



CITY OF FAIR OAKS RANCH

PLANNING AND ZONING COMMISSION MEETING

Thursday, April 10, 2025 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

AGENDA

OPEN MEETING

1. Roll Call - Declaration of a Quorum
2. Pledge of Allegiance

CITIZENS and GUEST FORUM

To address the Commission, please sign the Attendance Roster located on the table in the foyer of the Public Safety Training Room. In accordance with the Open Meetings Act, the P&Z Commission may not discuss or take action on any item which has not been posted on the agenda. Speakers shall limit their comments to five (5) minutes each.

3. Citizens to be heard.

CONSENT AGENDA

All of the following items are considered to be routine by the P&Z Commission, there will be no separate discussion on these items and will be enacted by one motion. Items may be removed by any Commissioner by making such request prior to a motion and vote.

- [4.](#) Approval of the March 13, 2025, Planning and Zoning Commission Regular Meeting Minutes

Christina Picioccio, TRMC, City Secretary

WORKSHOP

- [5.](#) Unified Development Code amendments regarding Table 4.2 Use Table and Conditional Uses

Lee Muñoz, P.E., CFM, Manager of Engineering Services

- [6.](#) Planning & Zoning Training

Amanda Padilla, Principal Planner, Denton Navarro Rodriguez Bernal Santee & Zech P.C.

REQUESTS

7. Request for P&Z commission topic needing information/research.

ADJOURNMENT

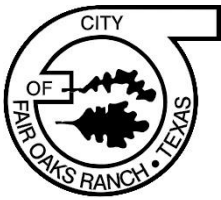
Signature of Agenda Approval: s/Carole Vanzant

Carole Vanzant, Assistant City Manager

I, Christina Picioccio, TRMC, City Secretary, certify that the above Notice of Meeting was posted on the outside bulletin board at the Fair Oaks Ranch City Hall, 7286 Dietz Elkhorn, Fair Oaks Ranch, Texas, and on the City's website www.fairoaksranchtx.org, both places being convenient and readily accessible to the general public at all times.

As per Texas Government Code 551.045, said Notice was posted by 6:30 PM, April 7, 2025, and remained so posted continuously for at least 72 hours before said meeting was convened. A quorum of City Council and various boards, committees, and commissions may attend the Planning & Zoning Commission meeting.

The Fair Oaks Ranch Police Station is wheelchair accessible at the front main entrance of the building from the parking lot. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary's office at (210) 698-0900. Braille is not available.



CITY OF FAIR OAKS RANCH

PLANNING AND ZONING COMMISSION MEETING

Thursday, March 13, 2025 at 6:30 PM

Public Safety Training Room, Police Station, 7286 Dietz Elkhorn, Fair Oaks Ranch

MINUTES

OPEN MEETING

1. Roll Call - Declaration of a Quorum

Present: Chairperson Bobbe Barnes and Vice-Chairperson David Horwath

Commissioners: Linda Tom, Eric Beilstein, Dale Pearson, and Lamberto "Bobby" Balli

Absent: Commissioner Shawna Verrett

With a quorum present, the meeting was called to order at 6:30 PM.

2. Pledge of Allegiance – The Pledge of Allegiance was said in unison.

CITIZENS and GUEST FORUM

3. Citizens to be heard – N/A

CONSENT AGENDA

4. **Approval of the February 13, 2025, Planning and Zoning Commission Regular Meeting Minutes**

MOTION: Made by Commissioner Tom, seconded by Commissioner Balli, to approve the consent agenda.

VOTE: 6 - 0, Motion Passed.

CONSIDERATION / DISCUSSION ITEMS

5. **Consideration and possible action recommending approval of a final plat request from Sitterle Homes LTD, on behalf of Oak Bend Forest, L.C., for Oak Bend Subdivision Phase 1 proposing 55 single-family residential lots**

MOTION: Made by Commissioner Balli, seconded by Commissioner Tom, to recommend approval of the final plat for Oak Bend Subdivision Phase 1 with the following conditions:

1. Applicant to provide an all-weather surface for all temporary fire truck turnarounds.
2. Applicant to correct all administrative errors on the final plat prior to recordation.

VOTE: 6 - 0, Motion Passed.

WORKSHOP**6. Unified Development Code amendments regarding Conservation Development Alternative and Waiver and Variance Applications**

Lee Muñoz, P.E., CFM, Manager of Engineering Services, conducted a workshop on proposed amendments to the Unified Development Code (UDC). The Commission concurred with the City Council's direction and staff recommendations regarding updates to the following UDC sections: Conservation Development Alternative and Waiver and Variance Applications.

REQUESTS**7. Request for P&Z Commission topic needing information/research**

None

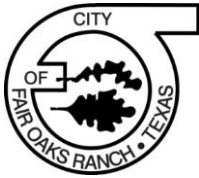
ADJOURNMENT

Chairperson Barnes adjourned the meeting at 7:51 PM.

Bobbe Barnes, Chairperson

ATTEST:

Christina Picioccio, TRMC
City Secretary



PLANNING & ZONING COMMISSION WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Unified Development Code amendments regarding Table 4.2 Use Table and Conditional Uses

DATE: April 10, 2025

DEPARTMENT: Public Works and Engineering Services

PRESENTED BY: Lee Muñoz, P.E., CFM, Manager of Engineering Services

INTRODUCTION/BACKGROUND:

On October 17, 2024, during a regular City Council meeting, the Council reviewed and provided direction on proposed Unified Development Code (UDC) amendments. The Council supported changes related to the following categories.

- Hill Country Aesthetics
- Screening
- Conservation Development Alternative
- Subdivision Design - Street Frontage (staff addition)
- Site Development – Waiver and Variance Applications (staff addition)
- Table 4.2 Uses
- Conditional Uses
- Trees
- Signs

On November 14, 2024, staff recapped the categories and the City Council direction to the Planning and Zoning Commission (P&Z). The P&Z reviewed the priority order listed above and established a series of four workshops as follows.

- 1st Workshop – Hill Country Aesthetics, Screening, Subdivision Design (Street Frontage and Maximum Block Length)
- 2nd Workshop – Conservation Development Alternatives and Site Development (Waiver and Variance Applications)
- 3rd Workshop – Table 4.2 and Conditional Uses
- 4th Workshop – Trees and Signs

Staff successfully conducted workshops on the first and second categories at the February 13 and March 13 P&Z meetings. The Commissioners concurred with the proposed amendments and directed staff to advance them to City Council for action at a future meeting.

