room; all other areas shall be parked at the non-residential rate above	1.0 space per guest room; all other areas shall be parked at the non-residential rate above	Alternative Parking Plan required	

3. **Location of Vehicle Parking Areas:** Off-street parking areas shall be located as specified in the applicable district.
4. **Off-Street Vehicle Parking Area Access:**
 - i. All off-street parking shall have direct access to a public right-of-way through an alley, driveway, or permanent access easement.
 - ii. Whenever practical, if an alley is present and open to traffic, all vehicular access should take place from the alley. When an alley is not present, access to corner lots from a secondary street is preferable to access from a primary street.
 - iii. The number and width of curb cuts shall be the minimum needed to provide reasonable access to the site. Curb cuts shall meet the standards of the City of Justin.
 - iv. Where applicable, curb cuts should be placed to maximize the number of on-street parking spaces.
 - v. Shared driveways between abutting properties are encouraged provided that an access easement exists between all property owners.
 - vi. A lot that may be accessed by way of a recorded cross-access agreement through an abutting lot shall not receive a separate curb cut from the same street frontage.
5. **Design and Construction of Off-Street Vehicle Parking Areas.**
 - i. The design and construction of all off-street parking areas shall be in compliance with the stricter of the regulations contained in this section or

the minimum specifications prescribed by the Engineering Criteria Manual and in conformity with the Americans with Disabilities Act (ADA).

- ii. **Parking Area Layout.** The layout of all off-street parking areas shall be in compliance with [Table 52-401B](#) or the most recent version in the Architectural Graphic Standards for a Level of Service “A” or “B.” An alley adjacent to the lot may be used to meet the requirement for drive aisle width.
- iii. **Landscape of Off-Street Parking Areas.** The landscape of all off-street parking areas with 4 or more spaces shall comply with the regulations contained in [Section 52-403\(a\)](#).
- iv. **Delineation of Off-Street Parking Areas.** All off-street parking areas with 4 or more spaces, excluding driveways, shall be:
 - 1. Identified by painted lines (minimum 4 inches in width), raised curbs, or other means to indicated individual spaces; and,
 - 2. Provided with a raised curb, wheel stops, or other devices to ensure that motor vehicles do not encroach beyond the off-street parking area or into a required setback.
- v. **Surface of Off-Street Parking Areas.** Off-street parking areas and any driveway, interior access driveway, or interior access drive to and from such off-street parking areas shall be hard surfaced with asphalt, concrete, pervious pavement, pavers, or other material to provide a durable, dust-free surface, which meets or exceeds the minimum specifications prescribed by the Engineering Criteria Manual, provided, however, a temporary or seasonal use permitted by the district in which such temporary or seasonal use is located may use an unimproved or gravel surface for the duration of the temporary or seasonal use. If a temporary gravel surface is provided, such gravel shall be removed and the off-street parking area shall be returned to its prior condition immediately upon cessation of the temporary or seasonal use.

Table 52-401B: Parking Lot Design					
Space Angle	Space Width	Parking Row Depth	Curb Width	Drive Aisle Width: One-Way	Drive Aisle Width: Two-Way
Parallel (0°)	8'	8'	22'	12'	22'
45°	8'-6"	18'	12'-9"	15'	24'
60°	9'	19'	10'-5"	18'	24'
Perpendicular (90°)	9'	18'	9'	24'	24'



vi. **Required Parking for the Disabled:** Every off-street vehicle parking area and parking garage available to the public shall have parking spaces reserved for the use of physically disabled persons as specified in [Table 52-401C](#) or as required by the latest federal ADA Accessibility Guidelines.

1. Facilities which provide medical care and other services to persons with mobility impairments shall provide ADA Parking Spaces as follows:
 - a. Outpatient units and facilities. 10 percent of the total number of off-street vehicle parking spaces provided; and,
 - b. Units and facilities that specialize in treatment services for persons with mobility impairments. 20 percent of the total number of off-street vehicle parking spaces provided.

vii. Parking Structures

1. Parking structures shall be considered buildings, not parking, for the purpose of determining setbacks.
2. See Section 52-401_____ for additional regulations related to parking structures.

viii. Parking of Vehicles – General

1. Unless otherwise provided for in this Ordinance, the parking of vehicles on a lot without a primary building is prohibited.
2. Vehicles parked on a lot shall be related to the principal use of the lot or a use allowed in that district.
3. Except as otherwise provided in the applicable district, vehicles shall not be parked in an established front or corner yard. Parking areas serving a 1 or 2 unit dwelling shall be exempt from this requirement, provided that vehicles can be parked without blocking the sidewalk or any public way.

ix. Commercial and Recreational Vehicles

1. Large Vehicles. No tractor, trailer, tractor-trailer combination, or vehicle (including but not limited to a tow truck, dump truck, flatbed truck, semi- trailer, and the like) equal to or in excess of one and one half (1 ½) tons capacity, or which has a bed more than 8 feet long, may not be parked on any land or premises except in an RC or LI district. However, the foregoing shall not apply to school buses used for the transportation of school children to and from school or to and from a school sponsored activity.
2. Parking, Storing, Maintaining, or Keeping of Any Recreational Vehicle or Recreational Trailer. Parked or stored recreational vehicles shall not be occupied or used for living, sleeping, or human habitation. Notwithstanding any provision in this Ordinance to the contrary, no recreational vehicle or recreational trailer shall be parked, stored, maintained or kept on any lot in a Residential district unless in compliance with the following:
 - a. Recreational vehicles or recreational trailers may be parked or stored:
 - i. Inside an accessory building or garage; or

-
- ii. Outside in such a manner that no part of the recreational vehicle shall project into any minimum required front, corner, or side setback for a primary building or any minimum required rear setback for an accessory building.

- b. Not more than a total of two recreational vehicles or recreational trailers shall be permitted to be parked or stored in the open on the same lot at any one time.

(d) Off-Street Loading

1. Intent: This section is intended to provide for off-street loading areas which are adequate to support the needs of proposed and future uses of a site while assuring that the design and construction of such off-street loading areas meet minimum design standards necessary to provide efficient circulation and prevent undue traffic congestion.
2. Applicability: Off-street loading areas are not required but any such area provided shall be developed in compliance with the standards set forth in this section .
3. Location of Off-Street Loading Spaces
 - i. All off-street loading spaces shall be located on the same lot as the use served.
 - ii. No off-street loading spaces shall be located in established front or corner yards, provided,
 - iii. However, in the case of a double frontage lot, off- street loading spaces may be located between a front lot line of a perimeter street and the rear of the building served if no access is provided across such front lot line; and, the yard between the
 - iv. No off-street loading spaces shall be located in a minimum required side or rear setback.
 - v. Office, professional services, retail, or other non-industrial uses may provide one loading space per building in a “pull-off” loading area located adjacent to an interior access drive. A “pull-off” loading area shall not be subject to the prohibition against being located between the front lot line and front facade of any portion of the building served.
4. Design and Construction of Loading Areas: The design and construction of loading spaces shall be in compliance with the stricter of the regulations contained in this section, or the minimum specifications prescribed by the

TCSS Manual. The following standards shall apply to the design of off- street loading areas:

- i. Loading and Unloading Activity. Loading and unloading activity may not encroach upon or interfere with any public right-of-way, except where specifically designated by the Engineering Criteria Manual.
 - ii. Maneuvering. Each maneuvering area, aisle, and interior access drive utilized to access a loading space shall be designed and located to provide safe and efficient ingress/egress to each loading space. Trucks shall not need to back from or into a public street, or onto an adjoining lot (unless the subject lot and the adjoining lot are located within the same integrated center or industrial park and such maneuvering area is subject to a recorded easement allowing such maneuvering).
 - iii. Surface of Loading Areas. All off-street loading areas and the ingress/egress to and from such off-street loading areas located on such lot shall be hard surfaced with asphalt, concrete, or other material to provide a durable dust-free surface.
 - iv. Landscaping. Where any loading area is located within 50 feet of, and visible from, a side or rear lot line that abuts any lot in a S1, S2, U1, U2, U3, or UF district, the loading area shall be screened by a Type 3 buffer, designed per Section 21-09.01(n).
 - v. The design of loading areas shall be subject to the approval of the Department of Public Works.
5. Use of Loading Area: Space allocated for off-street loading spaces and associated maneuverability shall not be used to satisfy off-street parking space requirements.

Sec. 52-402. Building Standards

(a) Non-Residential and Mixed-Use Building Standards

- a. Intent: This section includes regulations that reinforce the scale and design of buildings that are unique to Justin and are intended to improve the physical quality of buildings that contribute to the overall character of the City, emphasizing the importance of how buildings relate to the public street.
- b. Individual Buildings
 - i. Development composed of one (1) or two (2) buildings shall be oriented so that the front façade faces the primary street or public access easements. On corner lots, the building(s) shall face the higher street designation unless adjoining and connected development provides a context for street frontage

along the lower designation street as determined by the Zoning Administrator.

- ii. In cases where the longer side of a building is perpendicular to the primary street, the portion of the building facing the primary street shall be designed as a building front with entrances, signage, and transparent windows.

Single Commercial Building Orientation

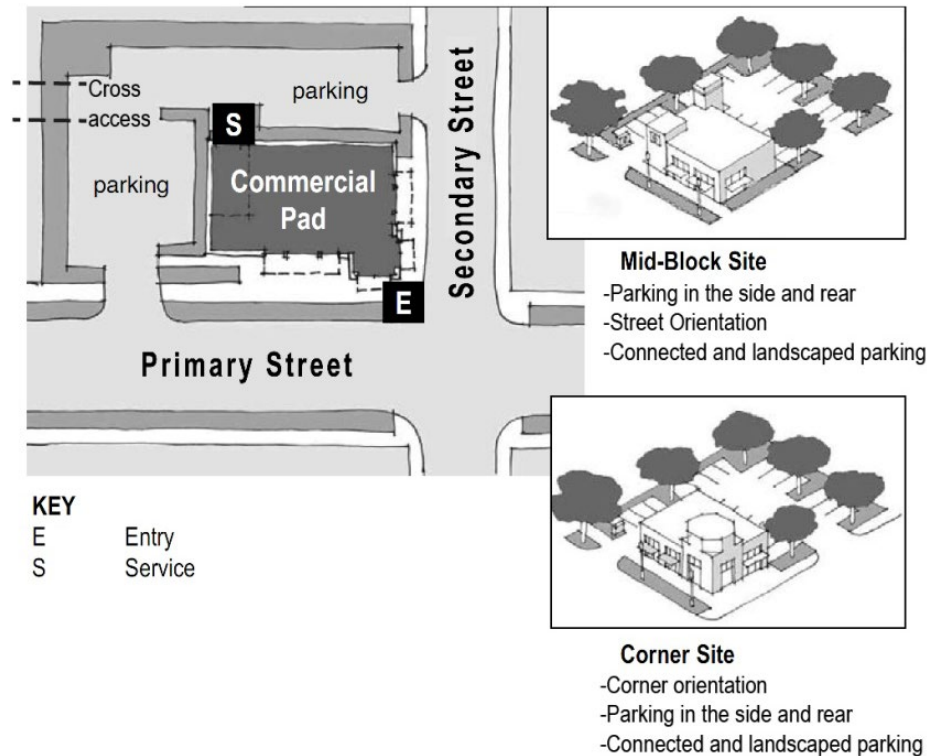


Figure 52-402A Illustration of a Single Building Orientation and Site Organization

- c. Multiple Buildings: Development composed of three or more buildings shall be configured to (see Figure 52-402B):
 - i. Break up the site into a series of smaller internal "blocks" defined by on-site driveways, private streets, vehicle access ways, pedestrian walkways, or other circulation routes;
 - ii. Buildings should frame internal streets and parking should be located in the middle of the block;
 - iii. Large parking areas should be broken up into smaller parking areas defined by internal landscaped drives designed as "quasi" streets (public access easements, driveways, etc.) that have pedestrian frontages and streetscapes;

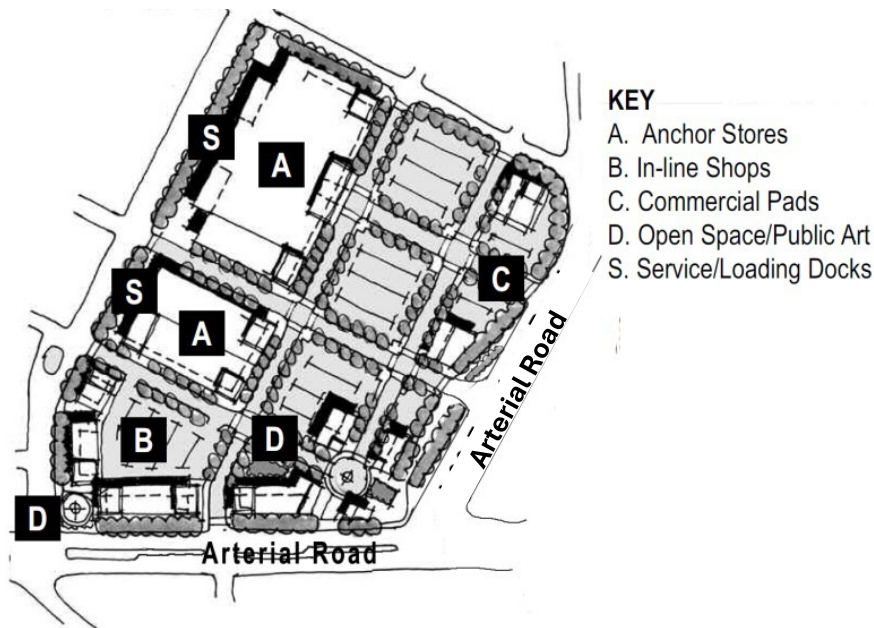
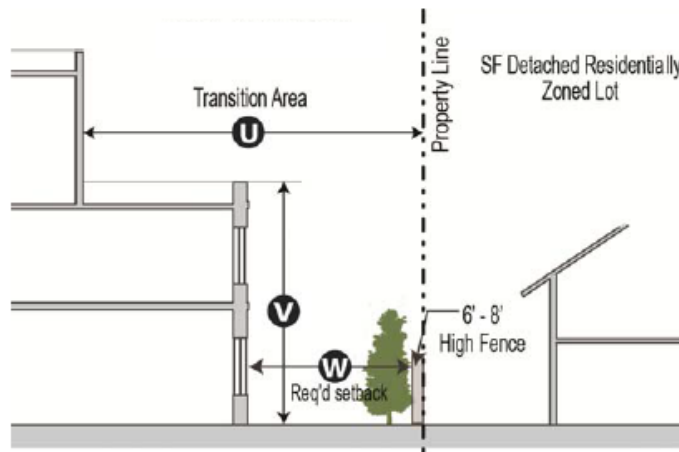


Figure 52-402B Illustration of Site Organization of a Multiple Building Development

- d. Building Entry Design:
 - i. Every building must have its main entrance facing the street, or it should open into an area like a recessed section, courtyard, or plaza that's next to the public sidewalk or a public pathway.
 - ii. It should be obvious that the main entrance of a building is a key architectural feature when viewed from the street, serving as a central point of interest. In the case of non-residential buildings that have several businesses on the first floor or more than one main entrance, each entrance should have distinctive architectural treatment. Some examples of architectural treatments are listed in (iii).
 - iii. The main entrances of buildings should be clearly defined and highlighted by using architectural features such as triangular gables, pillars, covered front areas, porches, or roof overhangs, depending on the building's design style.
- e. Height Transitions: Transitions between non-residential buildings and adjoining residential neighborhoods shall be provided by using a combination of the following techniques:
 - i. Concentrating the tallest buildings at the center of the site or along primary street frontages; or
 - ii. Stepping down the height of buildings along any shared residential lot line or street frontage to the zoned maximum height of the adjacent residential structures. See Figure 52-402C.



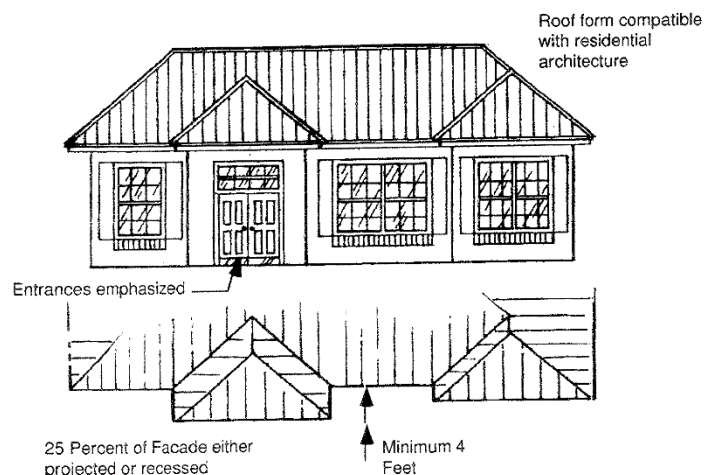
U	Zoned minimum setback plus an additional 20 feet
V	Adjacent residential maximum height
W	Zoned minimum setback

Figure 52-402C Illustration of Height Transition to Single-Family Detached zoned lot

f. Building Design

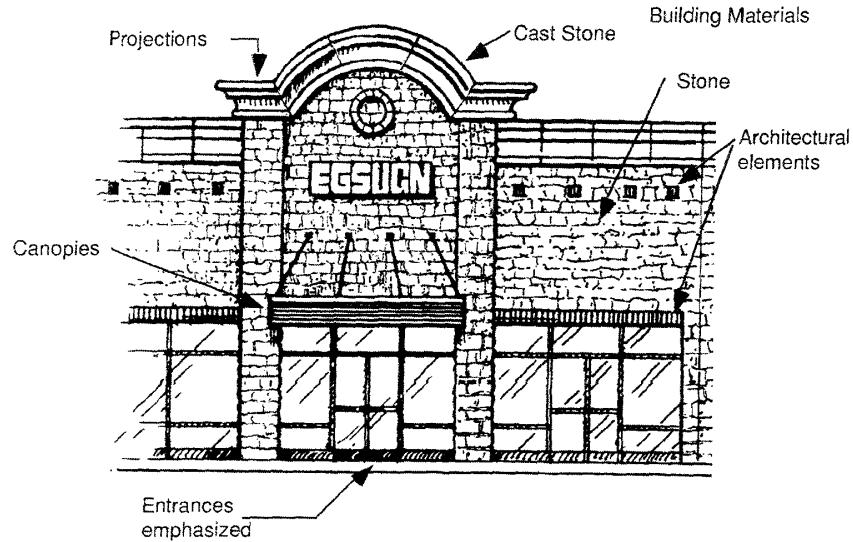
- i. Purpose: Building design directly influences the character and function of non-residential or mixed-use development. The standards of this Section are intended to:
 1. Ensure that multiple building or phased commercial developments use compatible schemes of materials, colors, and architectural styles to ensure consistency. This includes accessory structures such as freestanding canopies, accessory and maintenance buildings, and dumpster enclosures;
 2. Ensuring that individual buildings have a single definitive, consistent style. Mixing of various architectural styles on the same building is discouraged;
 3. Ensure that buildings are designed to a human scale; and
 4. Encourage adaptable development by designing buildings to be adaptable for multiple uses over time based on changing market demand.
- ii. Street Side Architecture: All building elevations facing a public or private street shall be architecturally finished with comparable levels of detailing (e.g., tiles, moldings, cornices, wainscoting, etc.). Blank walls void of architectural details or other variations are prohibited.
- iii. Building Form and Mass: A single, large, dominant building mass shall be avoided in new commercial buildings and redevelopment projects under this Ordinance. Changes in mass shall be related to entrances, tenant spaces, the integral structure, and/or the interior space organization and activities, and not just for cosmetic effect.
- iv. Exterior Walls: All exterior walls (with the exception of rear or service facades) shall be designed with a base and top.
 1. Base: Façades and walls shall have a recognizable base with (but not limited to):
 - a. Thicker walls, ledges, or sills;

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- b. Storefront windows and displays.
2. Top: Facades and walls shall also have a recognizable top with (but not limited to):
- a. Cornice treatments, other than colored stripes or bands alone, or differently colored materials;
 - b. Sloping roof with overhangs and brackets; or
 - c. Parapets that step up to emphasize entries.
3. Building Design Details
- a. Base Requirements. Every new building must meet the following design standards:
 - i. To prevent large, unbroken walls facing a street, buildings must have design features that vary the front wall's height and depth. A wall's height cannot be more than twice its width unless it has significant design changes, such as different heights or parts that stick out or are set back, specifically:
 - 1. The top edge of at least 25% of the front wall facing a street must be at least four feet higher or lower than the rest, and it should look like it belongs on a house.
 - 2. For buildings in Neighborhood Commercial (NC), Regional Commercial (RC), and Old Town (OT) districts, at least 25% of the front wall facing a street must extend at least four feet forward or backward from the rest of the wall. In the Light Industrial (LI) district, this applies to buildings near F.M. 407, F.M. 156, or the railroad.

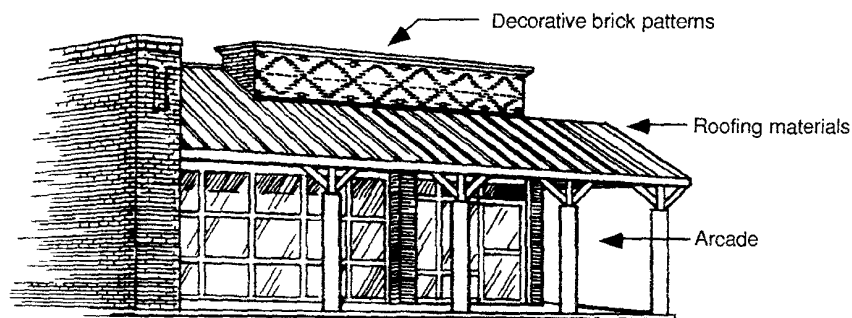


- b. Entrances to buildings shall be emphasized through providing projections, recessed areas, canopies, projections in height, or other architectural elements.

- c. Ground floor facades adjacent to a public street in a NC, RC and OT district shall have arcades, display windows, entry areas, awnings, or other such features along at least 75 percent of their horizontal length.



4. Enhancing elements. Each development must select one of the two elements listed below:
- Application of the base standard to facades not adjacent to a public street, but visible from a public street.
 - Use of architectural detailing to provide variety in the visual appearance of the facade of the building. Architectural detailing may be achieved by the harmonious use of materials, colors, or textures.



5. Windows and Transparency:
- At ground level, buildings shall have a high level of transparency. Façades and walls that face the street, pedestrian walkways, plazas, and parking areas (excluding the building rear or side) must have transparent windows (visual transmittance of 0.6 or above) for at least 40% of the façade between 2 feet and 12 feet above the grade.

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- b. Side facades (non-street fronting) must have transparent windows (visual transmittance of 0.6 or above) for at least 20% of the façade between 2 feet and 12 feet above the grade.
 - c. Where the internal arrangement of a building makes it impossible to provide transparency along a portion of a wall as determined by the Zoning Administrator, a combination of changing color or texture to imitate the rhythm of windows or storefront displays may substitute for fifty percent (50%) of required transparent areas, except when fronting plaza or sidewalk café areas.
 - d. Buildings in the LI zoning district are exempt.

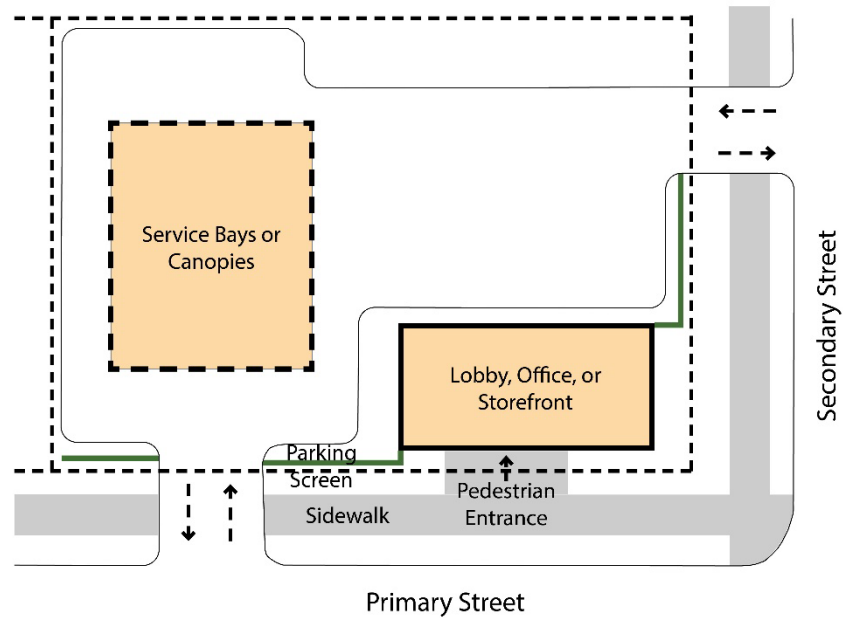
6. Shade Requirements

- a. All development shall provide shaded pedestrian walkways along at least fifty percent (50%) of all building facades along streets, outdoor gathering spaces, and internal drives along parking areas.
- b. Buildings should be oriented to minimize direct solar exposure on the primary building façade and areas of high pedestrian activity.
- c. Shade may be provided through any or a combination of the following:
 - i. Arcades, canopies, or galleries;
 - ii. Canopy trees;
 - iii. Trellises or pergolas; or
 - iv. Any other shading device as approved by the Zoning Administrator.

g. Design of Automobile Related Site Elements (Drive Throughs, service bays, etc.):

- i. Drive-through lanes, service windows, and similar car-focused areas must not be placed where the main focus is on pedestrian traffic.
- ii. For all other building sides, these car-related areas should take up no more than 60% of the building's side length.
- iii. Drive-through lanes should be concealed by a barrier at least 3 feet tall along any street they're next to. However, there is no restriction on the number of drive-through lanes if they are on the side facing an alley.
- iv. Driveways shall be located along alleys whenever present. Driveway widths shall be a maximum of twenty-four (24) feet unless providing service access in which case they shall be no wider than thirty (30) feet. Driveways shall maintain a continuous and level sidewalk across the curb cut. Driveway spacing shall be per the City Engineering Design Criteria or as approved by the City Engineer. Driveways along State Highways are under the purview of

the Texas Department of Transportation (TXDOT) and shall meet TXDOT standards.



h. Design of Parking Structures

- i. All frontages of parking structures located on streets intended for pedestrian walkable design shall be lined by active edges or commercial ready frontages on the ground floor to a minimum depth of twenty-five (25) feet.
- ii. The exterior design of parking structures facing public streets should feature a pattern of elements that repeat every 20 to 30 feet and align with the design features of nearby buildings.
- iii. Parking structures at the edge of a building must have covers or barriers so that cars are not visible from the street or neighboring buildings. The entrance and exit ramps of the parking garage should also be hidden from view of public streets, and not be placed along the outer edges of the structure that face the street. Decorative panels or designs should be used on the exterior to conceal cars and prevent headlights or bumpers from being seen.
- iv. All lighting must be full cutoff to reduce light pollution.





Images showing appropriate design of parking structures

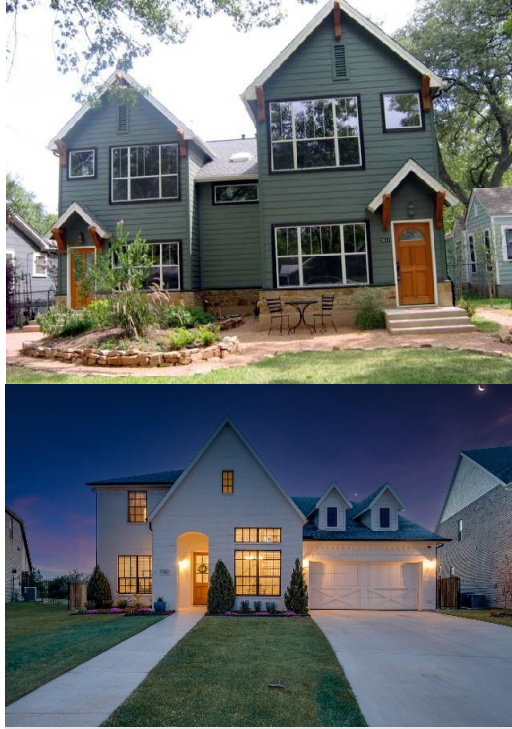
(b) Residential Design Standards

a. Purpose and Intent: The standards of this section are intended to:

- i. Promote high-quality residential developments that are distinctive, have character, and relate and connect to established neighborhoods;
- ii. Provide variety and visual interest in the exterior design of residential buildings;
- iii. Create new neighborhoods that age gracefully and add long term value to the City;
- iv. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- v. Protect property values; and
- vi. Ensure the compatibility of infill residential development with the existing character of surrounding neighborhoods.

b. Single-Family and Two- to Four-Family Residential Building Design Standards

- i. Applicability: This section shall apply to all new and redeveloped single-family and two- to four-family residential developments in all zoning districts with the following exceptions:
 1. Planned Development districts that have specific residential design standards and are approved after the adoption date of this Ordinance, and
 2. Any building permit issued prior to the adoption of this Ordinance.
- ii. Façade Design: Façades must be articulated by using color, arrangement, or change in materials to emphasize the façade elements. Exterior wall planes may be varied in height, depth, or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of-way), trim detailing, and exterior wall materials, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade.



iii. Building Entrances:

1. All buildings shall have at least one primary entry door oriented towards the primary street. The main entry to the home shall be visible from the street. Two to four family buildings may have side entrances for other units as long as at least one unit has an entrance door oriented towards the primary street.
2. Provide a prominent entry feature (either projected or recessed) that reflects the home's architectural style. Common projected entries are porches and stoops. Two- and one-story recessed entry features that do not incorporate roof overhangs or stoops shall not be permitted.

iv. Roof design:

1. The minimum roof pitch shall be four (4) inches of rise for every twelve (12) inches of run, unless utilizing a flat roof. Other roof types and proportions shall be appropriate to the home's architectural style.
2. Roof elements such as dormers, chimneys, skylights, and varying heights and ridgelines may be utilized to ensure good design and neighborhood continuity. However, these shall be appropriately scaled for the home's architectural style.

c. Multi-Family Residential Building Design

- i. Applicability: This section shall apply to all new and redeveloped multi-family residential buildings (greater than four (4) units) in all zoning districts with the following exceptions:

-
1. MU or OT districts where the multi-family is above non-residential uses on the primary façade. In this case, non-residential and mixed-use building standards shall apply,
 2. Any building permit issued prior to the adoption of this Ordinance.
- ii. Site Design and Building Orientation
 1. Site Access
 - a. New multi-family developments with 100 or more units shall have primary access from an arterial street and shall comply with the following standards:
 - i. A minimum of one secondary point of ingress/egress into a multi-family development may be required for public safety access.
 - ii. No primary vehicular access from a multi-family development shall be provided on a local street serving existing single-family detached development; however, secondary vehicle access may be provided onto local streets.
 - b. A new multi-family development with fewer than 100 units may take primary access from a collector street, if approved by the Administrator.
 2. Entry feature design: The following landscaping standards shall apply to the primary entrance:
 - a. The main site entry for multi-family developments shall be treated with special landscape elements that will provide an individual identity to the project.
 - b. Site entry and access drives for multi-family development shall include at least three (3) of the following:
 - i. A minimum five (5) foot-wide landscaped median;
 - ii. Textured paving, interlocking pavers, or other decorative pavement (stamped concrete or stamped asphalt);
 - iii. Gateway elements such as lighting, bollards, entry fences, or monuments;
 - iv. An entry containing landscaping, water feature, or artwork; or
 - v. Other improvements as approved by the Administrator.
 3. Building Orientation and Common Open Space
 - a. Building Orientation:
 - i. Buildings must be oriented towards perimeter streets, for internal buildings, they may face an internal drive (i.e., private street) or open space amenity (excludes required yards) that maintains or

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- creates a traditional grid, rather than orientation only to internal parking lots.
 - ii. Garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontages.
 - b. Common Open Space:
 - i. Shall be a minimum of ten percent (10%) of the net site area and may be located on upper floors or roofs.
 - ii. Larger open spaces should be the fundamental organizing element of the site. Common open spaces should be well-defined by buildings and streets.
 - iii. These common open spaces shall not count landscape buffers and setbacks unless such buffers and setbacks are programmed as open spaces with functional features (trails, seating, special paving, etc.)
 - iv. Buildings should be oriented in such a way as to create courtyards and open space areas.
 - v. Large existing trees and other natural features should be integrated into the site.
 - vi. Common open space should be centralized and directly accessible to most of the surrounding units. Where possible, it shall be linked by a minimum of five (5) foot sidewalks to adjacent parks, paths, and open space areas.
 - vii. The open space shall be useable areas, and no more than 25% of the open space shall be riparian areas, floodplains, or slopes exceeding 3:1.
 - 4. Site Amenities Required: In conjunction with the common open space requirements, all multifamily projects shall provide the residents with two or more site amenities listed below. Amenities shall be centrally located for most of the residents and may be located within the common open space areas.
 - a. Swimming pool.
 - b. Sports courts, such as tennis, pickle ball, basketball, or volleyball.
 - c. Natural open space area with accessible and connected trails and benches.
 - d. Jogging trails.
 - e. Fountains, art, or sculpture.
 - f. Playgrounds
 - g. Other comparable amenities as approved by the Administrator.
 - 5. Building Design:
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- a. 360-degree architecture: All sides of a multi-family building shall display a comparable level of quality and architectural detailing as on the front elevation.
 - b. Articulation:
 - i. Maximum length of any multi-family residential building shall be 200 feet.
 - ii. No more than six townhomes may be attached in any single block.
 - iii. Each elevation greater than thirty (30) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least two (2) feet and extending at least twenty (20) percent of the length of the façade.
 - iv. The elevations of all multi-family buildings shall be articulated through the incorporation of at least five (5) or more of the following:
 - 1. Balconies, a minimum of twenty-five (25) square feet in area;
 - 2. Bay or box windows;
 - 3. Porches or covered entries that are compatible to the architectural design and size of the building;
 - 4. Dormers;
 - 5. Awnings or canopies;
 - 6. Structural offsets a minimum of four (4) feet from the principal plane of the facade;
 - 7. Ornamental or decorative window grills and/or shutters;
 - 8. Vertical elements such as towers or building endcaps that demarcate building modules; or
 - 9. Other comparable features as approved by the Administrator.
 - c. Height Transition Adjacent to Single-Family: Any part of a multi-family building shall not exceed forty (40) feet or three (3) stories if the building is located within fifty (50) feet of a property zoned, used, or intended to be used for detached single-family residential.
 - d. Buildings and parts of buildings located more than fifty (50) feet away from property zoned for detached single-family residential are subject to height restrictions of the underlying zoning district.
 - e. Building Entrances:
 - i. Building entries next to a public street, private drive or parking area must be pedestrian-scaled, providing
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an expression of human activity or use in relation to build size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.

f. Windows:

- i. All walls and elevations on all floors of multiple household buildings must have windows, except when necessary to assure privacy for adjacent property owners as determined by the Administrator.
- ii. Windows should be located to maximize the possibility of occupant surveillance of streets, entryways, and common areas.

g. Roof Design:

- i. On buildings with pitched roofs, the minimum roof pitch is 4:12.
- ii. On buildings where flat roofs are the predominant roof type, parapet walls must vary by a minimum of ten percent (10%) in height and/or vary by shape once every fifty (50) feet along a wall.
- iii. Changing roof forms or towers must be designed to correspond and denote building elements and functions such as entrances and stairwells.

(c) Historic District Design Standards (RESERVED)

Sec. 52-403. Site Development

(a) Landscape

- a. Purpose and intent. This section sets basic landscaping and upkeep standards for new and updated properties, aligning with the city's comprehensive plan goals. These standards are designed to:
 - i. Enhance property values and the city's image, and improve the overall well-being and look of the community;
 - ii. Encourage the growth and care of local and suitable plant species to support environmental health, such as cleaning the air, regulating temperature, renewing oxygen, replenishing underground water sources, managing rainwater, and preventing soil erosion;
 - iii. Ensure that landscaping elements blend seamlessly with both public and private spaces, creating a cohesive look for streets, parking lots, buildings, and open areas;
 - iv. Shield properties from nearby roads, especially where homes are next to business areas, or near major roads or busy boundary streets;
 - v. Separate, screen, or shield different land uses and activity levels that don't match, especially between homes and businesses, or along roads and busy boundary streets;

- vi. vi. Lessen the impact of noise, dust, and light reflection from hard surfaces; and
 - vii. vii. Diminish light pollution and overflow onto neighboring lands, public paths, and the night sky.
- b. **Applicability.** The requirements of this section shall apply to all new construction and all redevelopment that results in the replacement or expansion of more than 30 percent of the principal permitted use or structure. Buildings in existence on the effective date of the ordinance from which this division is derived shall be considered legally nonconforming. Pad-site developments or ground-lease developments shall meet the landscape and buffer requirements of subsections (d) and (e).
- Additionally, any use requiring a PD zoning designation must comply with these landscape standards unless special provisions are included in the ordinance establishing the PD district.
- The city code enforcement office or its designee shall administer and enforce the provisions of this section.
- c. **Preservation of existing trees and native landscape.** Preserving Justin's native and natural landscapes is a priority set within the Imagine Justin Comprehensive Plan.
- i. Priority shall be given to preserving existing canopy trees, listed in Table 52-403J, and understory trees, listed in Table 52-403K, and large areas of native landscapes.
 - ii. Any setback may be adjusted up to 25% to preserve individual canopy trees with a caliper of 6 inches or greater or a stand of understory trees with an average caliper of 3 inches or greater.
 - iii. Native landscape preserves, including areas within a flood plain or floodway, shall be consolidated within a master-planned area to conserve the native landscapes and provide for recreation areas through and in the development.
- d. **Existing tree credit.** An existing, mature canopy tree located within 20 feet of the property line, with a minimum of 25 percent of its radial drip line falling within a required landscaping area, shall be granted credit toward reducing the required tree plantings as shown in Table 52-403A. Tree diameter shall be measured as DBH ("diameter at breast-height") at approximately four and one-half feet above the natural ground level. Existing tree credit candidates shall be healthy and listed on the Recommended Canopy Tree List in Table 52-403J.

Table 52-403A: EXISTING TREE CREDITS

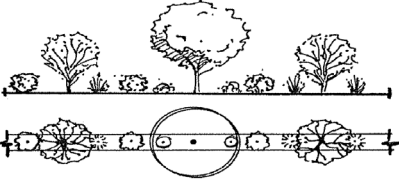
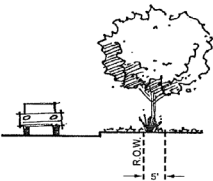
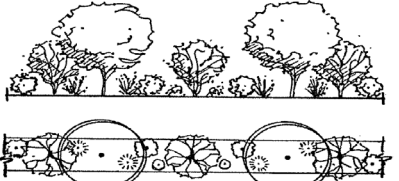
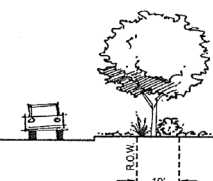
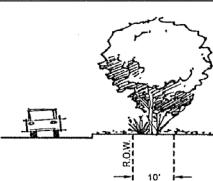
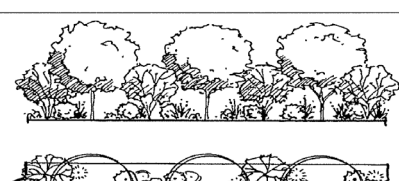
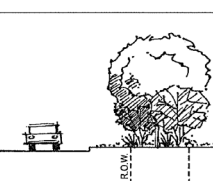
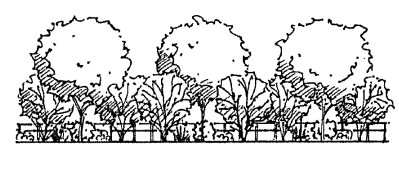
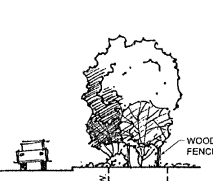
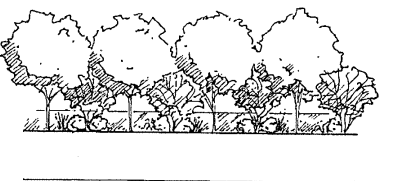
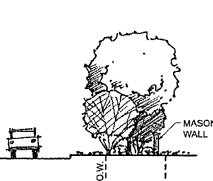
Tree Diameter (DBH)	Planting Requirement Reduction
From 2" to 6"	One canopy tree OR two understory trees
Up to 12"	Two canopy trees OR three understory trees
Up to 24"	Three canopy trees OR four understory trees
Greater than 24"	Four canopy trees OR four understory trees

- e. **Landscape buffers.** A landscape buffer yard shall provide visual separation of differing land uses, or between a land use and a public road, to reduce or eliminate the potential nuisance effects of noise, glare, signs, dust, litter, and unsightly areas

or functions. Buffer yards without established grass or ground cover shall be seeded with grass or planted with ground cover, to ensure coverage within three years. The standards of this section provide for increases in the width and the opacity of the landscape buffer required per subsection (b).

- i. Activities exempt from buffer yard requirements.
 - 1. Residential uses adjoining residential uses within any residential zoning district;
 - 2. Non-residential uses adjoining non-residential uses of the same zoning classification;
 - 3. Agricultural uses;
 - 4. Any use, building, or structure for which only a change of use is requested, and which does not increase the existing building area.
- ii. Buffer yard location.
 - 1. A buffer yard shall be located within and along the outer perimeter of a lot or boundary line.
 - 2. Buffer yard canopy trees shall not be planted within a water or sanitary sewer easement.
 - 3. A buffer yard may overlap a drainage easement if plantings do not impede the flow of water within the easement.
 - 4. A buffer yard shall not be located within any portion of an existing or dedicated public street or right-of-way.
- iii. Buffer yard requirements.
 - 1. Table 52-403B defines the buffer yard requirements. Required plant materials shall apply to a single buffer yard (i.e. corner lots shall provide two buffer yards, and may not apply plantings for one buffer yard toward the requirements for the second yard).
 - 2. Tables 52-403C and 52-403D determine the type of buffer yard required between two adjacent parcels, or between a parcel and a roadway. Proposed buffer yard may require City Council approval.
- iv. Use of buffer yards: A buffer yard may be used for passive recreation, such as pedestrian, bike or equestrian trails, provided that (a) no plant material is eliminated, (b) the total width of the buffer yard is maintained, and all other requirements of this section are met. Buffer yards may not be used for play fields, stables, swimming pools, tennis courts, accessory buildings, parking facilities or trash dumpster locations.

Table 52-403B: BUFFER YARD REQUIREMENTS (PER 100 LINEAR FEET)

Buffer Yard 'A' • 5-foot min. width • Min. 1 canopy tree • Min. 2 understory trees • Min. 8 screening shrubs • No fence or berm required		
Buffer Yard 'B' • 10-foot min. width • Min. 2 canopy trees • Min. 3 understory trees • Min. 10 screening shrubs • No fence or berm required		
Buffer Yard 'C' • 10-foot min. width • Min. 3 canopy trees • Min. 4 understory trees • Min. 12 screening shrubs • No fence or berm required		
Buffer Yard 'D' • 15-foot min. width • Min. 3 canopy trees • Min. 4 understory trees • Min. 18 screening shrubs • No fence or berm required		
Buffer Yard 'F1' • 15-foot min. width • Min. 3 canopy trees • Min. 6 understory trees • Min. 10 screening shrubs • 6-ft high fence required, see Item 3 for required structures, this section.		
Buffer Yard 'F2' • 15-foot min. width • Min. 4 canopy trees • Min. 4 understory trees • Min. 12 screening shrubs • 6-ft high fence required, see Item 3 for required structures, this section.		

- v. Buffer Yard 'G': A pedestrian oriented buffer yard intended for mixed-use areas with retail storefronts along the sidewalk. The buffer yard is derived from buffer yard 'A' but replaces the understory and screening shrubs with groundcover, allows for planter around trees to be a minimum of 5 feet square and the remainder of the buffer to have paved walkways from the curb to the storefront.

Table 52-403C: BUFFER YARD REQUIREMENT MATRIX

Zoning of Developing Tract	Existing Adjacent Zoning			
	SF-RE, SF-1, SF2, MM, SF-OT	MF	NC, RC, MU, OT	LI
SF-OT	*	F1	F1	F2
SF-RE, SF-1, SF-2, MM	*	F2	F2	F2
MF	F2	A	F2	F2
NC, RC, MU, OT	F2	F2	A	B
LI	F2	F2	F2	A

* No buffer yard required

Table 52-403D: BUFFER YARD ROADWAY FRONTAGE MATRIX

Zoning of Developing Tract	Frontage Along Thoroughfares or Collector Roads	Frontage Along Residential Street
SF-RE, SF-1, SF-2	F1, or F2 (Incl. lots backing or siding to roadway)	*
SF-OT	F1, or F2	*
MM	F1, or F2	*
MF	D	D
NC, RC, MU, OT	G	G
LI	F1	F2

* No buffer yard required

- vi. Optional Buffer Yards: The applicant may seek City Council approval of an optional buffer yard than is otherwise required, as shown in Table 52-403E

Table 52-403E: OPTIONAL BUFFER YARDS

Buffer Yard Required	Optional Buffer Yard
A	B, C, D
B	C, D, F1
C	D, F1
D	F1
F1	F2
F2	None
G	None

- f. Non-residential interior landscaping requirements.
- i. Screening elements, either plantings or structures, shall be provided with the intent to promote safety, to enhance or protect the visual character of residential, commercial, and industrial areas; and to help maintain the value of land, buildings, and neighborhoods.

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- ii. Construction and maintenance of screening elements shall be conducted in compliance with all relevant sections of the zoning and subdivision ordinances.
 - iii. Subdivision screening designs must be approved by the city before construction or installation begins.
 - iv. Interior landscaping requirements. The landscape area required on the interior of all lots (excluding buffer yards) for NC, RC and LI zoning districts shall be ten percent (10%) of the lot area.
 - v. *Planting requirements.* The following plants shall be required within the interior landscape area:
 - 1. One canopy tree per 600 square feet, planted a minimum of 12 feet on-center.
 - 2. One understory tree per 300 square feet, planted a minimum of eight feet on-center.
 - 3. One shrub per 60 square feet of landscape area, spacing per Table 52-11.
 - 4. Ground cover. To provide continuous cover for a maximum of 25 percent of total required landscape area.
 - vi. *Location requirements.* A minimum of 75 percent of all required plant materials within the interior landscape area shall be in the front or along either side of the building between the building and the interior edge of the buffer yards.
 - vii. *Enhanced pavement credits.* For every one square foot of enhanced pavement area, the required interior landscape area may be reduced by one-half square foot. The maximum credit given for enhanced pavement area shall be ten percent of the required interior landscape area.
 - viii. *Right-of-way landscaping credits.* The required interior landscape area may be reduced by a maximum of ten percent when the applicant chooses to establish, irrigate, and maintain turf grass within the parkway along the front of their property. The percent credit given will be prorated based on the portion of the parkway irrigated (i.e. 50 percent parkway irrigated provides five percent credit).
- g. Residential landscaping requirements.
- i. Minimum landscaping requirements within new single-family and missing middle (MM), developments:
 - 1. Planting requirements. Trees and shrubs shall be planted to meet the total quantities in Table 52-403F below. Required canopy (shade) trees shall be a minimum three caliper inches in diameter. Required understory (ornamental) trees shall be a minimum two caliper inches in diameter. A minimum of one canopy and one ornamental tree shall be located in the front yard of all residential lots. The remaining required trees may be placed in the front or rear of the residential lot.

Table 52-403F: RESIDENTIAL PLANT QUANTITIES

Lot Area (SF)	Total Caliper Inches	Total Number of Shrubs
Up to 6,999	5	12
7,000-8,999	8	15
9,000-19,999	11	20
20,000+	14	25

- ii. Location of trees.
 - 1. No trees are to be planted within the parkway, the area between the back of curb and the right-of-way/property line.
 - 2. No tree shall be placed in a location that interferes with, or will grow to interfere with, overhead and/or underground utility easements.
 - 3. Trees shall be spaced so that at mature growth the canopies do not substantially overlap.
- iii. Measurement.
 - 1. Tree diameter shall be measured as DBH ("diameter at breast-height") at approximately four and one-half feet above the natural ground level.
 - 2. If the trunk splits into multiple trunks below the six-inch level, then the multiple trunk trees are measured by the following formula.
 - 3. Measure largest trunk circumference at 12 inches above the natural ground level.
 - 4. Remaining trunks, measure circumference at 12 inches above the natural ground level and divided by two.
 - 5. Add subsections 1. and 2. for total circumference, divide total by 3.14 to get caliper.
- iv. Additional vegetation requirements.
 - 1. Required shrubs shall be a minimum of three gallons in size when planted and shall be planted in the front yard of all residential lots. Shrubs may be substituted with small trees when planted in the front yard.
 - 2. Solid vegetative ground cover or lawn for the entirety of the lot that is not otherwise covered by mulched planter beds, building(s) and/or driveway area(s).
 - 3. All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling(s).
- h. Parking lot landscaping requirements.
 - i. Planter islands shall be provided in parking areas based on 20 square feet of landscape area for each parking stall provided (approximately one island per eight stalls). Each row of parking stalls shall provide the required landscape area, with no more than ten (10) spaces between each landscape island. The Director of Planning or designee may modify the island requirement for each row in situations where it would be beneficial to combine islands into a larger island. Planter islands shall have a minimum width of eight feet back to back, if curbed, or nine feet edge to edge, if no curb is provided. A minimum of one (1) canopy or understory tree shall be planted in each

island. Parking lot landscaping does not count toward the total required interior landscape area.

1. *Existing trees.* The Director of Planning or designee may approve variations to the planter island requirements to preserve existing trees in interior parking areas. For existing trees, the minimum width of the planter island shall be as shown in Table 52-403G:

Table 52-403G: PLANTER ISLAND SIZING

6" caliper (DBH) or less	8' minimum width
6" to 12" caliper (DBH)	12' minimum width
more than 12" caliper (DBH)	18' minimum width

2. *Planting requirements.* A minimum of 50 percent of all planter islands in parking areas shall contain a minimum of one canopy tree with the remaining area in shrubs, ground cover, grasses, or seasonal color. Planter islands that have light poles may substitute two understory/accent trees for the required canopy tree.
- ii. Plant materials.
 1. The city reserves the right to approve proposed planting plans through an appointed horticulturist, landscape architect, or other persons so qualified. Table 52-403N indicates plant species that are prohibited, due to their invasive or noxious characteristics.
 2. All non-paved surfaces shall be completely covered with living plant material. Landscape materials such as wood chips and gravel may be approved for use under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area. This requirement shall not apply to public or private playgrounds built in association with any non-residential or park use.
 3. All plant material shall be of No. 1 grade, free from plant disease, of typical growth for the species, have a healthy, normal root system, rounded branching pattern, and shall conform to the code of standards set forth in the current edition of the American Standard for Nursery Stock. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 4. Recommended plants. Approved recommended and prohibited plants are listed separately in the City of Justin Approved Plant List. Any non-prohibited plants proposed other than those on the approved lists will require City Council approval. Plant materials shall be appropriate for the region and local site climatic and soil conditions, including drought-tolerance and reduced water usage. Plant materials shall be installed in accordance with established horticultural standards of practice.
 5. Size requirements when planted. All plants shall equal or exceed the following measurements when planted. Plants larger than specified may be used, but use of such plants shall not decrease the size requirements of other proposed plants.

6. Tree measurement. Canopy and understory trees with single trunks shall be measured by caliper size one foot above the ground line. Multi-trunk trees shall be measured by the height of the tree.
7. Minimum sizes. The minimum plant size when planted shall be as stated in Table 52-403H.

Table 52-403H: Plant Material Minimum Size

Plant Material Type	Minimum Size
Single-trunk shade tree	3" caliper, 10'-12' height, ball-and-burlap
Single-trunk understory tree	2" caliper, 6'-8' height
Multi-trunk understory tree	2" caliper (largest stem), 6'-8' height
Shrub	3-gallon container, 12-inch height
Ornamental grasses	3-gallon container, 18-inch height
Groundcover	4-inch (SP4) containers

- i. Median landscaping.
 - i. Landscaping improvements shall be installed within the medians of all proposed, planned, or divided roadways within the city limits as shown on the city master thoroughfare plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.
 - ii. *Applicability.* Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the master thoroughfare plan, shall be subject to this section.
 - iii. *Developer obligation.* The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the director of engineering and public works shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.
 - iv. *Installation or deferment.* In the event that the director of engineering and public works, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors, the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (7)j.
 - v. *City participation.* At the discretion of the director of engineering and public works, the subdivider may install landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.
 - vi. *Plan design burden/escrowed cost.* In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection

(7)j. At the discretion of the director of engineering and public works, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.

- vii. *Installation burden.* Should the city decline to assume responsibility of planting the median in question, the second to develop will utilize the approved plans (or modify the approved plans with City Council approval) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.
- viii. Minimum requirements for median landscaping.
1. All trees and plant materials shall be chosen from the city's approved plant list.
 2. One ornamental tree per 30 linear feet of median. Ornamental trees shall be a minimum two-inch caliper and eight feet in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees.
 3. One canopy tree per 30 linear feet of median, with a minimum of four-inch caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than 30 feet from streetlights located in the median, no closer than 20 feet to an intersection, and no closer than 15 feet from any overhead electrical line.
 4. Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect.
 5. When the nose of a median is tapered to five feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb.
 6. A minimum of 20 percent of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses.
 7. Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion.
 8. Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors.
 9. Landscape and installation plans shall be subject to review and approval by the director of planning and development services and the director of engineering/public works. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten years.

