



## CITY OF FAIR OAKS RANCH

# PLANNING AND ZONING COMMISSION MEETING

Thursday, August 10, 2023 at 6:30 PM

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

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## AGENDA

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### 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 May 11, 2023 Planning and Zoning Commission Regular Meeting Minutes.  
Christina Picioccio, TRMC, City Secretary
5. Approval of the June 6, 2023 Planning and Zoning Commission Special Meeting Minutes.  
Christina Picioccio, TRMC, City Secretary
6. Approval of the July 13, 2023 Planning and Zoning Commission Regular Meeting Minutes.  
Christina Picioccio, TRMC, City Secretary

### WORKSHOP

7. The Planning & Zoning Commission of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the following chapters in the Unified Development Code (UDC):  
Chapter 4: Zoning Districts and Use Regulations  
Chapter 5: Subdivision Design Standards
  - a) P&Z Chairperson opens the public hearing
  - b) Staff/consultant presentation of the proposed amendments to Chapters 1-3 of the UDC
  - c) P&Z Commission receives citizen testimony for/against the proposed amendments
  - d) P&Z Chairperson closes public comments
  - e) P&Z Commission discusses the amendments, inclusive of questions of the staff/consultant
  - f) Public Hearing is adjourned with no formal action

Grant Watanabe, P.E., Director of Public Works & Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

**CONSIDERATION / DISCUSSION ITEMS**

- 8. Consideration and possible action recommending the approval of the proposed amendments to the Unified Development Code (UDC) Chapters 4-5 and authorizing advancement to the City Council.

Grant Watanabe, P.E., Director of Public Works & Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

**ADJOURNMENT**

*Request for P&Z commission topic needing information/research*

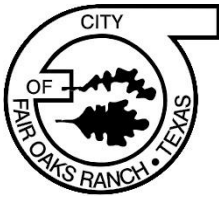
**Signature of Agenda Approval:** s/Carole Vanzant

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](http://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, August 7, 2023, and remained so posted continuously for at least 72 hours before said meeting was convened.

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, May 11, 2023, at 6:30 PM

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

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## MINUTES

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### OPEN MEETING

1. Roll Call - Declaration of a Quorum

Present: Chairperson Bobbe Barnes and Vice-Chairperson David Horwath  
Commissioners: Dale Pearson, and Lamberto "Bobby" Balli

Absent: Commissioner: Marty Bryant, Linda Tom, and Burney Martin

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

2. Pledge of Allegiance – The Pledge of Allegiance was led by Dale Pearson.

### CITIZENS and GUEST FORUM

3. Citizens to be heard – None.

### CONSENT AGENDA

4. **Approval of the April 13, 2023 Planning and Zoning Commission Regular Meeting Minutes.**

MOTION: Made by Vice Chair Horwath, seconded by Commissioner Balli, to approve the Consent Agenda.

VOTE: 4-0, Motion Passed.

*P&Z Chair, Bobbe Barnes, requested to consider items (6 & 7) before the workshop.*

### CONSIDERATION / DISCUSSION ITEMS

6. **Consideration and possible action recommending the approval of a Final Plat request from Green Land Ventures Ltd., for Stone Creek Ranch Unit 2C, a 65.894-acre tract zoned Existing Residential 2 (R2), proposing 53 single-family residential lots, generally located north-west of the intersection of Rolling Acres Trail and Ammann Road, City of Fair Oaks Ranch, Texas.**

MOTION: Made by Commissioner Balli, seconded by Commissioner Pearson, to recommend approval of the Final Plat of Stone Creek Ranch Unit 2C with the following conditions.

1. If the drainage easement on the north-east of the subject parcel is a part of the plat area, correct the easement boundary line type (use solid line) to match the rest of the property line.

- 2. Add a signature block for the lien holder that is indicated in the report or provide a lienholder acknowledgement. Lienholder acknowledgement will need to be filed in the property records along with the plat.
- 3. Include a note that the responsibility to maintain the drainage reserve be the responsibility of the HOA.

VOTE: 4-0, Motion Passed.

**REPORTS**

**7. Withdrawal of Heritage Tree Plan and Preliminary Plat for Botanica Fair Oaks.**

Grant Watanabe, P.E., Director of Public Works & Engineering Services, reported to the Commission that the Heritage Tree Plan and Preliminary Plat for Botanica Fair Oaks have been withdrawn by the applicant.

**WORKSHOP**

**5. Identification and prioritization of topics regarding proposed amendments to the City of Fair Oaks Ranch Unified Development Code.**

Grant Watanabe, P.E., Director of Public Works & Engineering Services and Bobbe Barnes, Chairperson, Planning & Zoning Commission, led a workshop to identify and prioritize topics regarding the proposed amendments to the City of Fair Oaks Ranch Unified Development Code for advancement to the City Council.

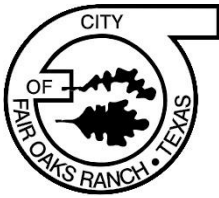
**ADJOURNMENT**

Chairperson Barnes adjourned the meeting at 8:09 PM.

ATTEST:

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Bobbe Barnes, Chairperson

\_\_\_\_\_  
Christina Picioccio, TRMC  
City Secretary



**CITY OF FAIR OAKS RANCH**

**PLANNING AND ZONING COMMISSION SPECIAL MEETING**

Thursday, June 6, 2023, at 6:30 PM

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

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**MINUTES**

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**OPEN MEETING**

1. Roll Call - Declaration of a Quorum

Present: Chairperson Bobbe Barnes and Vice-Chairperson David Horwath  
Commissioners: Burney Martin, Dale Pearson, and Lamberto "Bobby" Balli

Absent: Commissioners: Linda Tom and Marty Bryant

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

2. Pledge of Allegiance – The Pledge of Allegiance was led by Commissioner Burney Martin.

**CITIZENS and GUEST FORUM**

3. Citizens to be heard – None.

**CONSIDERATION / DISCUSSION ITEMS**

4. **Consideration and possible action recommending approval of proposed amendments to the Unified Development Code, specifically those related to Topic #1 Administration, and authorizing its presentation to City Council.**

MOTION: Made by Commissioner Balli, seconded by Vice Chairperson Horwath, to approve the UDC version revised June 6, 2023, for the administrative sections provided pending any revisions made by Legal Counsel regarding legislative changes pertinent to the 2023 legislative sessions.

VOTE: 5-0, Motion Passed.

**ADJOURNMENT**

Chairperson Barnes adjourned the meeting at 7:04 PM.

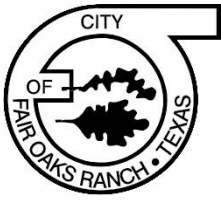
ATTEST:

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Bobbe Barnes, Chairperson

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Christina Picioccio, TRMC  
City Secretary



## CITY OF FAIR OAKS RANCH

# PLANNING AND ZONING COMMISSION MEETING

Thursday, July 13, 2023, at 6:30 PM

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

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## MINUTES

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### OPEN MEETING

1. Roll Call - Declaration of a Quorum

Present: Chairperson Bobbe Barnes and Vice-Chairperson David Horwath  
Commissioners: Linda Tom, Dale Pearson, and Lamberto "Bobby" Balli

Absent: Commissioner: Marty Bryant and Burney Martin

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

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

### CITIZENS and GUEST FORUM

3. Citizens to be heard – None.

### PUBLIC HEARING

4. **The Planning & Zoning Commission of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the following chapters in the Unified Development Code (UDC):**

**Chapter 1: General Provisions**

**Chapter 2: Review Authority and Procedures**

**Chapter 3: Applications and Permits**

- a) P&Z Chairperson, Bobbe Barnes, opened the public hearing at 6:32 PM.
- b) Consultant, Lata Krishnarao, provided a presentation of the proposed amendments to Chapters 1-3 of the UDC.
- c) P&Z Commission received no citizen testimony for/against the proposed amendments – N/A.
- d) P&Z Chairperson closed public comments at 6:51 PM.
- e) The P&Z Commission discussed the amendments, inclusive of questions of the staff/consultant.
- f) The Public Hearing was adjourned with no formal action at 6:58 PM.

**CONSIDERATION / DISCUSSION ITEMS**

- 5. **Consideration and possible action recommending the approval of the proposed amendments to the Unified Development Code (UDC) Chapters 1-3 and authorizing advancement to the City Council.**

MOTION: Made by Commissioner Balli, seconded by Vice Chairperson Horwath, to recommend approval of the proposed Unified Development Code amendments to Chapters 1-3 and authorize advancement to the City Council.

VOTE: 5-0, Motion Passed.

- 6. **Review proposed amendments to the Unified Development Code (UDC) which includes the following:**

- Chapter 4: Zoning Districts and Use Regulations**

- Chapter 5: Subdivision Design Standards**

Consultant, Lata Krishnarao, provided a presentation to the Commission reviewing the proposed amendments to the Unified Development Code (UDC), Chapters 4 and 5. Resident, Wes Pieper, commented on several typos and miscalculations in these chapters and provided comments to the City Secretary for distribution to the commissioners. The P&Z Commission will hold a public hearing regarding these chapters at their regular meeting on August 10, 2023 after which the Commission will vote to recommend approval by the City Council. The City Council will hold a separate public hearing during their September 7, 2023 regular meeting, after which they will take action on the first reading of an ordinance amending Chapters 4 and 5 of the UDC. The second reading and final adoption of the Ordinance is scheduled to be considered at their September 7, 2023 regular meeting.

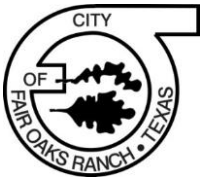
**ADJOURNMENT**

Chairperson Barnes adjourned the meeting at 7:34 PM.

ATTEST:

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 Bobbe Barnes, Chairperson

\_\_\_\_\_  
 Christina Picioccio, TRMC  
 City Secretary



**PLANNING & ZONING COMMISSION PUBLIC HEARING**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**August 10, 2023**

**AGENDA TOPIC:** The Planning & Zoning Commission of the City of Fair Oaks Ranch, Texas will conduct a public hearing to receive public testimony on proposed amendments to the following chapters in the Unified Development Code (UDC):

Chapter 4: Zoning Districts and Use Regulations

Chapter 5: Subdivision Design Standards

**MEETING DATE:** August 10, 2023

**DEPARTMENT:** Public Works and Engineering Services

**PRESENTED BY:** Grant Watanabe, P.E., Director of Public Works & Engineering Services  
Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

**BACKGROUND:**

During the past two years, the Planning and Zoning Commission (P&Z) worked with city staff and planning consultant Ardurra on creating amendments to the Unified Development Code (UDC). The process consisted of the following steps:

1. A series of five work sessions were held to discuss the diagnostic findings of the current UDC and to gather the P&Z Commission’s input on the issues identified. Staff also provided input and recommendations. Additionally, the consultant’s experience in utilizing the UDC to undertake review of planning applications assisted in identifying areas of improvement.
2. Implementation steps were identified that included text amendments, incorporation of additional guidelines, and topics for further research and discussion.
3. The P&Z Commission was provided with a complete redlined version and a clean version of the proposed text amendments, and the city consultant presented a broad review of the changes.
4. The P&Z Commission determined a chapter-by-chapter review would be beneficial to understand the amendments and a series of work sessions were held to complete this new review process.
5. After the completion of this review, a final redline version and clean version of the UDC was produced and presented to the P&Z Commission.
6. At the P&Z Commission’s March 9, 2023 meeting, the Commissioners recommended approval of the amendments to the City Council.
7. Subsequently, as directed by the City Council at their meeting of April 20, 2023, the proposed amendments were broken down into topics by the P&Z Commission. The City Council approved the topics on May 18, 2023.



8. At the P&Z Commission’s July 13, 2023 regular meeting, the Commissioners held a public hearing on Chapter 1-3 and subsequently approved advancement to the City Council.

**PUBLIC HEARING:**

The purpose of this public hearing is to receive public input regarding the changes pertaining to amendments in the following chapters:

- 1. Chapter 4: Zoning Districts and Use Regulations
- 2. Chapter 5: Subdivision Design Standards

The attachments include a Change Summary Report and redlined and clean versions of the chapters listed above.

**FUTURE STEPS:**

The City Council will hold a public hearing at their regular September 7, 2023 meeting. At the conclusion of the public hearing, City Council will consider and take possible action on the first reading of an amending ordinance.

**LEGAL ANALYSIS:**

Legal has attended all P&Z Commission meetings, provided necessary guidance, and reviewed the UDC amendments.

**RECOMMENDATION/PROPOSED MOTION:**

Conduct the Public Hearing only. Action on these proposed amendments will be addressed under the agenda section titled “CONSIDERATION / DISCUSSION ITEMS”.

Rev. 7/20/23			
Fair Oaks Ranch Proposed UDC Amendments - Summary of Significant Changes Chapter 4			
Topic # 2 - Zoning			
	Sections of the Current UDC (2019)	Proposed Change This list reflects the changes made to the UDC adopted in 2019	Reason
1	Section 4.6 (1)	Replaced "or an average of 3.75 acres" in Section 4.6 (1) a with "or 1.75 acre" Replaced "or an average of .75 acres" in Section 4.6 (b) a with "or .5 acre"	Currently, there is no minimum lot size and the existing blended average calculation is complicated and confusing.
2	Section 4.6 (1)	Removed - "Local Connector Streets" from Section 4.6 (1) b Neighborhood Residential District (NR).	To address safety issues and prevent homes in new subdivisions from directly accessing collectors.
3	Section 4.6 (2)	MU District setback along Primary Frontage: added 25' min.- 30' max. setback along IH 10.	P & Z and developer input - added a wider setback for properties along IH-10.
4	Section 4.6 (2)	NC District setbacks for Primary Frontage Changed 10' min. setback – 20' max. setback to 50' min. setback along Arterial; Changed 10' min. setback – 20' max. setback to 30' along other streets; No max. setback for both categories	P & Z and developer input - increased setbacks for Hill Country aesthetics.
5	Section 4.6 (2)	CF District - Moved relevant sentences from Chapter 6 that described the zoning district. Setbacks for Primary Frontage Changed 20' min. – 50' max. setback to 50' min. along Arterial; Changed 20' min. – 50' max. setback to 30' along other streets; No max. setback for both categories  Changed min. setback along Secondary Frontage from 20' to 10'.	P & Z and developer input - increased setbacks for Hill Country aesthetics.
6	Table 4.2	Added that the maximum percentage of residential component in mixed use development is 30%. Added certain uses that were missing for commercial districts.	Addressed the conflict between Comprehensive Plan and UDC. Additionally the matrix did not reflect the intent and purpose of this zone as written in the UDC.
7	Table 4.2	Commercial Stables/Boarding Use Community Facilities - Changed to not permitted from permitted with Special Use Permit. Logistics - Changed to permitted by right from permitted with Special Use Permit. Residential Districts - Changed to not permitted from permitted with special Use Permit	To protect the residential neighborhoods from the impact of commercial uses since this use is commercial in nature.
8	Section 4.10 (1)	4.9 (1) in the clean version  Removed - "...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."  Added sub sections a-c.	Removed conflicting language. Added locational requirement for drive through facilities to protect residential and added references to applicable regulations in Chapter 6.
9	Section 4.14	4.13 in the clean version  Rewritten by legal for conformance with recent changes to the state law.	Legal input - modified to ensure consistency with the recent changes in the state law.

Chapter 4 Zoning Districts And Use Regulations ..... ~~61~~ 56

Section 4.1 Purpose and Intent ..... ~~61~~ 56

Section 4.2 Permits, Projects, and Vested Rights ..... ~~61~~ 56

Section 4.3 Official Zoning Map..... ~~63~~ 58

Section 4.4 Rezoning..... ~~64~~ 59

Section 4.5 Lot Standards and Zoning ..... ~~65~~ 60

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~~Section 4.8 Conservation Development Alternative ..... 68~~

Section 4.~~89~~ Permitted Uses..... ~~68~~ 80

Section 4.~~910~~ Conditional Uses ..... ~~72~~ 89

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Section 4.1~~43~~ Nonconforming Uses ..... ~~82~~ 98

Page numbering will be finalized after the content changes and page formatting are completed. Deletions and additions affect the numbering.

July 20, August 02, 2023

## CHAPTER 4 ZONING DISTRICTS AND USE REGULATIONS

### Section 4.1 Purpose and Intent

The purpose of this Chapter is to establish zoning districts and allowable uses within the City Limits of Fair Oaks Ranch, as well as procedures for special and temporary uses within each district. The zoning regulations herein established have been designed in accordance with the planning principles and land use patterns outlined within the City of Fair Oaks Ranch's Comprehensive Plan for the purpose of promoting health, safety, and the general welfare of the public.

### Section 4.2 Permits, Projects, and Vested Rights

#### (1) Permit applications - expiration

Notwithstanding any other provision of this code, all permit applications shall expire as stated herein, and any approved permit or authority to construct, build or execute any project pursuant to a permit or series of permits shall expire as follows:

- a. A permit application or plan for development, filed on or after April 27, 2005, shall expire on the 45th day after said application or plan is filed, unless approved, if:
  - i. The applicant fails to provide documents or other information necessary to comply with the city's technical requirements relating to the form and content of the application;
  - ii. The city provides written notice to the applicant of the failure not later than the 10th business day after the date the application is filed specifying the necessary documents or other information and the date the application will expire if the documents or other information are not provided; and
  - iii. The applicant fails to provide the specified documents or other information within the time provided in the notice.
- b. ~~The City Manager or designee~~ ~~director~~ may, but is not required, to extend the time only for issuance of a building permit to erect or improve a building or other structure, in which event the permit application shall expire when said extension expires. Any such extension shall be in writing and signed by the ~~City Manager~~ ~~director~~ or ~~his~~ designee.

#### (2) Permits and projects - expiration

- a. Only a project which was in progress (as defined by LGC section 245.003) or for which a completed permit application was filed after September 1, 1997 may be eligible to claim vested rights; any project for which the completed permit application was filed prior to September 1, 1997, or has expired, is not eligible.
- b. The following permits (as well as other permits satisfying the requirements of LGC chapter 245), which include plat applications, and plats, may be relied on by a property owner or developer to establish certain vested rights for a project. A project will expire in five (5) years from the date the first permit application was filed for the project with the city if progress, as defined in LGC section 245.005, has not been made towards completion of the project. An expired project is considered dormant, vested rights lapse and the project must comply with current ordinances and requirements.
  - i. Plat applications. Vested rights under LGC chapter 245 will be recognized for the project that is the subject of a completed application for a plat that has been filed with the city,

provided all necessary fees have been paid. The vested rights recognized for a project located within the area being platted by such a plat application will expire two (2) years after the date of the initial plat application, provided fair notice is provided with the plat application in accordance with LGC chapter 245, unless the plat application is heard by the city council and approved within two (2) years after the date of the initial application. Neither an expired nor a withdrawn plat application may be relied upon as a permit for the declaration of vested rights under LGC chapter 245. If after the expiration or the withdrawal of a plat application the applicant wishes future plat approval of the subject property, a new plat application must be filed and new application fees shall be required.

- ii. Plats. Vested rights under LGC chapter 245 will be recognized for a project associated with the property which is the subject of a plat that has been approved by the city council or ~~the City Manager or designee director of public works~~ for the city provided that fair notice is provided with the plat application in accordance with LGC chapter 245. The vested rights recognized for a project located within the area platted by an approved plat will expire two (2) years after the date of plat approval unless the plat is recorded in the county deed records within two (2) years after the date of approval by the city council.
- iii. Other permits. For the purposes of determining whether any vested rights exist, any other permit for which an expiration date is not specifically set forth in this Code of Ordinances or in other applicable law shall expire two (2) years after the date the application for the permit was filed with the city if progress, as defined in LGC section 245.005, has not been made towards completion of the project.

### **(3) Administrative procedure for consideration of claim of vested rights**

- a. Any property owner claiming vested rights under Chapter 245 of the LGC, or other applicable vesting law, shall submit a letter explaining in sufficient detail the basis upon which the property owner is claiming vesting and, consequently, is exempt from or not subject to a particular current regulation, ordinance, rule, expiration date, or other requirement. Such written submission shall include, at a minimum, the following:
  - i. The name, mailing address, telephone number and email address of the property owner (or the property owner's duly authorized agent);
  - ii. Identification of the property, including the address (if it exists) and the plat reference (if it exists) or metes and bounds (if not platted), for which the property owner claims a vested right;
  - iii. Provide project name, type of permit and date the permit was filed;
  - iv. If a property owner claims that certain regulations do not apply to the project, the property owner must identify, with particularity, all requirements that the property owner claims do not apply; and
  - v. Attach all supporting documents, if any.
- b. The letter should be addressed to the city's public works department.

### **(4) Vested rights determination**

The ~~City Manager or designee director~~ will review the request and supporting documents and issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify in writing to the property owner all claims for which vested rights have been granted (the "vested rights determination").

**(5) Appeal**

If the property owner believes that the vested rights determination is in error, the property owner shall have the right to appeal such vested rights determination to the city council, which will have jurisdiction to hear and decide the appeal.

**Section 4.3 Official Zoning Map**

**(1) Creation of Official Zoning Map**

The City is divided into zoning districts, shown on the Official Zoning Map (described in Sections 4.5 and 4.6), which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this UDC. The Official Zoning Map shall be located in the City of Fair Oaks Ranch City Hall and be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Fair Oaks Ranch under the following words: *"This is to certify that this is the Official Zoning Map of the City of Fair Oaks Ranch."*

**(2) Changes to the Official Zoning Map**

If, in accordance with the provisions of this UDC and §211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be effective immediately.

- a. Once a year, or subsequent to the approval of the changes, the City shall update the Official Zoning Map by entering any changes approved by the City Council and the Mayor shall sign the map attesting the changes.
- b. Approved zoning changes shall be entered on the Official Zoning Map by the City Manager or a designated representative and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- c. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this UDC.

**(3) Replacement of Official Zoning Map**

In the event that 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 at any time 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 and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

**(4) Digital Mapping**

Digital maps, created through the use of Geographical Information Systems (GIS) technology, containing registration points recorded on the Texas State Plane Coordinate System (USGS NAD 83, mean sea level) and Texas State Plane, measured in feet, as amended, may be used in the administration and enforcement of this UDC, but will not replace the paper originals of official maps required by this UDC.

**(5) Interpreting Zoning District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of street, highways, or alleys shall be construed to follow such centerlines.

- b. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated, as approximately following city limits shall be construed as following city limits.
- d. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- e. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or where precise scale is difficult to determine, or in circumstances not covered by subsections (a) through (e) above, the City Manager shall interpret the district boundaries. Boundaries indicated in the legal description that is provided with the application that established zoning may be referred to as a guide to resolve discrepancies.

**(6) Building Frontage**

Building Frontage designations are established by the Zoning Map to specify certain building form and site development standards along each street illustrating the City’s regulatory commitment to providing streets in certain areas that are oriented to pedestrian travel and safety, as well as auto travel and safety. The Zoning Map illustrates the Building Frontage designations within Fair Oaks Ranch. For additional regulations on building frontages, please refer to Section 6.4 (1) of this Code.

**Section 4.4 Rezoning**

**(1) Applicability**

Any decision to amend the Official Zoning Map shall be made based on the procedure outlined below, and the criteria in Chapter 2, Review Authority and Procedures, and Chapter 3, Applications and Permits. No rezoning action may specifically vary from the Permitted Uses Table 4.2 found in Section 4.8, or from the Future Land Use Map included in the Comprehensive Plan.

- a. Applicability. For the purpose of establishing and maintaining sound, stable, and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing Zoning District.
- b. Amending the Official Zoning Map for Planned Use Developments. For Planned Use Developments, the City Manager will promulgate a procedure based on the Comprehensive Plan and related planning studies.
- c. Any decision to amend the Official Zoning Map shall be heard for approval by a joint public hearing of the City Council and the Planning and Zoning Commission.

**(2) Newly Annexed Territory**

All areas annexed into the City shall be provided a temporary zoning designation of Rural Residential (RR) by City Council at the time of annexation, unless permanent zoning is requested with the annexation. As soon as practical, after the annexation, but in no case later than one year, after the completion of annexation proceedings City Council shall permanently zone the area.

### Section 4.5 Lot Standards and Zoning

#### (1) Lot standards

Zoning Districts and their respective development standards are set forth below.

#### (2) The Future Land Use Map

The Future Land Use Map should be consulted for areas located outside of the current City Limits of Fair Oaks Ranch in order to determine the recommended use(s) of land for a specific area.