This third workshop will cover Table 4.2 Use Table and Conditional Uses. Staff made additional

recommendations to Sec. 4.10 Conditional Uses to support the requested missing land uses added in Table 4.2 Land Uses. A summary of the proposed amendments is shown in **Exhibit A** and a copy of the proposed redline changes is shown in **Exhibit B**.

Next steps for UDC amendments include:

1. Staff will collect P&Z input and make any necessary changes to the proposed amendments. Future workshops will be scheduled for the remaining categories.
2. Once all categories have been covered, staff will summarize the proposed amendments for the City Council and request to schedule public hearings.
3. P&Z will conduct a public hearing on the proposed amendments to receive public testimony and will make a recommendation to City Council.
4. City Council will conduct a public hearing and is the final authority on the proposed UDC amendments.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

1. Supports Priorities 2.1.2 and 2.2.5 of the Strategic Action Plan to evaluate and update the Unified Development Code.
2. Complies with established processes and procedures for amending the Unified Development Code.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

Exhibit A
Summary of Proposed UDC Categories

Category	Table 4.2 Uses
UDC Section(s):	4.9
<p>What is the problem:</p> <p>A. Certain land uses are missing from Table 4.2 (Use Table). For example, "Retirement Community" and "Golf Courses."</p> <p>B. Large grouping of uses may be broken out to provide better regulations of permitted uses. For example, Single-family Residential Attached/Townhomes/Patio Home/Duplex/Multi Unit Home (3-4 Units).</p> <p>C. Ninety percent of the uses in Table 4.2 do not identify off-street parking requirements.</p> <p>Council Direction:</p> <p>A. Review staff's recommendation on inclusion of land uses.</p> <p>B. Provide a recommendation of which large grouping of uses can be broken down or merge of others.</p> <p>C. Provide a recommendation of off-street parking requirements for each use.</p> <p>Staff changes:</p> <p>A. Land uses missing have been incorporated into the table such as golf courses and senior age living facilities for persons 55 years or older, per the Housing for Older Persons Act.</p> <p>B. Some uses were ungrouped to differentiate the different needs of each land use. For example, single-family attached/duplexes/patio homes/townhomes and multi-unit residential, office and commercial, indoor and outdoor recreational, and kindergartens and high schools.</p> <p>C. Table 6.2 of Section 6.7 Parking Standards has been moved into Table 4.2 Land Use regarding off street parking requirements.</p> <p>Additionally,</p> <p>A. Table 4.2 has been organized by major land use categories such as residential, commercial, office, restaurants/food, recreational, industrial, and miscellaneous.</p> <p>B. Revised religious institutions to meet minimum state requirements, per the Religious Land Use and Institutionalized Persons Act (RLUIPA).</p>	

Exhibit A
Summary of Proposed UDC Categories

Category	Conditional Uses
UDC Section(s):	4.10
<p>What is the problem:</p> <p>A. No allowance or criteria provided for Park Maintenance Facilities. This could lead to storage sheds and pump houses being located within proximity to residential lots.</p> <p>Council Direction:</p> <p>A. Provide a recommendation on the criteria for park maintenance facilities.</p> <p>Staff changes:</p> <p>A. Staff added “Park maintenance facility” as a land use to Table 4.2 as a conditionally permitted use. The purpose is to review lots with storage or other accessory uses of park maintenance facilities with a design criterion to protect adjacent residential uses. The design criteria include but not limited to, additional setbacks, height limits, screening, and mitigating noise control.</p> <p>Additionally, with the addition of requested missing land uses in Table 4.2 Land Uses, staff created complimentary conditional use regulations.</p>	

Section 4.6 Zoning Districts

Table 4.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space ¹	<u>Parking</u>
<u>Residential</u>									
Single family residential residence	P	NP	P	NP	P	P	P	NP	2 for the first three bedrooms plus 1 for each additional bedroom in each family unit
Accessory residential unit (mother-in-law suite, granny flat, cottage, Garage apt.), see Sec. 4.11.004.	P	P	P	P	P	P	P	NP	1 space per each additional dwelling unit
Single-family attached/ duplex/ patio home/ townhome/ Multi-Unit Home (3-4 Units)	P*	P	P	P	P/C	NP	NP	NP	2 spaces per each dwelling unit
Manufactured housing	NP	NP	NP	P/C	NP	NP	NP	NP	2 spaces per each dwelling unit
<u>Townhome/Multi-unit building (3-4 units)</u>	<u>P*</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>1 space per one-bedroom unit, 2 spaces per two-bedroom unit, additional space or every room thereafter</u>
Multi-family residential/ <u>condominium</u> (5 or more units)	P*	NP	NP	NP	NP	NP	NP	NP	1.5 for each studio, one or two-bedroom unit; 2 for each 3-bedroom unit
Transitional housing	S	S	S	S	S	S	S	NP	1 for each on duty or resident care provider and 1 for each bedroom
<u>Child care: group day care, family home childcare (registered and listed)</u>	P/C	P/C	P/C	NP	S	S	S	NP	2 spaces per residential use plus 1 space for drop off/pick up.
Home occupation	P	P	P	P	P	P	P	NP	2 spaces per each dwelling unit
Community or group homes	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP	1 for each on duty or resident care provider and 1 per residents

EXHIBIT B

Item #5.