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- ix. Fee-in-lieu. Should the director of engineering and public works, at his sole discretion, determine that the immediate installation of median landscaping is impractical, a fee-in-lieu of construction shall be collected and placed in escrow at a rate of \$25.00 per linear foot of median length for one-side frontage and \$50.00 per linear foot of median length if the development is adjacent to both sides of the roadway. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas. Any fees not expended within ten years of collection shall be returned to the developer or subdivider who deposited the fees with the city.
1. Notwithstanding the provisions of subsection (7)j., hereinabove, the city shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping. The time period for the expenditure of fees escrowed with the city for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the city, and the roadway medians are ready for standard median landscaping.
- x. Landscape/irrigation plan requirements.
1. *Qualification to prepare plans.* Landscape plans shall be prepared by a registered landscape architect, a landscape designer, or landscape contractor, knowledgeable in plant materials and landscape design. Irrigation plans shall be prepared by a licensed irrigator or landscape architect.
 2. *Landscape plan requirements.* The following items shall be provided on the required landscape plan:
 - a. Sheet size 24 inches by 36 inches, or as approved;
 - b. Acceptable scale: One inch equals ten feet, one inch equals 20 feet, one inch equals 40 feet, or as approved;
 - c. North arrow, graphic and written scale;
 - d. Appropriate title (i.e. "Landscape Plan");
 - e. Title block, including street address, legal description, and date of preparation;
 - f. Name and address of owner;
 - g. Name, address, and telephone number of person preparing plan;
 - h. Property line shown with dimensions;
 - i. Existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);
 - j. Width and type of buffer yards labeled on all sides;
 - k. Location, caliper size and species of all existing trees six-inch caliper or greater which are to be preserved;
 - l. Location, quantity, size and species of all proposed plant materials;
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- m. Maintenance note;
 - n. Label type of any enhanced pavement proposed;
 - o. Visibility triangles shown;
 - p. Seal and dated signature of landscape architect (if applicable);
 - q. Plant list; and
 - r. Any berms delineated with one-foot contours.
3. *Irrigation plan requirements.* The following items shall be provided on the required irrigation plan:
- a. Sheet size 24 inches by 36 inches, or as approved;
 - b. Acceptable scale: one inch equals 10 feet, one inch equals 20 feet, one inch equals 40 feet, or as approved (must be at same scale as landscape plan);
 - c. North arrow, graphic and written scale;
 - d. Appropriate title (i.e. "Irrigation Plan");
 - e. Title block including street address, legal description, and date of preparation;
 - f. Name and address of owner;
 - g. Name, address, and telephone number of person preparing plan;
 - h. Property line with dimensions;
 - i. Location of all existing trees six-inch caliper or larger which are to be saved;
 - j. All pipes labeled as to size;
 - k. All sprinkler heads labeled as to type (key is acceptable);
 - l. Backflow prevention device labeled with type and size;
 - m. Location of water meter and connection to water service;
 - n. Any existing utilities (water, sewer, storm drain, gas, electric, cable TV, etc.);
 - o. Note indicating that installation must be inspected by the city;
 - p. Maintenance note indicated;
 - q. Seal and dated signature of professional who prepared plan.
- xi. *Maintenance.*
- 1. *General.* The owner, tenant, and the agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and irrigation. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the approved landscape plan, and all plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year.
 - 2. Any broken or non-performing irrigation components shall be replaced or repaired to functioning condition by a licensed irrigator.
 - 3. *Plant replacement.* For one year after the date of issuance of the certificate of occupancy, the owner shall be responsible for
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replacing all plant materials that have died after installation, or that do not exhibit healthy foliage during the growing season of at one-third percent of the normal branching extent or pattern. Plant materials that die shall be replaced with plant material of similar variety and similar initial size. The owner shall make such necessary replacements within 30 days of notification by the city.

(b) Fences & Walls

- a. Unless otherwise noted or approved, whenever a fence or wall is required within a buffer yard, it shall be constructed in accordance with specifications set forth in the city's design standards and summarized in Table 52-403J. An "F1" fence shall be a wooden fence, and may be of a split-rail, picket, board-on-board, shadow-box, or stockade style. An "F2" wall shall be of masonry construction, of either stone, cast stone, or painted and form-cured poured concrete. Both F1 and F2 structures may incorporate decorative capped columns. If there is a difference in finish level between the two sides of the fence or wall, the less finished side shall face the more intensive land use.
- b. A screening wall and a buffer yard is required when the rear or side yards of a residential subdivision abut a thoroughfare, collector, or local street. The screening wall and landscaping shall be located in an easement equal to the buffer yard prescribed in Table 52-403B with the wall located between the landscaping and the residential lots.
- c. Swimming Pools
 - i. Fences required.
 1. From and after the effective date of the ordinance from which this article is derived, it shall be unlawful to build, rebuild, or maintain a swimming pool that is not completely enclosed with one or a combination of the following barriers:
 - a. Fence;
 - b. Building wall;
 - c. Natural topographic barrier.
 - ii. Minimum requirements.
 1. The barrier or barriers used to enclose a swimming pool shall meet the following requirements:
 - a. Height. The barrier enclosing a swimming pool shall be at least four feet in height from the nearest level of earth and constructed to prohibit young children from crawling underneath or through the barrier, or climbing over the barrier.
 - b. Construction.
 - i. The barrier shall be constructed to have no opening, other than doors or gates, larger than four inches in width.
 - ii. Where a picket-type fence is provided horizontal openings between pickets shall not exist except for manufacturing tolerances in assembly.

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- iii. All new stockade fences shall have the horizontal support members located on the swimming pool side of the fence.
 - iv. Where access gates are used, they shall be at least four feet in height and conform to subsections (a) and (b) of this article.
 - c. All gates or doors that allow entrance into the enclosed swimming pool area, excluding those doors or gates that allow entrance into the pool area from inside the home or buildings, shall be equipped with self-closing and self-latching devices which shall be maintained in good working condition.
 - iii. Building permit requirement.
 - 1. A building permit shall be required prior to the erection, building or rebuilding of a swimming pool. An application for a building permit shall be accompanied by two sets of drawings which clearly show the placement of the swimming pool on the lot in relationship to the lot boundaries and other structures on the lot. Detained drawings are also to be submitted to show the type of barrier to be used which will demonstrate the full compliance with the requirement of this chapter. Written approval of plans by all utility companies serving a property with a swimming pool must also be submitted.
 - iv. Existing swimming pools to comply.
 - 1. Owners of property with existing swimming pools that are not in total conformance with the requirements of this article shall have 180 days from the date this article becomes effective to comply herewith.
 - v. Permitting requirements.
 - 1. Permit required. It is unlawful for any person or persons to construct or replace, or cause to be constructed or replaced, a fence or any part of a fence without first obtaining a fence permit from the city. No permit is required for repairs as defined by this article. In residential zoning districts on tracts or lots that are five acres or greater in area, a permit is not required except for fences located in the front yard, along the side or rear property lines, or fences required to enclose swimming pools as required by city code, state or federal law.
 - 2. Permit fees. The fee for a permit shall be in the amount established in appendix A to this Code. When a person or persons begin any work for which a permit is required by this article without first obtaining a permit, the permit application fee shall be doubled. Payment of the fee shall not exempt any person or persons from compliance with all provisions of this article.
 - 3. Application for permit. Any person or persons making application for a fence permit shall complete a permit application on a form prescribed by the city, showing the following information:
 - a. The applicant's name, address, telephone number and if the applicant represents a corporation, the name, address and telephone number of the registered agent of the corporation,

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- or if the applicant represents an association, the name, address and telephone number of a managerial agent of the association;
- b. The names of the property owners;
 - c. A local address where the fence is proposed to be erected;
 - d. The type of fence construction (material);
 - e. The proposed height of the fence;
 - f. A diagram showing proposed location of the fence and listing relevant dimensions between the fence and other structures on the lot and the location of property lines and easements;
 - g. The fence contractor's registration number if a contractor is used;
 - h. The authorized applicant's signature; and
 - i. Any other documentation as required by the city manager or his/her designee.
4. Construction documents.
- a. Construction documents shall not be required of wood, chain link, and pipe and cable fences to be constructed on residential lots. Construction documents, special inspections and structural observation programs, and other data shall be submitted in one or more sets, as required by the city manager or his/her designee, with each application for a permit for any other type fence. The applicant shall also provide additional information as required by the building code. The construction documents shall be prepared by a registered design professional. Where special conditions exist, the city manager or his/her designee is authorized to require additional construction documents to be prepared by a registered design professional. Exception: The city manager or his/her designee is authorized to waive the submission of construction documents and other data not required to be prepared by a design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.
5. Availability of plan. One set of approved plans, specifications and a copy of the permit shall be made available, by the applicant, for inspection of the work authorized by the permit. The said set of approved plans, specifications, and permit shall be kept on the work site by the applicant during the construction process.
6. Contractor's registration. It is unlawful for any person or persons, to engage in the business of fence contracting without a valid contractor's registration with the city. The owner of a property on which a fence is being constructed is not required to register as a contractor.
- a. There is no charge to register as a fence contractor provided the applicant completes the required forms furnished for

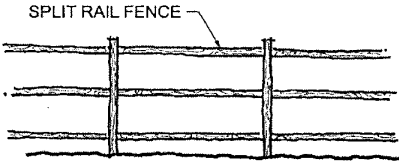
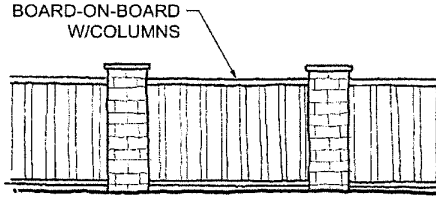
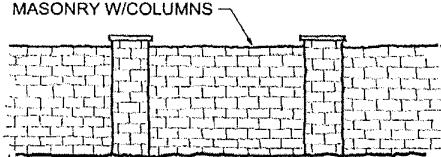
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- that purpose and files them with the city manager or his/her designee.
- b. Any person making an application for a fence contractor's registration shall sign an application for the same containing the following information:
 - i. Applicant's name, business address, phone number, and if the applicant represents a corporation, the name and address of the registered agent of the corporation, or if the applicant represents an association, the name and address of a managerial agent of the association.
 - ii. The fence contractor's signature.
 - c. Every contractor registration provided for in this section shall expire on the first day of January and may be renewed by the city manager or his/her designee upon application.
 - d. The city manager or his/her designee may revoke or suspend a fence contractor's registration for a 12-month period for either of the following reasons:
 - i. The registrant violates the requirements of this article twice within a 12-month period; or
 - ii. The registrant fails to obtain permits and/or inspections twice within a 12-month period.
- vi. General requirements.
- 1. Encroachment on city or public right-of-way. No person shall construct a fence, guy wire, brace or any fence post upon or protruding over any city or public right-of-way.
 - 2. (b) Fence not to create a traffic hazard. It is unlawful to erect, maintain, suffer, or permit any fence on any corner lot in such a manner as to create a traffic hazard or restrict visibility. Failure of the owner, agent or occupant to remove such obstruction within the specified time limit required on the receipt of notice to do so is a violation of this article.
 - 3. (c) Fence orientation. Fence sections essentially parallel with a public street or public park space shall have their backside (the side with the exposed posts and rails) oriented to the interior of the residential lot to minimize their exposure to the public.
 - 4. (d) Gate required. Each fence constructed under the provisions of this article shall include in its perimeter at least one gate with a minimum width of three feet.
 - 5. (e) Fence not to be in right-of-way or easement. No fence shall be erected within, on, or across any right-of-way, public or private easement, or visibility triangle. Property owners that allow a fence to be constructed in a utility or other easement on their property do so at their own risk. Unless the terms of a specific easement state otherwise, fences constructed within utility easements may be removed by a franchise utility company or its contractor with rights to the easement and such utility company shall not be responsible

for replacement of the fence or liable for damage to the fence that occurred during its removal.

6. Fence materials. Fences on residential and commercial property (to exclude any areas zoned for industrial or light industrial use) shall be constructed of materials expressly designed for fencing. This shall include products such as chain link, wood planks and boards, commercial or livestock grade vinyl (supported by the manufacturer's specifications), masonry as defined by the building code, pipe and cable, wrought iron, or ornamental iron. Materials or products such as rope, string, barbed wire, razor ribbon wire, corrugated metal, plywood, or a fence that has in it or on it barbs, projections, broken glass, or anything reasonably capable of causing harm to persons or animals are prohibited. Wood, metal, or plastic products that are designed specifically for use other than fence construction are also prohibited.
7. For properties located in industrial or light industrial zoning districts, all fence materials allowed for residential and commercial zoning shall also be allowed. In addition, screening with chain link fencing shall also be allowed, and reasonably necessary barbed wire or other security fencing shall be allowed.
8. Landscape in lieu of fence. Except where otherwise required in this Code, regulations governing the height, location and opacity of fences also applies to walls, hedges or landscaping used in lieu of a fence or in combination with a fence.
9. Temporary fences. Temporary fences are prohibited, except where required by city Code or state or federal law for construction, excavation, or life safety issues. Temporary fence materials may include, but are not limited to, rope; string; wire products such as chicken wire, hog wire, wire fabric, and similar welded or woven wire fabrics; chain; live bamboo; netting; cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other material that are not manufactured specifically as fencing materials. The city manager or his/her designee may require the applicant to provide the manufacturer's standard to establish the intended use of a proposed fencing material. Exceptions shall include:
 - a. A dog window may be installed in a fence no larger than 288 square inches with corrosion resistant material capable of restraining the dog.
 - b. Temporary fences made of wire, with heights not over 36 inches, in residential districts are permitted for residential garden uses only.
 - c. Temporary fences or panels used for corrals, pens, or chutes are permitted for the purpose of corralling or confining livestock.
 - d. Temporary fences erected following storm damage to an existing fence shall be allowed for a period up to 60 days.

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- e. Temporary fences erected to protect lawn seeding shall be allowed for a period up to 60 days.
 - 10. Perimeter walls. Where a fence intersects a screening wall and the height of the fence exceeds the height of a screening wall, the height of the fence shall transition to the height of the screening wall over a lateral distance of 20 feet or greater.
 - 11. (j) Pool or spa enclosures. A person constructing or maintaining a fence or wall enclosure around a swimming pool, hot tub, or spa shall comply with the minimum requirements of the city Code, as it exists or may be amended.
 - 12. (k) Retaining walls. Retaining walls greater in height than 36 inches shall follow a design submitted by a registered engineer.
 - 13. (l) Determining fence height and opacity.
 - vii. Height. Fence height is measured to include the body of the fence, plus allowing a maximum of six inches (on average between posts) above the natural grade (i.e., for drainage purposes). When a fence or wall is placed atop a retaining wall, the height of the fence shall be determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finish grade. Fence posts are permitted to extend a maximum of four inches above the body of the fence. Columns are permitted to extend a maximum of 12 inches above the body of the fence. The creation of a berm or other method for the primary purpose of increasing the elevation of the fence is not allowed.
 - d. Fences in residential areas.
 - i. Fences and gates in front yards. All fences, walls, gates, or other enclosures constructed in the front yard of a residential property shall:
 - ii. (1) Not exceed 48 inches in height. (2) Allow a minimum of 50 percent opacity. (3) Not encroach into a vision or visibility triangle. (b) Fences and gates in side yard. It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence or gate in any side yard or along any side yard lot line which fence exceeds eight feet in height. On key lots, where side yards are required adjacent to the street to conform to minimum front yard setback of lots fronting upon such street, within the same block and upon the same side, no fence shall be constructed or maintained within such required side yard. (c) Fences and gates in rear yards. It is unlawful for any person to construct, erect, maintain, suffer, or permit a fence or gate in any rear yard or along any rear lot line which fence exceeds eight feet in height. (d) Decorative gate embellishments. Ornate gates may exceed the maximum height of a fence by up to two feet. (e) Electrically charged fences in residential districts. It is unlawful for any person to erect, maintain, or permit a fence that is electrically charged in any manner, except single-strand wires designed to conduct electricity through a low-voltage regulator shall be allowed along the fence's interior for the purposes of securing pets within a fenced yard.

Figure 52-403J: REQUIRED STRUCTURES

Structure Type	Typical Examples	Notes
F1 (Fence)		Split-rail fences shall be four (4) feet in height, all other types shall be six (6) feet in height. If completed finish differs from side-to-side, the less-finished side shall face the more intensive land-use.
F1 (Fence)		
F2 (Wall)		

(c) Utility, Mechanical & Trash Screening

- a. All service areas in commercial zoning classifications shall be placed at the rear or side of the buildings and screened from:
 - i. All public streets; and
 - ii. Any residential district that abuts or is directly across a public street or alley from the service area.
 - iii. All service areas in industrial zoning classifications shall be placed at the rear or side of the buildings and screened from:
 - iv. Arterial streets, as indicated on the City's thoroughfare plan; and
 - v. Any residential district that abuts or is directly across a public street or alley from the service area.
- b. Service areas and waste containers (including fryer grease recycling bin or vessel when applicable) and trash compactors shall be located at the rear of the property and shall not face a street. The waste containers and trash compactors shall be screened with masonry (precast, tilt wall and concrete block are prohibited) wall compatible in material and color with the primary building. Door frames made of tubular steel shall be utilized for waste containers and trash compactor screening wall gates. Door frames and door covering shall be able to support and function for the intended use; however, no wood is permitted. A pedestrian access point shall be provided for access to a waste container and trash compactor enclosure to facilitate access without opening the gate.
- c. Screening shall be a minimum height of eight (8) feet to screen truck berths and at least one (1) foot higher than waste container; loading docks; and areas designated

for permanent parking or storage of heavy vehicles, equipment, or materials shall have screening height no less than the height of the materials being stored.

- d. Screening shall be long enough to screen the maximum size trailer that can be accommodated on site.

(d) Screening from Residential Uses

- a. Any commercial or industrial use or parking lot that has a side or rear property line contiguous to any residential use or parking lot that has a side or rear property line contiguous to any residential use, shall be screened with a masonry fence (precast, tilt wall and concrete block are prohibited) eight (8) feet in height. As an alternative, berms in conjunction with a minimum of a six (6) foot wrought iron fence and a combination of trees and shrubs can be utilized to meet the screening requirements if the Administrator determines that the proposed alternative will provide sufficient screening. The screen shall be located no closer to the street than the property line. Any ordinances concerning sight obstructions of intersections shall be applicable to the screen where it is intersected by a street or driveway.
- b. Prior to construction of any required screens, complete construction plans showing type of material, depth of beam, and structural support shall be analyzed by the Building Official to determine whether or not:
 - i. The screen will withstand the pressures of time and nature;
 - ii. The screen adequately accomplishes the purpose for which it is intended.
- c. Construction plans shall be designed and sealed by a licensed professional engineer and approved by the City.
- d. Such screen shall be constructed prior to the issuance of a certificate of occupancy for any building or portion thereof unless approved by the Administrator.
- e. The areas adjacent to the required screening wall, or areas adjacent to a public street or right-of-way, shall be maintained by the property owner in a clean and orderly condition, free of debris and trash in accordance with the applicable codes of the City.

(e) Outdoor Lighting & Dark Skies

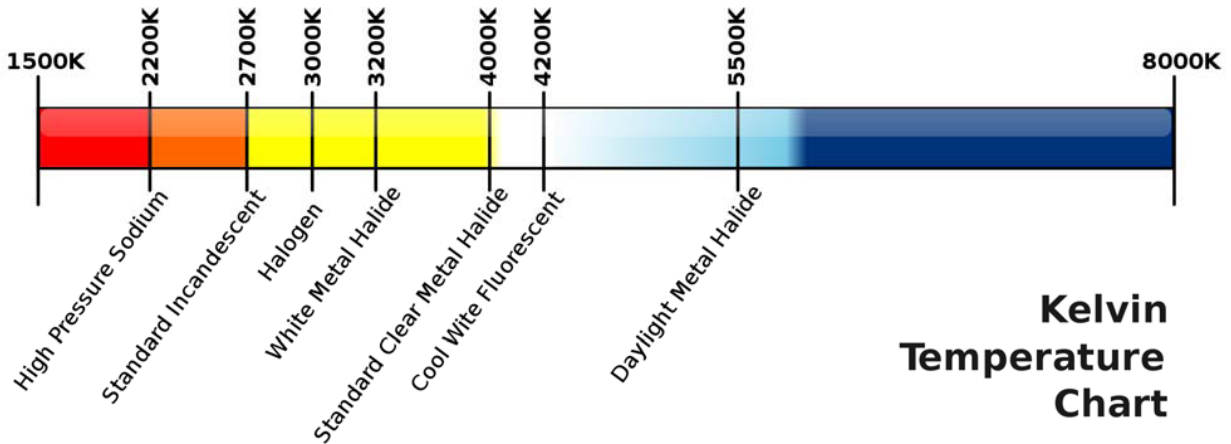
- a. Lighting
 - i. Purpose
 - 1. This section is intended to establish procedures and standards that which will minimize light pollution glare, light trespass, and conserve energy and maintain the quality of the City's physical and aesthetic character while promoting the best practices as established by the Illuminating Engineering Society of North America (IESNA) and the International Dark Sky Association (IDA). The use of outdoor lighting is often necessary for adequate nighttime safety and utility, but common lighting practices can also interfere with other legitimate public concerns. Principles among these are:
 - 2. Degradation of the nighttime visual environment by production of unsightly and dangerous glare; and
 - 3. Lighting practices that interfere with the health and safety of Justin's citizens and visitors; and

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4. Unnecessary waste of energy and resources in the production of too much light or wasted light; and
 5. Interference in the use or enjoyment of property that is not intended to be illuminated at night by light trespass, and the loss of the scenic view of the night sky due to increased urban sky-glow; and
 6. The impact of inappropriately designed outdoor lighting disrupts nocturnal animal behavior, particularly migrating birds and other species.
- ii. Applicability.
 1. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this division, the building code and the electrical code of the City as applicable and under appropriate permit and inspection. Except as approved otherwise by the City Council, these performance standards shall apply to all zoning districts in the City. This division shall apply to all outdoor lighting including, but not limited to, search, spot, or floodlights for:
 - a. Buildings and structures;
 - b. Recreational use lighting;
 - c. Parking lot lighting;
 - d. Landscape lighting;
 - e. Street and/or right-of-way lighting;
 - f. Other outdoor lighting.
 - iii. Outdoor lighting plan.
 1. *Plan submittal.* An outdoor lighting plan must be submitted separately from any required site plan or landscape plan on all public or private properties, including rights-of-way, public easements, franchises and utility easements. The outdoor lighting plan shall be submitted prior to issuing a building permit. An outdoor lighting plan may be approved administratively by the Administrator.
 2. *Applications.* Plans shall include the following:
 - a. A site plan of the proposed fixture locations;
 - b. The luminous area for each proposed light source with photometrics in foot-candle measurement;
 - c. The average lighting level of the development;
 - d. The lamp type and height of the light fixture or of the light source above grade;
 - e. The type of illumination;
 - f. The cut-off angles of each fixtures;
 - g. The number of lumens and wattage of each fixture;
 - h. Color correlated temperature of each fixture measured in Kelvins as shown in Figure 1;
 - i. A plan to manage glow and glare on the outside of the structure by lighting produced by interior lights. The plan shall include descriptions of window shading, window

tinting, structural screening, and operational arrangement of interior lights.

- j. Such other information that the Administrator may determine is necessary to ensure compliance with this division.
- 3. *Plan approval.* If the Administrator determines that any proposed lighting does not comply with this division, the permit shall not be issued, nor the plan approved. Appeals may be made to the City Council by following the provisions of [Article 1: General Provisions](#).
- 4. *Lamp or fixture substitution.* Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Administrator for approval, together with adequate information to assure compliance with this division, which must be received prior to substitution.
- 5. *Record drawings.* In addition to the certificate of installation, a record drawing of the outdoor lighting plan, as-built, shall be provided upon completion of a development or project where any outdoor lighting was used by the architect or engineer of record.
General regulations.
- 6. *Preferred source.* Due to their high energy, long life, and spectral characteristics, low-pressure sodium (LPS) lamps and narrow-band amber LEDs (NBALED) are the preferred illumination source throughout the City. Their use is to be encouraged, when not required, for outdoor illumination whenever their use would not be detrimental to the use of the property. In all applications where LPS lighting is required or preferred, an acceptable alternative is narrow-band amber LEDs.
- 7. *Height of fixtures.* Lighting fixtures shall be a maximum of 16 feet in height for street lighting, rights-of-way, parking areas, and nonresidential zoning districts. Lighting fixtures shall be a maximum of eight feet in height within non-vehicular pedestrian areas. Lighting fixtures within residential districts shall be no more than 12 feet in height and no light fixtures located within 50 feet of any residential district shall exceed 12 feet in height. Lighting fixtures affixed to signalized intersection shall be no more than 20 feet in height.
- 8. *Light emitting diodes (LEDs).* All LED lighting shall be dimmable and comport to all provisions of this division, unless specified otherwise. The following are preferred options for LED types in use with outdoor lighting:
 - a. Narrow-band amber LED (NBALED);
 - b. Phosphor-converted amber (PCALED);
 - c. Filter warm-white LED (FLED)
- 9. *Lighting temperature.* All lighting must be less than 3,000 Kelvins (K) per the correlated color temperature in Figure 52-403K.

FIGURE 52-403K: KELVIN TEMPERATURE CHART



iv. Lighting control requirements.

1. *Automatic switching requirements.* Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.
2. *Motion sensing.* Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instruction, to turn off when detected motion ceases.
3. *Dimmable lighting.* Where possible, all outdoor lighting shall contain a dimmable option that comports with the standards of this division.
4. *Lamp and shielding.* All light fixtures are required to be fully shielded and shall be installed in such a manner that the shielding complies with the definition of fully shielded light fixtures for all uses, including single-family, except as provided in Table 52.403L.

TABLE 52-403L: LAMPING AND SHIELDING

Lamp Type	Shielding
Low Pressure Sodium (LPS)	Fully shielded, with 80° cut-off
High Pressure Sodium (HPS)	Fully shielded, with 80° cut-off
Light Emitting Diode (LED)	Fully shielded, with 80° cut-off
Metal Halide	Fully shielded, with 80° cut-off
Halogen	Prohibited
Mercury Vapor	Prohibited
Fluorescent	Fully shielded, with 80° cut-off
Incandescent	Fully shielded, with 80° cut-off
Any light source 625 lumens and under	Unshielded permitted
Low intensity Neon, Krypton or Argon discharge tubes	Unshielded permitted

FIGURE 52-403M: ACCEPTABLE/UNACCEPTABLE LIGHTING FIXTURES

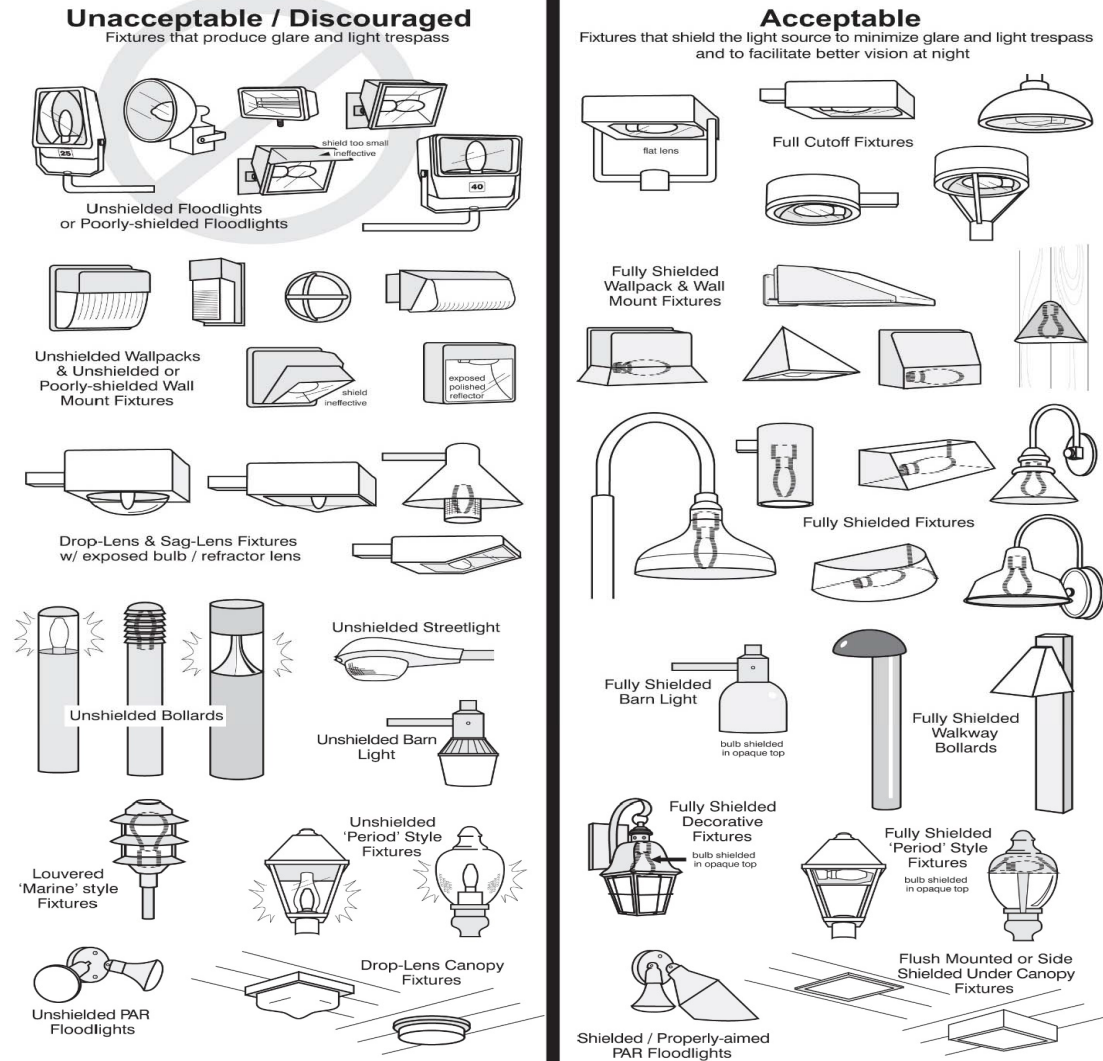


FIGURE 52-403N: SHIELDING CONFIGURATION

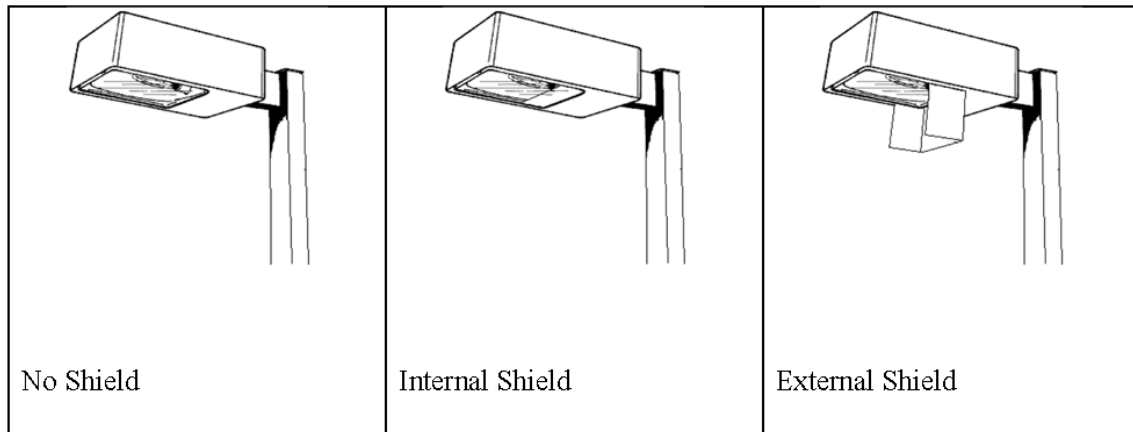
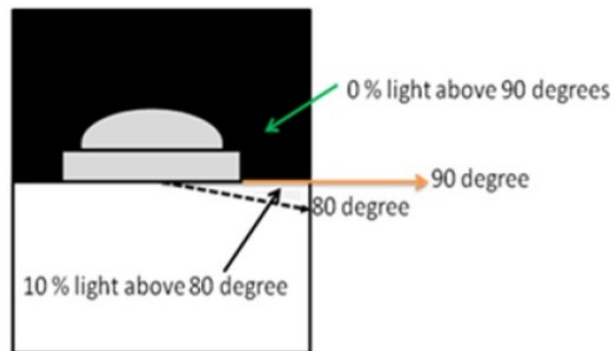


FIGURE 52-403O: FIXTURE CUTOFF ANGLES



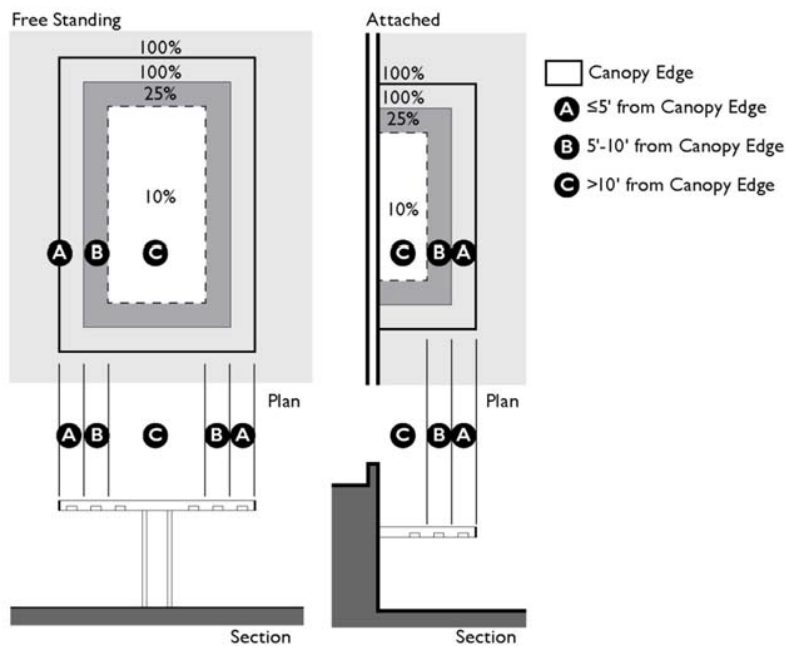
Full cutoff lights

5. *Total outdoor light output.* Light emitted from outdoor lighting is to be included in the total outdoor light output. Total outdoor light output shall not exceed 100,000 lumens per net acre for all nonresidential uses. Residential uses are evaluated on a per lot basis. Total outdoor light output shall be calculated as follows:
 - a. Light fixtures installed as described below shall be included in the total outdoor light output by adding 100 percent of the initial lumen outputs of the lamps used:
 - i. All unshielded or partially shielded fixtures, regardless of location;
 - ii. Light fixtures installed on poles (such as parking lot light fixtures);
 - iii. Light fixtures installed on the side of buildings or other structures but not located as described in paragraphs (2) or (3) below; and
 - iv. Light fixtures installed within open parking garages, or under canopies, building overhangs, or roof eaves

that are not fully shielded or are fully shielded but not located as described in paragraphs (2) or (3) below.

- b. Fully shielded light fixtures installed as described below shall be included in the total outdoor light output by adding only twenty-five percent (25%) of the initial lumen outputs of the lamps used:
 - i. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located at least five feet but less than ten feet from the nearest outdoor opening, canopy, or overhang edge.
- c. Fully shielded light fixtures installed as described below shall be included in the total outdoor light output by adding only ten percent of the initial lumen outputs of the lamps used:
 - i. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located ten feet or more from the nearest outdoor opening, canopy, or overhang edge.

FIGURE 52-403P: FREE STANDING AND ATTACHED CANOPY SECTION



- d. The total outdoor light output shall not exceed the limits in Table 52-403Q averaged over the entire development. All site lighting shall not exceed the intensities and uniformity ratios

in Table 52-403Q below, unless otherwise specified in this division.

TABLE 52-403Q: AVERAGE LIGHTING LEVELS

Type of Lighting/Land Use	Lighting Levels (footcandles)		
	Minimum	Average	Maximum
Architectural lighting	0.0fc	1.0fc	3.0fc
Canopy area lighting	0.5fc	2.0fc	5.0fc
Entrances and exits	0.5fc	1.5fc	5.0fc
Loading and unloading areas	1.0fc	2.0fc	5.0fc
Multifamily residential	0.5fc	1.5fc	5.0fc
Nonresidential	0.5fc	1.5fc	10.0fc
Parking lots/vehicle areas/streets	0.25fc	1.0fc	5.0fc
Public facilities (recreational areas)	2.5fc	5.0fc	10.0fc
Residential	0.0fc	1.0fc	5.0fc
Security lighting	0.20fc	1.0fc	5.0fc
Walkways, landscape or decorative lighting	0.0fc	1.0fc	3.0fc

6. *Time limits for outdoor lighting.* All outdoor lighting shall be turned off at the times listed below. Decorative holiday lights are exempt in accordance with the regulations outlined in this division.
 - a. *Nonresidential.* All nonessential lighting shall be turned off no later than 30 minutes after the business closes or after 11:00 p.m., whichever is later, and remain off for the remainder of the night or until the business reopens, leaving only necessary lighting for site security.
 - b. *Residential.* All nonessential lights exceeding 625 lumens shall be turned off after 11:00 p.m., leaving only necessary lighting for site security.
 - c. *Recreational facilities.* All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
7. *Sign illumination.* Standards for external and internal sign illumination are subject to the provisions in [Article 4: Signage](#). Light used for illumination of signs is included toward the total outdoor light output standards of this division.

v. Illumination.

1. *Illumination.* Unless otherwise provided in this division, illumination, where required by this division, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as from time to time amended and the International Dark-Sky Association (IDA).

2. **Measurement.** Illumination levels of outdoor lighting shall be measured by a qualified professional according to generally accepted Illuminating Engineering Society of North America methods.
 - a. **Meter required.** Lighting levels of outdoor lighting shall be measured in foot-candles with a direct reading portable light meter with a color and cosine corrected sensor with multiple scales. The meter shall read within an accuracy of plus or minus five percent.
 - b. **Horizontal method of measurement.** The meter sensor shall be mounted not more than six inches above ground level in a horizontal position. Readings shall be taken only after the cell has been exposed to provide a constant reading.
3. **Computation of illumination.** Illumination at a point may be computed in lieu of measurement. Computation methods shall consist of a generally accepted Illuminating Engineering Society of North America method, using certified photometric data furnished by the fixture manufacturer, lamp manufacturer, photometric laboratory, or other reliable authority satisfactory to the City. Computations shall be based on new, properly seasoned lamps, diffusers and other appurtenances in place, and with proper regard taken for mounting height, relative elevation, natural and manmade objects.
4. **Light trespass standard.** No use or operation in any district shall be located or conducted so as to produce glare, or either direct or indirect illumination across the bounding property line from a source of illumination into a residentially zoned property, nor shall any such light be of such intensity as to create a nuisance or detract from the use and enjoyment of adjacent property. For the purposes of this section, a nuisance shall be defined as more than one-tenth of one (0.1) footcandles of light measured at the residential property line and twenty-five hundredths of one footcandles at any adjoining nonresidential property line:

TABLE 52-403R: LIGHTING AT PROPERTY LINES

Zoning of Property	Horizontal Foot-candles (fc)
Residential districts	0.10fc
Nonresidential districts	0.25fc

5. **Lumens.** Brightness of a light fixture shall be measured in lumens. Where applicants may need to measure equivalency of lumens and watts, Table 52-403S below shall be used. Where a ratio is not listed in the table, the best practices as prescribed by the IESNA shall apply:

TABLE 52-403S: LUMEN-WATT EQUIVALENTS

Light Output (Lumens)	Power Consumption (Watts)		
	Standard Incandescent	Compact Fluorescent	LED
200 L	25 W	6 W	4 W
450 L	40 W	9 W	8 W
800 L	60 W	14 W	13 W
1,100 L	75 W	19 W	17 W
1,600 L	100 W	23 W	20 W
2,000 L	125 W	33 W	22 W
2,400—2,600 L	150 W	43 W	28 W

vi. Special uses.

1. Security lighting.

- a. Unless otherwise provided in this division, all building lighting for security will be fully shielded type, not allowing any upward distribution of light. Wallpack type fixtures are acceptable only if they are fully shielded with 80-degree cut-off and shall not project above the fascia or roof line of the building.
- b. Security fixtures shall not face residential uses.
- c. Security fixtures shall not be substituted for parking area or walkway lighting and shall be restricted to loading, storage, service and similar locations.

2. Canopy area lighting.

- a. *Shielding.* All development that incorporates a canopy type area including, but not limited to, service stations, automated teller machines, awnings, arcades, porte-cochere or similar installations shall use a recessed lens cover flush with the bottom surface of the canopy that provides a cutoff or shielded light distribution. Such shielding must be provided by the fixture itself and shielding by surrounding structures such as canopy edges is not permitted. Lighting along the canopy edge, side or roof is not permitted.
- b. *Total under-canopy output.* The total light output used under service station canopies, defined as the sum of all under-canopy initial lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy and comply with the average lighting levels of Table 52-403Q.

$$\frac{\sum \text{Lumens under Canopy}}{\text{Square Feet of Canopy}} < 40 \text{ lumens per square foot}$$

- c. All lighting mounted under the canopy, including but not limited to light fixtures mounted on or recessed into the lower surface of the canopy and any lighting within signage (but not including any lamps mounted within the pumps and

used to illuminate information indicating the total cost of such items as fuel pumped and price per gallon), shall be included in the total outdoor light output for the site and is subject to the standards of this division.

3. *Entrances and exits.* All entrances and exits to buildings used for nonresidential purposes and open to the general public, along with all entrances and exits in multifamily residential buildings, shall be lighted to ensure the safety of persons and the security of the building. All lighting shall conform to average lighting levels of Table 52-403Q.
4. *Parking lots, garages and loading area lighting.*
 - a. All lighting facilities shall be arranged as to reflect the illumination away from any adjacent property. Such lighting facilities shall provide illumination within parking areas and shall distribute not more than one-fifth of a foot-candle of light upon any adjacent residential property.
 - b. Parking lots and vehicle movement areas shall not exceed a maximum illumination value of five foot-candles or a minimum illumination value of one-fourth foot-candle. Lamps in decorative lantern type fixtures shall not exceed a maximum of 1,600 lumens. Total pole and fixture height shall not exceed a maximum of 16 feet, measured from grade at the base.
 - c. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not intrude on residential property or create a hazard to motorists on any street, alley or other public or private right-of-way.
 - d. All light fixtures used on open parking garages, including those mounted to the ceilings over the parking decks, shall be fully shielded.
 - e. The lumen output of lamps mounted on or within open parking garages shall be included toward the total outdoor light output standards of this division.
5. *Outdoor recreational facilities.* Any light source permitted by this division may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, driving ranges, outdoor arenas and amphitheaters, show areas, or other field recreation facilities and are subject to the following conditions:
 - a. *Illumination.* Any illumination level exceeding a maximum of ten foot-candles must receive prior approval by the council.
 - b. *Shielding.* All fixtures used for event lighting shall be fully shielded, or be designed or provided with sharp cut-off capability, so as to minimize up light, spill-light, and glare.
 - c. *Time limits.* No illuminated sports facility shall be illuminated after the time limits outlined in this division, except to conclude a scheduled recreational or sporting event in progress prior to the time limitation.

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6. Street lighting.
 - a. Standards for street lighting installed on public rights-of-way must conform to the City engineering standards and the City's comprehensive plan and the standards of this division.
 - b. Street lighting installed on private rights-of-way shall be included within the total outdoor light output for the development.
 - c. Streetlights for both public and private right-of-ways are not exempt from the provisions of this division.
 7. *Internally illuminated architectural elements.* Any architectural element including walls or portions of buildings that are internally illuminated and that is not a sign or fenestration (e.g. windows or doors) shall have 100 percent of the initial lamp output of all lamps used to provide such illumination counted toward unshielded lighting for the purposes of calculating total outdoor light output for the site and is subject to the standards of this division.
 8. *Architectural, aesthetic and landscape lighting.* Architectural lighting used to illuminate the wall of a building or landscape lighting used to illuminate trees or other landscape elements is permitted. All building lighting for aesthetics shall be fully shielded type, not allowing any upward distribution of light and must be externally lit from the top and shine downward, except as provided below:
 - a. Architectural and landscape lighting that is directed downward onto a wall, tree or other landscape feature shall be included in the total outdoor light output standards provided in Table 52-403Q, based on whether a fully shielded or partially shielded light fixture is used; and
 - b. Architectural and landscape lighting that is directed upward onto a wall, tree or other landscape feature shall be included in the total outdoor light output standards provided in Table 52-403Q. Fixtures shall be located, aimed or shielded to minimize light spill into the night sky.
 9. *Emergency lighting.* Emergency lighting that is only turned on in the event of a power failure or when an alarm is activated is permitted in all zoning districts and is excluded from the total lumen calculations for the site.
 10. *Neon building lighting.* Neon building lighting is included in the total outdoor light output calculations for the site. Any unshielded neon lighting is limited by the unshielded lighting limits of this division.
- vii. Prohibited lighting.
1. *Laser source light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
 2. *Cobra-head fixtures.* Cobra-head-type fixtures having dish or drop lenses are prohibited.
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3. *Searchlights*. The operation of searchlights for advertising purposes is prohibited.
 4. *Floodlights*. The use of floodlights is prohibited.
 5. *Up lighting*. Up lighting of display, building and aesthetic lighting is prohibited, except where provided otherwise in this division.
 6. *Halogen lights*. Halogen lights are prohibited.
 7. *Mercury vapor lights*. Mercury vapor lights are prohibited.
 8. *Flashing lights*. Any lighting device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel with intermittent fading, flashing, blinking, rotating or strobe light illumination.

viii. Exemptions.

1. The following are exempt from the provisions of this division:
 - a. *Emergency lighting by emergency services*. All temporary emergency lighting needed by the department of public safety or other emergency services, as well as all vehicular luminaries.
 - b. *Holiday decorations*. Seasonal decorative lighting is exempt from the provisions of this division provided that individual lamps are less than ten watts incandescent or equivalent lumens.
 - c. *Solar powered lighting*. Solar powered lights less than five watts incandescent or equivalent lumens per fixture used in residential landscaping application and to illuminate walkways are exempt from applicable lamp type and shielding standards, but must conform the average lighting levels of Table 52-403Q.
 - d. *Public art*. Lighting for public monuments and statuary as approved by the City Council are exempt from the standards of this division.
 - e. *Construction*. All outdoor lighting used for construction or major renovation structures and facilities are exempt from the provisions of this division unless specified elsewhere in this division or Code.
 - f. *Swimming pool and decorative water fountain lighting*. Underwater lighting in swimming pools and other water features are exempt from the lamp type and shielding standards.
2. Temporary exemptions.
 - a. Upon approval by the Administrator, temporary exemptions from the requirements of this division shall be for a period not to exceed ten days.
 - b. Any person may submit a written request, on a form prepared by the City for a temporary exemption request. The request shall fulfill the same requirements as defined in the outdoor lighting plan standards of this division.

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- c. Requests for renewal or exemptions shall be processed in the same way as the original request. Each renewal shall be valid for not more than ten (10) days or a time period designated by the Administrator.
 - d. Approval for temporary exemptions will be based on the effect of location and use of outdoor lighting fixtures.
 - e. Roadway and/or street lighting, whether public or private, is not eligible for exemption.

b. Clear Sight Area (Visual Obstructions Prohibited)

- i. In a residentially zoned district, no structure shall be erected so that it does obstruct the vision of motorists traveling upon the public street adjacent thereto. Structures such as fences, planters or plantings, and no tree with foliage extending below ten (10) feet above the established street grades shall be maintained in any front, side or rear yard within ten (10) feet of any public street.
 - 1. Street Trees shall be sited a minimum of five (5) feet from the intersection to prevent obstruction of visibility of larger vehicles.
 - 2. Parking shall be restricted within 20 feet of intersection to prevent obstruction of visibility to oncoming traffic.
- ii. In other than residentially zoned districts fences may be constructed to a maximum height of eight feet above grade. In residential zoned districts fences shall not be erected to exceed eight feet in height above grade when located behind the front building line nor 4½ feet in height above grade when located within the required front yard or side yard on a corner lot adjacent to a side street, but in no case shall any fence be permitted closer than ten feet from the curb or roadway area. No fence shall be located within any easement except by prior written approval of those agencies having interest in such easement.
- iii. No fence erected under the above provisions, and no wall, screen hedge, tree, brush, shrub, billboard or structure shall be erected, planted or maintained in such position or place so as to be dangerous or detrimental to the health or safety of persons living in any house or adjoining premises or in any way obstruct the view so as to constitute a traffic hazard. On any corner lot or parkway adjacent thereto, no fence, wall, structure, hedge, tree or growth of any nature may be erected, planted or maintained so as to interfere with sight lines at elevation between 2½ feet and eight feet above the top of the adjacent roadway curb. If there is no curb then from the center of the street (the crown) shall be constructed to be the same height of a curb. Such an obstruction shall be prima facie evidence that such fence, wall, structure, hedge, tree or growth of any nature constitutes an obstruction to vision as regards public traffic on the streets, except post, poles and tree trunks of less than 12-inch diameter within the triangular line of sight easement. The triangular visibility area is defined as the intersecting point from a property former extending back 25 feet and connecting the area and as depicted below.

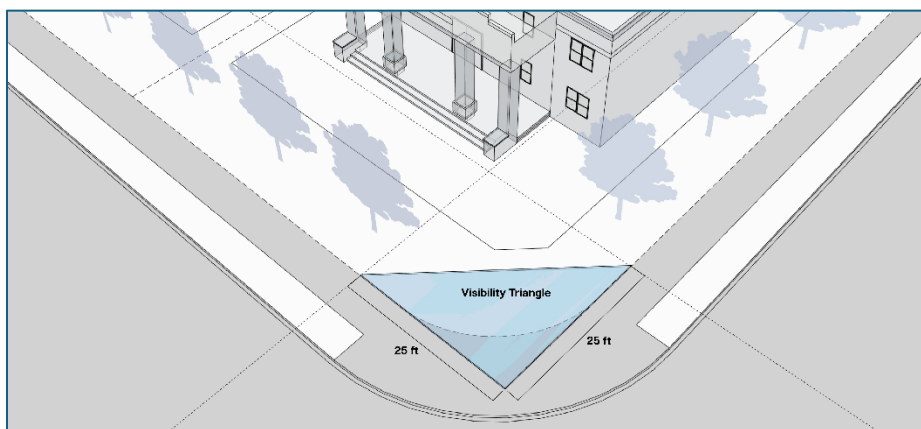


Figure 1 - Visibility Triangle

Any such fence, wall, structure, hedge, tree or growth of any nature erected, planted or maintained in violation of this subsection, shall be removed upon written notice from the Zoning Official, served upon the owner, agent or occupant of the premises where such obstruction has been erected, planted or maintained.

Article 5 – Subdivision

Sec. 52-501. General

1. Purpose

In the interpretation and application of the provisions of these regulations, it is the intention of the city council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Justin and its jurisdiction, amending certain other ordinances of the city and superseding the previous subdivision chapter. Where other ordinances of the city are more restrictive in their requirements, such other ordinances shall control.

The distribution and relationship of residential, commercial, industrial, and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities, and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity, and convenience are all factors which influence and determine a community's quality of life character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, storm water drainage, transportation, public utilities and facilities and other needs necessary for insuring the creation and continuance of a healthy, attractive, safe, and efficient community that provides for the conservation, enhancement, and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the requirements in this chapter further the possibility that land will be developed for its most beneficial use in accordance with existing social economic and environmental conditions.

The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Justin, Texas are intended to:

- a. Promote the health, safety, morals and general welfare of the community and the safe, orderly, and healthful development of the city;
- b. Establish adequate policies and procedures to guide development of the city and its extraterritorial jurisdiction;
- c. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the city for correction of inadequate facilities that are designed to serve the public;
- d. Ensure that development of land and subdivisions shall be of such nature, shape, and location that utilization will not impair the general welfare;
- e. Ensure against the dangers of fires, floods, erosion, landslides, or other such menaces;
- f. Preserve the natural beauty and topography of the city and to ensure appropriate development with regard to these natural features;
- g. Realistically and harmoniously relate new development of adjacent properties;
- h. Ensure that public facilities for streets, alleys, water distribution, drainage, collection and disposal of sanitary wastewater, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
- i. Assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;

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- j. Help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard both groundwater and surface water supplies, and encourage the wise use and management of natural resources throughout the city and its extraterritorial jurisdiction to preserve the integrity, stability, and beauty of the community and the value of the land; and
 - k. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the master plans and the zoning ordinance of the city;
 - l. Guide and assist the subdividers in the correct procedures to be followed and to inform them of the standards which shall be required;
 - m. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
 - n. Assist orderly efficient and coordinated development within the extraterritorial jurisdiction;
 - o. Promote neighborhood conservation and prevent the development of slums and blight;
 - p. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
 - q. Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owners or subdividers of the tract, and that cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community;
 - r. Provide the best possible design for each tract being subdivided;
 - s. Provide the most attractive relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide the proper location and width of streets;
 - t. Establish adequate and accurate records of land subdivision;
 - u. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the territorial jurisdiction;
 - v. Encourage and promote open-space, park land and recreation space opportunities located within residential neighborhoods;
 - w. Provide for adequate light, air, and privacy; secure safety from fire, flood, and other danger; and prevent overcrowding of the land and undue congestion of population;
 - x. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities; and
 - y. Encourage the development of a stable, prospering economic environment.

