CITY OF FAIR OAKS RANCH

FINAL

UNIFIED DEVELOPMENT CODE

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Chapter 1 General Provisions

Section 1.1 Purpose and Intent

(1) **Purpose.** The purpose of the Unified Development Code (UDC or Code) is to promote the public health, safety, general welfare and quality of life of the present and future citizens of the City of Fair Oaks Ranch (City).

(2) **Words.** Words with a special meaning relative to the goals and purposes of this Code are defined in Chapter 13, Definitions. Words not listed in Chapter 13 will be defined using the Webster's Third New International Dictionary, unabridged.

Section 1.2 Consistencies with the Comprehensive Plan

The City's Comprehensive Plan, as adopted and as amended and periodically updated, is the policy guide for the development of this Code. These policies act as a guideline and should not be construed as development regulations. The following General Land Use Policies from the Comprehensive Plan have been used in the development of this Code in order to ensure that land development within the jurisdictional area is in accordance with the Comprehensive Plan:

(1) **Growth Management**. All new development must:

a. Be compatible with existing development and community character;
b. Maintain the character, look and feel of the community; and
c. Occur in a fiscally responsible manner for the City.

(2) **Environmental Protection**. Developers will cooperate with local governmental entities to ensure all development will:

a. Preserve and protect waterways and flood plains;
b. Preserve and protect surface and ground water resources and hydrologically active areas;
c. Seek public acquisition of open space or develop conservation development options for areas of environmental concern;
d. Preserve and protect air quality;
e. Prioritize agricultural and ranch lands areas for open space preservation. The City will work with landowners who are interested in conservation easements;
f. Promote and encourage water conservation practices; and
g. Promote awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation.

(3) **Housing**. Development will provide housing alternatives that will:

a. Improve existing housing inventory;
b. Encourage safe housing construction;
c. Encourage a range of housing types and lot sizes;
d. Encourage housing that is compatible with existing neighborhoods and land uses; and
e. Will promote conservation cluster development when and where appropriate.

(4) **Economic Development**. Developers will promote quality development that is compatible with neighboring areas and is consistent with community character and create sustainable value through form and function.

(5) **Parks and Recreation**. Development will make every effort to connect to existing and future parks/trails and will:

a. Encourage maintenance and safety of parks and recreation resources; and
b. Provide and preserve open space, trails and parkland in new neighborhoods.

(6) **Circulation**. Development will encourage streets and street network designs to be interconnected to provide ample, safe, and appropriately scaled access through and between neighborhoods, mixed-use areas and to commercial nodes.

(7) **Design**. Neighborhoods of various types will utilize:

a. Compatibility standards for adjoining land uses (e.g., building facade, landscape and transition standards);
b. Context sensitive streetscape design criteria to encourage safe and desirable pedestrian access and community attractiveness;
c. Height restrictions for commercial and mixed-use development;
d. Appropriate building form and design standards, for new developments within the community;
e. Signage that does not detract from the visual integrity of the community; and
f. Lighting, associated with signage, buildings or area wide development that does not pose a safety or environmental concern, and should be addressed in an aesthetically pleasing manner – particularly as it relates to the impact on existing or new residential development and military base lighting regulations.

(8) **Civic and Public Spaces**. Civic buildings and civic space should be given prominent sites. School sites should be provided in coordination with the school districts, as new neighborhood developments are approved, so as to be within walking distance of a majority of the dwelling units in adjoining neighborhoods.

Section 1.3 Authority

Chapter 2, Review Authority and Procedures, sets forth the specific responsibilities and authority for each administrative official and review entity as it relates to the implementation of this Code. The Texas Local Government Code (LGC) §211 and 212, together with the general police powers of municipalities, and the City of Fair Oaks Ranch Home-Rule Charter, empower the City to adopt this Unified Development Code (Code).

Section 1.4 Jurisdiction

(1) **Within City Limits.** The City of Fair Oaks Ranch has the statutory authority to exercise a broad range of powers within its city limits. Many of those powers are specifically authorized by LGC §211 and 212. Pursuant to such authority, all chapters and sections of this Code will apply to all areas within the city limits of Fair Oaks Ranch. All structures, land uses, businesses, subdivisions, or property development constructed or commenced after the effective date of this Code and all enlargements of, additions to, changes in or relocations of existing structures, land uses, businesses, subdivisions, or property developments occurring after the effective date of this Code are therefore subject thereto.

(2) **Within Extraterritorial Jurisdiction (ETJ).** The City of Fair Oaks Ranch may extend to its ETJ the regulation of subdivisions and property development adopted under LGC §212.

Section 1.5 Applicability

(1) **Future Development.** This Code will apply to all matters pertaining to the use and development of land within the jurisdiction described in Section 1.4 above. The Code applies to all public buildings and private land(s), and use(s) thereon, over which the City has jurisdiction under the constitution(s) and law(s) of the State of Texas and of the United States.

(2) **Existing Development.** No building or structure will be erected, demolished, reconstructed, enlarged, or relocated in the City of Fair Oaks Ranch and ETJ except in compliance with the provisions of this Code; and then only after securing all required permits and licenses. Any building, structure, or use lawfully existing at the time of passage of this Code, although not in compliance therewith, may be maintained as provided in Chapter 4, Zoning Districts and Use Regulations, Section 4.14, Nonconforming Uses.

Section 1.6 Minimum Requirements

(1) The provisions of this Code will be interpreted and applied as the minimum requirements for the promotion of public health, safety and general welfare.

(2) Whenever the requirements of this Code are in conflict with the requirements of any other lawfully adopted rules, regulations, or ordinances, the requirement that is most restrictive or that imposes higher standards as determined by the City Manager or designee will apply.

(3) The issuance of any permit, certificate or approval in accordance with the standards and requirements of this Code will not relieve the recipient of such permit, certificate or approval from the responsibility of complying with all other applicable requirements of any other municipality, special district, state or federal agency having jurisdiction over the structures or land uses for which the permit, certificate or approval was issued.

Section 1.7 Effective Date

This Code will become effective and be in full force and effect immediately following its passage and approval by the City Council, as duly attested by the Mayor and City Secretary.

Section 1.8 Severability

If any section or part of this Code is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair or invalidate the remaining provisions of this Code but will be confined in its operation to the specific sections of this Code that are held unconstitutional or invalid. The invalidity of any section of this Code in any one or more instances will not affect or prejudice in any way the validity of this Code.

The purpose of this section is to provide guidance to those development projects that have received some form of municipal approval prior to the date of enactment of this Code. More detailed information regarding Vested Rights and Non-conforming uses can be found in Chapter 4, Zoning Districts and Use Regulations, of the UDC and Chapter 1, Section 1.10, Permits, Projects, and Vested Rights, of the City's Code of Ordinances.

(1) **Projects in Construction**

a. Building Permits. Nothing in this Code will require any change in plans, construction, size or designated use of any building, structure or part thereof that has been granted a building

permit prior to the effective date of this Code, or any amendment to this Code, provided construction will begin consistent with the terms and conditions of the building permit and proceed to completion within one year.

b. Approved Site Plans. Nothing in this Code will require a change in site plan approved prior to the effective date of this Code, provided a building permit is issued prior to expiration of the site plan, and construction begins consistent with the terms and conditions of the building permit and proceeds to completion in a timely manner.

c. Violations Continue. Any violation of the previous zoning and sign ordinances or subdivision and site development regulations of the City will continue to be a violation under this Code and will be subject to penalties and enforcement under Chapter 12, Compliance and Enforcement, unless the use, development, construction or other activity is consistent with the express terms of this Code, in which case enforcement action will cease, except to the extent of collecting penalties for violations that occurred prior to the effective date of this Code.

(2) **Dormant Plats.** Any minor plat, replat, amending plat, preliminary plat, or final plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of LGC §245.005 have expired. The City Manager (or designee) will review all such cases and send written notice to an Applicant stating when an issued permit will expire as provided in Chapter 1, Section 1.10, Permits, Projects, and Vested Rights, in the City's Code of Ordinances.

(3) **Legal Nonconformities Under Prior Ordinances.** Any legal nonconformity under the previous Zoning Ordinance or City regulations will be a legal nonconformity under this Code as provided in Section 4.13, as long as the situation that resulted in the nonconformity under the previous Zoning Ordinance still exists.

Section 1.9 Updates or Code Amendments

The purpose of this section is to provide for updates to the Code in order to modify procedures and standards for workability and administrative efficiency, eliminate unnecessary development costs, and update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design.

Any person may provide a request for amendment to the Code to the City Manager (or designee) in the following manner:

(1) The request for amendment will be labeled "Code Amendment Request" and will include a summary of the proposed changes, the reason for the proposed changes, and suggested text amendments.

(2) The City Manager (or designee) may conduct workshops to informally discuss the Code Amendment Requests with neighborhoods, developers, homebuilders, design professionals, and other stakeholders in the development process.

(3) The City Manager (or designee) will receive the amendment request and will refer the proposed amendments to the Planning and Zoning Commission.

(4) The Planning and Zoning Commission will refer the Code Amendment Request to the City Council with recommendations for amendments to the Code.

(5) Code Amendment Requests will serve a legitimate purpose. The City Manager (or designee) will review each request and make a determination on whether the request serves a legitimate purpose. The City Manager (or designee) will forward the requests as described above and notify individuals who submitted an Amendment Request of the status of their request. An individual whose request is denied by the City Manager (or designee) and who disagrees with the decision, can petition the City Council to consider his/her request within 60 days. The City Council will make a final determination as to whether the request should be forwarded to the Planning and Zoning Commission per the procedure described above.

Section 1.10 Violations

See Chapter 12, Enforcement.

Section 1.11 Validity

The issuance or granting of a permit or approval of plans or plats, site or facility designs, prior granted variances, or specifications will not be construed to be a permit for, or an approval of, any violation of any provision of this Code or any other City ordinance. No permit purporting to give authority to violate or cancel the provisions of this Code will be valid, except insofar as the work or use that it authorizes is lawful and conforms to the requirements of this Code or a variance or modification granted pursuant to this Code.

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Chapter 2 Review Authority and Procedures

Section 2.1 General

(1) **Purpose**. The purpose of this Chapter is to establish the responsibilities and structure for administering and enforcing this Unified Development Code (Code), including the reviewing authority and minimum review procedures that will be followed by each reviewing authority. Chapter 3, Application and Permits, provides supplemental information to the review procedures described in Chapter 2.

(2) **Conformity with Development Regulations.** All City of Fair Oaks Ranch (City) officials and employees with the responsibility or authority to issue a permit, certificate or license are prohibited from issuing a permit or license for any use, building, or purpose that conflicts with any provision of this Code. Any permit, certificate or license issued in conflict with the provisions of this Code is null and void.

Section 2.2 Responsibility of Property Owner and/or Applicant

(1) It is the responsibility of an Applicant to provide accurate and complete information and plans to comply with the requirements of this Code and all applicable laws and regulations. The City of Fair Oaks Ranch is not responsible for the accuracy of information or plans provided to the City for its review or approval.

(2) The City or its representatives may inspect any development activity to enforce the provisions of this Code. By submitting an application to the City, the applicant consents to entry upon the site by the City or its representatives during regular business hours for the purpose of making reasonable inspection to verify information provided by the Applicant and to verify that work is being performed in accordance with the approved plans and permits and the requirements of this Unified Development Code.

(3) The use of the following terms in this Code refers to the person, entity, or agent thereof who may apply for an approval or a permit or another decision of the City under this Code. All such terms will be considered interchangeable. The terms include the following: Owner, Owner's Owner, Landowner, Property Owner, Applicant, Developer and Subdivider.

Section 2.3 Administrative Officials and Review Entities

(1) **City Manager**

The administrative official for the purposes of this Chapter will be the City Manager and his assistants, deputies, and department heads insofar as they may be charged by the City Manager and the provisions of this chapter with duties and responsibilities referenced in this Chapter and Chapter 3, Applications and Permits. The City Manager or his designee will ordinarily administer and enforce the provisions of this Code. The City Manager (or designee) will serve as staff to the Planning and Zoning Commission (Commission) and the City Council except where otherwise provided by this Chapter.

a. Powers and Duties. The City Manager (or designee) has the following powers and duties:
   i. Administrative Decision. The City Manager (or designee) is responsible for taking administrative action on the following procedures described in this Code and according to the specific criteria for each procedure as described in the Code:

1. Certificate of Zoning Compliance
2. General Development Plan Compliance
3. Subdivision Plat Compliance
4. Master or Common Sign Plan
5. Temporary Use Permit
6. Administrative Plat Review
7. Minor Plat or Amending Plat. (If the City Manager (or designee) does not approve such a plat, the plat must automatically be forwarded to the Commission under the Subdivision Plat Review procedure.)
8. Site Development Permit

ii. Review and Report. The City Manager (or designee) will review and make either a report or recommendation to the appropriate Board or Commission including the Planning and Zoning Commission, and City Council, as required pursuant to the Code, on the following procedures:

1. General Development Plan
2. Preliminary Plat Review
3. Final Plat Review
4. Special Use Permit
5. Planned Unit Development
6. Comprehensive Plan Amendment
7. Zoning Map Amendment (Rezoning)
8. Unified Development Code Text Amendment
9. Annexation

iii. Additional Duties. The City Manager (or designee) will have the following additional duties, to:

1. Comply with any other duty or responsibility clearly assigned to the City Manager (or designee) elsewhere in this Code;
2. Enforce all provisions of this Code;
3. Meet with potential Applicants in pre-application conferences as described in this Code;
4. Act and serve as staff for each review body designated by this Code; and
5. Render advice and guidance, upon reasonable request of any Property Owner, or its agent, or occupant, on development or new construction or the restoration, alteration or maintenance of any historic resource or other building within the City.

b. Compliance with Rules and Procedures. The City Manager (or designee) will comply with any specific procedures described in this Code and may develop administrative rules or additional procedures to clarify implementation of this Code, provided that such rules or procedures are approved by the City Council prior to their implementation or enforcement, and provided further that additional procedures do not violate any other provisions of this Code.

i. Administrative Procedures Manual. The City Manager (or designee) will develop an Administrative Procedures Manual for application requirements for all procedures described within or developed pursuant to this Code. Such requirements must be:

1. Sufficient to permit the Manager to effectively review the application and for the final approving authority to render an informed decision;
2. Consistent with state law.

The Manager may waive application requirements when appropriate, but may not require additional submission requirements after an application has been determined to be complete.

ii. Interpretation of the Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Manager, in consultation with the staff, city engineer, or city attorney, as may be appropriate, will make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and the UDC. The interpretation given by the Manager will be final unless the Applicant makes an appeal to the City Council to review and overturn his/her decision. In such a case the burden will be on the Applicant to prove that the Manager's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

(2) City Engineer

a. Designation. The City Manager will designate a City Engineer to function as described in this Code. The City Engineer is an advisor to the City Manager. As such, the City Engineer's powers are delegated by the City Manager, and in the case of conflict, the City Manager's decision will prevail. This does not allow the City Manager to make decisions that require the certification of a registered professional engineer, only that the authority delegated to the City Engineer stems from the City Manager and can be revoked in the case of conflict. The City Engineer must be a registered professional engineer, licensed by the State of Texas and competent in the design and review of land development and public works. The City Manager may also designate another employee to fulfill the City Engineer's duties under this code. In such a case, all references to City Engineer in this code apply to the designee.

b. Powers and Duties.

i. Administrative Decision. The City Engineer is responsible for taking final action on the following procedure described in this Code, subject to the specific criteria for the procedure as described in the Code:

1. Approval of Master Drainage Plans
2. Approval of Street and Drainage Plans
3. Approval of Water Distribution Plans
4. Approval of Wastewater Plans
5. Approval of Electric, Telephone and Telecommunications Plans
6. Approval of Water Quality Controls

ii. Review and Report. The City Engineer will review and make either a report or recommendation to the City Manager, Planning and Zoning Commission or City Council on the following procedures, subject to the terms and conditions set forth for such procedures in this Code:

1. General Development Plan
2. Preliminary Plan and Final Plat Review
3. Administrative Plat Review
4. Site Plan Review

c. Compliance with Rules and Procedures:

i. The City Engineer will comply with any specific procedures or technical criteria described in this Code.

ii. The City Engineer may develop and implement additional procedures or technical criteria to clarify implementation of this Code, provided that such procedures or criteria are approved by the City Manager prior to their implementation and enforcement, and provided further that the additional procedures do not violate any other provisions of this Code.

(3) Planning and Zoning Commission

The regulations and restrictions of the Planning and Zoning Commission (Commission) for the City will be pursuant to the provisions of applicable statutory requirements of the State of Texas and the City's Home Rule Charter Section 7.14. The Commission's procedures and actions shall conform to this Code and the Charter.

a. Responsibilities. The Commission will hold a minimum of one public hearing on any proposed Development Agreement entered into with a Property Owner pursuant to the authority granted to municipalities by Texas Local Government Code Chapter (LGC) 212.172, as amended, and make recommendations to City Council on the following:
   i. Adoption of the City's comprehensive plan; and
   ii. Adoption of subdivision and other land use and development regulations.
b. Powers and Duties. The Commission has the powers and duties of a Commission in accordance with LGC §211.007 and §371.042, provided, however, that it serves only in an advisory capacity to City Council. The Commission's authority extends to and includes review and recommendation of the following:
   i. General Development Plans
   ii. Final Plats
   iii. Preliminary Plans
   iv. Site Development Permits
   v. Development Agreements
   vi. Special Use Permits
   vii. Historic Building Designation
   viii. Heritage Plans
   ix. Planned Unit Developments
   x. Comprehensive Plan or Future Land Use Map Amendments
   xi. Zoning Map Amendments (Rezoning)
   xii. Unified Development Code (Code) Text Amendments
   xiii. Membership and By-Laws. The Commission will be formed and conduct all activities in accordance with this Code, any other applicable City codes, the City Home Rule Charter, the ordinance creating the Commission, and any adopted By-Laws.
   xiv. Commission Review Process. The Commission review process will be required for any permit or application that requires review and recommendations from the Commission, as described in this Code. The process will include the following:
      i. Initiation. The Property Owner of the affected property or its authorized agent may initiate a Commission process upon application.
      ii. Application. An Application must be made in a format consistent with requirements determined by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee). The Manager, in advance of any

application, will make information regarding the format requirements and submittal materials required for the application available. Requirements include:

1. All subdivisions must have signatures of all Owners' of land within the boundary of the tract of platted land;
2. All plats or Replats must be submitted in a form acceptable to the City Manager (or designee); and
3. All applications must include an application fee as required by Chapter 3, Applications and Permits, in accordance with the Administrative Procedures Manual. Additional fees may not be required on subsequent submittals of revised plats. Electronic submissions must be compatible with the City's geographic information system (ArcView, USGS NAD 83, mean sea level, and Texas State Plane, South Central, U.S. Feet).

e. Commission Final Action. The Commission will serve as an Advisory Body to the City Council and will have no authority for final action.

f. Criteria for Recommendation. A preliminary plan or final plat, site development permit, special use permit, zoning map amendment, or variance request will not be recommended for approval until:

i. The application is complete and the information contained within the application is sufficient and correct so as to allow adequate review and a decision on a recommendation by the appropriate review authority.

ii. No plat will be recommended without a determination that the plat conforms to the following:

1. The requirements of this Code and any applicable state law.
2. The City's Comprehensive Plan and any other adopted plans as they relate to:
   a. The City's current and future streets, sidewalks, alleys, parks, playgrounds, and public utility facilities; and
   b. The extension of the City or the extension, improvement, or widening of its roads, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities.
   c. Any subdivision design and improvement standards adopted by the City pursuant to LGC §212.002 or §212.044, governing plats and subdivision of land within the City's jurisdiction to promote the health, safety, morals, or general welfare of the City and the safe, orderly, and healthful development of the City.

iii. The tract of land subject to the application is adequately served by public improvements and infrastructure, or will be adequately served upon completion of required improvements.

g. Appeals. Until the Commission has been given final action authority by the City Council, appeals will be made to City Council.

(4) Zoning Board of Adjustment.

The regulations and restrictions of the Zoning Board of Adjustments (Board) for the City will be pursuant to the provisions of applicable statutory requirements of the State of Texas. The Board's procedures and actions shall conform to this Code.

a. Powers and Duties.

i. The Zoning Board of Adjustment shall hear and decide appeals when error is alleged in any order, requirement, decision or determination made by an administrative official of the City in the enforcement of any zoning related decisions. The Zoning Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Board has the same authority as the administrative official.

ii. The Zoning Board of Adjustment may authorize, in specific cases, a variance from zoning regulations, unless specified otherwise, if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the regulation would result in unnecessary hardship, and so that the spirit of the regulation ordinance adopted hereunder is observed and substantial justice is done. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by the City's zoning regulations. In order to make a finding of hardship and grant a variance from the zoning regulations, the Board must meet the findings laid out in Chapter 3.9 (9) of this Code.

b. Appointment and Removal.

i. The Zoning Board of Adjustment is established in accordance with Chapter 211 of the Texas Local Government Code (LGC). The Board members are appointed by the City Council.

ii. The Board shall consist of five (5) members who shall be appointed by majority vote of the City Council.

iii. A member may only be removed for cause.

iv. A vacancy on the Board shall be filled for the unexpired term.

v. City Council, by majority vote, shall appoint two individuals as alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

c. Zoning Board of Adjustment Review Process and Vote.

i. Each case before the Zoning Board of Adjustment must be heard by at least four (4) of the five (5) members.

ii. The concurring vote of four (4) of the five (5) members of the Board is necessary to:

1. reverse an order, requirement, decision or determination of an administrative official; or

2. authorize a variation from the terms of a zoning regulation.

(5) City Council.

The regulations and restrictions of the City Council (Council) for the City will be pursuant to the provisions of applicable statutory requirements of the State of Texas.

a. Powers and Duties. The Council has the following powers and duties:
   i. Appointments. The Council is responsible for appointing and removing any members of the Planning and Zoning Commission or any other boards or commissions that may be formed related to the Code. Appointments will be made on the recommendation of the Mayor and a vote of approval by the City Council.
   ii. Final Action. The City Council has responsibility for hearing and taking final action on the following procedures described in this Code.
      1. General Development Plan
      2. Preliminary Plan
      3. Legislative Variance Request
      4. Final Plat
      5. Development Agreement
      6. Special Use Permit
      7. Dedication of land and community facilities
      8. Historic District Designation
      9. Heritage Plans
      10. Planned Unit Development
      11. Comprehensive Plan Amendment
      12. Zoning Map Amendment (Rezoning)
      13. Unified Development Code Text Amendment
      14. Annexation
      15. Any other specific procedure or legislative action that requires City Council action as specified in this Code, or required by state or federal law.
b. City Council Review Process. Procedures for City Council review and action will be developed and adopted by the Council when appropriate.
c. City Council Final Action. The City Council will serve as the final action authority for all development- related applications listed above, and as indicated throughout this Code.

(6) Counties.

The City will endeavor to create interlocal agreements with Bexar, Comal and Kendall Counties to govern subdivision review authority in the City's Extraterritorial Jurisdiction (ETJ. Where no interlocal agreement exists State law should be followed. Where an interlocal agreement stipulates City control of the review process, it will proceed as follows:

a. Review and Recommendation. The City will review and comment on Text Amendments to this Code as they relate to the specific counties technical issues, e.g., on-site sewage facilities (OSSFs) and the drilling of water wells.
b. Final Action. The City recognizes that the respective County has responsibility for hearing and taking final action on the following procedures described in this Code:

i. OSSFs. Onsite Wastewater Permit Application Approval, and
ii. Procedures. Procedures to be utilized by the City of Fair Oaks Ranch for Bexar, Comal and Kendall Counties are described in the respective City-County Development Agreement.

Section 2.4 Summary of Review Authority

Table 3.1 summarizes the decision-making authority of each review body for the City of Fair Oaks Ranch (outlined above in this Chapter and further described in Chapter 3, Applications and Permits). A review authority with decision-making authority for a procedure is considered the Final Action Authority for that procedure.

CHAPTER 3 APPLICATIONS AND PERMITS

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Chapter 3 Applications and Permits

Section 3.1 Purpose and Intent

The purpose of this Chapter is to establish application procedures, internal review procedures, public notice and hearing procedures, and review criteria for the processing of applications and actions in accordance with the Unified Development Code (Code) that affect the development and use of property subject to the jurisdiction of the City of Fair Oaks Ranch (City).

Section 3.2 Types of Applications and Permits

Application and permit types can be categorized as (a) Policy Related Applications and Permits, (b) Subdivision-Related Applications and Permits, or (c) Development-Related Applications and Permits. Review authorities for applicable development applications and permits are described in Table 3.1, below. The Administrative Procedures Manual (developed by the City Manager) establishes timelines for review and applicable fees. Certain procedures apply inside city limits that do not apply in the ETJ. Table 3.1 also provides guidelines for the procedures that apply in the city limits or ETJ.

(1) Policy Related Applications and Permits

Approval of applications for development is based (among other bases for consideration described in this Code) upon the proposed development's conformance with existing policies (including the Comprehensive Plan, Zoning Map, and this Code). If changes to policies are to be considered, they must be approved by the City Council before any subdivision or development not in accordance with existing policies may proceed. Changes requiring City Council approval include Comprehensive Plan Amendments, Code Text Amendments, Special Use Permits, Zoning Map Amendments, i.e., Rezoning, Planned Developments (PUDs) and Low Impact Development (LIDs), Annexation Petitions and Development Agreements.

(2) Subdivision and Property Development Related Applications and Permits

Subdivision-related procedures are necessary to establish how individual lots or projects may be developed. These procedures are used to establish what is commonly referred to as a "legal lot" on which development may occur. Subdivision and property development related activities and projects must be in compliance with this Code. Procedures include Administrative Plats (Amending and Minor Plat), Concept Plans, Plans, Final Plats, Replats and Construction Plans.

a. Concept Plan. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision development and platted in sections. A Concept Plan will be valid for two (2) years and will expire if no Preliminary Plat has been approved within the two (2) year time period. Subsequent approvals will automatically extend the approval of the Concept Plan for two (2) years following the last approval. Expiration of any subsequent Development Permit will result in expiration of the Concept Plan.

b. Preliminary Plat. A map or drawing of a proposed subdivision plan that, upon approval, establishes an agreement to the layout. This agreement includes the location and width of proposed streets, lots, blocks, floodplains, and easements (utility, drainage, franchise utility, etc.). A Preliminary Plat approval is required prior to Final Plat approval, except under certain conditions described herein in Section 3.8(4).

c. Final Plat. A subdivision map or drawing intended for recordation in the plat records of the county in which the subdivision is located. Final Plat submittal will normally be consolidated with construction plan/Development Permit submittal. There are three types of Final Plats: Minor Plat, Replat, and Final Plat. A Final Plat requires a Preliminary Plat and concurrent construction plans for streets and infrastructure in accordance with this Code. The Preliminary Plat must be approved prior to the Final Plat approval.

d. Amending Plat. An amending plat will be filed in accordance with the procedures and requirements set forth in the Local Government Code (LGC) §212.045. The Planning and Zoning Commission (Commission) may recommend and the City Council may approve and issue an amending plat, which may be recorded and control over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by the owners of the property being replatted and is solely to do one or more of the following:

   i. Correct an error in a course or distance shown on the preceding plat;
   ii. Add a course or distance that was omitted on the preceding plat;
   iii. Correct an error in a real property description shown on the preceding plat;
   iv. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
   v. Show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
   vi. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
   vii. Correct an error in courses and distances of lot lines between two (2) adjacent lots if:
      1. Both lot owners join in the application for amending the plat;
      2. Neither lot is abolished;
      3. The amendment does not attempt to remove recorded covenants or restrictions; and
      4. The amendment does not have a materially adverse effect on the property rights of the other owners in the subdivision;
   viii. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
   ix. Relocate one or more lot lines between one or more adjacent lots if:
      1. The owners of all those lots join in the application for amending the plat;
      2. The amendment does not attempt to remove recorded covenants or restrictions; and
      3. The amendment does not increase the number of lots;
      4. The amendment does not render any resulting lot substandard for a required well, on-site sewage facility, or below minimum lot size requirements in existing deed restrictions on in the City's Future Land Use Map; or
   x. Make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
      1. The changes do not affect applicable zoning and other regulations of the municipality, including water and on-site sewage facility regulations;
      2. The changes do not attempt to amend or remove any covenants or restrictions; and

3. The area covered by the changes is located in an area that the Commission or City Council has approved, after a public hearing, as a residential improvement area; or

xi. Replat one or more lots fronting on an existing street if:

1. The owners of all those lots join in the application for amending the plat;
2. The amendment does not attempt to remove recorded covenants or restrictions;
3. The amendment does not increase the number of lots; and
4. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities, or require a variance for water well lot sizing and setbacks or on-site sewage facility regulations.

e. Re-plat. A new plat that changes the restrictions of a previously adopted Final Plat or results in a change in lot sizing that would affect water well or on-site sewage facility regulations, or that would affect compatibility with the City's zoning code or Future Land Use Map.

f. Minor Plat. A subdivision involving four (4) or fewer lots fronting on an existing street and not requiring the extension of municipal facilities;

g. Development Plat. Required for any person proposes the development of previously unsubdivided or unplatted land that is not being divided into separate parcels; and

h. Construction Plans. The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision/Site Plan.

(3) Site Development Related Applications and Permits

Development in the City must occur in compliance with all regulations of this Code, and development in the extraterritorial jurisdiction must occur in compliance with certain elements of this Code (See Section 1.4 and Table 3.1 for applicability of requirements to the ETJ). Any necessary modification to those standards must occur before a development project may be permitted that deviates from existing plans, standards or requirements. In addition, land must be appropriately subdivided and platted before any development project may occur. Development-related applications and permits include Letters of Regulatory Compliance (Zoning Verification Letter and Legal Lot Verification Letter), Written Interpretation of this Code, Master or Common Sign Plans, Temporary Use Permits, Special Exceptions, Site Plan Reviews and Site Development Permits, Stormwater Permits, Certificate of Design Compliances, Appeal of Administrative Decisions, Variances, Sign Permits and On-Site Wastewater (OSSF) Permits. Before any new well may be drilled or completed it must be registered with the appropriate underground water district and receive specific authorization before drilling is commenced.

Table 3.1: Summary of Review Authority

Permit or Application	Within City Limits	Within ETJ	Administrative Review	Planning & Zoning Commission	Zoning Board of Adjustment	City Council	Appropriate County
POLICY RELATED APPLICATION PERMITS							
Comprehensive Plan Amendment	+	+	O	O		X	
Code Text Amendment	+	+	O	O		X	
Special Use Permit	+		O	O		X	
Zoning Map Amendment (Zoning or Rezoning)	+		O	O		X	
Planned Unit Development (PUD)	+		O	O		X	
Annexation		+	O			X	
SITE-DEVELOPMENT RELATED APPLICATIONS AND PERMITS							
Zoning Verification	+		X				
Legal Lot Verification	+	+	X				
Written Interpretation	+	+	X				
Certificate of Design Compliance	+		X				
Stormwater Permit	+	+	X				
Appeal of Administrative Decision (Zoning)	+	+			X		
Appeal of Administrative Decision (All others)	+	+				X	
Special Exception	+	+	O		X		
Policy Variance (Development standards, ex. Lane-widths, Landscaping Requirements)	+	+	O	O		X	
Judicial Variance (Zoning-related, ex. Setbacks, Building Frontage)	+	+	O		X		
Site Development Permit	+	+*	X				
Master / Common Sign Plan	+	+	X				
Sign Permit	+	+	O			X	
Temporary Use Permit	+	+	X				
On-Site Wastewater (OSSF) Permit	+	+					X
SUBDIVISION AND PROPERTY DEVELOPMENT RELATED APPLICATIONS AND PERMITS							
Minor Plat	+	+	X				
Amending Plat	+	+	X				
Replat	+	+	O	O		X	

Permit or Application	Within City Limits	Within ETJ	Administrative Review	Planning & Zoning Commission	Zoning Board of Adjustment	City Council	Appropriate County
Development Plat	+	+	O	O		X	
Conceptual Plan	+	+	O	O		X	
Preliminary Plat	+	+	O	O		X	
Final Plat	+	+	O	O		X	
Construction Plan	+	+	X				
Policy Variance (Development standards, ex. Lane-widths, Landscaping Requirements)	+	+	O	O		X	
Judicial Variance (Zoning-related, ex. Setbacks, Building Frontage)	+	+	O		X		
Development Agreement	+	+	O	O		X	
+: Applicable **X**: Final Action **O**: Review/Recommendation *****: Limited Review Authority/Applicability							

Section 3.3 Related Applications and Permits

Related applications and permits will be submitted, reviewed, and approved / denied based on the procedures listed below. Some of these procedures may be followed concurrently, while some procedures require pre-approval of other procedures. The Administrative Procedures Manual should clarify the timing of these procedures.

(1) Development Requiring Multiple Approvals

The following restrictions apply to development applications requiring multiple approvals:

a. Policy Related Applications. Policy related applications for permits required for a particular project may occur in any order but will be sequenced so that when final actions occur, each approval provides any requisite requirement for a subsequent related approval.

b. Subdivision Applications:

   i. Subdivision applications may generally be considered concurrently.

   ii. The Comprehensive Plan Compliance Review should occur before any Subdivision Application.

   iii. When required, the Concept Plan must be approved before the Preliminary Plat may be submitted.

   iv. No application for Final Plat review will be considered complete and accepted for submittal until final action on the Preliminary Plat has occurred.

v. Approval of the Final Plat will not be granted until written approval of associated construction plans and plans for dedication of land and community facilities has been given by the City Manager.

c. Development Applications:
   i. No Development or permit application may be considered if there is pending subdivision activity for the same tract of land, except for administrative determinations.
   ii. Appeals of administrative decisions may only occur after a final decision by the City Manager.
   iii. Consideration of development or permit applications will be sequenced so that when an approval occurs, it will provide any requisite requirement for a subsequent related approval.

(2) Simultaneous Submission of Related Applications

Submittal of different applications related to the same development may be made simultaneously, although the review and processing of applications must remain in sequence as described in Table 3.1 above and elsewhere in this Code.

a. Applicants may file multiple applications for non-concurrent actions / approvals. It should be understood, however, that applications will be reviewed and processed in the sequence required pursuant to this Code. After each application receives final action, the next consecutive application in the Code process will be reviewed for completeness pursuant to the appropriate process.
b. Any application submitted simultaneously with other applications is subject to approval of all other related applications that are prerequisite(s) to consideration of another application in the development process. Denial or disapproval of any concurrently submitted application will prevent consideration of any related applications unless and until the denied or disapproved application is resolved or approved.
c. An applicant may withdraw any individual application from a group of simultaneously submitted applications.

Section 3.4 Common Review Elements

(1) Pre-application Conference.

A Pre-application Conference is a meeting between a potential applicant under this Code and the City Manager (or designee). Prior to submission of an application, a Pre-application Conference between the applicant and the City Manager and the appropriate City staff is recommended, but not required. The Conference is an opportunity for the applicant to describe the development that will be submitted and for the City Manager (or designee) to explain the development process (i.e., which application is appropriate, which review body is responsible for final action, what the potential timelines for review may be, and what criteria will be used to determine whether the application may be approved). Completion of a Pre-application Conference does not imply or indicate subsequent City approval of the permit or application. The Pre-application Conference will proceed as follows:

a. A Pre-application Conference is recommended for the following applications. (Note that one Pre-application Conference may suffice in many cases for a project involving multiple submittals of development applications.)
   i. Sign Plan
   ii. Site Plan
   iii. Variance
   iv. Concept Plan
   v. Preliminary Plat
   vi. Final Plat
   vii. Development Plat
   viii. Site Development Permit
   ix. Special Use Permit
   x. Planned Unit Development
   xi. Comprehensive Plan Amendment
   xii. Zoning Map Amendment (Rezoning)
   xiii. Code Text Amendment
b. Pre-application Conferences may be combined when an applicant will be making simultaneous applications for the same project. Completion of a Pre-application Conference or Combined Pre-application Conference does not imply or indicate City approval of any application.

(2) Application Forms and Fees.

The following regulations will apply to all applications:

a. Forms. Applications required under this Code will be submitted on forms, with any requested information and attachments, and in such numbers as required by the City and / or indicated in the Administrative Procedures Manual. The City Manager (or designee) will have the authority to request any pertinent information required to ensure compliance with this Code.
   i. The City Manager (or designee) must make any submission requirements and applicable fee requirements available to the applicant as a part of the Administrative Procedures Manual.
   ii. The City Council may, from time to time, adopt by resolution specific forms and submission requirements. Such resolution will be incorporated as an Appendix to this Code.
b. Submission Requirements. Development applications (which include, among other types, those listed in Section 3.4(1)b above) will be prepared and submitted initially in paper and electronic format and finally in digital formats acceptable to the City Manager (or designee).
c. Fees:
   i. Development and permit application fees will be established from time to time by ordinance of the City Council.
   ii. All required fees will be made payable to “The City of Fair Oaks Ranch,” by local check, money order, cashier’s check, or credit card.
   iii. An applicant who has paid the appropriate fee pursuant to submission of an application, but who chooses to withdraw such application prior to the formal written notification of completeness or incompleteness, will be entitled to a refund of fifty (50) percent of the

total amount paid upon written request to the City. The application fee required for any policy application is not refundable.

(3) Application Deadline.

All applications will be completed and submitted to the City Manager (or designee) in accordance with the Administrative Procedures Manual. An application will not be considered as officially submitted or filed until it is determined to be complete as specified below.

(4) Determination of Application Completeness.

Every application for a Development Permit will be subject to a determination of completeness by the City Manager (or designee).

a. Documents. No application will be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this ordinance. For a determination of completeness to be issued, an application must include the following:
   i. Payment of the appropriate fee;
   ii. An accurate metes and bounds description of the subject property (or other suitable legal description);
   iii. A survey exhibit and other appropriate exhibits as deemed necessary by the City Manager. Said exhibits will include but not be limited to Site Plans, maps, architectural elevations, and information about proposed use (in digital file format if available); and
   iv. All documents, forms or other materials required by this ordinance for processing of a specific Development Permit.
b. Additional Requirements. The City Manager (or designee) may from time to time identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Code.
c. Compliance. A determination of completeness will not constitute a determination of compliance with the substantive requirements of this Code.
d. Written Determination. Not later than the fifteenth (15th business day after the date an application is submitted, the City Manager (or designee) will make a written determination whether the application constitutes a complete application. This will include a determination that all information and documents required by this Code for the type of permit being submitted or other requirements have been submitted. A determination that the application is incomplete will be mailed to the applicant within such time period by United States Certified Mail at the address listed on the application. The determination will specify the documents or other information needed to complete the application and will state that the application will expire if the documents or other information is not submitted within 45 days after the date the application was submitted.
e. An application filed on or after the effective date of this ordinance will be deemed complete on the 11th business day after the application has been received, if the applicant has not otherwise been notified that the application is incomplete. For purposes of this Section, the applicant will be deemed to have been notified if the City has mailed a copy of the determination as provided in subsection d.

f. The processing of an application by any City employee prior to the time the application is determined to be complete will not be binding on the City as the official acceptance of the application for filing. The incompleteness of an application will be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.
g. A Development Permit application will be deemed to expire on the 45th day after the application is submitted to the City Manager (or designee) for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Code or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. An application that expires in this manner will be entitled to a refund of fifty (50) percent of the total amount paid upon written request to the City. Thereafter, a new application must be submitted.
h. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

(5) Expiration of Inactive Permits and Approvals.

Approvals and permits issued pursuant to this Code will expire in the time period indicated in Table 3.2 unless the proposed development, project or use for which the approval was given is pursued as described below. Expiration of a project will be measured from the date the project was approved.

a. Notification of the expiration of regulations will be provided to the applicant as part of the notification of approval of the development-related permit.
b. A Letter of Regulatory Compliance or Written Interpretation stays in effect indefinitely where no related development is proposed. Upon submission of a proposed development application related to the Letter of Regulatory Compliance or Written Interpretation, the Letter of Regulatory Compliance or Written Interpretation will expire according to Table 3.2 unless the proposed development is not pursued.
c. A development for which an approval or permit has been issued pursuant to this Code will be considered to be in process as set forth below:
   i. A complete Building Permit application has been submitted or, if none is required, a Certificate of Occupancy has been issued.
   ii. In case of projects where more than one building or phase is to be built, the applicant may submit a series of Building Permit applications. The first application must be submitted within twelve (12) months from the date Site Plan approval is granted. Each subsequent application must be submitted within twelve (12) months from the date of issuance of a Certificate of Occupancy for the previous building or phase.
d. A lapse of a period equal to or greater than the period set forth in Table 3.2 will cause the related approvals or permits to expire and be of no further force and effect.
e. The City Manager (or designee) may extend the expiration date of any permit one time for a period not to exceed one (1) year in length. Such extension may be granted at any time prior

to or within the twelve (12) months preceding the expiration date, but the extension period may not begin later than the original expiration date.

f. Reinstatement of a lapsed approval will require the applicant to pursue the same submittal and to obtain approval as an original application.

g. Any Minor Plat, Replat, Amending Plat, Preliminary Plat, Concept Plan, Final Plat (approved pursuant to previous Subdivision Regulations) or Detailed Development Plat (approved pursuant to previous Subdivision Regulations) that is dormant in accordance with the provisions of LGC §245.005 expired on November 19, 2004.

Table 3.2: Expiration of Inactive Permits or Approvals

Comprehensive Plan Amendment	No Expiration
UDC Text Amendment	No Expiration
Special Use Permit	No Expiration
Zoning Map Amendment (Rezoning)	No Expiration
Planned Unit Development	No Expiration
Annexation	No Expiration
Letter of Regulatory Compliance	24 months
Written Interpretation	24 months
Certificate of Design Compliance	24 months
Storm Water Permit	24 months
Appeal of Administrative Decision	24 months
Administrative Exception	24 months
Variance	No Expiration
Administrative Plat	No Expiration
Concept Plan	24 months
Preliminary Plat	12 months
Final Plat or Development Plat	No Expiration on a Recorded Final Subdivision Plat; 12 months for a plat approved by City Council that has not posted surety, begun construction of public infrastructure, or failed to provide required recording information
Construction Plan	24 months
Development Agreement	As specified in Agreement
Site Plan Development Permit	24 months
Master Sign Plan	24 months
Sign Permit	24 months
Temporary Use Permit	As specified in Agreement
Sign Special Exception or Appeal to an Administrative Decision	No Expiration

(6) Written Decision after Final Action

a. Within ten (10) days after the authority authorized to make the final determination under the requirements of this Code makes a final decision, a copy of the written decision will be sent to the applicant. A copy of the notice will be filed at the Office of the City Manager, where it will be available for public inspection during regular office hours.

b. The written decision will also state the final action authority's findings, conclusions, and supporting reasons or facts whenever this Code requires such findings as a prerequisite to the final action.

(7) Limitation on Reapplication

If any Development Permit application or other application for approval, any petition for a plan amendment or any petition for an amendment to this Code is disapproved by the final action authority, another application or petition for the same permit, approval, or amendment for the same property or any portion thereof may not be filed within a period of ninety (90) days or within a period of twelve (12) months for zoning change applications from the date of final disapproval, except by vote of the City Council. Such reapplication must demonstrate:

a. There is a substantial change in circumstances relevant to the issues and / or facts considered during the original review of the application that might reasonably affect the decision-making body's review of the relevant standards to the development described in the application; or
b. New or additional information is available that was not available at the time of the original application that might reasonably affect the decision-making body's review of the relevant standards to the proposed development; or
c. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or
d. The final decision on the application was based on a material mistake of fact.

Section 3.5 Standard Review Period

(1) Establishment of Review Period.

The City Manager is required to establish a standard time period for review and final action on all applications. This information will be published in the Administrative Procedures Manual. This review period will be used to determine the number of days for all time limits within this Code. If the City Manager fails to establish review periods for each procedure, the default review period will be ninety (90) days unless State law imposes a shorter period, in which event the shorter period will prevail.

(2) Restrictions on Review Period Serving as Time Limit.

All review time requirements are guidelines, and do not require final action within a specified period of time. The following rules describe administration of time requirements.

a. If a final action has not been taken on an application by the appropriate City staff, board, or commission, at the end of the time requirement for that application, there will be no penalty assessed to the applicant or final review authority. In these cases, consideration of the

application continues, however the application becomes eligible for final action upon written request of the applicant.

b. Ongoing consideration of an application beyond the standard review period allows a review body or the final action authority to work in good faith with the applicant to make changes, modifications, and corrections in order to continue consideration of an application that might otherwise be disapproved without the changes, modifications, or corrections. If the applicant elects to proceed without making any changes, modifications, or corrections to the application, the applicant may request action as provided in (c) below.

c. Once consideration of an application has continued past the standard review period and is eligible for final action upon request of the applicant, the applicant may request in writing a final action decision from the final action authority. An administrative final action authority must respond with written notification of final action within ten (10) days.

(3) Exception to Standard Review Period

a. The standard review period for any application may be extended one time for a period not to exceed thirty (30) days if a review body or final action authority requests additional studies or information concerning the application. Such an extension may not be granted after an applicant has requested final action. For purposes of a Preliminary Plat or Development Plat, when a 30-day extension has been issued, the application is deemed to have been denied but still subject to review by the City of the applicable review authority.

b. Standard review periods may be extended by the City Manager (or designee) as described below when, in the opinion of the City Manager (or designee), conditions beyond the City's control exist that prevent the City Manager (or designee), other administrative officials, or any final action authority from effectively reviewing and considering all applications in a timely manner. Typical conditions may include an excessive number of applications received by the City during a certain period of time, inadequate staff time due to temporary limitations of personnel resources or lack of availability of a required professional staff member such as the City Engineer.

   i. The City Manager (or designee) may initially declare that such conditions exist without approval of the City Council, and must provide timely notice to all affected applicants.

   ii. During these periods, all applications being considered are subject to the extended review period. No submittal of an application may be refused during the extended review period.

   iii. The City Manager (or designee) will report the action requiring the extended review period to the City Council at the next regular City Council meeting. In order to have the review period officially changed, the City Council must adopt a resolution establishing the extended review period at that meeting. The period must have a time limit, not to exceed ninety (90) days. If such a resolution is not adopted by the City Council, then the authority of the City Manager (or designee) to set aside standard review periods for this exception is no longer valid.

   iv. Review and processing of applications will continue during this extended review period, pursuant to the implementation of the extended review period.

   v. If the conditions causing the delay are not resolved, the process may be repeated. An applicant may request final action, as specified in Section 3.5(2)(c) above if the City has

not taken final action on the application one hundred and twenty (120) days after the date the standard review period would have expired.

vi. The delay of standard review periods may not be implemented as a moratorium.

Section 3.6 Public Hearing and Notice

(1) Required Public Hearing.

Table 3.3 identifies the types of procedures requiring a public hearing. The decision-making body may modify the application at the public hearing and refer such modifications to the recommending body.

Table 3.3 Summary of Required Public Hearing

Type of Application	Planning and Zoning Commission	Zoning Board of Adjustment	City Council
Comprehensive Plan Amendment	X		X
UDC Amendment			X
Special Use Permit	X		X
Zoning Map Amendment (Zoning or Rezoning)	X		X
Planned Unit Development	X		X
Annexation			X
Appeal of Administrative Decision (Zoning)		X	
Appeal of Administrative Decision (All others)			X
Policy Variance	X		X
Judicial Variance		X	
Development Agreement	X		X
Appeal of Denial of Sign Permit		X	
Replat	X		X

X – Public Hearing Required

Development Agreements containing any of the above provisions must meet the public hearing requirements of such.

(2) Summary of Notice Required

Notice will be required for review of an application as shown in Table 3.4.

Table 3.4: Summary of Notice Requirements

Procedure	Published	Mailed	Posted
Comprehensive Plan Amendment	X		
UDC Text Amendment	X		
Special Use Permit	X	X	X
Zoning Map Amendment (Zoning or Rezoning)	X	X	X
Planned Unit Development	X	X	X
Annexation	X		X
Certificate of Design Compliance			X
Appeal of Administrative Decision	X		
Policy Variance	X	X	X
Judicial Variance	X	X	X
Development Agreement	X	X	X
Appeal of Denial of Sign Permit			X
Replat	X	X	

X – Notice Required

(3) Published Notice

Before the 15th day before the date of the hearing before the governing body, the City Manager (or designee) will cause to be published public notice in an official newspaper or a newspaper of general circulation in the municipality. The notice will contain notice of the time and place of the hearing and a description of the item to be considered or reviewed. If notification of a public hearing before the Planning and Zoning Commission is required to be published, publication of the hearing before the and the City Council may be done concurrently.

(4) Mailed Notice

Before the 10th day before the hearing date, written notice of each public hearing on a proposed change in zoning classification will be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail.

(5) Posted Notice

The City will be responsible for posting notice along rights-of-way frontage of the subject property in a format approved by the City Manager (or designee) not less than fifteen (15) days prior to the scheduled public hearing.

(6) Conduct of Public Hearings

All public hearings will follow the procedures set forth by the City. Modifications of the application during a public hearing may be made if assurances can be given by the applicant that there will be follow through on the modifications agreed to. The City Council or other review authority holding the public hearing may approve or recommend action on the application subject to the suggested changes being made and incorporated into the new application.

a. All findings and conclusions necessary to the permit or decision (crucial findings) will be based upon reliable evidence. Competent evidence (evidence that people of ordinary prudence would rely on in conducting their own affairs) will be preferred whenever reasonably available, except where the matter at issue is not seriously disputed.

Section 3.7 Policy Related Applications and Permits

This section provides specific approval criteria for the following policy-related applications:

- Comprehensive Plan Amendments
- Unified Development Code Text Amendments
- Special Use Permits
- Zoning Map Amendments, Rezoning and Planned Unit Developments (PUD)
- Annexation Petition
- Development Agreement

(1) Comprehensive Plan Amendment

a. Applicability. The Comprehensive Plan reflects the City's long-term plan for growth and development. The City Council may, from time to time, on its own motion or on petition, amend, supplement, change, modify, or repeal the regulations, restrictions and boundaries herein established, or contained in the Comprehensive Plan.

b. Review Process. The following sections set forth the specific requirements for amendment of the Comprehensive Plan:

i. Initiation. Initiation of a City Council Review of a Comprehensive Plan Amendment may be made upon recommendation of the:

1. City Council;
2. Planning and Zoning Commission; or
3. City Manager (or designee).

ii. Staff Review. Once a procedure has been initiated, the City Manager (or designee) will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and City Council. The City Manager (or designee) may:

1. Establish procedures for administrative review necessary to ensure compliance with this Code and state statutes;
2. Assign staff to review the application and make a report to the City Manager; and
3. Include in his / her report a recommendation for final action.

iii. Planning and Zoning Commission Review. The Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

iv. City Council Final Action. The City Council will hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed amendment.

c. Criteria for Approval–Generally. In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council will consider the following matters regarding the proposed amendment:

i. Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

ii. Whether the proposed amendment is consistent with the Future Land Use element of the most recent version of Comprehensive Plan.

iii. Whether the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.

iv. Unified Development Code Compliance. No requirement of the procedure for Comprehensive Plan or Code amendments may govern if in conflict with specific provisions of this Code or Comprehensive Plan. Any potential conflicts of proposed amendments with the UDC or Comprehensive Plan will be considered and dealt with prior to the review and adoption of any amendment. Unified Development Code Compliance and Consideration of Conflicts. Any potential conflict between the proposed amendment(s) and the UDC or other parts of the Comprehensive Plan should be dealt with prior to (or as part of) the adoption of any amendment.

v. Other criteria deemed relevant and important by the City Council in relationship to the proposed amendment in taking final action on the proposed amendment.

d. Responsibility for Final Action. Recommendations regarding Comprehensive Plan amendments will be made by the Planning and Zoning Commission. The Planning and Zoning Commission will forward their recommendation to the City Council. The City Council is responsible for final action on Comprehensive Plan Amendments.

(2) Unified Development Code Text Amendment

a. Applicability. Amendments to this Code may be made from time to time in order to establish and maintain sound, stable, and desirable development within the jurisdiction of the City, or to correct errors in the text, or to address changing conditions in a particular area or in the City. All text amendments will be in accordance with the Comprehensive Plan. If the Comprehensive Plan is amended, the Code should also be amended if deemed necessary or advisable by the Planning and Zoning Commission.

b. Review Process. The following sections set forth the specific requirements for amendment of this Code; Section 1.9 of this Code. Updates or Amendments, describes the amendment and update process.

i. Initiation. Initiation of a City Council Review of a Code Amendment may be made upon recommendation of the:

1. City Council;
2. Planning and Zoning Commission; or
3. City Manager.

ii. Staff Review. Once a procedure has been initiated, the City Manager will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and City Council. The City Manager may:
   1. Establish procedures for administrative review necessary to ensure compliance with this Code and state statutes;
   2. Assign staff to review the application and make a report to the City Manager; and
   3. Include in his / her report a recommendation for final action.

iii. Planning and Zoning Commission Review. The Planning and Zoning Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

iv. City Council Final Action. The City Council will hold a public hearing, in accordance with its rules and state law, and may take final action on the proposed amendment.

c. Criteria for Approval–Generally. In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council will consider the following matters regarding the proposed amendment:

i. Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.

ii. Whether the proposed amendment is consistent with the Future Land Use element of the most recent version of the Comprehensive Plan.

iii. Whether the proposed amendment is consistent with other goals and objectives of the Comprehensive Plan.

iv. Code Compliance. No requirement of the procedure for Comprehensive Plan or Code amendments may govern if in conflict with specific provisions of this Code or Comprehensive Plan. Any potential conflicts of proposed amendments with the UDC or Comprehensive Plan will be considered and dealt with prior to the review and adoption of any amendment.

d. Responsibility for Final Action. The Planning and Zoning Commission will make recommendations regarding the Code Text Amendments. The Planning and Zoning Commission will forward its recommendation to the City Council. The City Council is responsible for final action.

(3) Special Use Permit

a. Applicability. Special Use Permits allow for discretionary City Council approval of uses with unique or widely varying operating characteristics or unusual site development features, subject to the terms and conditions set forth in this Code. These uses may locate in districts as indicated under special conditions described in a Special Use Permit recommended by the Planning and Zoning Commission and approved by the City Council. No such use will commence without prior approval of a Special Use Permit.

b. Approval Criteria:

i. A binding Site Plan for the Special Use Permit must be approved by the City Council in order to approve issuance of a Special Use Permit. The Site Plan must be reviewed by the City Manager for compliance with this Code.

ii. In addition to the criteria for zoning changes found in this Section, the City Council may approve an application for a Special Use Permit where it reasonably determines that there will be no significant negative impact upon residents of surrounding property or upon the general public. The City Council will review the Special Use Permit application based on the potential use's impact on the health, safety and welfare of the surrounding neighborhood; its impact on public infrastructure such as roads, parking facilities and water and sewer systems; and its impact on public services such as police and fire protection and solid waste collection, and the ability of existing infrastructure and services to adequately provide services. From time to time, the City Council may, at its sole discretion, promulgate a list of concerns or minimum public safety and design elements that should be addressed by an applicant for certain Special Use Permit land uses. When such a list of discussion guidelines is promulgated, it is to be considered only an outline of prospective issues that have come to the City's attention regarding these land uses, organized and recorded for the convenience of potential applicants, and is not in any way intended to be a comprehensive list of issues the City may consider in approving or denying the application, since each case subject to a Special Use Permit will be judged upon its unique circumstances and siting, decided at the discretion of the City based on the criteria described earlier in this paragraph. The City Manager will maintain such lists, and they will be available to prospective applicants upon request.

iii. Any modification to an approved Site Plan that was filed as part of a Special Use Permit will cause the Special Use Permit to become void, regardless of its current status, including any approval previously given by the City Council.

iv. Special Use Permits must be resubmitted to the City Manager and the City Council for consideration using the modified Site Plan.

1. The City Manager may determine that the modification to the Site Plan does not change the basis for Special Use Permit approval and issue a temporary approval to the modified Special Use Permit. In this case, the City Manager will report this action in writing to the City Council and place the modified Special Use Permit directly on the City Council agenda for action at the Council's next meeting.
2. If the City Manager determines that the modifications to the Site Plan changes the basis for the initial Special Use Permit approval, the modified permit will follow the regular review process for a regularly submitted Special Use Permit.

c. Responsibility for Final Action. The City Council is responsible for final action on applications for Special Use Permits.

(4) Zoning Map Amendment – Rezoning

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. If the Zoning Map is amended, the Comprehensive Plan and Code should also be amended if the Commission finds it necessary or advisable.

b. Review Process:

i. Initiation. Initiation of a Zoning Change may be initiated by:

1. An affected property owner or his / her authorized agent through the zoning application process; or
2. Recommendation of the Planning and Zoning Commission; or
3. City Council.

ii. Pre-Application Conference. Prior to submitting an application for approval, the Applicant may request a Pre-Application Conference with the City Manager (or designee), City Engineer and designated City Staff. The Pre-Application Conference may include, but is not limited to, the City Manager and City Staff offering initial comments on the merits of the application, suggestions for refinement, and other information and advice to aid the applicant.

iii. Application:
1. Application on behalf of a property owner must be made in a format consistent with requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager (or designee). Information regarding the format requirements and materials required for the application will be made available by the Manager in advance of any application.
2. The City Manager (or designee) is responsible for ensuring that a complete application is prepared for changes initiated by the City Council or Planning and Zoning Commission such that all material necessary for the City Council to render an informed decision is provided.

iv. Completeness Determination:
1. Upon submission of an application for any type of zoning change, the City Manager (or designee) will determine whether the application is complete, as described in Section 3.4.
2. Applications prepared by the City Manager (or designee) on behalf of the City Council or Planning and Zoning Commission will be considered complete.

v. Staff Review. Once a procedure has been initiated and the application deemed complete, the City Manager (or designee) will review the application, considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. The City Manager may:
1. Establish procedures for administrative review necessary to ensure compliance with this Code and state law;
2. Assign staff to review the application and make a preliminary report to the City Manager; and
3. Include a recommendation for final action in his / her report to the Planning and Zoning Commission and City Council.

vi. Planning and Zoning Commission Review. The Planning and Zoning Commission will hold a public hearing, in accordance with its rules and state law, and make a recommendation to the City Council.

vii. City Council Final Action. The City Council will hold a public hearing, in accordance with its rules and state law, and take final action on the application.

1. The rezoning, planned unit development, planned low density development, or initial zoning of annexed territory will become effective by a simple majority vote of the City Council.
2. If a proposed rezoning of a tract of land has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also resident inside the City Limits), the rezoning may not become effective except by three-fourths vote of the City Council.
3. At least three-fourths vote of the City Council is required to overrule a recommendation by the Planning and Zoning Commission that a regulation or boundary be denied.

c. Criteria for Approval–Generally:
   i. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
   ii. Zoning changes may be approved when the following standards are met:
      1. The zoning change is consistent with the Comprehensive Plan;
      2. The zoning change promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City;
      3. The zoning change is compatible with and conforms with uses of nearby property and the character of the neighborhood;
      4. The property affected by the zoning change is suitable for uses permitted by the proposed amendment to the zoning map;
      5. Infrastructure, including roadway adequacy, sewer, water and storm water facilities, is or is committed to be available that is generally suitable and adequate for the proposed use; and
      6. Zoning Variance requests will not be considered. Zoning changes must be made by Zoning Map Amendment. All amendments must be in accordance with the Comprehensive Plan, which may be amended according to the procedure in this Section. Newly annexed areas will be zoned during the annexation process.

d. Responsibility for Final Action. The Planning and Zoning Commission will review conditions and proposed decisions regarding rezoning. The Planning and Zoning Commission will forward its recommendation to the City Council, which is responsible for final action on Zoning Map Amendments.