### Section 4.6 Zoning Districts

The following Zoning Districts reflect the existing land uses ~~and recommended future land use areas,~~ applicable zoning districts, and recommended future land use classifications included in the City of Fair Oaks Ranch’s Comprehensive ~~Plan~~ Plan’s Future Land Use Map (FLUM). Portions of the City of Fair Oaks Ranch, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (Refer to Table 4.2 for allowable uses within each Zoning District):

**Table 4.1 Zoning Districts**

<b>RESIDENTIAL DISTRICTS</b>	
Rural Residential	RR
Neighborhood Residential	NR
Existing Residential 1	R1
Existing Residential 2	R2
Existing Residential 3	R3
Existing Residential 4	R4
<del><b>NON-RESIDENTIAL DISTRICTS</b></del>	
Mixed Use Village	MU
Neighborhood Commercial	NC
Community Facilities	CF
Logistics	LO
Open Space	OS
<b>SPECIAL DISTRICTS</b>	
Planned Unit Development	PUD



<b>RESIDENTIAL DISTRICTS</b>	<b>ZONING ABBREVIATIONS</b>	<b>EQUIVALENT FLUM CLASSIFICATION</b>
<u>Rural Residential</u>	<u>RR</u>	<u>Rural Residential</u>
<u>Neighborhood Residential</u>	<u>NR</u>	<u>Neighborhood Residential</u>
<u>Existing Residential 1</u>	<u>R1</u>	<u>Existing Residential 1</u>
<u>Existing Residential 2</u>	<u>R2</u>	<u>Existing Residential 2</u>
<u>Existing Residential 3</u>	<u>R3</u>	<u>Existing Residential 3</u>
<u>Existing Residential 4</u>	<u>R4</u>	<u>Existing Residential 4</u>
<b>NON-RESIDENTIAL DISTRICTS</b>		
<u>Mixed Use Village</u>	<u>MU</u>	<u>Mixed Use Village</u>
<u>Neighborhood Commercial</u>	<u>NC</u>	<u>Neighborhood Commercial</u>
<u>Community Facilities</u>	<u>CF</u>	<u>Community Facilities</u>
<u>Logistics</u>	<u>LO</u>	<u>Logistics</u>
<u>Parks/Open Spaces/Existing Parks</u>	<u>OS</u>	<u>Parks/Open Spaces/Existing Parks</u>
<b>SPECIAL DISTRICTS</b>		
<u>Planned Unit Development</u>	<u>PUD</u>	<u>None</u>
<u>Conservation Development Alternative</u>	<u>RR or NR</u>	<u>Rural Residential or Neighborhood Residential</u>

**(1) Residential Districts**

All residential development shall adhere to applicable development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development and Building Form Standards, as well as other applicable standards found in this UDC.

- a. Rural Residential District (RR)
 

The Rural Residential District (RR) is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are a minimum of 5 acres (~~or 1.75 acre or an average of 3.75 acres~~ using the Conservation Development Alternative Minimum to incentivize conservation areas), and are generally not served by urban infrastructure, such as City sewer service. This district is intended to retain a rural character. Residences in the RR district are appropriate primarily for direct access to Local Rural Residential streets.
- b. Neighborhood Residential District (NR)
 

The Neighborhood Residential District (NR) serves as the residential district for areas where low-to-medium density development is appropriate in Fair Oaks Ranch. The lots are a minimum of one (1) acre (~~or an average of 0.75 acres- 0.5 acres~~ using the Conservation Development Alternative Minimum to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate primarily for direct access to ~~Local Connector streets,~~ Local Neighborhood Residential streets and Rural Residential streets.
- c. Existing Residential 1 (R1)
 

The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations. Exclusive of city permits and ordinances, all lot, building, landscaping and other

~~standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.~~

d. Existing Residential 2 (R2)

The Existing Residential 2 (R2) category governs existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.~~Exclusive of city permits and ordinances, all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.~~

e. Existing Residential 3 (R3)

The Existing Residential 3 (R3) category governs the existing rural residential lots with lot sizes generally between 1.3 acres and 5 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.~~Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions in these neighborhoods, in compliance with City ordinance requirements.~~

f. Existing Residential 4 (R4)

The Existing Residential 4 (R4) category governs existing rural oriented neighborhoods with lot sizes generally greater than 5 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.~~Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable deed restrictions, in compliance with City ordinance requirements.~~

g. Design Standards

**g. Building Placement- Setbacks**

	R1	R2	R3	R4	NR	RR
Front	-	-	-	-	25' min.	50' min.
Street Side	-	-	-	-	15' min.	25' min.
Side	-	-	-	-	10' min.	25' min.
Rear	-	-	-	-	20' min	25' min

**h. Lot Size Standards**

	R1	R2	R3	R4	NR	RR
Minimum	-	.3 AC	1.3 AC	5 AC	1 AC	5 AC
Minimum w/ Conservation Development Option	-	-	-	-	.75 AC (blended average min.)	3.75 AC (blended average min.)

**i. Building Height**

i. Principal Building Standards	
Building maximum	2.5 stories or 35' max.
ii. Accessory Building Standards	
Building maximum	2 stories or 25' max.

**Building Placement - Setbacks**

	R1	R2	R3	R4	NR	RR
Front	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>25' 50' min.</del>	<del>50' 75' min.</del>
Street Side	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>15' 25' min.</del>	<del>25' 50' min.</del>
Side	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>10' 20' min.</del>	25' min.
Rear	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>_*</del>	<del>20' 25' min.</del>	<del>25' 50' min.</del>

**Lot Size Standards**

	R1	R2	R3	R4	NR	RR
Minimum <u>lot area</u>	<del>-Less than 0.3 acres*</del>	.3 AC	1.3 AC	5 AC	1 AC	5 AC
Minimum <u>lot area</u> w/ Conservation Development Option	<del>NA-</del>	<del>NA-</del>	<del>NA-</del>	<del>NA-</del>	<del>.75 blended average min. Min. 0.5 acre</del>	<del>3.75 blended average min. Min. 1.75 acre</del>

**Building Height**

i. Principal Building Standards	
<u>Building maximum</u>	<u>2.5 stories or 35' max.</u>

ii. Accessory Building Standards	
Building maximum	2 stories or 25' max.

\*Note: Lot area and building setbacks for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations.

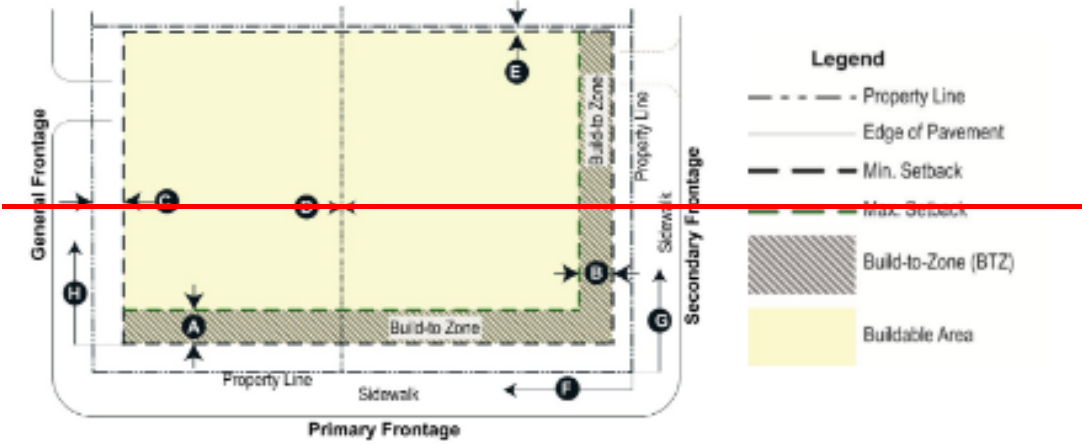
**(2) Commercial / Mixed Use / Nonresidential Districts**

All Commercial / Mixed Use / Nonresidential development shall adhere to development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development and Building Form Standards, as well as other applicable standards in this UDC. The diagrams are for illustrative purposes only. In case of a conflict between the text and the diagrams, the text will govern. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform to a Hill Country Design aesthetic (defined under Texas Hill Country Character in Chapter 13).

**a. Mixed Use Village (MU)**

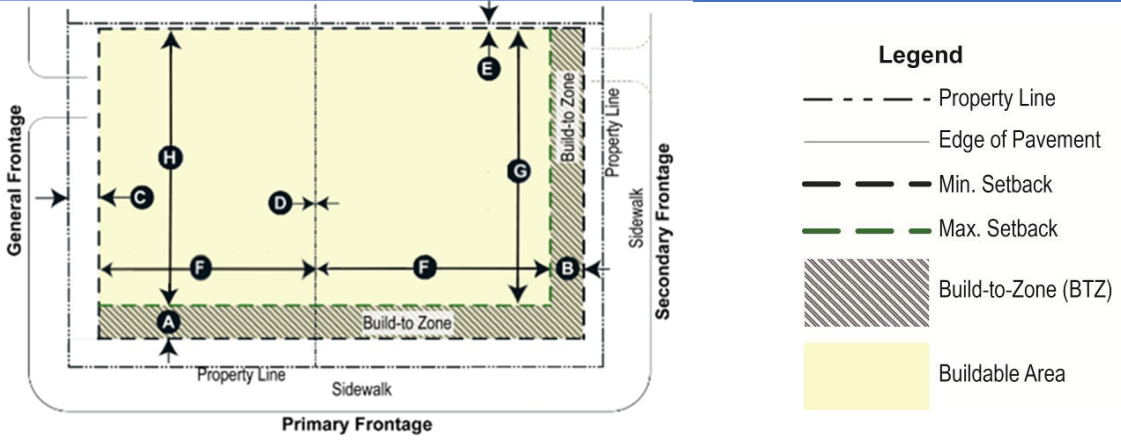
i. Purpose: The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City allows and encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU district are appropriate for direct access to primarily Arterial, Collector ~~streets~~ and Local Connector ~~Streets~~~~streets~~. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.

ii. Design Standards:

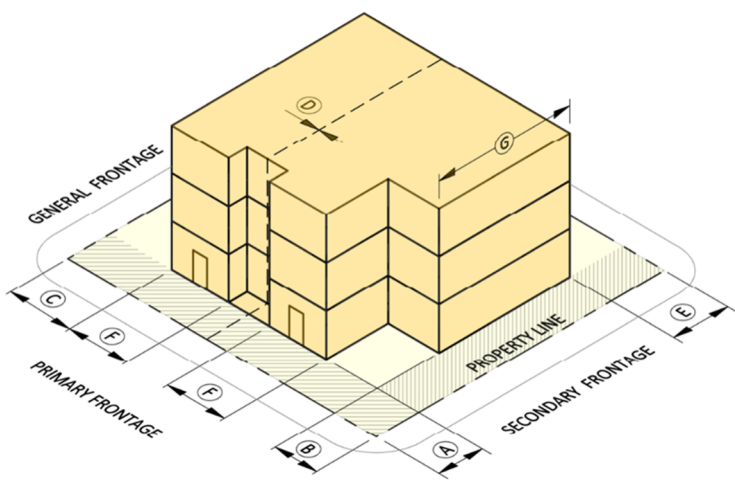


i.

**Building Placement**



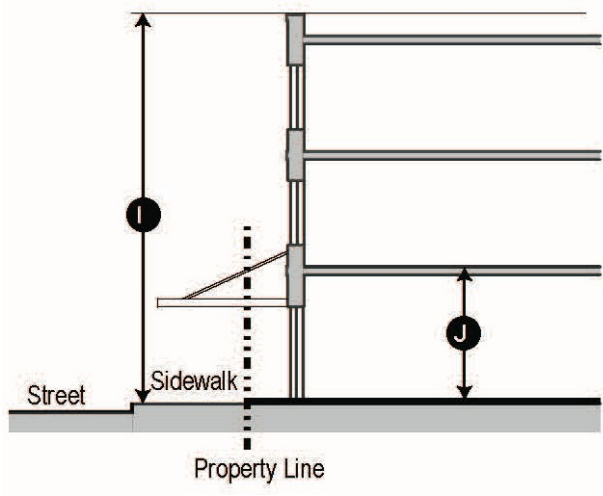
- Legend**
- - - Property Line
  - Edge of Pavement
  - Min. Setback
  - Max. Setback
  - ▨ Build-to-Zone (BTZ)
  - Buildable Area



Building to Zone (Distance from property lint to edge of the zone)		
Primary Frontage	0' min. setback – 20' max. setback. <u>25' min. – 30' max. along IH -10</u>	Ⓐ
Secondary Frontage	10' min. setback – 20' max. setback	Ⓑ
General Frontage	20' min. setback; no max. setback	Ⓒ
Interior Side	5' min.; no max. setback	Ⓓ
Rear	10' min.; no max. setback	Ⓔ
Building Frontage		
Primary Frontage	60% min.	Ⓕ
Secondary Frontage	40% min.	Ⓖ
General Street or Alley Frontage	None Required	Ⓗ

**Building Height**

**Principal Building Standards**

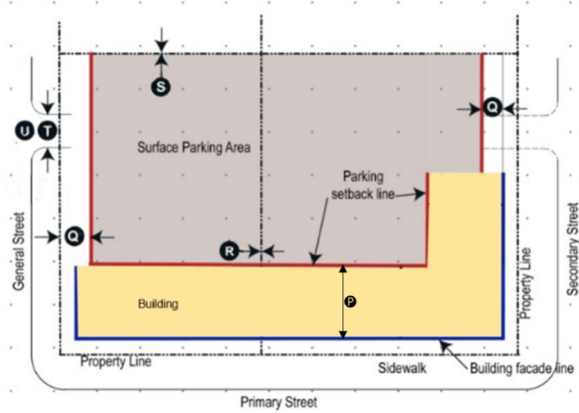


Building Maximum 3 stories or 45' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with Primary Frontage designation 10' min. for all other frontages **J**

**Parking & Service Access**

**Surface Parking Setbacks**



Primary Frontages Shall be located behind the principal building along the street frontage **P**

Secondary Frontages/ General Frontages/ Alley Shall be located behind the principal building along that street frontage **Q**  
If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.

Side 5' min. **R**

Rear 5' min. **S**

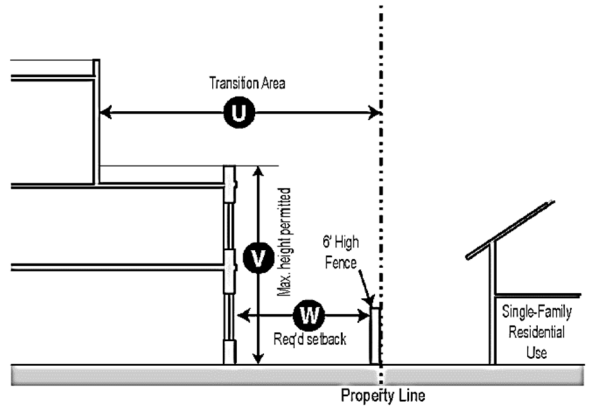
Structured Parking			
	Primary Frontages	Shall be located behind the principal building;	P
	Secondary Frontages/ General Frontages	Allowed to be built up to the minimum setback line along that street frontage	Q
	Side	5' min.	R
	Rear	5' min.	S

**Partially Below and Above Grade Parking**  
 Allowed to be built up to the building façade line along all streets

**Below Grade Parking**  
 May be built up to the property line along all street frontages

Driveways and Service Access		
i. Parking driveway width	Section 6.6 shall apply	T
ii. Driveways and off-street loading and unloading standards	Section 6.6 shall apply	U

Residential Transition Standards		
The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District		
i. Transition Area	25' min.	U
ii. Max. Building Height within Transition Area	2 stories or 30'	V
iii. Required setback	10' min.	W
iv. A maximum 6' high <b>solid screening</b> fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.		

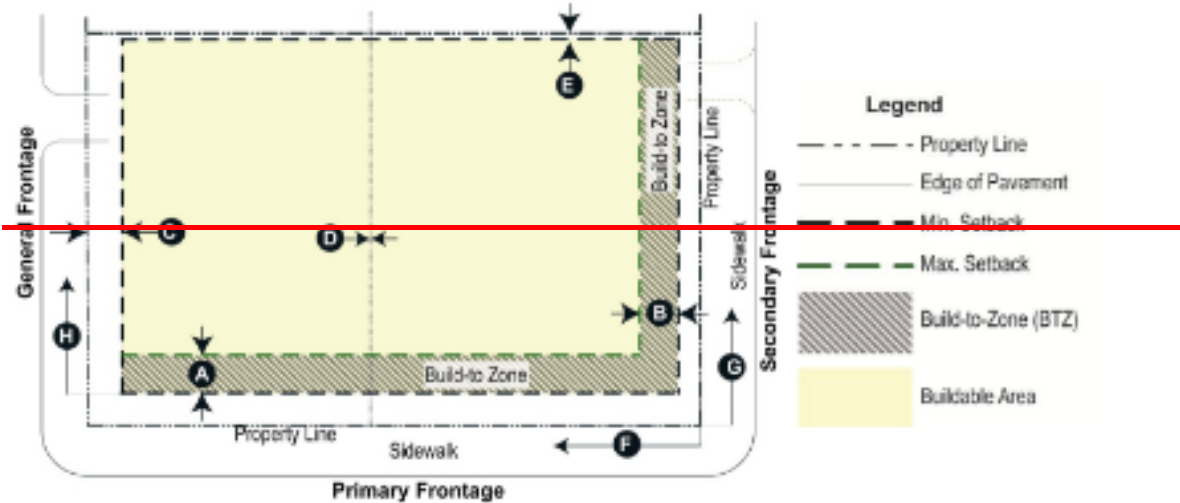


**b. Neighborhood Commercial District (NC)**

i. **Purpose:** The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity that is relatively compatible with residential areas or is located within residential neighborhoods. Other light commercial uses that are not major daily traffic generators and are generally compatible with nearby residential activity are also allowed. Neighborhood commercial areas shall have pedestrian access to adjacent residential areas. Sites in the NC district are appropriate primarily for direct access to Collector streets, Local Connector streets and Local Neighborhood streets.

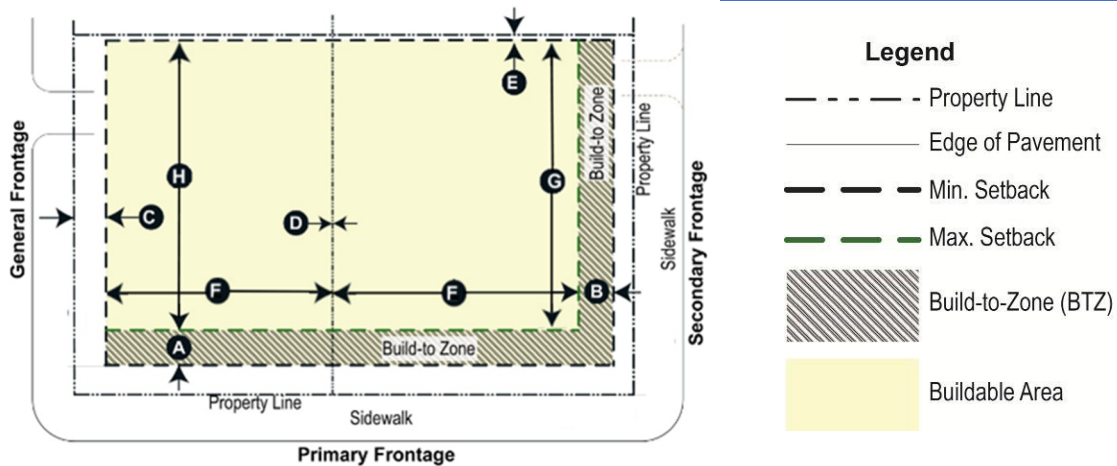
**ii. Design Standards:**

**b. Building Placement**



ii.

**Building Placement**



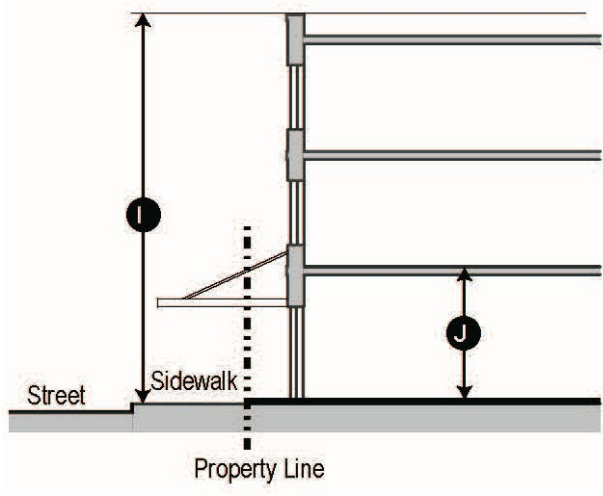
**Build to Zones (BTZs)**

**(Distance from property line to edge of the zone)**



Primary Frontage	<del>10' min. setback—20' max. setback</del> <u>50' min. setback along Arterial;</u> <u>30' along other streets;</u> <u>no max. setback</u>	Ⓐ
Secondary Frontage	10' min. setback — <del>80'</del> <u>no</u> max. setback	Ⓑ
General Frontage	20' min. setback; no max. setback	Ⓒ
Interior Side	20' min; no max. setback	Ⓓ
Rear	20' min.; no max. setback	Ⓔ
<b>Building Frontage</b>		
Primary Frontage	40% min.	Ⓕ
Secondary Frontage	20% min.	Ⓖ
General Frontage	None Required	Ⓗ

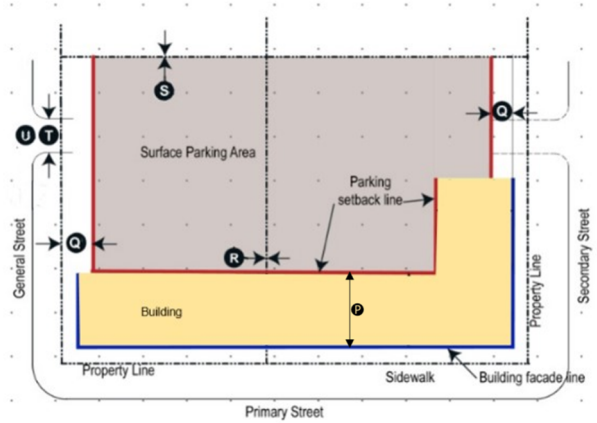
**Building Height**  
**Principal Building Standards**



Building Maximum 2 stories or 30' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with a Secondary Frontage designation  
 10' min. for all other frontages **J**

**Parking & Service Access**  
**Surface Parking Setbacks**



Primary Frontage Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street **P**

Secondary/ General Frontage Min. 3' behind the property line along that street **Q**

Side 10' min. **R**

Rear 10' min. **S**

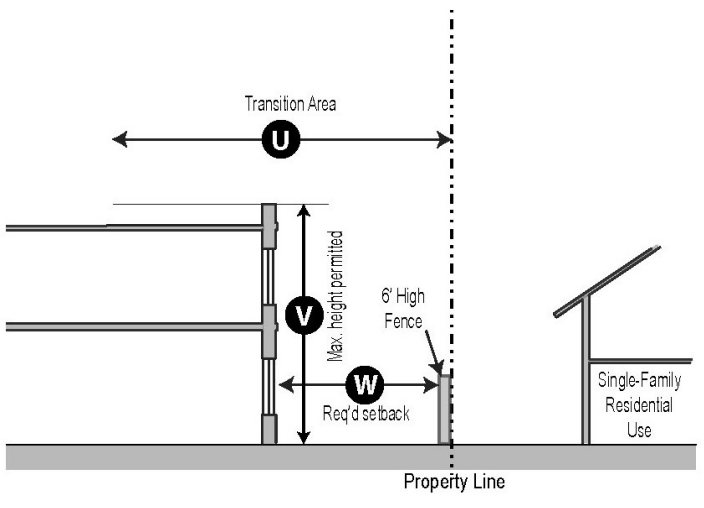
**Driveway and Service Access**

1. Parking driveway width	Section 6.6 shall apply	<b>T</b>
2. Driveways and off-street loading /unloading standards	Section 6.6 shall apply	<b>U</b>

**Residential Transition Standards**

The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District

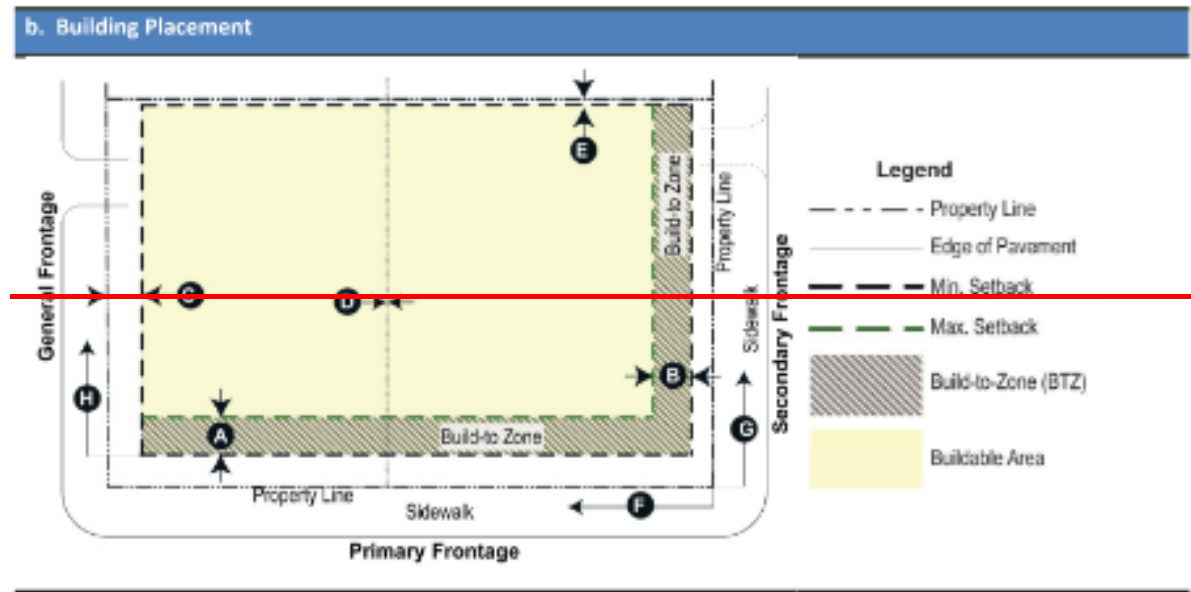
i. Transition Area	30' min.	U
ii. Building Height within Transition Area	25' max	V
iii. Required setback	20' min.	W
iv. A maximum 6' high <b>solid screening</b> fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided		



c. Community Facilities District (CF)

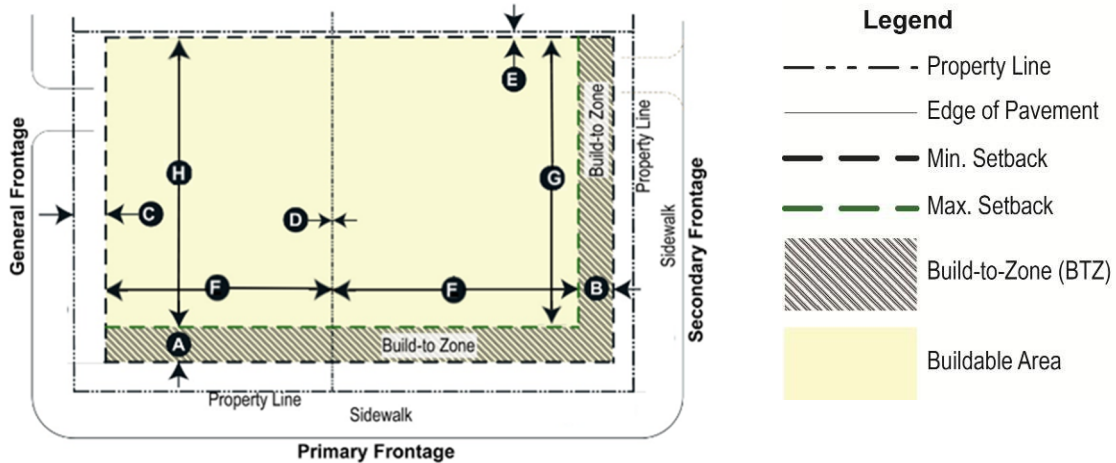
- i. **Purpose:** The Community Facilities (CF) District is intended for locations at which facilities are provided for governmental, religious, educational, health care, public gatherings, and social services. Sites in the CF district are appropriate primarily for direct access to Arterial, Collector streets and Local Connector Streets. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform to a Hill Country Design aesthetic. Uses within this Zoning District include primarily Civic and places of worship.

ii. Design Standards



iii.