Minimum standards for development are contained in the zoning ordinance, the building and construction codes and in this chapter. However, the future land use plan expresses policies designed to achieve an optimum quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the plan and in this chapter and is encouraged to exceed the minimum standards required herein.

2. Authority and Jurisdiction

The following rules and regulations are hereby adopted as the subdivision regulations of the City of Justin, Texas, and shall be applicable to the filing of plats, the subdivision of land and the development of property, as that term is defined herein and in Chapter 212 of the Texas Local Government Code, within the corporate city limits of the City of Justin as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Justin as that area may exist from time to time as provided by Chapter 42 of the Texas Local Government Code. The city shall have all remedies and rights provided by said Chapter 212 with regard to the control and approval of subdivisions and plats both within the city and within its extraterritorial jurisdiction.

As authorized by Chapter 212 of the Local Government Code, the provisions contained in the following sections of these subdivision regulations shall apply to any of the following forms or types of land subdivision and development activity within the city limits or its extraterritorial jurisdiction.

- (a) The division of land into two or more tracts, lots, sites, or parcels; or
- (b) All subdivisions of land, whether by metes and bounds division or by plat, which were outside the jurisdiction of the city's subdivision regulations in Denton County, Texas and which subsequently came within the jurisdiction of the city's subdivision regulations through:
 - a. Annexation; or
 - b. Extension of the city's extraterritorial jurisdiction.
- (c) The division of land previously subdivided or platted into tracts, lots, sites or parcels subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting; or
- (d) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site except as otherwise provided herein; or
- (e) When a building permit is required on property for the following reasons but not limited to:
 - a. New construction;
 - b. Moving of a primary structure onto vacant property; or
- (f) For tracts where any public improvements are proposed; or
- (g) Whenever a property owner proposes to divide land lying within the City or its extraterritorial jurisdiction into two or more tracts for purpose of development, that results in parcels or lots all greater than five acres in size, or in the event that development of any such tract is intended, and where no public improvement is proposed to be dedicated, he shall first obtain approval of a development plat that meets the requirements of Texas Local Government Code Chapter 212, subchapter B.

3. Owner Consent

Except as otherwise expressly provided herein, the written consent of the owner of any tract of land to be subdivided in accordance with the terms of this chapter shall be required for any application relating to or for a plat, replat, pre-application proposal, plat amendment, or any application to be reviewed by the development review committee. The owner's representative may provide the required written consent in place of the owner if the representative has, in a form acceptable to the city attorney, express written authority to act on behalf of the owner. The owner's written consent shall be required in accordance with this section, regardless of whether this chapter refers to the party making application to the city pursuant to this chapter as "owner," "subdivider," "person," "developer" or "applicant."

4. Conformance with applicable rules and regulations

The subdivision regulations of this chapter are held to be the minimum requirements for the development of property within the city. In addition to the requirements established herein, all plats must conform to the following:

- (a) All applicable state statutory provisions contained in Texas Local Government Code, chapter 212.

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- (b) The zoning ordinance, building and housing codes, and other applicable development codes of the city.
 - (c) The official comprehensive land use plan; capital improvements program; master drainage plan; parks, recreation, and open space plan; transportation plan; and any other official plan adopted by the City Council that influences the subdivision of property in the city.
 - (d) Any regulations of the City and County health departments and appropriate state agencies.
 - (e) The regulations of the state department of transportation when the subdivision abuts a state-maintained highway.
 - (f) The standards, codes and regulations adopted for administration by the Building Official.
 - (g) No building permit, or certificate of occupancy, or plumbing permit, or electrical permit, or utility tap or certificate of acceptance for required public improvements shall be issued by the city for any parcel or plat until:
 - a. All water, wastewater, streets, drainage, electrical, public utilities and park improvements, whether they are public or private, as required by these regulations, have been constructed and accepted by the city in accordance with articles IV and V of this chapter, the city's technical construction standards and specifications (TCSS) or other applicable regulations; and
 - b. To carry out the purposes hereinabove stated, it is declared to be the policy of the city to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the city and where applicable, within its extraterritorial jurisdiction, it is determined that:
 - i. Land must not be platted until proper provision has been made for adequate public facilities for roadways, drainage, water, wastewater, public utilities, capital improvements, parks, recreation facilities, and rights-of-way for streets;
 - ii. Proposed plats, or subdivisions which do not conform to the policies and regulations shall be denied, or, in lieu of denial, disapproved conditioned on conformance with conditions; and
 - iii. There shall be an essential nexus between the requirement to dedicate rights-of-way and easements and/or to construct public works improvements in connection with a new subdivision and the need to offset the impacts on the city's public facilities systems created by such new development.
 - (h) No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this chapter unless otherwise specified, even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plan, plat, amended plat or replat without complying with the requirements of this chapter shall be deemed a violation of the provisions of this chapter and is hereby prohibited. The transfer of any land by the delivery of or by the filing of any instrument in the nature of a conveyance without having first complied with the requirements set forth herein shall be deemed a violation of the provisions of this chapter and is hereby prohibited. There is, however, excepted from the provisions of this chapter any conveyance transferring any land or interest in land to or from the State of Texas or City of Justin, Texas.

5. Conflicts

- a. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- b. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these

regulations, or other provision of law, the provision which is more restrictive or imposes higher standard shall control.

- c. This chapter is not intended to revoke or repeal any easement, deed restriction, covenant, or any other private agreement. In no case is the City to be obligated to enforce the provisions of any easement, deed restriction, covenant, or other agreements between private parties.
- d. If any part of the provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The city council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

6. Exemptions

The provisions of these subdivision regulations shall not apply to:

- a. Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided for herein (construction of facilities shall conform to construction standards in effect at the time of construction); or
- b. Land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of said tract, lot site or parcel was filed of record in the deed records of Denton County, Texas on or before March 24, 1997; or
- c. Inheritance or gift of land within immediate family by metes and bounds of tracts on which no improvements or alteration is occurring; or
- d. Existing cemeteries complying with all state and local laws and regulations (does not apply to new cemeteries or expansion of existing cemeteries); or
- e. Divisions of land created by order of a court of competent jurisdiction; or
- f. When a building permit is requested for unplatted or already platted parcels for the following activities:
 - a. Replacement or reconstruction of an existing primary single-family or duplex structure but not to exceed the square footage of the original structure.
 - b. Additions (increase in square footage of structure) constituting not over 60 percent of the existing structure's value and not over 50 percent of the gross floor area.
 - c. Accessory buildings.
 - d. Remodeling or repair (no expansion of square footage).
 - e. Moving a structure off a lot or parcel or for demolition permit.

7. Saving Provision

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

8. Proportionality Determination

- A. Prior to a decision by the planning and zoning commission on a final plat, replat, or development plat application or any other application for which an exaction is required as a condition of approval, the city engineer shall prepare a written statement affirming that each exaction requirement to be imposed as a condition of plat approval or permit approval is roughly proportionate to the demand

created by the subdivision or development on the applicable public facilities system of the city, taking into consideration the nature and extent of the development proposed. In making this determination, the city engineer may consider:

- i. Categorical findings of the North Central Texas Council of Governments in developing standard specifications for public infrastructure improvements;
 - ii. The proposed and potential use of the land;
 - iii. The timing and sequence of development in relation to availability of adequate levels of public facilities systems;
 - iv. Impact fee studies, traffic impact studies, drainage studies or other studies that measure the demand for services created by developments and the impact on the city's public facilities system;
 - v. The function of the public infrastructure improvements in serving the proposed subdivision or development;
 - vi. The degree to which public infrastructure improvements necessary to serve the proposed subdivision are supplied by other developments;
 - vii. The anticipated participation by the city in the costs of necessary public infrastructure improvements;
 - viii. The degree to which acceptable private infrastructure improvements to be constructed and maintained by the applicant will offset the need for public infrastructure improvements;
 - ix. Any reimbursements for the costs of public infrastructure improvements for which the proposed subdivision is eligible; and/or
 - x. Any other information relating to the impacts created by the proposed subdivision or development on the city's public facilities systems.
- B. Based upon the proportionality determination, the city engineer shall affirm that the exaction requirements of the subdivision ordinance, or other ordinance requiring the permit, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development.
- C. The city engineer may require that the applicant, at its expense, submit any information or studies that may assist in making the proportionality determination.
- D. Rough proportionality determination. The planning and zoning commission and city council shall consider the city engineer's report concerning the proportionality of the exaction requirements in making a decision on a plat. The planning and zoning commission and the city council may consider the city engineer's report in granting a variance to the requirements of the subdivision ordinance.

The city official responsible for issuing any permit for which an exaction requirement is imposed as a condition of approval shall consider the city engineer's report concerning the proportionality of the exaction requirements in making its decision as to whether to grant the permit.

- E. Rough proportionality appeal. An applicant for a plat or any development which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the plat application pursuant to the subdivision ordinance.

The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or development as a condition of approval does not result in a disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed subdivision or development on the city's public facilities systems.

- F. Appeals procedure. An applicant for a final, replat, development plat or an applicant seeking approval for any other application or permit or zoning for which an exaction requirement is imposed shall file a

written appeal with the city secretary within ten days of the date the planning and zoning commission or the city official responsible for processing the application or issuing the permit takes action applying the exaction requirement. This may include denial of the permit or plat application. The applicant shall submit 15 copies of the appeal.

- i. A separate appeal form shall be submitted for each exaction requirement for which relief is sought. The city secretary shall forward the appeal to the city engineer for informational purposes and the city council for consideration;
- ii. The applicant may request postponement of consideration of the applicant's plat application by the city council pending preparation of the study required by subsection 52-127(f)(5), in which case the applicant shall also waive the statutory period for acting upon a plat for the time necessary for the city council to decide the appeal;
- iii. No subdivider's public improvement agreement or subdivider's agreement may be executed by the city until the time for appeal has expired or, if an appeal is filed, until the city council has made a determination with respect to the appeal;
- iv. The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impact created by the proposed subdivision or development on the city's public facilities systems and does not reasonably benefit the proposed subdivision or development;
- v. The appellant shall submit to the city engineer 15 copies of a study in support of the appeal that includes, with respect to each specific exaction requirement appealed, the following information within 30 days of the date of appeal, unless a longer time is requested:
 1. Total capacity of the city's water, wastewater, roadway, drainage, or park system, as applicable, to be utilized by the proposed subdivision or development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the subdivision. If the proposed subdivision is to be developed in phases, such information also shall be provided for the entire development, including any phases already developed;
 2. Total capacity to be supplied to the city's public facilities systems for water, wastewater, roadway, drainage or parks, as applicable, by the exaction requirement. This information shall include any capacity supplied by prior exaction requirements imposed on the development;
 3. Comparison of the capacity of the applicable city public facilities systems to be consumed by the proposed subdivision or development with the capacity to be supplied to such systems by the proposed exaction requirement. In making this comparison, the impacts on the city's public facilities systems from the entire subdivision or development shall be considered;
 4. The amount of any city participation in the costs of oversizing the public infrastructure improvements to be constructed by the applicant in accordance with the city's requirements;
 5. Comparison of the minimum size and capacity required by city standards for the applicable public facilities systems to be utilized by the proposed subdivision or development with the size and capacity to be supplied by the proposed exaction requirement; and
 6. Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the city.
- vi. The city engineer shall evaluate the appeal and supporting study and shall make a recommendation to the city council based upon the city engineer's analysis of the

information contained in the study and utilizing the same factors considered by the engineer in making the original proportionality determination.

- G. Council determination. The city council shall decide the appeal within 30 days of the date of final submission of any evidence by the applicant. Upon receipt of the final submission of evidence from the applicant, the city shall schedule a time and date for the city council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal form of the time, date and location at which the city council shall consider the appeal.
- i. The applicant shall be allotted time, not to exceed 30 minutes, to present testimony at the city council meeting. The council shall base its decision on the criteria listed in sections 52-501(8)(A) and 52-501(8)(F)(5) and may:
 1. Deny the appeal and impose the exaction requirement in accordance with the city engineer's recommendation or the planning and zoning commission's decision on the plat or other development application;
 2. Grant the appeal, and waive in whole or in part an exaction requirement to the extent necessary to achieve proportionality; or
 3. Grant the appeal, and direct that the city participate in the costs of acquiring land for or constructing the public infrastructure improvement.
 - ii. In deciding an appeal, the city council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed subdivision on the city's public facilities systems for water, wastewater, roadway, drainage, or park facilities, as applicable, and reasonably benefits the subdivision. In making such determination, the council shall consider:
 1. The evidence submitted by the applicant;
 2. The city engineer's report and recommendation, considering in particular the factors identified in sections 501(8)(A) and 52-501(8)(F)(5); and
 3. If the property is located within the city's extraterritorial jurisdiction, any recommendations from the county.
 - iii. The city council may require the applicant or the city engineer to submit additional information that it deems relevant in making its decision.
- H. Action following decision of council.
- i. If the city council finds in favor of the applicant and waives the exaction requirement as a condition of plat approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat application to the planning and zoning commission or city official responsible for issuing the permit within 30 days of the date the city council takes action, with any modifications necessary to conform the plat with the city council's decision. The applicant shall not be deemed to have prevailed in the event that the city council modifies the exaction requirement.
 - ii. If the city council finds in favor of an applicant for any other development related application or permit and waives the exaction requirement as a condition of permit approval, or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the permit application to the responsible official within 30 days of the date the city council takes action, with any modifications necessary to conform the application with the city council's decision. Failure to do so will result in the expiration of any relief granted by the city council.
 - iii. If the city council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the city shall place the plat application on the agenda of the planning and zoning commission within 30 days of the city council's decision.
 - iv. If the rough proportionality appeal was submitted appealing the imposition of an exaction requirement for a plat application, and city council grants relief to an applicant but the

applicant fails to conform the plat to the city council's decision within the 30-day period provided, the relief granted by the city council on the appeal shall expire and plat shall become null and void.

- v. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the Director of Planning or city engineer may require a new study to validate the relief granted by the city council.
- vi. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.
- l. Appeal of the city council decision. An applicant may appeal the decision of the city council to the county or district court of the county in which the development is located within 30 days of the date that the council issues its final decision. In the event that the applicant prevails in such action, the applicant will be entitled to attorneys' fees and costs, including expert witness fees.

Sec. 52-502. Administration

a. Modifications, waivers, and exceptions.

General. The city council may approve waivers to these subdivision regulations so that substantial justice may be done, and the public interest secured when it finds that unreasonable hardships or difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal. Any variance granted shall not have the effect of nullifying the intent and purpose of these regulations. When considering a waiver, the city council shall consider the following:

- (a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
- (c) Because of the physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- (d) The waiver will not, in any manner, vary the provisions of the zoning ordinance or future land use plan, thoroughfare plan, and other adopted plans, except that those documents may be amended in the manner prescribed by law.

b. Enforcement of chapter regulations

- a. Violations and penalties. Any person, firm or corporation who violates any of the provisions of this chapter or who fails to comply with any provision hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed \$500.00 and each day that such violation continues shall constitute a separate offense. Prosecution or conviction shall not be a bar to any other remedy authorized by this or other law.
- b. Civil enforcement. Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, to restrain, correct, or abate a violation of these regulations, whether such violation occurs with respect to lands within the corporate boundaries of the city or within the city's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described above.
- c. Payment of all indebtedness. No person who owes delinquent taxes, delinquent paving assessments or any other delinquent debts or obligations, and which are directly attributable to a piece of property shall be allowed to record an approved plat until the taxes, assessments, debts, or obligations directly attributable to said property and owned by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the Director of Planning has been

made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid at the time of platting.

- d. Proof of paid taxes shall be in the form of a tax certificate bearing the seal of the county tax assessor, procured less than 30 days prior to time of platting. The certificate(s) must attest to paid taxes on all property being platted.

e. Amendments

For the purpose of protecting the public health, safety and general welfare, the planning and zoning commission and city council may from time to time propose amendments to these regulations which shall then be approved or disapproved by the city council at a public meeting.

f. Completeness Determination and Misrepresentation

- a. The city shall have the right to deny or delay a hearing if the person or applicant proposing a subdivision of land does not:
 - i. Submit all the information necessary and required for a pre-application proposal and/or plat application by the required deadlines;
 - ii. Pay the required application fees;
 - iii. Fail to provide any other items or information as prescribed by this and other applicable sections.
- b. It shall be unlawful for any person to knowingly or willfully misrepresent or fail to include, any information required by this chapter on any application for annexation, zoning, development, or subdivision of property.
- c. Penalties and exceptions. If any applicant for such hearing, or any owner of property subject to such hearing, shall allow such hearing before the planning and zoning commission and/or the city council to be heard in violation of any of the provisions of this chapter, such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty as per section 52-502.

Sec. 52-503. Pre-application

a. Applicability

- a. A pre-application proposal may be required at the discretion of the Development Review Committee or Director of Planning for all preliminary and final plats.
- b. The pre-application proposal required by this chapter is not a plat. The submission of a pre-application proposal does not constitute and shall not be construed as the submission of or filing of a plat within the meaning of this chapter or within the meaning of the laws of the State of Texas or of the United States, including, without limitation, Chapter 212 of the Texas Local Government Code.
- c. A fee shall be collected for pre-application conferences. The fee shall be set via resolution by the city council from time to time. A fee shall be collected for the formal application prior to the commencement of review in earnest. The fee shall be set via resolution by the city council from time to time.

b. Purpose

- a. Provide the city with information needed for proper enforcement of the provisions of this chapter, including information not evidenced on the plat; and
- b. To facilitate cooperation between city staff and the subdivider so that the proposed plat application ultimately submitted to the city acceptable and in proper form.
- c. To save time, money, and to avoid unnecessary delays.

Sec. 52-504. Preliminary Plats

a. Applicability

- a. A preliminary plat shall be required when subdividing and developing property in phases derived from one parent tract or contiguous land under the same ownership.

b. Approval Authority

- a. Preliminary plats that meet all applicable requirements shall be approved by the Director of Planning.
- b. Preliminary plats that are requesting waivers of certain requirements shall be approved by the City Council with a Planning and Zoning Commission recommendation. Waivers requested shall be derived from the regulations derived from the subdivision chapter and not from zoning requirements.
- c. An approved preliminary plat shall be valid for a period not to exceed one (1) year after the date of approval. A one-time, six-month extension may be granted by the development review committee, provided that a written request for an extension signed and filed by the subdivider prior to the expiration of the preliminary plat. If a preliminary plat is not acted upon within the time period set forth herein, the subdivider will be required to file a new pre-application proposal and pay all applicable fees.
 - i. In determining whether to grant a request for extension, the development review committee shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The committee shall extend or reinstate the plat or study, or deny the request, in which case the property owner must submit a new application for approval and pay all applicable fees.

c. General Requirements

- a. All submittals shall be digital format in portable document format (pdf) as one (1) file.
- b. The preliminary plat shall be submitted to the city with the filing fee as approved and adopted by City Council separate resolution.
- c. The preliminary plat shall be in accordance with the master plan including all adopted water, sewer, future land uses, and thoroughfare plans.
- d. The preliminary plat shall be prepared by an engineer, land planner, surveyor, or other qualified individual.
- e. A preliminary plat shall include all contiguous property under the ownership or control of the applicant. It may contain more than one phase which, if so, shall be clearly identified.
- f. It shall be a requirement that the preliminary plat show the entire parent survey or tract of land to be subdivided, even if the subdivider proposes to develop the parent tract or land in survey in future phases. Incrementally carving out select lots from the original survey or tract of land without showing the entire survey and tract and availing known intent and purpose for the remainder is prohibited.
- g. The preliminary plat shall be accompanied by a preliminary water plan, a preliminary sewer plan, a preliminary street plan and a preliminary drainage plan for concept review of engineering problems for review and comment.
- h. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat and a preconstruction meeting has been held and agreed to by the city and subdivider.

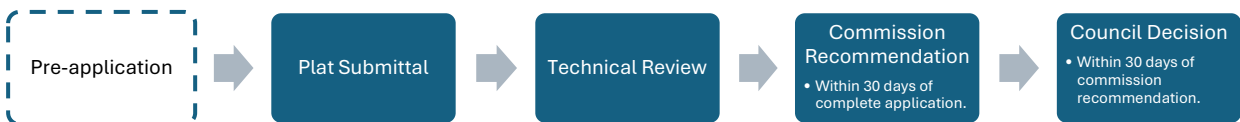
d. Review and Decision

a. Process

i. Standard



ii. Waivers Requested



b. Reviews

i. Standard of approval. No preliminary plat shall be approved unless the following standards have been met:

1. The preliminary water plan, preliminary sewer plan, preliminary street plan and the preliminary drainage plan have been submitted to the development coordinator and approved by the development review committee at the discretion of the development coordinator.
2. The preliminary plat conforms to applicable zoning and other regulations.
3. The preliminary plat meets all other requirements of these regulations.

ii. Proposed preliminary plats or subdivisions which do not conform to the policies and regulations shall be denied, or in lieu of denial, conditionally denied based on conformance with conditions. Except as provided herein, approval of a preliminary plat constitutes authorization for the property owner, upon fulfillment of all requirements of approval or conditions which have been met as a part of a conditional denial, to submit an application for final plat approval. If required, a public improvements agreement or any other necessary agreement must be approved prior to approval of the final plat.

Sec. 52-505. Final Plats

a. Approval Authority

- a. Final plats that meet all applicable requirements shall be approved by the Director of Planning.
- b. Final plats that are requesting waivers of certain requirements shall be approved by the City Council with a Planning and Zoning Commission recommendation. Waivers requested shall be derived from the regulations derived from the subdivision chapter and not from zoning requirements.

b. General Requirements

- a. All submittals shall be digital format in portable document format (pdf) in one (1) file.
- b. The final plat, amending plats, and replats shall be prepared by a registered public land surveyor or state licensed land surveyor. Construction plans shall be prepared by a professional engineer licensed in the State of Texas as required by state law governing such professions in accordance with this chapter. Plans submitted for review by the city shall be dated and bear the responsible engineer's name, license or registration number, and the designation of "professional engineer," or "P.E.," and an appropriate stamp or statement near the engineer's identification, stating that the documents are for preliminary review and are not intended for construction. Construction plans acceptable to the city shall bear the seal and signature of the engineer and the date signed on all sheets of the plans.

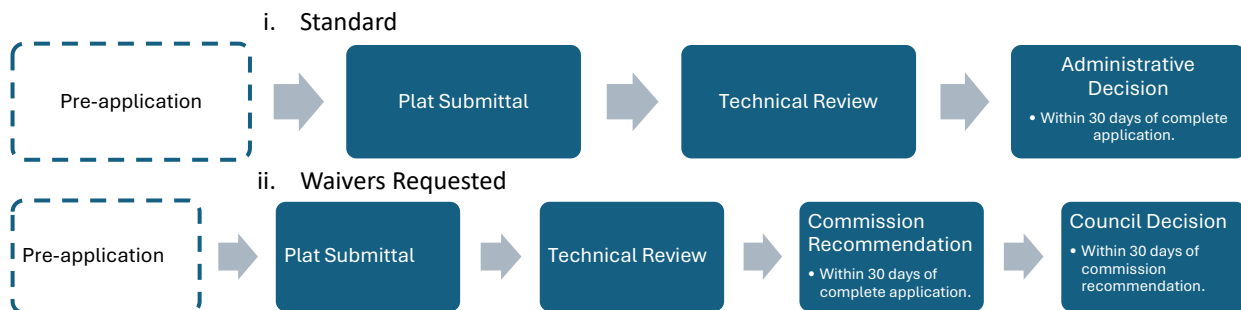
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- c. Required plans and studies shall include as a minimum:
 - i. Water Plan including water mains, service connections, and any special structures such as wells, elevated storage tanks, and pump stations;
 - ii. Sanitary Sewer Plan including sanitary sewer mains, service connections and any special structures or facilities, such as lift stations, septic systems, lagoons, oxidation ponds, and package plants;
 - iii. Street Plan including street design and layout with proposed ROW and street paving widths, a street light plan, and any special design requirements or needs as requested by city staff or applicant, such as detailing: Boulevard entrances, off-site improvements, ROW expansion or roadway dedication needs, etc.; and
 - iv. Drainage Plan including stormwater drainage mains, channels, culverts, bridges, retention or detention ponds, and other major drainage facilities.
 - d. The final plat shall be in accordance with the preliminary plat, as approved, and incorporate all conditions, changes, directions and additions as approved. The final plat shall not be submitted prior to approval of the preliminary plat and shall contain all the required information required herein for a valid final plat submittal. A final plat shall not be accepted by the city if a preliminary plat has expired and become void. At the time the subdivider files the final plat with the development coordinator, the subdivider shall also file a certificate showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.
 - e. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop, provided, however, that such portion conforms to all the requirements of these regulations.
 - f. An amending plat may be issued and recorded in accordance with Local Government Code Section 212.016
 - g. Additional notifications may be required with certain replats in accordance with Local Government Code Section 212.015.
 - h. Before approval of any final plat, if applicable, the subdivider shall have executed a public improvements agreement and provided a security deposit.
 - i. The subdivider and/or applicant shall return copies of the final plat, as approved, with any other required documents and necessary fees attached thereto to the development coordinator within 30 days in accordance with requirements established by the city. All easements shall be included as required by utility companies or the city prior to filing and a copy of letters from each applicable utility company shall be submitted to the development coordinator stating that the plat contains the proper easements or a statement of their approval of the abandonment or vacation of easements. Mylars, reductions, tax certificate and copies as may be required by the Denton County clerk, in addition to mylar copies required by the city, shall be returned to the city secretary with the required fees. If the required copies are not returned to the city within the specified time, the City Council approval of the final plat shall be null and void unless an extension is granted by the city council.
 - j. After approval of the plat, plans, and specifications by the city, the subdivider shall cause a contractor to install the facilities in accordance with the approved plans and standard specifications of the city and at the subdivider's expense. The subdivider shall employ engineers, surveyors, and other professionals as necessary to design, stake and supervise the construction of such improvements and shall cause his contractor to construct the said improvements in accordance with these regulations. The public works department shall inspect the installation of the improvements.
 - k. The approved, final construction plans shall be valid for a period of one year after approval by the Director of Planning or their designee in consultation with the city engineer. The Director of
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Planning may grant a one-time, one-year extension, after which the plans must be resubmitted for approval if no construction has occurred.

- I. When all of the improvements have been completed and are found to be installed in accordance with the approved final construction plans and specifications and upon receipt by the city of a maintenance bond (100 percent for two years), the subdivider's engineer shall submit to the city one complete digital set (including CAD and GIS files) of full size plan drawings showing all changes made in the plans during construction and containing on each sheet an "As Built" stamp bearing the signature of the engineer and date. After review and approval of the preceding set of "as built" plans, one portable document format (pdf) set of "as- built" plans and a letter stating the contractor's compliance with these regulations shall be submitted by the subdivider's engineer. After receipt of the required plans and letter, the director of public works shall receive and accept for the city the title, use and maintenance of the improvements.

c. Review and Decision

a. Process



b. Reviews

- i. Standard of approval. No final plat shall be approved unless the following standards have been met:
 1. The water plan, sewer plan, street plan and the drainage plan have been submitted to the development coordinator and approved by the development review committee at the discretion of the development coordinator.
 2. The final plat conforms to applicable zoning and other regulations.
 3. The final plat meets all other requirements of these regulations.
- ii. Proposed final plats or subdivisions which do not conform to the policies and regulations shall be denied, or in lieu of denial, conditionally denied based on conformance with conditions. Applicants wishing to submit for a waiver shall reapply with a new plat submittal.
- iii. If required, a public improvements agreement or any other necessary agreement must be approved prior to approval of the final plat.

c. Official Filing

- i. Upon approval of a plat, the plat may be submitted for recording subject to the following.
 1. The applicant must submit recording fees, the required number of copies of the plat, and other items required for plat execution, as determined by the Director of Planning, to the City for recording with the county. The Director will obtain the necessary signatures or certifications required for the type of plat.
- ii. Plats will be recorded with the Denton County Clerk after:
 1. All conditions of approval have been met;
 2. All required public improvements have been completed and accepted by the City, as applicable;

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3. All necessary fiscal agreements approved by the City have been fully executed by all parties;
 4. All applicable fees, assessments, and delinquent taxes have been paid; and
 5. All County filing requirements have been met.

d. Vacation of plats

- a. All actions for vacation of a plat must be consistent with Texas Local Government Code, Chapter 212 and shall follow the process for approval of a final plat.

Sec. 52-506. Design Requirements

a. Document Requirements

a. Preliminary Plat

- i. A legible vicinity or location map that delineates the location of the proposed preliminary plat in the city;
- ii. Boundary lines, abstract lines, survey lines, corporate boundaries, existing or proposed highways and streets, bearings, and distances sufficient to locate the exact area proposed for the subdivision;
- iii. The name and location of all adjoining subdivisions or property owners shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing street and alleys and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines and owners of record. The subdivision name shall not duplicate any existing subdivision name. If the property is part of an existing subdivision, the existing subdivision name shall be used. If no subdivision name has been chosen, the name of the property as it is commonly or locally known shall be indicated;
- iv. The location and width of all streets and alleys, rights-of-way, sidewalks, and easements existing or proposed within the subdivision limits. Proposed street names are required to be shown on all new streets. Approved street names are required at the time the final plat is approved;
- v. The location of all existing property lines, existing lot and block numbers and date recorded, buildings, existing sewer or water mains, gas mains or other underground structures, easements of record or other existing features within the area proposed for subdivision;
- vi. Proposed arrangement and square footage of lots (including lot and block numbers county recording information and building lines) and proposed use of same;
- vii. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name and address of the planner, engineer, or registered public surveyor preparing the drawing. The subdivision name shall not be duplicated, but phasing identification is allowed. The city shall determine if the proposed subdivision identification will be in conflict with existing plats;
- viii. Sites, if any, to be reserved or dedicated for parks, or other public use, and any private restrictions;
- ix. Scale, north arrow, date and other pertinent data oriented to the top or left side of the sheet; contours with intervals of two feet or less shown for the area with all elevations on the contour map referenced to the latest U.S.C. and G.S. data. Contours are required for subdivisions of three lots or more, unless otherwise specified by the development coordinator;
- x. Areas contributing drainage to the proposed subdivision shall be shown on the preliminary plat or the drainage plans, as necessary. This includes: Any watercourses, waterbodies, floodplains, floodways, flood hazard areas, significant tree masses, slopes, or other natural features within the area to be subdivided, or any similar natural feature located outside the area but which contributes to the assessment of the drainage plan submitted by the applicant. Locations proposed for drainage discharge from the site shall be shown by directional arrows;
- xi. All physical features of the property to be subdivided including location and size of all water courses, 100-year floodplain according to Federal Emergency Management

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- Agency (FEMA) information, ravines, channels, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions, the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision. Properties impacted by areas of special flood hazard shall comply with the requirements of the city's flood damage prevention regulations;
- xii. The proposed preliminary designs of all water, sewer, street including street lighting and drainage infrastructure (including sizes) to be constructed in the subdivision shall be shown on separate maps using the preliminary plat as a base map. These preliminary plans include as a minimum the following:
 - 1. Preliminary water plan. Water mains, service connections and any special structures such as wells, elevated storage tanks and pump stations;
 - 2. Preliminary sanitary sewer plan. Sanitary sewer mains, service connections and any special structures or facilities, such as lift stations, septic systems, lagoons, oxidation ponds, and package plants;
 - 3. Preliminary street plan. Street design and layout with proposed ROW and street paving widths, a street light plan, and any special design requirements or needs as requested by city staff or applicant, such as detailing: Boulevard entrances, off-site improvements, ROW expansion or roadway dedication needs, etc.; and
 - 4. Preliminary drainage plan. Stormwater drainage mains, channels, culverts, bridges, retention or detention ponds, and other major drainage facilities;
 - xiii. Where a subdivision is proposed to occur in phases, the subdivider, in conjunction with submission of the preliminary plat, shall provide a schedule of development. The dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision shall be shown along with the proposed roadway improvements for each section. The city council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established and may require that a traffic impact analysis be submitted for the entire project or such phases as the council determines to be necessary to adjudge whether the subdivision will be served by adequate streets and thoroughfares;
 - xiv. For land lying in the corporate limits of the city, all zoning districts and proposed changes in zoning contemplated at the time of filing the pre-application proposal. This shall also include setback information relating to the existing and/or proposed zoning district as required. The subdivider shall also show the proposed land use for all lots, which shall conform to the city comprehensive plan;
 - xv. The location of all existing or abandoned oil or gas wells, oil or gas pipelines and other appurtenances associated with the extraction, storage, production and distribution of natural gas or petroleum products, and all related easements on the site or on immediately adjacent property;
 - xvi. Any proposed supplemental transportation systems, showing the layout and dimensions of walkways, sidewalks, bike trails, and other related improvements;
 - xvii. The location and dimension of any existing structures, fences, paved areas, cemeteries, or other existing features within the proposed subdivision;
 - xviii. Typical cross-section of proposed street improvements;
 - xix. The approximate dimension, location, and area of all parcels of land to be set aside for public or private parks, playgrounds or other common use of property, including area set aside for common use by the home owners association in the proposed subdivision. Such park dedication shall be shown on the plat.
 - xx. The following statistical data in the title block:
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1. The total number of units per acre;
 2. The total number of lots per phase or for the entire development; and
 3. The number of dwelling units, the acreage, and the gross residential density by housing type as defined by zoning designation.
- xxi. A declaration confirmed by engineering analysis (if required by the city engineer), and prepared by an engineer professionally licensed in the State of Texas, stating that the existing utility main(s) or roadway network serving a proposed subdivision is adequate. The need for additional information shall be determined as follows: Upon receipt of a pre-application proposal, the city engineer shall review the proposed development. The city engineer shall determine whether further, detailed studies shall be required to assess the development's impact on the existing water, wastewater or roadway system. If the city engineer determines that further study is necessary to confirm the adequacy of the existing utility mains or roadway network to serve the new development, the pre-application proposal shall be marked, identifying the point from which the subdivider's engineer shall be required to confirm by engineering analysis the adequacy of the existing utility or roadway system to serve the proposed development. Such analysis shall be provided to the city engineer prior to the development review committee (DRC) comment and plat application deadline in order to be placed on the agenda for the required public hearings. The city engineer shall forward the review of the engineering report or study to the planning and zoning commission and council for their consideration;
- xxii. The following notice shall be placed near the lower right-hand corner of the page of each preliminary plat if not requiring waivers:

"Preliminary Plat"

"Approved by the Development Services Department" Date _____

Director or designee, Development Services

Attest, City Secretary

- xxiii. The following notice shall be placed near the lower right-hand corner of the page of each preliminary plat if requiring waivers:

"Preliminary Plat"

"Approved by the Planning and Zoning Commission" Date _____

Chair, Planning and Zoning Commission

Attest, City Secretary

"Approved by the City Council" Date _____

Mayor, City of Justin

Attest, City Secretary

b. Final Plat

- i. A legible vicinity or location map that delineates the location of the final plat in the city;
- ii. The exterior boundary of the subdivision shall be indicated by a distinct bold solid line and corner markers by individual symbols.
- iii. The length and bearing of all straight lines, radii, arc lengths, tangent length and central angles of all curves shall be indicated along the lines of each lot. The curve data pertaining to block or lot boundary may be placed in a curve table. Any private deed restrictions shall be submitted with the plat.
- iv. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers and accurate reference ties to courses and distances of at least one recognized land corner shall be shown. X and Y coordinates shall be provided for all lot corners and right-of-way information. A listing of the lots and their collating area in square feet shall be provided either on the plat or separately.
- v. The names and accurate location of all adjacent streets. A letter from Denton County approving street names is required prior to filing the final plat with the city on property located within the city's extra territorial jurisdiction.
- vi. The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be the applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.
- vii. The description and location of all survey monuments placed in the addition or subdivision shall be shown.
- viii. The final plat shall contain a title block in the lower right corner of the page. The words "Final Plat", the name of the addition or subdivision, the name of the owners, their address and telephone number, and the address and legal description of the project shall be shown in the title block. The final plat shall provide the name of the engineer/surveyor, north point, date of preparation and date of revisions. The graphic scale shall be not less than one-inch equals 100 feet. Located near the lower right-hand corner, provide a place for the Denton County recording information acceptable to Denton County. The plat shall be signed and sealed.
- ix. Floodplain restrictions.
 1. If a floodplain easement is required or proposed, the following full statement of restriction shall be placed in the dedication instrument on the subdivision plat.

"FLOODPLAIN RESTRICTION

No construction shall be allowed within the floodplain easement, without the prior written approval of the City. In order to secure approval, detailed engineering plans and/or studies for the improvements, satisfactory to the City, shall be prepared and submitted by the party or parties wishing to construct within the floodplain. Where construction is permitted, all finished floor elevations shall be a minimum of two (2) feet above the 100 year design frequency storms elevation. Any construction approved within the floodplain shall not unacceptably increase the 100-year design frequency storm elevation."

2. The following statement shall be required when an unlined improved drainage channel, in a drainage easement, or when a floodplain easement is proposed.

"FLOODPLAIN/DRAINAGEWAY MAINTENANCE

The existing creeks, streams, or ponds (drainage ways) traversing along or across portions of this addition, will remain unobstructed at all times and will be maintained by the individual lot owners, homeowner's association or approved maintenance entity whose lots are traversed by or adjacent to the drainage ways. The City of Justin will not be responsible for the maintenance, erosion control, and/or operation of said drainage ways. Property owners shall keep the adjacent drainage ways traversing their property clean and free of debris, silt or other substances which would result in unsanitary conditions, and the City shall have the right of entry for the purpose of inspecting the maintenance work performed by the property owners. The drainage ways are occasionally subject to storm water overflow and/or bank erosion that cannot be defined. The City of Justin shall not be liable for any damages resulting from the occurrence of these phenomena, nor the failure of any structure(s) within the drainage ways. The drainage way crossing each lot is contained within the floodplain easement lines as shown on the plat."

3. If a floodway easement is required or proposed, the following full statement of restriction shall be placed in the dedication instrument of the subdivision plat.

"FLOODWAY RESTRICTION

No encroachment, including fill, new construction or improvements shall be allowed within the floodway easement."

- x. The minimum floor elevations of building foundations shall be shown on lots adjacent to a floodway, floodplain, or other areas susceptible to flooding. All minimum floor elevations shall be consistent with Code of Ordinances Chapter 18 – Environment Article II.
- xi. An owner's certificate shall be attached to and be a part of the final subdivision plat and shall contain a minimum of the following information:
 1. A statement that the subdivided area is legally owned by the applicant.
 2. An accurate legal metes and bounds description by the line bearing, line distance and necessary curve data, of all lines bounding the property with descriptions correlated to a permanent survey monument.
 3. A statement signed by the owner and acknowledged before a notary public as to the authenticity of the signatures, saying that the owner adopts the plat as shown, described, and named and they do dedicate to the public forever the streets and alleys shown on the plat. The owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
 4. A registered public land surveyor's certificate, with a place for signatures.
 5. A place for plat approval signature of the authorizing administrator and a place for the secretary to attest such signature and the approval dates.
 - a. Owner's certificate (example).

STATE OF TEXAS §
COUNTY OF DENTON §

WHEREAS, (John Doe and Jane Doe) are the Owners of a tract of land, situated in the XYZ Survey, Abstract No. 999, Denton County, Texas and being out of a _____ acre tract conveyed to them by Joe Smith and Tom Smith and a _____ tract conveyed to them by John Smith and being more particularly described as follows:

(Enter accurate metes and bounds property description here)

NOW, THEREFORE, KNOWN ALL MEN BY THESE PRESENTS:

That _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as

_____, an addition to the City of Justin, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Justin. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Justin's use thereof. The City of Justin and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Justin and public utility entities shall at all times have the full right of Ingress and Egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Justin, Texas.

WITNESS, my hand, this the ____ day of _____, 20__.

BY:

Authorized Signature or Owner

Printed Name and Title

STATE OF TEXAS §

COUNTY OF DENTON §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared John Doe and Jane Doe, Owners, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they each executed the same for the purpose and considerations therein expressed.

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

Notary Public in and for the
State of Texas

b. Surveyor's certificate (example).

KNOW ALL MEN BY THESE PRESENTS:

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

SEAL
Registered Public Surveyor

STATE OF TEXAS §

COUNTY OF DENTON §

Before me, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared

Surveyor, known to me to be the person whose name is subscribed to this plat.

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

Seal Notary Public in and for the
State of Texas

(SIGNATURES REQUIRED FOR COUNCIL APPROVAL)

Approved by the Planning and Zoning Commission Date

Chair, Planning and Zoning Commission

Attest, City Secretary

Approved by the City Council Date _____

Mayor, City of Justin

Attest, City Secretary

(SIGNATURE BLOCK FOR PLATS APPROVED BY CITY STAFF)

Approved by the Development Services Department Date _____

Director or Designee, Development Services

Attest, City Secretary

c. Visibility, access, and maintenance easements (example).

The area or areas shown on the plat as "VAM" (visibility, access, and maintenance) easements(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM easement. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of eleven (11) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the VAM easement as shown on this plat. The city shall also have the right but not the obligation to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement and to remove any obstruction thereon. The city, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

d. Fire lanes (example).

That the undersigned does hereby covenant and agree that he (they) shall construct upon the fire lane easements, as dedicated and shown hereon, an approved, hard surface (hot mix asphalt concrete 'HMAC' or concrete) and that he (they) shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs and/or markings in conspicuous places along such fire lanes, stating, "Fire Lane, No Parking/Tow-Away Zone." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

b. Lots

- a. Lots shall conform to the minimum requirements of the established zoning district.
- b. Each lot shall front on either a public street or a private street or easement that has access to a public street. Lots shall also have a minimum of 35 feet frontage along a dedicated street or easement.
- c. Irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all necessary utilities including refuse collection when alleys are present.
- d. Side lot lines shall be generally at right angles or radial to street lines.
- e. Double frontage lots shall be avoided except where essential to provide separation of residential development from thoroughfares or to overcome specific disadvantage to topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
- f. Double frontage lots in residential subdivisions will not be allowed without providing screening walls/fences in accordance with the city's screening standards.
- g. **Flag lots** shall not be permitted.

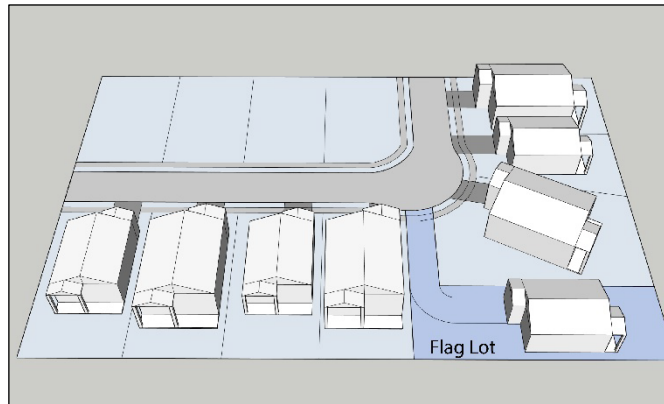


Figure 2 – Flag Lot Example

c. Blocks

- a. The length, width, and shapes of blocks shall be determined with due regard to:
 - i. Provision of adequate building sites suitable for the special needs or the type of use contemplated.
 - ii. Zoning requirements as to lot sizes, setbacks, and dimensions.
 - iii. Needs for convenient access, circulation, control, and safety of street traffic.
- b. In general, intersecting streets, determining the blocks, lengths, and widths, shall be provided at such intervals as to serve cross-traffic adequately, provide adequate fire protection, and to meet existing streets or customary subdivision practices. Where existing subdivision controls, the block lengths shall not exceed 1,200 feet in length. Where no existing subdivision controls, the blocks shall not be less than 500 feet in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

d. Streets and Alleys

- a. The arrangement, character, extent and location of all streets shall conform to the requirements of this chapter, the city master plan and technical construction standards and specifications and shall be considered in their relation to existing and planned streets or driveways, to topographical

conditions, to drainage constraints, to public safety and in their appropriate relations to the proposed uses of the land to be served by such streets. Reserve or residual strips of land controlling access to or egress from other property, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.

- b. Proposed streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the master plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development.
- c. Any land study or subdivision plat involving a change to a proposed alignment shown in the master plan must be preceded by submission of a request for change to the city staff and the planning and zoning commission. The commission will forward a recommendation to the city council to either disapprove the request or approve an amendment changing the alignment shown in the plan.
- d. When a street is not shown on the master plan, the arrangement of streets in a subdivision shall:
 - i. Provide for the continuation or appropriate projection of existing streets in surrounding areas;
 - ii. Conform to a plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable;
 - iii. Provide for future access to adjacent vacant areas which will likely develop under a similar zoning classification;
 - iv. Not conflict in any way with existing or proposed driveway openings;
 - v. Allow for the appropriate dedication and/or improvement on each plat application to meet the minimum street construction and right-of-way standards.
- e. All dedicated public streets shall conform to the requirements set forth in the City of Justin Technical Construction Standards and Specifications (TCSS) Manual.
 - i. Additional right-of-way other than the minimums shown above in the TCSS manual, may be required at intersections and high volume driveways for turning lanes. This additional right-of-way will be determined by the city during the design phase of the street system and before submittal of the final plat.
 - ii. All proposed streets shall be planned, designed and constructed based on their anticipated function, traffic volumes, adjacent land use and system continuity.
 - iii. Where a subdivision abuts or contains an existing or proposed primary thoroughfare, the city may require marginal access streets, reverse frontage (lots which back to the primary thoroughfare), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection to residential properties and to afford separation of through and local traffic.
- f. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.
- g. Intersecting streets with centerline offsets of less than 125 feet shall be avoided. Greater centerline offsets as may be required by the city shall be provided where necessary.
- h. Reserve strips controlling access to streets or alleys shall be prohibited except where their control is definitely placed by the city under conditions approved by the planning and zoning commission and city council.
- i. Construction of half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the requirements of this chapter and the master plan, and where the city finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. If the owner or subdivider is responsible for

one-half of the street, the owner or subdivider shall escrow the amount of the construction cost of the facility, unless the city participates in the construction of the facility. Whenever a partial street previously has been platted along a common property line, the other portion of the street shall be dedicated. Improvements shall be made to all on-site facilities as defined herein (see definitions, Appendix A).

- j. A street ending permanently in a cul-de-sac shall not be longer than 600 feet and at the closed end shall have a turnaround provided for, having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. The cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of cul-de-sac turnaround. A street ending in a temporary cul-de-sac to allow for subsequent phasing of the development or continuation of a road at a later date may be used, provided that: The closed end shall have a turnaround outside roadway diameter of at least 80 feet with the roadway base, materials and design thickness to be approved by the city engineer; the easement or proper dedication shall be in place to allow for the public usage of the temporary cul-de-sac; and, the subdivider shall provide surety in the amount to cover a standard cul-de-sac design meeting the standard specifications of the city for a permanent cul-de-sac. If necessary, the city may draw from the surety in order to construct the permanent cul-de-sac prior to the term of the filed surety expiring.
- k. Dead end streets are not allowed except to provide for access to adjacent land areas and in no case shall be more than 250 feet in length or equal to one lot depth, whichever is greater. Any dead end street of a permanent or a temporary nature, if longer than 250 feet, shall have a surfaced turning area 80 feet in diameter for a cul-de-sac. Where adjacent property contains an existing dead end street over 250 feet in length without a cul-de-sac which abuts the proposed subdivision, the public works director shall require the subdivider to construct a cul-de-sac as provided above.
- l. New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets but not less than those presented in the TCSS manual. No new street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the city council based on the street names approved on the preliminary plat.
- m. All new streets dedicated within a subdivision shall be constructed in accordance with the current approved design requirements, TCSS manual and any other relevant policy or regulation at the time at which the final plat is approved.
- n. Subdivisions generally shall provide one point of access in each direction (north, east, south and west) to adjacent property or to a thoroughfare. All residential developments shall provide no less than one entrance for each 50 lots including stubs for future development or connection to an existing thoroughfare or collector.
- o. At any time during the pre-application proposal or plat application process, the city engineer may require a sight-distance study and/or a traffic impact analysis for any portion of the tract to be subdivided. The plat or any related development application which requires a traffic impact analysis or study shall be held as 'incomplete' by the city and not scheduled for a public hearing until the results of the completed study or traffic impact analysis has been submitted to, and reviewed by the city engineer and any affected public agency [such as the State of Texas if required]. Based on the study or analysis, the city engineer may impose stricter standards on the proposed plat in accordance with article III of this chapter. The city engineer shall forward a report on the traffic impact analysis or study to the planning and zoning commission and council at the next available public hearing to assist in their determination of the impact of the development to the existing and proposed roadway infrastructure, as well as assess any safety concerns.

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- p. Streets which dead end at power lines or similar rights-of-way, and which are intended for future extension across these rights-of-way, shall be constructed in the right-of-way for half the distance across the rights-of-way. Streets which dead end at railroad rights-of-way shall not be required to be constructed over the railroad right-of-way by the subdivider but an agreement must be reached regarding the timing and construction of the crossing by the railroad owner.
- q. Lot Addressing Procedures
- i. Site addressing shall be performed by the designated City Staff in accordance with the adopted addressing procedures as follows and with the adopted Addressing Standards. No address shall be issued prior to approval of and submission of final documents for recording of subdivisions.
 - ii. Upon recording of a final plat, replat, or amending plat, addresses shall be assigned to each lot created by such plat. Whenever possible, a current or previous address of an unplatted parcel of land shall be assigned if the address meets the following criteria:
 - iii. The address is in accordance with the adopted Addressing Standards.
 - iv. The address conforms with any existing address sequence.
 - v. The general principles of assigning addresses are:
 - vi. Address numbers should not be longer than four numeric digits nor less than three.
 - vii. Alphanumeric designations (ex. 1200A) shall only be used for addressing utilities such as standalone meters or boxes.
 - viii. Numbering should be uniform, consecutive, and expandable.
 - ix. Numbers should be assigned in standard intervals along road frontage.
 - x. Even numbers should always be on one side of the road and odd numbers on the other based upon the direction the road is traveling in relation to the Point of Origin designated in the adopted Addressing Standards.
 - xi. Numbering should be comparable on parallel streets.
 - xii. The numbering system should accommodate existing addressing schemes.
 - xiii. The designated City Staff will be responsible for assigning and distributing assigned addresses to all necessary government offices, including Denton County 9-1-1, utility companies both public and private, and the developer or their designee.
 - xiv. A property owner may request an address change in writing to the designated City Staff stating the purpose of the request.
 - xv. A new address will be considered and assigned based on circumstances outlined in the adopted Addressing Standards.
 - xvi. Notifications for address changes will be supplied to the same agencies that regularly assigned addresses are distributed to.
- r. Street Naming Procedures
- i. The developer shall name streets in conformance with the following considerations and the adopted Addressing Standards. City staff may deny or recommend alternative street names and reserves the right for final determination.
 - ii. Names of new streets shall not duplicate or cause confusion with the names of existing streets unless the new streets are a continuation of or in alignment with existing streets. New streets that are an extension of existing streets shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. Where the streets will not be extended or end in a cul-de-sac, new names may be assigned.
 - iii. Street names that are spelled differently but sound the same shall be avoided.
 - iv. Road names that are obviously offensive, libelous or derogatory in spelling or pronunciation are discouraged.
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- v. Special characters are not permitted in road names (i.e., hyphens, periods, apostrophes, etc.).
- vi. All street names shall contain only one (1) street suffix.
- s. Alleys shall be generally optional in all zoning districts. Alleys, or loading courts, with a minimum paved width of 20 feet or in lieu thereof, off-street loading space, may be provided in commercial and industrial areas. Alleys shall be provided where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision. New residential alleys, if provided or required as noted above, shall have a minimum paved width of 15 feet and a right-of-way width of 20 feet.

e. Easements

- a. Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. A minimum utility easement 15 feet in width adjacent to all street rights-of-way shall be provided for gas, electric, telephone, communications, television and other utilities approved by the city. A minimum five-foot utility easement shall be located along all side and rear property lines, unless determined otherwise by the city. It shall be the subdivider's responsibility to determine appropriate easement widths as required by other utility companies.
- b. City water and city wastewater mains will generally be installed in street right-of-way. The following minimum easement width requirements are for city water and city wastewater mains not installed in street right-of-way:
 - i. Where a city water main less than 16-inch (ID) or sanitary sewer main less than 18-inch (ID) crosses private property, at a maximum depth of ten feet (measured from ground level to flowline of pipe), a minimum 15-foot wide permanent utility easement (UE) centered on the utility is required.
 - ii. For larger main sizes, where the maximum depth is ten feet, the following table shall apply:

Main Size (ID)	Minimum Easement Width
Water main between 16" and 20"	20 feet
Water main between 24" and 30"	25 feet
Water main 36" and larger	30 feet
Wastewater main between 18" and 24"	20 feet
Wastewater main between 27" and 48"	25 feet
Wastewater main 54" and above	30 feet

- iii. For all water and wastewater mains with depths greater than ten feet (measured from ground level to flowline of pipe), the following equation will apply:

$$\text{Minimum easement width} = ((\text{depth of pipe}) \times 2) + (\text{OD of pipe}) + (2 \text{ feet})$$

Note that OD in the equation is outside diameter. Easement width shall be rounded up to nearest five feet. Easement shall not exceed 50 feet in width unless required by special circumstances.