(5) Zoning Map Amendment – Planned Unit Development

a. Applicability. A Planned Unit Development (PUD) is a zoning overlay district that may be used to permit new or innovative concepts in land utilization, master-planned communities, mixed use development that other Zoning Districts do not accommodate, and to provide site-specific compatibility standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to insure against misuse of increased flexibility. PUDs are appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD or where the Comprehensive Plan reflects mixed use as a land use category. However, any PUD applicant must demonstrate that the lot sizing, street frontages, and general design characteristics of

the PUD are in keeping with the spirit of the Fair Oaks Ranch Comprehensive Plan, and complimentary to the existing character of Fair Oaks Ranch.

b. Submission Requirements.

i. Pre-Application Conference. Prior to submitting a PUD Plan for approval, the Applicant must request a Pre-Application Conference with the City Manager (or designee), City Engineer and designated City Staff. The Pre-Application Conference will include, but is not limited to, the following:

1. The City Manager and City Staff offering initial comments on the merits of the PUD Concept Plan, suggestions for refinement, and other information and advice to aid the Subdivider in the preparation of a Formal PUD Plan.
2. If the PUD subdivision is located wholly or partly within the city limits, approval of the Final PUD Plan must be preceded or accompanied by approval of PUD zoning for the entire area of the subdivision inside the city limits, as provided in Chapter 4, Zoning Districts and Use Regulations. Preliminary and Final Plats which conform to the Final PUD Plan may then be submitted for approval as individual subareas within the overall PUD when they are ready for development. Any variation in land uses from those approved in the Final PUD Plan will require approval of an amended overall PUD plan, under the same procedures as required for the Final PUD Plan.

ii. Concept Plan. At the Pre-Application Conference the Applicant will submit 6 copies of a Concept Plan for the proposed development. The PUD Concept Plan need not be engineered, but it must contain at least the following information in sufficient detail to permit understanding of the proposal:

1. A map of the site, drawn to scale and showing north arrow, the boundaries of the proposed development, adjacent subdivisions, and the streets in the vicinity of the site.
2. A map showing general topographic considerations affecting the site, floodplains and watercourses, recharge zones, geologic features and protected areas on the site and in the vicinity, and any other significant environmental features that may affect the site.
3. The general layout proposed for the PUD, delineating the areas that are 1) proposed for residential development, 2) the forms and densities proposed in each such area, 3) the areas proposed for non-residential development and the general nature of the uses proposed in each such area, and 4) the areas proposed as open space or parks and the general character proposed for each such area.
4. The total acreage of the site, the number of acres to be developed in each type of residential and non-residential development which is proposed, and the number of acres proposed to be dedicated as community open space.
5. The total number of residential dwelling units of each type proposed, and the approximate gross square footage of each type of non-residential development proposed.

iii. Requirements for Preliminary PUD Plan. In addition to the requirements for a Preliminary Plat which apply to a conventional subdivision, the Preliminary Plat of a PUD subdivision must contain or be accompanied by the following:

1. Parking. Clear delineation of the areas which are to be reserved for off-street parking and loading, and the ratios of parking spaces to square feet of floor area for each lot to be developed in a non-residential use, and a clear delineation of the areas which are to be reserved for residential off-street parking and the number of parking spaces to be provided for each dwelling unit;
2. Fencing and Screening. The location, type and height of all proposed fences, screening walls, and other screening devices intended to buffer one land use from another or to buffer the PUD subdivision from adjacent properties;
3. Community Open Space Areas. The location and character of all improvements to be made in community open space areas, including a general landscape plan for each area;
4. FORHA or HOA (Association). A draft of the legal Instrument establishing the Association; and
5. Budget. A draft multi-year budget for the Association.

iv. Form and Content of Final PUD Plan. The Final PUD Plan will include 1) 24" by 36" copies of the Final PUD Plan, 2) 8 1/2" x 11" black and white copy, and 3) a digital file of the Final PUD Plan in a format specified by the City Manager. The Final PUD Plan will be drawn to a scale of 1-inch to 100 feet. Where more than one sheet is required, an index sheet of maximum size 18 inches by 24 inches will be filed showing the entire subdivision, and all scales must be uniform. The Final PUD Plan for the proposed development must be drawn by a Professional Engineer and must include the following:

1. Date, scale, north arrow, name of Subdivider, title of the plan/ development and name of the person preparing the PUD Plan;
2. The location of the city limit lines and the outer border of the City's ETJ (if either traverses the subdivision or is contiguous to a subdivision boundary) and any other relevant jurisdictional lines;
3. The location, ROW width, name and description of all existing or recorded streets and alleys within or adjacent to the subdivision, as determined from existing records, and the location of all intersections adjacent to the subdivision.
4. The ROW and description of all proposed streets and alleys within the subdivision;
5. The location, ROW, and type or purpose of all existing easements within and adjacent to the subdivision;
6. The centerline of existing watercourses, creeks and drainage structures within and adjacent to the subdivision, and the limits of the 100-year flood plains if applicable;
7. 2' topographic lines;
8. The centerline of proposed watercourses, creeks and drainage structures, and the general nature and extent of any other water features that are proposed to be developed;
9. The area and acreage in each distinct type of proposed land use;
10. The areas and acreages which are to be dedicated as open space and parks, including an indication whether the dedication is to be as a public park or a private park owned and managed by an Association;

11. The location, type and height of the fences, walls or other screening devices which are proposed to buffer the PUD from adjacent developments and, within the PUD, to buffer one land use from another; and
12. The information, which is presented graphically in the PUD plan must be accompanied by the following information in narrative or tabular form:
    a. The total number of dwelling units in each distinct type proposed;
    b. The total acreage in each distinct type of residential development; and the resulting densities in dwelling units per acre;
    c. The total acreage and gross square feet proposed in each distinct type of non-residential development;
    d. Descriptions of the number, size and character of any active recreational facilities and community meeting spaces which are to be included in the dedicated open space and parks; and
    e. Calculations showing the minimum total area of open space and parks that is required by this Code, and the actual areas that are proposed to be dedicated as open space and parks. A narrative justification must accompany any request for a reduction in the open space requirement.

v. Additional Requirements. In addition to the requirements for a Final Plat which apply to a conventional subdivision, the Final PUD Plan subdivision must contain or be accompanied by approved and executed copies of the following:
1. Legal Instrument Establishing the Association. A legal instrument establishing the Association, approved by the City Attorney;
2. Budget. A multi-year budget for the community association, approved by the City;
3. Financial Guarantee. A bond or other financial guarantee of the full funding of the Association's reserve fund for repairs and maintenance of the open space areas and facilities; and
4. Maintenance Agreement. A Maintenance Agreement between the Association and the City for repair and maintenance of the common areas and facilities which are to be dedicated as open space.

c. Approval Criteria (PUD). The zoning change criteria in this Section, as it related to the PUD, will be considered by the Planning & Zoning Commission and, upon receipt of the Commission's recommendation to the City Council, the Council will consider the following specific objectives and criteria in making a determination on the development ordinance and Concept Plan associated with the PUD. Rezoning and development under the PUD district will be permitted only if the development ordinance and Concept Plan meet the following criteria:

i. Comprehensive Plan. The PUD must be compatible with the goals and policies of the Comprehensive Plan;

ii. Natural Features. Insofar as practicable, the landscape will be preserved in its natural state by minimizing tree and soil removal. The natural features of the landscape will be integrated into the subdivision design as amenities enhancing the developed environment.

iii. Environmentally Sensitive Features. Insofar as practicable, environmentally sensitive features will be preserved in their natural state. The environmentally sensitive features

will be integrated into the subdivision design as amenities enhancing the developed environment.

iv. Buildings. Proposed buildings will be sited in harmony with the terrain and with other buildings in the vicinity that have a visual relationship to the proposed development.

v. Utility Infrastructure. Assurance of adequate utility infrastructure in conformance with the Utility Master Plan and Drainage Master Plan.

vi. Pathways, Driveways and Streets. Pedestrian paths, bicycle paths, driveways, parking areas and interior streets in the subdivision will be located and designed to take best advantage of the topography and natural features of the landscape, to separate vehicular, bicycle and pedestrian traffic as much as practical, and to contribute to rather than detract from the design of proposed land uses and neighboring properties.

vii. Facilities. Provision of cultural and recreational facilities for all residents.

viii. Opens Spaces and Parks. Open spaces will link residential areas with each other and with related nonresidential destinations and provide amenities that enhance the residential environment. Where possible, these open spaces will link directly to parks, other open spaces, schools and other community institutions adjacent to the subdivision.

ix. Sequential / Staged Development. A Final PUD Plan may be divided into stages for sequential development over time. In such a case, the Final PUD Plan will include the entire area of the tract, which is to be developed as a PUD, and it will indicate the sequence and approximate schedule for development of all the various subareas within the tract. Development will be staged in a manner that can be accommodated by the timely provision of public utilities, facilities and services.

x. Minimum Requirements:

1. No Minimum Lot Size. There is no minimum lot size for a residential lot in a PUD, provided that for each residential unit there is a net minimum of 4,000 square feet of site area. There is no minimum width and no minimum street frontage for a residential lot in a PUD.
2. Set Backs. There are no minimum front, side or rear yard setback requirements in a PUD, except as follows:
   a. Along the perimeter of a PUD, all lots must meet the same minimum setback requirements as would be required in a subdivision which is not a PUD, unless the City Council approves a lesser setback in the PUD Plan.
   b. On any lot which has driveway access to a street, all buildings and other structures must be set back at least ten feet from the lot line adjacent to the street.
   c. On any corner lot, no wall, fence or other structure may be erected above a height of three feet, and no hedge, shrub, tree or other vegetation may be maintained above a height of three feet, within the triangular area formed by the intersecting street edge lines and a straight line connecting such street edge lines at points 25 feet from the point of intersection measured along such street line.
3. Drainage easements and utility easements will be provided as required by other provisions of this Code.

xi. Minimum Open Space Requirements. Each PUD will provide for a minimum amount of community open space as follows:

1. For a residential PUD, the minimum requirement is 20 percent of the gross site area of the subdivision.
2. For a non-residential PUD, the minimum requirement is ten percent of the gross site area of the subdivision.
3. For a PUD that includes both residential and non-residential development, the total requirement is calculated according to the relative proportions of the gross site area of the subdivision that are proposed to be developed in residential and non-residential uses.
4. Up to 25 percent of the minimum community open space requirement may be met by including 1/2 of the area of any public park, unimproved floodplain or other beneficial open space area which is contiguous and accessible to the subdivision and which, in the judgment of the planning and City Manager and the City Council, has a reasonable expectation of perpetuity. The City Manager and the City Council may also approve a decrease of up to 25 percent of the minimum community open space requirement when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development, including, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features or cultural resources, or other unusual amenities which the City Manager and City Council find will benefit the community as a whole in addition to the occupants of the subdivision. However, in no case may the total reduction in the minimum community open space requirement exceed 40 percent.
5. The community open space required by this section may either be dedicated to the City as public park land or be dedicated as common area for use by the residents / occupants of the PUD, to be owned and managed by the **Association** which is directly responsible to and controlled by the property s in the subdivision.
6. In the case of community open space which is proposed to be dedicated as parkland, the City Manager (or designee) will inspect the area in the field and make a recommendation to the City Council at the time the Council considers the PUD plan as to the desirability of accepting the proposed dedication and the City's likely ability to fund the future operation and maintenance of the proposed facilities. The area to be so dedicated will be indicated on the Preliminary Plat as "Park Land Dedicated to (the name of management entity such as FORHA)." The total acreage of the park will be noted on the Final Plat, and the dedication of the park will also be noted in the narrative portion of the Final Plat where the Owner dedicates easements, ROW and other improvements to the City. All improvements to the required open space which are shown in the Final PUD Plan must be constructed by the Subdivider at the same time as the streets, drainage system and other components of the subdivision infrastructure are being constructed. Additionally:
    a. Improvements to an open space that is internal to or otherwise distinctly associated with an individual subarea of a PUD, which is to be developed in stages, must be constructed at the same time as the other components of subdivision infrastructure shown on the Final Plat for that stage of the subdivision development.

b. No building permits will be issued, and no utility connections will be made for any building or structure on any lot outside the community open space until these improvements have been inspected and approved by the City Manager (or designee).

d. Effect of Council Approval. City Council approval of a PUD also constitutes final approval of the binding PUD development ordinance and PUD Concept Plan that were attached to the PUD application, as modified by the City Council.
   i. Development Ordinance. The PUD development ordinance, as modified and approved by the City Council, becomes, in effect, a modification to the regulations and standards of this Code that apply only to the area of land described by the PUD development ordinance. All future or ongoing development approvals or permits within the area of the PUD will comply with the PUD development ordinance in addition to this Code.
   ii. The PUD Concept Plan. As modified and approved by the City Council, the PUD Concept Plan becomes, in effect, an amendment to the City's Comprehensive Plan and Zoning Map that applies only to the area of land described by the PUD. All future or ongoing development approvals or permits, including any plat-related approval, will comply with the PUD Concept Plan in addition to the City's Comprehensive Plan.
   iii. Minimum Requirements. Unless otherwise indicated in the approved PUD development ordinance or PUD Concept Plan, the minimum requirements for each development will be those stated in this Code for subdivisions and the requirements of the most restrictive standard Zoning District in which designated uses are permitted.

e. Responsibility for Final Action. The Planning and Zoning Commission will review decisions regarding a PUD. The Commission will forward its recommendation to the City Council, which is responsible for final action on a PUD.

f. Approval When Protested. If the Final PUD Plan is protested in writing by the owners of 20 percent or more either of the number of lots or of the area of land immediately adjoining the proposed PUD subdivision and within 200 feet from the proposed subdivision boundary, then the Final PUD plan may not be approved except by a vote of at least 3/4 of all members of the City Council.

g. Substantial Amendments to the Final PUD Plan. Alterations to the approved Final PUD Plan are classified as either substantial or nonsubstantial amendments. Substantial amendments must be approved by City Council following the same procedures as required for approval of the Final PUD Plan, including payment of the appropriate Filing Fees. A substantial amendment is any change that would:
   i. Add a land use not previously approved as part of the PUD plan;
   ii. Alter the land use in an area within 200 feet of a boundary of the PUD subdivision, Increase the overall density of the PUD by ten percent or more. However, in no case may the overall density of a PUD located inside the city limits exceed that permitted by the PUD zoning district;
   iii. Reduce the total area to be dedicated as community open space, or which would alter the location of that area by ten percent or more; or

iv. In the judgment of the City Manager (or designee), would significantly alter the general character or overall design of the PUD.

h. Nonsubstantial Amendments. Within 30 days from the official date of submission of the application for a Nonsubstantial Amendment, the City Manager must 1) approve it 2) approve it with conditions, which means the nonsubstantial amendment is approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied, or 3) defer the Nonsubstantial Amendment to the City Council.

i. Action by City Council, If Required. If the City Manager defers the Nonsubstantial Amendment application, the City Council must consider the application at a regular meeting no later than 30 calendar days after the date on which the City Manager deferred the application to the City Council. The City Council, upon simple majority vote, must 1) approve Nonsubstantial Amendment, 2) approve it with conditions, which means the nonsubstantial amendment is approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied, or 3) deny the nonsubstantial amendment.

j. Certified by City Manager. No application for approval of a Nonsubstantial Amendment will be considered completed and filed until all the items required by state law and this Code have been received and the application is certified by the City Manager.

Section 3.8 Subdivision and Property Development Related Applications

This section applies to the following subdivision-related applications:

- Administrative Plat
- Concept Plan
- Preliminary Plat
- Final Plat
- Replat
- Development Plat
- Construction Plans

(1) General Requirements for Approval of Plats

a. Prior to the subdivision, re-subdivision, or development of any land within the City, or its extraterritorial jurisdiction, all plans, plats, and construction plans for infrastructure improvements must first be approved in accordance with regulations specified in subsections 3.8(1) (b) – (f) except for:

i. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access change is required to meet the standards of this Code are necessary to support such building addition or alterations.

ii. Divisions of land created by order of a court of competent jurisdiction.

iii. A change in ownership of a property through inheritance or the probate of an estate.

iv. Cemeteries complying with all state and local laws and regulations.

v. Those plats exempted in LGC §212.004.

b. Except as exempted in Section 3.8(1)a, above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the City Council or the City Manager in accordance with these regulations.
c. Except for agricultural leases, no land described in this section will be platted or sold, leased, transferred or developed until the property owner has obtained approval of the applicable Concept Plan, Preliminary Plat, Final Plat or Development Plat from the City Council or the City Manager as required by these regulations.
d. No Building Permit for a structure or Certificate of Occupancy may be issued for any parcel or tract of land until such property has received Final Plat or Development Plat approval and is in conformity with the provisions of this Code, the plat has been recorded, public improvements have been accepted by the City (if applicable), and no private improvements will take place or be commenced except in conformity with these regulations in this Code.
e. No person will transfer, lease, sell or receive any part of a parcel before an Administrative Plat or Final Plat of such parcel and the remaining parcel have been approved by the City Council in accordance with the provisions of these regulations in this Code and filed of record with the appropriate County Clerk.
f. The platting or subdivision of any lot or any parcel of land, by the use of Global Positioning System (GPS) using the Texas State Plane Coordinate System (SPCS) as a substitute for metes and bounds for the purpose of sale, transfer, lease or development is prohibited. The SPCS may be used as supporting documentation only and the datum source must be referenced.
g. The Commission will act on a plat within 30 days after the date a complete application for the plat is filed. A plat is considered approved by the Commission unless it is disapproved within that period. The City Council will act on the plat within 30 days after the date the Plat is acted on by the Commission. A plat is considered approved by the City Council unless it is disapproved within that period.

(2) Administrative Plat Review

a. Applicability. Minor Plats or Amending Plats may be approved by the City Manager (or designee) following an evaluation for plan compliance and technical compliance with this Code.
   i. Minor Plat. A Minor Plat is any plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
   ii. Amending Plat. A plat that complies with LGC §212.016, as amended, which is generally submitted to correct errors and omissions, or make minor changes such changing the preceding plat to create six (6) or fewer lots in the subdivision, when agreed to by all adjacent property owners.
   iii. Development Plat:
      1. Development Plats are required for previously unsubdivided or unplatted land that is not being divided into separate parcels, as described in LGC §212.045.
      2. Any person who proposes the development of a tract of land within the City limits or the extraterritorial jurisdiction of the City must have a Development Plat of the tract prepared in accordance with this Section.

3. No development will begin, nor any building permit, utility connection permit, or similar permit be issued until a development plat has been reviewed and approved.
4. When an applicant is required to file a Preliminary Plat or Final Subdivision Plat by other requirements of this Section, a Development Pat is not required.

iv. Waivers. Any plat that requires a waiver from Subdivision, Site Development, or Design Standards, any utility dedication, dedication of land must be reviewed as a Preliminary Plat by the Planning and Zoning Commission and finally approved by the City Council.

v. City Manager Endorsement. It will be unlawful to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of City of record with the appropriate County Clerk unless the plan, plat or replat bears the endorsement and approval of the City Manager.

b. Approval Criteria (Administrative Plat). All subdivisions and plats of land will be reviewed using the criteria in this Code. Infrastructure construction plans must be filed and be consistent with Chapter 8 Environmental Protection. Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the City Manager or the developer.

c. Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Administrative Plat Reviews. If the City Manager (or designee) determines the Administrative Plat does not meet the approval criteria, the applicant may request that the application be forwarded to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action.

d. Action Following Plat Approval. After approval of an Administrative Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

i. The Developer may file a Construction Plan, and upon approval of the Construction Plan by the City Manager (or designee), proceed with construction of streets, alleys, sidewalks, and utilities that the Developer is required to install. The City will inspect the work as it progresses, and upon completion and final acceptance by the City, and upon written request of the Developer, the Final Plat may be approved and filed of record with the appropriate County Clerk; or

ii. The Developer may elect to post fiscal surety and assurance of construction as provided in Chapter 9 Infrastructure and Public Improvements, in which case the surety of assurance will be filed with the City, together with a request that the plat be filed for record. In this case, the Final Plat will be approved and filed with the appropriate County Clerk. The Developer will pay the record filing fee. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements; and upon completion of construction, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials as provided in Chapter 9 Infrastructure and Public Improvements.

iii. The City Engineer shall issue letter accepting documents, providing the requisite authority for the Subdivider to proceed with the construction of streets and utilities.

e. Recordation. After the City Manager has approved the plat, the City Engineer has approved the Construction Plan and the Subdivider has either posted fiscal surety and assurance of

construction (see Chapter 12 Compliance and Enforcement) or completed required provision of infrastructure and public improvements, the Final Plat will be recorded in the Office of the appropriate County Clerk. The Developer will pay the record filing fee as provided for in the City of Fair Oaks Ranch Fee Schedule Ordinance.

(3) Concept Plan

a. Purpose. The purpose of the Concept Plan is to provide for review of certain developments for compliance with the Comprehensive Plan, this Code, any additional adopted plans (e.g., Wastewater, Drainage or Water Plan), the compatibility of land uses, and the coordination of improvements within and among individual parcels of land or phases of development, prior to City approval of a Preliminary Plat.

b. Applicability:

i. A Concept Plan is required for any development that meets the following criteria:

1. If the property is undeveloped, is under one ownership, and is greater than 50 acres; or
2. Is to be platted and developed in phases; or
3. Will require off-site road, drainage, or utility connections or improvements that will have a substantial impact or effect on other properties or developments; or
4. Is proposed for approval as a Planned Unit Development.

ii. The City Manager (or designee) will determine during the Pre-Application Conference for any plat application whether a Concept Plan is required in accordance with the purpose stated in this Code. The City Manager (or designee)'s decision to require a Concept Plan may be considered by the Planning and Zoning Commission upon written request of the applicant

iii. When a development is located on a portion of a large tract under one ownership, is developed in phases, or is located on land that was not legally subdivided, the developer may be required to submit a Concept Plan for review and recommendation to City Council by the Planning and Zoning Commission.

c. Approval Criteria. Concept Plans will be reviewed by the Commission using the criteria for approval of subdivisions and plats in this Code, and forwarded to City Council for its review and final action.

d. Responsibility for Final Action. The Planning and Zoning Commission will make recommendations regarding a Concept Plan. The Commission will forward its recommendation to the City Council, which is responsible for final action on Concept Plans.

e. Phases and Revisions. All current and future phases of development referenced in a Concept Plan will be designed and constructed in conformance with the Concept Plan. Any changes to project layout, land use, infrastructure design or construction, or other changes that would require a revision of subsequent plats or permits from what was originally proposed will require a revision of the Concept Plan prior to proceeding to apply for approval of subsequent development phases on the same property. All revisions to a Concept Plan will be subject to review and recommendation by the Commission and final approval by the City Council.

(4) Preliminary Plat Review.

a. Applicability:
   i. Other than for an Administrative Plat Review identified in Section 3.8(2) Preliminary Plat approval will be required before any land is subdivided.
   ii. Preliminary Plats are required for land being divided into separate parcels, plats with five or more lots, and any plats that require a dedication of land to the City.
   iii. It will be unlawful to offer and cause to be recorded any Preliminary Plat of land within the City limits or extraterritorial jurisdiction of City with the appropriate County Clerk by any party other than the City Manager or another duly authorized representative of the City.
b. Preliminary Plat Application Requirements:
   i. Engineering Information. Submission requirements for the Preliminary Plat will be established by the City Manager, and will include basic engineering information necessary for the Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision (Detailed engineering information will be required for the Final Plat).
   ii. Signature Block. A plat submitted for consideration as a Preliminary Plat is not required to have an area or signature block for any endorsement and approval by the City Council, as is required to file the Final Plat with the appropriate County Clerk.
   iii. Approved Concept Plan. No Preliminary Plat for a project requiring a Concept Plan may be submitted without a copy of the approved Concept Plan.
c. Approval Criteria. Subdivisions and plats of land will be reviewed using the criteria specified or referenced in this Code.
d. Waivers. The Commission may recommend to City Council the approval, approval with conditions, or disapproval of waivers of the standards required for plat approval, by using the criteria for consideration of Variances in Section 3.9.
e. Responsibility for Final Action. The Commission will make recommendations regarding Preliminary Plat approval and forward its recommendation to the City Council for final action.
f. Action Following Preliminary Plat Approval. After approval of a Preliminary Plat, the Subdivider will prepare and submit a Final Plat.

(5) Final Plat Approval.

a. Applicability:
   i. Preliminary Plat. Final Plats are technically complete versions of an already approved Preliminary Plat. No Final Plat may be considered or approved unless the Preliminary Plat for the same land has been approved.
   ii. Review. Final Plat review is required to ensure that a final recorded plat includes final engineering diagrams and descriptions that conform to the Preliminary Plat as approved by the City Council. The Final Plat must incorporate all changes from the Preliminary Plat that were considered and approved by the City Council.
b. Final Plat Application Requirements:
   i. Engineering Information. Submission requirements for the Final Plat will be developed by the City Manager, and will include detailed engineering information necessary for the

Planning and Zoning Commission to render an informed recommendation and for the City Council to render an informed decision.

ii. Support Documentation. When filed, the Final Plat must also provide all support documentation required by the appropriate County Clerk's office for recordation.

iii. Signature Block. A plat submitted for consideration as a Final Plat must have an area or signature block for any endorsement and approval by the City Council, as required to file the Final Plat with the appropriate County Clerk.

iv. Fiscal Security. Estimates for posting fiscal surety for landscaping requirements, maintenance, erosion and sedimentation control, roads, and utilities are also required for Final Plat review.

c. Approval Criteria:

i. Review. Subdivisions and plats of land will be reviewed using the criteria in this Code and any technical criteria referenced by this Code.

ii. Preliminary Plat. A Final Plat must be determined to be consistent with a previously approved Preliminary Plat.

iii. Construction Plan. The City Manager (or designee) must approve a construction plan for compliance with this Code and any required or agreed upon improvements.

d. Responsibility for Final Action. The Commission will make recommendations regarding Final Plat approval and forward those recommendations to the City Council for final action.

e. Recordation. If the City Council has approved the plat, the City Manager (or designee) has approved the construction plans, and the Subdivider has either posted fiscal surety and assurance of construction, or completed the required infrastructure and public improvements, the Final Plat becomes the instrument to be recorded in the Office of the appropriate County Clerk when all requirements have been met. The Subdivider will pay the record filing fee and the City will file the Final Plat with the appropriate County Clerk within 60 days.

(6) Replat

a. Applicability:

i. Replat. A replat is any plat that complies with LGC §212.014, §212.0145, and §212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat.

ii. Portions. Replatting a portion of a recorded lot is not permitted.

iii. Development. A replat does not itself constitute approval for development of the property.

b. Replat Application Requirements. Submission requirements for a replat will be the same as those required for Final Plats.

c. Approval Criteria:

i. Review. Replats will be reviewed using the criteria in this Code and any technical criteria referenced by this Code.

ii. Construction Plan. The City Manager (or designee) must approve a construction plan for compliance with this Code and any required or agreed upon improvements.

d. Responsibility for Final Action. The Commission will make recommendations regarding Final Plat approval and forward those recommendations to the City Council for final action.
e. Recordation. If the City Council has approved the replat, the City Manager (or designee) has approved the construction plans, and the Subdivider has either posted fiscal surety and assurance of construction, or completed the required infrastructure and public improvements, the replat becomes the instrument to be recorded in the Office of the appropriate County Clerk when all requirements have been met. The Subdivider will pay the record filing fee and the City will file the replat with the appropriate County Clerk within 60 days.
f. Additional Requirements for Certain Replats.
   i. Public Notice. In addition to a public hearing, public notice is required for a replat of a preceding plat if:
      1. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
      2. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
   ii. Notice Requirements. Notice of the required hearing will be given before the 15th day before the date of hearing by:
      1. Publication in an official newspaper or a newspaper of general circulation in the area in which the municipality is located; and
      2. By written notice, with a copy of Subsection (iii) below attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
   iii. Variances. If the proposed replat requires a Variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission or City Council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Commission or City Council, or both, prior to the close of the public hearing.
   iv. In computing the percentage of land area under Subsection (iii), the streets and alleys will be included.
   v. Compliance with Subsections (iii) and (iv) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(7) Construction Plans (City Engineer Approval):

a. Applicability. Construction plans must be submitted to the City Engineer prior to or concurrently with a Final Plat for all existing or proposed streets, sidewalks, drainage and utility improvements, water quality controls, park improvements, and any other infrastructure or public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve the development. Where the Final Plat is for property being developed in phases, the required construction plans must include the improvements specified in the Concept Plan or Preliminary Plat to serve the phase being platted. The construction plans are intended to provide for the detailed engineering drawings for all improvements required to serve the development. The construction plans must be kept as a permanent record of the City. The City Engineer as referenced in this Code is acting as agent for the City Manager, and will have the powers specified in this Code only to the extent that the Engineer is expressly delegated those powers by the City Manager.

b. Responsibility of Subdivider's Engineer. The registered professional engineer representing the Subdivider is responsible for the accuracy, completeness and conformance of all plans to City standards and must certify (with seal) the construction plans as to accuracy and design and conformance with all applicable City requirements. The City assumes no project design or engineering responsibility. The Subdivider's professional engineer certifying the plans is responsible for the accuracy and completeness of the documents and the soundness of the designs as submitted for review and actual construction.

c. Approval Criteria. The purpose of the City Engineer's review is to ensure conformance to City policies and standards; however, the City Engineer's review is limited to facts as presented on submitted plans. The City Engineer will approve any Construction Plan that is submitted and sufficiently shows compliance with any City approved or adopted design or construction criteria manuals, or in the absence of City approved or adopted design requirements, standard engineering practices. The City Engineer may not approve a Construction Plan that does not adequately represent construction of the approved infrastructure and public improvements included in the approved administrative or preliminary plat, or that he / she knows does not comply with this Code or other applicable law.

d. Corrections to Actual Conditions. The City reserves the right to require corrections to actual conditions in the field that are found to be contrary to or omitted from submitted plans.

e. Responsibility for Final Action. The City Engineer is responsible for final action on Construction Plans.

Section 3.9 Site Development Related Applications

This section applies to general issues related to development within the City of Fair Oaks Ranch and within the City's exterritorial jurisdiction (ETJ).

- Letter of Regulatory Compliance
- Written Interpretation of the Unified Development Code Master or Common Sign Plan
- Temporary Use Permit
- Special Exception

- Site Plan Review, Site Development Permit, Stormwater Permit and Floodplain Development Permit
- Certificate of Design Compliance
- Appeal of an Administrative Decision
- Variance
- Sign Permit
- On-Site Sewage Facility Permit (OSSF)

(1) Letter of Regulatory Compliance (City Manager Approval)

a. Applicability. The Subdivider may obtain a Letter of Regulatory Compliance from the City Manager prior to commencing work on any development, and may be required to do so by the City as part of an application for another procedure. The Letter of Regulatory Compliance certifies that specific uses of land and any new development is in compliance with the requirements of these development regulations.

b. Types of Letters of Regulatory Compliance:

i. Zoning Verification Letter. A Zoning Verification Letter is a letter that indicates to a property owner that a specified use, clearly identified in the application, is permitted within the Zoning District. A Zoning Verification Letter does not vest the property owner with permission to proceed with a development; does not specify requirements that must be met for future development; and does not include a determination that a tract of land may be developed. The City Manager may include additional information about the uses and standards required for a development to proceed, however, and such additional information does not constitute permission to proceed with development.

ii. Legal Lot Verification Letter. A Legal Lot Verification Letter is a letter in accordance with LGC §212.0115 that indicates whether or not a lot has been properly platted.

iii. Responsibility for Final Action. The City Manager is responsible for final action.

(2) Written Interpretation of the Unified Development Code (City Manager Approval)

a. Applicability. The City Manager will have the authority to make all written interpretations of this Code. Whenever there appears to be an uncertainty, vagueness, or conflict in the terms of the Code, the Manager, in consultation with City Staff, City Engineer, or the City Attorney, as may be appropriate, will make every effort to interpret the Code in such a way that it fulfills the goals of the Comprehensive Plan and this Code. The interpretation given by the City Manager will be final unless an appeal is made by the applicant to the City Council to overturn his decision. In such a case the burden will be on the applicant to prove that the City Manager's interpretation is unreasonable and in clear conflict with the governing law and the goals of the Comprehensive Plan.

b. Specific Application Requirements for Written Interpretation. Submission requirements for written interpretations will be developed by the City Manager.

c. Approval Criteria (Written Interpretation). In addition to the general criteria for consideration of administrative procedures in Section 2.3 of this Code), the City Manager will determine, based on analysis of the requested interpretation, and considering this Code, the correct interpretation for whatever question is raised.

(3) Master or Common Sign Plan (City Manager Approval)

a. Applicability. A master sign plan will be required for all multiple-tenant buildings, PUDs, and all multi-building or multi-occupant commercial developments before any signs for such development may be erected on the property. All owners, tenants, subtenants and purchasers of individual units within the development will comply with the approved master sign plan.

b. Criteria for Approval. In addition to the general administrative review criteria in Section 2.3, in order to approve the Master Sign Plan the City Manager must determine Plan provides that signs of a similar type and function within the development will have a consistent size, lettering style, color scheme and material construction, and meet the size and height limitations, location requirements, and other applicable requirements of this Code.

c. Responsibility for Final Action. The City Manager is responsible for final action.

(4) Temporary Use Permit (City Manager Approval)

a. Applicability. Temporary uses are required to obtain a Temporary Use Permit from the City Manager. The permit specifies the use, the period of time for which it is approved, and any special conditions attached to the approval.

b. Approval Criteria. In addition to the general criteria for consideration of administrative procedures, the City Manager will consider whether the application complies with the following standards:

i. Land Use Compatibility. The temporary use must be compatible with the purpose and intent of this Code and the Zoning District in where it will be located. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site. The temporary use will not endanger or be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

ii. Compliance with Other Regulations. A Building Permit or temporary Certificate of Occupancy may be required before any structure to be used in conjunction with the temporary use is constructed or modified. All structures and the site as a whole will meet all applicable Building Code, Zoning District, and Fire Code standards and will be promptly removed upon the cessation of the use or event. Upon cessation of the event or use, the site will be returned to its previous condition (including the removal of all trash, debris, signage, attention attracting devices or other evidence of the special event or use).

iii. Duration. The duration of the temporary use will be consistent with the intent of the use and compatible with the surrounding land uses. The duration will be established by the City Manager at the time of approval of the Temporary Use Permit.

iv. Traffic Circulation. The temporary use will not cause undue traffic congestion or safety concerns, as determined by the City Engineer, given anticipated attendance and the design of adjacent streets, intersections and traffic controls.

v. Off-Street Parking.
Adequate off-street parking will be provided for the temporary use, and it will not create a parking shortage for any of the other existing uses on or near the site.

vi. Appearance and Nuisances. The temporary use will not cause any temporary or permanent nuisance. The temporary use will be compatible in intensity, appearance and operation with surrounding land uses in the area, and it will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.

vii. Other Conditions. The City Manager will consider any other conditions that may arise as a result of the temporary use.

viii. Public Conveniences and Litter Control. Adequate on-site rest room facilities and on-site solid waste containers may also be required. The applicant will provide a written guarantee that all litter generated by the event or use will be removed within a reasonable and appropriate timeframe at no expense to the City. The guarantee will be in a form and substance approved by the City Manager (or designee), which may include the requirement of a fiscal posting.

ix. Signs and Attention-Attracting Devices. The City Manager (or designee) will review all signage in conjunction with the issuance of the permit. The City Manager (or designee) may approve the temporary use of attention attracting devices that generally conform to the requirements of this Code. The City Manager may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

c. Responsibility for Final Action. The City Manager is responsible for final action.

(5) Special Exception

a. Applicability:

i. Application. The City Manager may request that the Zoning Board of Adjustment consider a Special Exception if an application for one is received.

ii. Circumstances. In order to provide a method by which human error (e.g., miscalculations) may be corrected, Special Exceptions may be permitted. Special Exceptions are specified deviations from otherwise applicable development standards where development is proposed that would be:

1. Compatible with surrounding land uses.
2. Harmonious with the public interest.
3. Consistent with the purposes of this Code.

iii. The Board will have the authority to authorize an adjustment of up to ten (10) percent of any numerical standard.

iv. Special Exceptions require compliance with all other elements of this Code not specifically excused or permitted by the Special Exception.

b. Application Requirements for Special Exceptions. Applications for Special Exceptions must be made in a format consistent with requirements established by the City Manager. Applications must include all materials determined necessary by the City Manager.

c. Approval Criteria. To approve an application for a Special Exception, the City Council must determine that granting the Special Exception will:
   i. Serve an obvious and necessary purpose,
   ii. Ensure an equal or better level of land use compatibility than the otherwise applicable standards,
   iii. Not materially or adversely affect adjacent land uses or the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks or other land use considerations.
   iv. Not adversely affect adjoining property values in any material way.
   v. Generally consistent with the purposes and intent of this Code.

ci. Responsibility for Final Action. The Zoning Board of Adjustment is responsible for final action.

(6) Site Plan Review, Site Development Permit, Stormwater Permit and Floodplain Development Permit **(City Manager Approval)**

a. Applicability. Prior to any excavation, clearing, or other land alteration for the purpose of development within the City limits an applicant must submit a Site Plan for approval and issuance of a site Development Permit under this section. A development within the ETJ must submit a Site Plan for approval of drainage and water quality provisions. No such excavation or development will be lawful or permitted to proceed without issuance of a site Development Permit. All improvements reflected on approved Site Plans must be constructed at the time of development. All terms and conditions of site Development Permit approval must be met at the time of development.

b. Criteria for Approval. A Site Plan will be approved and a site Development Permit issued if the development is in compliance with the general criteria for approval of administrative review procedures, the requirements of Chapters 6 Site Development Standards and 7 Design Standards, of this Code and compliance with the following:
   i. The Concept Plan and development agreement or ordinance governing the parcel of land to which the Site Plan is related.
   ii. Any additional Site Plan approval criteria required under Chapter 7 Design Standards, of this code, or any additional approval criteria for overlay districts, or any Site Plan approval criteria adopted as part of a neighborhood or special area plan.

   Prior to final approval of any Site Plan within the city limits, the City Engineer must certify to the City Manager that the Site Plan meets all requirements for a Stormwater Permit. Approval of the Site Plan constitutes approval of the Site Development Permit and Stormwater Permit.

c. Responsibility for Final Action. Chapter 2 Review Authority and Procedures specifies the entity responsible for issuance of a site Development Permit. The City Manager (or designee) is responsible for final action on site Development Permits as required by this code.

(7) Stormwater Permit (City Engineer Approval)

a. Applicability. A Stormwater Permit is required prior to any land disturbance within the city limits or the City's extraterritorial jurisdiction (ETJ) to ensure conformance to the stormwater management provisions and other applicable requirements of this Code. Issuance of a Site Development Permit or a Final Plat for a single-family residential subdivision within the city limits constitutes approval of a Stormwater Permit for that specific development.

b. Criteria for Approval:
   i. Professional Engineer. The applicant must ensure that the application for a Stormwater Permit was prepared or reviewed and approved in writing by a licensed professional engineer prior to submission to the City.
   ii. Stormwater and Pollution Management Requirements. A Stormwater Permit will be issued after the City Engineer has determined that the development meets the stormwater and pollution management requirements of Chapters 8, Environmental Protection and 9, Infrastructure and Public Improvements of this Code.
   iii. ETJ. Prior to issuance of a Stormwater Permit, the City Manager or City Council must approve the Site Plan for projects within the City's ETJ to ensure any required compliance with this Code, as required in Section 2.3.
   iv. Applicable Related Permits. A Stormwater Permit approved by the City is conditioned upon approval of all applicable related permits required from the Texas Environmental Quality Commission (TCEQ), the U.S. Environmental Protection Agency (EPA) or any other state or federal agency being issued by that agency. Permits issued by entities such as the EPA, which may issue permits closer in time to construction, will be made available to the City within seven (7) days after having received such permit(s).

c. Responsibility for Final Action. The City Engineer is responsible for final action.

(8) Appeal of an Administrative Decision

Procedures, including initiation of appeals of administrative decisions, are explained in Chapter 2 Review Authority and Procedures. Appeals of zoning related decisions and similar regulations will be heard by the Zoning Board of Adjustment. All other administrative appeals will be heard by the City Council.

a. Effect of Appeal. All development activities permitted by the action being appealed, or any subsequent approval, must stop upon appeal, and remain inactive until the appeal is resolved. If the City Manager (or designee) certifies in writing that such a cessation of activity would cause imminent peril to life and property, the development may proceed, unless a restraining order is issued by a competent court of record.

b. Approval Criteria. The appropriate governing body will consider whether official action was appropriate considering the facts of the case and the requirements contained in this Code. The City Council will make its decision based on this Code and the information presented by the applicant and the City Manager (or designee).
   i. Basis for Appeal. An applicant may only appeal the specific reasons given for the administrative disapproval or denial. An applicant may not appeal the disapproval or denial without effectively establishing that the specific basis for the administrative disapproval or denial was incorrect.
   ii. Burden of Proof in Appeals. When an appeal is made to the City Council, the City Manager's (or designee's) action is presumed to be valid. The applicant will present sufficient evidence and have the burden to justify a reversal of the action being appealed. The City Manager may present evidence and argument to the contrary. When an appeal is made to the Zoning Board of Adjustment, a decision to reverse a determination by the City Manager or other administrative official, or to otherwise rule in favor of an applicant on a variance on the terms of the zoning ordinance, shall require a vote of 75 percent of the members of the Board, as per Local Government Code, 211.009 (c).

ÌÌÌ¢ Crucial Findings. All findings and conclusions necessary to the permit or appeal decision will be based upon reliable evidence. Competent evidence will be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

ÌØ¢ Responsibility for Final Action. Where appeals are to City Council, the Council is responsible for final action. Where appeals are made to the Zoning Board of Adjustment, the Board's action is considered final, subject only to judicial review.

(9) Variance

a. Applicability:

i. Judicial Variance. The Zoning Board of Adjustment will have the authority to hear and grant requests for a Variance or exception to the zoning-related terms of this Code.

ii. Policy Variance. The City Council will have the authority to hear and grant requests for a Variance from all other development standards (except use standards) of this Code upon the recommendation of the Planning and Zoning Commission.

iii. Waivers. Waivers of the standards required for plat approval are not considered Variances and must be requested from the Planning and Zoning Commission and then the City Council during the plat review process.

iv. Minimum or Maximum Measurement. Any Variance request up to ten (10) percent of any minimum or maximum measurement required by this Code may be treated as a Special Exception if the City Manager agrees to recommend the Special Exception.

Ø¢ Precedent. A Variance to the development standards of this Code will be considered an exception to the regulations contained herein. Granting of a Variance in one case does not set a precedent for a subsequent case. Each Variance request will be judged on its own merit based on subparagraph (b) below.

Ō¢ Criteria for Review:

Ì¢ Required Findings. A Variance from the requirements of this code may be granted by the governing body under certain circumstances. To grant a Variance, the body must find that the literal enforcement of this code would result in unnecessary hardship, and also find that the spirit of the ordinance will be served, and substantial justice done, by granting the Variance or exception. In making the required findings, the authorizing body will take into account the nature of the proposed use of the land involved, the existing use of land in the vicinity, the number of persons who will reside or work in the proposed development, the possibility that a nuisance may be created, and the probable effect of such Variance upon traffic conditions and upon public health, convenience, and welfare of the vicinity. No Variance will be granted unless the authorizing body finds that all of the following apply:

1. There are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Code will deprive the applicant of a reasonable use of its land. For example, a Variance might be justified because of topographic, or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage;

2. The Variance is necessary for the preservation of a substantial property right of the applicant;
3. Granting of the Variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this Code;
4. Conditions that create the need for the Variance do not generally apply to other property in the vicinity;
5. Conditions that create the need for the Variance are not the result of the applicant's own actions;
6. Granting of the Variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code; and
7. Because of the conditions that create the need for the Variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

ii. Insufficient Findings. The fact that property may be utilized more profitably should a Variance be granted may not be considered, standing alone, as grounds for a Variance. Additionally, the following types of possible findings do not constitute sufficient grounds for granting a Variance:
1. Property cannot be used for its highest and best use;
2. There is a financial or economic hardship. There is a self-created hardship by the property owner his / her agent; or
3. The development objectives of the property owner are or will be frustrated.

iii. Limitations. The governing body may not grant a Variance when the effect of the Variance would allow any of the following:
1. The establishment of a use not otherwise permitted in the applicable Zoning District;
2. Increase the density of a use above that permitted by the applicable district;
3. A nonconforming use of land to be physically extended;
4. Change the Zoning District boundaries shown on the Official Zoning Map; or
5. Conflicts with any State or Federal regulations.

iv. Limitation on Variances for Signs. No Variance for a sign may increase the overall permitted area of a sign. Sign-related Variances may only be granted, in accordance with this section, for height or other location restrictions.

v. Variances from Water Quality, Floodplain, or Stormwater Management Regulations. Following recommendation for the City Manager (or designee) the City Council will make a final decision on any Variance request from water quality, floodplain, or stormwater management regulations.

c. Responsibility for Final Action:

i. Policy Variance. Policy Variance requests will be reviewed by the Planning and Zoning Commission and its recommendations forwarded to the City Council for final action on the Variance request.

ii. Judicial Variance. Judicial Variance requests will be reviewed by the Zoning Board of Adjustment which is responsible for final action on the request.

(10) Sign Permit

a. Applicability. No sign may hereafter be erected, moved, added to, or structurally altered within the City or the ETJ without a permit issued by the City Manager in conformity with the provisions of this Section and Section 10.4 of this Code. No Building Permit issued under the provisions of this Code for signs will be considered valid unless signed by the City Manager (or designee).

b. Criteria for Approval. In addition to the general criteria for approval of administrative procedures, the City Manager will base the final action on the following criteria:

   i. Building Code. Whether the intended sign conforms in all respects with all applicable regulations and standards of this Code and any applicable construction or safety standards of the City's Building Code.

   ii. Master Sign Plan. If the subject property has a Master Sign Plan, development agreement or ordinance governing it, whether the plans, specifications and intended use of such building or structures or part thereof, including the proposed sign, conform in all respects to the development agreement or ordinance.

c. Responsibility for Final Action. The City Manager is responsible for final action. Appeals of City Manager actions regarding sign-related Building Permits will be considered and decided by the Zoning Board of Adjustment.

(11) On-Site Sewage Facility Permit (City Manager or County Approval)

Applicability. On-site Wastewater (OSSF) Permits will be required from the appropriate County for any development that applies for a Development Permit and wishes to use a septic tank or similar type of OSSF.

a. Approval Criteria. Bexar, Comal and Kendall Counties each have established its own criteria for review and approval for OSSF Permit applications. The Applicant must contact the County Environmental Health Department in the County in which the property is located for further information.

b. Responsibility for Final Action. County in which the property is located is responsible for final action.

(12) Building Permits

a. Applicability. An application for a Building Permit is required within the city limits, or for property located in the City's ETJ that is part of a development agreement, prior to placement or construction of a building or structure. Approval of an application for a Building Permit authorizes the property owner to construct, alter or place a structure on the lot, tract or parcel. Approval of an application for a Building Permit also authorizes the property owner, upon completion of a structure intended for human occupancy, to make application for a Certificate of Occupancy (CO).

b. Review Process and Application. An application for a Building Permit will be prepared in accordance with the requirements established by the City Manager. Applications must include all materials determined necessary by the City Manager. The City will make information regarding the format requirements and materials required for the application available.

c. Approval Criteria. The Building Official will determine whether to approve a Building Permit based on the following criteria:
   i. Application. The application generally conforms to all prior approved development applications for the property and any Variance petition authorizing variation from the standards otherwise applicable to the permit;
   ii. Building Site. The location of the structure on the property is in accordance with all prior approved development applications;
   iii. Conforms. The proposed plan for construction or alteration conforms to the Building Code and other applicable construction codes adopted by the City;
   iv. Fees. All applicable fees, including impact fees, have been paid;
   v. Final Plat. The Final Plat of the property has been recorded in the County plat records; and
   vi. Infrastructure. All public infrastructure required has been installed and accepted by the City or appropriate surety has been posted guaranteeing the construction of the required public infrastructure.
d. Expiration and Extension:
   i. Expiration. A Building Permit for a residential or commercial development will expire if the building or work authorized by such permit is not commenced within 365 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 365 days. For all other types of development, A Building Permit will expire if the building or work authorized by such permit is not commenced within 270 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 270 days. Before such work can be recommenced, a new permit will be first obtained to do so, and the fee for the new permit will be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and that the suspension or abandonment has not exceeded one (1) year. If the suspension or abandonment has exceeded one (1) year, the permit fee will be the full fee for a new permit and will comply with all codes and ordinances applicable at that time.
   ii. Extension. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit will be extended more than once.
e. Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Building Permits as required by this Code.

(13) Certificates of Occupancy (CO)

a. Applicability. Approval of a Certificate of Occupancy (CO) authorizes habitation or other occupancy of the structure in accordance with the terms of the certificate. An application for a CO is required within the city limits, or for property located in the City's ETJ that is part of a development agreement, after the construction, alteration or placement of a structure on a lot, tract or parcel and prior to habitation or any use of the structure. A CO is not to be confused with a "Certificate of Completion" for structures that require a permit but are not suitable for living, i.e. fences, pergolas, decks etc. A CO also is required prior to a change in the use of any structure. A CO is required for the following:
   i. Occupancy. Occupancy and use of a building hereafter erected or structurally altered by more than 50 percent;
   ii. Change in Use of Building. Change in use of an existing building to a use of a different classification.
   iii. Change in Use of Land. Change in the use of land to a use of a different classification.
   iv. Non-conforming Use. Any change in the use of a non-conforming use.
b. Review Process and Application. In most cases a CO will be issued following a successful final inspection but in the case of a change of use an application for a CO will be prepared in accordance with the requirements established by the City Manager (or designee). Applications must include all materials determined necessary by the City Manager. The City will make information regarding the format requirements and materials required for the application available.
c. Criteria for Approval. The Building Official will apply the following criteria in deciding the application for a Certificate of Occupancy:
   i. Building Site. The location of the structure on the property is in accordance with the approved application for the Building Permit;
   ii. Change of Use. Where a change of use in an existing structure is proposed, the use conforms to the use regulations governing the property;
   iii. The Structure. The structure, following inspection by the building official, was built in conformity with the Building Code, Fire Code and other applicable building regulations;
   iv. Infrastructure. All required infrastructure including, but not limited to, water, wastewater, streets, drainage, electric, and gas infrastructure has been installed, completed and is operational to the subject property; and that
   v. There are no outstanding permit requirements.
d. Revocation of Certificate. The Building Official may institute proceedings to revoke a CO whenever the official determines that the certificate has been issued in error, or on the basis of incorrect information supplied, or that the use, dimensions, or other features of the structure authorized for occupancy, or any portion thereof, is in violation of any provision of this Code, of the Building Code or other construction codes.
e. Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Certificates of Occupancy as required by this Code.

(14) Relief from Signage Regulations

a. Applicability. The owner of property seeking to erect, move, add to, or alter a sign within the city limit or the ETJ may seek relief from the regulations found in Chapter 10 of this Code by requesting a signage Variance from the Zoning Board of Adjustment.

b. Review Process and Application. The owner of the affected property or its authorized agent may seek a signage Variance by applying to the City Manager (or designee) on such forms and with such supporting documents as may be required by the City. An applicant for relief may appeal the decision of the City Manager (or designee) to the City Council within ten (10) days of the written decision of the City Manager. The City Council will set a hearing on the appeal of the staff decision, give public notice thereof, as well as written notice to the parties of interest, and decide the same within thirty (30) days of the making of the appeal. Any party may appear at the hearing in person or by agent. The Applicant bears the burden of proof in establishing that relief is justified.

c. Approval Criteria: Criteria used in the review will be whether the:
   i. Applicable regulation does not allow for reasonable use of the property;
   ii. Hardship for which the relief is sought is owing to a special condition inherent in the property itself, such as restricted area, shape, topography or physical features;
   iii. Special condition is unique to the particular property at issues, and is not generally characteristic of other parcels of land in the area;
   iv. Relief sought alters the character of, or impair the use of, adjacent properties;
   v. Relief is sought to alleviate a self-created hardship; and
   vi. Relief is sought primarily for financial reasons.

d. Responsibility for Final Action.
   The ruling of the City Council is final, unless the applicant timely appeals the ruling to the City Council for review and final action.

(16) Group Living Operating License.

a. Purpose. The purpose of the Group Living Operating License is to:
   i. Protect residents from persons who may take advantage of them;
   ii. Maintain adequate health & safety standards for protection of the residents;
   iii. Insure that adequate fire, police and emergency response vehicles or patrols are available; and to
   iv. To identify and facilitate appropriate responses for residents who may require special assistance during an emergency.

b. Applicability. It is unlawful for any person to construct, maintain or operate within the city limits, any group or community home, halfway house, or other group living facility unless such person first obtains a license. An application for an annual license to operate a group or community home, halfway house or other group living facility is required within the city limits, or for property located in the City's ETJ that is part of a development agreement. Approval of a Group Living Operating License authorizes the use of the property in accordance with the terms of the license and other applicable requirements of this Code for one year, after which the Group Living Operating License must be renewed annually.

c. Review Process and Application. An application for a Group Living Operating License will be prepared in accordance with the requirements established by the City Manager (or designee).

Applications must include all materials determined necessary by the City Manager. The City will make information regarding the format requirements and materials required for the application available. The City will investigate the application, and inspect the proposed plans and specifications. For a new group or community home, halfway house or other group living facility, the Group Living Operating License will not be issued until a Certificate of Occupancy has been approved. For a renewal of a Group Living Operating License, an inspection of the property will be conducted to verify compliance with all applicable requirements of the Unified Development Code.

d. Criteria for Approval. The City Manager will apply the following criteria in deciding the application for a Group Living Operating License:
   i. Improvements. Improvements on the property are in accordance with the requirements of this Code;
   ii. Operations. Operations of the property comply with the requirements of this Code;
   iii. Other Codes. Structures and site comply with the Building Code, Fire Code, Property Maintenance Code and other applicable regulations (including the Americans with Disabilities Act).
   iv. Permit Requirements. That there are no outstanding permit requirements.

e. Revocation of Certificate. The City Manager may institute proceedings to revoke a Group Living Operating License whenever the official determines that the license has been issued in error; or on the basis of incorrect information supplied; or that the use, dimensions, or other features of the structure or property authorized for occupancy, or any portion thereof, is in violation of any provision of this Code, of the Building Code or other construction codes; or that the property is in violation of the this Code applicable to group or community homes, halfway houses or other group living facility. Before any such license is revoked, the City must give 10-days' notice to the holder of such license to correct violations. If the license is revoked, the license may be reissued to the licensee if the reasons for such revocation have been duly corrected, or a license may be issued to another qualified applicant.

f. Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Group Living Operating Licenses as required by this code.

CHAPTER 4 ZONING DISTRICTS AND USE REGULATIONS

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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 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 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. <u>Plat applications</u>. 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 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 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 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.

(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) Any decision to amend the Official Zoning Map shall be made based on the procedure outline below, and the criteria in Chapter 2, Review Authority and Procedures, and 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

a. All areas annexed into the City shall be provided a temporary zoning designation by City Council at the time of 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) Zoning Districts and their respective development standards are set forth below.

(2) 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 included in the City of Fair Oaks Ranch's Comprehensive Plan. 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

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

(1) Residential Districts

All residential development shall adhere to applicable development standards found in Chapter 5, Subdivision Standards and Chapter 6, Site Development 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 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 1 acre (or an average of 0.75 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. 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. 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. 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. 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.

(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 Standards, as well as other applicable standards in this UDC.

a. Mixed Use Village (MU)

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 development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU district are appropriate primarily for direct access to Arterial, Collector streets and Local Connector Streets.

b. Neighborhood Commercial District (NC)

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.

c. Community Facilities District (CF)

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.

d. Logistics (LO)

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 LO district are appropriate primarily for direct access to Arterial and Collector streets.

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).

Section 4.8 Conservation Development Alternative

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 Permitted Uses

(1) 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 <u>by right</u> 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) For uses not listed, the City Manager shall use the descriptions found in Appendix B: Definitions to determine how an unlisted use should be treated. 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.

Table 4.2: Use Table

Zoning District	Mixed Use Village	Neighborhood Commercial	Community Facilities	Logistics	Existing Residential	Neighborhood Residential	Rural Residential	Open Space[1]
Retail Sales or Service with no drive through facility	P	P	NP	NP	NP	NP	NP	NP
Retail Sales or Service with drive through facility (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 with no drive through facilities	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 with no drive through facility	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[1]
Commercial/ Office with drive through facility	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[1]
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
Manufactured Housing	NP	NP	NP	P/C	NP	NP	NP	NP
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[1]
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

[1] 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.

Section 4.10 Conditional Uses

(1) Retail Sales or Service with Drive Through Facility

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

(2) Alcohol Sales or Liquor Store

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

a. Alcohol sales shall be prohibited within 300 feet of a church, public or private school.

b. Method of measurement. The measurement of the distance between the premises and a church, public or private school shall be from the property line of the church, public or private school to the property line of the place of business, and in a direct line across intersections.

c. This section does not apply to any establishment that is licensed for the sale or consumption of alcoholic beverages at the time a church, public school or private school begins construction or occupancy of a building within 300 feet of the licensed establishment. Nor shall it apply to churches, public schools or private schools that are themselves licensed for the sale or consumption of alcoholic beverages.

d. This section does not apply to on-premises consumption if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages; off-premise consumption if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or a wholesaler, distributor, brewer, distiller, rectifier, winery, wine bottler or manufacturer as those words are ordinarily used and understood in Chapter 102 of the Texas Alcoholic Beverage Code.

(3) Bed and Breakfast

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

a. A maximum of five guest rooms may be provided in any one bed and breakfast establishment.

b. No food preparation, except beverages, is allowed within individual guest rooms.

c. Preparation and service of food for guests shall conform to all applicable regulations of the State of Texas, the applicable County, and the City of Fair Oaks Ranch.

d. The operator shall keep a current guest register including names, permanent addresses, dates of occupancy and motor vehicle license numbers for all guests.

e. Bed and breakfast establishments in any residential district shall be subject to the following additional standards:

   i. The operator of the bed and breakfast must be a full-time resident of the dwelling in which the bed and breakfast establishment is housed.

   ii. No exterior evidence of the bed and breakfast shall be allowed, except for one attached sign which meets the requirements of Chapter 10, Signs. No additional outdoor advertising of any kind is allowed on site.

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

(3) 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 offer 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.

(4) Auto Vehicle Related Sales and Service Establishment

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

a. Fixed lighting shall be so arranged to prevent direct glare of beams onto any adjacent public or private property or street and be in compliance with the Camp Bullis Joint Land Use Study lighting guidelines and the City of Fair Oaks Ranch lighting guidelines.

b. Repairs shall be performed only within the principal building on the premises, unless it can be shown to the satisfaction of the City Manager that a separate building containing parts or accessories can achieve the intended aesthetic purpose of this Section.

c. Screening shall be provided along all lot lines abutting or adjacent to residentially zoned or developed property, to block any view of the use, its operations and stored materials and equipment from all points on such residential property when viewed from ground level.

d. Outdoor display of vehicles shall be set back a minimum of fifty (50) feet from all lot lines abutting residentially zoned or developed property.

e. Setback areas shall be configured to prevent access by vehicles.

f. Open space along the perimeter of the required buffer yard shall be landscaped in accordance with City development regulations.

g. Portable buildings on site are prohibited.

h. All automotive parts shall be stored within an enclosed building, and there shall be no open storage of dismantled vehicles visible at any point beyond the premises.

i. All repair or service work requiring six or more consecutive hours (i.e. major repair) shall take place either within an enclosed structure or behind a suitable screening device.

j. The bay doors to the garage shall not be oriented toward the public right-of- way.

(5) 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.

(6) 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.

(7) 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 9, Infrastructure and Public Improvements.

b. The facility must be secured so as not to pose a threat to the health or safety of human life.

c. Requirements for Wireless Transmission Facilities found in Chapter 11 are met.

(8) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

Section 4.11 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 Temporary Uses

(1) Purpose

Temporary uses, as set forth below, are declared to have characteristics which require certain controls in order to insure 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, 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 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 Storage and Display

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 7, Design 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

Section 4.14 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 is 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) 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 for a period of time in excess of 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 maintenance of the premises and conditions of operation as may, in the judgment of the Zoning Board of Adjustment, be reasonably required for the protection of adjacent property.

e. A nonconforming use shall not be extended or rebuilt in case of obsolescence 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. If greater than fifty (50) per cent and less than the total, the Zoning Board of Adjustment, may grant a permit for repair after public hearing 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. 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.

CHAPTER 5 SUBDIVISION DESIGN STANDARDS

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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. Chapter 5 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. Chapters 6, Site Development 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 insure 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 at least one type of lot described in this Section;
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 requirements of this Code.

(4) No development applications for a Subdivision development will be approved without a geological assessment. 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% at 15% 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%	Refer to Restriction Committees	40%	20%

(3) Street Access.

All lots subdivided under this Code will front on a public or private street. 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.

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
Block Length	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
Block Character	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

(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.

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.

(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 they 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.

CHAPTER 6 SITE DEVELOPMENT AND BUILDING FORM STANDARDS

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Chapter 6 Site Development and Building Form Design Standards

Section 6.1 Purpose and Intent

The purpose of this Chapter is to set forth site development and building form standards. The purpose of these standards is to achieve a minimum level of quality, compatibility and environmental protection in new and existing developments while maintaining significant flexibility in site layout and design. The standards also serve to implement selected goals and policies identified in the City of Fair Oaks Ranch's Comprehensive Plan. The graphics used to illustrate the building form and development standards in zoning districts are NOT intended to indicate exact conditions within each district. Rather, illustrations are conceptual and standards are to be applied based on the applicable conditions for the subject property or site. In addition, the illustrations may depict other site elements to establish context and only the standards regulated by the specific subsection shall apply. For example, the Building Placement graphics may depict sidewalks for context purposes, but the graphic should only be used to establish standards for building placement on the site, sidewalk standards may vary depending on the zoning district or other factors. Building form graphics in these sections are NOT TO SCALE.

Section 6.2 Relation to Comprehensive Plan Policies and Guidelines

Development in the City of Fair Oaks Ranch (City) and its extraterritorial jurisdiction (ETJ) must be consistent with the policies and guidelines established in the most recent version of the Fair Oaks Ranch Comprehensive Plan. Any interpretation of the requirements of this Section will be interpreted in a manner consistent with the Comprehensive Plan. Specific policies and guidelines from the Comprehensive Plan that will apply to site development and design include, but are not limited by those contained in the Future Land Use Map.

Section 6.3 Applicability

(1) General

a. Standards. Site development and building form standards apply to areas both within the City limits and the ETJ. Certain general design standards apply to all development, while other standards apply to specific land uses or development types. In certain specified circumstances, some of these standards also apply to the expansion or conversion of existing buildings and sites.

(2) Thresholds of Development - Site Development Permit

A site development permit shall be required for all site developments unless they are smaller than the following sizes of development:

a. Construction that involves paving or other impervious surface alteration totaling seventy-five hundred (7,500) square feet, including existing improvements; or modifications to a drainage channel or pipe or other storm drainage feature with a catchment's area, whether on-site or off-site, less than or equal to five (5) acres, may be reviewed and permitted by the City Manager (or designee), without requiring City Council approval.

b. Construction or expansion of a building other than a single-family or duplex residential building, with a floor area of two thousand (2,000) square feet.

c. Construction or expansion of a parking lot or any other impervious surface of two thousand (2,000) square feet.

d. Conversion of a residential or nonresidential structure to a nonresidential use in which the floor area of the building is one thousand (1,000) square feet.

Section 6.4 General Standards

(1) Building Frontages

a. Building Frontage Designations: 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 the purposes of this UDC, all Building Frontages are classified into one of the following three (3) categories:

i. Primary Frontages – Primary Frontages are intended to provide the most pedestrian friendly context. Buildings and sites along Primary Frontages shall be held to the highest standard of pedestrian-oriented design and few gaps shall be permitted in the "Street Wall." Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafes, and pedestrian connections between the individual sites and the public sidewalk. Publicly accessible spaces designed for people to congregate, such as outdoor cafes, patios, and plazas, when differentiated from the sidewalk, may be included in the building façade delineation for purposes of meeting a build-to or setback range requirement. These Primary Frontages are envisioned by the City as the main retail, restaurant, and entertainment-oriented streets of the city, or are important neighborhood connection points. Primary Frontages are designated on the Zoning Map.

ii. Secondary Frontages – Secondary Frontages are also intended to be pedestrian-oriented. However, in some locations, where access to a General Frontage block or alley is not available, Secondary Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such cases, Secondary Frontages may balance pedestrian orientation with automobile accommodation. Areas with Secondary Frontages may include a hybrid development design that has a more pedestrian-supportive development context at street intersections and accommodates auto-based functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway with a street wall or with a landscape fence. Secondary Frontages are designated on the Zoning Map.

iii. General Frontages – General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall include any building frontages not designated as either a Primary or Secondary Frontage on the Zoning Map.

b. New Street Frontages - A new street created after the adoption of these zoning regulations shall have frontage designations assigned by the City Manager (or designee) based on the

appropriate street designations identified in section and on planning principles represented in the Future Land Use Map and the Transportation Plan included in the comprehensive plan.

c. Change of Frontage Designation- A frontage designation may be changed administratively with approval from the City Manager (or designee).

(2) Treatment of Street Intersections

a. Corner Building Facade : Corner building street facades along intersections of Primary Frontages and Secondary Frontages shall be built to the setback zone for a minimum of 20' from the intersection along each street or the width of the corner lot, whichever is less regardless of the building frontage percentage required along that street. This requirement shall not prohibit incorporation of curved, chamfered building corners or recessed entries, or civic/open spaces at such intersections. In addition, this standard shall apply regardless of the frontage requirement along the intersecting street even if it is a General Street.

b. Corner Building Height Allowance: Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building's frontage along each corresponding street facade .

(3) Street Access. All buildings will front on public streets unless they front on a plaza or a courtyard. In an effort to reduce the congestion created by a number of drives along streets while maintaining adequate access to developments, the City allows and encourages the use of Access Easements to be dedicated within and across developments of similar use. These easements will typically be twenty-four (24) feet in width but may vary upon approval by the City's Engineer.

(4) Fire Separation Requirement. Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.

(5) Recessed Entry Setbacks. Building facade lines on recessed entries and arcade buildings shall be measured from the front of facade with the recessed entry or arcade.

(6) Measuring heights.

a. Chimneys, vents, elevator and stair enclosures, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems and similar elements are not to be included when calculating the height of the building. Those elements should not occupy more than 25% of the overall height of the structure.

b. Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.

c. Floor to floor heights shall not apply to parking structures or civic buildings.

(7) Encroachments. Encroachments into ROW:

a. Shall not exceed the maximum depth of the sidewalk (except blade signs which shall encroach no more than five (5) feet from the building facade line).

b. Minimum vertical clearance from the finished sidewalk shall be 8'.

c. In no case shall an encroachment be located over an on-street parking or travel lane.

d. Encroachments over Required Setbacks: Canopies, awnings, galleries, and balconies may encroach over any required setback areas per standards established in each zoning district as long as the vertical clearance is a minimum of eight (8) feet from the finished sidewalk or finished grade elevation.

(8) Phased Developments. Due to the infill nature of development, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:

a. Submission of a site plan that illustrates how development and any related private improvements will be phased over time. Each phase of the site plan shall independently comply with all applicable standards of the Zoning District unless an Administrative Modification is granted.

b. Required private landscaping and open space amenities may also be phased with the building.

(9) Required Public Improvements. All site plans that require public improvements such as sidewalk and streetscape improvements may be deferred through the payment of a proportional fee-in-lieu, per approval from the City Manager (or designee).

(10) Auxiliary Building and Site Standards.

a. Accessory Structures:

i. The combined floor area of all accessory structures on any residential lot will not exceed ten percent (10%) of the total lot area.

ii. There will be no more than one (1) accessory structure used for, or intended to be used for, living quarters on any residential lot.

iii. No accessory structure will be erected in any required setback area.

b. Portable Storage Buildings. No portable storage building will be erected in any required setback area. However, a portable storage building on a single-family residential lot that is less than 100 (one-hundred) square feet and does not require a building permit is allowed provided that a minimum unobstructed setback distance of five (5) feet is maintained between the primary residential building and the portable building must be located a minimum distance of three (3) feet from the property line.

c. Fences and Walls. Fences, fence posts, and freestanding walls within or bordering residential lots will not exceed six (6) feet in height as measured from the ground level at the base of the fence or wall. The maximum height may be increased to eight (8) feet for a semitransparent fence where the open and unobstructed area in proportion to the total fence area (measured perpendicular to the fence) is four-to-one (4/1) or greater. An eight (8) feet solid wall fence is permitted when screening the rear of a property from an Arterial as designated on the Master Thoroughfare Plan.

d. Outdoor Lighting:

i. Covered porch lighting on residences is permitted provided that each external light fixture does not exceed 2220 lumens.

ii. Security lights of any output that are controlled by a motion sensor switch are permitted provided they do not remain illuminated longer than ten (10) minutes after activation.

iii. Outdoor lighting must comply with the City's Dark Sky Lighting requirements.

Section 6.5 Landscaping Requirements

(1) Applicability.

a. All residential subdivisions and all non-residential site developments with a total irrigated landscape area exceeding five thousand (5,000) square feet will comply with the standards specified in this Section.

(2) Subdivision Landscaping Requirements

a. Landscaping and Water Resources Protection for Residential Single Family Developments. Residential preliminary plans and final plats should conform to the site topography to minimize the amount of grading necessary to achieve a viable street network.

b. Landscaping and Irrigation Standards for Common Areas within a Subdivision. Common areas are defined as those locations that are not maintained by the homeowner such as but not limited to parks, medians, greenbelts, drainage areas, etc.