**Building Placement**

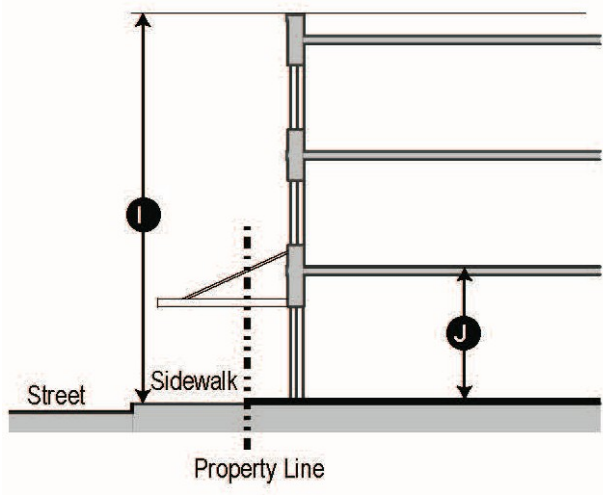


**Build to Zones (BTZs)**

**(Distance from property line to edge of the zone)**

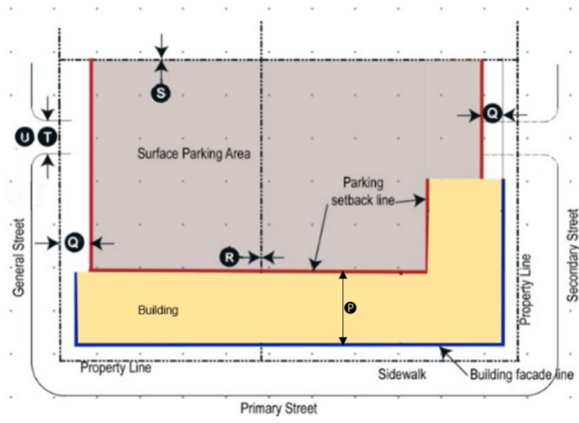
Primary Frontage	<del>20' min. setback</del> – <del>50' max. setback</del> <u>50' min. setback along Arterial;</u> <u>30' along other streets;</u> <u>no max. setback</u>	<b>A</b>
Secondary Frontage	<del>20'</del> <u>10'</u> min. setback – <del>80'</del> <u>no</u> max. setback	<b>B</b>
General Frontage	20' min. setback; no max. setback	<b>C</b>
Interior Side	20' min; no max. setback	<b>D</b>
Rear	20' min.; no max. setback	<b>E</b>
<b>Building Frontage</b>		
Primary Frontage	40% min.	<b>F</b>
Secondary Frontage	20% min.	<b>G</b>
General Frontage	None Required	<b>H</b>

**Building Height**  
**Principal Building Standards**



Building Maximum	2 stories or 30' max.	I
First floor to floor height (fin. Floor to fin. Floor)	12' min. for all buildings with a Secondary Frontage designation 10' min. for all other frontages	J

**Parking & Service Access**  
**Surface Parking Setbacks**

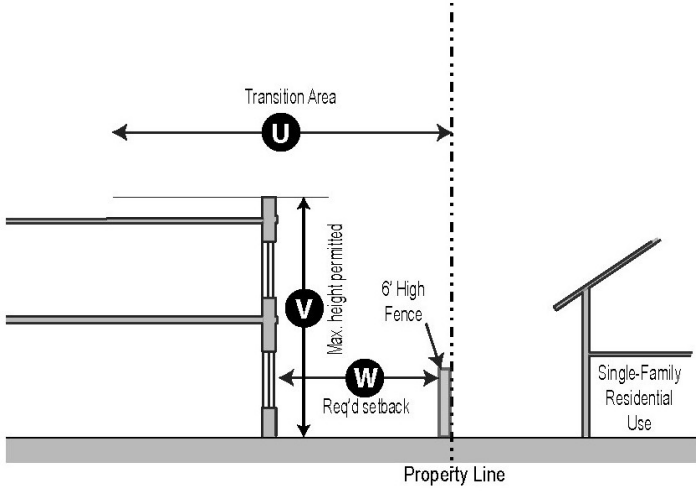


Primary Frontage	Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street	P
Secondary/ General Frontage	Min. 3' behind the property line along that street	Q
Side	10' min.	R
Rear	10' min.	S

**Driveway and Service Access**

1. Parking driveway width	Section 6.6 shall apply	T
2. Driveways and off-street loading /unloading standards	Section 6.6 shall apply	U

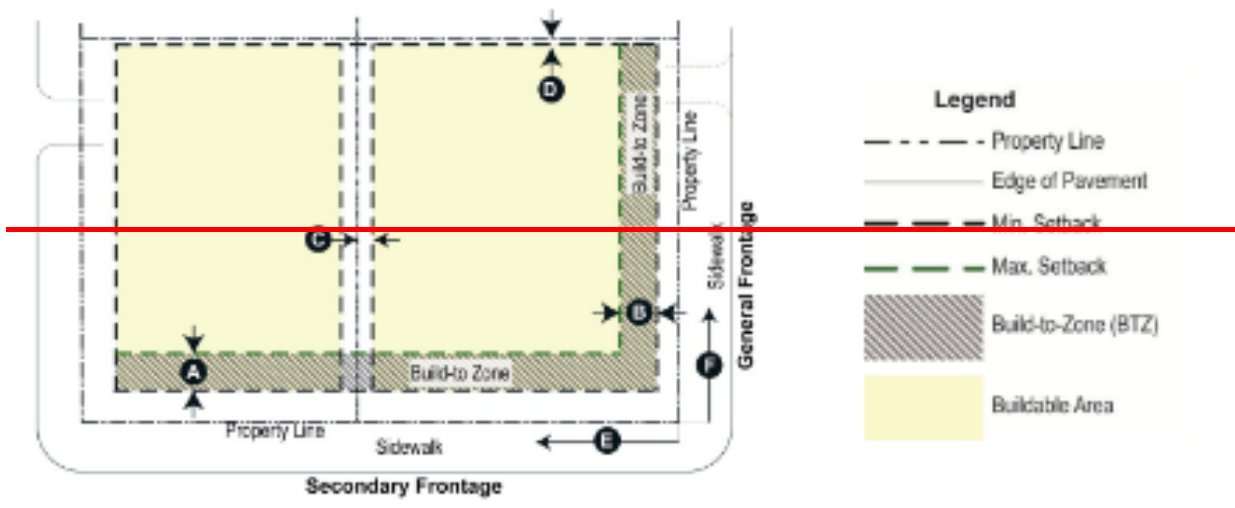
Residential Transition Standards		
<p>The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District</p>		
a. Transition Area	30' min.	U
b. Building Height within Transition Area	25' max	V
c. Required setback	20' min.	W
<p>d. A maximum 6' high <b>solid screening</b> fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.</p>		



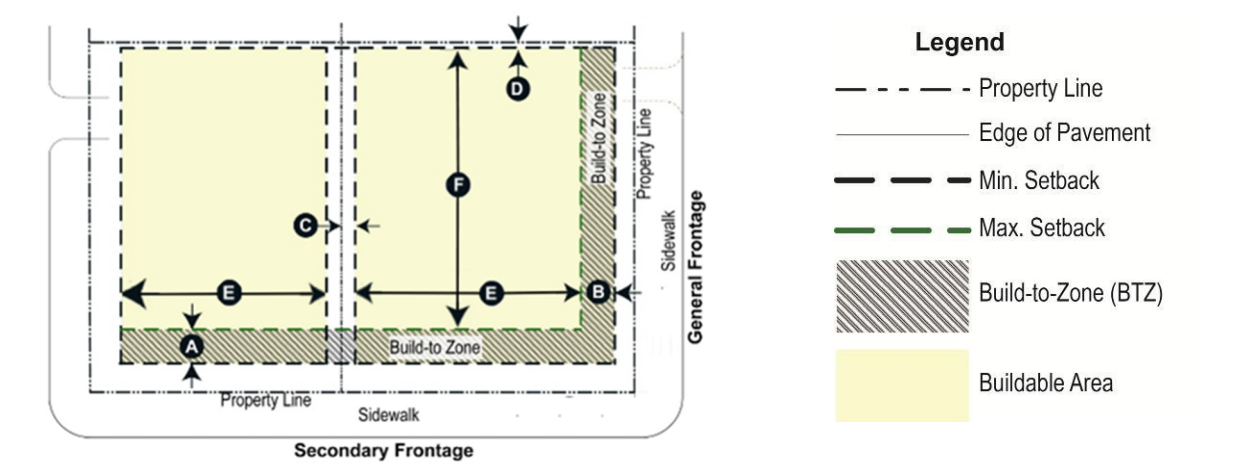
**d. Logistics (LO)**

- i. **Purpose:** The Logistics District (LO) is intended to provide an area for appropriately scaled office- warehouse and what is sometimes called light industrial/commercial uses at discrete locations in the City. It is also appropriate for non-commercial uses that may generate significant traffic at limited times, such as places of worship and educational or community institutions. Sites in the L O district are appropriate for direct access to primarily Arterial and Collector streets.

**b. Building Placement**



**ii. Design Standards**  
**Building Placement**



**Build to Zones (BTZs)**  
**(Distance from property line to edge of the zone)**

Secondary Frontage	30' min. setback – 80' max. setback	<b>E</b>
General Frontage	30' min. setback; no max. setback	<b>F</b>
Side	30' min; no max. setback	<b>A</b>
Rear	30' min.; no max. setback	<b>D</b>

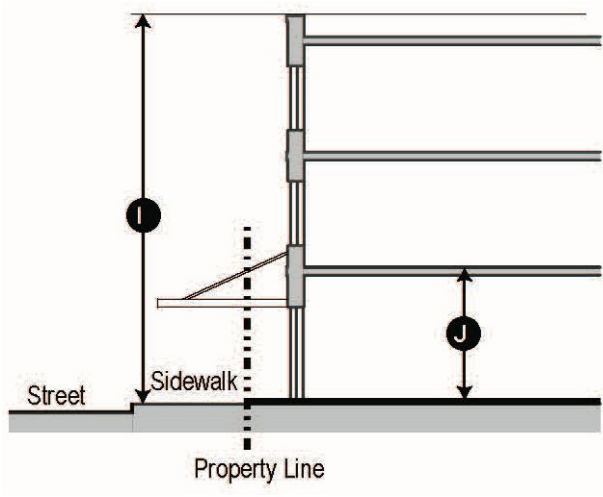
**Building Frontage**

Secondary Frontage	50% min.	<b>B</b>
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General Frontage	None Required	C
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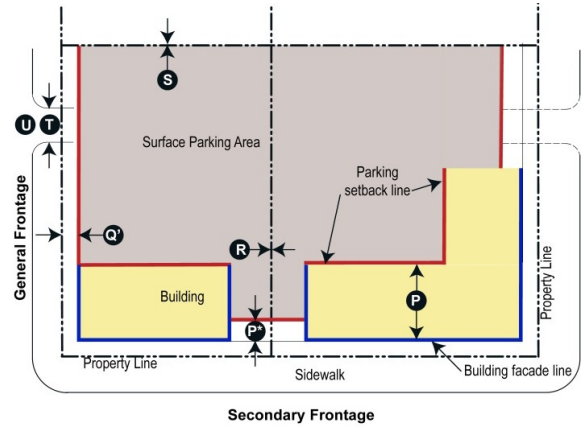
**Building Height**  
**Principal Building Standards**



Building Maximum 2 stories or 30' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings **J**

**Parking & Service Access**  
**Surface Parking Setbacks**



Secondary Frontage Shall be located behind the principal building along the street frontage or Min. 3' behind the building facade line along that street; If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line. Min. 3' behind the property line **P**

General Frontage Min. 3' behind the property line along that street **Q**

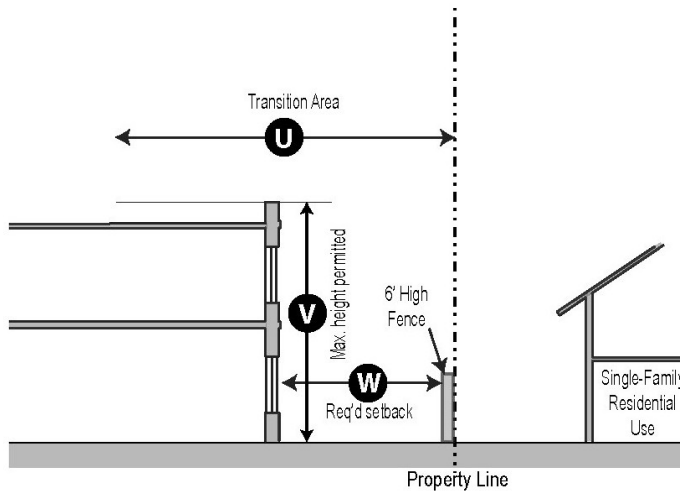
Side 10' min. **R**

Rear 10' min. **S**

**Driveway and Service Access**

1. Parking driveway width	Section 6.1 shall apply	<b>T</b>
2. Driveways and off-street loading /unloading standards	Section 6.1 shall apply	<b>U</b>

Residential Transition Standards		
<p>The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District</p>		
e. Transition Area	50' min.	U
f. Max. Building Height at within Transition Area	1 story or 20' max	V
g. Required setback	min. 30'	W
<p>h. A maximum 6' high <b>solid screening</b> fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.</p>		



- e. Open Space (OS)
 

Open Space (OS) serves to preserve the quasi-rural aesthetic character of Fair Oaks Ranch, to ensure preservation of land for environmental stewardship, to guard against erosion and provide for flood control, to provide for natural light and greenery within the City, and to generally contribute to the public health and welfare. These areas may be owned and operated by a government entity such as the City of Fair Oaks Ranch, a private entity, or protected through private covenant and managed by a homeowner’s entity such as FORHA. All open space identified on the Future Land Use Map indicates areas where open space is to be preserved. Proposed development near these general locations shall consider including open space within the development.

### Section 4.7 Special Zoning Districts

A Special Zoning District is a zoning district that establishes regulations that are unique to the district but combine with the regulations of an underlying (base) zoning district. The purposes of a Special Zoning District shall be to establish additional or different development and/or design criteria in exchange for a public benefit. An overlay may also establish conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.

#### (1) Planned Unit Development (PUD)

The purpose of the Planned Unit Development District (PUD) is to provide land for uses and developments that promote development that is more sensitive to the natural environment, creates a significantly enhanced natural setting and/or sense of place, or otherwise enhances the standard pattern of development in Fair Oaks Ranch. Development is required to provide a higher level of amenities to its users or residents than what is usually required under the normal standards of this UDC. A PUD can be used to provide a creative solution around unforeseen constraints or to offer development flexibility that is in keeping with the Comprehensive Plan but is outside the prescriptions of the base zoning district. A PUD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this UDC or to permit development projects that existing districts cannot easily accommodate. This district is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a ~~g~~General dDevelopment Pplan from the property owner. Applicants are responsible for developing the PUD Ordinance. Further information on PUD applications and applicability is found in Section 3.7(5).

#### ~~Section 4.8(2)~~ Conservation Development Alternative (CDA)

The Conservation Development Alternative provides a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. A Conservation Development Alternative is a development of land within Rural Residential or Neighborhood Residential Districts, occupying ten (10) contiguous acres or more, that is developed in a manner generally consistent with engineering and planning principles often described as “low impact design.” The land must also be under unified control and planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel will be included in the gross area of the development. This process also provides incentives to landowners by providing uniform rules to govern increased density, outlined in the table below, entitled “Conservation Development Alternative Density Incentive.” Conservation Development may also be used to preserve natural resources, minimize infrastructure costs for the landowner or the City, and to better conform lot configurations and housing types to topography and market needs in places where the City deems it appropriate. These regulatory incentives are intended to ensure that regulatory modifications to the zoning standards benefit the general public welfare as well as the landowner. Additional regulations for the Conservation Development ~~Zoning~~ Alternative may be found in Section 8.3 of this UDC.

### ~~Section 4.9~~ Section 4.8 Permitted Uses

#### (1) Use Table

The following table (Table 4.2) reflects the uses permitted within each zoning district. ~~For uses not listed, the City Manager or his/her designee shall make a determination based on their interpretation of the intent and spirit of this ordinance and the Fair Oaks Ranch Comprehensive Plan.~~ An applicant

may appeal the decision of the City Manager by presenting their case to the Zoning Board of Adjustment.

- a. A Use Permitted by right (P) is subject to all other applicable regulations of this UDC.
- b. Some uses require supplemental regulations in addition to the other applicable regulations of this UDC. A use indicated by (P/C) is permitted by right and **approval by City Council is not required**, provided that it meets the conditional use standards found in Section 4.9, as well as the other applicable regulations of this UDC.
- c. A Special Use Permit (S) is allowed **only if approved by City Council** in accordance the standards found in Section 3.7.
- d. Not Permitted (NP).

**(2) Unlisted Uses**

~~For uses not listed, the City Manager or his/her designee shall make a determination based on their interpretation of the intent and spirit of this ordinance and the Fair Oaks Ranch Comprehensive Plan. The City Manager shall produce an administrative policy for addressing unlisted uses, consistent with all other provisions of this UDC, either allowing for administrative decisions by the City Manager or requiring legislative action by the City Council, or a combination of both the above, depending on the circumstance.~~

For uses not listed or new uses, the City Manager shall use the descriptions found in Appendix B: Definitions to determine how an unlisted use should be treated.

- ~~a. A new and unlisted use may be interpreted by the City Manager (or designee) as similar to another listed use and treated in the same manner as that listed use.~~
- ~~b. If the City Manager (or designee) finds that the use is not substantially similar to a listed use, an amendment to the UDC shall be required as per Section 3.6 to add such a use to the Land Use Matrix.~~
- ~~c. Any decision of the City Manager (or designee) may be appealed according to the process outlined in Section 2.3.~~

**Table 4.2: Use Table**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>a</sup>
Retail Sales or Service <u>with no drive through facility</u>	P	P	NP	NP	NP	NP	NP	NP
Retail Sales or Service <u>with drive through facility</u> (includes retail with associated fuel sales)	P/C	NP	NP	NP	NP	NP	NP	NP
Bars	S	S	NP	NP	NP	NP	NP	NP
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars <u>with no drive through facilities</u>	P	P	NP	P	NP	NP	NP	NP
Art, antique, museum, furniture or galleries (retail, repair or artisanal fabrication)	P	P	NP	P	NP	NP	NP	NP
Entertainment, theater, cinema, or music venue	P/C	NP	NP	P/C	NP	NP	NP	NP
Sexually Oriented Business	NP	NP	NP	P	NP	NP	NP	NP
Commercial/ Office <u>with no drive through facility</u>	P	P	NP	NP	NP	NP	NP	NP

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>
Commercial/ Office <u>with drive through facility</u>	P	NP	NP	NP	NP	NP	NP	NP
Pet and animal sales or service	P	NP	NP	P	NP	NP	NP	NP
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P	P	P	P	NP	NP	NP	NP
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	P
Business associations and professional membership organizations	P	P	P	P	NP	NP	NP	NP
Childcare, day care, and preschools	P/C	P/C	P/C	NP	NP	NP	NP	NP
Family home child care	P/C	P/C	P/C	NP	S	S	S	NP
Schools, libraries, and community/civic facilities	P	NP	P	NP	NP	NP	NP	NP
Religious Institutions	NP	NP	P	P	NP	NP	NP	NP
Universities and Colleges and Technical, trade, and specialty schools	P	NP	P	P	NP	NP	NP	NP
Hospitals and nursing establishments	P	NP	P	NP	NP	NP	NP	NP
Social, fraternal and philanthropic organizations	P	P	P	P	NP	NP	NP	NP
Transitional Housing	S	S	S	S	S	S	S	NP
Community or Group Homes	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP
Public administration uses (including local, state, and federal government uses, public safety, health and human services)	P	P	P	P	NP	NP	NP	NP

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>
Funeral homes	P/C	NP	NP	NP	NP	NP	NP	NP
Single Family Residential	P	NP	P	NP	P	P	P	NP
Accessory Building Residential Unit (Garage Apt.)	P	P	P	P	P	P	P	NP
Single-family Residential Attached/ Townhomes/ Patio Home/ Duplex/ Multi Unit Home (3-4 Units)	P	P	P	P	P/C	NP	NP	NP
Multi-family Residential	P	NP	NP	NP	NP	NP	NP	NP
Home Occupations	P	P	P	P	P	P	P	NP
<del>Manufactured Housing</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>P/C</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>
Auto and Vehicle Related Sales and Service Establishment	NP	NP	NP	P/C	NP	NP	NP	NP
Brewery, Distillery, or Winery	NP	NP	NP	P	NP	NP	NP	NP
Brewpub (restaurant with auxiliary: Brewery, Distillery, or Winery)	P	NP	NP	P	NP	NP	NP	NP
Commercial food, textile and product manufacturing	NP	NP	NP	NP	NP	NP	NP	NP
Heavy manufacturing that may produce hazardous waste	NP	NP	NP	NP	NP	NP	NP	NP
Miscellaneous light manufacturing (Manufacturing processes that do not create hazardous waste)	NP	NP	NP	P	NP	NP	NP	NP
Warehouse and Self-Storage	NP	NP	NP	P/C	NP	NP	NP	NP
Climate Controlled Self-Storage	P/C	NP	NP	P/C	NP	NP	NP	NP
Transportation services (air, rail, road, truck and freight)	NP	NP	NP	P	NP	NP	NP	NP



Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	S	S	S	S	S	S	S	NP
Utility Facilities (electric, natural gas, alternative)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP
Hotel (45 or fewer rooms)	P	NP	NP	NP	NP	NP	NP	NP
Hotels (more than 45 rooms)	P	NP	NP	NP	NP	NP	NP	NP
Bed and Breakfast (5 or fewer guest rooms)	P	P/C	P	P/C	P/C	P/C	P/C	NP
Parking, structured	P	NP	NP	NP	NP	NP	NP	NP
Veterinary Services	P	NP	NP	P	NP	NP	NP	NP
Commercial Stables/Boarding	NP	NP	S	S	S	S	S	NP

Table 4.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
Retail Sales or Service with no drive through facility	P <sub>-</sub> *	P	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Retail Sales or Service with drive through facility (includes retail with associated fuel sales)	P/C	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Bars	S	S	NP	NP	NP	NP	NP	NP	1 space per 150 sf of usable building area
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars with no drive through facilities	P <sub>-</sub> *	P	NP	P	NP	NP	NP	NP	1 space per 100 sf of usable building area
Art, antique, museum, furniture or galleries (retail, repair or artisanal fabrication)	P <sub>-</sub> *	P	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area
Entertainment, theater, cinema, or music venue	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