- c. Where a subdivision is traversed by a watercourse, drainage way, or channel, there shall be provided a drainage easement conforming substantially with such course width plus an additional width of 15 feet on each side of the watercourse, drainage way or channel for

access and maintenance. Parallel streets or parkways may be required adjacent to creeks or drainage ways to provide maintenance access or access to recreation areas.

- d. A lot area shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot.
- e. Where alleys are not provided in a residential subdivision, a minimum ten-foot utility easement shall be provided along the rear of all lots within the subdivision. Where there are no adjoining easements existing, a minimum of ten feet will be required.
- f. A 25-foot by 25-foot triangular visibility, access and maintenance easement (VAM) is required on corner lots at the intersection of two streets. A 25-foot by 25-foot triangular visibility, access and maintenance easement (VAM) is required on lots at the intersection of an alley and a street. In all such cases, the full VAM statement of restriction contained herein, shall be placed in the dedication instrument or on the face of the plat.
- g. Fire lane easements shall be provided at locations directed by the development review committee. These easements shall have a minimum width of 24 feet and a minimum height clearance of 14 feet. Any emergency access and fire lane easement more than 100 feet in length shall either connect at each end to a dedicated public street or be provided with a cul-de-sac having a minimum diameter of 100 feet with an additional distance of ten feet on all sides clear of permanent structures. The paved width of an emergency access easement may be reduced to, but not below, 20 feet provided that curbs shall not exceed five inches in height, and further provided that there shall be no obstructions which will interfere with the use of the full 24-foot width of the easement by emergency vehicles and their appurtenances.
- h. No building or structure shall be constructed over or into an easement. If any building, structure of physical improvement is within an easement, it shall be the sole responsibility of the property owner to remove or abate the obstruction immediately at their sole cost. If the owner of the property does not remove the obstruction, the city may remove the obstruction and file a property lien and other applicable fees and/or fines against the property.

f. Water and Wastewater

- a. All new subdivisions shall be connected with an approved water system designed, constructed, and capable of providing water for health and emergency purposes, including fire suppression. All subdivisions must be served by an approved means of wastewater collection and treatment. The city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. It shall be the subdivider's responsibility to extend utility lines to provide water or sanitary sewer service.
- b. It shall be the subdivider's responsibility to design all improvements according to the latest edition of the City of Justin Technical Construction Standards and Specifications Manual. The city may require that the subdivider oversize the water system and/or the sanitary sewer system where necessary to serve land other than the tract or lots to be platted, including the oversizing of off-site water or wastewater mains necessary to extend service to the property to be platted.
- c. Extension of all utilities adjacent to any subdivision shall be made along the entire frontage of the subdivision adjacent to street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of utilities shall be accomplished in a manner to allow future connection to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the development coordinator in consultation with the public works director/city engineer may waive the requirement for adjacent utility line construction.
- d. Installation of utilities not specifically referenced herein shall comply with the Texas Commission on Environmental Quality (TCEQ) rules and regulations.

g. Storm Drainage

Drainage improvements shall be designed and developed in accordance with the City of Justin Technical Construction Standards and Specifications (TCSS) Manual. The following requirements shall also govern the design of all drainage facilities within the corporate limits of the City of Justin, Texas, and its extraterritorial jurisdictional area:

- a. The drainage facilities within the proposed subdivision shall be designed to accept the ultimate development stormwater runoff from upstream areas, carry the stormwater runoff through the proposed subdivision and discharge the stormwater runoff appropriately downstream.
- b. The owner's engineer shall determine the effect of each additions storm runoff, including all upstream runoff, on the existing drainage facilities immediately downstream of the addition. Where it is determined that existing capacity is not available immediately downstream and that property owned by others will be adversely affected with the calculated runoff, the owner's engineer shall design a drainage system, detention facility or parallel system to mitigate the problem. The city council may withhold approval of the plat until such mitigation has been provided.
- c. Lakes, detention ponds and retention ponds will be considered, and may be constructed, provided they are approved by the city council in consultation with the development review committee. The city may assume maintenance responsibilities for this type of facility only if it is wholly contained within an area the city can utilize for parks, recreational or other public purposes. If not accepted by the city, necessary floodplain easements and maintenance agreements shall be provided to insure maintenance of the facility.
- d. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within public rights-of-way, drainage easements shall be provided across private property to an acceptable outfall or to other public right-of-way.
 - i. Drainage easements with a minimum width of 15 feet shall be provided for existing and proposed underground drainage systems. When the system consists of larger diameter pipe or when the depth of the system or the soil conditions dictate, additional easement width shall be provided.
 - ii. Drainage easements along proposed or existing improved drainage channels shall provide sufficient width to include a channel designed to convey a 100-year design frequency storm plus one foot of free board within its banks and an additional width of 15 feet along each side shall be required to provide ingress and egress for proper maintenance of the facility. The access portion of the easement shall be above the 100-year design frequency storm elevation and accessible to vehicles and equipment. The entire drainage easement shall remain unobstructed at all times. Access to the channel easement must also be provided at a maximum of 1,200 foot spacing along streets or other public right-of-way.
 - iii. When a proposed drainage system will convey or discharge storm flow across or onto private property outside the subdivision or addition, appropriate drainage easements must be secured by the subdivider.
 - iv. The widths and lengths of the drainage easements described in items (1) through (3) above shall be substantiated by a drainage study and drainage calculations or other criteria submitted to and approved by the city.
- e. Proposed subdivisions containing a Federal Emergency Management Agency (FEMA) area of special flood hazard must comply with the provisions of the city's flood damage prevention regulations. Floodplain easements shall be provided along natural channels, major creeks, lakes, detention ponds and retention ponds. Floodplain easements shall encompass all areas beneath

the water surface elevation resulting from a storm whose design frequency is 100 years, plus such additional width as may be required to provide ingress and egress to allow for the maintenance of the facility and for the protection of adjacent property, as determined and required by the city. The access portion of the easement shall be above the 100-year design frequency storm elevation.

- i. All floodplains or regulated floodways presented on the flood insurance rate map (FIRM) shall be shown on the plat. If the above referenced maps do not specify a flood area along any of the above creeks or their tributaries, it shall be the subdivider's responsibility to establish and identify needed easements.
 - ii. The city council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, wastewater and drainage facilities prohibit development of any portion of the property which lies within a floodplain. Such a floodplain shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except as specifically approved by the city. When floodway easements, within a floodplain easement, are required or proposed, they shall be shown along the improved or unimproved drainage way. Floodway easements are the unobstructed portion of the floodplain consisting of the primary channel and overbank areas capable of conveying the 100-year frequency discharge without increasing the design flood elevations as defined by FEMA.
- f. In those cases where the proposed improvements or development plans alter and/or impact a FEMA floodplain or floodway easement, the subdivider shall apply to and submit to FEMA, and any other regulatory agencies all engineering data and information requested to obtain an approved "letter of map revision." Only after a new or revised floodplain or floodway area is designated by FEMA will the city approve the proposed plans.
- g. Maintenance agreements between an approved maintenance entity and the city shall be required when an improved drainage channel, in a drainage easement, is constructed as an unlined channel or when a floodplain easement is proposed.
 - i. An individual residential lot owner does not constitute a maintenance entity. A maintenance entity may include homeowner's associations, apartment complexes, or similar groups. The maintenance entity's by-laws and covenants filed of record, shall provide for ongoing maintenance. The agreement shall authorize a lien against individual abutting lots in favor of the city to secure payment to the city for any expenses incurred by the city for maintenance in the event of default by the maintenance entity.
 - ii. An owner or owners of a nonresidential property or properties may create a maintenance entity to maintain drainage or floodplain easements, provided the entity's by-laws and covenants filed of record, provide; for on-going maintenance. Such agreements shall authorize a lien against individual abutting properties in favor of the city to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way, in the city's sole opinion.
- h. Border channels shall be improved as per the "public improvements policy" at the time of development unless conditions preclude improvements, at that time, as determined by the development review committee. In no case shall property adjacent to a recognized drainage way be final platted unless provisions are made for making it conform to all city drainage and/or floodplain criteria. The design shall protect all platted property and shall not adversely affect property owned by others. The developing party is responsible for constructing, if necessary, a reasonable portion of the drainage way applicable to the property being developed. In no case shall any segment or portion of the drainage way be neglected by the present or future

development. This may require the platting of a floodplain easement, as described above, and entering into a maintenance agreement for the property to be final platted.

Sec. 52-507. Required Improvements

a. General

- a. The requirements of these subdivision regulations are designed and intended to ensure that all improvements are installed properly and:
 - i. The city can provide for the orderly and economical extension of public facilities and services;
 - ii. All purchasers of property within the subdivision shall have a usable, buildable parcel of land;
 - iii. It is necessary and desirable to provide for dedication of rights-of-way and easements for public works improvements to support new development at the earliest stage of the development process;
 - iv. The city desires to assure both that impacts of new development are mitigated through contributions of rights-of-way, easements and construction of capital improvements, and that a new development be required to contribute not more than its proportionate share of such costs;
 - v. Proposed public works improvements serving new development shall conform to and be properly related to the public facilities elements of the city's adopted master plan, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall meet the service levels specified in such plans; and
- b. The land to be subdivided or developed must be served adequately by essential public facilities and services. No subdivision related application, plat or development shall be approved unless and until adequate public facilities exist or provision has been made for the installation of all water, wastewater, storm drainage, street, park facilities, street light improvements and electrical facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or offsite. This policy may be defined further and supplemented by other ordinances adopted by the city. The public improvements required by the city for the acceptance of the subdivision shall include, but are not limited to those set forth in these regulations, the city TCSS Manual and this Code.
- c. All aspects of the design and implementation of public improvements shall comply with the current local, state and federal design standards and any other applicable city codes and ordinances, including the preparation and submittal of construction plans and specifications. Technical construction standards and specifications for all improvements shall be made in compliance with this chapter, the city's TCSS Manual and this Code, unless otherwise specified in the following sections.
 - i. The standards established in this chapter, the TCSS Manual and this Code are for the proper dedication and construction of public works improvements and infrastructure and are based upon engineering studies and historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, parks and other facilities that the city council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to assure the quality of life currently enjoyed by the citizens of Justin. It is the intent of these regulations that no development shall occur until and unless these minimum levels of service are met. Therefore, each subdivision in the city shall be required to dedicate, construct and/or

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- upgrade required facilities and infrastructure to a capacity that meets these minimum levels.
- ii. For each category of public infrastructure, a minimum standard of infrastructure, and in some cases, service level, has been developed based upon historic studies and construction projects of the city and other cities. These minimum standards take into consideration the soil conditions and topographic configuration of the city, the use and impact analyses of the North Central Texas Council of Governments in developing standard specifications for public works installation, and other historical use and performance experiences of the city that reflect the minimum level of facilities and services that must be built to meet the health, safety and welfare of the citizens of Justin.
 - iii. In order to maintain prescribed levels of public facilities and services for the health, safety and general welfare of its citizens, the city may require the dedication of easements and rights-of-way for the construction of on-site or off-site public works improvements for water, wastewater, road, drainage or park facilities to serve a proposed subdivision, or require the payment of fees in lieu thereof. If adequate levels of public facilities and services cannot be provided concurrent with the schedule of development proposed, the city may deny the subdivision until the public facilities and services can be provided or require that the development be phased so that the availability and delivery of facilities and services coincides with the demands for the facilities created by the development.
 - iv. Whenever the city council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the city, the owner shall qualify for reimbursement for any costs in excess of the minimum levels of service through city participation, to the extent funds are available by a pro rata reimbursement policy or other means adopted by the city.
- d. The subdivider/owner shall employ an engineer proficient in civil engineering and licensed or registered by the State of Texas for preparation of the drainage plan, cost estimates and, construction plans and specifications for all public improvements.
 - e. The city shall require an initial demonstration that a proposed subdivision shall be adequately served by public facilities and services at the time for approval of the first development application that portrays a specific plan of development, including but not limited to a petition for establishing a planned development zoning district or other overlay zoning district, a public improvements agreement, development agreement or a pre-application proposal for a plat which requires public improvements.
 - f. The obligation to dedicate rights-of-way for or to construct one or more public works improvements to serve a new subdivision may be deferred until approval of a subsequent phase of the subdivision where, in the opinion of the city engineer, the right-of-way dedication and/or construction of the infrastructure is necessary to meet the minimum standards or intent of this chapter or other adopted policy of the city, upon written request of the property owner or at the city's own initiative. As a condition of deferring the obligation, the city may require that the subdivider include provisions in the public improvements agreement or development agreement specifying the time for dedication of rights-of-way for or construction of public works improvements serving the subdivision.
 - g. All directly adjacent overhead lines shall be buried underground at the developer's expense that involve a dedication of right-of-way or a development of more than ten (10) lots.
 - h. Timing of Improvements
 - i. The city will require that all public improvements be installed and accepted by the city prior to the filing of the final plat by the city secretary.
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- ii. The city may permit or require the deferral of the construction of public improvements if in its judgment, deferring the construction would not result in any harm to the public, or offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. Any required public improvement(s) approved for deferred construction shall be provided for as required in the public improvement's agreement prior to the approval of the final plat.
 - iii. If the city does not require that all public improvements be installed and accepted by the city prior to signing of the final plat, it shall require that the applicant execute a public improvements agreement and provide security for the agreement.

b. Streets

- a. All streets, alleys and other improvements within the public right-of-way shall be designed and constructed in accordance with the requirements of this chapter, and the City of Justin's Technical Construction Standards and Specifications (TCSS).
- b. Proposed roads shall provide a safe, convenient and functional system for vehicular, bicycle and pedestrian circulation and shall be properly related to the applicable thoroughfare plan and any amendments thereto and shall be appropriate for the particular traffic characteristics of each proposed subdivision or development. New subdivisions shall be supported by a thoroughfare network having adequate capacity, and safe and efficient traffic circulation. Each development shall have adequate access to the thoroughfare network.

c. Monuments and Markers

- a. Permanent survey markers. All boundary corners, block corners, etc., as established in the process of creating a subdivision plat shall comply with the Texas Board of Professional Land Surveying Practices Act and General Rules of Procedures and Practices.
- b. SPC coordinates. A minimum of two monuments at prominent locations (block corners, boundary corners, etc.) within a subdivision shall have Texas State Plane Coordinates (SPC) in U.S. Survey Feet noted on the subdivision plat. The Texas State Plane Coordinate (SPC) shown on the subdivision plat shall have the appropriate metadata listed.
- c. Elevation data. A minimum of two monuments at prominent locations (block corners, boundary corners, etc.) within a subdivision of which require minimum finished floor elevations on all or part of the lots shall have the mean sea level elevations noted on the subdivision plat. The mean sea level elevations shown on the subdivision plat shall have the appropriate metadata listed.

d. Storm Drainage

- a. All storm drainage facilities shall be designed and constructed in accordance with the requirements of this chapter and the City of Justin's Technical Construction Standards and Specifications (TCSS).
- b. Drainage improvements serving new development shall be designed to prevent overloading the capacity of the downstream drainage system. The city may require the phasing of development, the use of control methods such as retention or detention, the construction of off-site drainage improvements, or drainage impact fees in order to mitigate the impacts of the proposed subdivision. The applicant may propose and the city may require the phasing of development and/or improvements in order to accommodate appropriate drainage design.

e. Wastewater

- a. All wastewater facilities shall be designed and constructed in accordance with the requirements of this chapter, the city's sewer master plan and the City of Justin's Technical Construction Standards and Specifications (TCSS).
- b. All lots to be platted or land to be developed shall be served by an approved means of wastewater collection and treatment. The city shall be responsible for determining compliance with the city's TCSS and the approved means of wastewater collection and treatment. The

applicant may propose and the city may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity. It shall be the responsibility of the subdivider to extend the central wastewater main through the entire public or private street frontage or through the platted or developed subdivision or lot in order to allow for the continuation and extension of public services in order to accommodate growth.

f. Water

- a. All water facilities shall be designed and constructed in accordance with the requirements of this chapter, the city's water master plan and the city's Technical Construction Standards and Specifications (TCSS).
- b. All lots to be platted or land to be developed shall be connected to an approved water system which has capacity to provide water for domestic use and emergency purposes, including adequate fire suppression. The applicant may propose and the city may require the phasing of development and/or improvements in order to maintain adequate water capacity. It shall be the responsibility of the subdivider to extend the central water main through the entire public or private street frontage or through the platted or developed subdivision or lot in order to allow for the continuation and extension of public services in order to accommodate growth.

g. Parks and Open Spaces

- a. Need and purpose. This section will insure the provision of adequate park and recreational areas that are needed for healthy residential neighborhoods within the city. Neighborhood park facilities that are close to each home and are developed to allow full recreational fulfillment are vital to the health and welfare of each and every citizen within the city. New residential development or an increase in density by redevelopment in existing neighborhoods creates the need for additional park and recreation facilities. This policy governs all park dedication and improvement requirements for subdividers who are required to file a pre-application. Proposal or plat application under this section. This policy also provides for needed land acquisition for parks that serve new residential development or an increase in density by redevelopment in existing neighborhoods. The city has developed and adopted general planning standards for parks that are included within the city's master park, recreation and open space plan.
- b. Planning.
 - i. The city will require residential subdividers to dedicate land and recreation improvements for parks or pay a fee in lieu thereof as a condition of the platting process, just as land for streets, alleys, utility easements and other improvements directly attributable to the development of a new residential neighborhood are dedicated. The development review committee and subdivider will negotiate a combination of fees and park land dedication or cash-in-lieu thereof that satisfies the requirements of this chapter. Terms of this negotiation will be presented to the planning and zoning commission for recommendation and ultimately to the city council for approval.
 - ii. The overall program and full implementation of this section (Park dedication policy) shall generally follow the city's master park, recreation and open space plan. The development review committee may develop implementation guidelines to insure the fair and objective application of this park dedication policy.
 - iii. Where recreation facilities are built for the residents of a subdivision development, a credit may be given to the subdivider for all or a portion of the land dedication (or fee-in-lieu thereof) and the park development fee based on the value of the developed park (see development options and credits). At the discretion of the development review committee, a credit of up to 100 percent of the total amount of the park development fee may be issued.

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- iv. Park infrastructure. The subdivider will bear the cost of all improvements, including streets, water, sewer, storm drainage and street frontage directly related to park sites between three and 20 acres in size. The subdivider will provide no less than 150 feet of street frontage for each three acres of park land. The required frontage can be a combination of contiguous park access drives, street frontage or access easements. Credit may also be given for access easements that allow access into the park from the surrounding neighborhood.
 - c. Site selection/characteristics of parks.
 - i. In selecting a site for a park, the city will avoid an accumulation of non-contiguous parcels of land or an accumulation of land unsuitable for park purposes.
 - ii. Parks sites will be selected on the basis of obtaining natural, park-like settings where available and will consist of diverse topography and open space suitable for the development of recreational facilities.
 - iii. If a subdivision cannot provide the minimum three-acre parcel or a smaller parcel which can potentially be contiguous to existing or future park parcels, then a fee in lieu of park land or a combination of fee and park land dedication will be required at the discretion of the development review committee (DRC) during the pre-application proposal process.
 - iv. Park sites will be located, whenever possible, adjacent to and contiguous with school sites and other public or non-profit agency sites in order to make maximum use of common public facilities and grounds.
 - v. Careful consideration will be given to the need for development of linear parks around natural drainage and wooded areas that provide potential recreational uses. Floodplain (based upon 100-year storm) and floodway will be accepted for park development in the following ratios.
 - 1. Floodplain and natural drainage areas should not exceed 75 percent of the total park site.
 - 2. At least 50 percent of required dedicated park land should have slopes in range of two to five percent, well-drained, and suitable for active use development.
 - 3. There will be no reduction in credit for dedication of floodplain as compared to non-floodplain property, provided the dedication satisfies provisions a. and b. above.
 - 4. When development occurs near a floodway that is designated as part of the city's greenbelt/trail system or determined to be suitable for trail development by the development coordinator, the subdivider will be required to develop that section of the greenbelt/trail system that occurs within his/her development. The subdivider will construct the trails and adjacent facilities in accordance with planning and development department design criteria and specifications. In order to facilitate greenbelt/trail development, the development review committee may, at their discretion, credit the subdivider up to 100 percent of the required land dedication and development fee. The cost for the trail's development will be borne by the subdivider and will not exceed the required park development fee.
 - 5. Proposed park land boundaries of park dedications will provide reasonable access to improved street frontage for readily accessible entry into the park area by the public.
 - d. Land dedication. Any required conveyance of land attributed to a proposed residential subdivision/(re)development will be roughly proportionate to the its number of residential units and population density.
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- i. Minimum requirement. For each submitted residential subdivision plat, the minimum park land dedication requirement is one acre of park land per 25 units, as shown on the total build-out for the development (inclusive of all phases). This property is accepted at the ratios and specifications as set forth in section 52- 507g(c) (Site selection and characteristics of parks). The cash-in-lieu portion of the land dedication is contained within the city's adopted fee schedule. The city council may review the cash-in-lieu of rate and adjust the rate via adoption of the fee schedule resolution. Existing planned development zoning districts establishing pre-approved site layout and geometry (prior to the effective date of the ordinance from which this chapter is derived) shall pre-empt the requirements set forth herein.
 - ii. Where a subdivision plat is submitted indicating multi-family or any type of single-family attached (patio home, town home, two-family, duplex, etc.) residential development, and a table of information is not provided indicating the number of dwelling units, the city may assume the highest density allowed in the zoning classification to be applied to the property by which to determine projected population in order to determine park dedication policy requirements. It is the responsibility of the applicant to ensure the provision of dwelling-unit information.
 - iii. All determinations of required land dedication will be based upon review of all pre-application proposals submitted through the city's planning and development department. Failure to indicate proposed park dedications or fee-in-lieu-of dedication on the submitted pre-application proposal will be sufficient grounds for the city to reject the application, or to deny any concept plan, or plat application. Upon final agreement between the DRC and the subdivider regarding mutually acceptable park land, such land will be indicated on the revised plat application prior to the DRC comment and plat application deadline. Such park property will be conveyed by general or special warranty deed before release of the final plat on any or all portions of the subdivision thereof by the city for filing in the county plat records. Submission of park dedication documents is required for final plat approval. Park dedication documents include, but are not limited to:
 - 1. A metes and bounds description of the park dedication property.
 - 2. A survey plat of the park property only.
 - 3. A copy of the subdivider's deed for the property (demonstrating ownership and right to dedicate to city).
 - 4. An environmental statement (ESA Phase 1) that indicates that the park site (or the subdivision from which the park is dedicated) is free of environmental contamination or hazards.
 - 5. Documents conveying ownership to the city which may be either:
 - a. A special warranty deed and title policy provided by subdivider to city insuring the city in an amount equal to the value of the dedicated property; or
 - b. General warranty deed.
 - iv. The city prefers the land required to be conveyed for park dedication to be located inside the subdivision development. The city council may alternatively choose to accept land conveyed for park dedication at a location outside the subdivision development so long as the land is of such proximity to the development so as to serve or benefit the neighborhood residents or better further the city's master park plan.
 - v. If a replat is filed, the dedication requirements will be controlled by the policy in effect at the time of replat. Additional land dedication (or fee in lieu of) will be required if the actual density of residential units constructed on the property is greater than the former
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- assumed density or additional requirements are in force as a result of the adoption of this policy.
- vi. The city may, at its discretion, proceed to conduct such initial construction inspections, environmental tests and surveys on the land and improvements as it may deem appropriate, and the subdivider must grant to the city and its agents and employees such reasonable access to the land as is necessary to conduct such construction inspections, surveys, and tests.
 - vii. If the results of such construction inspections, surveys and tests indicate a reasonable possibility of construction failure, construction dumping, flawed construction, environmental contamination or the presence of environmental hazards, the city may require further surveys and tests to be performed at the subdivider's expense as the city may deem necessary prior to its acceptance of the dedication and improvements; or in the alternative, the subdivider may be required to identify alternative property or pay the fees in lieu of such park land dedication.
- e. Payment of fees in lieu of park land dedication.
- i. If the calculation for required park dedication within the proposed subdivision development results in less than three acres and/or does not meet site selection criteria pursuant to section 52-507 of this policy, the subdivider may pay, and/or the DRC may require a fee in lieu of park land dedication.
 - ii. All fees collected in lieu of park land will be dedicated for the purpose of providing adequate park land or the maintenance or expansion of existing park land proximate to the residential subdivision development(s). However, if acquisition and development of a park is not achievable within the proposed development the development review committee, in its sole discretion, may determine that the park and recreational needs of the proposed subdivision development would be better served by the expansion of existing park sites located within or near the same neighborhood unit where the proposed subdivision development is located.
 - iii. The amount of the fee in lieu of park land dedication will be determined by the following method:
 - 1. The amount equal to the fair market value of the required land dedication and, if applicable, less a credit for the value of the land actually dedicated for park and recreational purposes. The fair market value will be determined by the city as determined through independent appraisals of comparable properties.
 - 2. When the subdivider disagrees with the city's fees, the subdivider at their own expense may obtain an appraisal of the property by a State of Texas certified real estate appraiser, mutually agreed upon by the city and the subdivider, which may be considered by the city in determining fair market value.
 - 3. If the property was acquired by the subdivider within the last year, the subdivider may submit the contract for sale or appraisal documents related to the acquisition of the property to be considered by the city in determining fair market value.
 - iv. All fee payments made in lieu of land dedication in accordance with this policy will be pro-rated on a per dwelling unit charge based on the fair market value of the required dedication of the land and relative to the number of dwelling units included in the final plat submittal. Fees assessed at the time of final plat submittal will be based upon the current dedication requirements as listed in the most recent fiscal year's fee schedule for park land dedication fees per dwelling unit. That fee will remain unchanged over the life of the development.
- f. Open space and park land offsets.
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- i. Should the density caps contained within a given zoning district result in unused acreage or "open space" in a development, the additional "space" will offset the corresponding amount of park land dedication, providing the land meets the following requirements:
 - 1. The additional "open space" is suitable to provide useful recreational functions such as: Linear destination trails (those trails designed to conduct residents to the planned interlinking city wide trail system), connectivity to neighborhood facilities including shopping or schools and active park/recreation facilities.
 - 2. The "open space" meets the requirements listed in section 52-507(c) (Site selection and characteristics of parks).
 - 3. Unless otherwise specified and dedicated as public space on the final plat and filed for record, property designated as "open space" is maintained by the development through the institution of a home owners association (HOA). This maintenance responsibility will be shown on the HOA deeds and covenants, and shall be provided to the city at any time upon request.
 - g. Park development required.
 - i. The subdivider will bear a proportionate share of the cost of improvements of a park through payment of a park development fee. Such fee can include the following recreational facilities as a minimum configuration for each three acres of park land:
 - 1. Playground.
 - 2. Picnic shelter.
 - 3. Practice baseball/softball field with backstop or soccer field with goals.
 - 4. Walking trail.
 - 5. Multi-use slab with weatherproof basketball backboard and goal.
 - 6. Site grading and preparation.
 - 7. Turf and vegetation.
 - 8. Paved parking areas.
 - ii. The park development fee is based on the costs incurred to purchase, erect and construct the minimal park amenities identified in section 52-507(g)(1), on a three-acre tract of park land. This fee will be prorated on a per acre basis according to the park land dedication requirements of a particular development. The park development fee may be adjusted from time to time based on the annual amount of the change in the Consumer Price Index; provided, however, that the city council retains the right to adjust the fee in an amount greater than the annual amount of change in the Consumer Price Index. This fee will be over and above the amount needed for park land dedication (or cash in lieu of) and infrastructure development.
 - h. Development options and credits. Subdividers may select option one (1) or two (2) in consultation with the development review committee.
 - i. If mutually agreed upon by the subdivider and the development review committee, the subdivider may choose to develop the park site prior to final plat approval in lieu of submitting the park development fee. Should the subdivider choose this option, construction of the park will be accomplished pursuant to a three-party "subdivider's public improvement agreement" between the subdivider, the city and the contractor chosen by the subdivider. The cost paid by the subdivider to provide the park and recreation amenities may offset the required subdivider's public improvement agreement up to 100 percent. The park development fee will not exceed the estimated cost the city would incur to construct similar facilities. Prior to approval of a park development agreement, the subdivider must submit a conceptual master plan indicating the proposed park facilities and their locations. Upon approval of the
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- proposed park development plan the subdivider may authorize preparation of construction documents for park development.
- ii. In the event that the development review committee and the subdivider reach an agreement for park development prior to final plat approval, the subdivider will be required to submit park development construction plans that conform to planning and development department design, construction and specification standards. The planning and development department and the public works department will review the construction documents for compliance with city park construction requirements. The subdivider must allow city inspections of the park improvements. Prior to final plat approval the park construction must be approved and accepted by the city; or in the alternative;
 - iii. The subdivider will pay the required park development fee and the park will be scheduled for development by the public works director.
- i. Additional information concerning fees.
 - i. All required fees must be paid and received before the recording/filing of the final plat (or any portions thereof) in the county plat records.
 - ii. All payments made in accordance with this policy will be deposited in a designated fund as established by the city. The city will account for all such funds paid with reference to each subdivision development. Interest earned on accumulated park acquisition and development fees designated for a specific subdivision development will be used for additional acquisition and development as described in this policy.
 - iii. "Open space" offsets in section 52-507(f) (Open space and park land offsets) do not apply to the park development fee. All fees will be based upon the total park land provided with a development, whether acquired as "open space" or other dedicated park land.
 - j. Decision making; appeals.
 - i. Unless otherwise provided in this policy, any decision will initially be made by the development review committee during the pre-application proposal and/or plat review process. The Director of Planning, or his/her designee, will be an integral part of the decision-making process for the development review committee on matters regarding parks and open space.
 - ii. Decisions of the development review committee with regard to this policy may be appealed first to the Director of Planning, then to the Parks Board for recommendation, then to the city council or final action.

Article 6 – Signage

Section 52.601 – General

- a. Purpose and Intent
 - a. The purpose and intent of this chapter is to regulate, control and administer, without reference to content, the use of signs within the boundaries of the city and within the city's extraterritorial jurisdiction to the extent allowed by law, and to provide for the safety and well-being of the city's citizens by providing safe and aesthetically pleasing signage without causing undue hardship or burden on businesses.
- b. Applicability
 - a. All ordinances adopted by the city regulating the erection, structure, size location, and placement of all signs and advertisements shall be and are hereby made applicable to all properties and land within the extraterritorial jurisdiction of the city in addition to the corporate and territorial limits of the city to the extent that such regulations are applicable to outdoor signs, and the city does hereby extend the provisions of said outdoor sign regulatory ordinances to the city's area of extraterritorial jurisdiction.
 - b. Any sign which did not lawfully exist at the time of adoption of the ordinance from which this chapter is derived shall not become or be made legal solely by adoption of said ordinance. Any sign or use not specifically permitted is prohibited.
- c. Sign Permits
 - a. A sign permit is not included with a building permit.
 - b. No person shall erect, install, repair, remodel, expand, or display a sign without first obtaining a sign permit as required by this chapter.
 - c. No signage other than the main permitted sign shall be painted on or attached to a pole or support members of any sign.
- d. Signs Exempt from Permit

The following signs do not require a permit:

 - a. Copy changes and sign face replacement, when no increase in sign area or height is made, for signs otherwise allowed under this section, not including changes proposed on a nonconforming sign or to modify any sign to an electronic message center, are exempt from the permit requirements of this chapter.
 - b. Construction signs when placed upon the construction site following the issuance of a building permit.
 - c. Flags of the United States, state, or any other political subdivision, any flag of a bona fide region, fraternal or charitable organizations, and flags of corporations, subdivisions, or community associations or organizations. Exemption does not apply to the pole structure that is regulated by the associated zoning district.
 - d. Memorial plaques, building identification signs, and building cornerstones when cut or carved into the masonry surface or when made of noncombustible material and is made an integral part of the building or structure. These signs shall not exceed four square feet in area.
 - e. On-site directional signs not exceeding four square feet, provided such sign does not contain advertising and is not used as such. Directional signs are only permitted behind the property line.
 - f. Political signs.
 - g. Traffic or other municipally-owned signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the city council or its authorized agent.
 - h. Signs on fences or other structures within public parks, signs that are positioned internally within public sport fields, and signs prepared by or for the local, state, or federal government, including sites or buildings of historical significance. No sign shall be larger than 32 square feet in area.

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- i. Temporary signs advertising garage sales, provided that such signs shall be removed within 72 hours after posting. No sign shall be affixed to utility poles or street signs.
 - j. Window signs. They may be no larger than 20 percent of the total opening.
 - k. Wall decorations and works of art that do not include a commercial message or logos.

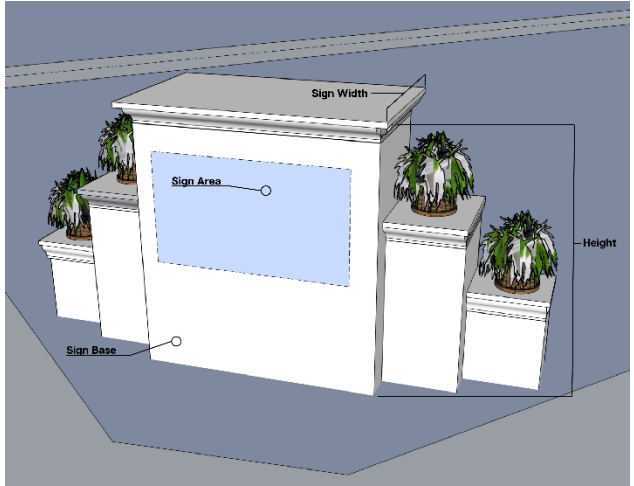
Section 52.602 – Administration

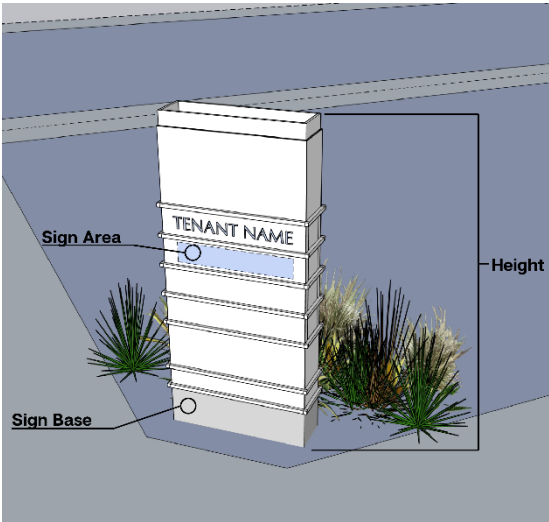
- a. Application
 - a. An application for a sign permit shall be made in writing upon forms furnished by the building department. Such application shall contain the location by street and number of the proposed sign structure as well as the name and address of the owner and the sign contractor or erector. The Director of Planning or designee may require the filing of plans drawn to scale, building materials or other pertinent information where such information is necessary to ensure compliance with the sign regulations.
 - b. Permit fees will be set by an appropriate fee resolution by the city council, and such permit are nonrefundable and nontransferable.
 - c. The permit is valid for 60 days from issuance, work must commence before the end of 60 days from issuance, and work must be complete 180 days from issuance.
- b. Permit Revocation
 - a. The Director of Planning or designee may suspend or revoke any permit issued under the provisions of this chapter whenever:
 - i. It is determined by the Director of Planning or designee that the permit is issued on the basis of incorrect or false information supplied; or
 - ii. A sign for which such permit is issued violates any of the provisions of this chapter or any other ordinance of the city or laws of the state or the United States.
 - iii. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the owner of the premises upon which the sign is located.
 - b. The Director of Planning or designee is hereby authorized to withhold issuance of a sign permit to any person who has previously failed or refused to pay any fees or costs assessed under provisions of this chapter, or who is currently in violation of any provision of a city ordinance, until such fees are paid or ordinance violations are abated.
 - c. Whenever any work for which a permit is required by this chapter has commenced without first obtaining said permit, an administrative review shall be made before a permit may be issued for such work. This associated investigation shall have a fee that is provided for in the city's fee schedule and will be assessed in addition to any permit fee.
- c. Variances
 - a. Any property owner may apply to the board of adjustment of the city to request the board to vary any or all terms of these sign regulations. The board may grant a variance to the terms of this chapter upon a specific finding from evidence presented to it that strict compliance with the provisions of this chapter will result in substantial hardship or inequity to the applicant without corresponding benefit to the city and its citizens in accomplishing the objectives of this chapter. In no event shall the granting of such a variance permit a sign to be placed in public right-of-way, an unsafe sign, a waiver of the permit requirements of this chapter, reconstruction of a nonconforming sign, or the placement of a commercial sign in a residential zone. Notice of a public hearing on such application shall be given in the same manner as for a zoning application.
- d. Maintenance, Nuisances, and Violations
 - a. All signs shall be kept in a proper state of repair and preservation. It is a violation of this chapter to keep or allow to be kept any sign in a dilapidated or deteriorated condition.

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- b. All signs and sign structures shall comply with the minimum standards established by the building codes of the city, as amended, unless standards described in this chapter are more restrictive, then in such an event the provisions of this chapter shall apply.
 - c. If the Director of Planning or designee shall determine that any sign is unsafe, unsecure or is a public nuisance, the Director of Planning or designee shall give written notice to the permittee, owner and person or persons responsible for such sign. If the permittee, owner, or person responsible for such sign or the owner, manager, occupant, agent or person having beneficial use of the property or structure upon which such sign is mounted or located fails to remove or repair the sign within ten days after such notice, such sign shall constitute a public nuisance and any and all of such persons shall be in violation of this chapter and subject to prosecution. The Director of Planning or designee may cause any sign which is an immediate safety hazard to persons to be removed summarily and without notice.
 - d. Any sign found on public property or within the public right-of-way and not authorized by this chapter may be immediately removed by any city employee or designee.

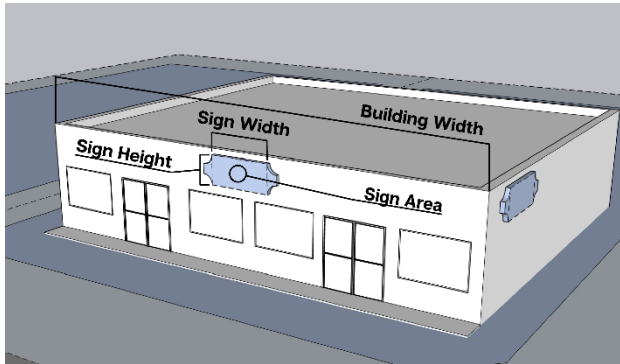
Section 52.603 – Permitted

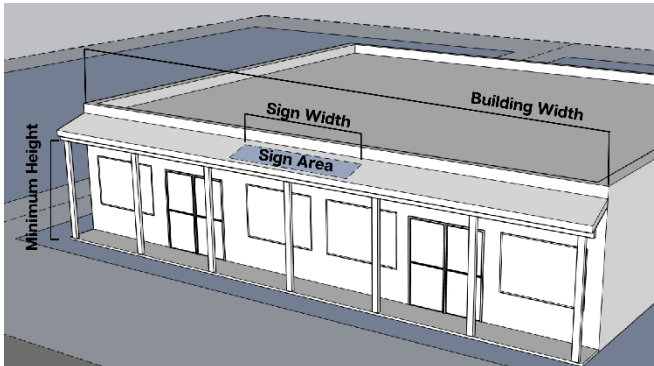
a. Monument

Single Tenant		
Maximum Height	10 ft	
Size	1 sq. ft. per 50 sq. ft. of total building space	
Maximum Size	120 sq. ft.	
Maximum number of signs	One (1)	
Base of Sign	20% of entire sign area	
Main Sign Support Structure	Shall not be visible	
Material of Sign	Natural stone, brick, poured-in-place decorative concrete, or stucco covered concrete	
Placement of sign:		
Front	5 ft	
Side	25 ft	
Minimum proximity to other signs	50 ft	
Outside of any required POSE (public open space easement) visibility triangle.		
When a monument sign is situated within an island or a driveway location at the entryway of a development where vehicular driving land is located on one or more frontages.		
Illumination: All monument signs may be either internally illuminated or externally illuminated. If illuminated internally, only the sign face may be illuminated. If illuminated externally, the light shall only illuminate the sign face. No glare or over wash shall be permitted from this type of lighting.		
Special requirements: All proposed monument signs must have an approved site plan before building permit will be issued.		

Multi-tenant		
Maximum Height	15 ft	
Size	1 sq. ft. per 40 sq. ft. of total building space	
Maximum Size	180 sq. ft.	
Maximum number of signs	One (1)	
Base of Sign	20% of entire sign area	
Main Sign Support Structure	Shall not be visible	
Material of Sign	Natural stone, brick, poured-in-place decorative concrete, or stucco covered concrete	
Placement of sign:		
Front	5 ft	
Side	25 ft	
Minimum proximity to other signs	50 ft	
Outside of any required POSE (public open space easement) visibility triangle.		
When a monument sign is situated within an island or a driveway location at the entryway of a development where vehicular driving land is located on one or more frontages.		
Illumination: All monument signs may be either internally illuminated or externally illuminated. If illuminated internally, only the sign face may be illuminated. If illuminated externally, the light shall only illuminate the sign face. No glare or over wash shall be permitted from this type of lighting.		
Special requirements: All proposed monument signs must have an approved site plan before building permit will be issued.		

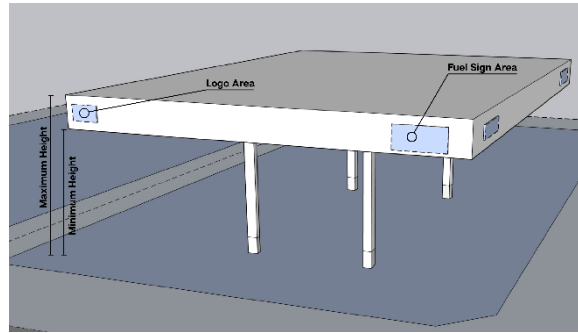
b. Wall

		Wall Signs
Maximum Height	6 ft	
Size	1 sq. ft. per 1 linear ft. of building width	
Maximum Size	200 sq. ft.	
		Projection: No wall sign may project more than one foot from the wall from which it is affixed. No wall sign may project into, over or otherwise encroach upon a public right-of-way or above the top of the wall or be placed on the roof. No sign shall cover, wholly or partially, any wall opening. Illumination: Wall signage shall consist of only internally illuminated face lit channel letters, reverse channel lit letters. Internally illuminated signs shall have an opaque background with only letters and logo illuminated.

Awning: Awning signs may project from the wall of the building to protect the main entrance.		
Minimum Height	8 ft above ground surface.	
Size	1 sq. ft. per 1 linear ft. of building width	
Maximum Size	200 sq. ft.	
Projection: Shall not project more than five feet into the public right-of-way and shall project no closer than two feet from the face of the curb line. Signs on awnings shall count towards the total of the maximum size of the total wall size limit. Projection of sign on awning: Shall be no larger than three feet from the front or side of the awning. No projection of the awning shall be closer than two feet from the curb and may be no lower than the minimum height of the awning. Illumination: The projected sign will be internally illuminated if illuminated. Special requirements: All proposed awnings and associated signage must have an approved site plan before building permit will be issued.		

Canopy: Canopies may be freestanding or supported independently by columns and subject to the following:

Maximum Height	18 ft
Minimum Height	14 ft
Size	1 sq. ft. per 1 linear ft. of building width
Maximum Size	200 sq. ft.



Projection: No sign shall project more than two feet from end of canopy. There shall be no overlap of signage from the bottom or top of the canopy.

Signs on canopy: There may be three company logos placed on the two sides of the canopy and one logo sign on the front. Direction of the canopy is determined by the front property line. The signs may each be a total of 16 square feet. One fuel price sign shall be permitted on the two end sides of canopy. One fuel price sign shall be permitted on the front side determined by the lot frontage. The three fuel signs may be 16 square feet each and be an electronic message center (EMC) type sign.

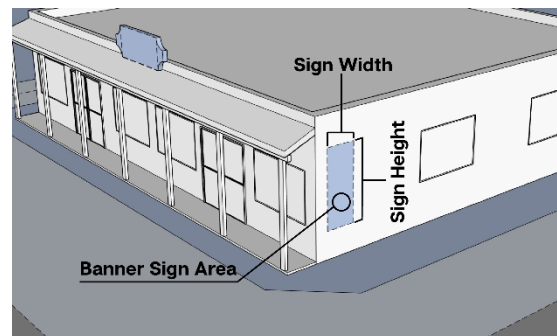
Monument sign: There shall be one single-tenant monument sign permitted per property. It shall comply with all standards set forth in this chapter.

Illumination: All attached canopy signs shall be either backlit or canister illuminated. Except that the fuel price signs may be EMC signs.

Special requirements: All proposed canopies and associated signage must have an approved site plan before building permit will be issued.

c. Banners

Temporary Commercial Signage	
Maximum Size	15 square feet in area.
Time Limit	Banners shall be limited to 30 consecutive days.
Single Use Occupancy	One banner limit.
Multi-use Occupancy	One banner per occupied store frontage.
Illumination	None.

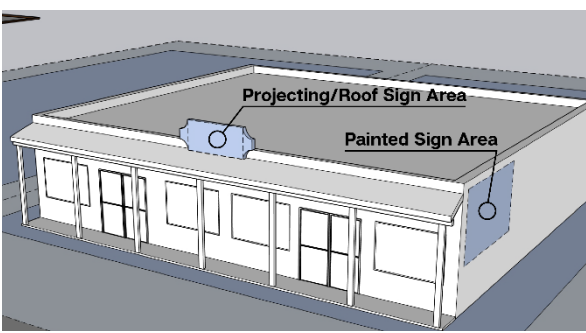


Special regulations:

No banners shall be hung over public roads or encroach into public right-of-way.

Banners promoting a business must be attached to and parallel with wall on the primary front entrance.

d. Old Town

Size	1 sq. ft. per 1 linear ft. of building width	
Painted Signs and Murals	Allowed as wall signs	
Projecting Signs	Allowed to project two feet from building.	
Roof Signs	Allowed with engineered plans.	
Maximum Size	200 sq ft. or up to 50% of the non-front wall.	
Special Regulations:		
Illumination: All signage shall consist of only internally illuminated face lit channel letters, reverse channel lit letters. Internally illuminated signs shall have an opaque background with only letters and logo illuminated.		
All proposed projecting signs must have an approved site plan before building permit will be issued.		

e. Temporary

- a. One temporary, unlit sign may be placed on an individually platted residential lot provided the following conditions are met:
 - i. The sign shall not exceed eight square feet in area;
 - ii. The sign shall be removed within one week following the close of sale or lease of the lot;
 - iii. The lot must be part of a subdivision for which a final plat shall have been filed and recorded with the county; and
 - iv. The subdivision and its public improvements and infrastructure shall have been accepted by the city.
- b. For any residential subdivisions under construction, only four temporary unlit signs shall be permitted within the city provided the following conditions are met:
 - i. One sign is permitted onsite in the subdivision during the construction phase and three additional signs are permitted in other legal locations throughout the city;
 - ii. Only one sign is permitted per major existing street frontage;
 - iii. Only one sign is permitted on any one lot or tract of land. There does not have to be a main structure on the lot or tract of land;
 - iv. Such sign shall be placed within the property lines of the lot or tract;
 - v. Such sign shall be located behind a 25-foot visibility triangle only after a final plat of the development shall have been filed and recorded with the county;
 - vi. Such sign shall not exceed 15 feet in height or 100 square feet in area; and
 - vii. All signs shall be removed when construction on all phases in the subdivision are complete.
- c. On any undeveloped property or tract of land, only one temporary unlit sign shall be allowed, provided the following conditions are met:
 - i. Only one sign is permitted for any one lot and tract of land. There does not have to be a main structure on the lot or tract of land;
 - ii. Such sign shall be placed within the property lines of the lot or tract;
 - iii. Such sign shall be located behind a 25-foot visibility triangle;
 - iv. Such sign shall not exceed 15 feet in height and 100 square feet in area; and
 - v. Such sign shall be removed within one week following the close of sale or lease of land.

Section 52.604 – Prohibited and Nonconforming

a. Prohibited

All signs not expressly permitted or exempt from this chapter are prohibited. The following signs are prohibited in the city and the city's extraterritorial jurisdiction (ETJ):

- a. Any sign erected in a manner that would confuse or obstruct the view or interpretation of any official traffic sign, signal or device;
- b. Portable signs, inflatable signs, free-standing light poles, streamers, pennants, ribbons, spinners, search lights, and other such temporary signs, except that are allowed in this chapter;
- c. Snipe signs or any advertising sign placed on a utility pole, rock, tree or other natural features;
- d. Off-premises signs or billboards;
- e. Wind devices;
- f. A parked motor vehicle and/or trailer used as an advertisement, except signage on delivery vehicles;
- g. Spectacular signs and signs which emit audible sound, odor, or visible matter; and
- h. Signs on the right-of-way of a road or highway maintained by the city.
- i. Electronic message center or digital message boards. Electronic message boards are prohibited and shall not be allowed within the City of Justin or its ETJ area. Electronic message board signs that are in place as of the effective date of the ordinance from which this chapter is derived shall be classified as non-conforming and subject to the provisions and requirements of section 52.602-d.

b. Nonconforming

- a. Nonconforming signs are signs which were lawfully approved prior to the effective date of the ordinance from which this chapter is derived; but which are no longer in compliance with the sign regulations currently in effect.
- b. It is the declared purpose of this chapter that nonconforming signs be eventually discontinued and the use of the premises be required to conform to the regulations prescribed by this chapter.
- c. A nonconforming sign may be used and maintained in good repair, but it shall not be altered, remodeled, or enlarged.
- d. The right to use or maintain a nonconforming sign shall cease and such use shall be terminated if:
 - i. The sign is altered, remodeled, removed, or enlarged, regardless of whether such alteration, remodel, removal or enlargement was necessitated by right-of-way acquisition by a governmental agency;
 - ii. The sign or structure is replaced;
 - iii. The sign is relocated;
 - iv. The sign identifies a business, person or activity that has ceased to operate on the premises on which the sign is located for a period of one year or;
 - v. The premises on which the sign is located is leased and two years have passed since the most recent tenant has ceased to operate on the premises; or
 - vi. The sign or a substantial part of it is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. The term "substantial part" shall mean the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

c. Digital Billboards

- a. Digital billboard requirements. Digital billboard signs shall be reviewed and approved, at a duly noticed public hearing in accordance with section 52-201 and notification to surrounding property owner, by the planning and zoning commission prior to the issuance of a building permit.

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- i. A building permit and permit fee are required for all digital billboards. Building permit shall include but not be limited to: Plans for electrical, structural, soils reports, erosion controls pre-construction, construction and post-construction conditions, wind shear conditions, or drainage as may be specified by the city.
 - b. Digital billboards. With approval by the planning and zoning commission, an existing legal nonconforming off-premise billboard signs located on lots having frontage on a state highway, farm-to-market roadway or a tollway may be converted to digital billboards under the following conditions:
 - i. Each message shall be displayed for at least eight seconds and a change of message shall be accomplished within two seconds or less.
 - ii. Transitions between the display of a message, content, and/or image shall be immediate only and shall occur simultaneously on the entire sign face.
 - iii. No display shall include animation, full motion video, blinking, flashing, dissolving or fading images, moving light, scrolling images or text, nor shall it project a static image upon a stationary object.
 - iv. The display of message, content, and/or image shall be visible only from one direction of traffic travel per sign face on the primary roadway to which the sign is designed to be read.
 - v. No portion of a digital billboard shall project into a dedicated utility easement or be closer than five feet to a federal, state, or local right-of-way at the time of initial construction.
 - vi. The main support structure shall have a decorative finish consisting of brick, stone, or other approved masonry finish materials. The use of EIFS shall not constitute an approved finish material.
 - vii. A minimum spacing of 1,500 feet distance shall be required between one digital billboard and any other digital or conventional billboard on the same roadway. The planning and zoning commission is authorized to grant variances to the minimum spacing requirements provided that no variance violates the Highway Beautification Act of 1965.
 - viii. A digital billboard shall have a default mechanism built in to either turn the display off or show "full black" on the display in the event of a malfunction.
 - ix. The display may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
 - x. A digital billboard shall be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions. The brightness of the display shall not exceed 0.3 foot-candles over ambient light measurement at a distance of 250 feet from the sign.
 - c. Upon notification, the sign operators shall coordinate with city staff to display emergency information critical to the traveling public, such as but not limited to AMBER ALERTS from a National Center for Missing and Exploited Children (NCMEC) authorized source, Homeland Security, and other alerts involving terrorist attacks, and natural disasters. Emergency messages are to remain in the display's rotation according to the designated issuing agency's protocols until further notified.
 - d. The owner of a digital billboard shall provide contact information for a person who is available to be contacted at any time and is able to turn off the sign promptly after malfunction occurs or reduce the intensity of the sign within 12 hours of a request by the Director of Planning or designee or the Texas Department of Transportation to a level acceptable to the city.
 - e. A digital billboard or its message, content and/or image shall not be configured to resemble a warning or danger signal or cause a driver to mistake it for a warning or danger signal.
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- f. A digital billboard or its message, content and/or image shall not resemble or simulate any lights of official signage used to control traffic in accordance with the currently adopted edition of the TXDOT manual on Uniform Traffic Control Devices.
 - g. Prohibitions. A digital billboard shall not:
 - i. Be allowed within 250 feet of single-family residential, single-family planned or multi-family residential developments.
 - ii. Exceed 672 square feet in total display area.
 - iii. Electronic message board and billboard signs that are in place as of the effective date of the ordinance from which this chapter is derived shall be classified as non-conforming and subject to the provisions and requirements of section 52-604(b).
 - h. Conversion of an existing billboard. In cases where a conventional billboard is converted to a digital billboard of larger size, the net area increase of the proposed digital billboard display must be physically removed from other conventional billboards located within the city and under the same ownership or control as the owner proposing the conversion. Once an inventory of all billboards within the city is submitted, the owner may choose which specific conventional billboard face(s) are to be removed in exchange for the net area increase caused by the digital sign conversion. The square footage can be accumulated by the surrendering of smaller conventional billboard face(s) if the aggregate amount removed equals or exceeds the area increase caused by the conversion.
 - i. Removal of an existing billboard. A demolition permit application and permit fee shall be required in order to remove an existing billboard.
 - j. Appeals. The decision of the planning and zoning commission is final, unless an appeal is filed in writing within ten days after the commission's decision. An applicant may appeal a commission decision to the city council. An appeal shall be filed with city development services department and a fee paid for processing an appeal for city council consideration.