(3) Landscaping and Irrigation Standards

a. Landscape Design Plan. Landscaping and irrigation plans will be designed with the objective of minimizing potable water use. The applicant shall include a sealed statement from an engineer, architect, landscape architect or plumber/irrigationist stating that they have met the provisions in this code. A landscape design plan meeting the following requirements will be submitted as part of the landscape documentation package:

i. Plant Selection and Grouping. Plants and Trees to be included in any landscape plan for a site development will be selected from native species that require little irrigation. Recommended species can be found in the Lady Bird Johnson Wildflower Center Native Plant Database or the City of Fair Oaks Ranch Approved Plant List.

ii. Mulch. After completion of all planting, all irrigated non-turf areas will be covered with a minimum layer of three (3) inches of mulch to retain water, inhibit weed growth, and moderate soil temperature. Mulch types appropriate to Central Texas low water-use plants and trees will be used.

iii. Aesthetic Water Use, Pools and Spas. Recirculation water will be used for any decorative water features. Pool and spa covers are encouraged to reduce evaporation.

b. Landscape Design Plan Specifications. The landscape design plan will be drawn on project base sheets at a scale that accurately and clearly identifies:

i. Watering schematic,

ii. Landscape materials, trees, shrubs, groundcover, turf, and other vegetation. Planting symbols will be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated,

iii. Property lines and street names,

iv. Streets, driveways, walkways, and all other paved areas,

v. Pools, ponds, channels, other water features, fences, and retaining walls,

vi. Existing and proposed buildings and structures including elevation, if applicable.

vii. Natural features including but not limited to topography, rock outcroppings, existing trees, and shrubs that will remain,

viii. Tree staking, plant installation, soil preparation details, and any other applicable planting and installation details,

ix. A calculation of the total landscaped area, and

x. Designation of recreational areas.

c. Irrigation Design Plan. An irrigation design plan, that meets the City of Fair Oaks Ranch Water Conservation requirements (City Ord. 13.06 Water Conservation Plan), and the following conditions will be submitted as part of the Landscape Documentation Package:

i. Runoff and Overspray. Soil types and infiltration rate will be considered when designing irrigation systems. All irrigation systems will be designed to avoid runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, will be used to closely match application rates to infiltration rates to eliminate runoff. Special attention will be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten (10) feet, and in median strips.

ii. No overhead sprinkler irrigation systems will be installed in median strips less than ten (10) feet wide.

d. Irrigation Equipment:

i. Controllers. Automatic control systems will be required for all irrigation systems and must be able to accommodate all aspects of the design.

ii. Valves. Plants that require different amounts of water will be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use will be used in that area. Anti-drain (check) valves will be installed in strategic points to minimize or prevent low-head drainage.

iii. Back-Flow Prevention Valves. Back-flow prevention valves will be required on the irrigation system to prevent contamination of the potable water supply. Additional regulations can be found in the City of Fair Oaks Ranch Back-Flow Prevention Ordinance.

iv. Rain Sensing Override Devices. Rain sensing override devices will be required on all irrigation systems.

e. Irrigation Design Plan Specifications. The irrigation design plan will be drawn on project base sheets. It will be separate from, but use the same format as, the landscape design plan. The

scale will be the same as that used for the landscape design plan described above. The irrigation design plan will accurately and clearly identify the following fixtures and conditions, as applicable:

i. Location, type, and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, and backflow prevention devices;

ii. Static water pressure at the point of connection to the public water supply.

iii. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.

iv. Ensure compliance with the City Cross-Connection Control and Backflow Prevention Ordinance.

f. Irrigation Schedules. Irrigation schedules satisfying the following conditions will be submitted as part of the Landscape Documentation Package:

i. Annual Irrigation Program. An annual irrigation program with monthly irrigation schedules will be required for the plant establishment period, for the established landscape, and for any temporarily irrigated areas. The irrigation schedule will include the following:

1. Run time (in minutes per cycle), suggested number of cycles per day, and frequency of irrigation for each station; and

2. Amount of applied water (in gallons) recommended on a monthly and annual basis.

ii. Amount of Water. The total amount of water for the project will include water designated in the Estimated Total Water Use calculation plus water needed for any water features, which will be considered as a high water using hydro zone.

iii. Times. Landscape irrigation will be scheduled during the early morning or late evening hours (not between 9:00am and 7:00pm). Irrigation schedules will also follow the Water Conservation Plan adopted by the City of Fair Oaks Ranch.

g. Maintenance Schedules:

i. Maintenance Schedule. A regular maintenance schedule satisfying the conditions of this Section will be submitted as part of the Landscape Documentation Package to include:

1. Landscapes will be maintained to ensure water efficiency.

2. A regular maintenance schedule will include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and de-thatching turf areas; replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas.

ii. Irrigation Equipment. Whenever possible, repair of irrigation equipment will be done with the originally specified materials or their equivalents.

h. Certification. A licensed landscape architect or contractor, certified irrigation designer, or

other licensed or certified professional in a related field will conduct a final field observation and will provide a certificate of substantial completion to the City. The certificate will specifically indicate that plants were installed as specified, that the irrigation system was installed as designed, and that an irrigation audit has been performed, along with a list of any observed deficiencies.

i. Erosion/Sedimentation Control. All site development projects that will contain two thousand (2,000) square feet or more of impervious cover when completed will comply with the requirements and standards in Chapter 9, Infrastructure and Public Improvements.

j. Stormwater Runoff Management. All site development projects that will contain twenty percent (20%) or more of impervious cover when completed will comply with the requirements and standards of Chapters 8, Environmental Protection, and 9, Infrastructure and Public Improvements, of this Code.

(4) Landscape Requirements for Lots:

a. Minimum landscape standards include:

i. Landscaping Required. A minimum percentage of the total lot area of property on which development, construction or reconstruction occurs will be devoted to landscaping per Table 6.1.

ii. Existing Natural Features. Protection of existing natural features is encouraged, and natural features are to be used to satisfy the minimum landscape requirements.

Table 6.1 Minimum Landscape Requirements.

Land Use	Landscaping Required (% of total lot)
Rural Residential	-
Neighborhood Residential	25
Existing Residential	20
Mixed Use Village	25
Neighborhood Commercial	15
Community Facilities	15
Logistics	15

b. Postponement of Landscaping Installation. Required landscaping may be installed following the issuance of a certificate of occupancy; however, the developer will be required to maintain appropriate erosion control measures for water quality throughout the process.

c. Residential Transition Standards.

i. Purpose. Residential Transition provides visual screening and spatial separation of two

adjoining buildings and areas of activity. Residential Transition is intended to protect the character and stability of residential areas, to conserve the value of land and buildings of the properties and neighborhoods adjacent to non-residential developments, and to enhance the visual and aesthetic image of the City of Fair Oaks Ranch.

ii. Application. Residential Transition is achieved through a combination of any or all of the following: Building height transition, and in the non-building portion of the transition zone landscape screening and fencing.

iii. Transition Landscaping Screening Requirements. Transition requirements can be applied within the required setback. The landscaping methods will be in conformance with other applicable sections of this Code.

iv. Transition Tree Standards. Trees are required in transition areas according as shown in Section 6.8 Zoning Districts:

1. Large trees, with a minimum size of two (2) inch diameter measured at a point four (4.5) feet above the ground at planting, are required to fill 40% to 60% of the transition screening requirement.
2. Small trees or large shrubs are required to fulfill from no less than twenty percent (20%) to no more than forty percent (40%) of the required number of trees.
3. Evergreen trees are required to fulfill at least fifty percent (50%) of required trees planted.
4. Trees will be distributed along the entire length of the buffer. Due to unique characteristics of a site, or design objectives, alternative plant mixes may be approved as a part of the site development plan.
5. Existing trees may be substituted for required trees (buffer) if they are shown on the site development plan to be in healthy condition and in compliance with the tree type and location requirements of this Code.

v. Transition Shrub Standards: Evergreen shrubs, a minimum of eighteen (18) inches in height, of a variety that can be expected to reach four to five (4-5) feet in height within three to five (3 to 5) years of planting as shown in Section 6.8 Zoning Districts:

1. Shrubs will not normally be planted closer than six (6) feet on center. Additionally, shrubs will not normally be planted closer than six (6) feet to planted trees, nor within the drip line of existing, protected trees. Shrubs will be distributed along the entire length of the buffer.
2. Variations in quantities may be approved as part of the site development plan when larger plants are provided.

d. Landscape and Tree Requirements in Parking Lots:

i. Safety / Visibility. Landscape and tree requirements will adhere to safety/visibility requirements found within this Code and Technical Criteria Manuals used by the City of Fair Oaks Ranch, as specified in other sections of this Code.

ii. Parking Lots. Parking lot landscape and tree requirements are based on the amount of parking located on various sides of the building, as follows:

1. Front: The landscaped area within the parking lot will be at least ten percent (10%) of that portion of the parking lot and circulation area that is located between the front facade building line and the primary right-of-way property line. The landscaped areas within these parking lots will contain at least one shade tree per twelve (12) parking spaces.
2. Side: At least six percent (6%) of that portion of the parking lot and circulation area located between the building and a secondary right- of-way property line will be landscaped. The landscaped areas within these parking lots will contain one shade tree per twenty (20) parking spaces.
3. Side (without right-of-way): At least three percent (3%) of the parking lot and circulation area located between the side facade building line and the side property line where there is no right-of-way will be landscaped. The landscaped areas within parking lots will contain one shade tree per thirty (30) parking spaces.
4. Rear: There is no requirement to landscape the parking and circulation area located between the rear facade building line and the rear property line.

iii. Requirements. The landscaped areas within parking lots will comply with the following requirements:

1. Each area will measure at least one (1) parking space in size, with no single landscaped area less than fifty (50) square feet in area.
2. Landscaped areas will be located to define parking areas and to assist in clarifying appropriate circulation patterns.
3. Twenty-five percent (25%) of the total landscape requirement may be located within the landscaped edge of the parking lot.
4. When calculating the tree requirement, any remaining fraction of a tree greater than or equal to zero point five (0.5) will constitute one (1) tree; any remaining fraction less than zero point five (0.5) will not require an additional tree.
5. All newly planted trees will be planted in a pervious area no less than four (4) feet wide in any direction.
6. All newly planted trees will be at least two (2) inches diameter measured four (4) feet above ground level.

iv. Safety / Visibility. Streetscape requirements will adhere to safety/visibility requirements found within this Code and Technical Criteria Manuals used by the City of Fair Oaks Ranch, as well as any applicable Texas Department of Transportation requirements.

v. Street Trees. Along all streets, street trees should be planted for that applicable street type per the standards in Section 9.4, Infrastructure and Public Improvements (Streets). The City Manager (or designee) may permit additional minor setbacks or other

adjustments to the planting strip to accommodate future right-of-way expansions, sidewalks, and utility lines.

vi. Parking Areas. Parking areas adjacent to a public right-of-way will be screened per the standards in in Section 7.7, Design Standards (Screening Standards).

Section 6.6 Access and Circulation

(1) **Purpose**. The purpose of this Section is to require that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, golf carts, bicycles, and pedestrians, both within the development and to and from surrounding areas. The on-site pedestrian system must provide adequate directness, continuity, street crossings, and security as defined by the standards in this Section. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth parking requirements and addresses the placement of drive-in facilities and loading zones.

(2) **General Standards**:

a. New Roadways. All new streets will be built in accordance with Section 9.4, Infrastructure and Public Improvements (Streets), of this Code, the Transportation Plan Element of the City of Fair Oaks Ranch Comprehensive Plan and the City's thoroughfare plan as may be adopted by the City Council.

b. Safety Considerations:

i. Pedestrian Separation. To the maximum extent feasible, pedestrians will be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards will be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, or other means to clearly delineate pedestrian areas, for both day and night use.

ii. Curb Cuts and Ramps. Curb cuts and ramps will be located at convenient, safe locations for the physically disabled, for bicyclists and for pedestrians pushing strollers or carts. The location and design of curb cuts and ramps will meet the requirements of the International Building Code and the Americans with Disabilities Act ramp standards and will avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.

iii. Corner Lot View Lines. On a corner lot in any district, nothing will be erected, placed, planted, or allowed to grow in such a manner so as to materially impair vehicle drivers' vision at intersections, within a triangle defined by the property lines and a line joining two points located twenty-five (25) feet back from the intersection of the property lines;

(3) **Drive-in Facilities**. Any drive-in facility for a bank, food service, or other such building, if permitted by the zoning district regulations set forth in Chapter 4, Zoning Districts and Use Regulations, will be secondary in emphasis to any other building entry or access facility and must comply with the design standards in Chapter 7, Design Standards. Such facilities will be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses will:

a. Avoid potential pedestrian / vehicle conflicts;

b. Provide adequate stacking spaces for automobiles before and after use of the facility;

c. Provide adequate directional signage to enhance a free-flow through the facility; and/or

d. Provide a walk-up service option as well as drive-in.

Section 6.7 Parking Standards

(1) Purpose and Intent. Adequate parking facility design and construction contributes to improved pedestrian and vehicular mobility and safety and will include the following:

a. Safe, Efficient, Convenient and Attractive. All vehicular use areas in any site development will be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will access the site including, without limitation, cars, trucks, golf carts, bicycles, pedestrian and emergency vehicles.

b. Pedestrian Friendly. All parking lots and other facilities will be designed with the pedestrian user in mind to ensure safe and comfortable pedestrian mobility.

(2) Parking Requirements:

a. Off-street Parking and Loading Space. Off-street parking and loading space will be provided any time a structure is erected or significantly altered in accordance with the requirements set forth in Table 6.2

b. Unlisted. Parking requirements for uses not specifically listed in this Chapter will be the same as required for a similar use. When a fractional number of spaces are calculated, the required number of parking spaces will be the next whole number.

c. Change of Use. Whenever the use of an existing building is changed, the spaces provided will comply with the requirements associated with the new use as listed in Table 6.2

d. Unobstructed Vehicular Access. Unobstructed vehicular access to and from a public street will be provided for all off-street parking spaces. Vehicular access will be provided in such manner as to protect the safety of persons using such access or traveling in the public street from which such access is obtained.

Table 6.2 Parking Requirements

Minimum Off-Street Vehicular Parking Requirement		**Additional Criteria**
Commercial/Office/ Retail uses	1 space per 300 sq.ft. of usable building area	1. Landscaping within surface parking lots shall meet standards in Section 6.6. 2. A shared parking plan or alternative parking plan
Restaurant uses	1 space per 200 sq.ft. of usable building area	
Residential uses	1.5 spaces per each dwelling unit	

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

(3) Parking Lot Location:

a. Location. Required off-street parking spaces will be located on the same lot or premises as the building or use for which they are required unless:

i. Collective Parking. Such spaces are provided collectively by two (2) or more buildings or uses on adjacent lots in a single parking area located within the boundaries of those adjacent lots, and the total number of parking spaces supplied collectively is equal to the number of spaces required in Chapter 7, Design Standards, of this Code for each use considered separately, or

ii. Approved Alternative. An alternative location is approved by the City Manager (or designee).

b. Setbacks. Any vehicular use area containing six (6) or more parking spaces or two thousand (2,000) or more square feet will be set back from the street right-of-way a minimum of ten (10) feet if located along a non-arterial street and a minimum of fifteen (15) feet if located along an arterial street.

(4) Parking Lot Layout:

a. Future Development. Parking lots will be laid out to continue the street / block pattern of the area so that the lots can easily be redeveloped with buildings consistent with the design of the surrounding development.

b. Size and Scale:

i. Visually and Functionally Segmented. Large surface parking lots will be visually and functionally segmented into several smaller lots by landscaped areas.

ii. Number of Parking Spaces. Each lot will contain a maximum of fifty (50) parking spaces, unless the developer designs and constructs a parking lot system that exceeds the minimum landscaping area and stocking requirements for parking lots as specified in Section 6.2 of this Code by at least two (2) percent for each additional fifty (50) parking spaces per parking lot or proportion thereof, up to a maximum of two hundred (200) parking spaces per parking lot.

c. Circulation Routes:

i. Vehicles, Bicycles and Pedestrians. Parking lots will provide well-defined circulation routes for vehicles, bicycles and pedestrians.

ii. Safe and Efficient Access and Egress. All parking spaces will open directly upon an aisle or driveway with such width and design to provide safe and efficient access and egress for the vehicle.

iii. Separation of Vehicles and Pedestrians. To the maximum extent feasible, pedestrians and vehicles will be separated through provision of a separate sidewalk or walkway for pedestrians. Where complete separation of pedestrian and vehicles is not feasible, potential hazards will be minimized by using landscaping, bollards, special paving, lighting and other similar means to clearly delineate pedestrian areas.

iv. Landscaped Islands. To the maximum extent feasible, landscaped islands with raised curbs or islands designed to induce infiltration of storm runoff will be used to define parking lot entrances, the ends of all parking aisles, the location and pattern of primary internal access drives, and to provide pedestrian refuge areas and walkways.

d. Driveways:

i. Unless otherwise specified in the specific Zoning District standards, driveway access and off-street loading and unloading may be located along General Frontages only.

ii. Unless otherwise specified in the specific Zoning District standards, driveways and off-street loading and unloading may be located with access along a Secondary Frontage street only if the property has no access to either a General Frontage street or joint use easement to an adjoining property with direct driveway access to any other street.

iii. Unless otherwise specified in the specific Zoning District standards, driveways and off-street loading and unloading may be located with access along a Primary Frontage street only if the property has no access to either a Secondary or General Frontage Street or joint use easement to an adjoining property with direct access to any other Street.

iv. Along Primary and Secondary Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face for blocks greater than 400 feet in length except as otherwise approved by the City Engineer.

v. Shared driveways, joint use easements or joint access easements shall be required to adjoining properties when driveway and service access is off a Primary Frontage or Secondary Frontage.

vi. Service and loading/unloading areas shall be screened per standards in Chapter 7, Design Standards.

vii. Unless required to meet minimum fire access or service access standards all commercial and mixed use driveways shall be a maximum of 24' in width. Service driveways shall be a maximum of 30' in width. Driveways wider than 24' in width shall only be located off of General Frontage Streets. Driveways along State controlled roadways shall meet TxDOT Standards or the city's adopted standards.

viii. Driveway entrances and exits will be setback at least one hundred fifty (150) feet from a signalized intersection, or thirty-five (35) feet from the curb return of a street intersection or within thirty-five (35) feet of the radius of the edge of pavement or traveled street at an intersection on a curve.

ix. Driveway Entrances and Exits. Driveway entrances and exits will be at roadway grade level where the driveway intersects the city's right-of-way except as otherwise approved by the City Engineer.

x. Backing Into Streets. Parking plans may be refused where it is necessary to back a vehicle into a heavily traveled street.

xi. Paving. In all Zoning Districts each entrance and exit to a parking facility will be completely surfaced per standards in Section 9.4, Streets.

xii. Visibility. Each entrance and exit to a parking facility will be constructed and maintained so that any vehicle entering or exiting the facility will be clearly visible at a distance of not less than ten (10) feet to any person approaching said entrance on any pedestrian path or walk.

xiii. Further Requirements. See Section 9.4, Streets, for driveway design requirements.

(5) Street Screen Required:

a. Any lot frontage along Primary frontages and Secondary frontages with surface parking shall be defined by a Street Screen. This required Street Screen shall be located at the street edge of the minimum setback zone. Refer to Chapter 7, Design Standards, of this code for more specifications.

b. Any frontage along Ralph Fair Road (FM 3351) with surface parking shall also be screened by a three (3) foot high (minimum) vegetative Street Screen and Landscape Buffer ten (10) foot (minimum) width required. The Street Screen may be planted within the required Landscape Buffer. Refer to Chapter 7, Design Standards, of this code for more specifications.

(6) Parking Area Surface Requirements:

a. Paving Specifications. All open, off-street parking, and vehicular use areas will be paved with bituminous or Portland cement binder so as to provide a permanent, durable and dustless surface and will be so graded and drained as to dispose of all water within the area. Such paving and draining of waters will be done in accordance with the specifications of this Code. If required, adequate culverts will be provided under driveway entrances to prevent

obstruction of drainage ways and to comply with the drainage criteria set forth in this Chapter.

b. Approved Alternatives. Alternative dust-free parking surfaces including, but not limited to, gravel, stone, brick, and paving blocks may be used upon condition of prior approval of the City Engineer.

(7) Required Number of Spaces for Type of Use:

a. Number of Parking Spaces. Residential and nonresidential uses will provide a minimum number of parking spaces as defined by the standards in Table 6.2

b. Approved Alternatives. The minimum number of parking spaces or loading zones required may be altered by the City Engineer to assure adequate parking and loading; however, the applicant must remain compliant with all applicable ADA requirements and maintain safe and convenient access for vehicles and pedestrians.

(8) On-street Parking:

a. Approvals. On-street parking will be allowed subject to approval from City Council for all streets except those classified as *Local Side Street, Alley* and *Arterial*. On-street parking may not occupy designated bicycle lanes.

b. Parallel Parking. All on street parallel parking spaces will have a minimum length of twenty-two (22) feet.

c. Further Requirements. See Section 9.4 Streets, generally, for further requirements regarding on-street parking.

(9) Off-Street Parking Stall Dimensions:

a. Standards. Parking areas for automobiles will meet the following standards for long and short-term parking of standard and compact vehicles:

i. Length, Width and Vertical Clearance. Required off-street parking spaces will be at least nine (9) feet wide and eighteen (18) feet long. Each space will have a vertical clearance of at least seven and one-half (7.5) feet.

ii. Parallel Parking Stalls. Parallel parking stalls will have a minimum length of twenty-two (22) feet.

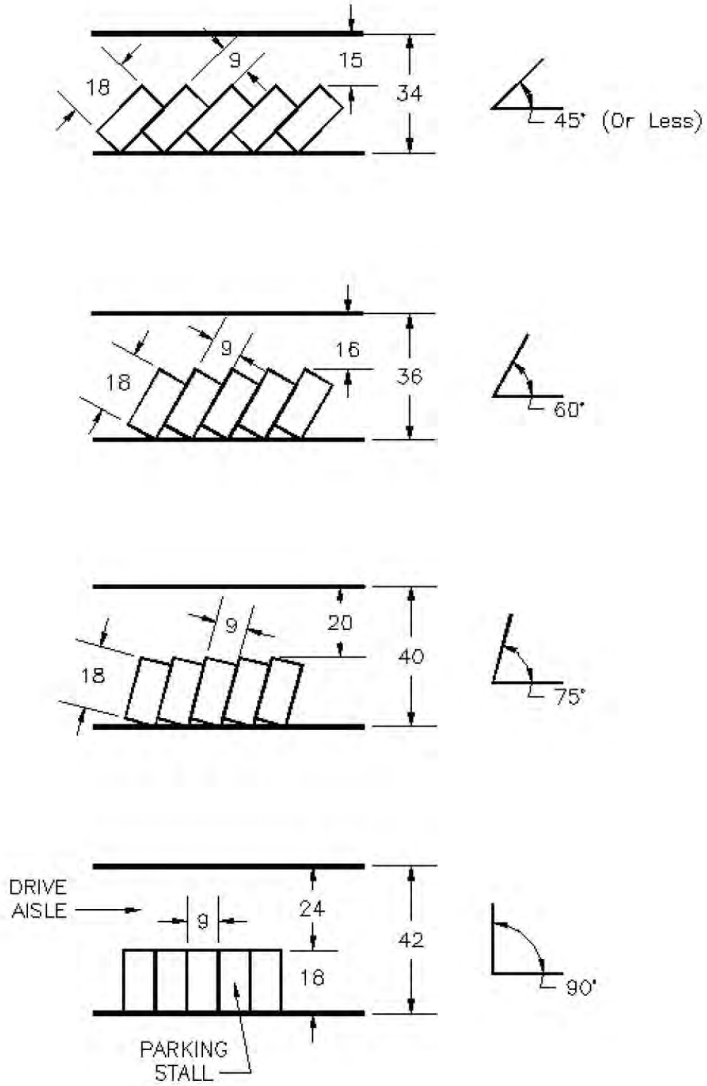
iii. Drive Aisles Standards. Drive aisles in off-street parking areas will comply with the standards in Figure 6.2.

iv. Two-Way Drives. Two-way drives must be twenty-four (24) feet in width.

b. Vehicular Overhang. Parking facilities will be designed to prevent vehicle encroachment into public walkways and sidewalks.

c. Typical Parking Layout. See Figure 6.2 Typical Parking Layout for graphic representing parking layout dimension requirements.

Figure 6.2 Typical Parking Layout



(10) Requirements for compliance with the ADA Standards for Accessible Design.

Any time an off-street parking facility is striped or re-striped, it will, at a minimum, comply with the ADA Standards contained within this code as well as any further requirements not explicitly contained herein. Further information may be obtained from the U.S. Department of Justice, Civil Rights Division, Disability Rights Section. Information may also be obtained by visiting the website *www.ada.gov*.

a. ADA Parking Space Design Standards.

i. Van-Accessible and Car-Accessible Parking Spaces. Accessible parking spaces for cars will have the required number of van-accessible and car-accessible parking spaces as detailed in Table 6.3 Minimum Number of Accessible Parking Spaces.

Table 6.3 Minimum Number of ADA Accessible Parking Spaces

Total Number of Parking Spaces Provided (per lot)	Column A Total Minimum Number of Accessible Parking Spaces (Col. B + Col. C)	Column B Van-Accessible Parking Spaces with min. 96" wide access aisle	Column C Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1,001 and over	20 plus 1 for each 100 over 1,000	1/8 of Column A*	7/8 of Column A**
* One of every 8 accessible spaces		** Seven of every 8 accessible spaces	

ii. Car-Accessible Parking Spaces. Car-Accessible parking spaces will be located on the level ground and have the following:

1. A minimum sixty (60) inch wide access aisle to accommodate a person using a wheelchair to enter or exit the car;

2. A sign that identifies the parking space(s) as “Car-Accessible.”

iii. Van Accessible Parking Spaces. In addition to the above requirements for Car-Accessible parking spaces, Van Accessible parking spaces will have the following:

1. A minimum ninety-six (96) inch wide access aisle to accommodate a wheelchair lift,

2. A vertical clearance of at least ninety-eight (98) inches to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van accessible space, and

3. An additional sign that identifies the parking space(s) as "Van- Accessible."

b. ADA Parking Space Location

i. Shortest Accessible Route. Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

ii. Adding Spaces. When accessible parking spaces are added in an existing parking lot, the accessible spaces must be located on the most level ground in closest proximity to the accessible entrance.

iii. Accessible Entrance. An accessible route must be provided from the accessible parking to the accessible entrance. Accessible routes will be at least three (3) feet wide with a firm, stable, slip-resistant surface and will not have the following:

1. Curbs or stairs; or

2. A slope of greater than one-to-twelve (1:12) in the direction of travel.

iv. Clustering. Accessible spaces may be clustered in one (1) or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in multi-story parking garages may be clustered on one floor to accommodate the minimum height requirements.

(11) Loading Zones:

a. Adequate Sizing. Each development will provide loading zones and service areas adequately sized to accommodate the types of vehicles that use them. Such loading zones and service areas will be indicated on the development plan.

b. Requirements. Loading space requirements will be calculated according to either Table 6.4 or Table 6.5.

c. Screening. All loading spaces will be screened from view in accordance with the requirements for parking areas in Chapter 7, Design Standards.

d. Loading Zone Sizes. Two different sized loading zones are described in this Code:

i. Large. Large Loading Zones will be a minimum of ten (10) feet wide by fifty (50) feet long. These are sized to accommodate larger delivery and service vehicles. See Table 6.4, Large Loading Zones.

ii. Small. Small Loading Zones will be a minimum of ten (10) feet wide by twenty-five (25) feet long. These are sized to accommodate smaller delivery and service vehicles. See Table 6.5, Small Loading Zones.

iii. Both. Different uses may be required to provide either Small Loading Zones or Large Loading Zones. In certain cases where a use has a Gross Floor Area over twenty-five thousand (25,000) feet, the installation of both Small and Large Loading Zones may be required.

Table 6.4 Large Loading Zones

Gross Floor Area	Minimum Number of Loading Spaces
(Square Feet)	Large Loading Zones (10x50)
25,001 - 60,000	1
60,001 - 96,000	2
96,001 - 144,000	3
Each additional 54,000	1 additional loading space

Table 6.5 Small Loading Zones

Gross Floor Area	Minimum Number of Loading Spaces
(Square Feet)	Small Loading Zone (10x25)
2,000 – 10,000	1
10,001 – 25,000	2
25,001 – 100,000	3
Each additional 100,000	1 additional

(12) Shared Parking:

a. Joint / Shared Use. Where parking spaces are used jointly by two (2) or more buildings or establishments, the required space may be located not to exceed six hundred (600) feet from a building in a mixed use or commercial district. Shared parking may be applied when land uses have different parking demand patterns during the day and are able to use the same parking spaces at different times of the day.

b. Approvals. Shared parking must be approved by the City Manager (or designee).

(13) Fire Lanes.

The requirement for Fire Lanes and the enforcement of restrictions as related to Fire Lanes established in this Section are designed to ensure adequate access to buildings by fire-fighting and other emergency vehicles.

a. Regulations:

i. Off-Street Parking. Any off-street parking facility required to have five or more parking spaces, constructed or significantly altered subsequent to the effective date of this Code, will be required to have a fire lane.

ii. Location and Dimensions in Plans. Whenever a person or entity applies for a site development, building, or construction permit, significantly improves a building, or applies for a change of use that would necessitate the provision of a fire lane according to the terms of this Chapter, said person or entity will include in all plans and specifications submitted to the City the location and dimensions of the proposed fire lanes required by this Chapter.

iii. Approved Alternatives. A fire lane may be provided in an off-loading roadway area on the subject property in lieu of providing the fire lane in a parking facility if the City Council determines, at its discretion, that the alternate fire lane provides adequate access for emergency vehicles to structures on the subject property.

iv. Signs and Markings. All required fire lanes will be delineated by a red-stripe on the pavement marking the outside boundaries of the fire lane. In addition, signs will be conspicuously placed along the curb nearest the fire lane indicating the existence of the fire lane, and indicating that parking therein is prohibited.

v. Approved Alternatives. Any proposed fire lane less than 20 feet will be subject to approval by the City Council with recommendation by the City Manager (or designee).

b. Variances. Under certain circumstances, a fire lane may prove impracticable. The City Council may authorize a variance from the requirements of this Section when, in its opinion, undue hardship will result from requiring strict compliance. In such case, the individual or entity requesting a variance must provide a detailed plan indicating provisions for adequate alternate emergency vehicle access to the subject property. Any alternate emergency vehicle access plan must be reviewed by the City Manager (or designee) for adequacy.

(14) Bicycle Parking

a. Facilities. Off-street parking and facilities for bicycles will be provided per the requirements in Table 6.2. Bicycle parking facilities will be racks or lockers anchored to prevent movement or theft. Each space designated for bicycle parking will be a minimum of two (2) feet wide and six (6) feet long. Bicycle parking facilities will, at minimum, be a bike rack with the ability for a user to lock one wheel and the frame to the rack, with the user providing the lock and chain.

b. Location. Access to the use being served by the parking facility will be at least as convenient for users of bicycle parking as the most convenient automobile parking and as close as possible to the desired entrances without interfering with pedestrian or vehicular traffic.

(15) Traffic Control Devices

a. Signs and Devices. Standard traffic control signs and devices will be used to direct traffic where necessary within a parking lot per the Texas Manual on Uniform Traffic Control Devices

(TMUTCD).

b. Location. No signs will be located on any parking lot except behind the setback lines established for the zoning districts in which the parking facility is located, or at facility entrances and exits.

(16) Lighting

Light fixtures provided for any off-street parking area adjacent to a residential use or residentially zoned lot will shield the source of light from sight and prevent the spillover of direct light onto the residential use, while still providing security to motorists, pedestrians and bicyclists. See Section 7.8, Outdoor Lighting, of this Code for lighting standards.

(17) Maintenance

The property owner will be responsible for maintaining any vehicular use area in good condition and free of refuse, debris, and vehicles that have not been driven for two weeks or longer, and all landscaping in a healthy and growing condition, replacing it when necessary as specified in the approved site development permit.

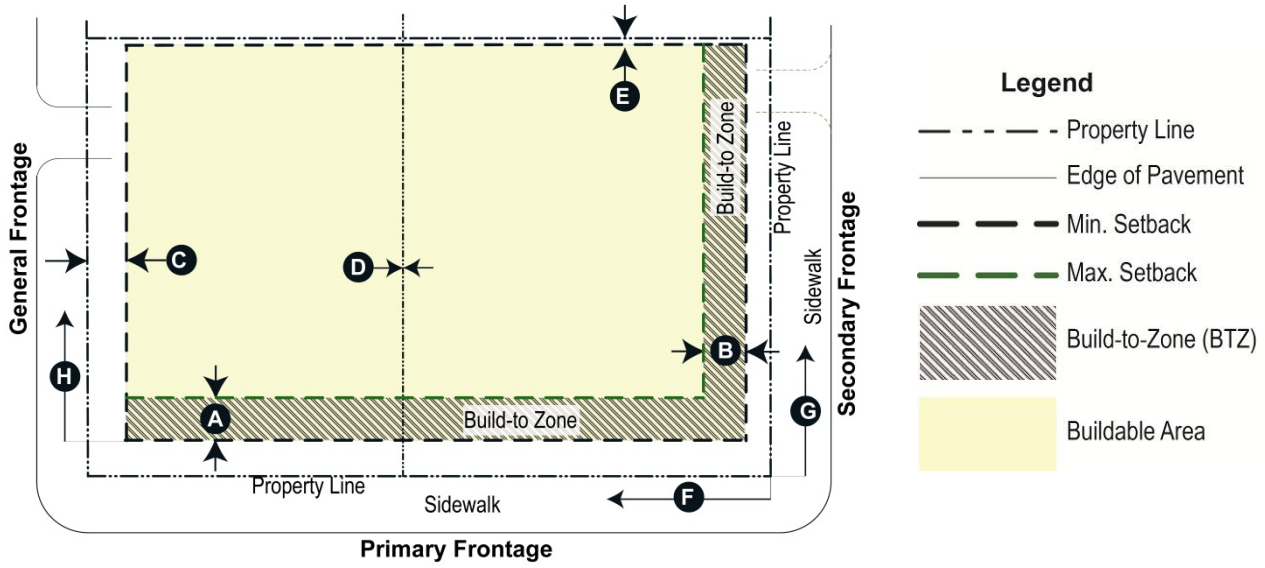
Section 6.8 Zoning Districts

(1) Mixed Use Village (MU)

a. Illustrations and Intent

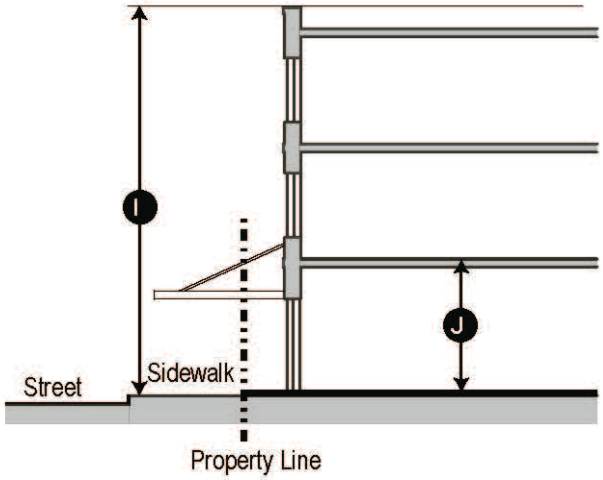
The Mixed Use Village District (MU) indicates areas within the City of Fair Oaks Ranch where the City encourages a mixture of uses that create pedestrian scaled commercial and residential development at major nodes in the City that generally conform to a Hill Country Design aesthetic. Sites in the MU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

b. Building Placement



(i) Build-to Zone **(Distance from property line to edge of the zone)**		
Primary Frontage	0’ min. setback – 20’ max. setback	A
Secondary Frontage	10’ min. setback – 20’ max. setback	B
General Frontage	20’ min. setback; no max. setback	C
Interior Side	5’ min.; no max. setback	D
Rear	10’ min.; no max. setback	E
(ii) Building Frontage		
Primary Frontage	60% min.	F
Secondary Frontage	40% min.	G
General Street or Alley Frontage	None Required	H

c. Building Height

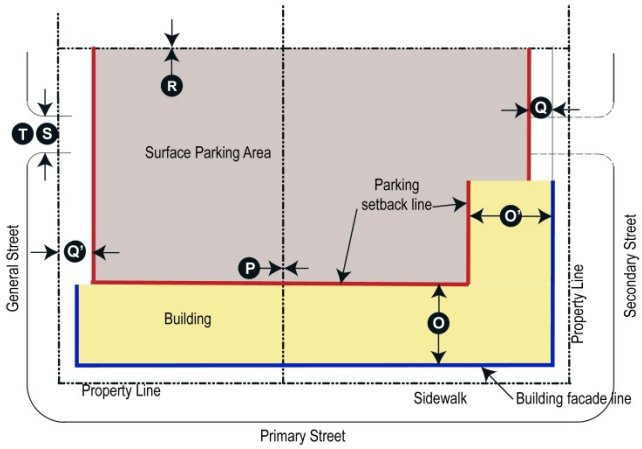


(i) Principal Building Standards

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

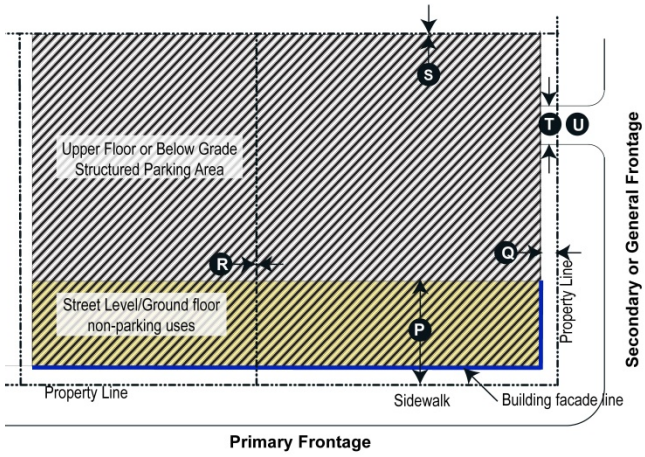
d. Parking & Service Access

(i) Surface Parking Setbacks



Primary Frontages	▪ Shall be located behind the principal building along that street frontage	P
Secondary Frontages/ General Frontages/ Alley	▪ Shall be located behind the principal building along that street frontage ▪ If no building is located along the street frontage; then surface parking shall be setback a minimum of 6' from the property line.	Q Q*
Side	▪ 5' min.	R
Rear	▪ 5' min.	S

(ii) 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

(iii) Partially Below and Above Grade Parking

Allowed to be built up to the building facade line along all streets

(iv) Below Grade Parking

May be built up to the property line along all street frontages

(v) Driveways and Service Access

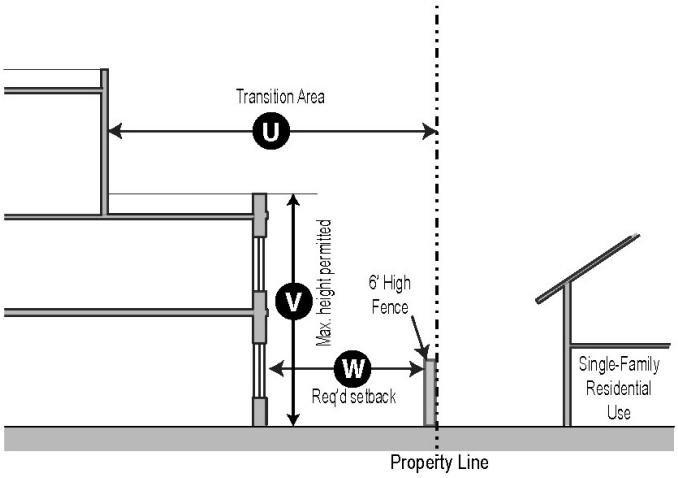
i.	Parking driveway width	Section 6.6 shall apply	T
ii.	Driveways and off-street loading and unloading standards	Section 6.6 shall apply	U

e. 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 fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.

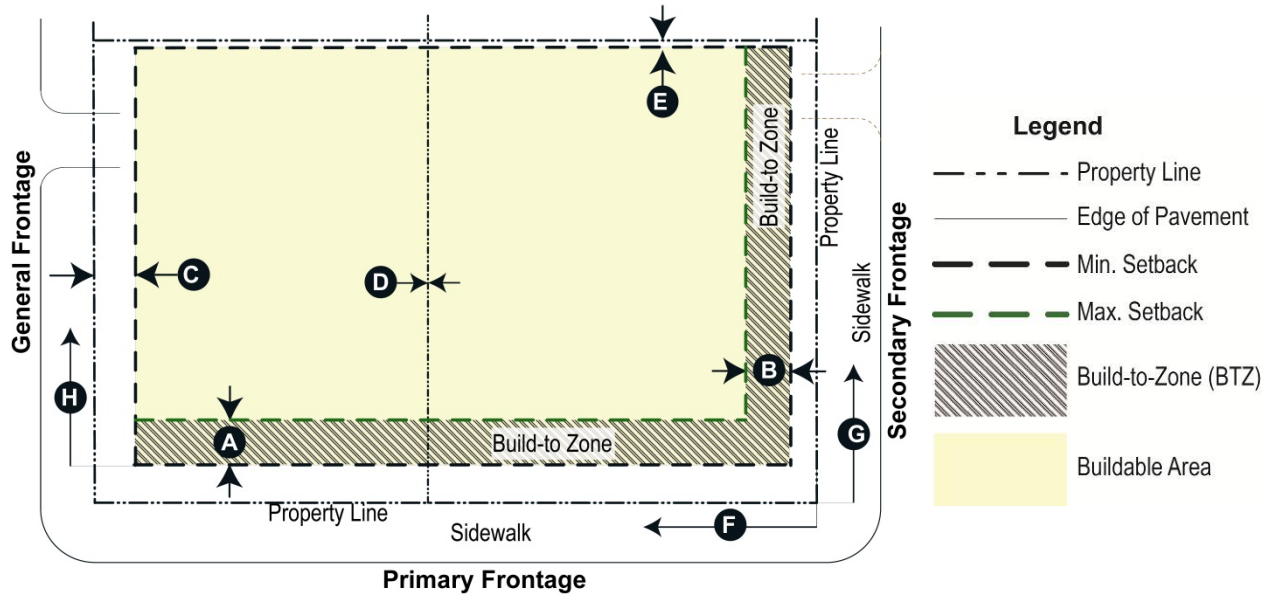


(2) Neighborhood Commercial (NC)

a. Illustrations and Intent

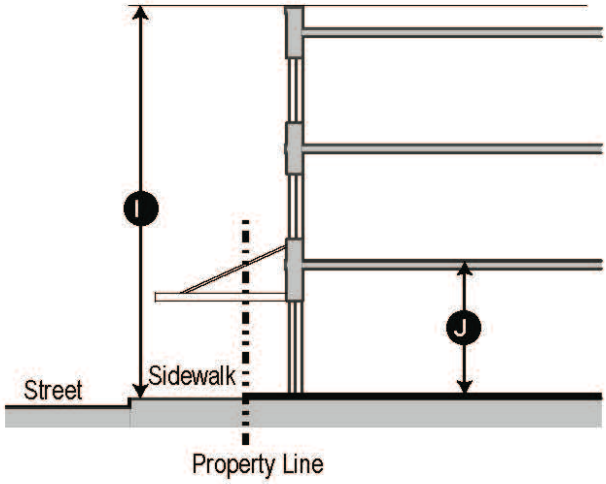
The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity that is relatively compatible with residential areas or is located within residential neighborhoods. Other light commercial uses that are not major daily traffic generators and are generally compatible with 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.

b. Building Placement



(i) Build-to Zones (BTZs) (Distance from property line to edge of the zone)		
Primary Frontage	10’ min. setback – 20’ max. setback	A
Secondary Frontage	10’ min. setback – 80’ max. setback	B
General Frontage	20’ min. setback; no max. setback	C
Interior Side	20’ min; no max. setback	D
Rear	20’ min.; no max. setback	E
(ii) Building Frontage		
Primary Frontage	40% min.	F
Secondary Frontage	20% min.	G
General Frontage	None Required	H

c. Building Height

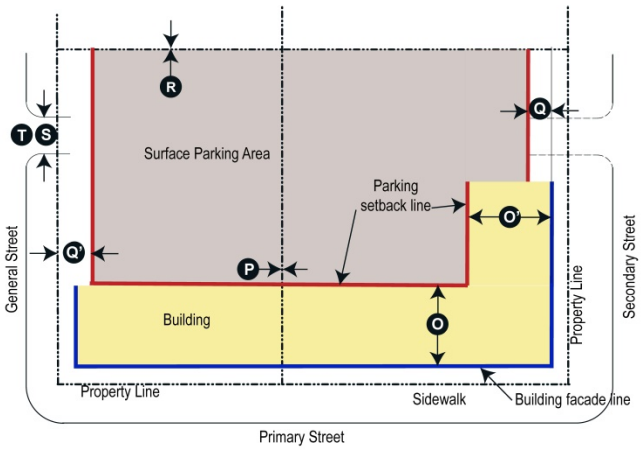


(i) Principal Building Standards

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

d. Parking & Service Access

(i) Surface Parking Setbacks



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

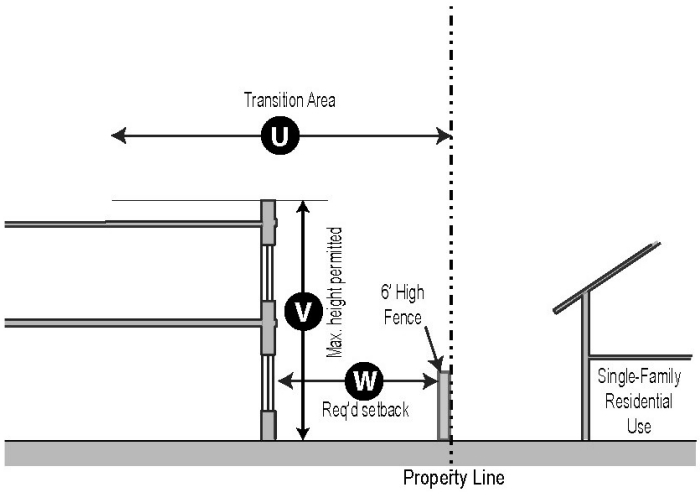
(ii) Driveways and Service Access

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

e. 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 minimum 6’ high fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.		

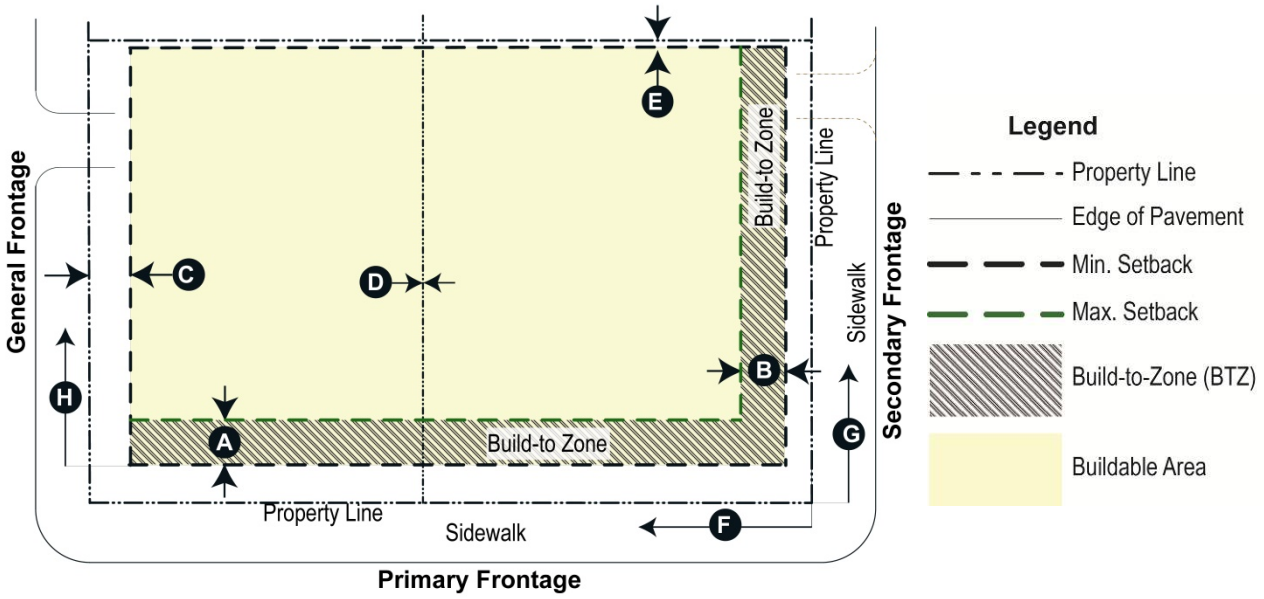


(3) Community Facilities (CF)

a. Illustrations and Intent

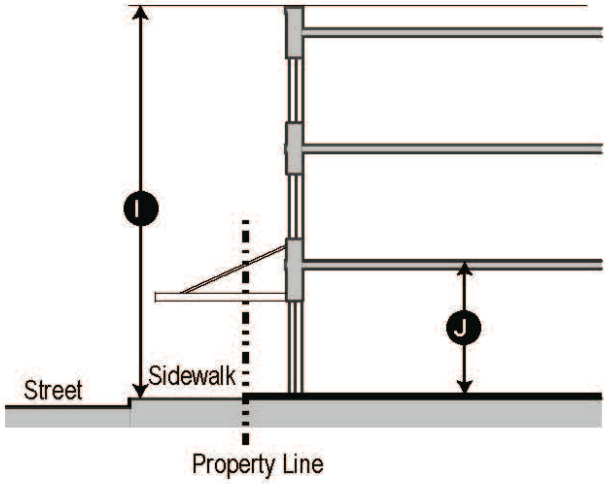
The Community Facilities (CF) District is intended for locations at which facilities are provided for governmental, religious, educational, health care, public gatherings, and social services. Sites in the CF district are appropriate for direct access to primarily Arterial, Collector streets and Local 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.

b. Building Placement



(iii) Build-to Zones (BTZs) (Distance from property line to edge of the zone)		
Primary Frontage	20’ min. setback – 50’ max. setback	A
Secondary Frontage	20’ min. setback – 80’ max. setback	B
General Frontage	20’ min. setback; no max. setback	C
Side	20’ min; no max. setback	D
Rear	20’ min.; no max. setback	E
(iv) Building Frontage		
Primary Frontage	40% min.	F
Secondary Frontage	20% min.	G
General Frontage	None Required	H

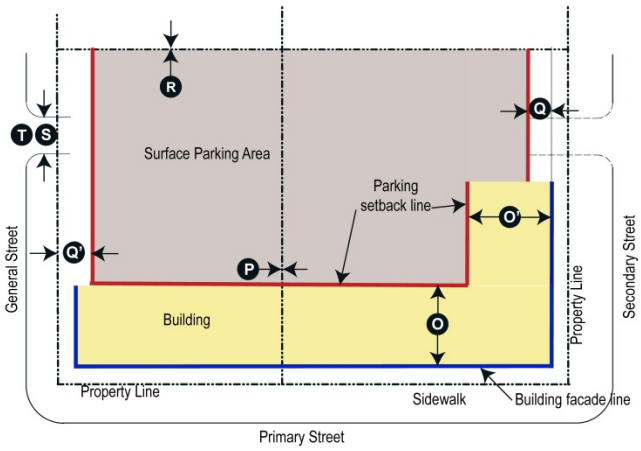
c. Building Height



(ii) Principal Building Standards		
Building maximum	▪ 2 stories or 35’ 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

d. Parking & Service Access

(iii) Surface Parking Setbacks



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

(iv) Driveways and Service Access

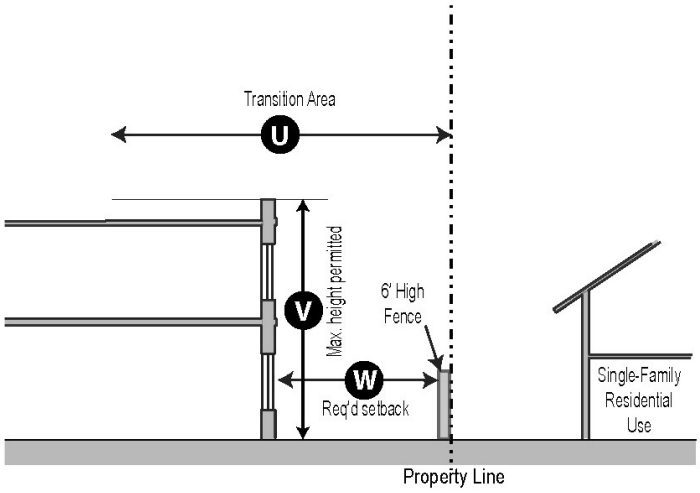
i.	Parking driveway width	Section 6.6 shall apply	T
ii.	Driveways and off-street loading and unloading standards	Section 6.6 shall apply	U

e. 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 at within Transition Area	2 stories or 25’ max.	V
iii.	Required setback	Min. 20’	W

iv. A minimum 6’ high fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.

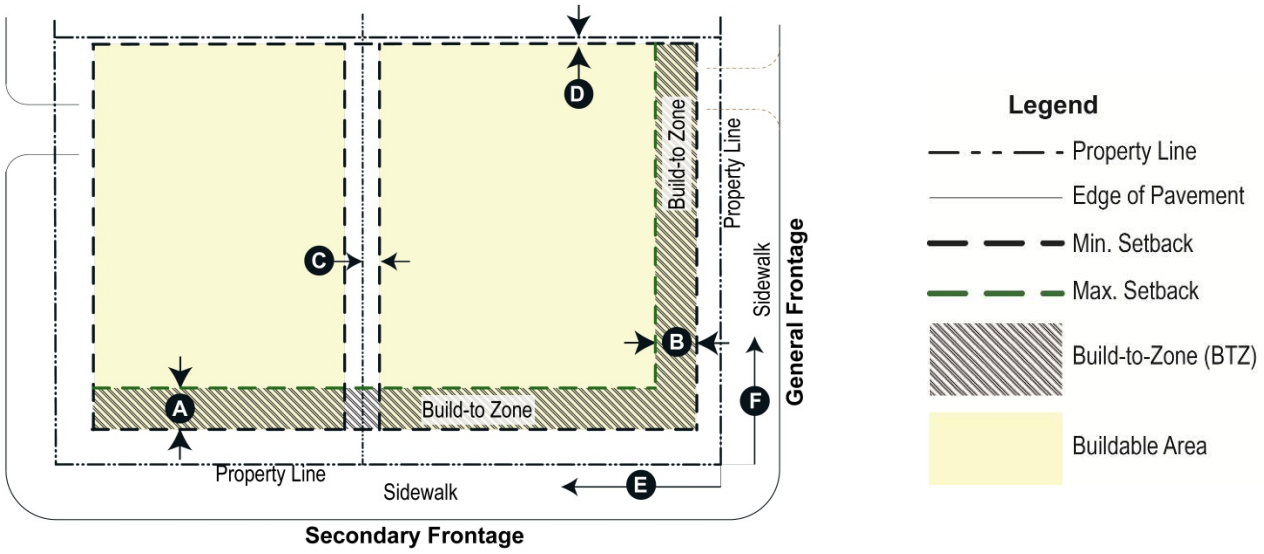


(4) Logistics (LO)

a. Illustrations and Intent

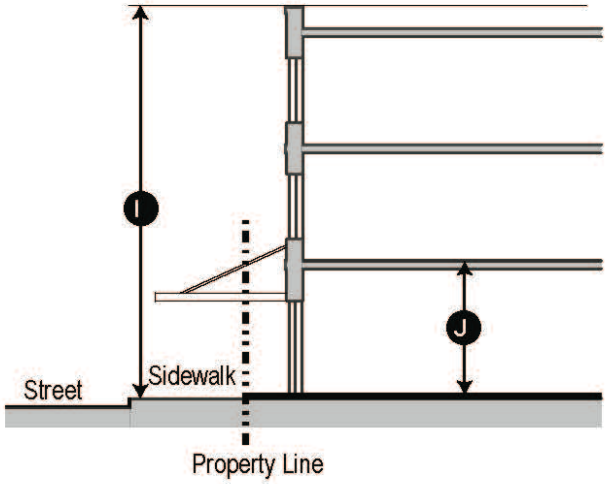
The Logistics District (LO) is intended to provide an area for appropriately scaled office-warehouse and what is sometimes called light industrial/commercial uses at discrete locations in the City. It is also appropriate for non-commercial uses that may generate significant traffic at limited times, 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



(i) Build-to Zones (BTZs) **(Distance from property line to edge of the zone)**		
Secondary Frontage	30’ min. setback – 80’ max. setback	A
General Frontage	30’ min. setback; no max. setback	B
Side	30’ min. setback; no max. setback	C
Rear	30’ min. setback; no max. setback	D
(ii) Building Frontage		
Secondary Frontage	50% min.	E
General Frontage	None Required	F

c. Building Height

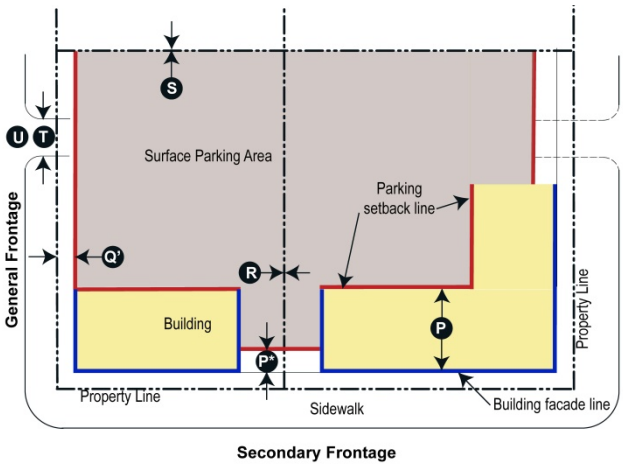


(i) Principal Building Standards

Building maximum	▪ 2 stories or 30’ max.	I
First floor to floor height (fin. floor to fin. floor)	▪ 12’ min. for all buildings	J

d. Parking & Service Access

(i) Surface Parking Setbacks



Secondary	▪ Shall be located behind the principal building along that 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.	P P*
General Frontage	▪ Min. 3’ behind the property line	Q*
Side	▪ 10’	R
Rear	▪ 10’	S

(ii) Driveways and Service Access

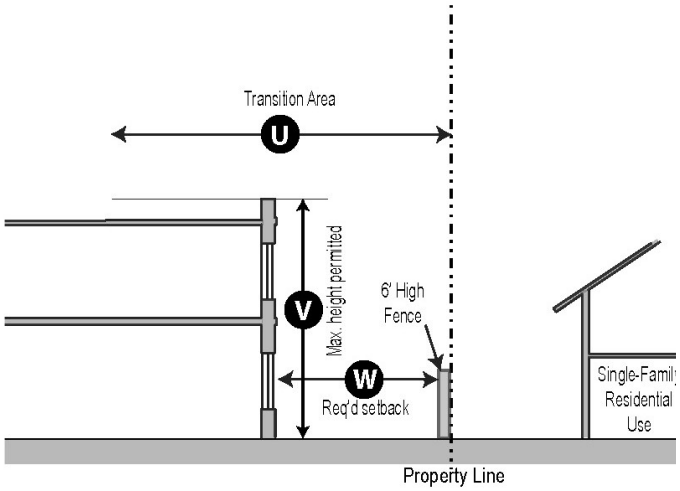
i. Parking driveway width	Section 6.1 shall apply	U T

ii.	Driveways and off-street loading and unloading	Section 6.1 shall apply

e. 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	50’ min.	U
ii.	Max. Building Height at within Transition Area	1 stories or 20’	V
iii.	Required setback	Min. 30’	W
iv.	A minimum 6’ high fence and landscaping screen shall also be required. The required fence shall NOT be chain link or vinyl. Wood fencing must be double-sided.		



(5) Residential Districts

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 an average of 3.75 acres using the Conservation Development Alternative Minimum to incentivize conservation areas), and are generally not served by urban infrastructure. This district is intended to retain a rural character. Residences in the RR district are appropriate for direct access to primarily 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 1 acre (or an average of 0.75 acres using the Conservation Development Alternative Minimum to incentivize conservation areas). The district accommodates most housing needs by allowing for housing types and contextual development standards. The NR district provides Fair Oaks Ranch with a variety of housing that ensures effective community development. NR developments should provide pedestrian-friendly, suitable residential neighborhoods, protected from incompatible uses and with necessary facilities and services. Residences in the NR district are appropriate for direct access to primarily 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. Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable Restriction Committees in compliance with City ordinance requirements.

d. Existing Residential 2 (R2)

The Existing Residential 2 (R2) category governs the low density existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable Restriction Committees 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. Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable Restriction Committees in compliance with City ordinance requirements.

f. Existing Residential 4 (R4)

The Existing Residential 4 (R4) category governs the existing rural oriented neighborhoods with lot sizes generally over 5 acres. Exclusive of city permits and ordinances all lot, building, landscaping and other standards will be controlled by the applicable Restriction Committees in compliance with City ordinance requirements.

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.

CHAPTER 7 DESIGN STANDARDS

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Chapter 7 Design Standards

Section 7.1 Purpose and Intent

The purpose of this Chapter is to set forth design standards for development and building construction. Chapter 7 contains Design Standards applicable to all developments within the City limits. Where applicable, these standards may be applied to the extraterritorial jurisdiction (ETJ) in accordance with Section 212.003, Texas Local Government Code (LGC). These standards exist to achieve a minimum level of quality, compatibility and environmental protection in new and existing developments while maintaining significant flexibility in site layout and design. The standards also serve to implement selected goals and policies identified in the City of Fair Oaks Ranch's Comprehensive Plan.

Section 7.2 Relation to Comprehensive Plan Policies and Guidelines

Design Standards in the City and ETJ should be consistent with the policies and guidelines established in the most recent version of the Fair Oaks Ranch Comprehensive Plan. Any interpretation of the requirements of this Section should be interpreted in a manner consistent with the Comprehensive Plan. Specific site and land-use design policies and guidelines from the Comprehensive Plan that will apply to design include, but are not limited by; those contained in the Future Land Use Map and Zoning Map.

Section 7.3 Applicability

(1) General

a. The following design standards apply to all new development in the Mixed Use Village, Neighborhood Commercial, Community Facility, and Logistics Zoning Districts both within the City limits and the ETJ.

b. Also included in certain sections of this Chapter are recommended "guidelines" that are not mandatory and not legally enforceable outside of the city limits of Fair Oaks Ranch. Standards are mandatory when they are only enforceable within the city limits of Fair Oaks Ranch. In some cases, the words "should" or "may" are used instead of "will" or "must" to connote this legal distinction. Applicants requesting a variance or anticipating voluntary annexation or any discretionary decision by the City are advised that compliance with these guidelines may be a factor in receiving a favorable recommendation from the Planning and Zoning Commission and City Council.

Section 7.4 General Standards and Guidelines

(1) Design Principles

Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scaled spaces. The key design principles are:

a. New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with glazing, shading, and shelter;

b. Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;

c. Designs strengthen and celebrate Fair Oaks Ranch's desire for a Hill County aesthetic;

d. Building facades shall include appropriate architectural details and ornament to create variety and interest;

e. Open space(s) shall be incorporated to provide both usable public areas integral to the built environment and preserved open space with less active use; and

f. Designs increase the quality, adaptability, and sustainability in Fair Oaks Ranch's building stock.

7.5 Building Design Standards

(1) Building Orientation and Entrances

a. Buildings shall be oriented towards Primary Frontages, where the lot has frontage along a Primary Frontage. If a building has no frontage along a Primary Frontage, then it shall front a Secondary Frontage. All other buildings may be oriented towards General Frontage Streets or Civic Spaces.

b. Primary entrances to buildings shall be located on the street along which the building is oriented (See Figure 7-1). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Primary or Secondary frontages.

c. All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.

d. Primary Entrance Design: Primary building entrances along Primary Frontages and Secondary Frontages shall consist of at least two of following design elements so that the main entrance is architecturally prominent and clearly visible from that street (see Figures 7-2):

   i. Architectural details such as arches, awnings, canopies, arcades, tile work, moldings, lintels, pediments, columns, porticos, porches, overhangs, railings, and others such elements as appropriate, or;

   ii. Integral planters or wing walls that incorporate landscape, courtyard or seating elements, or;

   iii. Prominent three-dimensional, vertical features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets, or;

   iv. A repeating pattern of pilasters projecting from the Facade wall by a minimum of eight inches or architectural columns.

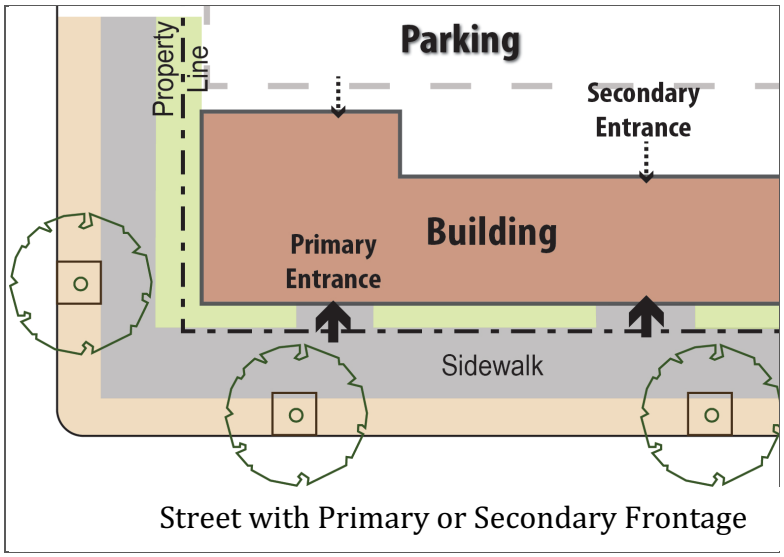


Figure 7-1 Figure showing required building orientation and location of primary entrances

Figures 7-2 Examples of Primary Entrance Designs

e. Courtyards. Buildings will be designed to face the street, rather than internal drives and parking yards; provided, however, that courtyards may exist within or between buildings, and buildings may open up to the courtyard. In such cases, the front facade of the building must nonetheless address the street as described above. All entrances and exits will have a continuous pedestrian walkway that is connected to a public sidewalk on the primary street and intersecting secondary streets.

(2) Facade Composition

a. Buildings shall maintain the traditionally prevalent facade rhythm of 20 feet – 30 feet.

b. This rhythm may be expressed by changing materials, or color, or by using design elements such as fenestration, columns and pilasters, or by varying the setback of portions of the building Facade. (See Figures 7-3):

i. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 30 feet; or;

ii. The construction of building entrances, bay windows, display windows, storefronts, arcades, facade relief, panels, balconies, cornices, bases, pilasters, or columns.

c. Building facades shall be designed with a distinct base, middle, and top.

d. For retail storefront buildings, a transom, display window area, and bulkhead at the base shall be utilized (see Figure 7-4).