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	<u>Parking</u>
<u>Outdoor recreation and entertainment facilities</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
Sexually Oriented Business	NP	NP	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area
Commercial/ Office with no drive through facility	<u>P*</u> <sub>-</sub>	P	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Commercial/ Office with drive through facility	<u>P*</u> <sub>-</sub>	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Pet and animal sales or service	<u>P*</u> <sub>-</sub>	NP	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area
Fitness, recreational sports, gym, athletic club, dance or yoga studio	<u>P*</u> <sub>-</sub>	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)
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	P	To be determined by the City Manager or designee based on use and location
<u>Park maintenance facilities</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
Business associations and professional membership organizations	<u>P*</u> <sub>-</sub>	P	P	P	NP	NP	NP	NP	1 space per 200 sf of usable building area
Childcare, day care, and preschools	P/C	P/C	P/C	NP	NP	NP	NP	NP	2 spaces per employee
Family home child care	P/C	P/C	P/C	NP	S	S	S	NP	2 spaces per residential use plus 1 space for drop off/pick up.
<u>Kindergarten, Elementary and Middle</u> Schools, libraries, and community/civic facilities	P	NP	P	NP	NP	NP	NP	NP	3 spaces per classroom, plus 1 space per administrative employee
Religious Institutions	NP	NP	P	P	NP	NP	NP	NP	1 space per 200 square feet of usable building area
<u>High Schools</u> , Universities and Colleges and Technical, trade, and specialty schools	P	NP	P	P	NP	NP	NP	NP	1 space per 3 seats in classroom, plus 1 space per staff

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
									member (plus additional required for auditoriums, gymnasiums)
<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>	1 for each 200 sf of usable building area
Hospitals and nursing establishments	P	NP	P	NP	NP	NP	NP	NP	1 for each 1.5 beds
<u>Residential Care Facility</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>	1 for each on duty or resident care provider and 1 space per 2 residents
<u>Retirement Community</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>	1 for each dwelling unit
<u>Long Term Care Facility</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>	1 for each 4 beds
Social, fraternal and philanthropic organizations	P/C	P	P	P	NP	NP	NP	NP	1 space per 200 sf of usable building area
Transitional Housing	S	S	S	S	S	S	S	NP	1 for each on duty or resident care provider and 1 for each bedroom
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 2 residents
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 homes	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)
Single Family Residential	<u>P*</u>	NP	P	NP	P	P	P	NP	2 for the first three bedrooms plus 1 for each additional bedroom in each family unit
Accessory Building Residential Unit (Garage Apt.), <u>with an additional 7,000 square foot lot area for each additional dwelling, and not to exceed the total floor area of the principal dwelling unit. Limited to one unit per lot.</u>	P	P	P	P	P	P	P	NP	1 space per each additional dwelling unit
Single-family Residential Attached/ Townhomes/ Patio Home/ Duplex/ Multi Unit Home (3-4 Units)	<u>P*</u>	P	P	P	P/C	NP	NP	NP	2 spaces per each dwelling unit
Multi-family Residential	<u>P*</u>	NP	NP	NP	NP	NP	NP	NP	1.5 for each studio, one or two-bedroom unit; 2 for

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
									each unit with 3 or more bedrooms
Home Occupations	P	P	P	P	P	P	P	NP	2 spaces per each dwelling unit
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP	NP	2 spaces per each dwelling unit
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
Brewery, Distillery, or Winery	NP	NP	NP	P	NP	NP	NP	NP	1 space per 500 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
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 area
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
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 Facilities (electric, natural gas, alternative)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP	As required per the utility
Hotel <del>(45 or fewer rooms)</del>	P	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.
<del>Hotel (more than 45 rooms)</del>	<del>P</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	<del>NP</del>	
Bed and Breakfast (5 or fewer guest rooms)	P	P/C	P	P/C	P/C	P/C	P/C	NP	1 space per guest room.
Parking, structured	P	NP	NP	NP	NP	NP	NP	NP	
Veterinary Services	P	NP	NP	NP	NP	NP	NP	NP	As required by the associated use
Commercial Stables/Boarding	NP	NP	<del>SNP</del>	<del>SP</del>	<del>S</del> <del>NP</del>	<del>SNP</del>	<del>S</del> <del>NP</del>	NP	1 space per 300 sf of usable building area

P\* - Permitted as part of a mixed use development that contains a mix of residential and nonresidential designed as a unified development. The residential component of any type shall not exceed thirty (30) percent of the entire development.

- <sup>1</sup>Open 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.
- When square feet are specified in the above chart the area measured shall be the primary interior floor area of the structure(s) on the property within which the use operates, which shall exclude stairwells, restrooms, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and interior area devoted to parking or loading.
- The number of employees of a new or expanding business shall be estimated in a manner reflecting realistic needs, considering factors such as number of shifts, employees per shift, and parking space turnover rates of the existing or comparable business. The City Manager or designee shall determine number of employees from employment information presented by the use or owner of the property.
- In the event several uses occupy a structure or property simultaneously, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately based on the proportional area devoted to each separate use.
- A stacked or tandem parking arrangement, where one vehicle parked directly behind another must be removed before the front vehicle can exit its space, shall be allowed only for a structure containing one, or two (2) residential dwelling units.
- The City Manager or designee shall determine the number of off-street parking spaces required for uses not specifically listed in this section following an assessment of comparable uses and associated parking requirements.
- Refer to Section 6.7 for additional parking standards.

~~Section 4.10~~ Section 4.9 Conditional Uses

**(1) Retail Sales or Service with Drive Through Facility**

Retail Service with drive through facility will be governed by the 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 specified below:

- Drive through windows and similar elements shall not be located in yards adjacent to residential zone or use.
- Such facilities must meet all applicable screening and landscaping requirements of Chapter 6.
- Stacking spaces shall be provided as per the requirements in Section 6.6.

**(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.
- 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 9, 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 buffer of 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 making the noise receives notice from the magistrate or peace officer that the noise is a public nuisance.
- c. 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. Minimum screening shall include a row of shrubs.
- 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.
- 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 be in compliance with 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) with a gate made of similar material and with landscaping in compliance with Chapter 8, 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. Day Care. 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. Family Home Child Care. 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. 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.
- d. 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 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.
- 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 persons 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 in the home, 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.

**(14) Single Family Residential Attached**

- a. Permitted only on Lots that have current or previous use (within the past 12 months) 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:

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

## ~~Section 4.11~~ Section 4.10 Accessory Uses

### (1) General

Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Table 4.2 of this UDC. The establishment of such accessory uses shall be consistent with any or all of the following standards:

- a. The accessory use shall be subordinate to and support a primary use or principal;
- b. The accessory use shall be subordinate in area, extent or purpose to the primary use;
- c. The accessory use shall contribute to the comfort, convenience or necessity of the primary use;
- d. The accessory use shall be located within the same zoning district as the primary use and/or;
- e. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.

### (2) Home Occupations

- a. A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.
- b. Home occupations are permitted provided the occupation meets the following provisions:
  - i. Is conducted entirely within a dwelling or integral part thereof and has no outside storage of any kind related to the home occupation;
  - ii. Is clearly incidental and secondary to the principal use of the dwelling;
  - iii. Is conducted only by persons residing on the premises (nonresident employees are not permitted);
  - iv. Does not affect the residential character of the dwelling or cause the dwelling to be extended or altered, internally or externally;
  - v. No identification sign or advertising of the home occupation is placed or situated on the site or structures, as required in Chapter 10 , Signs;
  - vi. Deliveries by commercial vehicle occur only between the hours of 8 a.m. and 6 p.m.;
  - vii. Does not generate traffic, parking, sewage, or water use in excess of what is typical in the residential neighborhood;
  - viii. Does not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, electrical interference, or other hazard to persons or property within the vicinity;
  - ix. Does not result in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family; and
  - x. Does not involve any on-site retail sales.
- c. Prohibited Home Occupations  
The following are prohibited as Home Occupations:
  - i. Animal hospitals, kennels, or crematoriums.
  - ii. Mortuaries;
  - iii. Private clubs;
  - iv. Repair shops;
  - v. Restaurants (excluding Bed and Breakfasts);
  - vi. Automobile or mechanical paint or repair shops;

- vii. Doctor, dentist, veterinarian or other medically related office;
- viii. Rooming/Boarding House;
- ix. Barber shops, Hair Salon and Beauticians.

~~Section 4.12~~ Section 4.11 Temporary Uses

**(1) Purpose**

Temporary uses, as set forth below, are declared to have characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed to be located. Permits for Temporary Uses must be submitted for review prior to its use.

**(2) Temporary Sales Offices and Model Homes**

Model homes are allowed provided they are servicing only the subdivision in which they are located.

**(3) Construction Oversight Offices**

A temporary building for use as a construction oversight office is permitted on a twelve- (12) month or shorter basis ~~unless a renewal is approved by the City, subject to the renewal policy outlined for model homes found in Section 3.9.~~ One construction oversight temporary building shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.

**(4) Temporary Parking Lots**

- a. When additional parking, in excess of what this UDC requires and/or in excess of what was installed when a facility first opened, is necessary to accommodate business or patronage that was unanticipated when the facility first opened, this parking may be supplied using the standards below. All such parking lots must receive site plan approval from the City Council or City Manager following the site plan review procedures outlined in Section 3.10(1). If these standards are allowed, the parking lot may exist on a temporary basis, not to exceed twelve (12) months. The beginning date of the 12-month period shall be determined by the City Manager.
- b. Standards. Temporary parking lots are subject to the following standards:
  - i. The surface of the parking lot may be gravel or some other temporary material approved by the City Engineer;
  - ii. Curbs, gutters or other improvements may be required where necessary to comply with drainage regulations as approved by the City Engineer;
  - iii. Entrance to the lot from any public right-of-way is at the discretion of the City Engineer;
  - iv. When entrance to the lot is allowed from a public right-of-way, that portion of the entrance located in the right-of-way must be paved with an all-weather surface as approved by the City Engineer; and
  - v. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud or gravel onto public rights-of-way. Violation of this standard will suspend use and immediately shut down parking lot until problem has been corrected to the satisfaction of City Engineer.
- c. Future Compliance.
 

At the end of the twelve-month period the lot must be brought up to full compliance with parking lot standards, as approved through the applicable site plan review process. If no site plan is approved within two (2) months of the expiration of the temporary parking lot approval, the lot, including all paving material, must be removed and the area no longer used for the parking of

vehicles. If the lot is removed, the area must be sodded, seeded or hydro mulched with grass within ten (10) days of removal. Driveway access shall be removed and curb and gutter replaced.

~~Section 4.13~~ Section 4.12 Outdoor Display and Storage

**(1) General**

Outdoor display and storage shall be allowed in nonresidential districts in accordance with this Section. Any merchandise, material or equipment situated outdoors in nonresidential districts shall be subject to the requirements of this Section. For the purpose of this section, outdoor storage and display shall be classified into three categories.

**(2) Categories of Outdoor Display and Storage**

- a. Outdoor Display
  - i. Outdoor display is a display of items actively for sale.
  - ii. Outdoor display shall be allowed adjacent to a principal building wall, may not extend into the right-of-way, and may only extend a distance of no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
  - iii. Outdoor display may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
- b. Limited Outdoor Storage
  - i. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.
  - ii. Limited outdoor storage shall be to the side or rear and not exceed 1,000 square feet or 5 percent of the total site area (whichever is greater), except in the Logistics district where additional outdoor storage and display is allowed so long as it is completely screened from view from outside the site, by a solid opaque wall or fence at least six feet in height. Such area may extend from the primary building, but not for a distance greater than 50 feet, and not into a public right-of-way or easement.
  - iii. Limited outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
  - iv. Limited outdoor storage shall not be allowed in required off-street parking spaces.
- c. General Outdoor Storage
  - i. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including items stored in shipping containers, and semitrailers not attached to a truck.
  - ii. General outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way and meets the location restrictions below.
  - iii. No general outdoor storage shall be permitted within the following areas:
    - 1. A required front or side setback or easement.
    - 2. Between a front setback and the building front.
    - 3. Between a side setback along a public right-of-way and any building or structure.
  - iv. General outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.

- v. Areas intended for general outdoor storage must be paved and painted to distinguish them from required off-street parking areas. No general outdoor storage shall be allowed in required off-street parking areas.

### (3) Outdoor Display and Storage Requirements

- a. Required in Site Plan: All outdoor display and storage areas must be clearly shown in the site plan submitted for the property.
- b. Right-of-Way: Unless specifically authorized elsewhere in this UDC, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area. Additionally, all outdoor display and storage shall only be on pavement, and still within the maximum impervious cover limitations set forth in Chapter 5, Subdivision Design Standards.
- c. Side Yards: No form of outdoor display and storage shall be allowed in required side setbacks or buffer yards. Landscaping and Buffers shall be provided as set forth in Chapter 6, Site Development and Building Form Standards.

### (4) Exceptions

- a. Vehicles for sale within part of a properly permitted vehicle sales use (including boats and recreational vehicles) shall not be considered outdoor display or storage.
- b. Such vehicles must be located and displayed on a paved vehicle use area, clearly indicated on the site plan, and screened under the same requirements for a parking lot.
- c. Waste generated on-site and properly deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.
- d. Outdoor display and sales rules do not apply to temporary sales by a charitable organization that is operating with the permission of the City.

## ~~Section 4.14~~ Section 4.13 Nonconforming Uses

### (1) Purpose

Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this UDC when it was adopted, or when any amendments thereto, take effect. The purpose of this section is to provide for recognition of such uses ~~and procedures for bringing such uses into conformance.~~

### (2) Notice of Nonconforming Status

- a. In addition to any notice required by this section or Section 211.007, the governing body of a municipality or a zoning commission, as applicable, shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed.
- b. The notice must be:
  - (i) be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date; and
  - (ii) contain the time and place of the public hearing; and

(iii) include the following text in bold 14-point type or larger: "THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

**(23) Description**

- a. Any use of property existing at the time of the passage of this section of the UDC or that exists when land is annexed into the city that does not conform with the regulations prescribed in the preceding sections of this UDC shall be deemed a nonconforming use, except that any single-family use existing at the time of passage of this UDC shall be thereafter deemed a conforming use.
- b. A nonconforming use of land may be continued, but if said nonconforming use is ~~discontinued intentionally abandoned by the property owner~~ for a period of time in excess of 180 consecutive days ~~six (6) consecutive months~~, any future use of said premises shall be in conformance with the provisions of this UDC.
- c. A nonconforming use of a building may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein.
- d. The right to maintain the nonconforming use shall be subject to such regulations ~~as to~~ pertaining to the maintenance of the premises, and conditions of operation, ~~and other measures~~, as may, ~~in the judgment of the Zoning Board of Adjustment~~, be reasonably required for the protection of adjacent property.
- e. A nonconforming use or a structure shall not be extended or rebuilt in case of obsolescence as per Section 4.14 (2)(d) above or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) per cent of its value, the building inspector shall issue a permit for reconstruction and continuation of the previously existing non-conforming use where no expansion or changes are proposed to the footprint. If greater than fifty (50) per cent and less than the total, the Zoning Board of Adjustment, may grant a ~~permit~~ Special Exception for repair after public hearing (similar to a variance process) and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- ~~f.—A violation of this UDC provision and a request for a nonconforming designation or request for relief under this designation shall not create an estoppel of the trial of any lawsuit which may be filed in any court.~~
- ~~g.f.~~ Notwithstanding any other provisions of this chapter, any legal nonconforming use of property existing as of March 1, 2018, that does not conform to the regulations prescribed in the UDC of the City of Fair Oaks Ranch, shall be deemed a non-conforming use, subject to the provisions contained in this section.
- ~~h.g.~~ A non-conforming use and/or a non-conforming structure shall not be expanded or enlarged outside of the limits of the existing building or area. The Zoning Board of Adjustment may grant a Special Exception for expansion of a non-conforming use and/or enlargement of a non-

conforming structure after a public hearing (similar to a variance) and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and/or structure and of the conservation and preservation of property. The Zoning Board of Adjustment may attach conditions of approval that they may deem necessary to mitigate the adverse impacts of such an enlargement or expansion on neighboring properties and residents.

#### **(4) Notice and Compensation**

- a. A person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue to use the property in the same manner unless required by the City to stop the nonconforming use of the property.
- b. The following actions by the City are considered a requirement to stop a nonconforming use of a property under this section:
  - (i) an official action by the governing body of the City or a board, commission, department, or official of the City; or
  - (ii) a determination by the City that a nonconforming use has an adverse effect or other necessary determination that the City must make before imposing a requirement to stop a nonconforming use under applicable law.
- c. If the City requires the property owner to stop the nonconforming use, the property owner or lessee shall be entitled to notice and payment as required by Local Government Code 211.006, as amended.

#### **(5) Appeal of Nonconforming Determination and Compensation**

- (a) A property owner or lessee entitled to a remedy under this section may appeal a determination to the Board of Adjustment not later than the 20th day after the date the determination is made. At the hearing before the Board of Adjustment, the City has the burden of proof to establish the correctness of its determination.
- (b). Any property owner or lessee aggrieved by a final decision of the Board of Adjustment may appeal the final decision to a court of competent jurisdiction within twenty (20) days.



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July 20, August 02, 2023

## CHAPTER 4 ZONING DISTRICTS AND USE REGULATIONS

### Section 4.1 Purpose and Intent

The purpose of this Chapter is to establish zoning districts and allowable uses within the City Limits of Fair Oaks Ranch, as well as procedures for special and temporary uses within each district. The zoning regulations herein established have been designed in accordance with the planning principles and land use patterns outlined within the City of Fair Oaks Ranch’s Comprehensive Plan for the purpose of promoting health, safety, and the general welfare of the public.

### Section 4.2 Permits, Projects, and Vested Rights

#### (1) Permit applications - expiration

Notwithstanding any other provision of this code, all permit applications shall expire as stated herein, and any approved permit or authority to construct, build or execute any project pursuant to a permit or series of permits shall expire as follows:

- a. A permit application or plan for development, filed on or after April 27, 2005, shall expire on the 45th day after said application or plan is filed, unless approved, if:
  - i. The applicant fails to provide documents or other information necessary to comply with the city's technical requirements relating to the form and content of the application;
  - ii. The city provides written notice to the applicant of the failure not later than the 10th business day after the date the application is filed specifying the necessary documents or other information and the date the application will expire if the documents or other information are not provided; and
  - iii. The applicant fails to provide the specified documents or other information within the time provided in the notice.
- b. The City Manager or designee may, but is not required, to extend the time only for issuance of a building permit to erect or improve a building or other structure, in which event the permit application shall expire when said extension expires. Any such extension shall be in writing and signed by the City Manager or designee.

#### (2) Permits and projects - expiration

- a. Only a project which was in progress (as defined by LGC section 245.003) or for which a completed permit application was filed after September 1, 1997 may be eligible to claim vested rights; any project for which the completed permit application was filed prior to September 1, 1997, or has expired, is not eligible.
- b. The following permits (as well as other permits satisfying the requirements of LGC chapter 245), which include plat applications, and plats, may be relied on by a property owner or developer to establish certain vested rights for a project. A project will expire in five (5) years from the date the first permit application was filed for the project with the city if progress, as defined in LGC section 245.005, has not been made towards completion of the project. An expired project is considered dormant, vested rights lapse and the project must comply with current ordinances and requirements.
  - i. Plat applications. Vested rights under LGC chapter 245 will be recognized for the project that is the subject of a completed application for a plat that has been filed with the city, provided all necessary fees have been paid. The vested rights recognized for a project located within the area being platted by such a plat application will expire two (2) years

after the date of the initial plat application, provided fair notice is provided with the plat application in accordance with LGC chapter 245, unless the plat application is heard by the city council and approved within two (2) years after the date of the initial application. Neither an expired nor a withdrawn plat application may be relied upon as a permit for the declaration of vested rights under LGC chapter 245. If after the expiration or the withdrawal of a plat application the applicant wishes future plat approval of the subject property, a new plat application must be filed and new application fees shall be required.

- ii. Plats. Vested rights under LGC chapter 245 will be recognized for a project associated with the property which is the subject of a plat that has been approved by the city council or the City Manager or designee for the city provided that fair notice is provided with the plat application in accordance with LGC chapter 245. The vested rights recognized for a project located within the area platted by an approved plat will expire two (2) years after the date of plat approval unless the plat is recorded in the county deed records within two (2) years after the date of approval by the city council.
- iii. Other permits. For the purposes of determining whether any vested rights exist, any other permit for which an expiration date is not specifically set forth in this Code of Ordinances or in other applicable law shall expire two (2) years after the date the application for the permit was filed with the city if progress, as defined in LGC section 245.005, has not been made towards completion of the project.

### **(3) Administrative procedure for consideration of claim of vested rights**

- a. Any property owner claiming vested rights under Chapter 245 of the LGC, or other applicable vesting law, shall submit a letter explaining in sufficient detail the basis upon which the property owner is claiming vesting and, consequently, is exempt from or not subject to a particular current regulation, ordinance, rule, expiration date, or other requirement. Such written submission shall include, at a minimum, the following:
  - i. The name, mailing address, telephone number and email address of the property owner (or the property owner's duly authorized agent);
  - ii. Identification of the property, including the address (if it exists) and the plat reference (if it exists) or metes and bounds (if not platted), for which the property owner claims a vested right;
  - iii. Provide project name, type of permit and date the permit was filed;
  - iv. If a property owner claims that certain regulations do not apply to the project, the property owner must identify, with particularity, all requirements that the property owner claims do not apply; and
  - v. Attach all supporting documents, if any.
- b. The letter should be addressed to the city's public works department.

### **(4) Vested rights determination**

The City Manager or designee will review the request and supporting documents and issue a final administrative determination of whether a vested right exists in relation to the project, and shall identify in writing to the property owner all claims for which vested rights have been granted (the "vested rights determination").

**(5) Appeal**

If the property owner believes that the vested rights determination is in error, the property owner shall have the right to appeal such vested rights determination to the city council, which will have jurisdiction to hear and decide the appeal.

**Section 4.3 Official Zoning Map**

**(1) Creation of Official Zoning Map**

The City is divided into zoning districts, shown on the Official Zoning Map (described in Sections 4.5 and 4.6), which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this UDC. The Official Zoning Map shall be located in the City of Fair Oaks Ranch City Hall and be identified by the signature of the Mayor, attested to by the City Secretary and bear the Seal of the City of Fair Oaks Ranch under the following words: *"This is to certify that this is the Official Zoning Map of the City of Fair Oaks Ranch."*

**(2) Changes to the Official Zoning Map**

If, in accordance with the provisions of this UDC and §211.006 of the Texas Local Government Code, as amended, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be effective immediately.

- a. Once a year, or subsequent to the approval of the changes, the City shall update the Official Zoning Map by entering any changes approved by the City Council and the Mayor shall sign the map attesting the changes.
- b. Approved zoning changes shall be entered on the Official Zoning Map by the City Manager or a designated representative and each change shall be identified on the Map with the date and number of the Ordinance making the change.
- c. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with procedures set forth in this UDC.

**(3) Replacement of Official Zoning Map**

In the event that 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 at any time 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 and bring the Official Zoning Map up-to-date to reflect any and all amendments or changes in the same.

**(4) Digital Mapping**

Digital maps, created through the use of Geographical Information Systems (GIS) technology, containing registration points recorded on the Texas State Plane Coordinate System (USGS NAD 83, mean sea level) and Texas State Plane, measured in feet, as amended, may be used in the administration and enforcement of this UDC, but will not replace the paper originals of official maps required by this UDC.

**(5) Interpreting Zoning District Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following the centerlines of street, highways, or alleys shall be construed to follow such centerlines.

- b. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated, as approximately following city limits shall be construed as following city limits.
- d. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- e. Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- f. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or where precise scale is difficult to determine, or in circumstances not covered by subsections (a) through (e) above, the City Manager shall interpret the district boundaries. Boundaries indicated in the legal description that is provided with the application that established zoning may be referred to as a guide to resolve discrepancies.

**(6) Building Frontage**

Building Frontage designations are established by the Zoning Map to specify certain building form and site development standards along each street illustrating the City’s regulatory commitment to providing streets in certain areas that are oriented to pedestrian travel and safety, as well as auto travel and safety. The Zoning Map illustrates the Building Frontage designations within Fair Oaks Ranch. For additional regulations on building frontages, please refer to Section 6.4 (1) of this Code.

**Section 4.4 Rezoning**

**(1) Applicability**

Any decision to amend the Official Zoning Map shall be made based on the procedure outlined below, and the criteria in Chapter 2, Review Authority and Procedures, and Chapter 3, Applications and Permits. No rezoning action may specifically vary from the Permitted Uses Table 4.2 found in Section 4.8, or from the Future Land Use Map included in the Comprehensive Plan.

- a. Applicability. For the purpose of establishing and maintaining sound, stable, and desirable development within the corporate limits of the City, the Official Zoning Map may be amended based upon changed or changing conditions in a particular area or in the City generally, or to rezone an area, or to extend the boundary of an existing Zoning District.
- b. Amending the Official Zoning Map for Planned Use Developments. For Planned Use Developments, the City Manager will promulgate a procedure based on the Comprehensive Plan and related planning studies.
- c. Any decision to amend the Official Zoning Map shall be heard for approval by a joint public hearing of the City Council and the Planning and Zoning Commission.

**(2) Newly Annexed Territory**

All areas annexed into the City shall be provided a temporary zoning designation of Rural Residential (RR) by City Council at the time of annexation, unless permanent zoning is requested with the annexation. As soon as practical, after the completion of annexation proceedings City Council shall permanently zone the area.