Unified Development Code

City of Fair Oaks Ranch

<u>Older adult group home care (residential care home)</u>	<u>P</u>	<u>NP</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>As required per single-family residential</u>
<u>55+ Older community or facility (retirement community)</u>	<u>P/C</u>	<u>NP</u>	<u>P/C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>1 for each dwelling unit</u>
<u>Commercial</u>										
<u>Hotel (45 or fewer rooms)</u>	P	NP	NP	NP	NP	NP	NP	NP	NP	.75 space per guest room; all other areas, such as conference space shall be parked at 1 space per 300 sf of usable building area.
<u>Hotel (more than 45 rooms)</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	
<u>Bed and breakfast (5 or fewer guest rooms)</u>	P	P/C	P	P/C	P/C	P/C	P/C	P/C	NP	1 space per guest room.
<u>Veterinary service</u>	P	NP	NP	<u>NP</u> <u>P</u>	NP	NP	NP	NP	NP	As required by the associated use
<u>Commercial stable/boarding</u>	NP	NP	S	S	S	S	S	S	NP	1 space per 300 sf of usable building area
<u>Sexually oriented business</u>	NP	NP	NP	P	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
<u>Pet supply animal sales or service such as food, supplies, boarding, grooming, sitting, and training (excluding veterinary)</u>	P	NP	NP	P	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
<u>Pet sales</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>1 space per 150 sf of usable building area</u>
<u>Childcare: day care facility-center, group day care home, or preschool</u>	P/C	P/C	P/C	NP	NP	NP	NP	NP	NP	2 spaces per employee
<u>Retail sales or service with no drive through facility</u>	P	P	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
<u>Retail sales or service with drive through facility (includes retail with associated fuel sales)</u>	P/C	NP	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
<u>Office</u>										
<u>Health clinic/medical office</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	1 for each 200 sf of usable building area
<u>General office, business, professional</u>	P	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>1 space per 300 sf of usable building area</u>
<u>Business association or professional membership organization</u>	<u>P*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>1 space per 200 sf of usable building</u>

EXHIBIT B

Unified Development Code

City of Fair Oaks Ranch

									area
<u>Restaurants/Food</u>									
Bar (<u>such as a tavern, wine boutique, cocktail lounge, pub, icehouse, beer joint, saloon, and cabaret</u>)	S	S	NP	NP	NP	NP	NP	NP	1 space per 150 sf of usable building area
Brewpub (restaurant with auxiliary: brewery, distillery, or winery)	P/C	NP	NP	P	NP	NP	NP	NP	1 space per 300 sf of dining area, 1 per 1000 sf of manufacturing area
Food service uses such as <u>a</u> full-service restaurant, cafeteria, bakeries catering bakery, catering and snack bar with no drive through facilities	P	P	NP	P	NP	NP	NP	NP	1 space per 100 sf of usable building area
Commercial/ Office with no drive through facility	P	P	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Commercial/ Office with drive through facility	P	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
<u>Recreational</u>									
<u>Outdoor recreation and entertainment facility</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	1 for each 800 sf of outdoor recreational area
Entertainment , Indoor amusement and recreation such as theater, cinema, <u>dance hall, arcade, bowling alley, skating rink, or music venue</u>	P/C	NP	NP	P/C	NP	NP	NP	NP	1 for each 4 seats w/ outdoor facilities – add 1 for each 800 square feet of outdoor area
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P	P	P	P	NP	NP	NP	NP	1 space per 100 sf of usable building area
<u>Golf course</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	3 spaces per hole, plus additional spaces required for accessory uses (restaurant, bar, pro shop)
Park, green space, plaza, square, or playground	P	P	P	P	P	P	P	P	To be determined by the City Manager or designee based on use and location
<u>Industrial</u>									
Brewery, distillery, or winery	NP	NP	NP	P	NP	NP	NP	NP	1 space per 500 sf of usable building area
Auto and vehicle related sales and service establishment	NP	NP	NP	P/C	NP	NP	NP	NP	1 for each 300 sf of usable building area

EXHIBIT B

Item #5.

Unified Development Code

City of Fair Oaks Ranch

Commercial food, textile and product manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	1 space per 500 sf of usable building area
Heavy manufacturing that may produce hazardous waste	NP	NP	NP	NP	NP	NP	NP	NP	1 space per 500 sf of usable building area
Miscellaneous light manufacturing (manufacturing processes that do not create hazardous waste)	NP	NP	NP	P	NP	NP	NP	NP	1 space per 500 sf of usable building area
Warehouse and self-storage	NP	NP	NP	P/C	NP	NP	NP	NP	1 space per each employee or 1 space per 1,000 sf of usable building area, whichever is greater
Climate controlled self-storage	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per each employee or 1 space per 1,000 sf of usable building area, whichever is greater
Miscellaneous									
Art, antique, museum, furniture or gallery (retail, <u>incidental</u> repair or artisanal fabrication)	P	P	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area
Hospital and nursing establishment	P	NP	P	NP	NP	NP	NP	NP	1 for each 1.5 beds
Social, fraternal and philanthropic organization	P/C	P	P	P	NP	NP	NP	NP	1 space per 200 sf of usable building area
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	NP	NP	NP	NP	1 for each 300 sf of usable building area of offices
Funeral home	P/C	NP	NP	NP	NP	NP	NP	NP	1 space per 4 seats in chapel/sanctuary where the congregation is seated during worship services (22" of undivided seating = 1 seat)
Transportation services (air, rail, road, truck and freight)	NP	NP	NP	P	NP	NP	NP	NP	As required per the service
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	S	S	S	S	S	S	S	NP	As required per the utility
Utility facility (electric, natural gas, alternative)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP	As required per the utility
Parking, structured	P	NP	NP	NP	NP	NP	NP	NP	

EXHIBIT B

Unified Development Code

City of Fair Oaks Ranch

<u>Park maintenance facility</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	To be determined by the City Manager or designee based on use and location
Religious institutions	NP P	NP P	P	P	NP P	NP P	NP P	NP P	1 space per 200 square feet of usable building Area 1 space every 2.25 people on site at one time
<u>Kindergarten, elementary and middle school, library, or community/civic facility</u>	P	NP	P	NP	NP	NP	NP	NP	3 spaces per classroom, plus 1 space per administrative employee 1 space every 400 square feet of classroom area
<u>High school, university and college, technical, trade, or specialty school</u>	P	NP	P	P	NP	NP	NP	NP	1 space per 3 seats in classroom, plus 1 space per staff 1 space every 200 square feet of classroom area

¹Open Spaces are reserved for active or passive recreation, and for the preservation of land in its natural state. Building on, or modification of, land in Open Space districts is generally prohibited except where incidental to a larger purpose of preserving and enhancing Open Space areas; or, where necessary for public health and safety purposes. The only exception is the category in Table 4.2 described as “Parks, greens, plazas, squares, and playgrounds.” These uses are allowed in Open Space districts, provided that vertical construction is kept to a minimum and, in the opinion of the City Manager, the primary purpose of the land use is not to provide for activity intended for other districts nor to otherwise circumvent this provision and the intent of this zoning UDC and the Comprehensive Plan of Fair Oaks Ranch.