Figure 7-3 Illustration showing building articulation requirement

Figures 7-4 Images showing examples of appropriate storefront design

e. Infill buildings shall generally maintain the alignment of horizontal elements along the block (Figure 7-5).

Figure 7-5 Figure showing how horizontal elements should match in the design of infill buildings.

f. Corner emphasizing architectural features, pedimented gabled parapets, cornices, awnings, blade signs, arcades, colonnades and balconies should be used along commercial storefronts to add pedestrian interest (Figures 7-6).

Figures 7-6 Buildings with architectural features and storefront elements that add interest along the street.

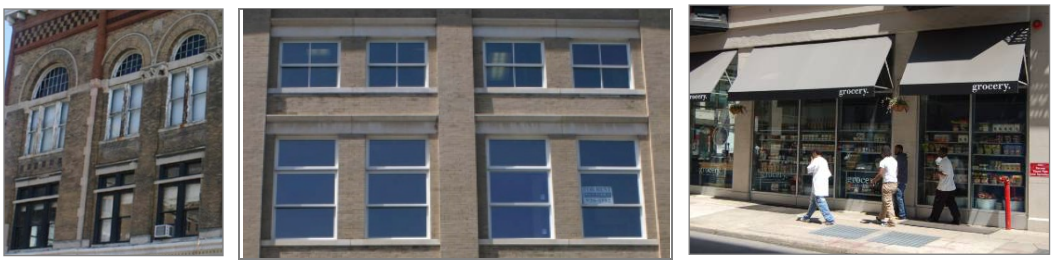
g. Facade Transparency Required:

i. All ground floor front facades of buildings along designated Primary and Secondary Frontages shall have windows with a Visible Transmittance (VT) of 0.6.

ii. All facades shall meet the minimum requirement for Facade transparency (percentage of doors and windows) as established in Table 7.1 below. Ground floor windows and doors along Primary and Secondary facades shall have a Visible Transmittance (VT) of 0.6 or higher. Example shown in Figures 7-7.

Table 7.1 Required Minimum Facade Transparency by Facade Frontage Type

Facade Frontage Type →	**Primary or Secondary Frontage**	**General Frontage/ All Other facades**
Non-Residential, Commercial or Mixed Use Buildings		
Ground Floor	40% (min.)	None
Upper Floor(s)	25% (min)	None
Multifamily Buildings		
Ground Floor	25% (min.)	None
Upper Floor(s)	20% (min.)	None



Figures 7-7 Images showing appropriate transparency required along Primary and Secondary Frontages

h. Residential Use Buildings

i. At least one of the following shall be added along residential building facades to add pedestrian interest along the street:
- porches,
- stoops,
- eaves, or
- balconies

ii. If a residential use building is setback less than 10 feet from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk. If the residential structure is setback 10 feet or more from the front property line and is not elevated at least 18 inches above the grade of the sidewalk, a low fence (no higher than 3 feet) shall be provided at the front property line.

iii. Windows and Doors: All building facades of residential use buildings shall meet the transparency requirements established in Table 7.1.

(3) Roofs and Other Coverings

a. The following types of roofing materials and designs are prohibited:

i. Mansard roofs and canopies without a minimum vertical distance of eight (8) feet and at an angle not less than twenty-five (25) degrees, and not greater than seventy (70) degrees;

ii. Roofs less than or equal to a two-to-twelve(2/12) pitch unless they utilize full parapet coverage; and

iii. Back-lit awning used as a mansard or canopy roof.

(4) Shading Requirement

Shading of public sidewalks, especially, sidewalks located along Primary frontages shall be important to implementing the vision for walkable mixed use nodes in Fair Oaks Ranch. Shading may be achieved through any combination of canopies, awnings, street trees, and other similar devices. To this end, the following standards shall apply (see Figure 7-8):

a. Shaded sidewalk shall be provided alongside at least:

i. 50 percent of all building facades with a Primary Frontage designation per the Zoning Map (Appendix A).

ii. 25 percent of all building facades with frontage along an off-street surface parking lot

b. When adjacent to a surface parking lot, the shaded sidewalk shall be raised above the level of the parking lot by way of a defined edge, such as a curb. ADA ramps along the building must also be shaded.

c. A shaded sidewalk must meet the following requirements:

i. Along a street, a shaded sidewalk shall comply with the applicable sidewalk standards for its designated street type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 30 feet on center;

ii. Along any surface parking adjacent to the building (both off-street or on street), the shaded sidewalk shall consist of a minimum 5 foot clear zone and 5 foot planting zone, planted with trees no more than 30 feet on center, or a 5 foot clear zone with a minimum 5 foot wide over- head weather protection;

iii. Building entrances along Primary and Secondary frontages shall be located under a shade device, such as an awning or portico.

Figure 7-8 Images showing examples of shading along sidewalks

(5) Exterior Building Materials

a. Commercial, Retail, Mixed Use and Multifamily Exterior Building Material Finishes:

i. Brick, Stone, and Decorative Concrete Block material are acceptable as defined in this Code. Stucco will not comprise more than thirty (30) percent of the building exterior materials.

ii. Concrete panel/tilt wall is acceptable provided that a minimum of a ten (10) foot barrier from the ground floor level construction, and fifty (50) percent of the concrete panel/tilt wall, is covered in brick, stone and decorative concrete block material. The remaining concrete panel/tilt wall must be finished, stamped and stained in such a manner to replicate brick or stone in texture and appearance, and/or be finished in Stucco.

iii. Regular Concrete Masonry Units (CMU) is not acceptable as an exterior finish unless a brick, stucco or stone veneer is applied.

iv. Fiber reinforced cement siding and similar products may be used only in the following

locations:

- Covered balconies, porches and patios,
- Fascia and soffit,
- Interior portions of covered stairways and covered stair towers,
- Bay windows and box windows that protrude from an exterior wall past the edge of the foundation that do not have a brick ledge,
- Breezeways, hallways, interior corridors and public walkways which have a roof covering, or
- As the exterior covering for fireplaces that are located in the interior of a building. Fireplaces which are located on an exterior wall will have a masonry exterior covering.

v. To provide design flexibility, wood, fiber reinforced cementitious board, insulated architectural metal panels and rain screen architectural metal panels with no exposed fasteners and corrugated metal with no exposed fasteners may be used only to reinforce a vernacular design theme, provided it does not exceed a cumulative surface area of twenty (20) percent of the area of all exterior walls for a building. Single-ply metal and metal panels with exposed fasteners, T- 1-11 and plywood-based siding materials are expressly prohibited.

b. Logistics Zoning District and Public Infrastructure Exterior Building Material Finishes:

i. Masonry. Brick, Stucco, Stone, Decorative Concrete Block material, and concrete panel/tilt wall are acceptable as defined in this Code.

ii. Regular Concrete Masonry Units (CMU). CMU is not acceptable as an exterior finish unless a brick, stucco or stone veneer is applied.

iii. Metal Panels and Rain Screen Architectural Metal Panels. Insulated architectural metal panels and rain screen architectural metal panels with no exposed fasteners may be used provided that it is not used on more than fifty (50) percent of the building facade. Other forms of metal exterior finishes, such as single-ply metal panels and metal panels with exposed fasteners, may be used provided that it is not used on more than twenty five (25) percent of the building facade.

c. Commercial or Multifamily Building in the Mixed-Use Village Zoning District:

At least 75% of all Primary and Secondary Frontage street fronting facades (except alleys) of residential buildings shall be finished with one or more of the following materials. No more than three different materials shall be used on any single facade:

i. Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty (hardi-plank);

ii. Lap-sided wood;

iii. Masonry (brick; stone; or stucco utilizing a three-step process);

iv. Side and rear facades shall be of finished quality and of the same color and materials that blend with the front of the building.

d. Other Materials. Other Materials will be considered as primary building materials on a case-by-case basis and may only be approved by the Planning and Zoning Commission.

e. Existing Buildings. Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of the same.

f. Prohibited Fencing Materials. Use of chain link fencing or fencing made from materials not originally intended for use in constructing a fence (i.e. plywood, particleboard, corrugated metal sheets, railroad ties, door panels and other makeshift materials) is prohibited, including use around water quality and storm water detention facilities. Electrically charged, barbed wire and razor wire fences are prohibited, except when serving a public or quasi-public institution for public safety or security purposes, and temporarily securing construction vehicles and materials on a construction site. Exceptions are Wrought iron, tubular aluminum and other decorative metal fencing is recommended.

(6) Integration of usable public space

Commercial or Mixed Use Developments containing multiple leasable or owner-occupant spaces with a gross leasable area in excess of twenty thousand (20,000) square feet will include or be adjacent to a community green, plaza or a square. This area will be at least ten percent (10%) of the size of the gross leasable area and will contribute to the required non-impervious area. The Commercial Center and the community green or plaza or square will be combined and developed to create a neighborhood focus.

(7) Design of Automobile Related Building and Site Elements

a. Where permitted under Chapter 4, Zoning Districts and Use Regulations of this Code, drive-through lanes, auto service bays, and gas station canopies for commercial uses shall not be located with frontage along any Primary Frontage. Drive-through lanes may be permitted along Secondary Frontages only if the property has no General or alley frontage. Drive-through lanes, auto service bays, and gas station canopies shall be hidden behind a 3 foot high Street Screen along both Secondary and General Frontages (see Figures 7- 9 to 7-11). The Street Screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen.

b. No more than 60 percent of a lot's frontage along a Secondary Frontage may be dedicated to drive through lanes, canopies, service bays, and other auto-related site elements. There shall be no such limitation along General Frontage, alley frontages and along highway frontage roads.

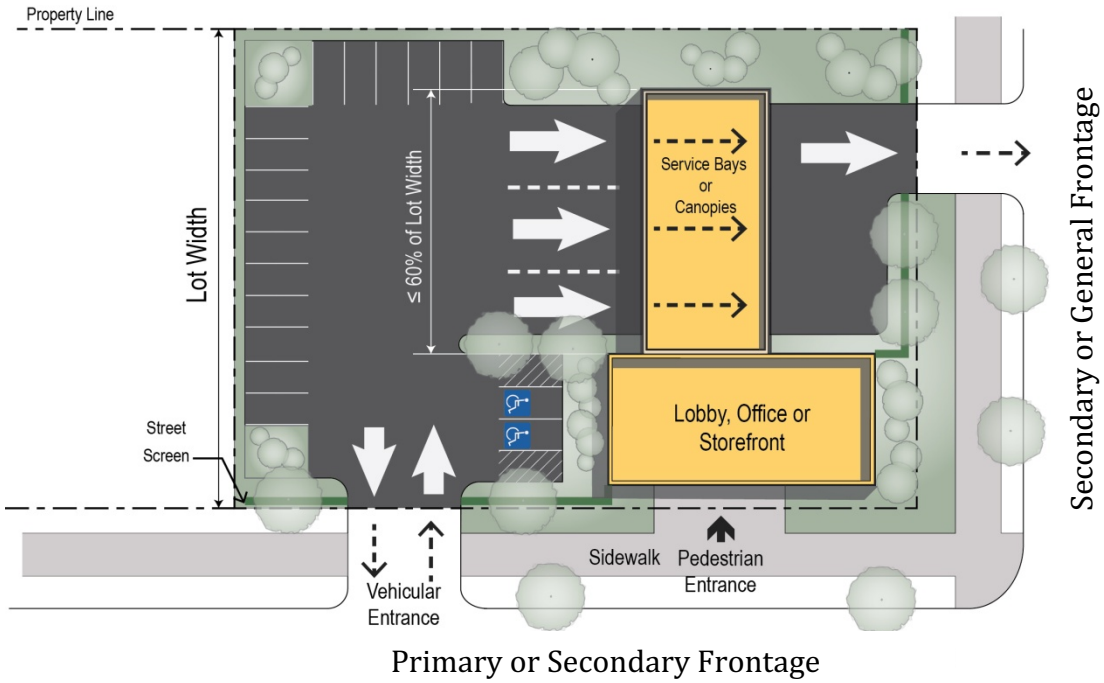
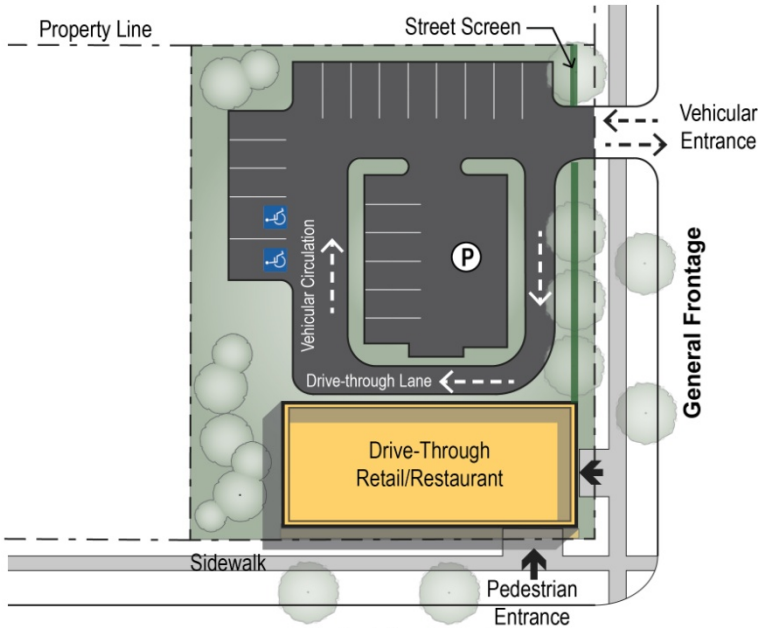


Figure 7-9 Image illustrating the appropriate design of auto-related site elements

(Gas stations, auto-service uses, and bank drive-throughs)

c. Any automobile related retail sales or service use of a site or property with Primary or Secondary Frontage designation shall have a primary building entrance along its Primary Frontage. A primary building entrance may be along a building's Secondary Frontage only if the site has no Primary Frontage designation.

d. Drive through access (driveways only) may be from a Primary Frontage only if the lot has no access to any Secondary Frontage, General or Highway access road frontage. Drive through access may be from a Secondary Frontage only if the lot has no access to any General or Highway access road frontage. In cases where drive through access is provided from a Primary Frontage, a joint access easement shall be required to adjoining properties providing alternative access to a Secondary or General Frontage. (See Figures 7- 9 to 7-11).



Primary or Secondary Frontage

Figure 7-10 Image illustrating the appropriate design of retail/restaurant drive-throughs (Corner Lot)

Street with Primary or Secondary

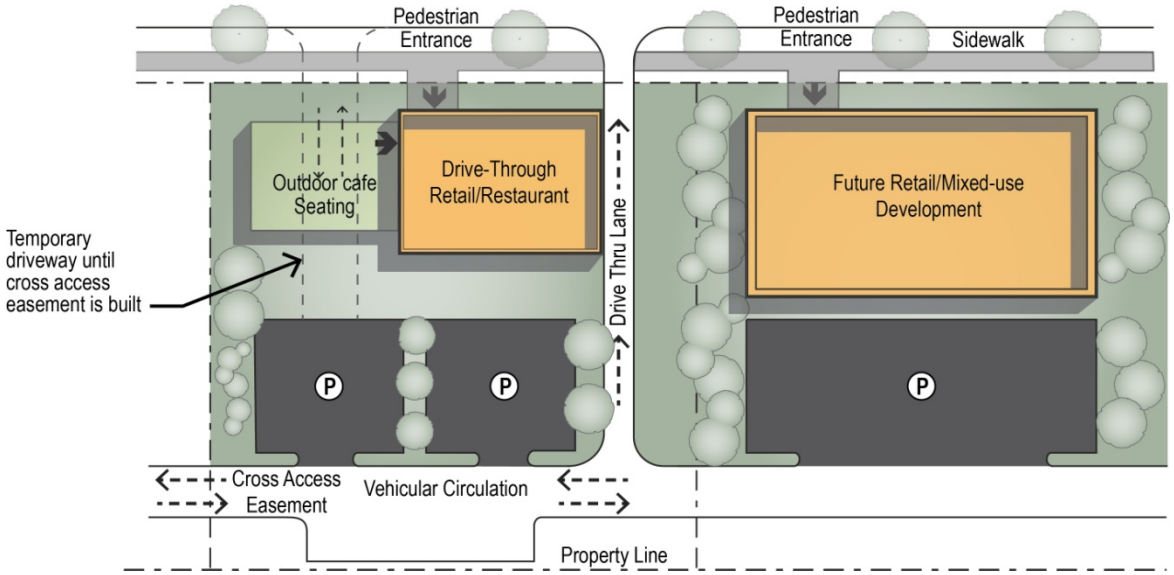


Figure 7-11 Image illustrating the appropriate design of retail/restaurant drive throughs (Interior Lot)

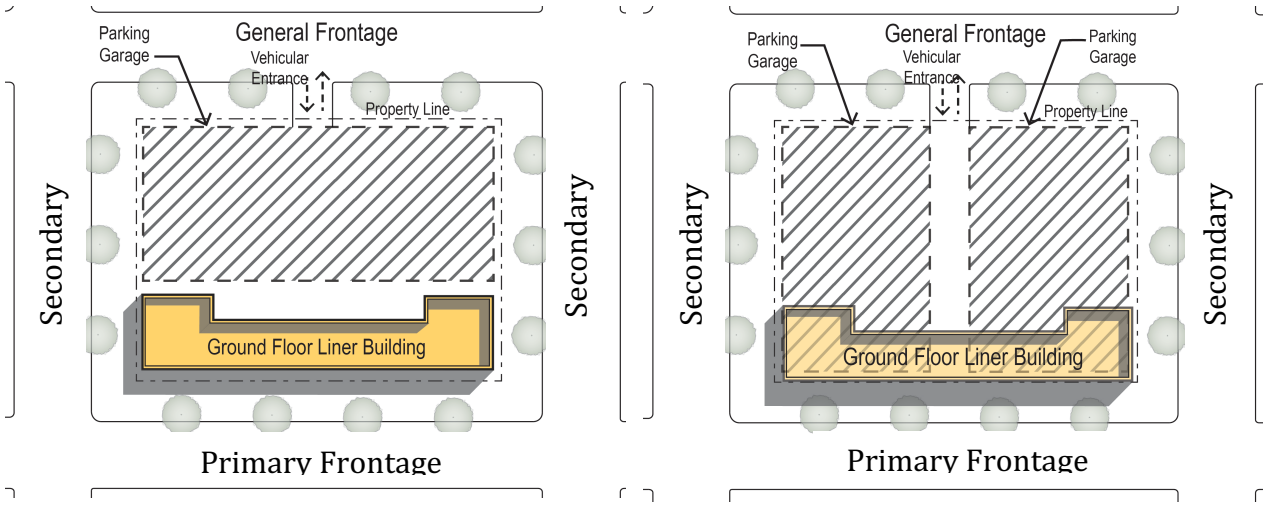
e. All off-street loading, unloading, and trash pick-up areas shall be located along alleys or General Frontages only unless permitted in the specific building form and development standards in this code. If a site has no General frontage or Alley access, off-street loading, unloading, and trash pick-up areas may be permitted along a Secondary Frontage.

f. All off-street loading, unloading, or trash pick-up areas shall be screened using a Street Screen that is at least as tall as the trash containers and/or service equipment. The Street Screen shall be made up of (i) a living screen or (ii) a combination living and primary building material screen.

(8) Design of Parking Structures

a. All ground floors of parking structures located on Primary Frontages shall be built to Commercial Ready standards to a minimum depth of 24 feet.

b. To the extent possible, the amount of Primary Frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the Primary Frontage edge(s) (see Figures 7-12).



Figures 7-12 Allowed Parking Garage Configurations

c. Where above ground structured parking is located at the perimeter of a building with Primary Frontage, it shall be screened in such a way that cars on all parking levels are completely screened from view (see Figures 7-13 for illustrative images). Architectural screens shall be used to articulate the Facade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any Primary Frontages. Ramps shall not be located along the exterior perimeter of the parking structure.

Figures 7-13 Illustrative Examples of Parking Garage Screening

d. Ground floor Facade treatment (building materials, windows, and architectural detailing) shall be continued to the second floor of a parking structure along all Primary Frontages (see Figures 7-14).

Figures 7-14 Images showing required Facade treatment of parking garages along Primary Frontages

e. When parking structures are located at street intersections, corner emphasizing elements (such as towers, pedestrian entrances, signage, glazing, etc.) shall be incorporated.

f. Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible (through sight distance clearance, signage, and other warning signs) to entering and exiting automobiles.

7.6 Streetscape and Landscape Standards

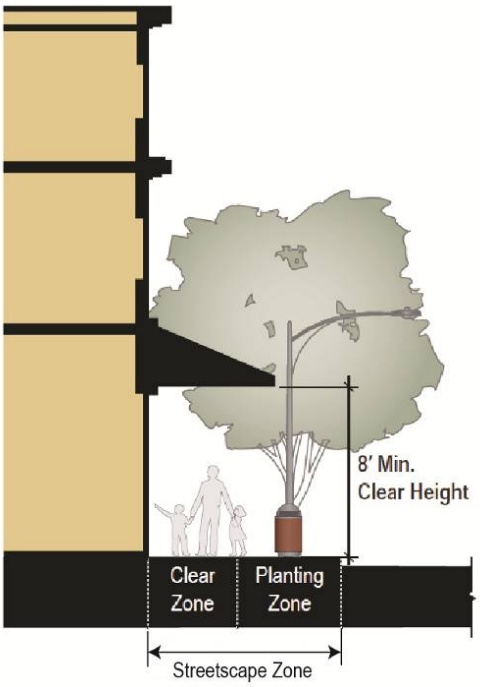
(1) Pedestrian Accommodation

Public sidewalks and/or trails are required or recommended for all new development along streets or corridors as identified with Primary or Secondary Frontages in the Zoning Map (Appendix A). Street Cross-sections and Standards in Chapter 9, Infrastructure and Public Improvements, shall apply for sidewalks and trails. The minimum width requirements shall apply regardless of the available right-of-way. If necessary to meet the required width, the sidewalk shall extend onto private property to fulfill the minimum requirement, with a sidewalk easement provided. Sidewalks shall consist of a clear zone and may also include a planting zone (see Figures 7-15).

a. Planting Zone: The planting zone is intended for the placement of street trees, where feasible, and street furniture including seating, street lights, waste receptacles, fire hydrants, traffic signs, bicycle racks, public utility equipment such as electric transformers and water meters, and similar elements in a manner that does not obstruct pedestrian access or motorist visibility

b. Clear Zone: The clear zone shall be hardscaped, shall be located adjacent to the planting zone, and shall comply with ADA and Texas Accessibility Standards and shall be unobstructed by any permanent or nonpermanent element for the required minimum width as shown in Chapter 9, , Infrastructure and Public Improvement and a minimum height of eight (8) feet. Accessibility is required to connect sidewalk clear zones on adjacent sites.

c. Fee In-Lieu Option: An applicant may opt to pay a proportional fee in-lieu for the required sidewalk if the development project is phased or the sidewalk improvements need to match the timing of a programmed City capital project affecting that street frontage, per approval from the City Manager or his/her designee.



Figures 7-15 Illustrations delineating the Streetscape Zone elements

(2) Street Trees, Shade Elements, and Streetscape

a. Street trees or shade elements shall be required or recommended as stated in Section 7.5 (4). Shade elements may include awnings, canopies, arcades, or galleries and shall meet the standards in Section 7.5 (4).

b. Street trees, if planted, shall be centered within the Planting/Furnishings Zone and be planted a minimum of 3 feet from the face of curb.

c. Spacing shall be an average of 30 feet on center (measured per block face).

d. The minimum caliper size for each tree shall be 2 inches and shall be a minimum of 8 feet in height at planting. Each tree shall be planted in a planting area no less than 36 sq. feet.

e. Species shall be native or adapted species selected from the Approved Plant List, found in Appendix B.

f. Maintenance of all landscape materials shall meet the requirements in Chapter 6.5 Landscape Requirements.

(3) Outdoor Cafes

Restaurants may be permitted to operate outdoor cafes on sidewalks (including areas in the public right-of-way) and in courtyards, provided that pedestrian circulation and access to store entrances are not impaired, and so long as public health, safety and welfare are maintained. The City Manager will have the right to require a license agreement between the building owner or proprietor and the City for the use of sidewalks to address location, maintenance, public health and safety, and other requirements. The following guidelines are applicable:

a. A minimum walkable zone of four (4) feet of sidewalk leading to the entrance of an establishment will be maintained free of tables and other encumbrances.

b. Extended canopies, awnings, and umbrellas may be permitted, provided that they are found not to adversely impact public safety or visibility or cause a physical obstruction in the site development review process.

7.7 Screening Standards

(1) Street Screen Required. Any frontage along all streets (except alleys) with surface parking in the setback zone shall be defined by a 3-foot high Street Screen (see Figure 7-16). Furthermore, along all streets (except alleys), service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street (see Figure 7-17). Required Street Screens shall be of one of the following:

a. The same building material as the principal structure on the lot or

b. A vegetative screen composed of shrubs planted to be opaque at maturity, or

c. A combination of the two.

d. Species shall be selected from the Approved Plant List, found in Appendix B. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.

e. Street Screens cannot block any required sight triangles along a cross street or driveway.

f. Street Screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.

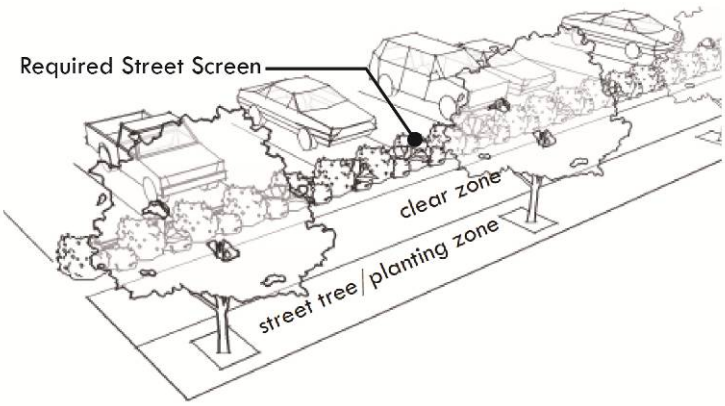


Figure 7-16 Illustration showing required Street Screen along all frontages with surface parking in the setback zone.

(2) Screened Outside Devices

All A/C units, HVAC systems, exhaust pipes and stacks, elevator housing, satellite dishes and other such devices will be screened from view from the public street by walls, fencing, roof elements, penthouse-type screening devices, or landscaping

a. Ground Floor Mechanical Equipment and Ground Floor Storage. Ground floor mechanical equipment and ground floor storage solid waste storage and disposal equipment and containers (including recycling containers) will be screened from public view. Enclosures for solid waste storage and disposal equipment and containers will be constructed of masonry, as defined in this code, on three (3) sides with access gates on the fourth (4th) side to allow collection. The access opening will be a minimum of twelve (12) feet, with an additional 10 feet required for each additional dumpster. The enclosure will be expanded to include any additional solid waste storage and disposal equipment and containers added to an existing development, including an increase in the size of the containers. Enclosures and container pads must meet specifications of the City of Fair Oaks Ranch.

b. Equipment or Machinery. Transformers, HVAC equipment, lift stations, utility meters (where possible), other similar equipment or machinery, and garbage collection points, will be located at the rear of the building and will be buffered by landscape screening or fencing.

c. Service Areas. Screening and landscaping will prevent direct views of loading docks, outdoor storage areas, solid waste storage and transfer facilities, recycling facilities, and other service areas and their driveways from adjacent properties and from the public right-of-way. It will also prevent spillover glare, noise, or exhaust fumes.

d. Screening of Roof Mounted Equipment. All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street (see Figure 7-17. The screening material used shall be the same as the primary exterior building material used.

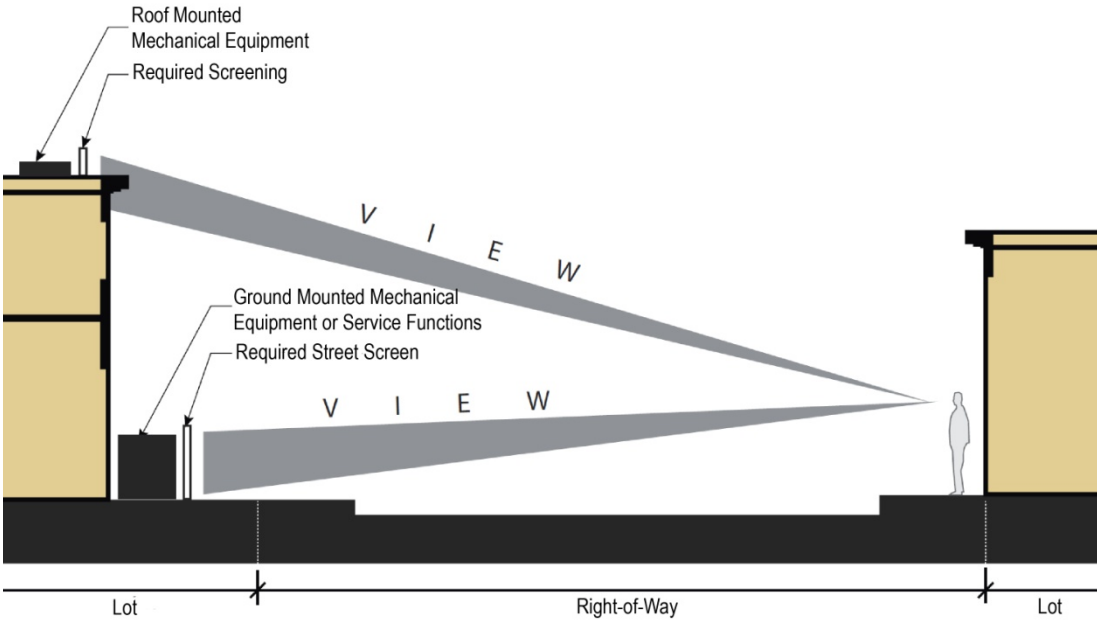


Figure 7-17 Illustration showing required screening of roof and ground mounted equipment

e. Locations on private property must be found for switchgear and transformer pads needed to serve that property. Such locations shall be either along General Frontages or at the side or rear of the property and screened from view of a person standing on the property line on the far side of any adjoining street.

Section 7.8 Outdoor Lighting

(1) Purpose and Intent

The purpose of this Section is to regulate outdoor lighting in order to reduce or prevent light pollution in the City. All regulations in this section are in addition to the City's Dark Sky requirements. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces privacy, degrades the enjoyment of the night sky, and results in higher energy use and increased costs for everyone. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents, and will help preserve the historic and rural character of the City in keeping with the desired objectives of the Comprehensive Plan.

(2) Applicability

a. Binding Regulations. The regulations contained in this Section are binding only within the City limits of Fair Oaks Ranch. All outdoor lighting fixtures installed on private and public property within a new development or redevelopment within the City limits will be required to comply with this Code. This Code does not apply to interior lighting; however, overly bright lighting emitted from a structure will be subject to this Code if it is determined by the City Manager that it creates a nuisance or a safety hazard as defined in the References Section of this Code.

b. Compliance. Compliance with the regulations in this Section is strongly encouraged for improvements and developments within the ETJ in order to prevent light pollution and preserve the rural and historic character of the City. Compliance with these requirements will be administered by the City Manager or his or her designee.

c. Existing and Replacements. All outdoor lighting fixtures existing and legally installed and operating before the effective date of this Code will be exempt from this Code unless they are determined to create a safety hazard. When an existing lighting fixture(s) become inoperable, their replacements are subject to the provisions of this Code.

d. Modifications. Modifications to nonconforming lighting fixtures must also comply with this Chapter.

(3) Exemptions

The following are exempt from the provisions of this Code:

a. Publicly maintained traffic control devices;

b. Street lights installed prior to the effective date of this Code (until replaced as noted in Section 7.8(2)c.);

c. Temporary emergency lighting, e.g., for fire, police, repair crews, etc.;

d. Lighting fixtures and illumination requirements imposed by TxDOT within TxDOT right of way;

e. Moving vehicle lights;

f. Navigation lights, e.g., aircraft warning beacons on water storage reservoirs and wireless transmission facilities, required by State or Federal law;

g. Seasonal decorations with lights in place no longer than sixty (60) days;

h. Sports field lighting, until 10:00 P.M.;

i. Other temporary uses approved by the City Council, e.g., festivals, carnivals, fairs, night-time construction, etc.;

j. Covered porch lighting on residences provided that each external light fixture does not exceed 2220 lumens; and

k. Security lights of any output that are controlled by a motion sensor switch provided they do not exceed 0.25 foot-candles at the property line and do not remain illuminated for a duration not to exceed ten (10) minutes after activation.

(4) Submittals.

Applications for all building permits other than single-family and duplex residential, or site development permits, including the installation of outdoor lighting fixtures for new construction, will provide proof of compliance with this Code. The submittal will contain the following information as part of the site plan:

a. Plans. Plans indicating the location, type and height of lighting fixtures including both building mounted and ground mounted fixtures and details illustrating the foot candle power measured throughout the site;

b. Description of the Lighting Fixtures. A description of the lighting fixtures, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

c. Photometric Data. Photometric data, which may be furnished by the manufacturer, showing the angle of light emission;

d. Additional information. Additional information as may be required by the Planning and Zoning Commission in order to determine compliance with this Code.

(5) General Lighting Standards.

The following standards will apply to all outdoor lighting installed after the effective date of this Code:

a. Minimum Lighting Necessary. Outdoor lighting will be designed to provide the minimum lighting necessary to ensure adequate safety, night vision, and comfort, and not create or cause excessive glare onto adjacent properties and public street rights of way.

b. Hooded. Outdoor lighting must be hooded, shielded, and / or aimed downward. The hood or shield must mask the direct horizontal surface of the light source. The light must be aimed so as to insure that the illumination is only pointing downward onto the ground surface.

c. Light Trespass. Any bright light shining onto an adjacent property or streets that would result in a safety hazard is not permitted. Light trespass beyond property boundaries or above the horizontal plane will be considered non-compliant. All outdoor lighting fixtures will be designed, located, and maintained to minimize light trespass and all direct illumination will be kept within the boundaries of the property upon which the light fixture is positioned

d. Existing Fixtures. Existing fixtures may be adapted to comply with this Code by adding a properly designed hood or shield, or by redirecting any upward mounted fixture downward onto the ground surface, sign, or illuminated structure.

e. Accent Lighting. When approved, accent lighting will be directed downward onto the structure or object and not toward the sky or adjacent properties. Direct light emissions will not be visible above the roofline or beyond the building edge.

f. Spotlights. Spotlights on landscaping and foliage will be limited to one hundred and fifty (150) watts output. The light will be shielded and so as not to create a nuisance or safety hazard.

(6) Specific Nonresidential Lighting Requirements

a. Maximum Allowable Intensity. The maximum allowable intensity of lighting for any nonresidential use will be 0.25 foot-candles measured at the property line adjacent to any residentially zoned area or at the street right-of-way line when the residentially zoned area is separated by a public street right-of-way.

b. Light Poles. Light poles will be placed on the site at a setback equal to their height from all adjacent residential property. Light poles will have a maximum height equal to the maximum height allowed for the main building in each zoning district.

CHAPTER 8 ENVIRONMENTAL PROTECTION

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Chapter 8 Environmental Protection

Section 8.1. Purpose and Intent

(1) Protection of Environmental Resources

The purpose of this Chapter is to set forth requirements for the protection of environmental resources within the City of Fair Oak Ranch and its extraterritorial jurisdiction (ETJ). This chapter references policies and measures for the following:

a. Preservation of water quality and quantity through water conservation measures;
b. Preservation and protection of waterways and floodplains;
c. Preservation and protection of surface and groundwater resources;
d. Management of stormwater quality;
e. Promotion of awareness and implementation of Best Management Practices (BMPs) for purposes of water quality and land conservation;
f. Preservation of existing open space, and the planning and management of new parks and open spaces;
g. Enhancement of the quality and quantity of other natural resources; and
b. Development of new recreational opportunities.

(2) Consistency with Policies and Guidelines

Design and construction of water quality measures, water conservation approaches, and parks and open space facilities will be consistent with the policies and guidelines established in the most recent versions of the City of Fair Oak Ranch Comprehensive Plan, and guidelines provided by Texas Commission on Environmental Quality (TCEQ) related to the Edwards and Trinity Aquifer recharge or contribution zones.

Section 8.2. Low Impact Development

Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. Bioretention facilities, rain gardens, vegetated rooftops, rain barrels and permeable pavements are a few practices that have been used to promote the principles of LID. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions.

(1) Purpose and Intent

In order to maintain the rural character of Fair Oaks Ranch and achieve the environmental and hydrological goals and policies of the City of Fair Oaks Ranch Comprehensive Plan new development and redevelopment will accomplish the following to the greatest extent possible:

a. Preserve unique physical features of the site including, but not limited to, creeks, wetlands, ravines, bluffs, lakes or ponds, karst features, caves and forests;

b. Prevent stormwater impacts rather than having to mitigate for them;
c. Manage stormwater (quantity and quality) as close to the source as possible and minimize the use of large or regional collection and conveyance;
d. Preserve natural areas, healthy soils, native vegetation and reduce the impact on watershed hydrology;
e. Use natural drainage pathways as a framework for site design;
f. Reduce soil compaction during construction to maintain infiltration capacities of the soil;
g. Minimize the amount of disturbance to existing, mature stands of vegetation;
h. Utilize simple, non-structural BMPs for stormwater management that are lower cost and lower maintenance than structural controls;
i. Create a multifunctional landscape which considers construction and maintenance implications;
j. Use appropriate plant species and communities for the eco-region and the designed media; and
k. Preserve scenic view corridors, both internal and external to the site to the greatest extent possible

(2) Applicability

a. Guidance. Low Impact Development (LID) is the planning, engineering design and construction, and tenant occupation that reduces the impact upon the surrounding environment. A source of guidance for such design may be obtained from the *City of New Braunfels Low-Impact Development Design Manual*. Any design element not specifically addressed in this document or the City's Code of Ordinances may be designed in accordance with the following manuals, or other method approved by the City Engineer:
   - City of San Antonio *LID Guidance Manual*
   - San Antonio River Authority (SARA*): San Antonio River Basin Low Impact Development Technical Guidance Manual; and*
   - Greater Edwards Aquifer Alliance*: Watershed Stewardship for the Edwards Aquifer Region, A Low Impact Development Manual.*

(3) Design Criteria

The location of all streets, buildings, parking areas, pedestrian and bicycle ways, and utility easements will be designed to promote public safety, compatibility of uses, minimize effective impervious surface, preserve forested open space, and complement predevelopment site characteristics such as topography, soils, hydrology, and other natural features using best management practices (BMPs). Site assessment and feasibility of BMPs will be determined by the City Manager (or designee) and related incentives may be established subject to final approval by the Planning and Zoning Commission of a proposal for a specific parcel or parcels of land. LID design standards are intended to do the following:

a. Hydrologic Conditions. Mimic the predevelopment hydrologic conditions on the site. Sites located in close proximity to steep slopes, or landslide hazard areas may be considered inappropriate due to conditions whereby the use of infiltration of stormwater may result in unstable soil conditions.
b. Protect Native Growth Areas. Protect native growth areas and other sensitive areas and their

buffers within the protected native growth area boundaries. The following will apply to protected native growth areas:

i. Forested or Reforested. Native growth areas will be forested or reforested. Portions of a designated protected native growth area without existing tree canopy will be planted at a density of 60 trees per acre. This requirement does not apply to wetlands or water bodies. The City Manager (or designee) may modify this requirement subject to site conditions.

ii. Tree Plan/Heritage Plan. Applicable tree plans, in accordance with Section 8.8, will be submitted for review and approval.

iii. Limited Development. Development within protected native growth areas will be limited to stormwater dispersion facilities, pervious pedestrian trails, and approved surface water restoration projects. Activities within the protected native growth areas will be limited to passive recreation, removal of invasive species, amendment of disturbed soils consistent with all applicable regulations, and planting of native vegetation.

iv. Protective Mechanism. A permanent protective mechanism will be legally established to ensure that the required protected native growth area is preserved and protected in perpetuity in a form that is acceptable to both the Applicant and the City, and will be filed with appropriate County Clerk's Office. A permanent protected native growth area will be established using one of the following mechanisms:

1. Placement in a separate non-building tract owned in common by all lots within the subdivision;
2. Covered by a protective easement or public or private land trust dedication; or
3. Restrictions on the future use of the protective native growth area will be recorded on the face of the Final Plat.

c. Native Soil Protection and Amendment. Native topsoil will be retained in an undisturbed state to the maximum extent practicable. This section does not apply to areas within the critical root zone (CRZ) of trees proposed for retention, or that, at project completion, are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope. Mulch will be applied to any area within the CRZ or drip line of trees where the duff layer and organic matter are removed.

d. Clustering. To achieve the goals of low impact development, lots and building sites may be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater.

e. Parking. Parking space requirements will conform to the requirements of Chapters 6, Site Development Standards, and 7, Design Standards, of this Code. If parking cannot be accommodated on-site, common parking areas must be incorporated on approved privately maintained easement areas.

f. Alternative Surfacing Methods. Alternative surfacing including, but not limited to, paving blocks, bark or wood mulch, turf block, plastic or other material grid systems, and other similar approved materials are encouraged and may be approved for appropriate applications.

Alternative surfacing methods may be approved for parking areas, emergency parking areas, private roads, fire lanes, road shoulders, bike paths, walkways, patios, driveways, and easement service roads where appropriate, unless site constraints make use of such materials detrimental to water quality. Utilization of alternative surfacing methods will be subject to review and approval by the City Engineer for compliance with other applicable regulations and development standards.

g. Drainage and Land Alteration. Land alteration may commence when development is in compliance with the City's site development regulations, drainage standards and Texas Pollutant Discharge Elimination System (TPDES) permit requirements.

h. Supplemental information. The following information may also be required:

   i. Traffic Study. A traffic study prepared by an engineer licensed in the State of Texas, if required by the City Manager (or designee). The traffic study does not need to be submitted with the application if an environmental impact statement (EIS) is being prepared for the project and a traffic study will be completed for the EIS. This does not preclude the possibility that a traffic study may be required at a later stage in the process.

   ii. Management Plan. A Management Plan that provides the proposed method of long-term maintenance of improvements or facilities, including roads and sidewalks, drainage, and water and wastewater systems. The purpose is to identify the method of maintenance, not to require detailed agreements. The Management Plan will also include those requirements provided for Parks and Open Space in Section 8.7(4) below.

i. Additional Recommendations. Other low impact designs include the use of non-toxic building materials, water conservation, rainwater harvesting, wastewater recycling, and xeriscaping.

Section 8.3 Conservation Development Alternative

A Conservation Development is a development of land, occupying ten (10) contiguous acres or more, that is developed in a manner generally consistent with LID principles, is under unified control and is 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. The requirements for approval are similar to those for subdivisions of the same size according to this Code, with the only differences being contained in this Section 8.3. A Conservation Development requires a certain amount of permanently protected Open Space and allows flexibility on minimum lot or yard sizes. A Conservation Development must be clearly indicated as such on its Preliminary and Final Plats.

(1) Purpose and Intent

Conservation Developments provide a development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land. Conservation Developments will also provide the following:

a. Preservation in perpetuity of unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands, and wildlife habitats;

b. Preservation of important historic and archaeological sites;

c. Clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
d. Reduction of erosion and sedimentation by minimizing land disturbance and removing vegetation in residential development through a reduced building footprint;
e. Promotion of interconnected greenways and corridors throughout the community and of contiguous green space with adjacent jurisdictions;
f. Encourage street designs which reduce traffic speeds and reliance on major arteries;
g. Promotion of construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
h. Conservation of scenic views and a reduction in perceived density by maximizing the number of houses with direct access to and views of open space; and
i. Preservation of prime agricultural and forest lands and a reduction in the economic pressures for converting such land to urbanized uses.

(2) Design Criteria

a. Districts. The Conservation Development Alternative may be used in the Rural Residential or Neighborhood Residential Districts. The Developer will comply with all other provisions of zoning and this Code and with all other applicable laws, except those that are expressly addressed by, and inconsistent with, the provisions of this Section. A Conservation Development does not require amending or adjusting the Zoning Map.
b. Unified Control. The parcel or parcels of land for a Conservation Development will be in unified control, and will be owned or controlled by either a single person, corporation, agency, group of individuals, or like organizations. The Developer will maintain and provide for unified control of the Conservation Development until the project is complete. The entity designated to provide unified control will ensure that all conditions of development are met. Individual properties may be sold after appropriate approvals and recordings have been completed and the proper recordings have been made which ensures the continuance of the Conservation Development as approved. Responsibility for unified control will be assigned to a Homeowners Association, in accordance with Section 8.7 which will provide for the maintenance of any common property and Open Space and for improvements.
c. Lot Size and Density. In order to incentivize Conservation Development, larger areas of contiguous conservation area and encourage the implementation of LID principles a density bonus is allowed. The allowed number of lots is calculated by taking the total net lot area (not including streets and ROW's) and dividing it by the Conservation Alternative Minimum in Table 8.1. There is no individual lot size minimum using the Conservation Development but the lots shall conform to the base zoning setback requirements.

Table 8.1 Conservation Development Alternative Density Incentive

Zoning District	Neighborhood Residential	Rural Residential
Conventional Lot Size Minimum	1 Acre	5 Acre
Conservation Development Alternative Minimum	.75 Acre (blended average)	3.75 Acre (blended average)

j. Density Calculation Example: For example, a hypothetical 100 acre tract in the rural residential area with a net lot area of 80 acres would be able to be developed into 16 - 5 ac lots with 0 ac of protected open space. With the Conservation Development alternative the net lot area of 90 acres, requires less area dedicated to streets and could be built to have 22 total clustered lots of which 27acres of the 90 acres is protected conservation area. (Minimum of 30 percent of the site as protected conservation areas)

(3) Standards

The following standards will apply to all Conservation Developments:

a. All street and utility improvements will be constructed to standards specified by the City. Private street widths may vary with City Manager (or designee) approval from widths required in the subdivision regulations, and interior streets may be either public or private. Streets intended to be dedicated to the City must meet minimum standards set forth in Chapter 9.4, Streets.
b. All Conservation Developments will provide for continuous and perpetual maintenance of stormwater management facilities, common open space, common recreation facilities, private roads, utilities, parking areas, and other similar development within the boundaries of the development in a form and manner acceptable to the City.
c. Platting will be required for all projects that involve or contemplate the subdivision of land. Lots in a platted Conservation Developments may be sold to separate owners.
d. To encourage design flexibility, conservation of natural amenities, and innovations that result in a higher quality residential environment than traditional subdivisions, comprehensive site planning is required of all Conservation Developments.

(4) Application Requirements

a. Site Analysis Map. In addition to meeting the process requirements in Chapter 3, Applications and Permits, of this Code, the Developer must show the following features on a Conservation Development site analysis map to be submitted concurrent with the submission of Conservation Development Site Plan to include the following:
   i. Exact property boundaries, topographic contours, delineated wetlands, special flood hazard areas, existing roads, and existing structures based on an on the ground survey or aerial imagery;

ii. All streams, rivers, lakes, and other hydrologic features;
iii. General vegetation characteristics;
iv. General soil types as determined from the latest soil survey by the Natural Resources Conservation Service of the United States Department of Agriculture;
v. Planned location of protected Open Space;
vi. Total acreage of buildable area in the Conservation Development;
vii. Potential connections with existing green space and trails; and
viii. Location and total area of proposed impervious surfaces.

b. Management Plan. A Management Plan, as described in Section 8.7(4), will be prepared and submitted with the Conservation Development Site Plan.
c. Legal Instrument of Permanent Protection. A Conservation Easement, as described in Section 8.3 (7), will be placed on the Open Space no later than the recording of the Final Plat. The conservation easement and the Final Plat will be filed simultaneously and will make reference to each other. Each will not be complete without the other.
d. Other Requirements. The Developer will adhere to all other zoning and subdivision requirements. A Conservation Development will be approved in accordance with the procedures established in this Code. It will be clearly indicated on the Preliminary and Final Plats that the proposed subdivision is a Conservation Development.

(5) Standards to Determine Open Space and Buildable Area

a. Buildable Area. The buildable area is the gross area of the Conservation Development minus the protected Conservation areas.
b. Conservation Areas. The minimum restricted conservation area will comprise all of the types as defined below. The minimum restricted Conservation Area will total not less than 30 percent of the total buildable area of the Conservation Development. The following are considered Conservation Areas and are required to be included within the protected Conservation Area, unless the Developer demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this Code:
   i. Riparian Zones. Riparian zones of at least 75 foot width on each side from the centerline of every perennial and intermittent stream shown on the United States Geological Survey (USGS) quadrangle topographic maps.
   ii. Slopes. Slopes above 25 percent of at least 5000 square feet contiguous area.
   iii. Wetlands. Wetlands determined to be jurisdictional by the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the Clean Water Act, including non-jurisdictional wetlands that meet the definition of a wetland given in the 1987 USCAE *Wetlands Delineation Manual*.
   iv. Forest. Existing healthy, native forests of at least one-acre contiguous area.
   v. Floodplains. The 100-year floodplain.
   vi. Important Sites. Historic sites, archaeological sites, cemeteries, and burial grounds.
   vii. Natural Features. Other significant natural features such as Heritage Trees (TC 75 inches or larger), karst features, caves, recharge features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads.
   viii. Agricultural land. Prime agricultural lands of at least five acres.
   ix. Trails. Existing trails that connect the Conservation Development to neighboring areas.

x. Endangered Species Habitat. Populations of endangered or threatened species, or habitat for such species.

(6) Allowed and Prohibited Uses

a. Allowed Uses. At the discretion of the Developer, uses of Open Space may include the following:
   i. Conservation Areas. Conservation of natural, archaeological or historical resources including meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas.
   ii. Trails. Walking or bicycle trails, provided they are constructed of porous paving materials.
   iii. Recreation. Passive recreation areas, such as open fields and active recreation areas, provided that they are limited to no more than 10 percent of the buildable Open Space and are not located within Conservation Areas.
   iv. Agriculture. Agricultural uses including horticulture, silviculture, or pasture uses, provided that all applicable best management practices (BMPs) are used to minimize environmental impacts, provided such activities are not conducted within Conservation and provided such uses do not involve the clearing of forests, the filling of wetlands, or the conversion of forests to monocultures.
   v. Easements. Easements for drainage, access, and underground utility lines.
   vi. Conservation-oriented Uses. Other conservation-oriented uses compatible with the purposes of this Chapter.

b. Prohibited Uses. The uses of Open Space will not include the following:
   i. Golf courses.
   ii. Impervious Surfaces. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections.
   iii. Impoundments.
   iv. Commercial Uses. Commercial uses not specifically authorized in the previous section.
   v. Mining Uses.
   vi. Treatment / Management Facilities. Potable water or wastewater treatment plants. Stormwater management facilities and wastewater disposal systems not specifically authorized in the previous section.
   vii. Other Activities. Other activities as determined by the Developer.
   viii. Recorded. All prohibited uses will be clearly indicated in the Legal Instrument, identified in Section 8.3(4)c above, which provides for permanent protection.

c. Public Access. Whether or not to allow public access to the protected Open Space is at the discretion of the Applicant.

(7) Ownership and Management

a. Ownership of Open Space. In accordance with Section 8.7 of this Chapter, a Homeowners Association representing residents of the Conservation Development will own the Open Space. Membership in the Homeowners Association will be mandatory and automatic for all homeowners of the development and their successors. The Homeowners Association will have lien authority to ensure the collection of dues from all members. The responsibility for

maintaining the Open Space and any facilities located thereon will be borne by the Homeowners Association.

b. Management Plan. The Applicant will submit a Management Plan, as described in Section 8.7(4), for the Open Space and Common Facilities.

c. Legal Instrument for Permanent Protection. In addition to the provisions of the binding Legal Instrument identified in Section 8.7(2), the Instrument will provide for the following:

i. Conservation-Oriented Organization. A land trust or similar conservation-oriented non-profit organization with legal authority to accept the conservation easement (Holders). The organization will be bona fide and in perpetual existence, and the conveyance instruments will contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;

ii. Baseline Documentation Report. A conservation easement baseline documentation report, produced by the Holders, to establish the condition of the property at the time the easement is transferred and to provide a basis for future monitoring and enforcement;

iii. Monitor and Enforce. The Holders will monitor and enforce the easement, to include defending the conservation easement from challenges. (Funds to cover or defray the costs of monitoring and enforcement may be requested from the Developer. Such funds must be dedicated to these easement activities and must be determined by the Developer and Holders no later than the time of transferal); and

iv. Restrictions. Clear restrictions on the use of the Open Space to include those the Developer chooses to place on the use of the Open Space.

(8) Approval Criteria

Upon receipt of the Commission's recommendation to the City Council, the Council will consider the following specific objectives and criteria in making a determination on a proposed Conservation Development. The Conservation Development and related incentives will be permitted if it meets the following criteria:

a. Comprehensive Plan. The development must be compatible with the goals and policies of the City of Fair Oaks Ranch Comprehensive Plan; and

b. Standards. The minimum standards identified in Sections 8.3(3) – (6) above.

Section 8.4. Water Quality Protection

(1) Water Quality Protection Requirements

The water quality protection requirements of this Code are applicable to all residential and non-residential development in those portions of the City of Fair Oak Ranch and its ETJ that are located within the Edwards or Trinity Aquifer recharge or contributing zones. Requirements will include the following:

a. Review and Approval of Impervious Cover Percentages**.** The City will review and approve estimates of impervious cover percentage prior to determining the applicability of this Section to a proposed development.

b. Requirements**:**

i. Water Conservation. Water conservation requirements are applicable in all portions of the City of Fair Oak Ranch and its ETJ.

ii. Drainage. Drainage criteria and requirements have many implications for environmental protection. Refer to the provisions in Chapter 9, Infrastructure and Public Improvements, of this Code for drainage related requirements.

(2) Specifications and Standards

a. Governing Document. The specifications and standards recommended in the most current Edition of the *City of San Antonio Storm Water Design Criteria Manual*, as amended from time to time, including later editions, except such portions that may be hereinafter amended, deleted, or modified by the City of Fair Oak Ranch will be the governing document in the design, development, and construction of all storm water quality related improvements within the city limits and extraterritorial jurisdiction of the City of Fair Oak Ranch.

b. Applicability. A Stormwater Permit is required prior to any land disturbance within the city limits or the City's extraterritorial jurisdiction (ETJ) to ensure conformance to the stormwater management provisions and other applicable requirements of this Code. Issuance of a Site Development Permit or a Final Plat for a single-family residential subdivision within the city limits constitutes approval of a Stormwater Permit for that specific development.

(3) Edwards and Trinity Aquifer Recharge Zones Standards

Residential and non-residential development projects in the Edwards and Trinity Aquifer Recharge Zones will comply with the *City of San Antonio Storm Water* Design *Criteria Manual*, and any legal requirements of the TCEQ and / or Edwards Aquifer Authority.

(4) Standards for Development Outside the Edwards and Trinity Aquifer Recharge Zones

Residential and non-residential development projects in the City and extraterritorial jurisdiction and outside of the Edwards and Trinity Aquifer Recharge Zones will comply with the *City of San Antonio Storm Water Design* Criteria, or any other innovative management practice approved by the City Engineer. Standards will include the following:

a. Pollutant Reduction. A water quality control must isolate and treat the water draining to the control from the contributing area and result in a 75 percent reduction in total suspended solids and total phosphorous resulting from the development activity. The required pollutant reduction level is applied only to the incremental increase in pollutant load caused by development. If a sand filtration system is required, the minimum required capture volume is the first one-half inch of runoff, or the 2-yr storm runoff volume, whichever is greater.

b. Water Quality Controls. Water quality controls must be situated to receive and treat all runoff from impervious surfaces in the development. Where this is not practicable, supporting documentation must be provided to demonstrate attainment of the necessary water quality treatment level. The location of a water quality control must be shown on the slope map, preliminary plan, site plan, or subdivision construction plan, as applicable; and may not be in located in a twenty-five (25) year floodplain.

c. Management Practices. If the developer is proposing an innovative management practice, the applicant must substantiate the pollutant removal efficiency of the proposed control with refereed professional journals or a verifiable engineering study.

d. Maintenance. The water quality control will be designed to minimize maintenance requirements. The Subdivider / Developer and City will provide for an extended inspection and maintenance program of all water quality controls as follows:

i. Non-Single Family Zoning Categories. For non- single family zoning categories the Subdivider / Developer will maintain a required water quality control in accordance with the maintenance standards in the City of San Antonio Storm Water Design *Criteria Manual*. Documentation will be provided by the Subdivider / Developer of the facility to ensure that sufficient annual funding exists to properly maintain any water quality controls. The City or its designated representative will inspect each water quality control at least once in the first year following approval of completion of construction and at least once every three (3) years thereafter. If noncompliance is found during an inspection, the City will request in writing that the property owner comply. This notice will describe the measures to be taken. If, within thirty (30) days of notice, the maintenance required is not accomplished, the City may impose fines or assessments as established in Section 12.3, Penalties, of this Code, or bring action in a court of competent jurisdiction as provided in Section 12.4, Civil Remedies, of this Code to require the property owner to accomplish necessary maintenance. Necessary maintenance is that maintenance needed to bring the facility and/or improvement into compliance with this Chapter or technical manuals referenced herein or other ordinances, laws or regulations. The City hereby declares that any failure to maintain a water quality control facility in accordance with City standards is a public nuisance subject to all remedies, legal and equitable, to abate that nuisance.

ii. Single-Family Residential Development. For a single-family residential development, the City will maintain a required water quality control, provided the water quality control has been accepted by the City. The Developer will make an estimation of the cost to conduct periodic inspections and maintenance of water quality controls, including one (1) year after the City's acceptance of completion of construction and every three (3) years thereafter for a total period of at least sixteen (16) years. The City will have authority to review and approve the estimated costs. The Developer will post surety for payment of the estimated costs consistent with the requirements specified in Section 12(5), Maintenance and Supervision, of this Code, or make a contribution for the full estimated cost of inspection and maintenance to the City prior to the City's approval of a final plat or issuance of a site development permit.

e. Documentation. Prior to the City's approval of a permit, a Final Plat, a Site Development Plan, the Developer will provide the City with complete copies of all plans and documents pertaining to the Edwards and Trinity Aquifers which are relevant to the proposed project. These plans and documents will include, but are not limited to, the following:

i. Edwards and Trinity Aquifer Protection Plans
ii. Contributing Zone Plans
iii. Storm Water Pollution Prevention Plans
iv. Water Pollution Abatement Plans
v. Organized Sewage Collection System Plans
vi. Underground Storage Tank Facility Plans
vii. Above ground Storage Tank Facility Plans

(5) Exceptions

The requirements of this Section, as revised, are not applicable for the following:

a. Developments Not Located in a Recharge or Contributing Zone. Developments not located in the Edwards or Trinity Aquifer recharge or contributing zones with a total estimated impervious cover of twenty-five (25) percent or less;

b. Nonresidential Developments. Nonresidential developments with a total impervious cover area of five thousand (5,000) square feet or less;

c. Small Developments. Developments involving construction of less than three (3) single-family residential structures.

(6) Onsite Wastewater Facility Permit

Prior to the approval of a final plat, the Developer will provide the City with complete copies of all applicable permit applications, plans and documents pertaining to the Onsite Sewage Facility (OSSF) Permit as required by the County(ies) in which the development is located. See Section 3.9(11).

Section 8.5 Water Conservation Education

(1) Publications

a. Homebuilders. Homebuilders in new subdivisions will provide information to owners of all new dwellings regarding the design, installation, and maintenance of water efficient landscapes. This information may be obtained from the Barton Springs Edwards Aquifer Conservation District (BSEACD), or other sources as long as the information is similar in context and breadth to that of the BSEACD. The information packet will be submitted to the City for approval with the plat application, or in any case prior to final plat approval. Any charge for such publications will be incurred by the Homebuilder.

b. The City. The City will provide information about the use of water efficient landscapes and irrigation practices to water to users throughout the community.

(2) Model Homes

Landscaped Model Home. If there are one or more model homes in a new subdivision, at least one such model home will be landscaped and will demonstrate the principles of water efficient landscaping via signs and posted information. Signs will be used to identify the model as an example of a water efficient landscape featuring elements that contribute to overall water efficiency.

Section 8.6 Open Space Dedication

(1) Application

This Section will apply to areas inside the City limits and the City's ETJ.

a. Suitable Sites; Area(s) Indicated on Submittals. The Subdivider / Developer will give consideration to suitable sites for parks, playgrounds and other areas for private use so as to conform with the recommendations of this Code relating to parkland development.

b. Preliminary and Final Plats. Any provision for private parks, trails, and open space areas will

be indicated on the Preliminary Plat, construction drawings, and Final Plat, and will be subject to approval by the City Council.

c. Suitable Park Sites. Suitable park sites include those that can be used for active recreation (such as playgrounds and areas for organized sports) and passive recreation (such as hiking and picnic areas). Suitable park sites do not include areas located in the floodway.

d. Support for Recreation Areas. The City has determined that recreational areas in the form of open spaces are necessary for the wellbeing of the residents of the City and its ETJ. The City has further determined that a reasonable connection exists between the subdivision of residential property, and the need for additional open space to serve new residents of the community. It is the intent of this Section 8.6, therefore, to require a reasonable method for the dedication of open space for the use and enjoyment of the citizens of Fair Oaks Ranch and its ETJ.

(2) Exemption from Dedication Requirements

Open space dedication requirements will not apply to either the subdivision of commercial or other nonresidential lots, or to the re-platting of previously platted residential lots, where such lots were subject to open space dedication requirements at the time of the prior subdivision.

(3) Criteria for Land Dedication

All residential subdivisions with 10 or more lots will be required to allocate suitable land for open space in the amount of 10 percent of the gross site area. Calculation of land for open space dedication does not include ROW's. Conservation Developments are exempt from this requirement and shall follow the Conservation Area requirements as described in Section 8.3. Multifamily and Mixed Use sites shall dedicate 10 percent of the total site area as open space.

a. Criteria for Open Space Dedication. Land dedicated for open spaces will be appropriate for the intended purpose. The following criteria will apply to land proposed for open space dedication:

   i. Active Recreation Percent. At least 50 percent of the open space that is required to be dedicated will be acceptable in terms of design, location, etc., for use as an area of active recreation.

   ii. Sites Not Acceptable for Open Space. Drainage ditches, detention ponds without significant landscape and usable amenities, power line easements, steep slopes and similar sites will not be accepted for open space dedication, unless the City Council and the accepting Association finds that the land has exceptional recreational value that warrants its acceptance as open space.

   iii. Floodplain. The dedication of land within the 100-year floodplain is acceptable, provided the land consists of the native floodplain that is unaltered by channelization or other man-made stormwater control facilities.

   iv. Ownership and Maintenance. The Subdivider will provide written documentation indicating that the Fair Oaks Ranch Homeowners Association (FORHA) or the individual Homeowners Association (HOA) (Association) has agreed to accept the area proposed for open space dedication for ownership and maintenance. If a new HOA is being created in conjunction with the proposed subdivision, the Subdivider must provide copies of the documents that will create the entity and that demonstrate the ability of

the entity to own and maintain open space.

v. Open Space Conveyance. Land proposed for dedication as open space will be designated on the Preliminary and Final Plat and labeled as "Open Space." The acreage of the land included in the dedication will also be shown on the Plat. All land designated as open space will be included in a separate lot, or multiple lots, that are shown on the Plat. The Owner / Subdivider will be obligated to survey corner markers at the corners of all parkland lots in accordance with the standards set forth in this Code. Prior to the Association's acceptance of the open space, the Owner will deliver a warranty deed to the Association conveying fee simple title of all open space shown on the Final Plat.

vi. Open Space Improvements. The Owner / Subdivider will be responsible for making any improvements requested by the Association and approved by the City Council as a condition of acceptance prior to ownership conveyance by the Owner. The improvements will be consistent with the intended use of the open space and the overall goals, policies and objectives of the Association. During the platting of the subdivision, the Owner / Developer is required to provide water and wastewater (if applicable) to the edge of the land proposed for dedication.

b. Public Open Space Dedication and Acceptance. Nothing in this Section 8.6 will prevent the City from accepting the dedication of open space land for public use if the Owner voluntarily proposes the dedication, and if the City Council agrees to accept the dedication.

Section 8.7. Open Space and Home Owners Association

(1) Dedication of Open Space and Facilities

All properties which are to be dedicated for collective use, or maintained and operated for common benefit by the residents / occupants of a development, including open space and open space required by this Code, parks and common areas and facilities, any fences, walls, parking areas or other facilities will be owned and managed by the Fair Oaks Ranch Homeowners Association (FORHA) or a development's Homeowners Association (HOA), referred to here as the Association. The Association will be directly responsible to and controlled by the property owners in the development.