Article 8 - Annexations and Extraterritorial Jurisdiction

Section 52.801 – Annexations

- a. Annexations shall be compliant with all regulations and notices from Chapter 43 of the Texas Local Government Code.
- b. Zoning for newly annexed areas of the city shall follow section 52.307 for classification of zoning district and allowable uses.

Section 52.802 – Extraterritorial Jurisdiction

- a. Authority of extraterritorial jurisdiction of the city is derived from Chapter 42 of the Texas Local Government Code.
- b. Land located in the extraterritorial jurisdiction of the City is subject to the terms and standards of Article 5 – Subdivision Regulations.
- c. Land, any portion of which is located within 500 feet of the corporate boundaries of the City and within the City's official extraterritorial jurisdiction, shall not be platted until such time as a petition for annexation has been submitted by the owner of record.

Appendix A - Definitions

Section 52.901 Definitions

- a. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Definitions	
Absolute Photometry	Photometric measurements (usually of a solid-state luminaire) that directly measures the footprint of the luminaire.
Accessory Building	A subordinate detached building, located on the same lot as the main building. Accessory buildings may include garages, home workshops, tool houses, pool houses, storage sheds, etc.
Accessory Use	A use customarily incidental and subordinate to the principal use of land or building(s) and located upon the same lot.
Addition, Building	An improvement that increases the square footage of a structure. These include lateral additions added to the side or rear of a structure, vertical additions added on top of a structure and enclosures added underneath a structure.
Addition, Plat	One lot, tract or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.
Administrative Officer	Any office referred to in this chapter, or ordinance, by title, i.e., city manager, city attorney, city secretary, city planner, development coordinator, city engineer, director of public works, etc., shall be the person so retained in this position by the city, or the duly authorized representative as deemed appropriate by the city.
Alley	A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
Alter	To change the size, shape, outlines, configuration, intent, location or type of sign.
Amended or Amending Plat	A revised plat correcting errors or making minor changes to the original recorded final plat as described in Chapter 212.016 Amending Plat of the Texas Local Government Code, as amended.
Amenity	An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this chapter.
Amusement, Indoor	An enterprise that is wholly enclosed within a building and provides activities, services and/or instruction for the entertainment of customers or members. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool, and other similar types of uses.

Amusement, Outdoor	An enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
Animation	The presentation of pictorials or graphics in a progression of frames which give the illusion of motion, including moving objects, moving patterns or bands of light, or expanding or contracting shapes.
Apartment	A room or suite or rooms in a building arranged, designed, or occupied as the residence by a single family, individual, or group of individuals.
Architectural Lighting	Lighting designed to reveal architectural beauty, shape and/or form and for which lighting for any other purpose is incidental.
Assisted Living Facility	An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides personal care services; and in addition, provides minor treatment under the direction and supervision of the resident's attending physician licensed by the Texas State Board of Medical Examiners, or services which meet some need beyond basic provision of food, shelter, and laundry. Incidental uses and/or services may include protective supervision, personal care, social and recreational services, transportation services, private or common kitchen/dining facilities, so long as such services are provided to residents only.
Astronomic Time Switch	An automatic lighting control device that switches outdoor lighting relative to time of solar day with time of year correction.
Automobile Sales	An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.
Awning	An architectural projection designed to provide weather protection, identification or decoration, and supported by the structure to which it is attached. An awning is comprised of a frame over which is placed a cover of fabric or other materials.
Backlight	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the opposite direction of the intended orientation of the luminaire. For luminaires with symmetric distribution, backlight will be the same as front light.
Basement	A story below the first story is defined under story counted as a story for height regulations if subdivided and used for dwelling purposes.
Bed and Breakfast	A residence where one or more rooms are leased on an overnight basis for accommodations for profit. A bed and breakfast is an accessory use to a residence and the owner of the property must also be the operator of the bed and breakfast establishment.
Block, Plat	A method for locating and identifying a parcel of land.
Block, Plan	A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Planning shall determine the outline of the block.

Block, Length	Distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a 90-degree turn.
Boardinghouse	A house where you can pay to stay and receive meals.
Bond	Any form of a surety guarantee in an amount and form satisfactory to the city.
Breezeway	A covered passage one story in height and six feet or more in width connecting a main structure and an accessory building. A breezeway shall be considered and accessory building.
Buffer Yard	A unit of land, together with a specified amount of planting thereon, and any structures, which may be required between, land uses to eliminate or minimize conflicts between them.
BUG	A luminaire classification system that classifies backlight (B), uplight (U) and glare (G).
Building	Any structure with a roof and walls.
Building, Front	One side of a structure through which the majority of customers, patrons or visitors enter the structure.
Building, Height	The vertical distance measured from the highest of the following three levels: (1) From the street curb level; (2) From the established or mean street grade incase the curb has not been constructed; (3) From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roof inclining not more than one inch to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.
Building, line/setback	A line within a property defining that point beyond which no part of a primary building or structure shall project. The minimum horizontal distance a structure must be from a property line.
Building Official	The development services department of the city or the building official of the city or the building official's authorized representative.
Building, Site	A piece of land on which a house or other building is being built.
Business	Local retail, commercial, industrial, and manufacturing uses and districts as herein defined.
Caliper	The diameter of the trunk measured thee (3) feet above ground level.
Canopy	A covered, unconditioned structure with at least one side open for pedestrian and/or vehicular access. (An unconditioned structure is one that may be open to the elements and has no heat or air conditioning.)
Canopy Trees	A perennial woody plant, single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.
Capital Improvement Program	The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by city council.

Care Facility	An institutional use of a building or property whereby a publicly or privately funded program enables persons to receive medical, psychological, emotional or other rehabilitative care as an outpatient or live-in member.
Carport	A structure designed or used to shelter vehicles.
Cellar	A portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.
City	City of Justin, Texas, together with all its governing and operating bodies.
City Council	Duly elected governing body of the City of Justin, Texas.
City Engineer	A registered professional engineer or firm of registered professional consulting engineers that has been specifically employed by the city.
City Manager	The person holding the position of city manager as appointed by the city council according to the City Charter.
Clinic	Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms of the abiding of patients.
Clothing/ Apparel Sales, Used	A retail establishment in which the majority of the sales, at least 51 percent of all items, are used goods.
Common Outdoor Areas	One or more of the following: a parking lot; a parking; a common entrance or public space structure or covered vehicular entrance shared by all occupants of the domiciles.
Community Center	A building dedicated to social or recreational activities serving the city or a neighborhood and owned and operated by the city, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the city.
Community Home	A place where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two persons as licensed by the Texas Department of Health and Human Services.
Comprehensive Plan	Policies in graphic and text form adopted by the city council to govern the general location recommended for land uses, transportation routes, public and private buildings, streets, alleys, squares, parks, and other public and private development and improvements. One plan may cover the entire city and all of its functions and services, or the comprehensive plan may consist of a combination of plans governing specific geographic areas which together cover the entire city and all of its functions and services. The term "comprehensive plan" includes, but is not limited to, the city zoning regulations, the land use plan, thoroughfare plan, and floodplain map. The city's comprehensive plan is on file in the office of the city secretary.
Concept Plan	A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the development review committee and development coordinator, planning and zoning commission, engineer, or others who are consulted prior to the preparation of the preliminary plat.

Construction Plan or Drawing	The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the city as a condition of the approval of the plat.
Contiguous Lots	At least one boundary line of one lot touches a boundary line or lines of another lot.
Continuing Care Retirement Community	A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
Convalescent Home	Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.
Court	An open unoccupied space other than a yard, on the same lot with a building and which is bounded on three or more sides by the building.
Cul-de-sac	A street having but one outlet to another street and terminated on the opposite end by a vehicular turnaround.
Curfew	A time defined by the authority when outdoor lighting is reduced or extinguished.
Day Nursery	A place where children are left for care a part of the 24 hours of the day.
Dead End Street	A street, other than a cul-de-sac, with only one outlet.
Development Review Committee	The committee responsible for reviewing land studies, drainage plans, vacations, concept plans, draft plats, pre-application proposals, plats, preliminary engineering design plans and any other items deemed necessary which are associated with development. Typically, the DRC is composed of city planner, city engineer, director of public works, and the city manager or their designee. The city manager and city council may adjust the composition of the DRC or overrule the DRC in all matters not in violation of law.
Dilapidated or Deteriorated	That condition as determined by the development services department or any appointed representative that the structural support is visibly bent, broken, dented or torn, or in the case of wood or similar products, splintered in such a way as to constitute an unsightly or harmful condition; or where the message or wording is faded or can no longer be clearly read; or where any part of the sign is not in compliance with the requirements of the building, electrical or other model codes currently adopted by the city; or where any part of the sign is not in compliance with the requirements of the building, electrical or other model codes currently adopted by the city; or where a sign or its elements are twisted or leaning or are at another angle other than those at which it was originally constructed (such as may result from being blown by the wind or from the failure of a structural support) as determined by the development services department or any appointed representative.
District	A section of the city for which the regulations governing the area, height, or use of buildings are uniform for each type and class of structure.

Drainage Plan	A general plan for handling the storm water affecting property proposed for development. The drainage plan shall show how and where water will be received from adjacent higher areas; how and where it will be collected and handled within the property; and how and where it will be discharged to a recognized drainage way in a lower area. The plan shall deal with individual watershed areas as necessary; show the proposed phasing of development and attendant phasing of drainage improvements; describe any unusual water features anticipated; provide topographic, physical and geographical information; and form the basis for subsequent review of design plans submitted for property to be final platted.
Dwelling	An attached or detached building arranged, intended, or designed for residential occupancy.
Dwelling, Multi-unit	A development type that includes multiple dwellings but not more than four 4) per lot.
Easement	An area for restricted use on private property upon which a public entity or utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on or under any of these easements. The public entity or utility shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of construction, reconstructing, inspecting, 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.
Efficiency	An apartment having a combination living and bedroom (no separate bedroom).
Emergency Conditions	Generally, lighting that is only energized during an emergency; lighting fed from a backup power source; or lighting for illuminating the path of egress solely during a fire or other emergency situation; or, lighting for security purposes used solely during an alarm.
Enhanced Pavement	Any permeable or impermeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped or stained concrete.
Erect	To build, construct, attach, hang, place, suspend or affix a sign, including the painting of signs on the exterior surface of a building or structure or on the exterior or interior surface of a window.
Escrow	A deposit of cash with the city in accordance with city policies.
Exaction Requirement	A requirement imposed as a condition for approval of a plat, preliminary plat, building permit, planned development district or other development permit application to: 1. Dedicate an interest in land for a public infrastructure improvement; 2. Construct a public infrastructure improvement; or 3. Pay a fee in lieu of constructing a public infrastructure improvement.
Facilities or Improvements, Off-site	Facilities or improvements required for service to the site but not located within the boundaries of the plat.

Facilities or Improvements, On-site	Existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property which are required to serve the development. These include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.
Farm or Ranch	A tract of land primarily used for agriculture.
Field Office	Structure conforming to the uniform code used in conjunction with construction work accessory and incidental to the construction work accessory and incidental to the construction of a permanent structure which the permanent structure this Code and state and federal law. The temporary structure may be permitted by the building official at the time the permit is granted for the permanent structure and the temporary structure shall be completely removed at the time of occupancy of the permanent structure.
Filing Date	The point in time where the subdivider has provided corrected land studies, drainage plans, vacations, concept plans, draft plats, pre-application proposals, preliminary engineering or other items with all fees paid to the satisfaction of the DRC and in compliance with state law and this chapter, for consideration by the planning and zoning commission at their the next available public hearing. See development review committee (DRC) comment and plat application deadline.
Final Plat	The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Denton County, Texas. An amended plat or replat is also a final plat.
Floodplain	Any land area susceptible to a one percent annual-chance (or susceptible to a 100 year frequency storm) of being inundated by flood waters. This condition could result from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters.
Floodway	The stream channel plus that portion of the overbanks that must be kept free from buildings, structures, fill or any other encroachment in order to discharge the one percent annual-chance flood.
Floodway Fringe	Areas that fall within the 100-year floodplain, but are outside the floodway. Development will, by definition, cause no unacceptable increase in the 100-year frequency flood.
Floor Area Ratio	A numerical value obtained by dividing the sum of the gross horizontal area of all floors of a building, including interior balconies and mezzanines, measured to the exterior faces of walls, by the total area of the lot, excluding streets, alleys, and dedicated drainage ways.
Floor Space per Dwelling Unit	The total number of square feet of habitable floor space contained within a dwelling unit exclusive of porches, breezeways, carports, garages, and storage areas not directly accessible from within the dwelling unit.

Footcandle	The unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one-foot square from a distance of one foot.
Forward Light	For an exterior luminaire, lumens emitted in the quarter sphere below horizontal and in the direction of the intended orientation of the luminaire.
Fully Shielded Luminaire	A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or re- fraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
Garage, Repair	An auto repair garage is a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats and similar components.
Garage, Private	Interior or space in building for the storage of an automobile and separate indoor or outdoor entrance to building.
Garage, Public	A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.
Garage, Storage	A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing and normal maintenance.
Glare	An effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.
Gross Floor Area	The gross floor space of an apartment house shall be measured by taking the outside dimension of the apartment building at each floor level, excluding, however, the floor area of basements or attics not used for residential purposes.
Ground Cover	Low growing, dense spreading plants typically planted from containers.
Hardscape	Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 10 feet or less in width. Materials may include concrete, asphalt, stone, gravel, etc.
Hardscape Area	The area measured in square feet of all hardscapes. It is used to calculate the Total Site Lumen Limit in both the Prescriptive Method and Performance Methods.
Hardscape Perimeter	The perimeter measured in linear feet is used to calculate the Total Site Lumen Limit in the Performance Method.
Hobby Shop	An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, and in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

Homeowner's Association	The HOA shall be organized as a non-profit corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land, and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended. Included in the maintenance covenants shall be procedures for changing them at stated intervals since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata share formula for all property owners.
Hospital	An institution or place where sick or injured in-patients are given medical or surgical care either at public (charity) or private expenses.
Hotel	A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied by guests and where only a general kitchen and dining room are provided within the building or in an accessory building.
IDA	Illuminating Engineering Society of North America.
IESNA	Illuminating Engineering Society of North America.
Impervious Material	Sealed to severely restrict water entry and movement.
Improved Drainage Channel	A drainage channel constructed to design standards, with constant cross sections, used to convey the 100-year design frequency storm plus one foot of free board, within its banks.
Industry Standard Lighting Software	Lighting software that calculates point-by- point illuminance that includes reflected light using either ray-tracing or radiosity methods.
Kennel	Any lot or premises on which four or more dogs, cats, or other domestic animals at least four months of age, are housed or accepted for boarding, trimming, grooming or bathing for which remuneration is received.
Lamp	A generic term for a source of optical radiation (i.e. "light"), often called a "bulb" or "tube". Examples include incandescent, fluorescent, high-intensity discharge (HID) lamps, and low pressure sodium (LPS) lamps, as well as light-emitting diode (LED) modules and arrays.
Land Planner	Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and may be a member of the American Institute of Certified Planners.
Land Study	A general plan for an area proposed for partial or complete subdivision. The land study shall show the proposed locations of land uses, streets, phasing of development, important physical features, and applicable information for the entire area to be subdivided.

Landscape Architect	A person registered as a landscape architect in this state pursuant to state law.
Landscape Area	A portion of land that is covered by natural grass, ground cover, or other natural plant materials.
Landscape Lighting	Lighting of trees, shrubs, or other plant material as well as ponds and other landscape features.
Lawn Grass	Thin bladed surface growing native plants typically planted from seed, sprigs or plugs.
LED	Light Emitting Diode.
Legal Nonconforming	A use, building or yard existing legally at the time of the passage of the ordinance from which this chapter is derived which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of the ordinance from which this chapter is derived that does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.
Licensed Irrigator	A person duly licensed by the state to design and install irrigation systems.
Light Pollution	Any adverse effect of artificial light including, but not limited to, glare, light trespass, sky- glow, energy waste, compromised safety and security, and impacts on the nocturnal environment.
Light Trespass	Light that falls beyond the property it is intended to illuminate.
Lighting	“Electric” or “man-made” or “artificial” lighting.
Lighting Equipment	Equipment specifically intended to provide gas or electric illumination, including but not limited to, lamp(s), luminaire(s), ballast(s), poles, posts, lens(s), and related structures, electrical wiring, and other necessary or auxiliary components.
Lighting Repair	The reconstruction or renewal of any part of an existing luminaire for the purpose of its on- going operation, other than relamping or replacement of components including capacitor, ballast or photocell. Note that retrofitting a luminaire with new lamp and/or ballast technology is not considered a repair and for the purposes of this ordinance the luminaire shall be treated as if new. “Repair” does not include normal relamping or replacement of components including capacitor, ballast or photocell.
Lighting Zone	An overlay zoning system establishing legal limits for lighting for particular parcels, areas, or districts in a community.
Loading Space, Off-Street	A space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk pick-up and deliveries of delivery vehicles.
Logo	An identifying symbol used for advertising purposes, which may or may not be a registered trademark or service mark of the entity identified.
Lot	A parcel of land occupied or to be occupied by one building, or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this chapter, and having its principal frontage upon a public street or a place.
Lot, Area	The net area of the lot and shall not include portions of streets or alleys.

Lot, Depth	The mean horizontal distance between the front and rear lot lines.
Lot, Corner	A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Director of Planning.
Lot, Flag	An irregular lot that uses a narrow section of property for access that is characterized as less than the minimum lot width at the front building setback.
Lot, Interior	A lot whose side lines do not abut upon any street.
Lot Line, Front	The boundary between a lot and the street on which it fronts.
Lot Line, Rear	The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.
Lot Line, Side	Any lot boundary line not a front or rear line thereof. A sideline may be a party lot line, a line bordering on an alley or place or side street line.
Lot, Width	The horizontal distance between sidelines, measured at the front building line, as established by the minimum front yard requirement of this chapter.
Lot of Record	A lot which is part of a subdivision, a map of which has been recorded in the office of the county clerk.
Low Voltage Landscape Lighting	Landscape lighting powered at less than 15 volts and limited to luminaires having a rated initial luminaire lumen output of 525 lumens or less.
Lumen	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from "watt," a measure of power consumption).
Luminaire	The complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
Luminaire Lumens	For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
Lux	The SI unit of illuminance. One lux is one lumen per square meter. 1 Lux is a unit of incident illuminance approximately equal to 1/10 footcandle.
Manufactured Home	A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and at least eight body feet in width or at least 40 body feet in length in traveling mode or at least 320 square feet when erected on site, and includes the plumbing, heating, air conditioning, and electrical systems of the home. The term "manufactured home" does not include a recreational vehicle as defined by 24 CFR 3282.8(g).

Master Plan	The comprehensive land use and thoroughfare plan of the city and adjoining areas as adopted by the city council and the city planning and zoning commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.
Mobile Home	A structure constructed before June 15, 1976, and built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, transportable in one or more sections, and at least eight body feet in width or at least 40 body feet in length in the traveling mode or at least 320 square feet when erected on site and includes the plumbing, heating, air conditioning, and electrical systems of the home.
Motel, Motor Hotel or Tourist Court	Any establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through common entrance and lobby. The establishment furnishes customarily hotel services and may contain a restaurant, club, lounge, banquet hall, or meeting rooms. A motel is a nonresidential use.
Mounting Height	The height of the photometric center of a luminaire above grade level.
Natural Channel	An earthen drainage channel in its natural state, generally with irregular cross sections. This channel has its original meanders and does not have consistent side slopes.
New Lighting	Lighting for areas not previously illuminated; newly installed lighting of any type except for replacement lighting or lighting repairs.
Object	A permanent structure located on a site. Objects may include statues or artwork, garages or canopies, outbuildings, etc.
Object Height	The highest point of an entity, but shall not include antennas or similar structures.
Office Warehouse	The primary function is the storage of goods and merchandise. Although a limited amount of retail or wholesale, and cash-and-carry sales will occur in an office warehouse facility, the majority of sales will be phone or mail orders to be delivered or shipped to the purchaser. The office portion of an office warehouse use would typically consist of management, accounting, order desk personnel.
Open Space	Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves, or porches.
Open Structure	A structure that is not enclosed with any building walls, but which may include a roof or canopy.
Ornamental Lighting	Lighting that does not impact the function and safety of an area but is purely decorative, or used to illuminate architecture and/or land- scaping, and installed for aesthetic effect.

Ornamental Street Lighting	A luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics: • designed to mount on a pole using an arm, pendant, or vertical tenon; • opaque or translucent top and/or sides; • an optical aperture that is either open or enclosed with a flat, sag or drop lens; • mounted in a fixed position; and • with its photometric output measured using Type C photometry per IESNA LM-75-01.
Outdoor Lighting	Lighting equipment installed within the property line and outside the building envelopes, whether attached to poles, building structures, the earth, or any other location; and any associated lighting control equipment.
Parcel	A measured portion of a tract of land.
Park Plan	A site plan drawn at an appropriate scale that indicates the required park facilities and the relationship of those facilities to the proposed park development.
Parking Space, Off-Street	A concrete or asphalt surface located outside of the right-of-way of a public street or alley adequate for parking an automobile with room for opening doors both sides, together with properly related access to a public street or alley and maneuvering room without backing into a public street.
Partly Shielded Luminaire	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.
Paved	An all-weather, dust-free surface intended for vehicular traffic or parking, which is concrete, asphalt, or other surface.
Pedestrian Hardscape	Stone, brick, concrete, asphalt or other similar finished surfaces intended primarily for walking, such as sidewalks and pathways.
Pennant	A temporary sign made of lightweight plastic, fabric or other material, which may or may not contain a message of any kind, suspended from a rope, wires or string, usually in a series and designed to move in the wind.
Person	Any individual, association, firm, corporation, governmental agency, or political subdivision.
Pet Lodging	An establishment that offers a variety of services such as, but not limited to: boarding, grooming, daycare, and training services.
Photoelectric Switch	A control device employing a photocell or photodiode to detect daylight and automatically switch lights off when sufficient daylight is available.
Place	An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.
Plat	A plat application which has been formally filed after addressing all of DRC comments, providing all requisite information, material and studies and paying all required fees. This reference shall include inferences to a preliminary plat, final plat, amending plat, minor plat, replat or development plat.

Pre-application Proposal	Draft applications submitted for development review committee (DRC) for review, including information required by this chapter for each land study, a preliminary plat, replat, amended plat, development plat or a final plat proposal, along with an original, signed application.
Preliminary Plat	The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identity the general scope and detail of proposed development.
Property Line	The line denoting the limits of legal ownership of property.
Public Access Easement or Place	An easement designated on the final plat which provides access to all platted lots. The easement shall meet all requirements for a dedicated street (i.e., construction standards, width, and function) but may be privately maintained.
Public Facilities	The facilities owned or operated by or on behalf of the city to provide services to the public, including existing and new developments and subdivisions.
Public Improvements Agreement	A contract between the subdivider and the city by which the subdivider promises to construct one or more of the following public facilities within a public right-of-way or easement, within a specified time period following final plat approval (i.e., water, sanitary sewer, street, storm drainage, streetlights and street name signs).
Public Infrastructure Improvement	A water, wastewater, roadway, drainage or park facility that is a part of one or more of the city's public facilities systems.
Public Park	Land dedicated to the city specifically for development and use as a public recreational area.
Public Property	Any real property open or dedicated to a public use or owned by the city.
Recreational Vehicle (RV) Parks or Tourist Cabin or Trailer Camps	A tract or parcel of land upon which two or more tourist cabins are located, or where temporary accommodations are provided for two or more automobile trailers, tents or house cars, open to the public either free or for a fee.
Recreational Vehicle (RV) Storage Facility	A commercial facility in a controlled access and screened compound that leases spaces for the long-term storage of private boats, trailers, campers and recreational vehicles.
Relative Photometry	Photometric measurements made of the lamp plus luminaire, and adjusted to allow for light loss due to reflection or absorption within the luminaire. Reference standard: IES LM-63.
Replacement Lighting	Lighting installed specifically to replace existing lighting that is sufficiently broken to be beyond repair.
Residence	A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control and which shall include single-family dwellings, which shall be the principal building on any lot in residential districts.

Restaurant or Cafe	A building or portion of a building, not operated as a dining room in connection with a hotel or boarding house, where food is served for pay and for consumption in the building, and where provisions may be made for serving food on the premises outside the building.
Right-of-way	A parcel of land, situated between facing property lines, occupied or intended to be occupied by a street, parkways, medians or alley. Where appropriate right-of-way may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm drainage facilities, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
Roof	Part of a structure other than vertical walls that provide protection from the elements.
Sales Area	Uncovered area used for sales of retail goods and materials, including but not limited to automobiles, boats, tractors and other farm equipment, building supplies, and gardening and nursery products.
Screening Device	Structure that consists of a barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density, and acceptable design, at least six feet in height, where the solid area equals at least 65 percent of the wall surface, including an entrance gate or gates; or foliage of an acceptable combination of these materials.
Searchlight	An apparatus on a swivel base that projects a strong, far reaching, beam of light.
Seasonal Lighting	Temporary lighting installed and operated in connection with holidays or traditions.
Self-storage Facilities (Mini-warehouse)	A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. The rented space shall be for private use only.
Senior Adult Housing	A residential development that is restricted to people that are 55 years old and over for independent living only. This use shall offer amenities within the complex such as, but not limited to, pickleball, pools, common areas or clubhouses, and other similar amenities.
Setback	The minimum horizontal distance between the front wall of any projection of the building, excluding steps and unenclosed porch and the street line.
Sexually Oriented or Adult Business	A sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer.
Shielded Directional Lighting	A luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, or baffle to reduce direct view of the lamp.
Shrubs	Native plants that grow vertically in a multi-branched growth pattern.

Sign	An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.
Sign, A-Frame	A temporary sign which has two sides, the frame or support structure of which is hinged or connected at the top of the sign in such a manner that the sign is easily moved and erected. This type of sign is also known as a sandwich sign.
Sign, Area	The area within a series of straight lines around the outermost extremities of all text, symbols, graphics, advertising surfaces, framing, background and ornamentation, but not including sign poles or other supporting structures. If dimensions and a means of calculating the area of circular, oval-shaped or triangular signs are readily available, they may be used for such signs.
Sign, Banner	A temporary sign composed of lightweight flexible material on which letters, symbols or pictures are painted or printed and is affixed to a permanent structure.
Sign, Billboard	An off-premises sign on which the message or copy can be changed periodically through manual means. A billboard sign is also known as an off-site advertising, non-digital messaging sign.
Sign, Electric or Digital Billboard	An off-premises sign, display or device, internally illuminated, which changes the static message or copy by electronic means, remote or automatic, for outdoor advertising of a use, product or service. The sign must be operated by an entity possessing an outdoor advertising license issued by Texas Department of Transportation (TXDOT).
Sign, Bulletin Board	A sign containing information where a portion of such information may be periodically changed, providing such change shall be effected by the replacement or interchange of letters, numbers or other graphic symbols by insertion, attachment, or similar means. Also known as a community bulletin board.
Sign, Building Identification	A building identification sign which identifies the name of the building, but displays no goods or services for sale or advertising.
Sign, Canopy	A sign that is permanently affixed to a canopy by paint, glue, sewing, or any other type of non-structural type of attachment.
Sign, Construction	An on-premises sign which may be erected identifying any or all of the property owners, engineers, architects, mortgagees, or other participants in the construction or improvement of the premises; but which displays no goods or services for sale or other advertising. Also known as a contractor sign.
Sign, Directional	A sign which contains only information designed to direct pedestrian or vehicular traffic to the location of a facility on the property on which the sign is located. Such signs may include, but are not limited to, arrows, words, or logos. No goods or services for sale may be listed on a directional sign.
Sign, Electronic Message Center (EMC)	An on-premises sign on which the message or copy can be changed by remote or automatic means, including EMC signs that display gas pricing.
Sign Face	The portion of the sign that is or can be used to identify, display, advertise or communicate information or for a visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign, Flag	A permanent sign made of fabric, bunting, or flexible material, containing distinctive colors, patterns, logos, wording or symbols used to signify or identify civic organizations, logos, schools, colleges or universities, or the government of the United States, the state, county or the city, and generally designed to be mounted on one end so as to move in the wind.
Sign, Freestanding	A sign which is attached to or part of a completely self-supporting structure such as a frame of one or more poles which is not attached to any building or any other structure and which is permanently affixed to the ground.
Sign Height	The vertical distances between the highest point of the sign or its supporting structure and the natural grade directly below the sign.
Sign, Illuminated	A sign which has characters, letters, figures, or designs internally illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.
Sign, Kiosk	A multi-sided, freestanding monument-type sign for the display of advertising for economic development purposes.
Sign, Light Pole Banner	A temporary sign which is painted or printed on a strip of all-weather cloth, canvas, or other flexible material that is designed or manufactured for outdoor use mounted on a light pole on private property and secured to render sign stationary.
Sign, Marquee	A projecting sign attached to or hung from a marquee or canopy or covered structure projecting from and supported by a primary building, when such marquee, canopy or covered structure extends beyond the building, building line, or property line.
Sign, Menu Board	A sign displaying the menu for drive-thru window service.
Sign, Monument	A permanent sign with a display surface that is an integral part of the support structure. Any ground sign exceeding four feet in height or any pole sign with less than nine feet of ground clearance or with a sign structure that is greater than two feet in width shall be considered a monument sign.
Sign, Municipality-owned	A sign which identifies a park, an entrance to the city, a place of interest within the city, a city sponsored event, or any city owned facility.
Sign, Non-conforming	A sign, structure lawfully used as of the effective date of the ordinance from which this chapter is derived or amendments thereto, but which does not conform to the use regulations currently in effect.
Sign, Off-premises	A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
Sign, On-premises	A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person or activity.

Sign, Permanent	A sign constructed of any ridged material, with or without frames, permanently attached to the ground or to a wall, building or other structure, and displayed for an indefinite period of time. The following signs are considered permanent signs: changeable signs, freestanding signs, monument signs, pole signs, and wall signs.
Sign, Pole	A permanent sign with a display surface that is attached to a self-supporting structure by one or two poles which has at least nine feet of ground clearance.
Sign, Political	A sign that contains primarily a political message as specified by State of Texas law and regulation governing political campaigns and causes signage.
Sign, Portable	A temporary sign which is designed to permit removal and reuse, and which includes, but is not limited to, A-frame and other such signs, and signs mounted on a trailer, wheeled carrier, vehicle, or other portable structure.
Sign, Real Estate	A temporary sign pertaining to the sale or lease of the premises, on which the sign is located.
Sign, Roof	A sign that is painted on or erected upon or above the roof of the building.
Sign, Scoreboard	A permanent sign that displays scores, results, identification of donors, or other information pertinent to athletic activities.
Sign Structure	Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. The term "sign structure" includes any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure. Where any goods or services for sale or other advertisement is displayed on the structure, then said structure shall be counted as part of the sign area.
Sign, Snipe	A sign that is tacked, nailed, posted, glued, or otherwise attached to trees, stakes, fences, ground or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is posted. Also known as bandit signs.
Sign, Spectacular	Any sign that physically rotates, oscillates, contains any moving parts, or contains flashing lights in sequence.
Sign, Temporary	A sign not permanently affixed to the ground or to a building or other structure and shall include, but not be limited to these types of temporary signage: Coming soon, grand opening, going out of business, portable, inflatable, for sale and for lease signs.
Sign, Wall	A permanent sign placed on, or attached directly to a fence or building surface, including window areas (translucent areas which are visible from a street or alley, that extends not more than 15 inches from the face or wall of a building.
Sign, Wind Device	A pennant, streamer, inflatable balloon or similar device made of cloth, canvas, plastic, or other similar flexible material, with or without a frame or other supporting structure, and used as a sign.
Sign, Window	A temporary sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building that may not be larger 20 percent of the opening.

Sky Glow	The brightening of the nighttime sky that results from scattering and reflection of artificial light by moisture and dust particles in the atmosphere. Skyglow is caused by light directed or reflected upwards or sideways and reduces one's ability to view the night sky
Story	Portion of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface, not more than four feet above the curb level, established or mean street grade, or average ground level, as mentioned in height of buildings in this section.
Street	A thoroughfare which affords principal means of access to property abutting thereon.
Street Frontage	The length of the property line of a lot or tract immediately adjacent to a public or private street, measured in feet.
Street Line	The dividing line between the street and the abutting property.
Street, non-local	Streets classified as commercial collectors, minor arterials and primary arterials.
Street, Perimeter	Any existing or planned street which abuts the subdivision or addition to be platted.
Street, Substandard	An existing street that does not currently meet the minimum requirements as to width, appurtenances or pavement section for a roadway of its anticipated function or designated classification. A standard street is a roadway that is so constructed that it meets or exceeds all requirements of its designated classification.
Street, Width	The portion of the right-of-way constructed and designated for vehicular traffic. The shortest distance between the opposite edges of a paved surface or where curbs exist, the distance measured from back of curb to back of curb.
Structure	Anything constructed or erected, which required location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.
Subdivider	Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of land sought to be subdivided.
Subdivision	A division or redivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership, layout of any subdivision of any tract of land or any addition, or for the layout out of building lots, or streets, alleys or parts of other portions for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Subdivision Developer Sales Office	Structures conforming to the uniform building code used for the purpose of selling residential structures within the immediate proximity of the sales office.
Surveyor	A licensed state land surveyor or a registered public land surveyor, as authorized by the state statutes to practice the profession of surveying.
Temporary Lighting	Lighting installed and operated for periods not to exceed 60 days, completely removed and not operated again for at least 30 days.
Terminal or Motor Freight	The use of property of buildings for the temporary parking motor freight vehicles or trucks of common carriers during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.
Time Switch	An automatic lighting control device that switches lights according to time of day.
Transition	A visual effect used on an electronic sign to change from one message to another.
Translucent	Allowing light to pass through, diffusing it so that objects beyond cannot be seen clearly (not transparent or clear).
Understory or Accent Trees	Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.
Unshielded Luminaire	A luminaire capable of emitting light in any direction including downwards.
Uplight	For an exterior luminaire, flux radiated in the hemisphere at or above the horizontal plane.
Used Car Lot	A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the storage of automobile parts.
Utility	Water, sanitary sewer, electric, gas, telephone, cable TV or any other such item of service either for public or private use.
Variance	A modification of the provisions of zoning regulations, as applied to a specific piece of property, as distinct from rezoning.
Vertical Illuminance	Illuminance measured or calculated in a plane perpendicular to the site boundary or property line.
Visibility Triangle	Areas that are located at the intersection of streets and alley right-of-way and the intersection of streets and driveways and conforms to public open space easement regulations and standards (POSE) of the city.
Waiver	A modification of the provisions of subdivision regulations, as applied to a specific piece of property, as distinct from zoning regulations and a variance.
Yard	An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear, the least horizontal distance between the lot line and the main building shall be used.

Yard, Depth	The mean horizontal distance between the front and rear line of a building other than an accessory building and the lot line except as modified in the text of any section in this chapter.
Yard, Front	An open, unoccupied space on a lot facing a street between a building and a street line. If no building exists, a front yard is an open unoccupied space facing a street and adjacent thereto.
Yard, Rear	A yard between the rear lot line and the rear line of the main building and the side lot lines.
Yard, Side	A yard between the building and the sideline of the lot and extending from the front yard to the required minimum rear yard.
Yard, Size	a yard between the main building and the adjacent sideline of the lot, and extending entirely from the front yard to the rear yard thereof.

ORDINANCE NUMBER 793-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, ADOPTING A UNIFIED DEVELOPMENT CODE; AMENDING, REPEALING, AND REPLACING CHAPTER 52 (ZONING ORDINANCE), CHAPTER 36 (SIGNS); CHAPTER 42 (SUBDIVISIONS); CHAPTER 12 ARTICLE IV; AMENDING SECTIONS 10-247 THROUGH 10-252; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, The City Council of the City of Justin finds that a Unified Development Code (UDC) will streamline and modernize development regulations for improved consistency and clarity in land use and development processes; and

WHEREAS, The City Council desires to consolidate zoning, subdivision, and building regulations into a single Unified Development Code, thereby repealing, amending, and replacing the relevant provisions of the existing City Code; and

WHEREAS, Pursuant to Chapter 211 and Chapter 212 of the Texas Local Government Code, the City of Justin is authorized to regulate zoning and subdivision platting to promote public health, safety, and welfare; and

WHEREAS, The City published the required notices by State Law as stipulated by Chapter 211; and

WHEREAS, The Planning and Zoning Commission held public hearings on November 19, 2024, as required by law and has considered public input and forwarded any recommendations regarding the adoption of the Unified Development Code to City Council; and

WHEREAS, The City Council held public hearings on December 12, 2024, as required by law and has considered public input and recommendations regarding the adoption of the Unified Development Code; and

WHEREAS, The City Council made a motion to approve the item with the following conditions on December 12, 2024, to Omit Chapter 12 Article I and Article II from the adoption and to include the City Attorney's revisions. This ordinance reflects these changes.

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

Section 1. Incorporation of Premises. That all of the above recitals are found to be true and correct and are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. The Unified Development Code, as set forth in Exhibit A (attached hereto and incorporated by reference), is hereby adopted as the governing document for land use, zoning, subdivision, and building regulations within the City of Justin.

Section 3. The following chapters and articles of the City of Justin Code of Ordinances are hereby repealed in their entirety and replaced by the Unified Development Code:

- Chapter 52 (Zoning Ordinance)
- Chapter 36 (Signs)
- Chapter 42 (Subdivisions)
- Chapter 12 Article IV (Garage Sale Permits)

Section 4. The following sections of the City of Justin Code of Ordinances are amended to conform with the Unified Development Code:

- Section 10-247 through Section 10-252 (as detailed in Exhibit B)

Section 4. Cumulative/Repealer Clause. This ordinance shall be cumulative of all provisions of state or federal law and all ordinances of the City of Justin, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such ordinances are hereby repealed to the extent of such conflict.

Section 5. Severability Clause. If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portions of this ordinance, or the Unified Development Code and other amendments in this ordinance of the City of Justin Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 6. Effective Date. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

On first reading, the 12th day of December 2024.

On the second and final reading, the 23rd day of January 2025.

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

Approved as to form:

City Attorney



JUSTIN
1887

Unified Development Code Fiscal Impact Analysis Summary

Justin, Texas

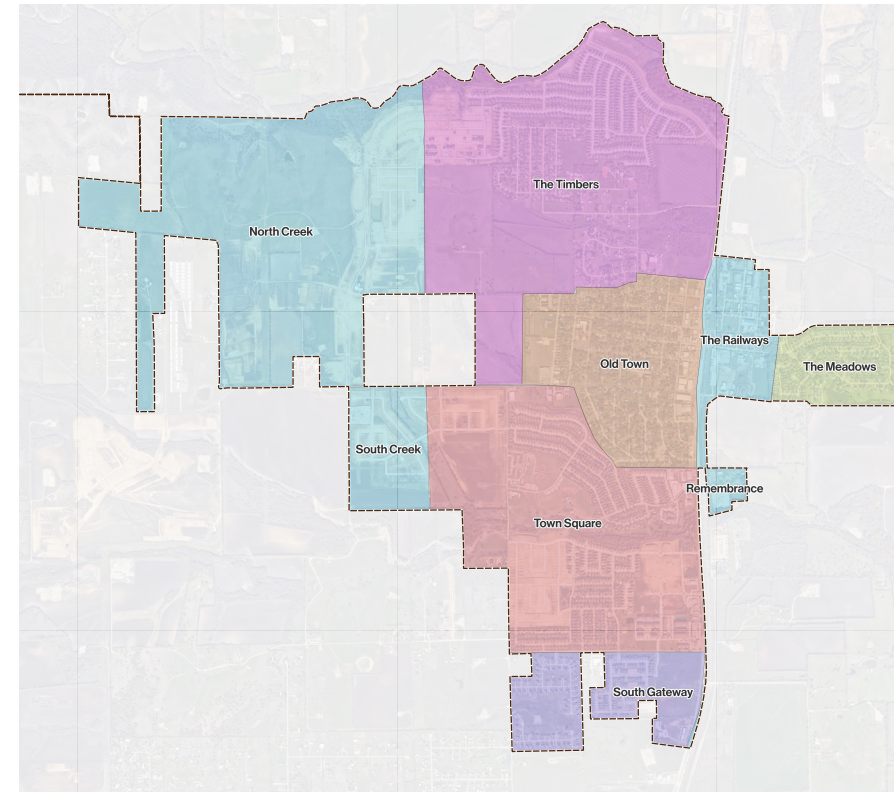
SEPTEMBER 2024



As part of the comprehensive planning process and the development of the unified development code (UDC), a fiscal impact analysis was conducted to understand the potential impact of future development in the undeveloped areas within the city limits of Justin. This analysis calculates fiscal benefit to the City of Justin and does not include impacts to other taxing entities such as Denton County, the school district, or any special taxing entities.

This analysis included a total area of 1,395.0 acres of undeveloped land. Areas within floodplain were excluded for this analysis. Based on these assumptions from the comprehensive plan and UDC, it is estimated that there will be an additional benefit over a 20-year planning period to the City of Justin of \$139.7M in property tax on improvements, \$5.0M in sales tax, 204 new jobs, and 13,175 new residents that can contribute to the local economy.

Experience Districts



Key Assumptions

Annual Absorption Rates

Low Density Residential	434 units
Medium Density Residential	83 units
High Density Residential	202 units
Retail	5,400 sf
Office	1,500 sf
Industrial	1,800 sf

Population

People per household (low density)	3.21
People per household (medium density)	2.5
People per household (high density)	1.5

Unit Size

Low Density Residential (Single Family) Unit Size	2,700 sf
Medium Density Residential Unit Size	2,100 sf
High Density Residential Unit Size	1,000 sf

Property Values

Low Density Residential	\$155 PSF
Medium Density Residential	\$155 PSF
High Density Residential	\$155 PSF
Retail	\$200 PSF
Office	\$200 PSF
Industrial	\$145 PSF

Cost of Service

Current Resident Population	7,009
Current Daytime Worker Population	2,518
Cost of Service Per Capita	\$693.67

Land Use and Density by Experience District

Each experience district was divided into land uses based on the descriptions and intended uses from the comprehensive plan. To estimate total new units of residential and square feet of new commercial, the following residential densities and commercial floor area ratios (FAR) were used to estimate land coverage for each experience district. FAR is calculated by dividing the building area by the land area.

Experience District	Developable Area	Civic/Open Space	Low Density Residential	Medium Density Residential	High Density Residential	Retail	Office	Industrial
North Creek	575.1	10%	45%	15%	0%	15%	5%	10%
Old Town	24.1	10%	30%	15%	15%	20%	10%	0%
Remembrance	3.3	50%	0%	0%	0%	0%	0%	50%
South Creek	60.5	10%	30%	15%	15%	15%	5%	10%
South Gateway	40.2	10%	50%	0%	0%	30%	10%	0%
The Meadows	1.9	40%	60%	0%	0%	0%	0%	0%
The Railways	42.0	10%	0%	0%	0%	15%	15%	60%
The Ranches	176.1	10%	60%	10%	0%	10%	5%	5%
The Timbers	275.9	10%	45%	25%	0%	20%	0%	0%
Town Square	195.9	50%	20%	10%	10%	5%	5%	0%
Total	1,395.0							

Experience District	Low Density Residential Units Per Acre	Medium Density Residential Units Per Acre	High Density Residential Units Per Acre	Retail FAR	Office FAR	Industrial FAR
North Creek	5.0	8.0	0.0	0.2	0.2	0.5
Old Town	5.0	10.0	20.0	0.4	0.4	0.0
Remembrance	0.0	0.0	0.0	0.0	0.0	0.5
South Creek	4.0	8.0	20.0	0.2	0.2	0.5
South Gateway	4.0	0.0	0.0	0.2	0.2	0.0
The Meadows	4.0	0.0	0.0	0.0	0.0	0.0
The Railways	0.0	0.0	0.0	0.2	0.2	0.5
The Ranches	3.0	6.0	0.0	0.2	0.2	0.5
The Timbers	5.0	8.0	0.0	0.2	0.2	0.0
Town Square	6.0	15.0	25.0	0.5	0.5	0.5

Net New Program by Experience District

Based upon the previously mentioned assumptions, the table below displays the total additional program for each place type at buildout. This represents the net new residential units and commercial building space from today to buildout based on zoning and future land use assumptions. Based on absorption rates, some product types may take longer than the 20-year planning period to reach buildout.

Future Capacity	Low Density Residential Units	Medium Density Residential Units	High Density Residential Units	Retail SF	Office SF	Industrial SF
North Creek	1,294	690	0	751,497	250,499	1,252,496
Old Town	36	36	72	83,884	41,942	0
Remembrance	0	0	0	0	0	35,616
South Creek	73	73	182	79,126	26,375	131,876
South Gateway	80	0	0	105,049	35,016	0
The Meadows	5	0	0	0	0	0
The Railways	0	0	0	54,825	54,825	548,247
The Ranches	317	106	0	153,423	76,711	191,779
The Timbers	621	552	0	480,806	0	0
Town Square	235	294	490	213,356	213,356	0
Total	2,661 units	1,751 units	744 units	1,921,966 sf	698,724 sf	2,160,014 sf

Cumulative New Program by Year

Based upon the land use and densities unique to each experience district and the assumed absorption of each product type, Catalyst estimated the annual buildout by product type for the City of Justin over a 20-year planning period.

Projected absorption is based upon historical absorption, current absorption, and projected demand by product type and is subject to the regulatory environment, business conditions, market factors, and other external influences.

	Low Density Residential Units	Medium Density Residential Units	High Density Residential Units	Retail SF	Office SF	Industrial SF
Year 1	434 units	83 units	202 units	5,400 sf	1,500 sf	1,800 sf
Year 2	868 units	166 units	404 units	10,800 sf	3,000 sf	3,600 sf
Year 3	1,302 units	248 units	606 units	16,200 sf	4,500 sf	5,400 sf
Year 4	1,737 units	331 units	744 units	21,600 sf	6,000 sf	7,200 sf
Year 5	2,171 units	414 units	744 units	27,000 sf	7,500 sf	9,000 sf
Year 6	2,605 units	497 units	744 units	32,400 sf	9,000 sf	10,800 sf
Year 7	2,661 units	579 units	744 units	37,800 sf	10,500 sf	12,600 sf
Year 8	2,661 units	662 units	744 units	43,200 sf	12,000 sf	14,400 sf
Year 9	2,661 units	745 units	744 units	48,600 sf	13,500 sf	16,200 sf
Year 10	2,661 units	828 units	744 units	54,000 sf	15,000 sf	18,000 sf
Year 11	2,661 units	910 units	744 units	59,400 sf	16,500 sf	19,800 sf
Year 12	2,661 units	993 units	744 units	64,800 sf	18,000 sf	21,600 sf
Year 13	2,661 units	1,076 units	744 units	70,200 sf	19,500 sf	23,400 sf
Year 14	2,661 units	1,159 units	744 units	75,600 sf	21,000 sf	25,200 sf
Year 15	2,661 units	1,241 units	744 units	81,000 sf	22,500 sf	27,000 sf
Year 16	2,661 units	1,324 units	744 units	86,400 sf	24,000 sf	28,800 sf
Year 17	2,661 units	1,407 units	744 units	91,800 sf	25,500 sf	30,600 sf
Year 18	2,661 units	1,490 units	744 units	97,200 sf	27,000 sf	32,400 sf
Year 19	2,661 units	1,572 units	744 units	102,600 sf	28,500 sf	34,200 sf
Year 20	2,661 units	1,655 units	744 units	108,000 sf	30,000 sf	36,000 sf

Fiscal Benefit Over Planning Period

New development will not only bring additional revenue but also will bring additional costs in city administrative overhead. Justin’s FY23-24 budget was used to estimate the cost of service per capita at \$693.67 for each new resident or job added to Justin. Based upon the above values, tax rates, and cost of service assumptions, Catalyst calculated the estimated improvement value per acre, property tax per acre, and sales tax per acre of each experience district. Subtracting the cost of service from the revenues shows the annual net fiscal impact of each place type through buildout over a 20-year buildout period to the City of Justin. As stated previously, this analysis only calculates fiscal impacts to the City of Justin, excluding exemptions. It does not calculate fiscal impacts to other taxing entities such as Denton County, the school district, or any special taxing entities.

	Total Net New Taxable Property Value	Annual Net New Property Tax	Annual Net New Sales Tax	Annual New Jobs	Annual New Population	Annual Net New Cost of Service	Net Fiscal Impact
Year 1	\$241,593,400	\$1,518,084	\$32,400	12	1,904	\$1,328,836	\$221,648
Year 2	\$483,186,800	\$3,036,167	\$64,800	12	1,904	\$2,657,672	\$443,296
Year 3	\$724,780,200	\$4,554,251	\$97,200	12	1,904	\$3,986,507	\$664,943
Year 4	\$956,391,600	\$6,009,611	\$129,600	12	1,807	\$5,248,334	\$890,876
Year 5	\$1,166,659,500	\$7,330,857	\$162,000	12	1,600	\$6,366,884	\$1,125,973
Year 6	\$1,376,927,400	\$8,652,102	\$194,400	12	1,600	\$7,485,433	\$1,361,069
Year 7	\$1,428,981,375	\$8,979,190	\$226,800	12	387	\$7,762,185	\$1,443,806
Year 8	\$1,457,557,500	\$9,158,752	\$259,200	12	207	\$7,914,019	\$1,503,933
Year 9	\$1,486,133,625	\$9,338,314	\$291,600	12	207	\$8,065,853	\$1,564,061
Year 10	\$1,514,709,750	\$9,517,876	\$324,000	12	207	\$8,217,688	\$1,624,188
Year 11	\$1,543,285,875	\$9,697,437	\$356,400	12	207	\$8,369,522	\$1,684,315
Year 12	\$1,571,862,000	\$9,876,999	\$388,800	12	207	\$8,521,356	\$1,744,443
Year 13	\$1,600,438,125	\$10,056,561	\$421,200	12	207	\$8,673,191	\$1,804,570
Year 14	\$1,629,014,250	\$10,236,123	\$453,600	12	207	\$8,825,025	\$1,864,698
Year 15	\$1,657,590,375	\$10,415,685	\$486,000	12	207	\$8,976,859	\$1,924,825
Year 16	\$1,686,166,500	\$10,595,246	\$518,400	12	207	\$9,128,694	\$1,984,953
Year 17	\$1,714,742,625	\$10,774,808	\$550,800	12	207	\$9,280,528	\$2,045,080
Year 18	\$1,743,318,750	\$10,954,370	\$583,200	12	207	\$9,432,362	\$2,105,208
Year 19	\$1,771,894,875	\$11,133,932	\$615,600	12	207	\$9,584,197	\$2,165,335
Year 20	\$1,800,471,000	\$11,313,494	\$648,000	12	207	\$9,736,031	\$2,225,462
Total Over 20 Years		\$173,149,858	\$6,804,000	204	13,175	\$149,561,176	\$30,392,682

Fiscal Benefit at Buildout

This analysis looked at the fiscal benefits of new development once completely built out to the assumed densities on the currently undeveloped parcels, exclusive of floodplain. The tables below do not include currently developed parcels and is calculated on the undeveloped parcels using the density and land use assumptions. The results of this buildout analysis are shown on a per acre and a total basis.