P* - Permitted as part of a mixed-use development that contains both residential and nonresidential components within a single unified development. The residential component shall not exceed thirty (30) percent of the total area (square feet) of all land uses in the entire single unified development or lot as applicable. A single unified development shall be considered as the area, or lots shown on an approved concept plan. If no concept plan exists, then this maximum residential component percentage shall be calculated per lot. The total area of the land uses in a development calculation shall include the gross area inside all buildings, including all floors, and any outdoor areas associated with land uses (i.e. outdoor dining areas).

Refer to Section 6.7 for additional parking standards.

Section 4.10 Conditional Uses

(1) Retail Sales or Service with Drive Through Facility

Retail Service with drive through facility will be governed by design guidelines promulgated by the City or by a design UDC. Until such guidelines are adopted, an applicant will develop plans consistent with the comprehensive plan and submit them to the City for approval by the City Manager (or designee), with appeal to the Zoning Board of Adjustment.

(2) Alcohol Sales or Liquor Store

Alcohol Sales or Liquor Store is permitted in accordance with Table 4.2 and subject to the following standards:

- a. Alcohol sales shall be prohibited within 300 feet of a church, public or private school.
- b. Method of measurement. The measurement of the distance between the premises and a church, public or private school shall be from the property line of the church, public or private school to the property line of the place of business, and in a direct line across intersections.
- c. This section does not apply to any establishment that is licensed for the sale or consumption of alcoholic beverages at the time a church, public school or private school begins construction or occupancy of a building within 300 feet of the licensed establishment. Nor shall it apply to churches, public schools or private schools that are themselves licensed for the sale or consumption of alcoholic beverages.
- d. This section does not apply to on-premises consumption if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages; off-premise consumption if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler, distributor, brewer, distiller, rectifier, winery, wine bottler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code, as amended.
- e. Alcohol Sales or Liquor Store shall conform to all applicable regulations of the State of Texas, and the applicable County.

(3) Bed and Breakfast

A bed and breakfast establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. A maximum of five guest rooms may be provided in any one bed and breakfast establishment.
- b. No food preparation, except beverages, is allowed within individual guest rooms.
- c. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas, the applicable County, and the City of Fair Oaks Ranch.
- d. The operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.
- e. Bed and breakfast establishments in any residential district shall be subject to the following additional standards:
 - i. The operator of the bed and breakfast must be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.
 - ii. No exterior evidence of the bed and breakfast shall be allowed, except for one attached

sign which meets the requirements of Chapter 10, Signs. No additional outdoor advertising of any kind is allowed on site.

- iii. There must be adequate parking with one off-street space for every two (2) rooms. All parking areas on property (except driveways) shall be located behind the primary buildings front façade or must be screened from the view of adjacent residences to a height of six (6) feet by a solid masonry screening fence, or an opaque landscaping screen ~~dense shrubs and vegetation~~.

(4) Entertainment

Entertainment uses are permitted in accordance with Table 4.2 and subject to the following standards:

- a. Outdoor entertainment uses adjacent to a residential district shall not create or permit any unreasonably loud noise which disturbs or causes distress to those residents in the surrounding neighborhoods.
- b. A noise is presumed to be unreasonable if the noise exceeds a decibel level of 85 after the person
- c. making the noise receives notice from the magistrate or peace officer that the noise is a public nuisance.
- d. Entertainment uses that include regular outdoor activities (twice per month or more) involving live or recorded music within 300 feet of a residence; amplified speaking, music, or sound affects; motors operating at high revolution, or other activities considered by a reasonable person likely to create loud or obnoxious noises to the distress of other residents of the City, shall file a plan in writing with the City outlining what standards and procedures will be followed to prevent violation of Conditions a and b.

(5) Auto Vehicle Related Sales and Service Establishment

An Auto and Vehicle Related Sales and Service Establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. Fixed lighting shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street and be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the City of Fair Oaks Ranch lighting guidelines.
- b. Repairs shall be performed only within the principal building on the premises, unless it can be shown to the satisfaction of the City Manager that a separate building containing parts or accessories can achieve the intended aesthetic purpose of this Section.
- c. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from ground level.
- d. Outdoor display of vehicles shall be set back a minimum of fifty (50) feet from all lot lines abutting residentially zoned or developed property.
- e. Setback areas shall be configured to prevent access by vehicles.
- f. Open space along the perimeter of the required buffer yard shall be landscaped in accordance with City development regulations.
- g. Portable buildings on site are prohibited.
- h. All automotive parts shall be stored within an enclosed building, and there shall be no open storage

of dismantled vehicles visible at any point beyond the premises.

- i. All repair or service work requiring six or more consecutive hours (i.e. major repair) shall take place either within an enclosed structure or behind a suitable screening device (Reference section 7.7 Design Standards "Screening Standards").
- j. The bay doors to the garage shall not be oriented toward the public right-of-way.

(6) Warehouse/ Self-Storage

A self-storage establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district, and the site must follow the Camp Bullis Joint Land Use Study lighting guidelines and the lighting regulations of the City of Fair Oaks Ranch.

(7) Climate Controlled Self-Storage

A climate controlled self-storage establishment is permitted in accordance with Table 4.2 and subject to the following standards:

- a. No direct glare from any illumination on the site shall be visible from lots in any adjacent residential zoning district, and the site must be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the lighting regulations of the City of Fair Oaks Ranch.

(8) Utility Facilities

A utility facility is permitted in accordance with Table 4.2 and subject to the following standards:

- a. Such uses must be accompanied by an eight-foot-high solid screening fence (or alternate material approved in writing by the City Manager or designee) with a gate made of similar material and with landscaping in compliance with Chapter 9, Infrastructure and Public Improvements.
- b. The facility must be secured so as not to pose a threat to the health or safety of human life.
- c. Requirements for Wireless Transmission Facilities found in Chapter 11 are met.