(2) Legal Instrument

The Association will be established by a legal instrument (Instrument) constituting a plan for the operation, use, repair and permanent maintenance of the common areas and facilities through an Association of the property owners which is self-perpetuating and adequately funded to accomplish its purposes through mandatory assessments against the individual property owners.

a. The Instrument must provide the following:

i. Permissions. Grant the City, other public agencies, political subdivisions and public utilities written permission for access to the common areas and facilities at any time and without liability when on official business, and permission to remove any obstructions if necessary to obtain timely and practical access, and to assess the cost of removal to the owner of the obstruction;

ii. Assessments. Covenant that the Association will levy and enforce against the property

owners sufficient assessments to satisfy a charge by the City for correcting deficiencies in the upkeep, maintenance and repair of the community open space under a Management Plan for these areas, in addition to any other association assessments for common purposes if any part of the required community open space is to be dedicated as a private park rather than as public park land;

iii. Approvals. Be approved by the City Attorney prior to consideration by the City Manager (or designee) of the Final Plat and it will be recorded at the same time as the Final Plat; and

iv. Process for Amendments. Any amendments to this Instrument must also be approved by the City Manager (or designee), before being recorded and going into effect.

b. Open Space. Additionally, for Open Space, the Legal Instrument will be a permanent conservation easement with the requirements identified in Section 8.3(6)c.

(3) Funding of Association

Prior to approval of the Instrument establishing the Association that is to maintain and operate the open areas and facilities that are for common benefit by the residents / occupants of a PUD, the Subdivider will submit to the City Manager (or designee) a multi-year budget (Budget) for the Association including a fund reserved for the repair and maintenance of the common areas and facilities.

a. The Budget. The Budget will be accompanied by justifications and calculations demonstrating that the projected property owner assessments will be sufficient to fully fund both the current operation and the continued future repair and maintenance of the open space, parks and facilities.

b. Financial Guarantee. At the same time as the Instrument establishing the Association is filed, the Subdivider will post a bond or other security, in a form acceptable to the City and payable to the Association, guaranteeing that the reserve fund for repair and maintenance will be fully funded at the level projected in the Budget at the time the Owner relinquishes majority voting control to the Association.

c. Release. This bond or other security will be held by the City for the benefit of the Association, and it will be released only upon the Subdivider's submission to the City Manager (or designee) of proof, in a form acceptable to the City, that the reserve fund has been funded at the level projected and that the Subdivider has relinquished majority voting control to the Association.

(4) Management Plan

The Instrument establishing the Association that is to maintain the open space for the common benefit of the property owners will also be accompanied by a Management Plan between the City and the Association for the upkeep, maintenance and repair of all the common areas and common area facilities which are to be dedicated as open space.

a. The Management Plan must provide for the following:

i. Maintenance and Operation. Guidelines for the maintenance and operation of the Open Space and any facilities located thereon, and including provisions for ongoing maintenance and for long-term capital improvements; and

ii. Costs. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided.

b. Additionally the Management Plan will include:
   i. Periodic Inspections. Inspections by the City Manager (or designee), and for a procedure by which the City may give formal notice to the Association of any deficiencies, which are found in the upkeep, maintenance and repair of the facilities;
   ii. Correcting Deficiencies. Following notice and a reasonable time for the Association to correct any deficiencies, authorize the City Manager (or designee) to undertake any work, which may be necessary in his / her judgment, to repair or maintain the facilities at an acceptable standard, and to charge the cost to the Association;
   iii. Levying and Enforcement. Bind the Association to levy and enforce against the property owners such assessments as may be necessary to satisfy the charge, and to make prompt payment to the City;
   iv. Amendments. Process for amendments including the requirement that any changes to the Plan be approved by the City Manager and Planning & Zoning Commission; and
   v. Approvals. Be approved by the City Attorney prior to the consideration by the City Council of a Final Plat.

c. Recorded. The Management Plan will be recorded at the same time as the Final Plat with a note indicating that such a Management Plan has been entered into will be entered on the Final Plat.

Section 8.8 Tree and Habitat Protection

(1) Purpose and Intent

The purpose of this section is to conserve, protect and enhance existing healthy and safe trees and natural landscape. It is recognized that the preservation of existing trees contribute to the overall quality and environment of the City. Trees can and do contribute to the process of purification, oxygen, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provide wildlife habitat and enhance property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.

(2) Applicability and Exemptions

a. Applicability. The provisions of this Section are applicable to the following:
   i. New Development. All new residential and nonresidential development within the City limits or its extraterritorial jurisdiction.
   ii. Redevelopment. Redevelopment of any residential or nonresidential property within the City limits or its extraterritorial jurisdiction that results in an increase in the building footprint or the total destruction and reconstruction.

b. Permitting Exemptions. The following areas are exempt from the tree removal permitting requirements of this section but are subject to the mitigation requirements identified in this section:
   i. Building Footprint. Trees located within, and within ten feet (10') of, the building footprint;

ii. Access. Areas necessary for the minimum required site access; and
iii. OSSF. Trees located within the area of a proposed on-site sewage facility (OSSF)

c. Preservation Exemptions. The following areas are exempt from the preservation requirements of this section:
   i. Right-of-way. Trees located within a right-of-way to be dedicated to and maintained by the City; and
   ii. Easements. Trees located within any utility easement

(3) Removal or Destruction of Tree(s)

It will be unlawful for any person to remove, destroy, or cause the removal or destruction of any tree that has a tree circumference (TC) 28 inches or larger (Protected Tree) and which is located on property pursuing new development, a plat, or infrastructure improvements within the city limits or ETJ without submitting a Tree Plan to City Staff. A Heritage Plan is required to be reviewed and approved by the Planning and Zoning Commission and City Council prior to any construction activity that is likely to endanger a Heritage Tree, TC 75 inches or larger. The tree trunk circumference is measured at diameter of breast height (DBH), or four and a half (4 ½) feet, as detailed by the Texas Forest Service.

(4) Damaged Tree(s)

If a tree has sustained damage that creates an immediate hazard to life or property the City Manager (or designee) may approve the removal of such tree. In addition, the removal of dead or diseased tree may be removed with a written statement from a professional service or arborist.

(5) Tree Plan

a. For new construction on a tract, a Tree Plan identifying the location, species, circumference, and approximate canopy coverage of all healthy trees, that have a TC 28 inches or larger when measured at DBH.
b. A Tree Plan may be submitted prior to or in conjunction with Preliminary Plat or Site Development Permit applications.
c. A Tree Plan will designate all trees proposed for removal and will describe the measures proposed to protect the remaining trees during the development of the property. The Tree Plan will also reflect that all proposed tree removal will be done in accordance with the City's Oak-wilt Control Ordinance, Article 1.07.2 the City's Code of Ordinance.
d. Replacement of trees is required and is described below in Section 8.8(7)b. The Tree Plan shall include a planting diagram to show where new trees will be planted.
e. The Tree Plan will also require the developer or property owner to provide a tree preservation warranty to the City, which shall obligate the then owner of the property to replace any tree (or trees) reflected on the tree survey and which are the subject of the warranty. The term of the warranty shall be two (2) years from the date that a building permit is filed for building construction projects or two (2) years from the date construction is commenced for infrastructure improvements related to development projects. Each tree that is covered by a tree preservation warranty must

be identified on the tree plan. If any tree required to be preserved and which is the subject of a tree preservation warranty shall die during the term of the tree preservation warranty, the tree shall be replaced in accordance with the provisions of this Code. The City may require such owner to replace a tree (or trees) that has died at any time during the term of the tree preservation warranty, and, if such owner fails to replace the tree within ninety (90) days of the city's written request to replace same, the city at its sole option may refuse to issue any new building permits, accept any development application, or accept any infrastructure improvements from such owner. Nothing in this subsection shall exclude any and all remedies otherwise provided by law. The seller of property subject to a tree preservation warranty shall provide a copy of the warranty and attached tree survey to prospective buyers.

(6) Heritage Plan

a. For new construction on a tract, a Heritage Plan identifying the location, species, circumference, and approximate canopy coverage of all healthy trees, that have a TC 75 inches or larger when measured at DBH.
b. A Heritage Plan must be submitted to the City, reviewed by City Staff, and voted on by the Planning and Zoning Commission before a Preliminary Plat or Site Development Permit is forwarded to City Council. It must be approved by City Council before a Final Plat is approved.
c. A Heritage Plan may be submitted before or in conjunction with platting or Site Development Permit applications.
d. A Heritage Plan will designate all Heritage Trees proposed for removal, and any Heritage Trees whose health is likely to be threatened by construction activity. The plan will also describe in detail the efforts made to preserve Heritage Trees and explain why a Heritage Tree is proposed for removal. The Heritage Plan will also reflect that all proposed tree removal will be done in accordance with the City's Oak-wilt Control Ordinance, Article 1.07.2 the City's Code of Ordinance.
e. Replacement of trees is required and is described below in Section 8.8(7)c. The Heritage Plan shall include a planting diagram to show where new trees will be planted.
f. As stated in Section 8.8 (5)e., a warranty is required for all trees TC 28 inches or larger and shall apply to Heritage Trees.

(7) Removal Criteria

a. Removal by Right. Protected Trees, including Heritage Trees, located within 10 feet of the perimeter of the proposed building footprint, the area over an OSSF, areas necessary for site access, or within areas designated for the construction or installation of public facilities such as streets or utilities may be removed at the discretion of the applicant, provided that the terms of Sections 8.8(7)b-c. (below) are satisfied;
b. Removal and Mitigation of Protected Trees. Developers of land are encouraged to preserve protected trees whenever possible. An applicant may remove Protected Trees if approved

mitigation is provided. Generally speaking, mitigation shall be at a 1:1 ratio for TC inches to be removed. The applicant may plant smaller trees to replace Protected Trees, provided that no tree smaller than TC 8 inches is generally allowed, and that the total tree coverage on the lot (as measured in TC inches) is approximately the same as pre-development conditions. In cases where soil, slope, lot size, or other natural constraints make replacing the same number of TC inches unfeasible, the City Manager (or his designee), may, at their sole discretion, allow some or all of the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City and that are usable by residents of the general area where the applicant's land is located. In addition, the City Manager (or designee) may allow mitigation by payment of fee for some or all of the Protected Trees to be moved, if the City's fee schedule includes a provision for Fee In Lieu of Replacement Trees.

c. Removal and Mitigation of Heritage Trees.
   i. Heritage Trees may not be removed during construction, except under certain specific circumstances:
      1. If the tree is sick or diseased and meets the criteria laid out in Section 8.8(4); or
      2. If the tree is within the footprint as described in Section 8.8(7)a; or
      3. if the removal is approved by the City Council after consideration by the P&Z, with a formal recommendation from the P&Z to the Council on whether to approve the removal.
   ii. If any Heritage Trees are planned for removal, they must be identified and clearly marked on the Heritage Plan. The Heritage Plan must also identify any Heritage Trees that are likely to be endangered by construction activity which might sever or compress the root zone, or otherwise threaten the health and life of the tree, as determined by a reasonable person. The City Council may grant removals under Section 8.8(7)c.i-3 (above) at its sole discretion. In considering whether to allow the removal of Heritage Trees, the City Council shall consider whether removal is absolutely necessary to allow the applicant to meet reasonable, investment-backed expectations for use of the property, and whether such use can be accomplished while preserving Heritage Trees.
   iii. If any Heritage Tree removals are granted, the applicant shall meet all the mitigation and replacement conditions outlined in 8.8(7)b. (above), except that any decisions delegated to the City Manager in that paragraph shall be made by the City Council.

(8) Protection of Trees During Construction

All protected trees next to an excavation site or a construction site for any building, structure, or street work will be guarded with a good substantial fence, frame, or box not less than 4 feet high and surrounding the entire protected zone of the tree(s). Barriers will be approved by the City Engineer, or his / her designee, and will be in place before any site clearance or other site-disturbing act commences. Developer to bear burden of watering/ sustained growth of impacted existing trees and new replacement trees indicated on Tree Plan. The protection barrier will also include the following:

a. Location. The protection zone should be located a minimum of 1 foot per tree for each TC 3.1-inch of the tree - for example, 10 feet from a tree with an average TC 31-inch

b. Building Materials. All building material, dirt, excavation or fill materials, chemicals, construction vehicles or equipment, debris, and other materials will be kept outside the barrier.

c. Term. Barriers will remain in place until the final building and landscape site inspections are satisfactorily completed for the issuance of the Certificate of Occupancy (CO).

(9) Denial of Tree Plan

The denial by City Staff of a Tree Plan may be appealed to the City Council if the request for appeal is submitted at least 10 days before the next scheduled meeting after the applicant is notified of the Tree Plan denial. The appeal will be heard at the next regularly scheduled City Council meeting. The Preliminary Plat process will be postponed until the appeal has been heard and a decision rendered.

(10) Exclusions

The proposed removal of *Celtis Occidentalis* (Hackberry), *Melia Azedarach* (Chinaberry) and *Ligustrum spp.* (Ligustrum) are excluded from the requirements of this Section. The proposed removal of *Juniperis Ashei* (Common Ashe Juniper or Cedar), *Juniperus Virginiana* (Eastern Red Juniper or Cedar) and *Prosopis spp.* (Mesquite), which are TC 48 inches caliper in size or smaller are also excluded from the requirements of this Section.

(11) Penalties

Any violation of this Section is subject to penalty in accordance with Section 12, Compliance and Enforcement, of this Code.

CHAPTER 9 INFRASTRUCTURE AND PUBLIC IMPROVEMENTS

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Chapter 9 Infrastructure and Public Improvements

Section 9.1 Purpose and Intent

(1) Purpose

The purpose of this Chapter is to assure that residential and nonresidential development projects constructed within the City of Fair Oaks Ranch (City) and its extraterritorial jurisdiction (ETJ) are adequately furnished with necessary public infrastructure. These include streets, water, wastewater, stormwater drainage and roads, among others.

(2) Comprehensive Plan

Design and construction of infrastructure in the City and ETJ will be consistent with the policies and guidelines established in the most recent versions of the Fair Oaks Ranch Comprehensive Plan, the Fair Oaks Ranch Thoroughfare Master Plan (Thoroughfare Plan), Fair Oaks Ranch Master Drainage Plan (Drainage Plan), and the Fair Oaks Ranch Utility (Water/Wastewater) Master Plan (Utility Plan). Any interpretation of the requirements of this Section will be made in a manner consistent with these Plans (See Section 9.2 below).

(3) Annual Review

The Planning and Zoning Commission (Commission) and the City Engineer will have an annual review of amendments to the minimum design standards of the following and will make recommendations to the City Council regarding the adoption of such amendments:

a. Texas Commission on Environmental Quality (TCEQ),
b. Texas Department of Transportation (TxDOT) Standard Specification for Construction of Highways, Streets and Bridges
c. Texas Manual on Uniform Traffic-Control Devices (TMUTCD)
d. Fair Oaks Ranch Utilities Water and Wastewater Capital Improvements Plan (WWCIP), San Antonio Water System Standard Specifications for Water and Sanitary Sewer Construction, City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, 35-506 pertaining to streets,
e. City of San Antonio LID Guidance Manual,
f. San Antonio River Authority (SARA): San Antonio River Basin Low Impact Development Technical Guidance Manual,
g. Greater Edwards Aquifer Alliance: Watershed Stewardship for the Edwards Aquifer Region, A Low Impact Development Manual,
h. City of New Braunfels Low-Impact Development Design Manual,
i. City of San Antonio Storm Water Design Criteria Manual
j. San Antonio Water Systems Standard for Utility Construction Testing
k. City of San Antonio Appendix C: Bicycle Facility Design Guidance
l. City of San Antonio Sidewalk and Driveway Design and Construction Guidelines San Antonio Design Guidance Manual,
m. City of San Antonio Standard Specifications for Construction,
n. San Antonio Water System (SAWS) Specifications for Water and Sanitary Sewer Construction (Standard Details Manuals).

Section 9.2 General Standards

(1) Compliance with Standards

Full compliance with the standards contained within this Code must be obtained before the issuance of a building repair, plumbing, or electrical permit for any structure on a lot within a subdivision within the jurisdiction of the City.

(2) Review, Permit and Enforcement

In fulfilling any responsibilities in this Section that require technical or other expertise, the City Manager (or designee) will rely on the assistance of the City Engineer or another designee for such expertise.

(3) Unapproved Final Plat or Site Development

City approvals, including building, repair, plumbing, or electrical permits, will not be issued and the City will not provide maintenance or services on a lot, parcel or development for which a Final Plat or Site Development Permit has not been approved and recorded.

(4) Grandfather Provisions

The provisions of this Section will not be construed to prohibit the issuance of permits for any lot or undivided tract or parcel of land upon which a residence exists that was in existence prior to the passage of this Code or any other amendments thereafter.

(5) Required Improvements

In the absence of any provision to the contrary, the Subdivider / Developer will provide the following improvements, as approved in the construction plans, in conformance with the standards, specifications and requirements of this Code:

a. Streets including rights-of-way, alleys, sidewalks, bridges, and signalization;
b. Water Systems including utility easements, water distribution lines, fire hydrants, valves, pumps, and water towers;
c. Wastewater Systems including utility easements, wastewater lines, manholes, and lift stations;
d. Drainage Systems including drainage easements, channels, storm sewer lines and inlets, basins, control structures, and landscaping;
e. Protection of environmentally sensitive features
f. Park Land and Improvements;
g. Permanent Monument Markers;
h. Utilities for electric and telephone service and associated utility easements installed in conformance with the terms and regulations of the provider of said utility;
i. Gas, Fiber Optics and Other Telecommunications Services and Associated Utility Easements, when provided, installed in conformance with the terms and regulations of the provider of said utility.

(6) Improvement Continuity and Integration

All improvements must be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Pedestrian, vehicle, water, wastewater and drainage improvements must be extended to the perimeter of a subdivision.

(7) Improvement Plans

a. Registered Professional Engineer. Plans for the improvements required by this Chapter will be prepared and approved in accordance with the provisions contained herein and certified for accuracy and completeness by a Registered Professional Engineer licensed in the State of Texas.

b. Record Drawings / As-Built Drawings. After completion of construction, the developer will deliver to the City as-built construction documents indicating all improvements, new construction, and upgrades. These documents will clearly indicate the location of all improvements including the location of public utilities and infrastructure. The documents will include a certification from a Registered Professional Engineer or that all construction required by this Code was performed in compliance with the standards and specifications required of this Code. The developer will also deliver a digital file of the approved and As-Built record drawing plans for each improvement in the following formats:

1. File format: AutoCAD DWG,SHP- Layers to be determined by the City Engineer
2. Coordinate System: NAD 1983 State Plane Texas South Central FIPS 4204 Feet REF FRAME: NAD_83(2011)(EPOCH:2010.0000)
3. Vertical NAVD88 (Computed using GEOID12A)
4. Accuracy: Appurtenances will be located with a positional tolerance of 1:10,000+0.10'
5. A letter of certification by a registered Professional Engineer attesting to the As-Built digital files accuracy

(8) Acceptance of Improvements

a. Inspections. During the course of installation and construction of the required improvements, the City Engineer or another designee of the City Manager will make periodic inspections of the work to ensure that all improvements comply with this Code and other municipal, county and state requirements.

b. Record Drawings and Maintenance Bonds. Upon completion of installation and construction of all required improvements, the Developer may seek acceptance of all public improvements by the City, by submitting the required number of copies of record drawings and a maintenance bond in an amount equal to 10% of the cost installation and construction of all required improvements. The length of the maintenance bond will be determined by the size and complexity of the development and will be stated in the Developer Agreement.

c. Testing. All testing will be in accordance with *San Antonio Water Systems Standard for Utility Construction Testing,* unless otherwise specified in this Chapter. For the wastewater lines and all appurtenances associated therewith, at the Developer's expense, the Developer will provide for and submit reports from the TV inspection of the lines and all appurtenances associated therewith prior to any acceptance. In addition, the developer will provide a statement signed by a Registered Professional Engineer that all improvements have been installed and constructed in accordance with the submitted record drawings.

(9) Maintenance and Supervision

a. Subdivision Maintenance Agreement. Where a residential subdivision contains wastewater lines, wastewater treatment facilities (WWTF), water supply systems in common, drainage facilities, streets, ROW, common space areas, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not, or cannot, be satisfactorily maintained by an existing public

agency, provision will be made which is acceptable to the City for the proper and continuous operation, maintenance and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities will be presented to the City Manager (or designee) and approved as to form by the City Attorney at the time of final plat approval or site development permit issuance, and will be filed of record with the plat or permit thereof.

b. Temporary Work Easement. Where required, for purposes of installation or maintenance of city, other public or private utilities, water or wastewater service, a temporary work easement shall be grated for the duration of the necessary work, including the right to move, store and remove equipment and supplies, and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of the project.

Section 9.3 Adequate Public Facilities (APF) Processing Procedures

(1) Facilities and Services

A final plat or replat or site development permit will not be approved unless the land proposed for subdivision or site development is adequately served by essential public facilities and services (see Section 9.2(5)). Adequately served is defined as having an approved construction plan that demonstrates that public facilities and services will be constructed. The final plat can be approved but not filed until such time as the public facilities and services have been accepted by the City Engineer and with a letter of acceptance being issued by the City Manager (or designee). Those services include the following:

a. Street Access and Parking:

i. Safe and Reliable Access. A final plat, replat or site development permit will not be approved unless the proposed lot(s) have safe and reliable access for daily use and emergency purposes.

ii. Direct Access to Improved Street. A plat or replat will not be approved unless the proposed lot(s) have direct access to an improved public or private street, an approved public way, or an approved access easement in accordance with Section 7.4(1), Design Principles, of this Code, and connected to an improved public thoroughfare.

iii. Two Means of Vehicular Access. Except for lots that are provided access from an approved cul-de-sac, all subdivisions must have at least two means of vehicular access or approach on a paved public right-of-way. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, in its sole discretion, accept a temporary street connection, or median divided street or entry to satisfy this requirement. Vehicular access must also be provided, where necessary, for maintenance of utilities.

iv. Parking. All parking facilities, including driveways, parking lots, parking garages, and all other facilities intended for the temporary storage of motorized vehicles, trailers, bicycles, and other transportation devices, will be designed in compliance with the requirements contained herein. It is the intent of this Code that parking facilities are constructed to provide adequate capacity and functionality to the uses they serve while preserving the health, safety, and welfare of the residents of the adjacent areas and the City overall.

b. Water. The proposed lot(s) or development must be connected to the City's water system or a community water supply system acceptable to the City that is capable of providing adequate

water for health and emergency purposes. All lots must be provided service connections from a looped water main providing water flow from two directions or sources, exceptions only where it is impracticable and demonstrated by developer's engineer. New developments or improvements of existing developments should consult the Utility Master Plan for compliance with that Plan. For residential or non-residential developments not being serviced by the City, a letter of service must be submitted from the water corporation indicating their intent to service.

c. Fire Protection. Water service must be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the City Engineer. The City may require the phasing of development, and/or the construction of improvements to maintain adequate fire protection.

d. Wastewater. The proposed lot(s) or site developments must be served by an approved means of wastewater collection and treatment. The projected wastewater discharge of a proposed development will not exceed the proposed capacity of the proposed development's wastewater system. The City may require the phasing of development or improvements to the systems so as to maintain adequate wastewater capacity. New developments or improvements of existing developments should consult the Utility Master Plan.

e. Drainage. Increased stormwater runoff attributable to new development must not exceed the capacity of the downstream drainage systems, or adversely affect adjoining property. Where the projected runoff would exceed capacity based on the standards specified in this Code, the City may require the phasing of development, the use of control methods such as retention or detention, and the construction of off-site drainage improvements as means of mitigation. New developments or improvements of existing developments should consult the City of Fair Oaks Ranch Drainage Master Plan for compliance with that Plan.

f. Parks and Recreation. Adequate parks and recreational facilities that meet the requirements and standards specified in this Code must be provided. All residential developments, including commercial / mixed use developments, will be required to comply with these standards and requirements.

g. Lighting. A final plat or replat or site development permit will not be approved unless lighting requirements as defined in this Code are met.

h. Monumentation and Survey Control. Monument and ground control requirements of this Code must be met.

(2) Fiscal Surety and Assurance of Construction and Maintenance

A final plat or replat or site development permit will not be approved unless the Developer has complied with all the requirements for Fiscal Surety relating to Construction and Maintenance as detailed in Chapter 12, Compliance and Enforcement.

Section 9.4 Streets

(1) Purpose

The purpose of this section is to ensure adequate and safe pedestrian and vehicle circulation within the City and ETJ, and into adjoining areas. All developments will provide for streets and sidewalks to serve said development in accordance with the requirements and design standards of this Section and other sections or manuals, guidelines, reports, as may be referenced in this Section.

(2) Requirements and Design Standards

a. Design and Construction. All design and construction of streets, alleys, drainage facilities, and utilities must conform to the current amended *City of San Antonio Unified Development Code Article V,* unless otherwise specified in this Chapter, and to sound engineering principles to include the following:

i. Traffic-Control and Street Name Signs. Traffic-control and street name signs will be installed by the Subdivider at all street intersections within or abutting the subdivision or as directed by the City. All such signs will be installed in accordance with standards of the Texas Manual on Uniform Traffic-Control Devices (TMUTCD). Street signs will match and utilize the City's existing standard template.

ii. Surface Drainage. Surface drainage from private property will be taken to streets, alleys, or drainage courses as quickly as possible, and that drainage water from streets and alleys be taken to defined drainage courses as quickly as possible. Using streets and alleys as major drainage courses is not permitted.

iii. Grades. Minimum grades of streets and alleys will be three-tenths of one percent (0.30%) and a maximum grade of ten percent (10%). Concrete or rock retards will be installed in ditch lines in conformity with the current, amended *City of San Antonio Unified Development Code Article V,* in areas where required by the City. Profiles of streets will be furnished, showing existing centerline elevations, both right-of-way line elevations and proposed centerline grade. At creek or other drainage crossings where consideration must be given to the proper handling of stormwater, a profile of the flow line of such creek, or other drain extending sufficient distance, both upstream and downstream to determine proper street grade and size of drainage structure at such crossing is required.

iv. Drainage Structures. Drainage structures of permanent type will be provided at crossing of drainage courses with streets or alleys, in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to minimize damage to and excessive maintenance of public property. Such drainage structures will have minimum of thirty-six feet (36') clear roadway.

v. Open Channels and Ditches. Open channels and ditches will be constructed to proper cross-section, grade, and alignment so as to function properly, and without permitting destructive velocities.

vi. Base. All street sections will be installed with a minimum of an eight (8") inch thick base, compacted flexible base material. Base material used for streets will conform to the requirements of *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges,* unless otherwise specified in this Chapter. The compacted base will extend a minimum of 12 inches behind the back of curb (where curb exists). All returns will have minimum radius of fifteen feet (15'). All curbs (where required) will be constructed in accordance with current specifications of the current, amended *City of San Antonio Unified Development Code Article V* unless otherwise specified in this Chapter.

vii. Pavement. The pavement will be compacted, in accordance with the *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges,* unless otherwise specified in this Chapter. Pavement will be 2-inches (2") compacted.

viii. Trees. Large or other desirable trees within the limits of the right-of-way and outside of the construction area will be left and protected.

ix. Alleys. Alleys will be paved at least ten feet (10') wide. The finished centerline grade of alleys will be low enough below the abutting property to provide proper drainage.

b. Assumptions**.** The above specifications for construction of streets are based on the assumption that a flexible base with an asphalt pavement will be constructed in keeping with prevalent practice in the City of Fair Oaks Ranch. The materials, design, specification and procedure will conform to those of the *City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, and 35-506* for similar construction. This also applies if a concrete pavement is used instead of the flexible base with asphalt pavement. Base material used for streets, will conform to the requirements of *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges*. *Texas Department of Transportation Standard Specification for Construction of Highways, Streets and Bridges, Item 345, Grade #2 Asphalt Stabilized Base,* may be used in lieu of the #2 flexible base. Before placing any material, the contractor will furnish the City with reports of analysis of the proposed material made by an approved laboratory.

(3) Assessment and Improvement of Transportation Network

a. Purpose and General Policy:

i. Purpose. The City will approach existing and future transportation system in a holistic manner to ensure that not only a street type is appropriate for a given area but ensures that a desired development pattern is reinforced by the public investment. Even in a semi-rural context, there are a variety of users and needs in a given right-of-way.

ii. Context Sensitive Design Policy. This transportation policy is reflected in zoning policy and recognizes the value of context sensitive streets that accommodate a variety of users appropriate to the desired development context, and that can serve multiple infrastructure purposes. In conjunction with calibrated zoning and desired market outcomes, the policy is intended to support existing development and enable appropriate future growth in Fair Oaks Ranch in a manner than sustains quality and value over time.

b. Applicability. The regulations in this section apply to existing and future transportation networks associated with land development activities, within the City limits and within the City's ETJ. Any application for subdivision approval, subdivision improvements, or site development permit in accordance with this Code must comply with these standards.

c. Transportation Goals. The resulting benefits from the Context Sensitive Design approach can include the following:

i. Balanced Modal System**.**

ii. High-quality, Diverse Place Types**.**

iii. Fire, Safety, Traffic Management and Development Pattern Alignment**.**

iv. Mutually Beneficial Guidance. As development occurs, this Code should provide the appropriate tools that can be easily understood by Developers and City Staff so that a common framework for transportation can result. The tools are grounded in best management practices (BMPs) from the following:

1. Institute of Transportation Engineers (ITE) *Designing Walkable Urban Thoroughfares* Manual,
2. National Association of City Transportation Officials (NACTO) *Urban Street Design Guide*,
3. AASHTO *Guide for the Development of Bicycle Facilities*, and
4. *US DOT Federal Highway Administration Small Town and Rural Multimodal Networks.*

d. Existing Plans, Context and Projects: Area agencies that plan transportation needs for the region and affect the City include the following:
   i. The Alamo Area Metropolitan Planning Organization (AAMPO). The AAMPO's mission is to provide a comprehensive, coordinated and continuous transportation planning process for the safe and efficient movement of people and goods, consistent with the region's overall economic, social and environmental goals. (http://www.alamoareampo.org/Plans/MTP/)
   ii. Texas Department of Transportation (TxDOT) San Antonio District. The San Antonio District plans, designs, builds, operates and maintains the state transportation system in the City of Fair Oaks Ranch and in Bexar, Comal and Kendall Counties, among others. (http://www.txdot.gov/inside-txdot/projects/project-tracker.html)
   iii. Other Regional Organizations Affecting Fair Oaks Ranch Transportation Systems:
      1. Alamo Area Council of Governments (AACOG) (http://www.aacog.com/101/Commute-Solutions); and the
      2. Alamo Regional Mobility Authority (Alamo RMA) (http://www.bexar.org/339/Alamo-Regional-Mobility-Authority)

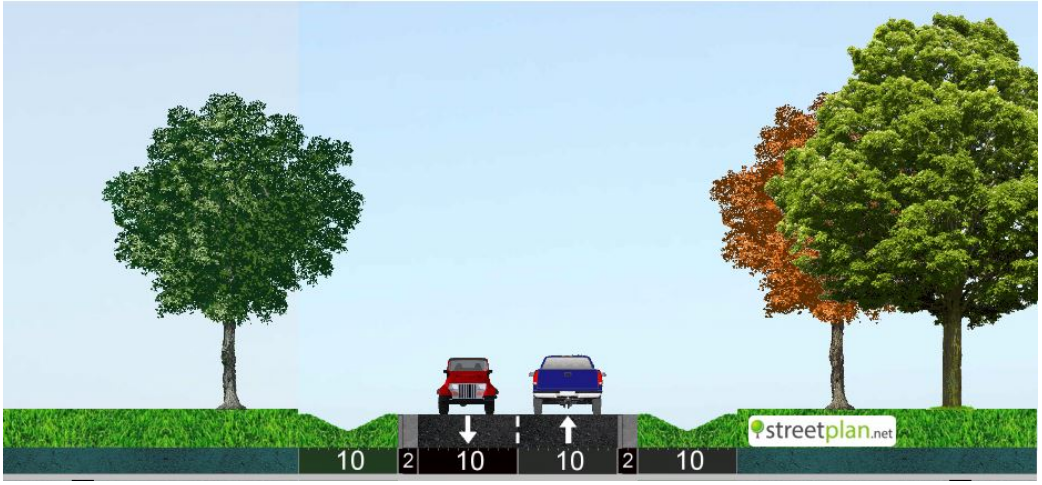
e. Transportation Network Priorities and Outcomes. The following priorities and outcomes will guide the development of the street network and the implementation and its technical guidance herein:
   i. External Access Points. Neighborhoods will aim to be connected to one another through a street system that offers two or more external access points.
   ii. Dead-end Streets. Dead-end streets will be used on a limited basis and only in very low-density areas.
   iii. Walking and Cycling. Walking and cycling will be a convenient option of movement within the network in terms of safety and efficient movement from one location to another.
   iv. Access to Local Commercial Destinations. Access to local commercial destinations from adjacent neighborhoods will be achieved through the collector and local street network as opposed to arterial roadways.
   v. Street Types. Street types and networks will balance efficient travel with appropriate speeds.
   vi. Connecting Streets. Connecting streets will be assigned within a network in conjunction with an overall connectivity strategy, rather than just to link *ad hoc* elements of subdivisions.
   vii. Natural Features. Roadways will follow natural features such as creek beds and topography as appropriate.
   viii. Linkages. Linkages between streets and trails will be purposeful and integrated into the transportation network.

(4) Street Classifications

a. Street Definition: All streets will be classified and defined as follows:
   i. Alley. This streets policy assumes that alleys will be paired with certain street types in specific development contexts. A public or private vehicular roadway, designed for the special accommodation of the property it serves and not intended to be used for general public use. In no case will dead-end alleys be permitted.

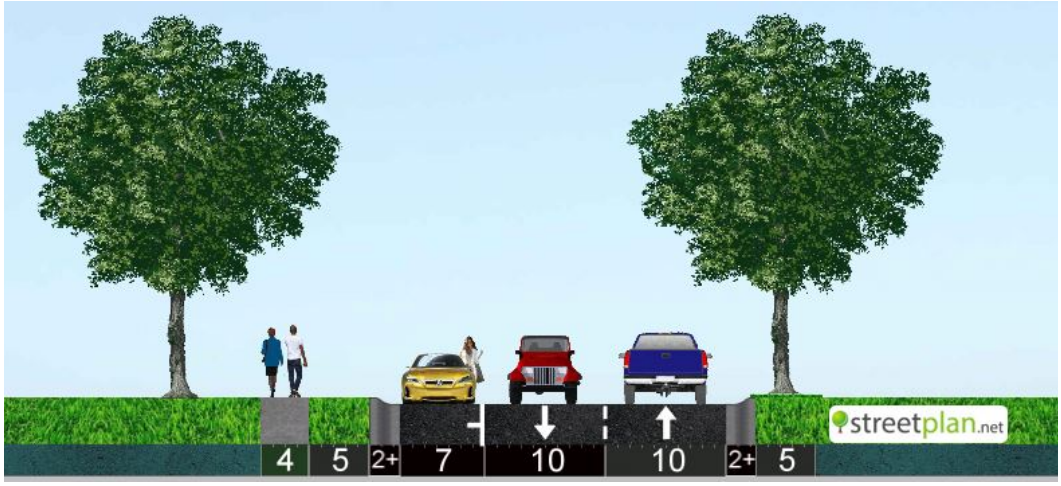
   ii. Local Rural Residential (Local). Access to primarily low density rural residential lots within

a development without added pedestrian facilities.



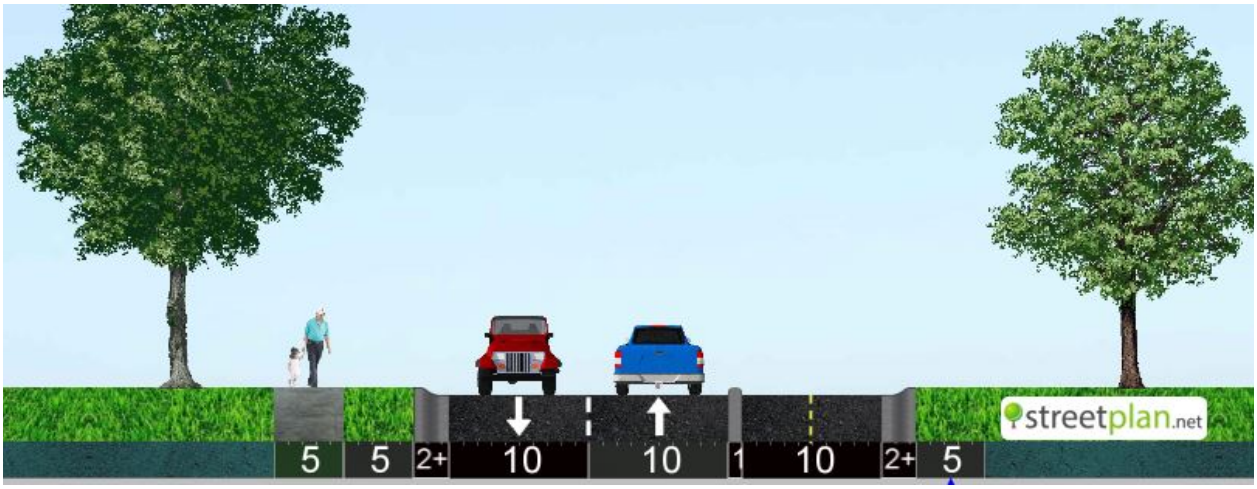
Local Rural Residential

iii. Local Neighborhood Residential (Local). Access to primarily medium density neighborhoods within a development with some pedestrian facilities.



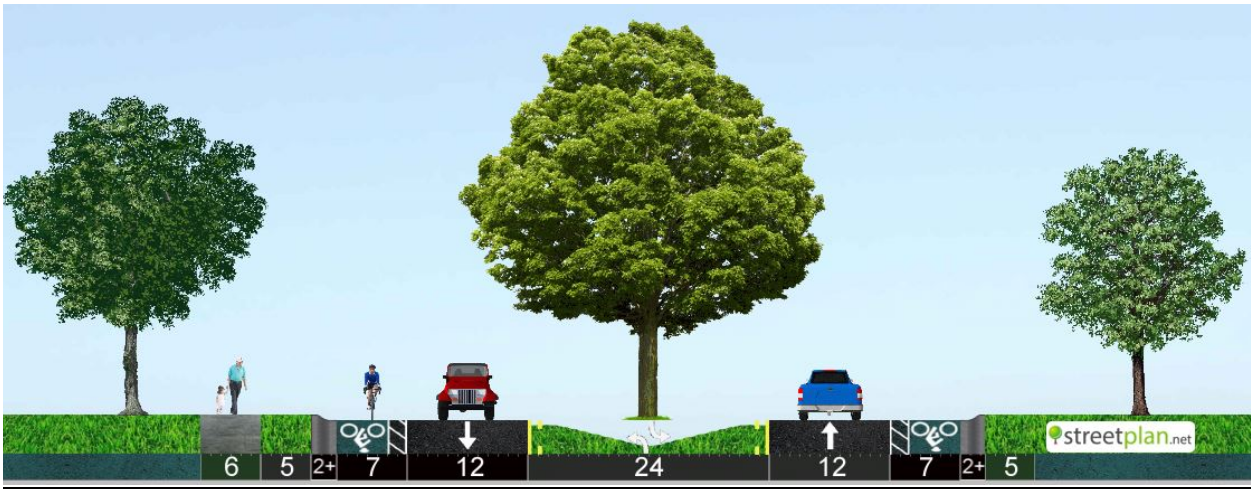
Local Neighborhood Residential

iv. Local Connector (Local-Connector). — Access to Collectors and Arterials. Used for minor circulation within a development with moderate traffic accommodation local multimodal users. A Local Connector street primary functions is to serve abutting land use and traffic within a neighborhood or limited residential district, approximately two hundred to one thousand trips per day, maximum. A local street is generally not continuous through several districts.



Local Connector

v. Collector (Collector - Major) — Access to Arterials. Used for major circulation between development. Ideal as an edge for mixed-use to serve multi-modal users. A street whose main purpose is to collect and direct traffic from local streets to arterial streets, to carry traffic between arterial streets, approximately one thousand to five thousand trips per day, or to provide access to abutting commercial or mixed use properties or higher intensity residential land uses. Collectors may have a landscaped median supplemental width in the landscaped right-of-way that serves as a buffer between the roadway and adjacent development and preserves and enhances the natural landscape as much as possible.



Collector

vi. Arterial (Arterial-Major). A State roadway that serves as a connection to a major highway. Rural treatment and buffers to adjacent development. The primary function of an arterial street is to carry high volumes of through traffic, a minimum of five thousand trips per day. Access is usually limited to intersections and major driveways. Arterial streets serve as a link between major activity centers.

vii. Cul-de-sac. A street which terminates in a vehicular turnaround.

viii. Access Road. A street which is parallel and adjacent to an arterial street. It is designed to

provide access to abutting properties so that the properties are sheltered from the effects of the through traffic on the arterial street or so that the flow of traffic on the arterial street is not impeded by direct driveway access from abutting properties. When used as a private drive, it will be referred to as a "private parallel driveway."

b. Street Matrix: Table 9.1 provides design guidance for each respective street type and its particular purpose, rather than attempting to create every specific detailed application for any possible scenario. The design guidance approach, rather than a set of non-flexible prescribed cross-sections, will enable the development of streets and a street network—for a series of neighborhoods or a given neighborhood—that are better calibrated to the needs of the desired development:

Table 9.1 Street Matrix

Fair Oaks Ranch Streets Policy Matrix					
Street Type	**Arterial**	**Collector**	**Local Connector**	**Local Neighborhood Residential**	**Local Rural Residential**
Street Purpose	**Arterial - Major**	**Collector - Major**	**Local - Connector**	**Local**	**Local - Rural**
Street Description	State Roadway that serves as a connection to a major Highway. Rural treatment and buffers to adjacent development.	Access to Arterials. Used for major circulation between development. Ideal as an edge for mixed-use to serve multi-modal users.	Access to Collectors and Arterials. Used for minor circulation within development with moderate traffic accommodation local multimodal users.	Access to primarily medium density neighborhoods within a development with some pedestrian facilities.	Access to primarily low density estate residential lots within a development without added pedestrian facilities
Overall Right of Way					
High	Requires Further Study	125	75	60	47
Low	Requires Further Study	39	39	42	45
Right-of-Way Width Typical	Requires Further Study	79	54	47	45
Travel Way					
Overall Pavement Width (min)	Requires Further Study	24'	24'	27'	22'
Number of Travel Lanes (max)	Requires Further Study	2 to 4	2	2	2
Lane Width Not Including Accessory Lane (min-max)	11' - 12'	11'-12'	10' - 11'	10' - 11'	10' - 11'
Parking					
Parallel Parking	Not Permitted	Optional	Optional	One Side Minimum	Not Permitted
Parallel Parking Width	N/A	8'	8'	7'	N/A
Multimodal Facilities					
Accessory Lane (Golf Cart, Cycle Track)	Requires Further Study	Allowed	Allowed	Not Permitted	Not Permitted
Accessory Lane Configuration	Requires Further Study	Two way shared Cycle track/ Golf cart Path	Two way shared Cycle track/ Golf cart Path	N/A	N/A
Accessory Lane Width	Requires Further Study	10' (Two - 5' Lanes)	10' (Two - 5' Lanes)	N/A	N/A
Median					
Median	Requires Further Study	Optional	Not Permitted	Not Permitted	Not Permitted
Width	Requires Further Study	12'-24'	N/A	N/A	N/A
Curb Treatment					
Curb Type	Curb and Gutter or Flat	Curb and Gutter or Flat	Curb and Gutter or Flat	Curb and Gutter or Flat	Flat
Width	18" each side	2.5' each side	2.5' each side	2.5' each side	2.5' each side
Streetscape Zone					
Overall Width Per Side (min)	Requires Further Study	5'	5'	5'	10'
Furnishing Sub-Zone					
Minimum Width	Requires Further Study	5'	5'	5'	10'
Landscaped or Hardscaped	Requires Further Study	Both permitted	Landscaped only	Landscaped only	Landscaped only (Drainage Swale)
Pedestrian Scale Street Lighting	Optional	Optional - (Required only when adjacent to Mixed Use)	Optional	Optional	Not Permitted
Street Trees	Optional	Required	Required	Optional	Optional
Sidewalk/Trail Sub-Zone					
Sidewalks	Required. Exact configuration of sidewalk and/or trail accommodation	One side required if no trail parallel to street	One side required if no trail parallel to street	Optional	Not Permitted
Sidewalk Width (min)		6'	5'	4'	N/A
Access to Public Space					
Link to trail, open space, or public destination	Improved trailhead with signage	Improved trailhead with signage	Improved trailhead with signage	Improved trailhead with signage	Improved trailhead with signage

Storm water Accommodation					
Accommodation within the ROW for context appropriate Storm water and LID considerations	Requires Further Study	Drainage Swale, Filter Strip, Detention areas, etc. allowed and encouraged in the landscaped streetscape or median	Drainage Swale, Filter Strip, Detention areas, etc. allowed and encouraged in the landscaped streetscape	Drainage Swale, Filter Strip, Detention areas, etc. allowed and encouraged in the landscaped streetscape	Drainage Swale, Filter Strip, Detention areas, etc. allowed and encouraged in the landscaped streetscape
Intersections					
Pedestrian enhanced crosswalks	Required	Required	Optional	Optional	Optional
Utility Placement					
Water/Wastewater/Storm Sewer Location Priority	1. Under Parking Lane 2. Furnishing Sub-Zone	1. Under Parking Lane 2. Furnishing Sub-Zone	1. Under Parking Lane 2. Furnishing Sub-Zone	1. Under Parking Lane 2. Furnishing Sub-Zone	1. Furnishing Sub-Zone

c. Street Continuation. Whenever a street continues an existing street that formerly terminated outside the subdivision or parcel, or it is anticipated that the street will be continued beyond the subdivision or parcel at some time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or parcel.

d. Proportionality. There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the Developer for new development to dedicate and improve offsite, abutting and internal street rights-of-way to City standards. The Developer must assure the City that the effects of the development are 1) mitigated through contributions of street rights-of-way and transportation system improvements, and 2) that new developments contribute their fair share of the costs of those transportation improvements. If the traffic from a new development affects a state controlled highway, then the Developer must coordinate the necessary improvements with the applicable Texas Department of Transportation (TxDOT) District. That process will include the following:

   i. The Developer will work out an agreement with TxDOT and request TxDOT submit the necessary contract documents between TxDOT and the City of Fair Oaks Ranch to use as a basis for the transportation agreement between the City of Fair Oaks Ranch and the Developer.

   ii. When a Final Plat is submitted, the Developer must have obtained the above agreement on the necessary road improvements and must submit that agreement, between the City of Fair Oaks Ranch and the Developer, to meet the requirements established by TxDOT.

   iii. Only after the agreement has been finalized and the funds to make the improvements are deposited with the City of Fair Oaks Ranch can a Final Plat be recorded.

e. Point of Contact (POC). The City Manager (or designee) will be the primary POC with the Developer or his/her agents, and has considerable authority and responsibility for administering the provisions of this Section. All final decisions concerning participation in costs and completion of improvements affecting City streets and any County roads that will be annexed into the City as part of the development must be specified in a Traffic Impact Analysis (TIA), the City's capital improvements or mitigation plans as required in this Section.

(5) Traffic Impact Analysis

a. Purpose. A Traffic Impact Analysis (TIA) shall be required with any subdivision or Site Development Permit application that is anticipated to generate traffic in excess of 150 average daily trips or 50 peak hour trips. A TIA is not required if one was conducted as part of

a subdivision or concept plan process within the last 12 months and accounted for a similar use and intensity on the site.

b. Applicability. Where a TIA demonstrates the need for off-site facilities or improvements to existing adjacent facilities, the Developer will make such improvements to adjacent streets, off-site Collector and Arterial Streets and intersections as are necessary to mitigate traffic impacts generated by the development.

c. Required Components of the TIA. Whenever a TIA is conducted, the following elements will be included:

   i. Scoping Meeting. A scoping meeting with the City Engineer is required before completing the TIA;

   ii. General Site Description. The TIA will include a detailed description of the street network within one mile of the site, a description of the proposed land uses, the anticipated states of construction, and the anticipated completion date of the proposed land development. This description, which may be in the form of a map, will include the following items:

      1. All major intersections;
      2. All proposed and existing ingress and egress locations;
      3. All existing street widths and rights-of-way; and
      4. All existing traffic signals and traffic-control devices.

   iii. Proposed Capital Improvements. The TIA will identify any changes to the Street network within one and a half (1.5) miles of the site that are proposed by any government agency or other developer. This description will include the above items as well as any proposed construction project that would alter the width or alignment of streets affected by the proposed development.

d. Street Impact Analysis:

   i. Trip Generation. The number of trips will be based upon the latest edition of the *Institute of Transportation Engineers (ITE) Trip Generation Manual*. Attention should be given to Internal Capture for Mixed Use development where that is applicable. The average daily trip and peak hour trip estimates will include a breakdown of trips by type of vehicle in accordance with the *Federal Highway Administration Vehicle Classification Types*. The following items will be required to determine trip generation: 1) average weekday trip generation rates (trip ends); 2) the average weekend trip generation rates (for uses other than residential or institutional); 3) the highest average a.m. and p.m. hourly weekday trip generation rates; and, 4) the highest hourly weekend generation rates (for uses other than residential or institutional).

   ii. Trip Distribution. Within the study area identified in Section 9.4(5)c.i, above, the distribution of trips to Arterial, Collector, and Local Streets will be in conformity with accepted traffic Engineering principles, taking into consideration: 1) the land use categories of the proposed development; 2) the area from which the proposed development will attract traffic; 3) competing developments (if applicable); 4) the size of the proposed development; 5) development phasing; 6) surrounding existing and anticipated land uses, population and employment; 7) existing and projected daily traffic volumes; 8) peak hour traffic volumes; and, 9) existing traffic conditions identified pursuant to Subsection 1.04(1) above.

e. Adequacy Determination. The street network included within the TIA will be considered adequate to serve the proposed development if existing streets identified as Arterials and

Collectors, and any affected local streets, are basically satisfactory to good progression of traffic and can accommodate the following:

i. The existing service volume, and
ii. The service volume of the proposed development, and
iii. The service volume of approved, but un-built developments holding valid, unexpired building permits.

f. Mitigation Measures. The TIA will include a Mitigation Plan that will identify transportation improvements, if any, needed to maintain the same or higher level of service than exists prior to development during each phase of development. Where the analysis indicates that the project will create transportation system deficiencies in the impact area, improvements will be recommended which will include projected cost estimates. The Mitigation Plan will also include provisions for any dedications in the future that will be necessary to comply with stormwater regulations (based on the current *City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, 35-506)*. Where the final approval authority for any procedure determines that a Mitigation Plan is not adequate to address the traffic impacts of the project, it may serve as a basis for denial of the permit or subdivision plat. Mitigation measures may include, but are not limited to, the following:

- Mid-block traffic circles or other traffic calming devices;
- Limitation on the number of dwelling units or land intensity to be served;
- Temporary access points;
- Identification of additional fire protection measures, which might be employed, such as obstruction clearance easements, etc.;
- Mid-block pedestrian access easements;
- Traffic signal or lane enhancements; or
- Context sensitive street designs.

g. Streets Affected by Subdivision. The City Council may require the Developer to construct or improve portions of existing streets which do not border or abut a proposed development, but are clearly affected by the development based on the findings of an applicable TIA.

h. Intersection Analysis.

i. Level of Service Analysis. For intersections within the Street TIA area described in Section 9.4(5)c.i above (General Site Description), a level of service analysis will be performed for all Arterial-to-Arterial, Arterial-to-Collector, Collector-to-Arterial, and Collector-to-Collector intersections, and for any other pertinent local intersections identified by the City. Also, level of service analyses will be required on all proposed site driveway locations for all nonresidential developments.

ii. The City may waive analysis of minor intersections and site driveway locations within the TIA's one and a half (1.5) mile radius.

iii. The level of service analysis will be based upon the highest hourly average a.m. or p.m. peak weekday volume, or highest average hourly peak weekend volume as determined from a two-day survey of weekday volumes and, where necessary, a one-day survey of weekend volumes.

iv. The level of service analysis will take into consideration:

- Lane geometry;
- Traffic volume;
- Percentage of right-hand turns;

- Percentage of left-hand turns;
- Percentage (and typical size) of trucks;
- Intersection width;
- Number of lanes;
- Signal timing and progression;
- Street grades;
- Pedestrian and bicycle flows;
- School routes;
- Number of accidents; and
- Peak hour factor.

v. The intersections included within the TIA will be considered adequate to serve the proposed development if existing intersections can accommodate the:
- Existing service volume;
- Service volume of the proposed development; and
- Service volume of approved, but un-built developments holding valid, unexpired building permits.

(6) Bikeways

The primary function of bikeways is to carry bicycle traffic. They should not be used to carry significant pedestrian traffic unless they have been designed to do so. Bikeways will be designed in conformance with the requirements set forth in the *City of San Antonio Appendix C: Bicycle Facility Design Guidance*. Bikeways have been classified into three types:

a. Type I Off-Road Bikeway or Bicycle Path. Type I Bikeways are used primarily for recreational purposes. Intersections with roadways should be minimized.
b. Type II Bicycle Lane. Type II Bikeways are located within the vehicular roadway and in the outside lane, and are intended for the preferential or exclusive use of bicycles. Typically, Type II Bikeways should not be used on streets that allow parking unless designed to accommodate both uses.
c. Type III Bicycle Compatible Street. Type III Bikeways are streets that do not have dedicated bikeways. Local Rural Residential and Local Neighborhood Residential Streets often accommodate both vehicular and bicycle traffic with no extra width requirements. Nonresidential collectors and arterials may require additional width in the outside lanes of the roadway to safely accommodate both cyclists and commuters.

(7) Street Crosswalks

a. Crosswalk rights-of-way will have a minimum of four (4) feet in width dedicated where deemed necessary by the City Council as recommended by the Planning and Zoning Commission. Crosswalk will be approved to provide safe and convenient circulation or access to schools, parks, trails and playgrounds, commercial centers and other community facilities, or to provide safe and convenient pedestrian circulation within a development. City Council may require the subdivider or site developer to dedicate a crosswalk right-of-way with a width of greater than four (4) feet and/or provide alternative crosswalk surfacing if it is deemed necessary for pedestrian safety and convenience.
b. Crosswalks will be clearly marked with pavement marking that comply with the requirements set forth in the *Texas Manual on Uniform Traffic Control Devices*, Section 3B.18 Crosswalk

Markings.

(8) Driveway, Sidewalk and Pathway Standards

All sidewalks, driveway entrances and other openings onto streets within the City's jurisdiction will be constructed in accordance with the requirements of the City of San Antonio *Sidewalk and Driveway Design and Construction Guidelines* as amended and where applicable, and TxDOT's criteria for access to public ROW's, unless otherwise specified in this Chapter. Approval from the City Engineer must be obtained for the installation of any facilities in a public right-of-way. Provisions for permanent care and maintenance of driveways, sidewalks, paths, walkways, easements and right-of-ways will be made and approved by the City Manager (or designee) prior to approval of the Final Plat.

a. General Residential Driveway Design: Driveways and other openings will be designed so that:
   i. Stormwater runoff into public streets and standing water is minimized;
   ii. Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets;
   iii. Interference with the free and convenient flow of traffic, pedestrian and vehicular, is minimized;
   iv. The lowest grade possible is used, necessitating, in some cases, switchback type designs. In no case will a grade of more than fifteen (15) percent be permitted;
   v. Drainage culverts are installed to provide adequate drainage and storm water flow; and
   vi. The driveway pavement width on the public right-of-way for single-family residences will be a minimum of twelve (12) feet with a maximum of twenty (20) feet. Driveway materials, including asphalt, concrete and gravel, and design must be approved by the city Engineer;
   vii. No residential driveways will front onto an arterial.
b. General Non-residential and Mixed Use / Multi-family Driveway Design. Driveways and other openings will be designed as follows:
   i. There will be a minimum spacing between driveways of two hundred (200) feet;
   ii. Single lane driveways will be a minimum of ten (10) feet in width;
   iii. Two-way entrances will be twenty-four (24) feet in width;
   iv. Driveways will not be located within the minimum side setback required for the zoning district and land use where the driveway is located unless approved by City Engineer;
   v. Connecting drive aisles between adjacent properties are used where appropriate (and may be required by the City Manager (or designee) as a condition of approval); and
   vi. Non-residential and multi-family driveways serving more than eight (8) residences do not access local residential streets.
c. General Sidewalk Design Standards: Sidewalks will be designed so that:
   i. They are at least four (4) feet in width or wider;
   ii. On all Arterials and Collectors, sidewalks are six (6) feet wide or wider;
   iii. Pedestrian access from the streets to schools, parks, playgrounds, open space corridors, commercial and retail centers, or other nearby streets is facilitated;
   iv. Sidewalks will not immediately abut streets, but will be separated from the street surfaces to the maximum extent possible allowing for right-of-way width, shoulders, drainage ways, etc. Sidewalks will be separated from the surfaces by a minimum of four (4) feet unless otherwise approved by the City Engineer; and

v. Whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped will be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs will be constructed in accordance with the requirements of the City of San Antonio *Sidewalk and Driveway Design and Construction Guidelines* as amended.

d. Pedestrian Paths. The pedestrian paths to be constructed through the midsection of long blocks, as may be required by this Code, will be designed to provide continuous access through the neighborhood by connecting to and aligning with similarly situated pedestrian paths on adjoining blocks, and by connecting with sidewalks along the block face. Pedestrian Paths will be designed as follows:

i. A minimum of fifteen (15) feet of right-of-way, with landscaping and provisions for drainage on both sides of the Path, is required.

ii. The pavement of the pedestrian paths is six (6) feet in width, terminating at sidewalks on each block face; and

iii. Pavement reinforced Portland concrete pavement in accordance to the specifications set forth for sidewalk construction in the City of San Antonio *Sidewalk and Driveway Design and Construction Guidelines* as amended, except that the City Engineer may recommend, and the City Council may permit, the installation of pedestrian paths constructed with other suitable materials when it concludes that:

1. Such paths would serve the residents of the development as adequately as concrete sidewalks; and
2. Such paths would be more environmentally desirable or more in keeping with the overall design of the development.

iv. For certain Pedestrian Paths that only serve a small number of residences, a reduction in pavement width may be permitted by the City Manager (or designee).

e. Walkways. The City Engineer may recommend, and the City Council may permit, the installation of walkways constructed with other suitable materials when it concludes that such walkways:

i. Would serve the residents of the development as adequately as concrete sidewalks;

ii. Would be more environmentally desirable or more in keeping with the overall design of the development.

(9) Street Lights

Street lights meeting the Dark Sky requirements will be installed by the Developer at major street intersections within the development, and at major intersections on the boundaries of the development, in accordance with the requirements set forth in this Code and as deemed appropriate by the City Council.

(10) Street Signs and Markings

Street signs and markings will be installed by the Developer at all intersections within, or abutting the development in accordance with the most recent edition of the *Texas Manual on Uniform Traffic Control Devices*. Names of new streets will not duplicate or cause confusion with the names of existing streets. If a new street is a continuation of, or in alignment with, existing streets, the names of the existing streets will be used. Street names will be compatible with the County's 911 service.

(11) Private Streets

a. Standards. All private streets will conform to the same standards as set out herein for public streets. Private streets will not be included to meet minimum lot sizes.
b. Speed Limits. Speed limits for private streets will be set according to the *American Association of State Highway and Transportation Officials (AASHTO) standards*.
c. Gated Communities. Gated communities have the following additional requirements:
   i. Queuing Distance. A minimum one hundred (100) foot queuing distance from the gate to an intersecting exterior right-of-way.
   ii. Paved Circular Turnaround. A paved circular turnaround on the public side of the gate of at least one hundred (100) feet in diameter and a right-of-way of at least one hundred thirty (130) feet in diameter.
   iii. Access. Access will be allowed and provided for emergency vehicles and personal and City staff personnel.

(12) Fire Access

a. General Requirements:
   i. Onsite Improvements. All onsite improvements and facilities needed to provide emergency service and firefighting capability for new developments will be provided by the Developer.
   ii. Access Lanes. Fire apparatus access lanes will be provided for every facility, building or portion of a building constructed when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than one hundred fifty (150) feet from fire apparatus access as measured by an approved route around the exterior of the building.
   iii. Limited Access. More than one fire apparatus lane will be provided when it is determined by the City Manager (or designee) that access by a single road might be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.
   iv. Unfavorable Conditions. The City Manager (or designee) is authorized to require additional fire protection measures when fire lanes cannot be installed due to building location on property, topography, watercourses, non-negotiable grades, or other similar conditions.
   v. Emergency Services. All other standards and requirements of the Leon Springs Volunteer Fire Department and the City Ambulance Services will be met.
   vi. Owner Responsibility. The designation of fire lanes does not make the City responsible for the maintenance of the fire lanes on private property. The owner of the property continues to be responsible for the maintenance of the area.
b. Specifications:
   i. Unobstructed Width and Vertical Clearance. Fire apparatus access lanes will have an unobstructed width of not less than fifteen (15) feet and an unobstructed vertical clearance of not less than fifteen (15) feet.
   ii. Corner Radii. Fire access lanes will have a minimum twenty (20) foot inside and forty (40) foot outside corner radius.
   iii. Dead-End Fire Apparatus Access Lanes. Dead-end fire apparatus access lanes in excess of one hundred fifty (150) feet in length will be provided with approved provisions for the turning around of fire apparatus.
   iv. Fire Lane Markings. Fire apparatus access lanes will be designated as tow away zones,

clearly identified, properly marked and maintained to prevent obstruction by parking or any other obstruction at the expense of the Owner as follows:

1. Markings are to be painted on any areas designated as the fire lane;
2. The markings must be red with white stenciling reading "FIRE LANE / TOW AWAY ZONE" in lettering at least three (3) inches in height;
3. The stenciling will be at intervals of thirty-five (35) feet or less; and
4. The owner will cause signs to be posted at both ends of a fire lane and at intervals of 50 feet or less.

v. Load Support. Fire apparatus access lanes will be designed and maintained to support the imposed loads of fire apparatus (80,000 lbs. gross vehicle weight) and will be provided with a surface so as to provide all-weather driving capabilities.

(13) Utility Requirements in Streets

Utilities installed in public rights-of-way or along private roads will conform to the requirements set forth in this Code and must conform to the current *City of San Antonio Unified Development Code Article V, Sections 35-504, 35-505, 35-506* and sound engineering principles.

Section 9.5 Utilities

(1) Purpose and Intent

The purpose of this section is to ensure the standardization and adequacy of utility design and construction. This will afford adequate provision of service to community residents and facilitate future utility improvement.

(2) Utility Ownership and Easement Rights

a. Transfer of Ownership. In any case in which a Developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television, or other telecommunication facility and intends that such facility will be owned, operated, or maintained by a public utility or any entity other than the Developer, the Developer will transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

b. Installed in Public Right-of-Way. Wherever practicable with regards to topography and other constraints, all major utility service facilities will be installed in a ten (10) foot public right-of-way outside of the paved area. . Individual service connections to end-users may be installed out of the public right of way.

c. Coordination with City. Any installation of water, sewer, electrical power, telephone, or cable television, or other telecommunication facility will be coordinated with the City.

d. Appropriate Licenses. Any Developer installing or causing the installation of such utilities will acquire the appropriate licenses required by the City prior to utility construction or installation.

e. Dedication of the Entire Easement. When a Developer will be completing a development in phases, and when utility services are planned to be extended through the completed development for connection to properties beyond the development, the City may require an immediate dedication of the entire easement to ensure the orderly construction and extension of utility services in the areas beyond the Developer's tract.

f. Drainage Easements:

i. General Requirements. Natural watercourses and channels should be used wherever practical to carry runoff. Any modifications to existing watercourses and channels must be approved by the City Manager (or designee). Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, an easement or right-of-way will be provided conforming substantially to the 100-year floodway or channel limits of such watercourse, plus additional width to accommodate future needs.

ii. Enclosed Systems. Storm drainage easements of fifteen (15) feet minimum width will be provided for existing and proposed enclosed drainage systems. Easements will be centered on the systems. Larger easements, where necessary, will be provided as directed by the City Manager (or designee).

iii. Use of Streets as Drainage Facilities. Streets may be used for stormwater drainage only if the calculated stormwater flow does not exceed the height of the curb and the velocity does not exceed ten (10) feet per second. Residential streets and all other collector or arterial streets will be designed on a basis of at least a ten-year storm frequency. Where streets are not capable of carrying stormwaters as required above, drainage channels or storm sewers will be provided. Street width will not be increased solely to accommodate drainage.

(3) Utility Lines Under Paved Streets

a. Construction Prior to Street Paving. In general, all utilities should avoid installation directly under the pavement except for crossing perpendicular to the street. However, where necessary utility lines that are to be constructed under a paved street will be installed before the street is paved.

b. Construction Under Existing Street. All utility lines installed under an existing paved street will be installed by boring to a point at least three (3) feet beyond the edge of pavement and must be approved in advance by the City Engineer or City Manager.

c. Property Not Belonging to Developer. Whenever it will be necessary for an Owner or Developer of property described above to extend existing utility lines across an intervening property or right-of-way not belonging to said owner the requirements of this section will apply to the placement of all poles, overhead wires, associated structures, and utility lines across such intervening property or right-of-way.

(4) Utility Installation Standards

a. Vertical and Horizontal Separations. All new utility installations and modifications to existing utility facilities will maintain the minimum vertical and horizontal separations from all other utilities required by the owner of said utilities and will be installed in accordance with all applicable federal, state, and local laws.

b. Underground Utilities. When any new development takes place on any property within the City which either has been subdivided into two (2) or more lots, or is zoned or rezoned for a nonresidential use, the Owner or Developer of any such lot will refrain from constructing poles and installing overhead wires and associated structures, and instead, will place all utility lines underground in accordance with sound engineering principles, best management practices (BMPs), and in conformance with all building codes adopted by the City.