**Section 4.5 Lot Standards and Zoning**

**(1) Lot standards**

Zoning Districts and their respective development standards are set forth below.

**(2) The Future Land Use Map**

The Future Land Use Map should be consulted for areas located outside of the current City Limits of Fair Oaks Ranch in order to determine the recommended use(s) of land for a specific area.

**Section 4.6 Zoning Districts**

The following Zoning Districts reflect the existing land uses, applicable zoning districts, and recommended future land use classifications included in the City of Fair Oaks Ranch’s Comprehensive Plan’s Future Land Use Map (FLUM). Portions of the City of Fair Oaks Ranch, as specified on the Official Zoning Map of the City, are hereby divided into the following zoning districts. (Refer to Table 4.2 for allowable uses within each Zoning District):

**Table 4.1 Zoning Districts**

<b>RESIDENTIAL DISTRICTS</b>	<b>ZONING ABBREVIATIONS</b>	<b>EQUIVALENT FLUM CLASSIFICATION</b>
Rural Residential	RR	Rural Residential
Neighborhood Residential	NR	Neighborhood Residential
Existing Residential 1	R1	Existing Residential 1
Existing Residential 2	R2	Existing Residential 2
Existing Residential 3	R3	Existing Residential 3
Existing Residential 4	R4	Existing Residential 4
<b>NON-RESIDENTIAL DISTRICTS</b>		
Mixed Use Village	MU	Mixed Use Village
Neighborhood Commercial	NC	Neighborhood Commercial
Community Facilities	CF	Community Facilities
Logistics	LO	Logistics
Parks/Open Spaces/Existing Parks	OS	Parks/Open Spaces/Existing Parks
<b>SPECIAL DISTRICTS</b>		
Planned Unit Development	PUD	None
Conservation Development Alternative	RR or NR	Rural Residential or Neighborhood Residential

**(1) Residential Districts**

All residential development shall adhere to applicable development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development and Building Form Standards, as well as other applicable standards found in this UDC.

- a. Rural Residential District (RR)

The Rural Residential District (RR) is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are a minimum of 5 acres (or 1.75 acre using the Conservation Development Alternative Minimum to incentivize conservation areas), and are generally not served by urban infrastructure, such as City sewer service. This district is

intended to retain a rural character. Residences in the RR district are appropriate primarily for direct access to Local Rural Residential streets.

b. Neighborhood Residential District (NR)

The Neighborhood Residential District (NR) serves as the residential district for areas where low-to-medium density development is appropriate in Fair Oaks Ranch. The lots are a minimum of one (1) acre (or 0.5 acres using the Conservation Development Alternative Minimum to incentivize conservation areas). The NR district allows a variety of lot sizes and housing. NR developments provide pedestrian-friendly residential neighborhoods, protected from incompatible uses. Residences in the NR district are appropriate primarily for direct access to Local Neighborhood Residential streets and Rural Residential streets.

c. Existing Residential 1 (R1)

The Existing Residential 1 (R1) category governs the most dense existing residential types with lot sizes generally under 0.3 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

d. Existing Residential 2 (R2)

The Existing Residential 2 (R2) category governs existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

e. Existing Residential 3 (R3)

The Existing Residential 3 (R3) category governs the existing rural residential lots with lot sizes generally between 1.3 acres and 5 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

f. Existing Residential 4 (R4)

The Existing Residential 4 (R4) category governs existing rural oriented neighborhoods with lot sizes generally greater than 5 acres. In addition to applicable City ordinance requirements, the lot, building, landscaping and other similar standards are regulated through private deed restrictions in these neighborhoods and owners are strongly encouraged to review their deed restrictions before beginning a development project. The City does not enforce private deed restrictions or HOA regulations.

g. Design Standards

<b>Building Placement - Setbacks</b>						
	R1	R2	R3	R4	NR	RR
Front	*	*	*	*	50' min.	75' min.
Street Side	*	*	*	*	25' min.	50' min.
Side	*	*	*	*	20' min.	25' min.
Rear	*	*	*	*	25' min.	50' min.
<b>Lot Size Standards</b>						
	R1	R2	R3	R4	NR	RR
Minimum lot area	Less than 0.3 acres*	.3 AC	1.3 AC	5 AC	1 AC	5 AC
Minimum lot area w/ Conservation Development Option	NA	NA	NA	NA	Min. 0.5 acre	Min. 1.75 acre
<b>Building Height</b>						
<u>i. Principal Building Standards</u>						
Building maximum				2.5 stories or 35' max.		
<u>ii. Accessory Building Standards</u>						
Building maximum				2 stories or 25' max.		

\*Note: Lot area and building setbacks for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations.

**(2) Commercial / Mixed Use / Nonresidential Districts**

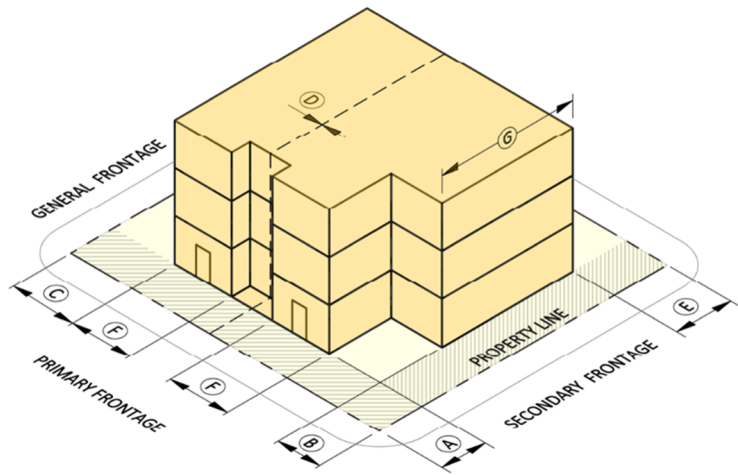
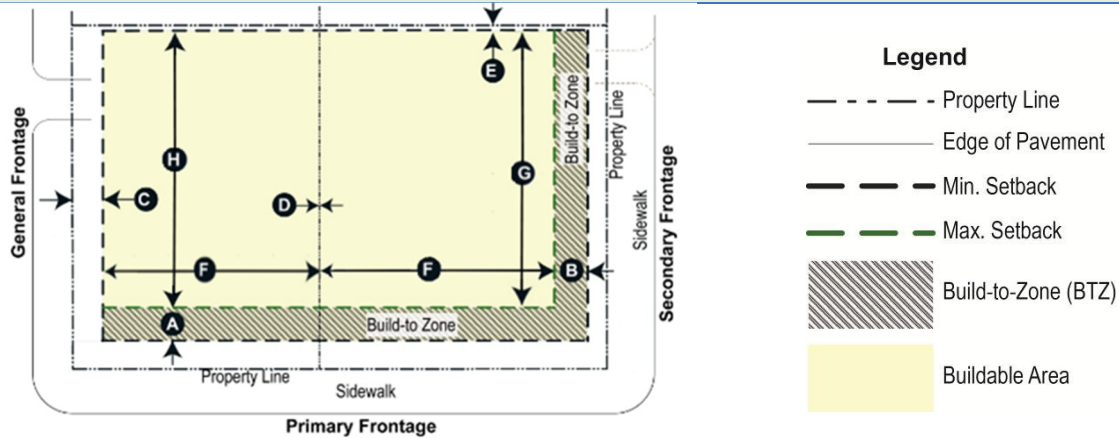
All Commercial / Mixed Use / Nonresidential development shall adhere to development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development and Building Form Standards, as well as other applicable standards in this UDC. The diagrams are for illustrative purposes only. In case of a conflict between the text and the diagrams, the text will govern. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform to a Hill Country Design aesthetic (defined under Texas Hill Country Character in Chapter 13).

**a. Mixed Use Village (MU)**

- i. **Purpose:** The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City allows and encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU district are appropriate for direct access to primarily Arterial, Collector and Local Connector streets. Uses within this Zoning District include commercial (office, retail, and restaurant) with a variety of residential uses also permitted.
- ii. **Design Standards:**



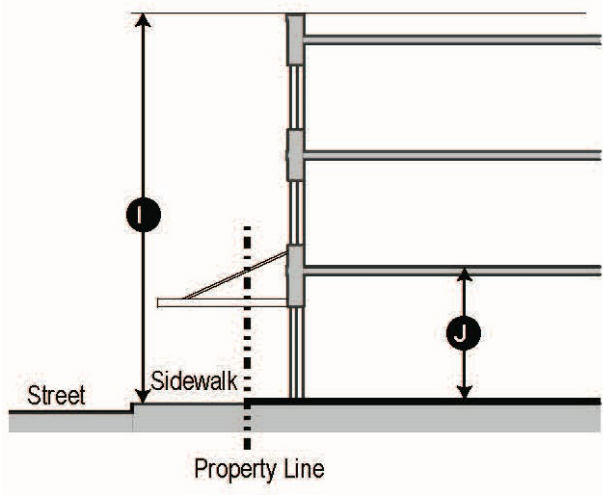
**Building Placement**



<b>Building to Zone (Distance from property lint to edge of the zone)</b>		
Primary Frontage	0' min. setback – 20' max. setback. 25' min. – 30' max. along IH -10	<b>A</b>
Secondary Frontage	10' min. setback – 20' max. setback	<b>B</b>
General Frontage	20' min. setback; no max. setback	<b>C</b>
Interior Side	5' min.; no max. setback	<b>D</b>
Rear	10' min.; no max. setback	<b>E</b>
<b>Building Frontage</b>		
Primary Frontage	60% min.	<b>F</b>
Secondary Frontage	40% min.	<b>G</b>
General Street or Alley Frontage	None Required	<b>H</b>

**Building Height**

**Principal Building Standards**

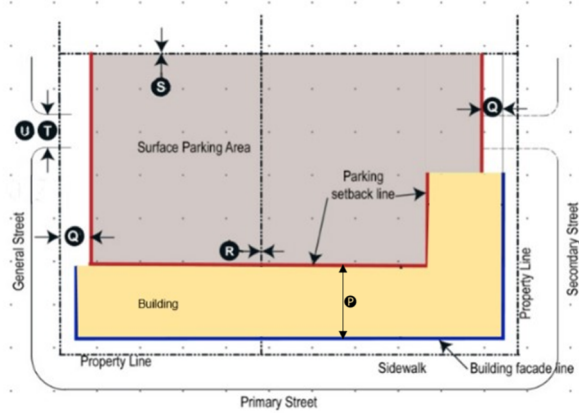


Building Maximum 3 stories or 45' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with Primary Frontage designation 10' min. for all other frontages **J**

**Parking & Service Access**

**Surface Parking Setbacks**



Primary Frontages Shall be located behind the principal building along the street frontage **P**

Secondary Frontages/ General Frontages/ Alley Shall be located behind the principal building along that street frontage **Q**  
If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.

Side 5' min. **R**

Rear 5' min. **S**

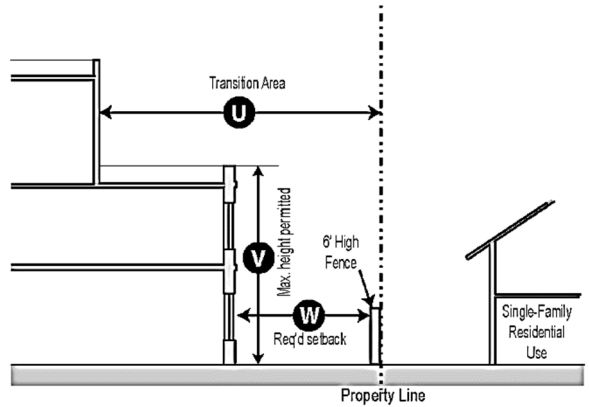
Structured Parking			
	Primary Frontages	Shall be located behind the principal building;	P
	Secondary Frontages/ General Frontages	Allowed to be built up to the minimum setback line along that street frontage	Q
	Side	5' min.	R
	Rear	5' min.	S

**Partially Below and Above Grade Parking**  
 Allowed to be built up to the building façade line along all streets

**Below Grade Parking**  
 May be built up to the property line along all street frontages

Driveways and Service Access		
i. Parking driveway width	Section 6.6 shall apply	T
ii. Driveways and off-street loading and unloading standards	Section 6.6 shall apply	U

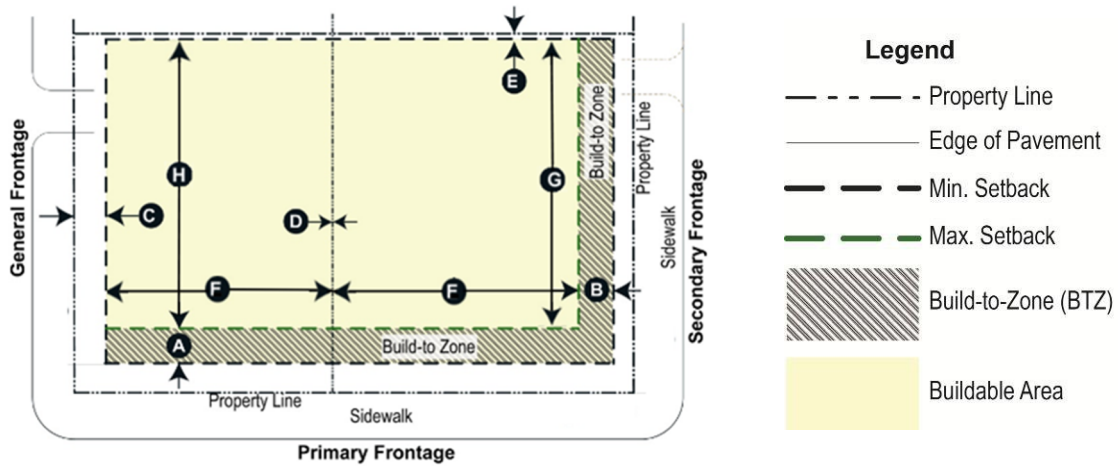
Residential Transition Standards		
The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District		
i. Transition Area	25' min.	U
ii. Max. Building Height within Transition Area	2 stories or 30'	V
iii. Required setback	10' min.	W
iv. A maximum 6' high solid screening fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.		



**b. Neighborhood Commercial District (NC)**

- i. **Purpose:** The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity that is relatively compatible with residential areas or is located within residential neighborhoods. Other light commercial uses that are not major daily traffic generators and are generally compatible with nearby residential activity are also allowed. Neighborhood commercial areas shall have pedestrian access to adjacent residential areas. Sites in the NC district are appropriate primarily for direct access to Collector, Local Connector streets and Local Neighborhood streets.
- ii. **Design Standards:**

**Building Placement**



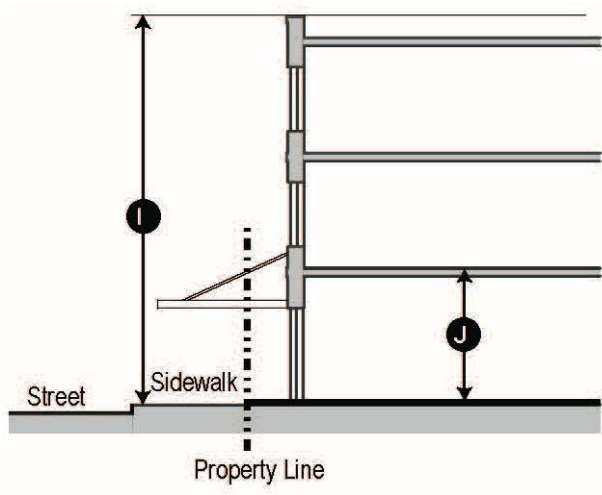
**Build to Zones (BTZs)  
(Distance from property line to edge of the zone)**

Primary Frontage	50' min. setback along Arterial; 30' along other streets; no max. setback	<b>A</b>
Secondary Frontage	10' min. setback – no max. setback	<b>B</b>
General Frontage	20' min. setback; no max. setback	<b>C</b>
Interior Side	20' min; no max. setback	<b>D</b>
Rear	20' min.; no max. setback	<b>E</b>

**Building Frontage**

Primary Frontage	40% min.	<b>F</b>
Secondary Frontage	20% min.	<b>G</b>
General Frontage	None Required	<b>H</b>

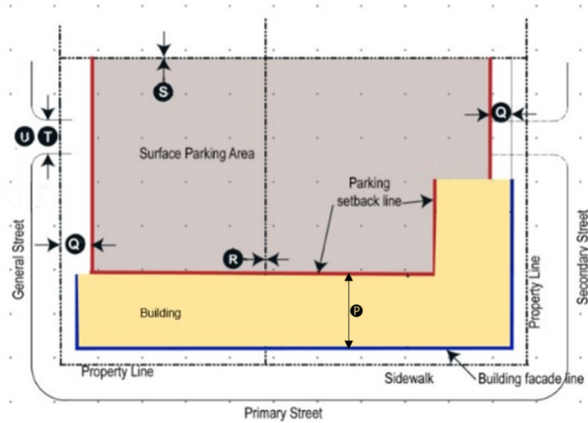
**Building Height**  
**Principal Building Standards**



Building Maximum 2 stories or 30' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with a Secondary Frontage designation  
 10' min. for all other frontages **J**

**Parking & Service Access**  
**Surface Parking Setbacks**



Primary Frontage Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street **P**

Secondary/ General Frontage Min. 3' behind the property line along that street **Q**

Side 10' min. **R**

Rear 10' min. **S**

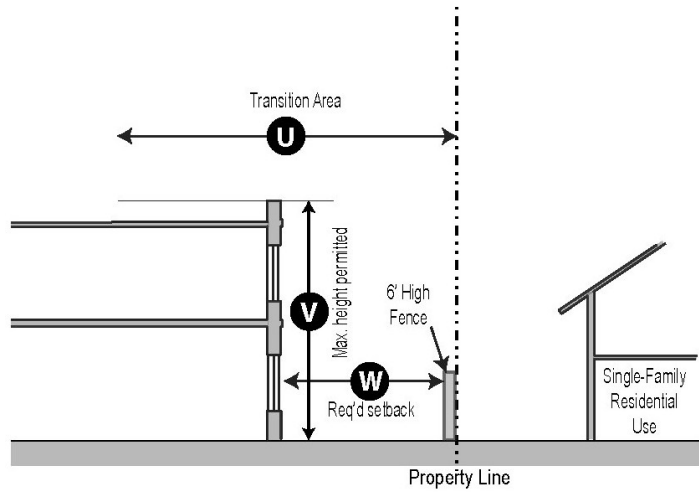
**Driveway and Service Access**

1. Parking driveway width	Section 6.6 shall apply	<b>T</b>
2. Driveways and off-street loading /unloading standards	Section 6.6 shall apply	<b>U</b>

**Residential Transition Standards**

The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District

i. Transition Area	30' min.	U
ii. Building Height within Transition Area	25' max	V
iii. Required setback	20' min.	W
iv. A maximum 6' high solid screening fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided		

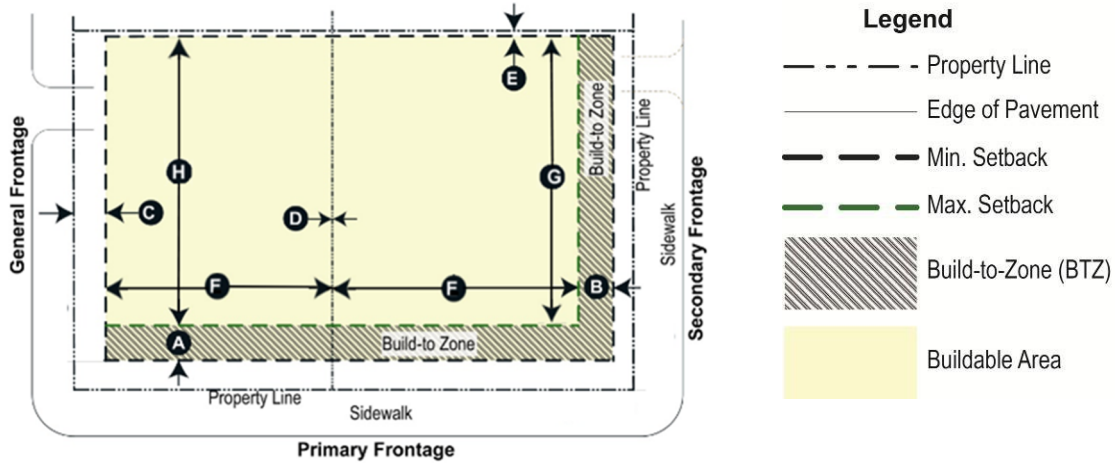


**c. Community Facilities District (CF)**

- i. **Purpose:** The Community Facilities (CF) District is intended for locations at which facilities are provided for governmental, religious, educational, health care, public gatherings, and social services. Sites in the CF district are appropriate primarily for direct access to Arterial, Collector streets and Local Connector Streets. Development standards in this district will require new buildings to create pedestrian friendly building frontages and generally conform to a Hill Country Design aesthetic. Uses within this Zoning District include primarily Civic and places of worship.

**ii. Design Standards**

**Building Placement**



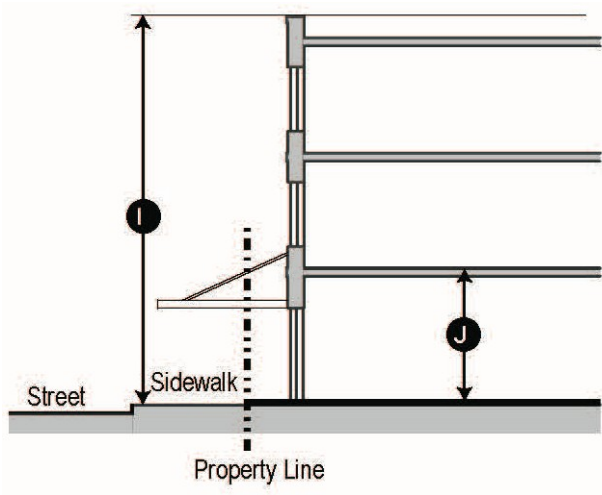
**Build to Zones (BTZs)  
(Distance from property line to edge of the zone)**

Primary Frontage	50' min. setback along Arterial; 30' along other streets; no max. setback	<b>A</b>
Secondary Frontage	10' min. setback – no max. setback	<b>B</b>
General Frontage	20' min. setback; no max. setback	<b>C</b>
Interior Side	20' min; no max. setback	<b>D</b>
Rear	20' min.; no max. setback	<b>E</b>

**Building Frontage**

Primary Frontage	40% min.	<b>F</b>
Secondary Frontage	20% min.	<b>G</b>
General Frontage	None Required	<b>H</b>

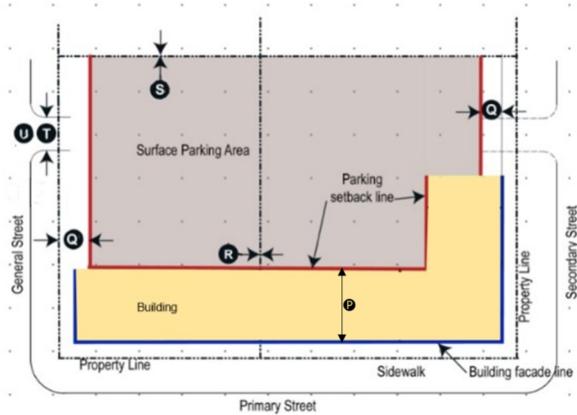
**Building Height**  
**Principal Building Standards**



Building Maximum 2 stories or 30' max. **I**

First floor to floor height (fin. Floor to fin. Floor) 12' min. for all buildings with a Secondary Frontage designation  
 10' min. for all other frontages **J**

**Parking & Service Access**  
**Surface Parking Setbacks**



Primary Frontage Shall be located behind the principal building along the street frontage or Min. 10' behind the property line along that street **P**

Secondary/ General Frontage Min. 3' behind the property line along that street **Q**

Side 10' min. **R**

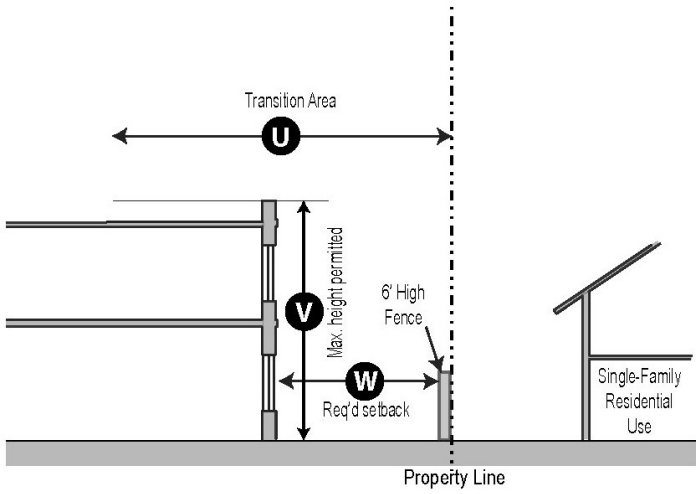
Rear 10' min. **S**

**Driveway and Service Access**

1. Parking driveway width	Section 6.6 shall apply	<b>T</b>
2. Driveways and off-street loading /unloading standards	Section 6.6 shall apply	<b>U</b>