(9) Childcare

- a. General. Day care use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. All day care facilities shall meet the minimum state requirements for such facilities and shall be registered with the State of Texas.
 - ii. Day care facilities are permitted subject to state regulations and the restrictions in this section.
 - iii. All child care facilities shall provide at least as much outdoor play area and indoor activity space per child as required by the state for licensed day care centers. All outdoor play areas shall be located behind front building lines and a 6 ft. tall opaque screen shall be provided to screen abutting property that is zoned residential at the time the child care facility is established.
- b. Registered Family Home Child Care. Registered family home child care use is permitted in accordance with Table 4.2 and subject to the following standards:
 - i. Number of children: A family home care facility shall provide regular care to no more

- than six (6) children under fourteen (14) years of age (as defined by State Regulations), excluding children who are related to the caretaker; may provide care after school hours for not more than six additional elementary school children; provided that the total number of children, including those related to the caretaker, shall not exceed twelve(12) at any given time.
- ii. Number of employees: A family home childcare facility may employ only residents of the premises, including all paid and unpaid care providers.
 - iii. Signs: Signage shall be in accordance with the regulations specified in Section 10.4 of this UDC and for the district in which the facility is located.
 - iv. Separation: Family home care facilities located in residential districts shall be separated from other child care facilities in that district by not less than six hundred (600) feet. Upon the recommendation of the Planning and Zoning Commission, the Council may grant exceptions to this rule upon finding that such exceptions do not contribute to the proliferation of child care facilities within a neighborhood.
- c. Listed Family Home Care. Listed family home child care use is permitted in accordance with Table 4.2 and subject to the following standards, except for permit holders receiving federal subsidies from the Texas Workforce Commission:
- i. Number of children: A listed, nonregistered family home child care, may provide care to up to three (3) children at a time. The list of children cannot exceed (twelve) 12 children including unrelated and related children scheduled to be cared for. Each child must be cared for a minimum of 4 hours a day, three or more days in a week, for three or more consecutive weeks, in the primary caregiver's home.
 - ii. Number of employees: Must meet the Texas Workforce Commission requirements.
 - iii. Signs: Signage shall be in accordance with the regulations specified in Section 10.4 of this UDC and for the district in which the facility is located.
 - iv. Separation: Family home care facilities located in residential districts shall be separated from other child care facilities in that district by not less than six hundred (600) feet. Upon the recommendation of the Planning and Zoning Commission, the Council may grant exceptions to this rule upon finding that such exceptions do not contribute to the proliferation of child care facilities within a neighborhood.
- d. Group Day Care Home. Group day care home use is permitted in accordance with Table 4.2 and subject to the following standards:
- i. Number of Children: A group day care home shall provide regular care for seven to twelve (7-12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.
 - ii. Separation: Group Day Care home care cannot be located in residentially zoned areas.
 - iii. Number of Employees: A maximum of two (2) non-resident employees may work at group day care home.
 - iv. Signs: Signage shall be in accordance with the regulations for the district where the facility is located.
- e. Day Care Center. Day care center use is permitted in accordance with Table 4.2 and subject to the following standards:
- i. Number of children: A day care center shall provide regular care to children under fourteen (14) years of age for less than twenty-four (24) hours a day.
 - ii. Separation: Day Care Centers cannot be located in residentially zoned areas.
 - iii. Off-street parking and loading: Loading zones must be off-street, drive-through and paved to a minimum width of ten (10) feet and a maximum width of twenty (20)

feet. Loading zones shall have a holding capacity of one vehicle per five hundred (500) square feet of the facility, exclusive of parking spaces, provided that no facility shall be required to have a loading zone with a capacity in excess of six (6) spaces.

(10) Senior ~~Older~~ Adult Group Home Care

- a. Number of Residents: A Senior Adult Group Home Care shall provide regular live-in care for two to four (2-4) adults that are 55+ in age and must meet the Housing for Older Persons Act (HOPA) law criteria as described in "subsection 16." below.
- b. Separation: Senior Adult Group Home care facilities located in residential districts shall be separated from other Senior Adult Group Home care facilities in that district by not less than six hundred (600) feet. Upon the recommendation of the Planning and Zoning Commission, the Council may grant exceptions to this rule upon finding that such exceptions do not contribute to the proliferation of facilities within a neighborhood.
- c. Number of Employees: A maximum of two (2) non-resident employees may work at Senior Adult Group Home Care home.
- d. Signs: Signage shall be in accordance with the regulations for the district where the facility is located.

(11) Community Home or Group Home

- a. For the limitation of six or fewer clients, this means six or fewer clients and two authorized supervisory personnel.
- b. A community home or group home must be at least 2,000 feet from other halfway house or inpatient substance abuse treatment facility, measured property line to property line.
- c. A community home or group home must be at least 750 feet from any community home or group home, notwithstanding any additional distance restrictions of Federal, State or local law for moderate and high risk (level 2 and 3) and civil commitment sex offenders, measured property line to property line.
- d. The appearance and residential character of the structure cannot be altered, either through use of colors, materials, construction (excepting provisions for the physically handicapped) and lighting; the emission of sound, noise, vibration and electromagnetic interference; or outdoor storage of any kind.
- e. Signs identifying the property as a community home or group home are prohibited in residential zoning districts.
- f. Vehicles used primarily for the community home or group home (for instance, vans displaying an institution name) must be stored where they cannot be seen from the public right-of-way or adjacent properties when located in a residential zoning district.
- g. Any single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, the following square footage in each bedroom:
 - i. To house one person per bedroom, the dwelling unit must provide one hundred (100) square feet of space per bedroom utilized for this purpose.
 - ii. To house two or more persons per bedroom, the dwelling unit must provide at least eighty (80) square feet of space per person housed in the bedroom utilized for this purpose. For example, two people would require a one hundred sixty (160) square foot room.
- h. A single-family dwelling unit to be utilized for a community home or group home shall provide as a minimum, one parking space for each bedroom parking, including the

spaces provided by the garage but not including the parking on public right of way adjacent to the home.

(12) Manufactured Housing

- a. Mobile Homes may not be installed.
- b. HUD-Code Manufactured Homes may be installed.
- c. No more than four units may be installed on a single lot.

(13) Funeral Homes

- a. Users seeking a Conditional Use Permit shall file a written plan with the City demonstrating how operations will not adversely impact residential uses within 1000 feet.
- b. All funeral homes must be properly licensed by the Texas Funeral Service Commission.

(14) Single Family Residential Attached/Duplex/Patio Home

- a. Permitted only on Lots that have current or previous use within the past 365 consecutive days as a single-family attached residential dwelling; or,
- b. Where applicant can demonstrate that the total density of dwelling units within a proposed development is equal to or less than the average density of the zoning district. For the purposes of this Condition, a "development" includes the total number of dwelling units proposed or accounted for in a development agreement, a master drainage plan, or another type of master plan approved by the City. If two or more such plans exist for the property in question, the one with higher total number of dwelling units controls.