(5) Responsibility

All expenses for installation of utilities and for construction costs associated with placing utility lines underground will be borne by the Developer of the lot or utility owner.

(6) Easement Vacation

Existing utility easements will be vacated, partially or wholly, upon dedication of public right-of-way.

Section 9.6 Water and Wastewater Utilities

(1) Purpose

The purpose of this section is to ensure the adequate provision of water and wastewater service to residents within the City and to protect the health, safety, and welfare of the community through standardization and quality of water and wastewater utilities design and construction.

(2) General

a. Texas Commission on Environmental Quality (TCEQ). The Rules and Regulations of TCEQ, as published and adopted will be the minimum standards for the design, installation, and regulation of water and wastewater facilities in the jurisdiction of the City of Fair Oaks Ranch.

b. Inspection, Certificate of Occupancy and Appeal:

   i. Inspections. The City Engineer, or another designee of the City Manager (or designee), will conduct as many inspections as necessary of the water or wastewater systems, but at least two inspections, . One inspection will occur after completion of the installation of underground facilities but prior to backfilling of any soil. Another inspection will occur upon completion of the entire system but prior to its operation. The applicant or registered installer will notify the City that an inspection is desired at least five (5) business days prior to the need for inspection. The applicant or registered installer will provide whatever reasonable assistance the City requests in order to make the inspection and will be present at the time of inspection.

   ii. Approve or Disapprove. The City Engineer, or his / her designee, will have the authority to approve or disapprove of the system. If he determines that there are materials, construction, or installation practices that are not in compliance with the requirements of this Code, then the City will have the right to cause all development related work to cease and desist until the City determines that the work can be or has been brought into compliance with applicable City regulations.

c. Recharge Zones. Water and wastewater facility installation and improvements determined to be in the Recharge Zone of the Edwards or Trinity Aquifers will be designed and constructed in accordance with the increased requirements developed by TCEQ for all water and wastewater facility improvements in the Recharge Zone in addition to any other requirements adopted by the City.

d. Connection to the City's Systems. All developments in the City limits and exterritorial jurisdiction (ETJ) will be designed and sited in a manner that enables, to the maximum extent practicable, the connection to the City's water and wastewater system. Connection requirements include the following:

   i. Future Connections. Connection that may not be completed at the time of permit issuance.

   ii. On-Site Sewage Facilities (OSSFs). All developments that are designed to be served by OSSFs will be designed to allow, to the maximum extent practicable, the future extension of gravity sewer lines along the property lines and the connection of individual

wastewater lines from such developments to the City sewer by gravity flow.

(3) Adoption of *Manuals*

a. Adoption of the City of San Antonio *Design Guidance Manual*, the City of San Antonio *Standard Specifications for Construction*, and the San Antonio Water System (SAWS) *Specifications for Water and Sanitary Sewer Construction (Standard Details Manuals)*. The latest versions of the City of San Antonio *Design Guidance Manual*, the City of San Antonio *Standard Specifications for Construction, and the* San Antonio Water System *Standard Specifications for Construction,* and subsequent updates are hereby adopted by the City of Fair Oaks Ranch for the purpose of establishing rules and regulations for the design, development, construction, alteration, enlargement, repair, conversion, improvement, use, and maintenance of utilities, including water and wastewater facilities, until such time that the City of Fair Oaks Ranch may create and adopt a Utilities Criteria Manual and Standard Details Manual or other such documents regulating the design, construction, and modification of water and wastewater facilities. Such portions that may be hereinafter amended, deleted, or modified by the City of Fair Oaks Ranch will be the governing document in the design, development, and construction of all improvements within the city limits and extraterritorial jurisdiction of the City of Fair Oaks Ranch. Where any provision of this Code conflicts with a provision or requirement of the adopted Standard Details Manuals listed above, or the TCEQ rules, the more stringent requirements will control.

b. San Antonio References Changed to Fair Oaks Ranch. For the purposes of this Ordinance, all references within this UDC of the Standard Details Manuals listed above or in other places, will mean "City of Fair Oaks Ranch"; likewise, all references to "Water and Wastewater Utility", "Utility", "Public Works Department", or "Watershed Protection and Development Review Department" or any administrative subunits of these entities or their successors will mean "City of Fair Oaks Ranch City Engineer" unless noted otherwise herein. All addresses, telephone numbers, or contact information in the Standard Details Manuals listed above will be replaced by the corresponding information for the City of Fair Oaks Ranch City Departments.

c. Water and Wastewater Fees and Rates / Forms. All water and wastewater fees and rates will be as established by the ordinances of the City of Fair Oaks Ranch; likewise references to all forms, including but not limited to Application Forms, will be construed to mean those corresponding forms used by the City of Fair Oaks Ranch.

d. Developments Not Connected to City of Fair Oaks Ranch Water and/or Wastewater. At a minimum, all new developments or improvements of water or wastewater systems within the City Limits or ETJ of the City of Fair Oaks Ranch not connected to City of Fair Oaks Ranch water or wastewater service will be required to comply with the requirements of the City of Fair Oaks Ranch water line construction and the County's OSSF rules in which the development is located.

e. For purposes of this article, a lot is "served" by a City-owned water or wastewater line if connection is required by this Section.

(4) Wastewater

a. General Design Standards:

i. Licensed Professional Engineer. All wastewater installations will be designed by a Licensed Professional Engineer, registered to practice in the State of Texas, in accordance with this Code and the San Antonio Water System (SAWS) *Specifications for Water and Sanitary Sewer Construction (April 2014*). The Engineer will provide a letter certifying that

the completed construction of the wastewater system meets the minimum regulations of the State of Texas and the county in which the wastewater system has been constructed. Whenever the standards and specifications of the City, county, or the State conflict, the more restrictive requirements will govern.

ii. Wastewater System Improvements. All wastewater collection system improvements will be designed and sized to meet the minimum design standards of the Texas Commission on Environmental Quality (TCEQ), the design standards set forth in the Fair Oaks Ranch WWCIP and Section 9.6(3) above. All wastewater systems will be sized to accommodate the maximum peak flow plus infiltration flows, which will render the pipe flowing no greater than three-fourths full. Minimum slope will be according to current TCEQ rules and regulations and wastewater design standards.

iii. Locations. Wastewater mains will be located in the street right-of-way except where required otherwise to transport the wastewater to the treatment facility or a pump station. Separation distances will comply with TCEQ design standards found in Texas Administrative Code Title 30 Environmental Quality, Chapters 217, Design Criteria for Domestic Wastewater Systems, and 290, Public Drinking Water.

iv. Materials. Wastewater lines will be of PVC plastic, SDR 26/ASTM D-2241, or another type pipe as approved in writing by the City Manager (or designee) in accordance with Section 9.6(3) above.

v. Minimum Diameter of Mains and Services. All wastewater mains will be a minimum of eight (8) inches inside diameter. Service lines serving individual lots will be no smaller than six (6) inches inside diameter.

vi. Manholes. Manholes will be spaced not more than five hundred (500) feet apart.

vii. Lift Stations and Force Mains. All lift stations and force mains will be constructed in accordance with TCEQ's Chapter 217 – Design Criteria for Domestic Wastewater Systems, Subchapter C: Conventional Collection Systems §§217.51 – 217.71, as amended, unless otherwise specified in this Chapter.

b. Permits:

i. Permit. A permit for the construction of a wastewater collection system or service connection will be required.

ii. Plans. Three (3) copies of the plans for the wastewater collection system and/or service connection including a plat showing the location of the system will be required. The plans will show the seal of the Engineer responsible for the design.

iii. Review. The City Engineer will review the plans for the proposed wastewater collection system an or service connection and recommend issuance of a permit if he determines that the plans are in compliance with the all the requirements set forth herein.

c. Connection to City of Fair Oaks Ranch Wastewater Collection System Required:

i. Possible Connection. Wherever it is legally possible and practicable in terms of topography to connect a lot with a City wastewater line by running a connecting gravity or pressure line not more than five hundred (500) feet from the lot to such line, then a CO may not be granted until such time that connection is made to such line.

ii. Impossible Connection. Connection to such wastewater line is not legally possible if, in order to make the connection with such line by a connecting gravity or pressure line that does not exceed five hundred (500) feet in length, it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and after diligent effort, the easement necessary to run the connecting line

cannot reasonably be obtained.

iii. Excused from Compliance. An owner of improved real property may be excused from compliance with this subsection if the owner has received a written determination from the City Engineer that it is not feasible for the domestic sewage facilities on the owner's property to be connected with the City's wastewater collection system.

iv. Separate and Direct. Connection of uses to the City's wastewater collection system will be made in the most direct manner practicable, and a separate connection to the system is required for each building.

v. Responsibility. The Developer / Owner of a tract of property is responsible for all the costs of connecting the property to the organized system, including the cost of disassembling any existing OSSF under TCEQ guidelines. Existing OSSFs must be disassembled before service is provided.

vi. Cesspools and Pit Privies. It is unlawful for any person to use or maintain a cesspool or pit privy within the jurisdiction of the City. Developments within the ETJ must comply with the requirements of the County in which the property is located, and the State of Texas pertaining to cesspools and pit privies. It will be unlawful for any person to use or maintain any wastewater facility not permitted or not constructed in accordance with applicable State rules at the time of construction.

d. Wastewater Disposal Facilities Required. Every principal use and every lot within a subdivision will be served by a wastewater disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

e. On-site Sewage Facilities:

i. General Requirements. All systems will be designed in compliance with the "Design Criteria for On-Site Sewage Facilities," Texas Administrative Code 30 TAC 285.1-285.91 and the appropriate County's rules for OSSFs.

ii. Specific requirements for the Edwards and Trinity Aquifer Recharge Zones. Lots determined to be on the Edwards or Trinity Aquifer Recharge Zones as depicted on the official map of TCEQ which will not be connected to the City's wastewater system will have an area of at least one (1) acre. When it is difficult to determine from the maps of the TCEQ whether particular lots lie within a Recharge Zone, the City may make the determination, based upon a geological inspection of the site by a professional geologist competent to perform this task. The inspections will be conducted at no cost to the City.

f. Restrictive Covenant and other Conditions:

i. OSSF Agreement with City. In connection with and as a condition for the issuance of a permit for the installation or construction of an OSSF, the property owner will execute an agreement with the City, entitled "Restrictive Covenant" to be filed among the Property Records of the County Clerk in which the property is located, wherein the property owner covenants and agrees that:

1. Within ninety (90) days of the date the City notifies the property owner in writing that the City wastewater collection line or any extension thereof runs within five hundred (500) feet of the property line, the owner will, at his expense, connect his wastewater line to the City system.

ii. City OSSF Permit. In connection with and as a further condition for the issuance of a permit for the installation, construction, operation, or maintenance of an OSSF, the property owner will agree that, in the event an alarm or monitor condition indicates that

the facility should be emptied or is leaking or otherwise malfunctioning, the City will report the malfunction to the County for appropriate corrective action. If he / she fails to take whatever corrective action as required after due notice the City may turn off the water service at the property.

iii. Transfer of Property with OSSF. In connection with and as a further condition for the issuance of a permit for the installation, construction, operation, or maintenance of an OSSF, the property owner will agree that, should ownership of the property be transferred, the property owner has a duty to and will advise the person to whom ownership is transferred of the terms and conditions of any permit or agreement required or entered into pursuant to this Section.

iv. County OSSF Permit. The terms and conditions of such covenant, and any agreements required to be executed there under, will be incorporated into and made a part of the maintenance and operation permit issued by the appropriate County.

v. Other Reasonable Action. The City may impose such other reasonable restrictions and conditions in connection with the issuance of a permit required hereunder as it deems necessary for the protection of the public health.

g. Revocation of Permit:

i. Failure to Comply. A permit may be revoked by the County for failure to comply with the requirements for the issuance of such permit.

ii. Non-Compliance. If it is determined that a permittee is not in compliance, the City will notify the county in which the property is located, that the person(s) in possession and/or the property owner, in writing, of the nature of the non-compliance.

iii. Corrective Action. The permittee will have thirty (30) days after notice of non-compliance to correct the defects except as provided herein. If the permittee has made a reasonable effort to correct the defects within the thirty (30) day period, but fails to complete the work, the County may extend the period not to exceed an additional thirty (30) days for each extension.

iv. Revocation Action. If non-compliance has not been corrected within the period allowed for its correction, the County will revoke the permit and notify the property owner and/or permittee in writing. A permit that has been revoked is void and has no effect, as if the permit had never been issued.

h. Certificate of Occupancy (CO). In the case of new construction of residential or commercial buildings, the CO will not be granted until the letter from the designing Engineer or Sanitarian certifies that the wastewater system is constructed according to the minimum standards of the State of Texas, the County in which the development is located, and the City of Fair Oaks Ranch, whichever are more restrictive, and the City Engineer or City Manager (or designee) has approved the system.

i. Appeals. A written appeal of a decision by the City Engineer, or another designee of the City Manager for the City, may be made to the City Council to reject a request for a CO within ten (10) days of the rejection of the CO request. The appeal will be acted upon at the following meeting of the City Council.

(5) Water

a. General Design Standards.

i. Licensed Professional Engineer. All water production and distribution facilities will be

designed and sized by a Licensed Professional Engineer, registered to practice in the State of Texas, in accordance with this Code, and the minimum design standards of the TCEQ, the design standards set forth in the Fair Oaks Ranch WWCIP, and Section 9.6(3) above. The Engineer will provide a letter certifying that the completed construction of the water system meets the minimum regulations of State of Texas, the County and the City. Whenever the standards and specifications of the City, County, or the State conflict, the more restrictive requirements will govern.

ii. General Specifications. Piping for water mains and connections will be poly-wrapped ductile iron AWWA C151/C105 or Polyvinyl Chloride (PVC) AWWA C900, with either mechanical or single rubber gasket joints. All pipe and accessories will be of new materials only.

iii. Minimum Diameter. Water mains smaller than eight inches inside diameter will not be permitted, except that water mains less than 600 feet long and located solely in residential areas may be six inches inside diameter. Fire hydrants will be installed on an 8-inch or larger diameter water line.

iv. Maximum Length. In all areas, water mains will be no longer than that length which would by fluid friction render the main incapable of producing the desired flows and pressures required for the type of area to be served.

v. Valve Locations. The distribution system in all areas will be equipped with a sufficient number of valves and the valves will be so located that no case of accident, breakage or repair to the water distribution system mains will necessitate shutting from service a length of water main greater than either two sides of a single block or a maximum of 1800 feet. Sectionalizing valves will be located such that no greater than one block will be out of water service at one time. All valves will comply with AWWA C515 and open left.

vi. Service Lines. Service lines of two inches or less will be schedule 80 PVC. Service lines larger than two inches will be copper, ductile iron AWWA C151/C105, or PVC AWWA C900. Corporation stops will be schedule 80 PVC. The minimum sizes of service lines that will be used are as required in the following table:

Table 9.2 Minimum Water Service Line Sizes

Number of Dwelling Units	Service Line Size (inches)
1	1
2 - 3	1-1/2
4 - 10	2

b. Fire Hydrants. All extensions or additions to the City water distribution system within the subdivision must meet the requirements set forth in the current ISO Rating as promulgated by the Texas State Board of Insurance (TBI) for the installation of fire hydrants. Fire hydrants will be colored standard red and provided as required in the San Antonio Water System (SAWS) *Specifications for Water and Sanitary Sewer Construction, Item No. 834 "Fire Hydrants."* All fire hydrants will open left.

i. Type. Standard three-way hydrants will be installed and will have a six-inch or larger connection to mains with a minimum five-inch valve opening.

ii. Location. All fire hydrants will have a six (6) foot clear horizontal radius of 360 degrees around the fire hydrant, clear of vegetation and landscaping. All fire hydrants will be located on street corners, the end of cul-de-sacs or side property lines so as to be readily accessible at all times. All fire hydrants will be equipped with at least a six (6) inch valve

located on the hydrant lead and the valve and hydrant will be mechanically anchored to the main.

iii. Maximum Spacing. Hydrants will be properly located along streets so there will be a fire hydrant every three hundred (300) feet in the commercial / mixed-use areas and every six hundred (600) feet in residential areas, so that every building will be within five hundred (500) feet of a standard fire hydrant. Hydrants must be equipped with the National Standard hose threads.

c. Water Supply:

i. Service Required. The Developer will, at his / her sole cost and expense, provide domestic water service to each lot within a new subdivision from either Fair Oaks Ranch Utilities or another state approved community water system. The water distribution system required under this Section will include: the extension of the water lines, including fire hydrants, across the entire length (frontage) of all newly established lots adjacent to a public right-of-way, all pumping station facilities, elevated storage tanks, and other appurtenances required to adequately serve the area being subdivided.

ii. Transferable Water Rights. In addition to any and all other obligations provided by local ordinance, or other law, the developer must provide transferable water rights or accessible water rights or sources for use by the City of Fair Oaks Ranch to ensure ample water supply necessary to support the development. Such source must meet or exceed all standards, requirements and specifications applicable to a water source used by an approved public water supply system pursuant to Texas law and regulations.

iii. Demand Required. The City of Fair Oaks Ranch, based on use and intensity of water consumption reasonably anticipated through the examination of the development and land use projection as presented in the master planning process, annexation process or request for extension of service within the extraterritorial jurisdiction (ETJ) of the City, will define the ample water supply necessary for the proposed development or land use project. The amount of accessible or transferable water rights necessary to ensure ample water supply for the City, considering and including the additional water demands placed on the system by the development or land use project will be determined by the City of Fair Oaks Ranch at the time of master plan or land use project approval or upon obtaining service through a voluntary annexation agreement, or upon obtaining service with the ETJ of the City, which is within the City's existing or proposed extension of the Certificate of Convenience and Necessity (CCN) establishing the water service area.

iv. Ample Supply Required. In defining the ample water supply necessary for a proposed development or land use project the City of Fair Oaks Ranch will use as the minimum for calculating the ample water supply necessary to support the development or land use project at 1.5 acre-feet (AF) of water per each connection planned for a project. The City of Fair Oaks Ranch may as it deems in the best interest of the City adjust the amount of water necessary for any project that includes schools, churches, hospitals, medical facilities, landscape nurseries, agricultural or livestock activities, commercial or industrial activities or for any project for which a meter is requested or will be installed and utilized and/or if it is anticipated that water usage will exceed the minimum amount of water based on 1.5 AF of water per connection.

v. Service Request. All developers or property owners requesting water service from the City of Fair Oaks Ranch for new residential development or commercial development, to include annexation of property into the city limits or extension of the city's existing CCN

must submit a master plan for the property for consideration by the Planning and Zoning Commission. The City Engineer will determine the use and intensity of water consumption reasonably anticipated through the examination of the land use project presented. After such determination has been made, the City Engineer will make recommendation to the City Council of the amount of accessible or transferable water rights necessary to ensure ample water supply to the development, land use project, annexation or CCN extension. The City Council will make the final finding on the City Engineers recommendation prior to submission of the master plan, land use project or annexation request to the Planning and Zoning Commission. Any extension of CCN that does not involve development, platting or annexation of property or extension of any city infrastructure or services other than water may not require Planning and Zoning consideration therefore the finding by the City Council will be final.

vi. Developer Required to Tie to Existing Water Supply. Where an approved public water supply or distribution main is within reasonable distance of the development as determined by the City Council, but in no case more than one-half (0.5) mile away and connection to the system is practicable, the Developer will be required to bear the cost of connecting the development to such existing water supply. The Developer will make a pro-rata contribution to funding of needed water supplies, storage facilities, treatment facilities, transmission, and distribution as determined necessary by the City. If these requirements are impracticable, a variance may be granted by the City Council.

vii. TCEQ Regulations. The Developer will install adequate water facilities, including fire hydrants, subject to the specifications of the regulations covering the extension of public water systems adopted by the TCEQ.

viii. Sufficient Size. Water systems will be of sufficient size to furnish adequate domestic water supply, to furnish fire protection and water services to all lots, and to conform to the City of Fair Oaks Ranch *Water and Wastewater Utility Plan* and specific plans for provision of expanded capacity. No water main line extensions will be less than six (6) inches in diameter.

ix. Connectivity and Fire Flow and Pressure. All water lines will be connected to other distribution system water lines at both ends. Where it is not practical to connect a water line to the system at both ends, the dead-end water lines will be the minimum size that will provide fire flow and pressure as required herein. The dead end line will have a fire hydrant at end of the line.

x. Fire Hydrants. Fire Flows. Fire flows are required to conform to International Standards Organization (ISO) standards. The City Manager (or designee) is responsible for maintaining and updating the listing of required fire flows for distribution whenever ISO standards change, and for providing this listing of required fire flows for distribution to Applicants / Developers. All fire flows will be calculated with twenty (20) pound residual pressure. Fire flow calculations and/or model run printouts will be included with submittals for the City Engineer's review.

xi. State Fire Insurance Commission. The design and layout of the water distribution system will be acceptable to the State Fire Insurance Commission.

d. Location and Performance Guarantees. The location of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified areas, indicating all improvements proposed to be served, will be shown on construction plans. The cost of installing all water supply improvements to be made by the Developer, including off-

site improvements, will be included in the performance guarantees furnished by the Developer.

e. Individual Wells:
   i. Adequate Supply of Potable Water. If connection to a centralized water supply is impracticable, individual wells for each lot may be used in a manner so that an adequate supply of potable water will be available to every lot in the subdivision.
   ii. Approvals. Individual wells will be approved by the Health Official for the County in which the property is located and all other applicable well-permitting authorities, and this approval will be documented by the health official's signature on the water system statement on the plat.
   iii. Resubdivided Lots. Resubdivided lots in areas, which are currently being served by individual private wells, may be served with individual private wells with the approval of the City Manager (or designee) at Preliminary Plat approval

Section 9.7 Drainage and Erosion Control Standards

(1) Facilities Required

The Developer will provide a storm drainage system to meet a level of service as defined in this section. A storm drainage system will be provided that is capable of conveying the peak discharge generated by the 100-yr storm. Note peak flows may be reduced by detention or other on-site storage. This conveyance may be enclosed or open, or a combination of both. The system will be integrated with the storm drainage system of the City, and the design of the system must be approved by the City Manager (or designee) in accordance with the requirements of this Code. The storm drainage system is any existing collection, conveyance, or storage stormwater infrastructure within the defined street right-of-way and/or existing platted easement, and drainage paths as defined by the City.

a. Property not reserved or designed for conveying stormwater will be protected from frequent inundation of the 10-yr storm as follows:
   i. When the total drainage area is less than 2 acres, protection may be provided by following good lot grading practices, such as
      1. Clearly defining areas of disturbance and grading to protect and preserve natural and hydrologic features (natural soils, vegetation, hillsides, conservation areas, karst features, existing natural watercourses, and wetlands), and
      2. Minimize site grading and areas of disturbance and isolating areas where construction activities will occur or by one of the conveyances described below in item 1b.
   ii. When the total drainage area is 2 acres or more, one of the following conveyances must be used to convey the 10-yr storm:
      1. Pipe system conveying the design storm;
      2. Engineered open channel;
      3. A street gutter when the velocity of stormwater during a 10-yr storm is less than 10 cfs;
      4. A natural stream.

b. Buildings will be protected from the 100-yr storm by:
   i. Providing a minimum of one (1)foot freeboard above the 100-yr storm stage, at any point along the drainage system, for openings in a building. For lakes and detention basins, the 100-yr storm stage will be the water surface of flow through the defined emergency spillway.

ii. Flood-proofing a building below the 100-yr stormwater surface elevation plus one (1) foot of freeboard in accordance with the current edition of the International Building Code or as required by the City.

iii. A completed Elevation Certificate with the necessary base flood elevations hydrological and hydraulic data as needed and a letter of No-Adverse-Impact, prepared by a professional engineer or surveyor, must be submitted when the structure is completed completed and ready for habitation for residential structures

c. Street Crossings. Concentrated flow will be conveyed under streets (by roadway classification as detailed below in items i, ii, and iii). New and/or redevelopment of land that drains to a street crossing must evaluate the stormwater runoff impact to said crossing, and either improve the crossing to meet the standards set in this section or retain stormwater within the development site to pre-development conditions. These crossing may be bridges, culverts, or underground systems. Crossings will be designed to completely convey flood flows using streets as part of the stormwater conveyance system in accordance with the following criteria:

i. Street Classification = Arterial; Minimum Design Storm Capacity = 50-yr

ii. Street Classification = Collector; Minimum Design Storm Capacity = 25-yr

iii. Street Classification = Residential; Minimum Design Storm Capacity = 10-yr

iv. Overflow depths for the 100-yr storm at the low point in the roadway crossing will be limited to 7 inches measured at the high point in the roadway cross section.

d. Downstream impacts of increased impervious area resulting from development will be mitigated through detention and/or green infrastructure. Peak runoff control will be provided for the 100-yr, 10-yr, and 2-yr storms and volumetric and/or extended detention control of the annual mean storm event will be provided. The maximum release rate from any development or redevelopment will be as follows:

i. 2-yr storm peak rate less than or equal to 0.5 cfs per site acre

ii. 10-yr storm peak rate less than or equal to 2.0 cfs per site acre

iii. 100-yr storm peak rate less than or equal to 3.0 cfs per site acre

iv. Annual storm. 40-hour extended detention or other City approved green infrastructure.

e. Private property will maintain positive grades of at least 2% away from habitable structures towards lot lines. Surface drainage from private property will be graded toward existing collection, conveyance, or storage stormwater infrastructure within the defined street right-of-way and/or existing platted easement, and drainage paths as defined by the City's most current hydrologic and hydraulic model. For the City to preserve natural drainage paths and ultimately protect the interests of private property owners, the following data is required on plot plans submitted as part of the building permit application process: existing and proposed contours; existing point elevations at all lot corners; proposed point elevations at all lot corners; existing stormwater collection, conveyance, or storage infrastructure; street right-of-way; existing and/or proposed platted easement; drainage paths as defined by the City's most current hydrologic and hydraulic model; low opening elevations for structure.

(2) Purpose and Applicability

a. Altered Natural Flow and Increased Flow Rates. Growth in and around the City of Fair Oaks Ranch and the associated development and construction of buildings, paved surfaces, roads and other improvements has altered and continues to alter the natural flow of surface waters on the land. New building construction and the attendant construction of gutters, culverts, drains and channels for the conveyance of surface waters has increased the quantity of

stormwater runoff and amplified peak flow rates, thus leading to the potential for flooding of property and homes, dangerous flows within and over public roadways and streets, and soil and channel erosion.

b. On-Site and Regional Stormwater Detention and Retention Facilities. It is the intention of the City Council to protect the health and safety of the citizens and visitors of the city and to prevent damage to private property and public facilities through the proper design and construction of both on-site and regional stormwater detention and retention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion.

c. Erosion Control Practices. It is the intention of the City Council to protect the health and safety of the citizens of and visitors to the City and to prevent damage to private property and public facilities through the installation and use of temporary and permanent erosion control practices that prevent or adequately reduce increases in erosion and siltation that may otherwise increase the risk of flooding and the associated risk of public endangerment and property damage by clogging or partial filling of constructed or natural drainage ways as well as drainage structures and detention ponds.

d. Applicability. The provisions of this Chapter are applicable to all drainage improvements located within the city limits and ETJ of the City of Fair Oaks Ranch. They are intended to be implemented for entire subdivisions at the time of platting and construction of street and drainage improvements.

(3) Compliance with Drainage Requirements

Compliance with Drainage Requirements may be accomplished as follows:

a. On-Site Stormwater Detention Facilities. Design and construction by the Landowner or Developer of one or more on-site stormwater detention facilities which limits peak flood flow rates from the proposed development to existing or predevelopment peak flood flow rates from the subject tract;

b. Off-Site Drainage Improvements. Construction of, or participation in the construction of, off-site drainage improvements, such as storm inlets, storm sewers, culverts, channel modifications, detention ponds, land filling, and/or other drainage facilities such that the peak flood flows for fully-developed watershed conditions from the watershed area in which the proposed development is located will be sufficiently and safely passed without increasing the peak discharge rate or the likelihood of wing of adjacent and downstream property and roadways; and

c. Construction of or financial participation in area-wide drainage improvements, administered by the City pursuant to a regional drainage study or the City of Fair Oaks Ranch Master Drainage Plan for city limits and ETJ, as may be specified in regulations or policies relating to impact fees for drainage improvements.

(4) Adoption of City of San Antonio *Stormwater Design Criteria Manual*

Adoption of City of San Antonio *Stormwater Design Criteria Manual.* Adoption of the latest version and subsequent updates of the City of San Antonio *Stormwater Design Criteria Manual,* which along with the City of San Antonio *Design Guidance Manual* and the City of San Antonio *Standard Specifications for Construction*, adopted in Section 9.7(3) above, is hereby adopted by

the City of Fair Oaks Ranch for the purpose of establishing rules and regulations for the design, development, construction, alteration, enlargement, repair, conversion, improvement, use, and maintenance of stormwater and drainage facilities until such time that the City of Fair Oaks Ranch may create and adopt a Drainage Criteria Manual and/or Standard Details Manual or other such document regulating the design, construction, and modification of water and wastewater facilities.

(5) Drainage Study

a. Drainage Study Information. The City of Fair Oaks Ranch may require the owner of real property to provide, at the Owner's expense, and as a condition for Preliminary Plan approval, a Drainage Study for the total area to be ultimately developed. The Drainage Study must be in accordance with the City of San Antonio *Stormwater Design Criteria Manual*. The drainage study will provide the following information, for both existing and fully developed conditions:
   i. Drainage area maps as follows:
      1. Drainage Area Map (Onsite): 1 inch = 200 feet; Drainage Area Map (Entire Drainage Area): 1 inch = 1,000 feet
      2. Plan: 1 inch = 20 feet
      3. Profile (Vertical): 1 inch = 5 feet; Profiled (Horizontal): 1 inch = 20 feet;
   ii. The drainage area(s) within the subdivision, depicted on a topographic map with both existing and proposed two-foot contour intervals. Identify and locate all existing and proposed drainage features. Show defined street right-of-way and/or existing platted easement, and drainage paths as defined by the City's most current hydrologic and hydraulic model;
   iii. Composite runoff factors are based on the American Society of Civil Engineers (ASCE) compilation of average runoff coefficients utilizing the Rational Method for various surface conditions. Reference the City of San Antonio Stormwater Design Criteria Manual for relevant factors of pre- and post-development cases;
   iv. Times of concentration, which is the time for the runoff from a catchment area to reach equilibrium under a steady rainfall. It is also defined as the longest travel time it takes the runoff to reach the discharge point of a catchment area. The travel time is a parameter most often used to characterize the response of a catchment area to rainfalls. This parameter is a function of length scale, average catchment slope, and the catchment surface conditions. The time of concentration is the sum of the overland flow time and the travel time in drainage channels along the flow route to the outlet;
   v. Related rainfall intensity factors are dependent on the rainfall duration and varies with the frequency of the rainfall event; the less frequent the storm is, the larger its intensity will be. Reference the City of San Antonio Stormwater Design Criteria Manual for relevant factors;
   vi. Preliminary street grades sufficient to determine high points, low points, and direction of runoff flows;
   vii. Proposed locations of inlets, storm sewers and culverts;
   viii. Proposed routing of drainage ways; and
   ix. All proposed drainage easements, including width of easement and configuration of channel.
   x. Include on the plan set hydrologic table, hydraulic table, and storage and/or green infrastructure table that summarizes parameters and calculations.

b. Narrative. The information will be supplemented with narrative text describing the watershed and the subdivision, the general soil conditions, downstream channel conditions, all weather

access, and the presence of special flood hazard areas within the development. The study will be prepared by a Professional Engineer registered in the State of Texas. The drainage study, if required, will be submitted along with the Preliminary Plat. The City Engineer will review the submission, verify that all requirements of this Code have been met, and forward his / her recommendations to the City Manager (or designee).

(6) Flood Hazards

a. General Policy. All subdivisions will conform to the latest version of the "Flood Disaster Protection Act of 1973," Public Law 93-234, the Flood Damage Prevention Ordinance (2009) as amended and policies as dictated by the Federal Emergency Management Agency (FEMA).

b. Floodplain Designations and General Restrictions. Federal floodplains are based on a 100-year frequency discharge, and apply only in those areas where official FEMA maps have been prepared, or where 100-year water and surface profile studies are available for the City and its extraterritorial jurisdiction. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) will be permitted in an area having special flood hazards as defined by Article 2, Flood Damage Prevention Ordinance of the City unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not substantially increase the water surface elevation of the 100-year flood at any point within the City's jurisdiction.

c. General Requirements in Floodplains. The minimum building slab elevation in the 100-year floodplain will be two feet above the 100-year floodplain. The limits of the 100-year floodplain and the limits of the floodway will be shown on the preliminary and final plats as applicable.

d. Access to Subdivisions. The City will not permit new "island" subdivisions, lots or streets that would be surrounded by the floodwaters of the 100-year flood, unless:
    1. The area is accessible to high ground by a street elevated above the 100-year flood level; or
    2. The evidence presented shows that the surface area and elevation of the "island" is sufficient to sustain the residents safely during a 100-year flood.

(7) Standards and Requirements for Drainage

a. Standards and Requirements**.** The specifications and standards recommended in the most current version of the City of San Antonio *Stormwater Design Criteria Manual,* the City of San Antonio *Design Guidance Manual,* and the City of San Antonio *Standard Specifications for Construction*, as amended from time to time, including later editions, except such portions that may be hereinafter amended, deleted, or modified by the City of Fair Oaks Ranch will be the governing document in the design, development and construction of all improvements within the city limits and ETJ of the City of Fair Oaks Ranch. Where any provision of this Code conflicts with a provision or requirement of the City of San Antonio *Stormwater Design Criteria Manual,* the City of San Antonio *Design Guidance Manual,* and the City of San Antonio *Standard Specifications for Construction*, the more stringent requirements will control.

b. Computed Stormwater Runoff. Stormwater runoff will be computed on the basis of a fully developed contributing drainage area or watershed as determined under the City of San Antonio *Stormwater Design Criteria Manual*.

c. Obstruction in a Watercourse. Unless authorized by an approved site plan, a person may not place, or cause to be placed, an obstruction in a watercourse. The person in control of real

property traversed by a watercourse will keep the watercourse free from an obstruction that is not authorized by a site plan. Further, placement of fill material, or construction of impervious cover, or construction or placement of any other structure on a person's property, or performance of any excavation or grading in a manner which alters the flow of surface water across any adjacent property is prohibited.

d. Approvals: A Final Plat, development construction plans, or Site Plan may be approved only after it can be demonstrated by the Developer of such property that the proposed development will:
   i. Prevent any additional identifiable adverse flooding on other property;
   ii. Preserve the natural and traditional character of the land and the watercourse to the greatest extent feasible; and that
   iii. Meet all drainage requirements in this Code have been met.

(8) Standards and Requirements for Stormwater Detention

Unless otherwise specified herein, the design of all stormwater detention facilities will be in accordance with the minimum requirements of the current version of the City of San Antonio *Stormwater Design Criteria Manual*. Computation of detention requirements will be based on a fully developed drainage area, or watershed, in accordance with the minimum provisions of the City of San Antonio *Stormwater Design Criteria Manual*.

(9) Standards and Requirements for Erosion and Sedimentation Controls

a. Erosion and Sedimentation Controls. Temporary erosion and sedimentation controls are required for all development until permanent re-vegetation has been established and must be removed after permanent re-vegetation has been established. Design and construction of temporary erosion and sedimentation controls will be performed in accordance with the City of *San Antonio Stormwater Design Criteria Manual*.

b. Construction Phase Erosion and Sedimentation Control Plan. For all projects, the Applicant / Developer must provide a Construction Phase Erosion and Sedimentation Control Plan, acceptable to the City Engineer or another designee of the City Manager, which includes specification of control measures to be installed, a sequencing schedule specifying the dates of installation and removal of control facilities, and a maintenance schedule and commitment for the life of the erosion and sedimentation control facilities to be installed. The Developer will provide assurance of perpetual maintenance and operation of any and all facilities for stormwater detention and/or runoff management constructed under the requirements set forth herein, in a form and specification acceptable to the City. Such assurance may be specified in advance by the City and make take the form of a plat note, posting of financial surety, legal provisions of an automatic property owners association which are enforceable by the City, or a combination of these or other provisions.

c. Permanent Re-vegetation. No development will be considered complete until permanent re-vegetation is established, the City of Fair Oaks Ranch has received the engineer's concurrence letter stipulating to this fact, and the City Engineer has inspected and accepted the vegetated area. Temporary or permanent re-vegetation of bare ground in order to stabilize disturbed soil will occur at the earliest practicable date.

d. Field Modification of Plans by Inspection Personnel. City of Fair Oaks Ranch construction inspection personnel may modify an erosion control plan or construction sequencing plan in the field without notice to the permit holder if the modification is a minor change to upgrade

erosion controls or reflect construction progress; and, after two business days written notice to the permit holder, if the inspector determines that an erosion control or the construction sequencing is inappropriate and the City Engineer has confirmed the inspector's findings in writing.

e. On-Site Control of the Two-Year Peak Flow. No final subdivision plat, subdivision construction plan, site plan or building permit will be approved by the City unless the proposed development provides on-site control of the two year peak flow, as determined under the City of San Antonio *Stormwater Design Criteria Manual*. A proposed development may provide off-site control of the two-year peak if the off-site control will not cause an adverse water quality impact from increased in-stream peak flow, or stream bank erosion.

f. Registered Professional Engineer. A Registered Professional Engineer, licensed in the State of Texas and qualified and experienced in the design and operation of stormwater detention ponds and related stormwater management facilities, will perform and certify the hydraulic and structural design of stormwater detention ponds and related stormwater management facilities, including the development of engineering and technical information required for evaluation by the City.

(10) Nuisance Provision.

a. Discharge Exceptions. It will be unlawful and constitute a nuisance for any person to discharge or cause to be discharged or spilled into the storm drainage system or environment any substance other than naturally occurring stormwater runoff except for the following:
   - Return flows from irrigation,
   - Water from building foundation drainage,
   - Runoff from non-commercial car washing,
   - De-chlorinated water from swimming pools,
   - Reject water from water softening devices,
   - Water from fire hydrants including water used for firefighting,
   - Uncontaminated groundwater,
   - Springs,
   - Discharges from potable water sources,
   - Air conditioning condensation,
   - Uncontaminated condensation, and
   - Other waters determined to be non-contaminated and acceptable for return to the storm drainage system and receiving waters.

b. Liability for Damages. Nothing contained herein will be construed to relieve any person discharging or causing to be discharged water into the storm drainage system from any liability for damage caused by the volume or quality of water discharged.

(11) Responsibility for Proper Drainage Design and Construction Resides with Owner

Acceptance of requests from the Landowner / Developer to meet the stormwater detention requirements through measures listed in Section 9.7(4) above is solely at the discretion of the City and will not relieve the Landowner / Developer of responsibility under civil law to adjacent and downstream properties.

Section 9.8 Monuments and Survey Control Point Markers

(1) Subdivisions and all lots submitted for plat approval must provide monuments and control points as follows:

a. Licensed Land Surveyor. All monuments and control points will be placed by a Licensed Land Surveyor, and must be in place prior to the installation of any roadway improvements.

b. Locations. To the extent it is practicable, monuments should be installed in locations that will prevent disturbance or destruction of the monument by construction activities. Any monuments disturbed or destroyed during roadway construction will be reestablished in conformance with the provisions of this Code by a Licensed Land Surveyor.

c. Intermediate Monuments. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments will be set as to assure a clear view between adjacent monuments.

d. Markers. All corners of subdivisions and points of curvature (P.C.) and points of tangency (P.T.) along boundary lines of subdivisions will be marked with a one-half inch iron rod, two feet in length, set in the center of a concrete monument six (6) inches in diameter and thirty (30) inches deep, with the top of the concrete monument set flush with the finished ground surface.

e. Corner Markers. Corner markers will be a one-half inch iron rod, or three-fourths inch pipe, two feet in length, and will be installed flush with the ground. Corners of all lots, block corners, street right-of-way P.C.s and P.T.s will be marked with corner markers.

f. Permanent Benchmark. One permanent benchmark must be installed and referenced to the U.S. Geological Survey Datum (USGS NAD 83, mean sea level) and the State Plane Coordinate System (Texas State Plane, South Central, Feet). The City Manager (or designee) may waive the requirement for installations of a benchmark for developments smaller than 50 acres when at least two benchmarks are located within one-half mile of the proposed development's boundaries.

CHAPTER 10 SIGNS

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Chapter 10 Signs

Section 10.1 Purpose, Applicability and Effect

(1) Purpose

The purposes of regulating the placement and specifications of signs within the City's jurisdictional area are to do the following:

a. Safety. Promote and protect the safety of persons and property by assuring that signs do not create traffic hazards or impair motorists' ability to see pedestrians, other vehicles, obstacles or read traffic signs;

b. Aesthetics. Promote the aesthetics, safety, health, morals and general welfare, and the assurance of protection of adequate light and air by regulation of the position, displaying, erection, use and maintenance of signs;

c. Information. Promote the efficient transfer of general public and commercial information through the use of signs; and

d. Appearance and Economic Value. Enhance the overall appearance and economic value of the landscape, and preserve the unique natural environment that distinguishes the City and surrounding area.

(2) Applicability and Effect

a. Applicability. A sign may be erected, placed, established, painted, created, or maintained in the City only in conformance with the standards, procedures, exemptions, and other requirements of the Section.

b. Effect. The effect of this Section as more specifically to do the following:

i. Permit System. Establish a permit system to allow a variety of types of signs in Mixed Use Village, Neighborhood Commercial, Community Facilities and Logistics zones and a limited variety of signs in other zoning districts, subject to the standards and the permit procedures of this Chapter.

ii. No Permit Required. Allow signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Chapter, but without requirements for permits;

iii. Temporary Signs. Provide for temporary signs without commercial messages in limited circumstances;

iv. Prohibited Signs. Prohibit all signs not expressly permitted by this Chapter; and

v. Enforcement. Provide for the enforcement of the provisions of this Chapter.

c. Penalties. Any person, firm, association of persons, corporation, or other organization violating any of the provisions of Chapter 10 will be guilty of an offense under this Chapter and will be subject to penalty as defined in Chapter 12, Compliance and Enforcement, of this UDC.

(3) Comprehensive Plan

All signs constructed in the City or ETJ will be consistent with the policies and guidelines established in the most recent versions of the Fair Oaks Ranch Comprehensive Plan.

Section 10.2 Calculations

(1) Calculation of Sign Sizes

a. Area of a Sign. The area of a sign will be calculated by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets this Code regulations and is clearly incidental to the display itself.

b. Area of Multifaceted Signs. The sign area for a sign with more than one face will be calculated by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area will be calculated by the measurement of one of the faces.

c. Height. The height of a sign will be calculated as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade will be construed to be the lower of the following:

   i. Existing Grade. Existing grade prior to construction, or

   ii. Newly Established Grade. The newly established grade after construction, exclusive of any filling, berming, bounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height will be calculated on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the top of a curb or a public street or the grade of the land at the principal structure on the lot, whichever is lower; except that in the Interstate Corridor, height will be measured from the IH-10 Roadway surface.

(2) Calculation of Maximum Total Permitted Sign Area for a Lot

The permitted sum of the area of all individual signs on a lot will be calculated by applying the formula contained in Table 10.2, "Maximum Total Sign Area per Lot by Zoning District," to the Lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. The allowable maximum will be the greatest of the areas calculated by the formula. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage, with signs facing a maximum of two streets; however, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign allocation that is derived from the lot, building, or wall area frontage on that street.

Section 10.3 Sign Permits

(1) Permits Required

a. Sign Requiring Permit. If a sign requiring a permit under the provision of this Chapter is to be placed, constructed, erected, or modified on a lot either within the City limits or the City's extraterritorial jurisdiction (ETJ), the Owner of the lot will obtain a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 10.3(4) below.

b. Signs in ETJ. Signs located in the ETJ are to be regulated by the sign development standards applied to comparable uses of similar businesses (see Table 10.1 below) within the city limits under the following conditions:
   i. Businesses on IH-10. Businesses with frontage on IH-10 must comply with the sign regulations described in the Logistics Zoning District.
   ii. Other Businesses. Other businesses in the ETJ must comply with sign regulations described in the Mixed Use Village and Neighborhood Commercial Zoning Districts.
   iii. Other Locations. All other locations within the ETJ must comply with sign regulations described in the Rural Residential Zoning Districts.
c. Public Right-of-Way. No signs will be erected in the public right-of-way except in accordance with Section 10.3(6), below.
d. Compliance. No sign permit of any kind will be issued for an existing or proposed sign unless such sign complies with the requirements of this Chapter (including those protecting existing signs) in every respect and with the Master or Common Signage Plan in effect for the property, if applicable.

(2) General Permit Procedures

The following procedures will govern the application for, and issuance of, all sign permits under this Chapter, and the submission and review of Common Signage Plans and Master Signage:

a. Applications. All applications for sign permits of any kind and for approval of a Master or Common Signage Plan will be submitted to the City Manager (or designee) (see Chapter 3, Applications and Permits, Section 3.9, Development Related Applications).
b. Fees. Fee for a sign permit or for approval of a Master or Common Signage Plan will be submitted at the time of issuance of the permit. Fee amounts will be established by the City Council by ordinance.
c. Completeness. The City Manager (or designee) will review all applications for sign permits or for a Master or Common Signage Plan for completeness. If the City Manager (or designee) finds that it is complete, the application will then be processed. If the City Manager (or designee) finds that it is incomplete, the City Manager (or designee) will, within such ten-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of the Chapter.
d. Action on Permit. After the submission of a complete application for a sign permit, the City Manager (or designee) will either:
   i. Accept. Issue the sign permit, if the sign(s) that is/are the subject of the application conforms in every respect with the requirements of this Chapter and of the applicable Master or Common Signage Plan; or
   ii. Reject. Reject the sign permit if the sign(s) that is/are the subject of the application fails in any way to conform to requirements of this Chapter and the applicable Master or Common Signage Plan. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of the Chapter or applicable plan with which the sign(s) is/are inconsistent.
e. Action on Master/Common Signage Plan. On any application for approval of a Master or Common Signage Plan, the City Manager (or designee) will either:
   i. Approve. Approve the proposed plan if the sign(s) as shown on the plan and the plan

itself conforms in every respect with requirements of this Section, or

ii. Reject. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of the Section. In case of a rejection, the City Manager (or designee) will specify in the notice of rejection the sections of this Chapter with which the plan is inconsistent. The City Manager (or designee) will take action on or before the following dates as applicable:

1. Fourteen (14) days after the submission of a complete application for existing buildings; or
2. On the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.

(3) Permits to Construct or Modify Signs

Signs requiring a permit will be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the City Manager (or designee). Such permits will be issued only in accordance with the following requirements and procedures:

a. Permit for New Sign or Sign Modification. An application for construction, creation, or installation of a new sign or for modification of an existing sign will be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master or Common Signage Plan then in effect for the lot. One application and permit may include multiple signs on the same lot. Changing one panel on a multi- tenant sign is not considered a modification.

b. Inspection. The City Manager (or designee) will cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month period after the issuance of such permit or at such earlier date as the Owner may request.

i. Incomplete. If the construction is not substantially complete at the time of inspection, the permit will lapse and become void. Any incomplete structure will be deemed a dilapidated sign and will be subject to the provisions for removal under Section 10.4 below.

ii. Substantially Complete. If the construction is substantially complete but not in full compliance with this Chapter and applicable codes, the City Manager (or designee) will give the owner or applicant notice of the deficiencies and allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected.

1. If the deficiencies are not corrected by such date, the permit will lapse and become void.
2. If the construction is then complete and in compliance, the City Manager (or designee) will issue a Certificate of Sign Inspection.

iii. Complete. If the construction is complete and in full compliance with this Chapter and with the building, sign, and electrical codes, the City Manager (or designee) will issue a Certificate of Sign Inspection.

(4) Sign Permits

a. Signs on Private Property. Signs will be allowed on private property in the City or its extraterritorial jurisdiction in accordance with, and only in accordance with, Table 10.1, "Permitted Signs by Type and Zoning District."

b. Approvals. A sign indicated as "Permit Required" in a zoning district is allowed only with

issuance of a permit approval. A sign that does not meet either criteria in a zoning district is not allowed under any circumstances.

c. Zoning Districts. The following zoning districts are identified for the purpose of these tables:
   i. Mixed Use Village,
   ii. Neighborhood Commercial,
   iii. Community Facilities
   iv. Logistics,
   v. Existing Residential,
   vi. Neighborhood Residential, and
   vii. Rural Residential

d. Conditions. Although permitted under the previous paragraph and Table 10.1, a sign will be allowed only under the following conditions:
   i. Sign Area. The area of the sign conforms to the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 10.2.
   ii. Size, Location, and Number. The size, location and number of signs on the lot conforms to the requirements of Tables 10.1, 10.2, and 10.3. In residential districts, freestanding sign requirements apply to entire subdivision. Building sign requirements apply to residential buildings having accessory uses.
   iii. Sidewalk Signs. Sidewalk signs will only be allowed by permit in the Mixed Use Village and Neighborhood Commercial Districts and will adhere to the following conditions:
      1. Sidewalk signs will not exceed four feet in height.
      2. Sidewalk signs must be placed directly in front of the business for which the sign is advertising.
      3. Sidewalk signs must be removed when the business is closed.
      4. Sidewalk signs must allow for a minimum of four feet of clearance as per American Disabilities Act (ADA) standards.
      5. Prior to issuance of a sidewalk sign permit, applicants must submit an executed indemnification form to the City.
   iv. Canopies. Canopies may be installed on building facades and will count toward the maximum allowable wall sign area if commercial messages are advertised and will adhere to the following conditions:
      1. Commercial canopies will comply with all applicable ordinances, including building codes.
      2. Sign permits will be required if a commercial message is advertised on a canopy.
      3. Canopies must maintain a minimum of eight (8) feet of clearance above the right-of-way.
   v. Open Signs. Small neon “open” signs are allowed behind glass storefronts only in the Mixed Use Village and Neighborhood Commercial districts and in the ETJ and will not require a permit.

Table 10.1

PERMITTED SIGNS BY TYPE AND ZONING DISTRICT P = Permit Required X = Prohibited								
Sign Type	Mixed Use Village (MUV)	Neighborhood Commercial (NC)	Community Facilities (CF)	Logistics LO	Existing Residential (R1-R4)	Neighborhood Residential (NR)	Rural Residential (RR)	Signs on IH-10 Frontage
Freestanding								
Monument	P	P	P	P	X	X	X	P
Pole	X	X	X	P	X	X	X	P
Other	P	P	P	P	X	X	X	P
Incidental	P	P	P	P	X	X	X	P
Building								
Building Marker	P	P	P	P	P	P	P	P
Canopy	P	P	P	P	X	X	X	P
Incidental	P	P	P	P	X	X	X	P
Marquee	P	P	P	P	X	X	X	P
Projecting	P	P	P	P	X	X	X	P
Residential	X	X	X	X	P	P	P	X
Roof	X	X	X	X	X	X	X	X
Roof, Integral	X	X	X	X	X	X	X	X
Street Address	P	P	P	P	P	P	P	P
Suspended	P	P	P	P	X	X	X	P
Temporary	P	P	P	P	P	P	P	P
Wall	P	P	P	P	X	X	X	P
Window	P	P	P	P	X	X	X	P
Miscellaneous								
Flag	P	P	P	P	P	P	P	P
Portable	P	P	P	P	X	X	X	P
Sidewalk	P	P	X	X	X	X	X	P
Neon “Open”	P	P	X	X	X	X	X	P

P = “Permit required” in a zoning district is allowed only with issuance of a permit approval.
X = Does not meet either criteria in a zoning district is not allowed under any circumstances.

Table 10.2

Maximum Total Sign Area per Lot by Zoning								
Sign Type	Mixed Use Village (MUV)	Neighborhood Commercial (NC)	Community Facilities (CF)	Logistics LO	Existing Residential (R1-R4)	Neighborhood Residential (NR)	Rural Residential (RR)	Signs on IH-10 Frontage
Maximum Area of Sign in Square Feet	30	20	20	200	20	20	20	400
Percentage of Ground Floor Area of Principal Building	N/A	N/A	N/A	2	N/A	N/A	N/A	10
Square Feet (SF) of Signage per Linear Foot (LF) of Street Frontage	2 SF per LF façade frontage (wall signs only)	2 SF per LF façade frontage (wall signs only)	N/A	N/A	N/A	N/A	N/A	6

Table 10.3

Number, Dimensions and Location of Individual Signs by Zoning District								
Sign Type	Mixed Use Village (MUV)	Neighborhood Commercial (NC)	Community Facilities (CF)	Logistics LO	Existing Residential (R1-R4)	Neighborhood Residential (NR)	Rural Residential (RR)	Signs on IH-10 Frontage
Freestanding								
Area (SF)	30	20	20	72	20	20	20	200
Height (feet)	10	8	8	8	5	5	5	42
Setback (feet)	8	8	8	10	8	8	8	10
Number Permitted								
Per Lot	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	1 (per street frontage)	N/A
Per Feet of Street Frontage	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 (per 100)
Building								
Maximum Area (SF)	2 SF per 1 LF of frontage	2	2	N/A	2	2	2	N/A
Maximum Percent Wall Area	N/A	N/A	N/A	5	N/A	N/A	N/A	10
Sidewalk								
Height	4 feet	4 feet	N/A	N/A	N/A	N/A	N/A	N/A
Per Business	1	1	N/A	N/A	N/A	N/A	N/A	10

(5) Temporary Sign Permits (Private Property)

a. Temporary Sign Permit. Temporary signs on private property will be allowed only upon the issuance of a temporary sign permit, which will be subject to the following requirements:

i. Term. A Temporary Sign permit will allow the use of a Temporary Sign for a specified 30-day period.

ii. Number. Only one Temporary Sign permit will be issued on the same Zone Lot during any consecutive 4-month period.

iii. Other Conditions. A Temporary Sign will be allowed only in accordance with Table 10.1 and subject to all of the requirements for Temporary Signs as noted therein.

iv. Grand Opening Signage. A permit for Grand Opening Signage is allowed one time only for new businesses. Grand opening signage permits shall be issued within 90 days of the date of opening and shall be limited to 45 days.

v. Closing or Going out of Business Signage. A permit for Closing Signage may only be issued one time for a business. Closing Signage permits shall be issued within 90 days of the date of closing and shall be limited to 45 days.

(6) Signs in the Public Right-of-Way

a. No Signs in Public Right-of-Way. No signs will be allowed in the public right-of-way except for those specifically licensed or permitted by the City, state or a political subdivision of the State exercising jurisdiction where the sign is located.

b. Banners:

i. Banner Permit. For banners hung across a State road or highway, the responsible party must obtain a Banner Permit from TxDOT and provide the City Manager (or designee) with proof of the Permit. Banners are not permitted across city streets.

ii. Term. The permit applicant must submit a Banner Permit application to the City Manager (or designee) that includes the dates during which the banner is to be hung. A banner may be hung for no more than thirty (30) days.

iii. Application Dates. The sign permit application must be submitted to the City Manager (or designee) at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.

iv. Utility Poles. Banners to be erected over streets and attached to utility poles will be hung and removed by Pedernales Electric Cooperative (PEC) in Kendall County and by CPS Energy (CPS) in Bexar and Comal Counties.

v. Removal. Once a banner has been removed, it must be picked up at City Hall by the party responsible for it within ten (10) working days. If the responsible party fails to pick up a removed banner within ten (10) days, the banner will be deemed abandoned and the City Manager (or designee) will dispose of it without accounting or liability to the owner for its damage or destruction.

vi. Specifications for Banners:

1. Banners must be made of mesh material to insure air flow;
2. Banners must have two (2), three (3) foot ropes on each end to attach to PEC or CPS facilities;
3. Banners will not exceed four (4) feet by thirty-six (36) feet; and
4. All banners will be hung by PEC or CPS at an elevation that will leave an open span of a minimum of nineteen (19) feet above the roadway.

c. Neighborhood Watch Signage. Neighborhood watch signage, requested by an Association, i.e., the Fair Oaks Ranch Homeowners Association (FORHA) or other Home Owner Association (HOA), or other group of residents residing within a city subdivision desiring to install such signage for a neighborhood watch program within such city subdivision, will meet the following conditions:

i. Approval for Signs in Right-of-Way. No signs will be placed within the right-of-way without prior approval from the City of such signage;

ii. Necessary Signage Materials. The applicant making the request will provide for or pay in lieu of, prior to installation, the necessary signage materials for installation, to include but not limited to the sign face, pole, clamps, material for the sign foundation, and so forth, excluding any labor costs. Such materials will be in conformance with the City's design criteria. The City will install all signage at major entrances and intersections of the subdivisions not to exceed five (5) signs. Any additional requests will be determined by the City Manager (or designee);

iii. Height and Location Approved by the City. The height, location or co-location of neighborhood watch signs placed within such right-of-way will be determined by the City;

iv. Face of Sign Approved by City. The face of the neighborhood watch sign including, but not

limited to, sign colors, symbols, shape and form will be determined by the City Manager (or designee) or his / her designee. Such signage will recognize any city, state or nationally recognized standards for such neighborhood watch signs and subsequent updates;

v. New Developments. For new development within the city limits or ETJ, the developer will purchase and dedicate to the City all necessary neighborhood watch signage including all necessary materials as set forth herein or pay fees in lieu for five (5) signs; and

d. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this Section, will be forfeited to the public and subject to confiscation without accounting or liability to the owner for its damage or destruction. In addition to other remedies hereunder, the City will have the right to recover from the owner or person placing such a sign on public property the full costs of removal and disposal of such sign.

(7) Design, Construction and Maintenance

All signs will be designed, constructed, and maintained in accordance with the following standards:

a. Compliance. All signs will comply with applicable provisions of this Code, the adopted versions of the City of Fair Oaks Ranch Building Codes, and the National Electrical Code at all times.

b. Materials. Except for Banners, Flags, Temporary Signs, and Window Signs conforming in all respects with the requirements of this Chapter, all signs will be constructed of permanent materials and will be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

c. Maintenance. All signs will be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

(8) Master or Common Signage Plan

a. Master Signage Plan (MSP):

i. Multi-Tenant Master Sign Plan. For any Multi-tenant Center on which the owner proposes to erect one or more signs requiring a permit, the Owner will submit to the City Manager (or designee), a MSP containing the following:

1. An accurate plot plan of the lot(s) at a minimum 1”=20’ scale, or as approved by the City;
2. The location of buildings, parking lots, driveways, landscaped areas on such lot and any other information as required by the City;
3. Calculation of the maximum total sign area, the maximum area for individual signs, the maximum height of signs and the maximum number of freestanding signs allowed on the lot under this Chapter;
4. An accurate indication on the MSP of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental window signs need not be shown;
5. An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the MSP with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions; and,
6. If the signage in the MSP meets all requirements of this Chapter, without deviation, then a 20% increase in the maximum sign area will be allowed for each sign.

ii. Multi-Lot Development. A multi-lot development is one containing two or more contiguous and adjacent lots (disregarding intervening streets and alleys) that may or may not be under common ownership that contain more than one building (not including any accessory building). The Owner(s) of such multi-lot development may file a MSP. For the purpose of this paragraph, if the signage in the MSP meets the full intent of the section, then a 20 percent increase in the maximum sign area will be allowed for each sign.

b. Common Signage Plan (CSP). If the owner of two or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including any accessory building) files with the City Manager (or designee) for such lots a CSP meeting the requirements of this Chapter without deviation, a 25 percent increase in the maximum total sign area will be allowed for each included lot. This bonus will be allocated within each lot as the owner(s) elects. Provisions for CSP include the following:

i. Information. The CSP will contain all of the information required for a MSP and will also specify standards for consistency among all signs on the lots affected by the CSP with regard to the following:

1. Color scheme;
2. Lettering or graphic style;
3. Lighting;
4. Location of each sign on the building;
5. Material; and
6. Sign Proportions.

ii. Limit on Number of Freestanding Signs under CSP. The CSP, for all lots with multiple uses or multiple users, will limit the number of Freestanding Signs to a total of one for each street on which the lots included in the plan have frontage and will provide for shared or common usage of such signs. Lots having more than 300 feet of street frontage on a single street may have one sign per 100 feet of frontage. For example a lot with 350 feet of frontage may have up to 3 signs but a lot with 200 feet of frontage may only have 1 sign.

c. General Provisions for Master or Common Signage Plans**:**

i. Existing Signs Not Conforming to Common Signage Plan. If any new or amended CSP is filed for a property on which existing signs are located, it will include a schedule for bringing all signs into compliance with this Chapter, within three years from the date of approval of the plan or amended plan.

ii. Other Restrictions. MSPs and CSPs may contain such other restrictions as the Owners of the lots may reasonably determine.

d. Consent. The MSP or CSP will be established by all Owners or their authorized agents in such form as the City Manager (or designee) may require.

e. Procedures:

i. Submittal. A MSP or CSP will be included in any Development Plan, Site Plan, Planned Unit Development Plan, or other official plan required by the City for the proposed development and will be processed simultaneously. The City Manager (or designee) may review the Plan and approve it provided it meets all requirements of this Chapter; otherwise, he / she may approve it with conditions; or may deny the Plan.

ii. Amendment. A MSP or CSP may be amended by filing a new Plan that conforms with all requirements of this Chapter.

iii. Binding Effect. After approval of the MSP or CSP, no sign will be erected, placed, painted,

or maintained, except in compliance with such Plan, and such Plan may be enforced in the same way as any provision of the Chapter. In case of any conflict between the provisions of such a Plan and any other requirement of this Chapter, this Chapter will control.

(9) Electronic Reader Boards

a. Standards. Standards applicable to all electronic reader board signs (ERBSs) include the following:
   i. Location: ERBSs will be located as follows:
      1. At least three hundred fifty (350) feet away from a property with any residential zoning designation.
      2. Only in locations as provided in subsections (b) and (c), below;
      3. On a street frontage designated as highway, parkway or arterial.
   ii. Design. ERBSs will be designed as follows:
      1. A freestanding sign;
      2. To auto-dim / brighten to no brighter than 5,000 NITs during daylight hours and no brighter than 500 NITs during night hours;
      3. To provide a minimum display time for each static image of at least six (6) seconds;
      4. Will not display a solid white background;
      5. Will present a static display with no animation, virtual movement, flashing or multimedia / video;
      6. Will not utilize special effect transitions between each static display; and
      7. Will display community public service announcements at least twenty-five (25) percent of the time in any given fifteen (15) minute period.
   iii. Construction. ERBSs will be constructed such that the ERBS does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use.
b. Approval. An ERBS meeting all the criteria above may be approved by the City Manager (or designee) based on the following criteria:
   i. That the EBRS is designed as a monument sign and does not exceed twelve (12) square feet per sign face;
   ii. The appropriateness and design of the ERBS and associated sign structure;
   iii. The potential for interference with the enjoyment of the use of surrounding properties and compatibility with land uses;
   iv. The zoning district and the adjoining zoning districts of the property for which the ERBS is sought;
   v. Whether the request is harmonious with the public interest; and
   vi. Consistency with the purposes of this Code.
c. Off-Premise Sign Conversion to ERBS. Under no circumstance may an off-premise sign be converted to an EBRS.
d. Total EBRS Area. For the purposes of calculating total sign area in Section 10.3(1), the area of an EBRS will count four (4) times against the maximum total permitted sign area for a lot. For example, a five (5) square foot electronic reader board would be treated as twenty (20) square feet for the purposes of calculating the total sign area on a lot.

Section 10.4 Exempt, Prohibited and Nonconforming Signs

(1) Exempt Signs.

The following signs will be exempt from regulation under this Chapter:

a. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
b. Informational sign used by the City for the primary purpose of public notifications;
c. Temporary real estate signs not exceeding six square feet in area and three feet in height in residential zoning districts and not exceeding 64 square feet in area and 12 feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven days after the property is sold or leased;
d. Works of art that do not include a commercial message. Determination on if the art has a commercial message or not will be made by the City Manager (or designee);
e. Holiday lights and decorations with no commercial message;
f. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet Department of Transportation standards and that contain no commercial message;
g. Temporary signs advertising a "garage sale" not exceeding six square feet in area. These signs may not be posted earlier than three days before the sale and must be removed within one day after the sale;
h. Temporary signs placed on construction sites identifying the contractor, engineer, architect, or developer and not exceeding 64 square feet in area for all entities identified. These signs may not be erected prior to approval of a site plan and must be removed within seven days after the completion of the project;
i. Permanent subdivision identification signs approved by the City Council as part of the platting process;
j. Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three weeks before and must be removed within one day after the event;
k. Model home signs not exceeding 32 square feet in area and 5 feet in height;
l. No Trespassing, No Hunting, and No Fishing Signs placed by the Landowner;
m. Vehicles used solely as signs. Signage is allowed on a truck, bus, car or other motorized vehicle provided all the following criteria are met:
    i. Primary purpose of such vehicle or equipment is not the display of signs;
    ii. Signs are painted upon or attached directly to an integral part of the vehicle or equipment;
    iii. Vehicle / equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate;
    iv. Vehicles and equipment are not used primarily as static displays advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the general public; and
    v. During periods of inactivity exceeding 5 working days such vehicle / equipment are not so parked or placed that the signs thereon are displayed to the public:
        1. Vehicles and equipment engaged in the active construction projects and on-premises storage of equipment and vehicles offered to the general public for rent or cars will not be subjected to this condition.
        2. This section will not affect the use of wagons, old boats, and the like, which are

integrated into the theme of an overall landscape plan.

n. Political and Campaign signs that meet the following criteria:
   i. On private property, signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts and must comply with state law pertaining to political and campaign signs;
   ii. Are not on any portion of the public right-of-way located between a street or sidewalk and a property line fence (i.e. residential lot backup to an arterial street);
   iii. The person, party or parties responsible for the distribution and display of such signs are individually and jointly responsible for their removal;
o. Water tower or a water storage device (including but not limited to elevated tanks and ground storage) constructed after adoption of this Chapter may display signage (including but not limited to the name of the water corporation or development, logo or name of the City, water corporation or development, or selling of advertising rights to another party) with the approval of the City Council.