Residential Transition Standards		
<p>The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District</p>		
a. Transition Area	30' min.	U
b. Building Height within Transition Area	25' max	V
c. Required setback	20' min.	W
<p>d. A maximum 6' high solid screening fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.</p>		

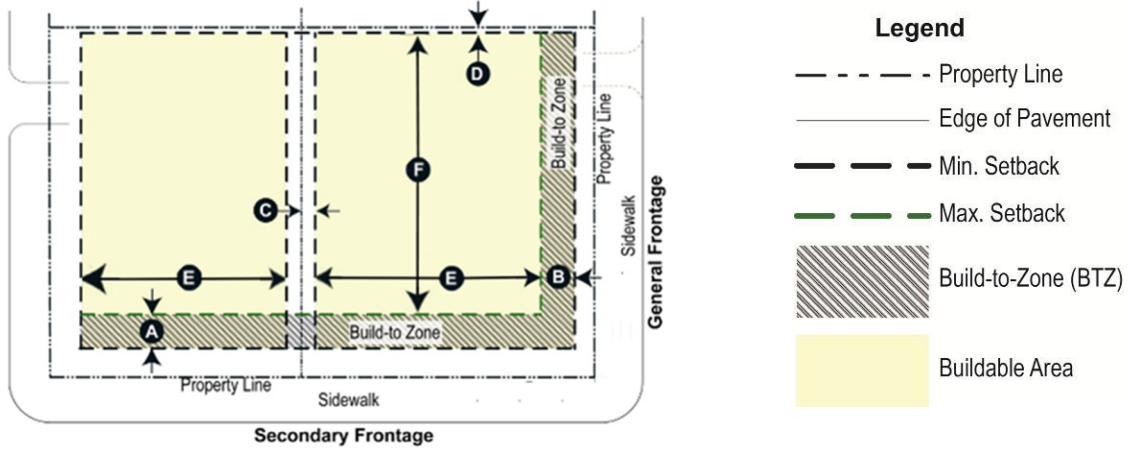


**d. Logistics (LO)**

- i. **Purpose:** The Logistics District (LO) is intended to provide an area for appropriately scaled office- warehouse and what is sometimes called light industrial/commercial uses at discrete locations in the City. It is also appropriate for non-commercial uses that may generate significant traffic at limited times, such as places of worship and educational or community institutions. Sites in the L O district are appropriate for direct access to primarily Arterial and Collector streets.

ii. Design Standards

**Building Placement**



- Legend**
- - - - - Property Line
  - Edge of Pavement
  - Min. Setback
  - Max. Setback
  - ▨ Build-to-Zone (BTZ)
  - Buildable Area

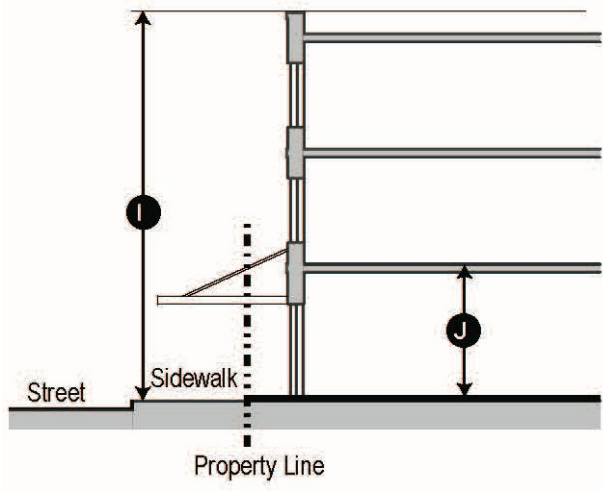
**Build to Zones (BTZs)  
(Distance from property line to edge of the zone)**

Secondary Frontage	30' min. setback – 80' max. setback	<b>E</b>
General Frontage	30' min. setback; no max. setback	<b>F</b>
Side	30' min; no max. setback	<b>A</b>
Rear	30' min.; no max. setback	<b>D</b>

**Building Frontage**

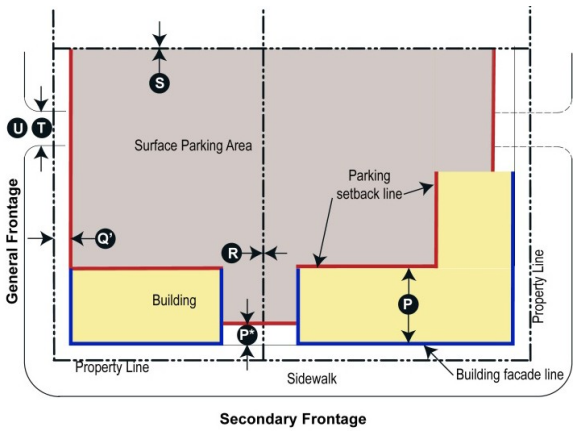
Secondary Frontage	50% min.	<b>B</b>
General Frontage	None Required	<b>C</b>

**Building Height**  
**Principal Building Standards**



Building Maximum	2 stories or 30' max.	I
First floor to floor height (fin. Floor to fin. Floor)	12' min. for all buildings	J

**Parking & Service Access**  
**Surface Parking Setbacks**

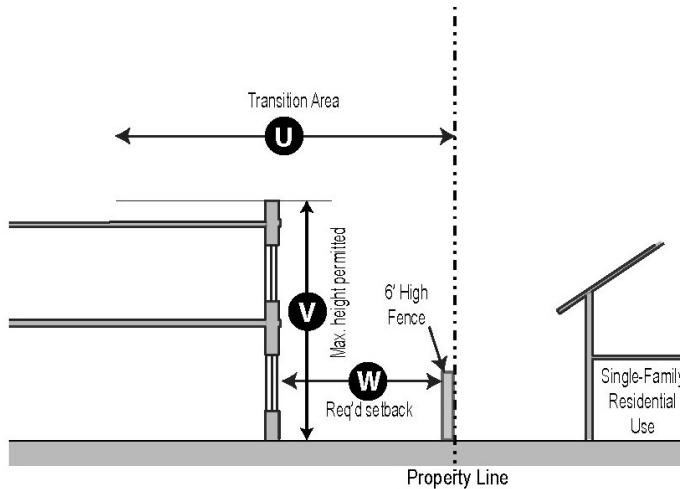


Secondary Frontage	Shall be located behind the principal building along the street frontage or Min. 3' behind the building facade line along that street; If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line. Min. 3' behind the property line	P
General Frontage	Min. 3' behind the property line along that street	Q
Side	10' min.	R
Rear	10' min.	S

**Driveway and Service Access**

1. Parking driveway width	Section 6.1 shall apply	T
2. Driveways and off-street loading /unloading standards	Section 6.1 shall apply	U

Residential Transition Standards		
<p>The following transition standards shall apply to all new building construction adjacent to a Residential Zoning District. This requirement shall NOT apply if a street, alley or other similar R-O-W separates the subject lot and adjoining Residential Zoning District</p>		
e. Transition Area	50' min.	Ⓚ
f. Max. Building Height at within Transition Area	1 story or 20' max	Ⓛ
g. Required setback	min. 30'	Ⓜ
<p>h. A maximum 6' high solid screening fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.</p>		



e. Open Space (OS)

Open Space (OS) serves to preserve the quasi-rural aesthetic character of Fair Oaks Ranch, to ensure preservation of land for environmental stewardship, to guard against erosion and provide for flood control, to provide for natural light and greenery within the City, and to generally contribute to the public health and welfare. These areas may be owned and operated by a government entity such as the City of Fair Oaks Ranch, a private entity, or protected through private covenant and managed by a homeowner's entity such as FORHA. All open space identified on the Future Land Use Map indicates areas where open space is to be preserved. Proposed development near these general locations shall consider including open space within the development.

**Section 4.7 Special Zoning Districts**

A Special Zoning District is a zoning district that establishes regulations that are unique to the district but combine with the regulations of an underlying (base) zoning district. The purposes of a Special Zoning District shall be to establish additional or different development and/or design criteria in exchange for a public benefit. An overlay may also establish conditions for uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district.

**(1) Planned Unit Development (PUD)**

The purpose of the Planned Unit Development District (PUD) is to provide land for uses and developments that promote development that is more sensitive to the natural environment, creates a significantly enhanced natural setting and/or sense of place, or otherwise enhances the standard pattern of development in Fair Oaks Ranch. Development is required to provide a higher level of amenities to its users or residents than what is usually required under the normal standards of this UDC. A PUD can be used to provide a creative solution around unforeseen constraints or to offer development flexibility that is in keeping with the Comprehensive Plan but is outside the prescriptions of the base zoning district. A PUD may be used to permit new or innovative concepts in land use not permitted by other zoning districts in this UDC or to permit development projects that existing districts cannot easily accommodate. This district is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or mixed use as a land category. Rezoning to the PUD district requires a specific PUD ordinance and a general development plan from the property owner. Applicants are responsible for developing the PUD Ordinance. Further information on PUD applications and applicability is found in Section 3.7(5).

**(2) Conservation Development Alternative (CDA)**

The Conservation Development Alternative provides a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. A Conservation Development Alternative is a development of land within Rural Residential or Neighborhood Residential Districts, occupying ten (10) contiguous acres or more, that is developed in a manner generally consistent with engineering and planning principles often described as “low impact design.” The land must also be under unified control and planned and developed as a whole in a single development operation or programmed series of development stages. The development may cover more than one parcel as long as all parcels are contiguous, but the entirety of each included parcel will be included in the gross area of the development. This process also provides incentives to landowners by providing uniform rules to govern increased density, outlined in the table below, entitled “Conservation Development Alternative Density Incentive.” Conservation Development may also be used to preserve natural resources, minimize infrastructure costs for the landowner or the City, and to better conform lot configurations and housing types to topography and market needs in places where the City deems it appropriate. These regulatory incentives are intended to ensure that regulatory modifications to the zoning standards benefit the general public welfare as well as the landowner. Additional regulations for the Conservation Development Alternative may be found in Section 8.3 of this UDC.

**Section 4.8 Permitted Uses**

**(1) Use Table**

The following table (Table 4.2) reflects the uses permitted within each zoning district. An applicant may appeal the decision of the City Manager by presenting their case to the Zoning Board of Adjustment.

- a. A Use Permitted by right (P) is subject to all other applicable regulations of this UDC.
- b. Some uses require supplemental regulations in addition to the other applicable regulations of this UDC. A use indicated by (P/C) is permitted by right and **approval by City Council is not required**, provided that it meets the conditional use standards found in Section 4.9, as well as the other applicable regulations of this UDC.
- c. A Special Use Permit (S) is allowed **only if approved by City Council** in accordance the standards found in Section 3.7.
- d. Not Permitted (NP).

**(2) Unlisted Uses**

For uses not listed, the City Manager or his/her designee shall make a determination based on their interpretation of the intent and spirit of this ordinance and the Fair Oaks Ranch Comprehensive Plan. For uses not listed or new uses, the City Manager shall use the descriptions found in Appendix B: Definitions to determine how an unlisted use should be treated.

- a. A new and unlisted use may be interpreted by the City Manager (or designee) as similar to another listed use and treated in the same manner as that listed use.
- b. If the City Manager (or designee) finds that the use is not substantially similar to a listed use, an amendment to the UDC shall be required as per Section 3.6 to add such a use to the Land Use Matrix.
- c. Any decision of the City Manager (or designee) may be appealed according to the process outlined in Section 2.3.

**Table 4.2: Use Table**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
Retail Sales or Service with no drive through facility	P*	P	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Retail Sales or Service with drive through facility (includes retail with associated fuel sales)	P/C	NP	NP	NP	NP	NP	NP	NP	1 space per 300 sf of usable building area
Bars	S	S	NP	NP	NP	NP	NP	NP	1 space per 150 sf of usable building area
Food Service Uses such as full-service restaurants, cafeterias, bakeries catering and snack bars with no drive through facilities	P*	P	NP	P	NP	NP	NP	NP	1 space per 100 sf of usable building area
Art, antique, museum, furniture or galleries (retail, repair or artisanal fabrication)	P*	P	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area
Entertainment, theater, cinema, or music venue	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
Outdoor recreation and entertainment facilities	P/C	P/C	P/C	P/C	NP	NP	NP	NP	1 for each 800 sf of outdoor recreational area
Sexually Oriented Business	NP	NP	NP	P	NP	NP	NP	NP	1 space per 300 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
Pet and animal sales or service	P*	NP	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building 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
Golf course	P	P	P	P	P	P	P	P	3 spaces per hole, plus additional spaces required for accessory uses (restaurant, bar, pro shop)
Parks, greens, plazas, squares, and playgrounds	P	P	P	P	P	P	P	P	To be determined by the City Manager or designee based on use and location

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
Park maintenance facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	To be determined by the City Manager or designee based on use and location
Business associations and professional membership organizations	P*	P	P	P	NP	NP	NP	NP	1 space per 200 sf of usable building area
Childcare, day care, and preschools	P/C	P/C	P/C	NP	NP	NP	NP	NP	2 spaces per employee
Family home child care	P/C	P/C	P/C	NP	S	S	S	NP	2 spaces per residential use plus 1 space for drop off/pick up.
Kindergarten, Elementary and Middle Schools, libraries, and community/civic facilities	P	NP	P	NP	NP	NP	NP	NP	3 spaces per classroom, plus 1 space per administrative employee
Religious Institutions	NP	NP	P	P	NP	NP	NP	NP	1 space per 200 square feet of usable building area
High Schools, Universities and Colleges and Technical, trade, and specialty schools	P	NP	P	P	NP	NP	NP	NP	1 space per 3 seats in classroom, plus 1 space per staff member (plus additional required for auditoriums, gymnasiums)
Health Clinic/Medical Office	P*	P	NP	NP	NP	NP	NP	NP	1 for each 200 sf of usable building area
Hospitals and nursing establishments	P	NP	P	NP	NP	NP	NP	NP	1 for each 1.5 beds
Residential Care Facility	P	NP	P	NP	NP	NP	NP	NP	1 for each on duty or resident care provider and 1 space per 2 residents
Retirement Community	P	NP	P	NP	NP	NP	NP	NP	1 for each dwelling unit
Long Term Care Facility	P	NP	P	NP	NP	NP	NP	NP	1 for each 4 beds
Social, fraternal and philanthropic organizations	P/C	P	P	P	NP	NP	NP	NP	1 space per 200 sf of usable building area
Transitional Housing	S	S	S	S	S	S	S	NP	1 for each on duty or resident care provider and 1 for each bedroom
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 2 residents



Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
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 homes	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)
Single Family Residential	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 Building Residential Unit (Garage Apt.), with an additional 7,000 square foot lot area for each additional dwelling, and not to exceed the total floor area of the principal dwelling unit. Limited to one unit per lot.	P	P	P	P	P	P	P	NP	1 space per each additional dwelling unit
Single-family Residential Attached/ Townhomes/ Patio Home/ Duplex/ Multi Unit Home (3-4 Units)	P*	P	P	P	P/C	NP	NP	NP	2 spaces per each dwelling unit
Multi-family Residential	P*	NP	NP	NP	NP	NP	NP	NP	1.5 for each studio, one or two-bedroom unit; 2 for each unit with 3 or more bedrooms
Home Occupations	P	P	P	P	P	P	P	NP	2 spaces per each dwelling unit
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP	NP	2 spaces per each dwelling unit
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
Brewery, Distillery, or Winery	NP	NP	NP	P	NP	NP	NP	NP	1 space per 500 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
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 area
Climate Controlled Self-Storage	P/C	NP	NP	P/C	NP	NP	NP	NP	1 space per each employee or 1

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space <sup>1</sup>	Parking
									space per 1,000 sf of usable building area, whichever is greater
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 Facilities (electric, natural gas, alternative)	P/C	P/C	P/C	P/C	P/C	P/C	P/C	NP	As required per the utility
Hotel	P	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.
Bed and Breakfast (5 or fewer guest rooms)	P	P/C	P	P/C	P/C	P/C	P/C	NP	1 space per guest room.
Parking, structured	P	NP	NP	NP	NP	NP	NP	NP	
Veterinary Services	P	NP	NP	NP	NP	NP	NP	NP	As required by the associated use
Commercial Stables/Boarding	NP	NP	NP	P	NP	NP	NP	NP	1 space per 300 sf of usable building area

P\* - Permitted as part of a mixed use development that contains a mix of residential and nonresidential designed as a unified development. The residential component of any type shall not exceed thirty (30) percent of the entire development.

- <sup>1</sup>Open 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.
- When square feet are specified in the above chart the area measured shall be the primary interior floor area of the structure(s) on the property within which the use operates, which shall exclude stairwells, restrooms, elevator shafts, hallways, ornamental balconies, space occupied by heating, air conditioning or other utility equipment, and interior area devoted to parking or loading.
- The number of employees of a new or expanding business shall be estimated in a manner reflecting realistic needs, considering factors such as number of shifts, employees per shift, and parking space

turnover rates of the existing or comparable business. The City Manager or designee shall determine number of employees from employment information presented by the use or owner of the property.

- In the event several uses occupy a structure or property simultaneously, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately based on the proportional area devoted to each separate use.
- A stacked or tandem parking arrangement, where one vehicle parked directly behind another must be removed before the front vehicle can exit its space, shall be allowed only for a structure containing one, or two (2) residential dwelling units.
- The City Manager or designee shall determine the number of off-street parking spaces required for uses not specifically listed in this section following an assessment of comparable uses and associated parking requirements.
- Refer to Section 6.7 for additional parking standards.

**Section 4.9 Conditional Uses**

**(1) Retail Sales or Service with Drive Through Facility**

Retail Service with drive through facility will be governed by the 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 specified below:

- a. Drive through windows and similar elements shall not be located in yards adjacent to residential zone or use.
- b. Such facilities must meet all applicable screening and landscaping requirements of Chapter 6.
- c. Stacking spaces shall be provided as per the requirements in Section 6.6.

**(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.
- 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 9, 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 buffer of 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 making the noise receives notice from the magistrate or peace officer that the noise is a public nuisance.
- c. 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. Minimum screening shall include a row of shrubs.
- 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.
- 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 be in compliance with 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) with a gate made of similar material and with landscaping in compliance with Chapter 8, 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. Day Care. 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. Family Home Child Care. 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. 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.
- d. 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 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.

- 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 persons 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 in the home, 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.

**(14) Single Family Residential Attached**

- a. Permitted only on Lots that have current or previous use (within the past 12 months) 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:

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

**Section 4.10 Accessory Uses****(1) General**

Any accessory use may be permitted provided there is association with a primary use that may be permitted in accordance with Table 4.2 of this UDC. The establishment of such accessory uses shall be consistent with any or all of the following standards:

- a. The accessory use shall be subordinate to and support a primary use or principal;
- b. The accessory use shall be subordinate in area, extent or purpose to the primary use;
- c. The accessory use shall contribute to the comfort, convenience or necessity of the primary use;
- d. The accessory use shall be located within the same zoning district as the primary use and/or;
- e. Accessory uses located in residential districts shall not be used for commercial purposes other than authorized and legitimate Home Occupations.

**(2) Home Occupations**

- a. A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling. The home occupation shall be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.
- b. Home occupations are permitted provided the occupation meets the following provisions:
  - i. Is conducted entirely within a dwelling or integral part thereof and has no outside storage of any kind related to the home occupation;
  - ii. Is clearly incidental and secondary to the principal use of the dwelling;
  - iii. Is conducted only by persons residing on the premises (nonresident employees are not permitted);



- iv. Does not affect the residential character of the dwelling or cause the dwelling to be extended or altered, internally or externally;
  - v. No identification sign or advertising of the home occupation is placed or situated on the site or structures, as required in Chapter 10 , Signs;
  - vi. Deliveries by commercial vehicle occur only between the hours of 8 a.m. and 6 p.m.;
  - vii. Does not generate traffic, parking, sewage, or water use in excess of what is typical in the residential neighborhood;
  - viii. Does not create disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, unhealthy or unsightly condition, electrical interference, or other hazard to persons or property within the vicinity;
  - ix. Does not result in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family; and
  - x. Does not involve any on-site retail sales.
- c. Prohibited Home Occupations
- The following are prohibited as Home Occupations:
- i. Animal hospitals, kennels, or crematoriums.
  - ii. Mortuaries;
  - iii. Private clubs;
  - iv. Repair shops;
  - v. Restaurants (excluding Bed and Breakfasts);
  - vi. Automobile or mechanical paint or repair shops;
  - vii. Doctor, dentist, veterinarian or other medically related office;
  - viii. Rooming/Boarding House;
  - ix. Barber shops, Hair Salon and Beauticians.

## Section 4.11 Temporary Uses

### (1) Purpose

Temporary uses, as set forth below, are declared to have characteristics which require certain controls in order to ensure compatibility with other uses in the district within which they are proposed to be located. Permits for Temporary Uses must be submitted for review prior to its use.

### (2) Temporary Sales Offices and Model Homes

Model homes are allowed provided they are servicing only the subdivision in which they are located.

### (3) Construction Oversight Offices

A temporary building for use as a construction oversight office is permitted on a twelve- (12) month or shorter basis unless a renewal is approved by the City. .One construction oversight temporary building shall be allowed for each builder in a subdivision in which that builder has the authority to construct structures.

### (4) Temporary Parking Lots

- a. When additional parking, in excess of what this UDC requires and/or in excess of what was installed when a facility first opened, is necessary to accommodate business or patronage that was unanticipated when the facility first opened, this parking may be supplied using the standards below. All such parking lots must receive site plan approval from the City Council or City Manager

following the site plan review procedures outlined in Section 3.10(1). If these standards are allowed, the parking lot may exist on a temporary basis, not to exceed twelve (12) months. The beginning date of the 12-month period shall be determined by the City Manager.

- b. Standards. Temporary parking lots are subject to the following standards:
  - i. The surface of the parking lot may be gravel or some other temporary material approved by the City Engineer;
  - ii. Curbs, gutters or other improvements may be required where necessary to comply with drainage regulations as approved by the City Engineer;
  - iii. Entrance to the lot from any public right-of-way is at the discretion of the City Engineer;
  - iv. When entrance to the lot is allowed from a public right-of-way, that portion of the entrance located in the right-of-way must be paved with an all-weather surface as approved by the City Engineer; and
  - v. It must be shown that steps will be taken to prevent the blowing of dust onto adjacent properties and the tracking of mud or gravel onto public rights-of-way. Violation of this standard will suspend use and immediately shut down parking lot until problem has been corrected to the satisfaction of City Engineer.

- c. Future Compliance.
 

At the end of the twelve-month period the lot must be brought up to full compliance with parking lot standards, as approved through the applicable site plan review process. If no site plan is approved within two (2) months of the expiration of the temporary parking lot approval, the lot, including all paving material, must be removed and the area no longer used for the parking of vehicles. If the lot is removed, the area must be sodded, seeded or hydro mulched with grass within ten (10) days of removal. Driveway access shall be removed and curb and gutter replaced.

## Section 4.12 Outdoor Display and Storage

### (1) General

Outdoor display and storage shall be allowed in nonresidential districts in accordance with this Section. Any merchandise, material or equipment situated outdoors in nonresidential districts shall be subject to the requirements of this Section. For the purpose of this section, outdoor storage and display shall be classified into three categories.

### (2) Categories of Outdoor Display and Storage

- a. Outdoor Display
  - i. Outdoor display is a display of items actively for sale.
  - ii. Outdoor display shall be allowed adjacent to a principal building wall, may not extend into the right-of-way, and may only extend a distance of no greater than 5 feet from the wall. Such storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
  - iii. Outdoor display may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of-way.
- b. Limited Outdoor Storage
  - i. Limited outdoor storage is temporary storage of goods in individual packaging and not in storage containers. Organic materials stored on pallets are considered limited outdoor storage.

- ii. Limited outdoor storage shall be to the side or rear and not exceed 1,000 square feet or 5 percent of the total site area (whichever is greater), except in the Logistics district where additional outdoor storage and display is allowed so long as it is completely screened from view from outside the site, by a solid opaque wall or fence at least six feet in height. Such area may extend from the primary building, but not for a distance greater than 50 feet, and not into a public right-of-way or easement.
- iii. Limited outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of- way.
- iv. Limited outdoor storage shall not be allowed in required off-street parking spaces.
- c. General Outdoor Storage
  - i. General outdoor storage consists of all remaining forms of outdoor storage not classified as outdoor display or limited outdoor storage, including items stored in shipping containers, and semitrailers not attached to a truck.
  - ii. General outdoor storage shall be allowed in unlimited quantity, provided that the storage area is screened from any public right-of-way and meets the location restrictions below.
  - iii. No general outdoor storage shall be permitted within the following areas:
    - 1. A required front or side setback or easement.
    - 2. Between a front setback and the building front.
    - 3. Between a side setback along a public right-of-way and any building or structure.
  - iv. General outdoor storage may not occupy more than 30 percent of the linear distance along any principal building wall facing a public right-of- way.
  - v. Areas intended for general outdoor storage must be paved and painted to distinguish them from required off-street parking areas. No general outdoor storage shall be allowed in required off-street parking areas.

**(3) Outdoor Display and Storage Requirements**

- a. Required in Site Plan: All outdoor display and storage areas must be clearly shown in the site plan submitted for the property.
- b. Right-of-Way: Unless specifically authorized elsewhere in this UDC, all outdoor storage and display shall be located outside the public right-of-way and/or at least 15 feet from the back edge of the adjacent curb or street pavement and outside of any required landscape area. Additionally, all outdoor display and storage shall only be on pavement, and still within the maximum impervious cover limitations set forth in Chapter 5, Subdivision Design Standards.
- c. Side Yards: No form of outdoor display and storage shall be allowed in required side setbacks or buffer yards. Landscaping and Buffers shall be provided as set forth in Chapter 6, Site Development and Building Form Standards.