(15) Park Maintenance Facilities

Park maintenance facilities are permitted by right in all zoning districts provided that the following conditional use standards are met:

- i. Permitted only on lots that have current or previous use (within the past 12 months) as a Park maintenance Facility; or
- ii. City approval of a written plan from the user demonstrating how the operations will not adversely impact residential uses within 1,000 feet.

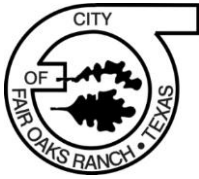
(16) 55 + Older Community

- a. According to the Housing for Older Persons Act (HOPA), each of the 3 criteria below must be met:
 - i. 80% of the units/homes must have at least one (1) resident aged 55 or older (80/20 rule).
 - ii. The community has to create, publish, and follow policies that show its intent to house residents age 55 and older.
 - iii. The community must follow HUD's age verification rules. This can mean enacting procedures to verify a resident's age.
- b. A larger scale retirement community would need a PUD or Master Plan to review parking spaces, density, services, amenities, and location of buildings on the lot.

Section 6.7 Parking Standards

Table 6.2 Parking Requirements

Minimum Off-Street Vehicular Parking Requirement		Additional Criteria
Commercial/Office/ Retail uses	1 space per 300 sq.ft. of usable building area	1. Landscaping within surface parking lots shall meet standards in Section 6.6. 2. A shared parking plan or alternative parking plan
Restaurant uses	1 space per 200 sq.ft. of usable building area	
Restaurant uses	1.5 spaces per each dwelling unit	
Lodging—Hotel/ Motel/ B&B type uses	.75 space per guest room; all other areas, such as conference space shall be parked at 1 space per 300 sq.ft. of usable building area.	may be approved by the City Manager (or designee) 3. On-street parking located along any public street shall not count towards the required off-street parking unless improved and built according to approved cross sections.
Light manufacturing/ Warehouse/ Logistics types uses	1 space per 500 sq.ft. of usable building area	
Civic/ Places of Worship type uses	1 space per 200 sq.ft. of usable building area	
Minimum Bicycle Parking Requirement		
Mixed-use/ Multifamily/ Commercial/Office/ Retail uses	5% of all provided automobile spaces (minimum 2 spaces)	Bicycle Parking shall conform to standards in Section 6.7 (14).



PLANNING & ZONING COMMISSION WORKSHOP

CITY OF FAIR OAKS RANCH, TEXAS

AGENDA TOPIC: Planning and Zoning Training

DATE: April 10, 2025

PRESENTED BY: Amanda Padilla, Principal Planner, Denton Navarro Rodriguez Bernal
Santee & Zech P.C.

INTRODUCTION/BACKGROUND:

The Planning & Zoning Commission plays a critical role in shaping the long-term development and character of the city. As stewards of responsible land use and community planning, it is essential that commissioners remain informed and equipped with current best practices, legal requirements, and emerging trends in urban planning and zoning regulations.

Periodic training ensures that all members:

- Maintain a consistent and accurate understanding of applicable state laws, local ordinances, and ethical responsibilities;
- Stay informed about changes in legislation, case law, and development standards that may affect decision-making;
- Enhance their ability to evaluate proposals fairly and effectively while considering the long-term goals of the city's comprehensive plan;
- Contribute to more transparent, defensible, and equitable outcomes for applicants and residents alike.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

Well-trained commissioners provide recommendations that are legally sound, transparent, and in alignment with the city's vision for responsible growth. Regular training leads to more thoughtful development, fair and consistent decision-making, and improved public engagement.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

N/A

P&Z Training

City of Fair Oaks Ranch

Presented By:

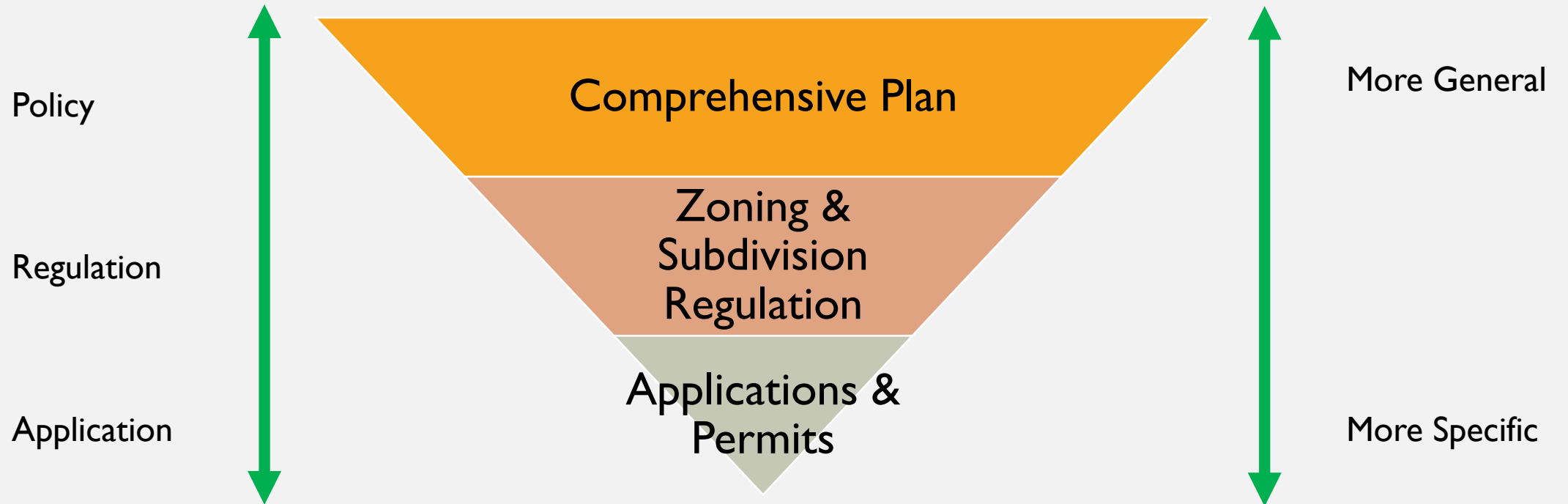
Denton, Navarro, Rodriguez, Bernal, Santee & Zech P.C.

