

ORDINANCE 2019-03

AN ORDINANCE ADOPTING AN UNIFIED DEVELOPMENT CODE APPLICABLE TO THE SUBDIVISION, SIGNAGE, DEVELOPMENT AND USE OF LAND WITHIN THE REGULATORY JURISDICTION OF THE CITY OF FAIR OAKS RANCH AND PROVIDING FOR CRIMINAL PENALTIES FOR VIOLATION THEREOF

WHEREAS, the City of Fair Oaks Ranch is a home rule municipality; and

WHEREAS, the City of Fair Oaks Ranch has adopted zoning, subdivision and sign regulations, as well as comprehensive plans pursuant to Title 7 of the Texas Local Government Code; and

WHEREAS, City Council deems it effective and efficient to consolidate said regulations in a comprehensive code to be designated the “Unified Development Code;” and

WHEREAS, at a regularly scheduled meeting on November 17, 2016, City Council authorized the engagement of Gap Strategies, planning group as consultants to assist with updating the City’s Comprehensive Plan and the drafting of the Unified Development Code; and

WHEREAS, since the engagement of the consultant group, a number of presentations on the progress of the Unified Development Code before City Council, and the Planning and Zoning Commission have occurred; and

WHEREAS, on March 7, 2019, City Council and the Planning and Zoning Commission conducted a public hearing to receive community comment and testimony on the proposed Unified Development Code; and

WHEREAS, on March 14, 2019, the Planning and Zoning Commission recommended City Council adopt the Unified Development Code; and

WHEREAS, on March 21, 2019, this Ordinance was first read before City Council; and

WHEREAS, on March 21, 2019, the City Council Continued the first reading of this Ordinance to April 18, 2019.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

Section one. Unified Development Code Adopted. The City of Fair Oaks Ranch Unified Development Code, attached hereto as **Exhibit “A”** and incorporated herein for all purposes is hereby adopted, including all exhibits, appendices and other attachments thereto. The Subdivision Code found in Chapter 10, the Zoning Code found in Chapter 14, and the Sign Code found in Chapter 15 of the Fair Oaks Ranch Code of Ordinances are hereby consolidated into the Unified Development Code and amended to the extent same are revised by the adoption of the Unified Development Code.

Section two. Criminal Penalties. This Ordinance provides Criminal Penalties as stated in Chapter 12 of the Unified Development Code.

Section three. Severability. This Ordinance is severable as stated in Chapter 1 of the Unified Development Code.

Section four. Cumulative. This ordinance shall be cumulative of all provisions of the duly adopted Ordinances of the City of Fair Oaks Ranch, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event this Ordinance shall apply.

Section five. Publication. The City Secretary is hereby authorized and directed to record the Unified Development Code as a subdivision of the Code of Ordinances. Pursuant to Texas Local Government Code Section 53.003 the Publishers of the Code are authorized and directed to designate the Unified Development Code by the title Unified Development Code; and, make notations in Chapter 10 (Subdivision), Chapter 14 (Zoning), and Chapter 15 (Sign) that said regulations are found in the Unified Development Code.

Section six. Effective Date. This ordinance shall be effective upon passage and approval as authorized in the City Charter and after two publications in the official newspaper, as required by Texas Local Government Code Section 52.013, of the caption stated in **Exhibit "B"** hereto.

PASSED AND APPROVED ON FIRST READING: The 18st day of April 2019.


PASSED AND APPROVED ON SECOND AND FINAL READING: This 2nd day of May 2019.

CITY OF FAIR OAKS RANCH, TEXAS



Garry Mahltzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



Denton Navarro Rocha Bernal & Zech, P.C.,
City Attorney

EXHIBIT "A"

CITY OF FAIR OAKS RANCH UNIFIED DEVELOPMENT CODE

The Unified Development Code can be found in its entirety on the City's website page at [www.fairoaksranchtx.org/Our Government/Open Government/Unified Development Code](http://www.fairoaksranchtx.org/Our%20Government/Open%20Government/Unified%20Development%20Code) or by selecting the following link: www.fairoaksranchtx.org/452/Unified-Development-Code.

EXHIBIT "B"

PUBLIC NOTICE FOR PUBLICATION

PUBLIC NOTICE

On May 2, 2019, the City Council of the City of Fair Oaks Ranch, Texas, passed and approved an Ordinance adopting a Unified Development Code. The purpose of the Unified Development Code is to consolidate land development regulations (such as zoning and subdivision regulations) into one comprehensive code. Violation of any provision of the Unified Development Code is subject to criminal penalties of up to \$2000.00, for violation of fire safety, zoning or public health and sanitation regulations; and, up to \$500.00 for all other violations.

Section 2.3 Administrative Officials and Review Entities

(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
- c. 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.
- d. 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.