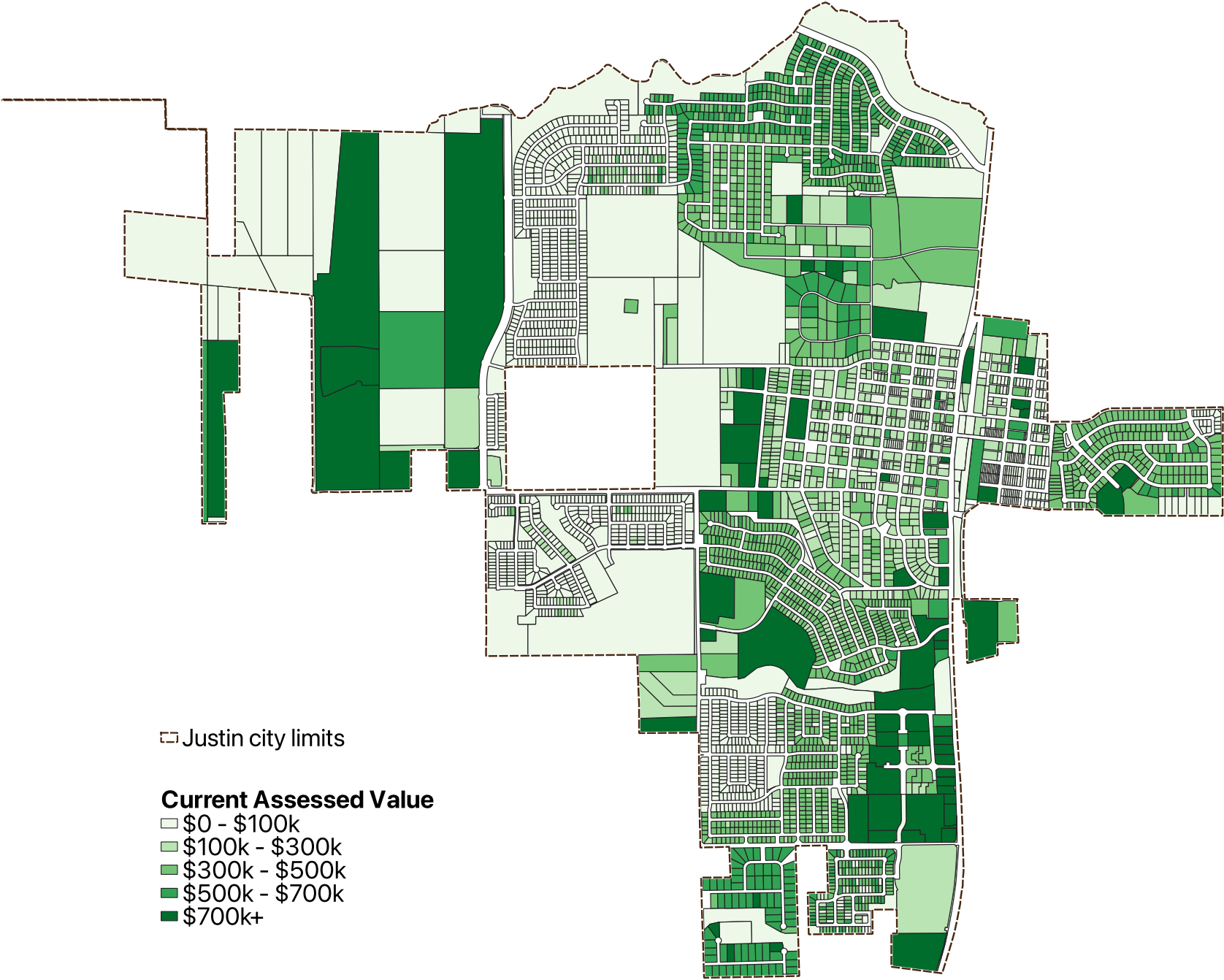
Experience District	Improvement Value per Acre	Annual Property Tax per Acre	Annual Sales Tax per Acre	Total Annual Tax Revenue per Acre	Annual Cost of Service per Acre	Annual Net Fiscal Impact per Acre
North Creek	\$1,996,542	\$12,546	\$7,841	\$20,386	\$14,036	\$6,350
Old Town	\$2,621,754	\$16,474	\$20,909	\$37,383	\$15,974	\$21,409
Remembrance	\$1,579,029	\$9,922	\$0	\$9,922	\$19,838	-\$9,916
South Creek	\$2,027,177	\$12,738	\$7,841	\$20,579	\$14,995	\$5,584
South Gateway	\$1,529,941	\$9,614	\$15,682	\$25,295	\$8,614	\$16,681
The Meadows	\$1,090,779	\$6,854	\$0	\$6,854	\$6,858	-\$4
The Railways	\$2,417,585	\$15,191	\$7,841	\$23,032	\$26,684	-\$3,652
The Ranches	\$1,368,513	\$8,599	\$5,227	\$13,826	\$9,278	\$4,549
The Timbers	\$1,941,424	\$12,199	\$10,454	\$22,654	\$11,479	\$11,175
Town Square	\$1,813,692	\$11,397	\$6,534	\$17,931	\$11,706	\$6,225
Total	\$1,889,788	\$11,875	\$8,267	\$20,141	\$12,905	\$7,236

Experience District	Total Improvement Value	Total Annual Property Tax	Total Annual Sales Tax	Total Annual Tax Revenue	Total Annual Cost of Service	Total Annual Net Fiscal Impact
North Creek	\$1,148,145,120	\$7,214,519	\$4,508,982	\$11,723,501	\$6,830,161	\$3,651,953
Old Town	\$63,109,200	\$396,555	\$503,304	\$899,859	\$325,373	\$515,349
Remembrance	\$5,164,320	\$32,451	\$0	\$32,451	\$54,902	-\$32,430
South Creek	\$122,744,220	\$771,279	\$474,756	\$1,246,035	\$768,301	\$338,095
South Gateway	\$61,493,000	\$386,399	\$630,294	\$1,016,693	\$292,974	\$670,471
The Meadows	\$2,092,500	\$13,148	\$0	\$13,148	\$11,133	-\$8
The Railways	\$101,425,815	\$637,322	\$328,950	\$966,272	\$947,309	-\$153,211
The Ranches	\$241,002,255	\$1,514,369	\$920,538	\$2,434,907	\$1,382,592	\$801,028
The Timbers	\$535,725,700	\$3,366,302	\$2,884,836	\$6,251,138	\$2,680,365	\$3,083,615
Town Square	\$355,336,900	\$2,232,806	\$1,280,136	\$3,512,942	\$1,940,652	\$1,219,575
Total	\$2,636,239,030	\$16,565,151	\$11,531,796	\$28,096,947	\$15,233,761	\$10,094,438

Current Assessed Value

This map depicts the current assessed value of each parcel. Parcels with low assessed values are likely to be undeveloped.

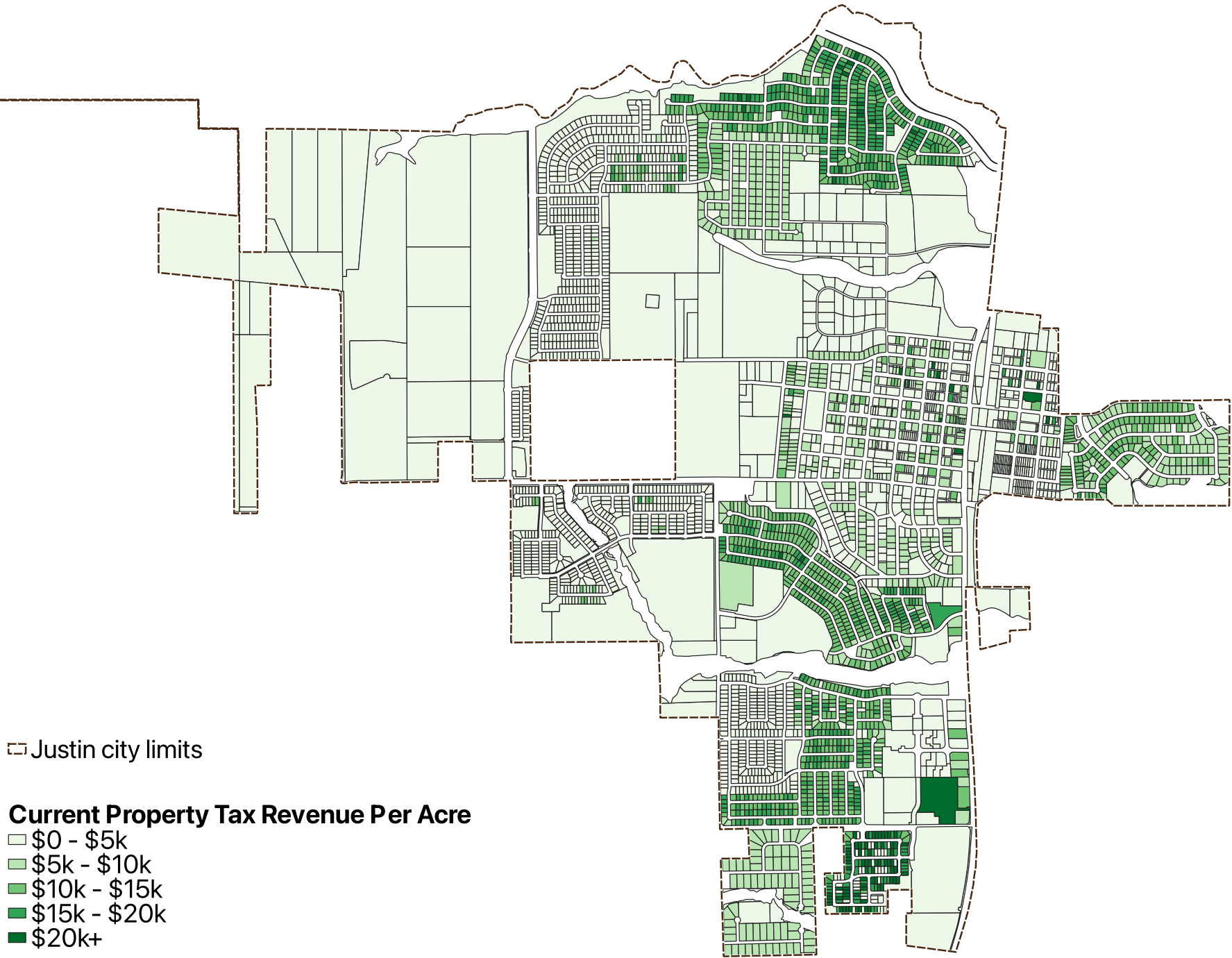
Experience District	Total Assessed Value	Total Area (acres)	Assessed Value Per Acre
The Railways	\$23,900,847	74.5	\$320,675
North Creek	\$26,223,211	599.5	\$43,739
Old Town	\$137,244,585	192.2	\$713,965
South Gateway	\$110,912,670	114.6	\$967,870
South Creek	\$14,561,705	63.5	\$229,478
The Meadows	\$83,119,691	61.3	\$1,355,198
The Ranches	\$538,941	176.4	\$3,056
The Timbers	\$322,920,197	529.2	\$610,174
Town Square	\$410,105,031	424.8	\$965,322
Remembrance	\$1,447,567	7.6	\$190,214



Current Property Tax Revenue Per Acre

This portion of the analysis shows the current property tax revenue of each parcel within the city. The property tax revenues are displayed on a per acre basis.

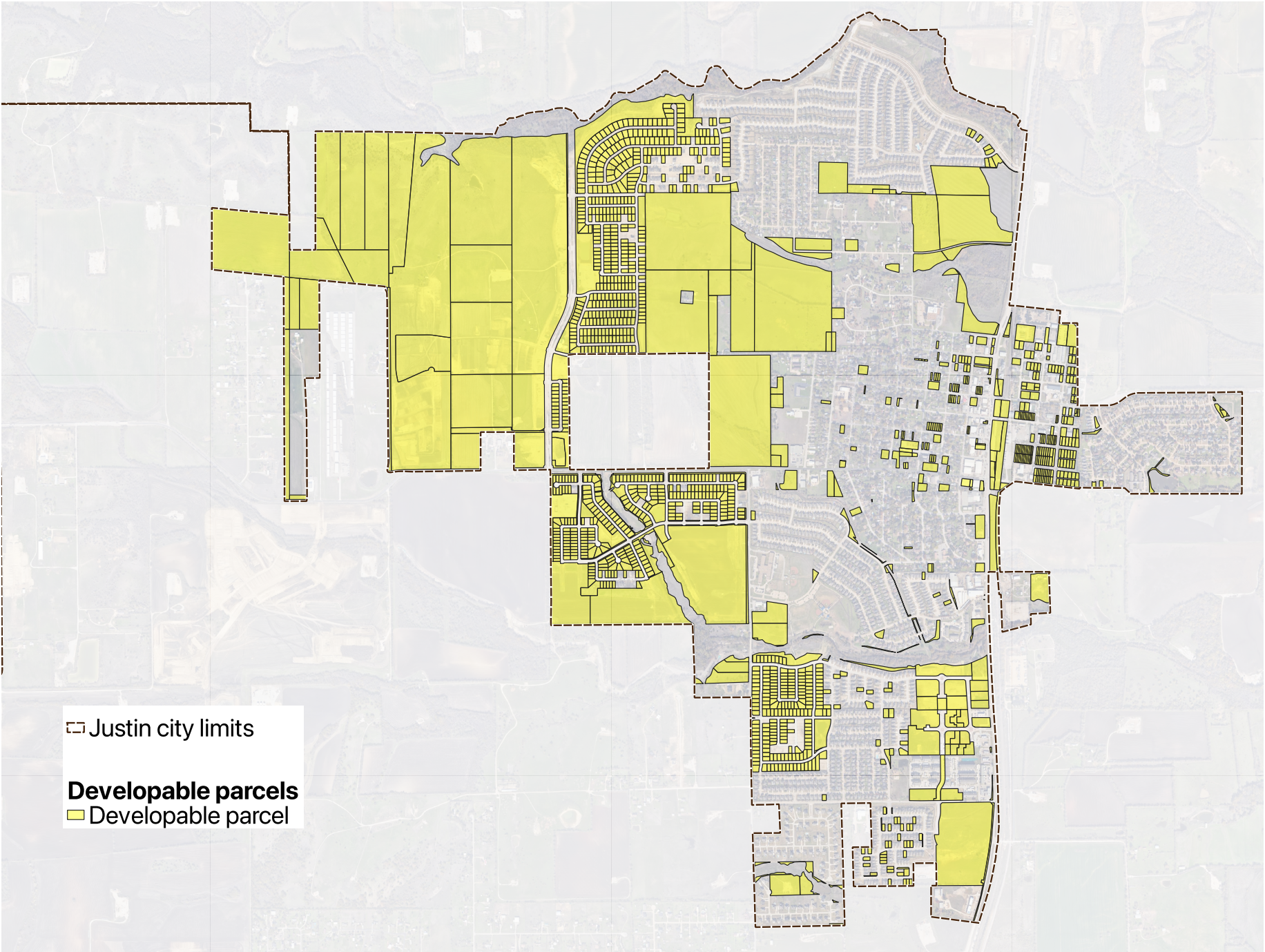
Experience District	Current Tax Revenue Per Acre
North Creek	\$1,078
Old Town	\$5,682
Remembrance	\$387
South Creek	\$2,508
South Gateway	\$12,531
The Meadows	\$9,064
The Railways	\$2,122
The Ranches	\$123
The Timbers	\$10,192
Town Square	\$9,014



Developable Parcels

The map depicts currently developable land area by excluding areas within the floodplain and those parcels that currently have improvements. Other factors such as size, access, utilities, redevelopment potential, and others may add or subtract to this group of developable parcels.

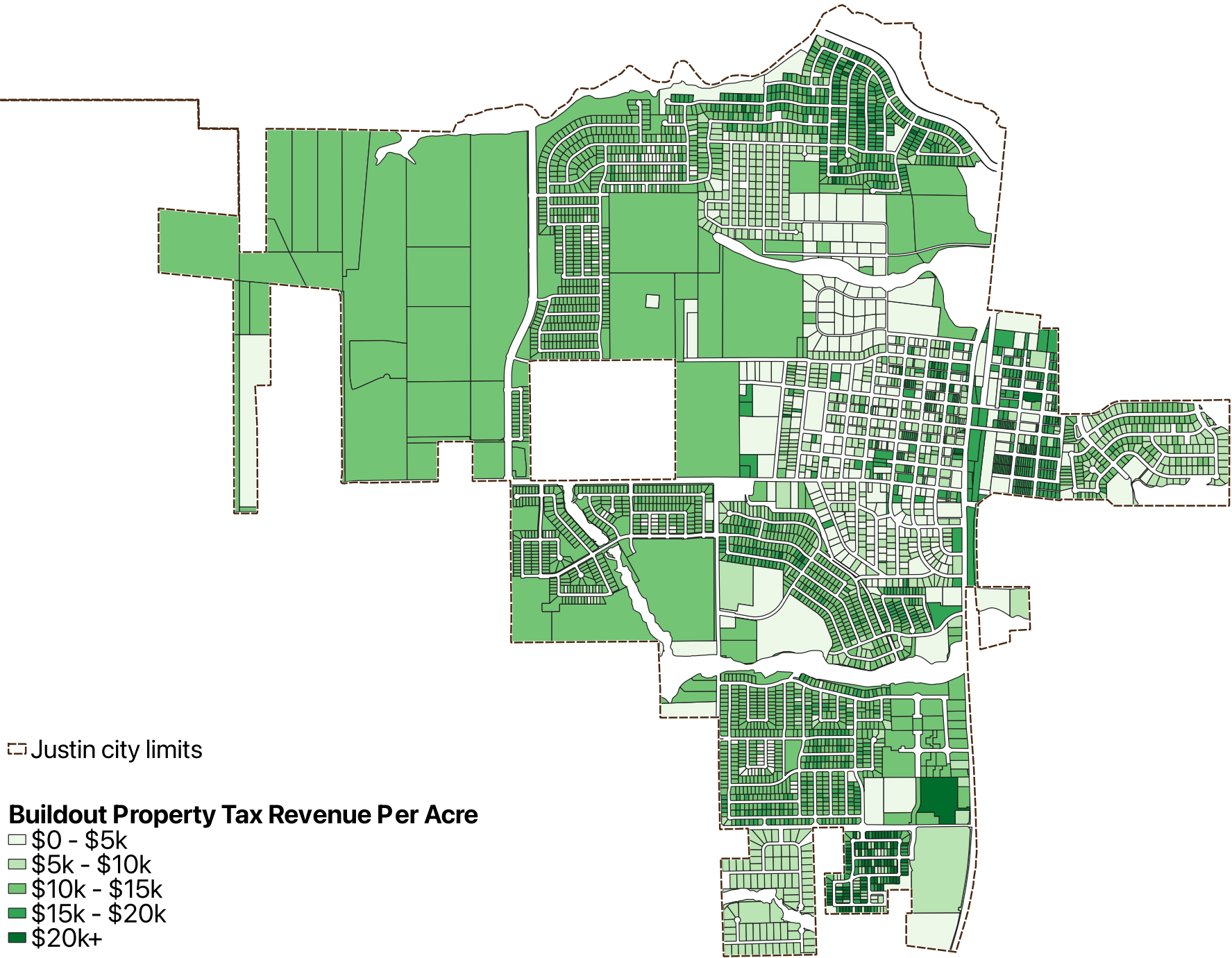
Experience District	Developable Land Area (acres)
North Creek	575.1
Old Town	24.1
Remembrance	3.3
South Creek	60.5
South Gateway	40.2
The Meadows	1.9
The Railways	42.0
The Ranches	176.1
The Timbers	275.9
Town Square	195.9
Total	1,395.0



Buildout Property Tax Revenue Per Acre

This portion of the analysis includes both currently developed and currently undeveloped parcels. Developed properties are assumed to remain at their existing use and intensity and property tax revenues are based on current assessed values. Undeveloped parcels are assumed to be developed based on the buildout assumptions from earlier in this analysis. Area in the floodplain was excluded from this analysis.

Experience District	Projected Tax Rev/Ac at Buildout
North Creek	\$11,965
Old Town	\$8,471
Remembrance	\$6,808
South Creek	\$12,200
South Gateway	\$13,787
The Meadows	\$9,544
The Railways	\$13,738
The Ranches	\$6,986
The Timbers	\$11,779
Town Square	\$12,220







City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 3. (CONSENT AGENDA)

Title: Consider adopting Ordinance 795-25 first reading, calling for a General Municipal Election to be held on Saturday, May 3, 2025, to elect Three (3) City Council Members to City Council Place One, Place Two, and Place Three to serve two (2) year terms, authorizing the notice of election; authorizing a joint election order with other Denton County political subdivisions; and authorizing the City Secretary to enter into a contract with Denton County for Election Services; take appropriate action.

Department: Administration

Contact: Amy Piukana, City Secretary

Recommendation:

City Administration recommends the City Council adopt Ordinance 795-25, as presented.

Background:

With three (3) Council Members having expiring terms in May 2025, it is necessary to order a General Election to fill upcoming vacancies. Current seats with terms expiring in May are Place One, Place Two, and Place Three with two (2) year terms. The proposed Ordinance calls the election and authorizes a joint election contract with Denton County to provide Election Services.

City Attorney Review: Yes

Attachments:

1. Ord 795-25 Calling General Election
2. Ord 795-25 Calling General Election AP_Spanish
3. Ord 795-25 Calling General Election AP_Vietnamese

ORDINANCE NO. XXX-25

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS (“CITY”), CALLING FOR A GENERAL MUNICIPAL ELECTION ON SATURDAY, MAY 3, 2025, TO ELECT THREE (3) CITY COUNCIL MEMBERS TO CITY COUNCIL PLACE ONE, PLACE TWO, AND PLACE THREE TO SERVE TWO (2) YEAR TERMS; AUTHORIZING NOTICE OF ELECTION; AUTHORIZING A JOINT ELECTION ORDER WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING THE CITY SECRETARY TO ENTER INTO AN AGREEMENT WITH DENTON COUNTY FOR THE ELECTION; FIXING THE TIME, PLACE, AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the provisions of State law the City Council shall call a General Municipal Election to elect three (3) City Council Members to City Council Place one, Place two, and Place three to serve (2) year terms; and

WHEREAS, Section 41.001(a) of the Texas Election Code, as amended, provides for a general election of City Officials to be held on uniform election dates; being the first Saturday in May or the first Tuesday after the first Monday in November; and

WHEREAS, Section 11.0581(a) of the Texas Education Code requires independent school districts (ISDs) to conduct their general election for trustees on the same date as the election for the members of the governing body of a municipality located in the school district; the general election for state and county officers, or the election for the members of the governing body of a hospital district; and

WHEREAS, Section 271 of the Texas Election Code authorizes the elections ordered by the authorities of two or more political subdivisions that are to be held on the same day in all or part of the same county to be held jointly in the election precincts that can be served by common polling places; and

WHEREAS, the City is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Justin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS;

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. That, a General Municipal Election be and the same is hereby ordered to be held on the first Saturday in May 2025, the same being May 3, 2025, to elect three (3) City Council Members to Place one, Place two, and Place three to serve two (2) year terms.

SECTION 3. That, said election shall be held in accordance with the Election Code of the State of Texas, the statutes of the State of Texas, The City Charter, and this ordinance of the City of Justin, Texas, and shall be in conformity with the procedures set forth herein.

SECTION 4. That, the election shall be held jointly with the Denton County, and other Denton County governmental entities on May 3, 2025, pursuant to Section 11 of the Texas Education Code and Section 271 of the Texas Election Code. The costs of said election shall be shared by the governmental entities as set forth in the Election Services Contract which will be on file in the City Secretary's office.

SECTION 5. That, a single election precinct is hereby created, which consists of the territory located within the corporate limits of the City of Justin, Texas, the official polling place for voting on Election Day shall be the Justin City Hall, 415 N. College Ave., Justin, Texas. All resident, qualified voters of the City of Justin, Texas shall be permitted to vote in said election. In addition, the election materials as outlined in Section 272.005, Texas Election Code, shall be printed in both English and Spanish for use at the polling places during Early Voting and on Election Day.

SECTION 6. That, the polling place for said election shall be open from 7:00 a.m. to 7:00 p.m. on Election Day.

SECTION 7. That, in compliance with Section 85.004 of the Texas Election Code, early voting by personal appearance shall be conducted at the various Denton County polling locations.

SECTION 8. The City Secretary, with the concurrence of the City Council, is hereby authorized to execute the Election Services Contract, and any amendments thereto, on behalf of the City. The City Secretary is authorized to prepare a Notice of Election as prescribed by the Texas Election Code, to be posted not later than Saturday, April 12, 2025, and published in accordance with the provisions of the Code and the City Charter one time, no earlier than Thursday, April 3, 2025, and no later than Wednesday, April 23, 2025.

SECTION 9. That this ordinance shall take effect immediately from and after its passage, as the law in such cases provide.

PASSED ON THE FIRST READING BY THE CITY COUNCIL ON THE 23rd DAY OF JANUARY, 2025.

PASSED ON SECOND READING BY THE CITY COUNCIL ON THE 13th DAY OF FEBRUARY, 2025.

APPROVED:

Mayor, James Clark

ATTEST:

City Secretary, Amy M. Piukana

APPROVED AS TO FORM:

City Attorney, Matthew Boyle

ORDENANZA NO. 795-25

UNA ORDENANZA DE LA CIUDAD DE JUSTIN, TEXAS (“CIUDAD”), CONVOCANDO A UNA ELECCIÓN MUNICIPAL GENERAL EL DÍA SÁBADO 3 DE MAYO DE 2025, PARA ELEGIR TRES (3) MIEMBROS DEL CONCEJO MUNICIPAL PARA EL PUESTO UNO, PUESTO DOS Y PUESTO TRES DEL CONCEJO MUNICIPAL, PARA MANDATOS DE DOS (2) AÑOS; AUTORIZANDO UN AVISO DE ELECCIÓN; AUTORIZANDO UNA CONVOCATORIA DE ELECCIÓN CONJUNTA CON OTRAS SUBDIVISIONES POLÍTICAS DEL CONDADO DE DENTON; AUTORIZANDO AL SECRETARIO MUNICIPAL A CELEBRAR UN CONTRATO CON EL CONDADO DE DENTON PARA LA ELECCIÓN; ESTABLECIENDO LA HORA, EL LUGAR Y LA FORMA DE REALIZAR DICHA ELECCIÓN; Y PROPORCIONANDO UNA FECHA DE VIGENCIA.

CONSIDERANDO QUE, según las disposiciones de la ley estatal, el Concejo Municipal convocará a una Elección municipal general para elegir tres (3) miembros del Concejo Municipal para el puesto uno, el puesto dos y el puesto tres del Concejo Municipal, para mandatos de (2) años; y

CONSIDERANDO QUE, la Sección 41.001(a) del Código de Elecciones de Texas, y sus modificaciones, prevé una elección general de funcionarios municipales que se celebrará en fechas electorales uniformes, siendo estas el primer sábado de mayo o el primer martes después del primer lunes de noviembre; y

CONSIDERANDO QUE, la Sección 11.0581(a) del Código de Educación de Texas requiere que los distritos escolares independientes (Independent School Districts, ISDs) lleven a cabo sus elecciones generales para administradores en la misma fecha que las elecciones para los miembros del órgano de gobierno de un municipio ubicado en el distrito escolar; la elección general para funcionarios estatales y del condado, o la elección para los miembros del órgano de gobierno de un distrito hospitalario; y

CONSIDERANDO QUE, la Sección 271 del Código de Elecciones de Texas autoriza que las elecciones ordenadas por las autoridades de dos o más subdivisiones políticas que deban celebrarse el mismo día en todo o parte del mismo condado se celebren conjuntamente en los distritos electorales que puedan ser atendidos por lugares de votación comunes; y

CONSIDERANDO QUE, la Ciudad está autorizada por ley a adoptar las disposiciones contenidas en la presente ordenanza, y ha cumplido todos los requisitos previos necesarios para la aprobación de la misma; y

CONSIDERANDO QUE, se han cumplido todos los requisitos estatutarios y constitucionales para la aprobación de esta ordenanza, incluida, entre otras, la Ley de Reuniones Abiertas; y

CONSIDERANDO QUE, el propósito de esta ordenanza es promover la salud pública, la seguridad y el bienestar general de los ciudadanos de la Ciudad de Justin.

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE JUSTIN, TEXAS, ORDENA:

SECCIÓN 1. Que todos los asuntos declarados anteriormente son verdaderos y correctos y se incorporan al presente documento por referencia, como si se copiaran en su totalidad.

SECCIÓN 2. Que se ordena que se celebre una Elección Municipal General el primer sábado de mayo de 2025, siendo el mismo el 3 de mayo de 2025, para elegir a tres (3) Miembros del Concejo Municipal, para el Puesto uno, Puesto dos y Puesto tres, para mandatos de dos (2) años.

SECCIÓN 3. Que, dicha elección se celebrará de conformidad con el Código de Elecciones del Estado de Texas, los estatutos del Estado de Texas, los Estatutos de la Ciudad de Justin, y esta ordenanza de la Ciudad de Justin, Texas, y estará en conformidad con los procedimientos establecidos en el presente documento.

SECCIÓN 4. Que, la elección se celebrará conjuntamente con el Condado de Denton, y otras entidades gubernamentales del Condado de Denton el 3 de mayo de 2025, de conformidad con la Sección 11 del Código de Educación de Texas y la Sección 271 del Código de Elecciones de Texas. Los costos de dicha elección serán compartidos por las entidades gubernamentales como se establece en el Contrato de Servicios Electorales que estará archivado en la oficina del Secretario Municipal.

SECCIÓN 5. Que, por la presente se crea un distrito electoral único, el cual consiste en el territorio ubicado dentro de los límites corporativos de la Ciudad de Justin, Texas, y el lugar oficial de votación para votar el Día de la Elección será Justin City Hall, 415 N. College Ave., Justin, Texas. Todos los votantes residentes y calificados de la Ciudad de Justin, Texas, podrán votar en dicha elección. Además, los materiales electorales como se indica en la Sección 272.005, Código de Elecciones de Texas, se imprimirán en inglés y en español para su uso en los lugares de votación durante la votación anticipada y el Día de la Elección.

SECCIÓN 6. Que, el Día de la Elección, el lugar de votación para dicha elección estará abierto de 7:00 a.m. a 7:00 p.m.

SECCIÓN 7. Que, en cumplimiento de la Sección 85.004 del Código de Elecciones de Texas, la votación anticipada en persona se llevará a cabo en los distintos lugares de votación del Condado de Denton.

SECCIÓN 8. Por la presente, se autoriza al Secretario Municipal, con la conformidad del Concejo Municipal, a suscribir el Contrato de Servicios Electorales, y cualquier enmienda al mismo, en nombre de la Ciudad. Se autoriza al Secretario Municipal a preparar un Aviso de Elección según lo prescrito por el Código de Elecciones de Texas, que se publicará a más tardar el sábado 12 de abril de 2025 y se publicará una vez, de conformidad con las disposiciones del Código y los Estatutos de la Ciudad, no antes del jueves 3 de abril de 2025 y no después del miércoles 23 de abril de 2025.

SECCIÓN 9. Que la presente ordenanza entrará en vigencia inmediatamente a partir de su aprobación, tal y como establece la ley en estos casos.

APROBADO EN PRIMERA LECTURA POR EL CONCEJO MUNICIPAL EL DÍA 23 DE ENERO DE 2025.

APROBADO EN SEGUNDA LECTURA POR EL CONCEJO MUNICIPAL EL DÍA 13 DE FEBRERO DE 2025.

APROBADO:

Alcalde, James Clark

DOY FE:

Secretaria Municipal, Amy M. Piukana

APROBADO EN CUANTO A LA FORMA:

Abogado Municipal, Matthew Boyle

SẮC LỆNH SỐ 795-25

SẮC LỆNH CỦA THÀNH PHỐ JUSTIN, TEXAS (“THÀNH PHỐ”), YÊU CẦU TIẾN HÀNH MỘT CUỘC TỔNG TUYỂN CỬ CỦA THÀNH PHỐ VÀO THỨ BẢY, NGÀY 3 THÁNG 5 NĂM 2025, ĐỂ BẦU BA (3) ỦY VIÊN HỘI ĐỒNG THÀNH PHỐ VÀO NĂM GIỮ CÁC VỊ TRÍ MỘT, VỊ TRÍ HAI VÀ VỊ TRÍ BA TRONG HỘI ĐỒNG THÀNH PHỐ ĐỂ PHỤC VỤ CÁC NHIỆM KỲ HAI (2) NĂM; CHO PHÉP THÔNG BÁO BẦU CỬ; CHO PHÉP LỆNH BẦU CỬ CHUNG VỚI CÁC PHÂN KHU CHÍNH TRỊ KHÁC CỦA QUẬN DENTON; CHO PHÉP THU KÝ THÀNH PHỐ KÝ THỎA THUẬN VỚI QUẬN DENTON VỀ CUỘC BẦU CỬ; CHỈ ĐỊNH THỜI GIAN, ĐỊA ĐIỂM VÀ CÁCH THỨC TỔ CHỨC CUỘC BẦU CỬ NÓI TRÊN; VÀ XÁC ĐỊNH NGÀY CÓ HIỆU LỰC.

XÉT RẰNG, theo các quy định của luật Tiểu Bang, Hội Đồng Thành Phố phải tổ chức một Cuộc Tổng Tuyển Cử Của Thành Phố để bầu ba (3) Ủy Viên Hội Đồng Thành Phố vào Vị Trí một, Vị Trí hai và Vị Trí ba trong Hội Đồng Thành Phố để phục vụ các nhiệm kỳ hai (2) năm; và

XÉT RẰNG, Mục 41.001(a) của Bộ Luật Bầu Cử Texas, sau tu chính, quy định cuộc tổng tuyển cử bầu Viên Chức Thành Phố sẽ được tổ chức vào các ngày bầu cử thống nhất là thứ Bảy đầu tiên của tháng Năm hoặc thứ Ba đầu tiên sau thứ Hai đầu tiên của tháng Mười Một; và

XÉT RẰNG, Mục 11.0581(a) Bộ Luật Giáo Dục Texas yêu cầu các học khu độc lập (independent school district, ISD) phải tiến hành cuộc tổng tuyển cử của học khu để bầu ra các ủy viên vào cùng ngày với cuộc bầu cử để bầu các thành viên của cơ quan quản lý một thành phố nằm trong học khu; cuộc tổng tuyển cử để bầu các viên chức của tiểu bang và quận, hoặc cuộc bầu cử bầu các thành viên của cơ quan quản lý một khu bệnh viện; và

XÉT RẰNG, Mục 271 của Bộ Luật Bầu Cử Texas cho phép các cuộc bầu cử theo lệnh của chính quyền có hai phân khu chính trị trở lên được tổ chức vào cùng một ngày tại toàn bộ hoặc một phần của quận đó được tổ chức chung tại các phòng phiếu chung có thể dùng như khu bầu cử; và

XÉT RẰNG, Thành Phố được pháp luật cho phép áp dụng các quy định nêu tại đây, và đã tuân thủ mọi điều kiện tiên quyết cần thiết để thông qua sắc lệnh này; và

XÉT RẰNG, tất cả các yêu cầu của luật và hiến pháp để thông qua sắc lệnh này đều đã được tuân thủ, bao gồm nhưng không giới hạn ở Đạo Luật về các Cuộc Họp Công Khai; và

XÉT RẰNG, sắc lệnh này có mục đích thúc đẩy sức khỏe, sự an toàn cộng đồng và phúc lợi chung của người dân Thành Phố Justin.

VÌ VẬY, HỘI ĐỒNG THÀNH PHỐ JUSTIN, TEXAS RA QUYẾT ĐỊNH SAU ĐÂY:

MỤC 1. Rằng tất cả các vấn đề nêu trên đều được xác định là đúng sự thật và chính xác và được đưa vào đây thông qua tham chiếu và được coi là đầy đủ.

MỤC 2. Rằng sẽ tổ chức một Cuộc Tổng Tuyển Cử Của Thành phố và cuộc bầu cử này theo lệnh được tổ chức vào thứ Bảy đầu tiên của tháng 5 năm 2025, tức ngày 3 tháng 5 năm 2025, để bầu ba (3) Ủy Viên Hội Đồng Thành Phố vào năm giữ Vị Trí một, Vị Trí hai và Vị trí ba để phục vụ các nhiệm kỳ hai (2) năm.

MỤC 3. Rằng cuộc bầu cử nói trên sẽ được tổ chức theo Bộ Luật Bầu Cử của Tiểu Bang Texas, các điều lệ của Tiểu Bang Texas, Hiến Chương Thành phố và sắc lệnh này của Thành Phố Justin, Texas, và sẽ phù hợp với các thủ tục được nêu tại đây.

MỤC 4. Rằng cuộc bầu cử sẽ được tổ chức chung với Quận Denton và các tổ chức chính quyền khác của Quận Denton vào ngày 3 tháng 5 năm 2025 theo Mục 11 của Bộ Luật Giáo Dục Texas và Mục 271 của Bộ Luật Bầu Cử Texas. Chi phí của cuộc bầu cử nói trên sẽ được các tổ chức chính quyền chia sẻ theo quy định trong Hợp Đồng Dịch Vụ Bầu Cử sẽ được lưu tại văn phòng của Thư Ký Thành Phố.

MỤC 5. Rằng theo đây thành lập một khu bầu cử duy nhất, bao gồm phần lãnh thổ thuộc ranh giới doanh nghiệp của Thành Phố Justin, Texas, phòng phiếu chính thức để bỏ phiếu vào Ngày Bầu Cử sẽ là Tòa Thị Chính Justin tại địa chỉ 415 N. College Ave., Justin, Texas. Tất cả cư dân, cử tri đủ điều kiện của Thành Phố Justin, Texas đều sẽ được phép bỏ phiếu trong cuộc bầu cử nói trên. Ngoài ra, các tài liệu bầu cử được liệt kê ở Mục 272.005, Bộ Luật Bầu Cử Texas, sẽ được in bằng cả tiếng Anh và tiếng Tây Ban Nha để sử dụng tại các phòng phiếu trong thời gian Bỏ Phiếu Sớm và vào Ngày Bầu Cử.

MỤC 6. Rằng phòng phiếu phục vụ cuộc bầu cử nói trên sẽ mở cửa từ 7 giờ sáng đến 7 giờ tối vào Ngày Bầu Cử.

MỤC 7. Rằng để tuân thủ Mục 85.004 Bộ Luật Bầu Cử Texas, việc bỏ phiếu sớm bằng hình thức trực tiếp sẽ được tiến hành tại nhiều địa điểm bỏ phiếu của Quận Denton.

MỤC 8. Khi được Hội Đồng Thành Phố chấp thuận, Thư Ký Thành Phố được quyền thay mặt Thành phố ký Hợp Đồng Dịch Vụ Bầu Cử cùng các sửa đổi đối với Hợp đồng này. Theo quy định của Bộ Luật Bầu Cử Texas, Thư Ký Thành Phố sẽ soạn thảo Thông Báo Bầu Cử, thông báo này phải được đăng muộn nhất là thứ Bảy, ngày 12 tháng 4 năm 2025 và được công bố một lần phù hợp với các điều khoản của Bộ Luật và Hiến Chương Thành Phố, không sớm hơn thứ Năm, ngày 3 tháng 4 năm 2025 và không muộn hơn thứ Tư, ngày 23 tháng 4 năm 2025.

MỤC 9. Sắc lệnh này sẽ có hiệu lực ngay từ thời điểm được thông qua và đúng theo quy định của luật hiện hành.

ĐƯỢC THÔNG QUA TRONG LẦN ĐỀ TRÌNH LẦN ĐẦU LÊN HỘI ĐỒNG THÀNH PHỐ VÀO NGÀY 23 THÁNG 1 NĂM 2025.

ĐƯỢC THÔNG QUA TRONG LẦN ĐỀ TRÌNH THỨ HAI LÊN HỘI ĐỒNG THÀNH PHỐ VÀO NGÀY 13 THÁNG 2 NĂM 2025.

ĐÃ PHÊ DUYỆT:

Thị Trưởng, James Clark

CHỨNG THỰC:

Thư Ký Thành Phố, Amy M. Piukana

ĐÃ PHÊ DUYỆT NHỮNG NỘI DUNG TRONG BIỂU MẪU NÀY:

Luật Sư Thành Phố, Matthew Boyle



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 4. (CONSENT AGENDA)

Title: Consider adopting Ordinance 796-25 calling for a Special Municipal Election on Saturday, May 3, 2025, to amend the City Charter authorizing notice of Special Election, authorizing a Joint Election Order with other Denton County Political Subdivisions, authorizing the City Secretary to enter into an agreement with Denton County for Election Services; and take appropriate action.

Department: Administration

Contact: Amy Piukana, City Secretary

Recommendation:

City Administration recommends the City Council adopt Ordinance 796-25, as presented.

Background:

The proposed Charter amendments were provided by the Charter Review Commission and the City Council. All propositions require a public vote. The proposed Ordinance 796-25 calls for a Special Municipal Election for the purpose of amending the City Charter, authorizing a Notice of Special Election authorizing a Joint Election Order with other Denton County Political Subdivisions, and authorizing the City Secretary to enter into an agreement with Denton County to conduct Election Services. The proposed ordinance has been translated in English, Spanish, and Vietnamese to meet the Election Code requirements.

City Attorney Review: Yes

Attachments:

1. Ord 796-25 Election Ordinance English
2. Exhibit Ord 796-25 Exhibit English Charter Amendment Recommendations Updated (1)
3. Ord 796-25 Election Ordinance Atty-Spanish
4. Exhibit Ord 796-25 Charter Amendment Recommendations Updated_Spanish
5. Ord 796-25 Election Ordinance Atty_Vietnamese
6. Ord 796-25 Charter Exhibit Vietnamese

ORDINANCE NO. 796-25

AN ORDINANCE OF THE CITY OF JUSTIN, TEXAS (“CITY”), CALLING FOR A SPECIAL MUNICIPAL ELECTION ON SATURDAY, MAY 3, 2025, FOR THE PURPOSE OF AMENDING THE CITY CHARTER; AUTHORIZING NOTICE OF SPECIAL ELECTION; AUTHORIZING A JOINT ELECTION ORDER WITH OTHER DENTON COUNTY POLITICAL SUBDIVISIONS; AUTHORIZING THE CITY SECRETARY TO ENTER INTO AN AGREEMENT WITH DENTON COUNTY FOR THE SPECIAL ELECTION; FIXING THE TIME, PLACE, AND MANNER OF HOLDING SAID ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Justin, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is the intention of the City Council to call a Special Election to submit proposed amendments to the City Charter to the voters in accordance with Section 9.004 of the Local Government Code; and

WHEREAS, an election to submit to the voters proposed amendments to the City Charter is required by law to be held on the uniform election date of May 3, 2025; and

WHEREAS, Section 41.011 of the Election Code establishes the first Saturday in May as a uniform election and the City Council has determined that date in compliance with the law; and

WHEREAS, the City is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Justin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS;

SECTION 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. CHARTER AMENDMENT ELECTION CALLED

The City Council does hereby on its own motion order a special election to submit to the voters of the City proposed amendments to the City Charter. The proposed charter amendments to the City Charter are set forth in Exhibit “A” attached to this Ordinance and is hereby approved by the City Council for submission to the voters. The election shall be conducted according to the laws of the State of Texas, and shall be held on Saturday, May 3, 2025, from 7:00 a.m. to 7:00 p.m.

SECTION 3. ELECTION SERVICES CONTRACT

The Mayor is hereby authorized to execute a contract with the Denton County Elections Administrator to have Denton County furnish all or any portion of the election services and equipment necessary to conduct the election. The contract and election services provided therein shall conform to Chapter 42, Subchapter D, of the Texas Election Code and other applicable statutes and laws.

SECTION 4. CONTRACT TERMS

The contract shall provide the type of electronic voting equipment to be used for early voting by personal appearance and on election day; notification and training for election judges and clerks; an estimate and final payment terms for the election services provided; agreements for early voting equipment and voting machine rental and other procedures to conduct the election.

SECTION 5. COMBINED BALLOTS

This special election shall be held in conjunction with the general election for the election of City Council members. Combined ballots may be utilized containing all of the offices and propositions to be voted on at each polling place, provided that no voter shall be given a ballot or permitted to vote for any office or proposition on which the voter is ineligible to vote. Returns may be made of forms, which are individual or combined, and the Elections Administrator shall be designated as the custodian of combined records.

SECTION 6. CHARTER PROPOSITION BALLOTS

The official ballots for the special election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "Yes" or "No" on the propositions, with the ballots to contain such provisions, markings, and language as required by law, and with the propositions to be expressed substantially as set forth on Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 7. POLLING PLACE

The election day polling place for this special election shall be Justin City Hall, 415 N. College Avenue, Justin, Texas 76247, between the hours of 7:00 a.m. and 7:00 p.m. on election day.

SECTION 8. PRESIDING ELECTION JUDGE

The Presiding Election Judge and Alternate Presiding Election Judge shall be appointed by Denton County as indicated in the Contract and authorized by Chapter 271 of the Texas Election Code.

SECTION 9. METHOD OF VOTING

The City Secretary is hereby authorized and instructed to provide and furnish all necessary supplies to conduct the special election, in accordance with this Ordinance and the Election Code.

SECTION 10. EARLY VOTING

(a) Early Voting by Personal Appearance. Frank Phillips, the Denton County Elections Administrator, is hereby designated as the Early Voting Clerk for the election as indicated in the Contract. Early voting by personal appearance shall

commence on April 21, 2025 and shall continue until April 29, 2025. On at least two weekdays during the early voting period, the location for early voting shall be open for at least twelve (12) hours as mandated by state law. The early voting main location will be Denton County Elections Center, 701 Kimberly Drive, Suite A100, Denton , TX 76208 and the Justin Early Voting location will be at Justin City Hall, 415 N. College, Justin, Texas 76247.

- (b) Early Voting by Mail. The Elections Administrator shall be responsible for the Early Voting applications and ballots. Applications for early voting by mail may be delivered to 701 Kimberly Drive, Suite A100, Denton , TX 76208, not later than the close of business day on April 29, 2025, regardless of delivery method. Early voting ballots shall be mailed to the Elections Administrator at the same address. The City Secretary is directed to forward applications and ballots he may receive to the Elections Administrator as provided in the Contract.

SECTION 11. NOTICE OF ELECTION

- (a) Notice of Election. A substantial copy of this Ordinance shall serve as proper notice of the special election. Said notice, including Spanish and Vietnamese translations thereof, shall be posted not later than the twenty first (21) day before the election on the bulletin board used for posting notices of meetings of the City Council and shall be published at least once, not earlier than the thirtieth (30th) day, nor later than the tenth (10th) day before the election in a newspaper published and of general circulation in the City of Justin.
- (b) Publication of Amendments. Additionally, in accordance with Section 9.004(c) of the Texas Local Government Code, notice shall be published in a newspaper of general election in Justin on the same day, in each of two consecutive weeks, with the first publication occurring before the fourteenth (14th) day before the election day. The notice shall contain a substantial copy of the proposed amendments.

SECTION 12. AMENDMENTS.

Matters contained in this Ordinance relating to discretionary procedural matters may be amended by the City Council.

PASSED ON THE FIRST READING BY THE CITY COUNCIL ON THE 23rd DAY OF JANUARY, 2025.

PASSED ON SECOND READING BY THE CITY COUNCIL ON THE 13th DAY OF FEBRUARY, 2025.

APPROVED:

Mayor, James Clark

ATTEST:

City Secretary, Amy M. Piukana

APPROVED AS TO FORM:

City Attorney, Matthew Boyle



Charter Amendment Recommendations

PROPOSITION A:

Shall Article III, Section 3-1(2)(4) and (5) of the City Charter of the City of Justin be amended to change the terms of office of members of Council from two to three years?

PROPOSITION B:

Shall Article III, Section 3.02(1) of the City Charter of the City of Justin be Amended to limit council members to three total terms, instead of four?

PROPOSITION C:

Shall Article III Section 3.06(5) of the City Charter of the City of Justin be changed so that in the event of a vacancy on City Council, the City Secretary would be required to reach out to the NON-ELECTED candidate receiving the highest number of votes from the most recent City election to offer them the position? If that candidate declines, the City Secretary would reach out to the candidate who received the 2nd highest number of votes. This process would continue until a previous candidate accepts and the City Council makes the appointment. If no previous candidate accepts, the council reverts to the procedures in Resolution 614-23 and fills the vacancy by a majority vote of council.

PROPOSITION D:

Shall Article III, Section 3.11 of the City Charter of the City of Justin regarding conflicts of interest of council members, be changed to require a council member who has a conflict of interest on a matter before council to leave the council chambers while the matter is being discussed and voted on?

PROPOSITION E:

Shall Article III, Section 3.18, Interim Government, of the City Charter of the City of Justin, which states that the Mayor and Council at the time of passage of the original City Charter will remain in office until the expiration of their terms, be eliminated?

PROPOSITION F:

Shall Article IV, Section 4.01(1) of the City Charter be changed that The City Manager need not be a resident of the City when appointed, but shall within a reasonable time after such appointment, not to exceed twelve (12) months, reside within the City or the City's extraterritorial jurisdiction, at Council's discretion, during the balance of the tenure of his or her appointment.

PROPOSITION G:

Shall Article IV, Section 4.01(5)(B) of the City Charter of the City of Justin be changed to allow the City Manager to appoint an interim City Manager in the event of an absence of

less than two weeks, while Council has that power in the event of an absence of more than two weeks?

PROPOSITION H:

Shall Article IV, Section 4.02(4)(B) of the City Charter of the City of Justin be changed to require the City Secretary to attend all meetings and hearings of the City Council, unless excused by the City Manager?

PROPOSITION I:

Shall Article VI, Section 6.02(2)(B) of the City Charter of the City of Justin be changed to require each candidate for City office be a registered, qualified voter?

PROPOSITION J:

Shall Article XIII of the City Charter of the City of Justin, Ethics, Prohibitions, and Penalties, be re-written to create a Board of Ethics appointed by City Council, a Code of Ethical Procedures including a Code of Unethical behavior for City employees and officials, to require disclosure of conflicts of interest, for a three-year prohibition of transactions with the City after an official leaves office, for procedures for filing complaints of unethical behavior with the Board of Ethics and hearings to be held by the Board, for guidelines for decisions by the Ethics Board, and a Code of Ethics for City employees and officials?

ORDENANZA NO. 796-25

UNA ORDENANZA DE LA CIUDAD DE JUSTIN, TEXAS (“CIUDAD”), CONVOCANDO A UNA ELECCIÓN MUNICIPAL ESPECIAL EL DÍA SÁBADO 3 DE MAYO DE 2025, CON LA FINALIDAD DE MODIFICAR LOS ESTATUTOS DE LA CIUDAD; AUTORIZANDO UN AVISO DE ELECCIÓN ESPECIAL; AUTORIZANDO UNA CONVOCATORIA DE ELECCIÓN CONJUNTA CON OTRAS SUBDIVISIONES POLÍTICAS DEL CONDADO DE DENTON; AUTORIZANDO AL SECRETARIO MUNICIPAL A CELEBRAR UN CONTRATO CON EL CONDADO DE DENTON PARA LA ELECCIÓN ESPECIAL; ESTABLECIENDO LA HORA, EL LUGAR Y LA FORMA DE REALIZAR DICHA ELECCIÓN; Y PROPORCIONANDO UNA FECHA DE VIGENCIA.

CONSIDERANDO QUE, la Ciudad de Justin, Texas es una ciudad autónoma que actúa en virtud de sus estatutos adoptados por el electorado de conformidad con el Artículo XI, Sección 5 de la Constitución de Texas y el Capítulo 9 del Código de Gobierno Local; y

CONSIDERANDO QUE, es la intención del Concejo Municipal convocar a una Elección Especial para presentar a los votantes las enmiendas propuestas a los Estatutos de la Ciudad de acuerdo con la Sección 9.004 del Código de Gobierno Local; y

CONSIDERANDO QUE, la ley exige que se celebren elecciones para presentar a los votantes las enmiendas propuestas a los Estatutos de la Ciudad en la fecha electoral uniforme del 3 de mayo de 2025; y

CONSIDERANDO QUE, la sección 41.011 del Código de Elecciones establece el primer sábado de mayo como elección uniforme y el Concejo Municipal ha determinado esa fecha en cumplimiento de la ley; y

CONSIDERANDO QUE, la Ciudad está autorizada por ley a adoptar las disposiciones contenidas en la presente ordenanza, y ha cumplido todos los requisitos previos necesarios para la aprobación de la misma; y

CONSIDERANDO QUE, se han cumplido todos los requisitos estatutarios y constitucionales para la aprobación de esta ordenanza, incluida, entre otras, la Ley de Reuniones Abiertas; y

CONSIDERANDO QUE, el propósito de esta ordenanza es promover la salud pública, la seguridad y el bienestar general de los ciudadanos de la Ciudad de Justin.

AHORA, POR LO TANTO, EL CONCEJO MUNICIPAL DE LA CIUDAD DE JUSTIN, TEXAS, ORDENA:

SECCIÓN 1. Que todos los asuntos declarados anteriormente son verdaderos y correctos y se incorporan al presente documento por referencia, como si se copiaran en su totalidad.