Amanda Padilla, Principal Planner

TOOLS OF THE TRADE

- Most of the city's development policies and regulations are contained in:
 - Comprehensive Plan
 - Subdivision Regulations
 - Zoning Regulations

RELATIONSHIP OF POLICY, REGULATION, APPLICATION



COMPREHENSIVE PLANS

- A Comprehensive Plan is a policy document that serves as a guide for decisions relating to the physical, social, and economic growth of the city.
- Comprehensive Plans come in all shapes and sizes and should be designed to meet the city's needs.
- If a city adopts a Comprehensive Plan, it must be followed when making zoning decisions. LGC § 211.004(a)





COMMON ELEMENTS

- The BEST comprehensive plan is one that is used.
- Elements vary greatly but generally include:
 - Community vision
 - Goals and policies
 - Future land use
 - Transportation
 - Public facilities
 - Parks and recreation
 - Community enhancement
 - Growth
 - Plan implementation

SUCCESSFUL COMPREHENSIVE PLANNING

- Represents the aggregation of the Community's input.
- Organized in a useable format and easy to understand
- Contains long range community vision but maintains flexibility for short and mid-range goals.
- Structured as to be easily updated incrementally.
- Implementation of the plan is feasible and actionable.

WHAT IS ZONING AND WHY DO WE NEED IT?

- Zoning is the division of land into distinct districts and the regulation of certain uses and developments within those districts.
- It is the process to legally control the use that may be made of property and the physical configuration of development
- The power of a municipality to establish zones is a police power and the adoption or amendment of a zoning ordinance is a legislative function.

WHAT IS THE PUBLIC PURPOSE?

Lessen congestion in the streets

Secure safety from fire, panic, dangers

Promote health & general welfare

Provide adequate light & air

Prevent overcrowding of land

Avoid undue concentration of population

Facilitate adequate provision of transportation, water, sewer, schools, parks, etc.

COMMON REGULATED ELEMENTS

Height, number of stories, and size of buildings and other structures;

Percentage of a lot that may be occupied;

Size of yards, courts, and other open spaces;

Population density;

The location and use of buildings, other structures, and land for business, industrial, residential, etc.;

The bulk of buildings (if home rule)

Construction in areas of historical, cultural, or architectural importance;

Zoning Applications

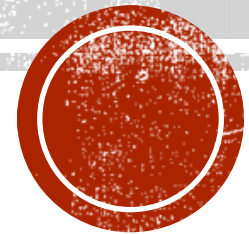
The following are types of zoning applications:

- Initial Zoning regulations & zoning regulation amendments
- Zone Change (rezoning)
- Conditional Use Permits / Specific Use Permits (CUP / SUP)
- Zoning Variances
- Appeals to Administration Determinations
- Special Exceptions
- Planned Development Districts (PDD / PUD)



Questions?

BASICS OF SUBDIVISION & PLATTING



What is a subdivision of land?

- The division of land into 2 or more parts

What is a plat?

- A map representing a tract of land showing the boundaries and location of individual lots, public right-of-way, and easements
- Typically prepared by a surveyor and engineer
- Recorded with the County Clerk after approval

SUBDIVISIONS AND PLATS



WHAT PLATS DO...

- Create legal subdivisions and lots (LGC 212.004)*
- Extension of required utilities
- Dedication of right-of-way and street improvements
- Dedication of public easements (i.e. utility easements)
- Dedication and improvement of public parkland

WHEN ARE PLATS REQUIRED?

- Subdivide land into 2 or more parts (LGC 212.004)*
- Modifications or changes to previously platted land, such as:
 - Reconfigurations of lots
 - Resubdivision of lots
 - Combining lots
 - Additions of land
- Prerequisite for building permits (local regulation)

*A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, does not require a plat to subdivide.



CITY LIMITS AND ETJ

- A city can regulate platting:
 - Within the City Limits
 - Within the ETJ
 - Requires an Interlocal Agreement with the County (LGC 242)

TYPES OF SUBDIVISION PLATS

Preliminary/Final Plats

Administrative Plats

- Minor Plats (4 or fewer lots; no new utilities needed)
- Amending Plats (corrections, lot line adjustments, limited replats)

Replats (creating new lots, adding land)

Vacating Plats

Development Plats (if City has adopted LGC Ch. 212, subchapter B)

STANDARDS FOR APPROVAL

- Plat approval is not discretionary. A plat **MUST** be approved if:
 - It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities; **AND**
 - the extension of the municipality and its roads, streets, and public highways within the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; **AND**
 - It conforms to the city's subdivision regulations.
- A plat is considered **APPROVED** by act of law unless it is denied within 30 days after the date the plat application is filed!



CONDITIONAL APPROVAL & DENIAL

- Conditional approval and denial.

If the City conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

- Applicant response to conditional approval or denial.

After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. Action shall be taken by the City no later than the fifteenth (15th) calendar day after the date the response was submitted.

- City cannot place a deadline on resubmitting against conditional approval or denial.

PLATTING REGULATIONS

Primary areas that the plat approval process addresses are:

- Procedures for application and approval;
- Lot and block layout, subdivision design;
- Streets, roadways, and access;
- Water, sewer, drainage, electricity and other utilities; and
- Public dedications necessary to support the perpetual operation and maintenance of all of these.

Additional subdivision and platting regulations can include matters such as:

- Tree preservation and mitigation;
- Lighting regulations;
- Parkland dedication;
- Storm water detention;
- Water quality compliance; and
- Infrastructure design and acceptance requirements.



ADDITIONAL ASSOCIATED PLATTING REGULATIONS

- In addition to platting specific regulations, most communities require plats to comply with additional adopted regulations and plans such as:
 - Zoning regulations
 - Lot sizes and dimensions
 - Comprehensive Plan
 - Master Throughfare Plan
 - Parks and Trails Plan
 - Floodplain regulations

APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

(LGC § 212.904)

If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

HELPFUL RECOMMENDATIONS

- ✓ Maintain and update the City's subdivision regulations
- ✓ Adopt a plat submittal (and resubmittal) calendar
- ✓ Adopt applications and technical item checklists to aid in preparation and review of technical exhibits
- ✓ Streamline approval processes



QUESTIONS?