(2) Prohibited Signs

All signs not expressly permitted under this Section or exempt from regulation hereunder in accordance with this Section are prohibited in the City or its ETJ. Such signs include, but are not limited to:

a. Beacons,
b. Illuminated Signs,
c. Obscene Signs,
d. Inflatable signs and tethered balloons,
e. Moving Signs,
f. Off-Premise Signs (except City-owned Directional Signs)'
g. Snipe Signs,
h. Animated Signs,
i. ERBS, except as provided in Section 10.3(9), and
j. Human or hand-held signs not otherwise exempt.

(3) Nonconforming Signs

Nonconforming Signs will be brought into compliance with this Chapter in accordance with the following:

a. Signs erected on a property prior to its annexation and not in compliance with this Code will be considered nonconforming signs until such time as they are brought into compliance in accordance with this Chapter.
b. All Nonconforming Signs that were erected in violation of the ordinances of the City in existence at the time the sign was permitted or should have been permitted, and which violation was or has not been cured, will, upon written notice, be required to be brought into compliance with this Chapter or removed within a reasonable time frame specified by the City Manager (or designee), but not to exceed 30 days from the date of Notice.
c. Nonconforming Signs that do not comply with the City Building Codes will be subject to enforcement under the Building Codes, as well as this section. Repairs or modifications required under the City Building Codes will not entitle the owner of the nonconforming sign to compensation under this Chapter.
d. All Nonconforming Signs will be subject to the following provisions:

i. Change of Use. Whenever a land use changes, any nonconforming sign must be modified so as to be in full compliance with these sign regulations.
ii. Destroyed or Damaged Signs. Any Nonconforming Sign that has been destroyed or damaged to the extent that the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location will be removed or will be brought into compliance with this Chapter within six months from receipt of an order from the City Manager (or designee), without compensation being paid by the City to the Owner.
iii. Relocation. No Nonconforming Sign will be required to be relocated or removed unless such Nonconforming Sign is more than 60 percent destroyed or damaged as provided in Section 10.3(5)b above. Any water storage device displaying signage existing at the date of this adoption is considered non-conforming and precluded from restoring any type of signage upon repainting of the water storage device.

Section 10.5 Abandoned and Dilapidated Signs and Supporting Structures

(1) Compliance

a. Owner Responsibility. On any premise on which there is displayed or maintained an Abandoned Sign or Dilapidated Sign or abandoned or dilapidated supporting structure, the Owner will comply with the following requirements:
   i. Remove the sign within thirty (30) days after receiving written notice from the City Manager (or designee) or the adoption of this Chapter, whichever is later;
   ii. Remove, or comply with the provisions of this Section, any abandoned or dilapidated supporting structure within thirty (30) days after receiving written notice from the City Manager (or designee);
   iii. Remove, or comply with the provisions of this Section, any abandoned supporting structure that does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached;
   iv. Will make any modifications, alterations or changes to an abandoned sign or supporting structure in full compliance with the requirements of this Chapter.
b. Violations. Any dilapidated sign or dilapidated supporting structure not incompliance with this Section is an unlawful sign and may be removed by the City in compliance with Chapter 9, Infrastructure and Public Improvements, and the owner may be prosecuted or be enjoined from continuing such violation.
c. Compliance. If a sign, which conforms to the regulations of this Chapter, is abandoned, the owner, user, and persons who benefit from the sign and the owner, operator, and tenants of the property on which the sign is located will remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this Chapter so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within 90 days after receiving written notice from the City Manager (or designee).

(2) Use, Display, Maintenance, or Permitting of an Alteration of any Abandoned Sign or Supporting Structure.

a. The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:

i. Like material. Only the same like, or better quality material as that being replaced will be used as a face on or in the abandoned sign. The face of the supporting structure must be one that the supporting structure is designed to support.

ii. Covered Messages:

1. Abandoned signs may be painted in order to "blank" the face; however, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.
2. Covered sign faces must be of a material or substance that renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation of the Chapter to allow a covered message to bleed or show through the paint or covering.
3. Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked

(3) No Person will alter an abandoned sign or supporting structure without first obtaining a permit to do so from the City Manager (or designee).

Section 10.6 Electioneering on City-Owned or Controlled Public Property

(1) Purpose

The purpose of this Section is to provide reasonable regulations for electioneering on City-owned or controlled public property when such property is used as an election polling place. These regulations are intended to mitigate safety concerns, prevent damage to public property, and ensure that such property is sufficiently available for patrons who use the facilities other than for election purposes.

(2) Definitions

The following words, terms and phrases, when used in this Section, have the meanings ascribed to them as follows:

a. *Electioneering* means the posting, use, or distribution of political signs or literature.
b. *Polling place* means a city-owned or controlled public property that is being used as an election polling place.
c. *Voting period* means the period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later.

(3) Permits

No permit will be required under this Section for on-premises signs. Any sign listed in this Section will be erected and maintained in a safe condition in conformance with all other requirements of this Chapter.

(4) Regulations and Exceptions

a. The following regulations apply to electioneering on the premises of public property during the voting period. It is an offense for any person to:

i. Leave any electioneering sign or literature on public property that is used as a polling place other than during the voting period and for one day before and after the voting period;

ii. Comply with State Law distance requirements on engaging in electioneering on driveways, parking areas, on medians within parking areas, on the premises of a polling location.

iii. Attach, place or otherwise affix or erect any electioneering sign, literature or material in any area designated as a planting or landscaped area or to any tree, shrub, building, pole, or other improvement on public property used as a polling location;

iv. Place any electioneering sign or literature within ten (10) feet of the public road way adjacent to the public property where a polling location is located;

v. Place an electioneering sign on the premises that exceeds thirty-six (36) square feet and is more than eight (8) feet in height, including any supporting poles, or to utilize any stake more than 18 inches long or 1 foot in diameter. Stakes may not be buried to a depth greater than ten (10) inches; and

vi. Pursuant to Election Code § 61.003, to post, use or distribute political signs or literature in any area of the premises of the City Hall except those areas in which electioneering is allowed. The City will maintain a diagram designating prohibited areas pursuant to said Election Code, as amended.

b. The regulations set forth in in this Chapter will not apply to any City of Fair Oaks Ranch authorized signs, materials or other messages on its property.

(5) Remove and Dispose of Electioneering Sign(s)

a. In addition to imposing any criminal penalty, the City Manager may, without notice, remove and dispose of electioneering sign(s) located in violation of this section.

b. Section 10.3(6) of this Code prohibiting signs in the public right-of-way except for those specifically licensed or permitted by the City, State or a political subdivision of the State exercising jurisdiction where the sign in located will be strictly enforced. The City Manager or designee may request that signs in a public right-of-way be removed by the appropriate political subdivision.

(6) Term of Electioneering on Public Property

The authority to conduct electioneering on public property under this Section is limited to the polling place where the voting is conducted and only for the voting period, such that at the end of the voting period, all signs and vehicles must be removed.

CHAPTER 11 WIRELESS TRANSMISSION FACILITIES

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Chapter 11 Wireless Transmission Facilities

Section 11.1 Purpose and Applicability

(1) Purpose. The purpose of this Chapter is to further an overall plan for the enhancement of public safety, consistent with the City of Fair Oaks (City) Comprehensive Plan, community development, preservation of property values and the general welfare of the City while providing for the communication needs of the residents and businesses in the City of Fair Oaks Ranch. This Chapter will also govern the placement of communication facilities to:

a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
b. Encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;
c. Encourage co-location on both new and existing antenna facilities;
d. Encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques; and
e. Enhance the ability of wireless telecommunication providers to provide services to the community effectively and efficiently.

(2) Applicability/General Regulations

The following regulations apply to all antenna facilities and antennas located within any district in the incorporated city limits and within the City's ETJ upon a City approved Development Agreement.

a. Applicability. Except as specifically provided, all new Telecommunications Towers or Antennas in the City will be subject to the regulations contained in this Code. Preexisting Towers or Antennas lawfully in existence prior to the adoption of this Code will not be required to meet the requirements of this Code, other than those contained in Sections 11.1(2)h-k below. Additional regulations for the districts identified in Table 11.1 can be found in Section 11.3.

Table 11.1 Types of Communication Facilities

Type of Facility	Building Permit Required	Special Exception Required
Satellite Receive Only < 1 yard	No	No
Satellite Antenna > 1 yard in Commercial Area	Yes	No
Satellite Antenna > 1 yard in Residential Area	Yes	Yes
Amateur Radio Antenna Complying with Height Limits	Yes	No
Amateur Radio Antenna Exceeding Height Limits	Yes	Yes
Television Antennas	No	No
Level 1 Stealth Facility in NRD, RD, or WC District	Yes	No
Level 2 Stealth Facility in NRD or WC District	Yes	No
Level 2 Stealth Facility in RD District	Yes	Yes
Level 3 Stealth Facility in NRD or WC District	Yes	No
Level 3 Stealth Facility in RD District	Yes	Yes
Level 4 Stealth Facility in NRD, RD, or WC District	Yes	No

Monopole Tower up to 120 Feet in Height in NRD or WC District	Yes	Yes
Monopole Towers In RD Districts or Over 120 Feet Tall	Yes	Yes

b. Equipment Storage Building. An Equipment Storage Building associated with an Antenna Facility or an Antenna will be screened and landscaped as described in other sections of this ordinance, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises. All Equipment Storage Buildings or cabinets must be made of masonry material or enameled metal. Alternative materials may be permitted upon approval by the City Council and recommended by the Planning and Zoning Commission. The base of all tower facilities must be screened with a masonry wall that will completely screen the Equipment Storage Building.

c. Driveway Surfaces. All Telecommunication Tower Facilities must have an access drive that is constructed of asphalt or concrete. One (1) off-street parking space must be provided at each telecommunication tower facility.

d. Lights. No outdoor lighting will be allowed on any Antenna Facility except lights or lighting that are by required by the Federal Aviation Administration (FAA) or the Federal Communications Commission (FCC).

e. Antenna Facility Capacity. All new Antenna Facilities must be structurally designed to allow for at least two (2) sets of antennas.

f. Tower Types. Only monopole, alternative mounting structures or stealth towers are permitted in the City.

g. Prohibited in Easements. Antenna facilities will not be placed in easements unless authorized by the easement holder.

h. Construction Standards. A building permit must be obtained prior to the construction or installation of any Antenna Facility. An Antenna Facility must be installed according to the manufacturer's recommendations and under the seal of a professional engineer registered in the State of Texas. Additionally, all Antenna Facilities will comply with applicable state and local building codes.

i. Building Codes / Safety Standards. To ensure the structural integrity of Antenna Facilities, the owner of an Antenna Facility must ensure that it is maintained in compliance with all provisions of the City's building codes and zoning regulations. If upon inspection, the City concludes that an Antenna Facility fails to comply with such codes and regulations or constitutes a danger to persons or property, then upon written notice to the owner of the Antenna Facility, the owner will have thirty (30) days to bring such tower into compliance with applicable standards. Failure to bring such tower into compliance will constitute grounds for the removal of the Antenna Facility at the owner's expense. This notice requirement will not preclude immediate action by the Building Official as allowed by law if public safety requires such action.

j. Contained on Property. No part of an Antenna Facility, antennas, or other attachment may extend beyond the property lines or required building lines of the lot on which the antenna or Antenna Facility is located.

k. State or Federal Requirements. All Antenna Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, and if the controlling state or federal agency mandates compliance, then the owners

of the towers and antennas governed by this Ordinance will bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

l. Variance Requirement. A variance granted by the City Council, pursuant to Section 3.9(9), Variance, of this Code, is required for an antenna or Antenna Facility that will not comply with the requirements of this Chapter, unless otherwise specified herein.

m. Height Limitations. Unless otherwise stated herein, the maximum height of any antenna or Antenna Facility will not exceed ten feet (10') above the maximum height limitation applicable for the zoning district.

n. Damaged or Deteriorating Components. Components that pose a safety risk to the public due to damage or deterioration shall be corrected within 48 hours of notification by the City.

Section 11.2 Antennas

(1) Amateur Radio Antenna and TV Antennas

a. Zoning Districts. Amateur Radio Antenna and TV Antennas are allowed as accessory uses in all zoning districts, and in any residentially zoned Planned Development.

b. Compliance. Amateur Radio Antennas and TV Antennas must comply with the following regulations:

i. Antenna Location. Amateur Radio Antennas and TV Antennas can only be located on a roof or in the back yard of a residence;

ii. Number of Facilities Per Lot. No more than one (1) TV Antenna and one (1) Amateur Radio Antenna are permitted on each lot. Amateur Radio Antennas are only permitted for operators that have an amateur radio operator license from the FCC and the operator must provide the City proof of a current FCC license before an Amateur Radio Antenna is installed or maintained on a lot;

iii. Height Limitations. An Amateur Radio Antenna or TV Antenna cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district; and

iv. Setbacks. Amateur Radio Antennas or TV Antennas are not permitted within any required setback area.

(2) Satellite Receive Only Antennas Less Than One Yard in Diameter

a. Zoning. Satellite dish receiving antennas, one (1) yard or less in diameter will be permitted as an accessory use in all zoning districts, and in any residentially zoned Planned Unit Development.

b. Compliance. Satellite Receive Only Antenna must comply with the following regulations:

i. Antenna Location. Satellite Receive Only Antenna less than one (1) yard in diameter can only be located on a roof or in the back yard of a residence;

ii. Number of Facilities Per Lot. No more than one (1) Satellite Receive Only Antenna less than one (1) yard in diameter is permitted on each lot;

iii. Height Limitations. A Satellite Receive Only Antenna less than one (1) yard in diameter cannot extend more than eight (8) feet above the maximum height limitation applicable for the zoning district; and

iv. Setbacks. Satellite Receive Only Antennas less than one (1) yard in diameter are not permitted within any required setback area.

(3) Satellite Antennas Greater Than One Yard in Diameter

a. Zoning.
   i. Nonresidential Zoning Districts. Satellite Antennas greater than one (1) yard in diameter is an accessory use permitted in nonresidential zoning districts.
   ii. Residential Zoning Districts. Satellite Antennas greater than one (1) yard in diameter are only allowed in residential zoning districts upon the approval of a Special Exception granted by the City Council.

b. Compliance. A Satellite Antenna greater than one (1) yard in diameter is permitted as an accessory use under the following conditions:
   i. Height. Satellite Antennas greater than one (1) yard in diameter will not exceed ten (10) feet in height above the base of their mount.
   ii. Location. Satellite Antennas greater than one (1) yard in diameter cannot be erected in any required setback or in the front of residential structures.
   iii. Screening. Satellite Antennas greater than one (1) yard in diameter that are mounted on the ground will be screened from view from adjoining properties by solid fencing or evergreen plants to a height of a least six (6) feet.

Section 11.3 Antenna Facilities

(1) Placement for Antenna Facilities

This Section does not apply to amateur radio, TV and satellite receive-only antennas. For the purpose of determining the appropriate locations for the placement of antenna facilities, the City is divided into land use areas that establish different regulations pertaining to height, location, and type of Antenna Facility. These land use areas are defined as follows:

a. Non-Residential Development (NRD). This is property within the Mixed Use (MU), Neighborhood Commercial (NC), Civic (C), Logistics (L), and non-residential sections of Planned Unit Developments (PUD).

b. Residential Development. Property within the Existing Residential (ER), Neighborhood Residential (NR), Rural Residential (RR), and any residentially zoned PUD, which is:
   i. A recorded subdivision that has had at least one building permit for a residential structure; or
   ii. Within 600 feet of property zoned residential.

c. Wireless Corridors (WC). Property within, and 150 feet either side of, the right-of-way of a freeway or a major or minor arterial roadway.

(2) Setbacks for Antenna Facilities

A communications tower will be setback from rights-of-way and adjacent properties in accordance with the following minimum setback requirements:

a. New Ground-Mounted Tower Sites. For proposed new ground-mounted tower sites where

the allowed zoning district is adjacent to a residentially-zoned district or residential use, such tower will not be located closer than 300 feet from the property line of a residential use or from a residential zoning boundary and not be higher than 100 feet at that distance. For every additional foot of height proposed, the tower will be setback an additional three feet.

b. Height Extension. For proposals to extend the height of an existing ground-mounted tower which does not require modification to the existing tower foundation, where the allowed zoning district is adjacent to a residentially-zoned district or residential use, such tower will not be located closer than the fall zone distance, defined as the entire height of the ground-mounted tower plus an additional 30 feet, from the property line of a residential use or from a residential zoning boundary.

c. From Public Rights-of-Way. Towers will be set back a minimum of one hundred (100) feet from a public right-of-way classified as a major collector or of a larger classification. For a public right-of- way classified smaller than a major collector, the minimum setback will be 50 feet. The classification of streets, roads and highways will be in accordance with the thoroughfare plan, as amended.

d. Reduction of Setback. Consideration toward reducing the setback will require specifications as to the engineered "fall" characteristics of a tower and the nature of neighboring land uses. A reduction in setbacks may be granted based upon location within the above identified threshold areas, location of the nearest structure, height of the tower, height of any individual section of the tower, the height of the tower structure upon collapse.

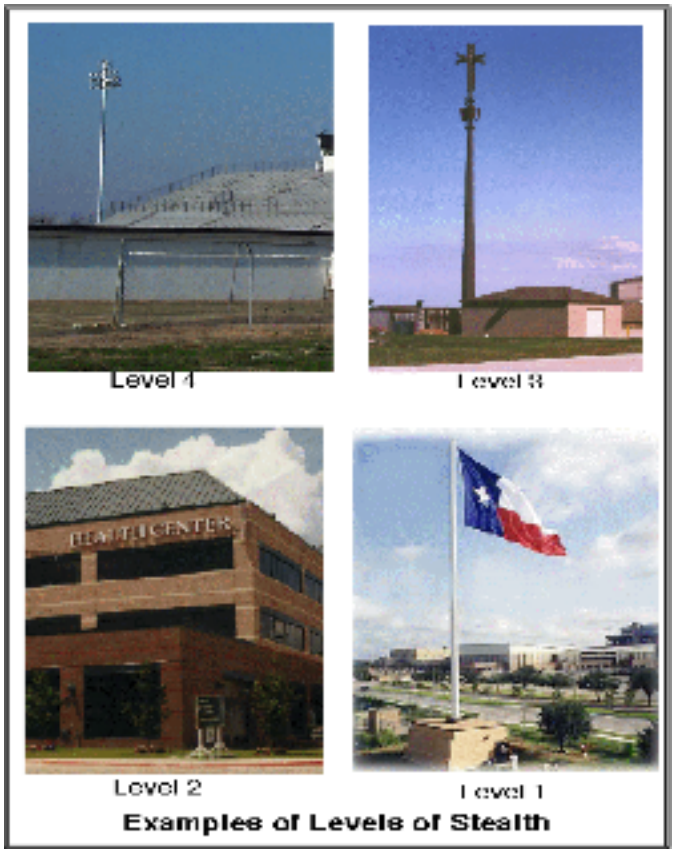
(3) General Design Requirements for Antenna Facilities

a. Paint. All towers, guy wires, poles, antennas, mast and the like will be painted in earth tone colors. Exposed or galvanized metal will be prohibited.

b. Ancillary Structures. All ancillary structures associated with such towers or poles including, but not limited to, equipment and storage buildings will be designed in accordance with Chapter 7, Design Standards, of the UDC.

c. Landscaping. All antenna facilities will be landscaped and screened in accordance with Chapter 7, Design Standards, of the UDC.

Figure 11.1 Antenna Levels



(4) Antenna Facility Impact Levels

For the purpose of determining appropriate locations for antenna facilities, the City recognizes differing levels of impact for antenna facilities depending upon physical location and land use compatibility. These Antenna Facility impact levels are described as follows:

a. Monopole. A monopole tower requires a Special Exception. The antenna equipment may not extend more than 5 feet above the highest point on the monopole.

b. Level 4 Stealth Facility. The antenna on a Level 4 Stealth facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, utility tower, steeple, or light pole. The antenna is neither screened nor hidden. For the purpose of this level, a pole or tower may be reconstructed to structurally hold the antenna but the height of the structure cannot be increased.

c. Level 3 Stealth Facility. The antenna on a Level 3 Stealth facility is located on an existing structure (other than a telecommunications tower) including, but not limited to, a building, utility tower, steeple, or light pole. The antenna will be painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings.

d. Level 2 Stealth Facility. The antenna on a Level 2 stealth facility is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.

e. Level 1 Stealth Facility. The antenna on a Level 1 stealth facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.

(5) Antenna Facility Siting Matrix

Antenna facilities will be located in accordance with the following siting matrix (Table 11.2). This matrix

provides for areas where antenna facilities may be located as permitted uses and areas where they may be located with a Special Exception.

Table 11.2 Antenna Facility Siting Matrix

Permitted Use	Requires Special Exception

	11.3(1)a NRD	11.3(1)b RD	11.3(1)c WC
Monopole over 120 Ft.			
Monopole up to 120 Ft.			
Level 4 Stealth Facility			
Level 3 Stealth Facility			
Level 2 Stealth Facility			
Level 1 Stealth Facility			

Section 11.4 Special Exceptions

(1) Application

In order to be considered complete for purposes of evaluation, an application to locate an Antenna Facility or an antenna that requires a Special Exception must include the following information:

a. Application and Fee. A Special Exception application and appropriate application fee.

b. Narrative. A narrative detailing the proposed Antenna Facility. The narrative must indicate the following:

   i. Structure. Whether the proposed structure is a co-location, a new monopole tower or a new alternate mounting structure.

   ii. Height. The height of the proposed tower. Where site conditions permit, the Applicant will conduct a balloon test within two weeks of application submittal. This test will consist of raising balloons to a height equal to the proposed tower. The balloons should be of a color material that provides maximum visibility. The Applicant will notify the City Manager or his / her designee of the time of the balloon test at least two days before the test is to occur to allow staff to conduct field visits during the test.

   iii. Purpose. Why the Antenna Facility is necessary at the proposed location.

   iv. The name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user;

   v. Co-location Opportunities. Describe co-location opportunities to include the following:

      1. Describe the Applicant's efforts to co-locate the facilities proposed for this Antenna Facility on existing antenna facilities in the same general area. Identify the location of

these existing sites, and describe the efforts, and explain in detail why these existing sites were not feasible;

2. Indicate whether the existing site(s) allow / promote co-location and, if not, describe why not.
3. Indicate whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis of each reason.

vi. Camouflage Technology. Indicate if camouflage technology is an appropriate option for the site. If it is an option, provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility. If it is not an option, state every reason and the basis of each reason.

(2) Site Plan

With the Application, provide a Site Plan of the proposed Antenna Facility at a scale of 1 inch = 30 feet. The Site Plan should be on a single 24" X 36"sheet and include the following:

a. Survey and Legal Description. A survey and legal description of the proposed Antenna Facility;
b. Access. A detail on how access to the site is to be achieved; and
c. Site View Layout. A site view layout of the proposed Antenna Facility clearly showing the following:
   i. Location of the facility,
   ii. All equipment and structures in the proposed Antenna Facility,
   iii. The required off street parking space,
   iv. Distances to property lines, including adjacent land uses and zoning structures
   v. Required setbacks,
   vi. Location of all buildings and structures within three hundred (300) feet,
   vii. Existing structures on the site,
   viii. Required landscaping or screening of the base of the tower,
   ix. All recorded and proposed easements, and
   x. Natural features, such as watercourses and trees.

(3) Elevation Drawings

a. Elevation Drawings. The Application will also include Elevation Drawings showing the following:
   i. Design and Height. The design and height of the proposed Antenna Facility;
   ii. Structures and Equipment. Detailed drawings of all structures and equipment, including Photo- Simulation;
   iii. Screening Requirements; and
   iv. Special Exception Requirements. All requirements specified in Wireless Antenna Facility Special Exception.

(4) Other Information

a. Residential Districts. If the requested location is in a residential district the Applicant must provide evidence that they have made an effort to locate the facility in a nonresidential

district. Identify the location of these nonresidential district sites, describe in detail these efforts, and explain in detail why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage.

b. Map. Provide a map showing the proposed provider's current coverage area for the City of Fair Oaks Ranch. The map must show the roadway network and be labeled. The Applicant must also provide propagation analysis showing the areas the proposed provider's existing antenna currently covers, and the areas the Applicant's existing sites and the requested site would cover. The propagation analysis must be labeled and have a legend.

c. Master Antenna Facilities Plan. Describe the Applicant's master antenna facilities plan for the City of Fair Oaks Ranch. Provide information indicating each phase of the plan.

d. Engineer's Certification. Provide an independent engineer's certification that any proposed co-located tower will comply with ANSI and other industry safety and structural codes and standards.

e. City Review and Sign-Off. Provide review and sign-off by City Manager or his / her designee regarding compliance with any applicable historic district provisions.

f. Compliance. Provide documentation for the proposed site showing compliance with current zoning requirements and any other applicable codes for the City of Fair Oaks Ranch, as well as any applicable State laws.

g. State and Federal Review and Sign-Off. Provide documentation of any necessary approvals from the State or other entities needed for the site.

(5) Consideration of Application

a. Zoning Board of Adjustment. In considering whether to grant a Special Exception, the Board will consider the following:

   a. Appropriateness. The appropriateness of the location and design of the Antenna Facility;

   b. Interference with Surrounding Properties. The potential for interference with the enjoyment of the use surrounding properties;

   c. Height. The proposed height of the Antenna Facility relative to surrounding structures;

   d. Zoning. The zoning district and the adjoining zoning districts of the property for which Special Exception is sought;

   e. Compliance with City Codes. The compliance with the City of Fair Oaks Ranch regulations; and,

   f. Availability of Alternative Sites. The availability of suitable alternative sites. Suitable alternative site(s) will mean a location or locations that would provide the same or better signal coverage than the proposed site for which a Special Exception is requested. The Applicant will provide documentation supporting his contention that alternative site(s) are not suitable and/or available.

b. Procedures for Consideration of Special Exception. The procedures for consideration of an application for a Special Exception requested under this Chapter of the ordinance will be in accordance with Section 3.9(5), Special Exception.

   a. Processing Time Period. Co-location applications must be processed within ninety (90) days of receipt by the City Manager or his / her designee. All other applications must be processed within one hundred fifty (150) days of receipt by the City Manager or his / her

designee. The time period for processing applications may be extended beyond the ninety (90) or one hundred fifty (150) days by mutual consent of the personal wireless service provider and the City Manager or his / her designee.

b. Incomplete Applications. If the City Manager or his / her designee finds that an application is incomplete as filed, the City Manager or his / her designee will notify the Applicant within thirty (30) days that their application is incomplete. When incomplete applications are filed, the ninety (90) or one hundred fifty (150) day time period is tolled and does not include the time that the Applicant takes to respond to the City Manager's or his / her designee's request for additional information. The Applicant will respond to any request for additional information by the City Manager or his/her designee within five (5) business days.

(6) Denial of the Application

Denial of an application for a Special Exception under this Chapter must be documented in writing in accordance with the requirements of the orders of the FCC and the Telecommunications Act of 1996 as amended.

(7) Appeal

An Applicant may appeal the decision of the City Council to the District Court by filing a written Notice of Appeal within ten (10) days following the date the City Manager notifies the Applicant of his / her decision. A decision not timely appealed in accordance with this Chapter will be final.

CHAPTER 12 COMPLIANCE AND ENFORCEMENT

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Chapter 12 Compliance and Enforcement

Section 12.1 Compliance

(1) General

a. Compliance. It will be unlawful for any person to begin, continue, or complete any development on any land within the territorial jurisdiction of the City to which the provisions of this Code apply, except in accordance with and upon compliance with the provisions of this Code.

b. Enforce and Ensure. The City and its agents will enforce and ensure compliance with the provisions of this Code and will take necessary and appropriate actions to prevent or cease any violations of the provisions of this Code.

c. Interpretation and Conflict:

i. Minimum Requirements. The standards and provisions of this Code will be interpreted as the minimum requirements necessary for any person to comply with the Code.

ii. Private Restrictions. Whenever this Chapter imposes a higher standard than that required by easements, deed restrictions, covenants or agreements, the provisions of this Chapter will govern to the extent permitted by law. In the case of a conflict between two standards, the more restrictive will apply.

iii. Other Requirements. Wherever this Code imposes a higher standard than that required by any other ordinance or requirement, the provisions of this Code will govern to the extent permitted by law. In cases where state or federal laws supersede the City's requirements, then the applicable state or federal requirements will apply.

iv. Higher Standard. If the City Council determines that the condition of a party's development or action of another party violates a higher standard than that required by this Code, the provisions of the applicable state or federal statute will govern.

(2) Violations

a. Violations. The following will be deemed violations under this Code and constitute sufficient grounds for the City to take enforcement actions and pursue the penalties as specified below:

i. Development Without Permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon any area or to make improvements thereon subject to the jurisdiction of this Code without all required permits, certificates, or other forms of authorization as set forth in this Code.

ii. Development Inconsistent with Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted by the City for such activity.

iii. Violation by Actor Omission. To violate, by act or omission, any term, variance, modification, condition, stipulation or qualification imposed by the City Council or its authorized agents upon any required permit, plat, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

iv. Use in Violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building, structure, property, or to use any land in violation or contravention of these regulations or any other regulation established under any other applicable legal authority.

v. Continue a Violation. The continuation of any of the above violations is a distinct offense, and each day such violation continues will be considered a separate offense.

b. Individual Complaint to City Regarding Violations:

i. Written Complaint. Whenever a violation of this Code occurs, or is alleged to have occurred, any person who witnessed the violation may file a written complaint with the City Secretary or City Manager. Such complaint will provide the following:

1. Basis of Complaint. The causes and basis of the complaint;
2. Date and Time. The date and time, as closely as possible, on which the violation began or was first observed;
3. Location. A description of the property on which the violation occurred; and
4. Names and Address. The names and addresses of the parties involved.

ii. Investigation and Action. The City will record the complaint, investigate within a reasonable time, and take action thereon.

iii. Action by City Manager. The City Manager may also act upon violations that may become known during the normal performance of his / her duties. A public record of the disposition will be made and maintained in the appropriate City records.

(3) Roles and Responsibilities Concerning Compliance

a. Enforcement. Generally it will be the duty of the City Council and the City Manager, acting on behalf of the City Council, to enforce the requirements of this Code. The City Manager may call upon officials of the City, including the City Engineer, City Building Inspector, or other appropriate City employees, to furnish him/her with such information or assistance as he/she may deem necessary for compliance with and enforcement of this Code.

b. Land Use and Planning Matters:

i. Permits. The City will not issue a building permit or certificate of occupancy required by any City ordinance for any land located within the jurisdictional limits to which this Code applies, until and unless the Owner or Developer (Developer) of the property, or its agent, is in compliance with the requirements of this Code.

ii. Utilities. The City will not provide or connect City water, sewer, or other utility owned or licensed by the City to any property to which the provisions of this Code apply, unless and until the Owner of the property, or its agent, is in compliance with the provisions of this Code.

b. Health and Sanitation Matters:

i. Discontinuation of Water Services. Whenever a user has violated or continues to violate any provision of this Code pertaining to water and wastewater infrastructure, an industrial wastewater discharge permit or order issued hereunder, or any other applicable waste pretreatment standard or health and sanitation requirement, water service to the user may be discontinued. Service will only be reconnected, at the user's expense, after the user has ceased the violation and satisfactorily demonstrated and established his ability to comply with this Code.

ii. Declaration of a Public Nuisance. A violation of any provision of this Code that is dangerous to human life or health; that renders the ground, the water, the air or any food or drink unwholesome and a hazard to human life and health; that may injure or affect the public health or comfort in any manner; or a violation of a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and illegal, and will be abated by any procedure authorized by

law; further, the City will be entitled to recover its damages, attorney fees, and expenses of litigation for enforcement or cessation of such violation.

c. Responsible Parties:
   i. Participants in Violation. The Owner or Tenant of any building, structure, premises, or any part thereof, and any architect, engineer, builder, contractor, agent or other person who knowingly commits, participates in, permits, assists with or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Chapter; in addition, each party may also be subject to civil penalties as provided in this Chapter or applicable law.
   ii. Prosecution. Any person who opposes, obstructs, or resists any City official or any person authorized by the City Council in the discharge of his or her duties as provided by this Code will be in violation of this Code and may be prosecuted for a Class "C" misdemeanor.

d. Continuing or Repeat Violations.
   If an Owner, Occupant, Tenant, or other person repeats the same violation, within a five-year period from the date of the initial violation, it will be considered to be a repeat of the initial violation and will be subject to additional penalties and remedies. Payment of a fine will be considered admission of a violation for the purposes of a repeat violation.

Section 12.2 Enforcement

(1) Generally

a. Refusal to Make Utility Connections. The City may refuse to authorize or make utility connections on the grounds set forth in the Texas Local Government Code (LGC) Ann. Section 2 12.012 (Vernon 1988 & Supp. 1994), as amended.

b. Notice of Intent to Suspend or Revoke:
   i. Notification. Before the City initiates the process for suspension or revocation of a permit or other form of approval pursuant to this Code, the City Manager or Building Official or another designee of the City Council will give written notice of intent to suspend or revoke via certified mail, return receipt requested. The notice may specify a reasonable time for compliance with this Code.
   ii. Time for Compliance. If notice of intent is given, suspension or revocation will not occur before the time for compliance has expired.
   iii. Imminent Threat. The City Manager, Building Official, or another designee of the City Council will not be required to provide notice of intent to suspend or revoke for violations of this Code that cause imminent destruction of property or injury to persons.

(2) Suspension and Revocation of a Variance or Special Use Permit

a. Failure to Comply. When the City Council determines there is a failure to comply with any term, condition, or requirement that was a condition of the approval of a variance or special use permit, the City Council may direct the City Manager, City Attorney, or another agent or official to suspend the variance or special use permit pending compliance with the terms, conditions, or requirements under which the variance or special use permit was approved.

b. Notification. Notice of suspension or revocation of a variance or special use permit will be sent by certified mail, return receipt requested, to the permit holder of the variance or special use permit.

c. Public Hearing. The City Council will, if requested in writing by the permit holder, hold a public

hearing no later than forty five (45) days after notification is sent to the permit holder of the variance or special use permit of its intent to suspend. If the City Council determines there is a failure to comply with any term, condition, or requirement made a condition of the variance or special use permit, the City Council may revoke the variance or special use permit or take such action as it considers necessary to ensure compliance.

d. Decision to Revoke. A decision to revoke a variance or special use permit will be effective immediately. Notice of the decision by the City Council will be sent by certified mail, return receipt requested to the permit holder of the variance or the special use permit.

(3) Stop Work Orders

a. Stop Work Order. The City Manager (or designee), City Inspector, or other City official duly authorized by the City Council may order all work, including site clearing or other site preparation, stopped on any site where a significant violation of this Code or a Subdivision Plat or approved Site Plan is found.

b. Failure to Comply. Any person, including a workman on the site, who fails to comply with a stop work order, will be guilty of a misdemeanor, punishable as provided in this Chapter of the Code.

c. Compliance. Upon receiving an application to resume work and a declaration from the Developer that any claimed violations of this Code have ceased and that the Developer is currently in compliance, the City Manager will determine, within ten (10) working days of receipt of said application, whether the work is in compliance.

d. Notice to Proceed. If the City Manager determines that the work or site is in compliance, he may authorize the work to proceed in writing.

Section 12.3 Penalties

(1) Generally

a. Maximum Fine. Except where otherwise provided therein, the maximum fine for violating any provision of this Code, or any ordinance, rule or police regulation that governs fire safety, zoning or public health and sanitation, including dumping of refuse, will not exceed two thousand dollars ($2,000.00); for all other violations, the maximum fine will not exceed five hundred dollars ($500.00); provided, however, that no penalty will be greater or less than the penalty provided for the same or a similar offense under the laws of the State.

b. Each Day a Separate Offense. Each day any violation of this Code or of any ordinance of the City continues will constitute a separate offense.

c. Penalties Are Cumulative. The penalties in this Section will be cumulative and are not exclusive of any other rights or remedies the City may have or pursue.

(2) Assessment of Expenses

In addition to any other remedy provided in this Code or any other ordinance of this City and cumulative thereof, the City will have the power by resolution of the City Council to cause any of the work or improvements required to be completed by the Owner, Developer, or Applicant under the provisions of this Code to be undertaken by the City on the account of the owner of the property on which work or improvements are done; and the City will cause the expense thereof to be assessed upon the real estate or lot upon which such expense is incurred and/or will place a lien on said property.

(3) Land Use and Zoning

a. Violation of Site Plan. If the City Council finds, after notice and hearing, that a significant violation of an approved Site Plan has occurred, the Council may revoke its approval of such Site Plan. It will be unlawful for any person to perform any work on the site pursuant to the Site Plan unless and until a new application for Site Plan approval has been filed and processed in accordance with the provisions of this Code and the City Council grants approval of a new final Site Plan that remedies the violations of the original Site Plan.

b. Violation of this Code. Any person who violates any provision of this Code or any order issued under the authority of this Code, or who causes or permits any such violation, or who fails to perform any act required under this Code, or who performs any prohibited act or takes any action contrary to the Final Plats or Site Plans approved by the City Council, or who fails to take any action required by such approved plat or site plan, will be guilty of a misdemeanor, and, upon conviction thereof, will be punished by a fine of not more than two thousand dollars ($2,000.00). Each and every day that the violation is committed or permitted to continue will constitute a separate offense and will be punishable as such.

(4) Signs

a. Sign Violation Notice. The City Manager or his / her designee will have the authority to issue a sign violation notice and will be empowered to enter upon the premises of any person within the City or its extraterritorial jurisdiction (ETJ) for the purpose of enforcing the provisions of this Code.

b. When a sign requiring a permit under Chapter 10, Signs of this Code is erected without a sign permit, the City Manager will use the following procedures:

   i. Notice of Violation. The City will give written notice of violation to the responsible party or to the occupant of the premises if the responsible party is not known. The notice will include a description of the violation, the date such violation was noted, instructions to contact the City Manager to apply for a permit for the sign, if applicable, and the fine schedule if the notice is not heeded, refused or unclaimed. The notice is deemed delivered when deposited in the United States Postal Service (USPS), with postage paid to the last known address of the party responsible for such sign.

   ii. Removal and Impoundment. If, within fourteen (14) days, the responsible party fails to contact the City Manager in writing, bring the sign into conformance with this Code, or apply for a permit for the sign, the City Manager will have the sign removed or impounded without further notice, and/or will fine the Owner on a daily basis as set forth within this Code.

   iii. Conviction. The party responsible for the sign will, upon conviction, be guilty of a misdemeanor and will;

      1. Forfeit both the sign and any permit associated with the sign; and
      2. Pay the fines set by the court, not to exceed the fines specified by this Code for each violation. Each day of the continued violation will constitute a separate violation.

c. Impoundment of Signs:

   i. Unauthorized Signs. The City Manager will have the authority to remove all signs, without notice to the Owners thereof, placed within any street or highway right-of-way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited or not authorized by this Code, and to impound them for a period of fourteen (14) days.

   ii. Recovery. The Owner of an impounded sign may recover the same upon payment of an

impoundment fee for each sign, and all costs associated with the removal of the sign, prior to the expiration of the fourteen (14) day impoundment period; in the event the sign is not claimed and retrieved from the City's possession within fourteen (14) days, the City Manager will have authority to dispose of such sign. The Owner will be responsible for all costs associated with removal and disposal of the sign.

Section 12.4 Civil Remedies

(1) Civil Action

a. Public Nuisance. In addition to the penalties otherwise provided, any condition caused or permitted to exist in violation of any provision of this Code or any ordinance, which provision is intended for the protection of the public health, safety or welfare, may be determined to constitute a public nuisance and may be abated by the City as provided by law.

b. Notification. Prior to taking civil action, the City will notify the defendant of the provisions of the Code that are being violated. Upon initiation of the civil action, the City will demonstrate that the defendant was actually notified of the provisions of the Code; and that after receiving notice, the defendant committed acts in violation of the Code or failed to take action necessary for compliance with the Code.

(2) Injunction and Other Remedies

a. Unlawful Structures. Any structure erected or used, or any development that is implemented, contrary to any of the provisions of this Code or to any of the requirements contained in a Final Plat or Site Plan approved by the City Council, is hereby declared to be unlawful and will constitute a violation of this Code.

b. Injunction, Mandamus, Abatement or Any Other Action. The City Council may initiate the legal process to obtain an injunction, mandamus, abatement or any other action available in law or equity to prevent, enjoin, abate, correct or remove such unlawful structure, use, or development, or otherwise ensure compliance with this Code.

(3) Civil Penalties

a. Penalty. Any person who violates any provision of this Code is subject to a civil penalty of up to one thousand dollars ($1,000.00) and not less than one hundred dollars ($100.00), or more as permitted by law, for each act of violation and for each day of violation.

b. Penalties are Cumulative. The penalties in this Section will be cumulative and not exclusive of any other rights or remedies the City may have.

Section 12.5 Fiscal Surety and Assurance of Construction and Maintenance

(1) Payment of Taxes

The Developer will provide the City Manager with a certified receipt showing that all taxes have been paid in conjunction with the submittal of an application for Final Plat approval or site development permit issuance.

(2) Letter of Credit or Performance Bond

a. Financial Security. Before any development or project can proceed, the City Manager must be satisfied that the Developer will be in a financial position to install or cause to be installed at

his own cost, risk, and expense, all of the improvements required by this Code.

b. Construction of Improvement Prior to Recording Final Plat. If the Developer elects to construct the required improvements prior a Final Plat being approved, the following conditions must be met:
   i. Inspections. All such construction will be inspected while in progress.
   ii. Approvals. Construction must receive approval upon completion by the City Manager (or designee).
   iii. Certificate that Construction Conforms to Code. A certificate by the City Manager (or designee) that the construction conforms to the plans and specifications and the standards contained in or referred to in this Code must be presented to the City Council by the Developer prior to approval of the Final Plat.

c. Construction of Improvement After Recording Final Plat. If the Developer does not elect to construct the required improvements prior to recording of a Final Plat, following issuance of the Site Development Permit, the Developer of a site development will post fiscal surety to assure completion of all construction required under this Code. If the Developer of a subdivision decides or elects to post fiscal surety in lieu of completing construction prior to Final Plat approval, the Developer may utilize one of the following methods of posting fiscal surety. If the Developer elects to post fiscal surety for subdivision or site development related construction, the Final Plat will not be approved or the Site Development Permit will not be issued unless the Developer has done the following:
   i. Estimate of Total Cost. The Developer's or Professional Engineer will provide the City an estimate of the total cost of all uncompleted or unaccepted improvements as may be required by this Code that is acceptable to the City Manager or his / her designee;
   ii. Sufficient Fiscal Surety. The City Manager will require sufficient fiscal surety to insure the orderly development within any subdivision or site development in the form of either of the following:
      1. A performance bond, or
      2. An irrevocable letter of credit, equal to 110 percent of the estimated total cost of the improvements not yet completed and accepted as complete. Such letter of credit or bonds will be issued by a financial institution authorized to do business in the State of Texas. Furthermore, the financial institution will be reviewed and approved in advance and the letters of credit or bonds will conform to forms or criteria approved in advance by the City Council.
   iii. Securing the Estimated Costs. The fiscal surety will be for the purpose of securing the estimated cost of completing such improvements, should the City find it necessary to complete the improvements in lieu of the Developer. The Developer will complete all such improvements specified or referenced in the subdivision plat or Site Development Permit and the construction plans for the same, within two (2) years from the date of Final Plat approval or Site Development Permit issuance unless granted an extension by the City. Failure to do so will authorize the City to complete the improvements using the fiscal surety provided by the Developer.

d. Sale of Lots. It is expressly understood that, as a condition to the approval of said subdivision or site development, no sale of any lot may be completed until all utilities are installed and all other improvements required by this Code are made within the block in which said lot is contained.

(3) Requirements Prior to Final Acceptance for Maintenance

a. Written Guarantees and Two-Year Warranty. The Developer will ensure that all of the facilities constructed in accordance with the requirements of this Code will perform and remain in good working order and in accordance with the design performance criteria of each such facility, for two (2) years commencing on the date of approval of final completion by the City Manager or his / her designee. Additionally, prior to final acceptance for maintenance of the completed improvements by the City Manager, the Developer will require any construction contractors with whom he / she contracts for furnishing materials and for installation of the improvements required under this Code, to provide written guarantees to the City, and will himself be required to furnish to the City, a written guarantee, that all workmanship and materials will be free of defects for a period of two (2) years from the date of acceptance by the City Manager. The guarantee will be either of the following:
   i. Warranty Bond. A two (2) year warranty bond executed by a corporate surety licensed to do business in the State of Texas, conditioned that the improvements are free from defects in materials and workmanship, or
   ii. Irrevocable Letter of Credit. An irrevocable letter of credit from a financial institution authorized to do business in the State of Texas, and approved by the City Manager, committing funds for the correction and repair of any defects in materials or workmanship.

   Said bonds or letters of credit will be in the amount of at least twenty (20) percent of the total construction cost.
b. Financial Institutions. The financial institution will be reviewed and approved in advance and the letters of credit or bonds will conform to forms or criteria approved in advance by the City Council.
c. Assurance Period. The two (2) year assurance period will commence on the date of approval of final completion of the improvements by the City Manager or his designee.

(4) Acceptance of Improvements

a. Inspections. During the course of installation and construction of the required improvements, the City Manager (or designee) will make periodic inspections of the work to insure that all improvements comply with the requirements of this Code.
b. Record Drawings / As-Builts. Upon completion of installation and construction of all required improvements, the Developer may seek acceptance of all public improvements by the City by submitting the required number of copies of record drawings / as-built plans, in hard copy and digital copy format and a two (2) year maintenance bond as specified in the terms and conditions above.
c. Certified Statement by Professional Engineer. In addition, the Developer will provide a certified statement signed by a Registered Professional Engineer that all improvements have been installed and constructed in accordance with the submitted record drawings / as-built plans.
d. Acceptance or Rejection. After final inspection, the City Manager will notify the Developer and the City Attorney in writing as to its acceptance or rejection. The City Manager will reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. No release of any posted fiscal surety will occur until the City has formally accepted the constructed improvements that are the subject of such surety.

e. Rejection. If the City Manager rejects such construction, the City Attorney will, upon direction of the City Council, proceed to enforce the guarantees provided in this Chapter.
f. Extension of Time. When good cause exists, the City Manager may extend the period of time for completion. Such extension of time will be reported to the City Council and recorded in the minutes. No such extension will be granted unless fiscal surety, as set forth above, has been provided by the Developer covering the extended period of time.

(5) Maintenance and Supervision

Where a subdivision contains wastewater, wastewater treatment facilities, water supply systems, water quality protection facilities, streets and other transportation related improvements, parks and grounds held in common, park and recreation improvements, drainage easements or drainage improvements, landscape improvements or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which are not or cannot be satisfactorily maintained by an existing public agency, provision will be made, which is acceptable to the City Council, for the proper and continuous operation, maintenance, and supervision of such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities will be presented to the City Manager and approved as to form by the City Attorney prior to the time of Final Plat approval or Site Development Permit issuance and will be filed of record with the plat or permit.

CHAPTER 13 DEFINITIONS

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Chapter 13 Definitions.

Section 13.1 Usage and Interpretation.

(1) Usage and Interpretation Rules.

For the purpose of this UDC, certain terms and words herein will be interpreted or defined as follows:

- The word "shall" and the word "will" are mandatory and not permissive.
- The word "may" is permissive and not mandatory. The words "may not," "shall not," and "will not" are all prohibitive.
- The singular includes the plural.
- Words used in the present tense include the future tense.
- Headings and captions are for reference purposes only, and will not be used in the interpretation of this ordinance.

(2) Words and Terms Not Defined.

Terms not defined herein will be construed in accordance with their customary usage and meaning and interpreted to give this Code its most reasonable application.

Section 13.2 Words and Terms Defined.

For the purpose of this UDC, certain terms and words herein will be defined as follows:

A-frame Sign. See Signs, A-frame.

Abandoned / Dilapidated Sign. See Signs, Abandoned / Obsolete.

Accessory Building. Means a structure that is secondary in scale to a principal building on the lot and may not exist without the principal building. Typically the Accessory Building is located to the side and/or rear of the principal building and is subject to any applicable building codes.

Accessory Uses. See Uses, Accessory.

Alley. See Streets, Alley.

Amended Plat. See Plats, Amending.

Antenna. A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antennas.

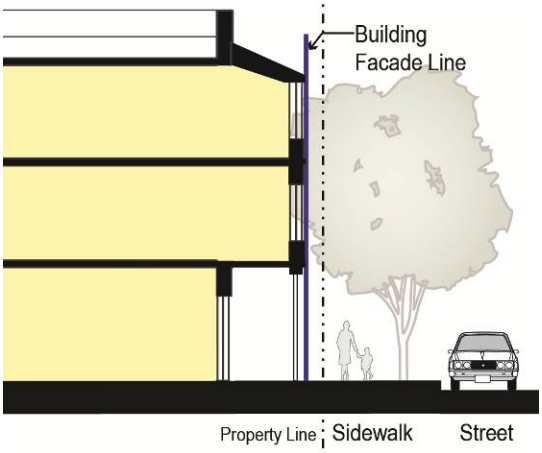
- Radio. A radio communication antenna used by a person holding an amateur station license from the Federal Communications Commission (FCC).
- Building Attached. An antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in

which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

- Facility. The antenna, mast, pole, structure, tower, building, equipment and other supporting material used to mount the antenna and equipment, equipment storage buildings and concealing or screening structures needed to operate an antenna.
- Preexisting. Any antenna for which a building permit or Special Exception has been properly issued prior to the effective date of this Ordinance, including permitted antennas that have not yet been constructed so long as such approval is current and not expired.
- Satellite. A satellite antenna, which is greater than one (1) meter in diameter, enables the transmission of signals directly to and from satellites. Such antennas are commonly known as a satellite dish, dish antenna, parabolic antenna, or satellite earth station antenna.
- Satellite Receive-Only. An antenna, which is one (1) meter or less in diameter, enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.
- Stealth Facility. "Stealth" is a generic term describing a method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, Alternative Tower Structures, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.
- TV. An antenna that enables the receipt of television signals transmitted from broadcast stations.

Applicant. See Developer or Owner

Arcade. Is a portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and the arcade may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.



Arterial Streets. See Streets, Arterial

Association. The Fair Oaks Ranch Homeowners Association and/or and individual Homeowners Association

Attached Single Family. A building type for rent or ownership that has shared walls and often a zero lot line configuration. Also known as Townhomes or Row houses.

Auxiliary sign. See Signs, Auxiliary.

Bar. An establishment where the primary use is the sale and serving of alcoholic beverages for on premise consumption and that derives 75 percent or more of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code. This includes but is not limited to taverns, nightclubs, cocktail lounges, pubs, ice houses, beer joints, saloons, and cabarets.

Banner. See Signs, Banner.

Beacons. Includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

Billboards. See Signs, Billboards

Block. A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, highway, stream, or corporate boundary lines.

Block Length. For a residential subdivision, the block length the distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a 90-degree turn.

Bond. Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City Council.

Bond, Construction. Bond or other financial guarantee for the faithful performance, installation and completion of such improvements. In the event any or all of the required improvements as constructed by the Owner fail to meet the requirements of the specifications herein provided and are not accepted and approved by the City Engineer, and said Owner fails or refuses to correct defects called to his attention in writing by the City Manager, the unfinished improvements will be completed at the cost and expense of obligee as said Construction Bond provides.

Bond, Maintenance. An irrevocable letter of credit, a cash deposit, savings assignment, or performance bond, in an amount equal to ten percent (10%) of the amount of the Construction Bond guarantee the owner will guarantee to maintain, to the satisfaction of the City Manager, all of the constructed improvements in a good state of repair for the period of one year from the date of such acceptance by the City. The Maintenance Bond by its terms will provide that liability thereunder will begin on any or all of the required improvements, or a portion thereof, and such liability will remain in full force and effect for the period of one year from the date of the acceptance by the City.

Bond, Performance or Surety. A performance bond or surety bond is a bond required to ensure the completion of a development project pursuant to V.T.C.A., Local Government Code § 212.073.

Build. Build means to erect, convert, enlarge, reconstruct, restore, or alter a building or structure.

Build-to Zone (BTZ). Is the area between the minimum and maximum front setbacks from the property

line. The principal building façade line will be located within this area.

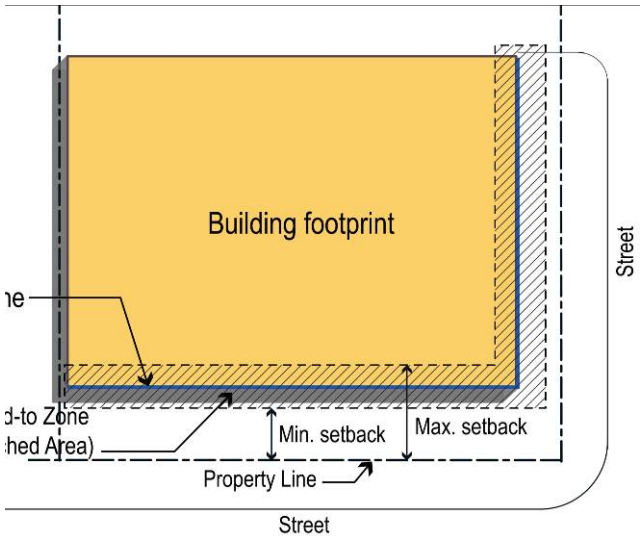
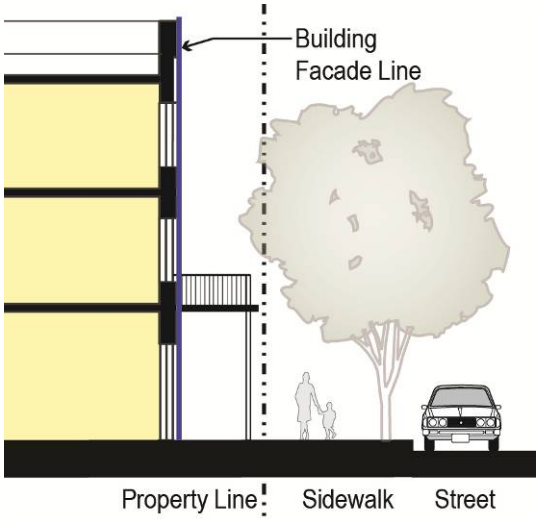


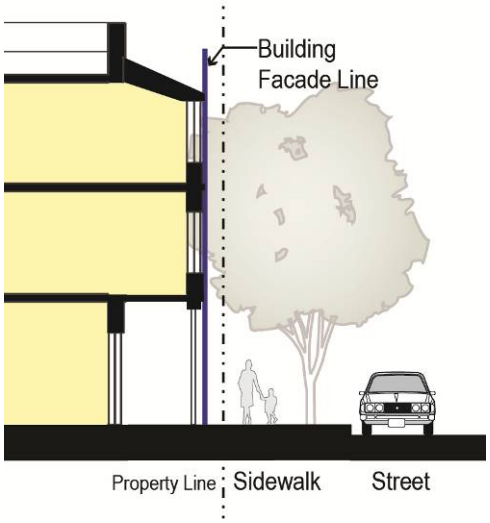
Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

Building. Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

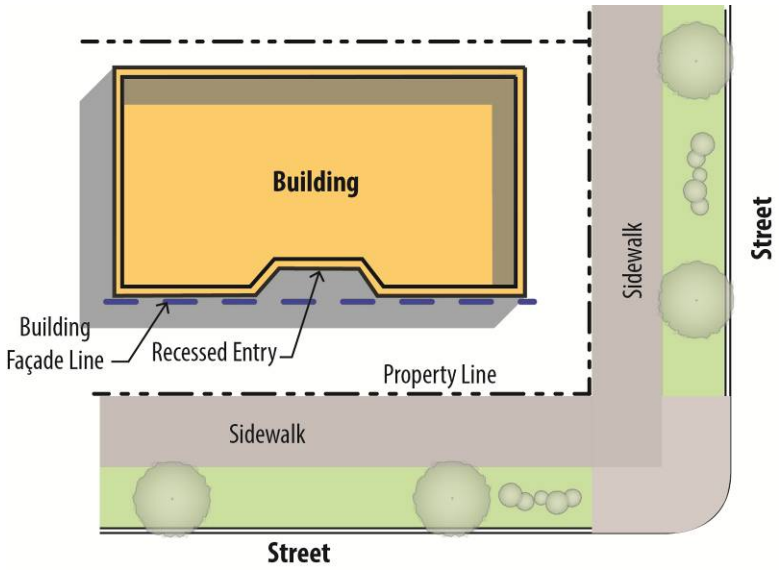
Building Façade Line. Is the location of the vertical plane of a building along a street frontage.



Section View – Gallery Building



Section View – Arcade Building



Plan View

Building Frontage. Is the percentage of a building's façade line that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot's width along the fronting public street. Required stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages will count towards the required building frontage.

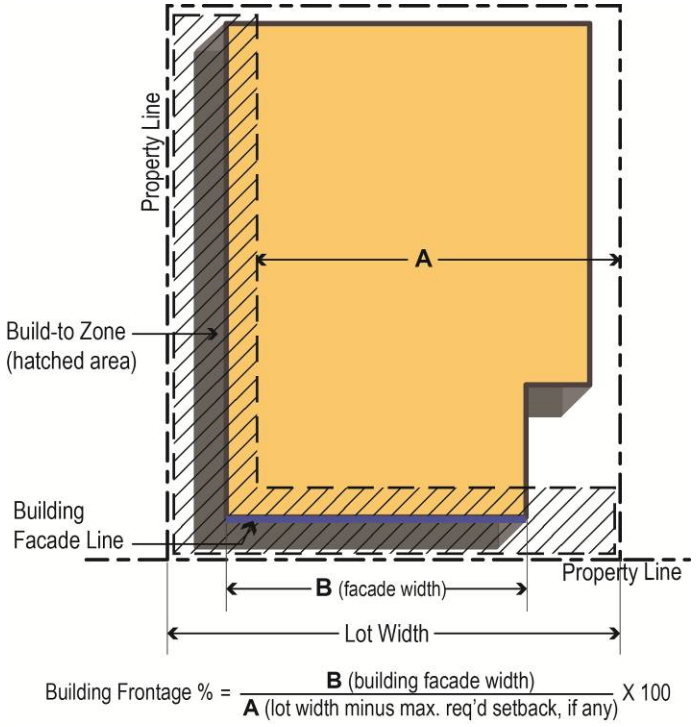


Image showing Building Frontage calculation

Building Official. The person(s) employed by the City to perform the duties of the building permit/inspection department.

Building Permit. A written document issued by the City authorizing the development of a lot or improvement to dwelling units, structures or other facilities located on said lot. "Building Permit" will include the issuance of a permit for irrigation or sprinkler systems.

Camp Bullis. Camp Bullis is the U.S. Military training base in north Bexar County.

Capital Improvements Plan or Program (CIP). A capital improvement plan or program (CIP) is a community planning and fiscal management tool used to coordinate the location, timing and financing of capital improvements over a multi-year period — usually 4-6 years. Capital improvements refer to major, non-recurring physical expenditures such as land, buildings, public infrastructure and equipment. The CIP includes a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, and an estimate of project costs and financing sources. The CIP is a working document and should be reviewed and updated annually to reflect changing community needs, priorities and funding opportunities.

Certificate of Occupancy (CO). A Certificate of Occupancy is an official certificate issued by the City through the enforcement official which indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.

Childcare (or Day Care). A place other than the child's or children's own home or homes in which care, supervision, and guidance of a child or children unaccompanied by parents, guardian or custodian is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or nonprofit.

Climate Controlled Self-Storage. A facility where customers may access storage units through an interior space and where the storage units are temperature controlled in an effort to avoid temperature extremes inside the facility.

City Attorney. The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term will also include any designee of the City Attorney.

City Council. The duly elected governing body of the City of Fair Oaks Ranch, Texas. Whenever the term "Council" or "City Council" or "the Council" is used, it means the governing body of the City of Fair Oaks Ranch, Texas.

City Engineer. The person(s) so designated by the City Manager to provide oversight for and have responsibility of the City's Engineering, Public Works and Utilities functions. This term will also include any designee of the City Engineer.

City Limits. The city limits is the municipal boundary of the City as determined by City ordinances and annexations.

City Manager. The chief administrative and executive officer of the City, appointed by the City Council, and responsible to the City Council for the administration of all the affairs of the City. "City Manager" includes any City employee designated to act on the City Manager's behalf.

City of Fair Oaks Ranch, Fair Oaks Ranch (City). The City of Fair Oaks Ranch, Bexar, Kendall, and Comal Counties, Texas, an incorporated municipality and its associated ETJ.

City Secretary. The person(s) so designated by the City Manager to provide clerical and official services for the City Council. This term will also include any designee of the City Secretary.

Co-location. The act of locating wireless communications equipment for more than one telecommunications carrier on a single Antenna Facility. As used in Chapter 11 of this Code, "co-location" does not include acts that increase the height of a single Antenna Structure by more than 10 percent, that involve more than four equipment cabinets or one shelter, that extend an antenna more than 20 feet from any other single Antenna Facility on an existing Antenna Structure, or that involve excavation outside of the existing Antenna Facility site.

Collector Streets. See Streets, Collector.

Commercial Development. For the purposes of this Code, all development which is neither residential nor industrial.

Commercial Ready. Means a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-floor height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for commercial uses. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Commercial Stables. Means any structure or place where livestock are kept for boarding, riding, feeding, or training for compensation, inclusive of the provision of livestock riding facilities such as covered arenas. For the purposes of Commercial Stables, livestock will include all animals of the equine, bovine class including goats, sheep, mules, horses, cattle, and other grazing animals. Save and except for project animals (e.g., 4-H: and FFA projects), livestock in the swine class are prohibited, and fish are excluded.

Commission. See Planning and Zoning Commission.

Community Facilities (CF) Zoning District. See Zoning Districts.

Community (or Group) Home. A residence operated as a single dwelling, licensed by the government and operated by a governmental or a private, or non-profit agency, providing food, shelter, personal guidance, rehabilitation, care, and/or habitation services to persons due to physical condition or illness/disability, or nonviolent mental condition or illness/disability, elderly age, or social, behavioral or disciplinary problems, where authorized supervisory personnel are on the premises.

Community Service Sign. See Sign, Community Service.

Complete Street. Means a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

Comprehensive Plan (Comp Plan). The Comprehensive Plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City. The Comprehensive Plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, drainage, parks and other public and private developments and improvements and population projections. It may also be referred to as "Comp Plan."

Computation of Time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding will be had, the first day is excluded and the last day is included. If the

last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

Concept Plan. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision development and platted in sections.

Conservation. Those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Conservation Development Alternative. The Conservation Development Alternative can be used in the Rural Residential or Neighborhood Residential Districts and should be used where it is in the best interests of the Developer and the City to enhance a development by limiting density, and providing additional open space, preserving natural resources. Conservation Development may also be utilized to promote a variation in housing types within a development 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.

Conditional Use. See Uses, Conditional Use

Consent Agreement. Agreement between applicant/property owner and the City, wherein the parties may agree upon how City may enforce rights under Chapter 245 of the Texas Local Government Code as to certain property or development.

Construction Bond. See Bond, Construction

County. The term "County" means the County of Bexar, Texas, the County of Kendall, Texas, or the County of Comal, Texas, as indicated by the context.

Cul-de-Sac. See Streets, Cul-de-Sac.

Daily Display / Promotional Signs. See Signs, Daily Display / Promotional.

Delegation of Authority. Whenever a provision of this Code requires or authorizes an officer or employee of the City to do some act or perform some duty, it will be construed to authorize such officer or employee to designate, delegate and authorize subordinates to perform the act or duty unless the terms of the provision specifically designate otherwise.

Designated Official. A designated official is the person, department, employee, or firm appointed by the City Manager to enforce this Code and administer these rules and regulations. If no designated official is named by the City Manager or the term of the designated official has expired, then the City Engineer will be presumed to be the City's designated official.

Developer. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these Subdivision Regulations. The word Developer is intended to include the terms Owner, Owner's Agent, Landowner, Property Owner, Developer, Subdivider and, when submitting platting documents, Applicant.

Development. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

Development Agreement. A development agreement is a written agreement between the City and a Property Owner that identifies fees, escrows, dedications, exactions or other public improvements or

construction controls that will be provided by the developer, and any additional land development regulations that will be applied by the City during the term of the agreement.

Digital Mapping. Digital maps are 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 Digital Mapping may be used in the administration and enforcement of this Code, but will not replace the paper originals of official maps required by this Code.

Direct Light. Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminary.

Director of Public Works and Utilities. See City Engineer.

Driveway. A driveway is a private or semi-public access route commonly used by motor vehicles, trailers and other vehicles that can be licensed for use on a public street. Driveways include access routes to garages, carports, and parking spaces. Areas where such vehicles are stored for more than 24 hours are considered to be driveways for the purposes of this Code.