**(4) Exceptions**

- a. Vehicles for sale within part of a properly permitted vehicle sales use (including boats and recreational vehicles) shall not be considered outdoor display or storage.
- b. Such vehicles must be located and displayed on a paved vehicle use area, clearly indicated on the site plan, and screened under the same requirements for a parking lot.
- c. Waste generated on-site and properly deposited in ordinary refuse containers shall not be subject to the restrictions of this Section.

- d. Outdoor display and sales rules do not apply to temporary sales by a charitable organization that is operating with the permission of the City.

**Section 4.13 Nonconforming Uses**

**(1) Purpose**

Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this UDC when it was adopted, or when any amendments thereto, take effect. The purpose of this section is to provide for recognition of such uses.

**(2) Notice of Nonconforming Status**

- a. In addition to any notice required by this section or Section 211.007, the governing body of a municipality or a zoning commission, as applicable, shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed.
- b. The notice must be:
  - (i) be mailed by United States mail to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date; and
  - (ii) contain the time and place of the public hearing; and
  - (iii) include the following text in bold 14-point type or larger: "THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

**(3) Description**

- a. Any use of property existing at the time of the passage of this section of the UDC or that exists when land is annexed into the city that does not conform with the regulations prescribed in the preceding sections of this UDC shall be deemed a nonconforming use, except that any single-family use existing at the time of passage of this UDC shall be thereafter deemed a conforming use.
- b. A nonconforming use of land may be continued, but if said nonconforming use is intentionally abandoned by the property owner for a period of time in excess of 180 consecutive days , any future use of said premises shall be in conformance with the provisions of this UDC.
- c. A nonconforming use of a building may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations except those required by law or ordinance are made therein.
- d. The right to maintain the nonconforming use shall be subject to such regulations pertaining to the maintenance of the premises, and conditions of operation as may, be reasonably required for the protection of adjacent property.

- e. A nonconforming use or a structure shall not be extended or rebuilt in case of obsolescence as per Section 4.14 (2)(d) above or total destruction by fire or other cause. In cases of partial destruction by fire or other causes, not exceeding fifty (50) per cent of its value, the building inspector shall issue a permit for reconstruction and continuation of the previously existing nonconforming use where no expansion or changes are proposed to the footprint. If greater than fifty (50) per cent and less than the total, the Zoning Board of Adjustment, may grant a Special Exception for repair after public hearing (similar to a variance process) and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and of the conservation and preservation of property.
- f. Notwithstanding any other provisions of this chapter, any legal nonconforming use of property existing as of March 1, 2018, that does not conform to the regulations prescribed in the UDC of the City of Fair Oaks Ranch, shall be deemed a non-conforming use, subject to the provisions contained in this section.
- g. A non-conforming use and/or a non-conforming structure shall not be expanded or enlarged outside of the limits of the existing building or area. The Zoning Board of Adjustment may grant a Special Exception for expansion of a non-conforming use and/or enlargement of a non-conforming structure after a public hearing (similar to a variance) and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and/or structure and of the conservation and preservation of property. The Zoning Board of Adjustment may attach conditions of approval that they may deem necessary to mitigate the adverse impacts of such an enlargement or expansion on neighboring properties and residents.

**(4) Notice and Compensation**

- a. A person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue to use the property in the same manner unless required by the City to stop the nonconforming use of the property.
- b. The following actions by the City are considered a requirement to stop a nonconforming use of a property under this section:
  - (i) an official action by the governing body of the City or a board, commission, department, or official of the City; or
  - (ii) a determination by the City that a nonconforming use has an adverse effect or other necessary determination that the City must make before imposing a requirement to stop a nonconforming use under applicable law.
- c. If the City requires the property owner to stop the nonconforming use, the property owner or lessee shall be entitled to notice and payment as required by Local Government Code 211.006, as amended.

**(5) Appeal of Nonconforming Determination and Compensation**

- (a) A property owner or lessee entitled to a remedy under this section may appeal a determination to the Board of Adjustment not later than the 20th day after the date the determination is made.

At the hearing before the Board of Adjustment, the City has the burden of proof to establish the correctness of its determination.

- (b). Any property owner or lessee aggrieved by a final decision of the Board of Adjustment may appeal the final decision to a court of competent jurisdiction within twenty (20) days.

Rev. 7/20/23

## Fair Oaks Ranch Proposed UDC Amendments - Summary of Significant Changes Chapter 5

Topic # 3 - Subdivision Standards

	Sections of the Current UDC (2019)	Proposed Change This list reflects the changes made to the UDC adopted in 2019	Reason
1	Section 5.4 (2)	Corrected the percentage in the formula to match the text description.	Clarified the formula to make it easier to understand.
2	Section 5.4 (4)	Added - "...of a policy variance, after a recommendation from the Planning and Zoning Commission. The minimum width of the pole portion of the lot shall be twenty feet (20')." "	Clarified that the process requires a recommendation from Planning and Zoning Commission. Added minimum width for the pole portion of the lot to ensure fire/emergency services access. This information was missing.
3	Table 5.1	Impervious Cover Replaced "Refer to Restriction Committees" with "Not Regulated". Added a note regarding enforcement through deed restrictions.	Legal input - impervious cover for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions.
4	Section 5.5	Section 5.5 (3) Added standards for cul-de-sacs  Table 5.2 Block Length and Character Block length increased to 1200'.	Staff input. Missing standards. Old subdivision regulations had addressed these requirements. Diagrams added. Input from City staff/Fire Marshal/development community and to ensure fire/emergency services access.
5	Section 5.6	Easements Added language to address minimum width, encroachments, overhangs.	Staff input. Missing standards. Old subdivision regulations had addressed these requirements.

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Section 5.3 Minimum Requirements ..... ~~84~~94

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Section 5.6 Easements ..... ~~87~~102~~100~~

July 20, 2023

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## CHAPTER 5 SUBDIVISION DESIGN STANDARDS

### Section 5.1 Purpose

The purpose of this Chapter is to describe Subdivision development standards for residential and non-residential developments. This Chapter contains lot size, lot configuration, easement considerations, and general open space requirements in order to provide for a variety of housing and land development patterns and to meet the diverse needs of the current and future residents of Fair Oaks Ranch, all in a manner consistent with the goals and objectives set forth in the Comprehensive Plan. This Chapter also contains standards on Maximum Impervious Cover, both for entire subdivisions and for individual lots as they are developed. The impervious cover standards are essential in order to manage or avoid the adverse problems of excessive quantity and degraded quality of urban storm water runoff, increased erosion of downstream channels and waterways, reduced interception and absorption of rainfall and runoff by the soil and vegetative cover, increased reradiating of excessive heat from large pavement surfaces, and other related problems that can arise as a result of intensive urban development. Chapter 6 Site Development and Building Form Standards, and 7, Design Standards, have additional standards that pertain to both residential and non-residential development.

### Section 5.2 Applicability

- (1) This Chapter identifies minimum standards for areas both within the city limits and the ETJ. Lot design standards within the city limits are categorized by Zoning District. Because zoning only applies to areas within the City limits, these standards are not applicable to development in the ETJ; however, these lot standards will apply to areas previously outside the City limits after they are incorporated and then zoned through annexation and zoning procedures.
- (2) Lot sizes outside the City limits are restricted by on-site sewage facility (OSSF) standards. Bexar, Comal and Kendall Counties are the responsible entities that review and approve applications for an OSSF. For developments planning to utilize OSSFs, please consult the County in which the property is located for OSSF standards and rules.

### Section 5.3 Minimum Requirements

- (1) The design standards contained in this Unified Development Code (Code) represent minimum standards considered necessary to ensure good public health and safe development within the community. The Subdivider is required to meet or exceed these standards.
- (2) Approval of plans and specifications by the City will not be construed as relieving the Subdivider and his professional engineer of responsibility for compliance with this Code or with the requirements of other local, county or state authorities having jurisdiction.
- (3) No Preliminary Plat or Final Plat will be approved and no completed improvements will be accepted unless they conform to the standards and specifications of this Code. Every building erected or moved and every lot platted for development must conform to the following minimum requirements:
  - a. Meet the minimum lot requirements of the zoning district that it is located on;
  - b. Have direct access to an approved public or private street or street right of way, as specified in this Code; ~~except as provided in Section 7.4(1) of this Code~~;
  - c. Provide safe parking and fire and police access; and
  - d. Meet ~~the minimum dimensional, environmental, parking, landscaping, and water conservation~~ all other applicable requirements of this Code.

- (4) No development applications for a Subdivision development will be approved without a geological assessment, if required by the City, as per Title 30, Texas Administration Code 213.5. ~~Development applications include Site Plans, Site Develop submit a geological assessment in conjunction with a Site Plan.~~
- a. The geological assessment must contain all that information required by Title 30, Texas Administration Code 213.5.
  - b. Subsequent applications required to develop the subject property will not require a new geological assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geological assessment. Any deviations will result in the need to submit an updated geological assessment prior to final approval of the application.
  - c. Critical and sensitive geological features shall count towards dedication of open space in accordance with the regulations provided in Section 8.6 of this Code.

## Section 5.4 Lots

### (1) Minimum Lot Size

- a. Lots Served by a Public Water and Wastewater System. All lots in a subdivision within the corporate limits of the City or within the City's extraterritorial jurisdiction (ETJ) which are served by a Public Water and a Public Wastewater System will have no minimum area, except the applicable regulations outlined in Chapter 4, Zoning Districts and Use Regulations, of this Code.
- b. Lots Served by a Private Well or OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by either individual private wells and public Wastewater Systems, or Public Water Systems and private on-site sewage facilities disposal systems (OSSF), will have a minimum street frontage of 150 feet and total lot area greater than 1 acre.
- c. Lots Served by a Private Well and OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by individual private wells and private on-site sewage disposal systems will have a minimum street frontage of 200 feet and total lot area greater than 217,800 square feet (5 acres).

### (2) Impervious Cover

- a. Maximum Impervious Cover. Each development has a Maximum Impervious Cover standard based on zoning district that limits the intensity of development over the entire tract or proposed subdivision. Impervious cover will be calculated by the developer. The formula for computing Maximum Impervious Cover is a two- step process, as follows:
  - i. Net Site Area. The Net Site Area is calculated by summing those portions of the tract or subdivision that are readily developable- lands outside of floodplain areas and having a flat or moderately sloping surface. It is defined as follows:
    - 1) One hundred (100) percent of land with a slope of fifteen (15) percent or less and located outside of the one hundred (100) year floodplain; and
    - 2) Fifty (50) percent of the land with a slope of more than fifteen (15) percent and not more than twenty five (25) percent and located outside the one hundred (100) year floodplain; and
    - 3) Zero (0) Percent of the land with a slope of more than twenty-five (25) percent of the land percent and located outside the one hundred (100) year floodplain.

- 4) Put another way: Net Site Area = Gross Site Area – (100-year floodplains +100% of land at 15-25% slope or greater outside of floodplain +50% of land area with 15%-25% slopes outside of floodplain).
- ii. Maximum Impervious Cover Application. Maximum Impervious Cover standard is applied to the Net Site Area as follows:
    - 1) The Maximum Impervious Cover, measured as a percent, is multiplied by the Net Site Area to calculate the Total Allowable Impervious Cover for the entire tract or proposed subdivision.
    - 2) Put another way: Maximum Impervious Cover (%) X Net Site Area = Total Allowable Impervious Cover.
    - 3) Impervious Cover Example: For example, a hypothetical 100 acre tract has 90 acres of land outside the 100 Year Flood. Of that 90 acres 50 acres has a slope less than 15% and 40 acres has a slope of 20%. The 50 acres of relatively flat land has no penalty but the moderately sloped 40 acres only counts as half towards the net site area. Therefore, the applicant is left with 70 acres of net site area of the 100 acres. The tract is zoned at rural residential so the applicant would be allowed up to 20% of the site to be impervious cover, in this case 14 acres.)
  - iii. Infrastructure. Impervious cover includes the infrastructure for the development (streets, sidewalks, parking areas, etc.) plus specific improvements on each lot (buildings, driveways, patios) and any other constructed surfaces that are impenetrable to stormwater. When calculating impervious cover for a subdivision the impervious cover due to infrastructure can be clearly calculated and an approximation can be calculated based on the average size building footprint and driveway footprint per lot.
  - iv. Maximum Impervious Cover by Zoning District

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
Maximum Impervious Cover	80%	80%	60%	70%	Refer to Restriction Committees	40%	20%

**Table 5.1 Impervious Cover**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
Maximum Impervious Cover	80%	80%	60%	70%	Not regulated*	40%	20%

\* Note: Impervious Cover for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

**(3) Street Access**

All lots subdivided under this Code will front on a public or private street built in conformance with city standards. Lots without direct street access are prohibited. Direct street access is defined as a common property line between the lot in question and the public or private street ROW line.

**(4) Flag Lots**

Flag shaped lots generally will not be approved in any subdivision. Lots that have a long dimension (depth) greater than five times the lots’ street frontage (width) will only be permitted with City Council approval of a policy variance, after a recommendation from the Planning and Zoning Commission. The minimum width of the pole portion of the lot shall be twenty feet (20’).

**Section 5.5 Blocks**

**(1) Block Length and Character**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
<b>Block Length</b>	600' Maximum and no more than 400' without a midblock pedestrian connection	500' Maximum	1000' Maximum	1000' Maximum	Refer to individual Restriction Committees	800' Maximum	No Maximum
<b>Block Character</b>	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	Rectilinear and/or connected blocks	Defer to individual Restriction Committees	Rectilinear or curvilinear connected blocks	Rectilinear or curvilinear blocks

Table 5.2 Block Length and Character

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
<b>BLOCK LENGTH</b>	1200' MAXIMUM AND NO MORE THAN 400' WITHOUT A MIDBLOCK PEDESTRIAN CONNECTION	1200' MAXIMUM	1200' MAXIMUM	1200' MAXIMUM	REFER TO INDIVIDUAL RESTRICTION COMMITTEES NO REGULATION*	1200' MAXIMUM	NO MAXIMUM
<b>BLOCK CHARACTER</b>	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	NO REGULATION*	RECTILINEAR OR CURVILINEAR CONNECTED BLOCKS	RECTILINEAR OR CURVILINEAR BLOCKS

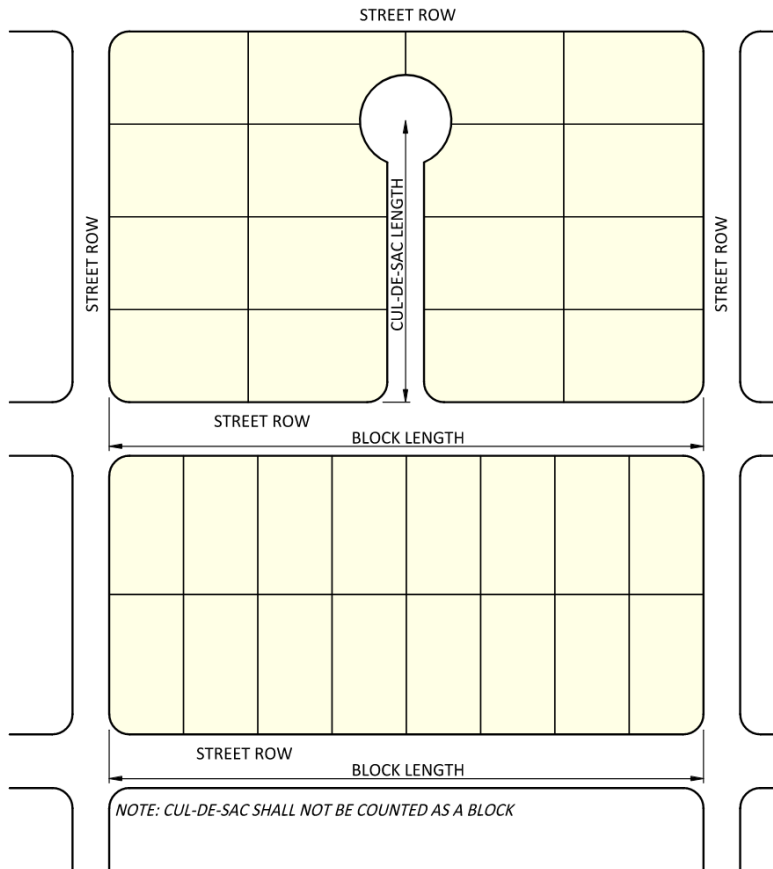
\* Note: Block Length and Block Character for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

**(2) Width**

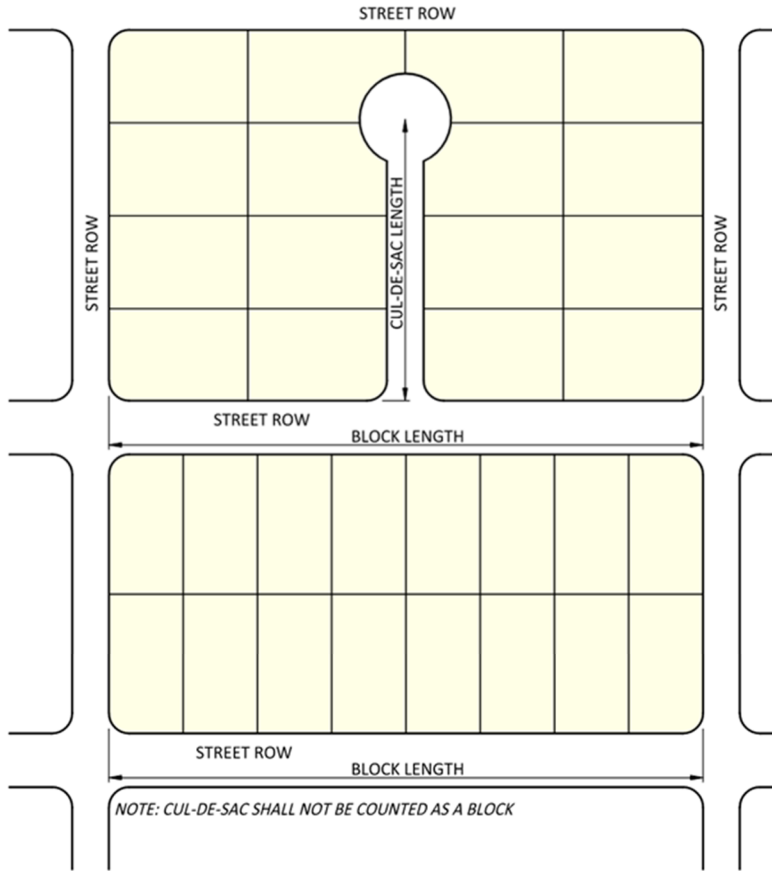
Blocks will be wide enough to accommodate two rows of lots, except where the lots back up to a major street with no access by the lots.

**(3) Cul-de-sacs**

In general, cul-de-sac streets may not exceed 600 feet in length and shall be designed with a minimum cul-de-sac turnaround of not less than a 100-foot diameter right-of-way and a minimum 96-foot diameter pavement surface in residential areas and not less than a 150-foot diameter right-of-way and a minimum 146-foot diameter pavement surface in commercial and industrial areas. Cul-de-sac streets over 600 feet in length may be acceptable upon approval of a policy variance by the City Council upon recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission will make a recommendation to accept or reject a plan with longer cul-de-sac streets based on its merits after considering density, land use, safety and convenience.

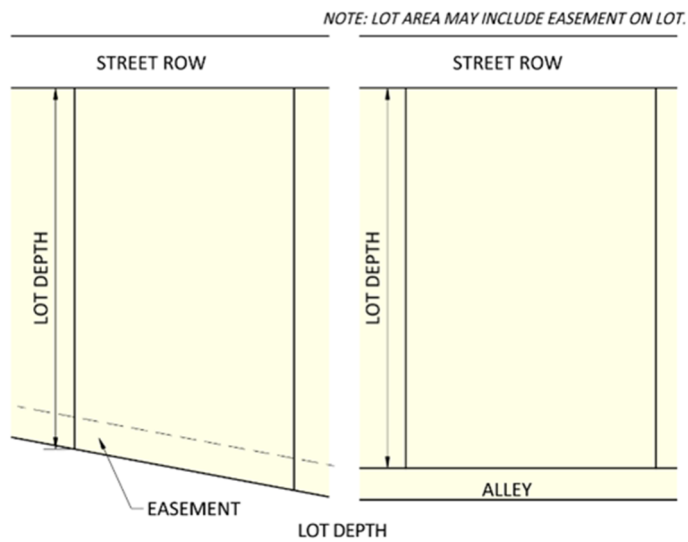


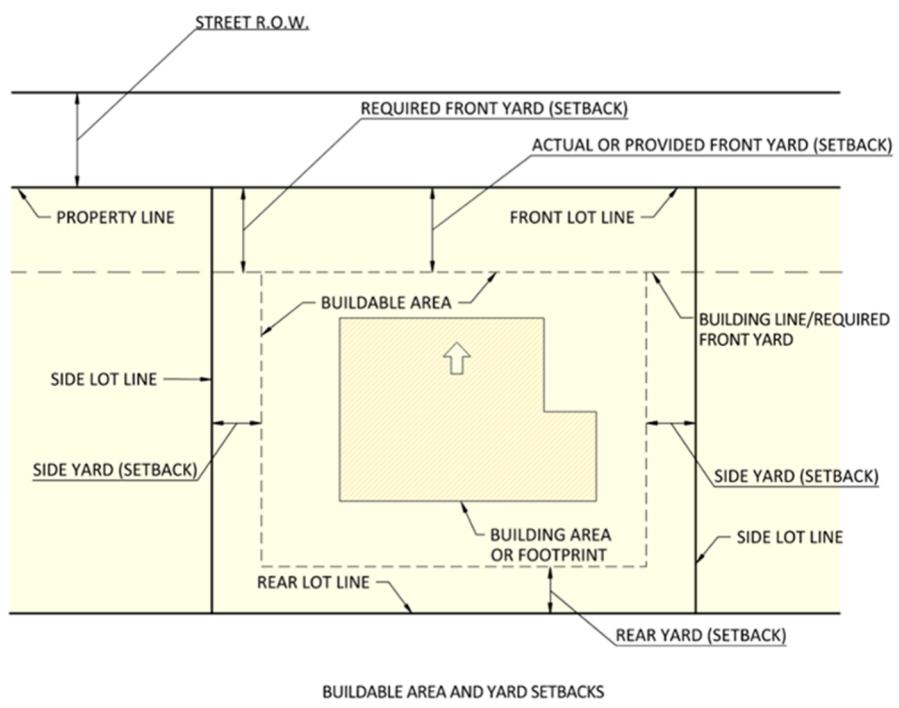
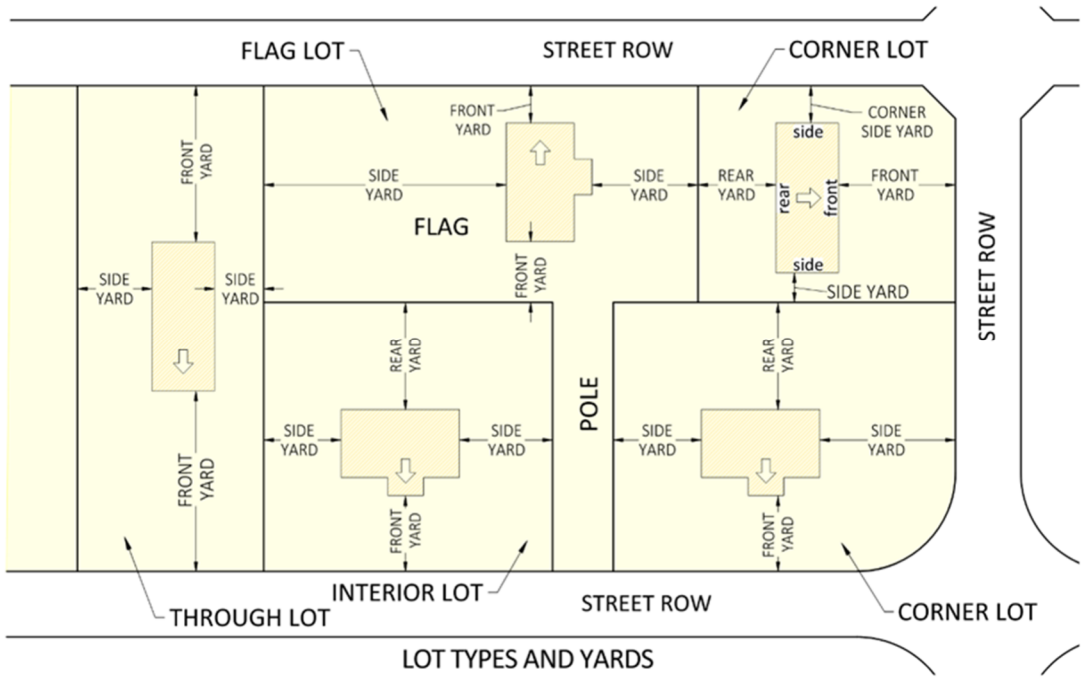
BLOCK LENGTH AND CUL-DE-SAC LENGTH



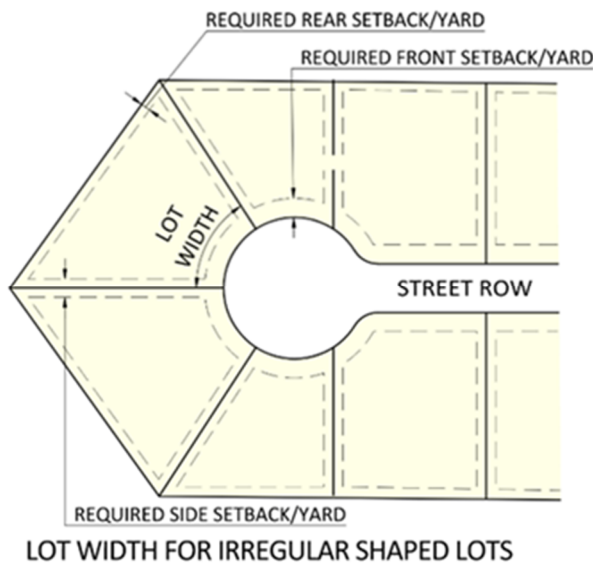
NOTE: CUL-DE-SAC SHALL NOT BE COUNTED AS A BLOCK

BLOCK LENGTH AND CUL-DE-SAC LENGTH









*Figure 5.1 Block and lot illustrations*

## Section 5.6 Easements

### (1) Dedication required

Where necessary to adequately serve a subdivision with public utilities, the subdivider will dedicate or grant easements for poles, wires, conduits, drainage channels, stormwater, water, wastewater and other utilities. These easements shall be at least 15 feet wide, except that where an easement contains multiple utilities and the city determines that a greater width is necessary, the city may require a minimum width of up to 20 feet. In certain circumstances, additional width may be required by the City or the utility provider. All necessary on-site easements should be established during the platting process and establishment of easements by a separate instrument is discouraged.