SECCIÓN 2. CONVOCATORIA DE ELECCIÓN PARA MODIFICAR LOS ESTATUTOS
Por la presente, el Concejo Municipal ordena, por iniciativa propia, una elección especial para presentar a los votantes de la Ciudad las enmiendas propuestas a los

Estatutos de la Ciudad. Las enmiendas propuestas a los Estatutos de la Ciudad se establecen en el Anexo “A” adjunto a esta Ordenanza y por la presente son aprobadas por el Concejo Municipal para su presentación a los votantes. La elección se llevará a cabo de acuerdo con las leyes del Estado de Texas, y se celebrará el sábado 3 de mayo de 2025, de 7:00 a.m. a 7:00 p.m.

SECCIÓN 3. CONTRATO DE SERVICIOS ELECTORALES

Por la presente, se autoriza al Alcalde a celebrar un contrato con el Administrador de Elecciones del Condado de Denton para que el Condado de Denton proporcione todos o parte de los servicios y equipos electorales necesarios para llevar a cabo las elecciones. El contrato y los servicios electorales previstos en el mismo se ajustarán al Capítulo 42, Subcapítulo D, del Código de Elecciones de Texas y otros estatutos y leyes aplicables.

SECCIÓN 4. TÉRMINOS DEL CONTRATO

El contrato estipulará el tipo de equipo de votación electrónica que se utilizará para la votación anticipada en persona y el día de las elecciones; la notificación y la capacitación de jueces y secretarios electorales; un presupuesto y las condiciones finales de pago de los servicios electorales prestados; los acuerdos para el alquiler del equipo de votación anticipada y de las máquinas de votación y otros procedimientos para llevar a cabo las elecciones.

SECCIÓN 5. PAPELETAS DE VOTACIÓN COMBINADA

Esta elección especial se celebrará conjuntamente con la elección general para la elección de los miembros del Concejo Municipal. Se pueden utilizar papeletas de votación combinadas que contengan todos los cargos y proposiciones que se votarán en cada centro de votación, siempre que no se le entregue una papeleta de votación a ningún votante ni se le permita votar por ningún cargo o propuesta para el cual el votante no sea elegible para votar. Se podrán realizar devoluciones de formularios, que sean individuales o combinados, y el Administrador de Elecciones será designado como custodio de los registros combinados.

SECCIÓN 6. PAPELETAS DE VOTACIÓN DE LAS PROPUESTAS PARA LOS ESTATUTOS

Las papeletas oficiales para la elección especial se prepararán de acuerdo con el Código de Elecciones de Texas de manera que permitan a los electores votar “Sí” o “No” a las propuestas, y las papeletas contendrán las disposiciones, las marcas y el lenguaje requeridos por la ley; además, las propuestas se expresarán sustancialmente como se indica en el Anexo “A” adjunto a la presente y que se incorpora a la misma para todos los efectos.

SECCIÓN 7. LUGAR DE VOTACIÓN

El lugar de votación para esta elección especial será Justin City Hall, 415 N. College Avenue, Justin, Texas 76247, entre las 7:00 a.m. y las 7:00 p.m. del Día de la Elección.

SECCIÓN 8. JUEZ PRESIDENTE DE LA ELECCIÓN

El Juez presidente de la elección y el Juez presidente suplente de la elección serán nombrados por el Condado de Denton según lo indicado en el Contrato y autorizado por el Capítulo 271 del Código de Elecciones de Texas.

SECCIÓN 9. MÉTODO DE VOTACIÓN

Por la presente se autoriza y ordena al Secretario Municipal que proporcione todos los suministros necesarios para llevar a cabo la elección especial, de conformidad con la presente Ordenanza y el Código de Elecciones.

SECCIÓN 10. VOTACIÓN ANTICIPADA

- (a) **Votación anticipada en persona.** Frank Phillips, Administrador de Elecciones del Condado de Denton, queda designado por el presente como Secretario de Votación Anticipada para la elección según se indica en el Contrato. La votación anticipada en persona comenzará el 21 de abril de 2025 y continuará hasta el 29 de abril de 2025. Al menos durante dos días laborables, en el período de votación anticipada, el lugar de votación anticipada estará abierto durante al menos doce (12) horas, según lo dispuesto por la ley estatal. El lugar principal de votación anticipada será Denton County Elections Center, 701 Kimberly Drive, Suite A100, Denton, TX 76208, y el lugar de votación anticipada de Justin será Justin City Hall, 415 N. College, Justin, Texas 76247.
- (b) **Votación anticipada por correo.** El Administrador de Elecciones será responsable de las solicitudes y papeletas de votación anticipada. Las solicitudes de votación anticipada por correo pueden entregarse en 701 Kimberly Drive, Suite A100, Denton, TX 76208, a más tardar al cierre del día laborable, el 29 de abril de 2025, independientemente del método de entrega. Las papeletas de votación anticipada se enviarán por correo al Administrador de Elecciones a la misma dirección. Se ordena al Secretario Municipal que remita las solicitudes y papeletas de votación que reciba al Administrador de Elecciones, tal como se estipula en el Contrato.

SECCIÓN 11. AVISO DE ELECCIÓN

- (a) **Aviso de Elección.** Una copia importante de esta Ordenanza servirá como notificación apropiada de la elección especial. Dicho aviso, incluidas sus traducciones al español y al vietnamita, se publicará a más tardar el vigésimo primer día (21) antes de la elección en el tablero de anuncios utilizado para publicar avisos de las reuniones del Concejo Municipal y se publicará al menos una vez, no antes del trigésimo día (30), ni después del décimo día (10) antes de la elección en un periódico publicado y de circulación general en la Ciudad de Justin.
- (b) **Publicación de Enmiendas.** Además, de acuerdo con la Sección 9.004(c) del Código de Gobierno Local de Texas, se publicará un aviso en un periódico de elección general en Justin el mismo día, en cada una de dos semanas consecutivas, con la primera publicación ocurriendo antes del decimocuarto día (14) antes del día de la elección. El aviso contendrá una copia importante de las enmiendas propuestas.

SECCIÓN 12. ENMIENDAS.

Los asuntos contenidos en esta Ordenanza relacionados con asuntos procesales discrecionales pueden ser modificados por el Concejo Municipal.

APROBADO EN PRIMERA LECTURA POR EL CONCEJO MUNICIPAL EL DÍA 23 DE ENERO DE 2025.

APROBADO EN SEGUNDA LECTURA POR EL CONCEJO MUNICIPAL EL DÍA 13 DE FEBRERO DE 2025.

APROBADO:

Alcalde, James Clark

DOY FE:

Secretaria Municipal, Amy M. Piukana

APROBADO EN CUANTO A LA FORMA:

Abogado Municipal, Matthew Boyle



Recomendaciones para la modificación de los Estatutos

PROPUESTA A:

¿Debe modificarse el Artículo III, Sección 3-1(2)(4) y (5) de los Estatutos de la Ciudad de Justin para cambiar los mandatos de los miembros del Concejo de dos a tres años?

PROPUESTA B:

¿Debe modificarse el Artículo III, Sección 3.02(1) de los Estatutos de la Ciudad de Justin para limitar el número total de mandatos de los miembros del Concejo a tres, en lugar de cuatro?

PROPUESTA C:

¿Debe modificarse el Artículo III, Sección 3.06(5) de los Estatutos de la Ciudad de Justin para que, en caso de que se produzca una vacante en el Concejo Municipal, el Secretario Municipal deba ponerse en contacto con el candidato NO ELEGIDO que haya recibido el mayor número de votos en las últimas elecciones municipales para ofrecerle el puesto? Si el candidato rechaza la propuesta, el Secretario Municipal se pondrá en contacto con el candidato que haya recibido el segundo mayor número de votos. Este proceso continuaría hasta que un candidato anterior acepte y el Concejo Municipal haga el nombramiento. Si ningún candidato anterior acepta, el Concejo debe retomar los procedimientos de la Resolución 614-23 y cubrir la vacante por mayoría de votos del Concejo.

PROPUESTA D:

¿Debe modificarse el Artículo III, Sección 3.11 de los Estatutos de la Ciudad de Justin, relativo a los conflictos de intereses de los miembros del Concejo, para exigir que un miembro del Concejo que tenga un conflicto de intereses sobre un asunto sometido al Concejo abandone la cámara del Concejo mientras se debate y se realiza la votación de este asunto?

PROPUESTA E:

¿Debe eliminarse el Artículo III, Sección 3.18, Gobierno Provisional, de los Estatutos de la Ciudad de Justin, que establece que el Alcalde y el Concejo en el momento de la aprobación de los Estatutos de la Ciudad originales permanecerán en el cargo hasta la expiración de sus mandatos?

PROPUESTA F:

¿Debe modificarse el Artículo IV, Sección 4.01(1) de los Estatutos de la Ciudad para que el Administrador Municipal no tenga que ser residente de la Ciudad en el momento de su nombramiento, pero deberá, dentro de un plazo razonable después de dicho nombramiento, que no exceda los doce (12) meses, residir dentro de la Ciudad o de la jurisdicción extraterritorial de la Ciudad, a discreción del Concejo, durante el resto del mandato de su nombramiento?

PROPUESTA G:

¿Debe modificarse el Artículo IV, Sección 4.01(5)(B) de los Estatutos de la Ciudad de Justin para permitir que el Administrador Municipal nombre a un Administrador Municipal interino en caso de una ausencia de menos de dos semanas, mientras que el Concejo tiene esa facultad en caso de una ausencia de más de dos semanas?

PROPUESTA H:

¿Debe modificarse el Artículo IV, Sección 4.02(4)(B) de los Estatutos de la Ciudad de Justin para exigir que el Secretario Municipal asista a todas las reuniones y audiencias del Concejo Municipal, a menos que el Administrador Municipal lo exima?

PROPUESTA I:

¿Debe modificarse el Artículo VI, Sección 6.02(2)(B) de los Estatutos de la Ciudad de Justin para exigir que cada candidato a un cargo municipal sea un votante registrado y calificado?

PROPUESTA J:

¿Debe volver a redactarse el Artículo XIII de los Estatutos de la Ciudad de Justin, Ética, Prohibiciones y Sanciones, para crear una Junta de Ética designada por el Concejo Municipal, un Código de Procedimientos Éticos que incluya un Código de comportamiento poco ético para los empleados y funcionarios de la Ciudad, para exigir la divulgación de los conflictos de intereses, que se prohíban durante tres años las transacciones con la Ciudad después de que un funcionario abandone su cargo, que se establezcan procedimientos para la presentación de quejas por comportamiento poco ético ante la Junta de Ética y las audiencias que debe celebrar la Junta, que se establezcan directrices para las decisiones de la Junta de Ética y un Código de Ética para empleados y funcionarios municipales?

SẮC LỆNH SỐ 796-25

SẮC LỆNH CỦA THÀNH PHỐ JUSTIN, TEXAS (“THÀNH PHỐ”), YÊU CẦU TIẾN HÀNH MỘT CUỘC BẦU CỬ THÀNH PHỐ ĐẶC BIỆT VÀO THỨ BẢY, NGÀY 3 THÁNG 5 NĂM 2025, VỚI MỤC ĐÍCH TU CHÍNH HIẾN CHƯƠNG THÀNH PHỐ; CHO PHÉP THÔNG BÁO CUỘC BẦU CỬ ĐẶC BIỆT; CHO PHÉP LỆNH BẦU CỬ CHUNG VỚI CÁC PHÂN KHU CHÍNH TRỊ KHÁC CỦA QUẬN DENTON; CHO PHÉP THƯ KÝ THÀNH PHỐ KÝ THỎA THUẬN VỚI QUẬN DENTON VỀ CUỘC BẦU CỬ ĐẶC BIỆT; ẮN ĐỊNH THỜI GIAN, ĐỊA ĐIỂM VÀ CÁCH THỨC TỔ CHỨC CUỘC BẦU CỬ NÓI TRÊN; VÀ XÁC ĐỊNH NGÀY CÓ HIỆU LỰC.

XÉT RẰNG, Thành Phố Justin, Texas là thành phố tự trị, hoạt động theo hiến chương được cử tri thông qua căn cứ Điều XI, Mục 5 Hiến Pháp Texas và Chương 9 Bộ Luật Chính Quyền Địa Phương; và

XÉT RẰNG, Hội Đồng Thành Phố có ý định tổ chức một Cuộc Bầu Cử Đặc Biệt để trình lên cử tri các tu chính được đề xuất đối với Hiến Chương Thành Phố tuân thủ Mục 9.004 Bộ Luật Chính Quyền Địa Phương; và

XÉT RẰNG, luật quy định phải tổ chức một cuộc bầu cử để trình lên cử tri các tu chính được đề xuất đối với Hiến Chương Thành Phố và cuộc bầu cử phải được tổ chức vào ngày bầu cử thống nhất là ngày 3 tháng 5 năm 2025; và

XÉT RẰNG, Mục 41.011 Bộ Luật Bầu Cử quy định rằng ngày thứ Bảy đầu tiên của tháng Năm là ngày bầu cử thống nhất và Hội Đồng Thành Phố đã xác định ngày đó phù hợp với quy định của luật; và

XÉT RẰNG, Thành Phố được pháp luật cho phép áp dụng các quy định nêu tại đây, và đã tuân thủ mọi điều kiện tiên quyết cần thiết để thông qua sắc lệnh này; và

XÉT RẰNG, tất cả các yêu cầu của luật và hiến pháp để thông qua sắc lệnh này đều đã được tuân thủ, bao gồm nhưng không giới hạn ở Đạo Luật về các Cuộc Họp Công Khai; và

XÉT RẰNG, sắc lệnh này có mục đích thúc đẩy sức khỏe, sự an toàn cộng đồng và phúc lợi chung của người dân Thành Phố Justin.

VÌ VẬY, HỘI ĐỒNG THÀNH PHỐ JUSTIN, TEXAS RA QUYẾT ĐỊNH SAU ĐÂY:

MỤC 1. Tất cả các vấn đề nêu trên đều được xác định là đúng sự thật và chính xác và được đưa vào đây thông qua tham chiếu và được coi là đầy đủ.

MỤC 2. RA LỆNH TỔ CHỨC CUỘC BẦU CỬ VỀ TU CHÍNH HIẾN CHƯƠNG
Hội Đồng Thành Phố, theo quyết định độc lập của mình, ra lệnh tổ chức một cuộc bầu cử đặc biệt để trình lên cử tri của Thành Phố các tu chính được đề xuất đối với Hiến Chương Thành Phố. Các tu chính được đề nghị đối với Hiến Chương Thành Phố được nêu tại Phụ Lục “A” đính kèm Sắc Lệnh này và được Hội Đồng Thành Phố chấp thuận để đệ trình lên cử tri. Cuộc bầu cử sẽ được tiến hành theo luật của Tiểu Bang Texas và sẽ được tổ chức từ 7 giờ sáng đến 7 giờ tối, thứ Bảy, ngày 3 tháng 5 năm 2025.

MỤC 3. HỢP ĐỒNG DỊCH VỤ BẦU CỬ

Thị Trưởng theo đây được phép ký hợp đồng với Quản Trị Viên Bầu Cử Quận Denton để Quận Denton cung cấp toàn bộ hoặc một phần các dịch vụ và thiết bị bầu cử cần thiết cho việc tiến hành cuộc bầu cử. Hợp đồng và dịch vụ bầu cử được cung cấp theo hợp đồng phải tuân thủ Chương 42, Tiểu Chương D, Bộ Luật Bầu Cử Texas và các luật lệ và luật hiện hành khác.

MỤC 4. ĐIỀU KHOẢN HỢP ĐỒNG BẦU CỬ

Hợp đồng bầu cử phải nêu rõ loại thiết bị hỗ trợ việc bỏ phiếu qua mạng điện tử sẽ được sử dụng để hỗ trợ người trực tiếp đi bỏ phiếu sớm và vào ngày bầu cử; việc thông báo và hoạt động đào tạo cho các trưởng ban bầu cử và thư ký bầu cử; con số ước tính và điều khoản thanh toán chung cuộc cho các dịch vụ bầu cử được cung cấp; thỏa thuận về thiết bị hỗ trợ bỏ phiếu sớm và việc cho thuê máy bỏ phiếu và các thủ tục khác để tiến hành bầu cử.

MỤC 5. PHIẾU BẦU KẾT HỢP

Cuộc bầu cử đặc biệt này sẽ được tổ chức cùng với cuộc tổng tuyển cử bầu ra các ủy viên Hội Đồng Thành Phố. Phiếu bầu kết hợp có thể đưa vào tất cả các chức vụ và đề xuất sẽ được bỏ phiếu tại mỗi phòng phiếu, với điều kiện là cử tri không đủ điều kiện bỏ phiếu cho một hạng mục sẽ không nhận được lá phiếu hoặc được cho phép bỏ phiếu cho một chức vụ hoặc đề xuất bất kỳ. Kết quả bầu cử có thể được lập theo mẫu riêng hoặc kết hợp, và Quản Trị Viên Bầu Cử sẽ được chỉ định làm người quản lý hồ sơ bầu cử kết hợp.

MỤC 6. PHIẾU BẦU NÊU DỰ LUẬT TU CHÍNH HIẾN CHƯƠNG

Các lá phiếu chính thức của cuộc bầu cử đặc biệt sẽ được chuẩn bị theo quy định của Bộ Luật Bầu Cử Texas để cho phép cử tri bỏ phiếu “Có” hoặc “Không” đối với các đề xuất. Lá phiếu sẽ nêu các quy định, ký hiệu và ngôn ngữ theo quy định của luật pháp, và nêu các đề xuất với nội dung cơ bản như được nói đến trong Phụ Lục “A” đính kèm tại đây và đưa vào đây cho mọi mục đích.

MỤC 7. PHÒNG PHIẾU

Phòng phiếu vào ngày diễn ra cuộc bầu cử đặc biệt này sẽ là Tòa Thị Chính Thành Phố Justin tại địa chỉ 415 N. College Avenue, Justin, Texas 76247, từ 7 giờ sáng đến 7 giờ tối ngày bầu cử.

MỤC 8. TRƯỞNG BAN BẦU CỬ CHÍNH

Trưởng Ban Bầu Cử Chính và Trưởng Ban Bầu Cử Chính Dự Khuyết sẽ do Quận Denton bổ nhiệm theo quy định trong Hợp Đồng và được trao thẩm quyền theo Chương 271 của Bộ Luật Bầu Cử Texas.

MỤC 9. PHƯƠNG THỨC BẦU CỬ

Thư Ký Thành Phố theo đây được ủy quyền và chỉ thị cung cấp và trang bị tất cả các vật tư cần thiết để tiến hành cuộc bầu cử đặc biệt theo Sắc Lệnh này và Bộ Luật Bầu Cử.

MỤC 10. BẦU CỬ SỚM

- (a) **Bỏ Phiếu Sớm Trực Tiếp.** Frank Phillips, Quản Trị Viên Bầu Cử Quận Denton, theo đây được chỉ định làm Thư Ký Phụ Trách Bỏ Phiếu Sớm cho cuộc bầu cử như đã được nêu trong Hợp Đồng. Bỏ phiếu sớm trực tiếp sẽ bắt đầu vào ngày 21 tháng 4 năm 2025 và sẽ tiếp tục cho đến ngày 29 tháng 4 năm 2025. Theo quy định của luật pháp tiểu bang, trong thời gian bỏ phiếu sớm, sẽ có ít nhất hai ngày trong tuần địa điểm bỏ phiếu sớm sẽ mở cửa tối thiểu mười hai (12) giờ. Địa điểm bỏ phiếu sớm chính sẽ là Trung Tâm Bầu Cử Quận Denton ở địa chỉ 701 Kimberly Drive, Suite A100, Denton, TX 76208 và địa điểm Bỏ Phiếu Sớm của Justin sẽ là tại Tòa Thị Chính Thành Phố Justin ở địa chỉ 415 N. College, Justin, Texas 76247.
- (b) **Bỏ Phiếu Sớm Qua Thư.** Quản Trị Viên Bầu Cử sẽ chịu trách nhiệm về các đơn xin Bỏ Phiếu Sớm và lá phiếu. Có thể gửi bằng bất kỳ phương thức nào đơn xin bỏ phiếu sớm qua thư đến địa chỉ 701 Kimberly Drive, Suite A100, Denton, TX 76208, chậm nhất cuối ngày làm việc ngày 29 tháng 4 năm 2025. Lá phiếu bỏ phiếu sớm sẽ được gửi qua đường bưu điện đến Quản Trị Viên Bầu Cử đến cùng địa chỉ. Thư Ký Thành Phố được chỉ đạo chuyển tiếp các đơn và lá phiếu ông nhận được đến Quản Trị Viên Bầu Cử theo quy định trong Hợp Đồng Bầu Cử.

MỤC 11. THÔNG BÁO BẦU CỬ

- (a) **Thông Báo Bầu Cử.** Bản sao gồm nội dung chính của Sắc Lệnh này sẽ được dùng làm thông báo hợp quy về cuộc bầu cử đặc biệt. Thông báo nói trên, gồm cả bản dịch tiếng Tây Ban Nha và tiếng Việt, sẽ được đăng trên bảng thông báo được sử dụng để đăng các thông báo về các cuộc họp của Hội Đồng Thành Phố không muộn hơn ngày thứ hai mươi mốt (21) trước cuộc bầu cử và sẽ được công bố ít nhất một lần, không sớm hơn ngày thứ ba mươi (30), cũng không muộn hơn ngày thứ mười (10) trước cuộc bầu cử trên một tờ báo được xuất bản và phát hành rộng rãi tại Thành Phố Justin.
- (b) **Công Bố các Tu Chính.** Ngoài ra, theo Mục 9.004(c) Bộ Luật Chính Quyền Địa Phương Texas, thông báo về cuộc tổng tuyển cử sẽ được công bố trên một tờ báo tại Justin vào cùng ngày, trong mỗi hai tuần liên tiếp, lần công bố đầu tiên diễn ra trước ngày thứ mười bốn (14) trước ngày bầu cử. Thông báo phải có bản sao nội dung chính về các tu chính được đề xuất.

MỤC 12. TU CHÍNH.

Hội Đồng Thành Phố có thể sửa đổi các nội dung nêu trong Sắc Lệnh này liên quan đến thủ tục tùy ý.

ĐƯỢC THÔNG QUA TRONG LẦN ĐỀ TRÌNH LẦN ĐẦU LÊN HỘI ĐỒNG THÀNH PHỐ VÀO NGÀY 23 THÁNG 1 NĂM 2025.

ĐƯỢC THÔNG QUA TRONG LẦN ĐỀ TRÌNH THỨ HAI LÊN HỘI ĐỒNG THÀNH PHỐ VÀO NGÀY 13 THÁNG 2 NĂM 2025.

ĐÃ PHÊ DUYỆT:

Thị Trưởng, James Clark

CHỨNG THỰC:

Thư Ký Thành Phố, Amy M. Piukana

ĐÃ PHÊ DUYỆT NHỮNG NỘI DUNG TRONG BIỂU MẪU NÀY:

Luật Sư Thành Phố, Matthew Boyle



Các Đề Xuất Tu Chính Hiến Chương

DỰ LUẬT A:

Có nên tu chính Điều III, Mục 3-1(2)(4) và (5) của Hiến Chương Thành Phố Justin để thay đổi nhiệm kỳ của ủy viên Hội Đồng từ hai thành ba năm không?

DỰ LUẬT B:

Có nên tu chính Điều III, Mục 3.02(1) của Hiến Chương Thành Phố Justin để giới hạn tổng số nhiệm kỳ một ủy viên hội đồng được phép nắm giữ từ bốn nhiệm kỳ xuống còn ba nhiệm kỳ không?

DỰ LUẬT C:

Có nên thay đổi Điều III Mục 3.06(5) của Hiến Chương Thành Phố Justin để trong trường hợp khuyết thiếu một vị trí trong Hội Đồng Thành Phố, Thư Ký Thành Phố có thể phải liên hệ với ứng viên KHÔNG THĂNG CỬ nhưng nhận được số phiếu bầu cao nhất từ cuộc bầu cử gần nhất của Thành Phố để đề nghị họ đảm nhận vị trí đang khuyết thiếu đó không? Nếu ứng viên đó từ chối, Thư Ký Thành Phố có thể liên hệ với ứng viên nhận được số phiếu bầu cao thứ hai. Quy trình này sẽ tiếp diễn cho đến khi có một ứng viên của kỳ bầu cử trước chấp nhận và Hội Đồng Thành Phố tiến hành việc bổ nhiệm. Nếu có không ứng viên của kỳ bầu cử trước nào chấp nhận, hội đồng sẽ quay trở lại áp dụng các thủ tục trong Nghị Quyết 614-23 và tìm ra người đảm nhiệm vị trí trống thông qua đa số phiếu của hội đồng.

DỰ LUẬT D:

Có nên thay đổi Điều III, Mục 3.11 của Hiến Chương Thành Phố Justin về xung đột lợi ích của ủy viên hội đồng để yêu cầu ủy viên hội đồng có xung đột lợi ích về một vấn đề trước hội đồng phải rời khỏi phòng họp hội đồng trong thời gian hội đồng thảo luận và bỏ phiếu về vấn đề đó hay không?

DỰ LUẬT E:

Có nên hủy bỏ Điều III, Mục 3.18, Chính Quyền Lâm Thời, của Hiến Chương Thành Phố Justin, trong đó quy định rằng Thị Trưởng và Hội Đồng tại thời điểm thông qua Hiến Chương Thành Phố ban đầu sẽ vẫn tại vị cho đến khi nhiệm kỳ của họ kết thúc, không?

DỰ LUẬT F:

Có nên thay đổi Điều IV, Mục 4.01(1) trong Hiến Chương Thành Phố quy định rằng ở thời điểm được bổ nhiệm, Quản Trị Thành Phố không nhất thiết phải là cư dân của Thành Phố, nhưng trong khoảng thời gian hợp lý sau bổ nhiệm và không quá mười hai (12) tháng, phải cư trú tại Thành Phố hoặc khu vực có thẩm quyền pháp lý nằm ngoài lãnh thổ của Thành Phố, tùy theo quyết định của Hội Đồng, trong suốt thời gian còn lại của nhiệm kỳ mà người đó được bổ nhiệm.

DỰ LUẬT G:

Có nên thay đổi Điều IV, Mục 4.01(5)(B) của Hiến Chương Thành Phố Justin để cho phép Quản Trị Thành Phố bổ nhiệm một Quản Trị Thành Phố tạm quyền trong trường hợp vắng mặt dưới hai tuần, và Hội Đồng có quyền hạn đó trong trường hợp vắng mặt hơn hai tuần không?

DỰ LUẬT H:

Có nên thay đổi Điều IV, Mục 4.02(4)(B) của Hiến Chương Thành Phố Justin để yêu cầu Thư Ký Thành Phố phải tham dự tất cả các cuộc họp và phiên điều trần của Hội Đồng Thành Phố trừ khi được Quản Trị Thành Phố miễn trừ không?

DỰ LUẬT I:

Có nên thay đổi Điều IV, Mục 6.02(2)(B) của Hiến Chương Thành Phố Justin để yêu cầu mỗi ứng viên của chính quyền Thành Phố phải là cử tri đủ điều kiện, đã ghi danh không?

DỰ LUẬT J:

Có nên viết lại Điều XIII của Hiến Chương Thành Phố Justin, Đạo Đức, Quy Định Cấm và Hình Phạt, để thành lập Hội Đồng Đạo Đức do Hội Đồng Thành Phố bổ nhiệm, để thiết lập Bộ Quy Tắc về các Quy Trình Hợp Đạo Đức bao gồm Bộ Quy Tắc về Hành Vi Phi Đạo Đức áp dụng cho nhân viên và viên chức của Thành Phố, để yêu cầu báo cáo xung đột lợi ích, để thiết lập quy định cấm viên chức giao dịch trong ba năm với Thành Phố sau khi rời nhiệm sở, để thiết lập các thủ tục nộp đơn khiếu nại về hành vi phi đạo đức lên Hội Đồng Đạo Đức và các phiên điều trần do Hội Đồng tổ chức, để thiết lập hướng dẫn ra quyết định dành cho Hội Đồng Đạo Đức, và Bộ Quy Tắc Đạo Đức dành cho nhân viên và viên chức Thành Phố không?



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 5. (CONSENT AGENDA)

Title: Consider approving Resolution 730-25 adopting a City of Justin Facility Naming Policy; and take appropriation action.

Department: Public Works

Contact: Josh Little, Public Works Director

Recommendation:

Staff Recommends Approval of the City of Justin Facility Naming Policy

Background:

Policy for Naming Facilities in the City of Justin

Purpose

The City of Justin currently lacks a formal policy for naming public facilities. This policy aims to establish a comprehensive, consistent, and transparent process for naming parks, buildings, and other significant structures within the city. Its purpose is to:

- Engage the community in meaningful decision-making.
- Ensure that chosen names align with the city's values, history, and culture.
- Promote inclusivity and community pride through thoughtful naming practices.

Scope

This policy applies to all public facilities, including but not limited to:

- Parks and recreational areas.
- Municipal buildings.
- Monuments, bridges, and other prominent structures.

Policy Statement

The naming of public facilities is a meaningful way to honor the history, culture, and values of the City of Justin. It provides an opportunity to reflect on the city's heritage, celebrate significant contributions from individuals or groups, and foster a sense of identity and community pride.

This policy aligns closely with the Strategic Pillar of Community Relationships, as it helps:

1. Preserve and Cultivate Hometown Culture: Ensures names reflect Justin's unique history, traditions, and character.
2. Strengthen Community Engagement: involves residents in the decision-making process, creating a collaborative approach to city initiatives.

Process for Naming Facilities

1. Community Involvement:
-

- Solicit name suggestions from residents, civic groups, and stakeholders through a citizen survey.

1. Criteria for Selection:

Names should reflect one or more of the following:

- Historical significance to the City of Justin.
- Cultural or natural landmarks in the area.
- Contributions of individuals or organizations to the community.
- Inclusivity and positive representation of community values.

1. Review and Recommendation:

- The Board or Commission representatives will review submissions based on the criteria.
- The Board or Commission will provide a shortlist of names for the City Council.

1. Approval Process:

- The City Council will make the final decision, ensuring alignment with the policy's purpose and goals.
- The chosen name will be announced publicly and celebrated at a naming ceremony or similar event.

Benefits of the Policy

- Community Engagement: Strengthens relationships between residents and city leadership by involving the public in significant decisions.
- Legacy Preservation: Ensures future generations can appreciate Justin's heritage and the contributions of those who shaped its identity.
- Strategic Alignment: Supports the city's broader mission to foster a vibrant, connected community.

Conclusion

This Naming Policy will help the City of Justin honor its past, celebrate its present, and inspire its future. By fostering transparency and encouraging community involvement, the policy reflects the city's commitment to building a strong and united hometown culture.

City Attorney Review: No

Attachments:

1. Facility Naming Policy
2. Resolution 730-25 Facility Naming Policy

City of Justin Facility Naming Policy

Purpose

The purpose of this policy is to establish a clear and transparent process for naming public facilities including parks, buildings and other significant structures. The policy involves the community in the decision-making process and ensure that the names chosen will reflect the values and history of the area.

Policy Statement

1. **Community Involvement:** The community will have a significant role in the naming process through a citizen survey.
2. **Transparency:** The process will be transparent, with opportunities for public input and review.
3. **Respect and Relevance:** Names should reflect the local culture, history, or geography, and should be respectful and relevant to the community.

Criteria for Naming

- **Historical Significance:** Names that recognize historical events, places, or persons significant to the community.
- **Geographic Features:** Names that reflect the location, natural or geographic features of the area, such as nearby landmarks, rivers, parks or neighborhoods.
- **Community Values:** Incorporating public feedback on potential names that align with the values, culture, priorities and spirit of the community.
- **Contributions:** Names that honor individuals or organizations that have made significant contributions to the community.
- **Alignment with Facility Purpose:** Names that reflect the intended purpose or function of the facility, ensuring relevance to its use.
- **Service and Dedication:** Honoring individuals with outstanding records of public service, including first responders, educators, veterans or municipal employees. Recognizing individuals who dedicated their lives to the betterment of the community or facility purpose.

Procedures

1. Initiation of Naming Process

- A public announcement will be made to inform citizens about the opportunity to participate in the naming process.

2. Citizen Survey

- A survey will be distributed to gather name suggestions from the community. The survey will be available online.

- The survey period will last for a minimum of 30 days to ensure ample time for participation.

3. Collection and Review of Survey Results

- The collected survey responses will be compiled and reviewed by the relevant Board or Commission members and staff.
- The Board or Commission members and staff will create a shortlist of names based on the survey results. The criteria for shortlisting may include the number of times a name was suggested, the relevance of the name to the facility, and any potential concerns or conflicts.
- The shortlist will typically include 3-5 names.

4. Final Selection by Board or Commission Members

- The Board or Commission will make a recommendation to the City Council. City Council will review and approve all facility names.
- The chosen name will be announced publicly, and appropriate signage and documentation will be updated accordingly.

Review and Amendment

This policy will be reviewed periodically and amended as needed to ensure it continues to meet the needs of the community and the Board or Commissions.

Effective Date

This policy is effective as of [Insert Date].

**CITY OF JUSTIN
RESOLUTION 730-25**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS
APPROVING A FACILITY NAMING POLICY FOR THE CITY OF JUSTIN.**

WHEREAS, the City of Justin has several new public facilities that will require naming by the policy; and

WHEREAS, the Justin City Council wishes to set a standard policy for naming facilities; and

WHEREAS, the City of Justin desires to set the policy for use of all naming of facilities by resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS:

SECTION 1: The City of Justin Facility Naming Policy is hereby approved as set forth on the attached Exhibit “A”. The Policy is adopted as the rules the City will follow in renting City owned facilities. All amendments to the Policy shall be reviewed by the City Council.

SECTION 3: If any portion of this Resolution shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and the Council hereby determines that it would have adopted this Resolution without the invalid provision.

SECTION 4: That this resolution shall become effective from and after its date of passage.

DULY PASSED and approved by the City Council of the City of Justin, Texas, by a vote on this the 23rd day of January 2025.

APPROVED:

James Clark, Mayor

ATTEST:

Amy M. Piukana, City Secretary

APPROVED AS TO FORM:

Matthew Boyle, City Attorney



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 6. (CONSENT AGENDA)

Title: Consider approving Resolution 731-25 amending the Fee Schedule; and take appropriate action.

Department: Administration

Contact:

Recommendation:

Staff recommends approval.

Background:

The proposed resolution amends the fee schedule to revise the Commercial Fire fees to be increased along with adding a new fee for construction trailers. These fees will be applied to commercial only and will not be applied to any residential.

City Attorney Review: No

Attachments:

1. 01232025 fee schedule
2. Resolution 731-25 Master Fee ated

CITY OF JUSTIN, TEXAS
MASTER FEE SCHEDULE

I. ADMINISTRATIVE SERVICES

Insufficient Funds	\$25.00/check
Police Department Accident Report (Uncertified)	\$6.00
Police Department Accident Report (Certified)	\$8.00
Copies (B&W)	\$0.10/page
Copies (Color)	\$0.20/page
Notary Signature	\$3.00/signature
Credit Card Convenience Fee	3% of Transaction
Open Records Request	
Personnel Labor Cost	\$15.00/hour
Cost per Page (8.5"x11")	\$0.10/page
Cost per Page (Oversized)	\$0.50/page
Shipping	Actual Cost
Personnel Overhead	20% of Total Cost

(Ord. No. 304, § 1, 3-12-2001; Ord. No. 542, § 1, 5-14-12)

II. LIBRARY

Library Fees

Late Return Fees	Books - \$0.25/day Media - \$1.00/day
Lost/Damage Item Fee	Total cost of item + \$3.00 processing fee
Replacement Library Card	\$1.00
Printing Fee	Black & White - \$0.10/page with ink Color - \$0.25/page with ink

III. BUILDING & PERMITTING

New Construction

New Single Family Residential	
Building Permit	\$1.00 per square-foot
Plan Review	N/C
Fire Code Review (If Applicable)	20% of Building Permit
New Multi-Family Residential	
Building Permit	\$1.00 per square-foot
Plan Review	Based on commercial fee valuation chart
Fire Code Review (If Applicable)	20% of Building Permit
New Commercial	
Building Permit	Based on commercial fee valuation chart
Plan Review	65% of Building Permit
Fire Code Review (If Applicable)	20% of Building Permit
<i>*ICC Valuation Table to be utilized and determine valuation of construction</i> https://www.iccsafe.org/wp-content/uploads/1676567050_BVD-BSJ-FEB23_SJH.pdf	

Other New Construction Fees

Final Certificate of Occupancy	\$150
Energy Code (Recheck)	\$300
Driveway with Curb Cut	\$100
Driveway with Culvert	\$200
Sign Permit	\$50
Wastewater Plumbing Permit	\$100
Customer Service Inspection	\$100
Irrigation	\$100
New Fence	\$100
Replacement Fence	\$25
Accessory Building	\$0.50 per square-foot
Residential Swimming Pool	\$400
Re-Inspection Fees	
Re-Inspection after first red-tag	\$50.00
Re-Inspection after second red-tag	\$100.00
Re-Inspection after third red-tag	\$150.00
All re-inspections after fourth red-tag	\$300.00

Work Without Permit

Double the requisite permit fee for anyone caught working without a permit.

Alterations, Remodels, and Additions

Residential Remodels	
Building Permit	\$0.50 per square foot
Plan Review (Not Required)	N/C
Minimum Fee	\$100
Residential Additions	
Building Permit	\$0.50 per square foot
Plan Review	N/C
Fire Code Review (If Applicable)	20% of Building Permit
Commercial Remodels	
Building Permit	Based on commercial fee valuation chart
Plan Review	65% of building permit
Fire Code Review (If Applicable)	20% of building permit
<i>*ICC Valuation Table to be utilized and determine valuation of construction</i> https://www.iccsafe.org/wp-content/uploads/1676567050_BVD-BSJ-FEB23_SJH.pdf	
Commercial Additions	
Building Permit	Based on commercial fee valuation chart
Plan Review	65% of Building Permit
Fire Code Review (If Applicable)	20% of Building Permit
<i>*ICC Valuation Table to be utilized and determine valuation of construction</i> https://www.iccsafe.org/wp-content/uploads/1676567050_BVD-BSJ-FEB23_SJH.pdf	

NORTHWEST ISD FEES

Northwest Independent School District shall be charged 30% of the total fee amounts for commercial building permits set herein instead of full price (i.e. Building Permit Fee, Plan Review Fee, and Fire Review Fee). This shall only include the fees associated with the building permit submittal and not any other incidental fees (i.e. reinspect fees, fire sprinkler permit applications, etc.).
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Commercial Fee Valuation Chart

Commercial Valuation	Permit Fee	Totals
\$1 to \$500	\$28.20	Min. \$100.00
\$501 to \$2,000	\$28.20 for the first \$500, plus \$3.66 for each additional \$100 or fraction thereof	Min. \$100.00
\$2,001 to \$25,000	\$83.10 for the first \$2,000, plus \$16.80 for each additional \$1,000 or fraction thereof	Min. \$100.00 to \$469.50
\$25,001 to \$50,000	\$469.50 for the first \$25,000, plus \$12.12 for each additional \$1,000 or fraction thereof	\$469.50 to \$772.50
\$50,001 to \$100,000	\$772.50 for the first \$50,000, plus \$8.40 for each additional \$1,000 or fraction thereof	\$772.50 to 1,192.50
\$100,001 to \$500,000	\$1,192.50 for the first \$100,000, plus \$6.72 for each additional \$1,000 or fraction thereof	\$1,192.50 to \$3,880.50
\$500,001 to \$1,000,000	\$3,880.50 for the first \$500,000, plus \$5.70 for each additional \$1,000 or fraction thereof	\$3,880.50 to \$6,730.50
\$1,000,001 and up	\$6,730.50 for the first \$500,000, plus \$4.38 for each additional \$1,000 or fraction thereof	\$6,730.50 and up
Plan Review Fee	a non-refundable plan review fee equal to 65% of permit fee	Plan review fee is due at time of building permit plan submittal

Licenses, Registrations, and Trades

Registration for Un-Licensed Contractors	\$50
Registration for State Licensed Contractors	N/C
Electrical, Gas, Mechanical, Plumbing Permit	\$100

Rental Certificate of Occupancy Fees

Rental Certificate of Occupancy Application (includes two inspections)	\$100.00 annually
Additional Inspections	\$100.00/inspection
Appeal (refundable upon decision overturn by Council)	\$200.00

Other Charges

Additional Plan Review	\$100/review
Inspections Not Specifically Indicated	\$100
Demolition Permit (if not associated with any other permit)	\$100
<u>Construction Trailers</u>	<u>\$500</u>

(Ord. No. 451-08, § 1, 8-11-08; Ord. No. 492, § 1, 7-12-10)

IV. BUSINESS RELATED

Alcohol Sales with Off-Premise Consumption	50% of state fee
Vendor's License	\$30 + \$20 Vest Deposit
Itinerant Business	\$25.00
Sexually Oriented Business	\$1,000.00 annually
Oil and Gas Pipeline	\$14,500.00
Mobile Home Park	
Construction/Placement Permit	\$100.00
Park License	\$100.00 \$10.00/space annually
Alarm System	
Business	\$25.00
Residence	\$15.00
Truck Route Usage	
Single Trip	\$5.00
Period (Not to exceed 30 days)	\$10.00

(Ord. No. 549, § 1, 1-28-13)

V. FOOD ESTABLISHMENT

Regular Permit for Food Service Establishment	\$200.00 annually
Retail Open Market Permit	\$150.00 annually
Retail Food Store (Grocery) Permit	\$200.00 annually
Mobile Food Permit (Open Food)	\$200.00 annually
Mobile Food Permit (Packaged Food)	\$150.00 annually

Mobile Food Permit (Seasonal - 6 months or less)	\$100.00/season
Temporary Permits	\$75.00/space
Change of Ownership Inspection	\$75.00
Re-Inspection	\$125.00
Complaint Investigative Fee	\$125

(Ord. No. 462-08, §§ 1, 2, 12-8-08)

VI. INSPECTION

Fire Prevention Permit Fees

Multi-family	
Apartment Complex Annual Fire Inspection	\$50.00/building
Multi-Family Unit Inspection	\$50.00/building + \$75.00/unit
Re-inspection Fee for Apartment Complex	150% of Original Fee
Annual Inspection	
Assembly Group A	\$0.015/ft ² \$50.00 minimum \$300.00 maximum
Business Group B	\$0.017/ft ² \$50.00 minimum \$300.00 maximum
Educational Group E	\$0.01/ft ² \$50.00 minimum \$250.00 maximum
Factory Industrial Group F	\$0.02/ft ² \$50.00 minimum \$400.00 maximum
High Hazard Group H	\$0.025/ft ² \$50.00 minimum \$500.00 maximum
Institutional Group I	\$0.01/ft ² \$50.00 minimum \$175.00 maximum
Residential Groups R1/R4	\$0.015/ft ² \$50.00 minimum \$300.00 maximum
Storage Group S	\$0.012/ft ² \$50.00 minimum \$300.00 maximum
Miscellaneous	
Tents and Air-supported Structures	\$50.00/structure

Fire Hydrant Flow Test	\$150.00
Explosives/Blasting Agents	\$200.00
Fireworks	\$100.00
Fumigation/Thermal Insect Fog	\$50.00
Places of Assembly	\$50.00
Access Control	\$50.00
Miscellaneous	\$50.00
Flammable/Combustible Liquids/Tanks	\$50.00
Liquefied Petroleum Gases	\$25.00
Christmas Tree Lots	\$50.00
New Installation/Acceptance Test	
Fire Sprinkler System	\$ 175 125 .00/riser + \$0.012/ft ²
Fire Sprinkler Remodel (First 40 Heads)	\$50.00
Fire Sprinkler Remodel (41+ Heads up to 50% of System)	\$100.00
Fire Sprinkler Remodel (More than 50% of System)	\$125.00 + \$0.012/ft ²
Automatic Extinguishing System	\$ 100 75 .00/system
Fire Alarm System	\$100.00/system + \$2.00/device
Fire Alarm Remodel/Alteration (First 10 Devices)	\$50.00
Fire Alarm Remodel/Alteration (11+ Devices up to 50% of System)	\$100.00
Fire Alarm Remodel/Alteration (Over 50% of System)	\$100.00/system + \$2.00/device
Standpipe System	\$ 150 100 .00/system
Re-Inspection	
1 st Re-Inspection	50% of Original Fee
Subsequent Re-Inspections	150% of Original Fee

(Ord. No. 461-08, § 1, 12-8-08)

Pool Permit Fees

Commercial or Public Pool Permit or Inspection	\$150/Inspection
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Construction Inspection Fees

Pursuant to H.B. 3492, the City Council approved a contract with NewGen Strategies and Solutions, LLC, to undertake a comprehensive study. This study aims to accurately identify the legitimate costs associated with development inspection fees that can be imposed. The table below is the actual cost from the study.

Position	Loaded Total Hourly Rate	Average Hourly Rate	Minimum Hourly Rate	Maximum Hourly Rate

Parks Worker	\$32.57	\$37.16	\$32.57	\$48.69
Code Enforcement	40.39	44.37	33.38	49.25
Utility Maintenance – Water	39.02	35.82	33.48	39.02
Construction Inspector	49.25	51.43	49.25	53.62
Municipal Maintenance – Streets	28.97	31.80	28.97	34.62
Utility Maintenance - Wastewater	35.18	46.54	35.18	69.29

Description	Hourly Rate (Purchase d)	Hourly Rate (leased)	Minimum Hourly Rate	Maximum Hourly Rate
Chevy Silverado	\$19.44	\$21.06	\$15.56	\$21.06
Ford F350	\$31.11	\$33.69	\$31.11	\$37.90
Ford F700	\$58.33	\$63.17	\$58.33	\$63.17

Code Enforcement

Code Enforcement Admin Fee	\$70
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VII. NOISE

Application	\$25.00
Short-term Sound Permit	\$75.00
Outdoor Event Sound Permit	\$150.00
Venue Sound Permit	\$300.00

(Ord. No. 557, § 1, 9-9-13)

VIII. PLANNING, ZONING, AND DEVELOPMENT (INCLUDING CONSULTANT FEES)

Development Request	City Application Fee	Minimum Planning Review Fee	Minimum Engineering Review Fee	Total Minimum Fees
Annexation Application	\$500	N/A	N/A	\$500
Developers Agreement Application	\$500	\$250	\$250	\$1,000
Specific Use Permit (*Note: does not include	*\$400	*\$435	*\$250	*\$1,085

SUP for gas well drilling; see Ord. No. 496-10)				
Amendment to existing application (SUP, Site Plan, Zoning, or Plat)	\$400	NA	NA	*\$400
Site Plan	\$400 + \$20 per residential lot or \$20 per acre if commercial	\$435	\$250	\$1,085 (Varies with size)
Civil Plan	\$400 + \$20 per residential lot or \$20 per acre if commercial	\$435	\$250	\$1,085 (Varies with size)
Replat Fee	\$150	\$435	\$300	\$885
Zoning Change	\$400 + \$20 per residential lot or \$20 per acre if commercial	\$200	\$250	\$750 (Varies with size)
Planned Development	\$400 + \$20 per residential lot or \$20 per acre if commercial	\$200	\$500	\$1,000 (Varies with size)
Civil Plans Additional Review	\$300 + \$5 per residential lot or \$5 per commercial acre	N/A	N/A	\$300 (Varies with size)
Minor Subdivision Additional Review	\$50	\$150 + \$20 per acre	\$150 + \$50 per acre	\$350 + (Varies with size)
Minor Subdivision Final Plat	\$350	\$435+ \$20/acre	\$500 + \$100/acre	\$1,285 + (Varies with size)
Preliminary Plat	\$300 + \$20 per residential lot or \$20 per acre if commercial	\$725 + either \$20/res. lot or \$20/ com. acre	\$900 + either \$100 per residential lot or \$250 per	\$1,925 + (Varies with size)

			commercial acre	
Major Subdivision Additional Review	\$150 + \$20 per residential lot or \$20 per acre if commercial	\$350 + \$20 per residential lot or \$20 per acre if commercial	\$450 + either \$50 per residential lot or \$125 per commercial acre	\$950 + (Varies with size)
Major Subdivision Final Plat	\$450 + \$20 per residential lot or \$20 per acre if commercial	\$725 + \$20 per residential lot or \$20 per acre if commercial	\$900 + either \$25 per residential lot or \$50 per commercial acre	\$2,025 + (Varies with size)
Multi-Family Preliminary Plat & Supporting Plans	\$300 + \$50 per acre	\$750 + \$50 per acre	\$900 + \$300 per acre	\$1,950 + (Varies with size)
Multi-Family Additional Review	\$150 + \$50 per acre	\$350 + \$50 per acre	\$450 + \$150 per acre	\$950 + (Varies with size)
Multi-Family Final Plat	\$400 + \$50 per acre	\$750 + \$50 per acre	\$900 + \$150 per acre	\$2,050 + (Varies with size)
Plat Vacating	\$400	\$300	\$300	\$1,000
Board of Adjustment (Commercial, MF, Non-Owner- Occupied)	\$250	\$500	N/A	\$750
Board of Adjustment (Residence)	\$150	\$150	N/A	\$300
Flood Plain Development Permit Exemption Certificate	\$50	-	\$200	\$250
Flood Plain Development Permit (w/o FEMA FIRM amendment)	\$75	-	\$450	\$525
Flood Plain Development Permit (w/FEMA FIRM amendment)	\$150	-	\$900	\$1,050

Approved by City Council Resolution #~~721-24~~ on ~~01/23/2025~~~~11/14/2024~~ to reflect utility rate changes approved by council via resolution 674-24

Pre-Application conference with city engineer and/or planner	\$500	\$0	\$0	\$500
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(Ord. No. 358, § 1, 8-11-03; Ord. No. 362, § 1, 12-8-03; Ord. No. 435, § 1, 12-10-07; Ord. No. 507, § 3-14-11)

Fee in lieu of Parkland Dedication	\$2,500.00/dwelling unit
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IX. SPECIAL EVENT

Application	\$25.00
Block Party Special Event	\$30.00
Business Promotion Special Event	\$50.00
Outdoor Special Event	
0-200 Attendees	\$25.00
201-400 Attendees	\$50.00
401-800 Attendees	\$75.00
801-1,000 Attendees	\$100.00
1,001-5,000 Attendees	\$200.00
5,000+ Attendees	\$300.00
Security Deposit (Resident)	\$200.00
Security Deposit (Non-Resident)	\$250.00

(Ord. No. 558, § 1, 9-9-13)

X. UTILITY RELATED

Water

Deposit	
¾" (65 and older)	\$50.00
¾"	\$150.00
1"	\$200.00
1 ½"	\$250.00
2"	\$450.00
Bulk Water Meter Deposit	\$2,000.00
Meter Cost*	
AMR Meters:	
¾"	\$528.20
1"	\$586.10
1 ½"	\$942.20
2"	\$1,185.60

3"+	Owner must purchase
Meter Set Fee	\$100
Tap Fees	
Residential	\$1,500 + Estimated Street Repair
Commercial	\$1,500 + Estimated Street Repair
Impact Fees	
¾"	\$4,761.00
1"	\$7,951.00
1 ½"	\$15,855.00
2"	\$25,378.00
3"	\$55,566.00
4"	\$99,991.00
6"	\$222,219.00
8"	\$380,920.00
10"	\$603,139.00

Water Consumption Rates	
Residential, Commercial, & Irrigation:	
Minimum Monthly Fee:	
¾"	\$36.95
1"	\$61.71
1 ½"	\$123.04
2"	\$196.94
3"	\$369.50
4"	\$615.96
6"	\$1231.54
8"	\$1970.54
10"	\$2832.96
12"	\$5296.04
Volumetric Rates (per 1,000 gallons):	
0-1,000	\$---
1,001-6,000	\$7.82
6,001-12,000	\$8.61
12,001-25,000	\$9.47
25,000+	\$10.41
Sprinkler Meter	Reference above depending on meter size; first 49 gallons are no charge
Bulk Consumption Rates	
Base Rate	\$369.50 flat fee

0-10,000 gallons	Flat fee + \$0.00818/additional gallon
10,001-25,000 gallons	Flat fee + \$0.00854/additional gallon
25,001- 40,000 gallons	Flat fee + \$0.00892/additional gallon
40,001 + gallons	Flat fee + \$0.01032/additional gallon

Water Main Extensions	
Extension	Actual Cost
Fire Hydrant	Actual Cost
Miscellaneous Fees	
Late Fee	10% of total past-due balance
Insufficient Funds Fee (NSF)	\$25 per occurrence
Delinquent Service Fee	\$35 during business hours; \$75 after hours
Return Trip Fee	\$35
Standard Meter Tampering Fee	\$100 + Usage and Damages
Commercial/Bulk Water/Hydrant Tampering Fee	\$500 + Usage and Damages
Additional Meter Reading Fee	\$35
Meter Testing Fee	\$75
Drought Contingency Disconnect Fee	\$75

Sewer

Tap Fees	
Residential	\$2,000 + Estimated Street Repair
Commercial	\$2,000 + Estimated Street Repair
Impact Fees	
¾"	\$4,761.00
1"	\$7,951.00
1 ½"	\$15,855.00
2"	\$25,378.00
3"	\$55,566.00
4"	\$99,991.00
6"	\$222,219.00
8"	\$380,920.00
10"	\$603,139.00
Consumption Rates	
Residential:	

0-2,000 gallons	\$29.27 flat fee
2,001-18,000 gallons	Flat fee + \$0.008.28/additional gallon
18,001+ gallons	No Charge
Commercial:	
0-2,000	\$29.27 flat fee
2,000+	Flat fee + \$0.008.28/additional gallon
Sewer Main Extension	
Extension	Actual Cost
Other Fees (Only one charge per bill between water/sewer)	
Late Fee	10% of total past-due balance
Insufficient Funds Fee (NSF)	\$25 per occurrence
Delinquent Service Fee	\$35 during business hours; \$75 after hours

Sanitation Services

Residential Rates	
Residential	\$12.69

Commercial Rates							
Lifts Per Week							
Container Size	1	2	3	4	5	6	Extra Lifts
95 Gal	\$28.81	\$42.16					\$46.82
2 CY	\$71.28	\$126.02	\$179.45	\$251.00			\$107.44
3 CY	\$96.48	\$169.88	\$246.82	\$340.63			\$132.71
4 CY	\$120.14	\$218.07	\$338.71	\$447.67			\$157.99
6 CY	\$128.10	\$229.59	\$345.45	\$510.51	\$618.58	\$751.71	\$183.27
8 CY	\$145.19	\$247.13	\$391.79	\$564.18	\$680.83	\$825.42	\$208.55
Front Load Recycle Rates							
6 CY	\$105.20	\$179.47	\$253.71				\$32.32
8 CY	\$111.39	\$191.85	\$266.11				\$32.32
Other Commercial Front Load Fees							
Container w/casters		\$5.69 per lift		Deliver/removal fee		\$44.24	
Container w/locks		\$1.77 per lift		Exchange fee		\$44.24	
Temporary Front Load Fees							
		Per Lift		Delivery		Daily Rent	
6 CY		\$145.94		\$64.20		\$1.20	
Roll Off Rate Schedule							
Container Size		Haul		Delivery		Daily Rent	
20 CY		\$602.50		\$150.61		\$1.26	
30 CY		\$648.26		\$150.61		\$1.26	

Approved by City Council Resolution #~~721-24~~ on ~~01/23/2025~~~~11/14/2024~~ to reflect utility rate changes approved by council via resolution ~~674-24~~

40 CY	\$721.15	\$150.61	\$1.26
20 CY Sludge	\$714.62	\$150.61	\$1.26
Franchise/Billing Fees – 10% for Residential and Commercial			
All rates subject to sales tax			

XI. MUNICIPAL FACILITIES

Gym Rentals	\$20.00 first hour \$10.00 additional hour
Baseball/Softball field rental *Fee applies only to hourly rentals for practices or events. No pre-work by City staff to prepare fields for games	\$25.00 first hour \$7.50 per additional half hour

(Ordinance 33, Section 3, adopted 2/16/72; Ordinance 172, Sections 4, 22, adopted 2/22/89; Ordinance adopting Code; Ordinance 188, Sections 1, 6, adopted 2/11/91; Ordinance 233 adopted 6/17/96; Ord. No. 235, § 1, 12-15-97; Ord. No. 345, § 1, 11-11-02; Ord. No. 383, § 1, 11-8-04; Ord. No. 399, § 1, 3-13-06; Ord. No. 452-08, § 1, 9-8-08; Ord. No. 471, § 1, 5-11-09; Ord. No. 475, § 1, 8-10-09; Ord. No. 492, § 2, 7-12-10)

XII. ROADWAY RELATED

Roadway Impact Fees

Development Type	Assessable Fee	
Single Family	\$3,771.29	/Dwelling Unit
Multi-Family	\$2,396.92	/Dwelling Unit
Retail	\$1,889.89	/1,000 SQFT
Light Industrial	\$303.87	/1,000 SQFT
General Business	\$1,700.98	/1,000 SQFT

No. 475, § 1, 8-10-09; Ord. No. 492, § 2, 7-12-10)

XIII. DEVELOPMENT RECOVERY FEES

Ad Valorem*:

For Police Services:

Police Allocable Share of Budget × Approved M&O Tax Rate = Police Rate per \$100 Valuation

For Fire Services:

Fire Allocable Share of Budget × Approved M&O Tax Rate = Fire Rate per \$100 Valuation.