Duplex. A structure on a single lot designed to accommodate two dwelling units.

Dwelling Unit. A structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single-family detached house or individual units of attached housing, i.e., one unit within a duplex, triplex, quadplex, or larger apartment building.

Easement. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

Easements.

- Drainage (DE). A drainage easement is a delineated portion of land set aside for the overland or underground transfer of stormwater. This area will not have any permanent structures, fences, or other obstacles hindering the safe transfer of water through the easement.
- Conservation. A conservation easement grants a property right stipulating that the described land will remain in a certain state and precluding future or additional development, unless use or development is specifically allowed by the terms of the conservation easement.
- Emergency Access. An emergency access easement is for the purpose of ingress, egress, access, and passage to and across private property for police, fire and other public safety and governmental vehicles and personnel. This is a private easement to be maintained by the owners of the land encumbered by the easement, typically used in conjunction with private streets.
- Maintenance and Access. An easement for the purpose of accessing and maintaining private structures located adjacent to a common lot line. Is a maintenance and access easement. This is a private easement to be maintained by owners of the land encumbered by the easement for the benefit and use of the owner of the adjacent structure, typically used along the "zero lot line" property lines within a subdivision.

- Non-Access. An easement dedicated to the public prohibiting vehicular traffic on, over or across said easement.
- Overhang. An interest in land granted to the City, to the public generally, and/or to a utility corporation, for installing or maintaining overhead utilities over private land. This easement does not grant the right of entry thereon with machinery and vehicles for maintenance.
- Sidewalk. An interest in land granted to the public for the installation of and public use of, a sidewalk across or over private land, together with the right to enter thereon with machinery and vehicles necessary for the installation and maintenance of said sidewalk.
- Utility (UE). An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utility.

Electioneering. The posting, use, or distribution of political signs or literature as defined in Section 85.036 of the Texas Election Code (TEC).

Electronic Signs. See Sign, Electronic.

Elevated Building. For insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation Certificate. An elevation certificate is a document prepared by a qualified engineer / surveyor which provides information on the elevation of a buildings relative to mean high tide, type of building, flood map location, and additional information used to determine the proper flood insurance premium rates for a property. An elevation certificate measures the difference in elevation between a building and the base flood elevation at the location.

Emergency. A situation which, unless immediate remedial action is taken, will likely result in harm to public health, safety, and/or welfare.

Encroachment. Means any structural or non-structural element such as a sign, awning, canopy, terrace, or balcony that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public right-of-way, or above a height limit.

Erosion Control. Erosion control is a measure that prevents erosion as determined by the City Engineer.

Erosion and Sediment Control Plan. An erosion and sediment control plan means the plan indicating the specific measures and sequencing to be used to control sedimentand erosion on a development site during and after construction.

Existing Development. All development within the service area that has an approved Final Plat.

Existing Residential (ER) Zoning Districts. See Zoning, Existing Residential

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in Chapter 42 of the Texas Local Government Code, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Code.

Expansion. Expansion is the expansion of the capacity of an existing facility in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Façade Area. Means the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.

Facilities or Facility. Facilities includes, but is not limited to, pipes, conduits, wires, cables, towers, switches, amplifiers, transformers, fiber optic lines, antennas, poles, ducts, conductors, lines, mains, vaults, appliances, attachments, equipment, structures, manholes, fixtures, appurtenances, and such other objects, devices, or other items of tangible personal property which are designed, constructed, installed, placed, used or operated in, upon, over, across, above, or below public rights-of-way. Notwithstanding the foregoing, structures designed and constructed for the support and passage of vehicular and pedestrian traffic, such as streets, alleys, highways, driveways, and sidewalks, whether at, below, or above grade, will not be deemed to be facilities. Provided further, a private individually owned connection and/or attendant downstream service line or device, through which a utility service is received by the end user owning same, for which required permits have been issued under applicable building, plumbing, electrical, or other codes of the City, will not be deemed as facilities hereunder.

Fair Oaks Ranch Homeowners Association (FORHA). The association in the City of Fair Oaks Ranch that makes and enforces rules for the properties within its jurisdiction and that owns and maintains private parks, open space and streets.

Fair Oaks Ranch Utilities (FORU). The City-owned water and wastewater system.

Family Home Child Care. A residence operated as a childcare facility for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time.

Federal Aviation Administration (FAA). Federal authority which regulates all aspects of civil aviation. Lighting on Antenna facilities must follow FAA regulations.

Federal Communication Commission (FCC). Federal authority which regulates interstate communication by radio, television, wire, satellite, and cable. Lighting on Antenna facilities must follow FCC regulations.

Fee Schedule. A listing of fees for various City Applications, which is prepared by the City Manager and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this Code.

Final Plat. See Plats, Final.

Flag / Patriotic. National, state, church, school flags, or any other flag that constitutes protected noncommercial free speech. A fabric sheet attached at one end to a pole, cable, or rope.

Flag Lot. *A flag lot is* a lot designed to provide a minimum avenue of road access or frontage while allowing other lots to be stacked around it, so that the result is a lot which is often shaped like a flag,

with a "flag pole" stretching out to the nearest road, and other "flag poles" adjacent, leading to more flag lots.

Flashing Sign. See Signs, Flashing.

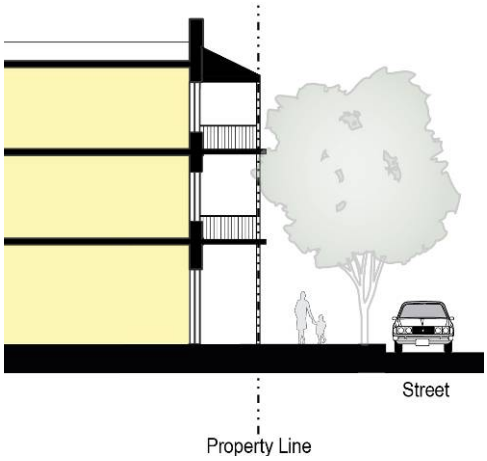
Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. Any land area susceptible to being inundated by water from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain or Floodprone Area. Any land area susceptible to being inundated by water from any source (see Flooding and FEMA Flood Zone).

Floodway. The channel of a river or watercourse and portions of the adjacent floodplain that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as depicted in the current floodway map provided to the City of Fair Oaks Ranch by Federal Emergency Management Agency (FEMA), or as determined by an engineering study in areas not depicted in the current floodway map.

Freestanding Sign. See Signs, Freestanding.



Gated Communities. A gated subdivision is a limited access subdivision with private streets.

Glare. A luminance produced by bright sources in the field-of-view superimposed on the image in the eye reducing contrast and hence visibility.

Global Positioning System (GPS). GPS is a satellite-based navigation system that provides users with positioning, navigation, and timing services. GPS may be used for the platting or subdivision of lots or parcels of land in the City of Fair Oaks Ranch (FOR).

Golf Course. An irrigated and landscaped playing area made up of greens, tees, fairways, roughs and related areas used for the playing of golf.

Heritage Tree. A tree that has a trunk circumference (TC) of 75 inches or larger.

Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Holiday sign. See Signs, Holiday.

Home Occupation. Any activity customarily carried out for gain by a resident, conducted as an Accessory Use in the resident's dwelling unit.

Homeowners Association (HOA). See Association and Fair Oaks Ranch Homeowners Association. A formal organization operating under recorded land agreements through which 1) each lot and/or property owner in a specific area is automatically a member; and 2) each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and 3) the charge if unpaid, becomes a lien against the nonpaying member's property.

Hooded or shielded. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. A fully shielded fixture is not necessarily full cutoff.

Illuminated Sign. See Signs, Illuminated.

Impervious Cover. All streets and pavement within a development, to include parking areas, buildings, pools, patios, sheds, driveways, sidewalks and other impermeable construction covering the natural land surface that is constructed in such a way that does not allow water to penetrate the ground.

Inflatable Sign. See Signs, Inflatable.

Irrigation System. A system with fixed pipes and emitters or heads that apply water to landscape plants or turfgrass, including, but not limited to, in-ground and permanent irrigation systems.

Land Alteration. Any activity which removes vegetation from or changes the topography of the land by grubbing, tree removal, clearing, grading, filling or excavating except for activities undertaken to maintain existing grounds.

Landscaping. Changing the natural features of a plot of ground so as to make it more attractive, as by adding lawns, trees, bushes, etc.

Landscape Irrigation Use. Water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, athletic fields, golf courses, parks, rights-of-way and medians.

Light or Luminary. A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Logistics (LO) Zoning District. See Zoning Districts, Logistics.

Lot. An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract number, lot number, or other symbol in a duly approved subdivision plat which has been properly filed of record.

Lot Width. The measurement of the front property line between side property lines where they meet the public ROW (Irregular lots and cul-de-sac lots measured at a point 20' from the front property line)

Lumen. A unit of luminous flux. One foot-candle is one lumen per square foot. For the purpose of this regulation, the lumen-output values will be the initial lumen output ratings of a lamp. The lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer.

Maintenance Bond. See Bonds, Maintenance.

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home, A HUD-code manufactured home, as defined by the Texas Occupations Code. As of Sept. 1, 2017, that was: a structure constructed on or after June 15, 1976 or a mobile home. "Mobile home" means a structure constructed before June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and, in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet. The term does not include a recreational as defined by the State of Texas.

Manufactured Housing. A term used to include both HUD-code Manufactured Homes and Mobile Homes.

Master Plan. The long-term perspective plan for guiding the sustainable planned development of the City, including the planning guidelines, policies, development code and space requirements for various activities supporting the City's population during the Plan period. It is also the basis for all infrastructure requirements, e.g., the Transportation Master Plan, the Water and Wastewater Master Plan, the Drainage Master Plan, etc.

Master Signage or Common Sign Plan. For any Multi-tenant Center on which the owner proposes to erect one or more signs requiring a permit.

Mean Sea Level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mixed Use Village (MU) Zoning District. See Zoning Districts, Mixed Use Village.

Monument. A permanent concrete survey monument is generally used on subdivision property corners adjacent to public ROW.

Monument Sign. See Signs, Monument.

Moving Elements on Signs. See Signs, Moving Elements.

Moving Sign. See Signs, Moving.

Multi-Unit Home. Means a Residential building containing between 3 and 4 units either as leasable units or individually owned. Architecturally Multi-Unit Homes are to appear similar to single family homes with only one or two primary entrances per street frontage encouraged.

Multifamily Residential Building. Five or more units for sale or rent, under single ownership or under multiple owners within a condominium regime)

Neighborhood Commercial District (NC) Zoning District. See Zoning Districts, Neighborhood Commercial District.

Neighborhood Residential (NR) Zoning District. See Zoning Districts, Neighborhood Residential

New Construction. For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land, any of which increases the number of service units for water or wastewater service. New development includes the provision of water or wastewater service resulting from the conversion of an individual well, or septic or other individual waste disposal system, to the City utilities' water or wastewater systems.

No-Adverse-Impact. No-Adverse-Impact means that no land use development in the watershed will adversely impact other property, upstream or downstream, by increasing either flood elevations or flood velocities.

Nonconforming Signs. See Signs, Nonconforming.

Nonconforming (Use or Structure). Any land use, platted lot, or structure which does not conform with the current regulations of this Code, but that was already in existence, lawfully constructed and operating at the time of the amendments to the relevant provisions of the Code that made the structure or use nonconforming.

Notice. Actual notice by personal delivery or written notice sent by registered or certified mail.

Off-Premises Sign. See Signs, Off-Premises.

Official Zoning Map. See Zoning Map.

On-Premises Sign. See Signs, On-Premises

On-Site Sewage Facility (OSSF). An on-site sewage system capable of complying with the current rules and regulations of the state

Open Space. Areas intended for outdoor living, recreation, and/or to maintain the area's natural state, scenic beauty, and wildlife habitat including, but not limited to, parks, trails, and squares.

Open Space (OS) Zoning District. See Zoning Districts, Open Space.

Outdoor Lighting. Nighttime illumination of an outside area or object by any manmade device that is located outdoors and produces light.

Overlay District. See Zoning Districts, Overlay District.

Outdoor Display and Storage. Outdoor display is defined as the display of products actively available for sale, but does not include products in closed boxes, crates, other kinds of shipping containers, or uses considered outdoor storage. Outdoor storage is more intensive than outdoor display and generally means materials stored in outdoor storage that are not normally brought indoors overnight.

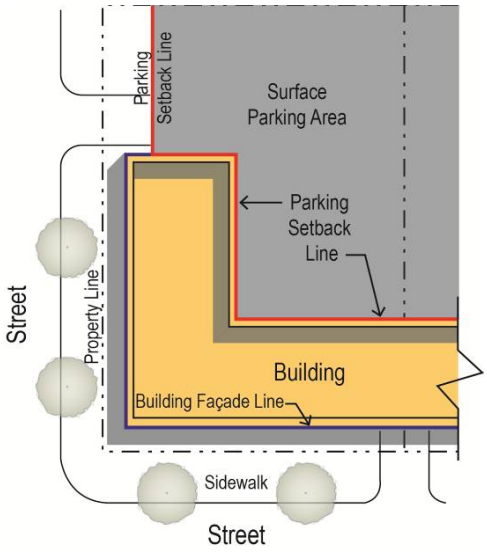
Owner. The word "owner," applied to a building or land, will include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land. See Developer.

Park, Private. A tract of land presently owned or controlled and used by private or semipublic persons, entities, groups, etc. for active and/or passive recreational purposes.

Park, Public. A natural or landscaped area, buildings, or structures, owned by a unit of government, designed to meet the active or passive recreational needs of people. A land use designed principally to offer recreation, passive or active, to the public. (Ordinance 26.7, sec. 1, adopted 5/17/07)

Parks and Trails. See Open Space.

Parking Setback Line. Means the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the Zoning District). Surface parking may be located anywhere behind the parking setback line on the property.



Patio Home. Are single-family detached or attached (duplex) homes of no more than two attached units, each located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called "Villa" or "Zero Lot Line" homes if the homes are located on one of the side property lines.

Pavement Width. The portion of a street available for vehicular traffic for streets without curbs. Where curbs are laid, it is the portion between the backs of curbs.

Person. The word "person" will extend and be applied to associations, corporations, firms, partnerships, organizations, business trusts, estates, trusts, and bodies politic and corporate, as well as to individuals. State law reference–"Person" defined, V.T.C.A., Government Code, sec. 311.005.

Petition. Any person or persons jointly or severally aggrieved by any decision of the Planning & Zoning Commission, City Council, or any administrative official of the City, may present to a court of record a petition, duly verified, setting forth that such decision is unlawful, in whole or in part, specifying the unlawful grounds.

Pervious Surface. Patios, pathways and other areas where firm footing is desired, constructed in such a way that allows for water to penetrate the ground. Examples include flagstone set in sand and wood plank decks, but exclude concrete slab patios and sidewalks or pavers set with mortar and generally defined as impervious.

Planned Unit Development (PUD). See Zoning Districts, Planned Unit Development.

Planner. Planners are professionals, other than surveyors or engineers, who possess a proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of planning, landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of planning.

Planning and Zoning Commission (Commission). The Planning and Zoning Commission of Fair Oaks Ranch, TX, appointed by the City Council.

Plans and Specifications. A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.

Plat. A map or chart of the subdivision, lot or tract of land. A Plat (i.e., Preliminary Plat, Final Plat, Minor Plat, Replat, or Amending Plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.

Plats:

- Administrative. A Minor plat, Amending plat, Replat, or Development Plat reviewed by the City Administrator.
- Amending. An Amending Plat applies minor revisions to a recorded plat consistent with provisions of State law.
- Conveyance. A plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.
- Development. A map of a development authorized under V.T.C.A., Local Government Code §212, Subchapter B. A Development Plat is required for development of any property previously unsubdivided or unplatted which will not be divided into separate parcels for development.
- Dormant. Any Minor Plat, Replat, Amending Plat, Preliminary Plat, or Final Plat approved pursuant to Subdivision Regulations in effect prior to the date of enactment of this Code that is dormant according to the provisions of LGC §245.005 have expired.
- Final. The map or plan of a subdivision that is submitted to the City Staff and the City Council for final approval. After approval, the plat is recorded under provisions of Chapter 192 of the Local Government Code and Chapter 12 of the Property Code.
- Minor. A plat that divides land into no more than four lots that meets the submission and approval requirements of Section 3.8 Minor Plats.
- Preliminary. The first or introductory map or plan of a proposed subdivision that is submitted to the City staff for initial approval as the basis for development of a Final Plat.
- Replat. A Replat, in accordance with state law is required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
- Vacation**.** The purpose of a plat vacation is to provide an expeditious means of vacating a recorded plat in its entirety consistent with provisions of state law.

Pole / Pylon Sign. See Signs, Pole / Pylon

Polling Place. A city-owned or controlled public property that is being used as an election-polling place.

Political Sign. See Signs, Political.

Pre-application Conference. A Pre-application Conference is a meeting between a potential Developer under this Code and the City Manager and the appropriate City staff. The recommended Conference is an opportunity for an applicant to describe the development that will be submitted and for the City Manager to explain the development process (i.e., which application is appropriate, which review body is responsible for final action, what the potential timelines for review may be, and what criteria will be used to determine whether the application may be approved).

Preliminary Plat. See Plats, Preliminary.

Premises. A lot or tract within the City or its ETJ, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

Preschool. A facility that provides supervision and guidance of a child or children unaccompanied by parents, guardian or custodian, and is provided on a regular basis for a period of less than twenty-four (24) hours a day, whether operated for profit or nonprofit, and which implements a planned curriculum of games, lessons, songs, or social exercises.

Principal Building. Means the main building on a lot.

Primary Entrance. Means the public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

Private Street. See Streets, Private.

Professional Engineer: A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements. A professional engineer registered in the State of Texas

Professional Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

Prohibited Area. The area within which Texas Election Code (TEC) Section 85.036(a) prohibits electioneering during the time an early voting or voting place is open for the conduct of early voting or voting.

Protected Tree. A tree that has a trunk circumference (TC) larger of 28 inches or larger.

Property. The word "property" will mean and include real and personal property. State law reference– "Property" defined, V.T.C.A., Government Code, Sec. 311.005.

Public Property. Property owned or controlled by a public entity. (Ordinance 2013-19 adopted 12/19/13)

Real Property. The term "real property" will mean and include lands, tenements and hereditaments.

Recreational Vehicle. A vehicle which is: (1) Built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) Designed to be self-propelled or permanently towable by a light-duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Redevelopment or Resubdivision. The division of an existing development, or a part of an existing development, together with any change of lot size therein, or with the relocation of any street lines.

Replat. See Plats, Replat.

Residential Area. Any property within the city limits which is platted residential. Any unplatted property within the city limits, or any property within the City's ETJ, which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within two hundred (200) feet of any such property.

Residential Use Building. Means a building that is built to accommodate only residential uses on all floors of the building such as a detached single family home, attached single family home (i.e. townhome), Patio home/two family home (i.e. duplex), multi-unit home (3 – 4 units), Multifamily Residential building (for sale or rent under single ownership or under multiple owners within a condominium regime).

Responsible Party (Signs). The responsible party is the owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Rezoning. Rezoning means to change the zone or zoning classification assigned to a district for the purposes of land use.

Right-of-Way (ROW). A parcel of land occupied or intended to be occupied by a street or alley that may also be used for other facilities and utilities, such as sidewalks, electrical communication, oil or gas, water or sanitary or storm sewer facilities, and parkways and medians outside of pavement. For platting purposes, the term ROW will mean that every ROW shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such ROW and not included within the dimensions or areas of such lots or parcels; presumed to be a fee simple dedication to the City, unless otherwise indicated on the Plat.

Rooftop Signs. See Signs, Rooftop.

Rural Residential (RR) Zoning District. See Zoning Districts, Neighborhood Rural

Service Area. Area within the corporate boundaries and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 41, Section 4202, Local Government Code), or such areas as contractually defined to be served by the water and wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. A service unit is a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions, expressed in living units equivalent.

Setback. The minimum distance specified by this Code from the front, rear, and side lot lines, and extending across the full width of the lot, on which no building or structure may be erected.

Sexually Oriented Business (SOB). An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult mini-theater, escort agency, nude modeling studio, unlicensed massage parlor, or any other establishment wherein one of its primary business purposes is the offering of a service, live entertainment or the selling, renting, or exhibiting of devices or any specified anatomical parts intended to provide sexual stimulation or sexual gratification to the customer and which is distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Sexually Oriented Businesses do not include:

- Any business operated by or employing licensed psychologists, licensed physical therapists, licensed athletic trainers, licensed cosmetologists, or licensed barbers performing functions authorized under the licenses held;
- Any business operated by or employing licensed physicians or licensed chiropractors engaged in practicing the healing arts; or

- Any retail establishment whose major business is the offering of wearing apparel for sale to customers.

Any definition of Sexually Oriented Businesses that is created through a subsequent Fair Oaks Ranch City Ordinance will supersede this definition and will become the operative definition for all relevant regulations under this Code.

Sidewalk. The word "sidewalk" will mean that portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.

Sign. Any medium for visual communication or its structure used or intended to attract the attention of the public.

Sign Area. (1) The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, will be counted as a single sign. (2) In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

Sign, Height / Ground Clearance. The distance from ground level to the bottom of the sign structure, exclusive of structural supports. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height will be measured from curb level.

Sign, Height / Maximum. The distance from ground level to the top of the sign structure. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height will be measured from curb level.

Signs:

- Abandoned / Dilapidated. A sign that advertises a product, service, or business no longer available or in operation or hat has become or has been caused to become partially ruined and in need of repairs, as through neglect.
- Animated Signs. Any sign or part of a sign that gives the visual impression of such movement by use of lighting or the exhibits intermittent or sequential flashing of natural or artificial light or color effects by any means whatsoever. A time and/or temperature sign will not be considered an electronic graphics sign.
- Banner. Any sign intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.
- Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.
- Billboards. An off-premise sign containing at least two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign that is prohibited by this Code.

- Building. Any sign attached to any part of a building, as contrasted to a freestanding sign.
- Building Marker. An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
- Canopy and Canopy. A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter. A canopy sign is a sign which is attached or made an integral part of a canopy.
- Directional. A sign erected and maintained by local officials within the public right-of-way, or on private property to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs will conform to all applicable state regulations regarding the placement of signs in public rights-of-way.
- Electronic Reader Board (ERBS). A sign, display or device that exhibits its message, words, letters, numbers, images, symbols, or copy by programmable mechanical or electronic process including, but not limited to LED electronic signs and static electronic displays.
- Existing. Any sign erected, mounted, or displayed prior to the adoption of or revision to Chapter 10 of the Code.
- Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other noncommercial entity.
- Freestanding. Any sign not attached to or part of a building, including, but not limited to, monument signs and self-supported signs.
- Flashing. See Sign, Electronic Reader Board (ERBS). Message boards that are electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.
- Holiday. A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.
- Illuminated. Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.
- Incidental. A sign, generally informational, that has a purpose secondary to the use of the property on which it is located, such as “no parking”, “enter”, “exit”, “loading only”, “telephone”, and other similar directives. No incidental sign will include the name of any enterprise, business, person, institution, or product.
- Inflatable. Any sign which is designed to be inflated or airborne and tethered to the ground or vehicle or any other structure.
- Marquee. A sign painted on, attached to, or consisting of interchangeable letters on the face of a permanent overhanging shelter which projects from the face of a building. A minimum clearance of ten feet above the sidewalk level will be required for pedestrians.
- Monument. A sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.
- Moving. Any sign or part of a sign that is animated or moves; including moving elements. Moving Signs, including inflatable moving signs are prohibited.
- Moving Elements. Balloons, streamers, banners, mechanical arms, or the like.

- Multi-tenant Center. A commercial sign identifying more than one business or organization located on the premises.
- Nonconforming. Signs which have been installed prior to the effective date of this Code, or are in use as of the effective date of this Code, and which do not conform to this Chapter 10.
- Obscene. A sign displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- Off-Premises. A sign that pertains to a business, person, organization, activity, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located. Off-Premise Signs are prohibited except for City owned Traffic Control Signs.
- On-Premises. A sign identifying or advertising a business, person, or activity that is installed and maintained on the same premises as the business, person, or activity.
- Permitted. A sign for which a valid permit has been issued.
- Pole / Pylon. See Sign, Freestanding. A self-supporting freestanding sign that must adhere to the requirements of construction using durable building materials utilizing but not limited to masonry, stucco, painted pipe, aluminum clad piping or other complimentary materials.
- Political and Campaign. Signs which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election or which make a political or ideological statement in the nature of constitutionally protected noncommercial free speech in accordance with Chapter 10 of this Code.
- Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used as advertising.
- Projecting. A sign attached to and projecting more than eighteen (18) inches from the face of a wall or building, but that does not project above the parapet or eave line of the building.
- Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.
- Residential. Residential signs are those allowed in residential districts including, but not limited to, street address, temporary real estate and garage sale signs, holiday lights and decorations, traffic control signs, and Neighborhood Watch signs.
- Roof. A sign placed on the roof of a building.
- Roof Integral. A sign painted upon or attached directly to an integral part of the roof.
- Sidewalk. A temporary sign, meant to be easily removed, which may be an A-frame or sandwich board type sign, placed on the sidewalk or boulevard area within the public right-of-way and associated with the abutting commercial establishment.
- Street Address. The assigned numeric identifier given to a structure to show the address on the street that the building is located. A street address is typically painted on a building, or affixed using house numbers.
- Snipe. A sign (made of any material) that is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects, with the subject matter appearing thereon not being applicable to the use of the premises upon which such sign is located.
- Subdivision. A permanent subdivision identification sign, approved by the City Council as part of the platting process, used to identify a specific subdivision.

- Suspended. Similar to the projecting sign above, this sign is suspended from the underside of a horizontal plane surface and is supported by such surface.
- Temporary. Not permanent; signs meant to be exhibited on a limited basis including those advertising special events such as charitable, church, or community activities.
- Time and Temperature. An electrical sign utilizing lights going on and off periodically to display current time and temperature in the community.
- Traffic Control. A sign for the purpose of identifying parking areas and directing the flow of traffic, such as stop, yield, and similar signs, the face of which meet Department of Transportation (TxDOT) standards and that contain no commercial message.
- Vehicular or Trailer. A permanent or temporary sign affixed to a vehicle or trailer. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification.
- Wall. A sign painted directly on the exterior wall of a building.
- Window. Typically in a window of behind door glass, these auxiliary signs provide information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, no soliciting, beware of dog, or alarm company name, etc.

Signature or Subscription. A signature or subscription will include a mark when a person cannot write. State law reference "Signature" and "subscribe" defined, V.T.C.A., Government Code, sec. 312.011.

Single Commercial Building. A structure containing a single commercial establishment, office, business, school, church, nonprofit organization, charity, or government agency.

Single-family Residence. Single-family dwelling unit.

Site. Any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are in one ownership, or are contiguous and in diverse ownership and where development is to be performed as part of a unit, subdivision, or project as shown on an application.

Site Area, Gross. The total amount of acreage of raw land.

Site Area, Net. The portions of the site that exclude floodplain and wastewater irrigation area and the aggregate of 100% of land with a gradient of 15% or less; 50% of the land with a gradient of more than 15% but less than 25%; and floodplain, outside the Edwards Aquifer Recharge Zone, dedicated for public use.

Site-Related Facility. An improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the Capital Improvements Program, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Special Flood Hazard Area. See Area of Special Flood Hazard and FEMA Flood Zones.

Special Use Permit. A discretionary permit issued for a specific use that would not be appropriate generally or without restriction, except for certain findings by the City. Special Use Permit may be appropriate where the City finds that the proposed use conforms to the Comprehensive Plan and is compatible with the existing neighborhood, and where certain conditions governing the proposed use exist. Places where Special Use Permits will be considered are detailed in the landuse tables as part of this UDC.

State Plane Coordinate System (SPS or SPCS*).* Refers to a coordinate system used by states to locate spatial information with a high degree of accuracy. The state plane coordinate system to be used in the City for GIS purposes is U.S. Geological Survey Datum (USGS NAD 83, mean sea level) and the State Plane Coordinate System (Texas State Plane, South Central)

Storage Building or Structure, Equipment. An unmanned, single story equipment building, structure or platform used to house telecommunications equipment necessary to operate the telecommunications network.

Storage, Self. Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding uses such as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing and mini-storage units.

Storm Drainage System. A storm drainage system is the public facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater. Storm water is any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Pollution Prevention Plan (SWPPP). *The SWPPP is* a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Street Banner. See Signs, Banner.

Street. A street is all property that is contained within fixed boundaries commonly referred to as right-of-way (ROW) lines, for the primary purpose of vehicular movement and circulation, and in which traveled roadways exist, along with various service utilities and sidewalks for pedestrian circulation.

Streets. See Section 9.4 for design guidance.

- Access Road. A street which is parallel and adjacent to an arterial street or highway. It is designed to provide access to abutting properties so that the properties are sheltered from the effects of the through traffic on the arterial street or so that the flow of traffic on the arterial street is not impeded by direct driveway access from abutting properties. When used as a private drive, it will be referred to as a "private parallel driveway."
- Alley. Alleys will be paired with certain street types in specific development contexts. A public or private vehicular roadway, designed for the special accommodation of the property it serves and not intended to be used for general public use. In no case will dead-end alleys be permitted.
- Cul-de-Sac**.** A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.
- Dead-End. A street, other than a cul-de-sac, with only one outlet.
- Local – Connector. Local – Connectors access to Collectors and Arterials and are used for minor circulation within a development with moderate traffic accommodation and local multimodal users. A Local-Connector Street primary functions to serve abutting land use and traffic within a

neighborhood or limited residential district, approximately two hundred to one thousand trips per day, maximum. A local street is generally not continuous through several districts.

- Local – Neighborhood Residential. Similar to Local - Rural Residential Streets, these streets primarily access medium density neighborhoods within a development but with some pedestrian facilities. These streets serve abutting land use and traffic within a neighborhood or limited residential district and is not generally continuous through several districts.
- Local - Rural Residential. Local Rural Residential Streets access primarily low density rural residential lots within a development without added pedestrian facilities. These streets serve abutting land use and traffic within a neighborhood or limited residential district and is not generally continuous through several districts.
- Major - Arterial. Major – Arterials are roadway that serve as a connection to a major highway and generally have rural treatment and buffers to adjacent development. The primary function of an arterial street is to carry high volumes of through traffic, a minimum of five thousand trips per day. Access is usually limited to intersections and major driveways and serve as a link between major activity centers. Streets which carry large volumes of traffic from one part of the city to another; for example; Fair Oaks Parkway, Dietz Elkhorn, Pimlico Lane - from Fair Oaks Parkway to Ralph Fair Road, Keeneland Drive and others as designated by City Council.
- Major - Collector. Major – Collector Streets access to Arterials. Used for major circulation between developments, these streets are ideal as an edge for mixed-use to serve multi-modal users. A street whose main purpose is to collect and direct traffic from local streets to arterial streets, to carry traffic between arterial streets, approximately one thousand to five thousand trips per day, or to provide access to abutting commercial or mixed use properties or higher intensity residential land uses. Collectors may have a landscaped median supplemental width in the landscaped right-of-way that serves as a buffer between the roadway and adjacent development and preserves and enhances the natural landscape as much as possible.
- Private Street. A private street s not a public thoroughfare and is owned and maintained by an Association.
- Public Street. A public street is in a public right-of-way, however designated, which carries vehicular traffic or provides vehicular access to adjacent land, and includes all other adjacent pedestrian amenities, landscape areas or other urban design features.

Street Frontage Designation. As identified on the Zoning Map, existing and recommended streets are designated with Primary, Secondary, or General Street Frontage Designations. Each frontage designation establishes a certain development context in order to improve walkability and pedestrian orientation.

Street Screen. Is a freestanding wall or living fence or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Image of a combination masonry and living street screen

Street Wall. Indicates the creation of a "wall" or a sense of enclosure along the street with buildings placed immediately adjacent to the street/sidewalk. A street wall has a "void" if there is a surface parking lot or service area adjacent to the sidewalk/street.

Structure. Anything constructed or erected, other than a fence or retaining wall, which requires location on the ground or if attached to something having a location on the ground, including but not limited to, buildings, advertising boards, poster boards, mobile homes, manufactured homes, gas and liquid storage tanks, garages, barns, and sheds. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

Subdivider. See Developer.

Subdivision. A division of any tract of land located within the corporate limits or in the extraterritorial jurisdiction of The City of Fair Oaks Ranch into two or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay outstreets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. A subdivision includes a division of a tract regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. Subdivision includes Resubdivision but does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

Subdivision Sign. See Signs, Subdivision.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Surveyor. See Professional Surveyor.

Telecommunications. Refers to any structure that is designed and constructed for the purpose of telecommunications and broadcasting including, but not limited to, antennas, satellites, towers, and telecommunication buildings.

Temporary Outdoor Lighting. Lighting for a specific unusual purpose of an outside area or object by any manmade device that produces light for a period of less than seven days, with at least 30 days passing before being used again.

Temporary Sign. See Signs, Temporary.

Temporary Uses. See Uses, Temporary.

Texas Commission on Environmental Quality (TCEQ). Applies and ensures environmental regulations are upheld based on state statues and sound science. This Code will reference TCEQ regulations and standards pertaining to, but not limited to, stormwater permits, water and wastewater utilities, and Edwards and Trinity Aquifer recharge zones.

Texas Manual on Uniform Traffic Control Devices (TMUTCD). The TMUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

Texas Pollutant Discharge Elimination System (TPDES) Stormwater Discharge Permit. A stormwater discharge permit is a permit issued by the Texas Commission on Environmental Quality (TCEQ) that authorizes the discharge of pollutants within the state to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

Towers:

- Alternative Structure**.** Clock towers, steeples, light poles and similar alternative- design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "stealth facility."
- Monopole**.** A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.
- Preexisting**.** Any Tower for which a building permit or Special Exception has been properly issued prior to the effective date of this Ordinance, including permitted towers that have not yet been constructed so long as such approval is current and not expired.
- Telecommunications**.** Any structure that is designed and constructed for the purpose of supporting one or more antennae used for the provision of commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Receive Only Antenna or Amateur Radio Antennas.

Townhome. A building type for rent or ownership that has shared walls and often a zero lot line configuration. Also known as Attached Single Family or Row houses.

Traffic-Control Sign. See Signs, Traffic-Control.

Trailer Sign. See Signs, Vehicular and Trailer.

Trails. See Open Space.

Tree Circumference (TC). Tree DBH is the outside bark diameter at 4 1/2 feet above the ground. For the purposes of determining breast height, the ground includes the dirt layer that may be present, but does not include unincorporated woody debris that may rise above the ground line.

Trespass Lighting. Light emitted by a luminary which falls outside the boundaries of the property on which the luminary is sited.

Undeveloped Tract. Land within the city limits or ETJ of Fair Oaks Ranch that is unplatted on the date the Subdivision Ordinance was amended to include tree and habitat protection regulations.

United States Geological Survey (USGS) Benchmarks. USGS Benchmarks are points of reference by which something can be measured. In surveying, a "bench mark" (two words) is a post or other permanent mark established at a known elevation that is used as the basis for measuring the elevation of other topographical points.

User. A person having facilities within a public right-of-way.

Uses:

- Accessory. A use of land or of a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building, and located on the same lot as the principal use. An accessory use will not be permitted without the principal use to which it is related.
- Conditional (P/C). Some uses require supplemental regulations in addition to all other applicable regulations of this Code. A conditional use 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 Code.
- Nonconforming. Nonconforming uses are lawful uses within a zoning district that do not conform to the requirements of this UDC when it is adopted, or when any amendments thereto, take effect.
- Permitted or Use by Right (P). A use by right or permitted use is a use specifically authorized in a particular zoning district. A Permitted use by right is subject to all other applicable regulations of this UDC.
- Special (S). A Special Use Permit is allowed only if approved by City Council in accordance the standards found in this Code.
- Temporary. A temporary use allows short-term activities that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature, such as model homes and construction oversight offices.

Vacation. The termination of, or termination of an interest in, an easement, right-of-way, or public dedication of land.

Variance. Formal approval to depart from the strict application of the provisions of this Code, as provided in Chapter 3 of this UDC.

Vehicular Sign. See Signs, Vehicular.

Vested Right. The entitlement to develop enjoyed by a project because of the fact that the city issued a

development order or permit for the project prior to the effective date of this Code. Additional criteria related to vested rights may be found in Section -- of this Code. There are two types for vested rights:

- Common Law Vested Rights. Common Law Vested Rights recognize that where Owners have reasonably made a substantial expenditure of money, time, labor or energy in a good faith reliance on a permit from the government, that they acquire "vested rights" or a protected right to complete the development of their land as originally begun despite any changes in the zoning on the property.
- Statutory Vested Rights. Statutory Vested Rights were created to ensure that changes in land use regulations could not be applied to development projects already in progress. This protection ends if a project becomes dormant or if the project permit lapses.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [of the National Flood Insurance Program regulations] is presumed to be in violation until such time as that documentation is provided.

Voting Period. The period each day beginning the hour the polls are open for voting and ending when the polls close or the last voter has voted, whichever is later. Early voting is as defined in Section 85.001 of the Texas Election Code (TEC).

Wall Painted Signs. See Signs, Wall Painted.

Wastewater System. A wastewater collection, treatment, and disposal system designed to serve two or more wastewater generating units on separate lots in a subdivision or a system that is connected to another system for collection, treatment, and disposal of wastewater. A wastewater system may include, for example, pumping stations, forced mains, treatment facilities, and other appurtenances required to adequately serve the area being subdivided.

Watercourse. Any channel through which water flows; can be natural or man-made, open on the surface or enclosed underground (such as in a culvert)and generally occurs naturally and serves to drain the land and assist in supporting animal and flower life.

Water Distribution System. Those facilities (tanks, pumps, pipes, valves and meters) that deliver treated, potable water to FORU water customers.

Water, Domestic Water Use. Water used for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, or sanitation, or for cleaning a residence, business, or institution.

Water Surface Elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water System. A water system treatment and distribution designed to serve two or more units on separate lots in a subdivision or a system that is connected to another system for the treatment and distribution of water. A water system will include, for example, all pumping station production facilities, elevated storage tanks, fire hydrants and other appurtenances required to adequately serve the area being subdivided.

Zoning Districts:

- Community Facilities District (CF). The Community Facilities District is intended for locations at which facilities are provided for governmental, religious, educational, health care, social service, and special facilities.
- 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. 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.
- Existing Residential 2 (R2). The Existing Residential 2 (R2) category governs the low density existing residential lots with lot sizes generally between 0.3 acres and 1.3 acres. 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.
- 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. 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.
- Existing Residential 4 (R4). The Existing Residential 4 (R4) category governs the existing ranchette lots with lot sizes generally over 5 acres. 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.
- Logistics (LO). 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.
- Mixed Use Village (MU). The Mixed Use Village District indicates areas within the City of Fair Oaks Ranch where the City 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.
- Neighborhood Commercial District (NC). The Neighborhood Commercial District (NC) is intended to provide areas for commercial activity and certain other activities that are relatively compatible with residential areas or is located within residential neighborhoods.
- Neighborhood Residential (NR). The Neighborhood Residential District serves as the residential district for areas where low to medium density development is appropriate in Fair Oaks Ranch. The district accommodates most housing needs by allowing for housing types and contextual development standards and provides Fair Oaks Ranch with a variety of housing that ensures effective community development.
- Rural Residential (RR). The Rural Residential District zoning district is a residential district that includes land subdivided for single-family residential purposes and associated uses. The lots are generally large (or have a large average size inclusive of conservation areas), and are generally not served by urban infrastructure. This district is intended to retain a rural character.
- Open Space (OS). Open Space serves to preserve the rural aesthetic and ensure preservation of land for environmental stewardship. 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.

- Planned Unit Development (PUD). The purpose of the Planned Unit Development District (PUD) is to promote development that is more flexible, allows clustering, different lot sizes, that may more sensitive to the natural environment, can create a significantly enhanced natural setting and/or sense of place, or otherwise enhances the spirit, design character and pattern of development called out in the Comprehensive Plan for Fair Oaks Ranch. A PUD may be used to permit new or innovative concepts in and mixtures of land uses not permitted by other zoning districts in this Code or to permit development projects that existing districts cannot easily accommodate. A PUD is appropriate in areas where the Comprehensive Plan reflects the specific uses proposed in the PUD, or proposes 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.
- Overlay District. An overlay zoning district is a zoning district that establishes regulations that combine with the regulations of an underlying (base) zoning district. The purposes of an overlay district will be to prohibit uses otherwise allowed in the base district, to establish additional or different conditions for such uses, or to authorize special uses, together with standards for such uses, not otherwise allowed in the base district. Adoption of the overlay district does not repeal the base zoning district and all regulations contained in the base zoning district will remain applicable to the uses allowed in the overlay district, except as expressly varied in the regulations of the overlay zoning district. In addition, special standards set forth in the adopting ordinance will apply to all development within the district.

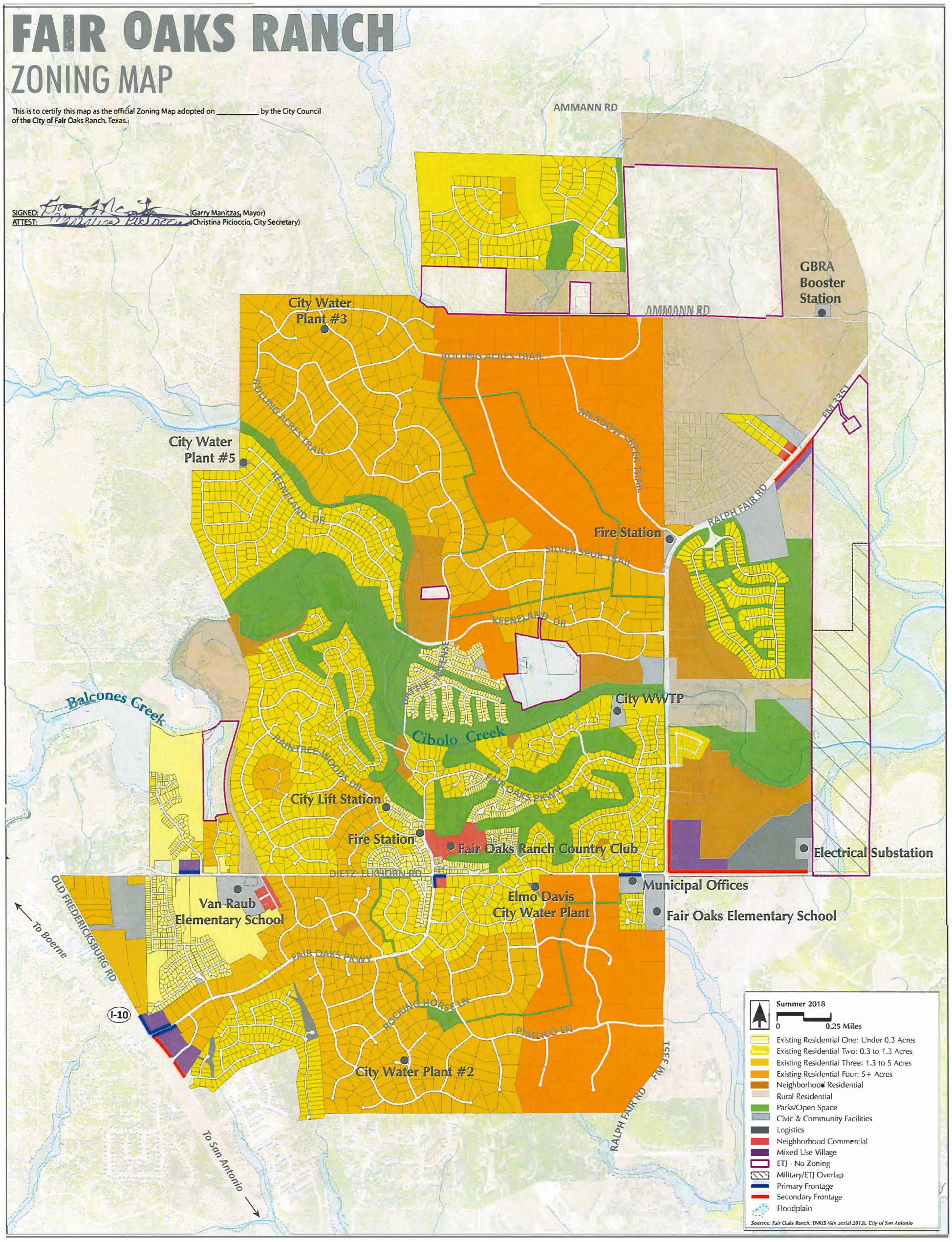
Zoning Map. Zoning map means a map that shows the various zoning districts in the City. The Zoning Map is created by this Code and is always kept current. The Zoning Map will show the number of districts, into which the City is divided, and the status and usage of each district.

(b) ACRONYMS

4-H	Youth Development Organizations
AASHTO	American Association of State Highway and Transportation Officials
ASCR	American Society of Civil Engineers
AWWA	American Water Works Association
BMP	Best Management Practices
BTZ	Build-to-Zone
CF	Community Facilities District
cfs	Cubic Feet per Second
CO	Certificate of Occupancy
CSP	Common Signage Plan
DBH	Tree diameter at breast height.
ERBS	Electronic Reader Board Signs
ETJ	Extraterritorial jurisdiction
FAA	Federal Aviation Administration
FCC	Federal Communication Commission
FEMA	Federal Emergency Management Agency
FFA	Agricultural Education Youth Organizations
FOR	City of Fair Oaks Ranch
FORHA	Fair Oaks Ranch Home Owners Association
FORU	Fair Oaks Ranch Utilities
GIS	Geographic Information Systems.
GPS	Global Positioning System.
HOA	Home Owners Association
LGC	Texas Local Government Code
LO	Logistics District
MSP	Master Signage Plan
MU	Mixed Use Village
NAVD	North American Vertical Datum of 1988
NC	Neighborhood Commercial District
NR	Neighborhood Residential District
OS	Open Space
OSSF	On-Site Sewage Facility

PUD	Planned Unit Development
R1	Existing Residential 1 District
R2	Existing Residential 2 District
R3	Existing Residential 3 District
R4	Existing Residential 4 District
RR	Rural Residential District
ROW	Right-of-Way
SARA	San Antonio River Authority
SAWS	San Antonio Water System
SOB	Sexually Oriented Business
SPS or SPCS	State Plane Coordinate System
SWPPP	Stormwater Pollution Prevention Plan (SWPPP)
TCEQ	Texas Commission on Environmental Quality
TMUTCD	The Texas Manual on Uniform Traffic Control Devices
TPDES	Texas Pollutant Discharge Elimination System
TxDOT	Texas Department of Transportation
USGS	United States Geological Survey
USPS	United State Postal Service
WWTF	Wastewater Treatment Facility

APPENDIX A


FAIR OAKS RANCH
ZONING MAP
This is to certify this map as the official Zoning Map adopted on _____ by the City Council of the City of Fair Oaks Ranch, Texas.
SIGNED: (Garry Manitzas, Mayor)
ATTEST: (Christina Picioccio, City Secretary)
AMMANN RD
GBRA Booster Station
City Water Plant #3
ROLLING ACRES TRAIL
MEADOW CREEK TRAIL
EM 3351
City Water Plant #5
KEENELAND DR
RALPH FAIR RD
Fire Station
SILVER SPUR TRAIL
Balcones Creek
City WWTP
Cibolo Creek
RAINTREE WOODS DR
FAIR OAKS PKWY
City Lift Station
Fire Station
Fair Oaks Ranch Country Club
Electrical Substation
DIETZ ELKHORN RD
Municipal Offices
Van Raub Elementary School
Elmo Davis City Water Plant
Fair Oaks Elementary School
OLD FREDERICKSBURG RD
To Boerne
PECKING HORSE LN
PIMLICO LN
I-10
City Water Plant #2
To San Antonio
Summer 2018
0
0.25 Miles
Existing Residential One: Under 0.3 Acres
Existing Residential Two: 0.3 to 1.3 Acres
Existing Residential Three: 1.3 to 5 Acres
Existing Residential Four: 5+ Acres
Neighborhood Residential
Rural Residential
Parks/Open Space
Civic & Community Facilities
Logistics
Neighborhood Commercial
Mixed Use Village
ETJ - No Zoning
Military/ETJ Overlap
Primary Frontage
Secondary Frontage
Floodplain
Sources: Fair Oaks Ranch, TNRIS (6in aerial 2013), City of San Antonio

This approved plant list was developed using the City of San Antonio's Recommended Plant List, City of New Braunfels Approved Plant List, and the Recommended Native Plants for Boerne & Surrounding Counties produced by the Native Plant Society of Texas – Boerne Chapter.

TREES			
Small: 3ft – 25ft **Medium**: 25ft – 40ft **Large:** 40ft and higher			
Common Name	**Scientific Name**	**Size**	**Description**
Anacacho, Orchid Tree*	Bauhania congesta	S	Spring. Tree shrub, Semi-evergreen, white to pink flower clusters
Anaqua, Sandpaper Tree*	Ehretia anacua	S-M	Spring. Evergreen broadleaf, white fragrant flower clusters, possible freeze damage
Ash, Texas*	Fraxinus texensis	M-L	Fall. Brilliant red-yellow color, fast-growing, drought tolerant, long lived & healthy
Ash, Green	Fraxinus Pennsylvania	M-L	Deciduous, fast-growing
Bois d'arc (Osage Orange)*	Maclura pomifera	M-L	Spring. White flowers, inedible globe Fall fruit on female trees, thorns, long lived, drought tolerant
Buckeye*	Aesculus pavia	S-M	Fed or yellow flowers, early dormancy in summer, tap root, needs moderate moisture
Carolina Buckthorn	Rhamnus caroliniana	S-M	Fall. Semi-evergreen, glossy leaves, reddish fruit, requires moisture
Cedar Elm*	Ulmus crassifolia	M-L	Fall. Deciduous, yellow color, produces many seedlings, fast growth, small leaves, drought tolerant, narrow canopy, good shade tree for R.O.Ws
Condalia, Brazil Yree, Bluewood Condalia*	Condalia hookeri, C. virdis	S-M	Evergreen, delicate foliage, very drought tolerant, good shade tree
Cottonwood*, Rio Grande	Populus deltoids ssp. Wislizeni	L	Fall color, bright yellow, males are "cottonless,"fast growing, short lived
Crabapple, Texas*	Mollis texana	S-M	Spring. Large pink flowers, small apples, deciduous, full to partial sun
Cypress, Arizona	Cupressus arizonica	M-L	Evergreen conifer, gray green foliage, females fruit, 15-20' wide at base, fast growing, drought tolerant, short lived (30-50 years)
Cypress, Bald*	Taxodium distichum	L	Fall coppery orange foliage, needle-like leaves, long lived, needs moderate moisture, cold tolerant
Desert Willow*	Chilopsis Linearis	S-M	Summer. Tubular purple, pink, white flowers, very drought tolerant, fast growth
Escarpment Black Cherry*	Prunus serotine	M-L	Deciduous, Spring white flowers, bark & Fall foliage; moist but well-drained soil

Eve's Necklace*	Sophora affinis	S-M	Spring. Deciduous, fragrant pink-white flowers, unusual black seed pods, drought tolerant
Goldenball Lead Tree*	Leucaena retusa	S	Spring-Summer. Deciduous, delicate foliage, yellow 1" puff-ball blossoms,
Hackberry*	Celtis Spp.	L	Fast growth, produce many seedlings, excellent wildlife food source, drought tolerant
Honey Locust	Gleditsia triacanthos	M-L	Deciduous, fast growth, long lived, large thorns, thronless varieties available, drought tolerant, yellow Fall color
Huisache*	Acacia farnesiana	S	Spring. Deciduous, fragrant orange-yellow flowers, round 3"seed pod, drought tolerant, sharp thorns, suckers from roots
Kidneywood*	Eysenhardtia polystachya	S	Deciduous, summer fragrant white flowers
Maple, Bigtooth	Acer grandidentatum	S-L	Fall yellow-orange color, moderate growth, needs moisture
Mexican Buckeye*	Ugnadia speciose	S-M	Spring. Deciduous, pink, fragrant flowers, three lobed seedpods, Fall yellow color, drought tolerant, rapid growth, resistant to cotton root rot.
Oak, Bur*	Quercus macrocarpa	L	Deciduous, l Large acorns & leaves, oak wilt resistant, fast growth, long-lived, drought tolerant, taproot needs to penetrate into deep soils, good shade tree
Oak, Chinquapin*	Quercus muhlenbergii	M-L	Deciduous, round-top tree, fall color – reds-browns; oak wilt resistant, drought tolerant, limestone – calcereous soils
Oak, Lacey*	Quercus Laceyi	M	Fall & Spring. Peach colored foliage, blue-green leaves, oak wilt resistant, slow growth, drought tolerant, tap root, oak wilt resistant
Oak, Live*	Quercus virginiana	M-L	Evergreen-like, resistant to cotton root rot, susceptible to oak wilt & decline, good shade tree
Oak, Monterrey	Quercus polymorpha	L	Fast growing, oak wilt resistant, practically evergreen
Red Oak, Shumard*	Shumard Quercus shumardii	L	Deciduous, fall red-yellow color, good shade tree
Red Oak, Texas*	Quercus texana	M	Fall red-yellow color, fairly drought tolerant, susceptible to oak wilt, acorns require 2 years to mature, moderately fast growing

Pecan*	Carya illinoensis	L	Deciduous, needs lots of space, sensitive to root impact, needs moisture and deep soils, fall yellow color, small edible oblong nut
Persimmon, Texas*	Dispyros texana	S-M	Spring. Deciduous, smooth bark, females has black pulpy fruit, fragrant flowers
Plum, Mexican*	Prunus Mexicana	S-M	Early Spring. fragrant white flowers, summer fruit purple when ripe, drought tolerant
Possum Haw*	Ilex decidua	S	Showy winter red or orange berries
Retama, Paloverde*	Parkinsonia texana	S-M	Spring-Fall. Yellow flowers, drought & heat tolerant, green bark, 3-5" constricted pod
Redbud, Texas, Oklahoma, Mexican*	Cercis Canadensis var texana	S-M	Early Spring. Rose-purple flowers, glossy green leaves turn yellow in Fall, drought tolerant
Silk-Tassle, LIndheimer's*	Garrya ovata ssp. lindheimer	S	Spring. Light-green flowers, black fruit
Sycamore, Mexican	Platanus mexicana	L	Deciduous, large leaves, good shade tree
Sycamore, Texas*	Platanus glabrata	L	Deciduous, large leaves, good shade tree
Wafer Ash, Hop Tree*	Ptelea trifoliate	S	Spring. Semi-evergreen, Aromatic flowers & foliage, host plant for swallowtail.
Walnut, Black	Juglans nigra	M-L	Edible 1" diameter nuts, best in deep soil due to root structure
Western Soapberry*	Sapindusdrummondii	M-L	Spring. White flowers, orange fruit, Fall color
Wild Olive*	Cordia boisserieri	S-M	Semi-evergreen, large white flowers, hardy to 14°F
Yaupon Holly*	Ilex vomitora	S-M	Winter. Female has red berries

SHRUBS			
Height at Maturity - Small: less than 5ft **Medium**: 5ft – 10ft **Large:** No larger than 25ft			
Common Name	**Scientific Name**	**Size**	**Description**
Agarita*	Mahonia trifoliate	M	Early Spring. Holly-like evergreen foliage, yellow flowers, red edible berries
Agave, century plant	Agave Americana	S	Rosette, spine-tipped leaves
American Beautyberry	Callicarpa Americana	S	Deciduous, purple fruit in fall and winter
Barbardos Cherry	Malpighia glabra	S	Evergreen, pink flowers, red fruit
Barberry	Berbis thunbergii atropurpea	S	Spring. Evergreen, yellow fragrant flowers, foliage mauve in Winter
Cenzio, Texas Sage*	Leucophyllum sp.	M	Summer-Fall. Purple flowers, grey or green leaves
Elbow Bush	Forestiera pubescens	S-M	Early Spring. Small white or yellow flowers, black fruit
Juniper	Juniperus sp.	S-M	Tough evergreen, many varieties
Mexican Butterfly Weed	Asclepias tuberosa	S	Borad clusters of yellow-orange flowers, great for butterfly gardens
Mexican Oregano	Poliomentha longiflora	S	Evergreen, pink flowers
Mutablis Rose, Butterfly Rose, Old Bush	Rosa chinesis x (mutablis)	S-M	Large single petal flowers change color as ages
Pistache, Texas	Pistacia texana	L	Semi-evergreen
Pomegranate	Punica granatum	M	Upright shrub, ornage blooms, edible fruit, dwarf variety
Primrose Jasmine	Jasminum mesnyi	M	Evergreen, sprawling, yellow flowers
Red Yucca	Hesperaloe Parviflora	S	Spring. Coral pink with 5' flower stalks-deer will eat
Rock Rose*	Pavonia lasiopetala	S	Spring-Fall. Deciduous, pink or purple 1" flowers
Rosemary, Upright	Rosmarinus officinalis	S	Evergreen, blue flowers
Southern Wax Myrtle	Myrica cerifera	S-M	Evergreen, dwarf variety available
Sumac, Evergreen*	Rhus virens	M-L	Summer. White flowers, winter red berries, reddish leaves after frost
Sumac, Flameleaf*	Rhus lancelota	L	Spring. White flowers, red fruit, bright red Fall foliage, thicket forming

Sumac, Aromatic*	*Rhus trilobata*	S-M	Early Spring. Flowers, red fruit, aromatic foliage
Texas Mountain Laurel*	Sophora secundiflora	L	Early Spring. Tree-like evergreen shrub, purple spring flowers
Yucca*	Yucca spp.	S	Rosette, narrow leaves, white flowers

VINES			
Common Name	**Scientific Name**	**Size**	**Description**
Clematis, Scarlet*	Clematis texensis	N/A	Spring-Summer blooms, red, rust, marron, or rose-pink flowers
Creeper, Trumpet	Campsis radicans	N/A	Summer red-orange, vigorous climbers
Creeper, Virginia*	Parthenocissus quinquefolia	N/A	Deciduous, fall leaves turn bright red, black berries on female
Honeysuckle, Coral*	Lonicera sempervirens	N/A	Spring-Fall. Almost evergreen, coral-red flowers, 2” clusters
Passionflower, Purple	Passiflora incarnate	N/A	Spring-Fall, 3” lavender flowers, 3-lobed leaves, yellow-orange edible fruit

GROUNDCOVER			
Common Name	**Scientific Name**	**Size**	**Description**
Asiatic Jasmine	Trachelospermum asiaticum	N/A	Evergreen, green or variegated foliage
Columbine, Hinckley’s*	Aquilegia spp. A. hincleyana	N/A	Spring. Evergreen, yellow flowers
Confederate Jasmine	Trachelospermum jasminoides	N/A	Evergreen, fragrant, white spring flowers
Frogfruit*	Phyla nodiflora	N/A	Spreading groundcover, white flowers, can go dormant in extremes
Lantana	Lantana sp.	N/A	Deciduous, purple, white or yellow flowers
Pigeonberry*	Rivina humilis	N/A	Summer-Fall. Semi-evergreen shrub, small pink flowers and red berries
Rosemary, prostrate	Rosmarinus officinalis	N/A	Evergreen sub-shrub, blue flowers
Juniper	Juniperus sp.	N/A	Several varities, not suitable for wet, humid areas
Verbena*	Verbena spp.	N/A	Evergreen, pink purple, white, or red flowers
Yarrow	Achillea millefolium	N/A	Spring. White flowers, gray or green gray leaves (fern-like), many varieties

GRASSES			
Common Name	**Scientific Name**	**Size**	**Description**
Bluestem, Big*	Andropogon gerardi	1'-2'	Clump grass
Bluestem, Little*	Schizachyrium scoparium	1'-6'	Fine foliage bunch grass with bluish stems in Fall & striking Fall-winter copper color foliage, easily propogated by seed
Buffalo Bluegrass*	Buchloe dactyloides	4"-6"	Excellent drought tolerance, poor shade tolerance
Gamagrass, Eastern*	*Tripsacum dactyloides*	3'-10'	Large bunch grass with separate male & female flowers in Spring; hard Fall-winter yellow fruit only portion eaten by deer
Gramma, Sideoats*	*Bouteloua curtipendula*	1'-3'	Clump forming, spreads by rhizomes, summer seeds line one side of stem; State Grass of TX, propagate by root division or seed; valuable to wildlife
Indian Grass	*Sorghastrum nutans*	3'-8'	Bunch grass with late summer glowing, golden flower/seed plumes; valuable to wildlife
Inland Sea Oats/Wood Oats*	*Chasmanthium latifolium*	3'-6'	Clump forming, large, oat-like seed heads on graceful, arching stems by summer turn golden tan in Fall; propagate easily by seed or clump divisions, may self-sow
Mexican Feathergrass	*Nasella tenuissima*	1'-3'	Very thin leaves sway gently in breeze, summer silver foliage; propagate by seed easily; goes dormant in drought & winter; needs good drainage
Muhly, Gulf	*Muhlenbergia capillaries*	1'-3'	Late summer-Fall delicate pink-purple flowers give an airy appearance to this bunch grass, flowers half as tall as plant, propagate easily by seed
Muhly, Lindheimer's*	*Muhlenbergia lindheimeri*	2'-5'	Large clump grass with summer-white-silver bloom/seed plumes; much friendlier for specimen or screens than similar, nasty, non-native Pampas Grass
Prarie Mix	N/A	8"-12"	Mixture of Texas native Bunch, can add wildflowers
Switchgrass	*Panicum virgatum*	3'-8'	Large, clump former with bright green leaves along stem, which turn yellow in Fall, diffuse seedhead; propogate by seed or root divisions

PERENNIALS			
Common Name	**Scientific Name**	**Size**	**Description**
Milkweed, Butterfly Weed	Asclepias spp.	1'-3'	Green, white, or orange flowers, great for butterfly gardens
Cigar Plant	Cuphea micropetala	3'-4'	Summer – Fall. Red or yellow flowers
Aster, Heath	Symphyotrichum ericoides	1'-3'	Fall. Spreading, white 0.5" daisy-like flowers
Columbine, Hinckley's*	Aquilegia spp. A. hinckleyana	N/A	Spring. Evergreen, yellow flowers
Lantana	Lantana sp.	N/A	Deciduous, purple, white or yellow flowers
Sage, Mealy Blue*	Salvia farinacea	3'	
Mexican Oregano	Poliomentha longiflora	1'-3'	Evergreen, pink flowers
Mexican Petunias	Ruellia sp.	1'-3'	Evergreen, tolerates shade, purple pink, or white flowers
Mistflower, Boneset	Eupatorium spp. And Ageratum spp.	2'-4'	White to blue flowers
Muhly, Lindheimer's	Muhlenbergia lindheimeri	2'-5'	Large clump grass with attractive summer-fwhite-silver bloom/seed plumes; much friendlier for specimen or screenbs than similar, nasty, non-native Pampas Grass
Pigeonberry*	Rivina humilis	1'-2'	Summer-Fall. Semi-evergreen shrub, small pink flowers and red berries
Purple Cone Flower*	Echinacea purpurea	2'	Summer purple w/drooping rays, responds well to cultivation
Perennial Verbena	Glandularia bipinnatifida	6"-12"	Spring –Fall. Many colors
Rock Rose*	Pavonia lasiopetala	S	Spring-Fall. Deciduous, pink or purple 1" flowers
Rosemary, prostrate	Rosmarinus officinalis	N/A	Evergreen sub-shrub, blue flowers
Shrimp Plant	Justicia spp.	1'-2'	Orange or red flowers
Skullcap*	Scutellaria spp.		Spring. Evergreen sub-shrub, pink or purple flowers
Turk's Cap*	Malvaviscus drummondii	1'-4'	Summer. Red flowers, Fall red berries
White Rain Lily*	Zephyranthes candida	1'	Spring, white, six petal six sepals 2-3" fragrant flowers on stalk after good rain, shorter blue-green grass –like foliage, bulbs will colonize in prairie or open woodlands, propogate by seed or bulb division

PALMS			
Common Name	**Scientific Name**	**Size**	**Description**
California Fan Palm	Washingtonia filifera	15'-60'	Tree-like palm, Hybrids with robusta can be taller
Dwarf Palmetto*	Sabal minor	3'-7'	Trunkless, bushy palm
Texas Palmetto*	Sabal texana	10'-25'	Tall, native Texas palm
European Fan Palm	Chamaerops humilis	6'-12'	Tough, clumping fan palm with blue-green leaves
Canary Island Date Palm	Phoenix canariensis	40'	Feather palm, may be damaged in very cold winters

RIPARIAN AND AQUATIC			
Common Name	**Scientific Name**	**Size**	**Description**
Bear Grass*	Nolina sp.	2'-3'	Large clump, grass-like, good for bank stabilization
Button Bush*	Cephalanthus occdientalis	6'-10'	Large, deciduous shrub, white ball shape flowers
Dogwood, Roughleaf	Cornus drummondii	6'-15'	Large deciduous shrub or tree, clusters of white flowers
Edwards Plateau Sedge*	Carex microdonta	1"-7"	Rhizomatous perennial, calcareous soils
Hawthorn, Texas*	Crategus texana	8'-15'	Large, deciduous shrub or tree, large clusters of white flowers
Indigo Bush*	Amorpha fruiticosa	6'-10'	Large, deciduous shrub, spikes of purple flowers
Purple Iris	Iris Brevicaulis	1'-1.5'	Purple flowers, hardy perennial