### (2) Location of easements

The easements required under this section will be continuous for the entire length of the block. These easements will parallel as closely as possible the street line frontage of the block. Easements may ~~not~~ straddle, ~~but may~~ cross property lines and ~~may~~ cross lots other than along lot boundary lines, if in the opinion of the City Manager (or designee), such locations are needed.

### (3) Access to easements

Drainage easements are not permitted to be enclosed by a fence or gate, except to contain a basin or pond in accordance with TCEQ. All fences crossing an easement will have double swing gates to allow ready access to the easement. The minimum width of the opening will be no less than 12 feet.

### (4) Additional easements for guy wires

Where aboveground utility easements or alleys are not straight within each block, or if they do not connect on a straight course with the utility easements or alleys of adjoining blocks, then additional

easements will be provided for the placing of guy wires on lot division lines in order to support poles set on the curving or deviating easement lines or alley row.

**(5) Encroachments on easements**

No structure, vegetation (other than ground cover), or equipment shall be placed within any easement dedicated pursuant to this UDC unless the person or entity wishing to place such structure or equipment has first obtained written consent to encroach from all holders of the right to use said easement. A fence or screen shall be permitted over any utility easement only if approved by the City Manager or designee and provided that the easement remains fully accessible to the city for maintenance and repair purposes. A fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the fence or screen. In addition to all other remedies provided by this Unified Development Code, the city may summarily remove any fence or screen erected in violation of this section, and the city shall not incur any liability or assume any duty to compensate the owner or replace the fence or screen.

**(6) Overhang easements**

Where utilities are not located in alleys, an overhang easement at least six (6) feet wide must be provided on the opposing side of the 15-foot easement strip, at a height at and above 10 feet. In all alleys, overhang easements at least six feet wide must be provided on each side of the alley for electric and telephone lines, at a height at and above 10 feet.

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## CHAPTER 5 SUBDIVISION DESIGN STANDARDS

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- (2) Lot sizes outside the City limits are restricted by on-site sewage facility (OSSF) standards. Bexar, Comal and Kendall Counties are the responsible entities that review and approve applications for an OSSF. For developments planning to utilize OSSFs, please consult the County in which the property is located for OSSF standards and rules.

### Section 5.3 Minimum Requirements

- (1) The design standards contained in this Unified Development Code (Code) represent minimum standards considered necessary to ensure good public health and safe development within the community. The Subdivider is required to meet or exceed these standards.
- (2) Approval of plans and specifications by the City will not be construed as relieving the Subdivider and his professional engineer of responsibility for compliance with this Code or with the requirements of other local, county or state authorities having jurisdiction.
- (3) No Preliminary Plat or Final Plat will be approved and no completed improvements will be accepted unless they conform to the standards and specifications of this Code. Every building erected or moved and every lot platted for development must conform to the following minimum requirements:
  - a. Meet the minimum lot requirements of the zoning district that it is located on;
  - b. Have direct access to an approved public or private street or street right of way, as specified in this Code;
  - c. Provide safe parking and fire and police access; and
  - d. Meet all other applicable requirements of this Code.
- (4) No development applications for a Subdivision development will be approved without a geological assessment, if required by the City, as per Title 30, Texas Administration Code 213.5.

- a. The geological assessment must contain all that information required by Title 30, Texas Administration Code 213.5.
- b. Subsequent applications required to develop the subject property will not require a new geological assessment provided the regulated activity, as submitted in the application, is consistent with the accepted geological assessment. Any deviations will result in the need to submit an updated geological assessment prior to final approval of the application.
- c. Critical and sensitive geological features shall count towards dedication of open space in accordance with the regulations provided in Section 8.6 of this Code.

## Section 5.4 Lots

### (1) Minimum Lot Size

- a. Lots Served by a Public Water and Wastewater System. All lots in a subdivision within the corporate limits of the City or within the City's extraterritorial jurisdiction (ETJ) which are served by a Public Water and a Public Wastewater System will have no minimum area, except the applicable regulations outlined in Chapter 4, Zoning Districts and Use Regulations, of this Code.
- b. Lots Served by a Private Well or OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by either individual private wells and public Wastewater Systems, or Public Water Systems and private on-site sewage facilities disposal systems (OSSF), will have a minimum street frontage of 150 feet and total lot area greater than 1 acre.
- c. Lots Served by a Private Well and OSSF. Lots in a subdivision within the corporate limits of the City or within the City's ETJ which are served by individual private wells and private on-site sewage disposal systems will have a minimum street frontage of 200 feet and total lot area greater than 217,800 square feet (5 acres).

### (2) Impervious Cover

- a. Maximum Impervious Cover. Each development has a Maximum Impervious Cover standard based on zoning district that limits the intensity of development over the entire tract or proposed subdivision. Impervious cover will be calculated by the developer. The formula for computing Maximum Impervious Cover is a two- step process, as follows:
  - i. Net Site Area. The Net Site Area is calculated by summing those portions of the tract or subdivision that are readily developable- lands outside of floodplain areas and having a flat or moderately sloping surface. It is defined as follows:
    - 1) One hundred (100) percent of land with a slope of fifteen (15) percent or less and located outside of the one hundred (100) year floodplain; and
    - 2) Fifty (50) percent of the land with a slope of more than fifteen (15) percent and not more than twenty five (25) percent and located outside the one hundred (100) year floodplain; and
    - 3) Zero (0) Percent of the land with a slope of more than twenty-five (25) percent of the land percent and located outside the one hundred (100) year floodplain.
  - 4) Put another way: Net Site Area = Gross Site Area – (100-year floodplains +100% of land at 25% slope or greater outside of floodplain +50% of land area with 15%-25% slopes outside of floodplain).
  - ii. Maximum Impervious Cover Application. Maximum Impervious Cover standard is applied to the Net Site Area as follows:

- 1) The Maximum Impervious Cover, measured as a percent, is multiplied by the Net Site Area to calculate the Total Allowable Impervious Cover for the entire tract or proposed subdivision.
  - 2) Put another way: Maximum Impervious Cover (%) X Net Site Area = Total Allowable Impervious Cover.
  - 3) Impervious Cover Example: For example, a hypothetical 100 acre tract has 90 acres of land outside the 100 Year Flood. Of that 90 acres 50 acres has a slope less than 15% and 40 acres has a slope of 20%. The 50 acres of relatively flat land has no penalty but the moderately sloped 40 acres only counts as half towards the net site area. Therefore, the applicant is left with 70 acres of net site area of the 100 acres. The tract is zoned at rural residential so the applicant would be allowed up to 20% of the site to be impervious cover, in this case 14 acres.)
- iii. Infrastructure. Impervious cover includes the infrastructure for the development (streets, sidewalks, parking areas, etc.) plus specific improvements on each lot (buildings, driveways, patios) and any other constructed surfaces that are impenetrable to stormwater. When calculating impervious cover for a subdivision the impervious cover due to infrastructure can be clearly calculated and an approximation can be calculated based on the average size building footprint and driveway footprint per lot.
  - iv. Maximum Impervious Cover by Zoning District

**Table 5.1 Impervious Cover**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
Maximum Impervious Cover	80%	80%	60%	70%	Not regulated*	40%	20%

\* Note: Impervious Cover for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

**(3) Street Access**

All lots subdivided under this Code will front on a public or private street built in conformance with city standards. Lots without direct street access are prohibited. Direct street access is defined as a common property line between the lot in question and the public or private street ROW line.

**(4) Flag Lots**

Flag shaped lots generally will not be approved in any subdivision. Lots that have a long dimension (depth) greater than five times the lots’ street frontage (width) will only be permitted with City Council approval

of a policy variance, after a recommendation from the Planning and Zoning Commission. The minimum width of the pole portion of the lot shall be twenty feet (20’).

**Section 5.5 Blocks**

**(1) Block Length and Character**

**Table 5.2 Block Length and Character**

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential
<b>BLOCK LENGTH</b>	1200’ MAXIMUM AND NO MORE THAN 400’ WITHOUT A MIDBLOCK PEDESTRIAN CONNECTION	1200’ MAXIMUM	1200’ MAXIMUM	1200’ MAXIMUM	REFER TO INDIVIDUAL RESTRICTION COMMITTEES NO REGULATION*	1200’ MAXIMUM	NO MAXIMUM
<b>BLOCK CHARACTER</b>	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	RECTILINEAR AND/OR CONNECTED BLOCKS	NO REGULATION*	RECTILINEAR OR CURVILINEAR CONNECTED BLOCKS	RECTILINEAR OR CURVILINEAR BLOCKS

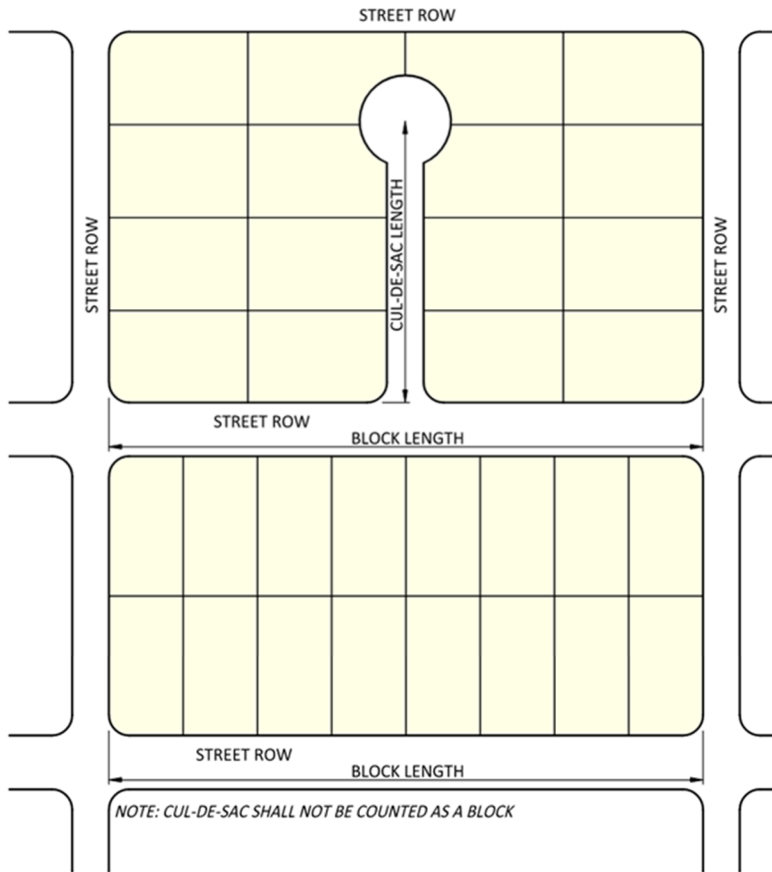
\* Note: Block Length and Block Character for the R1, R2, R3, and R4 districts are privately enforced through deed restrictions. The City does not enforce private deed restrictions or HOA regulations. The City does not enforce private deed restrictions or HOA regulations.

**(2) Width**

Blocks will be wide enough to accommodate two rows of lots, except where the lots back up to a major street with no access by the lots.

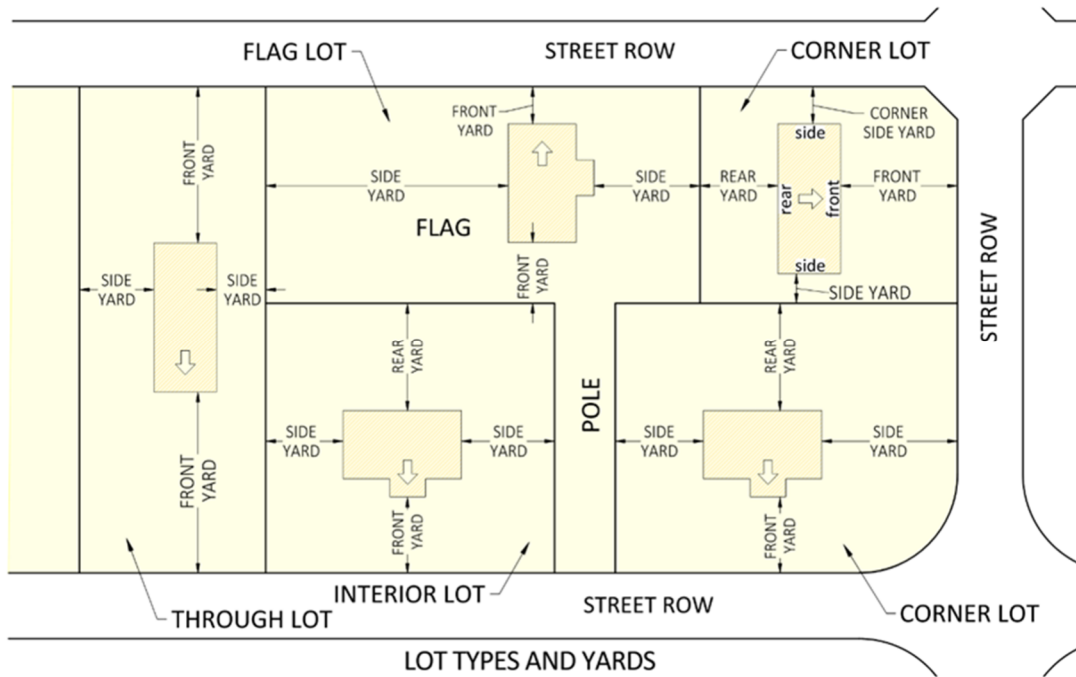
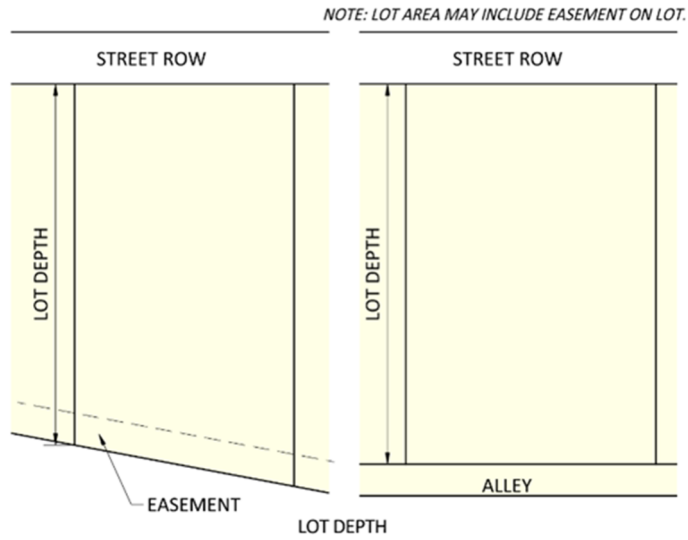
**(3) Cul-de-sacs**

In general, cul-de-sac streets may not exceed 600 feet in length and shall be designed with a minimum cul-de-sac turnaround of not less than a 100-foot diameter right-of-way and a minimum 96-foot diameter pavement surface in residential areas and not less than a 150-foot diameter right-of-way and a minimum 146-foot diameter pavement surface in commercial and industrial areas. Cul-de-sac streets over 600 feet in length may be acceptable upon approval of a policy variance by the City Council upon recommendation by the Planning and Zoning Commission. The Planning and Zoning Commission will make a recommendation to accept or reject a plan with longer cul-de-sac streets based on its merits after considering density, land use, safety and convenience.



BLOCK LENGTH AND CUL-DE-SAC LENGTH





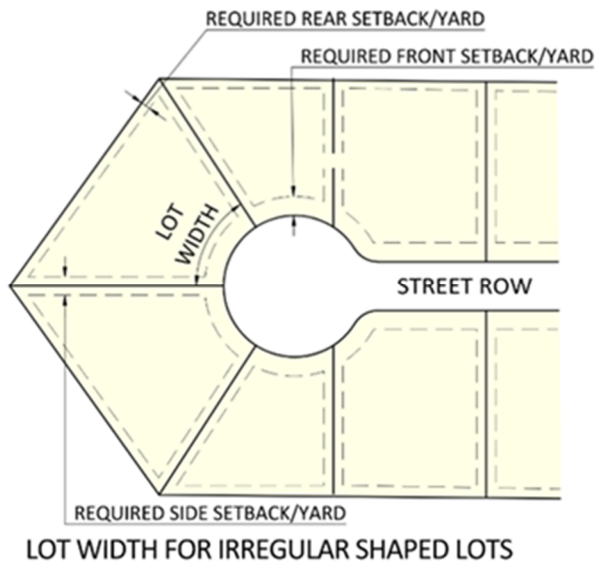
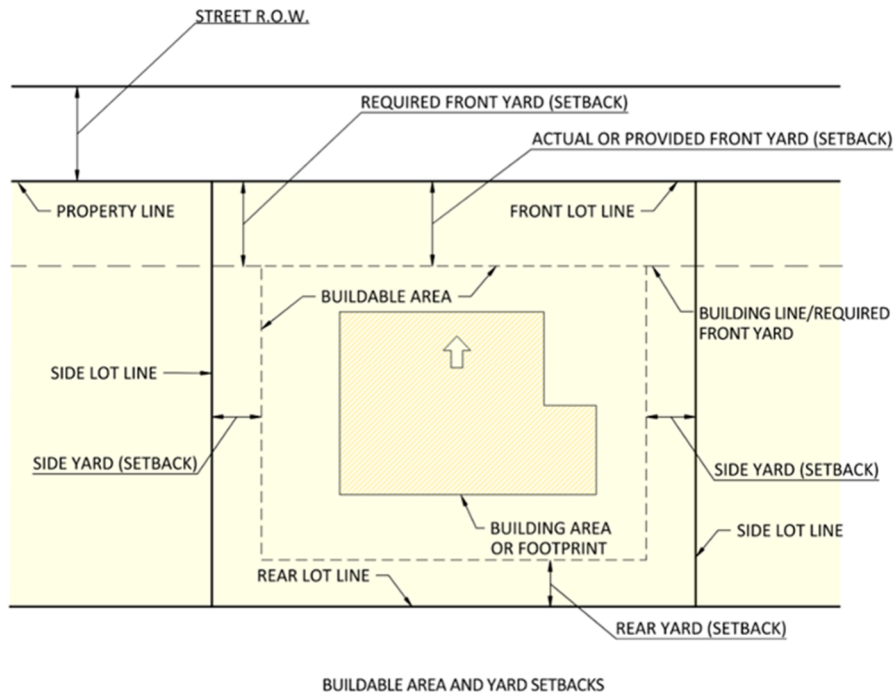


Figure 5.1 Block and lot illustrations

**Section 5.6 Easements**

**(1) Dedication required**

Where necessary to adequately serve a subdivision with public utilities, the subdivider will dedicate or grant easements for poles, wires, conduits, drainage channels, stormwater, water, wastewater and other utilities. These easements shall be at least 15 feet wide, except that where an easement contains multiple utilities and the city determines that a greater width is necessary, the city may require a minimum width of up to 20 feet. In certain circumstances, additional width may be required by the City or the utility provider. All necessary on-site easements should be established during the platting process and establishment of easements by a separate instrument is discouraged.

**(2) Location of easements**

The easements required under this section will be continuous for the entire length of the block. These easements will parallel as closely as possible the street line frontage of the block. Easements may straddle, cross property lines and cross lots other than along lot boundary lines, if in the opinion of the City Manager (or designee), such locations are needed.

**(3) Access to easements**

Drainage easements are not permitted to be enclosed by a fence or gate, except to contain a basin or pond in accordance with TCEQ. All fences crossing an easement will have double swing gates to allow ready access to the easement. The minimum width of the opening will be no less than 12 feet.

**(4) Additional easements for guy wires**

Where aboveground utility easements or alleys are not straight within each block, or if they do not connect on a straight course with the utility easements or alleys of adjoining blocks, then additional easements will be provided for the placing of guy wires on lot division lines in order to support poles set on the curving or deviating easement lines or alley row.

**(5) Encroachments on easements**

No structure, vegetation (other than ground cover), or equipment shall be placed within any easement dedicated pursuant to this UDC unless the person or entity wishing to place such structure or equipment has first obtained written consent to encroach from all holders of the right to use said easement. A fence or screen shall be permitted over any utility easement only if approved by the City Manager or designee and provided that the easement remains fully accessible to the city for maintenance and repair purposes. A fence or screen shall be permitted over any drainage easement if the water flow within the easement is not adversely affected by the fence or screen. In addition to all other remedies provided by this Unified Development Code, the city may summarily remove any fence or screen erected in violation of this section, and the city shall not incur any liability or assume any duty to compensate the owner or replace the fence or screen.

**(6) Overhang easements**

Where utilities are not located in alleys, an overhang easement at least six (6) feet wide must be provided on the opposing side of the 15-foot easement strip, at a height at and above 10 feet. In all alleys, overhang easements at least six feet wide must be provided on each side of the alley for electric and telephone lines, at a height at and above 10 feet.




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**PLANNING & ZONING COMMISSION CONSIDERATION ITEM**  
**CITY OF FAIR OAKS RANCH, TEXAS**  
**August 10, 2023**

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**AGENDA TOPIC:** Consideration and possible action recommending the approval of the proposed amendments to the Unified Development Code (UDC) Chapters 4-5 and authorizing advancement to the City Council

**MEETING DATE:** August 10, 2023

**DEPARTMENT:** Public Works and Engineering Services

**PRESENTED BY:** Grant Watanabe, P.E., Director of Public Works & Engineering Services  
 Lata Krishnarao, AICP, LEED ND, Consultant, Ardurra

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**INTRODUCTION/BACKGROUND:**

During the past two years the Planning and Zoning Commission (P&Z) worked with city staff and planning consultant Ardurra on creating amendments to the Unified Development Code (UDC). The process consisted of the following steps:

1. A series of five work sessions were held to discuss the diagnostic findings of the current UDC and to gather the P&Z Commission's input on the issues identified. Staff also provided input and recommendations. Additionally, the consultant's experience in utilizing the UDC to undertake review of planning applications assisted in identifying areas of improvement.
2. Implementation steps were identified that included text amendments, incorporation of additional guidelines, and topics for further research and discussion.
3. The P & Z Commission was provided with a complete redlined version and a clean version of the proposed text amendments, and the city consultant presented a broad review of the changes.
4. The P & Z Commission determined a chapter-by-chapter review would be beneficial to understand the amendments and a series of work sessions were held to complete this review.
5. After the completion of this review, a final redline version and clean version of the UDC was produced and presented to the P&Z Commission.
6. At the P&Z Commission's March 9, 2023 meeting, the Commissioners recommended approval of the amendments to the City Council.
7. Subsequently, as directed by the City Council at their meeting of April 20, 2023, the proposed amendments were broken down into topics by the P&Z Commission. The City Council approved the topics on May 18, 2023.
8. On July 13, 2023, the P&Z Commission held a Public Hearing on Chapters 1-3 and subsequently approved advancement to the City Council.
9. At tonight's meeting, the P&Z held a Public Hearing on Chapters 4-5.

*All documents relative to this consideration item were presented with the Public Hearing portion of the meeting.*

**FUTURE STEPS:**

The City Council will hold a Public Hearing at their regular September 7, 2023 meeting. At the conclusion of the public hearing, City Council will consider and take possible action on the first reading of an amending ordinance.

**LEGAL ANALYSIS:**

Legal has attended all P&Z meetings, provided necessary guidance, and reviewed the UDC amendments.

**RECOMMENDATION/PROPOSED MOTION:**

I move to recommend approval of the proposed Unified Development Code amendments to Chapters 4-5 and authorize advancement to the City Council.