Capital Recovery Fee*:

For Police Services:

5 years' police capital needs ÷ (City Limit land area + ETJ land area) = Capital recovery per unit of land area × proposed developments' land area = 5-year capital needs allocable share for development ÷ number of development units = Total capital recovery fee per development unit.

For Fire Services:

5 years' fire capital needs ÷ (City Limit land area + ETJ land area) = Capital recovery per unit of land area × proposed developments' land area = 5-year capital needs allocable share for development ÷ number of development units = Total capital recovery fee per development unit.

*Approved via resolution 625-23.

RESOLUTION NO. 731-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, ADOPTING THE MASTER FEE SCHEDULE ATTACHED HERETO AS EXHIBIT “A”; PROVIDING A REPEALING CLAUSE AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized to charge certain fees for services; and,

WHEREAS, fees are established to recover certain costs for providing services to the community; and,

WHEREAS, the City Council wishes to establish fees to fund said municipal services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, THAT:

SECTION 1. That the Master Fee Schedule attached as Exhibit “A” is adopted.

SECTION 2. That all provisions of the Resolutions of the City of Justin, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions of the Resolutions of the City not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. This Resolution shall take effect immediately upon its passage.

DULY PASSED by the City Council of the City of Justin, Texas, on the 23rd day of January 2025.

APPROVED:

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

City Attorney

CITY OF JUSTIN, TEXAS
RESOLUTION # ____ - ____ - ____
APPROVED _____



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 1. (ACTION ITEMS)

Title: Consider approving Resolution 792-25 authorizing the Mayor to execute an agreement between the City of Justin and Bloomfield Homes, L.P. for the construction and funding of authorized improvements and reimbursement of advances for Timberbrook Public Improvement District No. 1- Improvement of Area #3; and take appropriate action.

Department: Administration

Contact: Abbey Reece

Recommendation:

Staff recommends the City Council approve Resolution 792-25, as presented.

Background:

On September 25, 2017, the City Council adopted a resolution creating the Timberbrook Public Improvement District No. 1. The proposed resolution authorizes an agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances – Timberbrook Public Improvement District No. 1 – Improvement Area #3 to Bloomfield Homes for the Developer advances made for the construction and financing of the authorized improvements benefiting the PID. The proposed resolution also establishes the methods, contingencies, and procedures for the City to provide such reimbursements related to the improvements benefiting the PID.

City Attorney Review: Yes

Attachments:

1. Resolution 792-25 Timberbrook PID No. 1 2025 - Resolution Approving IA #3 Reimbursement Agreement (for agenda package)

CITY OF JUSTIN, TEXAS

RESOLUTION NO. 729-25

A RESOLUTION OF THE CITY OF JUSTIN, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN "AGREEMENT FOR THE CONSTRUCTION AND FUNDING OF AUTHORIZED IMPROVEMENTS AND REIMBURSEMENT OF ADVANCES – TIMBERBROOK PUBLIC IMPROVEMENT DISTRICT NO. 1 – IMPROVEMENT AREA #3", BETWEEN THE CITY OF JUSTIN, TEXAS, AND BLOOMFIELD HOMES, L.P., A TEXAS LIMITED PARTNERSHIP AND RESOLVING MATTERS INCIDENT THERETO

WHEREAS, on September 25, 2017 the City Council (the "City Council") of the City of Justin, Texas (the "City") adopted a resolution creating the Timberbrook Public Improvement District No. 1 (the "PID") in accordance with Chapter 372, Texas Local Government Code, as amended; and

WHEREAS, the City desires to approve the "Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances – Timberbrook Public Improvement District No. 1 – Improvement Area #3" (the "Improvement Area #3 Agreement to Reimburse") by and between the City and Bloomfield Homes, L.P., a Texas limited partnership and its successors and assigns (the "Developer") and to be effective January 9, 2025; and

WHEREAS, the Improvement Area #3 Agreement to Reimburse memorializes the City's intent to reimburse the Developer for the Developer advances made for the construction and financing of the authorized improvements benefiting the PID and establishes the methods, contingencies, and procedures for the City to provide such reimbursements related to the improvements benefiting the PID; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS AS FOLLOWS:

SECTION 1. The findings and premises contained in the preamble above are hereby deemed to be true and correct and incorporated herein.

SECTION 2. The Improvement Area #3 Agreement to Reimburse, in a form substantially similar to the agreement attached hereto as Exhibit A is hereby approved and the Mayor is authorized to execute such Improvement Area #3 Agreement to Reimburse on behalf of the City.

SECTION 3. This Resolution shall become effective from and after its date of passage in accordance with law.

[Remainder of page intentionally left blank; signature page follows]

PASSED AND APPROVED, THIS THE 23rd DAY OF JANUARY 2025.

James Clark, Mayor

ATTEST:

Amy M. Piukana, City Secretary

EXHIBIT A

IMPROVEMENT AREA #3 AGREEMENT TO REIMBURSE

**AGREEMENT FOR THE CONSTRUCTION AND FUNDING OF AUTHORIZED
IMPROVEMENTS AND REIMBURSEMENT OF ADVANCES
TIMBERBROOK PUBLIC IMPROVEMENT DISTRICT NO. 1 – IMPROVEMENT AREA #3**

This Agreement for the Construction and Funding of Authorized Improvements and Reimbursement of Advances Timberbrook Public Improvement District No. 1 – Improvement Area #3 (the “Agreement”) is made and entered into as of January 9, 2025 by and between the City of Justin, a Texas home rule city (the “City”) and Bloomfield Homes, L.P., a Texas limited partnership and its successors and assigns (the “Developer”).

RECITALS

WHEREAS, the Developer, as the developer of certain real property located wholly within the corporate limits of the City and within Denton County, Texas (the “Property”), desires to develop such Property;

WHEREAS, the City has created Timberbrook Public Improvement District No. 1 (the “PID”) pursuant to Chapter 372, Texas Local Government Code, as amended (the “PID Act”); and

WHEREAS, development within the PID is governed by the terms of the Development Agreement between the City, Bloomfield Homes, L.P., a Texas limited partnership, and Justin Timberbrook, LLC, a Texas limited liability company, effective as of June 6, 2016 (as may be amended or otherwise modified, the “Development Agreement”); and

WHEREAS, the PID includes the Property; which Property is intended to be developed in “Improvement Areas,” as expected to be more particularly described in the service and assessment plan (as amended and updated, the “SAP”) prepared and approved by the City; and

WHEREAS, the Developer intends to construct certain improvements benefitting the property located in phase 7 and phase 9 of the PID, which are expected to comprise “Improvement Area #3” of the PID (such improvements benefitting Improvement Area #3, the “Authorized Improvements”); and

WHEREAS, the purpose of the PID is, in part, to finance the Authorized Improvements; and

WHEREAS, the SAP reflecting the Authorized Improvements shall be prepared and approved by the City in accordance with the PID Act, and shall establish, among other matters, the projected cost of the Authorized Improvements, including the Actual Costs (as defined herein) and PID creation costs as provided in the PID Act (collectively, the “PID Costs”); and

WHEREAS, the SAP shall allocate the PID Costs to the benefitted Property within the PID; and

WHEREAS, assessments to be levied against lots within Improvement Area #3 (“PID Assessments”) will be reflected on an assessment roll(s) to be approved by the City Council; and

WHEREAS, the City shall by ordinance approve the SAP (including the assessment roll(s)), levy assessments, and establish the dates upon which interest on PID Assessments will begin to accrue and collection of PID Assessments will begin; and

WHEREAS, all Assessment Revenues (as defined herein) received and collected by the City shall be deposited, as required by the PID Act, into an assessment fund that is segregated from all other funds of

the City (the “Assessment Fund”) or, in the event of the issuance of bonds to finance the Authorized Improvements (“PID Bonds”), into funds held under an indenture pursuant to which the PID Bonds are issued (the “PID Bond Indenture”); and

WHEREAS, Assessment Revenue deposited into the Assessment Fund or the PID Bond Reimbursement Fund (as defined herein) shall be used solely to reimburse Developer and its assigns for PID Costs advanced by the Developer, plus interest and proceeds from PID Bonds, if issued, shall be used to pay the PID Costs, including costs previously paid by the Developer, and for the purposes set forth in the PID Bond Indenture; and

WHEREAS, the Developer intends to make Developer Advances (as defined herein) for the permitting, design, and construction of the Authorized Improvements and the City intends to acquire and/or receive the Authorized Improvements constructed by the Developer or otherwise authorize the dedication of the Authorized Improvements to another authorized third-party and to reimburse the Developer for the Developer Advances; and

WHEREAS, the City and the Developer desire to enter into this Agreement to memorialize the City’s intent to reimburse the Developer for the Developer Advances made for the construction and financing of the Authorized Improvements; and

WHEREAS, the City’s obligations to reimburse the Developer for Developer Advances paid related to the Authorized Improvements constructed for the benefit of Improvement Area #3 of the PID shall (i) only be paid from the PID Assessments and/or annual installments collected from property within the PID once such PID Assessments are levied, (ii) are contingent upon the City levying such PID Assessments, and (iii) will not be due and owing unless and until the City actually levies such PID Assessments;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the mutual promises, covenants, obligations, and benefits hereinafter set forth, the City and the Developer hereby contract and agree as follows:

DEFINITIONS

As used herein, the following terms have the following meanings:

“Assessment Ordinance” shall mean any ordinance adopted by the City Council approving the SAP and levying PID Assessments.

“Closing Disbursement Request” means a request for payment of Actual Costs related to the Authorized Improvements from the proceeds of a series of PID Bonds in a form approved by the City and the Developer.

“Developer Advances” mean advances made by the Developer to pay Actual Costs.

“Developer Improvement Account” means an account of the PID Project Fund which may be created and established under the applicable PID Bond Indenture (and segregated from all other funds contained in the PID Project Fund) into which the City deposits or directs the applicable trustee to deposit any funds received from the Developer as required under such PID Bond Indenture.

“Maturity Date” is the date one year after the last Annual Installment is collected.

“PID Pledged Revenue Fund” means, collectively, the fund established by the City under each applicable PID Bond Indenture (and segregated from all other funds of the City) into which the City deposits Assessment Revenue in accordance with each applicable PID Bond Indenture related to a series of PID Bonds issued and still outstanding.

“PID Project Fund” means, collectively, the fund, including all accounts created within such fund, established by the City under each applicable PID Bond Indenture (and segregated from all other funds of the City) into which the City deposits PID Bond Proceeds in the amounts and as described in the applicable PID Bond Indenture.

“PID Bond Reimbursement Fund” means a fund which may be established by the City under the applicable PID Bond Indenture (and segregated from all other funds of the City) into which the City transfers Assessment Revenues from the applicable PID Pledged Revenue Fund for the purpose of paying amounts due to the Developer under this Agreement or a separate reimbursement agreement and/or Actual Costs of Authorized Improvements that are not paid from PID Bond Proceeds deposited in the applicable account of the PID Project Fund in accordance with each applicable PID Bond Indenture related to a series of PID Bonds issued and still outstanding.

“Prepayment” means the payment of all or a portion of an Assessment before the due date thereof.

ARTICLE 1

Construction of the Authorized Improvements

1.01. Design of the Authorized Improvements. All physical facilities to be constructed or acquired as a part of the Authorized Improvements shall be approved by the governmental entity having authority.

1.02. Construction and Acquisition of Authorized Improvements.

(a) The Authorized Improvements shall be constructed and all easements, equipment, materials, and supplies required in connection therewith may be acquired in the name of the City, the retail service provider, or the Developer; provided, however, all construction contracts, easements and other agreements shall contain provisions, in a form reasonably satisfactory to the City’s attorneys for improvements to be owned and maintained by the City or an authorized third-party, to the effect that any contractor, materialman or other party to a construction contract, easement or other agreement awarded or entered into by the Developer on behalf of the City shall look solely to the Developer for payment of all sums coming due thereunder and that the City shall have no obligation whatsoever to any such party. Prior to or at the time of reimbursement of the Developer with funds from the Assessment Fund or PID Bonds, as applicable, the Developer shall convey the Authorized Improvements to the City or third-party retail provider, as applicable, in accordance with Section 3.02 below.

(b) Construction of the Authorized Improvements shall not require competitive bidding pursuant to Section 252.022(a) (9) of the Texas Local Government Code, as amended. All plans and specifications for Authorized Improvements to be owned by the City, but not construction contracts, shall be reviewed and approved, in writing, by the City prior to Developer selecting the contractor.

(c) The Authorized Improvements shall be constructed in a good and workmanlike manner and all material used in such construction shall be fit for their intended purpose. In performing this

Agreement, the Developer is not the agent or employee of the City.

(d) Upon completion of construction of Authorized Improvements to be owned by the City or an authorized third-party constructed in the name of the Developer, the Developer shall provide the City or such third-party with final “record” drawings of the Authorized Improvements approved by the City’s or such third-party’s engineers.

(e) Upon completion of the Authorized Improvements, the Developer shall present to a representative of the City (“City Representative”) invoices or other evidences of payment of costs of the Authorized Improvements for review and approval. The City agrees, subject to the provisions of Sections 1.05 and 2.01 hereof, to pay the Developer, and the Developer shall be entitled to receive from the City, the amount equal to the PID Costs and the Actual Costs (as such term is defined herein) paid by the Developer for Authorized Improvements, or overrun costs, allowed hereunder and as described in the SAP, that were paid by the Developer, plus interest, as provided in Article II hereof.

(f) All Authorized Improvements shall be constructed by or at the direction of the Developer in accordance with the plans, the Development Agreement, applicable City ordinances and regulations, including regulations of a third-party receiving any of the Authorized Improvements, and this Agreement and any other agreement between the parties related to property in the PID and/or the Authorized Improvements. The Developer shall perform, or cause to be performed, all of its obligations and shall conduct, or cause to be conducted, all operations with respect to the construction of Authorized Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer has sole responsibility of ensuring that all Authorized Improvements are constructed in accordance with the Development Agreement and in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer shall employ at all times adequate staff or consultants with the requisite experience necessary to administer and coordinate all work related to the design, engineering, acquisition, construction and installation of all Authorized Improvements to be acquired and accepted by the City or authorized third-party from the Developer. If any Authorized Improvements are or will be on land owned by the City, the City hereby grants to the Developer a license to enter upon such land for purposes related to construction (and maintenance pending acquisition and acceptance) of the Authorized Improvements. Inspection and acceptance of Authorized Improvements will be in accordance with applicable City ordinances and regulations.

1.03. Cost of Authorized Improvements. To the extent that the City has not issued PID Bonds, the Developer shall promptly pay the costs of the Authorized Improvements, including, without limitation, all costs of design, engineering, materials, labor, construction, and inspection arising in connection with the Authorized Improvements; all payments arising under any contracts entered into for the construction of the Authorized Improvements; all costs incurred in connection with obtaining governmental approvals, certificates, permits, easements, rights-of-way, or sites required as a part of the construction of the Authorized Improvements, including, without limitation, any on-site or off-site mitigation costs; and all expenses incurred in connection with the construction of the Authorized Improvements (the “Actual Costs”). The City shall not be liable to any contractor, engineer, attorney, materialman or other party employed or contracted with in connection with the construction of the Authorized Improvements, but shall only be obligated to acquire the Authorized Improvements designated in the Development Agreement as to be owned by the City and/or reimburse the Developer in the manner and to the extent provided in Article

II of this Agreement, and for the avoidance of any doubt, solely from PID Assessments or proceeds of PID Bonds (“PID Bond Proceeds”), if issued.

1.04 Timing of Authorized Improvements. Notwithstanding anything herein to the contrary, the Developer may advance funds and/or construct and install Authorized Improvements as Developer deems appropriate in its sole and absolute discretion, including the construction and installation of Authorized Improvements to serve portions of the Property and in different phases and sections over a period of time. The Developer may exercise its sole discretion on all aspects of the phasing and timing of development and shall not be obligated to advance funds and/or construct and install the Authorized Improvements for the entire Property at one time.

1.05 City’s Obligation Limited. The Parties agree the City’s obligations to reimburse the Developer for costs paid related to the Authorized Improvements constructed for the benefit of Improvement Area #3 shall only be paid from (A) PID Bonds, if issued and/or (B) the PID Assessments and/or Annual Installments collected from the portion of Improvement Area #3 subject to the PID Assessments (the “Assessed Property”) (such PID Assessments or Annual Installments thereof collected on such Assessed Property, the “Assessment Revenue”), and such obligation (i) is contingent upon the City levying such PID Assessments or issuing PID Bonds related to the Authorized Improvements constructed for the benefit of Improvement Area #3, and (ii) will not be due and owing unless and until the City actually levies such PID Assessments or issues such PID Bonds related to the Authorized Improvements constructed for the benefit of Improvement Area #3. The Parties agree that the levying of the PID Assessments will create the fund out of which the City will pay its obligation under this Agreement and until such time, this Agreement does not create an obligation of the City.

ARTICLE II

Reimbursement for Funds Advanced; Funding of Authorized Improvements

2.01. Obligation to Reimburse; Obligations Limited. The City and Developer agree that the City shall levy PID Assessments and may, at the discretion of the City issue and sell, from time to time, PID Bonds to fund the Actual Costs. It is the mutual intent and agreement of the City and Developer to provide for future reimbursement of funds advanced for Actual Costs, including PID Costs, by the Developer through the levy of PID Assessments and/or issuance of PID Bonds and use of Assessment Revenues and/or PID Bond Proceeds. The City is obligated, subject to the provisions of Section 1.05 hereof, to reimburse the Developer for all funds advanced by the Developer for the acquisition, construction, and management of any Actual Costs of the Authorized Improvements authorized under Chapter 372, Texas Local Government Code and in accordance with the provisions of the SAP. If the Developer is in substantial compliance with its obligations under the Development Agreement and this Agreement, then following the inspection and approval of any portion of Authorized Improvements to be owned by the City or an authorized third-party pursuant to the provisions of the PID Act for which Developer seeks reimbursement or payment of the PID Costs by submission of a request for reimbursement or payment (a “Payment Request”), the obligations of the City under this Agreement to pay from Assessment Revenue or the net PID Bond Proceeds, as applicable, disbursements (whether to the Developer or to any person designated by the Developer) identified in any approved Payment Request and to pay debt service on PID Bonds are unconditional and not subject to any defenses or rights of offset except as may be provided by law or in any Indenture; provided, in no event shall the City Representative be authorized to approve a Payment Request if the City has not previously levied PID Assessments against Assessed Property within the development related to the Authorized Improvements for which such Payment Request has been submitted. To the extent that the City does not issue PID Bonds, and subject to the provisions for Section 1.05, the City agrees to reimburse the Developer from monies available in the Assessment Fund.

Upon the levy of the PID Assessments, the Actual Costs advanced by the Developer and approved pursuant to a Payment Request, but not reimbursed by the City pursuant to the terms of this Agreement, shall bear simple interest per annum at the rates specified in the SAP. The PID Assessments shall accrue interest in accordance with the SAP. Interest shall continue on the unpaid principal amount of the PID Assessments for a lot for 30 years or until the PID Assessments are paid in full, unless otherwise provided in the SAP and/or Assessment Ordinance.

For the avoidance of doubt, the City's obligation to reimburse shall be solely from funds in the Assessment Fund and/or from the PID Bond Proceeds, the Developer agrees to look solely to such sources for reimbursement. The obligations of the City under this Agreement shall not, under any circumstances, give rise to or create a charge against the general credit or taxing power of the City or a debt or other obligation of the City payable from any source other than the Assessment Fund, or the PID Bond Proceeds if applicable. The Parties further agree that the City's obligation under this agreement with respect to the PID Costs of Authorized Improvements within Improvement Area #3 shall be contingent upon the City levying PID Assessments against Improvement Area #3 related to the Authorized Improvements which will benefit Improvement Area #3. The levying of the PID Assessments against Improvement Area #3 will create the fund out of which the City will pay its obligation and until such time, this Agreement does not create an obligation of the City. Unless approved by the City, no other City funds, revenues, taxes, or income of any kind shall be used to pay: (1) the Actual Costs of the Authorized Improvements; (2) amounts due and owing under this Agreement; or (3) debt service on any PID Bonds. None of the City or any of its elected or appointed officials or any of its officers, employees, consultants or representatives shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Agreement or their acts or omissions under this Agreement.

2.02. Time and Amount of Reimbursement. The City shall reimburse the Developer for payment of costs related to the Authorized Improvements of construction solely from (i) the proceeds of PID Bonds and/or (ii) Assessment Revenue collected pursuant to PID Assessments levied on Improvement Area #3.

In regards to reimbursement from PID Bonds, the City shall reimburse the Developer for those Actual Costs that have been paid or advanced by the Developer pursuant to Sections 1.03, 1.05, and 2.01 hereof and in accordance with the terms of the PID Bond Indenture.

Additionally, the Developer may request reimbursements directly from Assessment Revenue collected from property within Improvement Area #3. The invoices included with the Payment Request shall identify the payee, the goods, services and/or materials provided by such payee and the total amount paid with respect to such goods, services and/or materials. If the City timely disapproves of the Payment Request (for a reason other than for a failure to levy assessments from which the Payment Requested is to be paid, in accordance with the provisions hereof) by delivering a detailed notice to the Developer, then payment with respect to the disputed portion(s) of the Payment Request shall not be made until the Developer and the City settle the dispute. The Parties agree to meet promptly and resolve any dispute within 60 days from the date of the initial submittal of the Payment Request for payment is authorized to be approved by a City Representative.

With respect to any Payment Request by the Developer, in no event shall the City Representative be authorized to approve such request if the City has not previously levied PID Assessments against the Assessed Property.

2.03 Fund Deposits. Until PID Bonds payable from Assessment Revenues collected from Improvement Area #3 are issued, the City shall bill, collect, and immediately deposit into the Assessment

Fund all Assessment Revenue consisting of: (1) revenue collected from the payment of PID Assessments (including pre-payments and amounts received from the foreclosure of liens but excluding costs and expenses related to collection); and (2) any additional revenue collected from the payment of Annual Installments, as defined in the SAP (excluding Annual Collection Costs and Delinquent Collection Costs, each as defined in the SAP). Funds in the Assessment Fund shall only be used to pay Actual Costs of the Authorized Improvements or all or any portion of the Reimbursement Agreement Balance in accordance with this Agreement. Once PID Bonds payable from Assessment Revenue are issued, the City shall bill, collect, and immediately deposit all Assessment Revenue securing such series of PID Bonds in the manner set forth in the applicable PID Bond Indenture; and if applicable, the City shall continue to deposit all Assessment Revenue or payments thereof not securing a series of PID Bonds into the Assessment Fund.

Once PID Bonds payable from Assessment Revenue are issued, the City shall also deposit PID Bond Proceeds and any other funds authorized or required by the applicable PID Bond Indenture into the funds established by the applicable PID Bond Indenture in the manner set forth in the applicable PID Bond Indenture. Annual Installments shall be billed and collected by the City (or by any person, entity, or governmental agency permitted by law) in the same manner and at the same time as City ad valorem taxes are billed and collected. Funds in the PID Project Fund shall only be used in accordance with the applicable PID Bond Indenture; provided that funds disbursed from the applicable PID Project Fund shall be made first from PID Bond Proceeds held in the applicable accounts within such PID Project Fund until such accounts are fully depleted and then from the Developer Improvement Account of the applicable PID Project Fund, if applicable. Funds in the PID Bond Reimbursement Fund shall only be used to pay Actual Costs of the Authorized Improvements not paid from the PID Project Fund in accordance with the applicable PID Bond Indenture.

Notwithstanding any other provision in this Agreement, the Actual Costs of Authorized Improvements shall be paid from: (1) the Assessment Revenue, or (2) net PID Bond Proceeds or other amounts deposited in an account of the PID Project Fund created under an PID Bond Indenture related to PID Bonds secured by the Assessment Revenue. The City will take and pursue all actions permissible under Applicable Laws to cause the PID Assessments to be collected and the liens related to such PID Assessments to be enforced continuously, in the manner and to the maximum extent permitted by the Applicable Laws, and, to the extent permitted by Applicable Laws, to cause no reduction, abatement or exemption in the PID Assessments for so long as any PID Bonds are outstanding or a Reimbursement Agreement Balance remains outstanding. The City shall determine or cause to be determined, no later than March 1 of each year whether any Annual Installment is delinquent. If delinquencies exist, then the City will order and cause to be commenced as soon as practicable any and all appropriate and legally permissible actions to obtain such Annual Installment, and any delinquent charges and interest thereon, including diligently prosecuting an action to foreclose the currently delinquent Annual Installment. Notwithstanding the foregoing, the City shall not be required under any circumstances to purchase or make payment for the purchase of the delinquent Assessment or the corresponding Assessed Property or to use any City funds, revenues, taxes, income, or property other than moneys collected from the PID Assessments. Once PID Bonds are issued, the applicable PID Bond Indenture shall control in the event of any conflict with this Agreement.

2.04 Payment of Actual Costs. If PID Bonds are not issued (or prior to such issuance) to pay the Actual Costs, the Developer may elect to make Developer Advances to pay Actual Costs. If PID Bonds are issued, the PID Bond Proceeds shall be used in the manner provided in the applicable PID Bond Indenture; and, except as may be required under the Development Agreement and/or an applicable PID Bond Indenture, the Developer shall have no obligation to make Developer Advances for the related Authorized Improvements, unless the PID Bond Proceeds, together with any other funds in the PID Project Fund, are insufficient to pay the Actual Costs of such Authorized Improvements, in which case the Developer shall

make Developer Advances to pay the deficit. If Developer Advances are required in connection with the issuance of a series of PID Bonds, then such Developer Advances may be reduced by the amount of payments of Actual Costs of the Authorized Improvements (or portions thereof) to be financed by such PID Bonds that the Developer has previously paid if (i) the Developer submits to the City all information related to such costs that would be required by a Closing Disbursement Request at least fifteen (15) business days prior to the scheduled closing date of such PID Bonds, and (ii) the City approves such Actual Costs in writing. The Developer shall also make Developer Advances to pay for cost overruns (after applying cost savings). The lack of PID Bond Proceeds or other funds in the PID Project Fund shall not diminish the obligation of the Developer to pay Actual Costs of the Authorized Improvements.

2.05 Payment of Reimbursement Agreement Balance. The City agrees to pay to the Developer, and the Developer shall be entitled to receive payments from the City (subject to the provisions of Sections 1.05 and 2.01 hereof), until the Maturity Date, for amounts shown on each approved Payment Request (which amounts include all Actual Costs paid by or at the direction of the Developer) plus simple interest on the unpaid principal balance at the rate identified in the SAP approved at the time the City levies the PID Assessments, together with accrued but unpaid interest, owed the Developer for all approved Payment Requests is referred to as the “Reimbursement Agreement Balance”; provided, however, upon the issuance of PID Bonds, the interest rate due and unpaid on amounts shown on each Payment Request to be paid to the Developer shall be the lower of: (1) the interest rate on the applicable series of PID Bonds issued to finance the costs of the Authorized Improvements for which the Payment Request was filed, or (2) the interest rate approved by the City Council of the City in the Assessment Ordinance levying the PID Assessments from which such PID Bonds shall be paid. The interest rates set forth in this section have been approved by the City Council and are authorized by the Act. The principal amount of each portion of the Reimbursement Agreement Balance to be paid under each Assessment Ordinance shall be set forth in the SAP. The City’s obligations to pay the Reimbursement Agreement Balance related to the Authorized Improvements constructed for the benefit of Improvement Area #3 of the PID shall (i) only be paid from the PID Assessments and/or annual installments collected from property within Improvement Area #3 once such PID Assessments are levied, (ii) are contingent upon the City levying such PID Assessments, and (iii) will not be due and owing unless and until the City actually levies such PID Assessments. Interest will not accrue on Payment Requests until such time as they have been approved pursuant to the terms of this Agreement.

The Reimbursement Agreement Balance is payable solely from: (1) the Assessment Fund if no PID Bonds are issued for the purpose of paying the Authorized Improvements related to such Reimbursement Agreement Balance, or (2) from PID Bond Proceeds and the PID Bond Reimbursement Fund, if applicable, if PID Bonds are issued for the purpose of paying the Authorized Improvements related to such Reimbursement Agreement Balance. No other City funds, revenues, taxes, income, or property shall be used even if the Reimbursement Agreement Balance is not paid in full by the Maturity Date. Payments made from PID Bond Proceeds deposited in the PID Project Fund and payments made from the PID Bond Reimbursement Fund, if applicable, shall be made in the manner set forth in the applicable PID Bond Indenture.

So long as no PID Bonds are issued and the City has received and approved a Payment Request, the City shall make a payment to the Developer from the Assessment Fund for an amount of the Reimbursement Agreement Balance at least annually, and no later than 60 days after the date payment of the Annual Installments are due, not to exceed the Assessment Revenue collected by and payable to the City. In the event that a Prepayment of an Assessment is made prior to the issuance of PID Bonds, the City shall remit payment to the Developer of an amount of the Reimbursement Agreement Balance then due and payable not to exceed the Assessment Revenue related to such Prepayment from the Assessment Revenue deposited into the Assessment Fund within 60 days after the Prepayment is made. Payments made from the

Assessment Fund toward any outstanding Reimbursement Agreement Balance, shall first be applied to unpaid interest on such Reimbursement Agreement Balance owed to the Developer, and second to unpaid principal of the Reimbursement Agreement Balance owed to the Developer. Each payment from the Assessment Fund shall be accompanied by an accounting that certifies the Reimbursement Agreement Balance as of the date of the payment and that itemizes all deposits to and disbursements from the fund since the last payment.

2.06 Disbursements and Transfers at and after Bond Closing. The City and the Developer agree that from the proceeds of the PID Bonds, and upon the presentation of evidence satisfactory to the City Representative, the City will cause the trustee under the applicable PID Bond Indenture to pay at closing of the PID Bonds approved amounts from the appropriate account to the persons entitled to payment for costs of issuance and payment of costs incurred in the establishment, administration, and operation of the PID and any other eligible costs incurred by the Developer and the City as of the time of the delivery of the PID Bonds as described in the SAP. In order to receive disbursement, the Developer shall execute a Closing Disbursement Request to be delivered to the City no less than fifteen (15) business days prior to the scheduled closing date for the applicable series of PID Bonds for payment in accordance with the provisions of the PID Bond Indenture. In order to receive additional disbursements from any applicable fund under a PID Bond Indenture, the Developer shall execute a Payment Request, no more frequently than monthly, to be delivered to the City for payment in accordance with the provisions of the applicable PID Bond Indenture and this Agreement. Upon receipt of a Payment Request (along with all accompanying documentation required by the City) from the Developer, the City shall conduct a review in order to confirm that such request is complete, to confirm that the work for which payment is requested was performed in accordance with all Applicable Laws and applicable plans therefore and with the terms of this Agreement and any other agreement between the parties related to property in the PID, and to verify and approve the Actual Costs of such work specified in such Payment Request. The City shall also conduct such review as is required in its discretion to confirm the matters certified in the Payment Request. The Developer agrees to cooperate with the City in conducting each such review and to provide the City with such additional information and documentation as is reasonably necessary for the City to conclude each such review. The Developer further agrees that if the City provides to the Developer a sales tax exemption certificate then sales tax will not be approved for payment under a Payment Request. Within fifteen (15) business days following receipt of any Payment Request after the issuance of a series of PID Bonds, the City shall either: (1) approve the Payment Request and forward it to the trustee for payment, or (2) provide the Developer with written notification of disapproval of all or part of a Payment Request, specifying the basis for any such disapproval. Any disputes shall be resolved as required herein. The City shall deliver the approved or partially approved Payment Request to the trustee for payment, and the trustee shall make the disbursements as quickly as practicable thereafter.

ARTICLE III

Acquisition of Authorized Improvements

3.01. Acquisition of Improvements. At or prior to the time of reimbursement of the Developer for the Actual Costs or a portion of the Actual Costs, the City will acquire or cause to be acquired such Authorized Improvements that are to be owned by the City, as set forth in the Development Agreement, from the Developer as have been constructed in the name of the Developer for the benefit of the City, including off-site Authorized Improvements. At or prior to the time of reimbursement of the Developer for the Actual Costs or a portion of the Actual Costs related to Authorized Improvements to be owned by an authorized third-party pursuant to the provisions of the PID Act, such entity will acquire or cause to be acquired such Authorized Improvements from the Developer as have been constructed in the name of the

Developer for the benefit of such entity, including off-site Authorized Improvements.

3.02. Conveyance Requirements. The Developer shall convey the Authorized Improvements to be owned by the City to the City by deed or other appropriate instrument of conveyance, with full warranties, free and clear of any liens, claims, encumbrance, options, charges, assessments, restrictions, laminations or reservations, including liens for ad valorem taxes for past and current years, and payments due to construction contractors, laborers, or materialmen, unless otherwise waived by the City. The Developer may also convey the Authorized Improvements to be owned by the City to the City by plat or other instrument on behalf of or benefiting the City. The Developer shall convey the Authorized Improvements to be owned by an authorized third-party pursuant to the provisions of the PID Act to such entity by deed or other appropriate instrument of conveyance, with full warranties, free and clear of any liens, claims, encumbrance, options, charges, assessments, restrictions, laminations or reservations, including liens for ad valorem taxes for past and current years, and payments due to construction contractors, laborers, or materialmen, unless otherwise waived by such entity. The Developer shall provide reasonable proof of title and proof of no liens, claims, or encumbrances. Conveyance of any Authorized Improvements to be owned by the City at any time shall be subject to the reimbursement obligations created in this Agreement. Each conveyance shall include all easements within which the Authorized Improvements are located, unless such easements have been dedicated to the public, and all easements necessary to own, operate and maintain the Authorized Improvements. Each conveyance shall additionally include fee simple title to any and all plant sites, together with necessary rights of way where such site or sites are not directly accessible by a dedicated public street, and all licenses, franchises and permits for the Authorized Improvements. The Developer shall also assign, in writing, all of its contractors' and materialmen's warranties relating to the Authorized Improvements to be owned by the City. All documents or instruments of conveyance, transfer, or assignment hereunder of Authorized Improvements to be owned by the City shall be in a form and content acceptable to the City's attorneys. The Developer, at the time of reimbursement by the City for Authorized Improvements to be owned by the City, shall deliver to the City a release of all liens upon the bonded Authorized Improvements securing the costs of construction of the bonded Authorized Improvements advanced by a third-party lender. Any conveyance of Authorized Improvements to the City by plat shall not be considered effective until the City has provided a letter of acceptance for such Authorized Improvements. Any conveyance of Authorized Improvements to the City by deed or similar instrument shall not be considered effective until such deed or other instrument is recorded in the property records of Denton County.

Prior to completion and conveyance to the City of any Authorized Improvements to be owned by the City, the Developer shall cause to be provided to the City a maintenance bond in the amount required by the City's subdivision regulations for applicable Authorized Improvements, which maintenance bond shall be for a term of two years from the date of final acceptance of the applicable Authorized Improvements. Any surety company through which a bond is written shall be a surety company duly authorized to do business in the State of Texas, provided that legal counsel for the City has the right to reject any surety company regardless of such company's authorization to do business in Texas. Nothing in this Agreement shall be deemed to prohibit the Developer or the City from contesting in good faith the validity or amount of any mechanics or materialman's lien and/or judgment nor limit the remedies available to the Developer or the City with respect thereto so long as such delay in performance shall not subject the Authorized Improvements to foreclosure, forfeiture, or sale. In the event that any such lien and/or judgment with respect to the Authorized Improvements is contested, the Developer shall be required to post or cause the delivery of a surety bond or letter of credit, whichever is preferred by the City, in an amount reasonably determined by the City, not to exceed 120 percent of the disputed amount.

3.03. Correction of Defects. Conveyance of any Authorized Improvements to the City shall not relieve the Developer of liability for the correction of any existing engineering or construction defects then

existing in the Authorized Improvements to be owned by the City or for satisfaction of any unpaid claim for materials or labor. The City shall be under no obligation to contest or challenge any claim for labor or materials; provided, however, that in the event the Developer fails to promptly correct any such defect or satisfy any such claim, the City may elect to do so and, in such event, shall have full rights of subrogation. Subject to any applicable statutes of limitation, the Developer shall pay the City for the City's costs in correcting any defect or satisfying any claim including, but not limited to, construction costs, engineering fees, attorneys' fees, building or construction permits, filing fees or court costs.

3.04. Survival or Representations. All representations, warranties and agreements of the City and the Developer hereunder shall survive the conveyance of the Authorized Improvements to the City.

ARTICLE IV

Representations

4.01. Representations by the Developer. The Developer hereby represents to the City that:

- (a) The execution and delivery of this Agreement and the transactions contemplated hereby have been duly authorized by the Developer;
- (b) This Agreement, the representations and covenants contained herein, and the consummation of the transactions contemplated hereby shall not violate or constitute a breach of any contract or other agreement to which the Developer is a party;
- (c) The Developer has made financial arrangements sufficient to assure its ability to perform its obligations hereunder; and
- (d) The Developer will send a representative to all meetings of the City Council of the City at which such presence may be requested.

4.02. Representations by the City. The City hereby represents and covenants to the Developer that it shall use its good faith efforts:

- (a) To, if decided by the City, issue PID Bonds pursuant to the PID Act and other applicable law; and
- (b) To levy and collect the PID Assessments.

ARTICLE V

Remedies

5.01. Default by the Developer. In the event of uncured default by the Developer hereunder after notice and a reasonable opportunity to cure, the City shall have the right:

- (a) To terminate this Agreement without thereby incurring any liability to the Developer whatsoever;
- (b) To pursue all other legal or equitable remedies;

- (c) To recover from the Developer all expenses incurred in pursuing its legal rights hereunder, including reasonable attorneys' fees.

An event of default by the Developer does not release the City from the obligation to reimburse the Developer for Actual Costs advanced or incurred by the Developer on behalf of the City prior to the date of default by the Developer or to reimburse the Developer for Authorized Improvements previously acquired by or conveyed to the City or applicable retail provider.

5.02. Default by City. In the event of default by the City hereunder, the Developer shall be entitled to seek a writ of mandamus from a court of competent jurisdiction compelling and requiring the City and its officers to observe and perform the covenants, obligations and conditions hereof.

5.03. Future Performance. The failure of either party hereto to insist, in any one or more instances, upon performance of any of the terms, covenants, and conditions of this Agreement, shall not be construed as a waiver or relinquishment of the future performance of any such term, covenant, or condition by the other party hereto, but the obligation of such other party with respect to such future performance shall continue in full force and effect.

ARTICLE VI

Miscellaneous

6.01. Severability. In case any one or more provision contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

6.02. Modification. This Agreement may be modified or varied only by a written instrument subscribed by both of the parties hereto including a reimbursement agreement entered into for a phase of development or issuance of PID Bonds.

6.03. Assignability. This Agreement may be assigned in whole or in part by the Developer upon the delivery to the City of a written instrument evidencing such assignment and consent or acknowledgment of the City to such written instrument; provided, however, that no such conveyance, transfer, assignment, mortgage, pledge, or other encumbrance shall be made without prior written consent of the City if such conveyance, transfer, assignment, mortgage, pledge, or other encumbrance would result in (1) the issuance of municipal securities, and/or (2) the City being viewed as an "obligated person" within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission, and/or (3) the City being subjected to additional reporting or recordkeeping duties. Notwithstanding the foregoing, the City hereby authorizes the Developer to grant a security interest in the Developers' rights hereunder and to all sums to be paid to the Developer by the City pursuant to this Agreement to any bank or lending institution making a construction or development loan to the Developer for payment of Actual Costs without City consent and to the extent permitted by State law.

6.04. Captions. The captions used in connection with the paragraphs of this Agreement are for convenience only and shall not be deemed to construe or limit the meaning of the language contained in this Agreement, or used as interpreting the meanings and provisions hereof.

6.05. Applicable Law. This Agreement shall be construed and interpreted under the laws of the State of Texas and all obligations of the parties created hereunder are performable in Denton County, Texas.

6.06. Parties at Interest. This Agreement shall be for the sole and exclusive benefit of the parties hereto and shall never be construed to confer any benefit on any third party. This Agreement shall be binding upon each party, its successors and assigns.

6.07. Term. The term of this Agreement shall begin on the Effective Date and shall continue until the earlier to occur of the issuance of PID Bonds or the date on which the amounts due under this Agreement are paid in full. Upon the issuance of the first series of PID Bonds secured by PID Assessments levied against property located within the PID, this Agreement shall terminate without any further act of the City or the Developer.

6.08. Force Majeure. If the City or the Developer is rendered unable, in whole or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to remedy such inability and to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused to the extent provided but for no longer period. The term "force majeure", as used herein, shall include, without limitation, acts of God; strikes, lockouts, or other industrial disturbances; acts of public enemy; order of any kind of the Government of the United States or the State of Texas or any civil or military authority; insurrections; riots; epidemics; landslides; lightning; earthquakes; fires; hurricanes; storms; floods; washouts; droughts; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery; pipelines or canals; partial or total failure of water supply and inability to provide water necessary for operation of the sewer system, or to receive waste; and any other inability of the party, whether similar to those enumerated or otherwise, which are not within the control of the party, which the party could not have avoided by the exercise of due diligence and care. It is understood and agreed that the settlement of strikes and lockouts shall be entirely within the discretion of such party, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demand of the opposing party or parties when such settlement is unfavorable to it in the judgment of such party.

6.09 Non-Waiver. The failure by a Party to insist upon the strict performance of any provision of this Agreement by the other Party, or the failure by a Party to exercise its rights upon a Default by the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by such other Party with the provisions of this Agreement.

6.10 Third Party Beneficiaries. Nothing in this Agreement is intended to or shall be construed to confer upon any person or entity other than the City and the Developer any rights under or by reason of this Agreement. All provisions of this Agreement shall be for the sole and exclusive benefit of the City and the Developer.

6.11 Counterparts. This Agreement may be executed in multiple counterparts, which, when taken together, shall be deemed one original.

6.12 Employment of Undocumented Workers. During the term of this Agreement, the Developer agrees not to knowingly employ any undocumented workers and, if convicted of a violation under 8 U.S.C. Section 1324a(f), the Developer shall repay the incentives granted herein within 120 days after the date the Developer is notified by the City of such violation, plus interest at the rate of six percent (6%) compounded annually from the date of violation until paid. Pursuant to Section 2264.101(c), Texas Government Code, a business is not liable for a violation of Chapter 2264 by a subsidiary, affiliate, or franchisee of the business, or by a person with whom the business contracts.

6.13 Statutory Verifications. The Developer makes the following representations and covenants pursuant to Chapters 2252, 2271, 2274, and 2276, Texas Government Code, as heretofore amended (the “Government Code”), in entering into this Agreement. As used in such verifications, “affiliate” means an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit. Liability for breach of any such verification during the term of this Agreement shall survive until barred by the applicable statute of limitations, and shall not be liquidated or otherwise limited by any provision of this Agreement, notwithstanding anything in this Agreement to the contrary.

a. Not a Sanctioned Company. The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Government Code. The foregoing representation excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.

b. No Boycott of Israel. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. As used in the foregoing verification, “boycott Israel” has the meaning provided in Section 2271.001, Government Code.

c. No Discrimination Against Firearm Entities. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” has the meaning provided in Section 2274.001(3), Government Code.

d. No Boycott of Energy Companies. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. As used in the foregoing verification, “boycott energy companies” has the meaning provided in Section 2276.001(1), Government Code.

6.14 Form 1295. Submitted herewith is a completed Form 1295 generated by the Texas Ethics Commission’s (the “TEC”) electronic filing application in accordance with the provisions of Section 2252.908 of the Texas Government Code and the rules promulgated by the TEC (the “Form 1295”). The City hereby confirms receipt of the Form 1295 from the Developer, and the City agrees to acknowledge such form with the TEC through its electronic filing application system not later than the 30th day after the receipt of such form. The Parties understand and agree that, with the exception of information identifying the City and the contract identification number, neither the City nor its consultants are responsible for the information contained in the Form 1295; that the information contained in the Form 1295 has been provided solely by the Developer; and, neither the City nor its consultants have verified such information.

6.15 Notice. Any notice referenced in this Agreement must be in writing and shall be deemed given at the addresses shown below: (1) when delivered by a nationally recognized delivery service such

as FedEx or UPS with evidence of delivery signed by any person at the delivery address regardless of whether such person is the named addressee; or (2) 72 hours after deposited with the United States Postal Service, Certified Mail, Return Receipt Requested.

To the City: Attn: City Manager
City of Justin, Texas
415 N. College Avenue
Justin, Texas 76247

With a copy to: Boyle & Lowry LLP
Attn: Matthew Boyle
4201 Wingren, Suite 108
Irving, Texas 75062

And to: Attn: Bond Counsel
Robert Dransfield
Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600
Dallas, Texas 75201-7932

To the Developer: Attn: Don Dykstra
Bloomfield Homes, L.P.
1900 W Kirkwood Blvd, Ste. 2300B
Southlake, Texas 76092

With a copy to: Attn: Drew Slone
Locke Lord LLP
2200 Ross Avenue
Suite 2800
Dallas, Texas 75201

[Signatures to Follow]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple counterparts, each of equal dignity, to be effective as of the date first written above.

CITY:

CITY OF JUSTIN, TEXAS

By: _____
Name: _____
Title: Mayor

ATTEST:

City Secretary

DEVELOPER:

BLOOMFIELD HOMES, L.P.,
a Texas limited partnership

By: Bloomfield Properties, Inc.,
a Texas corporation, its General Partner

By: _____
Donald J. Dykstra, President



City Council Coversheet
January 23, 2025
415 N. COLLEGE AVE.

Agenda Item: 2. (ACTION ITEMS)

Title: Consider approving Resolution 732-25 granting consent to the creation of the Madera Municipal Management District no. 1 and the inclusion of 539 acres of land into said district; and take appropriate action.

Department: Administration

Contact: Matthew Boyle, City Attorney, Matthew Cyr, Director of Planning and Development

Recommendation:

Staff recommends approval as discussed in executive session.

Background:

Staff has provided updates to City Council in executive Session over the past few meeting regarding this application.

City Attorney Review: Yes

Attachments:

1. Madera Municipal District Consent

CITY OF JUSTIN, TEXAS

RESOLUTION NO. 732-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, GRANTING CONSENT TO THE CREATION OF THE MADERA MUNICIPAL MANAGEMENT DISTRICT NO. 1 AND THE INCLUSION OF 539 ACRES OF LAND INTO SAID DISTRICT; MAKING FINDINGS RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Justin, Texas (the “City”), a home rule municipality created under the laws of the State of Texas, received a request for consent from TCCI-RANGE MEAD 2021 LLC (“TCCI”) to the creation of the Madera Municipal Management District No. 1 (the “District”) encompassing 539 acres as more particularly described in Exhibit A, attached hereto and incorporated by reference; and

WHEREAS, the District will be created and organized pursuant to Article XVI, Section 59 and Article III, Section 52, of the Texas Constitution and Chapter 375 of the Texas Local Government Code, as amended; and

WHEREAS, Chapter 375 of the Texas Local Government Code provides that land within a city or its extraterritorial jurisdiction may not be included within a municipal management district without such city’s consent; and

WHEREAS, the City wishes to evidence its support and consent for the creation of the District within the City’s corporate limits, subject to the terms of a Development Agreement to be negotiated between the City and TCCI (the “Development Agreement”) and the terms of this Resolution; and

WHEREAS, the City is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Resolution; and

WHEREAS, all statutory and constitutional requirements for the passage of this Resolution have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this Resolution is to promote the public health, safety, and general welfare of the citizens of the City of Justin.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JUSTIN, TEXAS, THAT:

Section 1. All of the above premises are hereby found to be true and correct legislative findings of the City Council and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. Subject to and conditioned upon the execution of a mutually agreeable Development Agreement governing the development of the District property and the receipt of a Petition requesting annexation of all District property as described more fully in Exhibit A (the “Property”) into the corporate boundaries of the City with sufficient time to call and publish the annexation public hearing for the annexation of the Property into the corporate boundaries of the City, the City Council of the City (the “City Council”) hereby grants its consent for the creation of a district operating pursuant to Article XVI, Section 59 and Article III, Section 52, Texas Constitution and Chapter 375, Texas Local Government Code, as amended, within its corporate limits and the inclusion in the District of the Property, and the City Manager of the City is hereby authorized to execute any documents necessary to effectuate this Resolution. This consent shall have no effect, and shall automatically be voided and of no further force or effect in either of the following circumstances: 1) the Development Agreement is not executed; or 2) the City does not receive a timely Petition for the annexation of the Property into the corporate limits of the City in accordance with the Development Agreement.

Section 3. The City Council further states that it has not relinquished any rights, duties or powers relating to the inclusion of the District within its corporate limits, and specifically its zoning authority.

Section 4. The City Council hereby finds and determines that sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted as a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Texas Open Meetings Act, contained in Chapter 551 of the Texas Government Code, as amended, and that this meeting was open to the public and the subject matter of this Resolution and its contents have been discussed, considered and formally acted upon by the City Council. Further, the City Council ratifies, approves and confirms such written notice and the contents and posting thereof, and the foregoing fully complied with all applicable law.

Section 5. This Resolution shall be effective from and after its passage by the City Council.

PASSED AND APPROVED by the City Council of the City of Justin, Texas the 23rd day of January 2025.

James Clark, Mayor

ATTEST:

Amy Piukana, City Secretary

APPROVED AS TO FORM:

_____, City Attorney