Planning & Zoning Commission

ROLES & RESPONSIBILITIES

Planning

PLANNING + ZONING COMMISSION = P&Z

- A planning commission may serve as the zoning commission, if no commission is appointed city council performs functions of zoning commission
- Zoning procedures must be followed or else zoning ordinances are void
- City Council establishes regulations and procedures for adopting and enforcing regulations and boundaries.
- Zoning Commission conducts land-use inventories, determines preliminary land-use goals and policies, formulates specific district regulations, and draws tentative district boundary lines.
- Zoning regulations must be uniform for each class or kind of building in a district but may vary from district to district.

P&Z Duties (UDC)

The planning and zoning commission shall have the power and it shall be its duty:

- Members shall be familiar with the current ordinances, resolutions and policies of the City.
- The Commission's authority extends to and includes review and recommendation of the following:
 - i. General Development Plans and Concept Plans
 - ii. Preliminary & Final Plats (including Amending, Development, and Replats)
 - iv. Site Development Permits
 - v. Development Agreements
 - vii. Historic Building Designations
 - viii. Heritage Plans
 - x. Conservation Development Alternatives (CDA)
 - xi. Comprehensive Plan or Future Land Use Map Amendments
 - xii. Zoning Map Amendments (Rezoning), Special Use Permits, and Planned Unit Developments (PUDs)
 - xiii. Unified Development Code (Code) Text Amendments
 - xiv. Any other specific procedure or items that require Commission action as specified in this Code or as required by state or federal law.

P&Z Duties (continued)

- The Commission serves as an Advisory Body to the City Council and will have no authority for final action.
- Per the UDC, An application or variance will not be recommended for review and approval until:
 - The application is complete, and the information contained within the application is sufficient and correct to allow adequate review and a decision on a recommendation by the appropriate review authority.
 - No plat will be recommended without a determination that the plat conforms to the following:
 - 1) The requirements of this Code and any applicable state law.
 - 2) The City's Comprehensive Plan and any other adopted plans as they relate to:
 - I. The City's current and future land use, streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
 - II. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
 - III. Any subdivision design and improvement standards adopted by the City pursuant to LGC §212.002 or §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.
- The tract of land subject to the application is adequately served by public improvements and infrastructure or will be adequately served upon completion of required improvements.

Zoning

Zoning Procedure Initial Zoning

- Regulations shall be adopted with reasonable consideration for the character of each district and its suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.
- A Preliminary Report is formulated based on the above determinations
- City Council holds public hearing on proposed regulations and district boundaries.
- City Council adopts zoning regulations and district boundaries.

Zoning Procedure Amendments

LCG §§ 211.006 & .007

Two Potential Changes to a zoning ordinance

- Change in Classification (Use)
- Change in Regulation

Each require a separate process

Zoning Classification Change Process

Public hearings are held to receive input from the public

Zoning Commission

11 days before hearing, written notice to owners within 200 feet

Post agenda 72 hours prior to hearing

Recommendation and report created from P&Z

City Council

Newspaper notice 16 days prior to hearing

Post agenda 72 hours prior to hearing

City Council receives Preliminary Report

City Council adopts zoning classification change

Zoning Regulatory Change Process

Public hearings are held to receive input from the public

Zoning Commission

11 days before hearing, written notice to affected properties and owners within 200 feet may be required*

Post agenda 72 hours prior to hearing

Preliminary Report created from PH

City Council

Newspaper notice 16 days prior to hearing

Post agenda 72 hours prior to hearing

City Council receives Preliminary Report

City Council adopts zoning classification change

Zoning Amendments

LCG §§ 211.006 & .007

A final report must be provided to the City Council before final action on a zoning classification change

Written protest by 20% of lots or area of land covered or within 200 feet requires a 3/4 vote of all members of the city council

Council requires $\frac{3}{4}$ vote of all members to overrule a recommended denial by the Planning & Zoning Commission (UDC requirement and allowed per state law)

Special Use Permits (SUP)

- Special use permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in the Code of Ordinances.
- Which land uses require SUPs is identified in the zoning regulations
- Notice is the same as for a zoning classification change
- Processing procedure is the same as a zoning classification change
- Conditions. City Council may require such modifications in the proposed use and attach such conditions to the conditional use permit as deemed necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance.
- Examples of conditions and modifications may include but are not limited to:
 - limitation of building size or height
 - increased open space
 - additional landscaping, curbing, sidewalk, vehicular access and parking improvements
 - buffer yards, landscaping and screening

What's the big deal with a comprehensive plan?

If a city adopts a comprehensive plan, it must be followed when making zoning decisions. LGC § 211.004(a)



Zoning Pitfalls

Exclusionary Zoning

- Where the intent or effect of zoning excludes certain people such as racial minorities, ethnic groups, lower income, etc.

Contract Zoning

Spot Zoning



Questions?

P&Z vs. BOA vs. City Council

- P&Z
 - Appointed by City Council and serves at the pleasure of City Council
 - Recommending body for development related applications and tasks
- BOA
 - Appointed by City Council and may only be removed for cause
 - Quasi judicial body
 - Deals with issues on a parcel by parcel basis
- City Council
 - Elected by the community
 - Decision makers

THE BIG MYTHS!

More Regulation = Better Results

Increased design standards creates “high quality development”

City codes are the only thing regulating development

If we allow this everyone will do it

Our community will never change!



DECISION MAKING:

- Be Respectful
 - Recognize the rights of citizens to participate in planning decisions and listen and consider their comments.
- Be Thoughtful
 - Always remember that every decision you make has an impact on someone.
- Be Compassionate
 - Every decision you make is important to someone.
- Be Realistic
 - Consider both the short term and long term impacts as well as the interconnectedness of the decision.
- Be Informed
 - Stay up to date on the city's comprehensive plan, policies, and regulations.
- Be Fair
 - Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

THE CONTINUUM

- Almost every decision made regarding planning and zoning policies has people strongly in support and strongly opposed.
- Your job is to determine where the community as a whole should be on the regulatory spectrum and act appropriately.

Where should your community be?



THOUGHT COOKIES FOR A HUNGRY BRAIN

Development regulations should focus on those elements that are most important to your community. There is no need to regulate everything.

Regulations promoting incremental development are good. Your community was (probably) not built overnight, but instead slowly developed and added onto over the years.

Approach development holistically. Each regulation or individual development is only a small piece of the complex development puzzle.

Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons.



Questions?